



# Office of the District Attorney Stanislaus County

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## PRESS RELEASE

### For Immediate Release

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Wendell Emerson, Public Information Liaison

Re: Update on Scott Peterson's Post-Conviction Motions  
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Modesto, California - Stanislaus County District Attorney Jeff Laugero announces an update in defendant Scott Peterson's most recent efforts at post-conviction relief.

In late December 2002, the defendant murdered his wife Laci Denise Peterson who was then eight months pregnant with their child Conner. Laci's family reported her missing on Christmas Eve and they searched tirelessly for Laci and Conner for the next 116 days. The week of Easter 2003 on April 14th, Laci's remains washed ashore in the San Francisco Bay just north of the Berkeley Marina. Conner had been found nearby the day before. Peterson was arrested on April 18, 2003 and charged with their murders with a multiple murder special circumstance.

During a five-month-long jury trial, the jury heard and rejected Peterson's claim of third-party culpability in which he blamed Laci's and Conner's deaths on the Medina burglars, satanic cults and others. Scott Peterson was convicted of two counts of murder on November 12, 2004. For more information regarding the facts of the case and the evidence the jury heard, see the two Statements of Facts contained in the People's Opposition to DNA Testing and the People's Opposition to Post-Conviction Discovery.

[People's Opposition to DNA Testing.pdf](#)

[People's Opposition to PostConv  
Discovery.pdf](#)

The defendant filed a Motion for a New Trial which was litigated and denied in 2005. Subsequently, Peterson's automatic appeal began on March 16, 2005. In pleadings filed on July 5, 2012, he argued that a wrongful conviction was obtained based on purported sightings of Laci, the "Medina burglary," poor investigation and the denial of his motion for a new trial based on the "Aponte tip."

In 2011, Peterson filed his first Motion for Post-Conviction Discovery which was litigated in 2011 through 2012.

In 2013, Peterson filed his first Post-Conviction DNA motion seeking to test a hair found on duct tape adhering to Laci's clothing and a second hair found on Laci's remains both of which had been submerged in the San Francisco Bay's salt water for nearly four months. As expected, the results indicated that the body hairs were consistent with Laci's DNA.

Peterson filed his first Habeas Corpus petition in 2015. In 2016, Peterson's habeas corpus counsel informally requested additional discovery involving an arson of an orange van. The People provided Peterson with supplemental reports and color photos in 2016.

Subsequently, Peterson wanted to further explore his third-party culpability theory that the person(s) who stole the orange van from a business in Ceres and later set it on fire on December 25, 2002 was/were somehow involved in kidnapping Laci. Although the arson and theft of the van were completely unrelated to Laci's murder investigation, the Attorney General and the District Attorney, hoping to spare Laci's family from further litigation and harassment, agreed to limited DNA testing of apparent stains on a dirty mattress in the van. Peterson's then-counsel recognized that if a genetic profile were developed and if it were male, then testing would cease as there is no reasonable argument that the van had any rational connection to Laci's disappearance. On the other hand, if the genetic profile were female, the parties agreed that further testing would be done to determine if it matched Laci. Per the report dated September 20, 2019 (and on file with the court), the results of the genetic profile were male.

In August 2020, the California Supreme Court unanimously affirmed Peterson's guilt. The Court found in addition to the trailing dog evidence that, "*there was considerable other circumstantial evidence incriminating Peterson.*" (See *People v. Peterson* (2020) 10 Cal.5th 409, 417.) The Court's opinion included a summary of this massive amount of evidence against Peterson. The defendant appealed this decision to the U.S. Supreme Court which denied review.

On April 19, 2023, Peterson filed another Petition for a Writ of Habeas Corpus in the California Court of Appeal, First Appellate District, Case No. A167615, reasserting many of the same state and federal constitutional violations raised in his prior appeal and habeas petition. In November 2023, a new attorney substituted in to represent Peterson in his second pending habeas proceeding. The following day, defense requested that the Court of Appeal suspend that proceeding. The Court of Appeal granted the request on December 1, 2023.

On January 17, 2024, Peterson filed simultaneous motions for post-conviction DNA testing pursuant to Penal Code §1405 and for post-conviction discovery pursuant to Penal Code §1054.9 in the San Mateo Superior Court, case SC055500A. This was Peterson's second post-conviction discovery motion and his third request for post-conviction DNA testing. **These two statutes do not limit the number of times a defendant who has been sentenced to life without parole can make these requests.**

In Peterson's most recent Post-Conviction DNA Motion, the defendant wanted 14 different items tested. On May 29, 2024, the court granted only one item and denied the rest. The court ordered DNA testing on the 15.5-inch piece of duct tape that was adhered to Laci's clothing when she washed ashore in the San Francisco Bay on April 14, 2003. After further litigation, the parties

agreed on a laboratory to conduct the testing and the court issued its order. The testing has been completed. The People have complied with the court order and the analysis results were submitted to the court under seal. In compliance with the spirit of the order, the People will not make any further comments regarding the DNA testing. Please refer to the court's minute order for details.

[San Mateo County Superior Court Minute Order re Post Conviction DNA 05.29.24.pdf](#)

In the Post-Conviction Discovery Motion, Peterson made over 600 different demands for various items of discovery. On July 15 and 16, 2024, the court heard arguments and took the matter under submission. During the hearing, the court also listened to a Marsy's Law statement from Sharon Rocha, Laci's mother and Conner's grandmother. Ms. Rocha asked the court, "when will this end?"

[Marsy's Law Statement of Sharon Rocha.pdf](#)

On October 7, 2024, the Honorable Judge Elizabeth M. Hill issued the Post-Conviction Discovery Order granting approximately 45 items and denying the remainder. The court noted that, for the People to comply with its order, the requested materials must actually exist and currently be in the possession of the prosecution and law enforcement authorities. As stated in the Order, many of the items are replacements for items the defense has lost over the years but were possessed by the defendant's original trial attorneys. Please refer to the court's order for details.

[San Mateo County Superior Court Order re Post Conviction Discovery 10.07.24.pdf](#)

October is Domestic Violence Awareness month. For more information and resources. please visit our website at [www.stanislaus-da.org/domestic-violence.shtm](http://www.stanislaus-da.org/domestic-violence.shtm)

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