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DAVIS WRIGHT TREMAINE LLP
865 S. FIGUEROA ST.
SUITE 2400
LOS ANGELES, CALIFORNIA 90017-2566
TELEPHONE (213) 633-6800
FAX (213) 633-6899

KELLI L. SAGER (State Bar No. 120162)
ALONZO WICKERS IV (State Bar No. 169454)
ROCHELLE L. WILCOX (State Bar No. 197790)

Attorneys for Non-Party Media Organizations
CABLE NEWS NETWORK, INC. and
COURTROOM TELEVISION NETWORK

FILED

03 JUN 26 PM 2:12

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY *Andy Clark* 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

)
) **EX PARTE APPLICATION BY NON-**
) **PARTY MEDIA ORGANIZATIONS**
) **CABLE NEWS NETWORK, INC. AND**
) **COURTROOM TELEVISION**
) **NETWORK FOR PERMISSION TO**
) **FILE BRIEF IN SUPPORT OF RULE 980**
) **APPLICATIONS**

) Date: June 26, 2003
) Time: 8:30 a.m.
)
)

1 Non-Party Media Organizations Cable News Network, Inc. ("CNN") and Courtroom
2 Television Network ("Court TV") (collectively "Rule 980 Applicants") respectfully submit this "Ex
3 Parte Application for Permission to File Brief in Support of Rule 980 Applications." On June 25,
4 2003, the Rule 980 Applicants left telephone messages for both the District Attorney and the
5 Defense regarding the issues presented by this Application; however, they did not receive a return
6 telephone call from either party. (Declaration of Rochelle L. Wilcox ("Wilcox Decl.") ¶¶ 6, 7.)¹

7 On May 27, 2003, Court TV submitted a Rule 980 Application and Proposed Order, seeking
8 television access to the preliminary hearing. (Id. Exh. A.)² In its cover letter, Court TV requested
9 that "any written objections to this request be served upon us and that we are notified of any
10 hearing scheduled regarding Court TV's coverage of this matter." (Id.) The Rule 980 Applicants
11 have retained Davis Wright Tremaine LLP to represent their interests with reference to their
12 Applications. (Wilcox Decl. ¶ 2.) However, the Rule 980 Applicants learned today that the Court
13 previously entered an order limiting the media's right to appear in this action absent a showing of
14 good cause. As set forth below, the interests of the Rule 980 Applicants are distinctly different than
15 the interests of the media organizations who have appeared in this litigation (and are represented by
16 Charity Kenyon, Esq.) Consequently, the Rule 980 Applicants respectfully request this Court's
17 permission to appear in support of their Rule 980 Applications.

18 On Thursday, June 19, 2003, the Rule 980 Applicants sent a letter to the District Attorney,
19 Mr. Distaso, and Defense Attorney, Mr. Geragos, advising them that they had retained Davis
20 Wright Tremaine LLP with reference to television coverage of the preliminary hearing in this
21 matter. (Wilcox Decl. Exh. B.) That letter pointed out that pursuant to the Court's May 27, 2003
22 Order, briefs by the District Attorney and the Defense regarding access to the preliminary hearing
23 are due on June 25, 2003, and it requested service of any briefs submitted on that issue. (Id.)

24
25
26 ¹ The Rule 980 Applicants submit this Application without prejudice to any objections they
have to the substance of the Court's Order limiting the right of the media to appear in this action.

27 ² CNN intends to submit its Rule 980 Application with its brief in support of that
28 Application.

1 The District Attorney responded to Ms. Wilcox's letter on June 25, 2003 – the due date for
2 its access brief. (Wilcox Decl. Exh. C.) The District Attorney enclosed a portion of the transcript
3 from the Court's May 9, 2003, hearing and stated that "[i]t is our understanding that the only media
4 representatives who can be represented in the case are already represented by Ms. Charity
5 Kenyon." (*Id.*) The enclosed transcript suggests that the Court ordered that "[a]ny other media
6 representatives, if they want to be involved in the court action, they'll have to apply just to file any
7 further papers, and I'll only let them file them on good cause." The Court explained that "we have
8 sufficient representation by the parties that are directly involved so far ... and I think if we allow
9 any more into the case we'd definitely have undue consumption of time and cause both the
10 prosecution and defense unnecessary cost." Thus, the Court's Order is premised on the assumption
11 that the media entities then involved in this newsworthy case will adequately represent the interests
12 of all other media entities with reference to the access issues presented in this case.

13 The Rule 980 Applicants respectfully submit that their interests are not adequately protected
14 – indeed they are not protected at all – by the attorney who represents the other media entities. As
15 this Court's transcript makes clear, when this Order was entered, Ms. Kenyon represented "the
16 Modesto Bee, McClatchy papers, the Contra Costa Newspapers, and also San Jose Mercury News."
17 (Wilcox Decl. Exh. B at 3:26-27.) These entities are print media; they rely on articles and still
18 photographs to relay information to the public. The Rule 980 Applicants, in contrast, rely on
19 television coverage to relay information to the public; mere access to the hearing is not adequate for
20 them to fully cover this newsworthy event. They can adequately cover this event only if they are
21 granted television access. Moreover, Ms. Kenyon advised Ms. Wilcox that she has not been
22 retained with reference to a Rule 980 Application for the preliminary hearing, and she anticipates
23 that if she is retained at all it will be for still photography, not television coverage. (Wilcox Decl.
24 ¶ 8.) Of course, television access presents distinct issues from still photography. Ms. Kenyon will
25 be arguing for access on behalf of the public and the print media; she has not been retained to and
26 will not be arguing for television access to the preliminary hearing. The interests of the Rule 980
27 Applicants will not be represented at the hearing.

28

1 The First Amendment mandates that preliminary hearings, like criminal trials, be open to
 2 the press and the public, absent compelling and clearly articulated reasons for closing such
 3 proceedings. Richmond Newspapers v. Virginia, 448 U.S. 555, 580 & n.17 (1980); NBC
 4 Subsidiary v. Superior Court, 20 Cal. 4th 1178, 1206 (1999). Television access to the preliminary
 5 hearing is a significant issue to these Applicants, who relay information to the public through
 6 television. The interests of the Rule 980 Applicants will not be protected if they cannot retain their
 7 own counsel and present their own arguments to support their request for television access to the
 8 preliminary hearing.

9 Nor will this unnecessarily multiply these proceedings, as was apparently the Court's
 10 concern in limiting the right of additional media entities to appear. Court TV has been the "pool"
 11 camera for the Court's proceedings. It has the strongest interest in continued television coverage of
 12 this newsworthy case. Moreover, the Rule 980 Applicants are not aware of any other attorney who
 13 has been retained with reference to this issue. (Wilcox Decl. ¶ 8.) Thus, the arguments regarding
 14 access to the preliminary hearing will be made by only two attorneys, both addressing discrete
 15 issues – Ms. Kenyon will address public access in general and Ms. Wilcox will address television
 16 access. This will not unduly burden the court or the parties.

17 For the foregoing reasons, the Rule 980 Applicants respectfully request that the Court grant
 18 this Ex Parte Application and permit them to file a brief in support of their Rule 980 Application.
 19 Pursuant to the Court's May 27, 2003, Order, if the Court grants this Applications, the Rule 980
 20 Applicants will submit their brief on July 2, 2003, in response to the briefs which are due to be filed
 21 today by the District Attorney and the Defense.

22 DATED: June 25, 2003

DAVIS WRIGHT TREMAINE LLP
 KELLI L. SAGER
 ALONZO WICKERS IV
 ROCHELLE L. WILCOX

25
 26 By: Rochelle L. Wilcox /AJT
 Rochelle L. Wilcox
 Attorneys for Non-Party Media Organizations
 Cable News Network, Inc. and Courtroom
 Television Network

DECLARATION OF ROCHELLE L. WILCOX

I, Rochelle L. Wilcox, declare:

1. I am an attorney admitted to practice before all the courts in the State of California and before this Court. I am an associate in the law firm of Davis Wright Tremaine LLP, and one of the attorneys for non-party media organizations Cable News Network, Inc. ("CNN") and Courtroom Television Network ("Court TV") in this matter. The matters stated herein are true of my own personal knowledge, except for those matters expressly stated on information and belief, which matters I believe to be true.

2. My firm was retained by CNN and Court TV to represent their interests with reference to television access to the preliminary hearing in this matter. Attached hereto as Exhibit A is a true and correct copy of a letter submitted by Douglas P. Jacobs, Esq., on behalf of Court TV, on May 27, 2003, along with a Rule 980 Application and Proposed Order, seeking television access to the preliminary hearing.

3. On June 18, 2003, I forwarded to the District Attorney, Mr. Distaso, and to Defense counsel, Mr. Geragos, a letter advising them of our representation of these entities and asking for service of any papers they file in connection with this issue. A true and correct copy of that letter is attached as Exhibit B.

4. On June 19, 2003, I spoke with Mr. Geragos regarding a different issue. At that time, he mentioned the letter he had received from me and I confirmed that my firm had been retained by CNN and Court TV. Mr. Geragos did not voice any objection to my appearance in this proceeding on behalf of those entities during that conversation (or at any later time).

5. On June 25, 2003, at approximately 12:30 p.m., my office received a telefax from Mr. Distaso. A true and correct copy of that telefax is attached hereto as Exhibit C.

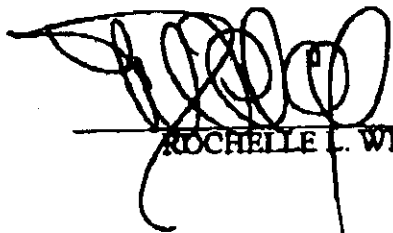
6. I tried to call Mr. Distaso shortly after receiving the telefax on June 25th, to discuss the District Attorney's position regarding the appearance of CNN and Court TV in this matter. Mr. Distaso was not available and consequently I left a message for him. I have not yet received a return telephone call.

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7. I then tried to call Mr. Geragos to discuss the defense's position regarding the appearance of CNN and Court TV in this matter. He was not in the office and I was advised that he would not be returning today. I also left a message for him but have not yet received a return telephone call.

8. I spoke with Charity Kenyon, Esq., regarding the scope of her representation with reference to media access to the preliminary hearing. She advised me that she has not been retained to represent anyone with reference to a Rule 980 Application. She also stated that she believes that even if she were later retained with reference to a Rule 980 Application, it would be limited to photography (not television access). Other than Ms. Kenyon, I am not aware of any attorney who has been retained with reference to access to the preliminary hearing in this matter.

I declare under penalty of perjury under the laws of the State of California that this Declaration was executed on June 25, 2003, at Fair Oaks, California, and that the foregoing is true and correct.


ROCHELLE L. WILCOX



Courtside Television Network LLC

600 Third Avenue
New York, NY 10016
Tel: 212.973.2800
www.courtstv.com

May 27, 2003

Honorable Aldo Girolami
Superior Court, Stanislaus County
800 11th Street
Modesto, California 95354

Re: **California v. Scott Lee Peterson (Case # 1056770)**

Dear Judge Girolami:

On behalf of Court TV – the basic cable network which provides a window into the American system of justice – this application is submitted for permission to televise the above proceedings, currently scheduled to begin July 16, 2003.

Court TV has equipment of a type consistent with the pertinent guidelines which is compact, stationary, and requires no enhanced lighting. We are ready to cooperate in a pooling arrangement with other media entities whose applications to broadcast the proceedings may also be granted.

We would appreciate that any written objections to this request be served upon us and that we are notified of any hearing scheduled regarding Court TV's coverage of this matter.

Respectfully submitted,

Douglas P. Jacobs, Esq.
Executive Vice President and General Counsel

Please contact: Stephen Lawrence, Associate Producer, at 212-973-8977 with any response, questions or comments you have regarding this application.

Exh. A

MEDIA AGENCY (name): Court TV CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): Douglas P. Jacobs, Esq. ADDRESS: 800 Third Ave. New York, NY 10016 TELEPHONE NO.: 212-973-8977	FOR COURT USE ONLY
<small>Insert name of court and name of judicial district and branch court, if any</small> Superior Court, Stanislaus County	
TITLE OF CASE: California v. Scott Lee Peterson	
NAME OF JUDGE: Aldo Girolami	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	CASE NUMBER: 1058770

1. PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., particular witnesses at trial, the sentencing hearing, etc.):

Entire Proceeding

2. DATE OF PROPOSED COVERAGE (specify): (File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):

July 16 or start of hearing until end of hearing.

3. TYPE OF COVERAGE:

- a. TV camera and recorder
- b. Still camera
- c. Motion picture camera
- d. Audio
- e. Other (specify):

4. SPECIAL REQUESTS OR ANTICIPATED PROBLEMS (specify):

5. INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage (estimate): \$ Amount unknown

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached (required by Cal. Rules of Court, rule 980(e)(1)).

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 850, the provisions of the court order, and any additional restrictions imposed by the court.

Date:

..... Douglas P. Jacobs, Esq.
(TYPE OR PRINT NAME)

Douglas P. Jacobs by [Signature]
(SIGNATURE)

Telephone No.: 212-973-8977

Executive Vice President and General Counsel
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (A hearing is optional.)

A HEARING will be held as follows:

Date: Address of the court	Time:	Dept./Div.:	Room:
-------------------------------	-------	-------------	-------

Clerk, by _____, Deputy

CASE NAME:
California v. Scott Lee Peterson

CASE NUMBER:

1056770

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 980(e)(3))

1. Importance of maintaining public trust and confidence in the judicial system
2. Importance of promoting public access to the judicial system
3. Parties' support of or opposition to the request
4. Nature of the case
5. Privacy rights of all participants in the proceeding, including witnesses, jurors, and victims
6. Effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding
7. Effect on the parties' ability to select a fair and unbiased jury
8. Effect on any ongoing law enforcement activity in the case
9. Effect on any unresolved identification issues
10. Effect on any subsequent proceedings in the case
11. Effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness
12. Effect on excluded witnesses who would have access to the televised testimony of prior witnesses
13. Scope of the coverage and whether partial coverage might unfairly influence or distract the jury
14. Difficulty of jury selection if a mistrial is declared
15. Security and dignity of the court
16. Undue administrative or financial burden to the court or participants
17. Interference with neighboring courtrooms
18. Maintaining orderly conduct of the proceeding
19. Any other factor the judge deems relevant

PROHIBITED COVERAGE (Rule 980(e)(6))

This order does not permit photographing, recording, or broadcasting of the following in the court:

1. The jury or the spectators
2. Jury selection
3. A conference between an attorney and a client, witness, or aide
4. A conference between attorneys
5. A conference between counsel and the judge at the bench ("sidebars")
6. A proceeding closed to the public
7. A proceeding held in chambers

MEDIA PERSONNEL AND EQUIPMENT (Rule 980(e)(7))

NOTE: These requirements apply unless the judge orders otherwise. Refer to the order for additional requirements.

1. No more than one television camera
2. No more than one still photographer
3. No more than one microphone operator and no obtrusive microphones or wiring
4. No operator entry or editor other distraction when the court is in session
5. No moving equipment when the court is in session
6. No distracting sounds or lights
7. No visible signal light or device that shows when equipment is operating
8. No disruption of proceedings, nor public expense, to install, operate, or remove modifications to existing sound and lighting systems
9. No media agency insignia or marking on equipment or clothing

SANCTIONS FOR VIOLATING THIS ORDER (Rule 980(f))

Any violation of this order or rule 980 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

LAWYERS



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE HONOLULU LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, DC

ROCHELLE L. WILCOX
Telephone (213) 633-6899
rochellewilcox@dwt.com

SUITE 2400
865 SOUTH FIGUEROA STREET
LOS ANGELES, CA 90017-2500

TEL (213) 633-6899
FAX (213) 633-6899
www.dwt.com

June 19, 2003

Via Telefax and U.S. Mail

Mr. Rick Distaso
Deputy District Attorney
Stanislaus County
800 11th Street
Modesto, CA 95354
Fax: (209) 525-5545

Mark Geragos, Esq.
Geragos & Geragos
350 S. Grand Ave., #3900
Los Angeles, CA 90071
Fax: (213) 625-1600

Re: **People v. Peterson, Case No. 1056770**

Gentlemen:

We have been retained to represent Court TV and CNN with reference to television coverage of the Preliminary Hearing in this matter. I understand that, pursuant to the Court's Order at the May 27, 2003 hearing, you are to submit any Motions and supporting Points and Authorities on this issue by June 25, 2003. Please serve us with those documents at the following addresses:

Kelli Sager, Esq.
Alonzo Wickers, Esq.
Davis Wright Tremaine LLP
865 S. Figueroa, Suite 2400
Los Angeles, CA 90017

Rochelle Wilcox, Esq.
Davis Wright Tremaine LLP
4313 Bannister Road
Fair Oaks, CA 95628

In addition, given the short response time, we would appreciate it if you would also fax your papers to Rosie Diaz at (213) 633-6899. We will, of course, reciprocate and fax you a copy of our response.

Exh. B

Mr. Rick Distaso
Mark Geragos, Esq.
June 19, 2003
Page 2



Thank you in advance for your cooperation. Please do not hesitate to contact me if you would like to discuss this matter.

Very truly yours.

Rochelle L. Wilcox
Davis Wright Tremaine LLP



**OFFICE OF THE
DISTRICT ATTORNEY**

Stanislaus County Courthouse
800 11th Street
Room 200, 2nd Floor
P.O. Box 442, Modesto, CA 95354

JAMES C. BRAZELTON
District Attorney

TEL: (209) 525-5550

FAX: (209) 525-5545

DATE: June 25, 2003

TO: Ms. Rochelle Wilcox, Esq.
Ms. Kelli Sager, Esq.

FROM: Deputy District Attorney Rick Distaso

SUBJECT: People v. Peterson. 1056770

NUMBER OF PAGES (Including cover): 4

Please see attached transcript of May 9, 2003. It is our understanding that the only media representatives who can be represented in the case are already represented by Ms. Charity Kenyon. Thank you.

Rick Distaso
Deputy District Attorney

Exh. C

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS

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THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
vs.)
SCOTT LEE PETERSON,)
Defendant.)

NO. 1056770

Before the HONORABLE A. GIROLAMI, Judge,
Dept. #2, sitting in Dept. #8
Modesto, California Friday, May 9, 2003

ISSUE OF 170.6 CCP
CERTIFICATION OF TRANSCRIPT OF 5/5/03 & 5/6/03
LODGING OF SEALED DOCUMENTS

SUPERIOR COURT REPORTERS
Official Court Reporters
P. O. Box 483
Courthouse, Modesto, California 95353
Telephone (209) 525-6373

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MR. HARRIS: They did not receive them.

THE COURT: They don't have any of the documents that I'm concerned about?

MR. DISTASO: No.

THE COURT: Any of Judge Beauchesne's documents that I released to you last time?

MR. HARRIS: No, those documents were in the possession of the Court and no parties were provided copies until that stipulation was entered.

THE COURT: And at the present time I presume all counsel have received the documents from the last hearing that I ordered?

MR. HARRIS: Yes.

MR. MCALLISTER: Right.

THE COURT: Clerk's order to do that.

MR. GERAGOS: Yes.

THE COURT: And those have been resealed and they will not be reopened as far as the eight that Judge Beauchesne's handling, but I'll just be looking at these two for the hearing on May twenty-seventh, and if some others come up in the meantime I may have to see those too.

At the May twenty-seventh hearing, that'll be the issue of permanent sealing, obviously the media will be allowed to participate. And I'll definitely allow the three entities mentioned here that have been involved so far, that's the Modesto Bee, McClatchy papers, the Contra Costa Newspapers, and also San Jose Mercury News. Any other media representatives, if they want to be involved in the court

1 action, they'll have to apply just to file any further papers,
2 and I'll only let them file them on good cause. I'm satisfied
3 that we have sufficient representation by the parties that are
4 directly involved so far, namely those three entities, and I
5 think if we allow any more into the case we'd definitely have
6 undue consumption of time and cause both the prosecution and
7 defense unnecessary cost.

8 So any other entity that wants to come in and file papers
9 will have to ask for a good cause showing first.

10 MR. GERAGOS: Could I ask that in addition that the
11 Court, pursuant to I believe it's 451 sub (d) of the Evidence
12 Code, take judicial notice of the findings that had been made
13 by Judge Beauchessne in the Superior Court number 1045098?
14 And -- 'cause there were some detailed findings that were
15 made.

16 I only do this in an abundance of caution in case
17 somebody decides they want to take a writ in the interim
18 between now and the twenty-seventh, and I believe that if
19 that -- if the Court makes -- takes judicial notice of the
20 findings from that case, which are also contained almost
21 verbatim in FO42848, the Court of Appeals decision that's not
22 yet final, that that gives us a sufficient basis to, to
23 withstand any challenge to the conditional sealing until the
24 twenty-seventh.

25 THE COURT: Any comments, Mr. Harris?

26 MR. HARRIS: I believe the Court can take judicial notice
27 of the opinion from the Court of Appeal. And from Judge
28 Beauchessne's ruling. The only potential issue is that ruling

PROOF OF SERVICE BY FACSIMILE AND U.S. MAIL

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 Davis Wright Tremaine LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

On June 25, 2003, I served the foregoing document(s) described as: **EX PARTE APPLICATION BY NON-PARTY MEDIA ORGANIZATIONS CABLE NEWS NETWORK, INC. AND COURTROOM TELEVISION NETWORK FOR PERMISSION TO FILE BRIEF IN SUPPORT OF RULE 980 APPLICATIONS** on the interested parties to this action, by **Facsimile** and by **U.S. Mail** by placing a **true copy** of said document(s) enclosed in a sealed envelope(s) for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Rick Distaso, DDA
Stanislaus County District Attorneys' Office
800 11th Street, Room 200
Modesto, CA 95353
(209) 525-5545 Fax

Mark Geragos, Esq.
Geragos & Geragos
350 S. Grand Avenue
Suite 3900
Los Angeles, CA 90071
(213) 625-3900
(213) 625-1600 Fax

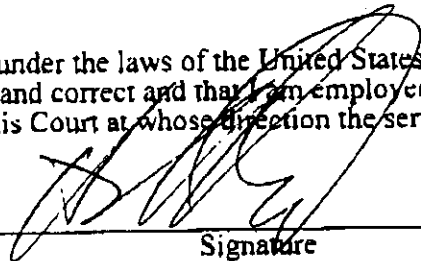
(FROM FACSIMILE TELEPHONE NO. (213) 633-6899) at Suite 2400, 865 South Figueroa Street, Los Angeles, California. Upon completion of the said facsimile machine transmission, the transmitting machine will issue a transmission report showing that the transmission was complete and without error.

(U.S. MAIL) - I placed such envelope(s) with postage thereon fully prepaid for deposit in the United States Mail in accordance with the office practice of Davis Wright Tremaine LLP for collecting and processing correspondence for mailing with the United States Postal Service. I am familiar with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service, which practice is that when correspondence is deposited with the Davis Wright Tremaine LLP, personnel responsible for delivering correspondence to the United States Postal Service, such correspondence is delivered to the United States Postal Service that same day in the ordinary course of business.

Executed on June 25, 2003, at Los Angeles, California.

- State I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.
- Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Hildur Rosie Diaz
Print Name


Signature

(Signature)

JUN 25 2003

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DAVIS WRIGHT TREMAINE LLP
865 S. FIGUEROA ST.
SUITE 2400
LOS ANGELES, CALIFORNIA 90017-2566
TELEPHONE (213) 633-6800
FAX (213) 633-6899

FILED

03 JUN 26 PM 2:12

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY *(Signature)* DEPUTY

KELLI L. SAGER (State Bar No. 120162)
ALONZO WICKERS IV (State Bar No. 169454)
ROCHELLE L. WILCOX (State Bar No. 197790)

Attorneys for Non-Party Media Organizations
CABLE NEWS NETWORK, INC. and
COURTROOM TELEVISION NETWORK

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
) *(Signature)*
) ~~PROPOSED~~ ORDER PERMITTING
) NON-PARTY MEDIA
) ORGANIZATIONS CABLE NEWS
) NETWORK, INC. AND COURTROOM
) TELEVISION NETWORK TO FILE
) BRIEF IN SUPPORT OF RULE 980
) APPLICATIONS
)
)
) Date: June 26, 2003
) Time: 8:30 a.m.

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This matter having come before the Court on the "Ex Parte Application of Non-Party Media Organizations Cable News Network, Inc. and Courtroom Television Network for permission to file Brief in Support of Rule 980 Application," and good cause appearing therefore,

IT IS HEREBY ORDERED that Cable News Network, Inc. ("CNN") and Courtroom Television Network ("Court TV"), through their attorneys Davis Wright Tremaine LLP, may file a brief in support of their Rule 980 Applications, in accordance with the Court's May 27, 2003, Order scheduling the briefing and hearing on this matter. *Hearing now set for 8-14-03. ag*

IT IS FURTHER ORDERED that CNN and Court TV may appear through their attorneys at the hearing to address television access to the preliminary hearing in this matter.

Dated: June 26, 2003


HONORABLE AL GIROLAMI
JUDGE OF THE SUPERIOR COURT



PROOF OF SERVICE BY FACSIMILE AND U.S. MAIL

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 Davis Wright Tremaine LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

On June 25, 2003, I served the foregoing document(s) described as: **[PROPOSED] ORDER PERMITTING NON-PARTY MEDIA ORGANIZATIONS CABLE NEWS NETWORK, INC. AND COURTROOM TELEVISION NETWORK TO FILE BRIEF IN SUPPORT OF RULE 980 APPLICATIONS** on the interested parties to this action, by Facsimile and by U.S. Mail by placing a true copy of said document(s) enclosed in a sealed envelope(s) for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Rick Distaso, DDA
Stanislaus County District Attorneys' Office
800 11th Street, Room 200
Modesto, CA 95353
(209) 525-5545 Fax

Mark Geragos, Esq.
Geragos & Geragos
350 S. Grand Avenue
Suite 3900
Los Angeles, CA 90071
(213) 625-3900
(213) 625-1600 Fax

(FROM FACSIMILE TELEPHONE NO. (213) 633-6899) at Suite 2400, 865 South Figueroa Street, Los Angeles, California. Upon completion of the said facsimile machine transmission, the transmitting machine will issue a transmission report showing that the transmission was complete and without error.

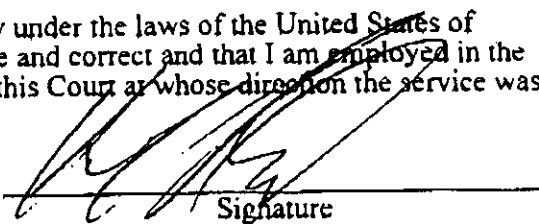
(U.S. MAIL) - I placed such envelope(s) with postage thereon fully prepaid for deposit in the United States Mail in accordance with the office practice of Davis Wright Tremaine LLP for collecting and processing correspondence for mailing with the United States Postal Service. I am familiar with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service, which practice is that when correspondence is deposited with the Davis Wright Tremaine LLP, personnel responsible for delivering correspondence to the United States Postal Service, such correspondence is delivered to the United States Postal Service that same day in the ordinary course of business.

Executed on June 25, 2003, at Los Angeles, California.

State I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Hildur Rosie Diaz
Print Name


Signature