



# Office of the District Attorney Stanislaus County

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## PRESS RELEASE

### For Immediate Release

Date: December 20, 2022  
Re: Judge upholds Peterson conviction

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**Modesto, California** - Stanislaus County District Attorney Birgit Fladager announced today that San Francisco Superior Court Judge Anne-Christine Massullo has rejected convicted murderer Scott Peterson's petition for habeas corpus; he will now serve out his previously imposed sentence of "life without parole" for the murders of his wife, Laci Peterson, and their unborn child, Conner, whom he reported missing on Christmas Eve 2002.

Judge Massullo was appointed by the California Supreme Court on November 5, 2020 to preside over an evidentiary hearing in San Mateo County—where the trial was originally held following a change of venue due to pretrial publicity-- to determine whether juror misconduct had occurred during the trial of Peterson as claimed by the defense.

After several court hearings and a multi-day evidentiary hearing in San Mateo County in 2022, Judge Massullo found that Peterson had not met the legal threshold for relief under habeas corpus and, instead, found that the juror in question was credible and her nondisclosures were honest mistakes.

Judge Massullo was exceptionally thorough and eminently fair to both sides throughout the proceedings. Laci's family, friends and the citizens of Stanislaus County are very grateful to her for her professionalism and consideration during this difficult process.

Sharon Rocha offered the following statement:

"On behalf of Laci's family and friends, we are grateful for all the hard work and long hours the District Attorney's office spent on prosecuting this case and addressing the appellate and habeas corpus issues. We especially want to thank District Attorney Birgit Fladager, Special Assistant Attorney Dave Harris, Deputy District Attorney Victoria Vasquez and Detective Craig Grogan. We are thankful for the judge's decision that confirms Scott DID receive a fair trial. We appreciate Juror No. 7 for her courage and honesty during this process. No juror should have to go through what she endured. A special thank you to EVERYONE involved in this case. Laci and Conner are with us every day. We love you."

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District Attorney Birgit Fladager and former Assistant District Attorney Dave Harris expressed gratitude to Juror No. 7 who now stands vindicated after years of accusations that she was biased against Peterson and had lied to get on the jury in order to convict him. She showed real courage and tenacity as she took the witness stand to face her accuser in the same courthouse where she had served for seven months on the jury that convicted Peterson.

In a 1999 capital murder case where a claim of juror misconduct was ultimately rejected, California Supreme Court Justice Chin offered comments that remain true today:

Petitioner then filed this petition for writ of habeas corpus accusing (a juror) of committing serious misconduct at the trial 12 years earlier. Due to these allegations, we issued an order to show cause and ordered an evidentiary hearing. At the age of 79, and 15 years after she believed her jury service had concluded, the accused juror was forced to defend herself at a new trial in which she was, in effect, the defendant. She had to testify and subject herself to cross-examination about events of long ago and about the declaration she signed at petitioner's behest. Several other jurors also had to testify to defend against the charges.

At the hearing, the allegations were proven unfounded. Today, more than 16 years after trial, and after a lengthy and expensive evidentiary hearing, this court exonerates the accused juror, now an octogenarian. But at what cost to the criminal justice system and to citizens called on to perform one of the most onerous of civic duties?

...Jurors are not paid enough for their service to have to relive that service and defend themselves against unfounded accusations years after trial.

...Obviously, there must be a mechanism for redress on those rare occasions when the jury system has indeed gone awry, and actual misconduct taints the verdict. But fishing expeditions by litigants who lost at trial must not transform the quest for misconduct claims into the witch-hunts of the next millennium. ...But perhaps the time has come for the Legislature to enact a comprehensive "Juror Bill of Rights" designed to protect jurors from intrusive tactics while at the same time permitting reasonable means to expose the occasional genuine case of jury misconduct.

...There may be many ways to achieve a proper balance between conflicting policies. But this case strongly suggests that jurors need more protection than they currently have.

*(In re Hamilton (1999) 20 Cal.4th 1083A, 307–309*

The family and friends of Laci have endured what only those who have lost someone to an act of senseless murder can ever begin to know. It has taken 20 years to reach this point and we hope that Judge Massullo's decision will finally bring them some measure of closure. Meanwhile, not a day has gone by that Laci's family and friends have not thought of her and Conner and missed them with all their hearts. We as a community share in their loss.

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