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FILED
03 AUG 18 AM 10:24
SUPERIOR COURT
COUNTY OF STANISLAUS
BY DEPUTY

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)
13 Plaintiff,)
14) PEOPLE'S RESPONSE
15 vs.) TO DEFENSE MOTION
16 SCOTT LEE PETERSON,) FOR DISCOVERY
17)
18) Hrg: 9-02-03
19) Time: 8:30 am
20) Dept: 2
21)
22 Defendant.)

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24 The People have fully complied with the discovery
25 requirements of Penal Code Section 1054.1. To date, over 23,700
26 pages of documents, 18 videotapes, 100 audio tapes, 5 DVD's, 3
27 wiretap CDs, all search warrant material, and all wiretap
28 documentary evidence has been provided.

The People anticipate significant additional discovery will be generated. Said discovery will be provided to the defense as soon as it is received. The People note that additional discovery is common during the pendency of complex litigation and is to be expected by either side.

By way of this response the People formally request

1 reciprocal discovery pursuant to Penal Code Section 1054.3.
2 Specifically, the People request; any real evidence that the
3 defendant intends to offer at trial, the names and addresses of
4 persons, other than the defendant, he intends to call as
5 witnesses at trial, together with any relevant written or
6 recorded statements of those persons, including any reports or
7 statements of those persons, including any reports or statements
8 of experts made in connection with the case, and including the
9 results of physical or mental examinations, scientific tests,
10 experiments, or comparisons which the defendant intends to offer
11 in evidence at the trial.

12 The People also intend said request to apply to any evidence
13 the defense intends to introduce at the preliminary hearing.

14 In response to the latest defense discovery request the
15 People will respond in numerical order corresponding to the
16 defense numbers 1-26.

17 1. Names of People's witnesses: Already provided in the
18 discovered material. The People will provide a witness list to
19 the defense naming all witnesses the People intend to call at the
20 preliminary hearing no later than 9-02-03. The People reserve
21 the right to update the list after that date. The People expect
22 that a preliminary hearing witness list will be provided by the
23 defense at the same time.

24 2. Statements of all defendants: Already provided. The
25 People note that the defendant made numerous statements to media
26 personnel during the investigation of these murders. The People
27 know that the defense is fully aware of said material. However,
28

1 the People will provide a copy of the media interviews to the
2 defense.

3 3. All relevant real evidence seized: Already provided. The
4 People have provided all relevant photographic evidence, audio
5 recordings, video recordings, all physical evidence not subject
6 to scientific processing, or where scientific processing is
7 complete, said evidence has been made available to the defense
8 for viewing. Other items will be made available for viewing as
9 scientific processing is completed. Due to the large volume of
10 physical evidence in existence, said evidence will be made
11 available for viewing upon notice from the defense of the exact
12 item that is to be viewed.

13 4. Existence of felony/misdemeanor convictions: None
14 known.

15 5. Written statements of witnesses, including expert
16 reports: Already provided. 308 pages of reports/notes have
17 already been provided from the Department of Justice laboratory.
18 However, the People have requested and will shortly receive,
19 additional notes/reports from the Department of Justice. Said
20 reports will be turned over as soon as they are received.

21 6. Exculpatory evidence: None known.

22 7. Victim personal or emotional involvement with the
23 District Attorney's Office: None known.

24 8. Preliminary drafts of forensic reports: See (5).

25 9. Police officer's notes extant May 27, 2003: Either have
26 already been provided, or will be provided when received.

27 Instructions have been given to the Modesto Police Department to
28

1 retain police officer notes from May 27, 2003 forward.
2 10. [Wiretap] attorney communication sheets. None known by
3 the People.
4 11. [Wiretap] summary call logs: Already provided.
5 12. [Wiretap] all log entries: Same as 11.
6 13. Refused applications for search warrants: None known.
7 14. All wiretap information: Already provided.
8 15. All subpoenas: All law enforcement subpoenas already
9 provided.
10 16. Hypnotized witnesses: Kristen Deppenwolf. Cognitive
11 interview where hypnosis techniques were used.
12 17. Exhibits A-F of Jacobson reports: Already provided.
13 18. Names of tracking dogs used in case: Already provided.
14 Veterinary records of tracking dogs: The People do not have this
15 information in their possession. The People will serve a
16 subpoena for said information. If said information is not
17 provided in response to the subpoena the People will not make
18 further efforts to obtain said information.
19 19. Training information regarding tracking dogs: The
20 People do not have this information in their possession. The
21 People have requested whatever information is available and will
22 discover whatever information is received. The People will not
23 ask for training information not already contained in law
24 enforcement possession. The "CARDA" records have previously
25 been subpoenaed and are in the court's possession. All previous
26 training videotapes of the tracking dogs will not be requested.
27 Any videotape of the tracking procedure used in this case has
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1 been requested and will be discovered if it is received.

2 20. The People have requested CV's of the dog handler's
3 used in the case. Said information will be discovered when it is
4 received.

5 21. Same as 20.

6 22. Notes from dog handler's: Have been requested and will
7 be provided if received.

8 23. Scent transfer machine: The People do not believe any
9 scent transfer machine was used in this case.

10 24. Diagrams by dog trackers: Already provided. If
11 additional information is provided it will be discovered as soon
12 as it is received.


13 25. Law enforcement surveillance notes: Already provided.
14 If additional information is provided it will be discovered as
15 soon as it is received.

16 26. All laboratory/scientific reports/notes: See (5).

17 Dated: August 18, 2003

18 Respectfully submitted,

19 JAMES C. BRAZELTON
20 District Attorney

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22 RICK DISTASO
23 Deputy District Attorney
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