22CR003712

Flores, Paul

1 of 6

It is further alleged as to Count 1 that the murder was committed while the defendant was engaged in the commission of, or attempting to commit, the crime of Rape, in violation of Penal Code Section 261 within the meaning of Penal Code Section 189(a).

NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c).

The People hereby give notice of the People's intent to admit evidence of prior sexual acts pursuant to Evidence Code section 1108. These prior sexual acts include the prior incidents described in the investigative reports and audio/video provided to defense, and other alleged incidents of abuse, which will be provided as they are obtained by the prosecution.

Count 2

On or between May 25, 1996 and April 13, 2021, in the County of San Luis Obispo, State of California, the crime of Accessory After The Fact in violation of Penal Code Section 32, a Felony, was committed in that RUBEN RICARDO FLORES unlawfully, having knowledge that the crime of Murder, a felony, in violation of Penal Code Section 187 had been committed by Paul Ruben Flores, did harbor, conceal, and aid said Paul Ruben Flores, with the intent that Paul Ruben Flores might avoid and escape from arrest, trial, conviction, and punishment for said felony.

All of which is contrary to the statute in such cases made and provided, and against the peace and dignity of the People of the State of California.

I declare that an investigation has been conducted to determine if said Defendant(s) did commit the stated crime, which reports are attached hereto and incorporated herein by reference, and that the facts therein show probable cause that the said Defendant(s) did commit the crime. Your declarant requests the issuance of a Warrant of Arrest either if said Defendants do not appear voluntarily in response to an appearance letter, or if no appearance letter was issued.

Discovery Request: Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the people as required by Penal Code Section 1054.3.

On this day April 13, 2021, in the County of San Luis Obispo, I certify and declare under penalty of perjury that the foregoing is true and correct.

Dated: April 13, 2021

DAN DOW
DISTRICT ATTORNEY

By: _____
ERIC J. DOBROTH
ASSISTANT DISTRICT ATTORNEY

Upon review of the reports attached and incorporated herein by reference, I find sufficient probable cause to warrant the defendant(s) continued detention.

Dated: _____

_____
Judge of the Superior Court

SUMMARY PAGE					
Count	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC187(a)		Paul Ruben Flores		
	EC1108		Paul Ruben Flores		
2	PC32		Ruben Ricardo Flores		

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

FILED

APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY J. Heinze, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. **EX PARTE APPLICATION FOR ORDER THAT DEFENDANT BE DRESSED IN CIVILIAN CLOTHES** Date: April 15, 2021 Time: 8:30 a.m. Dept.: To be Assigned

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law duly licensed to practice law in the State of California and am the attorney of record for Defendant herein, Paul Flores. The Defendant is scheduled to appear for arraignment on April 15, 2021, and desires to be dressed in civilian clothes with no apparent evidence of restraints for that and all subsequent court appearances.
2. There has been significant national and local television, internet and

newspaper coverage regarding the case. We anticipate that a request for extended media coverage will be made.

3. Allowing the defendant to dress out with no apparent evidence of restraints for the arraignment and future court appearances does not significantly inconvenience the Sheriff's Department in that they have regular procedures to accommodate dress out without visibly showing restraints. On the other hand, exposure of Mr. Flores in jail clothes with evidence of restraints to the press and television media will tend to prejudice the defendant's fair trial rights in that pictures of the defendant in jail clothing will be disseminated in the press.
4. Therefore, we respectfully request that the court order the Sheriff to permit the Defendant to dress in civilian clothes with no apparent evidence of restraints for the hearing on April 15, 2021 and at all court appearances.

I declare under penalty of perjury that the foregoing is true and correct and was executed on April 14, 2021 at Santa Barbara, California.

Robert M. Sanger

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

I. CONTINUED EXPOSURE TO THE PRESS AND TELEVISION MEDIA OF PAUL FLORES IN JAIL CLOTHING WILL PREJUDICE THE HIS FAIR TRIAL RIGHTS

This case has had significant media attention both in the newspaper and on television. It is expected that the media will request coverage of the arraignment thereby disseminating Mr. Flores' image in jail clothing to the potential jury pool. Compelling a defendant to stand trial in jail clothing is inherently prejudicial. (*Estelle v. Williams* (1976) 425 U.S. 501 [48 L.Ed.2d 126, 129].) "This is a recognition that the constant reminder of the accused's condition implicit in such distinctive, identifiable attire may affect a juror's judgment." (*Id.* at 505.) This prejudice does not begin once the trial starts, it begins at the point the media begins disseminating a defendant's picture in jail clothing throughout newspapers and television. "[C]ompelling an accused to wear jail clothing furthers no essential state policy. That it may be more convenient for jail administrators, . . ., provides no justification for the practice." (*Id.*) This Court should not allow further pre-trial prejudice by denying Mr. Flores his request to dress in civilian clothing at the arraignment on information and all future court appearances.

Allowing pictures of Mr. Flores in jail clothes to be disseminated would impair his basic right to the presumption of innocence.

> The right to a fair trial is a fundamental liberty secured by the Fourteenth Amendment. (Citation omitted.) The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under out system of criminal justice.
>
> 'The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.' (Citation omitted.)

(*Id.* at 503.) "Jurors required by the presumption of innocence to accept the accused as a peer, an individual like themselves who is innocent until proved guilty, may well see in an accused garbed in prison attire an obviously guilty person to be recommitted by them to the place where his clothes clearly show he belongs." (*Id.* at 518-519.)

In *People v. Taylor* (1982) 31 Cal.3d 488, 494 [183 Cal.Rptr. 64], the California Supreme Court reiterated the holding in Estelle:

> "The Supreme Court has observed that the defendant's jail clothing is a constant reminder to the jury that the defendant is in custody, and tends to undercut the presumption of innocence by creating an unacceptable risk that the jury will impermissibly consider this factor."

The exposure to the press and television of Mr. Flores in jail garb will tend to prejudice his fair trial rights in that pictures of Mr. Flores in jail clothing will be disseminated on television and in the newspaper. The Fourteenth Amendment guarantees Mr. Flores a fair trial. However, the dissemination of Mr. Flores' picture in jail clothes will impermissibly prejudice the potential jury pool, thereby violating his constitutional right to a fair trial.

Dated: April 14, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE

By: 

Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On April 14, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION FOR ORDER THAT DEFENDANT BE DRESSED IN CIVILIAN CLOTHES** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

_____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed April 14, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Eric Dobroth
Deputy District Attorney
1035 Palm St, 4th Floor
San Luis Obispo, CA 93408-1000
edobroth@co.slo.ca.us

MC-510

MEDIA AGENCY *(name)*: SLO Tribune
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: Matt Fountain
ADDRESS: 735 Tank Farm Rd. Ste. 220, San Luis Obispo, CA 93401
TELEPHONE NO.:

FOR COURT USE ONLY

FILED

APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
SLO Superior Court

TITLE OF CASE:
People v. Paul and Ruben Flores

NAME OF JUDGE:
Hon. CRAIG VAN ROOYEN

CASE NUMBER:
21F-02401 (A/B)

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: SLO Tribune

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
         (i) ☐ shall not apply to allow coverage of proceedings that are continued.
         (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: Is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/14/21

Craig V. Rooyen
JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
– People v. Paul & Ruben Flores	21F-02401 (A/B)

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY (name) SLO Tribune
CHANNEL/FREQUENCY NO. NA
PERSON SUBMITTING REQUEST (name) Matt Fountain
ADDRESS:
735 Tank Farm Rd., St. 220, San Luis Obispo, CA 93401
TELEPHONE NO 805-781-7909

FOR COURT USE ONLY

Insert name of court and name of jud cial district and branch court if any
SLO Superior Court

TITLE OF CASE
People v. Paul + Ruben Flores

NAME OF JUDGE
Hon.

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER 21F-02401 (A/B)

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

2 DATE OF PROPOSED COVERAGE *(specify)*: 4.15.21 — *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*

3 TYPE OF COVERAGE
- a. ☐ TV camera and recorder
- b ☑ Still camera
- c. ☑ Motion picture camera
- d ☐ Audio
- e ☐ Other *(specify)*

4 ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 4.14.21

Matt Fountain
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 805-781-7909

(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date:	Time	Dept./Div:	Room
Address of the Court			

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: KEYT NEWSCHANNEL 12
CHANNEL/FREQUENCY NO.: CHANNEL 12
PERSON SUBMITTING REQUEST *(name)*: CHANNEL 12
ADDRESS: 730 MIRAMONTE DRIVE SANTA BARBARA, CA 93117
TELEPHONE NO.: 805-882-3930

FOR COURT USE ONLY

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APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
SAN LUIS OBISPO COUNTY SUPERIOR COURT

TITLE OF CASE:
PEOPLE VS. PAUL FLORES

NAME OF JUDGE: Hon. Craig Van Rooyen

CASE NUMBER: 21F-02402-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: KEYT NEWSCHANNEL 12

1. a. ☒ No hearing was held.
   b. ☑ Date of hearing: 04-15-21 Time: 8:30AM Dept./Div.: 6 Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ THE COURT FINDS *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No Audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/14/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
PEOPLE VS. PAUL FLORES	21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: KEYT NEWSCHANNEL 12 CHANNEL/FREQUENCY NO.: CHANNEL 12 PERSON SUBMITTING REQUEST *(name)*: DAVE ALLEY ADDRESS: 730 MIRAMONTE DRIVE SANTA BARBARA, CA 93117 TELEPHONE NO.: 805-882-3930	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any: SAN LUIS OBISPO COUNTY SUPERIOR COURT	
TITLE OF CASE: PEOPLE VS. PAUL FLORES	
NAME OF JUDGE:	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	CASE NUMBER: 21-F-02402

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
   Request to cover arraignment in court.

2. DATE OF PROPOSED COVERAGE *(specify)*: 04-15-21 8:30AM - Dept.6 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):*

3. TYPE OF COVERAGE
   a. [✓] TV camera and recorder
   b. [✓] Still camera
   c. [ ] Motion picture camera
   d. [✓] Audio
   e. [ ] Other *(specify):*

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify):*

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 04-14-21

Dave Alley
(TYPE OR PRINT NAME)

Dave Alley
(SIGNATURE)

Telephone No.: 805-478-8415

(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: Access Hollywood
CHANNEL/FREQUENCY NO.: NBC
PERSON SUBMITTING REQUEST *(name)*: Amanda Cerruti
ADDRESS: 100 Universal Hollywood Drive 1440/2800 Universal City C
TELEPHONE NO.: 818-684-7057

FOR COURT USE ONLY

FILED

APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
The Superior Court of California County of San Luis Obispo Department

TITLE OF CASE:
The People of the State of California vs. Paul Ruben Flores and Ruben R

NAME OF JUDGE: Hon. Craig Van Rooyen

CASE NUMBER: 21F-02402 A/B

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: Access Hollywood

1. a. ☒ No hearing was held.
   b. ☐ ~~Date of hearing: 4/14/2021 Time: 8:30am Dept./Div.: Dept. 3 Room:~~
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/14/21

Craig V. Rooyen
JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
he People of the State of California vs. Paul Ruben Flores and Ruben	21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: Access Hollywood
CHANNEL/FREQUENCY NO.: NBC
PERSON SUBMITTING REQUEST *(name)*: Amanda Cerruti
ADDRESS:
100 Universal Hollywood Drive 1440/2800
Universal City CA 91608
TELEPHONE NO.: 818-684-7057

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
The Superior Court of California County of San Luis Obispo Department 3

TITLE OF CASE:
The People of the State of California vs. Paul Ruben Flores and Ruben Ricardo Flores

NAME OF JUDGE: N/A

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
N/A 21F-02402

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
Arraignment of Paul Ruben and Ruben Ricardo Flores

2. DATE OF PROPOSED COVERAGE *(specify)*: 4/14/2021 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:
The defendants were just arrested on 4/13/2021

3. TYPE OF COVERAGE
   a. [ ] TV camera and recorder
   b. [ ] Still camera
   c. [ ] Motion picture camera
   d. [ ] Audio
   e. [x] Other *(specify)*: Screenshots

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:
N/A

5. [x] INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage *(estimate)*: $ 0
   [x] Amount unknown

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 4/14/2021

Amanda Cerruti
(TYPE OR PRINT NAME)

Amanda Cerruti
(SIGNATURE)

Telephone No.: 818-740-8012

News Department PA
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: KSBY
CHANNEL/FREQUENCY NO.: 6
PERSON SUBMITTING REQUEST *(name)*: Kathrene Herndon
ADDRESS: 1772 Calle Joaquin, San Luis Obispo, CA 93401
TELEPHONE NO.: (805) 597-8404

(Insert name of court and name of judicial district and branch court, if any)
San Luis Obispo County Superior Court

TITLE OF CASE: Peo vs Paul Ruben Flores

NAME OF JUDGE: Hon. Craig Van Rooyen

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

FOR COURT USE ONLY

FILED

APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

CASE NUMBER: 21F-02402-A

AGENCY MAKING REQUEST *(name)*: KSBY-TV

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ THE COURT FINDS *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ denied.
   b. ☒ granted subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:

7. ☐ Number of pages attached:

Date: 4/14/21

Craig Van Rooyen
JUDGE

MC-510

CASE NAME: Peo Vs Paul Ruben Flores	CASE NUMBER: 21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY (name): KSBY CHANNEL/FREQUENCY NO.: 6 PERSON SUBMITTING REQUEST (name): Kathrene Herndon ADDRESS: 1772 Calle Joaquin, San Luis Obispo, CA 93401 TELEPHONE NO (805) 597-8404	FOR COURT USE ONLY
Name and address of court and name of judicial district and branch court, if any: San Luis Obispo County Superior Court	
TITLE OF CASE: Peo vs Paul Ruben Flores	
NAME OF JUDGE	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	CASE NUMBER 21F-02402

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
   Arraignment
2. DATE OF PROPOSED COVERAGE *(specify)*: 4.13.21 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:
3. TYPE OF COVERAGE
   a. [✓] TV camera and recorder
   b. [ ] Still camera
   c. [ ] Motion picture camera
   d. [✓] Audio
   e. [ ] Other *(specify)*:
4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:
5. [ ] INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage *(estimate)*: $
   [ ] Amount unknown
6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date. 4.13.21

Kathrene Herndon
(TYPE OR PRINT NAME)

Kathrene Herndon
(SIGNATURE)

Telephone No.: (805) 471-0152

Assignment Editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING *(A hearing is optional.)*

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: KCRA
CHANNEL/FREQUENCY NO.: 3
PERSON SUBMITTING REQUEST *(name)*: Miguel S. Diaz-Lucier
ADDRESS: 3 Television Circle, Sacramento, CA
TELEPHONE NO.: 916.444.7316

FOR COURT USE ONLY

FILED

APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
The Superior Court of California County of San Luis Obispo

TITLE OF CASE:
Paul Ruben Flores

NAME OF JUDGE: HON. CRAIG VAN ROOYEN

CASE NUMBER: 21F-02402A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*:

1. a. [X] No hearing was held.
   b. [ ] Date of hearing: ~~4/15/2021~~ Time: ~~8:30 AM~~ Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. [ ] **THE COURT FINDS** *(findings or a statement of decision are optional)*: [ ] Attached [ ] As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. [ ] **denied.**
   b. [X] **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) [ ] The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) [ ] The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) [ ] Payment to the clerk of increased court- incurred costs of *(specify)*: $ [ ] to be determined.
      (4) [ ] The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) [ ] Personnel and equipment shall be placed [ ] as directed [ ] as indicated in the attachment [ ] as follows *(specify)*:

      (6) (i) [ ] The attached statement of agreed pooling arrangements is approved.
      (ii) [ ] A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) [ ] This order
      (i) [ ] shall not apply to allow coverage of proceedings that are continued.
      (ii) [ ] shall apply to allow coverage of proceedings that are continued.
      (8) [X] Other *(specify)*:
      No audio
5. Coverage granted in item 4b is permitted in the following proceedings:
   a. [X] All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. [ ] Only the following proceedings *(specify type or date or both)*:
6. [ ] The order made on *(date)*: is [ ] terminated [ ] modified as follows *(specify)*:
7. [ ] Number of pages attached:

Date: 4/14/21

JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
Paul Ruben Flores	21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: KCRA CHANNEL/FREQUENCY NO.: 3 PERSON SUBMITTING REQUEST *(name)*: Miguel S. Diaz-Lucier ADDRESS: 3 Television Circle, Sacramento, CA TELEPHONE NO.: 916.444.7316	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any: The Superior Court of California County of San Luis Obispo	
TITLE OF CASE: Paul Ruben Flores	
NAME OF JUDGE:	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	CASE NUMBER: 21F-02402

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

2. DATE OF PROPOSED COVERAGE *(specify)*: 04/15/2021 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:

3. TYPE OF COVERAGE
   a. [✓] TV camera and recorder
   b. [✓] Still camera
   c. [✓] Motion picture camera
   d. [✓] Audio
   e. [ ] Other *(specify)*:

4. [✓] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*: Live Stream / Record Court Live Stream

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 4/14/2021

Miguel S. Diaz-Lucier
(TYPE OR PRINT NAME)


(SIGNATURE)

Telephone No.: 916.444.7316

Assignment Manager | news@kcra.com
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: 04/15/2021 Time: 8:30 AM Dept./Div.: Room:
Address of the Court: 1050 Monterey St, San Luis Obispo, CA 93408

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: Law & Crime Productions CHANNEL/FREQUENCY NO.: www.lawandcrime.com PERSON SUBMITTING REQUEST *(name)*: Stephen Lawrance ADDRESS: 1261 Broadway, Suite 609, New York, NY 10001 TELEPHONE NO.: 240-669-7461	FOR COURT USE ONLY FILED APR 14 2021 SAN LUIS OBISPO SUPERIOR COURT BY: [signature] Nikki Rodriguez, Deputy Clerk
Insert name of court and name of the judicial district and branch court, if any. San Luis Obispo County Superior Court	
TITLE OF CASE: CA v. Ruben and Paul Flores	
NAME OF JUDGE: HON. CRAIG VAN ROOYEN	
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	CASE NUMBER: 21F-02402 4/6

AGENCY MAKING THE REQUEST *(name)*: Law & Crime Productions

1. a. ☑ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 (see reverse).
3. ☐ THE COURT FINDS *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. This request to photograph, record, or broadcast is:
   a. ☐ denied
   b. ☒ granted subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court-incurred costs of *(specify)*: ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows:
      (6)(i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
         (i) ☐ shall not apply to allow coverage of proceeding that are continued.
         (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio
5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, except those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/14/21

Craig V. Rooyen
JUDICIAL OFFICER

(See reverse for additional information)

CASE NAME:	MC-510
CA v. Ruben and Paul Flores	CASE NUMBER: 21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (RULE 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY (name): Law & Crime Productions CHANNEL/FREQUENCY NO.: www.lawandcrime.com PERSON SUBMITTING REQUEST (name): Stephen Lawrence ADDRESS: 1261 Broadway, Suite 609, New York, NY 10001 TELEPHONE NO.: 240-669-7461	FOR COURT USE ONLY
Insert name of court and name of the judicial district and branch court, if any. San Luis Obispo County Superior Court	
TITLE OF CASE: CA v. Ruben and Paul Flores	
NAME OF JUDGE	
MEDIA REQUEST TO PHOTOGRAPH, RECORD OR BROADCAST	CASE NUMBER: 21F-02402

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

2. DATE OF PROPOSED COVERAGE *(specify)*: **April 15, 2021** *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for non-compliance)*:

3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☑ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☑ Other *(specify)*: STILL PHOTOS OF COURT LIVESTREAM

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in the case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: April 14, 2021

Stephen Lawrence
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 240-669-7461

Senior Trial Producer
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING *(A hearing is optional.)*

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY (name): CBS News/48 Hours
CHANNEL/FREQUENCY NO.: Network
PERSON SUBMITTING REQUEST (name): Cindy Cesare
ADDRESS: 524 W. 57th St.
NY, NY 10019 TELEPHONE NO.: 917 848-2002
Court name of court and name of judicial branch and district, if any: Superior Court of San Luis Obispo
TITLE OF CASE: State of CA vs. Paul Ruben
NAME OF JUDGE: Flores and Ruben Ricardo Flores

COURT USE ONLY

FILED
APR 14 2021
SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

CASE NUMBER: 21F-02402/A/B

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST (name): CBS News/48 Hours

1. a. [X] No hearing was held.
   b. [ ] Date of hearing: Time: Dept./Div: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. [ ] THE COURT FINDS *(findings or a statement of decision are optional)*: [ ] Attached [ ] As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. [ ] **denied.**
   b. [X] **granted** subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) [ ] The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) [ ] The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) [ ] Payment to the clerk of increased court-incurred costs of *(specify)*: $ [ ] to be determined.
      (4) [ ] The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) [ ] Personnel and equipment shall be placed [ ] as directed [ ] as indicated in the attachment [ ] as follows *(specify)*:

      (6) (i) [ ] The attached statement of agreed pooling arrangements is approved.
      (ii) [ ] A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) [ ] This order
      (i) [ ] shall not apply to allow coverage of proceedings that are continued
      (ii) [ ] shall apply to allow coverage of proceedings that are continued.
      (8) [X] Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. [X] All proceedings *except* those prohibited by California Rules of Court, rule 1.150 and those proceedings prohibited by further court order.
   b. [ ] Only the following proceedings *(specify type or date or both)*.
6. [ ] The order made on *(date)*: is [ ] terminated [ ] modified as follows *(specify)*:
7. [ ] Number of pages attached:

Date: 4/14/21

Craig V. Ruben
JUDGE

(See reverse for additional information)

CASE NAME: State of CA vs. Paul Ruben Flores and Ruben Ricardo Flores

CASE NUMBER: 21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY (name): CBS News/ 48 Hours Network
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST (name): Cindy Cesare
ADDRESS: 524 W. 57th NY, NY 10019
TELEPHONE NO: 9178482062

FOR COURT USE ONLY

People of State of CA (Speed of Sound)
VS.
TITLE OF CASE: Paul Ruben Flores and Ruben Ricardo Flores
NAME OF JUDGE: Hon. Judge Harman

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER: 21F-02402

1 PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*: Arraignment, To be Delivered and accessed by The public via a Web Link

2. DATE OF PROPOSED COVERAGE *(specify)*: 4/15/21 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*: We just found out about arraignment today.

3. TYPE OF COVERAGE
   a. [X] TV camera and recorder
   b. [ ] Still camera
   c. [ ] Motion picture camera
   d. [X] Audio
   e. [ ] Other *(specify)*:

★ Technically, This form Does not apply and is incorrect and outdated for what we are dealing with.

4 [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*: A feed is going to be provided for the public to access by Web and we are asking to record from our homes Like anyone else That Could.

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: Cindy Cesare
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No. 917 848 2062

Producer
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date:	Time	Dept./Div.:	Room:
Address of the Court			

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: Dateline NBC
CHANNEL/FREQUENCY NO.: 4
PERSON SUBMITTING REQUEST *(name)*: Rachel Legon
ADDRESS: 100 Universal City Plaza, Universal City, CA 91608
TELEPHONE NO.: 818-738-3784

FOR COURT USE ONLY

FILED

APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
SLO Superior Court

TITLE OF CASE:
The People v. Paul Flores; The People v. Ruben Flores

NAME OF JUDGE: Hon. Craig Van Rooyen

CASE NUMBER: 21F-02402A/B

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: Dateline NBC

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/14/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

American LegalNet, Inc.
www.FormsWorkflow.com

CASE NAME:
The People v. Paul Flores; The People v. Ruben Flores

CASE NUMBER:
21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: Dateline NBC
CHANNEL/FREQUENCY NO.: 4
PERSON SUBMITTING REQUEST *(name)*: Rachel Legon
ADDRESS:
100 Universal City Plaza, Universal City, CA 91608
TELEPHONE NO.: 818-738-3784

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo Superior Court
1040 Monterey St, San Luis Obispo, CA 93408

TITLE OF CASE:
The People v. Paul Flores; The People v. Ruben Flores

NAME OF JUDGE:

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
Arraignment of Paul Flores and Ruben Flores

2. DATE OF PROPOSED COVERAGE *(specify)*: 4/15/2021 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:
Arraignment was not scheduled until today

3. TYPE OF COVERAGE
   a. [x] TV camera and recorder
   b. [ ] Still camera
   c. [ ] Motion picture camera
   d. [x] Audio
   e. [ ] Other *(specify)*:

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 4/14/2021

Rachel Legon
(TYPE OR PRINT NAME)

Rachel Legon
(SIGNATURE)

Telephone No.: 818-738-3784

Assistant Producer
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

ELECTRONICALLY
FILED
4/14/2021 6:46 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

NOTICE OF MOTION AND DEFENDANT PAUL FLORES' MOTION FOR PROTECTIVE ORDER AGAINST PUBLICITY; DECLARATION OF COUNSEL; MEMORANDUM OF POINTS AND AUTHORITIES; [PROPOSED] ORDER

Date: TBD
Time: TBD
Dept.: TBA

Hon TBA

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE DISTRICT ATTORNEY FOR THE COUNTY OF SAN LUIS OBISPO AND TO DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Ruben Flores, hereby

moves, and will move at a time to be determined, in the above-entitled court, for a protective order that proscribes extrajudicial statements by any lawyer, party, witness, court official or law enforcement officer concerning this case, and for such other and further relief as the Court may deem just and proper. This motion is made on the grounds that: (1) the government has compromised and, if not enjoined, will continue to compromise Mr. Flores' rights to a fair and impartial jury, a fair trial, and due process of law, pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 7 and 15 of the California Constitution, by making extrajudicial statements for public dissemination; and (2) further comment on the case by the lawyers, parties, witnesses, court officials or law enforcement officers would further endanger Mr. Flores' rights to a fair and impartial jury, a fair trial, and due process of law.

The motion will be based on this Notice of Motion, the declaration of counsel, the attached Memorandum of Points and Authorities, such supplemental memoranda of points and authorities as hereafter may be filed with the court, all pleadings and documents heretofore filed with the Court and evidence and such oral argument as may be presented at the hearing on the application.

Dated: April 14, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California and I am counsel of record for defendant Paul Ruben Flores.
2. This case arises out of a missing person case from May 25, 1996 involving the disappearance of Kristin Smart[1] which subsequently has been assumed to be a homicide. There has been a tremendous amount of publicity generated by the San Luis Obispo Sheriff's Department, the San Luis Obispo District Attorney's Office as well as by family members and ancillary people on a regular basis from 1996 to the present.
3. The disappearance of Ms. Smart has been the subject of podcasts, blogs internet articles, newspaper articles and national television shows.
4. Mr. Flores has been designated by the Sheriff and the District Attorney as a person of interest in the alleged homicide since 1996. In February and April of 2020 and again in March 2021, there were highly publicized searches that were apparently conducted pursuant to search warrants to which the press was alerted resulting in significant publicity.
5. On April 13, 2021, Mr. Flores and his father were arrested. The press was again alerted, showing Mr. Flores being taken away in handcuffs from his home in San Pedro, California, while still wearing his pajamas. His father's arrest was also photographed by the press while

[1] The Complaint refers to "K.S.," however, the Sheriff's Department as recently as April 13, 2021, at their press conference showed Ms. Smart's picture and referred to her by name. Furthermore, the local and national publicity about her disappearance has routinely featured both her picture and her name. Therefore, for the purposes of this motion, we will also use her name.

being taken away in handcuffs.

6. On April 13, 2021, Sheriff Parkinson held a televised press conference replete with blown up photographs of Ms. Smart and of Mr. Flores in handcuffs and in his pajamas. The Sheriff stated, "Throughout our investigation, Paul Flores has remained a person of significant interest." The Sheriff then outlined in detail the searches conducted in this case, stating that: "In late 2016, we discovered additional evidence that confirmed that Paul was the suspect in the disappearance. In 2019, we interviewed several witnesses that had not been previously interviewed and, I'll say, some of that information came to light through the podcast that many of you are familiar with that was produced and eventually led to our interviewing that witness. With the knowledge of . . . new evidence, new witnesses, sheriffs' detectives secured a court order authorizing the interception and monitoring of Paul Flores's cellphone and text messages. This is one of many things that have been done over the last ten years. In February of 2020, detectives served search warrants at the home of Paul Flores as well as his sister, mother and father all simultaneously last year. Physical evidence recovered during these searches led to the service of additional search warrant at Paul Flores's residence in April of last year. During the search warrant, detectives recovered evidence related to the murder of Kristin Smart. In March of this year, detectives served another search warrant in Arroyo Grande at the home of Ruben Flores, the father of Paul Flores. Additional evidence related to the Smart investigation was discovered at that time. So, as a result of this evidence, a San Luis Obispo Superior Court Judge signed two arrest

warrants and two additional search warrants."[2]

7. On April 14, 2021, District Attorney Dan Dow held a televised press conference in which he announced the filing of charges. He also told the public that "Today, we make the first move toward bringing justice to Kristin, her family, and the people of San Luis Obispo County." He also stated that "This month we celebrate the rights of crime victims, a reminder that our role is to help victims and their families achieve justice" and that "The system is called the 'criminal justice system,' but I think it should be renamed the 'criminal AND VICTIM justice system' so that we can all improve that focus. Kristin's family has been incredibly gracious through the years. They have willed this moment to happen and we owe them a large debt of gratitude." Attached as Exhibit A is an article from Edhat summarizing the District Attorney's press conference.

8. The tenor of both the Sheriff's and District Attorney's press conferences were self-congratulatory. The undersigned is informed and believes and alleges thereon that the incumbents in both offices are facing political challenges in their forthcoming reelection efforts.

///

///

///

[2] https://www.facebook.com/ksbynews/videos/146482970667568/

9. Thus far, on behalf of the defense, the undersigned and his firm, in response to numerous local and national media requests, have refused to make public comment on the grounds that it is a pending case, notwithstanding the fact that prejudicial publicity has been disseminated for years and, more so, recently.

I declare under the penalty of perjury that the foregoing is true and correct except as to those matters alleged on information and belief and as to those matters, I believe them to be true and that this declaration was executed this 14th day of April, 2021, at Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

On April 13, 2021, the San Luis Obispo Sheriff's Department held a press conference to announce that Paul Flores and his father had been arrested in connection with the May 1996 disappearance of Kristin Smart. On April 14, 2021, District Attorney Dan Dow held a press conference to announce the filing of charges against Paul Flores and his father. As set forth in the attached declaration, Sheriff Parkinson and District Attorney Dow made statements that were detrimental to the fair trial rights of Mr. Flores. These comments were in the context of almost 25 years of public speculation relating to the tragic but sensationalized disappearance of Kristin Smart which escalated over the last few years with highly publicized searches and other developments.

The case has obtained not only local but national attention. While a change of venue would be subject to a future motion, any further public comment by law enforcement or others subject to the proposed protective order would make a fair trial impossible wherever venue was eventually established.

ARGUMENT

I. THE COURT SHOULD PROTECT MR. FLORES' RIGHT TO A FAIR TRIAL BY ISSUING A PROTECTIVE ORDER PROHIBITING EXTRAJUDICIAL STATEMENTS

The government has made public statements that have prejudiced the jury pool against Mr. Flores and the other defendant. These statements appear to be coordinated to persuade the public, including potential jurors, that the defendants are guilty. The Court should issue a protective order to stop this process before further prejudice occurs.

The United States Supreme Court, in *Sheppard v. Maxwell* (1966) 384

U.S. 333, 361, endorsed the use of a protective order prohibiting extrajudicial statements in a case where adverse publicity threatens to compromise the defendant's right to a fair trial:

> "More specifically, the trial court might well have proscribed extrajudicial statements by any lawyer, party, witness, or court official which divulged prejudicial matters, such as the refusal of Sheppard to submit to interrogation or take any lie detector tests; any statement made by Sheppard to officials; the identity of prospective witnesses or their probable testimony; any belief in guilt or innocence; or like statements concerning the merits of the case." (*Sheppard v. Maxwell* (1966) 384 U.S. 333, 361.)

In *Nebraska Press Ass'n. v. Stuart* (1976) 427 U.S. 539, the United States Supreme Court reiterated that direct restraints on the speech of trial participants is appropriate where there is a "reasonable likelihood that prejudicial news prior to trial will prevent a fair trial." California cases have held that *Sheppard* authorizes the issuance of a protective order to control pretrial publicity to assure the accused receives a fair trial. (*Hamilton v. Municipal Court* (1969) 270 Cal.App.2d 797; *Younger v. Smith* (1973) 30 Cal.App.3d 138.) "A protective order is required if there is a reasonable likelihood that the defendant will be unable to receive a fair trial. (*Brian W. v. Superior Court* (1978) 20 Cal.3d 618, 624.)

The protective order must necessarily be broad. In *Younger v. Smith* (1973) 30 Cal.App.3d 138, 166, the Court of Appeal held:

> "Any such order must of necessity cover the infinite variety of ways and means in and by which prejudicial utterances can be made and the many avenues through which a future jury can be prejudiced by speech which the court can prohibit. It is respectable constitutional doctrine that vagueness does not vitiate where the command is as specific as circumstances permit." (*Younger v. Smith* (1973) 30 Cal.App.3d 138, 166.)

Furthermore, with regard to statements made by a prosecutor, in

People v. McKinzie (2013) 54 Cal. 4th 1302, 1326, the California Supreme Court acknowledged that "a prosecutor is held to an elevated standard of conduct because of the unique function he or she performs in representing the interests, and in exercising the sovereign power, of the state." The Court explained:

> "Prosecuting officers owe a public duty of fairness to the accused as well as to the People, and they should avoid the danger of prejudicing jurors and prospective jurors by giving material to news-disseminating agencies which may be inflammatory or improperly prejudicial to defendant's rights." (*People v. McKinzie* (2013) 54 Cal. 4th 1302, 1326.)

CONCLUSION

For the foregoing reasons, defendant Paul Flores respectfully requests that this Court issue the attached proposed protective order.

Dated: April 14, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

EXHIBIT A

(https://www.facebook.com/edhatsb) Partly cloudy 51 °F (https://twitter.com/edhat)
(https://www.linkedin.com/company/edhat/) (https://www.pinterest.com/edhatsb/)
(https://www.instagram.com/edhatsantabarbara/) (https://www.edhat.com/rss.xml)

edhat (/)
santa barbara



(https://sbearthday.org/)

Menu



(https://www.edhat.com/simpleads/redirect/28385)

SLO DISTRICT ATTORNEY CHARGES PAUL FLORES AND FATHER FOR 1996 MURDER OF KRISTIN SMART



Paul Ruben Flores DOB 10/22/76 (left) and Ruben Ricardo Flores DOB 4/9/41 (right) [Credit: courtesy]

NEWS REPORT (/NEWS/CATEGORY/NEWS-REPORT) / APR 14 2021 02:09 PM / BYEDHAT STAFF (/ARTICLES/EDHAT%20STAFF) / 5 COMMENTS (HTTPS://WWW.EDHAT.COM/NEWS/SLO-DISTRICT-ATTORNEY-CHARGES-PAUL-FLORES-AND-FATHER-FOR-1996-MURDER-OF-KRISTIN-SMART#COMMENTS) / READS 986

By edhat staff

The San Luis Obispo District Attorney formally charged Paul Flores and his father Rueben Flores on Wednesday for the 1996 murder of Kristin Smart.

District Attorney Dan Dow announced Paul Flores, 44, has been charged with first-degree murder. It is alleged he caused Smart's death while in the commission of or attempt to commit rape. Ruben Flores, 80, is charged with accessory after the fact to the crime of murder. The allegation is that Ruben helped conceal Kristin's body after she was murdered, according to Dow.

"These charges mark a major milestone," said Dow. "Today, we make the first move toward bringing justice to Kristin, her family, and the people of San Luis Obispo County."

Smart was 19-years-old at the end of her freshman year of college on May 25, 1996, when she disappeared on the campus of Cal Poly. She was being walked back to her dorm by four people including Paul Flores, then 19, following an off-campus party the night she disappeared. Paul Flores maintains his innocence stating they parted ways when he reached his dormitory which was before hers. Smart is believed to have been abducted and killed, and was legally presumed dead on May 25, 2002.

"This month we celebrate the rights of crime victims, a reminder that our role is to help victims and their families achieve justice," Dow said. "The system is called the 'criminal justice system,' but I think it should be renamed the 'criminal AND VICTIM justice system' so that we can all improve that focus. Kristin's family has been incredibly gracious through the years. They have willed this moment to happen and we owe them a large debt of gratitude."

Sheriff Ian Parkinson held a press conference Tuesday afternoon and confirmed Paul Flores, the prime suspect in the case, was arrested for the murder of Kristin Smart around 7:30 a.m. Tuesday in San Pedro. Ruben Flores, was arrested at the same time in Arroyo Grande. Newly discovered forensic physical evidence was discovered that Parkinson believes is linked to Smart, but he clarified her body has yet to be discovered.

"We have not recovered Kristin. We'll continue to focus on finding her remains regardless of any court action," said Parkinson.



Kristin Smart (courtesy photo)

The family of Kristin Smart released a statement following the Sheriff's announcement:

> *For over twenty-four years, we have waited for this bittersweet day. It is impossible to put into words what this day means for our family; we pray it is the first step to bringing our daughter home. While Kristin's loving spirit will always live in our hearts, our life without her hugs, laughs and smiles is a heartache that never abates. The knowledge that a father and son, despite our desperate pleas for help, could have withheld this horrible secret*

for nearly 25 years, denying us the chance to lay our daughter to rest, is an unrelenting and unforgiving pain. We now put our faith in the justice system and move forward, comforted in the knowledge that Kristin has been held in the hearts of so many and that she has not been forgotten.

We honor Kristin today and those who worked with unparalleled tenacity and dedication to bring us to this day. Without Kristin in our life, there will never be justice, but we will pray for peace. Unfortunately, the indifference and lack of resolve we experienced early on set the course for many years. However, when Sheriff Parkinson took office in 2011, he made a promise that Kristin's disappearance would be one of his top priorities. We are here today because he has remained true to his word. We have kept the faith; never given up; and fully placed our trust and support with him and his team.

The task he and his team accepted was unprecedented in volume and scope, yet they met every setback and challenge with resolve and an unequaled commitment to Kristin and our family. Our gratitude to Sheriff Parkinson and his department for their professionalism, compassion, and perseverance is without measure. We are forever grateful for Detective Clint Cole who joined 'Team Kristin' in 2017 and brought new oxygen to Team Kristin and kept our hopes alive. We would not be here today without his professionalism, perseverance, and dedication. His heart and commitment are without equal.We would be remiss if we did not acknowledge the exceptional skills, indefatigable work and unselfish dedication of Christopher Lambert who produced Your Own Backyard Podcast. Chris, along with four incredible angels (C, J, J, and J), balanced Kristin on their shoulders while lightening our burden and held our hearts and hopes with fierce resolve and commitment. There simply are 'no words'!

We also wish to extend our deepest gratitude for all those on the SLOSO team, including Commander Nate Paul, Detective Cole, and their incredible and dedicated support staff. To each law enforcement agency that assisted the San Luis Obispo County Sheriff's Department with their extraordinary efforts, our gratitude is immeasurable. Each gave 110% to ensure that this day would come.

We are pleased that Kristin's case has now moved to the district attorney's office, where we know we will be in good hands, and look forward to the day when there will be 'justice' for Kristin.

To HEAL, we must REMEMBER not only Kristin but also every heart that carried Kristin and our family in theirs! Kristin's story is ultimately one of unwavering commitment, resilience and immense gratitude.

The District Attorney's Office is also seeking the public's assistance in providing any information about this case or information on other potential crimes believed to have been perpetrated by Paul Ruben Flores, including assault or other acts. Flores was known to frequent bars in the San Pedro area from 2005 to present. Individuals with any information are encouraged to contact San Luis Obispo County Crime Stoppers at 805-549-7867 or go to www.slotips.org (http://www.slotips.org).

Both defendants are scheduled to be arraigned in Department 3 at 8:30 am, Thursday, April 15th.

RELATED ARTICLES

- January 29, 2020: New Details Emerge in Kristin Smart Case (https://www.edhat.com/news/search-warrants-issued-in-kristin-smart-case)
- February 5, 2020: Search Warrants Issued Related to Kristin Smart Case (https://www.edhat.com/news/search-warrants-issued-in-kristin-smart-case)
- April 22, 2020: Additional Search Warrant Issued in Kristin Smart Case (https://www.edhat.com/news/additional-search-warrant-issued-in-kristin-smart-case)
- March 16, 2021: Investigators Search Home of Prime Suspect's Father in Kristin Smart Case (https://www.edhat.com/news/investigators-search-home-of-prime-suspects-father-in-kristin-smart-case)
- April 13, 2021: San Luis Sheriff Arrests Suspects for Murder of Kristin Smart (https://www.edhat.com/news/san-luis-obispo-sheriff-arrests-suspect-for-murder-of-kristin-smart)

Share

Login (/user/login?destination=node/37866) to add Comments

5 COMMENTS

Show Comments

First Commented

ROGER

APR 14, 2021 02:36 PM

Scum bags should fry.

SFGAC055 1

APR 14, 2021 02:43 PM

Anybody interested in this case, check out Your Own Backyard podcast if you haven't already. Very well done.

CHEMICALSUPERFREAK 1

APR 14, 2021 02:50 PM

I hope District Attorney Dan Dow has some actually evidence for the first-degree murder charge, and that he's not bringing these charges and dragging the family though this for his 15-minutes and a chance at higher office.

Without a body, without a cause of death, it will be difficult to prove the assertion, "he caused Smart's death while in the commission of or attempt to commit rape." That's pretty specific. What if Flores admits that she died, but it was from falling down some stairs due to intoxication, he got scared and dumped the body in the ocean. Then all you have is failure to render aid, illegal disposal of a body, and lying to cover up the death. That's reckless indifference at the most, plus the lying. Dick DeGuerin got Robert Durst off for basically arguing a similar situation, in which Durst killed (in self defense; no witnesses) his housemate and then dismembered and dumped the body in the bay to hide the offense.

SHMONK APR 14, 2021 03:40 PM

I mean they executed search warrants and gathered evidence to charge him. Just because they haven't released it to the public doesn't mean these charges are baseless...

CHEMICALSUPERFREAK APR 14, 2021 03:45 PM

I'm not suggesting they're baseless, as plenty of evidence points to Flores being involved in some capacity, such as the (now lost) bloody earing, but the specific narrative must be supported by evidence or the defense will easily put holes in it and sink the case.

Please Login (/user/login?destination=/node/37866) or Register (/user/register?destination=/node/37866) to comment on this.

RELATED ARTICLES

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On April 14, 2021, I served the foregoing document entitled: **NOTICE OF MOTION AND DEFENDANT PAUL FLORES' MOTION FOR PROTECTIVE ORDER AGAINST PUBLICITY; DECLARATION OF COUNSEL; MEMORANDUM OF POINTS AND AUTHORITIES; [PROPOSED] ORDER** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed April 14, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, 4th Floor
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

FILED

APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY J. Heinze, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. **NOTICE OF APPEARANCE AND WAIVER OF TIME** Date: April 15, 2021 Time: 8:30 a.m. Dept.: To be Assigned

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND THE DISTRICT ATTORNEY FOR THE COUNTY OF SAN LUIS OBISPO:

PLEASE TAKE NOTICE THAT Sanger Swysen & Dunkle and Robert M. Sanger and Sarah S. Sanger hereby appear as attorneys of record on behalf of the Defendant, Paul Flores.

Having been advised of his rights to be present at all stages of the proceedings, through counsel and pursuant to Emergency Rule 5 of the Judicial Council of California, Defendant Paul Flores:

1. Consents to conduct the proceedings remotely as provided in

Judicial Council Emergency Rules 3(a) and 5(b)(1) and pursuant to any other applicable state or local rules;

2. Consents to waive his appearance and to permit counsel to appear on his behalf pursuant to Emergency Rules 5(b) and any other applicable state or local rules;

3. Requests the court to proceed during every absence that the court may permit pursuant to this waiver, and hereby agrees that his interests are represented at all times by the presence of his attorney the same as if he were personally present in court, and further agrees that notice to his attorney that his presence in court on a particular day at a particular time is required is notice to the defendant of the requirement of his or her appearance at that time and place; and

4. Waives time for his preliminary hearing and trial as agreed upon on his behalf by counsel.

By the filing of this waiver, the undersigned counsel represents that said counsel has advised the defendant of the provisions of the Emergency Rules, including Rules 3 and 5, and further represents that the defendant understands and agrees with waiving his rights to appear.

This waiver and authorization may be withdrawn by Mr. Flores or his counsel at any time.

Dated: April 14, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE

By: 

Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On April 14, 2021, I served the foregoing document entitled: **NOTICE OF APPEARANCE AND WAIVER OF TIME** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed April 14, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Eric Dobroth
Deputy District Attorney
1035 Palm St, 4th Floor
San Luis Obispo, CA 93408-1000
edobroth@co.slo.ca.us

FILED

APR 14 2021

SAN LUIS OBISPO SUPERIOR COURT
BY J. Heinze, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. **[PROPOSED] DRESS OUT ORDER** Date: April 15, 2021 Time: 8:30 a.m. Dept.: To be Assigned

GOOD CAUSE APPEARING THEREFOR:

IT IS HEREBY ORDERED THAT the San Luis Obispo County Sheriff permit the Defendant, Paul Ruben Flores, to dress in civilian clothes with no apparent evidence of restraints for his court appearance scheduled to take place in the San Luis Obispo Superior Court on April 15, 2021, at 8:30 a.m., and all future appearances thereafter until further order of the court.

Dated: 4/14/2021

Judge of the Superior Court

MC-510

MEDIA AGENCY *(name)*: **FOX40 Sacramento** CHANNEL/FREQUENCY NO.: **40** PERSON SUBMITTING REQUEST *(name)*: **Barnett Parker** ADDRESS: **4655 Fruitridge, Sacramento** TELEPHONE NO.: **916-454-4548**	FOR COURT USE ONLY **FILED** APR 15 2021 SAN LUIS OBISPO SUPERIOR COURT BY: Nikki Rodriguez, Deputy Clerk
Insert name of court and name of the judicial district and branch court, if any. **San Luis Obispo Superior Court**	
TITLE OF CASE: **People v Paul Flores**	
NAME OF JUDGE:	
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	CASE NUMBER: **21F-02402-A**

AGENCY MAKING THE REQUEST *(name)*: **FOX40 Sacramento**

1. a. [X] No hearing was held.
   b. [ ] ~~Date of hearing: April 15, 2021 Time: 830a Dept./Div.: 6 Room:~~
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 (see reverse).
3. [ ] THE COURT FINDS *(findings or a statement of decision are optional)*: [ ] Attached [ ] As follows:

THE COURT ORDERS

4. This request to photograph, record, or broadcast is:
   a. [ ] **denied**
   b. [X] **granted** subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) [ ] The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) [ ] The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) [ ] Payment to the clerk of increased court-incurred costs of *(specify)*: [ ] to be determined.
      (4) [ ] The media agency shall demonstrate to the court the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) [ ] Personnel and equipment shall be placed [ ] as directed [ ] as indicated in the attachment [ ] as follows:

      (6)(i) [ ] The attached statement of agreed pooling arrangements is approved.
      (ii) [ ] A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) [ ] This order
         (i) [ ] shall not apply to allow coverage of proceeding that are continued.
         (ii) [ ] shall apply to allow coverage of proceedings that are continued.
      (8) [X] Other *(specify)*:
      No audio
5. Coverage granted in item 4b is permitted in the following proceedings:
   a. [X] All proceedings, except those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. [ ] Only the following proceedings *(specify type or date or both)*:
6. [ ] The order made on *(date)*: is [ ] terminated [ ] modified as follows *(specify)*:
7. [ ] Number of pages attached:

Date: 4/15/21

Craig Van Rooyen
JUDICIAL OFFICER

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
People v Paul Flores	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (RULE 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: **FOX40 Sacramento** CHANNEL/FREQUENCY NO.: **40** PERSON SUBMITTING REQUEST *(name)*: **Barnett Parker** ADDRESS: **4855 Fruitridge, Sacramento** TELEPHONE NO.: **916-454-4548**	*FOR COURT USE ONLY*
Insert name of court and name of the judicial district and branch court, if any. **San Luis Obispo Superior Court**	
TITLE OF CASE: **People v Ruben Flores**	
NAME OF JUDGE	
MEDIA REQUEST TO PHOTOGRAPH, RECORD OR BROADCAST	CASE NUMBER: **21F-2402-B**

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g. particular witnesses at trial, the sentencing hearing, etc.)*:
Record live online feed and telecast live online feed.

2. DATE OF PROPOSED COVERAGE *(specify)*: **April 15, 2021** *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for non-compliance)*:

3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☐ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☑ Other *(specify)*:

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in the case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: **April 15, 2021**

Barnett Parker
(TYPE OR PRINT NAME)

▶ Barnett Parker
(SIGNATURE)

Telephone No.: **916-454-4548**

assignment editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING *(A hearing is optional.)*

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by_____, Deputy

MC-510

MEDIA AGENCY *(name)*: Associated Press (AP)
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: Nic Coury
ADDRESS:
TELEPHONE NO.: (831)402-1770

FOR COURT USE ONLY

FILED

APR 15 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:

TITLE OF CASE: People v. Flores

NAME OF JUDGE: Hon. Craig van Rooyen

CASE NUMBER: 21F-02402-A/B

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*:

1. a. ☒ No hearing was held.
   b. ☒ ~~Date of hearing:~~ 4/15/21 ~~Time: 8:30am~~ Dept./Div.: ~~Room:~~ D6
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/15/21

Craig W. Van Rooyen
JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
People v. Flores	21F-02402-A/B

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: Associated Press (AP)
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: Nic Coury
ADDRESS:
TELEPHONE NO. (831) 402-1770

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:

TITLE OF CASE: People V. Flores

NAME OF JUDGE:

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER: 21F-02402-A/B

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
   Flores Arraignment.
2. DATE OF PROPOSED COVERAGE *(specify)*: 4/15/21, 8:30am, Rm D6 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:
3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☒ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☐ Other *(specify)*:
4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:
5. ☐ INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage *(estimate)*: $
   ☐ Amount unknown
6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 4/13/21

(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.:

(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:

Address of the Court:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

MC-510

MEDIA AGENCY *(name)*: Inside Edition
CHANNEL/FREQUENCY NO.: various
PERSON SUBMITTING REQUEST *(name)*: Rachel Ahn
ADDRESS: 100 Corporate Pointe Suite 300 Culver City 90230
TELEPHONE NO.: 310-508-7640

FOR COURT USE ONLY

FILED

APR 15 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
The Superior Court of San Luis Obispo County department 6

TITLE OF CASE:
People vs. Paul Flores

NAME OF JUDGE:
HON. CRAIG VAN ROOYEN

CASE NUMBER:
21F-02402-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: Inside Edition

1. a. ☒ No hearing was held.
   b. ☑ ~~Date of hearing: 04/15/2021 Time: 8:27 Dept./Div.: 6 Room:~~
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/15/21

JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
People vs. Paul Flores	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-510

MEDIA AGENCY *(name)*: Fox 11 News
CHANNEL/FREQUENCY NO.: KTTV 11
PERSON SUBMITTING REQUEST *(name)*: Chris Moore
ADDRESS: 1999 S Bundy Dr, Los Angeles, CA 90025
TELEPHONE NO.: 310 584 2025

FOR COURT USE ONLY

FILED

APR 15 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
D6 San Luis Obispo Department 6 -1035 Palm Street, San Luis Obispo, C

TITLE OF CASE:
CA V. Paul Flores

NAME OF JUDGE:
Judge CRAIG VAN ROOYEN

CASE NUMBER:
21F-02402-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*:

1. a. ☒ No hearing was held.
   b. ~~☐ Date of hearing: 4/15/21 Time: 8:27am Dept./Div.: D6 Room:~~
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/15/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
CA V. Paul Flores	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

FILED

APR 15 2021

SAN LUIS OBISPO SUPERIOR COURT
BY Patrice Morales
Patrice Morales, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A ~~[PROPOSED]~~ ORDER Date: April 15, 2021 Time: 8:30 a.m. Dept.: To be Assigned

GOOD CAUSE APPEARING THEREFOR, IT IS ORDERED that this order applies to the following persons: (1) parties to this action; (2) attorneys connected to this case including prosecutors, defense counsel, and their investigators; (3) law enforcement officers including deputies of the San Luis Obispo Sheriff's Department; (4) court clerks and bailiffs; (5) witnesses; ~~(6) public officials~~; (7) judicial officers or employees; and (8) any agent, deputy or employee of the persons listed above. cur 4/15/21

IT IS FURTHER ORDERED that:

1. No person listed above shall make or authorize for public dissemination extrajudicial statements concerning this case, and that no such persons

shall release or authorize the release of any documents, exhibits, or other evidence connected with this case.

2. No person listed above shall make any statement for public dissemination concerning the existence or possible existence of any document, exhibit, or other evidence connected with the case.

3. No person listed above shall express for public dissemination or make any comment outside the court concerning the weight or effect of any evidence as tending to establish guilt or innocence.

4. No person listed above shall make any statement for public dissemination concerning the identity of any prospective witness, or the witness' probable testimony, or the effect thereof.

5. No person listed above shall make any statement for public dissemination concerning the nature, source or effect of any evidence obtained as a result of the investigation of this matter.

6. No person listed above shall make any statement for public dissemination as to the nature, source, or effect of any evidence introduced or testimony given in any proceeding related to this case.

7. If a person listed above believes that it is necessary to issue a public statement in response to adverse publicity they may make application to the Court for permission to make such a statement.

8. That this order shall remain in effect until further order of the Court.

This order is not intended to preclude any witnesses from discussing any matter in connection with the case with any of the attorneys representing the defendant or the government, or any investigators or representatives of such attorneys.

Dated: 4/15/21

Judge of the Superior Court

ELECTRONICALLY
FILED
4/16/2021 4:09 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the initial Ramey arrant for Ruben Flores along with a Motion to Increase Bail to be heard on Monday, April 19, 2021. The Ramey

warrant contains a recitation of facts, many of which have not yet been disseminated in the public sphere.

In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the Motion for Increase of Bail, including the attached Ramey Warrant, be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Bail Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 16, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

ELECTRONICALLY
FILED
4/16/2021 4:57 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

DECLARATIONS IN SUPPORT OF MOTION FOR OWN RECOGNIZANCE RELEASE OR SETTING OF REASONABLE BAIL

(Subject to Application to File Under Seal)

Date: April 19, 2021
Time: 1:30 p.m.
Dept.: 6

Hon. Craig B. Van Rooyen

DocuSign Envelope ID: AAEE2D57-5251-4D8E-88E2-F748EEE5F10F

DECLARATION OF SUSAN FLORES

I, Susan Flores, declare:

1. I am Paul Flores' mother.
2. Paul was born in Torrance, California. We lived there until we moved to Arroyo Grande, California, within the County of San Luis Obispo, when Paul was a sophomore in high school.
3. Paul graduated from Arroyo Grande High School and attended Cal Poly University in San Luis Obispo before moving to the Los Angeles area.
4. Paul got hired by Coca Cola working the night shift and was making good money. His job afforded him the opportunity to make mortgage payments, so he purchased a home. Paul has been steadily employed and wants to take care of his finances.
5. Paul's father and I both still live in Arroyo Grande and own our own homes.
6. Paul has been subjected to a substantial amount of pre-arrest publicity and accusations over the last 25 years. We have also been subjected to numerous interrogations and highly publicized searches of our premises and properties. Despite all of this, Paul has remained in the Southern California community.
7. If Paul were to be released on bail, we are all here for him and will ensure he meets whatever obligations the court imposes.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on 4/16/2021 at Arroyo Grande, CA.

DocuSigned by:
Susan Flores
DCF4C8B7315A4C9...
Susan Flores

DocuSign Envelope ID: 48C939C8-D4E4-4E92-A3DC-8D939DE844D3

DECLARATION OF YOLANDA DELGADO

I, Yolanda Delgado, declare:

1. I am Paul Flores' paternal cousin.
2. I have lived in Torrance, California all of my life and grew up near Paul and his family. Our families attended the same church and would see each other often when we lived close together.
3. I am employed as a teacher and currently live with my mother and aunt.
4. In recent years, my mother and I would see Paul every few months and sometimes on holidays. Whenever we invite him, Paul always comes to our home if he is not already spending holidays with his own family. Paul is good humored and always a good time to be around.
5. Paul is punctual and hard working. As long as I have known him, he has always had jobs that kept him busy. Even as a child around 10 years old, he was a paper boy for a couple of years. If he were to be released on bail, I am confident that he would be right back at his job.
6. If either my mother or aunt ever ask for help, Paul is always ready to show up. If you need something moved or painted or fixed, he has the tools and knowledge to complete the task.
7. The COVID-19 pandemic has been difficult on my family as my mother and aunt are getting older. Paul stepped up to the plate and always made sure they had groceries from the store and were staying safe.
8. Paul enjoys lively debates but always ends the conversation on a positive note.
9. Paul has a strong support system that is waiting for him in the event he is released on bail.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on 4/16/2021 at Torrance, California.

DocuSigned by:
Yolanda R. Delgado
A522F67054884C8...

Yolanda Delgado

DocuSign Envelope ID: 19331C95-6CA4-48F7-9799-F1419D7A7D8C

DECLARATION OF PAUL MARQUEZ

I, Paul Marquez, declare:

1. I have been friends with Paul Flores for over a decade.
2. We started working together at A Better Way to Move in Los Angeles about 13 or 14 years ago. Paul left the company to work for Coca Cola but eventually returned to Better Way. We also worked together at Chris' Moving Men and I have hired Paul for freelance moving jobs ever since.
3. Outside of work, we have spent time together many times. We both have a passion for old cars and would cruise around together.
4. Paul has been a homeowner in Los Angeles for many years. He constantly works to be able to meet his monthly mortgage obligation.
5. He is a hard worker, dependable and always there when you need him.
6. If Paul were to be released from jail, I am confident that he would follow any conditions imposed. I know Paul to be close to his family and know that they will support him and make sure he stays on track.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on 4/16/2021 at 1725 #1 Lewis Aveunue Long Beach, CA 90813.

DocuSigned by:
Paul Marquez
AF87B8FF8917F4FF
Paul Marquez

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On April 16, 2021, I served the foregoing document entitled: **DECLARATIONS IN SUPPORT OF MOTION FOR OWN RECOGNIZANCE RELEASE OR SETTING OF REASONABLE BAIL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed April 16, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us

ELECTRONICALLY
FILED
4/16/2021 4:57 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE DECLARATIONS IN SUPPORT OF DEFENDANT'S ORBR MOTION UNDER SEAL

Date: April 19, 2021
Time: 1:30 p.m.
Dept.: 6

Hon. Craig B. Van Rooyen

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND DEPUTY DISTRICT ATTORNEY SCOTT DONAHUE:

PLEASE TAKE NOTICE that Defendant Paul Ruben Flores, by and through his attorneys Robert M. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal the Declarations in support of Mr. Flores's Notice of Motion and Motion for Own Recognizance Release or Setting of Reasonable Bail (hereafter

"Declarations"), in accordance with California Rules of Court, rules 2.550 and 2.551, and to protect the Defendant's rights to privacy, due process and a fair trial under article I, sections 1 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution. This application is made on the grounds that the Declarations contain personal information in which Defendant has a right to privacy, would expose affiants to public harassment and would impair the Defendant's rights to due process and a fair trial.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: April 16, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing Mr. Flores's Notice of Motion and Motion for Own Recognizance Release or Setting of Reasonable Bail (hereafter "Declarations") conditionally under seal. The Declarations includes personal information and would expose affiants to public harassment.
3. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to a fair trial and due process.
4. I am respectfully requesting that Declarations be filed under seal and not divulged to the public.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on April 16, 2021, at Solvang, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE DECLARATIONS IN SUPPORT OF MR. FLORES'S ORBR MOTION IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

Mr. Flores has a right to privacy under article I, section I of the California Constitution in the personal information in the Declarations. Furthermore, making the motion publicly available would expose individuals to public harassment. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his right to a fair trial.

We respectfully submit that it is necessary to file the Declarations under seal to protect Mr. Flores's rights to privacy, a fair trial and due process and to protect the affiants from public harassment and these overriding interest satisfies the requirements of Rule of Court 2.550(d).

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: April 16, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On April 16, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION TO FILE DECLARATIONS IN SUPPORT OF DEFENDANT'S ORBR MOTION UNDER SEAL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

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____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed April 16, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us

MC-510

MEDIA AGENCY *(name)*: KABC-TV7
CHANNEL/FREQUENCY NO.: KABC-TV7
PERSON SUBMITTING REQUEST *(name)*: Julie Sone
ADDRESS: 500 Circle Seven Dr., Glendale CA 91201
TELEPHONE NO.: 818-863-7655

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo Court 1050 Monterey Street, Dept 5

TITLE OF CASE:
People vs Paul Flores, Ruben Flores

NAME OF JUDGE:

FOR COURT USE ONLY

FILED

APR 16 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

CASE NUMBER:
21F-02402-A, 21F-2402-B

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: KABC-TV7

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ denied.
   b. ☒ granted subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:
      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/15/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

American LegalNet, Inc.
www.FormsWorkflow.com

MC-510

CASE NAME:
People vs Paul Flores, Ruben Flores

CASE NUMBER:
21F-02402-A, 21F-2402-B

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MEDIA AGENCY *(name)*: KABC-TV7
CHANNEL/FREQUENCY NO.: KABC-TV7
PERSON SUBMITTING REQUEST *(name)*: Julie Sone
ADDRESS:
500 Circle Seven Dr., Glendale CA 91201
TELEPHONE NO.: 818-863-7655

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo Court 1050 Monterey Street, Dept 5

TITLE OF CASE:
People vs Paul Flores, Ruben Flores

NAME OF JUDGE:

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

MC-500

FOR COURT USE ONLY

CASE NUMBER:
21F-02402-A, 21F-2402-B

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

2. DATE OF PROPOSED COVERAGE *(specify)*: Monday, August 19, 2021 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*.

3. TYPE OF COVERAGE
a. [✓] TV camera and recorder
b. [ ] Still camera
c. [ ] Motion picture camera
d. [✓] Audio
e. [✓] Other *(specify)*: zoom stream

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: April 15, 2021

Julie Sone
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 818-863-7655

Assignment Editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING *(A hearing is optional.)*

A HEARING will be held as follows:

Date: Time: Dept./Div.: Room:
Address of the Court:

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY (name): News Nation
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST (name): Tom Moran
ADDRESS: 2501 W. Bradley Place, Chicago, IL, 60618
TELEPHONE NO.: 708-975-4611

FOR COURT USE ONLY

FILED

APR 16 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo County Superior Court

TITLE OF CASE:
State of California vs. Paul Ruben Flores

NAME OF JUDGE:
HON. CRAIG VAN ROOYEN

CASE NUMBER:
21F-02402-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST (name): News Nation

1. a. [X] No hearing was held.
   b. [X] Date of hearing: ~~4/14/2021~~ Time: ~~Dept./Div.:~~ ~~Room:~~
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. [ ] **THE COURT FINDS** *(findings or a statement of decision are optional)*: [ ] Attached [ ] As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. [ ] **denied.**
   b. [X] **granted** subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) [ ] The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) [ ] The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) [ ] Payment to the clerk of increased court- incurred costs of *(specify)*: $ [ ] to be determined.
      (4) [ ] The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) [ ] Personnel and equipment shall be placed [ ] as directed [ ] as indicated in the attachment [ ] as follows *(specify)*:

      (6) (i) [ ] The attached statement of agreed pooling arrangements is approved.
      (ii) [ ] A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) [ ] This order
      (i) [ ] shall not apply to allow coverage of proceedings that are continued.
      (ii) [ ] shall apply to allow coverage of proceedings that are continued.
      (8) [X] Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. [X] All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. [ ] Only the following proceedings *(specify type or date or both)*:
6. [ ] The order made on *(date)*: is [ ] terminated [ ] modified as follows *(specify)*:
7. [ ] Number of pages attached:

Date: 4/15/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY (name): NewsNation
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST (name): Tom Moran
ADDRESS: 2501 W. Bradley Place, Chicago, IL, 60618
TELEPHONE NO.: 708-975-4611

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo County Superior Court

TITLE OF CASE: State of California vs. Paul Ruben Flores

NAME OF JUDGE:

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER: 21F-02402-A

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.):*
   Arraignment
2. DATE OF PROPOSED COVERAGE *(specify):* 04/19/2021 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):*
3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☐ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☒ Other *(specify):* Record live stream
4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify):*
5. ☒ INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage *(estimate):* $
   ☒ Amount unknown
6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150).*

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 04/19/2021

Tom Moran
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 708-975-4611

Zone Manager
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

MC-510

MEDIA AGENCY *(name)*: KTTV-FOX11
CHANNEL/FREQUENCY NO.: Fox11
PERSON SUBMITTING REQUEST *(name)*: Freddy Bedoya
ADDRESS: 1999 S Bundy Dr, Los Angeles CA 90025
TELEPHONE NO.: 310-584-2025

FOR COURT USE ONLY

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APR 16 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: [signature]
Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
D6 San Luis Obispo Department 6 - 1035 Palm Street, San Luis Obispo, C

TITLE OF CASE:
People v. People v. Paul and Ruben Flores

NAME OF JUDGE:
HON. CRAIG VAN ROOYEN

CASE NUMBER:
21F-02402-A/B

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: KTTV Fox 11

1. a. [X] No hearing was held.
   b. [✓] ~~Date of hearing: 04/15/21 Time: Dept./Div.: DG Room:~~
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. [ ] THE COURT FINDS *(findings or a statement of decision are optional)*: [ ] Attached [ ] As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. [ ] **denied.**
   b. [X] **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) [ ] The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) [ ] The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) [ ] Payment to the clerk of increased court- incurred costs of *(specify)*: $ [ ] to be determined.
      (4) [ ] The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) [ ] Personnel and equipment shall be placed [ ] as directed [ ] as indicated in the attachment [ ] as follows *(specify)*:

      (6) (i) [ ] The attached statement of agreed pooling arrangements is approved.
      (ii) [ ] A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) [ ] This order
      (i) [ ] shall not apply to allow coverage of proceedings that are continued.
      (ii) [ ] shall apply to allow coverage of proceedings that are continued.
      (8) [X] Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. [X] All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. [ ] Only the following proceedings *(specify type or date or both)*:
6. [ ] The order made on *(date)*: is [ ] terminated [ ] modified as follows *(specify)*:
7. [ ] Number of pages attached:

Date: 4/15/21

[signature]
JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
People v. Paul and Ruben Flores	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: KTTV Fox 11 News CHANNEL/FREQUENCY NO.: 11 PERSON SUBMITTING REQUEST *(name)*: Freddy Beboya ADDRESS: 1999 S Bundy Los Angeles Ca TELEPHONE NO.: 310-584-2025	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any: D6 San Luis Obispo Department 6 -1035 Palm Street, San Luis Obispo, CA-1st Floor	
TITLE OF CASE: People v. Paul and Ruben Flores	
NAME OF JUDGE:	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	CASE NUMBER: 21F-02402-A

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

2. DATE OF PROPOSED COVERAGE *(specify)*: 04/15/21 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:

3. TYPE OF COVERAGE
   a. [✓] TV camera and recorder
   b. [✓] Still camera
   c. [ ] Motion picture camera
   d. [✓] Audio
   e. [ ] Other *(specify)*:

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

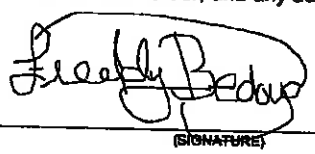
6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 04/15/2021

Freddy Bedoya
(TYPE OR PRINT NAME)


(SIGNATURE)

Telephone No.: 310-584-2025

Assignment Editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: KTLA-News
CHANNEL/FREQUENCY NO.: 5
PERSON SUBMITTING REQUEST *(name)*: Dianne Sanchez - Planning
ADDRESS: 5800 Sunset Blvd, Los Angeles, CA 90028
TELEPHONE NO.: 323-460-5514

FOR COURT USE ONLY

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APR 16 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
SAN LUIS OBISPO SUPERIOR COURT

TITLE OF CASE:
PEOPLE VS. PAUL & RUBEN FLORES

NAME OF JUDGE:
HON. CRAIG VAN ROOTEN

CASE NUMBER:
21F-02402 A/B

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: KTLA - News

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No Audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/15/21

Craig V. Rooten
JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
PEOPLE VS. PAUL & RUBEN FLORES	

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: KTLA- News CHANNEL/FREQUENCY NO.: 5 PERSON SUBMITTING REQUEST *(name)*: Diane Sanchez ADDRESS: 5800 Sunset Blvd, Los Angeles, CA 90028 TELEPHONE NO.: 323-460-5730	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any: SLO COURT	
TITLE OF CASE: PEOPLE VS. PAUL & RUBEN FLORES	
NAME OF JUDGE:	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	CASE NUMBER:

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

   ARRAIGNMENT

2. DATE OF PROPOSED COVERAGE *(specify)*: 4/19/21 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:

3. TYPE OF COVERAGE
   a. [X] TV camera and recorder
   b. [ ] Still camera
   c. [ ] Motion picture camera
   d. [X] Audio
   e. [ ] Other *(specify)*:

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 4/19/21

Dianne Sanchez
(TYPE OR PRINT NAME)

Telephone No.: 323-460-5514

Planning Editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by _____, Deputy

American LegalNet, Inc.
www.FormsWorkflow.com

MC-510

MEDIA AGENCY *(name)*: SANTA MARIA TIMES CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST *(name)*: DAVE MINSKY ADDRESS: 3200 SKYWAY DRIVE, SANTA MARIA, CA 93455 TELEPHONE NO.: 805-739-2205	FOR COURT USE ONLY FILED APR 16 2021 SAN LUIS OBISPO SUPERIOR COURT BY: Nikki Rodriguez, Deputy Clerk
Insert name of court and name of judicial district and branch court, if any: SLO SUPERIOR COURT	
TITLE OF CASE: PEOPLE v. FLORES	
NAME OF JUDGE: VAN ROOYEN	
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	CASE NUMBER: 21F-02402-A

AGENCY MAKING REQUEST *(name)*:

1. a. ☒ No hearing was held.
   b. ☑ Date of hearing: 4/19/21 Time: 1:30 PM Dept./Div.: SLO Room: 5
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/16/21

Craig V. Rooyen
JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
PEOPLE v. FLORES	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: SANTA MARIA TIMES
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: DAVE MINSKY
ADDRESS:
3200 SKYWAY DRIVE, SANTA MARIA CA 93455
TELEPHONE NO.:

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
SLO COUNTY SUPERIOR COURT

TITLE OF CASE:
PEOPLE V. FLORES

NAME OF JUDGE: VAN ROOYEN

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402-A

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

2. DATE OF PROPOSED COVERAGE *(specify)*: 4/19/21 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:
   CONTINUED ARRAIGNMENT ANNOUNCED AT 4/15/21 HEARING.

3. TYPE OF COVERAGE
   a. [ ] TV camera and recorder
   b. [X] Still camera
   c. [ ] Motion picture camera
   d. [ ] Audio
   e. [ ] Other *(specify)*:

4. [X] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*: N/A

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 4-15-21

DAVE MINSKY
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 805-739-2205

EMILY SLATER
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING *(A hearing is optional.)*

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear This Form

ELECTRONICALLY
FILED
4/19/2021 1:11 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendants.	CASE NO. 21F-02402-A AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the initial Ramey arrant for Paul Flores along with a Declaration and Motion Opposing Defense's Request For A Bail Reduction to be heard

on Monday, April 19, 2021. The Ramey warrant contains a recitation of facts, many of which have not yet been disseminated in the public sphere.

In accordance with Section 6255 of the California Government Code. I am requesting that this court order that the Declaration and Motion Opposing Defense's Request For A Bail Reduction, including the attached Ramey Warrant, be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Bail Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 19, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On April 19, 2021, I served the foregoing document(s) described as:
AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS, DECLARATION AND MOTION OPPOSING DEFENSE'S REQUEST FOR BAIL REDUCTION

(*People v. Paul Ruben Flores,* Case No. 21F-02402-A)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

Robert Sanger
21F-02402-A
rmsteam@sangerswysen.com

Harold V. Mesick
21F-02402-B
haroldmesick@gmail.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on April 19, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
RECEIVED
4/16/2021 4:57 PM

FILED
APR 19 2021
SAN LUIS OBISPO SUPERIOR COURT
BY D. Roberts, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

~~[PROPOSED]~~ ORDER GRANTING EX PARTE APPLICATION TO FILE DECLARATIONS IN SUPPORT OF DEFENDANT'S ORBR MOTION UNDER SEAL

Date: April 19, 2021
Time: 1:30 p.m.
Dept.: 6

Hon. Craig B. Van Rooyen

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain personal information and other information in which Defendant has an overriding right to privacy under article I, section 1 of the California Constitution and the dissemination to the public of which would also impair Defendant's rights to Due Process and a Fair Trial. These rights of the Defendant overcome the right of public access to the documents;

2. Defendant's overriding rights to privacy, due process and a fair trial support sealing the documents;

3. A substantial probability exists that Defendant's rights to privacy, due process and a fair trial will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to privacy, due process and a fair trial.

IT IS HEREBY ORDERED THAT:

1. The Declarations in support of Mr. Flores's Notice of Motion and Motion for Own Recognizance Release or Setting of Reasonable Bail are sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Deputy District Attorney Christopher Peuvrelle and the San Luis Obispo County District Attorney's Office are permitted to view the sealed records.

Dated: 4/19/21

The Honorable Craig B. Van Rooyen
Judge of the Superior Court

MC-510

MEDIA AGENCY *(name)* YOUR OWN BACKYARD PODCAST
CHANNEL/FREQUENCY NO · www.yourownbackyardpodcast.com
PERSON SUBMITTING REQUEST *(name)*.
ADDRESS CHRISTOPHER LAMBERT
TELEPHONE NO 805-925-8268

COURT name of court and name of the trial court street and branch court, if any
Department 5 -1035 Palm Street, San Luis Obispo, CA

TITLE OF CASE
THE PEOPLE VS. FLORES

NAME OF JUDGE.
HON. CRAIG VON ROOYEN

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

To help other people from accidentally filing your confidential information on your form, please type or print clearly. Press the Clear This Form button at the end of the form when finished.

FILED
APR 19 2021
SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

CASE NUMBER
21F-02402-A/B

AGENCY MAKING REQUEST *(name)*: YOUR OWN BACKYARD PODCAST

1 a. ☒ No hearing was held
b ☐ Date of hearing: Time: Dept./Div.: Room:

2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*

3. ☐ THE COURT FINDS *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows.

THE COURT ORDERS

4 The request to photograph, record, or broadcast is
a ☐ **denied.**
b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, AND the following:
(1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
(2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
(3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
(4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
(5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

(6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
(ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
(7) ☐ This order
(i) ☐ shall not apply to allow coverage of proceedings that are continued.
(ii) ☐ shall apply to allow coverage of proceedings that are continued.
(8) ☒ Other *(specify)*:

No audio

5. Coverage granted in item 4b is permitted in the following proceedings.
a ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
b. ☐ Only the following proceedings *(specify type or date or both)*:

6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*.

7. ☐ Number of pages attached:

Date: 4/19/21

Craig Von Rooyen
JUDGE

(See reverse for additional information)

CASE NAME	CASE NUMBER
THE PEOPLE VS. FLORES	21F-02402-A/B

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

For your protection and privacy, please press

MC-500

MEDIA AGENCY (name) YOUR OWN BACKYARD PODCAST
CHANNEL/FREQUENCY NO. WWW.YOUROWNBACKYARDPODCAST.COM
PERSON SUBMITTING REQUEST (name) CHRISTOPHER LAMBERT
ADDRESS
3833 MONO PL
ORCUTT, CA 93455
TELEPHONE NO 805-925-8268

FOR COURT USE ONLY

(Court name and address: name of judicial district and branch court, if any)
San Luis Obispo Department 5
1035 Palm Street - 3RD Floor
San Luis Obispo, CA

TITLE OF CASE
THE PEOPLE VS. FLORES

NAME OF JUDGE HON. CRAIG VAN ROOYEN

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER
21F-02402-A/B

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*
   OR/BAIL REDUCTION HEARING, ANY AVAILABLE PROCEEDINGS ALLOWING TO BE RECORDED

2. DATE OF PROPOSED COVERAGE *(specify)*: 04/19/2021 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:
   COURT REQUESTED FORMS ON 4/16

3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☐ Still camera
   c. ☑ Motion picture camera
   d. ☑ Audio
   e. ☐ Other *(specify)*.

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached *(required by Cal. Rules of Court, rule 1.150)*

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 04/16/2021

CHRISTOPHER LAMBERT
(TYPE OR PRINT NAME)

Telephone No.: 805-925-8268

(SIGNATURE)

OWNER/PRODUCER
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

MC-510

MEDIA AGENCY *(name)*: KTTV FOX 11
CHANNEL/FREQUENCY NO.: 11
PERSON SUBMITTING REQUEST *(name)*: MIng Luong
ADDRESS: 1999 S Bundy Drive
TELEPHONE NO: 310-594-2025

FOR COURT USE ONLY

FILED

APR 19 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo Superior CourtDepartment 5

TITLE OF CASE:
Paul and Ruben Flores

NAME OF JUDGE:
Honorable Judge Craig Van Rooyen

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

CASE NUMBER:
21F-02402-A 21F-02402-B

AGENCY MAKING REQUEST *(name)*:

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
         (i) ☐ shall not apply to allow coverage of proceedings that are continued.
         (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/19/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
Paul And Ruben Flores	21F-02402-A 21F-02402-B

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: KTTV FOX 11
CHANNEL/FREQUENCY NO.: 11
PERSON SUBMITTING REQUEST *(name)*: Ming Luong
ADDRESS:
1999 Bundy Drive
TELEPHONE NO.: 310-584-2025

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo Superior Court
Department 5

TITLE OF CASE:
Paul and Ruben Flores

NAME OF JUDGE: Judge Craig Rooyen

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402-A 21F-02402-B

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

2. DATE OF PROPOSED COVERAGE *(specify)*: 4/19/21 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):*

3. TYPE OF COVERAGE
   a. [x] TV camera and recorder
   b. [ ] Still camera
   c. [ ] Motion picture camera
   d. [ ] Audio
   e. [ ] Other *(specify)*:

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 4/19/21

Ming Luong
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 310-584=2025

Assignment Editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: KNX 1070 NEWSRADIO, CBS AFFILIATE
CHANNEL/FREQUENCY NO.: 1070 AM
PERSON SUBMITTING REQUEST *(name)*: CRAIG FIEGENER
ADDRESS: 5670 WILSHIRE BLVD. #200 LOS ANGELES, CA 90036
TELEPHONE NO.: 323-900-2070

FOR COURT USE ONLY

FILED

APR 19 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo County Superior Court

TITLE OF CASE:
PEOPLE V. PAUL FLORES

NAME OF JUDGE:
DEPARTMENT 5

CASE NUMBER:
21F-02402-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: KNX 1070 NEWSRADIO, LOS ANGELES

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 4/19/21

Craig V. Fiegener
JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
PEOPLE V. FLORES	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: KNX 1070 NEWSRADIO, CBS AFFILIATE
CHANNEL/FREQUENCY NO.: 1070 AM
PERSON SUBMITTING REQUEST *(name)*: CRAIG FIEGENER
ADDRESS:
5670 WILSHIRE BLVD. #200 LOS ANGELES, CA 90036
TELEPHONE NO.: 323-900-2070

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo County Superior Court

TITLE OF CASE:
PEOPLE V. PAUL FLORES

NAME OF JUDGE: DEPARTMENT 5

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402-A

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
Arraignment, and/or OR/bail reduction hearing

2. DATE OF PROPOSED COVERAGE *(specify)*: April 19, 2021 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:

3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☐ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☒ Other *(specify)*: Audio only, recorded, for non-live coverage, on broadcast

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: April 19, 2021

Craig A Fiegener
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.:
323.900.2070

News Reporter
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form

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FILED
APR 19 2021
SAN LUIS OBISPO SUPERIOR COURT
BY D. Roberts, Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

PAUL RUBEN FLORES, Defendant.

CASE NO. 21F-02402-A

ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that the Motion for Increase of Bail including the attached Ramey Warrant be sealed and not be made a part of the public record until further order of this Court.

Court makes findings consistent with California Rules of Court rules 2.550 & 2.551 in favor of sealing.

Dated: 4/19/21

JUDGE OF THE SUPERIOR COURT

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FILED

APR 19 2021

SAN LUIS OBISPO SUPERIOR COURT
BY D. Roberts, Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

PAUL FLORES,
Defendant.

CASE NO. 21F-02402-A

ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that the Declaration and Motion Opposing Defense's Request For A Bail Reduction Including the attached Ramey Warrant be sealed and not be made a part of the public record until further order of this Court.

Court makes findings consistent with California Rules of Court rules 2.550 & 2.551 in favor of sealing.

Dated: 4/19/21

JUDGE OF THE SUPERIOR COURT

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5/6/2021 3:25 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
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County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Request to Unseal, Duplicate, and Reseal Property Items Sealed Pursuant to Search Warrant #13663; Declaration of Christopher G. Peuvrelle; Proposed Order to Unseal, Duplicate and Reseal Property Items

Sealed Pursuant to Search Warrant #13663; People's Request to Unseal, Duplicate and Reseal Property Items Sealed Under 1999 Wire Tap; Declaration of Christopher G. Peuvrelle; and Proposed Order to Unseal, Duplicate and Reseal Property Items Sealed Under 1999 Wire Tap. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Request to Unseal, Duplicate, and Reseal Property Items Sealed Pursuant to Search Warrant #13663; Declaration of Christopher G. Peuvrelle; Proposed Order to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13663; People's Request to Unseal, Duplicate and Reseal Property Items Sealed Under 1999 Wire Tap; Declaration of Christopher G. Peuvrelle; and Proposed Order to Unseal, Duplicate and Reseal Property Items Sealed Under 1999 Wire Tap be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 5, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

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SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On May 6, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEMS SEALED UNDER 1999 WIRE TAP; DECLARATION OF CHRISTOPHER G. PUEVRELLE; PROPOSED ORDERS; PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13663; DECLARATION OF CHRISTOPHER G. PUEVRELLE; PRPOSED ORDERS; STIPULATION RE: EXPLICIT MATERIAL AND CHILD PORNOGRAPHY; AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on May 6, 2021, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

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5/6/2021 3:25 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
Courthouse Annex, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & B PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13663; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #690, #693, #694, #699, #701, #711, #717, #719, #721, #722, #724, #731, #733, #734, and #742, currently held under seal pursuant to Search Warrant #13663 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: May 5, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.
2. On February 7, 2021, the Honorable Judge Matthew Guerrero signed Search Warrant #13663 and an order sealing San Luis Obispo Sheriff's Office property items #690, #693, #694, #699, #701, #711, #717, #719, #721, #722, #724, #731, #733, #734, and #742.
3. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.
4. Property items #690, #693, #694, #699, #701, #711, #717, #719, #721, #722, #724, #731, #733, #734, and #742 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.
5. I, therefore, request that property items #690, #693, #694, #699, #701, #711, #717, #719, #721, #722, #724, #731, #733, #734, and #742, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

//

//

//

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

Date: May 5, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Puevrelle
Deputy District Attorney

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5/6/2021 3:25 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
Courthouse Annex, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & B PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED UNDER 1999 WIRE TAP; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #127 through #149 and property item #176, currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: May 5, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.
2. In March 1999, the Honorable Judge Roger T. Picquet signed pen register warrants in connection with SLSO case #960610965, and a wire interception order was authorized for Target Telephone numbers (940) 559-5140 and (805) 473-9070.
3. On June 14, 1999, the Honorable Judge Roger T. Picquet signed an order to seal recordings pursuant to Penal Code section 629.64 pertaining to the Target Telephone number (805) 473-9070.
4. On June 21, 1999, the Honorable Judge Richard F. Tooley signed an order to seal recordings pursuant to Penal Code section 629.64 pertaining to the Target Telephone number (940) 559-5140.
5. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.
6. Property items #127 through #149 and #176 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.
7. I, therefore, request that property items #127 through #149 and property item #176, currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben

Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

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

Date: May 5, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher G. Puevrelle
Deputy District Attorney

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5/11/2021 2:04 PM

SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the Stipulation to Duplicate and Discover Search Warrant Affidavits Held by San Luis Obispo Sheriff's Office; Declaration of Christopher G. Peuvrelle and Proposed Order to be heard on May 17, 2021. In accordance with Section

6255 of the California Government Code, I am requesting that this court order that the Stipulation to Duplicate and Discover Search Warrant Affidavits Held by San Luis Obispo Sheriff's Office; Declaration of Christopher G. Peuvrelle and Proposed Order be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 11, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

Electronically
FILED:05/11/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES,
Defendants

CASE NOS. 21F-02402-A

~~[PROPOSED]~~ ORDER TO DUPLICATE AND DISCOVER SEARCH WARRANT AFFIDAVITS HELD BY SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE

ORDER

IT IS HEREBY ORDERED that the People shall duplicate and discover copies of search warrant affidavits, excluding all search warrants and all exhibits, for search warrants #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant affidavit for Paul Flores and Ramey warrant affidavit for Ruben Flores.

The original Affidavits, including all attachments, search warrants, and return to search warrants, shall remain under seal with the San Luis Obispo County Superior Court.

IT IS FURTHER HEREBY ORDERED THAT the People shall duplicate and discover a copy of search warrant #20-0-60269-1 and sealing order, executed in King County, Washington by Judge Kristin Richardson, currently held by the San Luis Obispo Sheriff's Office. The original search warrant and sealing order for search warrant #20-0-60269-1 shall remain under seal with the King County Superior Court in King County, Washington.

Defense Counsel, Robert M. Sanger and Harold V. Mesick, and shall not copy, reproduce or distribute the Affidavits in any way, and copies of the Affidavits shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to the defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

IT IS SO ORDERED.

Dated: 5/11/21

Honorable Craig B. Van Rooyen
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
RECEIVED
5/11/2021 12:18 PM

Electronically
FILED:05/11/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	CASE NO. 21F-02402-A [PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affadavit in support of the People's Proposed Order Re: Discovery of Explicit Material and Child Pornography are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: May 11, 2021

Craig Van Rooyen
THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
FILED
5/11/2021 2:04 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO. 21F-02402-A, B STIPULATION TO DUPLICATE AND DISCOVER SEARCH WARRANT AFFIDAVITS HELD BY THE SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE; DECLARATION OF CHRISTOPHER G. PEUVRELLE Hearing Date: May 17, 2021

IT IS HEREBY STIPULATED BETWEEN THE PARTIES THAT The People shall duplicate and discover copies of search warrant affidavits, excluding all search warrants and all exhibits, for search warrants #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant affidavit for Paul Flores and Ramey warrant affidavit for Ruben Flores (Hereto after referred to as "Affidavits"). Copies of the Affidavits are currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965. The

original Affidavits, including the attachments, search warrants, and return to search warrants are under seal with the San Luis Obispo County Superior Court.

IT IS HEREBY FURTHER STIPULATED BETWEEN THE PARTIES THAT The People shall duplicate and discover a copy of search warrant #20-0-60269-1 and sealing order, executed in King County, Washington by Judge Kristin Richardson, currently held by the San Luis Obispo Sheriff's Office. The original search warrant and sealing order for search warrant #20-0-60269-1 are under seal with the King County Superior Court in King County, Washington.

Defense Counsel, Robert M. Sanger and Harold V. Mesick, shall not copy, reproduce or distribute the Affidavits in any way and copies of the Affidavits shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to the defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

Date: May 11, 2021

Christopher G. Peuvrelle Deputy District Attorney

Date: May 11, 2021

Robert M. Sanger Attorney for Defendant, Paul Ruben Flores

Date: May 11, 2021

Harold V. Mesick Attorney for Defendant Ruben Ricardo Flores

MC-510

MEDIA AGENCY *(name)*: 13 Stars Media CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST *(name)*: Camille DeVaul ADDRESS: PO Box 6068 Atascadero, CA 93423 TELEPHONE NO.: 805-466-2585	FOR COURT USE ONLY **FILED** MAY 12 2021 SAN LUIS OBISPO SUPERIOR COURT BY: Nikki Rodriguez, Deputy Clerk
Insert name of court and name of judicial district and branch court, if any: Superior Court of California County of San Luis Obispo	
TITLE OF CASE: The State of California vs. Paul Ruben Flores	
NAME OF JUDGE: Judge Craig van Rooyen	
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	CASE NUMBER: 21F-02402-A

AGENCY MAKING REQUEST *(name)*: 13 Stars Media

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: 05/17/2021 Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 5/11/21

Craig Van Rooyen

JUDGE

(See reverse for additional information)

CASE NAME:	MC-510
The State of California vs. Paul Ruben Flores	CASE NUMBER: 21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: 13 Stars Media
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: Camille C DeVaul
ADDRESS:
PO Box 6088 Atascadero, CA 93423
TELEPHONE NO.: 805-466-2585

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
Superior Court of California County of San Luis Obispo

TITLE OF CASE:
The State of California vs. Paul Ruben Flores

NAME OF JUDGE: Judge Craig van Rooyen

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402-A

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

2. DATE OF PROPOSED COVERAGE *(specify)*: May 17, 2021 . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:

3. TYPE OF COVERAGE
   a. [x] TV camera and recorder
   b. [x] Still camera
   c. [x] Motion picture camera
   d. [x] Audio
   e. [x] Other *(specify)*: Newspaper/print

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 05-10-21

Camille C DeVaul
(TYPE OR PRINT NAME)

Camille C. DeVaul
(SIGNATURE)

Telephone No.: 805-286-0392

News Correspondent
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING ***(A hearing is optional.)***

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear this form button after you have printed the form.

Print this form Save this form Clear this form

MC-510

MEDIA AGENCY *(name)*: FOX40
CHANNEL/FREQUENCY NO.: 40
PERSON SUBMITTING REQUEST *(name)*: Barnett Parker
ADDRESS: 4655 Fruitridge, Sacramento
TELEPHONE NO.: 916-454-4548

FOR COURT USE ONLY

FILED

MAY 20 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo Superior Court

TITLE OF CASE:
People v Paul Flores

NAME OF JUDGE:
Hon. Craig Van Rooyen

CASE NUMBER:
21F-02407-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: FOX40

1. a. ☒ No hearing was held.
   b. ☐ ~~Date of hearing: July 6~~ Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 5/19/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
PEOPLE V PAUL FLORES	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: FOX40
CHANNEL/FREQUENCY NO.: 40
PERSON SUBMITTING REQUEST *(name)*: Barnett Parker
ADDRESS:
4655 Fruitridge, Sacramento
TELEPHONE NO.: 916-454-4548

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo Superior Court

TITLE OF CASE:
People v Paul Flores

NAME OF JUDGE: HON. CRAIG VAN ROOYEN

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402-A

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

2. DATE OF PROPOSED COVERAGE *(specify)*: July 6, 2021 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:

3. TYPE OF COVERAGE
   a. [x] TV camera and recorder
   b. [ ] Still camera
   c. [ ] Motion picture camera
   d. [ ] Audio
   e. [x] Other *(specify)*: Web feed

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: May 18, 2021

Barnett Parker
(TYPE OR PRINT NAME)

Barnett Parker
(SIGNATURE)

Telephone No.: 916-454-4548

assignment editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by , Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

ATTORNEY (Name and Address):	SBN:	FOR COURT USE ONLY
Dan Dow, District Attorney County of San Luis Obispo Courthouse Annex, 4th Floor San Luis Obispo, CA 93408		
EMAIL:	Ref #: 079-662567	Electronically FILED:05/26/2021 San Luis Obispo Superior Court By:Goossens, Michelle
ATTORNEY FOR: The People of the State of California		
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: San Luis Obispo County Superior Court 1035 Palm Street, Room 385 San Luis Obispo, CA 93408		
PLAINTIFF: The People of the State of California		COURT CASE NO: 21F-02402-A
DEFENDANT: Paul Ruben Flores & Ruben Ricardo Flores		
Proof of Service		LEVYING OFFICER FILE NO: 2021000911

1. At the time of the service I was at least 18 years of age and not a party to this action.
2. I served copies of the:
   f. other *(specify documents)*:
   Letter, Subpoena - Criminal or Juvenile
3. a. Party Served *(specify name of party as shown on documents served)*:
   Kenneth Jones
4. Address where party was served:
   8675 Casanova Rd.
   Atascadero, CA 93422
5. I served the party:
   a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: 05/25/2021 at: 11:30 AM.
7. Person who served the papers:
   a. Name: M. Neufeld, Deputy Sheriff
   b. Address: San Luis Obispo County Sheriff, 1050 Monterey St, Room 236, San Luis Obispo, CA 93408
   c. Telephone number: (805) 781-5484
   d. The fee for service was: $0.00
9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: Tuesday, May 25, 2021

by: M. Neufeld #947

Sheriff's Authorized Agent
Ian S. Parkinson

Hearing: 07/06/2021 8:30 AM in Dept/Div: D5

MAY 26 2021

ELECTRONICALLY
FILED
6/1/2021 12:59 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Petition to Secure the Attendance of Out-of-State Witness to be heard on July 6, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the

People's Petition to Secure the Attendance of Out-of-State Witness be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 1, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	CASE NO. 21F-02402-A [PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended People's Petition to Secure the Attendance of Out-of-State Witness are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: _____

_____
THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
FILED
6/3/2021 3:46 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13663, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13663 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13663, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13663 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
FILED
6/3/2021 3:55 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to 1999 Wire Tap, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under 1999

Wire Tap to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to 1999 Wire Tap, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under 1999 Wire Tap be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
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6/3/2021 4:34 PM

SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13697, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13697 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13697, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13697 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
FILED
6/3/2021 3:46 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13663, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13663 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13663, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13663 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/3/2021 4:41 PM
SAN LUIS OBISPO SUPERIOR COU
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13651, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13651 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13651, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13651 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/3/2021 4:52 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13904, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13904 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13904, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13904 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores*, Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
FILED
6/3/2021 3:46 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES AND RUBEN RICARDO FLORES,
Defendants

CASE NO.: 21F-02402-A & B
DA CASE NO.: 079-662557 AND 079-663275

PEOPLE'S AMENDED REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13663; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #690, #693, #694, #695, #698 through #702, #708 through #722, #724 through #728, #731 through #734, and #742, currently held under seal pursuant to Search Warrant #13663 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On February 7, 2021, the Honorable Judge Matthew Guerrero signed Search Warrant #13663 and an order sealing San Luis Obispo Sheriff's Office property items #690, #693, #694, #695, #698 through #702, #708 through #722, #724 through #728, #731 through #734, and #742.

3. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

4. Property items #690, #693, #694, #695, #698 through #702, #708 through #722, #724 through #728, #731 through #734, and #742 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

5. I, therefore, request that property items #690, #693, #694, #695, #698 through #702, #708 through #722, #724 through #728, #731 through #734, and #742, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

//

//

//

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

Dated: June 3, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S AMENDED REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13663; DECLARATION OF CHRISTOPHER G. PUEVRELLE; AMENDED ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13663
(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
FILED
6/3/2021 3:55 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO.: 21F-02402-A & B DA CASE NO.: 079-662557 AND 079-663275 PEOPLE'S AMENDED REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO 1999 WIRE TAP; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #128 through #149, items #155, and #156, items #158 through #161, items #169 through #174, and property item #176, currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. In March 1999, the Honorable Judge Roger T. Picquet signed pen register warrants in connection with SLSO case #960610965, and a wire interception order was authorized for Target Telephone numbers (940) 559-5140 and (805) 473-9070.

3. On June 14, 1999, the Honorable Judge Roger T. Picquet signed an order to seal recordings pursuant to Penal Code section 629.64 pertaining to the Target Telephone number (805) 473-9070.

4. On June 21, 1999, the Honorable Judge Richard F. Tooley signed an order to seal recordings pursuant to Penal Code section 629.64 pertaining to the Target Telephone number (940) 559-5140.

5. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

6. Property items #127 through #149, items #155, and #156, items #158 through #161, items #169 through #174, and property item #176 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

7. I, therefore, request that property items #127 through #149, items #155, and #156, items #158 through #161, items #169 through #174, and property item #176, currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County

Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

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

Dated: June 3, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S AMENDED REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEMS SEALED UNDER 1999 WIRE TAP; DECLARATION OF CHRISTOPHER G. PUEVRELLE; AMENDED ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED UNDER 1999 WIRE TAP
(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
FILED
6/3/2021 4:34 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO.: 21F-02402-A & B DA CASE NO.: 079-662557 AND 079-663275 PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13697; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #708 through #710, #725, and #728 currently held under seal pursuant to Search Warrant #13697 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On February 20, 2020, the Honorable Judge Matthew G. Guerrero signed Search Warrant #13697 and an order sealing San Luis Obispo Sheriff's Office property items #708 through #710, #725, and #728.

3. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

4. Property items #708 through #710, #725, and #728 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

5. I, therefore, request that property items #708 through #710, #725, and #728, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

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

Dated: June 3, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13697; DECLARATION OF CHRISTOPHER G. PUEVRELLE; ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13697

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/3/2021 4:41 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO.: 21F-02402-A & B DA CASE NO.: 079-662557 AND 079-663275 PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13651; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #638, #639, #640, items #646 through #660, #685, #708 through #710, #712 through #716, #718, #725, #728 and #732, currently held under seal pursuant to Search Warrant #13651 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On February 4, 2020, the Honorable Judge Matthew G. Guerrero signed Search Warrant #13651 and an order sealing San Luis Obispo Sheriff's Office property items #638, #639, #640, items #646 through #660, #685, #708 through #710, #712 through #716, #718, #725, #728 and #732.

3. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

4. Property items #638, #639, #640, items #646 through #660, #685, #708 through #710, #712 through #716, #718, #725, #728 and #732 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

5. I, therefore, request that property items #638, #639, #640, items #646 through #660, #685, #708 through #710, #712 through #716, #718, #725, #728 and #732, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

//

//

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

Dated: June 3, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13651; DECLARATION OF CHRISTOPHER G. PUEVRELLE; ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13651
(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/3/2021 4:52 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO.: 21F-02402-A & B DA CASE NO.: 079-662557 AND 079-663275 PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEM SEALED PURSUANT TO SEARCH WARRANT #13904; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property item #746, currently held under seal pursuant to Search Warrant #13904 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On May 15, 2020, the Honorable Judge Matthew G. Guerrero signed Search Warrant #13904 and an order sealing San Luis Obispo Sheriff's Office property item #746.

3. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

4. Property item #745 from SLSO case #960610965 is needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

5. I, therefore, request that property item #746, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

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

Dated: June 3, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEM SEALED PURSUANT TO SEARCH WARRANT #13904; DECLARATION OF CHRISTOPHER G. PUEVRELLE; ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEM SEALED PURSUANT TO SEARCH WARRANT #13904

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #20-0-60269-1 (Washington State), Declaration of Christopher G. Peuvrelle and Amended Order to Unseal,

Duplicate and Reseal Under Search Warrant #20-0-60269-1 (Washington State) to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #20-0-60269-1 (Washington State), Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #20-0-60269-1 (Washington State) be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores*, Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13827, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13827 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13827, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13827 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13751, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13751 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13751, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13751 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13579, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13579 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13579, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13579 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13554, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under

Search Warrant #13554 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13554, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13554 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores*, Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO.: 21F-02402-A & B DA CASE NO.: 079-662557 AND 079-663275 PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #20-0-60269-1 (Washington State); DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #696, #697, #706, and #707, currently held under seal pursuant to Washington State Search Warrant #20-0-60269-1 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On January 31, 2020, the Honorable Judge Kristin Richardson signed Search Warrant #20-0-60269-1 and sealing order, executed in King County, Washington. The original search warrant and sealing order for search warrant #20-0-60269-1 are under seal with the King County Superior Court in King County, Washington.

3. Property items #696, #697, #706, and #707 are currently held under seal by the San Luis Obispo Sheriff's Office pursuant to Washington State Search Warrant #20-0-60269-1.

4. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

5. Property items #696, #697, #706, and #707 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

6. I, therefore, request that property items #696, #697, #706, and #707, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

//

//

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

Dated: June 3, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #20-0-60269-1 (Washington State); DECLARATION OF CHRISTOPHER G. PUEVRELLE; ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #20-0-60269-1 (Washington State)

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO.: 21F-02402-A & B DA CASE NO.: 079-662557 AND 079-663275 PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13751; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #740 and #741, currently held under seal pursuant to Search Warrant #13751 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On April 16, 2020, the Honorable Judge Matthew G. Guerrero signed Search Warrant #13751 and an order sealing San Luis Obispo Sheriff's Office property items #740 and #741.

3. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

4. Property items #740 and #741 from SLSO case #960610965 is needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

5. I, therefore, request that property items #740 and #741, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

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

Dated: June 3, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEM SEALED PURSUANT TO SEARCH WARRANT #13751; DECLARATION OF CHRISTOPHER G. PUEVRELLE; ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEM SEALED PURSUANT TO SEARCH WARRANT #13751

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO.: 21F-02402-A & B DA CASE NO.: 079-662557 AND 079-663275 PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13579; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #638, #639, and #640, currently held under seal pursuant to Search Warrant #13579 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On January 4, 2020, the Honorable Judge Hernaldo J. Baltodano signed Search Warrant #13579 and an order sealing San Luis Obispo Sheriff's Office property items #638, #639, and #640.

3. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

4. Property items #638, #639, and #640 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

5. I, therefore, request that property items #638, #639, and #640, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

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

Dated: June 3, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13579; DECLARATION OF CHRISTOPHER G. PUEVRELLE; ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13579

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/4/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NO.: 21F-02402-A & B DA CASE NO.: 079-662557 AND 079-663275 PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13554; DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property items #638, #639, and #640, currently held under seal pursuant to Search Warrant #13554 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On December 31, 2019, the Honorable Judge Timothy S. Covello signed Search Warrant #13554 and an order sealing San Luis Obispo Sheriff's Office property items #638, #639, and #640.

3. I am informed by Senior Detective Clint Cole with the San Luis Obispo County Sheriff's Office that two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and that a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

4. Property items #638, #639, and #640 from SLSO case #960610965 are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

5. I, therefore, request that property items #638, #639, and #640, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

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

Dated: June ___, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13554; DECLARATION OF CHRISTOPHER G. PUEVRELLE; ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13554

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
RECEIVED
6/3/2021 3:55 PM

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:06/09/2019
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

PAUL RUBEN FLORES, Defendant.

CASE NO. 21F-02402-A

[~~PROPOSED~~] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to 1999 Wire Tap, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under 1999 Wire Tap are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
RECEIVED
6/3/2021 3:55 PM

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES, Defendant,	CASE NO.: 21F-02402-A AMENDED ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED UNDER 1999 WIRE TAP

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property items #127 through #149, items #155, and #156, items #158 through #161, items #169 through #174, and property item #176, currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooy
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
RECEIVED
6/4/2021 8:00 AM

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	CASE NO. 21F-02402-A [PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13554, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13554 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
RECEIVED
6/4/2021 8:00 AM

Dan Dow
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Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

PAUL RUBEN FLORES, Defendant.

CASE NO. 21F-02402-A

[~~PROPOSED~~] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13579, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13579 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

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6/3/2021 4:41 PM

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FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	CASE NO. 21F-02402-A ~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13651, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13651 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

Electronically
Received
06/03/2021

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

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Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

PAUL RUBEN FLORES, Defendant.

CASE NO. 21F-02402-A

~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13663, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13663 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

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6/3/2021 4:34 PM

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Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

PAUL RUBEN FLORES, Defendant.

CASE NO. 21F-02402-A

~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13697, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13697 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

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FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	CASE NO. 21F-02402-A [~~PROPOSED~~] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13751, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13751 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

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Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	CASE NO. 21F-02402-A ~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13827, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13827 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
RECEIVED
6/3/2021 4:52 PM

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FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	CASE NO. 21F-02402-A [~~PROPOSED~~] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #13904, Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #13904 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

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6/4/2021 8:00 AM

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FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

PAUL RUBEN FLORES, Defendant.

CASE NO. 21F-02402-A

~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Amended Request to Unseal, Duplicate and Reseal Property Items Sealed Pursuant to Search Warrant #20-0-60269-1 (Washington State), Declaration of Christopher G. Peuvrelle and Amended Order to Unseal, Duplicate and Reseal Under Search Warrant #20-0-60269-1 (Washington State) are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 9, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

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Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES,
Defendant

CASE NO.: 21F-02402-A

ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13554

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property items #638, #639, and #640, currently held under seal pursuant to Search Warrant #13554 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooyen
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
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6/3/2021 4:41 PM

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Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES,
Defendant

CASE NO.: 21F-02402-A

ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13651

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property items #638, #639, #640, items #646 through #660, #685, #708 through #710, #712 through #716, #718, #725, #728 and #732, currently held under seal pursuant to Search Warrant #13651 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooyen
JUDGE OF THE SUPERIOR COURT

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6/3/2021 3:46 PM

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Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES,
Defendant

CASE NO.: 21F-02402-A

AMENDED ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13663

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property items #690, #693, #694, #695, #698 through #702, #708 through #722, #724 through #728, #731 through #734, and #742, currently held under seal pursuant to Search Warrant #13663 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooy
JUDGE OF THE SUPERIOR COURT

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6/3/2021 4:34 PM

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Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES,
Defendant

CASE NO.: 21F-02402-A

ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #13697

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property items #708 through #710, #725, and #728, currently held under seal pursuant to Search Warrant #13697 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooyen
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
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6/4/2021 8:00 AM

Dan Dow
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Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES, Defendant	CASE NO.: 21F-02402-A ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEM SEALED PURSUANT TO SEARCH WARRANT #13751

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property items #740 and #741, currently held under seal pursuant to Search Warrant #13751 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooyen
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
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6/4/2021 8:00 AM

Dan Dow
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Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES,
Defendant

CASE NO.: 21F-02402-A

ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEM SEALED PURSUANT TO SEARCH WARRANT #13827

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property items #740, #741, and #745, currently held under seal pursuant to Search Warrant #13827 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooyen
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
RECEIVED
6/3/2021 4:52 PM

Dan Dow
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Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES,
Defendant

CASE NO.: 21F-02402-A

ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEM SEALED PURSUANT TO SEARCH WARRANT #13904

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property item #746, currently held under seal pursuant to Search Warrant #13904 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooy
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
RECEIVED
6/4/2021 8:00 AM

Dan Dow
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State Bar #237986
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Attorney for the People of the State of California

Electronically
FILED:06/09/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

V.

PAUL RUBEN FLORES,
Defendant

CASE NO.: 21F-02402-A

ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #20-0-60269-1 (Washington State)

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property items #696, #697, #706, and #707, currently held under seal pursuant to Washington State Search Warrant #20-0-60269-1 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this _____ day of June 2021.

June 9, 2021

Craig Van Rooyen
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
FILED
6/16/2021 8:44 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

JEFFRY C. RADDING
Attorney at Law - SBN 91835
1035 Walnut Street
San Luis Obispo, CA 93401
tel: (805) 546-8541

Attorney for: Susan Flores, subpoenaed witness

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

People of the State of California,

Plaintiff,

vs.

Paul Ruben Flores and
Ruben Ricardo Flores,

Defendants.

Case no. 21F-02402 A & B

MOTION OF SUBPOENAED WITNESS SUSAN FLORES TO QUASH THE PEOPLE'S SUBPOENA TO TESTIFY AT THE PRELIMINARY HEARING; MEMORANDUM OF LAW; DECLARATION OF JEFFRY C. RADDING

Date: July 6, 2021
Time: 8:30 a.m.
Dept: 5

To: The District Attorney for San Luis Obispo County, and to counsel of record for defendants Paul Ruben Flores and Ruben Ricardo Flores:

PLEASE TAKE NOTICE that on July 6, 2021 at 8:30 a.m. in Department 5 of the above-named court, Susan Flores, a witness subpoenaed by the People, will move the court for an order quashing the prosecution's subpoena for her to appear as a witness at the preliminary hearing scheduled to commence that morning.

The motion will be made on the grounds identified in the Memorandum of Law, below, on the declaration of counsel submitted herewith, and upon such evidence and argument as is presented at the hearing of the motion.

Respectfully submitted,

Dated: June 15, 2021

JEFFRY C. RADDING
Attorney for Susan Flores

MEMORANDUM OF LAW

I

THE PEOPLE'S SUBPOENA OF SUSAN FLORES OUGHT TO BE QUASHED

In a case bearing intense community (if not national) notoriety, Paul Ruben Flores ("Paul") is accused of murdering Kristin Smart, a Cal Poly student, over twenty-five years ago. Paul's father, Ruben Ricardo Flores ("Ruben"), is accused of being an accessory after the fact of the alleged homicide. The preliminary hearing in the case is scheduled to commence on July 6, 2021.

The petitioner herein, Susan Flores, is Paul's mother. On May 20th, the People served Ms. Flores with a subpoena to appear as a witness at the preliminary hearing. The subpoena directs Ms. Flores to appear on July 6th at 8:30 a.m. Because of the expected length of the preliminary hearing, it is the People's intention to have Ms. Flores appear on July 6th to be ordered to return on July 13th to take the stand.

On April 14, 2021, District Attorney Dan Dow held a press conference regarding the filing of charges in this case. At that presser, the following colloquy occurred:

> Reporter: "The second question, are any other family members, I know a lot of people are asking about Susan Flores and her involvement in this, are you guys looking at, at that potential as well, to charge her and any other family members?"
>
> DA Dow: "So the evidence is that, the question is are we going to be charging Susan Flores or any other family members. At this point, the evidence implicates Paul Flores in murder and Ruben Flores to accessory to murder. We don't have evidence sufficient to charge anyone else at this time, but as I said the investigation is ongoing. If it were to lead

to other suspects, we will follow the evidence when that becomes available."

With "*a lot of people asking about Susan Flores*" and an ongoing investigation that may "*lead to other suspects*," Ms. Flores's fifth amendment privilege is implicated – even (or especially) if the "*people asking*" and the ongoing investigation are entirely misdirected. On the advice of counsel, Ms. Flores intends to exercise her constitutional privilege.

A result of Ms. Flores doing so is that she has no admissible testimony to offer outside the parameters of the privilege. As Mr. Dow indicates, the investigation *in this case* continues, this case involving an alleged homicide and an alleged accessory to a homicide. If "other suspects" are identified during the continuing investigation, their jeopardy necessarily will be related to or dependent upon the charges now pending and to the facts underlying those charges. (The accessory charge is dependent upon the murder charge. *See* Calcrim 440: "*To prove that the defendant is guilty of (being an accessory to a felony) the People must prove that: 1. Another person, whom I will call the perpetrator, committed a felony ...*") Accordingly, with respect to any person deemed to be or potentially included in the category of "other suspects," testimony *in any way relevant* to the pending charges triggers fifth amendment privileges.

The People have expressed an intent not to ask Ms. Flores questions that would implicate her fifth amendment privilege. That, however, is not possible. The comprehensive scope of the privilege in the presenting circumstances – that *all relevant questions* implicate the privilege – renders any questions ostensibly "outside the privilege" to be *irrelevant* to the charges and therefore inadmissible. "No evidence is admissible except relevant evidence." **Evidence Code §350.**

Because of this, the People's subpoena of Susan Flores ought to be quashed. Only irrelevant questions can be asked of her. The "*Power to quash subpoenas in criminal cases, where the witness could offer no relevant testimony, was established by case law before the 1976 amendments to the Code of Civil Procedure.* (See In re Finn (1960) 54 Cal. 2d 807, 813; People v. Rhone (1968) 267 C.A.2d 652, 657.)" **Fabricant v. Superior Court (1980) 104 C.A.3d 905, 915.** That power remains.

II

A PROMPT DECISION ON THIS MOTION IS NECESSARY

Ms. Flores' son, Paul, is being prosecuted for murder. Ms. Flores has every interest and desire to be present as her son sits in the dock. While designated a subpoenaed witness, though, she will be unable to do so. If the motion to quash is not addressed until such time as the People intend to call her to the stand – at least a week after the commencement of the proceedings – Ms. Flores will be unable to attend her son's case. If the motion is not considered until later in the proceedings and the subpoena ultimately quashed, Ms. Flores will have been needlessly and unfairly excluded from the courtroom for at least a week, if not more, for no reason.

Respectfully submitted,

Dated: June 15, 2021

JEFFRY C. RADDING
Attorney for Susan Flores

Declaration of Jeffry C. Radding

I, Jeffry C. Radding, declare:

(1) I represent the interests of Susan Flores with respect to the prosecution against her son, Paul Flores, and against her son's father, Ruben Flores, San Luis Obispo Superior Court case no. 21F-0242, as well as in other matters related to the events and circumstances underlying the case. I have done so for some twenty years.

(2) On May 20, 2021, the People served Ms. Flores with a subpoena to appear as a witness at the scheduled preliminary hearing, to begin July 6th. The subpoena directs Ms. Flores to appear at 8:30 a.m. on that day. A copy of the subpoena is attached to this declaration.

(3) I have spoken with District Attorney Chris Peuvrelle about the subpoena. Mr. Peuvrelle informs me he plans for Ms. Flores to appear on July 6th, at which time he will ask the court to order her to return on July 13th to testify. (As a lengthy preliminary hearing is expected, Ms. Flores is not being scheduled until later in the proceedings.)

(4) Because of statements District Attorney Dan Dow offered in a press conference he held on April 14th of this year, it is my assessment that fifth amendment privileges have been triggered. I watched the press conference when it was broadcast and have since reviewed a recording of it (*accessible online at* https://www.facebook.com/watch/live/?v=824873421720742&ref=watch_permalink). The following is an accurate excerpt from the press conference, occurring at the 12:25 to 13:02 time markers on the recording:

> Reporter: "The second question, are any other family members, I know a lot of people are asking about Susan Flores and her

involvement in this, are you guys looking at, at that potential as well, to charge her and any other family members?"

DA Dow: "So the evidence is that, the question is are we going to be charging Susan Flores or any other family members. At this point, the evidence implicates Paul Flores in murder and Ruben Flores to accessory to murder. We don't have evidence sufficient to charge anyone else at this time, but as I said the investigation is ongoing. If it were to lead to other suspects, we will follow the evidence when that becomes available."

Based on this dialogue, I have advised Ms. Flores to exercise her constitutional prerogatives and decline to testify. Ms. Flores intends to follow my advice.

(5) DDA Peuvrelle and I have met and conferred about the issues this subpoena raises, including fifth amendment privileges, District Attorney Dow's press conference, my advice to Ms. Flores to exercise her constitutional privilege, the exclusion of prospective witnesses from the courtroom, Ms. Flores' interest in attending the prosecution proceedings against her son, and the need to address these issues at the outset of the preliminary hearing. Included in our discussions was DDA Peuvrelle's expectation to question Ms. Flores on topics he felt did not involve fifth amendment privileges and my assessment that such an approach was not possible for the reasons set forth in this motion. Ultimately, DDA Peuvrelle and I agreed the best approach was to submit the matter to the court for determination, resulting in this motion.

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

Dated: June 15, 2021

JEFFRY C. RADDING

[illegible]

[illegible]

[illegible]

PROOF OF SERVICE
(C.C.P §1010 et seq., §2015.5)

I, the undersigned, say that I am a citizen of the United States, over eighteen (18) years of age, and not a party to the within entitled action. I am employed by Jeffry C. Radding, Attorney at Law, 1035 Walnut Street, San Luis Obispo, California.

On June 15, 2021 I served the foregoing documents:

Motion of Susan Flores to Quash Subpoena

on the following interested parties:

Chris Peuvrelle
Deputy District Attorney
Office of the SLO County District Attorney
1035 Palm Street, 4th Floor
San Luis Obispo, CA 93408

Harold Mesick
Attorney at Law
1303 Higuera Street
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(*Attorney for Ruben Flores*)

Robert Sanger
Attorney at Law
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222 E Carrillo Street, Suite 300
Santa Barbara, CA 93101-7149
(*Attorney for Paul Flores*)

(x) **(By Mail - Deposit)** By placing a true copy thereof in a sealed envelope, with postage prepaid, and by placing said envelope in the United States mail, at San Luis Obispo, CA.

I declare under penalty of perjury that the foregoing is true and correct, and that this was executed in San Luis Obispo, California on June 15, 2021.

JEFFRY C. RADDING

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ELECTRONICALLY
FILED
6/18/2021 11:39 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN LUIS OBISPO

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES, RUBEN FLORES

Defendants.

Case Nos. **21F-02402-A, 21F-02402-B**
Assigned to the Hon. Craig Van Rooyen

BRIEF IN SUPPORT OF APPLICATION OF NBCUNIVERSAL MEDIA LLC TO VIDEOTAPE AND AUDIO RECORD COURT PROCEEDINGS

Hearing date: June 21, 2021
Time: 1:30 p.m.
Dept.: D5

Non-party media organization NBC News, a division of NBCUniversal Media, LLC, which produces the television newsmagazine program "Dateline NBC," respectfully submits this brief in support of its request for an order permitting it to videotape and audio record the proceedings in this matter. NBC News specifically requests that the Court amend its Order of April 14, 2021, to allow audio recording in addition to visual recording. NBC News also respectfully requests that its counsel be permitted to address the Court at the hearing on this matter on June 21, 2021.[1]

[1] NBC News understands that the defendants may be opposing its request, but as of the submission of this brief it has not received any opposition papers.

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I. SUMMARY OF ARGUMENT

In a case arising from public access to a preliminary hearing in a high-profile California murder case, the U.S. Supreme Court recognized "the 'community therapeutic value' of openness." Press-Enterprise Co. v. Superior Court, 478 U.S. 1, 13 (1986). "Criminal acts, especially certain violent crimes, provoke public concern, outrage, and hostility. When the public is aware that the law is being enforced and the criminal justice system is functioning, an outlet is provided for these understandable reactions and emotions." Id. This is just such a case. The defendants are charged in connection with the 1996 murder of Cal Poly student Kristin Smart, whose disappearance captivated the public. When authorities arrested them 25 years after Smart went missing, it sparked widespread publicity all across the country. The ubiquitous local and national media coverage will continue regardless of whether the criminal proceedings in this matter are recorded. Allowing audiovisual coverage of the in-court proceedings will help ensure that the news reporting is accurate and well-informed, and will give the public a meaningful opportunity to scrutinize how the criminal justice system adjudicates a high-profile matter of great importance to the community.

To that end, NBC News submitted a request under California Rule of Court 1.150 to record the proceedings, primarily for use in connection with its long-running signature TV newsmagazine program, "Dateline NBC." On April 14, 2021, the Court granted the application in part, allowing video recording but not audio. On May 27, 2021, NBC News submitted a letter requesting that the Court amend its order to allow for audio coverage. NBC News understands that the defendants now oppose the media coverage application, and that the matter will be addressed at the June 21, 2021 hearing. Because the factors governing media coverage under Rule 1.150 weigh strongly in favor of openness in these proceedings, NBC News' application should be granted in full.

First, there is an overriding public interest in transparency given the unique circumstances. See Section II.A. Because the disappearance of Kristin Smart remained a "cold case" for more than 20 years, the public understandably has questions about the criminal justice system's performance and how authorities came to arrest and charge these defendants after such a long period of time. Seeing and hearing the participants themselves testify and argue before the Court will provide the public with a depth of understanding that simply cannot be replicated by cold transcripts and

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second-hand accounts. And with so much information about this case and these defendants already in the public realm, an audiovisual record of the proceedings also will serve a vital fact-checking function, as it will give journalists and the public an accurate record of the formal legal proceedings that can counterbalance any sensationalized or misleading accounts. See Section II.A.

Second, there are no countervailing interests that outweigh the benefits of media coverage. See Section II.B. Dateline has been covering criminal cases for decades, and its producers and technicians are committed to respecting the Court's requirements and leaving a light footprint. Id. Video appearances have been the norm in California courts for many months now, and so the presence of cameras and microphones would be nothing new, let alone disruptive or distracting. Id. This case does not involve children or especially vulnerable parties and does not raise unique privacy issues. Studies of cameras in the courtroom largely have undercut the notion that witnesses would be inhibited or jurors unduly influenced, and any concerns about prejudicing the defendants' fair trial rights remain wholly speculative. Id. In the analogous context of press access to audiovisual evidence in high-profile criminal cases, courts repeatedly have held that concerns about juror bias can be addressed through voir dire and jury instruction. The same rationale applies here.

For all of these reasons, NBC News respectfully requests that the Court modify its prior Order and fully grant its request to allow audio and video recording of these proceedings.

II. THE RULE 1.150 FACTORS FAVOR ALLOWING AUDIOVISUAL COVERAGE

California has long recognized the importance of allowing audiovisual coverage of criminal court proceedings. In 1967, a California State Assembly committee re-examined existing prohibitions on such coverage, and concluded that it has the "beneficial effects" of "more directly involving the average American citizen with the legal system" and "educating [citizens] on jurisprudence," while prohibiting coverage "could give court proceedings a cloak of secrecy that, however fair and just they were, would leave most citizens feeling something evil was being concealed."[2] The committee found that while some attorneys and witnesses "may, indeed, indulge

[2] See Final Report Of The Subcommittee On Free Press - Fair Trial, Assembly Interim Committee On Judiciary at 8 (1967) ("1967 Report"), available at https://babel.hathitrust.org/cgi/pt?id=uc1.31210018799757&view=1up&seq=1.

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in theatrics for the benefit of television or may be rendered less effective or more nervous by the presence of cameras," the "vast majority of persons involved in litigation will either be unaffected by the cameras, or, if anything, will act more properly, speak more clearly and operate more effectively if they know their actions are being recorded." Id. Noting that the Sixth Amendment expressly ensures a fair and public trial, the committee added that in the modern era in which "no courtroom in the land could hold even a minute fraction of the people interested in specific cases, a trial is not truly public unless news media are free to bring it to the home of the citizens by newspaper, magazine, radio, television or whatever device they have." Id. at 9.

The state adopted the precursor to Rule 1.150 in 1984, permitting audiovisual coverage at the Court's discretion, based on a number of factors. The court system has stood by the rule ever since, despite occasional calls to reinstate the ban on audiovisual coverage.[3] Policymakers have been guided by empirical data gathered by the Administrative Office of the Courts, including a 2000 study that found "[c]ourts granted most requests for media coverage." Id. Against this backdrop, the factors set forth in Rule 1.150 strongly favor granting NBC News' request in full.

A. Audiovisual Coverage Of These Proceedings Would Benefit The Public.

The first two factors incorporate deeply-rooted constitutional principles. These factors are (1) "the importance of maintaining public trust and confidence in the judicial system" and (2) "the importance of promoting public access to the judicial system." Cal. R. Ct. 1.150(e)(3)(A)-(B). As the Supreme Court has recognized, "[t]he value of openness lies in the fact that people not actually attending trials can have confidence that standards of fairness are being observed; the sure knowledge that anyone is free to attend gives assurance that established procedures are being followed and that deviations will become known[.]" Press-Enterprise, 478 U.S. at 13.

The media play an indispensable role in informing the public about the criminal justice system. "Instead of acquiring information about trials by first hand observation or by word of mouth from those who attend, people now acquire it chiefly through the print and electronic media." Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 573 (1980). "In a sense," the

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[3] See Bench-Bar-Media Committee: Final Report to the Judicial Council at 7, 9 (Dec. 13, 2011) ("2011 Report"), available at https://www.courts.ca.gov/documents/jc-121311-itemL.pdf.

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Court explained, this development "validates the media claim of functioning as surrogates for the public. While media representatives enjoy the same right of access as the public, they often are provided special seating and priority of entry so that they may report what people in attendance have seen and heard." Id. "With respect to judicial proceedings in particular, the function of the press serves ... to bring to bear the beneficial effects of public scrutiny upon the administration of justice." Cox Broad. Corp. v. Cohn, 420 U.S. 469, 492 (1975). The right of access ensures that members of the public and their surrogates in the press are able to monitor and scrutinize the justice system and the performance of police, prosecutors, and judges as they carry out vital public functions. See NBC Subsidiary (KNBC-TV), Inc. v. Superior Court, 20 Cal. 4th 1178, 1210 (1999) (recognizing that "the public has an interest ... in observing and assessing the performance of its public judicial system"). Courts also recognize that the public has a legitimate interest in learning about high-profile cases by accessing audiovisual court records. See Valley Broadcasting v. District Court, 798 F.2d 1289, 1294 (9th Cir. 1986) (allowing TV station contemporaneous access to audio and video evidence in criminal trial properly furthered the "public's understanding of the judicial process and of significant public events").

This case is surely such a "significant public event[]." Id. The public has been fascinated with the case ever since Kristin Smart went missing in 1996 while a student at Cal Poly, and there was a resurgence of national attention in recent years as the investigation regained momentum.[4] Local and national media extensively covered the arrests of the defendants earlier this year, more than two decades after police initially identified Paul Flores as a person of interest.[5] Given the

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[4] E.g., "Kristin Smart: 25 Years Later," NBC News (Apr. 21, 2021), https://www.nbcnews.com/dateline/video/kristin-smart-25-years-later-110282821845; The Tribune, Full Coverage of the Kristin Smart Case, https://www.sanluisobispo.com/topics/kristin-smart-case; "A Cold Case, a Haunting Mystery," Los Angeles Times (June 18, 2006), https://www.latimes.com/archives/la-xpm-2006-jun-18-me-kristin18-story.html; "'Items of Interest' Recovered in Case of Kristin Smart, Missing Since 1996," New York Times (Feb. 5, 2020), https://www.nytimes.com/2020/02/05/us/paul-flores-kristin-smart-update.html.

[5] E.g., "'Prime suspect' arrested in 1996 disappearance of student," Associated Press (Apr. 13, 2021). https://apnews.com/article/paul-flores-arrested-1996-disappearance-kristin-smart-9ae16c4b65a11bf77a1016590a0ab601; "Two suspects arrested in the disappearance of Kristin Smart, San Luis Obispo County sheriff says," CNN (Apr. 13, 2021), https://www.cnn.com/2021/04/13/us/paul-flores-arrest-kristin-smart-case/index.html.

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unusual circumstances of the large gap of time between the initial investigation and the arrests, this is a case where the public has an especially strong interest in learning about how the criminal justice system has handled the matter, no matter the outcome of the case. Dateline NBC is a documentary TV program whose one or two hour-long episodes include in-depth investigations of criminal cases. See https://www.nbc.com/dateline. Dateline's in-depth journalism informs the public about significant criminal matters and sheds light on the operations of the criminal justice system and the courts. Id.; Cox Broad, 420 U.S. at 492.

While visual recording certainly would be helpful to illustrate Dateline's reporting, it would not be enough to fully inform the public about the courtroom proceedings. There is a legitimate need to capture the actual in-court statements of attorneys, witnesses, and the Court in order to let viewers hear and see directly what occurred, including the inflection and emphasis that can be crucial to conveying meaning. Audio also is important for accuracy's sake, as words and phrases often can be overlooked or misconstrued in the rush of transcribing a fast-moving proceeding. As Justice Brennan observed in Richmond Newspapers, "[i]n advancing the[] purposes [of open judicial proceedings], the availability of a trial transcript is no substitute for a public presence at the trial itself. As any experienced appellate judge can attest, the 'cold' record is a very imperfect reproduction of events that transpire in the courtroom." 448 U.S. at 597 n.22 (Brennan, J., concurring). See also Application of NBC, 635 F.2d 945, 952 (2d Cir. 1980) ("[t]hough the transcripts of the videotape [evidence] have already provided the public with an opportunity to know what words were spoken, there remains a legitimate and important interest in affording members of the public their own opportunity to see and hear evidence").[6]

Given the widespread public interest in this case, there is no doubt that the media coverage will continue regardless of whether audio and video recording is permitted in the courtroom. As

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[6] See also Estes v. Texas, 381 U.S. 532, 589 (1965) (Harlan, J., concurring) ("television is capable of performing an educational function by acquainting the public with the judicial process in action"); CNN v. ABC, 518 F. Supp. 1238, 1245 (N.D. Ga. 1981) ("film coverage of the news provides a comprehensive visual element and an immediacy, or simultaneous aspect, not found in print media"); Soc'y of Prof'l Journalists v. Sec'y of Labor, 616 F. Supp. 569, 578 (D. Utah 1985) ("[t]he full flavor of [a] hearing cannot be sensed from the sterile sheets of a transcript. Emotions, gestures, facial expressions, and pregnant pauses do not appear on the reported transcript.").

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one court observed, "newsworthy trials are newsworthy trials, and . . . they will be extensively covered by the media both within and without the courtroom," whether or not cameras are permitted. In re Petition of Post-Newsweek Stations, Inc., 370 So. 2d 768, 776 (Fla. 1979). But without audio/visual coverage, information about what happens in the courtroom will come from those few members of the public and the media able to fit inside, or from individuals speculating about what has occurred. Second-hand accounts and opinions would dominate. With audiovisual coverage, though, members of the public can see and hear for themselves what transpires in the courtroom, providing the most accurate and comprehensive portrayal.

Permitting NBC News to record audio and video of these proceedings will further the vital public interests in scrutinizing and understanding the work of the criminal justice system as it adjudicates this criminal case that is a demonstrated matter of widespread public concern.

B. Audiovisual Coverage By NBC News Will Not Impair The Rights Of The Parties Or The Orderly Conduct Of The Trial.

Under the circumstances there are no countervailing interests that can overcome the strong public interest in allowing audiovisual coverage.

First, there is no risk here of disrupting the conduct of the proceedings. See Rule 1.150(e)(3)(O)-(R) (factors involving the "security and dignity of the court," logistical and administrative burdens, and "maintenance of the orderly conduct of the proceeding"). NBC News is experienced in covering court proceedings and will abide by the restrictions in Rule 1.150, as well as any additional limitations imposed by this Court. Dateline has aired since 1992, and is the longest-running prime-time program on NBC. See https://www.nbc.com/dateline. Dateline producers have been recording audiovisual footage in courtrooms for decades, and are experienced professionals who are well-equipped to minimize any impact on the proceedings. Its equipment is state of the art, quiet and unobtrusive. Moreover, attorneys, court staff, and many witnesses now have more than a year's worth of experience in conducting court proceedings by videoconference, and so there should be nothing unique or distracting about the presence of cameras and microphones for audiovisual media coverage.

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Second, allowing NBC News to videotape and audio record the proceedings will not diminish the defendants' fair trial rights. Prejudice in the ordinary case should not be presumed, and "[p]rominence does not necessarily produce prejudice." Skilling v. United States, 561 U.S. 358, 381 (2010). Courts have made clear that "[t]o demonstrate prejudice in a specific case a defendant must show something more than juror awareness that the trial is such as to attract the attention of broadcasters." Chandler v. Florida, 449 U.S. 560, 581 (1981). To satisfy this burden, a defendant must show "with specificity" that the presence of cameras will impair the ability of jurors to decide the case only on the evidence presented or will adversely impact other trial participants. See People v. Spring, 153 Cal. App. 3d 1199, 1207-08 (1984) (in murder prosecutions, presence of television cameras did not violate defendant's Sixth Amendment right where defendant did not show that the presence of the cameras impaired ability of jurors to decide the case).

Empirical studies generally have undermined speculative concerns about negative effects of media coverage. A recent cameras-in-the-courtroom pilot study in the federal system concluded that, "[j]udges and attorneys, for the most part, view video recording as having limited effects on jurors, witnesses, attorneys, and judges, whether the effect is negative or positive." Molly Johnson, Carol Krafka, and Donna Stienstra, Video Recording Courtroom Proceedings in United States District Courts: Report on a Pilot Project, Fed. Judicial Ctr. at 34 (2016).[7] Further, it found, "the largest percentage of judges and attorneys who reported effects said they think video recording can have a substantial positive effect on the public, including public access to and education about the courts." Id. Of the judges who participated in the program, 72 percent reported after conclusion of the program being greatly in favor or somewhat in favor of cameras in the courtroom. Id. at 55.[8]

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[7] The 2016 Federal Judicial Center report is available at: https://www.fjc.gov/sites/default/files/2017/Cameras%20in%20Courts%20Project%20Report%20(2016).pdf.

[8] Another Federal Judicial Center report from a pilot program in the 1990s that involved audiovisual recording of civil court proceedings found that "attitudes of judges toward electronic media coverage of civil proceedings were initially neutral and became more favorable after experience under the pilot program," and "most participants believe electronic media presence has minimal or no detrimental effects on jurors or witnesses." Molly Johnson, Electronic Media Coverage of Courtroom Proceedings: Effects on Witnesses and Jurors, Fed. Judicial Ctr. at 7 (1994), https://www.fjc.gov/sites/default/files/2012/elecmediacov.pdf.

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These studies suggest that media recording does not unduly influence jurors or discourage witnesses. Even if witnesses did feel inhibited, subpoenas are available to compel their appearance. E.g., Cal. Penal Code § 1326. And with respect to jurors, there are many traditional curative devices available to ensure that defendants' fair trial rights are protected, such as voir dire, jury admonitions, and jury instructions. See NBC Subsidiary, 20 Cal. 4th at 1223 (noting that it is presumed that "jurors generally follow instructions to avoid media coverage, and to disregard coverage that they happen to hear or see"); Press-Enterprise, 478 U.S. at 15 ("[t]hrough voir dire, cumbersome as it is in some circumstances, a court can identify those jurors whose prior knowledge of the case would disable them from rendering an impartial verdict").[9]

Courts repeatedly have upheld public access to audiovisual exhibits in criminal cases over objections based on the defendants' fair trial rights. E.g., Valley Broadcasting, 798 F.2d at 1295 (allowing television station access to copies of video tapes contemporaneously with the introduction of the originals into evidence); KNSD Channels 7/39 v. Superior Court, 63 Cal. App. 4th 1200, 1204-05 (1998) (issuing writ of mandate directing trial court to allow copying and broadcast of audio tapes); United States v. Mouzin, 559 F. Supp. 463, 464 (C.D. Cal. 1983) (television network could copy video tapes admitted into evidence in criminal case).[10]

While these cases involve the different standards applicable for accessing court records, their underlying rationales apply with similar force here. For instance, in Mouzin, NBC sought to copy video and audio tapes admitted into evidence at a criminal trial where one of the co-

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[9] San Luis Obispo County has more than 280,000 residents, offering a sizable potential pool of jurors that should eliminate any concerns about jury bias. See Census QuickFacts (as of July 1, 2019), https://www.census.gov/quickfacts/sanluisobispocountycalifornia. Even in highly-publicized criminal cases, courts repeatedly have rejected claims that a criminal defendant's conviction was tainted by prejudicial publicity. See, e.g., CBS v. Dist. Ct., 729 F.2d 1174, 1181 (9th Cir. 1983) (noting that "[a]lmost all the cases in which the Supreme Court has found that press coverage deprived the defendant of a fair trial have been tried in small rural communities"); People v. Manson, 61 Cal. App. 3d 102, 187-88 (1976) (voir dire would be adequate to counter any effects of pre-trial publicity in one of the most massively publicized cases in California history).

[10] Accord In re Application of National Broadcasting Co., Inc., 635 F.2d 945, 952-54 (2d Cir. 1980) (recognizing right of public and press to copy video and audio tapes which were admitted into evidence); United States v. Criden, 648 F.2d 814, 823 (3d Cir. 1981) (broadcasters entitled to inspect and copy video and audio tapes introduced into evidence in criminal trial).

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defendants had been severed, and thus had a future trial pending where a jury had not yet been selected. 559 F. Supp. at 468. But "[d]espite this impending trial," the court did "not find that there is a sufficient likelihood – any substantial probability – of prejudice to the severed defendant to justify denial of NBC's application." Id. The court noted that with respect to the other defendants, the "jury was selected on the days immediately following publication of much of the publicity that this case has attracted," and "[d]espite this concurrent publicity, only four of the sixty-six panel members called to the jury box had any knowledge of the case. Only one of these four had sufficient knowledge to warrant his excusal for cause." Id.

These same principles apply in the context of a preliminary hearing. In Commonwealth v. Upshur, 592 Pa. 273 (2007), the Pennsylvania Supreme Court upheld an order allowing a TV station access to an audiotape played during a homicide defendant's preliminary hearing, explaining that "allowing public access to preliminary hearing exhibits, like the tape recording at issue, will serve to promote fairness from the outset of criminal proceedings and public confidence in the fairness and efficacy of the criminal justice system." Id. at 286. The court rejected the claim that the defendant's fair trial rights could justify withholding the tape, and reached the same conclusion as the cases discussed above that "pretrial publicity is not by itself sufficient to render a trial unfair and prevent public access." Id. at 288. See also Press-Enterprise, 478 U.S. at 15 (fair trial rights did not justify denying release of transcript of preliminary hearing in capital case).

Moreover, courts are less likely to find a risk to a defendant's fair trial rights where, as here, the case already has drawn widespread publicity. As the California Supreme Court explained in NBC Subsidiary, the extensive media coverage of the proceeding at issue there created "reason to question whether there was a 'substantial probability' of prejudice to the litigants' fair trial rights, and whether it was substantially probable that 'closure would prevent' such publicity." 20 Cal. 4th at 1228 n.47. The Court approvingly cited a case applying the same principle in a criminal matter, which held that "'the record does not support a finding of a substantial probability of prejudice from publicity ... since extensive details had already been disclosed in the press regarding the defendant and the crime with which he was charged.'" Id. (quoting Ex parte First Charleston Corp., 329 S.C. 31, 35 (1998)). The same is true here. See notes 4-5, supra.

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Third, there are no privacy interests here that call for denying audiovisual coverage. See Cal. R. Ct. 1.150(e)(3)(E). The case does not involve minors or other unusually vulnerable people as parties, prospective witnesses, or victims. See Cal. R. Ct. 1.150(e)(3)(F).[11] NBC News will use unobtrusive recording techniques, and abide by the court rules that prohibit recording of closed proceedings, jury selection, jurors, spectators, and attorney and bench conferences. See Cal. R. Ct. 1.150(e)(6). NBC News is not aware of any ongoing law enforcement activities, see Cal. R. Ct. 1.150(e)(3)(H), unresolved identification questions, see Cal. R. Ct. 1.150(e)(3)(I), or threats to witnesses, see Cal. R. Ct. 1.150(e)(3)(K). But to the extent that any such issues exist or arise, the Court retains discretion to limit coverage of the particular portions of the proceedings. See Cal. R. Ct. 1.150(e). Under these circumstances, the balance of the Rule 1.150 factors heavily tips in favor of permitting both audio and video recording by NBC News.

III. CONCLUSION

Allowing video and audio recording of this important criminal matter will bolster the public's understanding of the criminal justice system and its confidence in the courts, without negative consequences to the proceedings or the parties' rights. For all these reasons, NBC News respectfully requests that this Court amend its April 14, 2021 Order to allow it to record both audio and video of the proceedings under Rule 1.150.

DATED: June 18, 2021

DAVIS WRIGHT TREMAINE LLP
KELLI L. SAGER
DAN LAIDMAN

By: */s/ Dan Laidman*
Dan Laidman

Attorneys for Non-Party Media Organization
NBCUNIVERSAL MEDIA, LLC

[11] Dateline NBC has interviewed members of the Smart family as part of its coverage of this case. E.g., "'Kristin was full of life.' Matt Smart speaks to Dateline about older sister, investigation," KSBY (Apr. 16, 2021), https://www.ksby.com/news/local-news/kristin-was-full-of-life-matt-smart-tells-dateline-about-older-sister.

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

On June 18, 2021, I served the following document(s): **BRIEF IN SUPPORT OF APPLICATION OF NBCUNIVERSAL MEDIA LLC TO VIDEOTAPE AND AUDIO RECORD COURT PROCEEDINGS**

SEE ATTACHED SERVICE LIST

(ELECTRONIC-MAIL SERVICE) – I caused a copy of a portable document (PDF) to be sent from the e-mail address of ellenduncan@dwt.com to the persons at the e-mail addresses specified in the Service List and the transmission was reported as complete and without error.

(FEDERAL EXPRESS) – I instructed Global Network Attorney Service to deposit said documents in a secure envelope at a facility regularly maintained by Federal Express for receipt on the next business day with delivery fees paid or provided for in accordance with ordinary business practices of Federal Express.

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

Executed on June 18, 2021, at Riverside, California.

Ellen Duncan	*/s/ Ellen Duncan*
Print Name	Signature

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By: M. Goossens,
Deputy Clerk

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CASCIOLA & GALAMBOS, LLP
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1042 Palm Street, Suite 201
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(805) 541-4135

Attorney for subpoenaed witness Ermelinda Thomas

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO
SAN LUIS OBISPO BRANCH

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, AND RUBEN RICARDO FLORES, Defendants	Case No.: 21F-02402-A,B NOTICE OF MOTION TO QUASH SUBPOENA FOR ERMELINDA THOMAS; DECLARATION OF GUY GALAMBOS IN SUPPORT OF THE MOTION; POINTS AND AUTHORITIES IN SUPPORT OF THE MOTION Date: 07-06-21, 2021 Time: 0830 m Dept: 5

TO THE DISTRICT ATTORNEY OF SAN LUIS OBISPO AND/OR HIS REPRESENTATIVE::

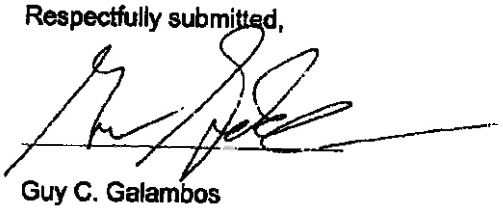
PLEASE TAKE NOTICE that on ___/___/2021, at the hour of ___:___ m, or as soon thereafter as counsel may be heard in the courtroom of Department 5 of the above-entitled court, Ermelinda Thomas will move for an order quashing the subpoena ordering her to appear to testify at the preliminary hearing in the above-entitled case on July 6, 2021.

This motion will be made on the ground that any testimony by Ermelinda Thomas is not material to the subject matter of this action.

This motion will be based on this notice of motion, on the attached declaration of counsel, on the attached memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court, on all the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing of the motion.

Dated: June 18, 2021

Respectfully submitted,



Guy C. Galambos

Attorney for Ermelinda Thomas

DECLARATION OF GUY GALAMBOS IN SUPPORT OF MOTION TO QUASH SUBPOENA

1. I, Guy Galambos, am a licensed attorney in the State of California. I have been retained to represent Ms. Ermelinda Marie Thomas as a potential witness in the case of People v. Paul Flores and Ruben Flores, a case that has received national and international publicity.
2. Ermelinda Thomas is the sister of defendant Paul Flores and the daughter of Ruben Flores.
3. Ermelinda Thomas lives in a small city near Seattle, Washington, located over 1,000 miles from San Luis Obispo, California. Ms. Thomas is employed and works fulltime.
4. Ms. Thomas is also a single mother of two minor children, both elementary school ages. As a caring and thoughtful mother, Ms. Thomas is very concerned about the publicity of this case affecting her and her children. Specifically, she is afraid that the media will stalk her and her children and that if media reports identify her or her children by name, address or even the city they live in, they will become victims of harassment and possibly bullying or other violent actions.
5. In January, 2020, a detective with the San Luis Obispo Sheriff's department appeared at Ms. Thomas's home in Washington seeking an interview and provided Ms. Thomas with two letters. The first was a letter from the detective urging her cooperation. The second letter was from District Attorney Dan Dow offering Ms. Thomas immunity in exchange for her cooperation. Ms. Thomas accepted the letters, but did not give any statements. The letters are attached as Exhibits "A" and "B." The letters refer to several crimes that Ms. Thomas may have committed, including being a possible accessory after the fact, or destruction of evidence, or even mishandling human remains. The detective's letter told Ms. Thomas that, "I believe you know what happened and have some involvement in this case, by being a good sister." It also told her that if she did not accept the offer of immunity, it would not be offered again, "things will be used against you," and "We are giving you an opportunity to be a witness and not a defendant."
6. On April 13, 2021, Paul and Ruben Flores were arrested and this case was filed the next day.
7. On May 7, 2021, I notified the District Attorney's office that I had been retained to represent Ms. Thomas as a potential witness in this case. I also reiterated her decision not to provide any statements to law enforcement.

8. On May 18, 2021, the District Attorney filed a "People's Petition to Secure the Attendance of Out-of-State Witness" in this case, which listed Ms. Thomas as the witness. The petition baldly asserts that, "Ermelinda Marie Thomas is a necessary witness to the defendant's actions and statements at and around the time of the crime." There are no other factual statements made in the petition, beyond the mere conclusory statement that she is a necessary witness to one of the defendant's actions and statements. The petition fails to state which defendant's actions or statements she witnessed and it fails to identify what actions and statements she witnessed. Ms. Thomas informs me that she was never a witness to any crime, nor did she hear the defendants speak about any crimes.

9. As her counsel, I was not given notice of the People's Petition to Secure the Attendance of Out-of-State Witness.

10. During the week of June 7, 2021, a detective in Washington left a business card at Ms. Thomas' residence asking her to call him. I called the detective on her behalf and had to leave a message on two occasions. Eventually I emailed the deputy district attorney assigned to this case and informed him that I would accept service on her behalf.

11. On Friday, June 11, 2021, the District Attorney's office emailed me a copy of a subpoena ordering her to appear at the July 6, 2021 preliminary hearing in this case. The People also emailed me a copy of the Petition to Secure Out-of-State Witness, attached as Exhibit "C".

12. Ms. Thomas does not have any material testimony to provide during any proceeding in this case.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated upon information and belief and as to those matters, I believe them to be true.

Dated: June 18, 2021

Guy Galambos

Attorney for Ermelinda Thomas

POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO QUASH SUBPOENA

Potential Witness Ermelinda Thomas submits the following points and authorities in support of the motion to quash the subpoena:

I. A COURT MAY MAKE AN ORDER QUASHING A SUBPOENA FOR GOOD CAUSE

The court has inherent power to issue an order quashing a subpoena. As stated by the appellate court in *People v. Rhone*, 267 Cal. App. 2d 652, 657, 73 Cal. Rptr. 463 (4th Dist. 1968): "There is no statutory authority to quash a subpoena, other than a subpoena duces tecum. . . . It has since been established that the court may quash a subpoena that is regular on its face where the facts justify such action."

Subsequent amendments to the California Code of Civil Procedure now appear to give the court statutory authority as well. Section 1987.1 of the CCP states in pertinent part, "If the subpoena requires the attendance of a witness....the court upon motion reasonably made by any person described in subdivision (b) [which includes witnesses], or upon the court's own motion after giving counsel notice and an opportunity to be heard, may make an order quashing the subpoena entirely, modifying it, or directing compliance with it upon those terms or conditions as the court shall declare, including protective orders. In addition, the court may make any other order as may be appropriate to protect the person from unreasonable or oppressive demands, including unreasonable violations of the right of privacy of the person."

II. THE COURT SHOULD QUASH A SUBPOENA IF THE WITNESS IS NOT MATERIAL

A subpoena should be quashed when the court finds that a prospective witness would not have contributed material evidence. *Rhone, supra; Civiletti v. Municipal Court* (1981) 116 Cal.App.3d 105, 110. The trial court does not have the power to quash a subpoena relating to a material witness. *People v.*

Superior Court (Long) (1976) 56 Cal.App.3d 374. The power to quash a subpoena for a witness includes a witness subpoenaed for a hearing on a motion as well as a witness subpoenaed for trial. *People v. Rummler* (1975) 44 Cal.App.3d 638, 642.

III. MS. THOMAS IS NOT A MATERIAL WITNESS

The definition of "material" is "important; more or less necessary; having influence or effect; going to the merits; having to do with matter, as distinguished from form." *Black's Law Dictionary* (6th edition, 1990) page 976. The definition of "material witness" is "a person who can give testimony relating to a particular matter no one else, or at least very few, can give.." *Black's Law Dictionary, supra* at p.977.

"The Criminal Discovery Statute does not explicitly define the term 'material witness.' However, the phrase 'material witness' is commonly used in California statutes and by California's appellate courts. **In all of its different contexts the phrase 'material witness' appears to mean a witness whose testimony is essential to the determination of the defendant's guilt or innocence.**" Pipes and Gagen, *California Criminal Discovery* (4th edition 2008) section 3:8.1 page 460. [Bold added.]

The California Supreme Court has defined the term "material witness" many times.

In *People v. Louis* (1986) 42 Cal.3d 969, 989, the Court held that a "material witness" was a witness whose testimony is "critical" or "vital" to the prosecution's case. In this case, the court found the witness was a material witness because the witness gave the only testimony that the defendant was the "triggerman" in a homicide case.

In *People v. Boyer* (1988) 48 Cal.3d 247, 279, the California Supreme Court held that a witness was a "material witness" when that witness was an "important percipient witness" to the crime. The witness had driven the defendant to and from the murder scene.

In *People v. Williams* (1997) 16 Cal.4th 635, 653, the California Supreme Court defined the term "material witness" as a witness "who can give testimony...no one else , or at least very few, can give." Testimony is "material" only if the testimony is "important,... necessary,... going to the merits" and "having some likelihood of affecting the outcome of the case."

Clearly, the People have failed to provide the court with sufficient evidence to show that Ms. Thomas is a material witness. The People have the burden of showing that Ms. Thomas' testimony will be more than just relevant, that is "having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." *California Evidence Code section* 210. The People have the burden of showing that Ms. Thomas has evidence to provide the court that is material, that is, important and necessary, that no virtually other witness can provide. The People have not shown this and cannot show this.

Law enforcement's attempts to interview Ms. Thomas by personally serving her with two letters that essentially accuse her of committing crimes and tell her that they believe she knows something about the case and was personally involved because "she was a good sister" adequately reveal how desperate law enforcement is to solve this case and document how there is no evidence connecting Ms. Thomas to this criminal case. The People's argument relies on speculation that Ms. Thomas was acting as a "good sister." The People have not given the court any evidence that shows Ms. Thomas was directly involved, nor has the People provided any evidence that shows she has any knowledge of any relevant information or statements, much less that she is a material witness.

If law enforcement had specific information that connected Ms. Thomas to knowledge of a crime in this case, they would have stated so in the Petition. The People do not have the evidence to show she's a material witness because she is not a material witness.

Furthermore, if Ms. Thomas is forced to testify in this case, after she has been accused of a number of very specific crimes by the detective and District Attorney Dan Dow in their letters, she will be

forced to invoke her 5th Amendment right to remain silent in response to virtually all questions at the preliminary hearing. The People have already promised that they would not offer her immunity again, so she will not have relevant testimony to provide at all. In this way, even if the court finds that she could be a "material witness" in an abstract way, she will not be a material witness once she invokes her 5th Amendment right to remain silent and therefore the court should quash her subpoena now.

CONCLUSION

Because the People have not shown any evidence to support their claim that she is a material witness, the court must grant this motion and order the subpoena quashed.

Due to her safety concerns, Ms. Thomas also asks the court to place all documents containing her name or address in the confidential portion of the court's file.

Dated: June 18, 2021

Respectfully submitted,

Guy Galambos

Attorney for Ermelinda Thomas

San Luis Obispo County Sheriff's Office

1585 Kansas Avenue • San Luis Obispo • California • 93405
www.slosheriff.org

Ian S. Parkinson
Sheriff - Coroner

Ermelinda,

My name is Detective Clint Cole with the SLO County Sheriff's Office. I have prepared this document for you in case you were not willing to talk with me. Please read it all and consider it carefully. I've been working on the Kristin Smart case for over two years and have not attempted contact with anyone in your family before today. I did this on purpose because it was obvious to me that former detectives harassed your family in the past and I do not operate that way. When I started reviewing this case, I kept an open mind and assumed that Paul Flores was not involved in Kristin's disappearance. I now know for sure he is, and Kristin is dead, and so do you.

Things have changed very drastically now due to advances in DNA technology. DNA profiles can be developed with very little DNA unlike in the 90's and early 2000's. I had items of evidence re-examined by a DNA Lab and have several vehicles belonging to you and your family in my custody that have also been forensically searched. I know Paul's Attorney Mel had many plea agreement talks with the District Attorney's Office and know without a doubt that Paul Flores knows what happened to Kristin Smart and where her body is. When I say I know Paul's involved, his own words saying so are one of the things I know that prove it. I can show you a video of Paul admitting he knows what happened to Kristin Smart.

Paul has made some mistakes and said some things to a couple people back then who have come forward and provided us with information that also confirms Paul knows what happened to Kristin Smart. This could very well have been an **accident** that night and one can understand how a young man would freak out and not know what to do. I believe you know what happened and have some involvement in this case, by being a good sister. You have been a very loyal sister, but I would really hate to see you get in trouble for Paul's mistake. You will see a full immunity letter from the District Attorney's Office in exchange for you telling the truth about what you know. If you do not want to take this offer now it will not be offered to you again and things will be used against you.

Paul is very soon going to be in a position where he needs to tell us his story, this case will be solved soon. We are giving you an opportunity to be a witness and not a defendant, as I'm not sure Paul will protect you. Our **main goal** is to bring Kristin Smart home to her family and end this madness for you and your family. You can be the one who is responsible for ending this nightmare for everyone and move on with your life. Until she is found this case will never go away you and your family will never have any peace; there will always be an open and active investigation.

EXHIBIT "A"

San Luis Obispo County Sheriff's Office

1585 Kansas Avenue • San Luis Obispo • California • 93405
www.slosheriff.org

Ian S. Parkinson
Sheriff - Coroner

You did not ask for this to happen, Paul sucked you in to his mistake. We were recently in Oklahoma where we spoke to Brett MacArthur and we now want to talk to you. I will be in town until Thursday morning if you would like to talk to me, my card is in the envelope. I am not quitting or going away until Kristin smart is brought home.

Senior Deputy Clinton Cole
San Luis Obispo County Sheriff's Office
Detective
Office 805-788-2157
Cell 805-440-8841
Fax 805-781-1103

OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

DAN DOW
District Attorney

ERIC J. DOBROTH
Assistant District Attorney

JERRET C. GRAN
Chief Deputy District Attorney

SHERYL M. WOLCOTT
Chief Deputy District Attorney

TERRY O' FARRELL
Chief, Bureau of Investigation

January 3, 2020

Ms. Ermelinda Thomas
16505 84th Avenue NE
Kenmore, Washington 98028

Letter Granting Immunity from Prosecution
For cooperation in the Kristin Denise Smart homicide investigation,
County of San Luis Obispo Sheriff's Office Case No. 9606-10965.

Dear Ms. Thomas,

This letter is intended to encourage your cooperation in the investigation of the disappearance of Kristin Denise Smart and to provide you a degree of immunity from prosecution in exchange for your cooperation in the investigation. The San Luis Obispo County Sheriff's Office is actively investigating this case as a homicide.

You are not a suspect in the homicide of Kristin Smart. However, you have first-hand information related to her disappearance that will be helpful in solving the case and we are seeking your cooperation. Your cooperation includes you providing complete and truthful information to law enforcement about the circumstances surrounding the homicide of Kristin Smart.

In exchange for your providing complete and truthful information to law enforcement regarding this investigation, the People of the State of California, by authority of the San Luis Obispo County District Attorney, hereby agree to hold you immune from prosecution for any acts you committed after the death of Kristin Smart that were directly related to her disappearance and death. This includes the crimes of accessory after the fact as defined in California Penal Code section 32, destruction of evidence as defined in California Penal Code section 135, mishandling of human remains as described in California Health and Safety Code section 7050.5, and any similar post-death conduct on your part. If it is discovered at any time that you have provided law enforcement with intentionally misleading, inaccurate, or incomplete information, then you will not be entitled to receive immunity as described above.

We look forward to your complete and honest cooperation so that we may bring the Smart family the final closure that they have waited for so long.

Dan Dow
District Attorney
County of San Luis Obispo

_____ Date: _____
Ermelinda Thomas

EXHIBIT "B"

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
Courthouse Annex, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A, B DA NO. 079-662557 & 079-663275 PEOPLE'S PETITION TO SECURE THE ATTENDANCE OF OUT-OF-STATE WITNESS [PC §1334 ET SEQ] Date: July 6, 2021 Time: 8:30 a.m. Dept.: 5

TO THE HONORABLE CRAIG B. VAN ROOYEN OF THE SUPERIOR COURT IN AND FOR THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA:

The District Attorney in and for the County of San Luis Obispo, California, pursuant to the provisions of Penal Code Sections 1334 et seq., hereby reports and certifies as follows:

1. That there is now pending in this Court a Preliminary Hearing scheduled for July 6, 2021, in the above-captioned criminal case by the People of the State of California wherein the above-named defendant, Paul Ruben Flores, who is charged with; Count One: Murder in violation of PC187(a) and co-defendant, Ruben Ricardo Flores, who is charged with; Count One: Accessory After The Fact –(Knowledge Of Crime) in violation of PC32.

2. Ermelinda Marie Thomas is a necessary witness to the defendant's actions and statements at and around the time of the crime.

EXHIBIT "C"

3. That, if said witness comes into the State of California in obedience to a subpoena directing her to attend and testify before this Court, the laws of the State of California and of any other state through which she may be required to pass by the ordinary course of travel to attend and present testimony, shall give said witness protection from arrest or the service of process, civil or criminal, in connection with matters that arose before the witness' entrance into said state, pursuant to said subpoena.

4. That if the said witness, as such witness, came into the State of California in obedience to a subpoena directing her to attend and testify before this Court, it will be at no expense to said witness. Her attendance is not expected to exceed three (3) days. Mileage will be paid at a rate of .56 cents per mile, or, in the alternative, other transportation will be arranged by, and at the expense of the Office of the District Attorney. Lodging will be currently billed to the Office of the District Attorney and meals will be reimbursed or billed to the Office of the District Attorney.

WHEREFORE, it is requested for and on behalf of the People of the State of California that this Honorable Court certify to the above by the issuance of a Certificate thereto under the Seal of the Superior Court of the State of California, for purpose of being presented to a judge of a court of record in the State of Washington in a proceeding to compel the attendance of Ermelinda Marie Thomas as a witness before this Court for the time and date indicated on the subpoena and pursuant to law.

Dated: May 18, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

AFFIDAVIT

State of California)
County of San Luis Obispo) ss.

I, Christopher Peuvrelle, am the Deputy District Attorney assigned to the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in case numbers 21F-02402-A and 21F-02402-B, now pending in the Superior Court for the State of California, County of San Luis Obispo. I am informed and believe that statements reported in the People's Petition to Secure the Attendance of Out-of-State Witnesses are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 18, 2021

Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE BY FACSIMILE

I hereby declare and state:

I am a resident of the county of San Luis Obispo; I am over the age of eighteen years and not a party to the within entitled action; my business address is 1042 Palm Street, Suite 201, San Luis Obispo, California, 93401.

On June 18, 2021, I served the NOTICE OF MOTION TO QUASH SUBPOENA FOR ERMELINDA THOMAS; DECLARATION OF GUY GALAMBOS IN USPOORT OF THE MOTION; POINTS AND AUTHORITIES IN SUPPOTT OF THE MOTION for Ermelinda Thomas in case #21F-02402-A,B, by facsimile and email as follows:

San Luis Obispo County District Attorney
Fax #(805)781-4307

Deputy District Attorney Chris Peuvrelle
cpeuvrelle@co.slo.ca.us

Robert Sanger, Counsel for Paul Flores
rsanger@sangerswysen.com

Harold Mesick, Counsel for Rueben Flores
haroldmesick@gmail.com

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

Executed June 18, 2021, at San Luis Obispo, California.

Shoshannah Galambos

ELECTRONICALLY
FILED
6/18/2021 2:30 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
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Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES, et al.,

Defendant.

Case No. 21F-02402-A

DEFENDANT PAUL FLORES'S OPPOSITION TO MEDIA REQUESTS TO ALLOW ELECTRONIC RECORDING OF THE PRELIMINARY HEARING

Date: June 21, 2021
Time: 1:30 p.m.
Dept.: 5

Hon. Craig B. Van Rooyen

Defendant Paul Ruben Flores hereby objects to each and every media request filed in the above-entitled matter, on the grounds that allowing television cameras to cover the preliminary hearing: (1) will undermine the fairness and dignity of the proceedings (Rule 1.150); and (2) will deprive the defendant of his rights to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article 1,

Sections 7, 15, and 24 of the California Constitution.

MEMORANDUM OF POINTS AND AUTHORITIES

I. THE COURT SHOULD DENY THE REQUEST TO ALLOW TELEVISION CAMERAS TO RECORD THE PRELIMINARY HEARING

The Free Speech and Press Clause of the First Amendment gives the media the right to attend and report on open judicial proceedings. However, the press has no right under the First Amendment to photograph or otherwise electronically record such proceedings. (*Estes v. Texas* (1965) 381 U.S. 532; *Chandler v. Florida* (1981) 449 U.S. 560.) "As stated in *Estes* and affirmed in *Chandler*, the public and the press do not have a constitutional right to televise the proceedings or videotape them for future broadcasting. (*Estes v. Texas*, supra, 381 U.S. at p. 539; *Chandler v. Florida*, supra, 449 U.S. at p. 569,; see also *Nixon v. Warner Communications, Inc.* (1978) 435 U.S. 589, 610, 98 S.Ct. 1306, 55 L.Ed.2d 570.)" (*People v. Dixon* (2007) 148 Cal.App.4th 414, 434.) Instead, the question of whether to allow television cameras is a matter entrusted to the Court's discretion under the criteria set forth in Rule 1.150. We respectfully submit that an evaluation of the factors listed in Rule 1.150(e)(3) leads to the conclusion that the Court should deny the request.

Allowing television cameras to record footage of the proceedings will have an adverse effect on: (1) the privacy rights of the participants in the proceeding, including the defendant, witnesses, and families of the parties and the person alleged to be the victim; (2) the parties' ability to select a fair and unbiased jury; (3) the effect on any subsequent proceedings in the case; (4) jury selection in a future trial; (5) the security and dignity of the court; and (6) maintenance of the orderly conduct of the proceeding. (Rule 1.150(e).)

The initial proceedings in this case have been open to the public and

covered by the media from the outset by Zoom. Because the initial proceedings were broadcast live by Zoom, the media already had an opportunity to obtain images of the Court, counsel, and the defendants.

There is no issue here as to whether the public or the media will be allowed to observe the proceedings. The only issue is whether the media will be permitted to electronically record or take still photographs of the proceedings for "infotainment" purposes. We submit that no significant interest will be adversely affected by denying the request.

CONCLUSION

For the above-stated reasons, the Court should deny the request to allow cameras to record and take still photographs of the preliminary hearing.

Dated: June 18, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On June 18, 2021, I served the foregoing document entitled: **DEFENDANT PAUL FLORES'S OPPOSITION TO MEDIA REQUESTS TO ALLOW ELECTRONIC RECORDING OF THE PRELIMINARY HEARING** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

_X_ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed June 18, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

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Camille DeVaul
13 Stars Media
P.O. Box 6068
Atascadero, CA 93423
Via U.S. Mail Only

NBC Universal Media, LLC
30 Rockefeller Plaza
New York, NY 10112
Via U.S. Mail Only

Dan Dow
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County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
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6/21/2021 11:42 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A, and 21F-02402-B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the Stipulation to Release Unsealed Property Items Containing Explicit Material and/or Child Pornography Re: San Luis Obispo Sheriff's Office Property items: #128 thru #149, #155, #156, #158 thru #161, #169 thru #174, #176,

#638 thru #640, #646 thru #654, #693, #694 thru #702, #706 thru #722, #724 thru #728, #731 thru #734, #740 thru #742, #745 and #746 and Order to Release Unsealed Property Items Containing Explicit Material and/or Child Pornography Re: San Luis Obispo Sheriff's Office Property items: #128 thru #149, #155, #156, #158 thru #161, #169 thru #174, #176, #638 thru #640, #646 thru #654, #693, #694 thru #702, #706 thru #722, #724 thru #728, #731 thru #734, #740 thru #742, #745 and #746 to be heard on June 21, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the Stipulation to Release Unsealed Property Items Containing Explicit Material and/or Child Pornography Re: San Luis Obispo Sheriff's Office Property items: #128 thru #149, #155, #156, #158 thru #161, #169 thru #174, #176, #638 thru #640, #646 thru #654, #693, #694 thru #702, #706 thru #722, #724 thru #728, #731 thru #734, #740 thru #742, #745 and #746 and Order to Release Unsealed Property Items Containing Explicit Material and/or Child Pornography Re: San Luis Obispo Sheriff's Office Property items: #128 thru #149, #155, #156, #158 thru #161, #169 thru #174, #176, #638 thru #640, #646 thru #654, #693, #694 thru #702, #706 thru #722, #724 thru #728, #731 thru #734, #740 thru #742, #745 and #746 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 21, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

DAVIS WRIGHT TREMAINE LLP
KELLI L. SAGER (State Bar No. 120162)
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Attorneys for Non-Party Media Organizations
NBCUNIVERSAL MEDIA, LLC and
SCRIPPS MEDIA, INC. D/B/A KSBY-TV

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FILED
6/21/2021 9:18 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN LUIS OBISPO

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES, RUBEN FLORES

Defendants.

Case Nos. **21F-02402-A, 21F-02402-B**
Assigned to the Hon. Craig Van Rooyen

JOINDER OF SCRIPPS MEDIA, INC. D/B/A KSBY-TV IN BRIEF OF NBCUNIVERSAL MEDIA, LLC IN SUPPORT OF APPLICATION TO VIDEOTAPE AND AUDIO RECORD COURT PROCEEDINGS

Hearing date: June 21, 2021
Time: 1:30 p.m.
Dept.: D5

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Non-Party Media Organization Scripps Media, Inc. d/b/a KSBY-TV ("KSBY") hereby joins and adopts as its own the Brief in Support of Application to Videotape and Audio Record Court Proceedings filed in this action by NBCUniversal Media, LLC ("NBC News") on June 18, 2021.

On April 13, 2021, KSBY submitted two requests for audio and visual recording of the proceedings in this matter, pursuant to California Rule of Court 1.150. On April 14, 2021, the Court granted both requests in part, permitting video recording of all proceedings allowed under Rule 1.150, but not audio recording. Consequently, KSBY joins in NBC News' request, and

respectfully requests that this Court amend its April 14, 2021 Orders to allow it to record both audio and video of the proceedings under Rule 1.150. KSBY also respectfully requests that its counsel be permitted to address the Court on this matter at the hearing on June 21, 2021.

DATED: June 21, 2021

DAVIS WRIGHT TREMAINE LLP
KELLI L. SAGER
DAN LAIDMAN

By: */s/ Dan Laidman*
Dan Laidman

Attorneys for Non-Party Media Organizations NBCUNIVERSAL MEDIA, LLC and SCRIPPS MEDIA, INC. D/B/A KSBY-TV

DAVIS WRIGHT TREMAINE LLP
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(213) 633-6800
Fax (213) 633-6899

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

On June 21, 2021, I served the following document(s): **JOINDER OF SCRIPPS MEDIA, INC. D/B/A KSBY-TV IN BRIEF OF NBCUNIVERSAL MEDIA, LLC IN SUPPORT OF APPLICATION TO VIDEOTAPE AND AUDIO RECORD COURT PROCEEDINGS**

SEE ATTACHED SERVICE LIST

(ELECTRONIC-MAIL SERVICE) – I caused a copy of a portable document (PDF) to be sent from the e-mail address of ellenduncan@dwt.com to the persons at the e-mail addresses specified in the Service List and the transmission was reported as complete and without error.

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

Executed on June 21, 2021, at Riverside, California.

Ellen Duncan	*/s/ Ellen Duncan*
Print Name	Signature

SERVICE LIST

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FILED:06/21/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

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Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A and 21F-02402-B [PROPOSED] ORDER TO RELEASE UNSEALED PROPERTY ITEMS CONTAINING EXPLICIT MATERIAL AND CHILD PORNOGRAPHY

ORDER

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that San Luis Obispo Sheriff's Office Property items: #128 thru #149, #155, #156, #158 thru #161, #169 thru #174, #176, #638 thru #640, #646 thru #654, #693, #694 thru #702, #706 thru #722, #724 thru #728, #731 thru #734, #740 thru #742, #745 and #746, which main contain explicit material and/or child pornography, will be discovered to Defendants' attorney, Robert M. Sanger and Harold V. Mesick, and shall not be copied, reproduced or distributed in any way and shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to Defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present. Upon completion of this case, San Luis Obispo Sheriff's Office Property

items: #128 thru #149, #155, #156, #158 thru #161, #169 thru #174, #176, #638 thru #640, #646 thru #654, #693, #694 thru #702, #706 thru #722, #724 thru #728, #731 thru #734, #740 thru #742, #745 and #746 shall be returned to the District Attorney's Office.

IT IS FURTHER ORDERED that San Luis Obispo Sheriff's Office Property items #628, #630, #631, #633 thru #637, #655 thru #660, #666, #671 thru #685, #690, #819, #820, #822, #823, #825, #827, #851, #871, #872, #873, and #874, the media devices from which the explicit material and/or child pornography was retrieved, shall remain in the sole custody of the San Luis Obispo Sheriff's Office. In the event the Prosecution or the Defense wish to obtain access to San Luis Obispo Sheriff's Office Property items #628, #630, #631, #633 thru #637, #655 thru #660, #666, #671 thru #685, #690, #819, #820, #822, #823, #825, #827, #851, #871, #872, #873, and #874, either party shall petition the court for said release accordingly.

Dated: June 21, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

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FILED:06/21/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
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San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A, and 21F-02402-B, [PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Stipulation to Release Unsealed Property Items Containing Explicit Material and/or Child Pornography Re: San Luis Obispo Sheriff's Office Property items: #128 thru #149, #155, #156, #158 thru #161, #169 thru #174, #176, #638 thru #640, #646 thru #654, #693, #694 thru #702, #706 thru #722, #724 thru #728, #731 thru #734, #740 thru #742, #745 and #746 and Order to Release Unsealed Property Items Containing Explicit Material and/or Child Pornography Re: San Luis Obispo Sheriff's Office Property items: #128 thru #149, #155, #156, #158 thru #161, #169 thru #174, #176, #638 thru #640, #646 thru #654, #693, #694 thru #702, #706 thru #722, #724 thru #728, #731 thru #734, #740 thru #742, #745 and #746 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 21, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

FILED

JUN 23 2021

SAN LUIS OBISPO SUPERIOR COURT
BY Tammy Danchfield
Tammy Danchfield, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA,

IN AND FOR THE COUNTY OF SAN LUIS OBISPO

EMERGENCY LOCAL RULE RE: FACE COVERINGS

Local Rule 32.02 shall be amended to read as follows:

(a) Any person allowed or required to enter any San Luis Obispo County courtroom must wear a face covering at all times.

(1) "Face covering" means a surgical or medical mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers. Single layer fabric face coverings are not permissible. A face covering must cover the nose and mouth.

(2) "Respirator" means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.

(b) The Court and individual judicial officers reserve the authority to rescind or modify any part of this rule, as appropriate, to address changing circumstances or courtroom needs.

Dated: June 23, 2021

Jacquelyn H. Duffy, Presiding Judge

Rule 32.02 amended effective June 28, 2021; adopted effective May 28, 2020.

FILED
JUN 23 2021
SAN LUIS OBISPO SUPERIOR COURT
BY D. Roberts, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. PAUL RUBEN FLORES, RUBEN RICARDO FLORES, Defendants.	Case No.: 21F-02402 PRELIMINARY HEARING DECORUM AND MEDIA ORDER

The purpose of this order is to protect the parties' constitutional rights to a fair and impartial jury trial; to allow the public and the media to exercise their First Amendment rights; to ensure courtroom proceedings are conducted with respect and decorum for the proper administration of justice, and to ensure the safe, orderly use of court facilities. This order replaces all previous written orders relating to media access as to the preliminary hearing. The Court may rescind or modify this order at any time based on specific circumstances or in the court's discretion.

Security

The San Luis Obispo Sheriff's Department is responsible for security in the San Luis Obispo Superior Court. Failure to adhere to the rules in this order or to abide by the

orders of the Sheriff's Department may result in sanctions including expulsion from the courtroom and/or courthouse, and any other lawful response.

Photography, Video, Audio & Electronic Devices in the Courtroom

Recording of courtroom proceedings is restricted. One pool camera for still photographs and one pool camera for video is allowed. Media organizations are to cooperate to select the individuals who will be operating the pool cameras and identify them to Nikki Rodriguez, the Court media liaison, by 5 p.m. on July 1, 2021 at the following email address: nikki.rodriguez@slo.courts.ca.gov. The pool cameras are not to capture images or video footage of witnesses or spectators. No other cameras are allowed. No audio recording is allowed inside the courtroom. This includes audio recordings for note-taking purposes.

Cell phones, smart phones, smart watches, laptops, tablets, and all other electronic devices must be turned off and stowed away while in the courtroom. The use of electronic devices is prohibited inside the courtroom at all times.

Media Credentials

Due to limited courtroom seating in Department 5, court-issued credentials will be issued according to the Court's protocol and discretion. A court-issued credential is required to be admitted for limited courtroom seating. There will be no exceptions to this requirement. Media outlets requesting a court credential must submit a request to nikki.rodriguez@slo.courts.ca.gov no later than 5 p.m. on July 1, 2021.

Media personnel must be prepared to present official credentials identifying them as a member of a recognized media organization. Court-issued credentials shall be valid for entry into Department 5 during the preliminary hearing unless they are rescinded by court order. If seat demand in Department 5 exceeds the 54-seat capacity, there will be only one assigned seat per media outlet or parent company.

Media credentials and court-issued credentials must be worn at all times inside the courthouse. Court-issued credentials cannot be transferred to other media personnel. Loaning another media representative a Court-issued credential that does not belong to

them or their parent organization will result in the loss of the media credential and its privileges for the duration of the trial.

Courtroom Seating

Audience seating in Department 5 is limited to every other seat to assure the comfort and safety of spectators in consideration of the ongoing COVID-19 pandemic. Standing is not permitted except as necessary to operate the pool cameras. Seat backs marked with red tape are not available for seating. With this arrangement, there are 54 available seats in Department 5. There will be designated seating for families, court-credentialed media, and the public as deemed necessary by the Court. For those members of the public who wish to attend in-person, permission is required from the Court to occupy the public seats.

If demand for seats exceeds capacity, the Court retains the sole discretion in conducting seating lotteries.

All Court-credentialed media personnel and members of the public must check in every morning with the Media Relations table. The public and media personnel must take their seats at least 5 minutes before the start of any court session. Failure to abide by this time restriction may result in loss of assigned or lottery seating that day as determined by the Court's communications staff.

Face Coverings

Pursuant to Local Rule of Court 32.02, attached, face coverings that cover the mouth and nose must be worn by everyone in Department 5 regardless of COVID-19 vaccination status. The Court has discretion to allow witnesses and attorneys to remove their face covering to ensure that they can be heard and seen. Attorneys will be allowed to remove their face covering when they are in front of the bar.

Outside the Courtroom

Video and still photography as well as audio recording and broadcasting are prohibited in any public area of the courthouse. No disruptions in the hallway will be tolerated. The noise level in the hallway must be kept to a minimum. Other courtrooms

will also be in session. No passageways or doors may be blocked.

Violations of This Order

Anyone violating this order will be subject to the discipline of the Court, including but not limited to, the Court's contempt authority, immediate removal from the courtroom, prohibition from returning to the courtroom and revocation of the court-issued media credential. Photographs and video or audio recordings made in violation of this order will be subject to equipment confiscation and erasure of the prohibited content. Violators of this order may be excluded from the courtroom for the duration of the preliminary hearing.

Distribution of This Order

This order will be displayed outside Department 5. It will be delivered to the media via electronic distribution and posted on the Court website.

IT IS SO ORDERED

\\\

DATED: June 23, 2021

CRAIG VAN ROOYEN
Judge of the Superior Court

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/24/2021 4:43 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & 21F-02401 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the Stipulation to Duplicate and Discover the Affidavit to Search Warrant #14771 Held by the San Luis Obispo County Sheriff's Office; Declaration of Christopher G. Peuvrelle and Order to Duplicate and Discover the Affidavit to

Search Warrant #14771 Held by the San Luis Obispo County Sheriff's Office to be heard on July 6, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the Stipulation to Duplicate and Discover the Affidavit to Search Warrant #14771 Held by the San Luis Obispo County Sheriff's Office; Declaration of Christopher G. Peuvrelle and Order to Duplicate and Discover the Affidavit to Search Warrant #14771 Held by the San Luis Obispo County Sheriff's Office be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 24, 2021

Respectfully submitted,
Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 24, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 24, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/24/2021 4:43 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES, RUBEN RICARDO FLORES, Defendants	CASE NOS. 21F-02401-A & 21F-02401-B STIPULATION TO DUPLICATE AND DISCOVER THE AFFIDAVIT TO SEARCH WARRANT #14771 HELD BY THE SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE; DECLARATION OF CHRISTOPHER G. PEUVRELLE Hearing Date: July 6, 2021

The People hereby request permission to duplicate and discover a copy of search warrant affidavit for search warrant #14771 (Hereto after referred to as "Affidavit"). A copy of the Affidavit is currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965. The original Affidavit, including the attachments, search warrant, and the return to search warrant are under seal with the San Luis Obispo County Superior Court.

Defense Counsel, Robert M. Sanger and Harold V. Mesick, shall not copy, reproduce or distribute the Affidavit in any way and a copy of the Affidavit shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to the Defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

Reasons for the People's request are set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: June 24, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. The Affidavit is an essential piece of evidence for the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

3. I, therefore, by and through my Paralegal. will duplicate and discover the Affidavit currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965.

4. Robert M. Sanger and Harold V. Mesick, and shall not copy, reproduce or distribute the Affidavit in any way and copies of the Affidavits shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to the defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

5. The original Affidavit, including all attachments, search warrant, and return to search warrant, shall remain under seal with the San Luis Obispo County Superior Court.

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

Dated: June 24, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 24, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO DUPLICATE AND DISCOVER THE AFFIDAVIT TO SEARCH WARRANT #14771 HELD BY THE SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE; DECLARATION OF CHRISTOPHER G. PEUVRELLE; ORDER TO TO DUPLICATE AND DISCOVER THE AFFIDAVIT TO SEARCH WARRANT #14771 HELD BY SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 24, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
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6/24/2021 4:43 PM

Electronically
FILED:06/25/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

PAUL RUBEN FLORES,

RUBEN RICARDO FLORES,
Defendant.

CASE NO. 21F-02402-A &
21F-02402-B

[PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Stipulation to Duplicate and Discover the Affidavit to Search Warrant #14771 Held by the San Luis Obispo County Sheriff's Office; Declaration of Christopher G. Peuvrelle and Order to Duplicate and Discover the Affidavit to Search Warrant #14771 Held by the San Luis Obispo County Sheriff's Office are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: June 25, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
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6/24/2021 4:43 PM

Electronically
FILED:06/25/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NOS. 21F-02401-A & 21F-02401-B ORDER TO DUPLICATE AND DISCOVER THE AFFIDAVIT TO SEARCH WARRANT #14771 HELD BY SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that the People shall duplicate and discover a copy of Affidavit to Search Warrant, excluding all exhibits, for search warrant #14771.

The original Affidavit, including all attachments, search warrant, and return to search warrant, shall remain under seal with the San Luis Obispo County Superior Court.

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Defense Counsel, Robert M. Sanger and Harold V. Mesick, shall not copy, reproduce or distribute the Affidavit in any way, and copies of the Affidavit shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to the Defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

Dated: June 25, 2021

Craig Van Rooy

Honorable Craig R. Van Rooyen
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
FILED
6/28/2021 5:00 PM
SAN LUIS OBISPO SUPERIOR COURT
By: A. Solis,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A **EX PARTE APPLICATION TO FILE MOTION TO CONTINUE PRELIMINARY HEARING UNDER SEAL** Hon. Craig B. Van Rooyen

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Ruben Flores, by and through his attorneys Robert M. Sanger, Sarah S. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal his Motion to Continue Preliminary Hearing, in accordance with California Rules of Court, rules 2.550 and 2.551, and to protect the Defendant's right to a fair trial and impartial jury under the Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the

California Constitution. This application is made on the grounds that the Court already made a finding as to necessity of a sealing order after granting the protective order on April 15, 2021, and that sealing is necessary to protect the Defendant's right to a fair trial and impartial jury under the Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: June 28, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing the Motion to Continue Preliminary Hearing conditionally under seal. This Motion contains information relating to discovery, including descriptions of discovery that has been produced or requested in this case and discussions with the District Attorney and Court in chambers regarding that discovery. There is a substantial probability that Mr. Flores' rights to a fair trial and impartial jury under the Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, would be prejudiced if the documents are not sealed.
3. I am respectfully requesting that Motion to Continue Preliminary Hearing be filed under seal to protect Mr. Flores' constitutional rights.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on June 28, 2021, at Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE MOTION TO CONTINUE PRELIMINARY HEARING UNDER SEAL IS NECESSARY TO PROTECT MR. FLORES' CONSTITUTIONAL RIGHTS TO A FAIR TRIAL AND IMPARTIAL JURY

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

In this case, the Motion to Continue Preliminary Hearing includes information regarding the particulars of discovery that, if made public, would prejudice Mr. Flores' rights to a fair trial and impartial jury under the Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. Therefore, we respectfully submit that it is necessary to file the Motion to Continue Preliminary Hearing under seal to protect Mr. Flores' rights to a fair trial and impartial jury. This overriding interest satisfies the requirements of Rule of Court 2.550(d).

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///

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: June 28, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On June 28, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION TO FILE MOTION TO CONTINUE PRELIMINARY HEARING UNDER SEAL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed June 28, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us
Via Email Only

Harold Mesick
1303 Higuera St.
PO Box 23
San Luis Obispo, CA 93406
haroldmesick@gmail.com
Via Email Only

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/29/2021 4:11 PM
SAN LUIS OBISPO SUPERIOR COURT
By: A. Solis,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02401 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Request for Court to Unseal, Copy and Reseal Search Warrants, Affidavits, Exhibits, and Search Warrant Returns: #C-210, #5032. #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393. #6506, #6556, #8571,

#9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores; Declaration of Christopher G. Peuvrelle and Order to Unseal, Copy and Reseal Search Warrants, Affidavits, Exhibits, and Search Warrant Returns: #C-210, #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores to be heard on June 30, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Request for Court to Unseal, Copy and Reseal Search Warrants, Affidavits, Exhibits, and Search Warrant Returns: #C-210, #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores; Declaration of Christopher G. Peuvrelle and Order to Unseal, Copy and Reseal Search Warrants, Affidavits, Exhibits, and Search Warrant Returns: #C-210, #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698,

#14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 29, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 29, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 29, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
FILED
6/29/2021 1:35 PM
SAN LUIS OBISPO SUPERIOR COURT
By: A. Solis,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' OPPOSITION TO MOTION TO AMEND COMPLAINT UNDER SEAL

Hon. Craig B. van Rooyen

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Flores, by and through his attorneys Robert M. Sanger, Sarah S. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal his Opposition to Motion to Amend Complaint in accordance with California Rules of Court, rules 2.550 and 2.551, to protect the Defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth

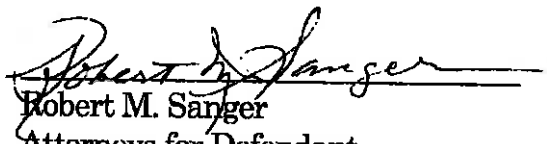
Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. This application is made on the grounds that the Court already made a finding as to necessity of a sealing order after granting the protective order on April 15, 2021, and that sealing is necessary to protect the Defendant's right to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: June 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing an Opposition to Motion to Amend Complaint conditionally under seal. This Opposition contains information relating to discovery and to the proposed charges which may not be permitted to be joined. It includes material that would be inflammatory. There is a substantial probability that Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, would be prejudiced if the motion is not sealed.
3. I am respectfully requesting that the defendant's Opposition to Motion to Amend Complaint be filed under seal to protect Mr. Flores' constitutional rights.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on June 29, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE OPPOSITION TO MOTION TO AMEND COMPLAINT IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

In this case, the Opposition to the Motion to Amend Complaint includes information regarding the particulars of discovery and charges that may not be joined in this case that, if made public, would be inflammatory and prejudice Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. Therefore, we respectfully submit that it is necessary to file the Opposition to the Motion to Amend Complaint under seal to protect Mr. Flores' rights to due process, a fair trial and impartial jury. This overriding interest satisfies the requirements of Rule of Court 2.550(d).

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///

///

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: June 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On June 29, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' OPPOSITION TO MOTION TO AMEND COMPLAINT UNDER SEAL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed June 29, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us
Via Email Only

Harold Mesick
1303 Higuera St.
PO Box 23
San Luis Obispo, CA 93406
haroldmesick@gmail.com
Via Email Only

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6/25/2021 3:44 PM

Electronically
FILED:06/29/2021
San Luis Obispo Superior Court
By:Solis, Andrea

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

PAUL RUBEN FLORES AND
RUBEN RICARDO FLORES,
Defendant.

CASE NO. 21F-02402-A & B

[PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Motion to Amend Complaint with attached Letter from Los Angeles County District Attorney's Office Dated June 25, 2021, are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: 6/29/2021

Jacquelyn L Duffy

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

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6/28/2021 5:00 PM

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FILED:06/29/2021
San Luis Obispo Superior Court
By:Solis, Andrea

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A **[PROPOSED] ORDER GRANTING EX PARTE APPLICATION TO FILE THE MOTION TO CONTINUE PRELIMINARY HEARING UNDER SEAL** Hon. Craig B. Van Rooyen

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the defendant's rights to a fair trial and impartial jury under the Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, which overcomes the right of public access to the documents;

2. Defendant's overriding right to a fair trial and impartial jury supports sealing the record;

3. A substantial probability exists that Defendant's rights to a fair trial and impartial jury will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding right to privacy in his information.

IT IS HEREBY ORDERED THAT:

1. Defendant Paul Flores' Motion to Continue Preliminary Hearing is sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Deputy District Attorney Christopher Peuvrelle and the San Luis Obispo County District Attorney's Office are permitted to view the sealed records.

Dated: 6/29/2021

The Honorable Craig B. Van Rooyen
Judge of the Superior Court

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6/29/2021 1:35 PM

Electronically
FILED:06/29/2021
San Luis Obispo Superior Court
By:Solis, Andrea

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

[PROPOSED] ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S OPPOSITION TO MOTION TO AMEND COMPLAINT

Hon. Craig B. van Rooyen

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, which overcomes the right of public access to the documents;

2. Defendant's overriding right to a fair trial and impartial

jury in his information supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process, a fair trial and impartial jury will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process, a fair trial and impartial jury.

IT IS HEREBY ORDERED THAT:

1. The Opposition to Motion to Amend Complaint is sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Deputy District Attorney Christopher Peuvrelle and the San Luis Obispo County District Attorney's Office are permitted to view the sealed records.

Dated: 6/29/2021

Jacqueline L Duffy
Judge of the Superior Court

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
6/29/2021 4:11 PM
SAN LUIS OBISPO SUPERIOR COURT
By: A. Solis,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NOS. 21F-02402-A & 21F-02402-B PEOPLE'S REQUEST FOR THE COURT TO UNSEAL, COPY AND RESEAL SEARCH WARRANTS, AFFIDAVITS, EXHIBITS, AND SEARCH WARRANT RETURNS; DECLARATION OF CHRISTOPHER G. PEUVRELLE Hearing Date: June 30, 2021

The People hereby request the Court to unseal, copy, and reseal the following search warrants, including all affidavits, all exhibits, and all search warrant returns: #C-210, #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007. #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores. Copies of the search warrants, affidavits, exhibits and search warrant returns are currently held by the San Luis Obispo County Sheriff's Office under SLSO case #960610965. The original search

warrants, affidavits, exhibits and search warrant returns are under seal with the San Luis Obispo County Superior Court.

The People further request the Court to unseal, copy and reseal search warrant #20-0-60269-1 and sealing order, executed in King County, Washington by Judge Kristin Richardson.

Copies of the search warrants, affidavits, exhibits and search warrant returns shall be given to the Prosecution for dissemination to the Defense.

Defense Counsel, Robert M. Sanger and Harold V. Mesick, shall not copy, reproduce or distribute the search warrants, affidavits, exhibits and search warrant returns in any way and said documents shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to the defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

Dated: June 9, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. Search warrants #C-210, #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores, including all affidavits, all exhibits, and all search warrant returns, are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

3. I, therefore, request that Search warrants #C-210, #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores, including all affidavits, all exhibits, and all search warrant returns, be unsealed and provided to the San Luis Obispo County District Attorney's Office for duplication and release to the Prosecution, and then resealed.

//

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

Dated: June 29, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On June 29, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST FOR THE COURT TO UNSEAL, COPY AND RESEAL SEARCH WARRANTS, AFFIDAVITS, EXHIBITS, AND SEARCH WARRANT RETURNS; DECLARATION OF CHRISTOPHER G. PEUVRELLE AND PROPOSED ORDER
(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on June 29, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

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RECEIVED
6/29/2021 4:11 PM

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:06/30/2021
San Luis Obispo Superior Court
By:Solis, Andrea

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NOS. 21F-02402-A & 21F-02402-B [PROPOSED] ORDER TO UNSEAL, COPY, AND RESEAL SEARCH WARRANTS, AFFIDAVITS, EXHIBITS AND SEARCH WARRANT RETURNS

ORDER

IT IS HEREBY ORDERED that the following search warrants, including all affidavits, all exhibits, and all search warrant returns, shall be unsealed, copied, and resealed: #C-210, #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores.

IT IS FURTHER HEREBY ORDERED THAT search warrant #20-0-60269-1 and sealing order, executed in King County, Washington by Judge Kristin Richardson, shall be unsealed, copied and resealed.

The original search warrants, affidavits, exhibits and search warrant returns referenced above are currently under seal with the San Luis Obispo County Superior Court.

Copies of the search warrants, affidavits, exhibits and search warrant returns shall be given to the Prosecution for dissemination to the Defense.

Defense Counsel, Robert M. Sanger and Harold V. Mesick, shall not copy, reproduce or distribute the search warrants, affidavits, exhibits and search warrant returns in any way and said documents shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to the defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

IT IS SO ORDERED.

Dated: 6/30/2021

Honorable Jacquelyn Duffy
JUDGE OF THE SUPERIOR COURT

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Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:06/30/2021
San Luis Obispo Superior Court
By:Solis, Andrea

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A & 21F-02401 -B [PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's People's Request for Court to Unseal, Copy and Reseal Search Warrants, Affidavits, Exhibits, and Search Warrant Returns: #C-210, #5032, #5038, #5045, #5052, #5056, #5057, #5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores; Declaration of Christopher G. Peuvrelle and Order to Unseal, Copy and Reseal Search Warrants, Affidavits, Exhibits, and Search Warrant Returns: #C-210, #5032, #5038, #5045, #5052, #5056, #5057,

#5063, #5345, #5393, #6506, #6556, #8571, #9329, #11007, #13417, #13463, #13474, #13476, #13479, #13510, #13515, #13554, #13557, #13558, #13573, #13579, #13637, #13651, #13663, #13697, #13751, #13827, #13843, #13902, #13904, #14619, #14628, #14676, #14677, #14698, #14704, #14709, #14771, #14799, #14801, #14828, un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996, Ramey warrant for Paul Flores and Ramey warrant for Ruben Flores are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: 6/30/2021

THE HONORABLE JACQUELYN DUFFY
JUDGE OF THE SUPERIOR COURT

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

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7/1/2021 3:29 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Request to Unseal, Duplicate and Reseal Property Item #961 Sealed Pursuant to Search Warrant #14828, Declaration of Christopher G. Peuvrelle and Order to Unseal, Duplicate and Reseal Property Item #961

Sealed Pursuant to Search Warrant #14828 to be heard on July 6, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Request to Unseal, Duplicate and Reseal Property Item #961 Sealed Pursuant to Search Warrant #14828, Declaration of Christopher G. Peuvrelle and Order to Unseal, Duplicate and Reseal Property Item #961 Sealed Pursuant to Search Warrant #14828 be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 1, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

ELECTRONICALLY
FILED
7/1/2021 10:04 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, RUBEN RICARDO FLORES Defendants.	CASE NO. 21F-02402-A & B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY ERIC J DOBROTH – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I, Eric J. Dobroth, am the Assistant District Attorney for San Luis Obispo County.

There has been a great deal of public interest in this pending case. It is the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. These efforts will best assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

To that end, on June 25, 2021, I submitted an Amended Complaint and Motion to Amend Complaint with supporting Declaration and attached letter from Los Angeles County District Attorney's Office dated June 25, 2021. At the People's request, and without objection by defense counsel for Paul Flores, the Honorable Jacquelyn Duffy ordered that the Amended Complaint, Motion to Amend Complaint and supporting Declaration, and attached letter from

the Los Angeles County District Attorney's Office be sealed in accordance with California Government section 6255.

The matter is now pending a People's Motion to Amend the Complaint and attendant objection by Defendant Paul Flores. Yesterday, I was notified of an error in the charging language in Count 1 of the Amended Complaint filed June 25, 2021. The language alleged that the murder was committed within the meaning of Penal Code section 190.2(a)(17)(c). The intended allegation is that the murder was committed within the meaning Penal Code section 189(a), consistent with the original Complaint upon which the defendant has been arraigned. The attached Amended Complaint, filed July 1. 2021, correctly charges that Count 1 was committed within the meaning of Penal Code section 189(a). The People request that this Amended Complaint supersede the Amended Complaint filed June 25, 2021, on which the defendant has not been arraigned.

I am requesting that this Court order that the attached Amended Complaint, filed July 1, 2021, be sealed consistent with the order related to the Amended Complaint filed June 25, 2021, until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such documents be released only to counsel for the People and the defendant, Paul Ruben Flores, to prepare for the Preliminary Hearing.

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

Dated: July 1, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Eric J. Dobroth
Assistant District Attorney

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7/1/2021 3:29 PM

Electronically
FILED:07/01/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NOS. 21F-02402-A & 21F-02402-B ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEM #961 SEALED PURSUANT TO SEARCH WARRANT #14828

ORDER

GOOD CAUSE APPEARING from the attached Declaration of Christopher G. Peuvrelle, IT IS HEREBY ORDERED that property item #961, currently held under seal pursuant to Search Warrant #14828 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication and release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

Dated this 1st day of July 2021.

JUDGE OF THE SUPERIOR COURT

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Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:07/01/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,	CASE NO. 21F-02402-A & 21F-02402-B
vs.	[PROPOSED] ORDER SEALING PUBLIC RECORDS
PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's People's Request to Unseal, Duplicate and Reseal Property Item #961 Sealed Pursuant to Search Warrant #14828, Declaration of Christopher G. Peuvrelle and Order to Unseal, Duplicate and Reseal Property Item #961 Sealed Pursuant to Search Warrant #14828 are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: 7/1/2021

Jacquelyn L Duffy

THE HONORABLE JACQUELYN DUFFY
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
FILED
7/1/2021 10:04 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On July 1, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF ASSISTANT DISTRICT ATTORNEY ERIC J. DOBROTH – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS, AMENDED COMPLAINT
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 1, 2021, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

ELECTRONICALLY
FILED
7/1/2021 3:29 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On July 1, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST TO UNSEAL, DUPLICATE, AND RESEAL PROPOERTY ITEM #961 SEALED PURSUANT TO SEARCH WARRANT #14828; DECLARATION OF CHRISTOPHER G. PUEVRELLE; ORDER TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEMS SEALED PURSUANT TO SEARCH WARRANT #14828 & AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 1, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
7/1/2021 3:29 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,	CASE NOS. 21F-02402-A & 21F-02402-B
V.	PEOPLE'S REQUEST TO UNSEAL, DUPLICATE AND RESEAL PROPERTY ITEM #961 SEALED PURSUANT TO SEARCH WARRANT #14828;
PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	DECLARATION OF CHRISTOPHER G. PEUVRELLE

The People hereby request that property item #961, currently held under seal pursuant to Search Warrant #14828 by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed, duplicated by the San Luis Obispo County Sheriff's Office, and resealed for the reasons set forth in the attached Declaration of Deputy District Attorney Christopher Peuvrelle.

Dated: July 1, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher G. Peuvrelle
Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On May 28, 2021, the Honorable Judge Matthew Guerrero signed Search Warrant #14828 and an order sealing San Luis Obispo Sheriff's Office property item #961.

3. Two arrests were made as a result of an ongoing murder investigation under SLSO case #960610965, and a criminal case has been filed in the San Luis Obispo County Superior Court under case #21F-02402-A and B.

4. Property item #961 from SLSO case #960610965 is needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

5. I, therefore, request that property item #961, currently held under seal by the San Luis Obispo County Sheriff's Office under SLSO case #960610965, be unsealed and provided to San Luis Obispo County Sheriff's Office Senior Detective Clint Cole for duplication for release to the San Luis Obispo County District Attorney's Office for use in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo County Superior Court #21F-02402-A and B, and then resealed.

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

Dated: July 1, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

MC-510

MEDIA AGENCY *(name)*: **Law&Crime Trial Network** CHANNEL/FREQUENCY NO.: **www.lawandcrime.com** PERSON SUBMITTING REQUEST *(name)*: **Jordan Chacon** ADDRESS: **1251 Broadway, Suite 609 New York NY 10001** TELEPHONE NO.: **714-335-1512**	FOR COURT USE ONLY FILED JUL - 6 2021 SAN LUIS OBISPO SUPERIOR COURT BY: Nikki Rodriguez, Deputy Clerk
Insert name of court and name of the judicial district and branch court, if any. **San Luis Obispo Superior Court, Department 1**	
TITLE OF CASE: **CA v. Paul and Ruben Flores**	
NAME OF JUDGE: **Hon. Craig Van Rooyen**	
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	CASE NUMBER: **21F-02402-A**

AGENCY MAKING THE REQUEST *(name)*: **Law&Crime Trial Network**

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 (see reverse).
3. ☐ THE COURT FINDS *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. This request to photograph, record, or broadcast is:
   a. ☐ denied
   b. ☒ granted subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court-incurred costs of *(specify)*: ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows:

      (6)(i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
         (i) ☐ shall not apply to allow coverage of proceeding that are continued.
         (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

      No audio

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, except those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 7/6/21

Craig V. Rooyen
JUDICIAL OFFICER

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
CA v. Paul and Ruben Flores	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (RULE 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: **Law&Crime Trial Network** CHANNEL/FREQUENCY NO.: **www.lawandcrime.com** PERSON SUBMITTING REQUEST *(name)*: **Jordan Chacon** ADDRESS: **1261 Broadway, Suite 609 New York NY 10001** TELEPHONE NO.: **714-335-1512**	*FOR COURT USE ONLY*
Insert name of court and name of the judicial district and branch court, if any. **San Luis Obispo Superior Court, Department 1**	
TITLE OF CASE: **CA v. Paul and Ruben Flores**	
NAME OF JUDGE **Hon. Craig Van Rooyen**	
MEDIA REQUEST TO PHOTOGRAPH, RECORD OR BROADCAST	CASE NUMBER: **21F-02402-A**

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

2. DATE OF PROPOSED COVERAGE *(specify)*: **7/6/21 at 1:30PM** . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for non-compliance)*:

3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☐ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☑ Other *(specify)*: We would like to get access to the court's livestream available on the website and record, then broadcast that footage at a later date.

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in the case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: **6/29/21**

Jordan Chacon
(TYPE OR PRINT NAME)

jordan chacon
(SIGNATURE)

Telephone No.: **714-335-1512**

Trial Coordinator
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by _____, Deputy

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
7/9/2021 4:27 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Reply to Defense Motion Opposing The People's Motion to Amend, to be heard on July 12, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the

People's Reply to Defense Motion Opposing The People's Motion to Amend be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 9, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On July 9, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS & PEOPLE'S REPLY TO DEFENSE MOTION OPPOSING THE PEOPLE'S MOTION TO AMEND
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 9, 2021, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
7/9/2021 4:31 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Opposition to Defense Motion to Quash Subpoena, to be heard on July 12, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's

Opposition to Defense Motion to Quash Subpoena be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 9, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

ELECTRONICALLY
FILED
7/12/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' MOTION TO COMPEL DISCOVERY AND/OR DISMISS BASED ON OUTRAGEOUS GOVERNMENT CONDUCT UNDER SEAL

Hon. Craig B. van Rooyen

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Flores, by and through his attorneys Robert M. Sanger, Sarah S. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal his Motion to Compel Discovery and/or Dismiss Based on Outrageous

Government Conduct in accordance with California Rules of Court, rules 2.550 and 2.551, to protect the Defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. This application is made on the grounds that the Court already made a finding as to necessity of a sealing order after granting the protective order on April 15, 2021, and that sealing is necessary to protect the Defendant's right to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: July 12, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing a Motion to Compel Discovery and/or Dismiss Based on Outrageous Government Conduct conditionally under seal. This Motion contains information relating to discovery and to the proposed charges which may not be permitted to be joined. It includes material that would be inflammatory. There is a substantial probability that Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, would be prejudiced if the motion is not sealed.
3. I am respectfully requesting that the defendant's Motion to Compel Discovery and/or Dismiss Based on Outrageous Government Conduct be filed under seal to protect Mr. Flores' constitutional rights.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on July 12, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE MOTION TO COMPEL DISCOVERY AND/OR DISMISS BASED ON OUTRAGEOUS GOVERNMENT CONDUCT IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

In this case, the Motion to Compel Discovery and/or Dismiss Based on Outrageous Government Conduct includes information regarding the particulars of discovery and charges that may not be joined in this case that, if made public, would be inflammatory and prejudice Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. Therefore, we respectfully submit that it is necessary to file the Motion under seal to protect Mr. Flores' rights to due process, a fair trial and impartial jury. This overriding interest satisfies the requirements of Rule of Court 2.550(d).

///

///

///

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: July 12, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On July 12, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' MOTION TO COMPEL DISCOVERY AND/OR DISMISS BASED ON OUTRAGEOUS GOVERNMENT CONDUCT UNDER SEAL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed July 12, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us
Via Email Only

Harold Mesick
1303 Higuera St.
PO Box 23
San Luis Obispo, CA 93406
haroldmesick@gmail.com
Via Email Only

ELECTRONICALLY
FILED
7/12/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' REJOINDER TO PROSECUTION'S REPLY TO OPPOSITION TO MOTION TO AMEND COMPLAINT UNDER SEAL

Hon. Craig B. van Rooyen

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Flores, by and through his attorneys Robert M. Sanger, Sarah S. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal his Rejoinder to Prosecution's Reply to Opposition to Motion to Amend

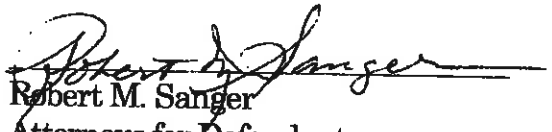
Complaint in accordance with California Rules of Court, rules 2.550 and 2.551, to protect the Defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. This application is made on the grounds that the Court already made a finding as to necessity of a sealing order after granting the protective order on April 15, 2021, and that sealing is necessary to protect the Defendant's right to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: July 12, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing an Rejoinder to Prosecution's Reply to Opposition to Motion to Amend Complaint conditionally under seal. This Rejoinder contains information relating to discovery and to the proposed charges which may not be permitted to be joined. It includes material that would be inflammatory. There is a substantial probability that Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, would be prejudiced if the motion is not sealed.
3. I am respectfully requesting that the defendant's Rejoinder to Prosecution's Reply to Opposition to Motion to Amend Complaint be filed under seal to protect Mr. Flores' constitutional rights.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on July 12, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE REJOINDER TO PROSECUTION'S REPLY TO OPPOSITION TO MOTION TO AMEND COMPLAINT IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

In this case, the Rejoinder to Prosecution's Reply to Opposition to Motion to Amend Complaint includes information regarding the particulars of discovery and charges that may not be joined in this case that, if made public, would be inflammatory and prejudice Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. Therefore, we respectfully submit that it is necessary to file the Rejoinder to Prosecution's Reply to Opposition to Motion to Amend Complaint under seal to protect Mr. Flores' rights to due process, a fair trial and impartial jury. This overriding interest satisfies the requirements of Rule of Court 2.550(d).

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CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: July 12, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On July 12, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' REJOINDER TO PROSECUTION'S REPLY TO OPPOSITION TO MOTION TO AMEND COMPLAINT UNDER SEAL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed July 12, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us
Via Email Only

Harold Mesick
1303 Higuera St.
PO Box 23
San Luis Obispo, CA 93406
haroldmesick@gmail.com
Via Email Only

ELECTRONICALLY
RECEIVED
7/12/2021 8:00 AM

Electronically
FILED:07/12/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A ~~[PROPOSED]~~ **ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S MOTION TO COMPEL DISCOVERY AND/OR DISMISS BASED ON OUTRAGEOUS GOVERNMENT CONDUCT** Hon. Craig B. van Rooyen

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, which overcomes the right of public access to the documents;

2. Defendant's overriding right to a fair trial and impartial jury in his information supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process, a fair trial and impartial jury will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process, a fair trial and impartial jury.

IT IS HEREBY ORDERED THAT:

1. The Motion to Compel Discovery and/or Dismiss Based on Outrageous Government Conduct is sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Deputy District Attorney Christopher Peuvrelle and the San Luis Obispo County District Attorney's Office are permitted to view the sealed records.

Dated: July 12, 2021

Craig Van Rooy

Judge of the Superior Court

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7/12/2021 8:00 AM

Electronically
FILED:07/12/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

~~[PROPOSED]~~ ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S REJOINDER TO PROSECUTION'S REPLY TO OPPOSITION TO MOTION TO AMEND COMPLAINT

Hon. Craig B. van Rooyen

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, which overcomes the right of public access to the documents;

2. Defendant's overriding right to a fair trial and impartial

jury in his information supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process, a fair trial and impartial jury will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process, a fair trial and impartial jury.

IT IS HEREBY ORDERED THAT:

1. The Rejoinder to Prosecution's Reply to Opposition to Motion to Amend Complaint is sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Deputy District Attorney Christopher Peuvrelle and the San Luis Obispo County District Attorney's Office are permitted to view the sealed records.

Dated: July 12, 2021

Craig Van Rooyen

Judge of the Superior Court

ELECTRONICALLY
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7/9/2021 4:31 PM

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:07/12/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,	CASE NO. 21F-02402-A & 21F-02402 -B
vs.	[PROPOSED] ORDER SEALING PUBLIC RECORDS
PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Opposition to Defense Motion to Quash Subpoena are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office; Ruben Ricardo Flores, Harold V. Mesick and his office; and Jeffry Radding and his office are permitted to view the sealed records.

Dated: July 12, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

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7/9/2021 4:27 PM

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FILED:07/12/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
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Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A & 21F-02402 -B [~~PROPOSED~~] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Reply to Defense Motion Opposing The People's Motion to Amend are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office and Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: July 12, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
7/14/2021 10:18 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & ~~21F-02401-B~~ 21F-02402-B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Reply To Defense's Motion To Compel to be heard on July 14, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Reply To Defense's

Motion To Compel be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 14, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On July 14, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 14, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
RECEIVED
7/14/2021 10:18 AM

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:07/14/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A & ~~21F-02401-B~~ 21F-02402-B ~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's Reply To Defense's Motion To Compel are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: July 14, 2021

Craig Van Rooy

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
FILED
7/12/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
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Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

NOTICE OF MOTION AND MOTION TO COMPEL DISCOVERY AND/OR DISMISS BASED ON OUTRAGEOUS GOVERNMENT CONDUCT; MEMORANDUM OF POINTS AND AUTHORITIES

(Subject to Application to File Under Seal)

Date: TBD
Time: TBD
Dept.: 5

Hon. Craig B. Van Rooyen

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TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE DISTRICT ATTORNEY FOR THE COUNTY OF SAN LUIS OBISPO AND TO DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Ruben Flores, hereby moves, and will move at a time to be determined, in the above-entitled court, for an order that the within action be dismissed and, if that is denied, that the prosecution be ordered to provide all discovery forthwith and that the preliminary hearing be continued and the defendant be released on his own recognizance and for such other and further relief as the Court may deem just and proper. This motion is made on the grounds that such an order is necessary to protect the defendant's rights to discovery under *Brady v. Maryland* and to discovery pertaining to the conduct of the preliminary hearing including any statutory or nonstatutory motions, and to the defendant's rights to due process, effective assistance of counsel, the right to confront and cross-examine witnesses or present defense evidence and a fair preliminary examination under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution as well as applicable statutes and case law.

The motion will be based on this Notice of Motion, the attached Memorandum of Points and Authorities, such supplemental memoranda of points and authorities as hereafter may be filed with the court, all pleadings and documents heretofore filed with the Court and, specifically incorporates by reference as if set forth in full, the Opposition and Rejoinder filed in

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response to the prosecution's Motion to Amend Complaint, and evidence and such oral argument as may be presented at the hearing on the application.

Dated: July 12, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 

Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. THE PROSECUTION HAS ENGAGED IN OUTRAGEOUS GOVERNMENT CONDUCT

The prosecution has had twenty-five years to investigate the disappearance of Kristin Smart. They decided to arrest Mr. Flores based on information that had been available since the 1990s. The arrest was on April 13, 2021. The prosecution knew that they would be obligated to provide discovery to his counsel following his arrest. Nevertheless, after arresting Mr. Flores, the prosecution has not been able to find and deliver key police reports to the defense.

Instead, the prosecution has flooded the defense with over 30,000 pages of material and over 100 audio and video tapes, the vast majority of which are irrelevant. Among other things, the prosecution did not provide 35 search warrants and complete affidavits until July 7, 2021. The search warrant affidavits were obviously necessary for the preparation of the statutory motions to suppress, quash and traverse under Penal Code section 1538.5.

At the last minute, the District Attorney filed a Motion to Amend the Complaint to add new salacious charges and then, this last Friday, July 9, 2021, the District Attorney filed a Reply which claims to have important evidence supporting their prosecution.[1] Much of what they claim to rely upon is so last minute that they did not provide the discovery to back up those claims.

This is outrageous government conduct in violation of Mr. Flores' constitutional rights including his right to due process under the state and

[1] Even though proper discovery has not been provided, concurrently herewith, the defense is filing a Rejoinder to the prosecution's Reply to Defendant's Opposition to the Motion to Amend Complaint.

federal constitutions. Mr. Flores was arrested after the Sheriff invited the press to record the event. The Sheriff then held a press conference to tout the arrest. Yet, when they provided discovery to the defense, there was no new information about Mr. Flores' alleged involvement in the disappearance of Kristin Smart that was not known to them in the 1990s. Now, when they try to justify bolstering their case by amending the Complaint, they simply resurrect old allegations about Mr. Flores that are not related to the case. However, in doing so, they refer to interviews, reports, and audio recordings that have not been provided in discovery.

To be clear, the summary in the Reply, even if taken at face value, does not answer the points raised in the Defendant's Opposition to the Motion to Amend or answer the questions raised by the Court. Specifically, there is absolutely zero evidence that Mr. Flores committed a rape or an attempted rape of Kristin Smart in the course of a homicide. In fact, there still is no evidence that there was a homicide let alone that Mr. Flores committed it.

Nevertheless, after all this time, the claims made in in the Reply involve statements that are not based on information that has been disclosed to the defense. The claims fail on their face even if they are backed by reports. However, the defense, at this late moment, has not been provided with interviews, reports, or audio recordings to which the District Attorney seems to be referring.

Self-serving remarks by a prosecutor about being fair or efficient are irrelevant. The fact is that the defense has been given discovery that is a mess and does not reflect anything other than a last-ditch attempt to make an arrest without any new information – and to simply inundate the defendant's lawyer with piles of old discovery, irrelevant material and failed leads. When they now claim that they have a basis to not only charge Mr. Flores with a homicide in the course of a rape but to add 1108 evidence, they

do not bother to provide the discovery referred to in their Reply.

This is outrageous government conduct. (See, e.g., *Rochin v. California* (1952) 342 U.S. 165; *People v. Guillen* (2014) 227 Cal.App.4th 934.)

II. THE DEFENSE IS ENTITLED TO DISCOVERY

It is well established that the defense is entitled to pre-preliminary hearing discovery where it is necessary to make a statutory motion. (*Magallan v. Superior Court* (2011) 192 Cal.App.4th 1444.) In addition, the defense is entitled to *Brady* material. *Brady v. Maryland* (1963) 373 U.S. 83.) The defense served a discovery demand letter on the prosecution on April 14, 2021 specifically alerting the prosecution to its duties under both *Magallan* and *Brady*. A true and correct copy of said discovery demand letter is attached hereto as Exhibit A. Furthermore, the defense stated from the very beginning of this case in chambers conferences, starting on April 15, 2021, and in emails and telephone conversations with the prosecution that the defense did not want to waive time and wanted to have the key discovery as soon as possible.

With that background it is particularly outrageous that in the over 30,000 pages of discovery and over 100 audio recordings that the defense has not been provided with material that the prosecution now claims goes to the essence of their case to make out a rape or attempted rape and to justify filing other acts evidence.

Specifically, for instance:

1. The prosecution wants to rely on a statement made by Steven Fleming some three years after the disappearance of Kristin Smart. Fleming, like many people who saw publicity about the disappearance, came forward later with claims that are contradicted by others. For instance, all other witnesses support the claim that Kristin Smart introduced herself to Mr. Flores at the party on May 24, 1996, but according to the Reply, Fleming

says that he had seen Paul Flores and Kristin Smart in her "room a few times" in February or March of 1996. (Reply at p. 4.)

They now want to rely on his further statements that "Paul Flores was always 'lurking' around the Muir dorms including hours like two or three o'clock in the morning." Yet, the only report turned over to the defense is a report of an interview on March 9, 1999 (Bates #27410) which does not include this information. The prosecution is now also making the claim that Fleming described Paul Flores as "very creepy," his behavior as "hunting" and that he also saw them "talking in the courtyard of the University Union." (Reply at p. 4.) None of this is in the disclosed report.

Either the prosecution is making this up or they have other interviews with this "key" witness that have not been disclosed. If this witness made these statements, the defense should be entitled to his actual statements. If Fleming said these things, he can be easily impeached as just another in a series of people coming in late to make unsubstantiated – and in his case, contradicted – claims. In fact, under *Napue v. Illinois* (1959) 360 U.S. 264, the prosecution knows that Fleming's claims are false and it is misconduct to offer them in evidence. However, the defense has a right to the actual statements and access to the investigators or prosecutors who claim that he made them. This is true even if they were not reduced to a written report. (*Roland v. Superior Court* (2004) 124 Cal.App.4th 154.)

2. As set forth in more detail in the Opposition and Rejoinder in response to the Motion to Amend Complaint, although there is still no evidence of rape or attempted rape (or of an actual homicide), the prosecution seeks to charge two rapes to introduce 1108 evidence of three others. The proposed charged matters are referred to as "Sarah O." and "Destiny W." (Reply pp. 22-24.) The three 1108 matters are referred to as "Rachel Doe," "Ronda Doe," and "Christa Doe." (Reply pp. 24-26). According to the Reply, all but the Christa matter allegedly occurred in Los Angeles. However, we have not been provided with the original Los Angeles Police Department reports. We have been provided with some new

reports, generated in 2020 by LAPD, that refer to older reports by D.R. numbers but those older reports are not included.

The "new" reports are redacted and do not provide the defense with the ability to identify or contact witnesses. Furthermore, some of the dates referred to in the new reports do not correspond with the dates represented by the old D.R. numbers.

One report disclosed on May 5, 2021 (Bates #4202-4207) relates to an April 15, 2021 interview with a Christa in Arroyo Grande claiming that she had an encounter with Paul Flores in 1995. That interview does not include evidence of a sexual assault. On its face, it does not appear that this would amount to 1108 evidence under any circumstances. However, there is no evidence of any other reports or investigation over the last 26 years. Christa claimed that a Noah Taylor was present. He was interviewed and did not remember any encounter with Paul Flores. (Bates #4257-4259.)

In summary, it is outrageous government conduct to arrest a person without having evidence and outrageous to then add counts at the last minute without providing discovery to support those additional charges. This is simply not the way to prosecute someone or to try to bolster a weak case with unsupported claims.

III. REMEDY

This prosecution was introduced after inviting the press to witness arrests and new searches. It followed press conferences by both Sheriff Parkinson and a separate one by District Attorney Dan Dow. Despite all of that, there is no evidence that Paul Flores committed a homicide, let alone committed a homicide in the course of a rape or attempted rape. The failure to provide appropriate discovery relating to evidence the prosecution now wants to present – albeit inadmissible 1108 evidence – is outrageous. That warrants a dismissal of all charges.

If that is denied, the prosecution should be compelled to immediately provide the evidence that is relevant to their own case as well as to the defense, including all *Brady* material and all material compelled to be provided under *Magallan* and required for due process, effective assistance of counsel, the right to confront and cross-examine witnesses or present defense evidence and a fair preliminary examination under both the state and federal constitutional law.

In that event, and if the charges are not dismissed, the preliminary hearing should be continued for the purpose of allowing the proper preparation on the part of the defense and the defendant should be released on his own recognizance.

CONCLUSION

For the foregoing reasons, we respectfully request that the Court grant this motion.

Dated: July 12, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

EXHIBIT A

SANGER SWYSEN & DUNKLE

Attorneys at Law

April 14, 2021

Robert M. Sanger
rsanger@sangerswysen.com
Certified Criminal Law Specialist*

Catherine J. Swysen
cswysen@sangerswysen.com

Stephen K. Dunkle
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Certified Appellate Law Specialist*

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Sarah S. Sanger
ssanger@sangerswysen.com

Hon. Frank J. Ochoa (Ret.)
fochoa@sangerswysen.com
Of Counsel

Rebekah K. Dillon
rdillon@sangerswysen.com
Licensed Private Investigator
PI #29006

Certified by the State Bar of California Board of Legal Specialization

Office of the District Attorney
1035 Palm Street
San Luis Obispo, CA 93408

Via Facsimile at 805-781-4307 and U.S. Mail

Re: *People v. Paul Flores*
San Luis Obispo Superior Court

Dear Office of the District Attorney:

Please accept this informal discovery request pursuant to Penal Code § 1054.5(b) and *Brady v. Maryland* (1963) 373 U.S. 83. Discovery is requested now and at all times during the prosecution of this case including, in advance of the preliminary hearing pursuant to *Brady, supra,* and *Magallan v. Superior Court* (2011) 192 Cal. App. 4th 1444, *People v. Gutierrez* (2013) 214 Cal. App. 4th 343 and *People v. Hull* (2019) 31 Cal.App.5th 1003.

Defendant requests disclosure of the below "information and materials, no matter how preserved," within the "possession, control or obtainable" by "any member of the prosecution team." "Information and materials, no matter how preserved," refers to all information and materials, including without limitation, information and materials preserved on paper, digitally, electronically or in any other fashion. "Possession, control or obtainable" includes, without limitation, all information and materials available by any means in possession of law enforcement, prosecuting agencies, other governmental agencies, experts, consultants, citizen informants, confidential informants, or others involved in any way in the investigation or prosecution of this matter, including information and materials stored or accessible on or through any personal recording devices, computers, information storage systems, remote servers or qubit storage modalities. "Any member of the prosecution team" includes without limitation, all

law enforcement prosecuting agencies, other governmental agencies, experts, consultants, citizen informants, confidential informants or others involved in any way in the investigation or prosecution of this matter.

1. Any and all information and materials, including notes and reports of police officers and investigators, concerning offenses charged and any related investigations. This includes without limitation, all field notes and reports concerning all aspects of the case, e.g. the crime, the defendant's arrest, law enforcement activities and observations, and conversations with witnesses. Penal Code § 1054.1(e)-(f);

2. All statements or utterances by the defendant, oral or written, however recorded or preserved, whether or not signed or acknowledged by the defendant including but not limited to all audio and video recordings. Penal Code § 1054.1(b) and (e); *Joe Z. v. Superior Court of Los Angeles County* (1970) 3 Cal.3d 797; *Brady v. Maryland* (1963) 373 U.S. 83;

3. The content of any statements made in the defendant's presence while being interrogated by law enforcement that were intended or might reasonably be expected to have the effect of encouraging the defendant to give a statement about the offense to the police. *People* v. *Haydel* (1974) 12 Cal.3d 190; *Napue* v. *Illinois* (1959) 360 U.S. 264;

4. Information regarding any expert witnesses who may testify or who has provided information to the prosecution team regarding this case or that may be considered regarding this case. In particular defendant requests the name, qualifications, C.V., documentation of formal or informal training, and names of authorities and publications relied upon and considered by experts including materials supplied by the District Attorney;

5. All physical evidence obtained in the investigation of the case. Penal Code § 1054.1(c);

6. Any exculpatory evidence, information, documents, recordings and other materials in the possession of, or that have come to the attention of, the District Attorney or of any law enforcement agency involved in the investigation of the case against the defendant. Penal Code §§ 1054.1(e), 1054(e). *Giglio* v. *U.S.* (1972) 405 U.S. 150, 92 S. Ct. 763; *Brady* v.

Maryland, supra;

7. The identity and whereabouts of any material informants. Penal Code §§ 1054.1(e), 1054(e). *People* v. *Hobbs* (1994) 7 Cal.4th 978.

8. All written or recorded statements of witnesses who will testify at trial including audio and video recordings. Penal Code § 1054.1 (e)-(f).

9. All written or recorded statements of percipient witnesses, whether or not they will be called to testify audio and video recordings. Penal Code § 1054.1(e)-(f).

10. All oral statements of witnesses reported to counsel, including oral statements relayed to counsel by a third party, such as an investigator or police officer. *People v. Lamb* (2006) 136 Cal.App.4th 575; *Roland v. Superior Court* (2004) 124 Cal.App.4th 154.

11. Any record of criminal arrests or convictions (whether felonies or misdemeanors) of any witness to be called to testify against the defendant. Penal Code §§ 1054.1(e), 1054(e); *People* v. *Lang* (1989) 49 Cal.3d 991; *People* v. *Harris* (1989) 47 Cal.3d 1047. See, *People* v. *Pinholster* (1992) 1 Cal.4th 865, 938, 939; *People* v. *Pensinger* (1991) 52 Cal.3d 1210, 1271.

12. All records concerning arrests and convictions of any alleged victims, complaints filed against any alleged victims, as well as the names, addresses, and phone numbers of witnesses to such acts. Penal Code §1054.1(e); *Engstrom* v. *Superior Court* (1971) 20 Cal.App.3d 240, 245.

13. All notes and reports of police officers and investigators concerning offenses charged. This includes field notes, bench notes and reports concerning all aspects of the case, e.g. the crime, the defendant's arrest, law enforcement activities and observations, and conversations with witnesses. Penal Code § 1054.1(e)-(f).

14. Any evidence to be used in rebuttal of the defense case. *Izazaga v. Superior Court* (1991) 54 Cal.3d 356; *People v. Bunyard* (1988) 45 Cal.3d 1189.

15. As to all witnesses who may be called to testify at the trial, preliminary hearing or other hearing in the case, and any and all persons who were

percipient witnesses to the alleged offenses, whether or not they are to be called to testify at the trial or other hearing in the case: any and all promises, inducements, cooperation agreements, offers of reward or immunity, or affirmative representations made or implied to such persons in an effort to obtain information or testimony as to the investigation and/or prosecution of the alleged offenses as charged in the information, and as to such persons, any and all threats made or implied for a like purpose. *Brady v. Maryland* (1963) 373 U.S. 83.

16. All information concerning pending charges, probationary status, acts of dishonesty, or false reports with regard to any witness to be called to testify against the defendant. *People v. Hayes* (1992) 3 Cal.App. 4th 1238; *People v. Coyer* (1983) 142 Cal.App. 3d 839.

17. All search warrant documents pertaining to any matter pertaining to this case, whether or not said search warrant was issued and whether or not said search warrant was executed, including any affidavits, statements of probable cause, inventories, returns and property logs.

18. All arrest warrant documents related to any arrest, of the defendant or anyone else associated with this case, including any affidavits and statements of probable cause.

19. All laboratory, technicians' and other reports concerning the testing and examination of physical evidence, including, but not limited to the results of forensic tests. Lab notes and bench notes are specifically requested. Penal Code § 1054.1, subdivisions (c) and (f); Vehicle Code § 23158(c); *Walker v. Superior Court of Mendocino County* (1957) 155 Cal.App.2d 134.

Please allow this letter to serve as a reminder that the prosecution has a duty to disclose evidence favorable to the defendant pursuant to the due process clause of the Fourteenth Amendment to the United States Constitution. (*United States v. Bagley* (1985) 473 U.S. 667, 674–78.) The duty to disclose encompasses impeachment evidence as well as exculpatory evidence. (*Strickler v. Greene* (1999) 527 U.S. 263, 278.) The prosecutor's duties of disclosure under the due process clause are wholly independent of any statutory scheme of reciprocal discovery and need no statutory support to be effective. (*Izazaga v. Superior Court* (1991) 54 Cal.3d 356, 378.)

Defendant asks that this be treated as a continuing request through the completion of trial. (Penal Code § 1054.7.) Your cooperation will be appreciated.

We would prefer to receive discovery in this matter electronically whenever possible. We previously submitted a request to be enrolled in the electronic discovery program with the email rmsTeam@sangerswysen.com.

Sincerely,

SANGER SWYSEN & DUNKLE

Robert M. Sanger

* * * Communication Result Report (Apr. 14. 2021 3:06PM) * * *

1)
2)

Date/Time: Apr. 14. 2021 3:04PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0752	Memory TX	8057814307	P. 6	OK	

Reason for error
E. 1) Hang up or line fail
E. 2) Busy
E. 3) No answer
E. 4) No facsimile connection
E. 5) Exceeded max. E-mail size
E. 6) Destination does not support IP-Fax

SANGER SWYSEN & DUNKLE
Attorneys at Law

Robert M. Sanger
Certified Criminal Law Specialist*

Catherine J. Swysen

Stephen K. Dunkle
Certified Appellate Law Specialist*

Miguel A. Avila

Sarah S. Sanger

Hon. Frank J. Ochoa (Ret.)
Of Counsel

Rebekah K. Dillon
Licensed Private Investigator
PI 24004

*Certified by the State Bar of California Board of Legal Specialization

FACSIMILE TRANSMISSION

DATE: 4/14/21
TIME: 3:15
NO. OF PAGES FOLLOWING THIS PAGE: 5
ORIGINAL WILL NOT BE SENT TO YOU
ORIGINAL WILL BE SENT TO YOU X

BY: ☐ Regular Mail ☐ Hand Delivery ☐ Overnight

TO: San Luis Obispo District Attorney's Office
COMPANY:
CITY/STATE: San Luis Obispo, CA
FAX NO.: 805-781-4307 PHONE NO.:
FROM: Sanger Swysen & Dunkle
RE: People v. Paul Flores

MESSAGE:

Good afternoon,

Please see attached correspondence.

Thank you.

THE MATERIAL IN THIS FAX IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

PLEASE CALL (805) 962-4887 IMMEDIATELY IF THERE ARE ANY PROBLEMS DURING THIS TRANSMISSION.

By: Nita Swanson

Ask

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On July 12, 2021, I served the foregoing document entitled: **NOTICE OF MOTION AND MOTION TO COMPEL DISCOVERY AND/OR DISMISS BASED ON OUTRAGEOUS GOVERNMENT CONDUCT; MEMORANDUM OF POINTS AND AUTHORITIES** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed July 12, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us
Via Email Only

Harold Mesick
1303 Higuera St.
PO Box 23
San Luis Obispo, CA 93406
haroldmesick@gmail.com
Via Email Only

MC-510

MEDIA AGENCY *(name)*: The Stockton Record
CHANNEL/FREQUENCY NO.: N/A
PERSON SUBMITTING REQUEST *(name)*: Cameryn Oakes
ADDRESS: 530 E Market St. Stockton, CA
TELEPHONE NO.: (209) 546-8251

FOR COURT USE ONLY

FILED

JUL 15 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo County Superior Court

TITLE OF CASE:
The People v. Paul Ruben Flores, Ruben Ricardo Flores

NAME OF JUDGE:
Judge Craig van Rooyen

CASE NUMBER:
21F-02402-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: The Stockton Record

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☒ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
         (i) ☐ shall not apply to allow coverage of proceedings that are continued.
         (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      No audio
5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☐ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☒ Only the following proceedings *(specify type or date or both)*: All proceedings except Preliminary Hearing which is governed by the court's Media Decorum order filed 6/23/21.
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 7/14/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

Form Adopted for Mandatory Use
Judicial Council of California
MC-510 [Rev. January 1, 2007]

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

Cal. Rules of Court rule 1.150
www.courtinfo.ca.gov

CASE NAME:	CASE NUMBER:
The People v. Paul Ruben Flores, Ruben Ricardo Flores	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: Stockton Record
CHANNEL/FREQUENCY NO.: N/A
PERSON SUBMITTING REQUEST *(name)*: Cameryn Oakes
ADDRESS:
530 E Market St. Stockton, CA
TELEPHONE NO.: (209) 546-8251

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo County Superior Court

TITLE OF CASE:
The people of the State of California v. Paul Ruben Flores, Ruben Ricardo Flores

NAME OF JUDGE: Judge Craig van Rooyen

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402-A

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
   No portion of the proceedings will be recorded for audio or video, nor photographed, per request of the court.

2. DATE OF PROPOSED COVERAGE *(specify)*: July 20, 2021 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:

3. TYPE OF COVERAGE
   a. [ ] TV camera and recorder
   b. [ ] Still camera
   c. [ ] Motion picture camera
   d. [ ] Audio
   e. [x] Other *(specify)*: No electronic usage, just non-electronic note taking

4. [ ] SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: July 14, 2021

Cameryn Lily Oakes
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: (916) 521-9557

Donald Blount - State Editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

rivacy, please press the Clear This Form button after y

Print this form | Save this form | Clear this form

MC-510

MEDIA AGENCY (name): Cal Coast News
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST (name):
ADDRESS: 1241 Doshsan Ave Ste 103
San Luis Obispo, CA 93401 TELEPHONE NO.: 805-234-1203
Insert name of court and name of judicial district and branch court, if any:
SLO County Superior Court
TITLE OF CASE:
People v Paul Florez
NAME OF JUDGE:
Van Rooyen

FOR COURT USE ONLY

FILED

JUL 16 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez
Nikki Rodriguez, Deputy Clerk

CASE NUMBER:
21F-02402-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST (name):

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 (see reverse).
3. ☒ THE COURT FINDS (findings or a statement of decision are optional): ☐ Attached ☒ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ denied.
   b. ☒ granted subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom (copy attached).
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
      (3) ☐ Payment to the clerk of increased court- incurred costs of (specify): $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows (specify):

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other (specify): No audio. Abide by Media Decorum order previously filed in this case.

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, except those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings (specify type or date or both):
6. ☐ The order made on (date): is ☐ terminated ☐ modified as follows (specify):
7. ☐ Number of pages attached:

Date: 7/15/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: Cal Coast News
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*:
ADDRESS: 1241 Johnson Ave #103
San Luis Obispo, CA 93401
TELEPHONE NO.: 805-234-1703

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
SLO County Superior Court

TITLE OF CASE:
People v. Paul Florez

NAME OF JUDGE: Van Rooyen

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402-A

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
Preliminary Hearing and all future hearings
2. DATE OF PROPOSED COVERAGE *(specify)*: *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:
3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☒ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☐ Other *(specify)*:
4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:
5. ☐ INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage *(estimate)*: $
   ☐ Amount unknown
6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 7-14-21

Karen Velie
(TYPE OR PRINT NAME)

Karen Velie
(SIGNATURE)

Telephone No.:

(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
7/22/2021 2:42 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Request for the Court to Unseal, Copy and Reseal Search Warrant #4649, Including Affidavit, Exhibits and Search Warrant Return; Declaration of Christopher G. Peuvrelle and Order to Unseal, Copy and Reseal

Search Warrant #4649, Including Affidavit, Exhibits and Search Warrant Return to be heard on August 2, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Request for the Court to Unseal, Copy and Reseal Search Warrant #4649, Including Affidavit, Exhibits and Search Warrant Return; Declaration of Christopher G. Peuvrelle and Order to Unseal, Copy and Reseal Search Warrant #4649, Including Affidavit, Exhibits and Search Warrant Return be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 22, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On July 22, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 22, 2021, at San Luis Obispo, California.

Alyssa Muckey. Legal Clerk

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
7/22/2021 2:42 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants	CASE NOS. 21F-02402-A, B PEOPLE'S REQUEST FOR THE COURT TO UNSEAL, COPY AND RESEAL SEARCH WARRANT #4649, INCLUDING AFFIDAVIT, EXHIBITS, AND SEARCH WARRANT RETURN; DECLARATION OF CHRISTOPHER G. PEUVRELLE Hearing Date: August 2, 2021

The People hereby request the Court to unseal, copy, and reseal the search warrant, affidavit, exhibits, and search warrant return for search warrant #4649. The original search warrant #4649, the affidavit, exhibit and search warrant return are under seal with the San Luis Obispo County Superior Court.

A copy of search warrant #4649, the affidavit, exhibits and search warrant return shall be given to the Prosecution for dissemination to the Defense.

Defense Counsel, Robert M. Sanger and Harold V. Mesick, shall not copy, reproduce or distribute search warrant #4649, the affidavit, exhibits and search warrant return in any way and said documents shall be maintained in the sole possession of Robert M. Sanger and

Harold V. Mesick, their investigator or other staff and shall be shown to the defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

Date: July 27, 2021

Christopher G. Peuvrelle Deputy District Attorney

DECLARATION OF CHRISTOPHER G. PEUVRELLE

1. I, Christopher G. Peuvrelle, am a Deputy District Attorney assigned to the prosecution of criminal cases in San Luis Obispo County.

2. On June 30, 2021, the Honorable Jacquelyn Duffy signed an order to unseal, copy and reseal search warrants, affidavits, exhibits and returns. Within the order, an un-numbered search warrant affidavit of Henry Stewart dated 7/15/1996 was listed for unsealing, duplication and resealing.

3. On June 30, 2021, Tammy Denchfield, Director of Courtroom Operations, received and began processing the signed order. Upon review of the order, Ms. Denchfield immediately e-mailed DA Paralegal Rebecca Cripe and indicated to Ms. Cripe that without a search warrant number the Court could not provide the un-numbered search warrant affidavit of Henry Stewart dated 7/15/1996 as listed in the order.

4. On June 30, 2021, Ms. Cripe contacted Nancy Reynolds in the Investigations Unit at the San Luis Obispo Sheriff's Office, and requested she attempt to locate the un-numbered search warrant and/or determine the search warrant number. Ms. Reynolds attempted to ascertain the search warrant number but to no avail.

5. On July 21, 2021, Ms. Cripe contacted Nancy Reynolds requesting a second attempt at locating a number for the un-numbered search warrant affidavit. Shortly thereafter, Nancy Reynolds contacted Ms. Cripe via e-mail stating she had located the missing search warrant number. Ms. Cripe left a voice mail for Ms. Denchfield requesting she attempt to identify search warrant #4649 on the Court's database.

6. On July 21, 2021, Tammy Denchfield e-mailed Ms. Cripe indicating she had found search warrant information for search warrant #4649 and also indicated that another court order would be necessary for release of said warrant.

7. Search warrant #4649, including the affidavit, exhibits, and search warrant return, are needed in the prosecution of Paul Ruben Flores and Ruben Ricardo Flores in San Luis Obispo Superior Court case #21F-02402-A and B, respectively.

8. I, therefore, request that Search warrant #4649, previously referenced as un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996 in the Order to Unseal signed by the Honorable Judge Jacquelyn Duffy on June 30, 2021, including the affidavit, exhibits, and search warrant return, be unsealed and provided to the San Luis Obispo County District Attorney's Office for duplication and release to the Prosecution, and then resealed.

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

Dated: July 22, 2021

Christopher G. Peuvrelle,
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On July 22, 2021, I served the foregoing document(s) described as:

PEOPLE'S REQUEST FOR THE COURT TO UNSEAL, COPY AND RESEAL SEARCH WARRANT #4649, INCLUDING AFFIDAVIT, EXHIBITS, AND SEARCH WARRANT RETURN; DECLARATION OF CHRISTOPHER G. PEUVRELLE
(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER **21F-02402-A** **EMAIL: RMSTEAM@SANGERSWYSEN.COM**	**HAROLD V. MESICK** **21F-02402-B** **EMAIL: HAROLDMESICK@GMAIL.COM**

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 22, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
RECEIVED
7/22/2021 2:42 PM

Electronically
FILED:07/23/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

PAUL RUBEN FLORES AND

RUBEN RICARDO FLORES, Defendant.

CASE NO. 21F-02402-A & 21F-02402 -B

~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The Affidavit in support of the People's People's Request for the Court to Unseal, Copy and Reseal Search Warrant #4649, Including Affidavit, Exhibits and Search Warrant Return; Declaration of Christopher G. Peuvrelle and Order to Unseal, Copy and Reseal Search Warrant #4649, Including Affidavit, Exhibits and Search Warrant Return are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: July 23, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
RECEIVED
7/22/2021 2:42 PM

Electronically
FILED:07/23/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, V. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NOS. 21F-02402-A, B ~~[PROPOSED]~~ ORDER TO UNSEAL, COPY AND RESEAL SEARCH WARRANT #4649, INCLUDING AFFIDAVIT, EXHIBITS, AND SEARCH WARRANT RETURN

ORDER

IT IS HEREBY ORDERED that search warrant #4649, previously referenced as un-numbered search warrant affidavit by Affiant Henry Stewart July 15, 1996 in the Order to Unseal signed by the Honorable Judge Jacquelyn Duffy on June 30, 2021, including the affidavit, exhibits, and search warrant return, shall be unsealed, copied, and resealed.

The original search warrant #4649, the affidavit, exhibits and search warrant return are currently under seal with the San Luis Obispo County Superior Court.

A copy of search warrant #4649, the affidavit, exhibit and search warrant return shall be given to the Prosecution for dissemination to the Defense.

Defense Counsel, Robert M. Sanger and Harold V. Mesick, shall not copy, reproduce or distribute search warrant #4649, affidavit, exhibits and search warrant return in any way

and said documents shall be maintained in the sole possession of Robert M. Sanger and Harold V. Mesick, their investigator or other staff and shall be shown to the defendants only while Robert M. Sanger or Harold V. Mesick or their staff are present.

IT IS SO ORDERED.

Dated: July 23, 2021

Craig Van Rooy

Honorable Craig van Rooyen
JUDGE OF THE SUPERIOR COURT

ELECTRONICALLY
FILED
7/26/2021 11:56 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A **EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' MOTION TO TRAVERSE, QUASH AND SUPPRESS AND SUPPORTING EXHIBITS VOLUMES 1-5 UNDER SEAL** Hon. Craig B. van Rooyen

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Flores, by and through his attorneys Robert M. Sanger, Sarah S. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal his Motion to Traverse, Quash and Suppress and Supporting Exhibits

Volumes 1-5 in accordance with California Rules of Court, rules 2.550 and 2.551, to protect the Defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. This application is made on the grounds that the Court already made a finding as to necessity of a sealing order after granting the protective order on April 15, 2021, and that sealing is necessary to protect the Defendant's right to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: July 26, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing a Motion to Traverse, Quash and Suppress and Supporting Exhibits Volumes 1-5 conditionally under seal. This motion contains information relating to discovery. There is a substantial probability that Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, would be prejudiced if the motion and exhibits are not sealed.
3. I am respectfully requesting that the defendant's Motion to Traverse, Quash and Suppress and Supporting Exhibits Volumes 1-5 be filed under seal to protect Mr. Flores' constitutional rights.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on July 26, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE MOTION TO TRAVERSE, QUASH AND SUPPRESS AND SUPPORTING EXHIBITS VOLUMES 1-5 UNDER SEAL IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

In this case, the Motion to Traverse, Quash and Suppress and Supporting Exhibits Volumes 1-5 include information regarding the particulars of discovery which would prejudice Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. Therefore, we respectfully submit that it is necessary to file the Motion to Traverse, Quash and Suppress and Supporting Exhibits Volumes 1-5 under seal to protect Mr. Flores' rights to due process, a fair trial and impartial jury. This overriding interest satisfies the requirements of Rule of Court 2.550(d).

///

///

///

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: July 26, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On July 26, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' MOTION TO TRAVERSE, QUASH AND SUPPRESS AND SUPPORTING EXHIBITS VOLUMES 1-5 UNDER SEAL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed July 26, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us
Via Email Only

Harold Mesick
1303 Higuera St.
PO Box 23
San Luis Obispo, CA 93406
haroldmesick@gmail.com
Via Email Only

ELECTRONICALLY
FILED
7/27/2021 3:06 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

JEFFRY C. RADDING
Attorney at Law - SBN 91835
1035 Walnut Street
San Luis Obispo, CA 93401
tel: (805) 546-8541

Attorney for: Michael McConville, claimant

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

People of the State of California,

Plaintiff,

vs.

Paul Ruben Flores and
Ruben Ricardo Flores,

Defendants.

Case no. 21F-02402 A & B

MOTION OF CLAIMANT MICHAEL McCONVILLE FOR RETURN OF PROPERTY SEIZED UNDER SEARCH WARRANT; MEMORANDUM OF LAW; DECLARATION OF JEFFRY C. RADDING

Date: August 24, 2021
Time: 8:30 a.m.
Dept: 5

To: The District Attorney for San Luis Obispo County, and to counsel of record for defendants Paul Ruben Flores and Ruben Ricardo Flores:

Please take notice that at the date, time, and Department set forth above, claimant Michael McConville will move the Court for an order directing the San Luis Obispo County Sheriff's Department to return the following items seized on or about April 21, 2021 pursuant to Search Warrant #14726:

1. A white 2012 Haulmark trailer, California license plate no. 4ML7869.

2. The contents of the 2012 Haulmark trailer at the time it was seized, including but not limited to: pieces of Luan Board, plywood, and cutouts; Dodge van parts; paper files, personal items, and two-drawer file cabinet with contents; nuts, bolts, screws, fasteners, and metal strips; red tool box and tools; air compressor, compressed air tank, air hoses, and fittings for compressor system.

The motion will be made on the grounds that (1) claimant Michael McConville is the owner of said property; (2) that Sheriff's Department investigators have completed their search and examination of the seized property and are prepared to return it to Mr. McConville; (3) a court order to do so is required due to the property having been seized pursuant to warrant; and, (4) notice to defendants and their being afforded an opportunity to be heard is appropriate relative to the request herein.

The motion will be based upon this notice and its accompanying submissions and upon such further evidence and argument as are presented for the hearing of the motion.

Dated: July 27, 2021

JEFFRY C. RADDING
Attorney for Michael McConville
Claimant

MEMORANDUM OF LAW

I

The Seized Property Ought to be Ordered Returned to Mr. McConville

Unless an item of seized property is prohibited by law and was used in the commission of a criminal offense, an owner of property is entitled to its return when no longer relevant to the prosecution of the offense. **See Penal Code §1417.6; *see also* People v. LaMonte (1997) 53 C.A. 4th 544, 553:**

The identified property being sought for return is neither contraband ("*Contraband is goods or merchandise whose importation, exportation, or possession is forbidden.*" **People v. Lamonte, *supra*, at 552**) nor "property prohibited by law." Of particular import, law enforcement indicates a readiness to release and return the identified property to its owner, Mr. McConville, but requires a court order to do so.

Accordingly, Mr. McConville's request ought to be granted.

Respectfully submitted,

Dated: July 27, 2021

JEFFRY C. RADDING
Attorney for Michael McConville
Claimant

DECLARATION OF JEFFRY C. RADDING

I, Jeffry C. Radding, declare:

(1) I am the attorney for claimant herein, Michael McConville.

(2) On or about April 21, 2021, pursuant to search warrant #14726, San Luis Obispo Sheriff's Department investigators seized a white 2012 Haulmark trailer, California license plate no. 4ML7869, and all its contents. Michael McConville was (and is) the owner (registered) of the trailer and owner of the seized contents.

(3) At the time of the trailer and property being seized, San Luis Obispo Sheriff's Department Detective Clint Cole advised Mr. McConville that he expected to be able to return the trailer and items to him within a few days.

(4) As Mr. McConville's property had not yet been returned, on May 18, 2021 I emailed Detective Cole inquiring about its return. Detective Cole advised that the trailer could not be returned at that time. Upon further inquiry, Detective Cole thought it possible that certain of the contents of the trailer could be released.

(5) Following up, on June 22, 2021 I emailed Detective Cole with a list of specific items of personal property contained in the trailer in which Mr. McConville was interested for interim release. A copy of that email is provided herewith as Exhibit "1".

(6) In reply, Detective Cole reported, "*We are ready to release the trailer back to Mike, but as you know it takes an order to release it. Chris is aware and working on it, let us know if you have any more questions.*" The reference to "Chris" is Deputy District Attorney Chris Peuvrelle. A copy of this email is provided as Exhibit "2".

(7) Accordingly, this motion ensues.

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

Dated: July 27, 2021

JEFFRY C. RADDING
Attorney for Michael McConville
Claimant

Mike McConville's trailer -- items requested for return.

Jeffry Radding
Tue 6/22/2021 1:25 PM
To: Clinton M. Cole

Clint,

Following up on previous correspondence (and assuming Mike McConville's trailer is not yet available for release), the following items are what he is requesting return:

(1) Any pieces of Luan Board, plywood, cutouts for 1972 van, front door cutouts.

(2) Any van parts for a 1972 Dodge B-300 van.

(3) Tools, paper files, personal items within the two-drawer tan file cabinet located at the front of the trailer.

(4) Nuts, bolts, screws, fasteners in boxes and in drawer cabinets on shelves.

(5) All tools in the large red tool box on right hand side of the trailer.

(6) Compressor and mated red compressed air tank, air hoses, fittings for compressor system.

(7) All metal strips throughout the trailer.

These are all related to a renovation project for the interior of his 1972 Dodge van. That's all.

If this request can be accommodated, it would be greatly appreciated.

Of course, if there is any chance the trailer can be returned ...

EXHIBIT "1"

Anyway, lemme know. Many thanks.

- jr

Jeffry C. Radding
Attorney at Law
1035 Walnut Street
San Luis Obispo, CA 93401
tel: 805-546-8541
fax: 805-541-4269

This transmission is confidential and intended solely for the person or organization to whom it is addressed. It may contain privileged and confidential information. If you are not the intended recipient, you should not print, copy, distribute, or take any action in regard to it. If you have received this transmission in error, please notify Jeffry C. Radding immediately by email at: radding@msn.com, or call 805-546-8541.

RE: [EXT]Mike McConville's trailer -- items requested for return.

Clinton M. Cole <ccole@co.slo.ca.us>
Tue 6/22/2021 3:14 PM
To: Jeffry Radding
Cc: Christopher Peuvrelle

Hello Jeff,

We are ready to release the trailer back to Mike, but as you know it takes an order to release it. Chris is aware and working on it, let us know if you have any more questions.

Clint

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

EXHIBIT "2"

PROOF OF SERVICE
(C.C.P §1010 et seq., §2015.5)

I, the undersigned, say that I am a citizen of the United States, over eighteen (18) years of age, and not a party to the within entitled action. I am employed by Jeffry C. Radding, Attorney at Law, 1035 Walnut Street, San Luis Obispo, California.

On July 27, 2021 I served the foregoing documents:

Motion of Michael McConville for Return of Property

on the following interested parties:

Chris Peuvrelle
Deputy District Attorney
Office of the SLO County District Attorney
1035 Palm Street, 4th Floor
San Luis Obispo, CA 93408

Harold Mesick
Attorney at Law
1303 Higuera Street
P.O. Box 23
San Luis Obispo, CA 93406
(*Attorney for Ruben Flores*)

Robert Sanger
Attorney at Law
Sanger Swysen & Dunkle
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101-7149
(*Attorney for Paul Flores*)

(x) **(By Mail - Deposit)** By placing a true copy thereof in a sealed envelope, with postage prepaid, and by placing said envelope in the United States mail, at San Luis Obispo, CA.

I declare under penalty of perjury that the foregoing is true and correct, and that this was executed in San Luis Obispo, California on July 27, 2021.

JEFFRY C. RADDING

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
7/29/2021 4:28 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendants.	CASE NO. 21F-02402-A AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Opposition to Defendant Motion To Suppress, Quash and Traverse to be heard on August 2, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the

People's Opposition to Defendant Motion To Suppress, Quash and Traverse be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 29, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On July 29, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores*, Case No. 21F-02402-A)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 29, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
FILED
7/29/2021 1:57 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE EX PARTE REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS – DAVE KENNEY (PENAL CODE § 1334), DECLARATION OF COUNSEL, [PROPOSED] CERTIFICATION AND THE ATTESTATION OF THE CLERK OF THE SUPERIOR COURT UNDER SEAL

Hon. Rita C. Federman

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Paul Ruben Flores, by and through his attorneys Robert M. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal the Ex Parte Request For Attendance of Out of State Witness – Dave Kenney (Penal

Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court in accordance with California Rules of Court, rules 2.550 and 2.551, and to protect the Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution. This application is made on the grounds that the Ex Parte Request contains information which would expose the person requested to be subpoenaed to public harassment and would impair the Defendant's rights to due process, a fair trial and an impartial jury.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing defendant's Ex Parte Request for Attendance of Out of State Witness – Dave Kenney (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court conditionally under seal. The person requested to be subpoenaed would be exposed to public harassment if the request was made public.
3. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to a fair trial and due process.
4. I am respectfully requesting that Ex Parte Request for Attendance of Out of State Witness – Dave Kenney (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court be filed under seal and not divulged to the public or the prosecution.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on July 29, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE EX PARTE REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS – DAVE KENNEY (PENAL CODE § 1334), DECLARATION OF COUNSEL, [PROPOSED] CERTIFICATION AND THE ATTESTATION OF THE CLERK OF THE SUPERIOR COURT IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

Making the ex parte request publicly available would expose individuals to public harassment. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to due process and a fair trial under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

We respectfully submit that it is necessary to file the Ex Parte Request for Attendance of Out of State Witness – Dave Kenney (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court under seal to protect Mr. Flores's rights to a fair

trial, an impartial jury and due process and to protect the person requested to be subpoenaed from public harassment and these overriding interest satisfies the requirements of Rule of Court 2.550(d).

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

ELECTRONICALLY
FILED
7/29/2021 1:57 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

EX PARTE REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS – DAVE KENNEY (PENAL CODE § 1334); DECLARATION OF COUNSEL; [PROPOSED] CERTIFICATION

(Subject to Application to File Under Seal)

Hon. Rita C. Federman

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Defendant Paul Flores respectfully requests that the Court issue the attached proposed certification for the attendance of out-of-state witness Dave Kenney pursuant to Penal Code section 1334. This request is made on the grounds that Dave Kenney is a necessary and material witness in this

pending prosecution. This motion is based on this request, the attached declaration of Robert M. Sanger, the files and records herein and any other information presented prior to a ruling hereon.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law duly licensed to practice law in the State of California. I am an attorney at the law firm of Sanger Swysen & Dunkle. Robert M. Sanger and Sanger Swysen & Dunkle are attorneys of record for Paul Flores, the defendant herein.
2. There is now pending in the Superior Court of the State of California for the County of San Luis Obispo the above-entitled criminal prosecution against Mr. Flores. A preliminary hearing is scheduled to commence on August 2, 2021 and a motion to suppress evidence, quash the search warrants and traverse the search warrant affidavits has been filed.
3. I anticipate that the defense case will begin on August 16, 2021.
4. Dave Kenney, who resides at 446 Gillespie Pike, Landcaster, KY 40444 is a necessary and material witness for the defendant at the preliminary hearing and the hearing on a motion to suppress evidence, quash the search warrants and traverse the search warrant affidavits because he was an investigating officer in the disappearance of Kristin Smart and interviewed numerous witnesses. The presence of this witness is required for one day.
5. The laws of California will give to the witness protection from arrest and service of civil and criminal process during the time that the witness is in California in obedience to the subpoena directing Mr. Kenney to appear in this State, with respect to matters that occurred before the witness' entrance into California under the subpoena. (Penal Code § 1334.4.)
6. Therefore, it is requested that this Court issue a certificate under the seal of the Superior Court of the State of California for the purpose of

compelling the attendance of Dave Kenney at the preliminary hearing in the above-entitled case.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 29, 2021, in Santa Barbara County, California.

Robert M. Sanger

ELECTRONICALLY
FILED
7/29/2021 11:33 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
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Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE EX PARTE REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS – BRENT MOON (PENAL CODE § 1334), DECLARATION OF COUNSEL, [PROPOSED] CERTIFICATION AND THE ATTESTATION OF THE CLERK OF THE SUPERIOR COURT UNDER SEAL

Hon. Rita C. Federman

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Paul Ruben Flores, by and through his attorneys Robert M. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal the Ex Parte Request For Attendance of Out of State Witness – Brent Moon (Penal

Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court in accordance with California Rules of Court, rules 2.550 and 2.551, and to protect the Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution. This application is made on the grounds that the Ex Parte Request contains information which would expose the person requested to be subpoenaed to public harassment and would impair the Defendant's rights to due process, a fair trial and an impartial jury.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing defendant's Ex Parte Request for Attendance of Out of State Witness – Brent Moon (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court conditionally under seal. The person requested to be subpoenaed would be exposed to public harassment if the request was made public.
3. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to a fair trial and due process.
4. I am respectfully requesting that Ex Parte Request for Attendance of Out of State Witness – Brent Moon (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court be filed under seal and not divulged to the public or the prosecution.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on July 29, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE EX PARTE REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS – BRENT MOON (PENAL CODE § 1334), DECLARATION OF COUNSEL, [PROPOSED] CERTIFICATION AND THE ATTESTATION OF THE CLERK OF THE SUPERIOR COURT IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

Making the ex parte request publicly available would expose individuals to public harassment. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to due process and a fair trial under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

We respectfully submit that it is necessary to file the Ex Parte Request for Attendance of Out of State Witness – Brent Moon (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court under seal to protect Mr. Flores's rights to a fair

trial, an impartial jury and due process and to protect the person requested to be subpoenaed from public harassment and these overriding interest satisfies the requirements of Rule of Court 2.550(d).

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

ELECTRONICALLY
FILED
7/29/2021 11:25 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
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Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

EX PARTE REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS – TED MUNLEY (PENAL CODE § 1334); DECLARATION OF COUNSEL; [PROPOSED] CERTIFICATION

(Subject to Application to File Under Seal)

Hon. Rita C. Federman

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Defendant Paul Flores respectfully requests that the Court issue the attached proposed certification for the attendance of out-of-state witness Ted Munley pursuant to Penal Code section 1334. This request is made on the grounds that Ted Munley is a necessary and material witness in this pending

prosecution. This motion is based on this request, the attached declaration of Robert M. Sanger, the files and records herein and any other information presented prior to a ruling hereon.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law duly licensed to practice law in the State of California. I am an attorney at the law firm of Sanger Swysen & Dunkle. Robert M. Sanger and Sanger Swysen & Dunkle are attorneys of record for Paul Flores, the defendant herein.
2. There is now pending in the Superior Court of the State of California for the County of San Luis Obispo the above-entitled criminal prosecution against Mr. Flores. A preliminary hearing is scheduled to commence on August 2, 2021 and a motion to suppress evidence, quash the search warrants and traverse the search warrant affidavits has been filed.
3. I anticipate that the defense case will begin on August 16, 2021.
4. Ted Munley, who resides at 3491 Skyline View Drive in Reno, Nevada, is a necessary and material witness for the defendant at the preliminary hearing and at a hearing on a motion to suppress evidence, quash the search warrants and traverse the search warrant affidavits. Mr. Munley was in the alleged victim's dorm room on the night that she disappeared and lied to law enforcement about that fact. Furthermore, this information was not included in any of the 49 search warrant affidavits provided to the defense, 35 of which are the subject of the motion to suppress, quash and traverse.
5. The presence of this witness is required for one day.
6. The laws of California will give to the witness protection from arrest and service of civil and criminal process during the time that the witness is in California in obedience to the subpoena directing Mr. Munley to appear in this State, with respect to matters that occurred before the witness' entrance into California under the subpoena.

(Penal Code § 1334.4.)

7. Therefore, it is requested that this Court issue a certificate under the seal of the Superior Court of the State of California for the purpose of compelling the attendance of Ted Munley at the preliminary hearing in the above-entitled case.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 29, 2021, in Santa Barbara County, California.

Robert M. Sanger

ELECTRONICALLY
FILED
7/29/2021 11:33 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
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Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

EX PARTE REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS – BRENT MOON (PENAL CODE § 1334); DECLARATION OF COUNSEL; [PROPOSED] CERTIFICATION

(Subject to Application to File Under Seal)

Hon. Rita C. Federman

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

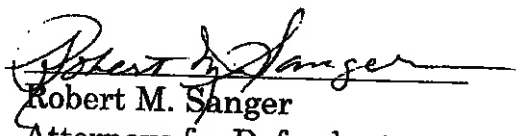
Defendant Paul Flores respectfully requests that the Court issue the attached proposed certification for the attendance of out-of-state witness Brent Moon pursuant to Penal Code section 1334. This request is made on the grounds that Brent Moon is a necessary and material witness in this

pending prosecution. This motion is based on this request, the attached declaration of Robert M. Sanger, the files and records herein and any other information presented prior to a ruling hereon.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law duly licensed to practice law in the State of California. I am an attorney at the law firm of Sanger Swysen & Dunkle. Robert M. Sanger and Sanger Swysen & Dunkle are attorneys of record for Paul Flores, the defendant herein.
2. There is now pending in the Superior Court of the State of California for the County of San Luis Obispo the above-entitled criminal prosecution against Mr. Flores. A preliminary hearing is scheduled to commence on August 2, 2021 and a motion to suppress evidence, quash the search warrants and traverse the search warrant affidavits has been filed.
3. I anticipate that the defense case will begin on August 16, 2021.
4. Brent Moon, who resides at 677 Turtlewood Place, Henderson, NV 89052, is a necessary and material witness for the defendant at the preliminary hearing and the hearing on a motion to suppress evidence, quash the search warrants and traverse the search warrant affidavits. Mr. Moon has testimony that will directly contradict the testimony of a witness who the prosecution has subpoenaed for the preliminary hearing. Mr. Moon has testimony that also supports the motion to suppress, quash and traverse in that the material information he provided to law enforcement was not included in the search warrant affidavits and directly contradicts the information that was included in the search warrant affidavits. The presence of this witness is required for one day.
5. The laws of California will give to the witness protection from arrest and service of civil and criminal process during the time that the witness is in California in obedience to the subpoena directing Mr.

Moon to appear in this State, with respect to matters that occurred before the witness' entrance into California under the subpoena. (Penal Code § 1334.4.)

6. Therefore, it is requested that this Court issue a certificate under the seal of the Superior Court of the State of California for the purpose of compelling the attendance of Brent Moon at the preliminary hearing in the above-entitled case.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 29, 2021, in Santa Barbara County, California.



Robert M. Sanger

ELECTRONICALLY
FILED
7/29/2021 11:25 AM
SAN LUIS OBISPO SUPERIOR COURT
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Deputy Clerk

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Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE EX PARTE REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS – TED MUNLEY (PENAL CODE § 1334), DECLARATION OF COUNSEL, [PROPOSED] CERTIFICATION AND THE ATTESTATION OF THE CLERK OF THE SUPERIOR COURT UNDER SEAL

Hon. Rita C. Federman

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Paul Ruben Flores, by and through his attorneys Robert M. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal the Ex Parte Request For Attendance of Out of State Witness – Ted Munley (Penal

Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court in accordance with California Rules of Court, rules 2.550 and 2.551, and to protect the Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution. This application is made on the grounds that the Ex Parte Request contains information which would expose the person requested to be subpoenaed to public harassment and would impair the Defendant's rights to due process, a fair trial and an impartial jury.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing defendant's Ex Parte Request for Attendance of Out of State Witness – Ted Munley (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court conditionally under seal. The person requested to be subpoenaed would be exposed to public harassment if the request was made public.
3. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to a fair trial and due process.
4. I am respectfully requesting that Ex Parte Request for Attendance of Out of State Witness – Ted Munley (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court be filed under seal and not divulged to the public or the prosecution.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on July 29, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE EX PARTE REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS – TED MUNLEY (PENAL CODE § 1334), DECLARATION OF COUNSEL, [PROPOSED] CERTIFICATION AND THE ATTESTATION OF THE CLERK OF THE SUPERIOR COURT IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

Making the ex parte request publicly available would expose individuals to public harassment. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to due process and a fair trial under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

We respectfully submit that it is necessary to file the Ex Parte Request for Attendance of Out of State Witness – Ted Munley (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court under seal to protect Mr. Flores's rights to a fair

trial, an impartial jury and due process and to protect the person requested to be subpoenaed from public harassment and these overriding interest satisfies the requirements of Rule of Court 2.550(d).

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

ELECTRONICALLY
FILED
7/29/2021 2:08 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
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Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE EX PARTE REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS – STEVE TATE (PENAL CODE § 1334), DECLARATION OF COUNSEL, [PROPOSED] CERTIFICATION AND THE ATTESTATION OF THE CLERK OF THE SUPERIOR COURT UNDER SEAL

Hon. Rita C. Federman

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant Paul Ruben Flores, by and through his attorneys Robert M. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal the Ex Parte Request For Attendance of Out of State Witness – Steve Tate (Penal

Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court in accordance with California Rules of Court, rules 2.550 and 2.551, and to protect the Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution. This application is made on the grounds that the Ex Parte Request contains information which would expose the person requested to be subpoenaed to public harassment and would impair the Defendant's rights to due process, a fair trial and an impartial jury.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing defendant's Ex Parte Request for Attendance of Out of State Witness – Steve Tate (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court conditionally under seal. The person requested to be subpoenaed would be exposed to public harassment if the request was made public.
3. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to a fair trial and due process.
4. I am respectfully requesting that Ex Parte Request for Attendance of Out of State Witness – Steve Tate (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court be filed under seal and not divulged to the public or the prosecution.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on July 29, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE EX PARTE REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS – STEVE TATE (PENAL CODE § 1334), DECLARATION OF COUNSEL, [PROPOSED] CERTIFICATION AND THE ATTESTATION OF THE CLERK OF THE SUPERIOR COURT IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

Making the ex parte request publicly available would expose individuals to public harassment. Moreover, this case has received a substantial amount of local and national publicity adverse to Mr. Flores. Any additional adverse publicity will further endanger his rights to due process and a fair trial under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

We respectfully submit that it is necessary to file the Ex Parte Request for Attendance of Out of State Witness – Steve Tate (Penal Code § 1334), Declaration of Counsel, [Proposed] Certification and the Attestation of the Clerk of the Superior Court under seal to protect Mr. Flores's rights to a fair

trial, an impartial jury and due process and to protect the person requested to be subpoenaed from public harassment and these overriding interest satisfies the requirements of Rule of Court 2.550(d).

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

ELECTRONICALLY
FILED
7/29/2021 2:08 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
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Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

EX PARTE REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS – STEVE TATE (PENAL CODE § 1334); DECLARATION OF COUNSEL; [PROPOSED] CERTIFICATION

(Subject to Application to File Under Seal)

Hon. Rita C. Federman

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

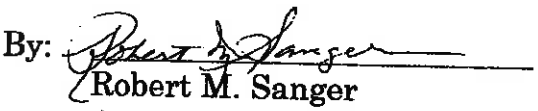
Defendant Paul Flores respectfully requests that the Court issue the attached proposed certification for the attendance of out-of-state witness Steve Tate pursuant to Penal Code section 1334. This request is made on the grounds that Steve Tate is a necessary and material witness in this pending

prosecution. This motion is based on this request, the attached declaration of Robert M. Sanger, the files and records herein and any other information presented prior to a ruling hereon.

Dated: July 29, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law duly licensed to practice law in the State of California. I am an attorney at the law firm of Sanger Swysen & Dunkle. Robert M. Sanger and Sanger Swysen & Dunkle are attorneys of record for Paul Flores, the defendant herein.
2. There is now pending in the Superior Court of the State of California for the County of San Luis Obispo the above-entitled criminal prosecution against Mr. Flores. A preliminary hearing is scheduled to commence on August 2, 2021 and a motion to suppress evidence, quash the search warrants and traverse the search warrant affidavits has been filed.
3. I anticipate that the defense case will begin on August 16, 2021.
4. Steve Tate, who resides at 1395 Mooring Meadow Road, Columbia Falls, MT 59912 is a necessary and material witness for the defendant at the preliminary hearing and the hearing on a motion to suppress evidence, quash the search warrants and traverse the search warrant affidavits because he was an investigating officer in the disappearance of Kristin Smart and interviewed numerous witnesses. The presence of this witness is required for one day.
5. The laws of California will give to the witness protection from arrest and service of civil and criminal process during the time that the witness is in California in obedience to the subpoena directing Mr. Tate to appear in this State, with respect to matters that occurred before the witness' entrance into California under the subpoena. (Penal Code § 1334.4.)
6. Therefore, it is requested that this Court issue a certificate under the seal of the Superior Court of the State of California for the purpose of

compelling the attendance of Steve Tate at the preliminary hearing in the above-entitled case.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 29, 2021, in Santa Barbara County, California.

Robert M. Sanger

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7/26/2021 11:56 PM

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FILED:07/29/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

~~[PROPOSED]~~ ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S MOTION TO TRAVERSE, QUASH AND SUPPRESS AND SUPPORTING EXHIBITS VOLUMES 1-5 UNDER SEAL

Hon. Craig B. van Rooyen

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, which

overcomes the right of public access to the documents;

2. Defendant's overriding right to a fair trial and impartial jury in his information supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process, a fair trial and impartial jury will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process, a fair trial and impartial jury.

IT IS HEREBY ORDERED THAT:

1. The Motion to Traverse, Quash and Suppress and Supporting Exhibits Volumes 1-5 are sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Deputy District Attorney Christopher Peuvrelle and the San Luis Obispo County District Attorney's Office are permitted to view the sealed records.

Dated: July 29, 2021

Judge of the Superior Court

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7/29/2021 11:33 AM

Electronically
FILED:07/29/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

~~[PROPOSED]~~ ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S EX PARTE REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS

Hon. Rita C. Federman

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, which overcome the right of public access to the

documents and access by the prosecution;

2. Defendant's overriding rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution.

IT IS HEREBY ORDERED THAT:

1. Defendant's Ex Parte Request for Attendance of Out-of-State Witness – Brent Moon (Penal Code § 1334); Declaration of Counsel; [Proposed] Certification and the Attestation of the Clerk of the Superior Court are sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Only the Court is permitted to view the sealed documents.

Dated: July 29, 2021

The Honorable Rita C. Federman
Judge of the Superior Court

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7/29/2021 11:25 AM

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FILED:07/29/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

[PROPOSED] ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S EX PARTE REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS

Hon. Rita C. Federman

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, which overcome the right of public access to the

documents and access by the prosecution;

2. Defendant's overriding rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution.

IT IS HEREBY ORDERED THAT:

1. Defendant's Ex Parte Request for Attendance of Out-of-State Witness – Ted Munley (Penal Code § 1334); Declaration of Counsel; [Proposed] Certification and the Attestation of the Clerk of the Superior Court are sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Only the Court is permitted to view the sealed documents.

Dated: July 29, 2021

The Honorable Rita C. Federman
Judge of the Superior Court

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7/29/2021 2:08 PM

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FILED:07/29/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A ~~[PROPOSED]~~ **ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S EX PARTE REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS** Hon. Rita C. Federman

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, which overcome the right of public access to the

documents and access by the prosecution;

2. Defendant's overriding rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution.

IT IS HEREBY ORDERED THAT:

1. Defendant's Ex Parte Request for Attendance of Out-of-State Witness – Steve Tate (Penal Code § 1334); Declaration of Counsel; [Proposed] Certification and the Attestation of the Clerk of the Superior Court are sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Only the Court is permitted to view the sealed documents.

Dated: July 29, 2021

The Honorable Rita C. Federman
Judge of the Superior Court

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
7/30/2021 2:46 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Motion to Admit Evidence Code Sections 1101(B), 1108 and Request for Evidentiary Hearing to be heard on August 2, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this

court order that the People's Motion to Admit Evidence Code Sections 1101(B), 1108 and Request for Evidentiary Hearing be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 30, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On July 30, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER **21F-02402-A** **EMAIL: RMSTEAM@SANGERSWYSEN.COM**	**HAROLD V. MESICK** **21F-02402-B** **EMAIL: HAROLDMESICK@GMAIL.COM**

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 30, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

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7/29/2021 1:57 PM
(Kenney)

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FILED:07/30/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A ***CONDITIONALLY UNDER SEAL*** **ATTESTATION OF THE CLERK OF THE SUPERIOR COURT** (Subject to Application to File Under Seal) Hon. Rita C. Federman

I, the undersigned, Clerk of a Superior Court of the State of California in and for the County of San Luis Obispo, do hereby certify that this Honorable Rita C. Federman by whom the foregoing Certificate was made and whose genuine signature is subscribed thereto was at the time of signing of the same, and still is, Judge of the Superior Court of the State of California, in and for the County of San Luis Obispo, duly commissioned, qualified and sworn, and to whose acts of such full faith and credit are due.

///

IN WITNESS WHEREOF, I have hereunto set my signature and affixed the Seal of said Court this 30th day of July, 2021.

Dated: July 30, 2021

CLERK OF THE SUPERIOR COURT
County of San Luis Obispo
State of California

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7/29/2021 11:33 AM
(Moon)

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

Electronically
FILED:07/30/2021
San Luis Obispo Superior Court
By: Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

ATTESTATION OF THE CLERK OF THE SUPERIOR COURT

(Subject to Application to File Under Seal)

Hon. Rita C. Federman

I, the undersigned, Clerk of a Superior Court of the State of California in and for the County of San Luis Obispo, do hereby certify that this Honorable Rita C. Federman by whom the foregoing Certificate was made and whose genuine signature is subscribed thereto was at the time of signing of the same, and still is, Judge of the Superior Court of the State of California, in and for the County of San Luis Obispo, duly commissioned, qualified and sworn, and to whose acts of such full faith and credit are due.

///

IN WITNESS WHEREOF, I have hereunto set my signature and affixed the Seal of said Court this 30th day of July, 2021.

Dated: July 30, 2021

CLERK OF THE SUPERIOR COURT
County of ~~Santa Barbara~~ San Luis Obispo
State of California

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7/29/2021 11:25 AM
(Munley)

Electronically
FILED:07/30/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

ATTESTATION OF THE CLERK OF THE SUPERIOR COURT

(Subject to Application to File Under Seal)

Hon. Rita C. Federman

I, the undersigned, Clerk of a Superior Court of the State of California in and for the County of San Luis Obispo, do hereby certify that this Honorable Rita C. Federman by whom the foregoing Certificate was made and whose genuine signature is subscribed thereto was at the time of signing of the same, and still is, Judge of the Superior Court of the State of California, in and for the County of San Luis Obispo, duly commissioned, qualified and sworn, and to whose acts of such full faith and credit are due.

///

IN WITNESS WHEREOF, I have hereunto set my signature and affixed the Seal of said Court this 30th day of July, 2021.

Dated: July 30, 2021

CLERK OF THE SUPERIOR COURT
County of ~~Santa Barbara~~ San Luis Obispo
State of California

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7/29/2021 2:08 PM
(Tate)

Electronically
FILED:07/30/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A ***CONDITIONALLY UNDER SEAL*** **ATTESTATION OF THE CLERK OF THE SUPERIOR COURT** (Subject to Application to File Under Seal) Hon. Rita C. Federman

I, the undersigned, Clerk of a Superior Court of the State of California in and for the County of San Luis Obispo, do hereby certify that this Honorable Rita C. Federman by whom the foregoing Certificate was made and whose genuine signature is subscribed thereto was at the time of signing of the same, and still is, Judge of the Superior Court of the State of California, in and for the County of San Luis Obispo, duly commissioned, qualified and sworn, and to whose acts of such full faith and credit are due.

///

IN WITNESS WHEREOF, I have hereunto set my signature and affixed the Seal of said Court this 30th day of July, 2021.

Dated: July 30, 2021

CLERK OF THE SUPERIOR COURT
County of San Luis Obispo
State of California

ELECTRONICALLY
RECEIVED
7/30/2021 11:19 AM

Electronically
FILED:07/30/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	CASE NO. 21F-02402-A [PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The People's Opposition to Defendant Motion To Suppress, Quash and Traverse and the Affidavit in support of the People's Opposition to Defendant Motion To Suppress, Quash and Traverse are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: July 30, 2021

THE HONORABLE RITA FEDERMAN
JUDGE OF THE SUPERIOR COURT

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7/29/2021 1:57 PM

Electronically
FILED:07/30/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES, Defendant.	Case No. 21F-02402-A ~~[PROPOSED]~~ **ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S EX PARTE REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS** Hon. Rita C. Federman

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution under article I, sections 7 and 15 of the California Constitution and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, which overcome the right of public access to the

documents and access by the prosecution;

2. Defendant's overriding rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process and a fair trial and right to the compulsory attendance of witnesses at the preliminary hearing without disclosing the same to the prosecution.

IT IS HEREBY ORDERED THAT:

1. Defendant's Ex Parte Request for Attendance of Out-of-State Witness – Dave Kenney (Penal Code § 1334); Declaration of Counsel; [Proposed] Certification and the Attestation of the Clerk of the Superior Court are sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Only the Court is permitted to view the sealed documents.

Dated: July 30, 2021

The Honorable Rita C. Federman
Judge of the Superior Court

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Electronically
FILED:07/30/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A & 21F-02402 -B [PROPOSED] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The People's Motion to Admit Evidence Code Sections 1101(B), 1108 and Request for Evidentiary Hearing and the Affidavit in support of the People's Motion to Admit Evidence Code Sections 1101(B), 1108 and Request for Evidentiary Hearing are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: July 30, 2021

THE HONORABLE [redacted] VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

JEFFRY C. RADDING
Attorney at Law - SBN 91835
1035 Walnut Street
San Luis Obispo, CA 93401
tel: (805) 546-8541

Attorney for: Susan Flores, subpoenaed witness

ELECTRONICALLY
FILED
7/30/2021 2:01 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

People of the State of California,

Plaintiff,

vs.

Paul Ruben Flores and
Ruben Ricardo Flores,

Defendants.

Case no. 21F-02402 -A
-B

REPLY OF WITNESS SUSAN FLORES TO PEOPLE'S OPPOSITION TO MOTION TO QUASH

Date: August 2, 2021
Time: 8:30 a.m.
Dept: 5

I

Preface

In its opposition to the motion of witness Susan Flores to quash the subpoena served upon her to testify at the scheduled preliminary hearing, the People make an offer of proof as to the topics of planned inquiry. This proffer demonstrates that all

contemplated questions and topics implicate the witness's constitutional privileges. Furthermore, the offer of proof also shows that Ms. Flores is not a material witness.

II

The Link in the Chain ...

As the People rightfully acknowledge, for the constitutional privilege to be implicated' "a witness's answers need not in themselves support a conviction under a criminal statute, but may '*furnish a link in the chain of evidence*' needed to prosecute the witness for a crime." Clearly the press conference subtly but distinctly referenced the prospect of prosecuting Susan Flores as an accessory after the homicide her son, Paul Flores, stands accused of committing, just as is Paul's father, defendant Ruben Flores.

Whether against Ruben Flores (as already charged), against Susan Flores, or against any possible "other" defendant in connection with the alleged homicide offense pending against Paul Flores, to establish a Penal Code §32 violation the People must present evidence relevant to, and prove beyond a reasonable doubt, each element of the homicide. CALCRIM 440 provides:

"To prove that the defendant is guilty of (*Penal Code §32*), the People must prove that:

1. Another person committed the homicide alleged (*the perpetrator*) committed a felony;

2. The defendant knew that the perpetrator had committed a felony or that the perpetrator had been charged with or convicted of a felony;

3. After the felony had been committed, the defendant either harbored, concealed, or aided the perpetrator;

AND

4. When the defendant acted, (he/she) intended that the perpetrator avoid or escape arrest, trial, conviction, or punishment.

With respect to the CALCRIM 440's first element, the People must identify the felony offense on which one accused of being an accessory purportedly acted, and the trial court must instruct jurors on the elements of that predicate offense. The People must then prove the predicate offense beyond a reasonable doubt:

> "Clearly, the commission of a felony is an element of a violation of section 32. Therefore, the Fifth and Sixth Amendments require that before a defendant may be convicted, the jury must find beyond a reasonable doubt that a felony occurred. In the absence of a stipulation, this requirement necessitates instructing the jury with the elements of the underlying felony. Without such instruction, a jury will not be equipped with the necessary information to find that a felony occurred. It will not know the facts the prosecution must prove to establish the underlying felony, i.e., the jury will be left to guess or speculate whether a felony occurred.
>
> "A trial court has a sua sponte duty to instruct on the principles of law that are relevant to and govern the case, including instruction on all of the elements of the offense. (*People v. Cummings* (1993) 4 Cal.4th 1233, 1311.) Since the commission of the underlying felony is an element of the crime, we disagree with the holding in *Shields* that the trial court does not have a duty to instruct on the elements of that crime. The prosecution was

> obligated to prove every element of the crime, even if the defense did not challenge one element. (*Estelle v. McGuire* (1991) 502 U.S. 62, 69-70.) Even in the absence of a request, in a section 32 prosecution, the jury must be instructed on the elements of the underlying offense unless the defendant stipulates to the occurrence of the underlying felony. The failure to do so in this case was error." **People v. Magee (2003) 107 C.A.4th 188, 192-193.**

As proof of the homicide with which Paul Flores is charged is an element of any correspondingly alleged Penal Code §32 offense, any evidence relevant to proof of the homicide is also relevant to proof of an accessory charge – i.e., "a link in the chain ..."

Accordingly, any question posed of a witness which is relevant to proof of the homicide necessarily is relevant to a potentially corresponding accessory charge, rendering the question subject to the witness's constitutional privilege not to answer it. (Of course, if a question is not even relevant to the charged homicide, it is improper and objectionable and renders any response inadmissible. **Evidence Code §350.**)

The People's brief also notes: "*The witness may be totally excused only if the court finds that he could 'legitimately refuse to answer essentially all relevant questions.*'" Because proof of a Penal Code §32 offense necessarily includes proof of the Penal Code §187 charge, as a matter of law that is demonstrably the case now presented.

//

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III

The People's Offer of Proof

The predominant topic of inquiry the People propose for Susan Flores involves what Paul Flores *did not* tell his mother. The first evidentiary threshold to address is whether or not these questions are even relevant or material.

The People couch this line of inquiry as a ***failure*** of Paul Flores to mention to Susan Flores any number of ostensible circumstances. Assuming for the sake of analysis the accuracy of the circumstances the People describe, framing questions as a "failure to disclose" is nothing but pure advocacy, without a foundation which supports a duty on the part of Paul Flores to share any information at all with his mother or demonstrating a refusal on the part of Mr. Flores to provide information in response to a direct question from his mother.

Specifically, the People propose the following topics/questions:

(1) Paul Flores *"failed to tell"* Susan Flores that:

a. "He had been drinking in his dorm room on May 24, 1996 and was intoxicated before arriving at the party."

b. "He was seen at the party falling on top of Ms. Smart."

c. "He approached (Ms. Smart) and volunteered to take her home around 2am."

d. "(Ms. Smart) was so intoxicated that she needed assistance walking."

e. "He promised Cheryl Anderson that he would get Ms. Smart home safely and personally walk her to her dorm room."

f. "He tried to hug and kiss Cheryl Anderson but was rebuffed."

g. "He told police he left (Ms. Smart) 50-75 feet from her dorm room by herself."

h. "He lied repeatedly to investigators about how he received his black eye over Memorial Day weekend."

i. "He had just been interviewed by police and was a suspect in Kristin Smart's disappearance."

j. "He initially agreed to take a polygraph, (but) later refused and walked out of the interview."

(2) **Paul Flores told Susan Flores that:**

a. "He walked back to the dorms from a party with two females and one of them turned up missing."

b. "He was questioned by police."

c. "He was the last person to see (Ms. Smart)."

(3) **Observations of Susan Flores:**

a. "(Seeing) slight bruising under Paul's eye on Monday May 27, 1996."

b. "The timeline of Memorial Day weekend (1996) and when she saw Ruben and Paul Flores."

Regardless of a legal analysis of their relevance or materiality, the People necessarily advance these topics as relevant to proving Paul Flores is guilty of the charged homicide. (If that is not the case, the questions are improper and objectionable.) The line of questioning contemplated in category 3(b), above, also appears specifically

directed to the pending accessory charge against Ruben Flores. Assuming these topics and questions are relevant and material to the charged homicide, they would be relevant and material as well to any corresponding charge of Penal Code §32, whoever that potential defendant might be and whether the potential defendant is either innocent or culpable for such a charge.

The People don't seem to grasp the principles and issues a potential Penal Code §32 prosecution presents. The People assert, "*None of these topics implicate her in anyway and should be allowed.*" Very clearly, in the context of Fifth Amendment constitutional analysis, that statement is simply incorrect.

Respectfully submitted,

Dated: July 30, 2021

JEFFRY C. RADDING
Attorney for Susan Flores

PROOF OF SERVICE
(C.C.P §1010 et seq., §2015.5)

I, the undersigned, say that I am a citizen of the United States, over eighteen (18) years of age, and not a party to the within entitled action. I am employed by Jeffry C. Radding, Attorney at Law, 1035 Walnut Street, San Luis Obispo, California.

On July 30, 2021 I served the foregoing documents:

Motion of Susan Flores to Quash Subpoena

on the following interested parties:

Chris Peuvrelle
Deputy District Attorney
Office of the SLO County District Attorney
1035 Palm Street, 4th Floor
San Luis Obispo, CA 93408
eMail: cpeuvrelle@co.slo.ca.us

Robert Sanger
Attorney at Law
Sanger Swysen & Dunkle
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101-7149
(Attorney for Paul Flores)
eMail: RMSTeam@sangerswysen.com

Harold Mesick
Attorney at Law
1303 Higuera Street
P.O. Box 23
San Luis Obispo, CA 93406
(Attorney for Ruben Flores)
eMail: haroldmesick@gmail.com

(x) **(By eMail)** to the addresses above listed.

I declare under penalty of perjury that the foregoing is true and correct, and that this was executed in San Luis Obispo, California on July 30, 2021.

JEFFRY C. RADDING

ELECTRONICALLY
FILED
7/30/2021 4:42 PM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' REPLY TO OPPOSITION TO DEFENDANT'S MOTION TO TRAVERSE, QUASH AND SUPPRESS UNDER SEAL

Hon. Craig B. van Rooyen

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Flores, by and through his attorneys Robert M. Sanger, Sarah S. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal his Reply to Opposition to Defendant's Motion to Traverse, Quash and

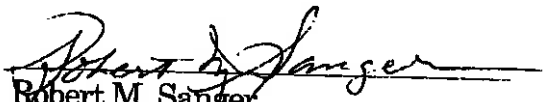
Suppress in accordance with California Rules of Court, rules 2.550 and 2.551, to protect the Defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. This application is made on the grounds that the Court already made a finding as to necessity of a sealing order after granting the protective order on April 15, 2021, and that sealing is necessary to protect the Defendant's right to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: July 30, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing a Reply to Opposition to Defendant's Motion to Traverse, Quash and Suppress conditionally under seal. This motion contains information relating to discovery. There is a substantial probability that Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, would be prejudiced if the motion and exhibits are not sealed.
3. I am respectfully requesting that the defendant's Reply to Opposition to Defendant's Motion to Traverse, Quash and Suppress be filed under seal to protect Mr. Flores' constitutional rights.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on July 30, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE REPLY TO OPPOSITION TO DEFENDANT'S MOTION TO TRAVERSE, QUASH AND SUPPRESS UNDER SEAL IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

In this case, the Reply to Opposition to Defendant's Motion to Traverse, Quash and Suppress include information regarding the particulars of discovery which would prejudice Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. Therefore, we respectfully submit that it is necessary to file the Reply to Opposition to Defendant's Motion to Traverse, Quash and Suppress under seal to protect Mr. Flores' rights to due process, a fair trial and impartial jury. This overriding interest satisfies the requirements of Rule of Court 2.550(d).

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///

///

CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: July 30, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On July 30, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' REPLY TO OPPOSITION TO DEFENDANT'S MOTION TO TRAVERSE, QUASH AND SUPPRESS UNDER SEAL** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed July 30, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

Christopher Peuvrelle
Deputy District Attorney
1035 Palm St, # 4
San Luis Obispo, CA 93408-1000
cpeuvrelle@co.slo.ca.us
Via Email Only

Harold Mesick
1303 Higuera St.
PO Box 23
San Luis Obispo, CA 93406
haroldmesick@gmail.com
Via Email Only

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FILED:07/31/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

~~[PROPOSED]~~ ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S REPLY TO OPPOSITION TO DEFENDANT'S MOTION TO TRAVERSE, QUASH AND SUPPRESS UNDER SEAL

Hon. Craig B. van Rooyen

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, which

overcomes the right of public access to the documents;

2. Defendant's overriding right to a fair trial and impartial jury in his information supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process, a fair trial and impartial jury will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process, a fair trial and impartial jury.

IT IS HEREBY ORDERED THAT:

1. The Reply to Opposition to Defendant's Motion to Traverse, Quash and Suppress are sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Deputy District Attorney Christopher Peuvrelle and the San Luis Obispo County District Attorney's Office are permitted to view the sealed records.

Dated: July 31, 2021

Judge of the Superior Court

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
8/2/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Motions In Limine For Preliminary Hearing to be heard on August 2, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Motions

In Limine For Preliminary Hearing be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 2, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On August 2, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 2, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
FILED
8/2/2021 8:21 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
Tel.: (805) 962-4887
Fax: (805) 963-7311
Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' OPPOSITION TO MOTION TO ADMIT EVIDENCE PURSUANT TO EVIDENCE CODE SECTION 1101(B)

Hon. Craig B. van Rooyen

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Flores, by and through his attorneys Robert M. Sanger, Sarah S. Sanger and Sanger Swysen & Dunkle, hereby request that the Court permit Defendant to file under seal his Opposition to Motion to Admit Evidence Pursuant to Evidence Code section 1101(b) in accordance with California Rules of Court, rules 2.550 and

2.551, to protect the Defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. This application is made on the grounds that the Court already made a finding as to necessity of a sealing order after granting the protective order on April 15, 2021, and that sealing is necessary to protect the Defendant's right to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution.

This application is based on the attached memorandum of points and authorities, all the papers and records on file in this action and on such further oral and documentary evidence that may be presented at a hearing of this application.

Dated: August 1, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 

Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, hereby declare:

1. I am an attorney at law, duly licensed to practice in the State of California, and I am the attorney of record for the Defendant herein, Paul Ruben Flores.
2. We are concurrently filing an Opposition to Motion to Admit Evidence Pursuant to Evidence Code section 1101(b) conditionally under seal. This Opposition contains information relating to discovery and to the proposed charges which may not be permitted to be joined. It includes material that would be inflammatory. There is a substantial probability that Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, would be prejudiced if the motion is not sealed.
3. I am respectfully requesting that the defendant's Opposition to Motion to Admit Evidence Pursuant to Evidence Code section 1101(b) be filed under seal to protect Mr. Flores' constitutional rights.

I declare under penalty of perjury that the foregoing is true and correct and that this was executed on August 1, 2021, in Santa Barbara County, California.

Robert M. Sanger

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I. FILING THE OPPOSITION TO MOTION TO ADMIT EVIDENCE PURSUANT TO EVIDENCE CODE SECTION 1101(B) IS NECESSARY TO PREVENT CONFIDENTIAL INFORMATION FROM BEING DIVULGED TO THE PUBLIC

Pursuant to California Rule of Court 2.550(d), the Court has the authority to order a record be filed under seal if it expressly finds that: (1.) There exists an overriding interest that overcomes the right of public access to the record; (2.) The overriding interest supports sealing the record; (3.) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4.) The proposed sealing is narrowly tailored; and (5.) No less restrictive means exist to achieve the overriding interest. (California Rule of Court 2.550(d).)

In this case, the Opposition to Motion to Admit Evidence Pursuant to Evidence Code section 1101(b) includes information regarding the particulars of discovery and charges that may not be joined in this case that, if made public, would be inflammatory and prejudice Mr. Flores' rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution. Therefore, we respectfully submit that it is necessary to file the Opposition to Motion to Admit Evidence Pursuant to Evidence Code section 1101(b) under seal to protect Mr. Flores' rights to due process, a fair trial and impartial jury. This overriding interest satisfies the requirements of Rule of Court 2.550(d).

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CONCLUSION

For the above-state reasons, the Court should grant this application.

Dated: August 1, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 

Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On August 1, 2021, I served the foregoing document entitled: **EX PARTE APPLICATION TO FILE DEFENDANT PAUL FLORES' OPPOSITION TO MOTION TO ADMIT EVIDENCE PURSUANT TO EVIDENCE CODE SECTION 1101(B)** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed August 1, 2021, at Santa Barbara, California.

Sarah S. Sanger

Sarah S. Sanger

ELECTRONICALLY
RECEIVED
8/2/2021 8:00 AM

Electronically
FILED:08/02/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

PAUL RUBEN FLORES AND
RUBEN RICARDO FLORES,
Defendant.

CASE NO. 21F-02402-A &
21F-02402 -B

~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The People's Motions In Limine For Preliminary Hearing and the Affidavit in support of the People's Motions In Limine For Preliminary Hearing are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: August 2, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
8/3/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the People's Preliminary Hearing Witness List to be heard on August 3, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the People's Preliminary Hearing

Witness List be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On August 3, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores*, Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

ELECTRONICALLY
RECEIVED
8/2/2021 8:21 AM

Electronically
FILED:08/03/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

~~[PROPOSED]~~ ORDER GRANTING EX PARTE APPLICATION TO FILE DEFENDANT'S OPPOSITION TO MOTION TO ADMIT EVIDENCE PURSUANT TO EVIDENCE CODE SECTION 1101(B)

Hon. Craig B. van Rooyen

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS:

1. The Court finds that the documents submitted by Defendant contain information, disclosure of which would violate the defendant's rights to due process, a fair trial and impartial jury under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and article I, sections 7 and 15 of the California Constitution, which overcomes the right of public access to the documents;

2. Defendant's overriding right to a fair trial and impartial jury in his information supports sealing the record;

3. A substantial probability exists that Defendant's rights to due process, a fair trial and impartial jury will be prejudiced if the documents are not sealed;

4. The proposed sealing is narrowly tailored; and

5. No less restrictive means exist to protect Defendant's overriding rights to due process, a fair trial and impartial jury.

IT IS HEREBY ORDERED THAT:

1. Defendant's Opposition to Motion to Admit Evidence Pursuant to Evidence Code section 1101(b) is sealed and lodged with this Court;

2. No other sealing is ordered pursuant to Defendant's request; and

3. Deputy District Attorney Christopher Peuvrelle and the San Luis Obispo County District Attorney's Office, and attorney for Ruben Flores, Harold Mesick, are permitted to view the sealed records.

Dated: August 3, 2021

Craig Van Rooyen

Judge of the Superior Court

ELECTRONICALLY
RECEIVED
8/3/2021 8:00 AM

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

Electronically
FILED:08/03/2021
San Luis Obispo Superior Court
By:Goossens, Michelle

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A & 21F-02402 -B ~~[PROPOSED]~~ ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The People's Preliminary Hearing Witness List and the Affidavit in support of the People's Preliminary Hearing Witness List are sealed and lodged with the Court;

2. No other sealing is ordered pursuant to the People's request; and

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office are permitted to view the sealed records.

Dated: August 3, 2021

Craig Van Rooyen

THE HONORABLE CRAIG B. VAN ROOYEN
JUDGE OF THE SUPERIOR COURT

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
8/3/2021 8:00 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	CASE NO. 21F-02402-A & B PEOPLE'S PRELIMINARY HEARING WITNESS LIST Date: August 3, 2021 Time: 9:00 a.m. Dept. 5

POTENTIAL WITNESSES

1. Tim Davis
2. Cheryl Anderson (Manzer)
3. Kendra Koed
4. Matt Toomey
5. Katie Aucker
6. Henry Stewart
7. Robert Cudworth
8. Bill Hanley
9. Mike Kennedy
10. Larry Hobson
11. Jennifer Phipps (Medeiros)
12. Crystal Calvin
13. Javier Carrillo
14. Jeremy Moon
15. Mike Rofail
16. Brett McArthur
17. Ermelinda Thomas
18. Eric Grasso
19. Steve Fleming
20. Derek Tse

21. Adela Morris
22. Wayne Behrens
23. Gail Laroque
24. Andy Rebman
25. Angie Carrizal
26. Victor Guerrero
27. Rachel F
28. Sarah O
29. Destiny W
30. Christa P.
31. Rhonda S.
32. Melinda Miller
33. David Stone
34. Kris Black
35. Karen Atkinson
36. Phil Hanes
37. Cindy Arrington
38. Clint Cole
39. Nate Paul
40. Shelby Liddell
41. Jeanine West
42. Angie Butler (SERI LAB)
43. Jennifer Mastlerkoch
44. Brian Robinson
45. Margarita Campos
46. Tina Gauldo
47. Denise Smart
48. Susan Flores
49. Dr. Owen Shea
50. Katie Auker
51. Jennifer Hudson
52. Justin Goodwin
53. Brent Moon
54. Faye Springer
55. JT Camp
56. Rick Neufeld
57. Henry Stewart
58. Chris Fitzpatrick
59. Jamilyn Holman
60. Ed Chadwell

Dated: August 3, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On August 3, 2021, I served the foregoing document(s) described as:

PEOPLE'S PRELIMINARY HEARING WITNESS LIST

(*People v. Paul Ruben Flores and Ruben Ricardo Flores*; Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 3, 2021, at San Luis Obispo, California.

Alyssa Muckey, Legal Clerk

MC-510

MEDIA AGENCY *(name)*: KTTV - Fox 11 News
CHANNEL/FREQUENCY NO.: Ch.11
PERSON SUBMITTING REQUEST *(name)*: Lisette Guzman
ADDRESS 1999 S. Bundy Dr., Los Angeles, CA 90025
TELEPHONE NO. 310-584-2099

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo County Superior Court

TITLE OF CASE:
People v. Paul Flores and Ruben Flores

NAME OF JUDGE:
HON. CRAIG VAN ROOYEN

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

FOR COURT USE ONLY

FILED

AUG - 4 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

CASE NUMBER:
21F02402

AGENCY MAKING REQUEST *(name)*: Fox 11 News

1. a. ☒ No hearing was held.
   b. ☑ Date of hearing: 8/02/21 Time: 830am Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (a)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☒ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

Subject to Court's previously issued order regarding Decorum and Media

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 8/2/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

MC-510

CASE NAME:	CASE NUMBER:
People v. Paul Flores and Ruben Flores	21F02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: KTTV Fox 11 News CHANNEL/FREQUENCY NO.: 11 PERSON SUBMITTING REQUEST *(name)*: Lisette Guzman ADDRESS: 1999 S. Bundy Dr. TELEPHONE NO.: 310-584-2099	FOR COURT USE ONLY
(Insert name of court, and name of judicial district and branch court, if any): San Luis Obispo County Superior Court	
TITLE OF CASE: People v. PAul Flores and Ruben Flores	
NAME OF JUDGE: HON. CRAIG VAN ROOYEN	CASE NUMBER 21F02402

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

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

2. DATE OF PROPOSED COVERAGE *(specify)*: 8/02/21 *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance)*:

3. TYPE OF COVERAGE
   a. ☑ TV camera and recorder
   b. ☐ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☑ Other *(specify)*: Reporter seat

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 7/30/21

Lisette Guzman
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 310-584-2099

Assignment Editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: KFI / IHEARTMEDIA CHANNEL/FREQUENCY NO.: AM 640 PERSON SUBMITTING REQUEST *(name)*: STEVE GREGORY ADDRESS: 3400 W OLIVE AVE SUITE 550 - BURBANK, CA 91505 TELEPHONE NO.: 818-441-4498	FOR COURT USE ONLY FILED AUG - 4 2021 SAN LUIS OBISPO SUPERIOR COURT BY: Nikki Rodriguez, Deputy Clerk
Insert name of court and name of the judicial district and branch court, if any. SAN LUIS OBISPO COUNTY SUPERIOR COURT DEPARTMENT 5	
TITLE OF CASE: PEOPLE V. PAUL RUBEN FLORES / RUBEN RICARDO FLORES	
NAME OF JUDGE: CRAIG VAN ROOYEN	
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	CASE NUMBER: 21F-02402

AGENCY MAKING THE REQUEST *(name)*: KFI / IHEARTMEDIA

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 (see reverse).
3. ☐ THE COURT FINDS *(findings or a statement of decision are optional)*: ☐ Attached ☒ As follows:

THE COURT ORDERS

4. This request to photograph, record, or broadcast is:
   a. ☐ **denied**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court-incurred costs of *(specify)*: ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows:

      (6)(i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
         (i) ☐ shall not apply to allow coverage of proceeding that are continued.
         (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:

Subject to Deconum's Media order

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, except those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:

7. ☐ Number of pages attached:

Date: 8/2/21

Craig V. Rooyen
JUDICIAL OFFICER

(See reverse for additional information)

CASE NAME:	MC-510
PEOPLE V. PAUL RUBEN FLORES / RUBEN RICARDO FLORES	CASE NUMBER: 21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (RULE 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: KFI / IHEARTMEDIA
CHANNEL/FREQUENCY NO.: AM 640
PERSON SUBMITTING REQUEST *(name)*: STEVE GREGORY
ADDRESS: 3400 W OLIVE AVE SUITE 550 - BURBANK, CA 91505
TELEPHONE NO.: 818-441-4498

FOR COURT USE ONLY

Insert name of court and name of the judicial district and branch court, if any.
SAN LUIS OBISPO COUNTY SUPERIOR COURT DEPARTMENT 5

TITLE OF CASE:
PEOPLE V. PAUL RUBEN FLORES / RUBEN RICARDO FLORES

NAME OF JUDGE
CRAIG VAN ROOYEN

MEDIA REQUEST TO PHOTOGRAPH, RECORD OR BROADCAST

CASE NUMBER:
21F-02402

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g. particular witnesses at trial, the sentencing hearing, etc.)*:
Preliminary Hearing and Subsequent Hearings

2. DATE OF PROPOSED COVERAGE *(specify)*: 8/2/2021 until completion . *(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for non-compliance)*:
Outside of jurisdiction and was not on the original media distribution list

3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☐ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☐ Other *(specify)*:

4. ☑ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*: POOL COVERAGE FOR AUDIO

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in the case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 7/30/2021

Steve Gregory
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 818-441-4498

National Correspondent
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING *(A hearing is optional.)*

A HEARING will be held as follows:

Date: Time: Dept./Div.: Room:
Address of the Court:

Clerk, by _____, Deputy

MC-510

MEDIA AGENCY *(name)*: San Luis Obispo New Times
CHANNEL/FREQUENCY NO.: Newspaper
PERSON SUBMITTING REQUEST *(name)*: Peter Johnson
ADDRESS: 1010 Marsh St, SLO, CA, 93401
TELEPHONE NO.: 805-546-8208 ex 217

FOR COURT USE ONLY

FILED

AUG - 4 2021

SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

Insert name of court and name of judicial district and branch court, if any:
SLO County Superior Court

TITLE OF CASE:
People of the State of CA vs. Paul Flores

NAME OF JUDGE:
Craig Van Rooyen

CASE NUMBER:
21F-02402

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: San Luis Obispo New Times

1. a. ☒ No hearing was held.
   b. ☐ ~~Date of hearing: Aug 2 Time: 9 a.m. Dept./Div.: Dept 5 Room:~~
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ **THE COURT FINDS** *(findings or a statement of decision are optional)*: ☐ Attached ☒ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ **denied.**
   b. ☒ **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*: Subject to Decorum & Media order
5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:
7. ☐ Number of pages attached:

Date: 8/2/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

MC-510

CASE NAME:	CASE NUMBER:
PEOPLE V PAUL FLORES	21F-02402

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MC-500

MEDIA AGENCY *(name)*: San Luis Obispo New Times
CHANNEL/FREQUENCY NO.: newspaper
PERSON SUBMITTING REQUEST *(name)*: Peter Johnson
ADDRESS:
1010 Marsh St., SLO, CA, 93401
TELEPHONE NO.: 805-546-8208 ex 217

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
SLO County Superior Court

TITLE OF CASE:
State of CA vs. Paul Flores

NAME OF JUDGE: Craig Van Rooyen

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402

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

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

3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☐ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☒ Other *(specify)*: None, just newspaper coverage

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

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

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 7/30/21

Peter Johnson
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: 805-546-8208 ex 217

assistant editor
(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING *(A hearing is optional.)*

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:
Address of the Court:

Clerk, by _____, Deputy

rivacy, please press the Clear This Form button after y

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MC-510

MEDIA AGENCY *(name)*: Mustang Media Group
CHANNEL/FREQUENCY NO.: N/A
PERSON SUBMITTING REQUEST *(name)*: Ava Kershner
ADDRESS: 1 Grand Ave, San Luis Obispo C.A. 93407
TELEPHONE NO.: 7077758336

Insert name of court and name of judicial district and branch court, if any:
San Luis Obispo Superior Court

TITLE OF CASE:
The People of the State of California v. Paul Ruben Flores, Ruben Flores

NAME OF JUDGE:
Craig Van Rooyen

FILED
AUG - 4 2021
SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

CASE NUMBER:
21F-02402-A

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: Mustang Media Group

1. a. [X] No hearing was held.
   b. [ ] Date of hearing: August 2 Time: 1:30pm Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. [ ] **THE COURT FINDS** *(findings or a statement of decision are optional)*: [ ] Attached [ ] As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. [ ] **denied.**
   b. [X] **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
      (1) [ ] The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) [ ] The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) [ ] Payment to the clerk of increased court- incurred costs of *(specify)*: $ [ ] to be determined.
      (4) [ ] The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) [ ] Personnel and equipment shall be placed [ ] as directed [ ] as indicated in the attachment [ ] as follows *(specify)*:

      (6) (i) [ ] The attached statement of agreed pooling arrangements is approved.
      (ii) [ ] A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) [ ] This order
      (i) [ ] shall not apply to allow coverage of proceedings that are continued.
      (ii) [ ] shall apply to allow coverage of proceedings that are continued.
      (8) [X] Other *(specify)*: Subject to Decorum & Media order

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. [X] All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. [ ] Only the following proceedings *(specify type or date or both)*:
6. [ ] The order made on *(date)*: is [ ] terminated [ ] modified as follows *(specify)*:

7. [ ] Number of pages attached:

Date: 8/2/21

Craig Van Rooyen
JUDGE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
The People of the State of California v. Paul Flores, Ruben Flores	21F-02402-A

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

For your protection and privacy, please Save This Form Print This Form Clear This Form

MC-500

MEDIA AGENCY (Name, Mailing Address, & Phone)

CHANNEL(S) REQUESTED (If Known)

PERSON SUBMITTING REQUEST (Name, Address, & Phone)

ADDRESS
1 Grand Avenue, San Luis Obispo C A 93407

TELEPHONE NO.

FOR COURT USE ONLY

San Luis Obispo County Superior Court

TITLE OF CASE
People of the State of California v. Paul Ruben Flores, Ruben Ricardo Flores

NAME OF JUDGE (If Known)

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER
21F-02402-A

1 PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., part or all witness's testimony at trial, the sentencing hearing, etc.)
No portion of the proceedings will be recorded for audio or video, nor photographed, per request of the court

2 DATE OF PROPOSED COVERAGE (Specify) August 2nd, 2021 (File this form at least five court days before the proposed coverage date. If not filed on time, explain good cause for noncompliance.)

3 TYPE OF COVERAGE
a ☐ TV camera and recorder
b ☐ Still camera
c ☐ Motion picture camera
d ☐ Audio
e ☒ Other (specify) Non-electronic audio (pencil/pen/note taking)

4 ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS (specify)

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

6 PROPOSED ORDER. A completed proposed order on Judicial Council form MC-510 is attached (required by Cal. Rules of Court, rule 1.150).

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: July 24th, 2021

Ava Kershner
TYPE OR PRINT NAME

Ava Kershner
SIGNATURE

Telephone No.: 707-775-8826

Editor in Chief Tessa Hughes
SUPERVISORY AGENCY REPRESENTATIVE

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date	Time	Dept./Div.	Room
Address of the Court:			

Clerk, by _____, Deputy

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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MC-510

MEDIA AGENCY *(name)*: KVEC
CHANNEL/FREQUENCY NO.: 920 AM/96.5 FM
PERSON SUBMITTING REQUEST *(name)*: Dave Congalton
ADDRESS: 3620 Sacramento Drive Suite 204
TELEPHONE NO.: 805-305-9821

Insert name of court and name of judicial district and branch court, if any:
Superior Court

TITLE OF CASE:
Flores Pre-Trial Hearing

NAME OF JUDGE:
Craig van Rooyen

FILED
AUG - 4 2021
SAN LUIS OBISPO SUPERIOR COURT
BY: Nikki Rodriguez, Deputy Clerk

CASE NUMBER:
21F-02402

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: KVEC

1. a. ☒ No hearing was held.
   b. ☐ Date of hearing: Time: Dept./Div.: Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 *(see reverse)*.
3. ☐ THE COURT FINDS *(findings or a statement of decision are optional)*: ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
   a. ☐ denied.
   b. ☒ granted subject to the conditions in rule 1.150, California Rules of Court, AND the following:
      (1) ☐ The local rules of this court regulating media activity outside the courtroom *(copy attached)*.
      (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom *(copy attached)*.
      (3) ☐ Payment to the clerk of increased court- incurred costs of *(specify)*: $ ☐ to be determined.
      (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
      (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows *(specify)*:

      (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
      (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
      (7) ☐ This order
      (i) ☐ shall not apply to allow coverage of proceedings that are continued.
      (ii) ☐ shall apply to allow coverage of proceedings that are continued.
      (8) ☒ Other *(specify)*:
      Court's Media & Decorum Order

5. Coverage granted in item 4b is permitted in the following proceedings:
   a. ☒ All proceedings, *except* those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
   b. ☐ Only the following proceedings *(specify type or date or both)*:
6. ☐ The order made on *(date)*: is ☐ terminated ☐ modified as follows *(specify)*:

7. ☐ Number of pages attached:

Date: 8/3/21

Craig VanRooyen
JUDGE

(See reverse for additional information)

MC-510

CASE NAME: PEOPLE VS. PAUL FLORES

CASE NUMBER:

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)

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

PROHIBITED COVERAGE (Rule 1.150)

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

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

MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)

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

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

SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

MEDIA AGENCY *(name)*:

CHANNEL/FREQUENCY NO.:

PERSON SUBMITTING REQUEST *(name)*: Dave Congalton

ADDRESS:
3620 Sacramento Drive Suite 204
San Luis Obispo CA

TELEPHONE NO.: 805-305-9821

MC-500

FOR COURT USE ONLY

Insert name of court and name of judicial district and branch court, if any:
Superior Court

TITLE OF CASE:
Flores Pre-Trial Hearing

NAME OF JUDGE: Craig van Rooyen

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
21F-02402

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
I have been invited by the Smart family to observe two mornings of the hearing since I am a friend of the family.

2. DATE OF PROPOSED COVERAGE *(specify)*: August 4-5
(File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):
I am filing at this point because I only received the invitation to attend yesterday.

3. TYPE OF COVERAGE
   a. ☐ TV camera and recorder
   b. ☐ Still camera
   c. ☐ Motion picture camera
   d. ☐ Audio
   e. ☒ Other *(specify)*: No equipment being used.

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS *(specify)*:

5. ☐ INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage *(estimate)*: $ 0
   ☐ Amount unknown

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached *(required by Cal. Rules of Court, rule 1.150)*.

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date: 8/3/21

DAVE CONGALTON
(TYPE OR PRINT NAME)

Dave Congalton
(SIGNATURE)

Telephone No.:
805-305-9821

(SUPERVISORY POSITION IN MEDIA AGENCY)

NOTICE OF HEARING (*A hearing is optional.*)

A HEARING will be held as follows:

Date: Time: Dept./Div: Room:

Address of the Court:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
County Government Center, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
8/5/2021 10:56 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of Memorandum of Points and Authorities on Third Party Culpability to be heard on August 5, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the Memorandum of

Points and Authorities on Third Party Culpability be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 5, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

Dan Dow
District Attorney
State Bar #237986
County of San Luis Obispo
Courthouse Annex, Room 450
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorney for the People of the State of California

ELECTRONICALLY
FILED
8/5/2021 10:56 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,
vs.
PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.

CASE NO.: 21F-02402-A, B

MEMORANDUM OF POINTS AND AUTHORITIES ON THIRD PARTY CULPABILITY

Date: August 5, 2021
Time: 1:30 PM
Dept. 5

TO: THE HONORABLE CRAIG VON ROOYEN, AND TO THE DEFENDANTS, PAUL FLORES AND RUBEN FLORES, AND THEIR COUNSEL:

The People respectfully submit this memorandum regarding the requirements for the admission of third-party culpability evidence in support of their objections to the defendants' questions during the preliminary hearing in the above-referenced case.

MEMORANDUM OF POINTS AND AUTHORITIES

" 'As a general matter, the ordinary rules of evidence do not impermissibly infringe on the accused's right to present a defense.' " (*People v. Mickel* (2016) 2 Cal.5th 181, 218; see also *United States v. Scheffer* (1998) 523 U.S. 303, 308 [defendant's right to present relevant evidence is subject to reasonable restrictions].) Courts retain a "traditional and intrinsic power to exercise discretion to control the admission of evidence in the interests of orderly

procedure and the avoidance of prejudice." (*People v. Hall* (1986) 41 Cal.3d 826, 834.) The standard for admitting evidence of third-party culpability is the same as for other exculpatory evidence: (1) it must be relevant under Evidence Code section 350, and (2) its probative value cannot be substantially outweighed by the risk or undue delay, prejudice, or confusion under Evidence Code section 352. (*People v. Ghobrial* (2018) 5 Cal.5th 250, 282-84; *People v. Hamilton* (2009) 45 Cal.4th 863, 914; *People v. Hall* (1986) 41 Cal.3d 826.)

1. Relevance

The California Supreme Court in *People v. Hall* (1986) 41 Cal.3d 826 (*Hall*) established the basic requirements for the admission of third-party culpability evidence. For evidence suggesting third party culpability to be relevant, it need not show substantial proof of a probability that the third person committed the act but only be capable of raising a reasonable doubt of the defendant's guilt. (*Id.* at p. 833.) However, "evidence of mere motive or opportunity to commit the crime in another person, without more, will not suffice to raise a reasonable doubt about a defendant's guilt: there must be direct or circumstantial evidence linking the third person to the actual perpetration of the crime." (*Id.*) Without such a link, the evidence is irrelevant and cannot be admitted. (*Id.*; see also *People v. Hamilton*, *supra*, 45 Cal.4th at p. 913 [trial court has broad discretion to determine the relevance of evidence but "lacks discretion to admit irrelevant evidence"]). Furthermore, third party culpability evidence that does not identify a possible suspect is properly excluded. (*People v. Brady* (2010) 50 Cal.4th 547, 559.)

Even evidence which tends to connect a third party to a crime should be barred by the trial court when other evidence excludes that person as the perpetrator. In *People v. Johnson* (1988) 200 Cal.App.3d 1553, the defense offered evidence of a person detained in the vicinity of a burglary who was of the height described, had cash in the amount and denominations missing, and was walking away from the burglarized house. The trial court barred the evidence because that person's fingerprints did not match latent prints left at the point of entry. Upholding that ruling, the Court of Appeals held that "even the strongest circumstantial evidence case of third-party culpability does not raise a reasonable doubt about a defendant's

guilt when fingerprints found at the scene of the crime could not have been those of the third party." (*Id.* at p. 1564.) The defense third party culpability evidence raised a possibility, but the prosecution's evidence made it an impossibility, and therefore the evidence could not logically raise a reasonable doubt about guilt. (*Id.* at p. 1565.)[1]

2. Undue Consumption of Time, Confusion, Undue Prejudice, and Misleading the Jury

Even if evidence of third-party culpability evidence is relevant, the court also exercises discretion to exclude evidence "if its probative value is substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury." (Evid. Code, § 352.)

3. Otherwise Inadmissible Evidence

Otherwise inadmissible evidence does not become admissible under this rule merely because it might establish a third party's culpability. Rejecting evidence of a third party's alleged admission, the Court of Appeals ruled in *People v. Huggins* (1986) 182 Cal.App.3d 828, 833: "... *Hall* did not undertake to repeal the Evidence Code. Incompetent hearsay is as inadmissible as it always was." Thus, for example, mere evidence of a third party's propensity for violence is insufficient to justify admission under Evidence Code section 1101 as proof of that person's identity as the perpetrator of a murder. "Such evidence does not amount to direct or circumstantial evidence linking the third person to the actual perpetration of the crime." (*People v. Davis* (1995)10 Cal.4th 463, 501; see also *People v. McWhorter* (2009) 47 Cal.4th 318, 372-373.) Similarly, prior similar crimes that are not sufficiently distinctive for

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[1] The California Supreme Court has since noted that,

> [t]o the extent *Johnson* ... relied upon the strength of the prosecution's evidence against the defendant to exclude third-party culpability evidence, its reasoning is suspect in light of *Holmes v. South Carolina* (2006) 547 U.S. 319, 126 S.Ct. 1727, 164 L.Ed.2d 503, which found a federal constitutional violation resulting from a rule of evidence that precluded the defendant from introducing third-party culpability evidence when there is strong evidence of the defendant's guilt.

(*People v. Page* (2008) 44 Cal.4th 1, 34, fn. 16.) However, the Court distinguished the strength of evidence of a defendant's guilt from the requirement that third party culpability evidence sufficiently connect the third party to the crime (e.g., fingerprints which exculpate the third party), which *Holmes v. South Carolina* noted was a "widely accepted" rule. (*Id.*)

admission to prove identity under Evidence Code section 1101, are not admissible to establish third party culpability. (*People v. Elliott* (2012) 53 Cal.4th 535, 580-581.)

The limitations on defense evidence of third-party culpability apply equally to direct examination of defense witnesses and cross-examination of prosecution witnesses. In *People v. Shilling* (1987) 188 Cal.App.3d 1021, the trial court foreclosed cross-examination of a prosecution witness based upon a defense theory of the witness's culpability which was unsupported by any evidence. The Court of Appeal held that "[t]he constitutional right to confront and cross-examine adverse witnesses does not include the right to ask wholly speculative questions ungrounded in factual predicate even when posed in the quest to discredit a witness." (*Id.* at p. 1033.)

4. Relevant Examples of Third-Party Culpability Excluded by Appellate Courts

In *People v. Hamilton* (2009) 45 Cal.4th 863, the trial court precluded the testimony of a clinical and forensic psychologist who would have identified a third party (the victim's husband) as a possible suspect because he had a juvenile record, a Navy record reflecting alcohol abuse, a documented event of domestic violence involving his second wife, and had made a statement to his mother that he had a recurring dream that the victim was being tortured with a knife to her throat. (*Id.* at pp. 939-940.) The California Supreme Court held that the proffered evidence did nothing to connect the third party to the crime in any manner and did not establish good reason for the police to suspect the third party when the defendant stole the victim's van near the place and time she was last seen alive, when the defendant's route passed by where the victim's body was discovered, and when the defendant denied seeing the victim alive or dead but accurately described her clothing the night she was killed. (*Id.* at p. 940.)

In *People v. Ghobrial* (2018) 5 Cal.5th 250, the trial court excluded evidence that the victim sought to spend time with adults at local businesses late at night and that a third party spent the night with the victim, driving around and sleeping in the third party's vehicle a month prior to the victim's death. (*Id.* at pp. 282-284.) The California Supreme Court held the trial court did not abuse its discretion with either ruling. First, the Court found that evidence of the

victim's behavior was not logically related to the circumstances of the victim's death or the defendant's motive for spending time with the victim and had no tendency to prove or disprove the defendant molested the victim. (*Id.* at pp. 282-283.) And second, the Court noted that, without a stronger link between the third party who spent the night with the victim a month prior to the victim's death and the crime, the evidence provided only a possible suspicion of another party's guilt. (*Id.* at pp. 282-284.)

In *People v. Yeoman* (2003) 31 Cal.4th 93, the defense proffered that two men had been charged for attempting to burglarize one of the victim's automobiles a week before his death, and one of the men had called a prosecution witness looking for the victim and complaining that if the victim didn't withdraw the charges, he and his counterpart were going to jail for twelve years. (*Id.* at p. 140.) The California Supreme Court held that the trial court properly excluded this evidence because it showed motive only and no direct or circumstantial evidence linked the third party to the actual perpetration of the crime. (*Id.* at pp. 140-141.)

In *People v. Robinson* (2005) 37 Cal.4th 592, the California Supreme Court found that no evidence of the alleged sighting of a third party's vehicle at the crime scene was offered by the defense. (*Id.* at pp. 642-643.) The defense attempted to ask a witness if the witness knew a third party's vehicle was seen at the crime scene, and the trial court ruled that, unless and until there was other evidence to support the question, the court would exclude the question. (*Id.*) The defense never presented evidence of the witness's observations, and the Court held that the claim that the witness's alleged sighting was excluded by the court necessarily failed. (*Id.* at p. 643.)

In *People v. Lewis* (2001) 26 Cal.4th 334, the California Supreme Court upheld the trial court's ruling excluding evidence of third-party culpability. The defense proffered evidence that the third party struck five people in three incidents between 1983 and 1985 and claimed this was evidence that the third party had a motive and predisposition to rob and kill the victim. (*Id.* at p. 372.) The Court found there was no evidence or suggestion that the third party was frustrated with or disliked the victim, the prior acts were remote in time and pattern to the present crime, and were too speculative to be relevant, and presented issues of undue

prejudice, undue consumption of time, and possible confusion of the issues. (*Id.* at p. 373.)

In *People v. Brady* (2010) 50 Cal.4th 547, the Los Angeles County Sheriff's Department established a hotline to receive tips from the public regarding the murder of the police officer victim and received more than 2,000 clues. (*Id.* at p. 557.) The defendant sought to introduce five at trial: the clue implicating the defendant, a confession and subsequent recantation made to a 911 operator, the death of an Asian male killed shortly after the victim's murder when two police officers attempted to apprehend him and were themselves killed in the attempt, reports that an associate of Jennifer La Fond resembled the person depicted in a composite drawing, and an unsigned letter claiming responsibility for the murder. The California Supreme Court found the trial court did not abuse its discretion in excluding the four clues unrelated to the defendant because they suggested no link between the third parties and the actual perpetration of the murder. (*Id.* at p. 558.) (See also *People v. Kaurish* (1990) 52 Cal.3d 648, 684-686 [mere evidence of third party's anger toward victim insufficient basis to establish third party culpability evidence]; *People v. Edelbacher* (1989) 47 Cal.3d 983, 1017-1018 [third party's possible motive alone insufficient to raise reasonable doubt of defendant's guilt]; *People v. Alcala* (1992) 4 Cal.4th 742, 792-793 [third party's presence in area of crime scene two days after victim's disappearance and parole status for previous gang-related (dissimilar) murder].)

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CONCLUSION

A court's reasonable application of the rules of evidence to exclude irrelevant and potentially misleading information does not deprive a defendant of his constitutional rights. (*People v. Turner*, *supra*, 10 Cal.5th at p. 818.)

For all of the above-referenced reasons, the People respectfully request the Court consider these points and authorities in support of objections to the admission of third-party culpability evidence, including lines of questioning on cross-examination, during the preliminary hearing in the above-referenced matter.

Date: August 5, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

ELECTRONICALLY
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8/5/2021 10:56 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On August 5, 2021, I served the foregoing document(s) described as:

MEMORANDUM OF POINTS AND AUTHORITIES ON THIRD PARTY CULPABILITY, AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 5, 2021, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

ELECTRONICALLY
FILED
8/10/2021 9:45 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

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Telephone: (805) 781-5800

Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of the Opposition to Defense Request for Daubert Hearing on Cadaver Dog Evidence: Points and Authorities to be heard on August 10, 2021. In accordance with Section 6255 of the California Government Code, I am requesting

that this court order that the Opposition to Defense Request for Daubert Hearing on Cadaver Dog Evidence: Points and Authorities be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the next hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 10, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

Dan Dow
District Attorney
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Attorney for the People of the State of California

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Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendant.	CASE NO.: 21F-02402-A, B **OPPOSITION TO DEFENSE REQUEST FOR *DAUBERT* HEARING ON CADAVER DOG EVDENCE: POINTS AND AUTHORITIES** Date: August 10, 2021 Time: 1:30 PM Dept. 5

I.

INTRODUCTION

The People respectfully oppose the defense request for a hearing pursuant to *People v. Kelly* (1976) 17 Cal.3d 24 (*Kelly*)/*Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993) 509 U.S. 579 (*Daubert*) for evidence of cadaver dog alerts in this case. Courts, including the California Supreme Court, have made clear that scent-specific evidence of highly-trained dogs has specific foundational requirements but the individualized nature of the dogs and their training places it outside the ambit of the concerns outlined by the California Supreme Court in *Kelly*.

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II.

STATEMENT OF RELEVANT FACTS

Six California Rescue Dog Association (CARDA) human remains detection (HRD) certified dogs have been deployed during searches in this case: four were deployed during a 1996 search of defendant Paul Flores's dormitory room, and two were deployed at Ruben Flores's property in March 2021. All six dogs alerted to the presence of human remains.

1. The Search of Paul Flores's Dormitory Room

On June 29, 1996, detectives searched Paul Flores' dorm room. They used four dogs that were trained to detect human remains, commonly referred to as "cadaver dogs." The dogs were sent into the residence hall one at a time and out of sight of the others. The first dog reacted Paul Flores' room (number 128) in the Santa Lucia Hall. The dog had walked through two other residence halls without reaction. The second dog entered the room and indicated at the mattress and box spring cover on the bed belonging to Paul Flores. This dog pawed and bit the mattress. This dog had no other indications at any other location. The third and fourth dogs also alerted to the mattress. In total all four CARDA (California Rescue Dog Association) HRD (Human Remains Detection) certified dogs alerted on Flores' mattress.

Wayne Behrens is one of those handlers. He responded to Cal Poly on June 29, 1996, and suggested to detectives that they search the interior of the Santa Lucia dorm (Paul Flores's dorm hall) as his dog Sierra show interest on the exterior of the building underneath a window. He thought maybe a scent was traveling inside the dorm and coming out the window. As they entered the dorm, Sierra went ahead of him and went down a hall. She went in a doorway, then immediately returned to Behrens and alerted. She showed interest in a closed door. As he got closer, he saw crime scene tape on that door. Investigators opened the door and Sierra entered the room. She went left and then alerted on the bed. Behrens and Sierra backed out of the room and Behrens stated he was "stunned" at what he had just witnessed. He suggested the detectives use additional Human Remains Detection dogs to confirm Sierra's findings. He indicated that Sierra was very reputable and had found evidence

in several cold cases. Sierra is a "C1 Cadaver dog," meaning she is certified in "small scents." The mattress was the only location on which Sierra alerted during his entire search.

Adela Morris, one of the dog handlers, explained that the dogs are trained to alert on human remains as soon as decomposition begins at death. The dog alert indicates a strong possibility that a deceased person had been in the room. She used two CARDA certified dogs named Cholla and Cirque. She remembers seeing Behrens at the location. Detectives asked her to go inside Santa Lucia dorm, so she took Cholla in first. In her words, Cholla "went screaming down the hallway." Cholla alerted on one door in the hallway. Morris tried to walk Cholla a little more inside the hallway, but the dog continued to alert on that one door. Investigators opened the door and Cholla entered "intensely." Cholla could not "vacuum up the scent enough." Morris stated the scene appeared intense for Cholla. The dog alerted on the left side of the dorm room which included the mattress and a trash can. The mattress was an "intense scent sight" for Cholla. Cholla searched the remainder of the building and showed zero interest in anything else. Morris noted that Cholla was trained to locate human remains including bones, body parts, and blood.

Morris then brought her other dog, Cirque, to the entrance of the dorm room. She stated that Cirque did the same thing as Cholla and alerted on the same dorm room door. Cirque also alerted on the bed mattress in the same location that Cholla had alerted. It should be noted that Morris did not know the results of Behrens' search when she ran her two dogs through the dorm.

Gail Laroque is also a dog handler. She used a Boxer named Torrey who in her words was experienced. She was also present at the Santa Lucia dorm on June 29, 1996. She was unaware of the two previous searches at the time of her search. She let Torrey search the dorm building and Torrey immediately rand own the hall and did a "fish-hook" towards the door of room number 128. She stayed at the far end of the hall so as not to influence Torrey. Torrey scratched on the door of room number 128. Laroque entered the dorm room Torrey ran inside towards the bed frame and was very excited, sniffing the bed frame. Torrey also alerted on a grey trash can inside the dorm room, as well as the left side of the dorm

room where there was a desk and possibly a phone. Torrey continued to smell and alert on the bed frame. Afterwards, Laroque learned that investigators had removed the mattress after the three prior dogs had searched the room. Laroque said this explained why Torrey was doing "air searching" because she was looking for the primary source of the scent which was most likely the missing mattress. She asked investigators to remove the trash can from the dorm so Torrey would stop alerting on it in the room. When she took Torrey out of the room, there were three trash cans in the hallway. Torrey then alerted again on the trash can that had been in room number 128, grabbed the trash can and brought it to Laroque. Laroque stated this was a "double alert" on the trash can.

The mattress is still in evidence, but the trash was removed. All four handlers are alive and available to testify.

2. The Search of Ruben Flores's Property

In March 2021, investigators searched Ruben Flores's property at 710 White Court in Arroyo Grande.

CARDA certified dog handlers Kris Black and Karen Atkinson ran their dogs throughout the entire property, as well as around the Volkswagen. Both dogs showed a subtle change in behavior in the left northwest side behind the lattice under the deck. This is the area where ultimately human blood was found approximately four feet beneath the surface. This

Phil Hanes is a Senior Archeologist and Ground Penetrating Radar director for Natural Investigations Company. He utilized his GPR machine to map and grid certain areas of the property. He wrote in his report:

> Grid 1 was placed along the rear of the residence underneath the western most portion of the rear porch (Figure 1). The grid measured 36-feet east west by 4-feet north south. Analysis of the data from the grid showed minor disturbance throughout the grid consistent with soils to be expected underneath a residence and a large approximately 4-foot by 6-foot anomaly located at the western end of the grid. This anomaly showed significant soil disturbance from the surface to a depth of approximately 4-feet below surface with the most soil disturbance between 1.5-feet to 3.5-feet below surface. Based on the size, shape, and location of this anomaly this location was chosen for 710 WHITE COURT GPR 2 excavation (excavation 2) and represented the highest probability excavation target located within the survey.

The following photograph was provided by Mr. Hanes and shows the various areas mapped by Ground Penetrating Radar at Ruben Flores' house. It also shows the location of four excavations identified by the Archeologists as places to dig. As mentioned above, they were most enthusiastic about digging at Grid 1.



III.

LAW AND ARGUMENT

Cadaver dogs are trained to scent and alert to decomposing human remains. (*People v. Peterson* (2020) 10 Cal.5th 409, 419, fn. 5.)

> An alert … is nothing more than the dog's signal to its handler that it has detected an odor it has been trained to locate. A dog can accomplish this by either a passive or aggressive alert. A passive alert generally consists of the dog merely sitting and looking at the area where it detects the source of the odor. An aggressive alert, as the name suggests, generally consists of the dog scratching or using some other active indication to the area where it detects the odor.

(Mark E. Smith, *Going to the Dogs: Evaluating the Proper Standard for Narcotic Detector Dog Searches of Private Residences*, (2009) 46 Hous. L. Rev. 103, 115.) Certified cadaver dogs and their handlers go through months of constant training to become a reliable search team. The admissibility of their alerts requires evidence of their training and reliability; however, the case-specific nature of dog scent evidence and its decades-long use places it outside the scope of the requirements of *People v. Kelly* (1976) 17 Cal.3d 24.

1. The *Kelly* Test

The admissibility of expert testimony based on a new or novel scientific technique is governed by rules adopted in the leading cases of *Frye v. United States* (D.C. Cir. 1923) 293 Fed. 1013 and *People v. Kelly* (1976) 17 Cal.3d 24 (abrogated by statute on another point as explained in *People v. Wilkinson* (2004) 33 Cal.4th 821, 845-848). Federal courts have since abandoned *Frye*. (*Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993) 509 U.S. 579; *People v. Cowan* (2010) 50 Cal.4th 401, 469, fn. 22.) But California has retained the *Kelly* test despite *Daubert*. (*People v. Leahy* (1994) 8 Cal.4th 587, 598-604, 612.)

Under the *Kelly* test, the proponent of the evidence must establish (1) the reliability of the method—that it is " 'sufficiently established to have gained general acceptance in the particular field in which it belongs,' " (2) that the witness is an expert qualified to give an opinion on the subject, and (3) that correct scientific procedures were used. (*Kelly, supra*, 17 Cal.3d at p. 30.) "The first and third prongs can be confused; the *Kelly* first-prong analysis applies only to a new technique or procedure, whereas the third prong is case specific. [Citation.]" (*People v. Stevey* (2012) 209 Cal.App.4th 1400, 1410.) "In determining whether there has been 'general acceptance,' '[t]he goal is not to decide the actual reliability of the new technique, but simply to determine whether the technique is generally accepted in the relevant scientific community.' [Citation.]" (*People v. Morganti* (1996) 43 Cal.App.4th 643, 656.) The purpose of these threshold requirements, often referred to as the *Kelly* test, is to protect against the risk of unproven or experimental science garnering an aura of certainty. (*Kelly, supra*, 17 Cal.3d at p. 32.)

Not all new scientific testing procedures or instruments are subject to the *Kelly* test. "The *Kelly* rule is frequently inapplicable to expert testimony because the testimony is often neither based on a new scientific technique nor likely to convey an aura of certainty. '[A]bsent some special feature which effectively blindsides the jury, expert opinion testimony is not subject to *Kelly*.' " (*In re O.D.* (2013) 221 Cal.App.4th 1001, 1006-1007, citing *People v. Stoll* (1989) 49 Cal.3d 1136, 1157.) The *Kelly* rule only applies to scientific instruments, machines and testing devices, not to other forms or types of tests or analyses normally performed by experts.

2. Dog Tracking and Dog Scent Evidence is Not a "Newly Developed Scientific Technique"

The admission of dog-trailing or dog-scent evidence was first approved more than forty years ago in *People v. Craig* (1978) 86 Cal.App.3d 905 (*Craig*), where the Court of Appeal explained that dog trailing does not involve standardized techniques and inanimate, fungible instruments whose accepted use in the scientific community may be established; rather, it involves the use of individual dogs, whose "ability and reliability [should] be shown on a case-by-case basis." (*Craig, supra*, 86 Cal.App.3d at p. 915; see also *People v. Westerfield* (2019) 6 Cal.5th 632, 706.) "As such, *Kelly* does not apply; the evidence is admissible if proper foundation is laid concerning the present ability of a particular well-trained dog to trail a human. This 'is a fact which, like other facts, may be proven by expert testimony.' " (*People v. Peterson* (2020) 10 Cal.5th 409, 444, citing *Craig, supra*, 86 Cal.App.3d at p. 915.)

In *People v. Jackson* (2016) 1 Cal.5th 269, the California Supreme Court agreed with the analysis in *Craig* when it found that dog scent evidence (specifically, scent trailing) did not require a *Kelly* hearing. (*Id.* at p. 320.) The Court found that scent trailing evidence is not "new," and is not so foreign that it would be unusually difficult for a factfinder to evaluate, as "[j]urors are capable of understanding and evaluating testimony about a particular dog's sensory perceptions, its training, its reliability, the experience and technique of its handler, and its performance in scent trailing, such as performed in this case." (*Id.* at pp. 317, 320.) It

is unlikely a factfinder would believe dogs are scientifically infallible, which was a risk that the *Kelly* (and *Daubert*) procedure was designed to address. (*Id.*)

In 2019, the California Supreme Court referred to this evidence more expansively as "dog scent" evidence when it affirmatively cited *Craig* and *Jackson* and analyzed the appropriateness of the jury instruction (CALJIC No. 2.16) for dog scent evidence overall and specifically for dog scent evidence involving cadaver dogs. (*People v. Westerfield* (2019) 6 Cal.5th 632, 706-709.)[1]

In 2020, the California Supreme Court affirmed its ruling in *Jackson* that dog trailing evidence does not require a hearing under the *Kelly* test. (*People v. Peterson* (2020) 10 Cal.5th 409, 444-446.)[2]

Based on the logic of *Craig*, *Jackson*, and *Peterson* and the expansive language of the California Supreme Court in *Westerfield*, dog scent evidence is not subject to the *Kelly* test given the animate nature of the dog and the case-by-case basis for admission of dog scent evidence. For dog scent evidence to be admissible in this case, the People must meet foundational requirements to demonstrate the training and reliability of the individual dog and its alert(s).

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[1] The relevant current jury instruction for dog tracking evidence is Judicial Council of California Criminal Jury Instruction (CALCRIM) number 374, which states,

> You have received evidence about the use of a tracking dog. You may not conclude that the defendant is the person who committed the crime based only on the fact that a dog indicated the defendant (or a location). Before you may rely on dog tracking evidence, there must be:
>
> 1. Evidence of the dog's general reliability as a tracker;
> AND
> 2. Other evidence that the dog accurately followed a trail that led to the person who committed the crime. This other evidence does not need to independently link the defendant to the crime.
>
> In deciding the meaning and importance of the dog tracking evidence, consider the training, skill, and experience, if any, of the dog, its trainer, and its handler, together with everything else that you learned about the dog's work in the case.

(*Id.*)

[2] Other jurisdictions have almost uniformly held that dog scent evidence from cadaver dog alerts is admissible subject to the proper foundation of the training and reliability of the individual dog. (See *Torrez v. State* (Fla. Dist. Ct. App. 2020) 294 So.3d 390, 402; *Castillo v. Commonwealth* (Va. Ct. App. 2019) 70 Va.App. 394, 436 [827 S.E.2d 790, 811]; *People v. Lane* (Mich. Ct. App. 2014) 308 Mich.App.38, 53 [862 N.W.2d 446, 457]; *Trejos v. State* (Tex. App. 2007) 243 S.W.3d 30; *Clark v. State* (Md. Ct. Spec. App. 2001) 140 Md. App. 540, 579 [781 A.2d 913, 936]; *State v. Brown* (1999) 266 Kan. 563 [973 P.2d 773, 780]; *People v. Lifrieri* (N.Y. App. Div. 1996) 230 A.D.2d 754 [646 N.Y.S.2d 172].)

3. Foundational Requirements for Dog Scent Evidence

After the Court of Appeal in *Craig* held that dog scent evidence is not subject to the *Kelly* test, the Court of Appeal in *People v. Malgren* (1983) 139 Cal.App.3d 234 (*Malgren*) elaborated on the foundation necessary for dog scent evidence. Specifically, the *Malgren* court identified five foundational requirements for the admissibility of dog trailing evidence:

> (1) the dog's handler was qualified by training and experience to use the dog; (2) the dog was adequately trained in tracking humans; (3) the dog has been found to be reliable in tracking humans; (4) the dog was placed on the track where circumstances indicated the guilty party to have been; and (5) the trail had not become stale or contaminated.

(*Id.*, at p. 238.)

When the issue was presented to the California Supreme Court in *Jackson* in 2016, the Court approved the admission of dog-scent evidence upon a sufficient showing of the first four *Malgren* requirements, holding that the fifth *Malgren* factor "is not an independent requirement; it is satisfied by evidence that establishes the other four factors." (*Jackson*, *supra*, 1 Cal.5th at p. 325-326.) "If a well-qualified handler trains a dog who has reliably trailed human scent and is well trained in ignoring or forgetting past smells and in indicating negative trails, then the dog will not trail if the scent on the scent item is stale or nonexistent, or if there is no trail that matches the scent on the scent item." (*Id.* at p. 325.) Evidence of the first four *Malgren* requirements ordinarily will suffice to support admission of dog trailing evidence. (*People v. Peterson*, *supra*, 10 Cal.5th at p. 445.)

In this case, the dog handlers will each testify to the dogs' training, reliability, and certification by CARDA, as well as the handlers' own training and the specific circumstances that led to the independent alerts by each dog.

4. The Probative Value Outweighs Any Unfair Prejudice

In this case, four cadaver dogs in Paul Flores's dorm room and two cadaver dogs at Ruben Flores's property independently of each other, alerted to locations associated with Paul Flores. No body was found. This case is substantially similar to the Texas homicide case

Trejos v. State (Tex.App.2007) 243 S.W.3d 30, where no body was recovered but two cadaver dogs independently alerted to the spot where the defendant said he had buried the body. The court in that case held that the probative value of the evidence substantially outweighed the danger of unfair prejudice, confusion of issues, or misleading the jury because the dogs' alerts corroborated other evidence (in that case, the defendant's incriminating statements). (*Id.* at pp. 38, 55.)

In this case, the proposed testimony of the handlers for the individual cadaver dogs is highly probative and is not unfairly prejudicial. (See Evid. Code, § 352.) The independent alerts of cadaver dogs to the presence of human remains on Paul Flores's mattress in his door room at or near the time of the crime and the independent alerts of cadaver dogs at 710 White court are highly probative to the issues of whether Kristin Smart was murdered and the identity of the perpetrator. Furthermore, other evidence that Kristin Smart is dead corroborates the cadaver dog evidence: Kristin Smart was last seen alive (walking with Paul Flores) on May 25, 1996, she has not contacted family or friends since May 24, 1996, the testimony that the family was very close and attended all familial events together she did not have access to a large sum of money, and she left her belongings behind. The testimony will not amount to an undue consumption of time, as the foundation for the admissibility of each dog's alerts also serves to provide context and weight for the alerts to be described and each independent alert corroborates the work of the other dogs and are relevant to the reliability of any alert by an individual dog.

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IV

CONCLUSION

For all of the above-referenced reasons, the People respectfully request the Court admit dog scent evidence of alerts by cadaver dogs after evidence establishing the dogs' and their handlers' specific training and reliability.

Date: August 10, 2021

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

ELECTRONICALLY
FILED
8/10/2021 9:45 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

PROOF OF SERVICE

Code of Civil Procedure §1031a; CRC Rule 2006(d)

STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

I am and at all times herein mentioned as a citizen of the United States and a resident of the County of San Luis Obispo over the age of 18 years and not a party to the within entitled action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

On August 10, 2021, I served the foregoing document(s) described as:

AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE – REQUEST FOR ORDER AND PROPOSED ORDER SEALING PUBLIC RECORDS; OPPOSITION TO DEFENSE REQUEST FOR DAUBERT HEARING ON CADAVER DOG EVIDENCE: POINTS AND AUTHORITES

(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No. 21F-02402-A & B)

on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

ROBERT M. SANGER
21F-02402-A
EMAIL: RMSTEAM@SANGERSWYSEN.COM

HAROLD V. MESICK
21F-02402-B
EMAIL: HAROLDMESICK@GMAIL.COM

[XX] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused such document(s) to be transmitted to the addressee(s) email account noted above. The County issued computer used complies with Rule 2.251 and the transmission was reported as complete without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August 10, 2021, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

ELECTRONICALLY
FILED
8/11/2021 8:13 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
Santa Barbara, CA 93101
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Email: RMSteam@sangerswysen.com

Attorneys for Defendant
Paul Ruben Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

NOTICE OF MOTION AND MOTION TO DISQUALIFY THE DISTRICT ATTORNEY'S OFFICE (Penal Code § 1424); MEMORANDUM OF POINTS AND AUTHORITIES

Date: August 25, 2021
Time: 9:00 a.m.
Dept.: 5

Hon. Craig B. Van Rooyen

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TO THE CLERK OF THE ABOVE-ENTITLED COURT, TO THE DISTRICT ATTORNEY FOR THE COUNTY OF SAN LUIS OBISPO AND TO DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Flores hereby moves and will move the Court on August 25, 2021, at 9:00 a.m., or as soon thereafter as the matter may be heard in the above-entitled Court, for an order that the entire Office of the District Attorney for the County of San Luis Obispo and Deputy District Attorney Chris Peuvrelle be disqualified from continuing to prosecute the above-entitled case and for such other and further relief as the Court may deem just and proper.

This motion is made pursuant to Penal Code section 1424 on the grounds that the evidence shows that a conflict of interest exists with regard to the San Luis Obispo District Attorney's Office's handling of the case that would render it unlikely that Mr. Flores would receive a fair trial and that recusal of the entire District Attorney's Office is necessary to protect Mr. Flores' rights to due process of law, a fair trial, an impartial jury, and equal protection under the 5th, 6th and 14th Amendments to the United States Constitution, and Article 1, sections 7 and 15 of the California Constitution.

Dated: August 11, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 

Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

MEMORANDUM OF POINTS AND AUTHORITIES

STATEMENT OF FACTS

It was brought to the attention of the undersigned counsel that the lead investigating officer for the San Luis Obispo Sheriff's Office, Detective Clint Cole, had worn a purple tie every day of the preliminary hearing. The undersigned was also informed that the Deputy District Attorney Chris Peuvrelle, the DA's Investigator J.T. Camp and the Victim/Witness Coordinator for the District Attorney's office all wore articles of purple as well. (Declaration of Robert M. Sanger, ¶2.) This was also observed by investigator Ramona Messina. (Declaration of Ramona Messina, ¶3.)

As a result of this, counsel inquired of the lead investigator as to why he was wearing a purple tie. He stated that it was to show solidarity for the victim and that it was as a result of a Facebook request on the site Justice for Kristin Smart. He confirmed that was a website dedicated to seeing that Paul Flores was convicted of murder. (Sanger Decl., ¶3.) Investigator Messina reviewed the Facebook page Justice for Kristin Smart on which it was stated that purple was Kristin's favorite color and urged people to wear purple during a Memorial Day celebration. (Messina Decl., ¶7; Exhibit 631.)

On the same day, counsel observed that Deputy District Attorney Chris Peuvrelle was wearing a plaid tie that included a significant amount of purple. I observed this same day the District Attorney's Victim/Witness Coordinator wearing purple. (Sanger Decl., ¶4; see also Messina Decl., ¶3-4.)

The press coverage of the preliminary hearing shows that the District Attorney was wearing a purple tie in nearly every instance in which he was captured on camera during the preliminary hearing. (Sanger Decl., ¶5; Exhibits 627-630.) Several witnesses called by the District Attorney also wore articles of clothing that were purple. (Sanger Decl., ¶7.) There seems to be a partisan attitude on the part of the witnesses that are being called by

the prosecution. (Messina Decl., ¶8.)

The investigation of Kristin Smart's disappearance has engendered a tremendous amount of publicity, including several national television shows and extensive local coverage and commentary. In addition, there is a podcast, In Your Own Backyard, run by Chris Lambert who apparently has dedicated several years of his life to pursuing Paul Flores. (Sanger Decl., ¶8.) Over the last 25 years, the Kristin Smart disappearance has been high profile. (Sanger Decl., ¶10.) A posting on the Facebook page for the Your Own Backyard podcast included a photograph of Chris Peuvrelle and Detective Cole posing for a family photograph with the Smart Family. (Messina Decl., ¶7; Exhibit 631.)

Paul and Ruben Flores were arrested on April 13, 2021. The day of the arrest, Ian Parkinson, the Sheriff of San Luis Obispo, held a press conference. The following day, Dan Dow the District Attorney of San Luis Obispo, held a press conference. Based on totality of the circumstances, it appears that there is no additional evidence of a murder and that there is no new evidence purporting to implicate Paul Flores in a murder since the 1990s. (Sanger Decl., ¶11.) Before the arraignment in this case, District Attorney Dan Dow personally called the undersigned to discuss the matter after hours and he was joined by his Assistant District Attorney Eric Dobroth. (Sanger Decl., ¶12.)

I. THE COURT HAS THE AUTHORITY TO DISQUALIFY THE DISTRICT ATTORNEY'S OFFICE

A basic right of a defendant in a criminal case is to be prosecuted by an objective, unbiased district attorney who "is the representative not of an ordinary party to a controversy but a sovereignty whose obligation to govern impartially." (*People v. Conner* (1983) 34 Cal.3d 141, 148 and *People v.*

Superior Court (Greer) (1977) 19 Cal.3d 255, 266 citing (*Berger v. United States* (1935) 295 U.S. 78, 88.)

A fair and impartial trial is fundamental to due process and the prosecutor must respect that requirement by exercising his or her discretionary powers impartially. (*People v. Superior Court (Greer)* (1977) 19 Cal.3d 255, 266.) Further, the Sixth, and Fourteenth Amendments of the United States Constitution and Article I, Sections 7, 15 and 16 of the California Constitution provide a constitutional source for the Court's power to disqualify. (See *Ganger v. Peyton* (4th Cir. 1967) 379 F.2d 709, 714-715; *Greer, supra*, 19 Cal.3d at p. 264, fn.7.)

In addition to the Constitutional requirements, Penal Code section 1424, the Office of the District Attorney must be recused when the District Attorney has a conflict of interest that makes it unlikely that the defendant will receive a fair trial. (Penal Code section 1424(a)(1).) A "conflict" exists "whenever the circumstances of a case evidence a reasonable possibility that the DA's office may not exercise its discretionary function in an evenhanded manner." Moreover, "there is no need to determine whether a conflict is 'actual,' or only gives an 'appearance' of conflict." (*Packer v. Superior Court* (2014) 60 Cal.4th 695, 709.) The question is whether "the defendant will be treated unfairly during some portion of the criminal proceedings." (*Id.* at pp. 709–710.)

If a defendant seeks to recuse an entire office, the record must demonstrate "that the conduct of any deputy district attorney assigned to the case, or of the office as a whole, would likely be influenced by the personal interest of the district attorney or an employee." (*People v. Bryant, Smith and Wheeler* (2014) 60 Cal.4th 335, 373.)

The recusal process occurs in two stages:

At the first stage, the defendant must file a notice of motion containing "a statement of the facts setting forth the grounds for the claimed disqualification and the legal authorities relied upon by the moving party," and those allegations must be supported by "affidavits of witnesses who are competent to testify to the facts set forth in the affidavit." (*Packer*, *supra*, 60 Cal.4th at p. 710.) "In opposition to the motion, the district attorney and the Attorney General may also file affidavits." (*Id.* at 710.)

"After considering the motion and affidavits, the trial court then decides whether or not the second stage, an evidentiary hearing, is necessary." (*Packer*, *supra*, 60 Cal.4th at p. 710.) "An evidentiary hearing may be ordered if the defendant's affidavits establish a prima facie case for recusal—that is, if the defendant's affidavits, if credited, would require recusal." (*Ibid.*)

"[T]he first half of the inquiry asks only whether a 'reasonable possibility' of less than impartial treatment exists, while the second half of the inquiry asks whether any such possibility is so great that it is more likely than not the defendant will be treated unfairly during some portion of the criminal proceedings." (*Packer*, *supra*, 60 Cal.4th at pp. 709–710, internal quotations and citation omitted.)

II. THE OFFICE OF THE DISTRICT ATTORNEY MUST BE RECUSED BECAUSE A CONFLICT EXISTS AND THERE IS A LIKELIHOOD THAT MR. FLORES WILL NOT RECEIVE A FAIR TRIAL

A. Mr. Flores Has Made a Prima Facie Showing that the Facts Require Recusal of the Entire District Attorney's Office and Deputy District Attorney Chris Peuvrelle

This is a case in which the District Attorney himself, Dan Dow, and his Chief Deputy, Eric Dobroth, have been involved from the time of filing. Dan

Dow conducted a press conference after the arrest of the defendants, and he personally contacted the undersigned counsel after hours before the arraignment. Over the last 25 years, the Kristin Smart disappearance has been high profile.

The conduct of the lead detective, Clint Cole, Deputy District Attorney Chris Peuvrelle and District Attorney investigator J.T. Camp and the victim witness coordinator, by wearing purple to show solidarity at the prompting of a Facebook post committed to seeing Paul Flores convicted displays a stunning lack of objectivity. This establishes "a reasonable possibility that the DA's office may not exercise its discretionary function in an evenhanded manner." (*Packer*, *supra*, 60 Cal.4th at p. 709.)

In addition to Dan Dow and Eric Dobroth's involvement in this case, the District Attorney's investigator has also been involved in the same conduct. Moreover, the District Attorney's victim witness coordinator has been conveying the prejudicial message to all of the witnesses called by the prosecution that the entire District Attorney's Office was "on the side" of Kristin Smart and was enlisting them to see that Paul Flores is convicted.

This conduct not only has the appearance of impropriety but is in fact improper. The wearing of purple attire, from the lead prosecutor to the DA's investigator to the witness coordinator is a blatant representation of a "party" and a community movement to convict Paul Flores.

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CONCLUSION

We do not make this motion lightly and do so respectfully. Nevertheless, this conduct warrants the recusal of the District Attorney's Office itself and the recusal of Deputy District Attorney Chris Peuvrelle.

Dated: August 10, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 

Robert M. Sanger
Attorneys for Defendant
Paul Flores

DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, declare:

1. I am an attorney duly licensed to practice law in the State of California and am the attorney of record for the defendant herein, Paul Ruben Flores.

2. It was brought to my attention that the lead investigating officer for the San Luis Obispo Sheriff's Office, Detective Clint Cole, had worn a purple tie every day of the preliminary hearing. I was also informed that the Deputy District Attorney Chris Peuvrelle, the DA's Investigator J.T. Camp and the Victim/Witness Coordinator for the District Attorney's office all wore articles of purple as well.

3. As a result of this, I inquired of the lead investigator as to why he was wearing a purple tie. He stated that it was to show solidarity for the victim and that it was as a result of a Facebook request on the site Justice for Kristin Smart. He confirmed that was a website dedicated to seeing that Paul Flores was convicted of murder.

4. On this same day, I observed that Deputy District Attorney Chris Peuvrelle was wearing a plaid tie that included a significant amount of purple. I observed this same day the District Attorney's Victim/Witness Coordinator wearing purple.

5. I looked back through the press coverage of the preliminary hearing and observed that the District Attorney was wearing a purple tie in nearly every instance in which he was captured on camera during the preliminary hearing.

6. Photographs of Chris Peuvrelle taken from the news media are attached hereto as Exhibits 627, 628, 629 and 630. I have looked at the photographs and they fairly and accurately depict the attire of the Deputy District Attorney during the course of the preliminary hearing.

7. I also observed that several of the witnesses called by the District Attorney wore articles of clothing that were purple.

8. Next, from my personal observation, the Kristin Smart disappearance has engendered a tremendous amount of publicity, including several national television shows and extensive local coverage and commentary. In addition, there is a podcast, In Your Own Backyard, run by Chris Lambert who apparently has dedicated several years of his life to pursuing Paul Flores.

9. Over the last 25 years, the Kristin Smart disappearance has been high profile.

10. Paul and Ruben Flores were arrested on April 13, 2021. The day of the arrest, Ian Parkinson, the Sheriff of San Luis Obispo, held a press conference. The following day, Dan Dow the District Attorney of San Luis Obispo, held a press conference. Based on totality of the circumstances, it appears that there is no additional evidence of a murder and that there is no new evidence purporting to implicate Paul Flores in the murder since the 1990s.

11. Before the arraignment in this case, District Attorney Dan Dow personally called me to discuss the matter after hours and he was joined by his Assistant District Attorney Eric Dobroth.

12. Based on my experience as a litigator for 47 years, it is my opinion that the Sheriff's Department, including Detective Cole, and the District Attorney's Office have compromised their objectivity in this matter and that Paul Flores is being and "will be treated unfairly" during this critical stage of the proceedings and hereafter. (*Packer v. Superior Court* (2014) 60 Cal.4th 695, 709-710.)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 10, 2021 in Santa Barbara County, California.



Robert M. Sanger

EXHIBIT 627

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Preliminary Hearing Starts in Kristin Smart Murder Case

Paul Flores accused of killing Cal Poly, San Luis Obispo student who disappeared in 1996



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By Matt Fountain and Kaytlyn Leslie for The San Luis Obispo Tribune

August 3, 2021
8:25 a.m.

The parents of missing Cal Poly freshman Kristin Smart spoke Monday morning in San Luis Obispo Superior Court during a preliminary hearing for two men accused of killing their daughter and hiding her body.

"She always felt like a gift to our family," Denise Smart said of her daughter. "She was so energetic and had a great smile. She was the best hugger."

The hearing for Paul and Ruben Flores is expected to last at least 12 full days.



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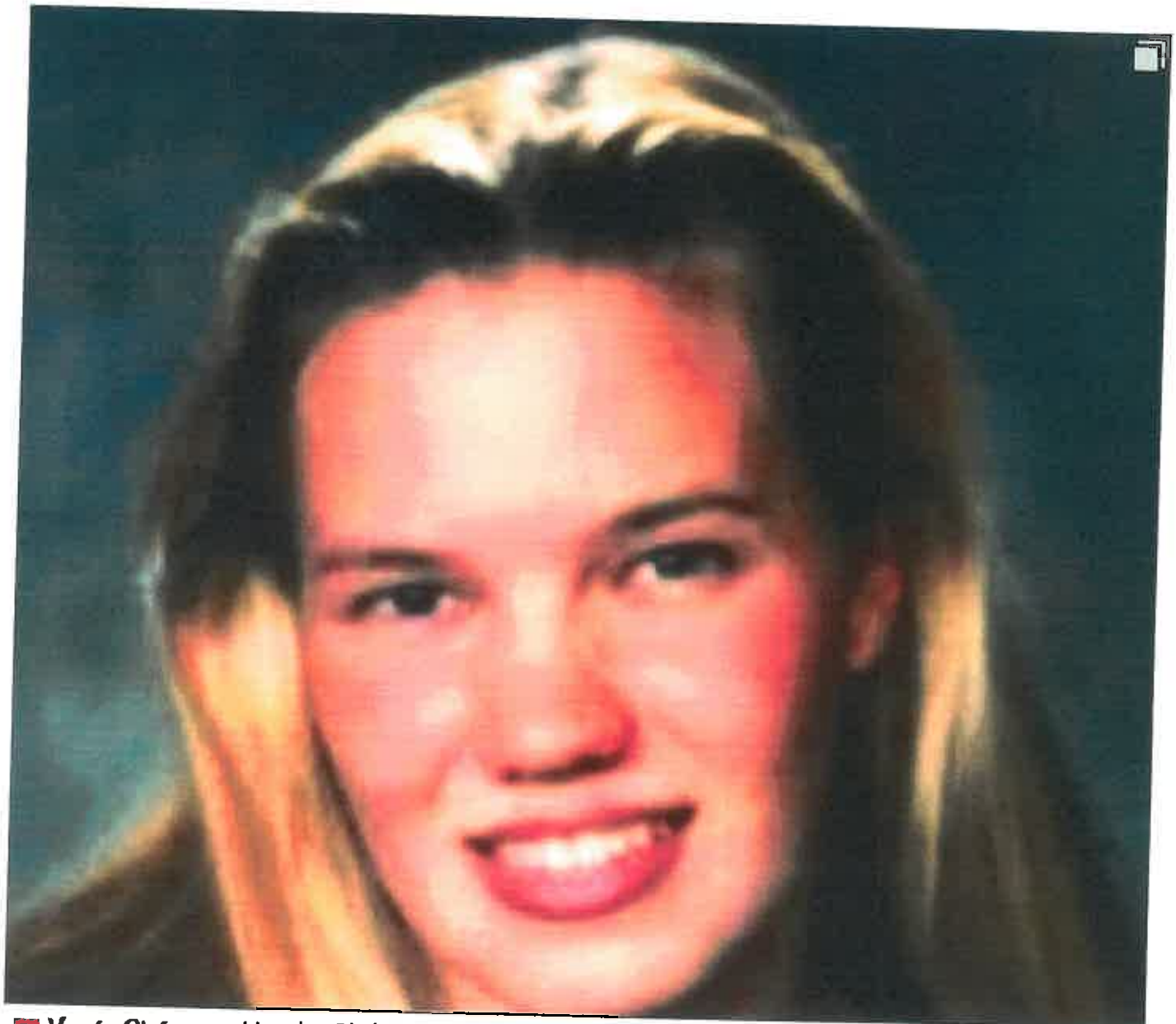
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party toward the Cal Poly campus dorms on May 24, 1996. He is accused of raping or attempting to rape Smart in his dorm room before killing her.

Smart's body has never been found, but investigators believe it was buried at the Arroyo Grande home of Paul Flores' father, 80-year-old Ruben Flores, and "recently" moved, according to a San Luis Obispo County probation report.

Paul Flores stared mostly straight ahead during the first day of proceedings, rarely looking in the direction of his father or the news media sitting in a corner of the courtroom.

The hearing, originally scheduled for early July, had been postponed several times as the defense continued to gather alleged evidence in the case from the prosecution.



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Kristin Smart

The hearing is expected to feature a series of witnesses including investigators, archaeologists and cadaver dog experts, as well as women who are expected to testify to Paul Flores' past sexual assaults and predatory behavior.

The hearing is not being live-streamed and media in attendance are under strict rules prohibiting the use of electronic devices in the courtroom.

At the conclusion of the hearing, Superior Court Judge Craig van Rooyen will rule whether prosecutors established probable cause — a lesser standard of proof than guilt beyond a reasonable doubt — to proceed the case toward trial.

Here is what occurred on Day 1 of the preliminary hearing:

Kristin Smart's Mother is First Witness in Preliminary Hearing

On Monday, deputy district attorney Christopher Peuvrelle called Denise Smart, Kristin's mother, as the preliminary hearing's first witness.

She described in Superior Court how Kristin Smart was "very close" to her two siblings.

Denise Smart said her daughter kept in contact with the family at least once a week during her first year at Cal Poly.

She said Kristin Smart "was not particularly happy" at the university earlier in the year, but had sounded more optimistic the last time the family saw her in spring 1996.

Cal Poly student Kristin Smart was 19 when she went missing after an off-campus party on Memorial Day weekend in 1996. Courtesy photo

The last time the family heard from Kristin Smart was in a voicemail left within the week before her disappearance.

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she was missing.



Robert Sanger and Sara Sanger take notes during a preliminary hearing in San Luis Obispo Superior Court on Monday. Both are representing Paul Flores, who is accused of murdering missing Cal Poly student Kristin Smart. (David Middlecamp / San Luis Obispo Tribune photo)

The Smart family also contacted the FBI, who reported back to the family that they were told by Cal Poly police officials that they "were not needed," Denise Smart said.

Denise Smart also testified that her daughter had no financial means or other resources to purposefully leave.

During Monday's hearing, defense attorneys asked questions that appeared to suggest that missing Cal Poly student Kristin Smart had disappeared at least once before.

Under cross examination by Robert Sanger, Paul Flores' defense attorney, Smart's mother, Denise Smart, said her daughter had worked before college as a lifeguard and counselor at a Christian camp in Hawaii.

Sanger asked Denise Smart if she was aware that Kristin Smart had applied for work "outside the

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she went to the country on a family trip.

He asked whether she had said anything about wanting to go to Thailand in the spring of 1996. Denise Smart said "No."

Denise Smart said her daughter spoke "very infrequently" about boyfriends, adding that she was only vaguely aware of her daughter's interest in a boy Denise Smart did not know in the fall of 1995.

Harold Mesick, who represents Ruben Flores, asked Denise Smart if she was aware of three alleged sightings of Kristin at Taco Bell restaurants, which Denise Smart confirmed Kristin enjoyed, along Interstate 5. Denise Smart said "No."

She also responded "no" when Mesick asked whether she was aware Kristin "went missing" briefly while working as a lifeguard in Hawaii.

Denise Smart was excused from the stand just prior to the lunch recess.

Lawyers Move to Stop Subpoena of Paul Flores' Mother

Following the lunch recess in Monday's preliminary trial for Paul and Ruben Flores, witness examination was paused as the court discussed several motions by both parties — including a motion by the attorney for Susan Flores, mother of murder defendant Paul Flores, to quash a subpoena to testify in the case.

The court records of those motions are under seal and have not been reviewed by The Tribune.



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San Luis Obispo County deputy district attorney Chris Peuvrelle asks Denise Smart questions about her daughter, missing Cal Poly student Kristin Smart, during a preliminary hearing for Paul and Ruben Flores in San Luis Obispo Superior Court on Monday. (David Middlecamp / San Luis Obispo Tribune photo)

In arguing against the subpoena, attorney Jeff Radding told Superior Court Judge Craig van Rooyen that Susan Flores, if called to testify, would invoke her right against self-incrimination because, he argued, her words on the stand would be misquoted and misconstrued in the press and on social media.

Van Rooyen swore in Susan Flores, and she told him she intended to invoke her rights if called to testify. The judge then ruled that Susan Flores could not be called to the stand.

Kristin Smart's Father Recalls Months After Disappearance

Deputy district attorney Christopher Peuvrelle next called to the stand Kristin Smart's father, Stan Smart.

The former educator and high school principal described his relationship with his daughter as "close, nurturing and wholesome."

Smart said that he was in contact with his daughter at least once a week while she was at Cal Poly, and described the lack of assistance he and his family got from Cal Poly campus police after Kristin Smart disappeared.

Stan Smart said Cal Poly police were "ill equipped" to handle a missing persons case.

"I wasn't very satisfied with (Cal Poly campus police)," Stan Smart said. "They didn't seem to have the expertise in the field with somebody who's disappeared."

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After Kristin Smart's disappearance, he stayed in San Luis Obispo County for approximately two months, physically searching for her and following up on any leads.

He even followed up on tips from psychics, he said.

"I crawled through a lot of culverts. I looked through a lot of dumpsters" during that time, Stan Smart said.

He even drove to Ruben Flores' Arroyo Grande home, he testified, after learning of Flores' son, Paul Flores, becoming a person of interest in the case.

After driving to 710 White Court in Arroyo Grande, Stan Smart said he was confronted by Ruben Flores.

"Ruben came out of his house yelling," Smart testified. "He said, 'You need to get out of here — somebody could be shot.'"

Under cross examination by the defense, Stan Smart said his daughter never spoke to him about modeling or of any boyfriends, but did mention going to Thailand for school — something Stan Smart described as "a pipe dream."

Asked by Harold Mesick, Ruben Flores' attorney, whether he believes Kristin "disappeared," as he said on the stand, Stan Smart said, "I believe she's deceased."

"There have been things since then that make me think she's no longer alive," he said.

Before being excused from the stand late Monday afternoon, Stan Smart fielded a series of questions under cross examination related to how he learned about Paul Flores and whether he was ever made aware of other possible suspects.



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San Luis Obispo Superior Court Judge Craig van Rooyen presides over the preliminary hearing of Paul and Ruben Flores in San Luis Obispo Superior Court on Monday. (David Middlecamp / San Luis Obispo Tribune photo)

Stan Smart said Paul Flores was the only individual made known to him from officials as a person of interest in the case.

Robert Sanger, Paul Flores' attorney, then asked whether Stan Smart knew that Scott Peterson — who attended Cal Poly at the time — was at the house party on Crandall Way that Kristin Smart attended the night of her disappearance.

Peterson, who is serving life in prison for the murders of his wife and unborn son, "should have been a suspect" in the Smart investigation, Sanger said.

The defense attorney listed off a couple other people he said should have been persons of interest — including one young man with whom Kristin Smart had a sexual relationship and who two friends reportedly told investigators at the time had gotten her pregnant.

Sanger also asked Stan Smart whether he knew that his daughter was "reported for stalking" a man at a book store, or that she had been sending emails to another older man, whom Sanger didn't name.

That line of questioning ended with a sustained objection from Deputy District Attorney Christopher Peuvrelle.

Witnesses Speak About House Party Where Smart Was Last Seen

Superior Court Judge Craig van Rooyen heard lastly from two witnesses who were at the house party that Paul Flores and Kristin Smart attended on May 24, 1996. Neither personally knew Smart or Flores before that night, they said.

A few dozen people were in attendance, said Eric Grasso, who was a Cal Poly fraternity member at the time.

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Grasso didn't speak to Flores at the party, which he admitted he remembered very little about.

Kendra Koed testified that she also attended the party, but that she recalled asking attendees for gum and Flores telling her he had some to share in his vehicle. He then grabbed Koed and started kissing her until she pushed him off, she said.

Someone told the pair to "get a room," which "mortified" her, Koed said, but she followed him outside for the gum anyway. He again attempted to kiss her and she pushed him away, she said.

Later that evening, Koed testified, she witnessed Kristin Smart fall in a hallway with Paul Flores standing over her. Though she didn't know Smart, she helped her to her feet.

"We talked for a few minutes and I said, 'Stay away from that guy,' " Koed said.

Asked why, she said, "She (Smart) seemed highly intoxicated — she could barely hold her head up."

Shortly thereafter as Koed and her roommate began walking home, she said, she saw Smart lying in the driveway of the house and offered to walk her out. Smart waved off her assistance, Koed said, saying she was waiting for someone.

Koed said she later learned the woman — who had introduced herself as "Roxy" — was Smart after seeing her case on the news. Though she said she reported the incident to Cal Poly police at the time, she was never interviewed by officials until 2014.

In cross examination, Sanger questioned the woman about being interviewed for "Your Own Backyard," Chris Lambert's podcast featuring the Kristin Smart case, as well as her having previously spoken with Dennis Mahon, a longtime advocate for the Smart family.

Testimony is scheduled to resume at 9 a.m. Tuesday.

Paul Flores, Father Ruben Flores Accused of Killing Kristin Smart, Hiding Body

After a decades-long investigation, Paul and Ruben Flores were arrested in connection with Smart's disappearance on April 13 in San Pedro and Arroyo Grande, respectively, and the San Luis Obispo District Attorney's Office announced the criminal charges against the men the following day.

Paul Flores, a San Pedro resident, is charged with one count of murder. Ruben Flores, 80, is charged with felony accessory after the fact.

Paul Flores and his father pleaded not guilty at their arraignment on April 19, when van Rooyen ordered Paul Flores be held without bail.

Paul Flores remains in San Luis Obispo County Jail, where he's being held without bail for the

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Rooyen significantly lowered his bail because he is not a flight risk or a risk to public safety.

Ruben Flores remains out of custody.

Paul Flores faces a sentence of 25 years to life if convicted of first-degree murder.

Ruben Flores faces a maximum of three years if convicted of the accessory charge, though it is not clear if that sentence would be served in County Jail or state prison.

Court records related to an unsuccessful prosecution attempt to charge Paul Flores with two counts of rape involving female victims in Los Angeles were unsealed in court last month.

In addition to information from 29 women about Flores' alleged sexually predatory behavior, the San Luis Obispo County District Attorney's Statement of the Case also showed that investigators found video evidence of rape of an intoxicated person against Flores at his San Pedro home, as well as traces of human blood in disturbed soil underneath Ruben Flores' home.

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EXHIBIT 628





SAN LUIS OBISPO, Calif. - Paul and Ruben Flores returned to San Luis Obispo Count Superior Court Wednesday morning for the third day of a preliminary hearing.

EXHIBIT 629

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Defense questions detective about other men in Kristin Smart investigation

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Defense questions detective about other men in Kristin Smart investigation



Photo by Dave Minsky Santa Maria Times (Pool photo)

Defense attorneys and the prosecutor in court during the preliminary hearing for Paul and Ruben Flores Aug. 5, 2021.



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Photo by: Dave Minsky/Santa Maria Times (Pool photo)

Defense attorneys and the prosecutor in court during the preliminary hearing for Paul and Ruben Flores Aug. 5, 2021.




By: KSBY Staff

Posted at 8:22 AM, Aug 09, 2021 and last updated 7:39 PM, Aug 09, 2021

UPDATE - San Luis Obispo County Sheriff's Detective Clint Cole took the stand again Monday on day 5 of the preliminary hearing for Paul and Ruben Flores, the two men charged in connection with the 1996 disappearance of Cal Poly student Kristin Smart.

Det. Cole was cross-examined by Paul's defense attorney, Robert Sanger, who focused on potential "other suspects" in the case.

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Smart's shoes on fire and leaving them on her doorstep with a mean note in February of 1996. According to those reports, he said he and Kristin made up after the incident.

In the last few days, Det. Cole says he may have found out who "Yanish" was but is not sure. That name has been brought up in court previously, in reference to reports that Kristin reported someone named "Yanish" for peeping into her window.

The defense also questioned Cole about a man named Ted Munley, who reportedly slept in Kristin's dorm room with her roommate, Crystal Calvin.

Another man by the name of Felipe Arias was also brought up. Det. Cole said Arias told investigators he last saw Kristin the night before she went missing because she stayed in his Trinity Hall dorm room and that they were "really good friends."

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Sanger then asked Det. Cole about Scott Peterson and his ties to Cal Poly. Cole testified that he believes Scott and Laci Peterson were at Cal Poly in May of 1996. Sanger refers to a report from Modesto Police Department Officer Brocchini who got a tip from someone who knew Peterson in 1995 and had a conversation in which Peterson talked about killing someone and that he would "tie a bag around the neck with duct tape" and throw the body into the sea. Det. Cole clarifies that the tip was reported, but that it came from a woman who "believed" that info.

Sanger brought up another report that says Modesto police talked to Peterson's brother, Mark, who told police Scott said to him, "boy, I hope they don't search in my pond" when referring to Kristin Smart. Sanger asks Cole what the sheriff's office did to look into Scott's statement. Cole testified that a sheriff's dive team searched two ponds related to Scott and his family and found no evidence and Peterson was ruled out after further vetting.

Sanger has mentioned Scott Peterson several times since the preliminary hearing started last week. On Thursday, Sanger said he was "making arrangements for Scott Peterson" but did not elaborate on what that meant.

Det. Cole said there has been no evidence that Peterson was at the same Crandall Way party that Kristin Smart and Paul Flores attended or that he was near the dorms on the night Kristin disappeared.

Much of the discussion in court Monday centered around the defense's motion to challenge the search warrant affidavits, also known as a Franks Hearing.

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Det. Cole testified that several search warrant affidavits were based on Paul's inconsistent black eye stories, his interactions with Kristin at the party, cadaver dog alerts in his dorm room, and more. He said, "Speaking with [Kristin's] family saying she would not have disappeared played a big role as well." Statements made by Susan Flores to Paul regarding the "Your Own Backyard" podcast and KSBY's interview with Susan Flores were also cited.

Back on cross-examination, Sanger asked Det. Cole if the sheriff's office gave false information to podcaster Chris Lambert to try and provoke a conversation from the Flores family about the location of two trucks. Det. Cole said he remembers doing that.

Also during court on Monday, the defense objected to a prosecution witness by the name of Angie C., an ex-girlfriend of Paul's.

Judge Craig van Rooyen ruled that Angie C. can testify about her experience at Ruben Flores's White Court home and how she pointed detectives to the avocado grove where deputies say they later found "critical evidence," but she cannot testify to Paul Flores's behavior while they were dating.

Angie C. was not called to testify on Monday but could be at a later date.

Before the day ended, both the prosecution and defense moved to enter several pages of reports related to the Franks Hearing.

The preliminary hearing is scheduled to continue Tuesday morning in San Luis Obispo Superior Court.

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The father and son were arrested in April in connection with the 1996 disappearance of Kristin Smart.

Paul, 44, is charged with murder and is accused of killing Kristin during the commission of a rape or attempted rape. Ruben, 80, has been charged with accessory after the fact and is accused of helping conceal Kristin's body, which has yet to be found.

The preliminary hearing began last Monday in San Luis Obispo County Superior Court.

Nearly a dozen people have been called to the stand so far including Kristin's parents, former students who lived on campus or attended the party Kristin attended the night before she went missing, a Cal Poly police investigator and San Luis Obispo County Sheriff's detective.

The preliminary hearing was originally expected to last about three weeks but is now expected to continue through the rest of the month.

Audio of the hearing along with any video of witnesses, people in the audience or items submitted as evidence are not allowed to be filmed.

Full recaps of what takes place Monday will be posted throughout the day on KSBY.com. Watch KSBY News at 5p for a live report.

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EXHIBIT 630

process for continuous updates.

Playlist: The Disappearance of Kristin Smart



DECLARATION OF RAMONA MESSINA

I, Ramona Messina, declare:

1. I was a sworn peace officer in the State of California for eleven years and was first at the Santa Monica Police Department and then with the Atascadero Police Department. I was a Detective with the Atascadero Police Department.
2. In July 2000, I obtained my California license as a Private Investigator, License Number PI23850. I have worked as a Private Investigator primarily in the courts of San Luis Obispo since July 2000. In addition to doing private investigative work at the request of attorneys, I also have been appointed by the court to assist pro per defendants in murder cases.
3. I observed Detective Cole wearing a purple tie each day of the preliminary hearing. I also observed Deputy District Attorney Chris Peuvrelle wearing a purple tie during the course of the preliminary hearing. In addition, District Attorney Investigator J.T. Camp has worn a checkered shirt with purple lines in it and the District Attorney's Victim/Witness coordinator has worn purple at least the last two days of the preliminary hearing.
4. I also observed a number of witnesses called by the prosecution who wearing purple articles of clothing.
5. I have reviewed the Facebook page Justice for Kristin Smart on which it was stated that purple was Kristin's favorite color and urged people to wear purple during a Memorial Day celebration.
6. I have observed the Law Offices of Jim Murphy, who are representing the Smart family, to have purple balloons around their sign over the last few weeks.

7. I also observed a posting on the Facebook page for the Your Own Backyard podcast that included a photograph of Chris Peuvrelle and Detective Cole posing for a family photograph with the Smart Family. A true and correct copy is attached here to as Exhibit 631.

8. There seems to be a partisan attitude on the part of the witnesses that are being called by the prosecution.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 10, 2021 in San Luis Obispo County, California.

Ramona Messina

EXHIBIT 631



Your Own Backyard

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I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On August 11, 2021, I served the foregoing document entitled: **NOTICE OF MOTION AND MOTION TO DISQUALIFY THE DISTRICT ATTORNEY'S OFFICE (Penal Code § 1424); MEMORANDUM OF POINTS AND AUTHORITIES** on the interested parties in this action by depositing a true copy thereof as follows:

SEE ATTACHED SERVICE LIST

_X_ **BY ELECTRONIC TRANSMISSION** -I caused the above-referenced document(s) to be transmitted via electronic transmission to the interested parties at the email addresses referenced in the attached service list.

____ **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

_X_ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed August 11, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

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Dan Dow
District Attorney
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San Luis Obispo, CA 93408
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Attorney for the People of the State of California

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8/16/2021 8:33 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES AND RUBEN RICARDO FLORES, Defendants.	CASE NO. 21F-02402-A & 21F-02402 -B AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE -- REQUEST FOR ORDER AND ORDER SEALING RECORDS

I am Christopher Peuvrelle, a Deputy District Attorney for San Luis Obispo County. I am the assigned prosecutor for the above-entitled case.

As the court and counsel for the defendant are well aware, there has been a great deal of public interest in this pending case. It has been the goal of all parties to this case to limit the amount of information disseminated to the public to maintain the integrity of the potential jury pool in this county. Such efforts will hopefully assure the defendant is able to receive a fair and impartial trial in San Luis Obispo County.

In this regard, I have submitted a copy of people's Motion To Exclude Testimony Regarding August 12, 2021 Disclosures to be heard on August 16, 2021. In accordance with Section 6255 of the California Government Code, I am requesting that this court order that the Motion

To Exclude Testimony Regarding August 12, 2021 Disclosures be sealed until further order of this Court. I respectfully urge that, under Section 6255, the public interest served by not making such records public clearly outweighs the public interest served by disclosure of such records. I would further request that a copy of such reports be released only to counsel for the People and the defendant to prepare for the Preliminary Hearing. Defense counsel represented in chambers on April 15, 2021, that they agree with this request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 16, 2021

Respectfully submitted,

Dan Dow
District Attorney

Christopher Peuvrelle
Deputy District Attorney

SANGER SWYSEN & DUNKLE
Robert M. Sanger, SBN 058214
Sarah S. Sanger, SBN 322722
222 E. Carrillo Street, Suite 300
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Attorneys for Defendant
Paul Ruben Flores

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8/16/2021 8:34 AM
SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES,

Defendant.

Case No. 21F-02402-A

CONDITIONALLY UNDER SEAL

NOTICE OF MOTION AND MOTION TO CONTINUE PRELIMINARY HEARING; MEMORANDUM OF POINTS AND AUTHORITIES

(Subject to Application to File Under Seal)

Date: August 16, 2021
Time: 9:00 a.m.
Dept.: 5

Hon. Craig B. Van Rooyen

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TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO DEPUTY DISTRICT ATTORNEY CHRISTOPHER PEUVRELLE:

PLEASE TAKE NOTICE that Defendant Paul Flores hereby moves and will move the Court on August 16, 2021, at 9:00 a.m., or as soon thereafter as the matter may be heard in the above-entitled Court, for an order to continue the preliminary hearing now scheduled to recommence on August 16, 2021, pursuant to Penal Code § 1050, subdivision (b), and for such other and further relief as the Court may deem just and proper. As set forth below and in the Declaration of Robert M. Sanger filed concurrently herewith, good cause exists to continue the preliminary hearing in order to protect Mr. Flores' right to due process, to confront and cross-examine witnesses, to compel the attendance of witnesses, and the effective assistance of counsel pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, sections 7 and 15 of the California Constitution.

The motion will be based on this Notice of Motion, the Declaration of Robert M. Sanger filed concurrently herewith, the Memorandum of Points and Authorities served and filed herewith, such supplemental memoranda of points and authorities as hereafter may be filed with the Court, all pleadings

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///

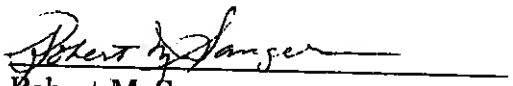
///

and documents heretofore filed with the Court and such oral argument as may be presented at the hearing on the motion.

Dated: August 16, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 
Robert M. Sanger
Attorneys for Defendant
Paul Ruben Flores

MEMORANDUM OF POINTS AND AUTHORITIES

I. GOOD CAUSE EXISTS TO GRANT THE CONTINUANCE

The court is authorized to continue a hearing upon a showing of good cause. (Cal. Pen. Code § 1050(b).) In the present case, as set forth in the Declaration of Robert M. Sanger filed concurrently herewith, good cause exists to continue the preliminary hearing because following the completion of the last proceedings in this matter, on Thursday evening August 12, 2021, the prosecution provided defense counsel with shocking new information regarding the conduct of Detective Cole. (Declaration of Robert M. Sanger, ¶¶ 9-16.) Both the San Luis Obispo County Sheriff and the San Luis Obispo District Attorney had been aware of this information before the arrest of Mr. Flores and did not disclose it until after Detective Cole took the stand and was cross examined and after Jennifer Hudson took the stand and was cross examined.

New discovery regarding Detective Cole was also provided on Saturday August 14, 2021 and based on what has been disclosed and what was testified to in court there is additional material that has not yet been provided. (Sanger Decl., ¶ 25.) It will not be possible to resume the testimony Jennifer Hudson, to continue the cross examination of Detective Cole or to properly defend against any other aspects of the investigation in which Detective Cole is the lead detective until all discovery is provided. (Sanger Decl., ¶ 26.) In addition to the revelations included in the letter, the defense has commenced its own investigation. (Sanger Decl., ¶ 27.)

Moreover, as a result of these new revelations, and the effect on the integrity of the entire investigation and prosecution, a *Pitchess* motion is being filed concurrently herewith which, pursuant to statute, can be heard only after ten court days' notice to County Counsel. The motion is scheduled for the earliest possible date, August 30, 2021. The prosecution also has a

Brady obligation which should be fulfilled at the earliest possible time. However, to the extent it is necessary to have discovery compelled under *Pitchess* or under *Brady*, anything ordered on or after August 30, 2021, will have to be provided analyzed and investigated by the defense before the preliminary examination can resume.

Therefore, we are respectfully requesting a continuance of the preliminary examination.

CONCLUSION

For the reasons set forth above and in the Declaration of Robert M. Sanger filed concurrently herewith, the Court should interrupt the preliminary examination to resume as soon as possible after full compliance by the prosecution and the Sheriff of all pending motions and obligations.

Dated: August 16, 2021

Respectfully submitted,

SANGER SWYSEN & DUNKLE
Robert M. Sanger
Sarah S. Sanger

By: 

Robert M. Sanger
Attorneys for Defendant
Paul Flores

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 222 E. Carrillo St., Ste. 300, Santa Barbara, California, 93101.

On August 16, 2021, I served the foregoing document entitled: **NOTICE OF MOTION AND MOTION TO CONTINUE PRELIMINARY HEARING; MEMORANDUM OF POINTS AND AUTHORITIES** on the interested parties in this action by depositing a true copy thereof as follows:

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____ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address referenced on the attached service list.

_X_ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed August 16, 2021, at Santa Barbara, California.

Jake Swanson

Jake Swanson

SERVICE LIST

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