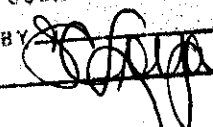


1 JAMES C. BRAZELTON
District Attorney
2 Stanislaus County
Courthouse
3 Modesto, California
Telephone: 525-5550
4 Attorney for Plaintiff
5
6
7

FILED
04 JAN -9 PM 3:29
CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
BY  DEPUTY

8 STANISLAUS COUNTY SUPERIOR COURT
9 STATE OF CALIFORNIA
-----oOo-----

10 D.A. No. 1056770
11 THE PEOPLE OF THE STATE OF CALIFORNIA) No. 1056770
12)
13 Plaintiff,) PENAL CODE SECTION
14) 190.3 NOTICE
15 vs.) REGARDING
16) AGGRAVATING EVIDENCE
17 SCOTT LEE PETERSON,)
18)
19 Defendant.)
-----oOo-----

20 NOTICE IS HEREBY GIVEN of evidence in aggravation of penalty
21 in compliance with Section 190.3 of the California Penal Code.

22 NOTICE IS GIVEN that this document is not a final notice and
23 that the People reserve the right to tender further notice which
24 may be necessitated by the results of continued investigation of
25 the evidence in aggravation.

26 NOTICE IS GIVEN that the evidence in aggravation which the
27 People intend to introduce and rely upon during the penalty phase
28 of this prosecution includes the following:

//

I
EVIDENCE IN PROOF OF THE CIRCUMSTANCES OF THE
OFFENSE AND SPECIAL CIRCUMSTANCE CHARGED

Evidence in proof of the offense and special circumstance alleged in Count One of the information will include, but will not be limited to the following:

1. The circumstances of the crime as proven throughout the trial;

2. The fact that Laci Peterson was pregnant with a son, Conner Peterson, the estimated age of the fetus, and the condition of the fetus as of the last doctor's appointment (police reports);

3. The fact that Laci Peterson was far into her pregnancy, and that she had reached a point where she tired easily, made her especially vulnerable to an unexpected attack from the defendant (police reports);

4. The fact that defendant withheld knowledge from distraught family members of the fate of Laci and Conner Peterson and the physical location of their bodies during the several-month search (police reports);

5. Motive and premeditation evidence showing that defendant pre-planned these murders and was preparing to flee (police reports);

6. The impact that Laci and Conner Peterson's murders had on their immediate family members and the local community. The People intend to introduce an edited portion of the memorial service that was held shortly after the bodies were found and to which the public was invited for the purpose of further illustrating the impact on family members and the community.

II

1
2
3 PLEASE BE ADVISED that the People are continuing to
4 investigate the factors in aggravation and other aspects of the
5 defendant's background. The People will provide the defendant with
6 the names and addresses of witnesses, statements of witnesses,
7 incident reports, and any other pertinent information upon
8 acquisition. If any evidence in aggravation other than that
9 identified above is discovered before trial, the People will
10 transmit a supplemental notice to the defendant.

11 Dated this 9th day of January, 2003, at Modesto, California.
12

13 Respectfully submitted,
14

15 JAMES C. BRAZELTON
16 District Attorney

17 

18 Rick Distaso
19 Deputy District Attorney
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Confirmation Report - Memory Send

Page : 001
Date & Time: Jan-09-04 15:22
Line 1 : 209 525 5545
Line 2 :
Machine ID : Stanislaus Co DA

Job number : 083
Date : Jan-09 15:19
To : 912136251600
Number of pages : 004
Start time : Jan-09 15:19
End time : Jan-09 15:22
Pages sent : 004
Status : OK

Job number : 083

*** SEND SUCCESSFUL ***

OFFICE OF JAMES C. BRAZELTON
District Attorney
D I S T R I C T A T T O R N E Y
Court House
P.O. Box 442 Modesto, California 95353
Tel. (209) 525-5550

FACSIMILE COVER SHEET

FAX NO: (209) 525-5545

Date: January 9, 2004

SEND TO: Law Office
OFFICE TELEPHONE NO: (213) 625-3900
FAX TELEPHONE NO: (213) 625-1600

ATTN: Mark Geragos
NO. OF PAGES 4

If you have any problems with this transmission, please call
(209) 525-5550 immediately.

SENDER'S NAME:

OFFICE PHONE NO: (209) 525-5550

DEPARTMENT NAME: DA

COMMENTS: People v. Scott Lee Peterson, No. 1056770

SENT BY: D. Hill

DATE: 1/9/04

TIME: 3:30 P.M.

AFFIDAVIT OF SERVICE BY FAX

STATE OF CALIFORNIA)
(ss.
COUNTY OF STANISLAUS)

I, the undersigned, say:

I was at the time of service of the attached PENAL CODE SECTION 190.3 NOTICE REGARDING AGGRAVATING EVIDENCE the age of eighteen years. I served by fax a copy of the above-entitled document(s) on the 9th day of January, 2004, delivering a copy thereof to the office(s) of:

Mark Geragos
Attorney for Defendant
Fax No. (213)625-1600

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

Executed this 9th day of January, 2004, at Modesto, California.

D. Hill

dmh