

LATE FILING

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FILED
03 OCT 16 PM 3:11
SUPERIOR COURT
COUNTY OF STANISLAUS
BY: *[Signature]* DEPUTY

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS

9 THE PEOPLE OF THE STATE OF
10 CALIFORNIA,

: Case No.: 1056770

11 Plaintiff,

: DEFENDANT'S REPLY TO PEOPLE'S
: OPPOSITION TO DEFENDANT'S
: MOTION TO TRAVERSE SEARCH
: WARRANTS

12 vs.

13 SCOTT LEE PETERSON,

: Date: October 20, 2003

14 Defendant.

: Time: 8:30 a.m.

: Dept: 2

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18 The prosecution in its response to the motion for a hearing pursuant to Franks v.
19 Delaware, (1978) 438 U.S. 154 argues that the defense has not articulated the facts which were
20 omitted by Detective Jacobson when he prepared the search warrants in this case. The
21 following discussion is intended to meet that objection.
22

23 I.

24 SUBSTANTIAL PRELIMINARY SHOWING

25 For the purpose of the initial Franks presentation, the defense relies on the report of
26 Eloise Anderson, Contra Costa County Sheriff's Search and Rescue Team, dated December 29,
27 2002 (District Attorney bates number 2930).
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III.

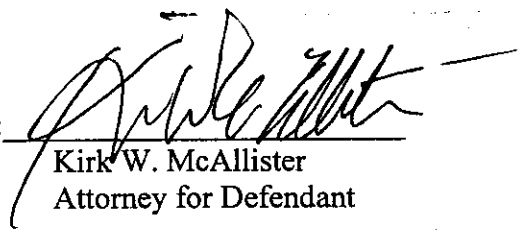
CONCLUSION

No amount of prosecutorial legerdemain can overcome the fact that the prosecution's own investigation proved that Laci Peterson's body was never in Scott Peterson's boat.

The omitted information vitiates probable cause and these search warrants must be voided.

McALLISTER & McALLISTER, INC.

Dated: 10/16/03

By: 
Kirk W. McAllister
Attorney for Defendant

