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COUNTY OF STANISLAUS

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2 Stanislaus County
Courthouse
3 Modesto, California
Telephone: 525-5550
4 Attorney for Plaintiff
5

7 STANISLAUS COUNTY SUPERIOR COURT

8 STATE OF CALIFORNIA

9 -----o0o-----

10	D.A. No.1056770)	No.1056770
11	THE PEOPLE OF THE STATE OF CALIFORNIA)	
12)	OPPOSITION TO DEFENSE
13)	REQUEST FOR RETURN OF
14	vs.)	EVIDENCE
15)	
16	SCOTT LEE PETERSON,)	Hrg: 12-03-03
17)	Time: 8:30 a.m.
18	Defendant.)	Dept: 2

16 -----o0o-----

17 Comes now the People of the State of California in partial
18 opposition to the defendant's request for the release of legally
19 seized evidence.

20 **FACTS**

21 The defendant's 2002 Ford F-150 pickup truck was seized
22 pursuant to a search warrant on December 27, 2002. Further,
23 \$14,932.31 in U.S. Currency was seized incident to the
24 defendant's arrest on April 18, 2003. The defendant seeks the
25 return on both items pursuant to Penal Code Sec. 1536.
26
27
28

1 **Argument**

2 At the outset, the People note that the defendant does not
3 challenge the seizure of either item pursuant to Penal Code
4 Section 1538.5. Thus, any return of evidence lawfully seized is
5 solely pursuant to Penal Code Section 1536.

6 **Ford F-150 Pickup**

7 The People vigorously oppose the release of the Ford F-150
8 pickup truck at any time prior to jury trial in this matter.
9 During the jury trial in this case the People intend to request
10 the court allow the jury to physically view the Ford F-150 pickup
11 truck attached to the boat and trailer (Jury views of crime
12 scenes are admissible, See, People v. Riel (2000) 22 Cal.4th
13 1153, 1195). Such evidence is relevant and admissible here in
14 that the People contend that the pickup truck was an instrument
15 used in the murder of Laci Peterson. Specifically, the truck was
16 used to transport Laci Peterson's body to the defendant's
17 warehouse at 1027 N. Emerald in Modesto, and was also used to
18 transport her body to the San Francisco Bay.

19 It is important that the jury view the actual truck, pickup
20 bed, and its connection to the boat and trailer during the
21 presentation of the People's case. Photographs of the truck,
22 bed, and its relation to the boat and trailer are not sufficient.

23 In addition, samples of the defendant's blood were found
24 inside the cab area of the truck. The People will also request
25 that the jury be allowed to physically view the areas where the
26 blood was found. The People contend that the defendant received
27 wounds to his hands during, or after, the murder of Laci

1 Peterson.

2 Finally, samples of a cement like material were also
3 collected from the bed of the truck and will be submitted to the
4 Department of Justice for testing to confirm the presence of
5 cement. It is not known at this time if the Department of
6 Justice will request further examination of the truck.

7 **U.S. Currency**

8 The People are willing to release the \$14,932.31 that was
9 seized from the defendant incident to his arrest on April 18,
10 2003. The People are only willing to do so pursuant to the
11 following stipulations (See, Buker v. Superior Court (1972) 25
12 Cal.App.3d 1085, 1089):

13 A. That the defendant stipulate that the amount of money
14 recovered on April 18, 2003 from the defendant's person and
15 vehicle was \$14,932.31.

16 B. That the money was found in the amount, denominations,
17 and locations as stated in MPD Det. Jon Buehler's arrest report
18 (Bates 26839-26848).

19 C. That photographs and photocopies of the money will be
20 admissible at jury trial as if they were the original items.

21 Dated: December 3, 2003

22 Respectfully submitted,

23 JAMES C. BRAZELTON
24 District Attorney

25 By:

26 
27 RICK DISTASO
28 Deputy District Attorney

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