

By /s/ Helen Luton
Deputy Clerk

1 LOS ANGELES INNOCENCE PROJECT
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10 ATTORNEY FOR DEFENDANT SCOTT PETERSON

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN MATEO**

13 **CASE No.: SC055500A**

14 **RELATED CASES:**

- 15) **SUPREME COURT No. S132449;**
- 16) **COURT OF APPEAL CASE NO. A167615**
- 17)
- 18) **NOTICE OF MOTION AND MOTION TO**
- 19) **SEAL COURT RECORDS;**
- 20) **MEMORANDUM OF POINTS AND**
- 21) **AUTHORITIES IN SUPPORT THEREOF;**
- 22) **DECLARATION OF PAULA MITCHELL**
- 23) **IN SUPPORT THEREOF**
- 24) **[C.R.C. Rules 2.550 and 2.551]**
- 25)
- 26) **Hearing Date:**
- 27) **Hearing Time:**
- 28) **Dept.**

13 **PEOPLE OF THE STATE OF**
14 **CALIFORNIA,**

15 **PLAINTIFF,**

16 **vs.**

17 **SCOTT PETERSON,**
18 **DEFENDANT.**

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23 **TO: THE HONORABLE JUDGE PRESIDING IN THE SUPERIOR COURT OF THE**
24 **STATE OF CALIFORNIA FOR THE COUNTY OF SAN MATEO:**

25 NOTICE IS HEREBY GIVEN that on _____ at 8:30 a.m., or as soon thereafter as the
26 matter may be heard, in the above-captioned court, defendant Scott Peterson, by and through
27 counsel, Los Angeles Innocence Project (LAIP), will move the Court to restrict access to certain
28 information in an unredacted exhibit, filed in support of Mr. Peterson's motion for post-conviction

1 discovery pursuant to Penal Code section 1054.9 in Case No. SC055500A, in accordance with
2 California Rules of Court 2.550 and 2.551. It should be noted that the entire contents of the
3 unredacted letter counsel for Mr. Peterson seeks to file under seal has already been provided to
4 the District Attorney's Office of Stanislaus County.

5 The media coverage of this case was unprecedented at the time of Mr. Peterson's trial and
6 public interest in the case continues to this day. Numerous books, movies, and documentaries
7 have been made over the past two decades, and counsel is informed that more documentaries
8 about the investigation in this case, Mr. Peterson's conviction, and his innocence claim are
9 currently in production.

10 This motion is made on the ground that protecting the privacy and identifying information
11 of potential material witnesses is critical to protecting the integrity of the ongoing investigation
12 into who is responsible for the deaths of Laci and Conner Peterson, protecting Mr. Peterson's
13 right to due process, and protecting these potential witnesses' privacy in what is an extraordinarily
14 high-profile case that garnered national and international attention.

15 New evidence now supports Mr. Peterson's longstanding claim of innocence and raises
16 many questions into who abducted and killed Laci and Conner Peterson. Mr. Peterson has a
17 Petition for a Writ of Habeas Corpus (Petition) pending before the California Court of Appeal,
18 First Appellate District, Case No. A167615, filed April 19, 2023, asserting violations of state and
19 federal constitutional rights and state statutory rights, including a claim of actual innocence that
20 is supported by newly discovered evidence. Protecting the personal information of the witnesses,
21 including potential suspects and/or perpetrators of these crimes, who are identified in the
22 unredacted exhibit that is the subject of this motion—information which has not yet been made
23 public—is essential to maintaining the integrity of counsel's ongoing investigation into who
24 committed the crimes for which Mr. Peterson was wrongly convicted.

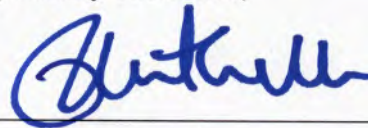
25 Publishing private and personal information of potential material witnesses risks invading
26 the privacy of those citizens, many of whom came forth as good Samaritans to provide police
27 with information in a case that has since become widely publicized and followed to this day.
28 Should that information become public, those witnesses could be subjected to unwanted contacts

1 by press and the tabloid media. Counsel for Mr. Peterson has already encountered witnesses who
2 have expressed hesitation about giving statements about events and/or evidence related to Mr.
3 Peterson's claim of innocence due to the history of overwhelming press attention in this case.
4 (Exh. 1 [Decl. of Paula Mitchell] at ¶ 5.) All efforts have been made to avoid including personal
5 information of witnesses.

6 This motion is made pursuant to California Rules of Court, Rules 2.550 and 2.551, and
7 based upon the facts and grounds set forth in this Motion, the accompanying Memorandum of
8 Points and Authorities, the supporting declaration and exhibits filed herewith, and the documents
9 on file with the Court in the above-named related cases, as well as any other evidence or testimony
10 the Court may hear.

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12 Respectfully submitted,

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14 Dated: January 16, 2024

15 By: 

16 Paula Mitchell
17 Attorney for Scott Peterson
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1 MEMORANDUM OF POINTS AND AUTHORITES

2 **I. STATEMENT OF FACTS**

3 Mr. Peterson has at all times maintained his innocence, from the moment his wife Laci
4 went missing on December 24, 2002, when the police immediately but erroneously targeted him
5 as the prime suspect in her disappearance and focused on gathering evidence that could implicate
6 Mr. Peterson, and only Mr. Peterson, ignoring other leads and exculpatory evidence throughout
7 the investigation.

8 In April 2003, Mr. Peterson was charged with the capital murder of his wife Laci Peterson
9 and their unborn son Conner. The jury returned a guilty verdict on November 12, 2004, and
10 determined Scott Peterson should be sentenced to death. The California Supreme Court vacated
11 the death sentence on the automatic appeal, and, after the prosecution decided not to seek a second
12 death sentence, Scott Peterson was resentenced to a term of life in prison without the possibility
13 of parole. He has continued to investigate the facts and evidence in this case, tirelessly, to uncover
14 the truth about what happened to Laci and Conner Peterson so he can prove his innocence. In
15 continuing with those efforts, Mr. Peterson asked LAIP in July 2023 to investigate whether
16 additional DNA testing was needed. During LAIP's review of the available case materials, it was
17 determined that both a motion for DNA testing and a motion for post-conviction discovery were
18 necessary in order to further investigate the leads that were either erroneously ignored during the
19 initial investigation or have since come to light through new evidence and that support the pending
20 Petition in the Court of Appeal.

21 Utilizing the procedures in Rule 2.551, defendant Scott Peterson is asking this Court for
22 permission to file certain information under seal and a redacted exhibit that is public-facing, in
23 support of its Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9. The
24 exhibit is a copy of the letter Mr. Peterson's counsel wrote to the Stanislaus County District
25 Attorney requesting informal post-conviction discovery, and outlining sensitive information
26 about witnesses, possible suspects, and information on individuals who have information relevant
27 to the investigation, in an effort to help guide the prosecution's search for discovery that Mr.
28 Peterson is entitled to. Redaction is necessary because the redacted information consists of

1 private information including addresses, telephone numbers, and dates of birth of witnesses who
2 came forward to provide information two decades ago, as well as other sensitive information
3 related to counsel's investigation in Mr. Peterson's claim of innocence. Defendant Scott Peterson
4 moves the Court for an order permanently sealing the unredacted exhibit to the Motion for Post-
5 Conviction Discovery pursuant to Rule 2.550 of the California Rules of Court.

6 **II. THE COURT HAS POWER AND AUTHORITY TO SEAL THE RECORD**

7 California Rules of Court, Rule 2.550, permits a party to move or apply to the Court for
8 an order sealing a record when there are facts sufficient to justify the sealing. Pursuant to Rule
9 2.550, subdivision (d), the Court may order the record sealed when the following facts are
10 established:

- 11 (1) There exists an overriding interest that overcomes the right of public access to the
12 record;
- 13 (2) The overriding interest supports sealing the record;
- 14 (3) A substantial probability exists that the overriding interest will be prejudiced if the
15 record is not sealed;
- 16 (4) The proposed sealing is narrowly tailored; and
- 17 (5) No less restrictive means exist to achieve the overriding interest.

18 As set forth in the supporting declaration filed herewith, there exists an overriding interest
19 in protecting the personal information of witnesses and the integrity of the ongoing investigation
20 into Mr. Peterson's innocence that overcomes the right of public access to the records. (Exh. 1
21 [Declaration of Paula Mitchell] at ¶¶ 4, 5.) By sealing the unredacted materials, the privacy of
22 personal witness information, and other sensitive investigative leads, are protected. Because this
23 case has received a great deal of media coverage and publicity, starting at the time Laci Peterson
24 went missing in December 2002 and continuing to this day, the likelihood that those named in the
25 unredacted materials will experience an invasion of their privacy—and the risk that such publicity
26 poses to the integrity of counsel's investigation, and to the interests of justice more broadly—
27 supports the sealing of this information. The redactions cover personal identifiers of witnesses,
28 potential suspects, individuals with knowledge of potential suspects, and other sensitive

1 information related to counsel's investigation into Mr. Peterson's claim of innocence. That
2 information is referenced in the letter requesting informal discovery from the Stanislaus County
3 District Attorney, which contains explanations supporting the requests for particular documents
4 to help guide the prosecution's search for relevant materials. The redactions themselves are not
5 relevant to the merits of the Motion for Post-Conviction Discovery.

6 As evidenced by the proposed sealing, it is narrowly tailored to redact only sensitive
7 information relating to counsel's investigation, and Mr. Peterson asks to file an unredacted
8 version of the exhibit under seal.

9 **III. CONCLUSION**

10 For the foregoing reasons, Mr. Peterson requests that the Court permanently seal the
11 requested unredacted exhibit in this case to protect the privacy of the specified witnesses and
12 investigative leads to safeguard the integrity of the ongoing investigation into Mr. Peterson's
13 innocence.

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15 Respectfully Submitted,

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19 Dated: January 16, 2024

By: 

Paula Mitchell

Attorney for Scott Peterson

EXHIBIT 1

Declaration of Paula M. Mitchell

1
2 **DECLARATION OF PAULA M. MITCHELL**

3 I, Paula M. Mitchell, hereby state and declare,

4 1. I am the Director of the Los Angeles Innocence Project (LAIP), a non-profit law
5 firm associated with the California Forensic Science Institute (CFSI) at Cal State L.A.'s School
6 of Criminal Justice and Criminalistics, located at the Hertzberg-Davis Forensic Science Center in
7 Los Angeles. LAIP represents individuals with claims of actual innocence and is a member of
8 the Innocence Network, a coalition of organizations dedicated to providing pro bono legal and
9 investigative services to individuals seeking to prove claims of innocence for crimes for which
10 they have been convicted, working to redress the causes of wrongful convictions, and supporting
11 the exonerated after they are free.

12 2. I am an attorney licensed to practice law in all courts in the State of California. I
13 am also licensed to practice law in New York and the District of Columbia, and I am admitted
14 before the U.S. Court of Appeals for the Third, Fourth, Sixth, Ninth, Tenth, and Eleventh
15 Circuits, as well as the U.S. Supreme Court. I have assisted in overturning wrongful convictions
16 of individuals who have cumulatively spent nearly 250 years in prison for murders and other
17 serious violent felonies they did not commit.

18 3. On November 14, 2023, based on deficiencies I discovered during my review of
19 the discovery in Mr. Peterson's case, I sent a letter to the District Attorney of Stanislaus County,
20 Jeff Laugero, seeking informal production of numerous specific items of post-conviction
21 discovery that Petitioner is entitled to under Penal Code section 1054.9, but which to my
22 knowledge have never been provided.

23 4. The detailed letter I sent to D.A. Laugero includes private identifying information
24 concerning numerous citizens, potential material witnesses, and possible suspects—as well as
25 sensitive investigative leads relating to Mr. Peterson's claim of innocence—information that was
26 referenced throughout various police reports, tip sheets, and other investigative materials from
27 both the prosecution and the defense that I reviewed.

28 5. During my investigation into Mr. Peterson's claim of innocence, I have

DECLARATION OF PAULA M. MITCHELL

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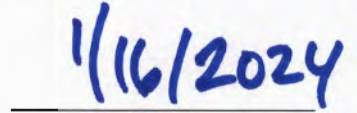
encountered numerous witnesses who have expressed hesitation and, in some cases, an outright unwillingness to provide information they have that pertains to Mr. Peterson's case specifically because the case is too "high profile" and these witnesses feared coming forward for that reason.

I declare and state, under penalty of perjury, under the laws of the State of California, that the foregoing is true and accurate to the best of my recollection.

Executed on January 16, 2024, in Los Angeles, California.



Paula M. Mitchell



Date

DECLARATION OF PAULA M. MITCHELL

EXHIBIT 2

Letter requested to be filed under seal
(Redacted version currently filed as Exh. A to the Declaration of
Paula Mitchell, filed in support of Defendant's Motion for Post-
Conviction Discovery)

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November 14, 2023

The Honorable Jeff Laugero
District Attorney
Stanislaus County
832 12th Street, #300
Modesto, CA 95354-2327

Re: *People v. Scott Peterson*
Informal Request for Post-Conviction Discovery
California Court of Appeal, First Appellate District Case No. A167615

Dear Mr. Laugero,

The Los Angeles Innocence Project represents Petitioner Scott Peterson in the proceedings pending in Court of Appeal, referenced above. Pursuant to Penal Code section 1054.9, I am writing to request that your office provide us with informal discovery of the items listed below.

We have obtained and reviewed trial files from Mr. Peterson's prior counsel in the case and after a thorough search, we have not located the below items in those files.

The requests herein fall into the following categories:

1. Medina Burglary
2. Lt. Xavier Aponte Reports
3. Croton Watch
4. December 25, 2002, Van Fire in Airport District
5. Eyewitnesses Who Reported Seeing Laci Peterson On or After December 24
6. Eyewitnesses Who Reported Seeing the Petersons' Dog Alone and Unattended
7. Missing Bates Pages
8. Gene Ralston Reports, Videos, and Other Data Related to Bay Searches
9. All Reports, Videos, and Other Data Related to Bay Searches
10. Computer Forensics
11. Scent Dogs
12. MPD & SCD Policies Governing Disclosure of Conflicts of Interest
13. New Reports & Leads
14. Audio and Video Recordings of MPD Interviews with Scott Peterson.

We would appreciate an opportunity to meet and confer with your office about these requests, if that would facilitate the process. We anticipate additional requests will be forthcoming, once our review of the case materials is completed. For each item requested below, we have endeavored to set forth the reasons for believing the requested discovery exists.

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1. **MEDINA BURGLARY.** A complete copy of the Modesto Police Department's (MPD) investigation into the burglary of the Medinas' home at 516 Covena Avenue (Medina Burglary), located directly across the street from the Petersons' home, which occurred sometime between December 24, 2002 and December 26, 2002. (Modesto Police Department Case No. 02-143025.) The items requested include but are not limited to the following:

a. **Audio and video recordings of the interviews MPD conducted with Steven Todd and Donald Glenn Pearce at the Modesto Police Department the evening of January 2, 2003, concerning their involvement in the Medina Burglary. We are also requesting any available transcripts of those interviews.**

Reason for believing items exist: The MPD interviews with Todd and Pearce conducted on January 2, 2003, in "upstairs interview rooms" at the Modesto Police Department concerning their role in the Medina Burglary are referenced in Officer Hicks's report at Bates 4120, and in a handwritten Evidence Property Record at Bates 20405, as having been recorded on videotape, with two videotapes having been entered into evidence. Mr. Peterson has not been provided with those videotapes. Nor has he been provided with any audio recordings of those interviews, nor any transcripts thereof.

b. **All MPD investigation and other police reports memorializing the steps MPD took to "verify" the alibis of Steven Todd and Donald Glenn Pearce, establishing their whereabouts on December 24, 2002, including all interviews conducted with "independent witnesses" who confirmed their alibis, including audio and video recordings thereof, as well as written transcripts.**

Reason for believing items exist: In 2018, Det. Brocchini was asked about the alibis of Todd and Pearce on A&E's *Grace v. Abrams* and he stated: "I can tell you right now those burglars for the 24th and the 25th, their alibis were verified. They were at home, like all good dopers, eating dinner with Mom." Mr. Peterson has received no police reports, audio or video recordings, or other materials indicating that MPD "verified" the alibis of Todd and Pearce and determined that "[t]hey were at home, like all good dopers, eating dinner with Mom," as Det. Brocchini stated. See *Grace v Abrams* that aired on A&E on May 8, 2018.

On May 2, 2021, CBS San Francisco reported that Det. John Buehler was interviewed by CBS's 48 Hours about the alibis of Todd and Pearce and that Det. Buehler stated, "Both told consistent stories that were backed up by other independent witnesses." Mr. Peterson has received no police reports, or audio or video recordings, identifying any "independent witnesses" who verified the alibis of Todd and Pearce, as Det. Buehler stated. See <https://www.cbsnews.com/sanfrancisco/news/retired-modesto-detective-still-convicted-scott-peterson-killed-pregnant-wife-laci/>.

In his March 30, 2023 interview with Fox, MPD Det. Brocchini was asked, "Is there a chance that the burglary across the street from Scott and Laci's house had anything to do with

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her disappearance?” and he replied, “One hundred percent no. No way. We’d know. Those guys, they polygraphed, they confessed, they went to jail. They gave us all their info, we confirmed their alibis.” Mr. Peterson has received no police reports, audio or video recordings, or other materials indicating that MPD “verified” the alibis of Todd and Pearce. See 2023 Pet., Exh. O.

c. All police reports, audio and video recordings, and other relevant materials indicating that MPD verified “the truthfulness” of the statements of Steven Todd and Donald Glenn Pearce provided and cleared them of any involvement in the disappearance of Laci Peterson.

Reason for believing items exist: On January 3, 2003, Det. George Stough stated at a press briefing related to the search for Laci Peterson that Todd and Pearce had been apprehended and cleared of any involvement and that MPD had verified “the truthfulness” of Steven Todd and Donald Glenn Pearce’s statements. Mr. Peterson has not been provided with any police reports or other materials verifying “the truthfulness” of the statements Todd and Pearce provided to MPD.

d. All reports, notes, computer generated data and results, Informed Consent Forms and/or Polygraph Examination Waiver Forms and/or Polygraph Examination Statement of Consent Forms and/or *Miranda* Waiver Forms and/or signed confessions by Todd and Pearce, related to the investigation by MPD and/or California DOJ Polygraph Examiner Jeannie Overall’s polygraph examinations of Steven Todd and Donald Glenn Pearce conducted on January 3, 2003.

Reason for believing items exist: See, e.g., report of Ms. Overall stating that she advised Todd and Pearce of their constitutional rights prior to administering the examination. No signed waivers of those rights have been produced to Mr. Peterson. Obtaining signed Informed Consent Forms, Polygraph Examination Waiver Forms, Polygraph Examination Statement of Consent Forms, *Miranda* Waiver Forms, and signed confession forms are essential components to any voluntary polygraph examination and were standard police procedure in 2003. As such, they would be expected to exist in a burglary investigation file, particularly one that law enforcement determined to be possibly related to a homicide investigation file resulting in capital charges. Mr. Peterson has not received any of that discovery.

In addition, in his March 30, 2023 interview with Fox, MPD Det. Brocchini was asked, “Is there a chance that the burglary across the street from Scott and Laci’s house had anything to do with her disappearance?” and he replied, “One hundred percent no. No way. We’d know. Those guys, they polygraphed, they confessed, they went to jail. They gave us all their info, we confirmed their alibis.” See 2023 Pet. Exh. O. The data underlying the results and conclusions drawn by the DOJ polygraph examiner from the polygraph examinations for Todd and Pearce are therefore material and should be provided to Mr. Peterson. Mr. Peterson has not received any of that discovery.

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e. **A complete copy of the handwritten notes and all other materials generated by or located within the files of CA DOJ Polygraph Examiner Jeannie Overall related to the polygraph examinations of Todd and Pearce on January 3, 2003, including notes or reports explaining the basis for the examiner's decision *not* to ask either Todd or Pearce whether they had *any* information about *other* individuals involved in the Medina Burglary, or whether *any of their associates* participated with them in the Medina Burglary, or whether they had *any knowledge* of anyone who was or may have been involved in the abduction of Laci Peterson.**

Reason for believing items exist: The polygraph materials related to Todd and Pearce provided to Mr. Peterson are incomplete. It appears MPD and/or Ms. Overall conducted other interviews with both men, which have not been produced, because there is no context informing why Ms. Overall narrowly tailored the polygraph questions she posed to Todd and Pearce during the polygraph examination to the following three questions: "1. Did you **personally** cause the disappearance of Laci Peterson? 2. Do you know **for sure** who caused Laci Peterson to disappear? 3. Do you **know** where Laci Peterson is located **now**?"¹ Mr. Peterson has not received any of that discovery.

f. **Identification of the MPD vehicles in which Todd and Pearce were interviewed on January 2, 2003, prior to being transported to the MPD, and whether those vehicles were equipped with audio and/or video recording capability on that date. If the vehicle was equipped with recording devices, please provide the audio and/or video recordings of those interviews.**

Reason for believing items exist: The lengthy, detailed written reports memorializing the above-described interviews with Todd and Pearce appear to be taken from an audio or video recording or transcript rather than from contemporaneous handwritten notes taken by the officer on the scene.² See Bates 4110-4120; 20396-20397. Mr. Peterson has not received any of that discovery.

g. **Handwritten notes taken by MPD officers who interviewed Steven Todd and Donald Glenn Pearce on January 2, 2003, while Todd and Pearce were seated in**

¹ A sworn declaration by a person with knowledge attesting to the fact that witnesses have reported to him that the Medina home was broken into on December 24, 2002, and that associates of Todd and Pearce were also involved in the Medina Burglary, will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

² As is apparent from other witness interviews in this case, critical and exonerating information provided by witnesses to law enforcement was not included in the subsequently written reports. (See RT 11191-11192 explaining that Det. Brocchini excised exculpatory information provided by Peggy O'Donnell from his written report.) Accordingly, Mr. Peterson is requesting production of all audio and or video recordings of witness statements, even where written reports of those statements have been provided.

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in the back of a police patrol vehicle giving “explicit details,” concerning their involvement in the Medina Burglary the evening of January 2, 2003.

Reason for believing items exist: See Bates 4110–4120; 20396–20397. The lengthy reports memorializing those interviews include very specific information that appears to have been transposed either from an audio recording or transcript, or from contemporaneous notes taken by an officer or officers on the scene. Mr. Peterson has not received any of that discovery.

h. All other interviews, recordings, and contacts made by MPD and/or other law enforcement with Todd and Pearce during the 18 hours they were in custody, between the commencement of the raid at the 1406/1407 Tenaya Drive properties commencing around 5:30 p.m. on January 2, 2003, and the recorded polygraph examinations that started at 11:30 a.m. on January 3, 2003, apart from the discovery already requested above.

Reason for believing items exist: Given the high-profile nature of the massive ongoing search for Laci Peterson on January 2–3, 2003, and the suspicion that the perpetrators of the Medina Burglary may have been involved in her abduction, and Todd and Pearce’s immediate willingness to confess and cooperate, it is implausible they were not further interviewed by MPD after their arrest. Mr. Peterson has not received any of that discovery.

i. All MPD and other law enforcement agency reports, notes, statements, and/or other documents related to Steven Todd’s release from custody and re-arrest on January 6, 2003, including, but not limited to:

- (1) All reports and/or documents related to Steven Todd’s apparent posting of bail for release after his arraignment on January 6, 2003;
- (2) The report from the arresting officer;
- (3) All reports and information regarding the basis for Todd’s re-arrest;
- (4) All notes, reports, and/or audio and video recordings of statements made by Todd at the time of his rearrest, or while otherwise in MPD and/or Stanislaus County Sheriff’s Department custody;
- (5) All investigative efforts into whether Todd utilized cash stolen from the Medina property to post his bail bond on January 6, 2003.

Reason for believing items exist: See Bates 20406.

j. Booking photos for Steven Todd and Donald Glenn Pearce taken upon their arrest on January 2, 2003, and all prior arrests. Photos documenting any physical injuries on the persons of Todd and/or Pearce at the time of their arrest on

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January 2, 2003. Fingerprints (10 print cards) and palm prints for Todd and Pearce collected by MPD on January 2, 2003.

Reason for believing items exist: The requested materials would have been collected by MPD as a matter of routine, standard procedure at the time of an arrest. That information would also be expected to exist in an investigation resulting in the filing of capital charges. Mr. Peterson has not received any of that discovery.

k. All audio and/or video recordings and written witness interview reports showing that MPD interviewed Susan and Rudy Medina about what they witnessed on the morning of December 24, 2002, prior to leaving town, and whether they saw any suspicious activity on their street, including whether either was shown photographs of Steven Todd and/or Donald Glenn Pearce in attempt to identify whether they had seen either man on Covena Avenue that morning.

Reason for believing items exist: Asking the Medinas about whether they saw any suspicious activity on their street the morning of December 24, the morning Laci disappeared, including showing the Medinas photographs of the men who confessed to burglarizing their home to see if one or both could recognized them as having been present on the street that morning, would be a logical investigatory step to determine the veracity of Steven Todd's statement to police that he was not present on Covena Avenue on December 24, 2002. Mr. Peterson has not been provided with any such reports.³

Mrs. Medina testified that on the morning of December 24, 2002, she had placed outgoing mail in their mailbox that could be seen sticking out of it because the mailman had not come by the time they left and that there was no mail sticking out of the mailbox upon their return on December 26. Todd told police he could see mail in the Medinas' mailbox from the street and assumed that was evidence the homeowners were out of town, at the time he committed the burglary. The testimony at trial was that the mailman picked up the mail on Covena shortly after the Medinas left town for the holidays. Mr. Peterson has received no discovery reflecting the MPD's investigation into whether the Medinas were asked if they could identify Todd as the person they saw on their street the morning of December 24, 2002.

l. All reports, interviews, audio and/or video recordings following up on information provided by Lillian V [REDACTED] who reported to MPD on January 1, 2003, that on December 24, 2002, she had seen "a man on a bicycle" on Covena between the park and Encina, about 10:15-10:20 a.m., whom she described as "5'8", white male, weathered face,

³ A sworn declaration by a person with knowledge attesting to the fact that the Medinas witnessed a suspicious-looking man on their street, in front of their house on December 24, as they were driving away to go out of town and who so concerned them that it caused them to circle the block to check on where he was going, will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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long blunt hair to ears, turned his head away, bicycle was loaded with saddle bags, transient type person, relatively well groomed didn't respond to her saying hello," including whether Ms. V [REDACTED] was shown photographs of either Steven Todd or Donald Glenn Pearce to see whether she could identify either of them as the man she reported seeing.

Reason for believing items exist: See Bates 14861. Showing Ms. V [REDACTED] photographs of the men who confessed to committing the Medina Burglary to see if she could identify either as the man she saw riding his bike down the street on Covena Avenue on December 24 would be a logical investigatory step to determine the veracity of Steven Todd's statement to police indicating that he was not present on Covena Avenue on December 24, 2002. Mr. Peterson has not been provided with any such reports.

m. All reports, notes, interviews, recordings, and/or any other documents related to the information provided to MPD by the [REDACTED] of Steven Todd's son, indicating that the mother of Steven Todd's child had a history of selling babies in open adoptions and any subsequent investigation based on the information provided.⁴

Reason for believing items exist: See Bates 15010 and 15031. Interviewing the [REDACTED] of Steven Todd's son about her report that Todd's associate had a history of selling babies in open adoptions appears to be potentially highly material information police would investigate as part of an investigation into the disappearance of pregnant Laci Peterson and one that resulted in a capital murder charge against Mr. Peterson. Mr. Peterson has not been provided with any such reports.

n. MPD's reports, notes and other records documenting the investigative steps taken to determine the status of Steven Todd's methamphetamine use on December 24-26, 2002, which would have compromised his ability to recall dates and times of events that week.

Reason for believing items exist: Todd admitted in his videotaped polygraph interview that he was a daily user of drugs, so it would be a logical investigative step to consider whether his drug use at the time may have interfered with his ability to recall the dates and times he carried out the Medina Burglary. Todd later admitted in a post-conviction interview that he was

⁴ A sworn declaration by a person or persons with knowledge will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary, attesting to the fact that this witness stated in a post-conviction interview conducted in 2010, that after providing the above-described information to MPD, she had a subsequent incident with Steven Todd's 4-year-old son on the playground in which he made a cutting motion across his chest and stomach and made a statement to her about Laci Peterson and the "baby cut out." She further indicated that Steven Todd's son talked about how his father had a "fondness for knives." Fearing violent retaliation from the Todd family, whom this witness regarded as "dangerous," the [REDACTED] asked in that post-conviction interview that her name not be included in any public filings.

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“so high on meth and crack” during the week of December 24–26, 2002, he didn’t really remember anything he did during that period.⁵

o. Cell phone records obtained by law enforcement for Donald Glenn Pearce, Steven Todd, and/or any other suspect in the Medina Burglary investigation for the period December 24–26, 2002.

Reason for believing items exist: MPD consistently and systematically collected cell phone records of material witnesses, including Susan Medina, Karen Servas, and Scott Peterson, as part of its investigation into the disappearance of Laci Peterson, so there is reason to believe MPD would also have obtained those records for Todd and Pearce. Mr. Peterson has not received that discovery.

p. A copy of Donald Glenn Pearce’s receipt for the purchase of a Nokia phone on December 24, 2002, as noted in the report of the January 2, 2003 search of 1406 and/or 1407 Tenaya Drive properties.

Reason for believing items exist: See Bates 4121.

q. MPD police investigation reports, arrest reports, notes, recordings, and/or other documents detailing Officer Mike Hicks’s prior contacts with Donald Glenn Pearce and Stephen Todd as indicated in Det. Stough’s and Det. Hicks’s reports.

Reason for believing items exist: See Bates 20362; 4115.

r. All recordings, interview memoranda, audio and video recordings, and transcripts thereof, and/or other notes of communications between representatives of the Stanislaus County District Attorney’s Office, and other law enforcement, with suspects Todd and Pearce, related to their role in the Medina Burglary, including but not limited to plea negotiations, incentives offered, charges to be brought in the criminal complaints, plea agreements entered into, the factual basis for the pleas entered into, abstracts of judgments, and custody records for Steve Todd and Donald Glenn Pearce.

Reason for believing items exist: The requested discovery is generally included in criminal case files where cases proceed to court proceedings and would be expected to be included in the D.A.’s files.

s. All reports, notes, interviews, audio/video recordings and transcripts thereof, photographs, and/or any other documents relating to the January 2, 2003 searches MPD conducted pursuant to warrants issued in the Medina Burglary investigation,

⁵ A sworn declaration by a person with knowledge attesting to these facts will be filed in support of Mr. Peterson’s Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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including but not limited to the following addresses: 1406 Tenaya Drive , 1407 Tenaya Drive, [REDACTED], including but not limited to:

- (1) The warrants issued and returns filed on the above-described properties, including descriptions and photographs of all items of evidence found, including, but not limited to stolen items recovered and identified as not belonging to the Medinas;
- (2) Property destruction and/or release forms for all items collected, identified as the Medinas' property, and turned over to their possession;
- (3) Photographs of all locations searched and all items recovered, including the Medinas' safe, jewelry, tools, and money wrappers⁶;
- (4) Interviews or reports documenting whether the Medinas were shown any jewelry collected during the above-referenced searches that did not belong to them;
- (5) Interviews or reports documenting whether Scott Peterson was shown any jewelry collected during the above-referenced searches to see whether he could identify it as having belonged to Laci;
- (6) Audio/video recordings and transcripts thereof, notes, reports, or any other documents relating to all interviews conducted, or statements obtained, during the above-referenced searches;
- (7) Notes, reports, correspondence, or other documents authored by all officers present for and involved in the above-referenced searches, including, but not limited to the following MPD personnel: Sgt. Cloward, Officer Kelley, Officer Gonzales, Officer Intorf, Officer Pimentel, Det. Grogan, Officer Meyer, Agt. Brodie, Sgt. Helton, Det. Hicks, Officer Locke, Officer Fainter, Officer Ramirez, Lt. Watts, Agt. Suazo, Officer Sanchez, and Officer Garcia.

Reason for believing items exist: One of the issues MPD was investigating in the search for Laci Peterson was whether the Medina Burglary had any connection to her disappearance, and whether any of the jewelry seized in the above-referenced searches could be identified as having belonged to Laci Peterson that she may have been wearing at the time of her disappearance.

⁶ A sworn declaration by a person or persons with knowledge attesting to the fact that the police recovered the Medinas' money wrappers will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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A thorough search and documentation of the items seized, particularly jewelry, would be expected to exist in any burglary investigation, and especially one law enforcement suspected of being related to a murder resulting in capital murder charges. In addition, there is new evidence that individuals in addition to Todd and Pearce were involved in burglarizing the Medinas' home and that the burglary was carried out over a few days, so property seized from any of the above-referenced locations may yield evidence of others involved in the Medina Burglary, who may have encountered Laci Peterson on December 24. See 2023 Petition pending in the Court of Appeal.

t. **Reports, notes, photographs, audio/video recordings and transcripts thereof, results of forensic testing, and/or other documents related to the gun and jewelry anonymously dropped off at the Modesto Police Department on January 2, 2003, including but not limited to:**

- (1) Digital copy of videotaped surveillance footage from the Modesto Police Department lobby taken at approximately 1:10 a.m. on January 3, 2003, depicting a white male adult, late 20s-30s, 5'8" tall, approximately 150 pounds, coming into the lobby carrying a blue plastic shopping bag, and telling the officer in the callbox he wanted to turn in some stolen property, which was later determined to be jewelry and a gun from the Medina Burglary.
- (2) All reports, notes, photographs, audio and video recordings and transcripts thereof, and other documents regarding any investigation into the identity of the person or persons who anonymously dropped off items stolen in the Medina Burglary to the MPD station.
- (3) Officer Serratos' report documenting recovery of the gun inside the shopping bags delivered to the MPD referenced above;
- (4) Photographs of recovered property taken by CSO Hodson.

Reason for believing items exist: See Bates 4131.

u. **Police reports and/or notes documenting investigative steps taken in the investigation of the Medina Burglary concerning eyewitnesses who reported to MPD that they saw a van and three men located on the street outside the Medinas' home on December 24, 2002, including but not limited to:**

- (1) Reports, interviews, audio and video recordings and transcripts thereof (other than the hypnosis video which has already been provided to the defense), written statements, or other documents related to the eyewitness account provided by **Diane Jackson** indicating that she saw three

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suspicious men with a van outside the Medina home or in the La Loma neighborhood on December 24, 2002, including but not limited to:

- (a) Any attempted identifications by Ms. Jackson of the men she reported seeing, and/or whether she saw Steven Todd, Donald Glenn Pearce, and/or any other suspects potentially involved in the Medina Burglary;
- (b) Any attempted identification of the van Ms. Jackson saw parked on Covena Avenue on December 24, 2002, other than the Martinez van, which she stated was not the van she saw;
- (c) Internal memoranda or correspondence regarding the MPD's decision to hypnotize Diane Jackson;
- (d) Reports regarding contacts with Ms. Jackson indicating that MPD's decision to hypnotize her on January 17, 2003, was a planned hypnosis interview and not a "cognitive" interview that inadvertently resulted in hypnosis by an interviewer, who was not qualified to conduct hypnosis, as MPD later claimed in response to the defense's *Trombetta* motion, July 8, 2003.⁷

Reason for believing items exist: See Bates 26023, 36747. Interviewing Ms. Jackson about whether she could identify the van she saw, or Todd or Pearce, or anyone else, as the men she saw standing near the van on Covena in front of the Petersons' and Medinas' homes the morning of December 24, is potentially highly material information police would be expected to investigate and follow up on as part of their investigation into the Medina Burglary and their search to find Laci Peterson, and as part of an investigation that resulted in a capital murder charge against Mr. Peterson. Mr. Peterson has not been provided with any such reports.

- (2) All reports, interviews, audio and video recordings and transcripts thereof, statements, or other documents related to the information provided by **Linda Chilles**, wife of former MPD Det. Nick Chilles who worked with Det. Brocchini, indicating that around 9:30 a.m. on December 24, 2002, she saw three men, "S1 was WMA, 30-40s, 5'11", shoulder length dark brown greasy hair, mustache, dark quilt type jacket. S2 was WMA 30-40 balding, medium build, flannel shirt. S3 she did not see well," and a van

⁷ A sworn declaration by a person or persons with knowledge attesting to the fact that the MPD informed Ms. Jackson on January 17, 2003, that she would be hypnotized the following day, will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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parked outside the Medina residence, and that the men acted suspicious, including but not limited to:

- (a) All efforts MPD made to see if Ms. Chilles could identify the men she reported seeing, and/or whether she saw Steven Todd, Donald Glenn Pearce, and/or any other suspects potentially involved in the Medina Burglary;
- (b) All efforts MPD made to see if Ms. Chilles could identify the van she saw parked on Covena Avenue in front of the Medinas' home the morning of December 24, 2002;
- (c) All reports, notes, or other documentation regarding Linda Chilles's contact with Det. Doug Ridenour on December 31, 2002, in which she made a second attempt to report the suspicious activity she saw.⁸

Reason for believing items exist: See Bates 14786. Interviewing and following up on the report by Ms. Chilles, whose husband was a former MPD detective and who specifically reached out to Det. Ridenour to report what she believed to be possible material information about the disappearance of Laci Peterson, and whether she could identify Todd or Pearce, or anyone else, as the men she saw standing near the van on Covena Avenue the morning of December 24, is potentially highly material information police would be expected to investigate and follow up on as part of their investigation into the Medina Burglary and their search to find Laci Peterson, and as part of an investigation that resulted in a capital murder charge against Mr. Peterson. Mr. Peterson has not been provided with any such reports.

- (3) All reports, interviews, audio and video recordings and written transcripts thereof, statements, or other documents related to the tip provided by Niniv T [REDACTED] indicating that he saw three Hispanic males 20s-30s, standing outside near an older 1975-1980 van, white, full-sized, no windows, possibly a Chevy van parked on the east side of Covena Avenue in the afternoon on December 24, 2002, including but not limited to:
 - (a) All efforts MPD made to see if Mr. T [REDACTED] could identify the men he reported seeing, and/or whether he saw Steven Todd, Donald Glenn Pearce, and/or any other suspect

⁸ A sworn declaration by a person or persons with knowledge attesting to the fact that Ms. Chilles attempted at least twice to report the information about the van and detailed descriptions of the men she had seen on Covena on December 24, 2002, will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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involved in the Medina Burglary on Covena Avenue the morning of December 24, 2002;

- (b) All efforts MPD made to see if Mr. T [REDACTED] could identify the van he saw parked on Covena Avenue in front of the Medinas' home on December 24, 2002, which he described in very specific detail.⁹

Reason for believing items exist: See Bates 14791. Interviewing Mr. T [REDACTED] about what he saw and whether he could identify Todd or Pearce, or anyone else, as the men he saw standing near the van on Covena Avenue on December 24, is potentially highly material information police would be expected to investigate and follow up on as part of their investigation into the Medina Burglary and their search to find Laci Peterson, and as part of an investigation that resulted in a capital murder charge against Mr. Peterson. Mr. Peterson has not been provided with any such reports.

- (4) All reports, interviews, recordings, statements, or other documents related to the eyewitness account provided by Sean M [REDACTED], indicating that around 3:30 p.m. on December 24, 2002, he saw three men wearing stocking caps and sunglasses driving an older 70s van that drove past his home in the La Loma neighborhood multiple times, and he saw the men looking into windows of homes like they were looking for homes to burglarize, including but not limited to any attempted identifications of the van he observed.

Reason for believing items exist: See Bates 30868. Interviewing Mr. M [REDACTED] about what he saw and whether he could identify the suspicious-looking van or men he described seeing in the La Loma neighborhood on December 24, is potentially highly material information police would be expected to investigate and follow up on as part of their investigation into the Medina Burglary and search to find Laci Peterson, and as part of an investigation that resulted in a capital murder charge against Mr. Peterson. Mr. Peterson has not been provided with any such reports.

- (5) All reports, interviews, audio and video recordings and transcripts thereof, statements, or other documents related to the eyewitness account provided by Kim V [REDACTED], who told police on January 1, 2003, that she saw an older "two-toned beige van," associated with three Hispanic men, who frequently sold what appeared to her to be stolen goods from their van at the corner of Yosemite Boulevard and Sante Fe Avenue, roughly two

⁹ A sworn declaration by a person or persons with knowledge attesting that Mr. T [REDACTED] stated in a post-conviction interview that he reported the information to the MPD while the search for Laci Peterson was ongoing, will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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miles from the Petersons' home. Ms. V [REDACTED] further reported that she had been the victim of a burglary on December 21, 2002, and that she suspected the van she described seeing might have been involved, and that after the disappearance of Laci Peterson, the van she had seen at that corner stopped showing up soon thereafter.

Reason for believing items exist: See Bates 14870. Interviewing Ms. V [REDACTED] about what she saw and whether she could identify the Hispanic men she saw associated with the van selling stolen goods in late December 2002 is potentially highly material information police would be expected to investigate and follow up on as part of their investigation into the Medina Burglary and their search to find Laci Peterson, and as part of an investigation that resulted in a capital murder charge against Mr. Peterson. Mr. Peterson has not been provided with any such reports.¹⁰

v. **Reports, notes, audio and video recordings and transcripts thereof, photographs, chain of custody logs, and/or other documents relating to the processing of the Medina residence, collection of forensic evidence therefrom, and any subsequent examination of that evidence including but not limited to:**

- (1) The chain of custody and present status of the gloves the Medinas pointed out to Evidence ID Technician Doug Lovell and described as having been handled by the person or persons responsible for burglarizing their home;
- (2) The chain of custody and present status of any swabs collected from the gloves described in (1) above;
- (3) Destruction orders for (1) and (2), in the event those items have been destroyed;
- (4) Photographs of the Medina residence and of any evidence collected therefrom;
- (5) Fingerprint examination reports by Evidence ID Technicians Doug Lovell and Joy Smith and/or any other DNA or biological evidence collected from the Medina residence, or their recovered property;
- (6) Hairs, fibers, and/or other trace evidence, collected from the Medina home;

¹⁰ A sworn declaration by a person or persons with knowledge attesting to the fact that Ms. V [REDACTED] stated in a post-conviction interview that she reported the information to the MPD while the search for Laci Peterson was ongoing, and that she did not see the van she described at the corner of Yosemite and Santa Fe again after January 1, 2003, will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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- (7) Laboratory request forms or other correspondences requesting any forensic testing on any evidence collected in relation to the Medina Burglary;
- (8) Lab reports and other reports, notes, and/or any documents associated with forensic testing conducted on any evidence collected in relation to the Medina Burglary;
- (9) Destruction orders for all evidence collected in relation to the investigation of the Medina Burglary.

Reason for believing items exist: See Bates 20385. Post-conviction interviews with witnesses indicate that MPD Evidence ID Technician Doug Lovell took photographs inside, and collected and processed evidence in the Medinas' home on December 26, 2002. Photographs taken on or soon after that date and Lovell's report reflect the presence of fingerprint dust on one of the Medinas' doors, a chair, several boxes, and containers, envelopes found inside the Medinas' home, and possibly elsewhere. Mr. Peterson has not been provided with any photographs taken inside the Medinas' home on December 26, nor has he been provided with any fingerprint examination reports, nor any other lab reports related to evidence collected from inside the Medinas' home.¹¹

w. All reports, notes, interviews, audio and video recordings and transcripts thereof, and/or other documents containing information regarding the identity of all confidential informants utilized by law enforcement in the investigation of the Medina Burglary, who may have information regarding additional individuals associated with the Medina Burglary, including but not limited to:

- (1) Informant referenced in Off. Helton's report at Bates 2391;
- (2) Informant referenced in Off. Helton's report at Bates 2392;
- (3) Informant referenced in Det. Stough's report at Bates 20361;
- (4) Informant referenced in Det. Stough's report at Bates 20365;
- (5) Informant referenced in Agt. Brodie's report at Bates 20397;
- (6) Informant referenced in Det. Cloward's report at Bates 20393.

Reason for believing items exist: See Bates noted above. In addition, identifying information of the informant(s), including all statements made by the informant(s) to all law enforcement officers, including parole agents assisting in the investigation, any offers of leniency or other benefits made to the informant(s), and any investigatory actions taken as a result of the information given by the informant(s) would be expected to be maintained in the course of a

¹¹ A sworn declaration by a person or persons with knowledge attesting to the fact that MPD collected evidence from inside the Medinas' home on December 26, 2002, and thereafter will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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burglary investigation and preserved in the file and disclosed to the defense in a capital murder case.

x. **Reports, notes, audio and video recordings and transcripts thereof, and/or other documents produced by MPD Off. Shawn Kelley and/or Off. John Sanchez related to the drive taken with the confidential informant, in which the CI identified residences 1406 and 1407 Tenaya Avenue and Stephen Todd and Donald Glenn Pearce as having involvement in the Medina Burglary.**

Reason for believing items exist: See Sgt. Helton's report at Bates 2391.

y. **All reports, notes, audio and video recordings and transcripts thereof, and/or other documents related to the anonymous person who provided Oscar Souza and Mike Brodie with the Tech 9 and 30-round magazine which had been stolen during the Medina Burglary, including but not limited to information identifying the anonymous person.**

Reason for believing items exist: See Bates 20397.

z. **MPD Reports and other information confirming that Ralph G [REDACTED]¹² is the MPD confidential informant who notified the police on January 2, 2003, that Steven Todd, Donald Glenn Pearce, and possibly one additional suspect named "Mark," were responsible for the Medina Burglary, including but not limited to:**

- (1) Ralph G [REDACTED]'s status as an MPD informant;
- (2) Information related to whether Ralph G [REDACTED] received a reward for the information he provided to MPD regarding suspects in the Medina Burglary;
- (3) Ralph G [REDACTED]'s criminal history;
- (4) Ralph G [REDACTED]'s arrest report of January 3, 2002, and related booking photos, custodial statements G [REDACTED] made to MPD, and audio and video recordings and transcripts thereof, concerning G [REDACTED]'s knowledge of the individuals involved in the Medina Burglary and/or Laci Peterson's disappearance.
- (5) Ralph G [REDACTED]'s charging documents related to his arrest on January 3, 2003, for the receipt of stolen property, plea negotiations with MPD and

¹² While Ralph G [REDACTED] is not named in any of the MPD reports, he has been identified by others as the informant referred to as "Mr. X," who provided police with information on January 2, 2003, about who was responsible for the burglary of the Medinas' home. Bates 20361. A sworn declaration by a person or persons with knowledge attesting to the fact of Ralph G [REDACTED]'s knowledge of material events and his admission that he called in the report to MPD about Todd and Pearce's involvement will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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the Stanislaus County D.A.'s office, the factual basis for the plea Mr. G [REDACTED] entered, and abstract of judgment related to his guilty plea.

Reason for believing items exist: See, e.g., Bates 2392 n.13; Stanislaus County Superior Court records for Case No. 1052317.

aa. **MPD Reports, notes, audio and video recordings and transcripts thereof, and/or other documents related to the information Det. Stough received about the possible involvement of a "Mark" and other suspects, as indicated in Sgt. Helton's reports, including but not limited to:**

- (1) Reports or other documentation relating to all MPD officers' prior contact with or knowledge of Mark T [REDACTED] which led them to suspect the tip that a "Mark" was involved in the burglary was referring to Mark T [REDACTED];
- (2) Reports, notes, photographs, recordings, search warrant(s), if any, and other documents relating to the "raid" of Mark T [REDACTED], including any search warrant obtained and executed, and the return associated therewith;
- (3) Reports, notes, and/or other documents regarding the individual listed as "first name Gregg" interview by Agent Brodie at [REDACTED], including his full name and identifying information;
- (4) Reports, notes, interviews, recordings, and/or other documents related to suspect Vironi.

Reason for believing items exist: See Bates 2389, 2392, 20397.

bb. **A complete copy of the MPD and Stanislaus County District Attorney's Office case files related to the December 24, 2002 burglary of the Medina home at 516 Covena Avenue (MPD Case #02-142591), including all audio and videotaped recordings and transcripts of those recordings, reports, notes, interviews, evidence logs, correspondence and/or other investigatory documents not yet requested above and not yet provided to Mr. Peterson, including but not limited to:**

- (1) Diane Jackson
- (2) Linda Chilles
- (3) Niniv T [REDACTED]
- (4) Sean M [REDACTED]
- (5) Lillian V [REDACTED]
- (6) Kim V [REDACTED]
- (7) Robert Nickerson
- (8) Susan Medina
- (9) Rudy Medina
- (10) Steven Todd
- (11) Donald Glenn Pearce

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- (12) Fred M [REDACTED]
- (13) Roy S [REDACTED]
- (14) Audrey N [REDACTED]
- (15) Lisa S [REDACTED]
- (16) Nicole E [REDACTED]
- (17) Elwin (Earl) D [REDACTED]
- (18) Delora (Dalora) A [REDACTED] W [REDACTED]
- (19) Paula C [REDACTED]
- (20) Eldon M [REDACTED]
- (21) Gregg C [REDACTED]¹³
- (22) Mark T [REDACTED]
- (23) Margaret F [REDACTED]
- (24) Kelly R [REDACTED]
- (25) Ralph G [REDACTED]
- (26) Buddy H [REDACTED]
- (27) Cliff Koen
- (28) "Sanjeet"
- (29) Telesia Koen
- (30) Melissa McDaniels

Reason for believing items exist: The individuals above are referenced in various police reports as potentially having information related to the burglary of the Medinas' home.

2. LT. XAVIER APONTE REPORTS. A complete copy of the MPD investigation into the exculpatory information CDCR Lt. Xavier Aponte provided to MPD regarding Laci Peterson witnessing Steven Todd committing the Medina Burglary on December 24, 2002 (MPD Case No. 02-143025).

The defense believes the items requested below exist based on the following information taken from 2023 Pet. Exhs. T, U, V and Z.

Among the 43,000 pages of discovery given to Mr. Peterson's defense team, a single entry in an MPD "tip" sheet documented a call from Lt. Aponte on January 22, 2003. The entry on the "tip" sheet states: "909-273-2901 CRC NORCO – Received info from Shawn Tenbrink (inmate) he spoke to brother Adam who said Steve Todd said Laci witnessed him breaking in. Could not give dates or time. Aponte has further info" (emphasis added).

¹³ In his January 2, 2003 interview with Officer Hicks, Steven Todd refers to a "Greg K [REDACTED]" as someone with whom he distributed the stolen Medina property. Post-conviction investigation has revealed that this person is "Gregg C [REDACTED]"

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To date, that is the *only* information the MPD has *ever* provided to Mr. Peterson's attorneys (trial, appellate, or habeas) regarding MPD's investigation into the exculpatory, and if true, **exonerating**, information Lt. Aponte provided to MPD concerning the timing of Laci's disappearance, and a report that she witnessed a burglary in progress across the street from her home, after Mr. Peterson left home for the day.

The MPD failed to disclose to the defense at the time of trial any reports or documentation of its investigation into the information Lt. Aponte provided. The defense did not appreciate the materiality of Mr. Tenbrink's information until the trial was almost over, when they learned that Shawn and Adam Tenbrink lived in the Airport District in Modesto and were associates of Steven Todd.

The defense contacted Lt. Aponte and he signed a statement for the defense on December 1, 2004, documenting the steps MPD took to investigate. This statement was signed during the penalty phase of Mr. Peterson's trial—after the jury had already reached a guilty verdict without the benefit of hearing the information Lt. Aponte provided to MPD.

The defense then submitted Lt. Aponte's signed statement to the court documenting the steps MPD took to investigate Mr. Aponte's information, which the prosecution had failed to disclose to the defense. The defense requested that the prosecution provide "all material related to the NORCO investigation" and moved for a mistrial. The prosecution then obtained its own signed statement from Lt. Aponte dated March 9, 2005.

Lt. Aponte's signed statements say he made two phone calls about a week apart to MPD to report information about Laci Peterson witnessing the Medina Burglary on December 24. Lt. Aponte made the second phone call to MPD because he received no response to the first call. It is not clear whether the tip sheet provided to Mr. Peterson is the first or second call made by Lt. Aponte.

Lt. Aponte's signed statements say he made a tape of the call between inmate Shawn Tenbrink and his brother Adam. To date, the defense has never received any audio or transcripts of this recorded conversation.

Lt. Aponte further reported in his signed statements that an MPD detective called him to follow up on the information he provided in his calls and several steps were undertaken by MPD to investigate his report, including an unnamed MPD detective interviewing Mr. Tenbrink telephonically. However, to date, the defense has received no information explaining or reporting or documenting MPD's follow up, including no recording of the above-described MPD phone interview with Mr. Tenbrink.

Lt. Aponte reported that after the unnamed MPD detective telephonically interviewed inmate Shawn Tenbrink, he asked Lt. Aponte to more closely monitor Shawn Tenbrink. Lt. Aponte said that after Mr. Tenbrink was finished being interviewed by the MPD detective, he

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went back to his cell and called his mother. As directed, Lt. Aponte listened to Shawn Tenbrink's call with his mother and heard him tell her to tell his brother, Adam, "the police had just interviewed him, and he was to keep his mouth shut because he doesn't know he's dealing with." Again, MPD has provided no report, or recording, or any other information to the defense concerning, or documenting the contents of the phone call between Shawn Tenbrink and his mother, and the defense has been provided with no information regarding what steps, if any, Lt. Aponte took to provide the information he gathered to the MPD, as directed by the detective.

Given the detective's direct request, which immediately preceded Shawn Tenbrink's call to his mother, the warning to his brother, and the fact that there was a massive search underway for Laci Peterson that was highly publicized, it is highly unlikely that Lt. Aponte did nothing with the information he received. However, the defense has never been provided with any information explaining or reporting or documenting this call between Mr. Tenbrink and his mother—other than what the defense was able to obtain from Lt. Aponte, almost two years later.

In response to the defense request for "all material related to the NORCO investigation," the prosecution provided the defense with no additional discovery. Instead, the prosecution provided the court with an unresponsive, carefully worded affidavit by MPD Det. Grogan, explaining the steps he took to "search" MPD's files for the information defense was requesting.

On its face, Det. Grogan's affidavit appeared to be thorough, but upon closer scrutiny it is clear a more exhaustive search is needed, as set forth below. The discovery the defense requested 20 years ago was not then and has never since been provided to Mr. Peterson.

Based on the foregoing, please provide:

- a. **Audio recordings and transcripts of all calls Lt. Aponte made to MPD, or any other law enforcement agency involved in the search for Laci Peterson, including but not limited to the two calls Lt. Aponte described making in January-February 2003.**
- b. **All MPD and other law enforcement agency reports, handwritten and typed notes, call logs, audio and/or video recordings, voicemail recordings, investigative materials, and/or any other documents regarding the calls Lt. Aponte made to MPD, including but not limited to the two calls Lt. Aponte described making in January-February 2003.**
- c. **All recordings and transcripts of calls recorded by NORCO between inmate Shawn Tenbrink and his brother Adam, including but not limited to the call Lt. Aponte described in his report to MPD.**

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d. **All investigative actions MPD took in response to receiving the information Lt. Aponte reported in his two calls to MPD, and any reports and/or documents related thereto, including but not limited to:**

- (1) The identity of the unnamed MPD detective who interviewed Shawn Tenbrink in late January or early February 2003 about Laci Peterson having seen Steven Todd while the Medina Burglary was in progress and who thereafter directed Lt. Aponte to monitor Mr. Tenbrink's telephone calls;
- (2) Phone records, police reports, audio recordings, and any other record documenting every phone call ever made by and between Det. Grogan and Lt. Aponte between January 2003 and today;
- (3) Reports, notes, and/or audio/video recordings and transcripts thereof documenting the contents of a call, or calls, made by an unnamed detective of the MPD, or any other law enforcement representative, to Lt. Aponte or NORCO, in late January or early February 2003, per Lt. Aponte's signed statements;
- (4) Reports, notes, and/or audio and video recordings and transcripts thereof of interviews by MPD and its representatives, or any other law enforcement representative or agent with Shawn Tenbrink when he was incarcerated at the California Rehabilitation Center (CRC) in Norco, California, regarding any issue, including statements related to an individual with knowledge of or confessing to committing the crimes for which Mr. Peterson was conviction¹⁴;
- (5) Reports and/or notes regarding the phone call placed by Shawn Tenbrink to his mother indicating that he was interviewed by police while incarcerated at CRC in Norco, as indicated by Lt. Aponte's December 1, 2004 statement, and any other calls related to the Medina Burglary or Laci Peterson;
- (6) Reports and/or notes regarding the monitoring and/or surveillance of Shawn Tenbrink's calls, mail, visits and/or other activities while he was in custody at NORCO, as indicated by Lt. Aponte in his signed statement of December 1, 2004.

¹⁴ A sworn declaration by a person with knowledge attesting to the fact that Lt. Aponte has since stated he believes he may have videotaped the interview between Shawn Tenbrink and the unnamed MPD detective(s) while Mr. Tenbrink was in Lt. Aponte's office will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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e. All materials related to Det. Craig Grogan's search for materials related to the Aponte reports, as detailed in Det. Grogan's March 9, 2005 affidavit, including but not limited to:

- (1) A complete and thorough description of all locations within the MPD's systems for cataloguing and storing reports, communications, evidence, and other materials in serious felony cases, including descriptions of how the above-described items are systematically managed and preserved for retrieval, in compliance with law enforcement's discovery responsibilities and *Brady* obligations;
- (2) A complete and thorough description of all "computerized files" Det. Grogan searched for "the tip listing Shawn Tenbrink referred to by the defense," and the search terms he used, as referenced in his March 9, 2005 affidavit;
- (3) A complete copy of all information and documents collected as a result of a broad and complete search of all MPD systems, including but not limited to "computerized files," for all terms possibly related to the materials the defense is requesting and to which the defense is entitled. For example, searching for the terms such as: Aponte, NORCO, Tenbrink, Adam, Shawn, Todd, among many others, would be far more likely to return responsive results than searching for precise language not designed to return responsive information, as Det. Grogan apparently did;
- (3) A complete and thorough description of all "handwritten reports" that were searched by Det. Grogan for "reports mentioning Aponte or Tenbrink," as referenced in his March 9, 2005 affidavit;
- (4) All the actual communications, correspondence, emails, voicemails, recorded messages, and any other forms of requests Det. Grogan sent to Modesto Police Department "detectives, officers, and supervisors involved in the Peterson investigation" requesting "information about an interview between an officer or detective and Shawn Tenbrink," as referenced in Det. Grogan's March 9, 2005 affidavit;
- (5) All the actual communications, correspondence, emails, voicemails, recorded messages, and any other forms of responses Modesto Police Department personnel or any other law enforcement entity sent to Det. Grogan in response to his request for "information about an interview between an officer or detective and Shawn Tenbrink," as referenced in Det. Grogan's March 9, 2005 affidavit;

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- (6) All of the actual correspondence between Det. Grogan and “supervisors in the Investigative Services Unit” regarding whether the Modesto Police Department conducted any interviews at the Norco facility related to the Laci Peterson case, as referenced in Det. Grogan’s March 9, 2005 affidavit.

f. **All communications and correspondence between the Modesto Police Department and Lt. Aponte of California Rehabilitation Center in Norco, including but not limited to:**

- (1) The actual fax, including any cover sheet and other information Det. Grogan communicated to Lt. Aponte when he faxed him a copy of the “tip sheet” in 2005, as referenced in Det. Grogan’s March 9, 2005 affidavit;
- (2) Lt. Aponte’s actual response(s) to Det. Grogan’s 2005 fax, referenced in (1), whether by email, voicemail, fax, or any other means, as indicated in Lt. Aponte’s March 3, 2005 declaration;
- (3) A digital copy and written transcript of the voicemail message(s) left by Lt. Aponte with the Modesto Police Department tipline for the investigation of the Laci Peterson case as referenced in Lt. Aponte’s March 3, 2005 declaration.

g. **All communications and correspondence between the Modesto Police Department and the California Rehabilitation Center (CRC) in Norco regarding any of the following:**

- (1) The information Lt. Aponte provided to MPD regarding Steven Todd seeing Laci Peterson on the morning of December 24, 2002;
- (2) All recorded conversations between Shawn and Adam Tenbrink, and recorded conversations between Shawn Tenbrink and his mother;
- (3) All interviews—telephonic, in-person, or otherwise—conducted with Shawn Tenbrink, and audio and video recordings and transcripts thereof;
- (4) Any other matter related to the Laci Peterson case or the Medina Burglary.

3. **CROTON WATCH.** A complete copy of the MPD and Stanislaus County District Attorney Office’s investigation into the Croton watch that was pawned on December 31, 2002, by Deanna R [REDACTED], and a watch that was pawned on February 14, 2003, by Anthony S [REDACTED].

The defense believes the items requested below exist based on the following information taken from trial transcripts and MPD police reports Bates 40, 357–358, 620–626, 628, 42678–42686, 43055, 43083, 42985–42995.

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When Laci Peterson was reported missing on December 24, 2002, Mr. Peterson told MPD officers that when he left that morning, Laci was wearing a wristwatch she inherited from her grandmother that had diamonds around the face.

On February 6, 2003, Det. Grogan found an eBay listing by Scott and Laci for an "Amazing Diamond Bezel Ladies Watch Croton." He determined that this watch matched the description of the watch Mr. Peterson said Laci was wearing the day she went missing. Det. Grogan was able to determine that the watch was not sold on eBay.

Det. Grogan testified that he did "a lot of investigation of the jewelry" to "establish what jewelry Laci Peterson had, what she received, what was potentially missing to see if [police] had in fact recovered all of the jewelry or most of the jewelry that had been described by the defendant that she was wearing." Det. Grogan testified that it was a long process over several months.

On March 6, 2003, Laci's Croton watch was still unaccounted for, so Det. Grogan had an MPD officer search pawn records for the word "Croton." The officer found one pawn record: a woman had pawned a Croton watch on December 31, 2002—one week after Laci went missing—at a pawn shop less than three miles from Scott and Laci's home. However, no follow-up investigation reports on this pawn were provided to Mr. Peterson. To date, Laci's Croton watch is still unaccounted for.

Mr. Peterson's trial attorney entered this pawn slip into evidence at trial on June 17, 2004. As a result, Lt. Mark Smith with the Stanislaus County District Attorney's Office arranged for the woman who pawned the watch, Deanna R [REDACTED], and her boyfriend, James B [REDACTED], to be interviewed in July 2004 in Oklahoma, where they were then living, by Oklahoma law enforcement investigator Marc Saunders.

The report from Inv. Saunders refers to email correspondence between Lt. Smith and Inv. Saunders which "describes the person whom he desires to be interviewed, the information desired, and the attachment of associated documents in the form of a pawn receipt and the photograph of a watch." Inv. Saunders interviewed Deanna R [REDACTED] and her boyfriend James B [REDACTED] on July 6, 2003, and again on July 7, 2003. Inv. Saunders recorded all four interviews.

Ms. R [REDACTED] told Inv. Saunders that she redeemed the original pawn and then pawned the watch a second time on Valentine's Day of 2003, under the name Anthony S [REDACTED] who was with her that day. Ms. R [REDACTED] told Inv. Saunders that she never redeemed the second pawn "because of a visit to her home by detectives in late February or early March 2003." She reported that the detectives who visited her were looking for a watch that may have belonged to Laci Peterson. During this visit, Ms. R [REDACTED] gave the detectives the second pawn slip from the February 14, 2003 pawn.

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Both R [REDACTED] and B [REDACTED] told Inv. Saunders that they were visited by “detectives with star shaped badges” and an investigator for Scott Peterson. **Mr. Peterson’s defense has never been provided with any investigation reports documenting a 2003 visit by MPD, or the Stanislaus County District Attorney’s Office, or anyone else in law enforcement carrying star shaped badges.**¹⁵

R [REDACTED] explained that the first visit from investigators asking questions about the pawned Croton watch occurred “a week or so to 10 days” *before* March 12, 2003, the date R [REDACTED]’s home, located at [REDACTED] Rimrock in Modesto, was raided by police. See *People v. Shivar*, California Court of Appeal Fifth Appellate District Case No. F045811, unpublished opinion from May 30, 2006.¹⁶

On March 6, 2003, roughly one week before the MPD raided R [REDACTED]’s home at [REDACTED] Rimrock, Det. Grogan issued a report stating that an MPD CSO had searched records for the word “Croton” and found a single Croton watch pawn ticket, which had Deanna R [REDACTED]’s name on it.

Additionally, pawn shop owner Sam N [REDACTED] stated in a televised interview that aired in 2017 that the Modesto Police were “looking for a Croton watch, and evidently [he] popped up in the system, *the only one in the last six months or so that had purchased a Croton watch.*” See September 2017 A&E Series Extra Content Transcripts (emphasis added). In that interview, Newnam describes what is in Det. Grogan’s police report about the March 6, 2003 search for the word “Croton” and the fact that the MPD CSO found “one.” Newnam goes on to say that he put the watch on hold for the police.

MPD continued its investigation into the pawned watch in October 2004 , when James Romano came forward with additional information.

Based on the foregoing, please provide:

- a. **All notes, reports, correspondence, and communications including written correspondence, emails, voicemail recordings, faxes, photos, audio and video recordings, and written transcripts thereof, related to Lt. Mark Smith’s discussions with Inv. Marc Saunders regarding the MPD’s (and/or any other law enforcement agency’s) 2004**

¹⁵ Mr. Peterson did not learn about or have any knowledge that a Croton watch was pawned at a nearby pawn shop within days of his wife’s disappearance until *after* his arrest on April 25, 2003, when his attorneys began receiving discovery. The pawn slip with Deanna R [REDACTED]’s name on it (Bates 628) was not provided to the defense until *after* April 25, 2003. To the extent R [REDACTED] believed the investigator who visited her in February or early March of 2003 may have been hired by the Peterson family, she was mistaken.

¹⁶ R [REDACTED] also recalled that the first visit occurred *before* her sister and brother-in-law, Shane S [REDACTED], were involved in a high-speed car chase that resulted in S [REDACTED]’s death, which was on March 11, 2003.

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investigation into the Croton watch Deana R [REDACTED] pawned on December 31, 2002, and February 14, 2003.

b. All notes, reports, correspondence, photos, audio and video recordings, and written transcripts thereof, photographs, and/or other documents related to law enforcement's interview(s) with Deanna R [REDACTED] and James B [REDACTED] regarding the Laci Peterson investigation, including but not limited to:

- (1) All reports and statements made by James B [REDACTED] and Deanna R [REDACTED] to law enforcement regarding the Croton watch from 2003 to the present date, including but not limited to statements B [REDACTED] and R [REDACTED] made describing the watch that was pawned *before* they were shown a photo of Laci's Croton watch, and the interview Inv. Mark Sanders conducted with B [REDACTED] and R [REDACTED] when he showed B [REDACTED] a photograph of a watch and R [REDACTED] a photograph of a watch. See Bates 42683, 42680.
- (2) All photographs of watches Inv. Sanders showed to B [REDACTED] and R [REDACTED] including but not limited to the Croton watch.

c. All notes, reports, correspondence, photos, audio and video recordings, and written transcripts thereof, related to the February and/or early March 2003 interview MPD or any other law enforcement agency conducted with Deanna R [REDACTED] at [REDACTED] Rimrock.

d. All notes, reports, correspondence, photos, audio and video recordings, and written transcripts thereof, related to the surveillance MPD and/or other law enforcement performed at [REDACTED] Rimrock in 2003, including but not limited to surveillance conducted by Officer Hicks.

e. Identify the "confidential reliable informant (CRI), known as 'X,'" Officer Hicks used to enter the residence at [REDACTED] Rimrock Court and purchase methamphetamine from Deanna R [REDACTED].

f. All notes, reports, correspondence, photos, audio and video recordings, and written transcripts thereof, and/or other documents related to law enforcement's interactions with Sam N [REDACTED], and/or The Pawn Shop, between 2003 and the present date, regarding the Croton watch Deanna R [REDACTED] pawned on December 31, 2002, and February 14, 2003, under the name of Anthony S [REDACTED].

g. All notes, reports, correspondence, photos, audio and video recordings, and written transcripts thereof, and/or other documents related to the information James Romano provided to the Modesto Police Department in 2004 regarding the abduction of Laci Peterson (Bates 42986-42990), including, but not limited to:

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- (1) All statements made by James Romano to law enforcement officers and/or correctional facility staff regarding information he had relating to the Laci Peterson investigation, including, but not limited to, his statements made to:
 - (A) Modesto Police Clerk Lisa McOwen, as indicated in Bates 42986;
 - (B) Stanislaus County Sheriff Dep. Terry Johnson, as indicated in Bates 42986;
 - (C) Modesto Police Department Det. Dodge Hendee, as indicated in Bates 42986;
 - (D) "Sgt. Campbell of the Stanislaus Co. S.O." as indicated in Bates 42987;
 - (E) "Deputy Safford" as indicated in Bates 42987;
 - (F) "Deputy Johnson" as indicated in Bates 42987.

- (2) All reports, memoranda, or other documents authored by individuals identified in number 3(g)(1)(A)–(F) relating to the information James Romano provided to law enforcement;

- (3) All notes, reports, statements, or other investigatory documents relating to subjects named by James Romano in the report(s) he provided to law enforcement, including, but not limited to:
 - (A) James Romano;
 - (B) James/Jimmy B [REDACTED];
 - (C) Michelene F [REDACTED];
 - (D) Anthony/Tony S [REDACTED];
 - (E) Curtis S [REDACTED];
 - (F) Tim S [REDACTED];
 - (G) Rayborn S [REDACTED];
 - (H) Deanna Harbin R [REDACTED];
 - (I) Jimmie G [REDACTED].

- (4) All audio and/or video recordings of interviews with James Romano, James/Jimmy B [REDACTED], and Michelene F [REDACTED], as indicated on Bates 42996, and/or any other witness named in the information James Romano provided to law enforcement as identified in number 3(g)(3)(A)–(I);

- (5) All internal correspondence by and between law enforcement officers and/or correctional facility staff regarding the information James Romano provided, including, but not limited to:

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- (A) Sgt. Mike Zahr's request to Lisa McOwen to have Det. Hendee interview James Romano as indicated in Bates 42986;
 - (B) Lisa McOwen's request to Det. Hendee to interview James Romano as indicated in Bates 42986;
 - (C) Sgt. Campbell's request to Deputy Safford to interview James Romano, as indicated in Bates 42987;
 - (D) Det. Dodge Hendee's conversation with Det. George Stough regarding his investigation into the Medina Burglary, as indicated in Bates 42989-42990.
- (6) All reports, copies of correspondence, and other records documenting the surveillance of James Romano's outgoing mail while incarcerated at Stanislaus County Public Safety Center between 2003-2004, including any letters in which James Romano indicated to "Friends Outside" that he had information relating to the Laci Peterson investigation, as indicated in Bates 42987;
- (7) Booking photos of Anthony S [REDACTED], Curtis S [REDACTED], Deanna Harbin, and James B [REDACTED] and the "CDL photograph" of Michilene P [REDACTED] shown to James Romano on October 19, 2004, as indicated in Det. Hendee's report at Bates 42988-42989;
- (8) All reports, communications, correspondence, photos, notes, audio and video recordings and transcripts thereof, and/or other documents relating to all contacts between MPD personnel and James B [REDACTED] in relation to the Laci Peterson investigation, including but not limited to the incident in which he provided law enforcement with a pawn ticket for a watch made out to Anthony S [REDACTED], as indicated in Bates 42989;
- (9) All reports, notes, correspondence, or other documents regarding any contacts of MPD or other law enforcement related to the investigation into "The Pawn Shop," located at [REDACTED] Oakdale Road, where James Romano indicated Deanna Harbin had pawned a watch, in or around February 2003, as indicated in Bates 42987;
- (10) All reports, records, notes, correspondence, or other documents describing all efforts made by law enforcement to identify a man who was in possession of items jewelry from the Medina Burglary and goes by the street name "Fireman," as indicated in Bates 42988;
- (11) All statements by James Romano in his October 18, 2004 interview identifying someone named "Coyle" as having been involved in the

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Medina Burglary, as indicated in his October 19, 2004 interview at Bates 42989;

- (12) All records, reports, or other documents related to and/or describing or summarizing James Romano's criminal case history, including sentencing proceedings at the time he came forward with information regarding the disappearance of Laci Peterson in 2004, as represented to the Court by DDA David Harris at RT 19699.

4. DECEMBER 25, 2002, VAN FIRE IN AIRPORT DISTRICT. A complete copy of Modesto Police Department Case No. 02-142687 and Modesto Fire Department (MFD) Case No. SMF02019142, concerning the investigation of an incendiary fire of an orange van containing a mattress with apparent bloodstains, located in the alley between 612 Thrasher and 607 Empire,¹⁷ less than one mile from the Petersons' home, in the early morning of December 25, 2002, the day after Laci Peterson was reported missing. The items requested include but are not limited to the following:

a. **Digital copies of all 911 calls reporting the incendiary vehicle fire the morning of December 25, 2002.**

Reason for believing items exist: MFD responded to one or more 911 calls.

b. **A complete color copy of the DOJ Central Valley Crime Laboratory file, including but not limited to all bench notes, diagrams, DNA reports including electronic data, gas chromatograms, photos, lab request forms, all documents regarding the examination and forensic testing of all items of evidence collected from the van, including but not limited to the mattress cutting, the rag collected from the fuel tank, any fingerprints and/or palm prints lifted from the scene.**

Reason for believing items exist: Portions of this file have been provided but Mr. Peterson has not been provided with a complete copy of the file.

c. **All reports, notes, correspondence, communications, audio and video recordings and transcripts thereof, concerning the fire department and/or law enforcement's decision to send the stained mattress fabric found in the back of the van to the DOJ Central Valley Crime Lab for forensic testing in 2003.**

Reason for believing items exist: The evidence was sent to the DOJ Central Valley Crime Lab for forensic testing in 2003 but Mr. Peterson has not been provided with any reports

¹⁷ A sworn declaration by a person or persons with knowledge will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary, attesting that 607 Empire was the address of Steven Todd's sister-in-law, Telesia Koen, the daughter of Cliff Koen, whose name Todd provided as his unverified alibi for December 24, 2002.

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explaining the reasoning behind sending certain items of evidence collected from the van for testing, and not others.

d. **All documents relating to the collection of fingerprints, palm prints, and/or latent prints from the van, as requested in the Incident History Report (Bates 4095) and any subsequent examination, analysis, or comparisons of that print evidence.**

Reason for believing items exist: Individuals involved in collecting evidence from the van reported seeing print evidence being collected but Mr. Peterson has received no reports documenting the results, nor has he been provided copies of any prints collected.

e. **A complete color copy of MFD Fire Investigator Bryan Spitulski's entire investigation file in Modesto Fire Department Case No. SMF02019142.**

Reason for believing items exist: Former MFD Fire Investigator Bryan Spitulski has stated in a sworn declaration that he has reviewed the reports he authored that were provided to Mr. Peterson and that the reports are incomplete. He has further reviewed the discovery Mr. Peterson was provided at the time of trial regarding the vehicle fire and stated that these materials are incomplete. A sworn declaration to that effect will be filed in support of Mr. Peterson's motion for post-conviction discovery, if that filing is necessary.

f. **Color copies of all "photographs" and "scene diagrams" created of the van, the scene where it was located, and any/all evidence collected therefrom, including but not limited to:**

- (1) Full-sized, color copies of the black and white thumbnails, titled PC240013.jpg-PC240041.jpg on pages Bates 4107-4110;
- (2) All "scene diagrams" created by Fire Investigator Bryan Spitulski as referenced at Bates 4102, and/or by any other investigator;
- (3) Color copies of all photographs of the van and its contents, including the stained mattress, concrete cinder blocks, metal cans, and other items located inside the van taken at the tow yard and MPD evidence locker during the examination and collection of evidence from the van as referenced at Bates 3781;
- (4) Photographs depicting the cutting and sampling of the mattress fabric at the "covered secure area," as referenced at Bates 3781.¹⁸

¹⁸ A sworn declaration by a person or persons attesting to the details of the procedures used and photographs taken during the examination and collection of evidence from the van while it was at the police evidence locker will be

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Reason for believing items exist: See 4.d., above.

g. Property and Evidence logs and records, including chain of custody from December 25, 2002, to the present, detailing the current location and condition of the following items of evidence, and, where applicable, color photographs of the packaging, for the following items:

- (1) The burned orange van with license plate number 6S66512;
- (2) The mattress fabric sample and other mattress material samples collected from the above-described burned orange van;
- (3) The glass vile used for presumptive testing of the mattress fabric sample, which tested presumptively positive for the presence of as indicated in color photographs and at Bates 3781;
- (4) The red fuel container, metal fuel container, and yellow fuel containers observed in the burned-out van, as indicated at Bates 4104;
- (5) The towel found sticking out of the gas tank of the burned-out van described above, as described at Bates 4103;
- (6) The gas cap found lying on the ground near one of the tires of the burned-out van described above, as indicated at Bates 4103;
- (7) The cement cinder blocks found inside the burned van;
- (8) The fabric cut from the "pillow" as indicated at Bates 3781;
- (9) All other items collected from the van and/or the surrounding areas not listed above.
- (10) All destruction orders associated with the van and/or evidence collected therefrom.

Reason for believing items exist: Information provided by Fire Inspector Bryan Spitulski indicates in no uncertain terms that MPD upper management was aware of the evidence being collected from the burned out orange van and concerned that it may have been involved in the abduction of Laci Peterson. It stands to reason that evidence was carefully examined and tested, but Mr. Peterson has received no investigation or lab reports indicating the above items were forensically tested.

filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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h. MPD Policy and Training Manuals in effect in 2002–2005, including Homicide Detective Manuals, Police Investigation Manuals, and any other policy and procedures in effect governing the following:

- (1) Documentation, collection, and preservation of physical evidence;
- (2) Procedures for interviewing witnesses and suspects, including the recording and documenting of such interviews;
- (3) The utilization and administration of hypnosis on eyewitnesses;
- (4) Avoiding confirmation bias and other biases in police investigations;
- (5) Documentation and disclosure of incentives offered to prosecution witnesses in exchange for testimony;
- (6) All policies and procedures pertaining to the administration, documentation, and recording of polygraphs, including pre-polygraph and post-confession interviews; and
- (7) All policies and procedures pertaining to the use of confidential informants, documentation of the identities of confidential informants, decisions to offer leniency and/or deals in exchange for cooperation with law enforcement, evaluation of *Brady* and discovery obligations when using informants, and all other documents governing the use of confidential informants.

i. MPD and MFD forensic evidence collection policies and procedures in effect in 2002 and 2003.

j. The initial report(s) that MPD Evidence ID Tech Lovell's "Supplemental Report" supplements. See Bates 3781.

k. All notes, reports, emails, voicemail recordings, and/or other internal communications between MPD and/or MFD personnel on December 31, 2002, regarding the presumptive positive blood test result from the mattress fabric cutting, about which the police chief, fire chief, and city manager were all informed and who then responded to the evidence locker to view the evidence.¹⁹

Reason for believing items exist: See 4.d., above.

¹⁹ A sworn declaration by a person or persons with knowledge attesting to the fact that the described personnel were present at the MPD evidence locker, while the van was being processed, because law enforcement believed the van may have been involved in Laci Peterson's abduction, will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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1. **All MPD and MFD reports, notes, photos, audio and video recordings and transcripts thereof, documenting and/or memorializing all investigatory actions taken in relation to sightings of a similar van in the La Loma neighborhood, immediately prior to it being reported on fire the morning of December 25, 2002, including but not limited to:**

- (1) Mike Chiavette's interview with MPD reporting that he saw a "bright orange Blazer type vehicle in East La Loma Park" that resembled the color of a "Cal Trans" van with suspicious looking men standing nearby, and he also saw a dog he recognized as the Petersons' dog, McKenzi, in the park on the morning of December 24, 2002, as indicated at Bates 2721;
- (2) The report called in by Patty R [REDACTED], who informed MPD that on December 25, 2002, at 6:30 a.m., a "rust colored" van stalled out on her street in front of her home at [REDACTED] Highland Drive, within 1000 feet of the Petersons' home, and a woman knocked on her door asking for gas, which her husband provided to her, as indicated at Bates 14791;
- (3) All reports related to any investigatory efforts to obtain information related to an "orange Blazer," as indicated by the information called in by Hession H [REDACTED] at Bates 14775, and all information and/or witness statements obtained pursuant to those efforts.

Reason for believing items exist: These reports are referenced in discovery Mr. Peterson has been provided but he has received no police reports or other information that sets forth the follow up investigation conducted into these leads, nor has he been provided with any discovery concerning who the possible suspects were as to this crime or whether anyone was ever arrested for it.

m. **All MPD and MFD reports, notes, photos, audio and video recordings and transcripts thereof, documenting and/or memorializing all investigatory actions taken regarding the theft of the orange van, prior to its burning, including, but not limited to:**

- (1) Interviews with all witnesses, including but not limited to:
 - (A) Terry Borden;
 - (B) Dorth Borden;
 - (C) Mark F [REDACTED]²⁰;
 - (D) Robert N [REDACTED] S [REDACTED] AKA Bobby R [REDACTED];

²⁰ The name "Mark F [REDACTED]" and a date of birth is listed as a name "to appear" in MFD Fire Inspector Spitulski's December 31, 2002 report. However, there is no mention of that name in the body of the report.

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- (E) Any of the other individuals encountered at the Borden property on December 31, 2002.
- (2) All reports submitted by all MFD personnel present on the scene, including but not limited to Bryan Spitulski, Matthew Curless, Michael Peterson, Django Valledor, and Delbert Jolly, as listed in Bates 4102;
 - (3) Police and fire reports, notes, interviews, and/or other documents concerning the theft of another vehicle or trailer from the Borden's business property roughly two weeks prior to the van fire on December 25, 2002, as Terry Borden relayed to Fire Investigator Bryan Spitulski;
 - (4) Investigation into all individuals who had access to the Borden van prior to its apparent theft, including but not limited to a list of Borden's employees;
 - (5) Investigation into whether the key to the van was with the van and/or whether a copy of the key was in the possession of anyone associated with the van;
 - (6) Investigation into Robert N. S. (AKA Bobby R.) criminal history, including the burglary he was on probation for, which rendered him searchable, as indicated in Det. Shipley's January 23, 2003 report;
 - (7) Color photographs, descriptions, inventory logs, or other documentation related to the "miscellaneous tools, safe, and additional items" found in Robert N. S.'s possession on December 31, 2002.

Reason for believing items exist: See Det. Shipley's January 23, 2003 report.²¹

n. **All reports, notes, recordings, or other documents detailing statements made by witnesses at the scene of the van fire, including but not limited to the name and full statement made by the reporting party, who stated that the van was not present in the alleyway when he went to sleep the night before.**

Reason for believing items exist: See 4.d., above.

o. **A complete and thorough description of all locations within the MFD and MPD's systems for cataloguing and storing reports, evidence, photos, and**

²¹ Det. Shipley's report indicates that the items in Smith's possession were assessed by Sebron Banks to determine whether they were associated with any of the burglary cases he was assigned to, and he found that they were not. However, Sebron Banks was not assigned to the Medina Burglary, so the items in Smith's possession could very well have been Medina property. On December 31, 2002, the Medina Burglary was not solved and none of the Medina property had been recovered yet. Some Medina property was never recovered, even after the raids and arrests in the Airport District on January 2, 2003.

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communications that Det. Grogan searched for discovery that is responsive to Mr. Peterson's request in 2016 for investigation materials related to the van fire, including but not limited to:

- (1) All correspondence, including but not limited to email communications, by and between District Attorney Birgit Fladager and Det. Craig Grogan requesting a search for evidence related to the incendiary van fire, as referenced in Det. Grogan's 2016 report;
- (2) The complete MFD case file related to the investigation of the van fire, MFD Case No. 02-19142, as referenced in Det. Grogan's 2016 report;
- (3) The complete MPD case file related to the investigation of the van fire, MPD Case No. 02-142687, as referenced in Det. Grogan's 2016 report;
- (4) Correspondence by and between Det. Grogan and the Department of Justice Central Valley Crime Laboratory regarding the mattress cuttings, as referenced in Det. Grogan's 2016 report;
- (5) A complete copy of the Central Valley Crime Laboratory report regarding the examination and forensic testing of the mattress cuttings, including but not limited to serology testing and reports, bench notes, color photographs, and all internal and external correspondence concerning the testing of those items, as referenced in Det. Grogan's 2016 report.

Reason for believing items exist: See Det. Grogan's March 18, 2016 Report.

5. EYEWITNESSES WHO REPORTED SEEING LACI PETERSON ON OR AFTER DECEMBER 24, 2002.

a. All reports, audio and video recordings and transcripts thereof, photos, notes, and/or other documents detailing investigative actions taken in response to eyewitness accounts reporting sightings of Laci Peterson on or after December 24, 2002, including, but not limited to:

- (1) Maps of search areas, the names of officers assigned, and the search areas assigned to each officer. Materials developed or used by law enforcement in 2002 and/or early 2003 while Laci was missing to note or track possible December 24, 2002 neighborhood sightings of Laci, McKenzi, or of a woman walking a dog.
- (2) All reports reflecting any interview(s) by Det. Reid or any other officer with **Colleen F [REDACTED]**, who reported to MPD on December 30, 2002, that "[o]n 12/24 between 1000–1030 hrs she was backing out of her driveway when she saw someone that looked like Laci." See Bates 14828.

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- (3) All reports reflecting any interview(s) regarding information **Homer and/or Helen Maldonado** provided to Sgt. Ron Cloward on January 3, 2003, while Laci was still missing, that Mr. Maldonado saw Laci Peterson walking her dog in the La Loma neighborhood on December 24, 2002, and all reports reflecting any follow up interview regarding that same information Homer and/or Helen Maldonado provided to MPD Chaplain Crocker on January 14, 2003.²² See Bates 14865.
- (4) All reports reflecting any interview(s) while Laci was still missing with **Tony Freitas**, who reported to MPD on December 30, 2002, that he “[s]aw Laci on 12-24-02 about 10:00 a.m.” walking the dog in a northwest direction on La Loma, near the location where Homer Maldonado reported seeing Laci around that same time.²³ See Bates 14818. The location where Freitas reported seeing Laci on La Loma is the precise location where and the bloodhound scent dog, named Merlin, belonging to Contra Costa Sheriff’s Department Search and Rescue dog handler Cindee Valentin, trailed Laci’s scent on December 26, 2002.
- (5) All reports reflecting any interview(s) while Laci was still missing by Det. Grogan or any other officer to interview **Sharon F** [REDACTED], who reported she “might have seen Laci Peterson” on La Loma just south of the bridge “on Christmas Eve, not far from the location where Maldonado and Freitas reported seeing Laci, the morning of December 24, 2002.”²⁴ See Bates 15095.
- (6) All reports reflecting any interview(s) while Laci was still missing with **Rebecca J** [REDACTED], who reported on December 26 and 27, 2002 that her neighbors at [REDACTED] Covena saw the “missing person walking her golden retriever west on La Loma Ave near Santa Barbara.” See Bates 14745, 2745.

²² A sworn declaration by persons with knowledge attesting to the multiple reports the Madonados made to MPD will be filed in support of Mr. Peterson’s Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

²³ A sworn declaration by a person with knowledge attesting to the report Freitas made to MPD will be filed in support of Mr. Peterson’s Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

²⁴ A sworn declaration by a person attesting to the fact that Paulson recently confirmed that she made the above-described report to MPD will be filed in support of Mr. Peterson’s Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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- (7) All reports reflecting any interview(s) while Laci was still missing with **Frank and Martha Aguilar** at 215 Covena, referenced in (5). See Bates 2745.
- (8) All reports reflecting any interview(s) while Laci was still missing with **Vivian ("Reagean" [sic]) Mitchell** who called MPD on January 1, 2003, to report that on December 24, 2002, between 10:00 and 10:30 a.m., she "saw a lady who fits the description of Laci who was walking a golden retriever." See Bates 14871.
- (9) All reports reflecting any interview(s) while Laci was still missing by Inv. Bertalotto or other officer with **Gene Pedrioli** who reported to MPD that he saw Laci the morning of her disappearance on the west side of the park with her dog.²⁵ See Bates 13586.
- (10) All reports reflecting any interview(s) while Laci was still missing with **Rachel B**, who reported seeing a woman walking her dog on Wilson Avenue and "was yelling at her dog to 'Come back, [c]ome back" because the dog had gotten away from her." See Bates 4556, 15052.
- (11) Det. Grogan's notes or report detailing his December 26, 2002 interview with **Mike Chiavette**, as referenced by Detective Brocchini. Chiavette reported seeing the Peterson's dog being walked on the footpath where Covena dead-ends. See Bates 978, 2721.
- (12) All reports reflecting any interview(s) while Laci was still missing by Det. Grogan or any other officer on the December 29, 2002 call from city worker **John B** who reported seeing a white, pregnant woman walking a dog in La Loma Park the morning of December 24, 2002. See Bates 2106.
- (13) All reports reflecting any interview(s) while Laci was still missing with **Thomas ("Tom") Harshman**, who reported to MPD on December 28, 2002, that he had just seen a pregnant woman fitting Laci's description who appeared to be under duress getting into a van on Scenic Road, near Claus Road.²⁶ See Bates 14789 (Thomas Harsh), 14791, 41005-41006, 15462.

²⁵ A sworn declaration by a person with knowledge attesting to these facts will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

²⁶ A sworn declaration by a person or persons with knowledge attesting to these facts will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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- (14) Any photos of Laci Peterson or other women used during interviews with eyewitnesses to determine whether they saw Laci, or in the alternative, identified another woman.
- (15) Any photos of the Peterson dog, McKenzi, or other dogs that were used during eyewitness interviews to determine whether they saw McKenzi, or in the alternative, identified another dog.
- (16) The identity of “two other pregnant women walking that day,” as described by Det. Brocchini in his interview with Fox News Correspondent Laura Ingle that aired March 30, 2023.
- (17) Notes of interviews with any eyewitnesses who reported seeing Laci Peterson alive on December 24, 2002, in the possession of and/or created by the Stanislaus County District Attorney’s Office.

6. EYEWITNESSES WHO REPORTED TO MPD THAT THEY HAD SEEN THE PETERSONS’ DOG, MCKENZI, ALONE AND UNATTENDED IN THE LA LOMA NEIGHBORHOOD THE MORNING OF DECEMBER 24, 2004.

a. All reports, audio and video recordings and transcripts thereof, reflecting any interview(s) while Laci was still missing, with the following witnesses who called MPD and reported seeing a dog fitting McKenzi’s description walking alone, unattended in the La Loma neighborhood the morning of December 24, 2002:

- (1) **Leora Garcia** reported to the MPD on January 7, 2003, that she was a driving instructor and was in the La Loma neighborhood the morning of December 24, when she saw an older orange dog, by itself.²⁷ The dog had a leash. On January 10, 2003, MPD Officer Hicks reported that he called Ms. Garcia and spoke to her on the phone (i.e., without showing her a photo of McKenzi) and he “determined [over the phone] that the dog was not the same dog belonging to the Peterson.” See Bates 4466. Mr. Peterson has received no discovery explaining on what basis the MPD determined the dog Ms. Garcia saw was not McKenzi.²⁸

²⁷ A sworn declaration by a person or persons with knowledge attesting to these facts will be filed in support of Mr. Peterson’s Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

²⁸ On December 18, 2003, Officer Hicks conducted a follow up interview with Ms. Garcia. While Mr. Peterson is in possession of an audio recording of the interview, no report documenting the circumstances of that interview or any follow up investigation into the information provided in that interview, including an additional description of the van she saw and a partial license plate number, have been provided to the defense. Accordingly, we request that the report corresponding to the December 18, 2003 interview and any related subsequent investigation be provided.

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- (2) **Victoria P** [REDACTED] reported to MPD Officer R. Beffa on December 25, 2002, that she was jogging in the park the day before between 9:30 and 10 a.m., on December 24, and she saw a gold-colored dog with a leash on. The dog was on the north side of Dry Creek, pacing back and forth and barking "like crazy." See Bates 2716. P [REDACTED] was contacted again on January 1, 2003, by an officer doing a door-to-door canvas and she again reported that she saw a large yellowish dog running loose in the park, north of the Covenia dead end (which is near the Petersons' home).²⁹ See Bates 2426. Mr. Peterson has not received any investigative reports indicating that the police or prosecution followed up on Ms. P [REDACTED] account.
- (3) **Barbara E** [REDACTED] called the MPD and reported that she had seen a golden retriever-type dog with a red leash walking by itself at approximately 11:30.³⁰ See Bates 14752. Mr. Peterson has not received any investigative reports indicating that the police or prosecution followed up on Ms. E [REDACTED] s account.
- (4) **John H** [REDACTED] called MPD on December 27, 2002, to report that "a couple of days ago," he saw a large golden dog running around loose in the Haddon area. The dog was wearing a collar but he did not notice a leash. See Bates 14775. Mr. Peterson has not received any investigative reports indicating that the police or prosecution followed up on Mr. H [REDACTED] s account.
- (5) **Linda S** [REDACTED] called MPD on December 27, 2002, and reported that she was out walking her dog two or three days prior and saw a golden retriever with a collar and tags. The dog ran away from her. See Bates 14768. Mr. Peterson has not been provided with any reports indicating that investigators ever followed up on Ms. S [REDACTED] 's account.

7. MISSING BATES PAGES. There were at least two Bates numbering systems used in the discovery for this case, so many discovery pages have two Bates stamps—one at the bottom right and one at top center. The Bates number on the bottom right became the controlling Bates number and exceeded over 43,000 pages. Generally, the top center Bates was used by MPD for internal reports or documents filed with internal

²⁹ A sworn declaration by a person or persons with knowledge attesting to these facts will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

³⁰ A sworn declaration by a person or persons with knowledge attesting to these facts will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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reports. Based on this, please provide the following discovery, which has never to date been provided to Mr. Peterson:

a. **Pages that have a TOP CENTER Bates stamp number:**

- (1) 2495 (likely handwritten);
- (2) 2592 (likely handwritten);
- (3) 12260–12265;
- (4) 14340–14402;
- (5) 16469–16491;
- (6) 17220–17595;
- (7) 25889;
- (8) 26712–26713.

b. **Pages that have a BOTTOM RIGHT Bates stamp number:**

- (1) 4759 (likely has handwritten 4751 at top center);
- (2) 5300–5309;
- (3) 10681–10684;
- (4) 15821;
- (5) 16220;
- (6) 16523–16544 (likely has Bates 16469–16491 at top center);
- (7) 20323–20324;
- (8) 21696–21697 (likely has Bates 21303–21304 at top center);
- (9) 22527;
- (10) 22871;
- (11) 23908–23909;
- (12) 25166–25220;
- (13) 26313–26314;
- (14) 26771–26778;
- (15) 32892;
- (16) 33770;
- (17) 34030;
- (18) 35082;
- (19) 35088–35089;
- (20) 38181;
- (21) 41297;
- (22) 41737–41747 (likely has Bates 27817–27827 at top center);
- (23) 42857–42903;
- (24) 43084–43088;

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- (25) 43098-43152;
(26) 43214 and above.

8. GENE RALSTON REPORTS, VIDEOS AND OTHER DATA RELATED TO BAY SEARCHES.

a. Any reports or notes authored by MPD Sgt. Cloward, and/or correspondence between Gene Ralston and Sgt. Cloward, regarding their mid-February 2003 discussion about an object captured by sonar imaging on January 24, 2003, that measured 5.3 feet in length and appeared to have two small objects on opposite sides of one end, referenced in Gene Ralston's 2003 report.

b. All names of CARDA personnel and animals that "responded during the weekend of March 6 and 7" to assist Ralston & Associates with searches and all reports, notes, logs, photos, and audio or video recordings detailing the searches and alerts that occurred during this search.

c. Any photos or video footage obtained when Ralston suggested "the video camera be used to tape the monitor output" members of the search team viewed of the ROV aboard the boat.

d. Any video recording made of Target 1.

e. Any screen captures, photos, or other images of the video image or video of Target 1 that Gene Ralston considered to be of a human body.

f. Copies of any computer hard drives or computer files that contain the images displayed by the ROV.

g. Video of the Klamath County, Oregon, search locating victims which Ralston believed resembled "the form and substance observed in the video of Target 1."

h. Gene Ralston's images and search data referenced in Det. Hendee's report dated July 31, 2003. See Bates 22019-22020.

i. The 18 or 19 images Gene Ralston sent to Clayton Fenn of Interspace Exploration, including images from March 12-13, 2003, that Ralston thought were images of a body, referenced in Det. Hendee's report dated July 31, 2003. See Bates 22020.

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- j. All side scan sonar images and video taken on March 28 and 29, 2003 referenced in Gene Ralston's 2003 report.
- k. All communications and correspondence from January 1, 2003, to date, including but not limited to email correspondence and text messages, between MPD, including Sgt. Ron Cloward, and Gene or Sandra Ralston, concerning any evidence in this case and the search for Laci Peterson.³¹
- l. All communications and correspondence from January 1, 2003, to date, including but not limited to email correspondence and text messages, between any personnel from other agencies and/or other parties involved in the San Francisco Bay searches and Gene or Sandra Ralston. See Gene Ralston's 2003 report, referencing "intermittent contact with several other officers and detectives throughout the investigation."
- m. All MPD reports, notes, memoranda, and communications with other law enforcement agencies involved in underwater searches in San Francisco Bay, discussing the merits of Mr. Ralston's opinion that Laci Peterson's body was not deposited in the location MPD and the prosecution claimed and the reasons for rejecting his opinion. Mr. Peterson has received no discovery regarding this topic.
9. ALL REPORTS, VIDEOS, AND OTHER DATA RELATED TO BAY SEARCHES.
- a. MPD Sgt. Ron Cloward's report detailing his activities at the San Francisco Bay on March 11, 2003.
- b. MPD Det. Owen's report detailing his activities at the San Francisco Bay on March 11, 2003, as referred to in Det. Grogan's report. See Bates 663 (handwritten on top of page).
- c. Report obtained from Deputy Rick Rutherford of Tuolumne County detailing his activities at the San Francisco Bay on March 11, 2003.

³¹ Gene Ralston reported to a journalist in 2023 that he and Sgt. Ron Cloward communicated regularly throughout the search for Laci Peterson and that they remain in contact with one another to the present day. A declaration recounting Ralston's report will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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d. **MPD Det. Phil Owen's report detailing the activities at the San Francisco Bay on March 17, 18, and 19, 2003. See Bates 21639-21640.**

e. **All of MPD Det. Grogan's communications with the FBI regarding underwater searches conducted in San Francisco Bay. See, e.g., Bates 91832.**

f. **All photos, images, video, reports taken by John Demille from Marine Sonic on May 22, 2003.³²**

g. **All reports from law enforcement personnel or others assisting law enforcement in the San Francisco Bay searches, including from the following personnel who were present during the searches, none of whom have provided any reports to Mr. Peterson about their search activities:**

DATE	AGENCY	PERSONNEL PRESENT, NO REPORT PROVIDED	REFERENCED AT BATES
12/28/2002	Contra Costa Sheriff Department	Tom Gill Mike Boehrer Jim Lambert Chris Luitzen John Humphrey Ed Malascon Charlie Rojas Eloise Anderson Marine Unit	2918; 2654-2655A
	Marine Patrol	Unnamed	2918
	California Rescue Dog Association	Denise Blackman Ron Seitz Eloise Anderson	2918
	Modesto Police Department	Marine Dept. K-9 Officers	2918; 3021-3074
	Alameda County Sheriff Department	Ron Seitz	2654-2655A
	Richmond Police Department	J. Silva	3071-3074
	San Francisco Police Department	Marine Unit	3071- 3074
12/30/2002	Modesto Police Department	Andy Schlenker Rick Armendariz	20299

³² Mr. Peterson has received discovery labeled Day 1 through Day 3 and Day 5, but is missing anything related to Day 4 or May 22, 2003 from John Demille.

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12/31/2002	Coast Guard	“Petty Officer Castillo” Ken Langford Jeff Bouchey	1803–1810
01/04/2003	Alameda County Sheriff Department Search and Rescue	R. Seitz B. McCabe R. Soares D. Lee Storck G. Chiu Miller M. Wagner B. Weber F. Roelfsema M. Noms R. Carlson Z. Helstrom J. Millie Hart	21609–21610
	Alameda County Sheriff Department Underwater Rescue/Recovery	J. Nagel J. McPartland T. Cahil D. Garabedian B. Matapoulos R. Pokomy R. Valerio D. Branson	21609-21610
	Alameda County Sheriff Department “m u-9”	D. Edick G. Gleeson	21609-21610
01/08/2003	San Mateo Sheriff Department	Walter Williams Geoffrey Baehr George Carey Sgt. Gonzales Ken Ardens Thomas McEvoy	2656
01/09/2003	San Mateo Sheriff Department	Walter Williams Geoffrey Baehr George Carey Sgt. Gonzales Ken Ardens Thomas McEvoy	2656
	Modesto Police Department	Ron Cloward	21611–21612

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	Alameda County Sheriff Department Search and Rescue	R. Knabe E. Sheets B. Jenevein J. Miille C. Miller B. Weber S. Corey A. Rateaver J. Nichols M. Wagner A. Bach Z. Helstrom M. Norris P. Sales R. Soares D. Lee R. Seitz (SAR Chief) K. Crawford M. Caunday J. Ward R. Wagner D. Brown	21611-21612
	Alameda County Sheriff Department Underwater Rescue/Recovery	G. Battaglia (URU Chief) D. McMurdie D. Fugere R. Happ J. Bryan D. Brown D. Panzica R. Storer A. Zafers J. Bueno N. Lann R. Fish	21611-21612
	Alameda County Sheriff Department "mu-11"	J. Wolfe	21611-21612
01/11/2003	San Mateo Sheriff Department	Walter Williams Geoffrey Baehr George Carey Sgt. Gonzales Ken Ardens Thomas McEvoy	2656

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Modesto Police Department	Mike Zahr Chris Fuzie Jason Grogan Ron Cloward Carlos Rodriguez Veronica Holmes	1846-1853
Berkeley Police Department	Eric Gustafson Ed Galvan G. Craig	1846-1853
Stanislaus County District Attorney	Birgit Fladager Rick Distasso	1846-1853
Alameda County Sheriff Department	Darryl Brown P. Sales Andrea Zaferes	1846-1853
Alameda County Sheriff Department Search and Rescue	A. Chew R. Collins L. Wilcox R. Knabe K. Crawford K. Jones D. Gallagher S. League B. Weher R. Bedford J. Nichols K. Laidlaw Z. Helstrom P. Miyashiro D. Dong R. Soares J. Ward T. Allread D. Lee E. Sheets M. Norris A. Wright R. Ericson	21613-21614
Alameda County Sheriff Department "mu-11"	J. Pacheco N. Neil R. Storer D. McMurdle J. Bryan M. Vail	21613-21614

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		B. Bussell D. McCormick J. Wolfe F. Butler B. Bennett	
	Alameda County Sheriff Department Underwater Rescue and Recovery	R. Fish R. Happ S. Sutton J. Bueno	21613-21614
	Solano County Sheriff Department	Chris Cook	1846-1853
	U.S. Coast Guard	Unnamed	1846-1853
	San Mateo Sheriff Department	Unnamed	1846-1853
01/24/2003	Modesto Police Department	Mike Zahr Ron Cloward	1864-1868
	Berkeley Police Department	Ed Galvan G. Craig	1864-1868
01/27/2003	U.S. Coast Guard	Ken Langford Paula Andrieu Jonathan Wall	1871-1872
	Modesto Police Department	Mike Zahr Skultety	1871-1872
01/28/2003	U.S. Coast Guard	Ken Langford Paul Andrieu Jonathan Wall	1872-1875
02/01/2003	Modesto Police Department	C. Ramirez	2145
	San Mateo Sheriff Department	Walter Williams Mike Otte Sean MacDonald Geogg Barie Joan Hooper Tom McEvoy George Carey	2145
	San Francisco Police Department	Danny Lopez	2145
	San Mateo Sheriff Department, "EOD," "Marine Three"	Tom Smith Mark Flaherty Mark Potter Capt. Williams	2657
02/02/2003	San Mateo Sheriff Department, "EOD," "Marine Three," "Cliff and Water Rescue Team"	Tom Smith Dino Zografos Mark Potter Capt. Williams Tom McEvoy	2663-2668; 2232-2233

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		Walt Williams Geoffrey Barie George Carey Joan Hooper	
	Modesto Police Department	Ron Cloward	2232-2233
	San Francisco Police Department	Danny Lopez	2232-2233
02/03/2003	Regional Parks Police	Randy Parent Kevin Iacovoni	2408-2409
	Modesto Police Department	Mike Zahr Craig Grogan Rudy Skultety Veronica Holmes	1922-1926
	California Highway Patrol	Russ Vough David Power	2670
02/08/2003	San Francisco Police Department	Greg Latus	2406-2407A; 2671-2673
	California Rescue Dog Association; Alameda County Rescue Dogs, "OES"	Billy Wong Mary Wong Denise Blackman	2406-2407A; 2671-2673
	Berkeley Police Department	Ed Galvan	2406-2407A
	San Mateo Sheriff Department	Walter Williams Geoff Barie Tom McEvoy George Carey	2406-2407A; 2671-2673
02/09/2003	Modesto Police Department	Ron Cloward Phil Owen	2234-2235
	San Mateo Sheriff Department	Tom McEvoy Walt Williams Geoffrey Barie Joan Hooper	2234-2235
	San Francisco Police Department	Mark Potter Jay Dowke Tom Smith Danny Lopez	2234-2235; 2674-2699
	Private Search Party	Don Laughlin William Laughlin	2234-2235
02/16/2003	San Mateo Sheriff Department	Jeff Bare W. Williams George Carey John Drews	2700
	Modesto Police Department	Mike Zahr Ron Cloward	1896-1900

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02/20/2003 – 02/21/2003	San Francisco Police Department	Danny Lopez Greg Latus Mark Laherly Mike Stasco Darby Reid Jason Sawyer Lian Frost John Ferrando Nick Rainford	1896–1900
02/23/2003 – 02/25/2003	San Mateo Sheriff Department	Jeff Bare W. Williams George Carey John Drews	2700
02/26/2003	Modesto Police Department	Ron Cloward	1906–1909
	San Francisco Police Department	Danny Lopez Mark Laherly Greg Latus Mike Stasco Darby Reid Jason Sawyer Lian Frost John Fernando Nick Rainford Jason Gardon Jay Dowke	1906–1909
	San Mateo Police Department	Walt Williams	1906–1909
03/01/2003 – 03/04/2003 ³³	California Rescue Dog Association	Phil Wong	1912–1917; 2702–2703; 2705–2707
	San Mateo Sheriff Department	John Koerner Walt Williams	2705–2707
	Modesto Police Department	Ron Cloward Derrick Tyler Larry Meyer	1912–1917
	Sonar Technician	Don Laughton	1912–1917
	Tuolumne County Sheriff Department	Rich Rutherford Bob Steel John Zeeman	1912–1917
	Richmond Police Department	Joel Thompson	1912–1917

³³ These searches are grouped together as a range between March 1–4, 2003, as the dates on the reports in Mr. Peterson's possession contradict one another, making it unclear on which days these searches actually occurred. Accordingly, Mr. Peterson requests that all reports for the named individuals in this date range be produced.

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		Rebecca Ireland	
03/11/2003 ³⁴	Modesto Police Department	Ron Cloward Phil Owen	No Bates, see Grogan Report dated 3/12/03
	Tuolumne County Sheriff Department	Unnamed	No Bates, see Grogan Report dated 3/12/03
03/12/2003 ³⁵	Modesto Police Department	Ron Cloward	No Bates, see Grogan Report dated 3/13/03
03/13/2003	Modesto Police Department	Ron Cloward Carlos Ramirez Phil Owen	16911; No Bates, see Grogan Report dated 3/13/03
	Tuolumne County Sheriff Department	Rick Rutherford Bob Steele Norman Bettencourt	16911; No Bates, see Grogan Report dated 3/13/03
	San Francisco Divers	Unnamed	No Bates, see Grogan Report dated 3/13/03
03/17/2003 – 03/19/2003 ³⁶	Modesto Police Department	Phil Owen Ron Cloward Carlos Ramirez	21639–21640 No Bates, see Grogan Report dated 3/17/03
	Tuolumne County Sheriff Department	Unnamed Dive Team	21639–21640; No Bates, see Grogan Report dated 3/17/03
	Modesto Police Department	Ron Cloward	23416–23418;

³⁴ For this date, Mr. Peterson has only a single report from Det. Grogan recounting a phone briefing about the bay search from Sgt. Cloward. Mr. Peterson has no reports from anyone actually present at the bay that day.

³⁵ Again, as with March 11, 2003, the only report Mr. Peterson is in possession of dealing with the bay search on March 12, 2003, is a phone briefing for Det. Grogan.

³⁶ For these dates, the only report from anyone present for the bay search that Mr. Peterson is in possession of is a report dated May 14, 2003, authored by Sgt. Al Carter (See Bates 21639–21640), in which Carter states that “For three days starting from sunrise and ending at sundown, March 17–19, 2003” he assisted with a search of the bay with other MPD personnel and the Tuolumne County Sheriff’s Department Dive Team. Sgt. Carter’s report explicitly refers to a “full detailed report by Det. Phil Owens.” No such report has ever been disclosed to Mr. Peterson. Aside from Sgt. Carter’s report authored months after the event, the only reports including any information about the bay searches conducted on these days are summary of briefings Det. Grogan received via phone.

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03/25/2003		Rudy Skultety Veronica Holmes	21640
03/27/2003	San Francisco Police Department	Danny Lopez Mark Tozer Greg Latus	23416-23418; 21640
	Tuolumne County Sheriff Department	Rick Rutherford Scott Johnson Jeff Perlewitz Greg Wolf	23416-23418; 21640
	U.S. Coast Guard	Sal Rodriguez	23416-23418
	In Shore Divers	Kevin Pehle Gene Purtell Shane Hunter	23416-23418; 21640
03/28/2003	Modesto Police Department	Rudy Skultety R. Pouv Derek Tyler	2419
	California Rescue Dog Association	Unnamed	2419
03/29/2003	San Mateo Sheriff Department	John Koerner	26674-26675
	Modesto Police Department	Derrick Tyler	26674-26675; 2382

10. COMPUTER FORENSICS. Please provide all notes, reports, communications, memoranda, audio and video recordings, and other records documenting MPD's use of scent dogs in See Bates 179. Mr. Peterson was not provided with any computer forensic reports indicating what time he turned his work computer on at his office on December 24, 2002.

11. SCENT DOGS. Please provide all notes, reports, communications, memoranda, audio and video recordings, and other records documenting MPD's use of scent dogs in the search for Laci Peterson in 2002 and 2003, including but not limited to the following:

a. All notes, audio and video recordings, photos, drawings, maps, reports, recorded radio transmissions, voicemails, and other communications between MPD and Contra Costa Sheriff's Department Search and Rescue scent dog handler Cindee Valentin related to her scent dog Merlin's search on the evening of December 26, 2002, that commenced at 523 Covena Avenue and was terminated in the Airport District.

b. All audio and video recordings, photos, drawings, maps, reports, recorded radio transmissions, voicemails, and other communications between MPD and Contra Costa Sheriff's Department Search and Rescue dog handler Cindee Valentin

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related to her scent dog Merlin's search on the evening of December 26, 2002, that occurred in the vicinity of 1027 N. Emerald Avenue.

c. All audio and video recordings, photos, drawings, maps, reports, recorded radio transmissions, voicemails, and other communications between MPD and Contra Costa Sheriff's Department Search and Rescue dog handler Eloise Anderson related to her cadaver dog Twist's search of Mr. Peterson's truck on December 27, 2002, and Det. Hendee's decision and instruction to Ms. Anderson that she *not* put Twist into Mr. Peterson's truck as part of MPD's investigation into Laci Peterson's disappearance, despite law enforcement's suspicion that Mr. Peterson transported his wife's body in the back of his truck.

d. All audio and video recordings, photos, drawings, maps, reports, recorded radio transmissions, voicemails, and other communications not previously provided in discovery related to the many cadaver dog alerts that occurred on the San Francisco Bay during the underwater searches from January through October 2003, including the searches Mr. Ralston and numerous law enforcement agencies participated in around Buoy 4.

e. All audio and video recordings, photos, drawings, maps, reports, recorded radio transmissions, voicemails, and other communications documenting the activities of scent and cadaver dogs deployed at Berkeley Marina, including reports by all witnesses who observed the scent dog alerting to Laci's scent on the west dock, rather than on the east dock, where Mr. Peterson tied up his boat when he put it boat in the water on December 24, 2002.

12. MODESTO POLICE DEPARTMENT AND STANISLAUS COUNTY DISTRICT ATTORNEY OFFICE POLICIES IN PLACE IN 2002-2005 GOVERNING DISCLOSURE OF CONFLICTS OF INTEREST CONCERNING PERSONAL AND/OR ROMANTIC RELATIONSHIPS BETWEEN PROSECUTORS AND MPD PERSONNEL WORKING ON THE SAME CASE. Please provide:

a. MPD policy manuals, Human Resources procedures for employees, and all other information setting forth the policies in place in 2002-2005 requiring that management be notified of any personal and/or romantic relationship with another member of law enforcement, including employees of the Stanislaus County District Attorney's Office, for purposes of avoiding a conflict of interest.

b. Stanislaus County District Attorney's Office policy manuals, Human Resources procedures for employees, and all other information setting forth the policies in place in 2002-2005 requiring that management be notified of any personal

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and/or romantic relationship with another member of law enforcement, including employees of MPD, for purposes of avoiding a conflict of interest.³⁷

c. Policies in place 2002-2005 governing the handling of conflicts of interest, including the disclosure to defendants of personal and/or romantic relationship between a member of law enforcement investigating a defendant's case and a trial prosecutor, including but not limited to the notification requirement when the trial deputy is involved with an investigating officer she calls to the stand and examines as part of the prosecution's case in chief.³⁸

d. All disclosures provided and waivers sought by MPD and/or Stanislaus County District Attorney's Office informing Mr. Peterson's defense of any conflicts of interest among trial prosecutors and testifying MPD officers.

13. ANY NEW REPORTS, LEADS, EVIDENCE, OR TIPS RECEIVED BY MPD OR ANY OTHER LAW ENFORCEMENT AGENCY SINCE THE DATE OF MR. PETERSON'S CONVICTION IDENTIFYING INDIVIDUALS OTHER THAN MR. PETERSON AS POSSIBLY INVOLVED OR RESPONSIBLE FOR THE DISAPPEARANCE AND DEATHS OF LACI AND CONNER PETERSON.

14. AUDIO AND VIDEO RECORDINGS OF MPD INTERVIEWS WITH AND SURVEILLANCE OF SCOTT PETERSON AND TRANSCRIPTS THEREOF, NOT YET PROVIDED. Please provide:

a. All audio and video recordings of MPD's interviews with Mr. Peterson beginning December 24, 2002, through April 30, 2003, including but not limited to the following:

- (1) Interviews various MPD officers conducted with Mr. Peterson on December 24, 2002, beginning at approximately 6:30 p.m. up to Det.

³⁷ See National District Attorneys Association, National Prosecution Standards (3rd ed. 2009) 1-3.3(d) [**Specific Conflicts**: "The prosecutor should excuse himself or herself from any investigation, prosecution, or other matter where personal interests of the prosecutor would cause a fair-minded, objective observer to conclude that the prosecutor's neutrality, judgment, or ability to administer the law in an objective manner may be compromised."]; 1-3.4 [**Conflict Handling** "Each prosecutor's office should establish procedures for handling actual or potential conflicts of interest. These procedures should include, but are not limited to: a. The creation of firewalls and taint or filter teams to ensure that prosecutors with a conflict are not improperly exposed to information or improperly disclose information; and b. Methods to accurately document the manner in which conflicts were handled to ensure public trust and confidence in the prosecutor's office" (emphasis added).].

³⁸ A sworn declaration by a person or persons attesting to the fact that several MPD and SCDA employees have reported that at the time of Mr. Peterson's trial in 2004 and 2005, it was common knowledge that Det. Craig Grogan and DDA Birgit Fladager were involved in a romantic relationship, which was witnessed by others, will be filed in support of Mr. Peterson's Motion for Post-Conviction Discovery pursuant to Penal Code section 1054.9, should that motion be necessary.

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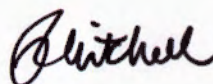
Brocchini's videotaped interview with him at MPD, which has been provided to the defense. Please include recordings made in Det. Brocchini's official vehicle while he was driving Mr. Peterson around Modesto on the evening of December 24, 2002, and interviewing him throughout that time;

- (2) Interviews MPD officers, including Det. Craig Grogan, conducted with Mr. Peterson on December 25, 2002, while Mr. Peterson was at the MPD located in various rooms, including interview rooms. Please include all recordings of the pre-polygraph interview Doug Mansfield conducted, or attempted to conduct, on that date. Please also provide video recordings made by cameras at the MPD lobby, captured at approximately 4:00–5:00 p.m. on December 25, 2002, showing Lee and Jackie Peterson asking for their son to be released from custody;
- (3) Interviews MPD officers, including Chris Boyer, Craig Grogan, Allen Brocchini, and others, conducted with Mr. Peterson at his home prior to executing search warrants on his property on December 26, 2002;
- (4) Interviews MPD officers, including Det. Craig Grogan, conducted with Mr. Peterson on January 3, 2003, while he was in various interview rooms at MPD. Please include the recording of the pre-polygraph interview Doug Mansfield conducted or attempted to conduct on that date.

b. **All audio and video recordings of MPD's surveillance of Mr. Peterson beginning December 24, 2002, through April 30, 2003, not yet provided, including but not limited to video recordings captured by the pole camera MPD surreptitiously placed outside the Petersons' home in December 2002–January 2003.**

Please let me know if your office would like to set up a time to meet and confer regarding these requests. I look forward to hearing from you.

Best regards,



Paula Mitchell
Director
Los Angeles Innocence Project

cc: Donna Provenzano

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF SAN MATEO

3 PEOPLE OF THE STATE OF CALIFORNIA,
4 PLAINTIFF,

5 vs.

6 SCOTT PETERSON,
7 DEFENDANT.

) CASE No.: SC055500A
) RELATED CASES:
) SUPREME COURT No. S132449;
) COURT OF APPEAL CASE No. A167615

)
) [PROPOSED] ORDER
) ORDER RE MOTION TO SEAL
)
)
)
)
)
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)

11 GOOD CAUSE HAVING BEEN SHOWN, the Court hereby GRANTS Defendant's motion
12 to seal the requested unredacted exhibit in support of Defendant's Motion for Post-Conviction
13 Discovery.

14 **IT IS SO ORDERED.**

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18 Dated: _____

19 Judge of the Superior Court of San Mateo County

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PROOF OF SERVICE

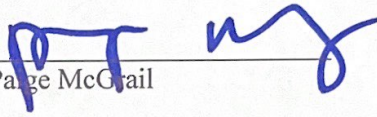
I, the undersigned, hereby declare under penalty of perjury that the following is true and correct:

I am over 18 years of age, not a party in the case, and my business address is 1800 Paseo Rancho Castilla, Los Angeles CA 90032.

In the above-entitled matter, on January 17, 2024, I caused a copy of the within: Defendant's Motion to Seal Court Records, and the supporting Memorandum of Points and Authorities and Declaration to be served on the following:

Stanislaus County District Attorney's Office
Birgit Fladager
832 12th Street #300
Modesto, CA 95354

Jan 17, 2024


Paige McGrail