

1 JAMES C. BRAZELTON  
District Attorney  
2 Stanislaus County  
Courthouse  
3 Modesto, California  
Telephone: 525-5550  
4 Attorney for Plaintiff  
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FILED  
03 MAY 29 PM 2:36

CLERK OF THE SUPERIOR COURT  
COUNTY OF STANISLAUS  
*[Signature]*  
DEPUTY

8 STANISLAUS COUNTY SUPERIOR COURT  
9 STATE OF CALIFORNIA  
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10 D.A. No.1056770

11 THE PEOPLE OF THE STATE OF CALIFORNIA )

No.1056770

12 Plaintiff, )

) NOTICE OF MOTION;  
) MOTION TO RELEASE

13 vs. )

) AUTOPSY REPORTS;

) POINTS AND

) AUTHORITIES IN

) SUPPORT, ORDER

14 SCOTT LEE PETERSON, )

) SHORTENING TIME

15 Defendant. )

) Hrg: 6-3-03

) Time: 8:30 a.m.

) Dept: 2 / 8

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19 Comes now the People of the State of California to submit  
20 the following MOTION IN SUPPORT OF RELEASE OF AUTOPSY REPORTS:

21 **FACTS**

22 By Stipulation dated May 15, 2003 both the Defense and the  
23 People agreed to conditionally seal the autopsy reports pending a  
24 hearing set for May 27<sup>th</sup>. At the hearing on May 27<sup>th</sup>, both the  
25 defense and the People argued that the autopsy documents should  
26 remain sealed. The court indicated, in a tentative decision, that  
27 the documents would remain sealed until the preliminary hearing.  
28 The court did not change the stipulated order of May 15, 2003

1 which prohibited either side from releasing or disclosing any  
2 information contained in the autopsy reports without further  
3 order of the court. (See attached Order.)

4 On this date, May 29, 2003, the media began reporting that  
5 they have obtained a copy of the coroner's report and are  
6 reporting information that is claimed to be in the report. The  
7 People have stringent controls in place maintaining the secrecy  
8 of the autopsy reports that it possesses in this case, and have  
9 not released a copy to the media. The People have not even  
10 released a copy to the Modesto Police Department or the victim's  
11 family due to the court's order.

12 **ARGUMENT**

13 **1. The People withdraw their opposition to release.**

14 The People have opposed the release of the autopsy  
15 reports to protect the defendant's right to a fair trial. The  
16 defense failed to file any opposition on the defendant's behalf,  
17 and merely joined the People's opposition. The People hereby  
18 withdraw their opposition, only as it relates to the autopsy  
19 reports. The information being leaked has clearly been skewed in  
20 favor of the defense so the People cannot see why the autopsy  
21 documents should not be released.

22 **2. The People have the right to correct inaccurate information.**

23 California Rule of Professional Responsibility 5-120(C)  
24 states:

25 "Notwithstanding paragraph (A), a member may make a  
26 statement that a reasonable member would believe is required  
27 to protect a client from the substantial undue prejudicial  
28 effect of recent publicity not initiated by the member or  
the member's client. A statement made pursuant to this  
paragraph shall be limited to such information as is

1 necessary to mitigate the recent adverse publicity."

2 The People believe that releasing the autopsy reports will  
3 protect its client, namely the People of the State of California.  
4 By releasing the autopsy reports the court will allow the media  
5 to see what the actual facts are and then accurate information  
6 may be reported to mitigate recent adverse publicity.

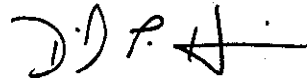
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8 **Conclusion**

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10 For all of the above-cited reasons, the People request the  
11 court to release the autopsy reports in this case.

12  
13 Dated: May 29, 2003

14 Respectfully submitted,

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16 JAMES C. BRAZELTON  
17 District Attorney

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20 By:

21 David P. Harris  
22 Deputy District Attorney  
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JAMES C. BRAZELTON  
District Attorney  
Stanislaus County  
Courthouse  
Modesto, California  
Telephone: 525-5550  
  
Attorney for Petitioner

FILED  
03 MAY 15 AM 9:36  
SUPERIOR COURT  
COUNTY OF STANISLAUS  
BY J. J. [Signature]  
DEPUTY

SUPERIOR COURT, STATE OF CALIFORNIA  
COUNTY OF STANISLAUS

D.A. Number  
THE PEOPLE OF THE STATE OF CALIFORNIA

) No. 1056770

Petitioner,

) STIPULATION AND ORDER FOR  
) SEALING OF CORONER'S REPORTS,  
) and RELEASE OF CORONER'S  
) REPORTS UNDER SEAL;  
) CONDITIONAL SEALING OF  
) CONTRA COSTA REPORTS

vs.

SCOTT LEE PETERSON

Defendant,

) Hearing: 5/27/03  
) Time: 8:30 a.m.  
) Dept. 8


The parties are informed and believe that within the next few days the Contra Costa Coroner's Office will complete reports that relate to this case. These reports are not available to either party at this time. The parties are also informed and believe that Contra Costa County intends to make these records available to the public as soon as they are provided to the Modesto Police Department. The People have made a request to Contra Costa County not to release these reports at such time but to wait until further investigation can be completed. Contra Costa County has refused the People's request.


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STIPULATION AND ORDER

The parties stipulate that the Contra Costa Coroner's reports, which include autopsy, lab and toxicology reports are exempt from Public disclosure under the California Public Records Act, Government Code §§6254(c) and 6254(f). Said reports should be sealed conditionally by the Court pending a hearing on May 27<sup>th</sup>, 2003. Having the court seal these records will allow both parties to prepare this case. The parties incorporate by reference all of the declarations and arguments previously submitted to the court to seal search warrant materials under this case number. The parties also stipulate that the Court should release copies of the above documents once they become available, to each party and order that neither party shall release, convey, or disclose any of the information contained therein without further order of the Court.

  
Kirk McAllister  
Attorney for the Defendant

  
Rick Distaso  
Deputy District Attorney

ORDER

The Court hereby orders that the Contra Costa Coroner's Office shall not release any reports involving Laci Peterson or baby Conner Peterson to any person, agency or entity, except to the Stanislaus County District Attorney who shall make copies available to the defense, retain one copy and submit the original conditionally under seal to this court pending further hearing on May 27, 2003. It is also ordered that the parties shall not release, convey, or disclose any of the information contained therein without further order of the Court.

DATED: May 15, 2003

  
JUDGE OF THE SUPERIOR COURT

1 JAMES C. BRAZELTON  
District Attorney  
2 Stanislaus County  
Courthouse  
3 Modesto, California  
Telephone: 525-5550  
4 Attorney for Plaintiff  
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7 STANISLAUS COUNTY SUPERIOR COURT  
8 STATE OF CALIFORNIA  
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10 D.A. No.1056770

11 THE PEOPLE OF THE STATE OF CALIFORNIA )

No.1056770

12 Plaintiff, )

) DECLARATION OF  
) David P. Harris  
) REQUESTING ORDER  
) SHORTENING TIME;  
) ORDER

13 vs. )

14 SCOTT LEE PETERSON, )

15 Defendant. )

) Hrg: 6-3-03  
) Time: 8:30 a.m.  
) Dept: 2 / 8

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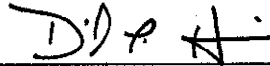
19 I, David P. Harris, declare as follows:

20 I am a Deputy District Attorney, and I am licensed to practice  
21 in all courts of the State of California. I am the attorney of  
22 record for the plaintiff in this case. Prior to seeking this order  
23 I advised the defense of my intent to see the judge ex parte to  
24 grant the order shortening time so that this matter may be heard on  
25 June 3, 2003 which is the next court date that all of the parties  
26 to this matter will be present in court.  
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1 An order shortening time is required so that this motion may  
2 be heard at the same time as the next appearance when all of the  
3 parties to this matter will be in court.

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

6 Dated: May 29, 2003

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9 \_\_\_\_\_  
10 David P. Harris

11 ORDER

12 Good cause appearing, IT IS ORDERED that the time for service  
13 of the attached NOTICE OF MOTION FOR RELEASE OF AUTOPSY REPORTS is  
14 shortened so that the same may be served on defendant's counsel not  
15 later than 4:00P.M. today, in person or by fax and filed forthwith.

16 *Hearing will be on June 6, 2003 at 8:30AM in Dept 2.*  
Dated this 29th day of May, 2003.

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19 \_\_\_\_\_  
20 JUDGE OF THE SUPERIOR COURT