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CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY Andy Arlt DEPUT

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8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS**

9
10 **THE PEOPLE OF THE STATE**
11 **OF CALIFORNIA,**

No. 1056770

12 v.

**CONTRA COSTA COUNTY
SHERIFF-CORONER OFFICE'S
RESPONSE TO THE PEOPLE'S
MOTION TO RELEASE
AUTOPSY REPORTS**

13
14 **SCOTT LEE PETERSON,**
15 **Defendant.**
16

Date: June 6, 2003
Time: 8:30 a.m.
Dept: 2

17 The Contra Costa County Sheriff-Coroner's Office ("Sheriff-Coroner")¹ responds as
18 follows to the People's motion to release autopsy reports.

19 **INTRODUCTION**

20 The Sheriff-Coroner defers to the Court's judgment about whether to seal or unseal
21 coroner records. However, in conjunction with the People's motion, the Sheriff-Coroner
22 requests that the Court issue an order that:

- 23 1. Specifically describes which coroner records are to be
24 sealed or unsealed.
25 2. Authorizes the Sheriff-Coroner, despite any sealing order,
26

27 ¹ The duties of sheriff and coroner are consolidated in Contra Costa County. See Gov. Code, §
28 24300. Within the Contra Costa County Sheriff-Coroner's Office, the Coroner's Division, the Forensic
Services Division (Criminalistics Laboratory), and the Marine Patrol have been involved in this case.

1 to share investigative reports and information with the
2 Stanislaus County District Attorney and other law
3 enforcement agencies involved in the investigation in this
4 case.

5 3. Permits the Sheriff-Coroner to file a death certificate as to
6 Laci Peterson and a fetal death certificate as to Connor
7 Peterson.

8 4. Redacts the home addresses and telephone numbers of
9 witnesses and next of kin set forth in parts of coroner
10 records, if such parts are to be unsealed.

11 5. Prohibits the public disclosure of coroner photographs
12 (including negatives, prints, copies, and reproductions of
13 the same) except pursuant to procedures set forth in Code
14 of Civil Procedure section 129.

15 BACKGROUND

16 On May 15, 2003, the Court ordered "that the Contra Costa Coroner's Office shall not
17 release any reports involving Laci Peterson or baby Conner Peterson to any person, agency or
18 entity, except to the Stanislaus County District Attorney . . . pending further hearing on May 27,
19 2003."²

20 On May 30, 2003, the Court ruled that the "Autopsy reports of Laci and Conner
21 Peterson" were to be "sealed in their entirety," that "the prior orders remain in effect," and that
22 "all of these documents now in the possession of the Prosecution and Defense shall not be
23 released, conveyed, or disclosed to anyone outside of their respective trial teams without further
24 order of the Court."³

25
26 _____
27 ² STIPULATION AND ORDER FOR SEALING OF CORONER'S REPORTS and RELEASE OF CORONER'S
28 REPORTS UNDER SEAL; CONDITIONAL SEALING OF CONTRA COSTA REPORTS, p. 2, filed May 15, 2003.

³ Court's Minute Order, May 30, 2003.

1 The People's motion to release autopsy reports only seeks the release of reports of
2 autopsy, and not other Sheriff-Coroner reports.

3 **THE SHERIFF-CORONER REQUESTS A COURT ORDER**
4 **THAT SPECIFICALLY DESCRIBES WHICH CORONER RECORDS**
5 **ARE TO BE SEALED OR UNSEALED**

6 Coroner reports of the Sheriff-Coroner are organized in a certain way. The "Coroner's
7 Report" is the cover document that describes the steps taken in the coroner case. Attached to the
8 Coroner's Report may be coroner's findings, reports of autopsy, reports of toxicology
9 examinations, associated forensic reports, and physical evidence examination reports. Coroner
10 photographs also may exist. To ensure that the Court's intent is understood and carried out, it is
11 important that any order sealing or unsealing coroner records accurately describe which parts of
12 coroner records are subject to the order.

13 **THE SHERIFF-CORONER REQUESTS A COURT ORDER**
14 **THAT EXPRESSLY ALLOWS THE SHERIFF-CORONER**
15 **TO SHARE INVESTIGATIVE RECORDS AND INFORMATION**
16 **WITH INVOLVED LAW ENFORCEMENT AGENCIES**

17 To ensure that no Court order sealing or unsealing coroner records precludes the Sheriff-
18 Coroner from sharing investigative records and information with involved law enforcement
19 agencies, the Sheriff-Coroner requests that the Court issue an order expressly allowing the
20 Sheriff-Coroner to so share such records and information. Otherwise the Court's May 15, 2003
21 and May 30, 2003 orders could be interpreted as prohibiting the Sheriff-Coroner from so sharing
22 such records and information.

23 **THE SHERIFF-CORONER REQUESTS A COURT ORDER**
24 **THAT EXPRESSLY ALLOWS THE SHERIFF-CORONER**
25 **TO FILE DEATH CERTIFICATES**

26 The Sheriff-Coroner requests that the Court issue an order expressly authorizing the
27 Sheriff-Coroner to file a death certificate as to Laci Peterson and a fetal death certificate as to
28 Connor Peterson. (Health & Saf. Code, §§ 102775 & 102950.) Otherwise, the Court's May 15,
2003 and May 30, 2003 orders could be interpreted as prohibiting the Sheriff-Coroner from filing
such death certificates, because the filing of the death certificates requires that the manner and
cause of death be disclosed. That information is derived from coroner records.

1 **IF THE COURT UNSEALS CORONER RECORDS,**
2 **PERSONAL INFORMATION ABOUT WITNESSES**
3 **AND NEXT OF KIN SHOULD BE REDACTED**

4 If the Court orders that coroner records be unsealed, the home addresses and telephone
5 numbers of witnesses and next of kin should be redacted. Considering the widespread publicity
6 in this case, such witnesses and next of kin likely have protected pretrial privacy interests in such
7 information. (Cal. Const., art. I, § 1.)

8 **THE COURT SHOULD ONLY UNSEAL**
9 **CORONER PHOTOGRAPHS PURSUANT TO**
10 **STATUTORY PROCEDURES**

11 If the Court orders that coroner records be unsealed, coroner photographs (including
12 negatives, prints, copies, and reproductions of the same) should only be unsealed pursuant to a
13 Court order issued in accord with the procedures set forth in Code of Civil Procedure section
14 129.⁴

15 Dated: June 3, 2003

16 Respectfully submitted,

17 Silvano B. Marchesi
18 County Counsel

19 *Kevin T. Kerr*

20 By: Kevin T. Kerr
21 Deputy County Counsel

22 Attorneys for the Contra Costa County
23 Sheriff-Coroner's Office

24 ⁴ Section 129 states in pertinent part that

25 "Notwithstanding any other provision of law, no copy, reproduction, or
26 facsimile of any kind shall be made of any photograph, negative, or
27 print, including instant photographs and video tapes, of the body, or any
28 portion of the body, of a deceased person, taken by or for the coroner at
the scene of death or in the course of a post mortem examination or
autopsy made by or caused to be made by the coroner, except for use in
a criminal action or proceeding in this state which relates to the death of
that person, or except as a court of this state permits, by order after good
cause has been shown and after written notification of the request for the
court order has been served, at least five days before the order is made,
upon the district attorney of the county in which the post mortem
examination or autopsy has been made or caused to be made."

PROOF OF SERVICE BY FACSIMILE AND BY MAIL

(Code Civ. Proc., §§ 1012, 1013a, 2015.5; Fed. Rules Civ. Proc., rule 5(b).)

Re: THE PEOPLE OF THE STATE OF CALIFORNIA V. SCOTT LEE PETERSON
No. 1056770

I declare that my business address is the County Counsel's Office of Contra Costa County, Administration Building, P.O. Box 69, Martinez, California 94553; that I am a citizen of the United States, over 18 years of age, employed by the County of Contra Costa and not a party to the within action; and, that I am readily familiar with the County Counsel's office business practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of the County Counsel's office business practice the document described below will be deposited with the United States Postal Service on the same date that it is sealed and placed at the County Counsel's office with fully prepaid postage thereon.

I further declare that I served a true copy of the attached

CONTRA COSTA COUNTY SHERIFF-CORONER OFFICE'S RESPONSE TO THE PEOPLE'S
MOTION TO RELEASE AUTOPSY REPORTS

by transmitting by facsimile and by placing said copy in an envelope(s) addressed as follows:

David Harris, Deputy District Attorney
Rick Distaso, Deputy District Attorney
Stanislaus County District Attorney's Office
Courthouse
800 11th Street, Room 200
Modesto, CA 95354
Fax (209) 525-5545

Kirk McAllister, Esq
McAllister & McAllister
1012 11th Street, No. 100
Modesto, CA 95354
Fax (209) 575-0240

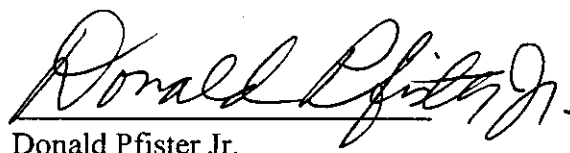
Mark Geragos, Esq.
Geragos & Geragos
350 S. Grand Avenue, No. 3900
Los Angeles, CA 90071-3480
Fax (213) 625-1600

Charity Kenyon, Esq.
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2500 Venture Oaks Way, Suite 220
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which place(s) has(have) mail service, which envelope(s) was(were) then sealed, postage fully prepaid thereon, and deposited today for mailing either by directly depositing said envelope in the United States Mail or by following ordinary business practices of the County Counsel's office for collection for processing in the United States Mail at Martinez/Concord, Contra Costa County, California.

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

Executed at Martinez, California on June 3, 2003.

A handwritten signature in cursive script, appearing to read "Donald Pfister Jr.", written over a horizontal line.

Donald Pfister Jr.

PROOF OF SERVICE BY FACSIMILE AND BY MAIL