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GERAGOS & GERAGOS

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FILED  
03 JUN 16 PM 3:03  
SUPERIOR COURT  
COUNTY OF STANISLAUS  
BY *Amelia* DEPUTY

**FILED BY FAX**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

SCOTT LEE PETERSON,

Defendant.

Case No. 1056770

DEFENDANT'S  
SUPPLEMENTATION TO MOTION  
FOR SETTING OF A HEARING ON  
OSC RE CONTEMPT OF COURT BY  
GLORIA ALLRED

DATE: June 26, 2003  
TIME: 8:30 a.m.  
PLACE: Dept. 2

TO: STANISLAUS COUNTY DISTRICT ATTORNEY; and

TO: CLERK OF THE ABOVE-ENTITLED COURT:

Scott Lee Peterson hereby supplements his Motion for an OSC re contempt of court by Attorney Gloria Allred.

///

///

///

JUN 16 2003

1           **FACTS BEARING UPON ATTORNEY GLORIA ALLRED'S CONTINUED**  
2                           **MOCKERY OF THE COURT AND THE PRESUMPTION OF**  
3   **MR. PETERSON'S INNOCENCE**

4  
5   *"I think this is an attempt to silence me."*

6  
7                           --Attorney Gloria Allred referring to Mr. Peterson's Motion  
8                           for OSC re Contempt.

9                           (See Exhibit 1 - - <ModestoBee.com>, June 14, 2003,  
10                           07:22:02 AM PDT "Geragos wants gag gone," John Coté.)

11  
12                   Allred also reiterated her position later that evening on Greta Van Susteren's "On  
13 The Record":

14                           --Oh, I don't think so, Greta. I mean I think this is an attempt to silence me.  
15                           This is without merit.

16                           (See Exhibit 2 - - Transcript Excerpt. "On The Record With  
17                           Greta Van Susteren", June 14, 2003.)

18  
19                   Contrary to prior representations made by Attorney Allred to the Court, it would  
20 appear that Ms. Allred is unconcerned with (1) Mr. Peterson's right to a fair trial, and (2)  
21 the interests of her client, Amber Frey.<sup>1/</sup> Rather, Ms. Allred's motivations for having

22  
23                   <sup>1/</sup> Allred has represented that "Ms. Frey engaged attorney Gloria Allred to act as her attorney  
24 and spokesperson. In doing so, Ms. Frey hoped to protect her own remaining privacy. She also  
25 sought to protect the integrity of her potential testimony by having Ms. Allred address press calls and  
26 announce that Ms. Frey would not do interviews or provide information about her relationship with  
27 Mr. Peterson before trial. In addition, Ms. Frey also retained counsel to respond to unfair attacks on  
28 her reputation and to false statements about her private life." (See "Opposition of Potential Witness  
Amber Frey to Proposed Imposition of a Gag Order Upon Her" at 3:2-8.) Allred, on behalf of Frey  
also represented to the Court that "[t]he imposition of a gag order would render Ms. Frey unable to  
respond to unfair attacks on her reputation and would do irreparable damage to her. In short, a gag  
order against Ms. Frey would render her helpless in the face of a continued onslaught of rumor and

1 insinuated herself in this matter appear to be the obtaining of publicity and notoriety for  
 2 herself. Allred's above-quoted statement demonstrates that the only concern Allred has is  
 3 her own freedom to appear on TV or in print and violate the protective order by making  
 4 prejudicial comments on her misperception of the defense strategy and her misperception  
 5 of the state of the evidence. One can only imagine Ms. Allred's indignation that this  
 6 Court (in a well-intentioned effort to ensure that Mr. Peterson, receives a fair trial) would  
 7 endeavor to silence her.

8 Mr. Peterson respectfully submits that the above-described actions should be  
 9 considered by this Court as nothing short of brazen contempt.

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24 innuendo." (*Id.* at 4:13-15.) Allred stated in her own declaration that "[Amber Frey] is simply a  
 25 witness who would like to exercise fundamental rights of speech when she deems it necessary."  
 (Declaration of Gloria Allred at 2:26 - 3:1.)

26 Allred's recent violations of the protective order also contradict her representation to the  
 27 Court that "Mr. Peterson is certainly entitled to a fair trial. The question here is whether Amber Frey  
 28 poses a clear and present danger, or any danger at all, to Mr. Peterson's right to a fair trial."  
 (Opposition at 3:22-24.) In truth, the more pressing question is: *Should Attorney Gloria Allred be  
 permitted to wantonly disregard this Court's Protective Order by commenting in print and on  
 television regarding the defense strategy and state of the evidence?*


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CONCLUSION

WHEREFORE, in light of the foregoing, Mr. Peterson respectfully requests that the relief prayed be granted.<sup>2/</sup>

Dated: June 16, 2003

Respectfully submitted,  
GERAGOS & GERAGOS

By:   
MARK J. GERAGOS  
Attorney for Defendant  
SCOTT LEE PETERSON

---

<sup>2</sup>Mr. Peterson notes that although he believes the protective order should be vacated (or modified or clarified), to the extent the Court disagrees, the protective order must be enforced in an evenhanded manner designed to protect Mr. Peterson's right to fair trial. In any case, even if the Court does vacate the protective order, Allred should be found in contempt.

Moreover, further evidence of the fact that the protective order is indeed prejudicing, rather than protecting, Mr. Peterson is the fact that the fathers of both Amber Frey and Laci Peterson appeared on The Fox News Network's "The Big Story" on Saturday, June 14, 2003. Since these individuals may circumvent the protective order and comment on the case without Mr. Peterson's having the ability to respond, prejudice results. As such, Mr. Peterson respectfully requests the setting of a hearing on his Motion for Reconsideration regarding the protective order.

# **EXHIBIT 1**

# Modbee.com

## Geragos wants gag gone

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By JOHN COTÉ  
BEE STAFF WRITER

Scott Peterson's defense attorneys asked a judge Friday to rescind his gag order in the double murder case and to hold a contempt-of-court hearing for attorney Gloria Allred.

Defense attorney Mark Geragos alleged in paperwork filed Friday that Allred -- "mocking the authority of this court" -- violated the gag order just hours after it was issued.

Allred represents potential prosecution witness Amber Frey, who admitted having a romantic relationship with Peterson. Allred appeared Thursday on a national cable talk show and discussed the case.

But Allred said she did not violate the order because it didn't apply to her.

"I think this is an attempt to silence me," Allred said in a faxed statement responding to the defense allegations. "The protective order makes no reference to me, and Mark Geragos knows that."

Peterson, 30, is charged with murdering his 27-year-old wife, Laci Peterson, and their unborn son, Conner.

Their decomposed bodies washed up in April along the eastern shore of San Francisco Bay. Peterson has pleaded not guilty. He could be sentenced to death if convicted on both counts.

Stanislaus County Superior Court Judge Al Girolami issued the gag order Thursday, saying it would be "extremely difficult to select a fair and impartial jury" without such an order to prevent "rumors and gossip" from being rehashed shortly before trial.

The order covers a range of people, including defense and prosecution attorneys and "persons subpoenaed or expected to testify." It does not, however, specifically refer to attorneys representing potential witnesses.

During her Thursday night appearance on the Fox News show "On the Record" with Greta Van Susteren, Allred said that the defense did not present evidence of "other suspects" during a closed hearing June 6 about unsealing search warrants in the case.

That information was contained in a separate ruling issued Thursday by Judge Roger M. Beauchesne.

Geragos wrote that Allred's comments amounted to saying on national television that "there is no defense to this case and no evidence favorable to the defense."

He noted that Allred publicly commented about meeting with prosecutors to discuss Frey's role as a potential witness.

Geragos argued in the filings that the gag order left him powerless to counter negative statements about his client.

"Neither Mr. Peterson nor the prosecution has the ability to intelligently respond to the blatant misinformation being bandied about," he wrote.

If Girolami does not rescind the gag order, Geragos wants him to clarify whom it covers.

Chief Deputy District Attorney John Goold declined to comment on the situation, saying that prosecutors still are reviewing the gag order.

"We're not going to make any comments until we know we're on firm ground to comment," Goold said. "In the meantime, we're not saying anything."

Prosecutors had supported a limited gag order, but Girolami's ruling is much broader in scope than their suggestions.

Charity Kenyon, a Bee attorney who also represents other media outlets, opposed any gag order, noting it could violate constitutionally protected free-speech rights.

Defense attorneys had also argued against a gag order, saying it undercut their ability to counter four months of police "misinformation."

In his filing Friday, Geragos said the order is unconstitutional because it eliminates Peterson's ability to respond to "inaccurate statements," thus depriving Peterson of his right to a fair trial.

Allred, in her faxed statement, said there is no need to subject her to the order.

"I have never said that Mr. Peterson was guilty," Allred wrote. "I have always said that it is for a jury to decide."

Allred said she will not be arguing or testifying at trial and was not privy to any evidence, "except Ms. Frey's conversations with me, which I will never discuss."

Frey said she had a romantic relationship with Peterson, who told her he was not married when they met Nov. 20.

The Fresno massage therapist said she went to police on Dec. 30 after seeing news reports that Laci Peterson had been reported missing Christmas Eve.

Police said Frey cooperated with their investigation, and court documents show she talked with Peterson on a tapped phone line at about 10 p.m. on Jan. 20.

Four days later, she held a news conference announcing her involvement with Peterson.

**Bee staff writer Garth Stapley contributed to this report.**

**Bee staff writer John Cote can be reached at 578-2394 or [jcote@modbee.com](mailto:jcote@modbee.com).**

*Posted on 06/14/03 07:22:00*

<http://www.modbee.com/reports/laci/story/6958564p-7893345c.html>



# **EXHIBIT 2**

**GUESTS:** Gloria Allred, Bernic Grimm, Ron Sullivan

**BYLINE:** Greta Van Susteren, Stan Goldman

**BODY:**

**VAN SUSTEREN:** In just a short time, at the preliminary hearing, the prosecution in the Scott Peterson case must show the court, the defense, and the public its evidence.

And we're joined by Los -- in Los Angeles by Fox News Legal Editor Stan Goldman and Amber Frey's attorney Gloria Allred. And here in D.C. are defense attorneys Bernic Grimm and Ron Sullivan.

First to you, Gloria. I want to -- we just got an article off "The Modesto Bee," and I just want to read the first two paragraphs to you. Maybe you can help me out a little bit. Here's what it says.

"The Modesto Bee," reports, "Scott Peterson's defense lawyers asked a judge Friday to rescind his gag order in the double murder case and to hold a contempt of court hearing for celebrity attorney Gloria Allred. Defense attorney Mark Geragos alleged in the paperwork filed Friday that Allred, mocking the authority of this court, violated the gag order by appearing Thursday night on a national cable talk show."

We won't mention the name of that national cable talk show, though, right, Gloria? We'll keep that one quiet...

**GLORIA ALLRED, AMBER FREY'S ATTORNEY:** Your show.

**VAN SUSTEREN:** ... to protect the innocent and the guilty. So what's up, Gloria? Are you in trouble?

**ALLRED:** Oh, I don't think so, Greta. I mean I think this is an attempt to silence me. This is without merit.

Mark Geragos has a copy of the protective order that the court issued. He knows very well that the language of the protective order does not include me. You said so last night, Greta, and you read the language of the order as well.

So he's absolutely wrong about this, in my view.

PROOF OF SERVICE BY FAX

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 350 N. Grand Avenue, 39th Floor, Los Angeles, California 90071.

On execution date set forth below, I served the following  
DOCUMENTS OR DOCUMENTS DESCRIBED AS:

**DEFENDANT'S SUPPLEMENTATION TO MOTION FOR SETTING OF A HEARING ON OSC RE CONTEMPT OF COURT BY GLORIA ALLRED**

\_\_\_\_\_ placing a true copy thereof enclosed in sealed envelopes with postage thereon fully prepaid, to the attorneys and their perspective addresses listed below, in the United States Mail at Los Angeles, California.

X transmitting by facsimile transmission the above document to the attorneys listed below at their receiving facsimile telephone numbers. The sending facsimile machine I used, with telephone number (213) 625-1600, complied with C.R.C. Rule 2003(3). The transmission was reported as complete and without error.

\_\_\_\_\_ personally delivering the document(s) listed above to the party or parties listed below, or to their respective agents or employees.

PARTIES SERVED BY FAX:

Kirk McAllister, Esq.	209 575 0240
Rick Distaso, DDA	209-525-5545
David Harris, DDA	209-525-5545
Gloria Allred, Esq.	323-653-1660
Charity Kenyon, Esq.	916-779-7120

Executed on June 16, 2003, at Los Angeles, California.

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

  
RAFFI G. NALJIAN

BROADCAST REPORT

TIME : 06/16/2003 12:46  
 NAME : GERAGOS&GERAGOS  
 FAX : 2136251600  
 TEL : 2136253900  
 SER.# : BR0L2J854125

PAGE(S)	12
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