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By /s/ Helen Luton
Deputy Clerk

1 JEFF LAUGERO
District Attorney
County of Stanislaus
2 BIRGIT FLADAGER
Special Prosecutor
3 DAVID P. HARRIS
Special Prosecutor
4 AHNNA M. REICKS
Deputy District Attorney
5 VICTORIA A. VASQUEZ
Deputy District Attorney
6 832 12th Street, Suite 300
Modesto, CA 95354
7 Telephone: (209) 525-5550

8 *Attorneys for the People*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SAN MATEO**

11 THE PEOPLE OF THE STATE OF CALIFORNIA,
12
13 Plaintiff,

14 vs.

15
16 SCOTT LEE PETERSON,
17 Defendant.

San Mateo County Case No.
SC055500A
Stanislaus County Related Case No.
1056770
First District Court of Appeal Case No.
A167615

**PEOPLE'S BRIEF RE:
COMPLIANCE WITH COURT'S
PC §1054.9 ORDER**

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19
20 **I.**

21 **INTRODUCTION**

22 Come now the People of the State of California, by and through their attorney, JEFF
23 LAUGERO, Stanislaus County District Attorney, and respectfully submit the following People's
24 PC §1054.9 Compliance Brief in response to the Court's Order on Defendant's Post-Conviction
25 Discovery Motion Pursuant to Penal Code §1054.9 decision dated October 7, 2024.
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III.

PEOPLE’S RESPONSE

The defendant filed his second Motion for Post-Conviction Discovery on January 21, 2024.² In the most recent Post-Conviction Discovery Motion, defendant Peterson made over 645 different demands for various items of discovery. The defense then asserted additional discovery requests in its Reply to the People’s Post-conviction Discovery Opposition. On July 15 and 16, 2024, the court heard oral arguments and took the matter under submission. During oral arguments, the defense raised for the first time even more post-conviction discovery requests. (See PC §1054.9 Hearing 07/16/2024 at pp. 177-183.)

Penal Code §1054.9 requires the defense to make a proper showing of a good faith effort to obtain (and presumably review) the missing materials from trial counsel before filing a (second) post-conviction discovery motion upon the prosecution. (See Court Order re: Pen. Code §1054.9 dated Oct. 7, 2024 at p. 3.)³

The court recognized that for it to grant such an order, the requested discovery must be of *specific materials currently in the possession of the prosecution or law enforcement authorities* involved in the investigation or prosecution of the case. (PC §1054.9 Order at p. 5.) Citing *In re Steele*, the court further stated that the defendant must demonstrate the specific materials sought fall into one of the following categories: (1) the prosecution did provide at time of trial materials that have since become lost to the defendant; (2) the prosecution should have provided at time of

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² The court notes that the defendant, who is currently serving a sentence of life without the possibility of parole, is not subject to the single mandatory grant of relief limitation of Penal Code §1054.9(b). Thus, defendant Peterson is not limited to the number of post-conviction discovery motions that he may bring. (See Court Order re: Pen. Code §1054.9 dated Oct. 7, 2024 at pp. 2-3.)

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³ Any future reference to the October 7th, 2024 Court’s Post-Conviction Discovery Order Pursuant to Penal Code §1054.9 is hereby referenced as “PC §1054.9 Order.”

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³ Any future reference to the October 7th, 2024 Court’s Post-Conviction Discovery Order Pursuant to Penal Code §1054.9 is hereby referenced as “PC §1054.9 Order.”

1 trial because they came within the scope of a discovery order the trial court actually issued at that
2 time, a statutory duty to provide discovery, or the constitutional duty to disclose exculpatory
3 evidence; (3) the prosecution should have provided at the time of trial because the defense
4 specifically requested them at that time; or (4) the prosecution had no obligation to provide at
5 time of trial absent a specific defense request, but to which the defendant would have been
6 entitled at time of trial had the defendant specifically requested them. (PC §1054.9 Order at p. 5;
7 *In re Steele* (2004) 32 Cal.4th 682.)
8

9 On October 7, 2024, the Honorable Judge Elizabeth M. Hill issued the Post-Conviction
10 Discovery Order granting approximately 45 items and denying the remainder.⁴ The court noted
11 that, for the People to comply with its order, the requested materials must actually exist and
12 currently be in the possession of the prosecution and law enforcement authorities. (See PC
13 §1054.9 Order at p. 5.)
14

15 Any discovery ordered pursuant to Penal Code §1054.9 should be provided within a
16 reasonable time, which may vary depending on the nature of the order. (*In re Steele* (2004) 32
17 Cal.4th 682, 692 fn. 2.) The prosecution and applicable law enforcement agencies have
18 completed physical searches of their voluminous files to determine whether the defendant's
19 requested items exist and, if so, whether the requested items are currently in the possession of
20 the prosecution and law enforcement authorities.
21

22 The People and their law enforcement partners have done their due diligence and
23 complied within 90 days of the court's order. Below are the results of the People's compliance
24 with the defendant's second post-conviction discovery order. Compliance related to the 45 items
25 ordered have been (re)discovered to defense on the designated discs as discussed below.
26

27 ⁴ The court noted in its Order that some of the items requested by defense were duplicative.
28

1 Gaither requesting Item A.1 on September 14, 2003. This email will be referred to as
2 “Attachment A.1-DA1.”

3 MPD Custodian Jenkins located three Evidence/Property Records pertaining to Item A.1.
4 These three Evidence/Property Records will be referred to as “Attachment A.1-MPD1.”

5 The first page of “Attachment A.1-MPD1” is the initial Evidence/Property Record which
6 indicated that Officer Hicks logged the two videotapes containing the interviews of Steven Todd
7 and Donald Glenn Pearce, referenced in Item A.1, into evidence on January 3, 2003 at 2000
8 hours.
9

10 The second page of “Attachment A.1-MPD1” is the same Evidence/Property Record with
11 updates made to the Subject Information fields and Case Disposition. This record showed that
12 Steven Todd and Donald G. Pearce were sentenced on February 4, 2003 and the
13 Evidence/Property Record notated “no appeal filed.” The record indicated that the two
14 videotapes were marked for destruction on May 6, 2003.⁵
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16 The third page of “Attachment A.1-MPD1” provided the final update to the same
17 Evidence/Property Record and indicated that the two videotapes referenced in Item A.1 were
18 destroyed on May 7, 2003.
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22 ⁵ The post-conviction discovery statute does not require retention of any discovery materials not otherwise
23 required by law or court order. (Pen. Code §1054.9, subd. (f).) While the record indicates that Scott
24 Peterson hired a private investigator (Gary Ermoian) in December 2002 and began investigating the
25 Medina burglary, there was no court order obtained or otherwise applicable law to preserve evidence from
26 case MPD #02-143025. Steven Todd and Donald G. Pearce admitted their involvement in a burglary at
27 the Medina residence after they were apprehended and caught with the Medinas’ safe and jewelry on
28 January 2, 2003. Both Todd and Pearce were convicted and sentenced on February 4, 2003. Neither
Todd nor Pearce appealed their convictions. As such, the case evidence was disposed of pursuant to law
enforcement retention policy and statute.

1 In response to the court’s order, “Attachment A.1-MPD1” and “Attachment A.1-DA1”
2 were placed on a disc labeled “People’s Discovery re: SCO55500A PC §1054.9 Order
3 10/07/2024.” This disc has been discovered to defense.

4 As stated above, the custodians of records at MPD and SCDAO physically searched their
5 files. Consistent with the final disposition reflected in “Attachment A.1-MPD1,” Item A.1 was
6 not found. The custodians confirmed these two videotape interviews conducted by Officer Hicks
7 with Todd and Pearce on January 2, 2003 were destroyed and are no longer within the possession
8 of the prosecution team.⁶ See Exhibit 1.

10 2. People’s PC §1054.9 Exhibit 2 regarding Item A.7
11 **Item A.7: [The Court grants] the request for any still-existing**
12 **contemporaneous notes of Officer Hicks regarding his interview of**
13 **Steven Todd on January 2, 2003.** (See PC §1054.9 Order at pp. 14-15.)

14 Exhibit 2 contains three sworn declarations regarding Item A.7 from: (1) Heidi Jenkins,
15 Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto Police
16 Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
17 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).
18

19 The custodians of records at MPD and SCDAO physically searched their files and
20 confirmed Item A.7 is not in the possession of the prosecution team. If any contemporaneous
21

22 ⁶ The defense received and reviewed the two polygraph video recordings of Steven Todd and Donald
23 Glenn Pearce pursuant to their discovery request. (See PC §1054.9 Hearing 07/16/2024 at p. 14:21-24.)
24 The recordings consisted of comprehensive interviews conducted by California Department of Justice
25 polygraph examiner Jeanie Overall with Todd and Pearce on January 3, 2003. In the polygraph recording
26 Todd provided very specific details of the burglary that he committed in the early morning hours of
27 December 26, 2002, including seeing a media van parked down the street when he returned with Pearce in
28 a car to pick up the safe. Bates 4161-4164 is DOJ Overall’s reports recapping those interviews. Although
defense chose not to call either Todd or Pearce in its case-in-chief, both Todd’s and Pearce’s statements
captured in the polygraph video recordings were consistent with Officer Hicks’s trial testimony. (RT
20013-20023; 200498-20061.)

1 notes from Officer Hicks regarding his interview of Steven Todd on January 2, 2003 actually
2 existed, Item A.7 is no longer in the possession of the prosecution and law enforcement
3 authorities. See Exhibit 2.

4 3. People’s PC §1054.9 Exhibit 3 regarding Item A.17
5 **Item A.17: [The Court grants the request for] all investigation reports,**
6 **arrest reports, notes or recordings generated by Officer Hicks**
7 **regarding any prior contacts he had with Steven Todd or Donald Glenn**
8 **Pearce. (See PC §1054.9 Order at pp. 30-31.)**

9 Exhibit 3 contains two sworn declarations regarding Item A.17 from: (1) Heidi Jenkins,
10 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
11 of records for the Stanislaus County District Attorney’s Office (SCDAO).

12 Bates 20362-20365⁷ is Detective Stough’s report documenting the search for stolen
13 property at the two houses on Tenaya Drive and the arrests of Steven Todd and Donald Glenn
14 Pearce on January 2, 2003. The report documents that Officer Mike Hicks conducted the
15 interviews of Todd and Pearce because he “had contact with both of these individuals in the
16 past.”
17

18 The custodians of records at the MPD and SCDAO physically searched their files for any
19 records of prior contacts Officer Hicks had with Steven Todd and/or Donald Glenn Pearce.
20 MPD Custodian Jenkins located one record pertaining to Item A.17. This one-page document is
21 a CAD log, dated December 10, 2000 and documents a prior contact MPD Officer Michael
22

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25 ⁷ The prosecution provided these Bates pages to the court and defense counsel as lodged exhibits located
26 on the People’s Opposition to the Discovery Motion Disk 4. The court references these reports in its
27 decision. (Court Order re: Pen. Code §1054.9 dated Oct. 7, 2024 at p. 30-31.) These Bates were
28 rediscovered to defense in compliance with A.4 as discussed below.

1 Hicks had with Steven Todd and/or Donald Glenn Pearce. The CAD log will be referred to as
2 “Attachment A.17-MPD1.”

3 Aside from “Attachment A.17-MPD1,” the custodians of records at MPD and SCDAO
4 found no other records regarding Item A.17. “Attachment A.17-MPD1” was placed on a disc
5 labeled “People’s Discovery re: SCO55500A PC §1054.9 Order 10/07/2024.” This disc has
6 been discovered to defense pursuant to this court’s order. See Exhibit 3.

7
8 **4. People’s PC §1054.9 Exhibit 4 regarding Item A.19(a)**
9 **Item A.19(a): The Court orders production pursuant to Penal Code**
10 **§1054.9 of any existing descriptions and photographs of jewelry seized**
11 **during the execution of search warrants at the Tenaya Drive addresses**
12 **on January 2, 2003. (See PC §1054.9 Order at p. 35.)**

13 Exhibit 4 contains three sworn declarations regarding Item A.19(a) from: (1) Heidi
14 Jenkins, Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto
15 Police Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
16 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

17 Defense’s request in Item A.19 and again reiterated in Item A.19(a) represented that the
18 Modesto Police Department conducted searches on January 2, 2003 at two addresses located in
19 the Airport District (1406 and 1407 Tenaya Drive) “*pursuant to warrants issued in the Medina*
20 *burglary investigation...*” and asked for discovery regarding “*the warrants issued and returns*
21 *filed on the above-described properties.*” (See PC §1054.9 Order at pp. 33-34.)

22 For clarification, there were no search warrants obtained or executed in the Medina
23 burglary case. The police reports indicate that law enforcement did a “knock-and-talk” at the
24 two Tenaya residences. (Bates 4128.) The police reports indicate that they obtained consent from
25
26

1 the two homeowners. (See Bates 4139, 20362-20363.) Bates 4130 is the Search Warrant Waiver
2 signed by M. Pearce authorizing the Modesto Police Department to conduct a search of her
3 property at 1406 Tenaya Drive on January 2, 2003. Bates 4141 and duplicate Bates 4160 is the
4 Search Warrant Waiver signed by N. Erwin authorizing law enforcement to search 1407 Tenaya
5 Drive on January 2, 2003.⁸

6 The literal answer to Item A.19(a) would be that it does not exist because there were no
7 search warrants. Still, the custodians of records at MPD and SCDAO physically searched their
8 files for any existing descriptions and photographs of jewelry seized during the consent searches
9 at Tenaya Drive on January 2, 2003. There were no photographs located. The custodians located
10 police reports that document Item A.19(a) “descriptions” of the recovered jewelry.
11

12 MPD Custodian Jenkins found four (4) police reports, one each from Officer Gonzales,
13 Officer Kelley, Detective Stough and Sgt. Cloward, and four Property/Evidence logs which
14 documented descriptions of the jewelry. These records, consisting of 20 pages, will be referred
15 to as “Attachment A.19(a)-MPD1.” SCDAO Custodian Vasquez located the same four (4)
16 police reports from Officer Gonzales (Bates 4128), Officer Kelley (Bates 4139-4140), Detective
17 Stough (Bates 20361-20365) and Sgt. Cloward (Bates 20393-20395) and three
18 Property/Evidence records (Bates 20404, 4136-4137). These Bates pages and their
19 corresponding Discovery Request and Records signed by defense acknowledging receipt of the
20 discovery, consists of 28 pages, will be referred to as “Attachment A.19(a)-DA1.”
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22 In compliance with the court’s order, these reports and property records describing the
23 recovered stolen jewelry have been rediscovered to defense. “Attachment A.19(a)-MPD1” and
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⁸ The People note these Bates pages were not among the missing file reconstruction Bates numbers
27 requested in Category G of the defendant’s PC §1054.9 motion.

1 “Attachment A.19(a)-DA1” were placed on a disc labeled “People’s Discovery re: SCO55500A
2 PC §1054.9 Order 10/07/2024.” This disc has been discovered to defense pursuant to this court’s
3 order. See Exhibit 4.

4 5. People’s PC §1054.9 Exhibit 5 regarding Item A.19(c)
5 **Item A.19(c): The Court orders production pursuant to Penal Code**
6 **§1054.9 of any existing photographs of the locations searched where**
7 **jewelry not identified by the Medinas as their property was seized**
8 **during the execution of search warrants at the Tenaya Drive addresses**
9 **on January 2, 2003. (See PC §1054.9 Order at p. 37.)**

10 Exhibit 5 contains three sworn declarations regarding Item A.19(c) from: (1) Heidi
11 Jenkins, Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto
12 Police Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
13 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

14
15 Based on police reports, trial records and a physical search of the relevant files, there is
16 no evidence that Item A.19(c) ever existed.⁹ Despite this, the custodians of records at the MPD
17 and SCDAO physically searched their files for any existing photographs of jewelry not identified
18 by the Medinas that was recovered during the Tenaya Drive searches and found nothing. The
19 above-described custodians confirmed Item A.19(c) is not currently in the possession of the
20 prosecution and law enforcement authorities. See Exhibit 5.

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25 _____
26 ⁹ In making its order, the court reasonably relied on defense’s assertion the searches conducted at the
27 Tenaya Drive addresses were pursuant to search warrants. As discussed above in People’s response #4,
28 this was not the case. The prosecution answers Item A.19(c) based on the consent searches.

6. People’s PC §1054.9 Exhibit 6 regarding Item A. 19(d)

Item A.19(d): [The Court grants the request for] interviews or reports documenting whether the Medinas were shown any jewelry collected during the above-referenced searches that did not belong to them. (See PC §1054.9 Order at p. 38.)

Exhibit 6 contains two sworn declarations regarding Item A.19(d) from: (1) Heidi Jenkins, Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

In making its order, the court relied on Defense Exhibit 4, the declaration from Susan Medina dated July 29, 2023. (See PC §1054.9 Order at p. 38.) In this declaration, Susan Medina stated that she was shown jewelry that included a small opal stone, a tiny sapphire and a little emerald ring that were not hers. She also recalled seeing jewelry that she thought was fake and did not recognize. Mrs. Medina states she informed the officers that this was not her jewelry. (See Def. PC §1405 Mtn. Exh. 4 Susan Medina declaration dated 07/29/2023 p. 7.)

Upon reviewing the police reports, trial records and a physical search of the relevant files, the prosecution did not locate any documentation that Susan Medina was shown any jewelry that did not belong to her. Instead, the police reports and Property/Evidence records discussed above in A.4 contradict Mrs. Medina’s most recent statement.¹⁰ All the jewelry recovered from the searches conducted on Tanaya Drive were returned to Rodolfo and Susan Medina. (See “Attachment A.19(a)-MPD1” discussed in People’s response #4 above.)

¹⁰ Susan and Rodolfo Medina were also shown jewelry and a firearm that was recovered in the MPD lobby on January 3, 2003. The Medinas confirmed all this jewelry belonged to them which was returned to them after they signed the Property Release Record.

1 Despite this, the custodians of records at MPD and SCDAO physically searched their
2 files for interviews or reports documenting whether the Medinas were shown any jewelry
3 collected from the Tenaya residences that did not belong to them. The custodians confirmed
4 Item A.19(d) is not currently in the possession of the prosecution and law enforcement
5 authorities. See Exhibit 6.

6
7 **7. People’s PC §1054.9 Exhibit 7 regarding Item A.20(a)**
8 **Item A.20(a): [The Court grants the request for a] digital copy of**
9 **videotaped surveillance from the Modesto Police Department lobby**
10 **taken at approximately 1:10 AM on January 3, 2003, depicting a white**
11 **male adult, late 20s-30s, 5’8” tall, approximately 150 lbs., carrying a**
12 **blue plastic shopping bag and telling the officer in the callbox he**
13 **wanted to turn in some stolen property, which was later determined to**
14 **be jewelry and a gun from the Medina burglary. (See PC §1054.9 Order**
15 **at pp. 42-43.)**

16 Exhibit 7 contains two sworn declarations regarding Item A.20(a) from: (1) Heidi
17 Jenkins, Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a
18 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

19 Citing *Barnett v. Superior Court* (2010) 114 Cal.Rptr.3d 576, the court ordered Item
20 A.20(a) discovered believing that that the prosecution had possessed the materials in the past
21 which would provide a reasonable basis to believe the prosecution still possessed those materials.
22 (See PC §1054.9 Order at pp. 42-43.)

23 There is a misunderstanding. The People did not state “that this item had been originally
24 provided to the defense” and were merely objecting to its “reproduction”. (PC §1054.9 Order at
25 p. 42.) The People’s position was that the defense had failed to meet their burden to show a
26

1 reasonable basis the surveillance video from the MPD lobby on January 3, 2003 ever even
2 existed. The People argued that unlike Item A.1 and Item A.20(d) which defense had a
3 reasonable basis to believe existed because their basis was supported with police reports and
4 property/evidence logs, here, there was no such documentation, only speculation. But more
5 importantly, even if it had existed, the defense failed to show that this MPD lobby video footage
6 would currently still exist 21 years later. (See PC §1054.9 Hearing, 07/15/2024 at pp. 99-100;
7 PC §1054.9 Hearing, 07/16/2024 at pp. 31-32.)
8

9 Item A.20(a) has never been in the possession of the prosecution team.

10 Upon searching our files pursuant to executing this court order, the prosecution found
11 evidence that trial counsel was aware the surveillance video footage of the MPD lobby on
12 January 3, 2003 did not exist. The defense asked for Item A.20(a) prior to the preliminary
13 hearing in 2003. William Pavelic, a member of the defendant's defense team, sent an email on
14 August 27, 2003 to the prosecution's discovery clerk, Janet Gauthier, asserting their theory that
15 they believe the Medina burglary occurred on December 24, 2002 and that the burglars were
16 responsible for Laci's disappearance. In the email, Mr. Pavelic acknowledged a lot of the
17 Medinas' stolen property had been recovered and that the defense was aware that someone came
18 to the MPD lobby on January 3, 2003 and returned some of the stolen property including a
19 firearm. Defense asked for the security camera video footage from the lobby capturing that
20 event. On September 11, 2003, Stanislaus County District Attorney Lt. Mark Smith sent William
21 Pavelic an email advising "there is no video of the incident. The camera was not routinely
22 recorded and even if it was recorded that day the tape was reused and would no longer exist."
23
24 These emails will be referred to as "Attachment A.20(a)-DA1."
25
26
27
28

1 “Attachment A.20(a)-DA1” was placed on a disc labeled “People’s Discovery re:
2 SCO55500A PC §1054.9 Order 10/07/2024.” This disc has been discovered to defense.

3 Notwithstanding “Attachment A.20(a)-DA1,” the custodians of records at MPD and
4 SCDAO physically searched their files for surveillance video footage from the MPD lobby on
5 January 3, 2003 and confirmed Item A.20(a) does not exist. See Exhibit 7.

6
7 **8. People’s PC §1054.9 Exhibit 8 regarding Item A.20(d)**
8 **Item A.20(d): [The Court grants the request for] photographs of the**
9 **recovered property taken by CSO Hodson.** (See PC §1054.9 Order at
10 pp. 43-44.)

11 Exhibit 8 contains three sworn declarations regarding Item A.20(a) from: (1) Heidi
12 Jenkins, Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto
13 Police Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
14 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

15 The custodians of records at MPD and the SCDAO physically searched their files for
16 Item A.20(d). MPD Custodian Jenkins located one record pertaining to Item A.20(d). This one-
17 page document is a property and evidence storage record under case #02-143025 (Medina
18 burglary). This property and evidence storage record will be referred to as “Attachment A.20(d)-
19 MPD1.” “Attachment A.20(d)-MPD1” indicated the only items stored in MPD Property and
20 Evidence under case #02-143025 were two polygraph videotapes and 5 Polaroid photos and a
21 supplemental report.
22

23 MPD Custodian Morrison retrieved the envelope referenced in “Attachment A.20(d)-
24 MPD1” from MPD Property and Evidence. Detective Gregory Booza opened the envelope in
25 her presence and located five Polaroid photos and a copy of Officer MacDonald’s one-page
26

1 supplemental police report dated January 3, 2003 which referenced the five Polaroid photos
2 taken by CSO Hodson. MPD Custodian Morrison made a color copy of CSO Hodson's five
3 Polaroid photos and MacDonald's supplemental report. These copies consisted of a total of three
4 pages which will be referred to as "Attachment A.20(d)-MPD2."

5 SCDAO Custodian Vasquez located a compact disc labeled Disc C111 related to Item
6 A.20(d). The disc contained color pictures of five Polaroid photos taken by CSO Hodson and a
7 copy of a supplemental report from MPD Officer MacDonald with a Bates #26791. These are
8 the same five Polaroid photos and supplemental report that MPD Custodian Morrison located in
9 Property & Evidence. Custodian Vasquez found the corresponding Stanislaus County District
10 Attorney's Office Discovery Request and Record dated December 23, 2003 which indicated that
11 Disc C111 was discovered and signed for by Pat Harris on December 30, 2003. A color copy of
12 the five Polaroid photos, Officer MacDonald's supplemental report and this Discovery Request
13 and Record were made and will be referred to as "Attachment A.20(d)-DA1."

14
15 Item A.20(d) has been rediscovered to the defense pursuant to the court order.
16 "Attachment A.20(d)-MPD1," "Attachment A.20(d)-MPD2" and "Attachment A.20(d)-DA1"
17 was placed on a disc labeled "People's Discovery re: SCO55500A PC §1054.9 Order
18 10/07/2024." This disc has been discovered to defense pursuant to this court's order. See
19 Exhibit 8.
20

21
22 9. People's PC §1054.9 Exhibit 9 regarding Item A.22(e)
23 **Item A.22(e): [The Court grants the request for] production of the**
24 **fingerprint examination reports by Evidence ID Technicians Doug**
25 **Lovell and Joy Smith and reports of any fingerprint impression**
26 **comparisons conducted on materials collected from the Medina**
27 **residence. (See PC §1054.9 Order at pp. 54-55.)**

1 Exhibit 9 contains three sworn declarations regarding Item A.22(e) from: (1) Heidi
2 Jenkins, Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto
3 Police Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
4 custodian of records for the Stanislaus County District Attorney's Office (SCDAO).

5 Bates 20385 is a one-page report by Community Service Officer Doug Lovell regarding
6 his processing of the Medina residence on December 26, 2002 for evidence of the residential
7 burglary. CSO Lovell documented that he processed the doorframe on the south side of the
8 house and located a single partial latent print on the outside of that door. He collected that print.
9 CSO Lovell indicated that he collected fingerprints from all the Medina family members of the
10 house and compared their prints to the latent print he collected from the doorframe. Lovell
11 positively identified the latent print he collected on the doorframe as belonging to the Medinas'
12 daughter and it was her right index fingerprint. Identification Technician Joy Smith reviewed
13 CSO Lovell's findings and agreed.¹¹

14
15 The custodians of records at MPD and SCDAO physically searched their files for
16 fingerprint examination reports by Evidence ID Technicians Doug Lovell and Joy Smith and
17 reports of any fingerprint impression comparisons. Aside from Bates 20385, the custodians
18 found none. They confirmed Item A.22(e) no longer exists and is not currently in the possession
19 of the prosecution and law enforcement authorities. See Exhibit 9.
20

21 ///

22 ///

23 ///

24
25 _____

26 ¹¹ The prosecution provided Bates 20385 to the court and defense counsel as lodged exhibits located on
27 the People's opposition to the discovery motion Disk 4. The court references this report in its decision.
(PC §1054.9 Order at p. 54.)

1 The custodians of records at MPD and SCDAO physically searched their files for the
2 actual fax, cover sheet and other information that Detective Craig Grogan sent to Lt. Xavier
3 Aponte in 2005 in response to the Defendant's Motion for a New Trial. Item B.7(a) was not
4 found. As such, Item B.7(a) is not currently in the possession of the prosecution and law
5 enforcement authorities. See Exhibit 11.

6
7 12. People's PC §1054.9 Exhibit 12 regarding Item B.7(b)

8 **Item B.7(b): [The Court grants the request for]... Lt. Aponte's actual**
9 **response(s) to Det. Grogan's 2005 fax, referenced in (1), whether by**
10 **email, voicemail, fax, or any other means, as indicated in Lt. Aponte's**
11 **March 3, 2005 declaration. (See PC §1054.9 Order at pp. 88-89.)**

12 Exhibit 12 contains two sworn declarations regarding Item B.7(b) from: (1) Heidi
13 Jenkins, Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a
14 custodian of records for the Stanislaus County District Attorney's Office (SCDAO).

15
16 The custodians of records at MPD and SCDAO physically searched their files for Lt.
17 Aponte's actual response to Detective Grogan's 2005 fax referenced in Item B.7(a). Item B.7(a)
18 was not found and is not currently in the possession of the prosecution and law enforcement
19 authorities. See Exhibit 12.

20
21 C. CATEGORY C. CROTON WATCH

22 13. People's PC §1054.9 Exhibit 13 regarding Item C.8(a)(2) and duplicative Item
23 C.8(a)(6)

24 **Item C.8(a)(2) and duplicative Item C.8(a)(6): [The Court grants the**
25 **request for] all statements made by James Romano to law enforcement**
26 **officers and/or correctional facility staff regarding information he had**
27 **relating to Laci Peterson investigation, including, but not limited to, his**

1 **statement made to: Stanislaus County Sheriff Dep. Terry Johnson [/**
2 **Deputy Johnson].** (See PC §1054.9 Order at pp. 107-109.)

3
4 Exhibit 13 contains two sworn declarations regarding Item C.8(a)(2) and duplicative
5 requested Item C.8(a)(6) from: (1) Sergeant Larry Cupit, the custodian of records for the
6 Stanislaus County Sheriff's Office and Public Safety Center and (2) Victoria Vasquez, a
7 custodian of records for the Stanislaus County District Attorney's Office (SCDAO).

8 According to the pleadings, the defense based their belief the above item exists on
9 information taken from MPD police reports and the trial record. They cited multiple Bates page
10 numbers, which included Bates 43055 and 42985-42995 for support.¹² (See Def. Mtn. for PC
11 §1405 DNA Testing, Exh. 1.A at pp 22-29.) Bates page 43055 is an email titled "Tip" from
12 MPD employee Lisa McOwen to MPD Sgt. Michael Zahr dated 10/14/2004 at 11:59 a.m. stating
13 that "Deputy Terry Johnson from PSCI called and said inmate James Romano in D101 was
14 giving him some information on the Laci Peterson case." The email provided the deputy's
15 contact number. Bates pages 42986-42990 are Detective Hendee's reports of his interviews with
16 James Romano which indicated that Lisa McOwen told Detective Hendee that "a tip had come
17 in" and that inmate Romano contacted Deputy Terry Johnson. In Romano's interview with
18 Detective Hendee, inmate Romano identified the law enforcement officers he contacted directly
19 regarding his information as Sergeant Campbell, Deputy Safford and Deputy Johnson. (See
20 Court Order re: Pen. Code §1054.9 dated Oct. 7, 2024 at p. 107.) At oral argument, defense
21
22
23
24

25
26 ¹² The prosecution provided these Bates to the court and defense counsel as lodged exhibits located on the
27 People's opposition to the discovery motion Disk 4. The court references these reports in its decision.
(PC §1054.9 Order at pp. 99-100.)

1 counsel acknowledged to the court that defense is in possession of Hendee's reports. (*Id.* at p.
2 108.)

3 The custodians of records physically searched their files for any statements by inmate
4 James Romano¹³ to Stanislaus County Sheriff Deputy Terry Johnson relating to the Laci Peterson
5 investigation. Outside the already discovered Bates 43055 and 42986-42990, the custodians did
6 not locate any additional records that Item C.8(a)(2) and duplicative Item C.8(a)(6) exist.
7 Moreover, they confirmed Item C.8(a)(2) and duplicative Item C.8(a)(6) is not currently in the
8 possession of the prosecution and law enforcement authorities. See Exhibit 13.
9

10 14. People's PC §1054.9 Exhibit 14 regarding Item C.8(a)(3) & duplicative
11 Item C.18

12 **Item C.8(a)(3) and duplicative Item C.18: The Court grants this request**
13 **in part – the prosecution is ordered to provide a replacement copy of**
14 **the recordings of Det. Hendee's interviews with Romano.** (See PC
15 §1054.9 Order at p. 108.)
16

17 Exhibit 14 contains one sworn declaration regarding Item C.8(a)(3) and duplicative Item
18 C.18 from Victoria Vasquez, a custodian of records for the Stanislaus County District Attorney's
19 Office (SCDAO).

20 According to the record, inmate James Romano, who had recently been sentenced to state
21 prison for a separate unrelated crime, participated in two interviews with Detective Hendee after
22 he saw an episode on Court TV involving the Scott Peterson trial and a Croton watch. (See PC
23 §1054.9 Order at pp. 97-100.) Custodian Vasquez physically searched the SCDAO files and
24
25

26
27 ¹³ Inmate James Romano was not called and did not testify as a witness at trial.

1 located two recordings containing Detective Hendee’s interview with Romano as described in
2 Item C.8(a)(3) and duplicative Item C.18.

3 Detective Hendee’s interview with Romano on October 18, 2004 was audio recorded and
4 labeled “Audio #A278.” The follow-up interview Detective Hendee conducted with Romano on
5 October 19, 2004 were also recorded and placed on a compact disc labeled “CD 193.” A
6 Stanislaus County District Attorney’s Office Discovery Request and Record indicates both
7 “Audio #A278” and “CD 193” was discovered to the defense on October 22, 2004 and signed
8 for by defense team member Raffi Naljian on October 25, 2004. A copy of the Discovery
9 Request and Record will be referred to as “Attachment C.8(a)(3) & C.18-DA1”
10

11 As requested, replacement copies of “Audio A278” and “CD 193” were made and are
12 referred to as “A278 – 1054.9 COPY OF JAMES ROMANO INTERVIEW ON 10/18/04 BY
13 MPD DET. HENDEE” and “CD 193 – 1054.9 COPY OF JAMES ROMANO INTERVIEW AT
14 PUBLIC SAFETY CENTER ON 10/19/04 BY DET. HENDEE.”
15

16 The replacement copies of Item C.8(a)(3) and duplicative Item C.18 have been
17 rediscovered to the defense for file reconstruction pursuant to the court order. “Attachment
18 C.8(a)(3) & C.18” was placed on a disc labeled “People’s Discovery re: SCO55500A PC
19 §1054.9 Order 10/07/2024.” This disc along with the disc labeled “A278-1054.9 COPY OF
20 JAMES ROMANO INTERVIEW ON 10/18/04 BY MPD DET. HENDEE” and the disc
21 labeled “CD 193 – 1054.9 COPY OF JAMES ROMANO INTERVIEW AT PUBLIC SAFELY
22 CENTER ON 10/19/04 BY DET. HENDEE” have been discovered to defense. See Exhibit 14.
23

24 ///

25 ///

26 ///

1 16. People’s PC §1054.9 Exhibit 16 regarding Item C.8(a)(5)

2 **Item C.8(a)(5): [The Court grants the request for] all statements made**
3 **by James Romano to law enforcement officers and/or correctional**
4 **facility staff regarding information he had relating to Laci Peterson**
5 **investigation, including, but not limited to, his statement made to:**
6 **Stanislaus County Sheriff Deputy Safford. (See PC §1054.9 Order at p.**
7 **109.)**

8
9 Exhibit 16 contains two sworn declarations regarding Item C.8(a)(5) from: (1) Sergeant
10 Larry Cupit, the custodian of records for the Stanislaus County Sheriff’s Office and Public Safety
11 Center and (2) Victoria Vasquez, a custodian of records for the Stanislaus County District
12 Attorney’s Office (SCDAO).

13 The custodians of records physically searched their files for any statements by inmate
14 James Romano to Deputy Safford as described in Item C.(8)(a)(4). Outside the already
15 discovered Bates 42986-42990,¹⁴ the custodians did not locate any additional records that Item
16 C.8(a)(5) exist. Thus, they confirmed Item C.8(a)(5) is not currently in the possession of the
17 prosecution and law enforcement authorities. See Exhibit 16.

18
19 17. People’s PC §1054.9 Exhibit 17 regarding Item C.12(d)

20 **Item C.12(d): [The Court grants the request for] all internal**
21 **correspondence by and between law enforcement officers and/or**
22 **correctional facility staff regarding the information James Romano**
23 **provided, including, but not limited to: Det. Dodge Hendee’s**
24

25 ¹⁴ As indicated above in People’s responses #13 and #15, defense counsel is in possession of MPD
26 Detective Hendee’s reports that document inmate Romano told Hendee that Romano contacted Deputy
27 Safford regarding the information Romano had relating to Laci Peterson. (See Court Order re: Pen. Code
28 §1054.9 dated Oct. 7, 2023 at pp. 107-108.)

1 **conversation with Det. George Stough regarding his investigation into**
2 **the Medina burglary. (See PC §1054.9 Order at pp. 113-114.)**

3
4 Exhibit 17 contains two sworn declarations regarding Item C.12(d) from: (1) Heidi
5 Jenkins, Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a
6 custodian of records for the Stanislaus County District Attorney's Office (SCDAO).

7 The custodians of records at MPD and SCDAO physically searched their files for the
8 internal correspondence by and between Detective Dodge Hendee and Detective George Stough
9 as described in Item C.12(d) and found none. If this internal correspondence ever existed, Item
10 C.12(d) is not currently in the possession of the prosecution and law enforcement authorities.
11 See Exhibit 17.
12

13 **D. CATEGORY D. DECEMBER 25, 2002 VAN FIRE IN AIRPORT DISTRICT**

14 18. People's PC §1054.9 Exhibit 18 regarding Item D.2

15 **Item D.2: [The Court grants defense's request for] a complete color**
16 **copy of the DOJ Central Valley Crime Laboratory file, including but**
17 **not limited to all bench notes, diagrams, DNA reports including**
18 **electronic data, gas chromatographs, photos, lab request forms, all**
19 **documents regarding the examination and forensic testing of all items**
20 **of evidence collected from the van, including but not limited to the**
21 **mattress cutting, the rag collected from the fuel tank, any fingerprints**
22 **and/or palm prints lifted from the scene. (See PC §1054.9 Order at p.**
23 **123.)**

24
25 Exhibit 18 contains two sworn declarations regarding Item D.2 from: (1) Sara Penn, a
26 Department of Justice Bureau of Forensic Science Central Valley (BFS) custodian of records
27

1 and (2) Victoria Vasquez, a custodian of records for the Stanislaus County District Attorney's
2 Office (SCDAO).

3 BFS Custodian Penn searched the BFS case management system for the case file
4 described in Item D.2. She located case #CV-03-000023-0001 which involved testing cloth from
5 a mattress related to Modesto Police Department case #02-142687 (Van Fire in Airport District).
6 The report indicated that BFS Criminalist Pin Kyo conducted testing on January 10, 2003 and
7 no blood was detected on the mattress cloth.
8

9 Custodian Penn made a complete color copy of case #CV-03-000023-0001 consisting of
10 a total of six pages which are referred to as "Attachment D.2-DOJ1." The defendant is already
11 in possession of Item D.2. The records contained in "Attachment D.2-DOJ1" consists of the
12 same report¹⁵ that defense counsel included in the Defendant's Motion for DNA Testing (Pen.
13 Code §1405) filed on January 17, 2024 in this case as part of her Exhibit 32 titled "Det. C.
14 Grogan 3/18/2016 Vehicle Fire Investigation Report." The face page of defendant's motion and
15 relevant portion of her Exhibit 32 shows Item D.2 marked with the defense's own Bates stamp
16 numbers will be referred to as "Attachment D.2-DA1."
17

18 Item D.2 has been rediscovered to the defense pursuant to the court order. "Attachment
19 D.2-DOJ1" and "Attachment D.2-DA1" were placed on a disc labeled "People's Discovery re:
20 SCO55500A PC §1054.9 Order 10/07/2024." This disc has been discovered to defense pursuant
21 to this court's order. See Exhibit 18.
22
23

24 ¹⁵ Item D.2 was previously provided to the defendant in 2016 in response to his Penal Code §1054.9
25 Informal Post-Conviction Discovery Request. Defense attached the (1) Physical Evidence Examination
26 Report by Criminalist Pin Kyo dated 01/10/03; (2) Evidence Inventory dated 01/02/03; (3) handwritten
27 notes regarding Item #2 "cloth from mattress" with photograph; and (4) Reagent Definition to Exhibit 32.
28 They did not include the "Physical Evidence Submission Form" documenting chain of custody or the
internal "Central Valley Laboratory Assignment Notification Report."

1 (ISSUED), REQUEST CLOSURE RFT. STILL NEED TOW.” Although Bates 4095-4098 was
2 previously discovered to defense as indicated in their request for Item D.4, it was provided to
3 defense again in compliance with the court’s PC §1054.9 order.¹⁶

4 The custodians of records at MPD and SCDAO physically searched their files and
5 consistent with the CAD log they found no records¹⁷ that Item C.12(d) ever existed. Moreover,
6 if any fingerprints, palm prints and/or latent prints from the burned van ever existed, the
7 custodians confirmed Item C.12(d) is not currently in the possession of the prosecution and law
8 enforcement authorities. See Exhibit 19.
9

10 20. People’s PC §1054.9 Exhibit 20 regarding Item D.5

11 **Item D.5: [The Court grants defense’s request for] a complete color**
12 **copy of MFD Fire Investigator Bryan Spitulski’s entire investigation**
13 **file in Modesto Fire Department Case No. SMF02019142. (See PC**
14 **§1054.9 Order at p. 124.)**
15

16 Exhibit 20 contains two sworn declarations regarding Item D.5: (1) Heidi Jenkins,
17 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
18 of records for the Stanislaus County District Attorney’s Office (SCDAO).

19 The custodian of records at Modesto Fire Department (MFD) provided a complete color
20 copy of MFD case #SMF02019142 to MPD Custodian Jenkins. The record consists of a total of
21 seven pages and will be referred to as “Attachment D.5-MPD1.”
22

23 _____
24 ¹⁶ The prosecution provided these Bates pages to the court and defense counsel as lodged exhibits located
25 on the People’s opposition to the discovery motion Disk 4. The court references these reports in its
26 decision. (See PC §1054.9 Order at p.122.)

27 ¹⁷ CSO Lovell documented his observations, photographs and processing of the van on January 1, 2003 at
28 Bates 3781. CSO Lovell’s report does not indicate he collected any fingerprints, palm prints or latent
prints. Bates 3781 is discussed in further detail below in People’s response #23.

1 The defendant is already in possession of Item D.5. The records contained in
2 “Attachment D.5-MPD1” are the exact same reports¹⁸ that defense counsel included in the
3 Defendant’s Motion for DNA Testing (Pen. Code §1405) filed on January 17, 2024 in this case
4 as part of her Exhibit 32 titled “Det. C. Grogan 3/18/2016 Vehicle Fire Investigation Report.”
5 The face page of defendant’s motion and relevant portion of Exhibit 32 showing Item D.5
6 marked with the defense’s own Bates stamp numbers will be referred to as “Attachment D.5-
7 DA1.”
8

9 Although it is apparent that the defendant is currently in possession of these records, Item
10 D.5 has been rediscovered to the defense in compliance with the court’s order. “Attachment
11 D.5-MPD1” and “Attachment D.5-DA1” were placed on a disc labeled “People’s Discovery re:
12 SCO55500A PC §1054.9 Order 10/07/2024.” This disc has been discovered to defense pursuant
13 to this court’s order. See Exhibit 20.
14

15 21. People’s PC §1054.9 Exhibit 21 regarding Item D.6(a)

16 **Item D.6(a): [The Court grants defense’s request for] full-sized, color**
17 **copies of the black and white thumbnails, titled PC240013.jpg-**
18 **PC240042.jpg. (See PC §1054.9 Order at p. 124.)**

19 Exhibit 21 contains three sworn declarations regarding Item D.6(a): (1) Heidi Jenkins,
20 Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto Police
21 Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
22 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).
23
24
25

26 ¹⁸ Like Item D.2 discussed above in People’s response #18, Item D.5 was previously provided to the
27 defendant in 2016 in response to his Penal Code §1054.9 Informal Post-Conviction Discovery Request.
28

1 Bates 4107 and 4108 depicted the black and white photographs that were attached to
2 former Fire Investigator Spitulski's investigative report involving the 2002 van fire as described
3 in Item D.6(a), which was discovered to defense before trial. At the time of their pleadings, the
4 defense was aware that color photos of Bates pages 4107 and 4108 no longer exists. The
5 defendant previously requested Item D.6(a) in his 2016 Penal Code §1054.9 Informal Post-
6 Conviction Discovery Request. At that time, the custodians of records searched their files and
7 the defense was told that the color photos regarding the thumbnail photos of the 2002 van fire
8 investigation depicted on Bates 4107 and 4108 could not be located. Deputy Attorney General
9 Donna Provenzano sent an email to the defendant's habeas counsel Lawrence Gibbs informing
10 them that Item D.6(a) no longer exists.¹⁹ A copy of this email which indicates there are no
11 photos will be referred to as "Attachment D.6(a)-DA1."

13 Despite this, the custodians of records at MPD and SCDAO once again physically
14 searched their files again for color copies of the thumbnail photos described in Item D.6(a) and
15 they confirmed Item D.6(a) is not currently in the possession of the prosecution and law
16 enforcement authorities. "Attachment D.6(a)-DA1" was placed on a disc labeled "People's
17 Discovery re: SCO55500A PC §1054.9 Order 10/07/2024." This disc has been discovered to
18 defense. See Exhibit 21.

20 22. People's PC §1054.9 Exhibit 22 regarding Item D.6(b)

21 **Item D.6(b): [The Court grants defense's request for] all "scene**
22 **diagrams" created by Fire Investigator Bryan Spitulski and/or by any**
23 **other investigator. (See PC §1054.9 Order at pp. 124-125.)**
24

25
26

¹⁹ It should be noted that this email depicted in "Attachment D.6(a)-DA1" was sent at the same time as
27 Item D.2 and D.5 discussed above.

1 Exhibit 22 contains three sworn declarations regarding Item D.6(b): (1) Heidi Jenkins,
2 Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto Police
3 Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
4 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

5 The custodians of records at the Modesto Fire Department, MPD and SCDAO physically
6 searched their files and found no record of any scene diagram(s) created by former Fire
7 Investigator Bryan Spitulski or any other investigator. Likewise, the custodians confirmed Item
8 D.6(b) is not currently in the possession of the prosecution and law enforcement authorities. See
9 Exhibit 22.
10

11 23. People’s PC §1054.9 Exhibit 23 regarding Item D.6(c) and D.6(d)

12 **Item D.6(c): [The Court grants defense’s request for] color copies of all**
13 **photographs of the orange van and its contents, including the stained**
14 **mattress, concrete cinder blocks, metal cans, and other items located**
15 **inside the van taken at the tow yard and MPD evidence locker during**
16 **the examinations and collection of evidence from the van.**

17 and

18 **Item D.6(d): [The Court grants defense’s request for] photographs**
19 **depicting the cutting and sampling of the mattress fabric at the**
20 **“covered secured area.” (See PC §1054.9 Order at p. 125.)**

21
22 Exhibit 23 contains two sworn declarations regarding Item D.6(c) and Item D.6(d): (1)
23 Heidi Jenkins, Modesto Police Department (MPD) custodian of records and (2) Victoria
24 Vasquez, a custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

25 CSO Lovell documented in his report, marked Bates 3781, that he processed the burned
26 van to look for any evidence of any injuries (relating to Laci’s disappearance) or connection to
27

1 the (Medina) burglary. CSO Lovell described his observations of the condition of the van and
2 took two fabric samples from the mattress. He conducted a presumptive test for the presence of
3 blood. CSO Lovell documented that he took six digital photos of the van and its contents in the
4 covered secured area. The report indicates that no other evidence was obtained outside these six
5 photos and the two mattress fabric samples.

6 The custodians of records from Modesto Fire Department, MPD and SCDAO physically
7 searched their files for any still-existing photos pertaining to the orange van and its contents as
8 described in Item D.6(c) and any still-existing photos depicting the cutting and sampling of the
9 mattress fabric as described in Item D.6(d).

10 SCDAO Custodian Vasquez located six color photos related to Item D.6(c) and D.6(d).
11 A copy of these photos and a copy of Doug Lovell's report Bates #3781 will be referred to as
12 "Attachment D.6(c) & D.6(d)-DA1." The six photos depicted in "Attachment D.6(c) & D.6(d)-
13 DA1" were previously provided to the defendant in 2016 pursuant to his Penal Code §1054.9
14 Informal request for post-conviction discovery.²⁰ These are the same six photographs found on
15 page 60 in the Defendant's Motion for DNA Testing (Pen. Code § 1405) filed on January 21,
16 2024. The face page of the defendant's above-mentioned pleading and the same six-photo array
17 depicted on page 60 of defense's motion will be referred to as "Attachment D.6(c) & D.6(d)-
18 DA2."

19 "Attachment D.6(c) & D.6(d)-DA1" and "Attachment D.6(c) & D.6(d)-DA2" were
20 placed on a disc labeled "People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024."

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26 ²⁰ See "Attachment D.6(a)-DA1" described above in People's response #21 which depicts that six jpeg
27 images were attached to the email in response to the defendant's request.

1 Although it is apparent that the defendant is currently in possession of these photos, Item D.6(c)
2 and D.6(d) has been rediscovered to the defense pursuant to this court's order. See Exhibit 23.

3 24. People's PC §1054.9 Exhibit 24 regarding Item D.10

4 **Item D.10: [The Court grants defense's request for] the initial report(s)**
5 **that MPD Evidence ID Tech Lovell's "Supplemental Report"**
6 **supplements. (See PC §1054.9 Order at p. 129.)**

7
8 Exhibit 24 contains two sworn declarations regarding Item D.10: (1) Heidi Jenkins,
9 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
10 of records for the Stanislaus County District Attorney's Office (SCDAO).

11 There is no evidence that Community Service Officer (CSO) Doug Lovell ever wrote an
12 initial report as described in D.10. As discussed above, the record indicated that Modesto Fire
13 Department Captain Jolly responded to a van fire in the Airport District on December 25, 2002.
14 The CAD log indicated that Capt. Jolly called a fire investigator to investigate the apparent
15 arson. Although they requested a Community Service Officer (CSO) to respond, there was not a
16 MPD CSO available at that time apparently due to the Laci Peterson missing person
17 investigation. Subsequently, former Fire Investigator Bryan Spitulski cancelled the request for a
18 CSO to respond. (See People's response #19 discussed above.)
19

20 Former Inv. Spitulski conducted his investigation and authored both initial reports in the
21 Modesto Fire Department MFD case #02-19142 and Modesto Police Department MPD case #02-
22 142687. Both these initial reports were included as part of Exhibit 32 in the Defendant's Motion
23 for Pen. Code §1405 DNA Testing. On January 1st, 2003, MPD CSO Doug Lovell processed the
24 burnt van for any evidence connected to Laci's disappearance or the Medina burglary and
25
26
27

1 documented this in his supplemental report Bates 3781. (See People’s response #23 discussed
2 above.)

3 The custodians of records at MPD and SCDAO physically searched their files and
4 consistent with the record found no evidence that D.10 exists. The custodians confirmed Item
5 D.10 is not currently in the possession of the prosecution and law enforcement authorities. See
6 Exhibit 24.

7
8 25. People’s PC §1054.9 Exhibit 25 regarding Item D.13(g)

9 **Item D.13(g): [The Court grants defense’s request for] all documents,**
10 **audio and video recordings, inventory of evidence collected related to**
11 **MPD's search of Robert S.'s residence, located on River Road, on**
12 **December 31, 2002 or any other date, in connection with the**
13 **investigation into the disappearance of Laci Peterson, the Medina**
14 **burglary, and/or the intentionally set van fire referenced above the**
15 **morning of December 25, 2002, including but not limited to the**
16 **"miscellaneous tools, safe, and additional items" found in Robert S.'s**
17 **possession on December 31, 2002. (See PC §1054.9 Order at pp. 136-137.)**

18
19 Exhibit 25 contains two sworn declarations regarding Item D.13(g): (1) Heidi Jenkins,
20 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
21 of records for the Stanislaus County District Attorney’s Office (SCDAO).

22 Defense counsel included Detective Shipley’s report regarding the follow-up
23 investigation into the van arson as part of Exhibit 32 titled “Det. C. Grogan 3/18/2016 Vehicle
24 Fire Investigation Report” in its Motion for DNA Testing (Pen. Code §1405) filed on January 17,
25 2024.
26

1 Detective Shipley's report indicated that on December 31, 2002 he and former Fire
2 Investigator Spitulski met with the registered owner of the van and his employee who drove the
3 van last, Robert S. Employee Robert S., who was on probation, consented to a search of his
4 residence and person. Upon searching Robert S.'s residence, police located "miscellaneous
5 tools, safe and additional items" inside a wooden shed on the premises. Detective Banks, who
6 was investigating the Medina burglary, arrived at the residence and looked at the items found in
7 the wooden shed. Detective Banks advised these items did not match the items reported missing
8 in the Medina burglary investigation.²¹ Detective Shipley's report does not indicate that any
9 items were collected from Robert S.'s residence as defense asserted in Item D.13(g).
10
11 Furthermore, Shipley's report does not indicate any audio or video were generated during this
12 2003 probation search.

13 The custodians of records at MPD and SCDAO physically searched their files and aside
14 from Detective Shipley's report discussed above, they did not locate any other documents, audio
15 or video recordings, or inventories of evidence collected during the search of Robert S.'s
16 residence on December 31, 2002. The custodians confirmed Item D.13(g) is not currently in the
17 possession of the prosecution and law enforcement authorities. See Exhibit 25.

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23
24 ²¹ It was established that the safe located in the wooden shed at Robert S.'s residence was not the
25 Medinas' safe because the Medinas' safe, which was heavily damaged, was recovered during the
26 subsequent search at the Tenaya Drive residence. "Attachment A.19(a)-DA1" contains a
27 Property/Evidence Record showing Detective Banks logged the Medinas' safe into evidence on January
28 2, 2003. (See People's response #4 discussed above regarding Item A.4 involving the Medinas' recovered
stolen jewelry and Bates 4136.)

1 E. CATEGORY E. REPORTS OF POST-DECEMBER 24 LACI PETERSON
2 SIGHTINGS

3 26. People's PC §1054.9 Exhibit 26 regarding Item E.1(b)

4 **Item E.1(b): [The Court grants the request for] all reports reflecting**
5 **any interview(s) by Det. Reid or any other officer with Colleen F., who**
6 **reported to MPD on December 30, 2002 that "on 12/24 between 1000-**
7 **1030 hrs she was backing out of her driveway when she saw someone**
8 **that looked like Laci." (See PC §1054.9 Order at pp. 141-142.)**

9 Exhibit 26 contains three sworn declarations regarding Item E.1(b): (1) Heidi Jenkins,
10 Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto Police
11 Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
12 custodian of records for the Stanislaus County District Attorney's Office (SCDAO).
13

14 The defense offered Bates 14828 as a basis for their belief that Item E.1(b) exists. (See
15 Def. Mtn. for PC §1405 DNA Testing Exh. 1.A. at p. 35.) The court reviewed²² Bates 14828
16 which is a page from the MPD tipline documenting a tip from a caller named Colleen F. with a
17 handwritten note that said it was "given to Detective Reid." In its order, the court acknowledged
18 the defendant is in possession of Bates 14828. (*Id.* at p. 141.)
19

20 The custodians of records at MPD and SCDAO physically searched their files for Item
21 E.1(b). Aside from Bates 14828, the custodians did not locate any other evidence that MPD
22 Detective Reid or any other officer had ever interviewed and/or completed a report with Colleen
23

24
25
26 ²² The prosecution provided Bates 14828 to the court and defense counsel as lodged exhibits located on
27 the People's opposition to the discovery motion Disk 4. The court references these reports in its decision.
(PC §1054.9 Order at p. 141.)

1 F. The custodians confirmed Item E.1(b) is not currently in the possession of the prosecution
2 and law enforcement authorities. See Exhibit 26.

3 F. CATEGORY G. MISSING BATES PAGES

4 27. People's PC §1054.9 Exhibit 27 regarding Item G.1(b)

5 **Item G.1(b): [The Court grants the request for the page(s) that**
6 **has/have a top center Bates stamp number generally used by MPD with**
7 **the number] 2592 (likely handwritten).** (See PC §1054.9 Order at pp.
8 155-156.)

9
10 Exhibit 27 contains two sworn declarations regarding Item G.1(b): (1) Heidi Jenkins,
11 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
12 of records for the Stanislaus County District Attorney's Office (SCDAO).

13 The custodians of records at MPD and SCDAO physically searched their files for the
14 unofficial MPD Bates stamp number 2592. It was not found. The custodians confirmed Item
15 G.1(b) is not currently in the possession of the prosecution and law enforcement authorities. See
16 Exhibit 27.

17
18 28. People's PC §1054.9 Exhibit 28 regarding Item G.1(c)

19 **Item G.1(c): [The Court grants the request for the page(s) that has/have**
20 **a top center Bates stamp number generally used by MPD with the**
21 **numbers] 12260-12265.** (See PC §1054.9 Order at p. 156.)

22
23 Exhibit 28 contains two sworn declarations regarding Item G.1(c): (1) Heidi Jenkins,
24 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
25 of records for the Stanislaus County District Attorney's Office (SCDAO).

1 The custodians of records at MPD and SCDAO physically searched their files and did not
2 locate MPD Bates stamp numbers 12260-12265. They confirmed Item G.1(c) is not currently in
3 the possession of the prosecution and law enforcement authorities. See Exhibit 28.

4 29. People's PC §1054.9 Exhibit 29 regarding Item G.1(d)

5 **Item G.1(d): [The Court grants the request for the page(s) that**
6 **has/have a top center Bates stamp number generally used by MPD with**
7 **the numbers] 14340-14402.** (See PC §1054.9 Order at p. 156.)

8
9 Exhibit 29 contains two sworn declarations regarding Item G.1(d): (1) Heidi Jenkins,
10 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
11 of records for the Stanislaus County District Attorney's Office (SCDAO).

12 The custodians of records at MPD and SCDAO physically searched their files for MPD
13 Bates stamp numbers 14340-14402 which were not found. The custodians confirmed Item
14 G.1(b) is not currently in the possession of the prosecution and law enforcement authorities. See
15 Exhibit 29.
16

17 30. People's PC §1054.9 Exhibit 30 regarding Item G.1(f)

18 **Item G.1(f): [The Court grants the request for the page(s) that has/have**
19 **a top center Bates stamp number generally used by MPD with the**
20 **numbers] 17220-17595.** (See PC §1054.9 Order at p. 156.)

21
22 Exhibit 30 contains two sworn declarations regarding Item G.1(f): (1) Heidi Jenkins,
23 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
24 of records for the Stanislaus County District Attorney's Office (SCDAO).
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1 The custodians of records at MPD and SCDAO physically searched their files and did not
2 locate MPD Bates stamp numbers 17220-17595. They confirmed Item G.1(f) were not currently
3 in the possession of the prosecution and law enforcement authorities. See Exhibit 30.

4 31. People’s PC §1054.9 Exhibit 31 regarding Item G.1(g)

5 **Item G.1(g): [The Court grants the request for the page(s) that has/have**
6 **a top center Bates stamp number generally used by MPD with the**
7 **number] 25889. (See PC §1054.9 Order at p. 156.)**

8
9 Exhibit 31 contains two sworn declarations regarding Item G.1(g) from: (1) Heidi
10 Jenkins, Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a
11 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

12 The custodians of records at MPD and SCDAO physically searched their files and did not
13 locate MPD Bates stamp number 25889. The custodians confirmed Item G.1(g) is not currently
14 in the possession of the prosecution and law enforcement authorities. See Exhibit 31.

15
16 32. People’s PC §1054.9 Exhibit 32 regarding Item G.2(w)

17 **Item G.2(w): The Court ordered the prosecution to provide the defense**
18 **a complete copy of the criminal history information of the individual**
19 **identified in the placeholder Bates 33771-33777. (See PC §1054.9 Order**
20 **at pp. 165-166.)**

21
22 Exhibit 32 contains one sworn declaration regarding Item G.2(w) from Victoria Vasquez,
23 a custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

24 In making its decision, the court reviewed the prosecution’s lodged exhibits provided on
25 Disk 4 with its Opposition. The court reviewed Bates 33771-37777 which were placeholders for
26

1 a criminal history report²³ and compared it to a similar placeholder for a different person at Bates
2 32850. The court noted in its Order, “[u]nlike Bates 32850 above, the placeholder sheets here
3 contain only the first name and date of birth of the individual, and there is no adjacent Bates
4 material that contains sufficient personal identifying information of that individual for defense
5 to determine if the materials that they obtained from trial counsel already contain the criminal
6 history.” (PC §1054.9 Order at p. 166.) The court appeared concerned that the defense was
7 unable to confirm they had the full identity for the individual in that placeholder because these
8 Bates pages only listed the person’s first name and date of birth. The People had not provided
9 the court with the additional Bates pages following Bates 33771-37777 for the court to confirm
10 that the defense had the necessary information.
11

12 Although the placeholder only listed the person’s first name and date of birth, the defense
13 knew her full identity at the time of the trial. The very next page in the Bates series is Bates
14 33778 which consisted of an Incident History Report, also known as a CAD log, for a medical
15 issue on 04/16/2000 and listed the full person’s name and date of birth. Bates 33779, and
16 duplicated at Bates 33786, consisted of an Incident History Report/CAD log regarding an
17 incident that occurred on 05/10/2001. Bates 33785 was another CAD log regarding a medical
18 issue/welfare check on 12/07/1999. Both contained the same person’s full name and date of
19 birth. Furthermore, the female’s full name and date of birth was again listed on Bates 33790 as
20 a witness in the Modesto Police Report. Thus, the trial counsel had the full identity of the person
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22
23

24 ²³ It is custom for prosecution offices to mark placeholders for a person’s criminal history information as
25 the prosecution is prohibited from furnishing a record to a person who is not authorized by law to receive
26 that record. (Pen. Code §13302.) However, the Attorney General shall furnish criminal history
27 information to an attorney of record representing a defendant in a criminal case, including all appeals and
28 postconviction motions, if the information is requested in the course of representation. (Pen. Code
§1105(b)(9).)

1 in Bates 33771-33777. It should also be noted that this person did not testify during the
2 defendant's trial.

3 The custodians of records SCDAO physically searched their files. They located Bates
4 stamp numbers 33770-33777 which will be referred to as "Attachment G.2(w)-DA1." Upon
5 examination, Bates 33770-33777 is not the typical California Law Enforcement
6 Telecommunications Systems (CLETS) criminal history information, which is generally known
7 as a rap, of the individual identified in that placeholder as described in Item G.2(w). Instead,
8 "Attachment G.2(w)-DA1" are eight pages that consist of an "Associated Persons Report" from
9 Modesto Police Department, a "Name Summary List" from Modesto Police Department, a
10 DMV/CLETS printout, a Stanislaus County "Justice Information Party Identification" printout,
11 and a "Multiple Booking" printout for the individual identified in that placeholder. This is the
12 same female individual who is identified in the subsequent Bates pages discussed above.
13

14 "Attachment G.2(w) was placed on a disc labeled "People's Discovery re: SCO55500A
15 PC §1054.9 Order 10/07/2024." This disc has been discovered to defense pursuant to this
16 court's order. See Exhibit 32.
17

18 33. People's PC §1054.9 Exhibit 33 regarding Item G.2(z)

19 **Item G.2(z): [The Court grants the request for the page(s) that has/have a**
20 **bottom right Bates stamp number(s)] 35088-35089.** (See PC §1054.9 Order
21 at pp. 166-167.)
22

23 Exhibit 33 contains one sworn declaration regarding Item G.2(w) from Victoria Vasquez,
24 a custodian of records for the Stanislaus County District Attorney's Office (SCDAO).

25 In making its decision, the court reviewed the prosecution's lodged exhibits provided on
26 Disk 4 with its Opposition. The court reviewed Bates 35087, a fax depicting the first page of a
27

1 subpoena duces tecum to Sprint – Legal Department. The subpoena directs Sprint to “see
2 attachment A” for the requested item(s). (See PC §1054.9 Order at p. 167.)

3 At the top of this fax, it lists the date 12/04/2003 at 12:23 followed by a phone number
4 with the letters SDEA. On the right side of the fax header, it states it is PAGE 01/03. Bates
5 35087 indicates this fax is one of three pages.

6
7  12/04/2003 12:23 2095588714 SDEA PAGE 01/03

8 The missing Bates 35088-38089 are presumably page 2 and 3 of the fax. The next pages
9 in the sequence are Bates 35090-35294 which is a letter addressed to the Clerk of Court from the
10 custodian of records from Sprint Corporate Security Subpoena Compliance with the attached
11 subpoenaed records.²⁴ (See PC §1054.9 Order at p. 167.) The records received from Sprint were
12 marked as People’s Exhibits 249A and 249B. They were admitted as evidence at trial and sealed
13 by the court. (RT 17063-17064; 20110.)
14

15 The custodians of records at SCDAO physically searched our files and did not locate
16 Bates 35088-35089. The custodians confirmed Item G.2(z) is not currently in the possession of
17 the prosecution and law enforcement authorities. See Exhibit 33.
18

19 34. People’s PC §1054.9 Exhibit 34 regarding Item G.2(hh)

20 **Item G.2(hh): [The Court grants the request for the page(s) that has/have**
21 **a bottom right Bates stamp number(s)] 43084-43088.** (See PC §1054.9
22 Order at pp. 169-170.)
23
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25
26 ²⁴ Records sought pursuant to a subpoena duces tecum were sent to the court. The Court provided the
27 records to the parties and defense received them through discovery. Furthermore, the defense stipulated to
28 their foundation of these records at trial. (RT 17063.)

1 Exhibit 34 contains one sworn declaration regarding Item G.2(hh) from Victoria
2 Vasquez, a custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

3 The custodians of records at SCDAO physically searched their files and located Bates
4 stamp numbers 43084-43088 which will be referred to as “Attachment G.2(hh)-DA1.”

5 Upon examination, “Attachment G.2(hh)-DA1” is a fax dated October 27, 2004 at 08:53pm sent
6 to SCDA San Mateo. The fax consists of a four-page handwritten letter and a copy of the
7 envelope addressed to the “Modesto Police Station Prosecutors.” The handwritten letter is from
8 an anonymous author who is writing about the trial and wishing the prosecution good luck.
9

10 Item G.2(hh) has been rediscovered to defense for file reconstruction. “Attachment
11 G.2(hh) was placed on a disc labeled “People’s Discovery re: SCO55500A PC §1054.9 Order
12 10/07/2024.” This disc has been discovered to defense pursuant to this court’s order. See
13 Exhibit 34.
14

15 35. People’s PC §1054.9 Exhibit 35 regarding Item G.2(ii)

16 **Item G.2(ii): [The Court grants the request for the page(s) that has/have a**
17 **bottom right Bates stamp number(s)] 43098-43152.** (See PC §1054.9 Order
18 at p. 170.)

19 Exhibit 35 contains one sworn declaration regarding Item G.2(ii) from Victoria Vasquez,
20 a custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

21 The custodians of records at SCDAO physically searched their files and located Bates
22 stamp numbers 43098-43152. The Court’s order has been specific that the defense is entitled to
23 post-conviction discovery at the time of trial. Although the defendant was convicted by a jury on
24 November 11, 2004, the court interpreted the time of trial to be when the defendant was
25 sentenced on March 16, 2005. (See PC §1054.9 Order at pp. 170-171.) Consistent with Judge
26
27
28

1 Hill's order, the documents for Bates stamp number reconstruction pertaining to Item G.2(ii)
2 were any Bates stamp numbers that had a date on or before March 16, 2005.

3 Upon examination of Bates stamp numbers 43098-43152, some of the Bates pages in this
4 range were dated after trial, outside the court's ordered dates, i.e., after March 16, 2005. Bates
5 43098-43104 and Bates 43144 are eight pages of documents dated before March 16, 2005.
6 These eight pages of documents will be referred to as "Attachment G.2(ii)-DA1."

7
8 The first 7-pages of "Attachment G.2(ii)-DA1" consists of a fax dated March 3, 2005
9 from a citizen to Detective Grogan re: Scott Peterson. The fax contains a cover page, two pages
10 of excerpts from "Betty and Pansy's Severe Queer Review of San Francisco," a Berkeley Area
11 map printed from an internet site and a handwritten letter where the author opines on how and
12 why Scott Peterson killed Laci. The final page of "Attachment G.2(ii)-DA1" is the Stanislaus
13 County Superior Court Case #336747 filed on February 13, 2004, in which the court appointed
14 Sharon Rocha as the administrator over Laci D. Peterson's estate.

15
16 Item G.2(ii) has been rediscovered to defense for file reconstruction. "Attachment
17 G.2(ii) was placed on a disc labeled "People's Discovery re: SCO55500A PC §1054.9 Order
18 10/07/2024." This disc has been discovered to defense pursuant to this court's order. See
19 Exhibit 35.

20
21 36. People's PC §1054.9 Exhibit 36 regarding Item G.2(jj)

22 **Item G.2(jj): [The Court grants the request and orders production of any**
23 **material in this Bates range dated on or before March 16, 2005 for] 43214**
24 **and above. (PC §1054.9 Order at p. 171.)**

25 Exhibit 35 contains one sworn declaration regarding Item G.2(ii) from Victoria Vasquez,
26 a custodian of records for the Stanislaus County District Attorney's Office (SCDAO).

1 The custodians of records at SCDAO physically searched their files and located Bates
2 stamp number 43214 and above for any Bates range dated on or before March 16, 2005. A total
3 of 264 documents were found that met the court’s date range criteria and will be referred to as
4 “Attachment G.2(jj).”

5 It should be noted that some of these records in “Attachment G.2(jj)” list two different
6 dates. Some of the dates are within the court’s specified date range and others indicate that they
7 were generated after March 16, 2005. For example, Bates pages 43439-43464 pertain to a named
8 female and include CAD logs, California driver’s license photo, DMV print-out, various police
9 reports from different law enforcement agencies occurring in 2003. However, some of these
10 records such as Bates pages 43441 and 43457-43464 indicate that they were generated on March
11 22, 2006 even though the incident in the police report was from 2003.

13 “Attachment G.2(jj)” is comprised of postcards, letters and their corresponding
14 envelopes (some with attachments including maps, articles and photos), emails addressed to
15 Most Wanted, faxes, handwritten notes and some Laci Peterson phone call logs dated
16 10/18/2004-10/26/2004. In summary, the content of “Attachment G.2(jj)” ranges from people
17 who have been watching the trial unfold in the media and wrote regarding a variety of topics
18 which included offering suggestions, offering to help the police, congratulating the police and
19 prosecution team on the verdict, condolences to Laci’s family, theories on how and why Scott
20 Peterson killed Laci and Conner, alternative theories on who killed Laci and Conner, questions
21 about the case, complaints about the investigation or about others (private investigator).
22 “Attachment G.2(jj)” also includes some investigative materials and reports as described in the
23 paragraph above.
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1 Item G.2(jj) has been discovered to defense for file reconstruction.²⁵ “Attachment
2 G.2(jj) was placed on a disc labeled “People’s Discovery re: SCO55500A PC §1054.9 Order
3 10/07/2024.” This disc has been discovered to defense pursuant to this court’s order. See
4 Exhibit 36.

5
6 G. CATEGORY H. GENE RALSTON BAY SEARCH DATA

7 37. People’s PC §1054.9 Exhibit 37 regarding Item H.3

8 **Item H.3: [The Court grants the request for] any photos or video**
9 **footage obtained when Ralston suggested "the video camera be used to**
10 **tape the monitor output" that members of the search team videoed of**
11 **the ROV aboard the boat. (See PC §1054.9 Order at pp. 172-174.)**

12 Exhibit 37 contains three sworn declarations regarding Item H.3 from: (1) Heidi Jenkins,
13 Modesto Police Department (MPD) custodian of records; (2) Kaci Morrison, Modesto Police
14 Department custodian of records of Property and Evidence; and (3) Victoria Vasquez, a
15 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).
16

17 The custodians of records at MPD and SCDAO physically searched their files for any
18 physical recording of Ralson’s unsuccessful attempt to rig a video camera to record the monitor
19 output directly. (See PC §1054.9 Order at p.173.) They found no recordings as described in
20 Item H.3 and confirmed Item H.3 is not currently in the possession of the prosecution and law
21 enforcement authorities. See Exhibit 37.

22 ///

23 ///

24
25
26 _____
27 ²⁵ At one point after the verdict, trial counsel Geragos no longer wanted discovery sent to his office and,
as a result, the prosecution sent the discovery/items it received to the Attorney General’s Office.

1 H. CATEGORY I. ALL OTHER BAY SEARCH DATA

2 38. People's PC §1054.9 Exhibit 38 regarding Item I.6

3 **Item I.6: [Although it is not clear that the court ordered] all photos,**
4 **images, video, reports taken by John DeMille from Marine Sonic on**
5 **May 22, 2003, [the People provide a response].²⁶** (See PC §1054.9 Order
6 at pp. 184-185.)

7
8 Exhibit 38 contains two sworn declarations regarding Item I.6 from: (1) Heidi Jenkins,
9 Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a custodian
10 of records for the Stanislaus County District Attorney's Office (SCDAO).

11 The custodians of records at MPD and SCDAO physically searched their files and found
12 no photos, images or video taken by John DeMille from Marine Sonic on May 22, 2003, also
13 known as "Day 4." However, Custodian Vasquez located two separate police reports related to
14 John DeMille's bay search on May 22, 2003.²⁷ The first report was from MPD Detective Rick
15 House regarding no targets being located on May 22, 2003. The second report was from MPD
16 Detective Phil Owen who described the poor weather conditions and the bay search teams
17 assignments on May 22, 2003. These two reports were previously discovered to defense on
18 August 05, 2003. Both reports and their corresponding Stanislaus County District Attorney's
19 Office Discovery Request and Records will be referred to as "Attachment I.6-DA1."
20

21
22 _____
23 ²⁶ The Court's order is not clear if it granted Item I.6 which asks for "all photos, images, video *and reports*
24 taken by John DeMille from Marine Sonic on May 22, 2003" or if the court granted the order, in part,
25 since the defense has indicated they are missing video from Day 4. (PC §1054.9 Order at pp. 184-185.)
Because it is unclear, the People proactively searched for all the items listed in Item I.6 to prevent future
PC §1054.9 litigation.

26 ²⁷ Bates 26850 – 26858 is Gene Ralson's report which also discusses John DeMille's Day 4 search. The
27 prosecution did not rediscover these pages since they were provided in the prosecution's lodged exhibits
on Disk 4 from the People's PC §1054.9 Opposition. (PC §1054.9 Order at pp. 184-185 fn. 1.)

1 The reports related to Item I.6 have been rediscovered to defense. “Attachment G.2(ii)
2 was placed on a disc labeled “People’s Discovery re: SCO55500A PC §1054.9 Order
3 10/07/2024.” This disc has been discovered to defense pursuant to this court’s order. See
4 Exhibit 38.

5
6 I. CATEGORY N. INTERVIEWS AND SURVEILLANCE OF DEFENDANT

7 39. People’s PC §1054.9 Exhibit 39 regarding Item N.1(a)

8 **Item N.1(a): [The Court grants the request for all audio and video**
9 **recordings of]... interviews various MPD officers conducted with Mr.**
10 **Peterson on December 24, 2002, beginning at approximately 6:30 PM**
11 **up to Det. Brocchini’s videotaped interview with him at MPD, which**
12 **has been provided to the defense. This request includes recordings**
13 **made in Det. Brocchini’s official vehicle while he was driving Mr.**
14 **Peterson around Modesto on the evening of December 24, 2002 and**
15 **interviewing him throughout that time. (See PC §1054.9 Order at pp.**
16 **196-197.)**

17 Exhibit 39 contains two sworn declarations regarding Item N.1(a) from: (1) Heidi
18 Jenkins, Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a
19 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

20 On the evening of December 24, 2002 several Modesto police officers met and spoke
21 with Scott Peterson and Laci’s family in Dry Creek Park and later at the Peterson residence after
22 Laci’s family called 911 to report Laci missing. None of these officers documented in their
23 reports or testified at trial that they recorded their conversation and/or statements of Peterson.
24 As a practical note, body-worn cameras were not widely used or available in Modesto in 2002.
25 Detective Brocchini’s report is the first documentation that an audio or video recording captured
26

1 his interview with Scott Peterson at the Modesto Police Department which started just before
2 midnight on December 24, 2002 and concluded on December 25, 2002.

3 The trial record indicates that after Detective Brocchini's recorded interview on
4 December 25, 2002 at the Modesto Police Station, the next recorded interview with Scott
5 Peterson was with Detective Grogan on December 30th. The prosecutor, Ms. Fladager, asked
6 Detective Grogan why he decided to video record the December 30, 2002 interview.

7
8 Ms. Fladager Q: Why is it that you tape recorded that interview?

9 Det. Grogan A: Well, he -- he had been interviewed by the first responding
10 officers to complete the missing persons report. He completed
11 the missing person report with Boyer. He had done an interview
12 with myself and Agent Mansfield, *but no one had anything on*
13 *tape or documented on tape* that would have his exact statement
14 as to what he said she was wearing as far as jewelry.

15 (RT 18643: 25-26, 18645: 1-6 (emphasis added).)

16
17 The custodians of records at MPD and SCDAO physically searched their files and
18 consistent with the police reports and trial record, they found no evidence that any recording of
19 Scott Peterson prior to Detective Brocchini's interview on December 24, 2002 exists. The
20 custodians confirmed Item N.1(a) is not currently in the possession of the prosecution and law
21 enforcement authorities. See Exhibit 39.

22
23 40. People's PC §1054.9 Exhibit 40 regarding Item N.1(b)

24 **Item N.1(b): [The Court grants this request for all audio and video**
25 **recordings of]... interviews MPD officers, including Det. Craig**
26 **Grogan, conducted with Mr. Peterson on December 25, 2002, while Mr.**

1 **Peterson was at the MPD located in various rooms, including interview**
2 **rooms. This request includes all recordings of the pre-polygraph**
3 **interview Doug Mansfield conducted or attempted to conduct on that**
4 **date. (See PC §1054.9 Order at p. 197.)**

5
6 Exhibit 40 contains two sworn declarations regarding Item N.1(a) from: (1) Heidi
7 Jenkins, Modesto Police Department (MPD) custodian of records and (2) Victoria Vasquez, a
8 custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

9 After Detective Brocchini’s recorded interview on December 25, 2002, the next recorded
10 interview with Scott Peterson was with Detective Grogan on December 30th. (See PC §1054.9
11 Order at p. 197.)

12 Although Scott Peterson was interviewed as a witness by Detective Grogan and Agent
13 Mansfield in the afternoon of December 25, 2002, the record indicates that this interview was
14 not video or audio recorded. Specifically, Bates page 0110, Detective Grogan’s report indicated
15 the interview was not recorded, “Although there are interview rooms in the Modesto Police
16 Department that contain video, I found Scott PETERSON, Detective BUEHLER and Doug
17 MANSFIELD in Conference Room 236, a location where there is not the ability to video tape
18 and interview. As Scott was a witness in the case and he had completed a tape recorded interview
19 with BROCCINI, I did not move Scott to a room for video taping.”

20
21
22 Detective Grogan’s testimony at trial reinforced there was no recording of his first
23 interview with Scott Peterson on December 25, 2002.

24 Ms. Fladager **Q:** All right. I’m going to ask you a few questions about that.
25 About how long did that interview last [referencing the
26 December 25, 2002 interview with Scott Peterson]?

1 Det. Grogan A: From around 1:30 till 4:00 or 4:30 that afternoon.

2 Ms. Fladager Q: And who else was present during this interview?

3 Det. Grogan A: Initially, when I walked into the room, Detective Buehler was
4 there and Agent Mansfield. Shortly after I came in Detective
5 Buehler left, and then it was just Agent Mansfield, myself and
6 the defendant.

7 Ms. Fladager Q: Was this particular interview videotaped or audiotaped?
8

9 Det. Grogan A: No, it wasn't.

10 (RT 17648: 13-23.)

11 The custodians of records at MPD and SCDAO physically searched their files for
12 recordings of Detective Grogan's and Agent Mansfield's December 25, 2002 interview with
13 Scott Peterson. Consistent with Detective Grogan's report and testimony, the custodians found
14 no evidence that Item N.1(b) exists. They confirmed Item N.1(b) is not currently in the
15 possession of the prosecution and law enforcement authorities. See Exhibit 40.
16

17 41. People's PC §1054.9 Exhibit 41 regarding Item N.1(e) and Item N.1(f)

18 **Item N.1(e): [The Court grants this request for all audio and video**
19 **recordings of] interviews MPD officers, including Det. Craig Grogan,**
20 **conducted with Mr. Peterson on January 3, 2003, while he was in**
21 **various interview rooms at MPD. (See PC §1054.9 Order at p. 199.)**

22 and

23 **Item N.1(f): [The Court grants this request for all audio and video**
24 **recordings of] interviews MPD officers, including Det. Craig Grogan,**
25 **conducted with Mr. Peterson on January 3, 2003, while he was being**
26 **transported to and from a facility to provide biological samples, and**

1 **while he was being searched, fingerprinted, and photographed**
2 **pursuant to a search warrant.** (See PC §1054.9 Order at pp. 199-200.)
3

4 Exhibit 41 contains one sworn declaration regarding Item N.1(e) and N.1(f) from Victoria
5 Vasquez, a custodian of records for the Stanislaus County District Attorney’s Office (SCDAO).

6 The custodians of records at SCDAO physically searched their files and located two
7 police reports from Detective Craig Grogan and one report from Detective Buehler that relates
8 to the recorded interview they conducted with the defendant on January 3, 2003. These three
9 police reports marked as Bates 192-196, Bates 198-200 and Bates 1650-1651 will be referred to
10 as “Attachment Item N.1(e) & N.1(f)-DA1.”
11

12 “Attachment Item N.1(e) & N.1(f)-DA1” indicated that on January 3, 2003 Detective
13 Grogan conducted an interview with Scott Peterson in an interview room at the Modesto Police
14 Department (MPD). Since the interview room did not have any recording capabilities, the
15 officers attempted to utilize two methods to memorialize the interview. A hidden camera was
16 used to visually record the video on VHS 8mm tape and a tape cassette player was used with a
17 microphone to try to audio record the interview on cassette tape. After the interview, the officers
18 reviewed the recordings. Detective Grogan found that only the video recording was of any
19 quality and the audio tape cassette recording was nearly inaudible due to a low battery.
20 “Attachment Item N.1(e) & N.1(f)-DA1” further specified that after the interview Detective
21 Grogan rode in the backseat while Detective Buehler drove Scott Peterson to Doctor’s Medical
22 Center to collect biological samples from the defendant pursuant to a search warrant. An audio
23 cassette recorder was activated as they drove from MPD to the hospital. However, the road noise
24 and positioning of the recorder in the vehicle made the sound of the recording difficult to hear.
25

26
27 ///

1 “Attachment Item N.1(e) & N.1(f)-DA1” was consistent with the testimony at trial.

2 Ms. Fladager Q: Okay. Now, when you left - - first Scott came to the Modesto
3 PD, and then you guys drove him over to the hospital?

4 Det. Grogan A: Yes.

5 Ms. Fladager Q: Okay. And then you tried to record that conversation, correct?

6 Det. Grogan A: Yeah, we ran a tape - - ran a tape in the back of the car, with
7
8 Detective Buehler driving and the defendant seated in the right
9 front seat.

10 Ms. Fladager Q: Okay. And that tape didn't come out too well, did it?

11 Det. Grogan A: You can't hear it very well, no.

12 Ms. Fladager Q: Okay. And the - - you played it back, in other words, and you can't
13 really discern what the voices are saying and the quality is pretty bad,
14 right?

15 Det. Grogan A: Yeah. We didn't - - you know, we didn't really talk about
16 anything substantive in the - - in the car, and I don't think it's
17 been transcribed. I don't know that the - - I know the quality is
18 probably not very good.
19

20 (RT 18213: 9-26; 18214: 1.)

21 The custodians of records at SCDAO physically searched their files and located
22 references to a VHS tape labeled “V47” which was described as video recording of the Scott
23 Peterson interview by Det. Grogan on January 3, 2003 at 1620 to 1650 hours while at the
24 Modesto Police Department. The custodian also found an audio cassette tape labeled “A234
25 Scott Peterson Interview on 01/03/03(1620-1650) by MPD Det. Grogan.” A234 contained two
26
27

1 audio recordings. One side of the cassette tape contained the attempt to audio record the
2 interview at Modesto Police Department. The other side of the cassette was the attempt to audio
3 record the car ride while the detectives transported Scott Peterson to the hospital.

4 Both V47 and A234 were previously discovered to the defense on January 13, 2004 and
5 the defendant's attorney Pat Harris signed for these recordings on January 14, 2004. A copy of
6 the signed Discovery Request and Record pertaining to Item N.1(e) and Item N.1(f) will be
7 referred to as "Attachment Item N.1(e) & N.1(f)-DA2."

8
9 Upon reviewing the records, V47 is no longer in the possession of the prosecution. It
10 was marked as People's Exhibit 266 and admitted as evidence during the defendant's jury trial.

11 Ms. Fladager: All right. Your Honor, we have a video, which is probably we
12 can wind up with.

13 The Court: Okay.

14 Ms. Fladager: It's a video without the sound. We'll play the first portion, fast forward,
15 and play the second portion.

16 The Court: Okay. This is a video of what?

17 Ms. Fladager: Pardon me?

18 The Court: Okay. This is a video of what?

19 Ms. Fladager: January 3rd, that interview.

20 The Court: The interview where the recorder didn't work?

21 Ms. Fladager: Right.

22 The Court: So all we're going to look at is his demeanor.

23 Ms. Fladager: Correct.
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1 The Court: All right. This will be 266, videotape of January 3rd, 1303, (sp)
2 video of interview with the witness.

3 (People’s Exhibit 266 was marked for identification.)²⁸

4 (RT 17723: 2-22.)

5 Two photographs of Exhibit 266 will be referred to as “Attachment Item N.1(e) & N.1(f)-
6 DA3.”

7 A replacement copy of the two audio recordings found on the cassette A234 was copied
8 and placed on a disc labeled “A234 – 1054.9 COPY OF SCOTT PETERSON INTERVIEW ON
9 01/03/03 (1620-1650) BY MPD DET. GROGAN.”

10
11 “Attachment Item N.1(e) & N.1(f)-DA1,” “Attachment Item N.1(e) & N.1(f)-DA2.” and
12 “Attachment Item N.1(e) & N.1(f)-DA3.” were placed a disc labeled “People’s Discovery re:
13 SCO55500A PC §1054.9 Order 10/07/2024.” This disc along with the disc labeled “A234 –
14 1054.9 COPY OF SCOTT PETERSON INTERVIEW ON 01/03/03 (1620-1650) BY MPD
15 DET. GROGAN” have been rediscovered to defense pursuant to this court’s order. See
16 Exhibit 41.
17

18 **IV.**
19 **CONCLUSION**

20 In the Post-Conviction Discovery Motion, defendant Peterson made over 645 different
21 demands for various items of discovery. The court ordered approximately 45 items to be
22 discovered or rediscovered. The People located 13 items in response to the approximately 45
23 items ordered by the court (some duplicative). These 13 items have been (re)discovered or
24 replacement copies have been made and provided to the defense.

25 _____
26 ²⁸ Requirement that the defendant seeking habeas relief show good cause to access “discovery materials”
27 does not apply to requests for evidence held by the court, including trial exhibits. (*Satele v. Superior*
28 *Court* (2019) 7 Cal.5th 852, 861.)

1 The People found the following requested items:

- 2 • **Item A.17** –The People located one record regarding Officer Hicks having prior
3 contact with Steven Todd and/or Donald Glenn Pearce in 2000, two years before
4 Laci’s and Conner’s murders.
- 5 • **Item A.19(a)** – The People rediscovered Bates pages depicting the “descriptions” of
6 “jewelry located” during the consent searches at the Tenaya Drive residences.
- 7 • **Item A.20(d)** – The People rediscovered CSO Hodson’s 5 Polaroid photos and
8 Officer MacDonald’s supplemental report.
- 9 • **Item C.8(a)(3) and duplicate Item C.18** - The People have rediscovered
10 replacement copies of “A278” and “CD 193” pertaining to inmate James Romano’s
11 interviews with Detective Hendee after watching Court TV on October 18, and 19,
12 2004.
- 13 • **Item D.2** – The People have rediscovered the entire DOJ file which was included, in
14 part, as an exhibit in the defense’s motion.
- 15 • **Item D.5** – The People have rediscovered the entire MFD file which is currently
16 possessed by defense and was included as an exhibit in the defense’s motion.
- 17 • **Item D.6(c) and Item D.6(d)** – The People have rediscovered CSO Lovell’s six
18 photos which were depicted on page 60 of defense’s PC §1405 motion.
- 19 • **Item G.2(w)** – Pursuant to the court’s order, the People have discovered the
20 information found for the criminal history placeholder at Bates 33771-33777.
- 21 • **Item G.2(hh)** – The People rediscovered Bates pages 43084-43088.
- 22 • **Item G.2(ii)** – The People rediscovered Bates pages 43098-43104 and 43144.
- 23 • **Item G.2(jj)** – The People (re)discovered Bates pages 43214 and above dated March
24 16, 2005 or before.
- 25 • **Item I.6** – The People rediscovered the reports related to Item I.6 to defense.

EXHIBIT

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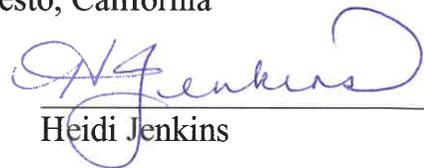
1 6. The third page of “**Attachment A.1-MPD1**” provided the final update to the
2 same Evidence/Property Record and indicated that the two videotapes referenced in Item
3 A.1 were marked “Dest” on May 7, 2003. Additionally, I know that disposition code
4 “Dest” is an internal disposition code which indicates that property was destroyed.

5 7. Consistent with the final disposition reflected in “**Attachment A.1-MPD1**,”
6 The two videotapes described in Item A.1 were not found.

7 8. I have provided “**Attachment A.1-MPD1**” totaling three pages to the
8 Stanislaus County District Attorney’s Office for discovery.

9 9. I declare under penalty of perjury under the laws of the State of California that
10 the foregoing is true and correct, unless stated upon information and belief and then I
11 believe the matter to be true.

12 Executed this 4 day of December 2024, at Modesto, California

13 
14 Heidi Jenkins

1 7. “Attachment A.1-MPD” and “Attachment A.1-DA1” were copied onto a
2 disc labeled “People’s Discovery re: SCO55500A PC §1054.9 Order 10/07/2024.”

3 8. A copy of “People’s Discovery re: SCO55500A PC §1054.9 Order
4 10/07/2024” will be discovered to the defense.

5 9. I declare under penalty of perjury under the laws of the State of California that
6 the foregoing is true and correct, unless stated upon information and belief and then I
7 believe the matter to be true.

8 Executed this 4th day of December 2024, at Modesto, California

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10 Victoria Vasquez
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ATTACHMENT A.1-MPD1

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ATTACHMENT A.1-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 1 page)

EXHIBIT

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EXHIBIT

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DECLARATION OF CUSTODIAN OF RECORDS – A17-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A.17: [The Court grants the request for] all investigation reports, arrest reports, notes or recordings generated by Officer Hicks regarding any prior contacts he had with Steven Todd or Donald Glenn Pearce.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #339111/#1052511 (Medina burglary) and DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. There were no records or evidence as described in Item A.17 found.

5. I have received “**Attachment A.17-MPD1**” consisting of a one-page document titled “Incident History For: MP003450084” from Heidi Jenkins, a custodian of records at Modesto Police Department.

6. “**Attachment A.17-MPD1**” was copied onto a disc labeled “**People’s Discovery re: SCO55500A PC §1054.9 Order 10/07/2024.**”

7. A copy of “**People’s Discovery re: SCO55500A PC §1054.9 Order 10/07/2024**” will be discovered to the defense pursuant to the court’s order.

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1 8. I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct, unless stated upon information and belief and then I
3 believe the matter to be true.

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5 Executed this 4th day of December 2024, at Modesto, California
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9 _____
10 Victoria Vasquez

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ATTACHMENT A.17-MPD1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 1 page)

EXHIBIT

4

- 1 f. Evidence/Property Records from MPD case #02-143025 by Det.
2 Banks/Det. Stough on 01/02/03 at 2100 hours property located at 1406
3 Tenaya; including the backside page(s) with Property Release Record with
4 information and signatures of property owner Rodolfo Medina (3 pages).
5 g. Evidence/Property Record from MPD case #02-143025 by Det. Stough on
6 01/02/2003 at property located at 1407 Tenaya (1 page).
7 h. Evidence/Property Record from MPD case #02-143025 by Det. G. Stough
8 on 01/03/2003 at 1700 hours property located at 1407 Tenaya; including
9 the backside page(s) with Property Release Record with information and
10 signatures of property owner Rodolfo Medina (3 pages).

11 5. The records described in 4(a.) – 4(h.) consist of a total of 20 pages are
12 hereby referenced as “**Attachment A.19(a)-MPD1.**”

13 6. I provided “**Attachment A.19(a)-MPD1**” to the Stanislaus County District
14 Attorney’s Office for discovery.

15 7. I declare under penalty of perjury under the laws of the State of California that
16 the foregoing is true and correct, unless stated upon information and belief and then I
17 believe the matter to be true.

18 Executed this 4 day of December 2024, at Modesto, California

19 
20 Heidi Jenkins

- 1 b. Bates pages 4139-4140: Officer Kelley's 01/02/2003 report from MPD case
2 #02-143025 and Stanislaus County District Attorney's Office Discovery
3 Receipt dated 05/02/2003, signed by William Pavelic on 05/02/2003 (4
4 pages total).
- 5 c. Bates pages 20361-20365: Det. Stough's 01/02/2003 report from MPD case
6 #02-143025 and Stanislaus County District Attorney's Office Discovery
7 Receipt dated 07/01/2003, signed by William Pavelic on 07/10/2003 (7
8 pages total).
- 9 d. Bates pages 20393-20395: Sgt. Cloward's 01/02/2003 report from MPD
10 case #02-143025 and Stanislaus County District Attorney's Office
11 Discovery Receipt dated 07/01/2003, signed by William Pavelic on
12 07/10/2003 (5 pages total).
- 13 e. Bates page 20404: Evidence/Property Record from MPD case #02-143025
14 by Officer Stough on 01/02/2003 at 2330 hours property located at 1407
15 Tenaya Stanislaus County District Attorney's Office Discovery Receipt
16 dated 07/01/2003, signed for William Pavelic on 07/10/2003 (3 pages
17 total).
- 18 f. Bates page 4136: Evidence/Property Record from MPD case #02-143025
19 by Det. Banks/Det. Stough on 01/02/03 at 2100 hours property located at
20 1406 Tenaya and Stanislaus County District Attorney's Office Discovery
21 Receipt dated 05/02/2003, signed by William Pavelic on 05/02/2003 (3
22 pages total).
- 23 g. Bates page 4137: Evidence/Property Record from MPD case #02-143025
24 by Det. Stough on 01/02/03 property located at 1407 Tenaya and Stanislaus
25 County District Attorney's Office Discovery Receipt dated 05/02/2003,
26 signed by William Pavelic on 05/02/2003 (3 pages total).

27 6. The reports and discovery receipts described in 5(a.)-5(g.) consist of 28 pages
28 will be referred to as "**Attachment A.19(a)-DA1.**"

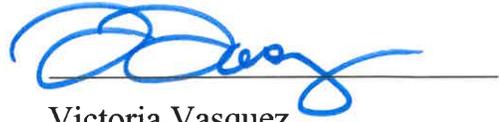
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1 7. “Attachment A.19(a)-MPD1” and “Attachment A.19(a)-DA1” were copied
2 onto a disc labeled “People’s Discovery re: SCO55500A PC §1054.9 Order
3 10/07/2024.”

4 8. A copy of “People’s Discovery re: SCO55500A PC §1054.9 Order
5 10/07/2024” will be discovered to the defense in compliance with the court’s order.

6 9. I declare under penalty of perjury under the laws of the State of California that
7 the foregoing is true and correct, unless stated upon information and belief and then I
8 believe the matter to be true.

9 Executed this 4th day of December 2024, at Modesto, California

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11 Victoria Vasquez

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ATTACHMENT A.19(a)-MPD1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

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ATTACHMENT A.19(a)-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 28 pages)

EXHIBIT

5

DECLARATION OF CUSTODIAN OF RECORDS – A19(C)-MPD 2

I, Kaci Morrison, declare as follows:

1. I have been employed with the Modesto Police Department since 2005. My current position is Police Civilian Supervisor. I also serve as the custodian of records over the Property and Evidence Unit for the Modesto Police Department (MPD).

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A. 19(C): The Court orders production pursuant to Penal Code §1054.9 of any existing photographs of the locations searched where jewelry not identified by the Medinas as their property was seized during the execution of search warrants at the Tenaya Drive addresses on January 2, 2003.

3. I have physically searched Property and Evidence for any photographs described in Item A.19(C) under both MPD case #02-143025 (Medina burglary) and MPD case #02-142591 (Scott Peterson).

4. There were no photographs as described in Item A.19(C) found under either case.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 6 day of November 2024, at Modesto, California



Kaci Morrison

DECLARATION OF CUSTODIAN OF RECORDS – A19(C)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A.19(c): The Court orders production pursuant to Penal Code §1054.9 of any existing photographs of the locations searched where jewelry not identified by the Medinas as their property was seized during the execution of search warrants at the Tenaya Drive addresses on January 2, 2003.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #339111/#1052511 (Medina burglary) and DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. There were no photographs found as described in Item A.19(c).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

6

DECLARATION OF CUSTODIAN OF RECORDS – A19(D)-MPD

I, Heidi Jenkins, declare as follows:

1. I have been employed with the Modesto Police Department since 2002. My current position is Police Civilian Manager. I also serve as the custodian of records for the Modesto Police Department.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A.19(D): The Court grants the request for interviews or reports documenting whether the Medinas were shown any jewelry collected during the above-referenced searches that did not belong to them.

3. I have searched for records under Modesto Police Department case #02-143025 (Medina burglary) for the above item.

4. There were no records as described in Item A.19(D) found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 6 day of November 2024, at Modesto, California


Heidi Jenkins

DECLARATION OF CUSTODIAN OF RECORDS – A19(D)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A.19(d): [The Court grants the request for] interviews or reports documenting whether the Medinas were shown any jewelry collected during the above-referenced searches that did not belong to them.

3. We have searched the SCDAO’s case management system including physically searching our files under DA case #339111/#1052511 (Medina burglary) and DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. Item A.19(d) was not found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

7

1 6. “Attachment A.1-DA1” begins with an email dated August 27, 2003 at
2 2:05 p.m. sent by William Pavelic, a member from the defendant’s defense team to the
3 prosecution’s discovery clerk Janet Gaither. Mr. Pavelic wrote, “AS YOU KNOW,
4 LACI AND SCOTT PERTERSON’S NEIGHBOR ACROSS THE STREET WAS
5 BURGLARIZED. WE BELIEVE THAT THE BURGLARY TOOK PLACE ON DEC.
6 24, 2002 AND AT ABOUT THE SAME TIME LACI DISAPPEARED.

7 THE BURGLARY SUSPECTS WERE APPREHENDED AND CONFESSED
8 TO COMMITTING THE ACT. AMONG OTHER THINGS, THE BURGLARY
9 SUSPECTS TOOK A HEAVY SAFE THAT WAS LOADED UNTO (sp) A VEHICLE.
10 I RESEARCHED THE ENTIRE DISCOVERY AND WAS UNABLE TO FIND AN
11 IMPOUND REPORT FOR THE VEHICLE THAT TRANSPORTED THE STOLEN
12 SAFE. WOULD YOU PLEASE PROVIDE US OR DIRECT ME TO WHERE IN THE
13 DISCOVERY IS THE IMPOUND VEHICLE REPORT I JUST CITED.

14 SECONDLY, MUCH OF THE LOOT FROM THE BURGLARY WAS
15 RECOVERED. IN ONE RELATED INCIDENT A RECEIVER CAME INTO THE
16 MPD LOBBY AND RETURNED SOME OF THE STOLEN MERCHANDISE
17 INCLUDING A FIREARM. THE RECEIVER WAS ABLE TO ESCAPE BEFORE HE
18 OR SHE WAS IDENTIFIED. WE ARE RESPECTFULLY REQUESTING THE
19 SECURITY CAMERA VIDEO THAT OBVIOUSLY CAPTURED THE EVENT THAT
20 I JUST MENTIONED.

21 AND FINALLY, BOTH BURGLARS WERE POLYGRAPHED, AUDIOTAPED
22 AND VIDEOTAPED. WHE NEED THE AUDIO AND VIDEO TAPES FROM THOES
23 INTERVIEWS, ESPECIALLY THE POLYGRAPH INTERVIEW.”

24 7. “Attachment A.1-DA1” contains an email response dated August 27, 2003 at
25 2: 58 p.m. from Stanislaus County District Attorney Lieutenant Mark Smith to Mr.
26 Pavelic indicating that he would follow up on the defense’s requests.

27 8. The last email in “Attachment A.1-DA1” documents that Lt. Mark Smith
28 emailed William Pavelic on September 11, 2003 and informed defense that Item A.20(a)
does not exist. Lt. Smith wrote, “In re your request for the security video of the lobby of

1 the police department when the subject dropped off the stolen property: There is no
2 video of the incident. The camera was not routinely recorded, and even if it was recorded
3 that day the tape was reused and would no longer exist.”

4 9. Consistent with Lt. Mark Smith’s email response to defense team in 2003
5 stating Item. A.20(a) does not exist, the custodians of records did not locate any
6 videotaped surveillance from the Modesto Police Department lobby on January 3, 2003.

7 10. **“Attachment A.20(a)-DA1”** was copied onto a disc labeled **“People’s
8 Discovery re: SCO55500A PC §1054.9 Order 10/07/2024.”**

9 11. A copy of **“People’s Discovery re: SCO55500A PC §1054.9 Order
10 10/07/2024”** will be discovered to the defense.

11 12. I declare under penalty of perjury under the laws of the State of California that
12 the foregoing is true and correct, unless stated upon information and belief and then I
13 believe the matter to be true.

14 Executed this 18th day of November 2024, at Modesto, California

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16 Victoria Vasquez

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ATTACHMENT A.20(a)-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 3 pages)

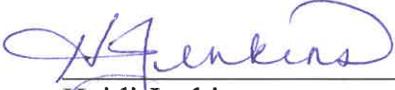
EXHIBIT

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1 7. I provided “Attachment A.20(d)-MPD1” consisting of 1 page and
2 “Attachment A.20(d)-MPD2” consisting of 3 pages to the Stanislaus County District
3 Attorney’s Office for discovery.

4 8. I declare under penalty of perjury under the laws of the State of California that
5 the foregoing is true and correct, unless stated upon information and belief and then I
6 believe the matter to be true.

7 Executed this 4 day of December 2024, at Modesto, California

8 
9 _____
10 Heidi Jenkins

1 8. I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct, unless stated upon information and belief and then I
3 believe the matter to be true.

4 Executed this 7 day of November 2024, at Modesto, California.

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7 Kaci Morrison

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1 8. I compared the 5 Polaroid photos attached to “Attachment A.20(d)-MPD2” to
2 the 5 Polaroid photos attached as “Attachment A.20(d)-DA1” which were previously
3 discovered to defense in 2003 and I confirmed they are the same.

4 9. “Attachment A.20(d)-MPD1,” “Attachment A.20(d)-MPD2” and
5 “Attachment A.20(d)-DA1” were copied onto a disc labeled “People’s Discovery re:
6 SCO55500A PC §1054.9 Order 10/07/2024.”

7 10. A copy of “People’s Discovery re: SCO55500A PC §1054.9 Order
8 10/07/2024” will be discovered to the defense in compliance with the court’s order.

9 11. I declare under penalty of perjury under the laws of the State of California that
10 the foregoing is true and correct, unless stated upon information and belief and then I
11 believe the matter to be true.

12 Executed this 4th day of December 2024, at Modesto, California

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14 Victoria Vasquez

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ATTACHMENT A.20(d)-MPD1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 1 page)

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ATTACHMENT A.20(d)-MPD2

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

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ATTACHMENT A.20(d)-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 18 pages)

EXHIBIT

9

DECLARATION OF CUSTODIAN OF RECORDS – A22(E)-MPD 2

I, Kaci Morrison, declare as follows:

1. I have been employed with the Modesto Police Department since 2005. My current position is Police Civilian Supervisor. I also serve as the custodian of records over the Property and Evidence Unit for the Modesto Police Department (MPD).

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A.22(E): The Court grants the request for production of the fingerprint examination reports by Evidence ID Technicians Doug Lovell and Joy Smith and reports of any fingerprint impression comparisons conducted on materials collected from the Medina residence.

3. I have physically searched Property and Evidence under MPD case #02-143025 (Medina burglary) for the items listed above.

4. There was no evidence as described in Item A.22(E) found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 6 day of November 2024, at Modesto, California



Kaci Morrison

DECLARATION OF CUSTODIAN OF RECORDS – A22(E)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

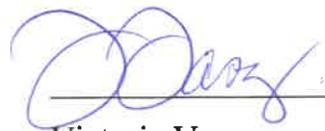
Item A.22(e): [The Court grants the request for] production of the fingerprint examination reports by Evidence ID Technicians Doug Lovell and Joy Smith and reports of any fingerprint impression comparisons conducted on materials collected from the Medina residence.

3. We have searched the SCDAO’s case management system including physically searching our files under DA case #339111/#1052511 (Medina burglary) and DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. There were no records found for Item A.22(e).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

10

DECLARATION OF CUSTODIAN OF RECORDS – A22(G)-MPD

I, Heidi Jenkins, declare as follows:

1. I have been employed with the Modesto Police Department since 2002. My current position is Police Civilian Manager. I also serve as the custodian of records for the Modesto Police Department.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A.22(G): The Court orders disclosure of any laboratory request forms or correspondence related to fingerprint impression evidence collected from the Medina residence.

3. I have searched for records under Modesto Police Department case #02-143025 (Medina burglary) for the above item.

4. There were no records as described in Item A.22(G) found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 6 day of November 2024, at Modesto, California


Heidi Jenkins

DECLARATION OF CUSTODIAN OF RECORDS – A22(G)-DOJ

I, Sara Penn, declare as follows:

1. I am employed with the California Department of Justice Bureau of Forensic Services (BFS) as a Criminalist Supervisor. I also serve as a custodian of records for the BFS Central Valley laboratory.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A.22(g): [The Court orders] disclosure of any laboratory request forms or correspondence related to fingerprint impression evidence collected from the Medina residence.

3. I have searched the BFS’s case management system for the records described above.

4. Item A.22(g) was not found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 22 day of November 2024, at Modesto, California


Sara Penn

DECLARATION OF CUSTODIAN OF RECORDS – A22(G)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item A.22(g): [The Court orders] disclosure of any laboratory request forms or correspondence related to fingerprint impression evidence collected from the Medina residence.

3. We have searched the SCDAO’s case management system including physically searching our files under DA case #339111/#1052511 (Medina burglary) and DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. There were no records found for Item A.22(g).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

11

DECLARATION OF CUSTODIAN OF RECORDS – B7(A)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item B.7(a): [The Court grants the defense’s request for]... the actual fax, including any cover sheet and other information Det. Grogan communicated to Lt. Aponte when he faxed him a copy of the "tip sheet" in 2005, as referenced in Det. Grogan's March 9, 2005 Affidavit.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #344998/#1056770 (Scott Lee Peterson) for the fax described above.

4. Item B.7(a) was not found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

12

DECLARATION OF CUSTODIAN OF RECORDS – B7(B)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item B.7(b): [The Court grants the request for]... Lt. Aponte's actual response(s) to Det. Grogan's 2005 fax, referenced in (1), whether by email, voicemail, fax, or any other means, as indicated in Lt. Aponte’s March 3, 2005 declaration.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #344998/#1056770 (Scott Lee Peterson) for the records described above.

4. Item B.7(b) was not found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

13

DECLARATION OF CUSTODIAN OF RECORDS – C8(A)(2)/(6)-SO

I, Larry Cupit, declare as follows:

1. I have been employed with the Stanislaus County Sheriff's Office since 2001. My current position is a sergeant in the Corrections Investigative Unit. I also serve as the custodian of records for the custodial records at the Stanislaus County Sheriff's Office and Public Safety Center.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill's decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court's Order on Defendant's Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

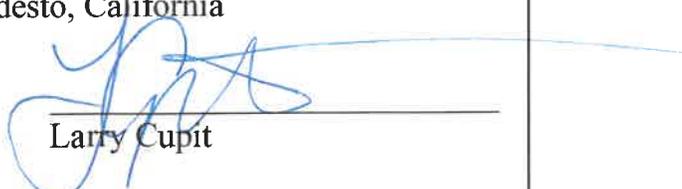
Item C.8(A)(2) and duplicative Item C.8(A)(6): The Court grants the request for all statements made by James Romano to correctional facility staff Stanislaus County Sheriff Deputy Terry Johnson regarding information he had relating to the Laci Peterson investigation.

3. I have searched the Stanislaus County Sheriff's Office's report management system and the inmate's file regarding the item(s) described above.

4. There were no records found for Item C.8(A)(2) and duplicative Item C.8(A)(6).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 07 day of November 2024, at Modesto, California


Larry Cupit

DECLARATION OF CUSTODIAN OF RECORDS – C8(A)(2)/(6)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item C.8(a)(2) and duplicative Item C.8(a)(6): [The Court grants the request for] all statements made by James Romano to law enforcement officers and/or correctional facility staff regarding information he had relating to Laci Peterson investigation, including, but not limited to, his statement made to: Stanislaus County Sheriff Dep. Terry Johnson [/ Deputy Johnson].

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. There were no records found for Item C.8(a)(2) and duplicative Item C.8(a)(6).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

14

1 **ROMANO INTERVIEW AT PUBLIC SAFETY CENTER ON 10/19/04 BY MPD**
2 **DET. HENDEE.”**

3 7. A copy of “Attachment C.8(a)(3)/C.18 – DA1,” “A278-1054.9 COPY OF
4 **JAMES ROMANO INTERVIEW ON 10/18/04 BY MPD DET. HENDEE”** and “CD
5 **193-1054.9 COPY OF JAMES ROMANO INTERVIEW AT PUBLIC SAFETY**
6 **CENTER ON 10/19/04 BY MPD DET. HENDEE”** will be discovered to the defense
7 pursuant to this court’s order.

8 8. I declare under penalty of perjury under the laws of the State of California that
9 the foregoing is true and correct, unless stated upon information and belief and then I
10 believe the matter to be true.

11 Executed this 4th day of December 2024, at Modesto, California

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13 Victoria Vasquez

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ATTACHMENT C.8(a)(3) & C.18-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 4 pages)

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7 **ITEMS C.8(a)(3) & C.18**
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9 **Replacement Copy of Audio Recording #A278**

10 **Located on DVD-R: "A278-1054.9 COPY OF JAMES ROMANO INTERVIEW ON**
11 **10/18/04 BY MPD DET. HENDEE"**

12 **and**

13 **Replacement Copy of Video Recording #CD 193**

14 **Located on DVD-R: "CD 193-1054.9 COPY OF JAMES ROMANO INTERVIEW**
15 **AT PUBLIC SAFETY CENTER ON 10/19/04 BY MPD DET. HENDEE"**

16 **(Total of 2 DVD-R)**
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EXHIBIT

15

DECLARATION OF CUSTODIAN OF RECORDS – C8(A)(4)-SO

I, Larry Cupit, declare as follows:

1. I have been employed with the Stanislaus County Sheriff's Office since 2001. My current position is a sergeant in the Corrections Investigative Unit. I also serve as the custodian of records for the custodial records at the Stanislaus County Sheriff's Office and Public Safety Center.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill's decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court's Order on Defendant's Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

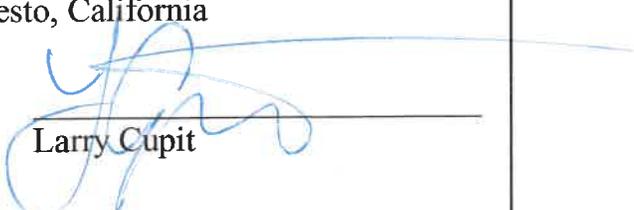
Item C.8(A)(4): The Court grants the request for all statements made by James Romano to law enforcement officers and/or correctional facility staff Stanislaus County Sheriff Sgt. Campbell regarding information he had relating to the Laci Peterson investigation.

3. I have searched the Stanislaus County Sheriff's Office's report management system and the inmate's file regarding the item(s) described above.

4. There were no records found for Item C.8(A)(4).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 07 day of November 2024, at Modesto, California



Larry Cupit

DECLARATION OF CUSTODIAN OF RECORDS – C8(A)(4)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item C.8(a)(4): [The Court grants the request for] all statements made by James Romano to law enforcement officers and/or correctional facility staff regarding information he had relating to Laci Peterson investigation, including, but not limited to, his statement made to: Stanislaus County Sheriff Sgt. Campbell.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. There were no records found for Item C.8(a)(4).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

16

DECLARATION OF CUSTODIAN OF RECORDS – C8(A)(5)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item C.8(a)(5): [The Court grants the request for] all statements made by James Romano to law enforcement officers and/or correctional facility staff regarding information he had relating to Laci Peterson investigation, including, but not limited to, his statement made to: Stanislaus County Sheriff Deputy Safford.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. There were no records found for Item C.8(a)(5).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

17

DECLARATION OF CUSTODIAN OF RECORDS – C12(D)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item C.12(d): [The Court grants the request for] all internal correspondence by and between law enforcement officers and/or correctional facility staff regarding the information James Romano provided, including, but not limited to: Det. Dodge Hendee’s conversation with Det. George Stough regarding his investigation into the Medina burglary.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #339111/#1052511 (Medina burglary) and DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) described above.

4. There were no records found for Item C.12(d).

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

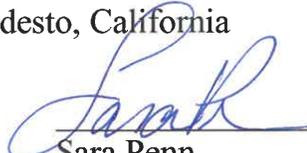
EXHIBIT

18

1 6. I have provided “Attachment D.2-DOJ1” to the Stanislaus County District
2 Attorney’s Office for discovery.

3 7. I declare under penalty of perjury under the laws of the State of California that
4 the foregoing is true and correct, unless stated upon information and belief and then I
5 believe the matter to be true.

6 Executed this 22 day of November 2024, at Modesto, California

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8 Sara Penn

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1 with photograph; and (4) Reagent Definition. The two other pages contained in
2 “Attachment D.2-DOJ1” included a “Physical Evidence Submission Form”
3 documenting chain of custody and an internal “Central Valley Laboratory Assignment
4 Notification Report.”

5 5. Furthermore, “Attachment D.2-DOJ1” contains the same report that
6 defense counsel included in the Defendant’s Motion for DNA Testing (Pen. Code § 1405)
7 filed on January 17, 2024 in San Mateo Superior Court Case #SC0565500A as Exhibit 32
8 “Det. C. Grogan 3/18/2016 Vehicle Fire Investigation Report.” The report from
9 Defense’s Exhibit 32 with defense Bates numbers will be referred to as “Attachment
10 D.2-DA1.”

11 6. “Attachment D.2-DOJ1” and “Attachment D.2-DA1” were copied onto a
12 disc labeled “Disc 1: People’s Discovery re: SCO55500A PC §1054.9 Order
13 10/07/2024.”

14 7. A copy of “Disc 1: People’s Discovery re: SCO55500A PC §1054.9 Order
15 10/07/2024” will be discovered to the defense in compliance with this court’s order.

16 8. I declare under penalty of perjury under the laws of the State of California that
17 the foregoing is true and correct, unless stated upon information and belief and then I
18 believe the matter to be true.

19 Executed this 22nd day of November 2024, at Modesto, California

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21 Victoria Vasquez

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ATTACHMENT D.2-DOJ1

Located on Disc 1: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

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ATTACHMENT D.2-DA1

Located on Disc 1: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 11 pages)

EXHIBIT

19

DECLARATION OF CUSTODIAN OF RECORDS – D4-MPD 1

I, Heidi Jenkins, declare as follows:

1. I have been employed with the Modesto Police Department since 2002. My current position is Police Civilian Manager. I also serve as the custodian of records for the Modesto Police Department (MPD).

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

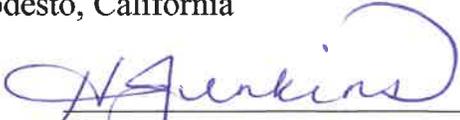
Item D.4: [The Court grants defense’s request for] all documents related to the collection of fingerprints, palm prints, and/or latent prints from the van, as requested in the Incident History Report and any subsequent examination, analysis, or comparisons of that print evidence.

3. I have searched Modesto Police Department’s case management system including our files related to MPD case #02-142591 (Scott Peterson) and MPD case #02-142687 (Van Fire in Airport District) for the above item(s).

4. There were no records as described in Item D.4 found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 4 day of December 2024, at Modesto, California


Heidi Jenkins

EXHIBIT

20

1 6. Besides “Attachment D.5-MPD1” there were no other records for Item D.5
2 found.

3 7. “Attachment D.5-MPD1” consisting of 7 pages and “Attachment D.5-DA1”
4 consisting of 10 pages were copied onto a disc labeled “People’s Discovery re:
5 SCO55500A PC §1054.9 Order 10/07/2024.”

6 8. A copy of “People’s Discovery re: SCO55500A PC §1054.9 Order
7 10/07/2024” will be discovered to the defense pursuant to this court’s order.

8 9. I declare under penalty of perjury under the laws of the State of California that
9 the foregoing is true and correct, unless stated upon information and belief and then I
10 believe the matter to be true.

11 Executed this 4th day of December 2024, at Modesto, California

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15 Victoria Vasquez

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ATTACHMENT D.5-MPD1

Located on: "People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024"

(Total of 7 pages)

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ATTACHMENT D.5-DA1

Located on: "People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024"

(Total of 10 pages)

EXHIBIT

21

DECLARATION OF CUSTODIAN OF RECORDS – D6(A)-MPD 2

I, Kaci Morrison, declare as follows:

1. I have been employed with the Modesto Police Department since 2005. My current position is Police Civilian Supervisor. I also serve as the custodian of records over the Property and Evidence Unit for the Modesto Police Department (MPD).

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SC055500A) concerning the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item D.6(A): The Court grants defense’s request for full-sized, color copies of the black and white thumbnails, titled PC240013.jpg-PC240042.jpg.

3. I have physically searched Property and Evidence under MPD case #02-142687 (Van Fire in Airport District) for the items listed above.

4. There was no evidence as described in Item D.6(A) found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 7 day of November 2024, at Modesto, California.



Kaci Morrison

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ATTACHMENT D.6(a)-DA1

Located on: "People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024"
(Total of 3 pages)

EXHIBIT

22

DECLARATION OF CUSTODIAN OF RECORDS – D6(B)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

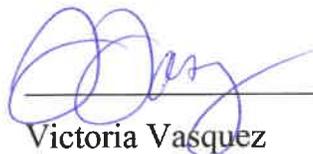
Item D.6(b): [The Court grants defense’s request for] all "scene diagrams" created by Fire Investigator Bryan Spitulski and/or by any other investigator.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #344998/#1056770 (Scott Lee Peterson) for the item(s) listed above.

4. There were no records as described in Item D.6(b) found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

23

1 **DECLARATION OF CUSTODIAN OF RECORDS – D6(C) & D6(D)-MPD 1**

2 I, Heidi Jenkins, declare as follows:

3 1. I have been employed with the Modesto Police Department since 2002. My
4 current position is Police Civilian Manager. I also serve as the custodian of records for
5 the Modesto Police Department (MPD).

6 2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision
7 issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the
8 Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code
9 §1054.9:

10 **Item D.6(c): [The Court grants defense’s request for] color copies**
11 **of all photographs of the orange van and its contents, including**
12 **the stained mattress, concrete cinder blocks, metal cans, and**
13 **other items located inside the van taken at the tow yard and MPD**
14 **evidence locker during the examinations and collection of**
15 **evidence from the van.**

16 and

17 **Item D.6(d): [The Court grants defense’s request for]**
18 **photographs depicting the cutting and sampling of the mattress**
19 **fabric at the “covered secured area.”**

20
21 3. I know that our internal storage system for photographs has changed since
22 2002 and 2003. Nonetheless, I have searched Modesto Police Department’s case
23 management system including our electronic and physical files related to MPD case #02-
24 142591 (Scott Peterson) and MPD case #02-142687 (Van Fire in Airport District) for the
25 above item(s).

26 4. There were no photographs as described in Item D.6(c) or Item D.6(d)
27 currently found within the Modesto Police Department’s possession.

1 5. Additionally, I contacted Jessica Hampton, the custodian of records for the
2 Modesto Fire Department and requested Item D.6(c) and Item D.6(d). Ms. Hampton did
3 not locate any of these photographs in the Modesto Fire Department's case management
4 system or in their files related to Modesto Fire Department case #02-19142.

5 6. I declare under penalty of perjury under the laws of the State of California that
6 the foregoing is true and correct, unless stated upon information and belief and then I
7 believe the matter to be true.

8 Executed this 20 day of December 2024, at Modesto, California

9 
10 Heidi Jenkins

1 5. Furthermore, I confirmed the six photos that were depicted in “Attachment
2 **D.6(c) & D.6(d)-DA1**” were the same six photographs that were discovered to the
3 defense in 2016 and published in the Defendant’s Motion for DNA Testing (Pen. Code §
4 1405) filed on January 21, 2024 in San Mateo Superior Court Case #SC055500A. The
5 face page of the defendant’s above-mentioned pleading and the same six-photo array
6 depicted on page 60 of defense’s motion are attached as “Attachment D.6(c) & D.6(d)-
7 **DA2.**”

8 6. “Attachment D.6(c) & D.6(d)-DA1” consisting of 7 pages and
9 “Attachment D.6(c) & D.6(d)-DA2” consisting of 2 pages were copied onto a disc
10 labeled “People’s Discovery re: SC055500A PC §1054.9 Order 10/07/2024.”

11 7. A copy of “People’s Discovery re: SC055500A PC §1054.9 Order
12 **10/07/2024**” will be discovered to the defense in compliance with this court’s order.

13 8. I declare under penalty of perjury under the laws of the State of California that
14 the foregoing is true and correct, unless stated upon information and belief and then I
15 believe the matter to be true.

16 Executed this 4th day of December 2024, at Modesto, California

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19 Victoria Vasquez

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ATTACHMENT D.6(c) & D.6(d)-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

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ATTACHMENT D.6(c) & D.6(d)-DA2

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024
(Total of 2 pages)

EXHIBIT

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EXHIBIT

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1 5. I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct, unless stated upon information and belief and then I
3 believe the matter to be true.

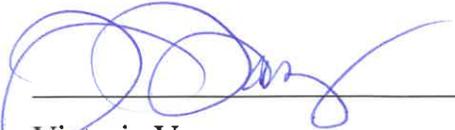
4 Executed this 31 day of December 2024, at Modesto, California

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6 Heidi Jenkins

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1 5. I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct, unless stated upon information and belief and then I
3 believe the matter to be true.

4 Executed this 18th day of November 2024, at Modesto, California

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8 Victoria Vasquez

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EXHIBIT

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DECLARATION OF CUSTODIAN OF RECORDS – E1(B)-MPD

I, Heidi Jenkins, declare as follows:

1. I have been employed with the Modesto Police Department since 2002. My current position is Police Civilian Manager. I also serve as the custodian of records for the Modesto Police Department (MPD).

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

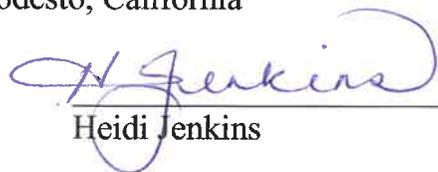
Item E.1(b): [The Court grants the request for] all reports reflecting any interview(s) by Det. Reid or any other officer with Colleen F., who reported to MPD on December 30, 2002 that "on 12/24 between 1000-1030 hrs she was backing out of her driveway when she saw someone that looked like Laci."

3. I have searched for records under Modesto Police Department’s case management system including our files related to MPD case #02-142591 (Scott Peterson) for the above item(s).

4. There were no records as described in Item E.1(b) found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 4 day of December 2024, at Modesto, California


Heidi Jenkins

DECLARATION OF CUSTODIAN OF RECORDS – E1(B)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

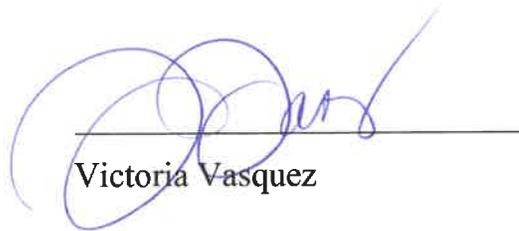
Item E.1(b): [The Court grants the request for] all reports reflecting any interview(s) by Det. Reid or any other officer with Colleen F., who reported to MPD on December 30, 2002 that "on 12/24 between 1000-1030 hrs she was backing out of her driveway when she saw someone that looked like Laci."

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #344998/#1056770 (Scott Lee Peterson) for the above item(s).

4. There were no records as described in Item E.1(b) found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

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EXHIBIT

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EXHIBIT

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EXHIBIT

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1 7. I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct, unless stated upon information and belief and then I
3 believe the matter to be true.

4 Executed this 22nd day of November 2024, at Modesto, California

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6 Victoria Vasquez

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ATTACHMENT G.2(w)-DA1

**Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024
(Total of 8 pages)**

EXHIBIT

33

DECLARATION OF CUSTODIAN OF RECORDS – G2(Z)-DA

I, Victoria Vasquez, declare as follows:

1. I am employed with the Stanislaus County District Attorney’s Office (SCDAO) and serve as a custodian of records for DA case #344998/#1056770.

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

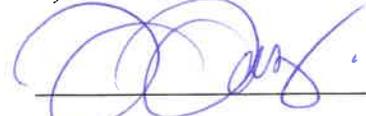
Item G.2(z): [The Court grants the request for the page(s) that has/have a bottom right Bates stamp number(s)] 35088-35089.

3. We have searched the SCDAO’s case management system including physically searching our files related to DA case #344998/#1056770 (Scott Lee Peterson) for the Bates numbers described above.

4. Item G.2(z) was not found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 18th day of November 2024, at Modesto, California


Victoria Vasquez

EXHIBIT

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ATTACHMENT G.2(hh)-DA1

Located on: "People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024"
(Total of 5 pages)

EXHIBIT

35

1 5. I declare under penalty of perjury under the laws of the State of California that
2 the foregoing is true and correct, unless stated upon information and belief and then I
3 believe the matter to be true.

4 Executed this 22nd day of November 2024, at Modesto, California

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7 Victoria Vasquez

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ATTACHMENT G.2(ii)-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 8 pages)

EXHIBIT

36

- 1 l. Bates 43455-43456 = documents dated after March 16, 2005
- 2 m. Bates 43457-43469 = documents dated before March 16, 2005 (13 pages)
- 3 n. Bates 43470-43512 = documents dated after March 16, 2005
- 4 o. Bates 43513-43561 = documents dated before March 16, 2005 (49 pages)
- 5 p. Bates 43562 + = documents dated after March 16, 2005

6 5. Per the court's order, the Bates pages dated after March 16, 2005 have been
7 excluded. The total of 264 pages as described in 4(a.), 4(c.), 4(e.), 4(g.), 4(i.), 4(k.),
8 4(m.), and 4(o.) are hereby referenced as "**Attachment G.2(jj)-DA1.**"

9 6. "**Attachment G.2(jj)-DA1**" was copied onto a disc labeled "**People's**
10 **Discovery re: SCO55500A PC §1054.9 Order 10/07/2024.**"

11 7. A copy of "**People's Discovery re: SCO55500A PC §1054.9 Order**
12 **10/07/2024**" will be discovered to the defense pursuant to the court's order.

13 8. I declare under penalty of perjury under the laws of the State of California that
14 the foregoing is true and correct, unless stated upon information and belief and then I
15 believe the matter to be true.

16 Executed this 22nd day of November 2024, at Modesto, California

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18 Victoria Vasquez

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ATTACHMENT G.2(jj)-DA1

**Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024
(Total of 264 pages)**

EXHIBIT

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DECLARATION OF CUSTODIAN OF RECORDS – H3-MPD 2

I, Kaci Morrison, declare as follows:

1. I have been employed with the Modesto Police Department since 2005. My current position is Police Civilian Supervisor. I also serve as the custodian of records over the Property and Evidence Unit for the Modesto Police Department (MPD).

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SC055500A) concerning the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item H.3: The Court grants the request for any photos or video footage obtained when Ralston suggested "the video camera be used to tape the monitor output" that members of the search team videoed of the ROV aboard the boat.

3. I have physically searched Property and Evidence under MPD case #02-142591 (Scott Peterson) for the items listed above.

4. There was no evidence as described in Item H.3 found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 7 day of November 2024, at Modesto, California.


Kaci Morrison

EXHIBIT

38

1 5. The reports and discovery receipts described in 4(a.)-4(b.) are referred to as
2 **“Attachment I.6-DA1.”**

3 6. **“Attachment I.6-DA1”** was copied onto a disc labeled **“People’s Discovery**
4 **re: SCO55500A PC §1054.9 Order 10/07/2024.”**

5 7. A copy of **“People’s Discovery re: SCO55500A PC §1054.9 Order**
6 **10/07/2024”** will be discovered to the defense.

7 8. I declare under penalty of perjury under the laws of the State of California that
8 the foregoing is true and correct, unless stated upon information and belief and then I
9 believe the matter to be true.

10 Executed this 4th day of December 2024, at Modesto, California

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12 Victoria Vasquez

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ATTACHMENT I.6-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024
(Total of 26 pages)

EXHIBIT

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EXHIBIT

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DECLARATION OF CUSTODIAN OF RECORDS – N1(B)-MPD

I, Heidi Jenkins, declare as follows:

1. I have been employed with the Modesto Police Department since 2002. My current position is Police Civilian Manager. I also serve as the custodian of records for the Modesto Police Department (MPD).

2. I have reviewed San Mateo Superior Court Judge Elizabeth Hill’s decision issued on October 7, 2024 in People v. Scott Lee Peterson (SCO55500A) regarding the Court’s Order on Defendant’s Post-Conviction Discovery Motion Pursuant to Penal Code §1054.9:

Item N.1(b): [The Court grants this request for all audio and video recordings of]... interviews MPD officers, including Det. Craig Grogan, conducted with Mr. Peterson on December 25, 2002, while Mr. Peterson was at the MPD located in various rooms, including interview rooms. This request includes all recordings of the pre-polygraph interview Doug Mansfield conducted or attempted to conduct on that date.

3. I have searched our files related to MPD case #02-142591 (Scott Peterson) for the above item(s).

4. There were no audio or video recordings of Item N.1(b) found.

5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, unless stated upon information and belief and then I believe the matter to be true.

Executed this 4 day of December 2024, at Modesto, California



Heidi Jenkins

EXHIBIT

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1 4. I located three previously discovered police reports related to Item N.1(e) and
2 Item N.1(f). Bates 192-196, 198-200 and 1650-1651 are referred to as “**Attachment**
3 **N.1(e) & N.1(f) – DA1.**” The relevant portions of these reports are summarized below.

- 4 a. Bates 192-196: Detective Craig Grogan’s supplemental report indicated
5 that on January 3, 2003 he conducted an interview with Scott Peterson in an
6 interview room at the Modesto Police Department (MPD). Since the
7 interview room did not have any recording capabilities, the officers
8 attempted to utilize two methods – (1) a video camera and (2) an audio
9 cassette player – to covertly record this interview. Detective Grogan’s
10 report states the audio cassette recording was poor due to a low battery.
11 Furthermore, Detective Grogan’s report states to see his supplemental
12 report for the specific details/content of the interview. After the interview,
13 Grogan was present while biological evidence and photographs were
14 collected from Scott Peterson at MPD pursuant to a search warrant and
15 when Peterson’s blood was collected at Doctor’s Medical Center (DMC).
- 16 b. Bates 198-200: Detective Craig Grogan’s supplemental report provided the
17 specific details of the January 3, 2003 interview that Det. Grogan
18 conducted with Scott Peterson in an interview room at MPD. A hidden
19 camera was used to attempt to capture the interview on VHS 8mm tape and
20 a tape recorder was used with a microphone to try to capture the interview
21 on cassette tape. The report notes that only the video recording was of any
22 quality and that the audio tape cassette recording did not work well.
- 23 c. Bates 1650-1651: Detective J. Buehler’s supplemental report documented
24 the biological evidence collection from Scott Peterson pursuant to a search
25 warrant at MPD and Doctor’s Memorial Center on January 3, 2003. An
26 audio cassette recorder was activated as they drove from MPD to the
27 hospital. However, Detective Buehler’s report states that the road noise
28 and positioning of the recorder in the vehicle made the sound of the
recording difficult to hear.

1 5. Upon searching our records and files further, I found references to one VHS
2 video recording and located one audio cassette related to Item N.1(e) and Item N.1(f).

3 a. V47 (according to the records) is the video recording of the Scott Peterson
4 interview by Det. Grogan on January 3, 2003 at 1620 to 1650 hours while
5 at the Modesto Police Department.

6 b. A234 is an audio cassette tape. One side of this cassette tape contained the
7 attempt to audio record the interview of Scott Peterson by Det. Grogan on
8 January 3, 2003 at 1620 to 1650 hours while at the Modesto Police
9 Department. The other side of the audio cassette tape was MPD's attempt
10 to audio record Scott Peterson in the car while they drove from MPD to
11 Doctors Medical Center.

12 6. Both V47 and A234 were previously discovered to the defense on January 13,
13 2004 and Peterson's attorney Pat Harris signed for these recordings on January 14, 2004.
14 "**Attachment N.1(e) & N.1(f) – DA2**" is a copy of the signed Discovery Request and
15 Record pertaining to Item N.1(e) and Item N.1(f).

16 7. Consistent with the trial record, V47 was marked as People's Exhibit 266 and
17 admitted as an exhibit during the jury trial. Attached are two photographs of the VHS
18 8mm video tape marked as People's Exhibit 266. These two photos are referred to as
19 "**Attachment N.1(e) & N.1(f) – DA3.**" I have confirmed that V47 is no longer in our
20 possession.

21 8. As for A234, we have made a replacement copy of the two audio recordings
22 found on this audio cassette and placed it on a disc labeled "**A234 – 1054.9 COPY OF
23 SCOTT PETERSON INTERVIEW ON 01/03/03 (1620-1650) BY MPD DET.
24 GROGAN.**"

25 9. "**Attachment N.1(e) & N.1(f) – DA1,**" "**Attachment N.1(e) &
26 N.1(f) – DA2**" and "**Attachment N.1(e) & N.1(f) – DA3**" were copied onto a disc
27 labeled "**People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024.**"

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1 10. A copy of “People’s Discovery re: SCO55500A PC §1054.9 Order
2 **10/07/2024**” and “A234 – 1054.9 COPY OF SCOTT PETERSON INTERVIEW ON
3 **01/03/03 (1620-1650) BY MPD DET. GROGAN**” will be rediscovered to the defense.

4 11. I declare under penalty of perjury under the laws of the State of California that
5 the foregoing is true and correct, unless stated upon information and belief and then I
6 believe the matter to be true.

7 Executed this 4th day of December 2024, at Modesto, California

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ATTACHMENT N.1(e) & N.1(f)-DA1

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024

(Total of 10 pages)

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ATTACHMENT N.1(e) & N.1(f)-DA2

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ATTACHMENT N.1(e) & N.1(f)-DA3

Located on: People's Discovery re: SCO55500A PC §1054.9 Order 10/07/2024
(Total of 2 pages)

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ITEMS N.1(e) & N.1(f)

Replacement Copy of Audio Recording #A234

**Located on DVD-R: "A234 – 1054.9 COPY OF SCOTT PETERSON INTERVIEW
ON 01/03/03 (1620-1650) BY MPD DET. GROGAN"**

(Total 1 DVD-R)

DECLARATION OF SERVICE

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STATE OF CALIFORNIA)

COUNTY OF STANISLAUS)

I, the undersigned, declare as follows:

That I am over the age of 18 years and am not a party to this action and I am employed by the Stanislaus County District Attorney’s Office, 832 12th Street, Suite 300, Modesto, California.

That I served a copy of the **People’s Brief re Compliance with Court’s PC §1054.9 Order** on January 5th, 2025 by overnight mail and electronic service:

Paula Mitchell
Los Angeles Innocence Project
Attorney for Scott Peterson
1800 Paseo Rancho Castilla
Los Angeles, CA 90032

Paula.Mitchell@InnocenceLA.org

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of January 2025, at San Mateo, California.



Declarant

Case No. SC055500A
People v. Peterson
Dept. 12