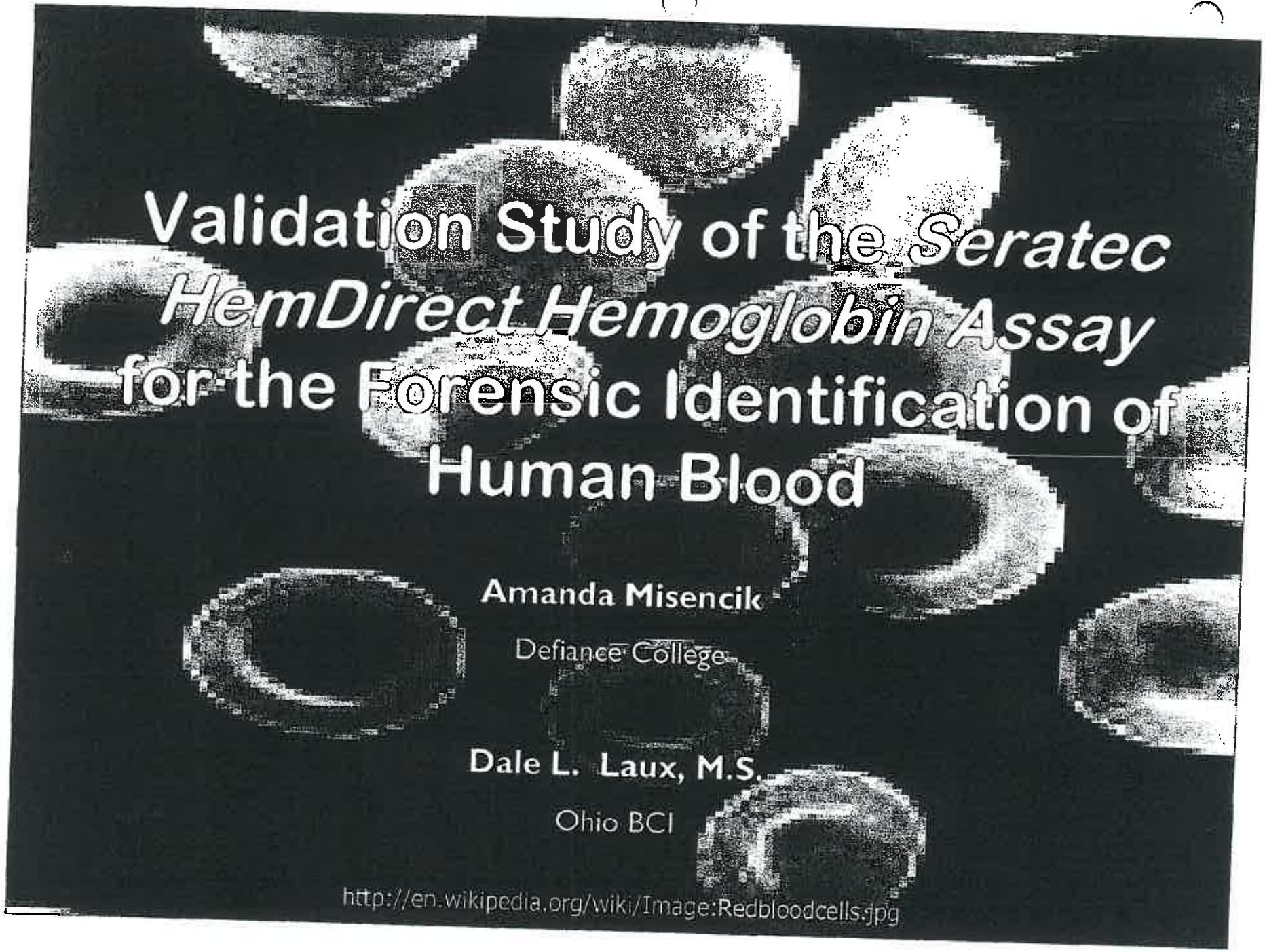
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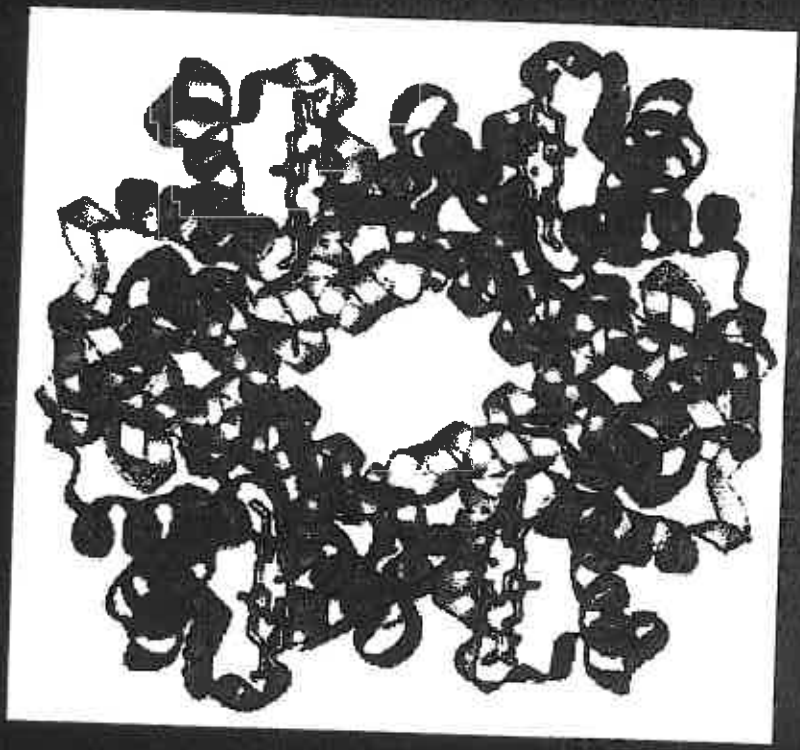

Validation Study of the *Seratec* *HemDirect Hemoglobin Assay* for the Forensic Identification of Human Blood
Amanda Misencik
Defiance College
Dale L. Laux, M.S.
Ohio BCI
http://en.wikipedia.org/wiki/Image:Redbloodcells.jpg

About the *HemDirect* Test Kit

- The *Seratec HemDirect Hemoglobin Assay* is a one-step chromatographic immunoassay test for the detection of hemoglobin

- First developed for the determination of occult blood in stool samples and in the early detection of colon cancer

- For the forensic application the kit has been utilized for the identification of traces of human blood in forensic material



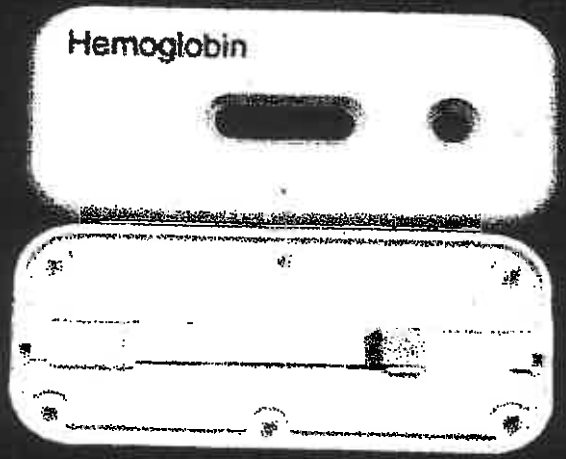
3-dimensional structure of hemoglobin
http://en.wikipedia.org/wiki/Hemoglobin

How It Works

- Uses 2 murine monoclonal anti-human hemoglobin antibodies as active components

- When hemoglobin is present, a red line will appear in the test region for a positive

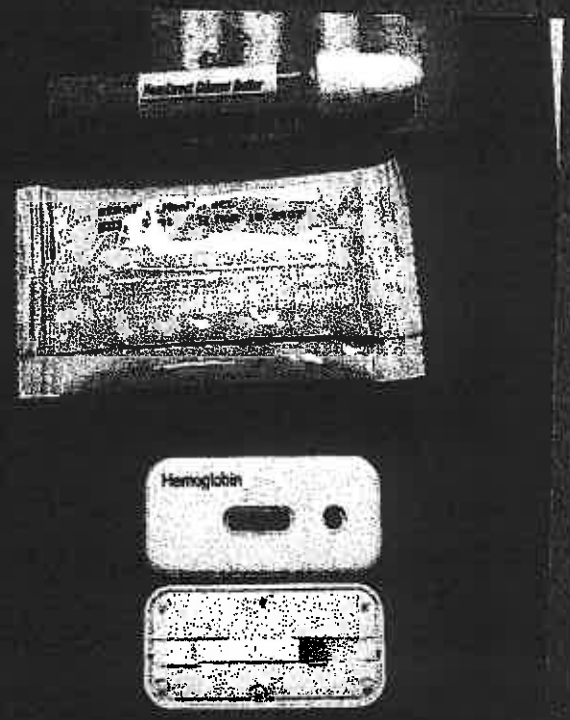
- Internal control results in a red line in the control region for a valid test



Seratec *HemDirect* test membrane

Methods for Validation

- Specificity and Sensitivity
- Degradation
- Aged Blood Stains
- Reproducibility

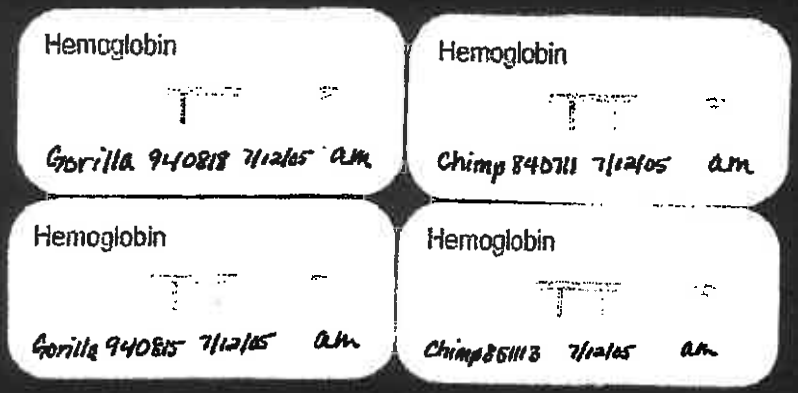


Seratec HemDirect test kit

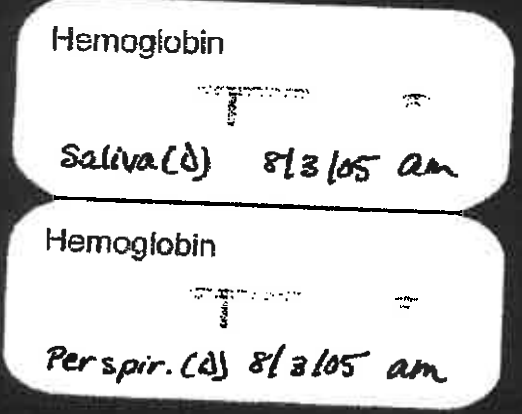
Specificity and Sensitivity

- Samples
  - Hemoglobin (Sigma H7379-1G, Lot 039H7605) at a concentration of 1 mg/mL
  - Whole blood (EDTA tube)
  - Animal blood (glass slides)
  - Urine
  - Semen
  - Saliva
  - Perspiration
- Tests
  - Hemoglobin and dilutions
  - Whole blood dilutions on clothing
  - Whole blood swab with dilutions
  - Animal Blood
  - Body Fluids

Results



Results from Gorillas and Chimpanzees

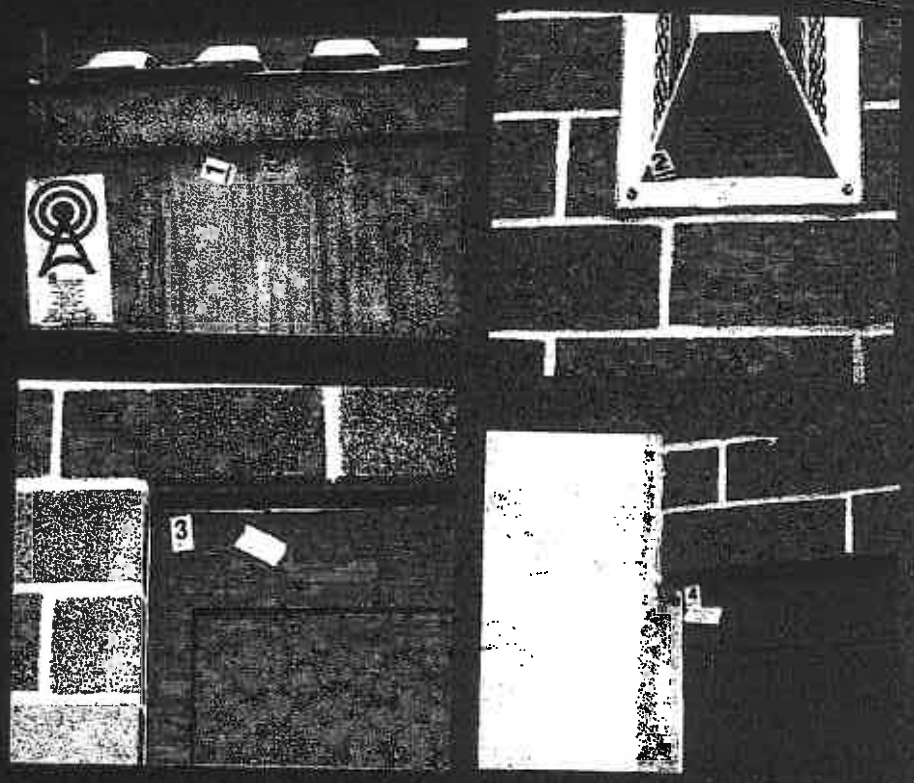


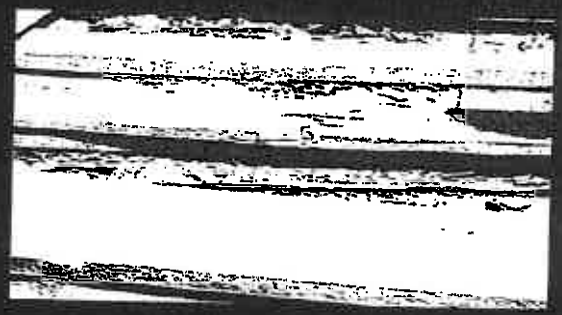
Negative results from body fluids

- Specific to human blood, with some cross reactivity in higher primates and the domestic ferret
- Trace amounts of hemoglobin were found in saliva and semen
- Samples containing a minimum of 40 ng hemoglobin/mL did show weak positives and dilutions of whole blood down to 1/9600 tested positive

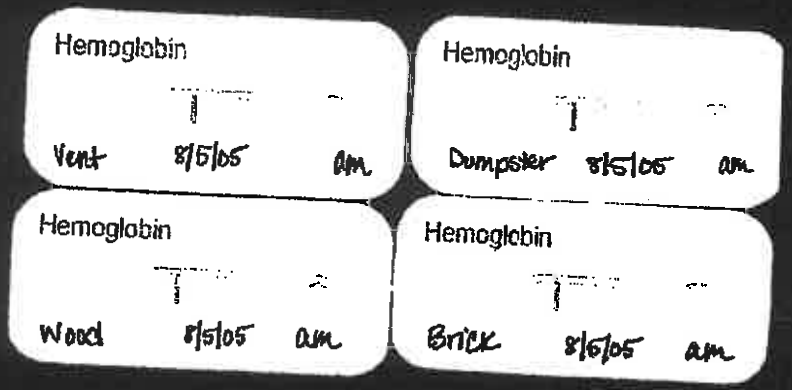
Degradation

- Samples
  - –Blood smears
  - –Whole blood stains
- Locations
  - –Blood smears on
    - (1) Dumpster
    - (2) Hot air vent
    - (3) Metal doorframe
    - (4) Brick on building
    - (5) Wood frame
  - –Whole blood stains on clothing were composed of four cloth strips set on a metal air vent
- Testing
  - –Blood smears collected weekly over a four week period with swabs
  - –Quarter portion of stains removed weekly over a four week period

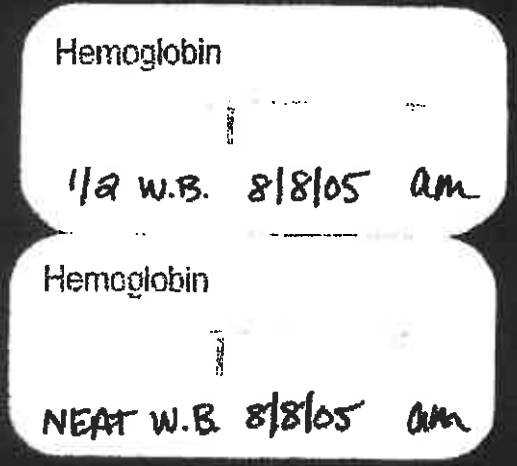




Results



Environment swabs after four weeks



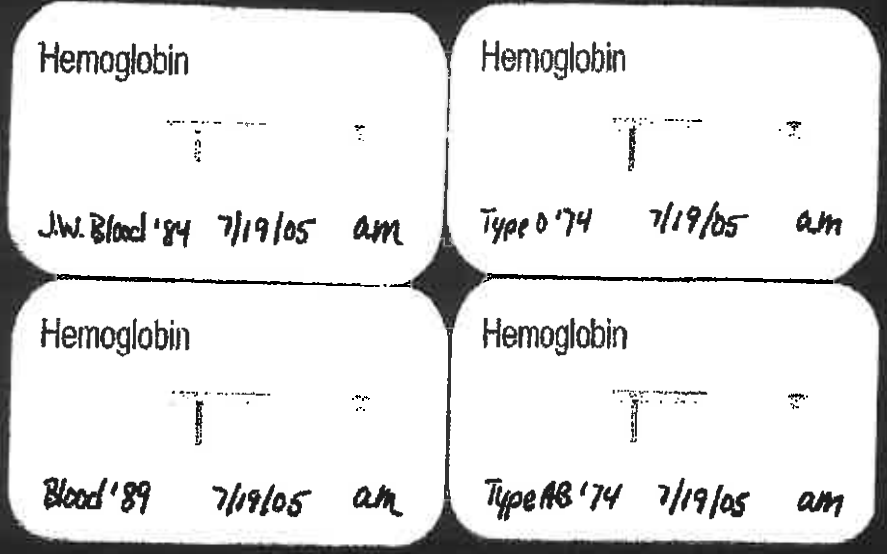
Stain results after four weeks of exposure

- Blood samples exposed to heat, rain, sunlight, and other environmental conditions showed significant degradation after four weeks
- Wood and brick substrates yielded continuous positive results
- On clothing, only the whole blood (EDTA) stain was positive after four weeks

Aged Blood Stains

- Samples
  - Type O 1974
  - Type AB 1974
  - 1984
  - 1989
    - * All samples were stored at room temperature
- Testing
  - Samples extracted over a 24 hour period

Results



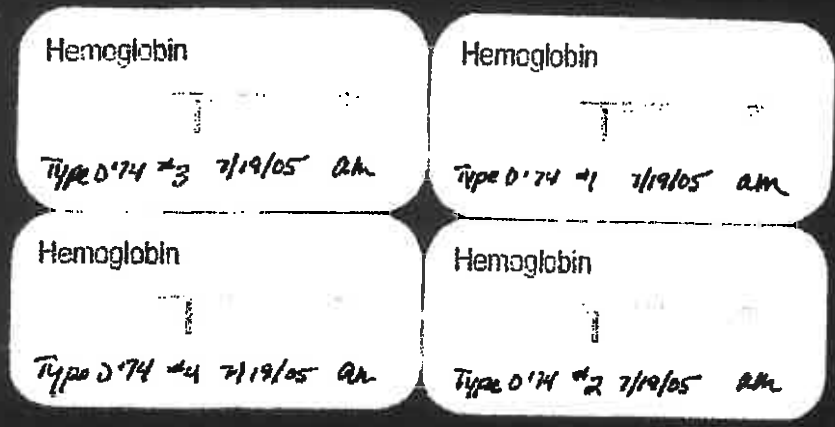
Aged blood results from all samples

- All aged samples tested positive using the *HemDirect* kit
- Blood 30 years or possibly older can be tested using a sufficient extraction method

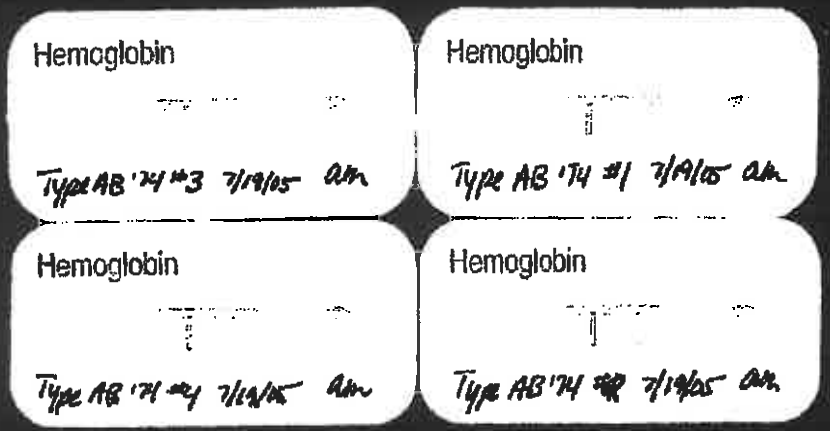
Reproducibility

- Samples
  - Type O 1974
  - Type AB 1974
- Testing
  - Each blood sample tested four times in separate test devices

Results



Type O 1974 Samples 1–4



Type AB 1974 Samples 1–4

- The *HemDirect* kit is consistent with test results in replicated studies
- The kit shows no signs of design flaws within test or buffer lots

Conclusions

- The *Seratec HemDirect Hemoglobin Assay* is an efficient and consistent kit for the determination of human blood in the forensic field

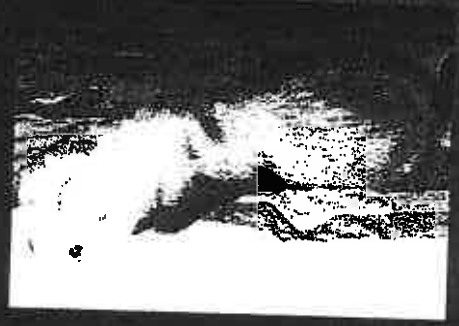
- Kit is specific to human blood* and sensitivity levels are true to the product literature

- Amino acid sequence of TNAVAHV on the alpha chain responsible for cross reactivity

- Separate species of ferret differ in hemoglobin



European Polecat
http://en.wikipedia.org/wiki/European_polecat



Domestic ferret
http://en.wikipedia.org/wiki/Ferret

- **Domestic Ferret**

```
1  *  10  *  20  *  30  *  40  *  50
  1 VLSPADKTNVKSTWDKIGGHAGEYGGEALERTFASFPTTKTYFPHFDLSH
 51 GSAQVKAHGKKVADALTNAVAHVDDLPGALSALSDLHAYKLRVDPVNFKL
101 LSHCLLVTLACHHPAEFTPAVHASLDKFFSAVSTVLTSKYR
```

- **European polecat**

```
1  *  10  *  20  *  30  *  40  *  50
  1 VLSPADKTNVKSTWDKIGGHAGEYGGEALERTFASFPTTKTYFPHFDLH
 51 GSAQVKAHGKKVADALTNAVAHMDDLPGALSALSDLHAYKLRVDPVNFKL
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```

- See Rowley, JFS, 1999; 44:597-602.
- http://prowl.rockefeller.edu/

Thank you

- Cleveland Metroparks Zoo
  - Linda DeHoss
- BCI Richfield Staff


Questions?

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Amanda Misencik, Defiance College
Dale L. Laux, M.S., Ohio BCI

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(3-dimensional structure of hemoglobin http://en.wikipedia.org/wiki/Hemoglobin)

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•Degradation
•Aged Blood Stains
•Reproducibility

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GSAQVKAHGKKVADALTNAVAHVDDLPGALSALSDLHAYKLRVDPVNFKL101
LSHCLLVTLACHHPAEFTPAVHASLDKFFSAVSTVLTSKYR

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51GSAQVKAHGKKVADALTNAVAHMDDLPGALSALSDLHAYKLRVDPVNFKL1
01 LSHCLLVTLACHHPAEFTPAVHASLDKFFSAVSTVLTSKYR

•See Rowley, JFS, 1999; 44:597-602.
•http://prowl.rockefeller.edu/

TECHNICAL NOTE

Manfred N. Hochmeister,[1] M.D.; Bruce Budowle,[2] Ph.D.; Rebecca Sparkes,[3] Ph.D.; Oskar Rudin,[1] Christian Gehrig,[1] B.S.; Michael Thali,[1] M.D.; Lars Schmidt,[4] B.S.; Adrien Cordier,[5] and Richard Dirnhofer,[1] M.D.

Validation Studies of an Immunochromatographic 1-Step Test for the Forensic Identification of Human Blood*

REFERENCE: Hochmeister MN, Budowle B, Sparkes R, Rudin O, Gehrig C, Thali M, Schmidt L, Cordier A, Dirnhofer R. Validation studies of an immunochromatographic 1-step test for the forensic identification of human blood. J Forensic Sci 1999;44(3): 597–602.

ABSTRACT: An immunochromatographic 1-step test for the detection of fecal occult blood was evaluated for applicability for the forensic identification of human blood in stained material. The following experiments were conducted: 1) determination of the sensitivity and specificity of the assay; 2) evaluation of different extraction media for bloodstains (sterile water, Tris buffer pH 7.5 provided in the test kit, 5% ammonia); 3) analysis of biological samples subjected to a variety of environmental insults; and 4) evaluation of casework samples.

This immunochromatographic 1-step occult blood test is specific for human (primate) hemoglobin and is at least an order of magnitude more sensitive than previous methods for detecting human hemoglobin in bloodstains. The antigen is insensitive to a variety of environmental insults, except for exposure to certain detergents and household bleaches and prolonged exposure to certain preparations of luminol.

The entire assay can be conducted in field testing conditions within minutes. When in the laboratory the supernatant from a DNA extraction is used for the assay, there is essentially no consumption of DNA for determining the presence of human hemoglobin in a forensic sample. The data demonstrate that this test is robust and suitable for forensic analyses.

KEYWORDS: forensic science, hemoglobin, identification, human blood, bloodstains, luminol, species identification, DNA typing, validation studies

Presented at the 50th Annual Meeting, American Academy of Forensic Sciences, San Francisco, CA, Feb. 1998.

Forensic scientists and director, respectively, Institute of Legal Medicine, University of Bern, Switzerland.

Program manager for DNA Research, FSRTC, FBI Academy, Quantico, VA.

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Police Forensic Laboratory Bern, Switzerland.

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Names of commercial manufacturers are provided for identification only, and inclusion does not imply endorsement by the authors.

Received 11 June 1998; and in revised form 4 Sept. 1998; accepted 8 Sept.

When biological samples are obtained from a crime scene, at times it may be important to determine if the material is blood and if so, if it is human in origin. The two most often used confirmatory tests for the presence of hemoglobin are the Takayama test (1) and spectrophotometric methods (2). However, these methods can not determine whether or not bloodstains are human in origin and additional tests must be performed. Human specificity assays include immunological tests (2) or DNA-based hybridization assays (3). Therefore, it would be desirable to implement a single simple assay for the detection of human hemoglobin.

An anti-human hemoglobin antibody based system can provide information both on the presence of hemoglobin and human specificity. An overview of immunological tests is provided by Gaensslen (2). In 1994, Spear and Binkley applied an immunochemical fecal occult blood test (HemeSelect™; SmithKline Diagnostics, San Jose, CA) to detect the presence of human hemoglobin in forensic samples (4). The test was able to detect hemoglobin in bloodstain extracts diluted to 1:100 000 and was primate specific. Although effective and scientifically sound, this assay has not gained wide use in the forensic community.

Recently, the Hexagon OBTI Test (5), a test for the detection of fecal occult blood, has been introduced to a few police laboratories in Germany and Switzerland. The test is designed to detect the presence of human hemoglobin in stool samples through the use of an anti-human hemoglobin antibody in an immunochromatographic procedure. The assay offers several advantages compared with the test described by Spear and Binkley. These are: 1) the test is a 1-step immunographic assay, 2) there is no manipulation of the reagents, 3) the test does not rely on an antibody coated cell reagent, 4) the assay takes no more than 10 min, and 5) the assay is at least an order of magnitude more sensitive. Thus, this anti-human Hb assay may prove useful as a confirmatory test for the presence of human hemoglobin in forensic casework analyses. This paper presents the results from a forensic validation study of the Hexagon OBTI test.

Materials and Methods

Immunochromatographic 1-Step Test for the Detection of Fecal Occult Blood

The Hexagon OBTI test was purchased from Human Gesellschaft fuer Biochemica und Diagnostica mbH, Silberbach-

strasse 9, D-65232 Taunusstein, Germany, (Tel. ++49 6128 8750, Fax ++49 6128 875 100). The test kit consists of an all inclusive single test device, a sample tube with Tris-buffer pH 7.5 (containing a mild detergent) as a transport medium for the stool sample and an applicator stick for manipulating the stool sample. The test utilizes mobile monoclonal anti-human hemoglobin antibodies, which are conjugated to blue dye particles and can bind hemoglobin (Fig. 1). The resulting antigen-antibody complexes migrate on the membrane of the test device to a reaction zone, where immobilized polyclonal antihuman Hb antibodies reside. An antigen-antibody-antigen sandwich concentrates the dye particles resulting in the formation of a blue line, indicating the presence of human hemoglobin. Unbound mobile monoclonal antihuman hemoglobin antibodies migrate on the membrane to a control zone, where immobilized anti-Ig antibodies reside (Fig. 1). A complex is formed concentrating dye particles also resulting in the formation of a blue line. The test is considered valid when one blue line in the control zone is observed. With a positive test result, two blue lines will appear; with a negative result, only the control line will be visible (Fig. 1). From all samples used in this study, 100 µL of an extract were placed in the round opening at the end of the device. The test results were read after 10 min.

Determination of Sensitivity and Specificity

Whole blood from 10 individuals and whole blood from Chi panzee (*Pan troglodytes*), Gorilla (*Gorilla gorilla*), Orangu (*Pongo pygmaeus*); Celebes black ape (*Cynopithecus niger*) an Spider monkey (*Ateles sp*) were serial diluted to 1:10 000 000 wi either sterile water or the Tris-buffer pH 7.5, provided in the kit Ten µL of whole blood from 10 individuals were placed on cotto cloth, air dried for 24 h, extracted with either sterile water or th Tris-buffer, pH 7.5, provided in the kit, for 2 h at room temperatu on a shaker and then serially diluted to 1:10 000 000. Negative co trols (sterile water and Tris-buffer pH 7.5) also were prepared an analyzed.

Saliva, perspiration, urine, stool, vaginal secretions, and seme samples were recovered on cotton swabs from 5 male and 5 fema volunteers. Each swab was cut in half and extracted in 0.5 mL o the Tris-buffer, pH 7.5, provided in the kit, as well as in sterile wa ter for 2 h at room temperature on a shaker. After centrifugation fo 3 min at 13 000 rpm the supernatant was removed and serial diluted to 1:10 000.

The pH-dependency of the test was evaluated using whole blood diluted to 1:1000 with sterile water and the pH adjusted to 1–14 u ing either acetic acid or NaOH.

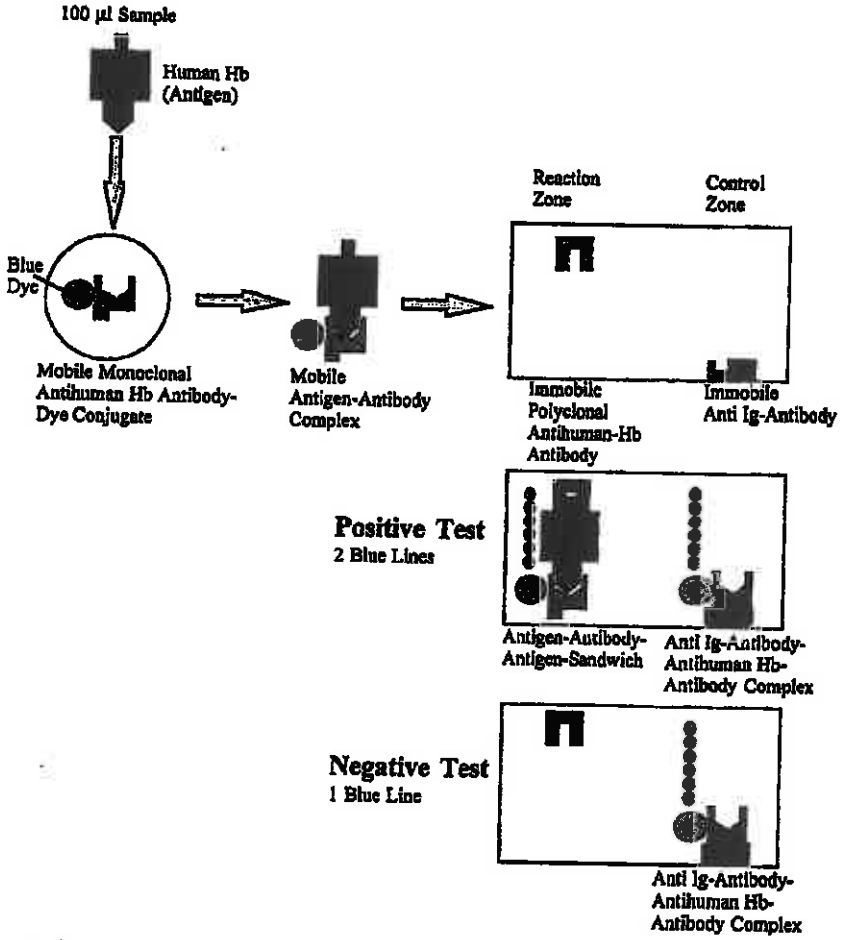


FIG. 1—*Unbound mobile monoclonal anti-human hemoglobin antibodies migrate on the membrane to a control zone, where immobilized anti-Ig antibodies reside.*

Microorganisms (*Bacillus Clostridium, Pseudomonas, Escherichia coli, Streptococcus, Staphylococcus, Candidu albicans*) and 5 × 5 mm bloodstains from different animal species: Herring (*Clupea harengus*), Sea trout (*Salmo trutta*); Pigeon (*Columba livia*), Goose (*Anser anser*), Chicken (*Gallus gallus*); Toad (*Xenopus laevis*), Rat (*Rattus rattus*), Guinea pig (*Cavia cutleri*), Rabbit (*Oryctolagus cuniculus*), Cat (*Felis Catus*), Dog (*Canis familiaris*), Badger (*Meles meles*), Lamb (*Ovis aries*), Pig (*Sus scrofa*), Sika deer (*Cervus sika*), Red deer (*Cervus elaphus*), Horse (*Equus caballus*), Cow (*Bos taurus*), Elephant (*Loxodonta africana*); Chimpanzee (*Pan troglodytes*), Gorilla (*Gorilla gorilla*), Orangutan (*Pongo pygmaeus*); Celebes black ape (*Cynopithecus niger*) and Spider monkey (*Ateles sp*) prepared on Schleicher & Schuell paper were extracted in 0.5 mL of the Tris-buffer, pH 7.5, provided in the kit, as well as in sterile water for 2 h at room temperature on a shaker. After centrifugation for 3 min at 13 000 rpm the supernatant was removed and serial diluted to 1:10 000.

Extraction of Aged Blood Stains from Forensic Casework Samples

Eight stains of human blood on clothing from different forensic cases that have been stored at room temperature under ambient conditions for 2–15 years were tested. Extraction was performed using either 0.5 mL of the Tris-buffer, pH 7.5, provided in the kit, or 0.5 mL sterile water. From each stain two 5 × 5 mm pieces were removed, each placed into a separate 2 mL plastic tube and extracted for 2 h at room temperature on a shaker. After centrifugation for 3 min at 13 000 rpm, 100 μL of each supernatant were recovered and tested.

In five of the eight aged blood stains the hemoglobin was insoluble, when sterile water or Tris-buffer was used for extraction. Therefore, from all stains an additional 5 × 5 mm cutting was placed in a microtiter plate and extracted with 0.5 mL of 5% (v/v) ammonia (6,7). The ammonia was allowed to evaporate completely (approx. 30 min) and then 100 μL of the Tris buffer provided in the kit was used to resolubilize the extract.

In addition, 100 human blood stains from recent forensic cases, which tested positive for the presence of hemoglobin using the Hemastix® presumptive test for blood (8) and a spectrophotometric method (2) were extracted using 0.5 mL of the Tris-buffer supplied in the kit. In addition, a human (*primate*) specific DNA hybridization assay (3) was performed. The age of the stains was between 1 day and 6 months. All stains were removed from a variety of substrates either by scraping or swabing and ranged from very small particles or flakes to large reddish brown stains. Nine stains, that would not dissolve in the Tris-buffer, were extracted in 5% ammonia as described above.

Degradation Study

Fifty μL aliquots of human blood from 10 individuals were placed on cotton cloth and air dried for 24 h. Samples of deep muscle tissue (50 g) from 10 recently deceased individuals were obtained. All samples were subjected to different environmental conditions for 1 month: (a) frozen at −20°C (control samples), (b) exposed to ambient outdoor conditions during the summer months (sun, sunlight, an average temperature of 25°C), (c) wrapped in plastic wrap and stored under the same conditions as (b), (d) immersed in water taken from a river and maintained at a temperature of 25°C, and (e) buried in soil at a depth of 50 cm.

From each stain two 5 × 5 mm pieces were removed and placed into separate 2 mL plastic tubes and each extracted with 0.5 mL Tris-buffer, supplied in the kit, or sterile water for 2 h at room temperature on a shaker. In addition, from each stain a 5 × 5 mm piece was placed in a microtiter plate and extracted with 0.5 mL of 5% (v/v) ammonia as described above. 100 mg of muscle tissue were extracted using 0.5 mL of the Tris-buffer supplied in the kit, sterile water, or 5% ammonia as described above and the supernatant was used for the assay.

DNA Compatible Assay

Ten μL of whole blood from 10 individuals were placed on cotton cloth, air dried for 24 h and extracted with stain extraction buffer (9), that did not contain detergent or Proteinase K, or extracted with 5% Chelex solution (10), and the supernatant was tested as described above. An additional 100 μL of supernatant was removed to verify the absence of DNA in the supernatant using a DNA hybridization assay specific for human DNA (3). Then detergent and proteinase K were added to the original extract and DNA extraction was continued (9).

Contamination with Detergents

Whole blood from 10 individuals was serially diluted to 1:1000 with sterile water and mixed with a variety of detergents including SDS, sarcosyl, stain extraction buffer used for organic DNA extraction (9) with and without SDS or sarcosyl, Triton X-100, and different brands of soaps and household-bleaches (final concentration of all contaminants in the samples 2%) and kept at room temperature for 1 h. Before testing, the pH of all extracts was determined using litmus paper and adjusted to approximately pH 7.

Contamination with Luminol

Three replicates of 50 μL aliquots of human blood from 10 individuals were placed on cotton cloth and air dried for 24 h. Each aliquot was exposed to a different preparation of luminol. Preparation one and two both used 0.1 g of luminol and 5 g of sodium carbonate dissolved in 100 and 90 mL, respectively, of distilled water (final luminol concentration, 0.1%). In the first protocol, 0.7 g of sodium perborate was added immediately prior to use, while in the second, 10 mL of 3% hydrogen peroxide were added immediately prior to use (2,11). In preparation three, 70 mL distilled water was mixed with a 10 mL solution of 8 g of sodium hydroxide dissolved in 500 mL of distilled water, 10 mL solution of 10 mL of 30% hydrogen peroxide in 490 mL of distilled water, and 10 mL solution of 0.354 g luminol dissolved in 62.5 mL of 0.4 N sodium hydroxide to a final volume of 500 mL distilled water (12). Using an aerosol sprayer each test reagent was added to the stains to produce a strong positive result. Special care was taken to ensure that the entire surface of the stains was covered with the reagent. From each luminol-exposed stain 5 × 5 mm pieces were removed and extracted as described above.

In addition, 50 μL of whole blood from 10 individuals diluted 1:1000 and 1:10 000 were mixed with 50 μL aliquots of the three different preparations of luminol and kept at room temperature for 1, 12 and 72 h. Before testing the pH of all extracts was determined using litmus paper and adjusted to approx. pH 7.

TABLE 1—*Results with various samples.*

Samples	Result
Liquid human blood/Fresh human blood stains	Diluted with water: pos. to 1:100 000 Diluted with Kit-Buffer: pos. to 1:1 000 000
Microorganisms/Different animal species	Neg.
Various human body fluids	Some body fluids tested pos.
pH-dependency of test	Pos. pH 1- 12, Neg. pH >12
High dose hook effect (false negative test)	Not observed when >1:100 fold dilution of whole blood was t
Aged bloodstains from forensic casework	Pos. (up to 15 years of room temperature storage)
Human bloodstains/Human muscle tissue exposed to various outdoor conditions	Pos.
DNA compatible assay	Pos.
Fresh human bloodstains contaminated with soaps, detergents, and household bleaches	Pos./Neg. (depending on brand, concentration, time)
Liquid human blood/Fresh human blood stains contaminated with luminol (3 preparations)	Pos./Neg. (depending on preparation, dilution of blood, time)

Results and Discussion

A summary of the results is presented in Table 1.

Determination of the Sensitivity and Specificity

All whole blood samples from human donors and blood samples from Chimpanzee (*Pan troglodytes*), Gorilla (*Gorilla gorilla*), Orangutan (*Pongo pygmaeus*); Celebes black ape (*Cynopithecus niger*) and Spider monkey (*Ateles sp*) tested positive for human hemoglobin to a dilution of 1: 100 000 when sterile water was used to dilute the sample. However, when Tris-buffer provided in the kit was used to dilute the whole blood, dilutions up to 1:1 000 000 tested positive. Therefore, as little as 500 total erythrocytes are required for a positive result. Additional components, in the Tris buffer provided in the kit, such as a mild detergent, may enhance the sensitivity of the assay. Only a few positive reactions were observed for blood samples diluted more than 1: 1 000 000. Similiar results were obtained from fresh bloodstains. For the negative control samples only the control line was visible.

In the species specificity experiments only human and primate blood tested positive with the assay. These data suggest that the assay is primate specific. Serial dilutions of human and primate blood revealed no difference in the reactivity.

Similiar to the findings of Spera and Binkley some of the extracts of saliva, urine, stool, vaginal secretions, and semen yielded a positive reaction with the assay. Perspiration tested negative in all cases. These results were anticipated since hemoglobin may be present at low concentration in various body fluids.

When the pH-dependency of the test was evaluated, a positive test result was obtained when the pH of the supernatant ranged from 1–12. At a pH > 12 the test was always negative, but if the pH was adjusted to approximately pH 7 the very same samples tested positive.

High Dose Hook Effect

When performing immunoassays the concentration of the antigen and the titer of the antibody have to be considered. Obviously, an antigen concentration in a sample below the sensitivity of detion of the assay will yield a negative result. A negative result also may be obtained when too high a concentration of antigen is assayed. The latter situation is known as high dose hook effect. In the Hexagon OBTI test excess hemoglobin will overwhelm the mobile monoclonal antihuman Hb antibodies and unboun hemoglobin will migrate towards the reaction zone, where the im mobilized polyclonal antihuman Hb antibodies reside. Free u bound hemoglobin binds to the immobilized antibodies and pre vents these antibodies from reacting with the antigen-mobil antibody complexes (Figs. 2, 3). The result will be a false negative The manufacturer of the Hexagon OBTI test states a high dos hook effect has been observed at concentrations of hemoglobin o 2 μg/μL. We confirmed this observation and recommend that a di lution of blood at least 1:100 should be used to avoid the high do hook effect. This can be achieved either by extracting a smalle portion of a sample, by increasing the extraction volume, or by di luting the extract prior to assay. Hemoglobin loses its visible colo at whole blood dilutions greater than about 1:1000 (approximately 0.2 μg Hb/μL). This may be used as a guide for avoiding the high dosis hook effect.

Extraction of Aged Blood Stains from Forensic Casework

Out of 108 human blood stains, 14 were insoluble in either Tris buffer or water. These stains were extracted using 5% ammonia (6,7). All aged blood stains yielded positive results for human hemoglobin and a positive signal when using a human (*primate*) specific DNA hybridization assay (3). These results demonstrate that ammonia does not appear to have a deleterious effect on the immunological reaction of this assay.

Degradation Study

All samples of the degradation study, even heavily putrified human muscle tissue, yielded positive results. Thus hemoglobin appears to persist in samples exposed to extreme conditions. This demonstrates the usefulness of the test for the identification of the origin of recovered remains, such as putrified soft tissue.

DNA Compatible Assay

All human blood samples yielded positive results. In the aliquots that were removed to determine the quantity of DNA present in the portion of the extract used for the detection of human hemoglobin there was no detectable DNA. Therefore, no DNA is consumed when assaying for human hemoglobin during a DNA extraction.

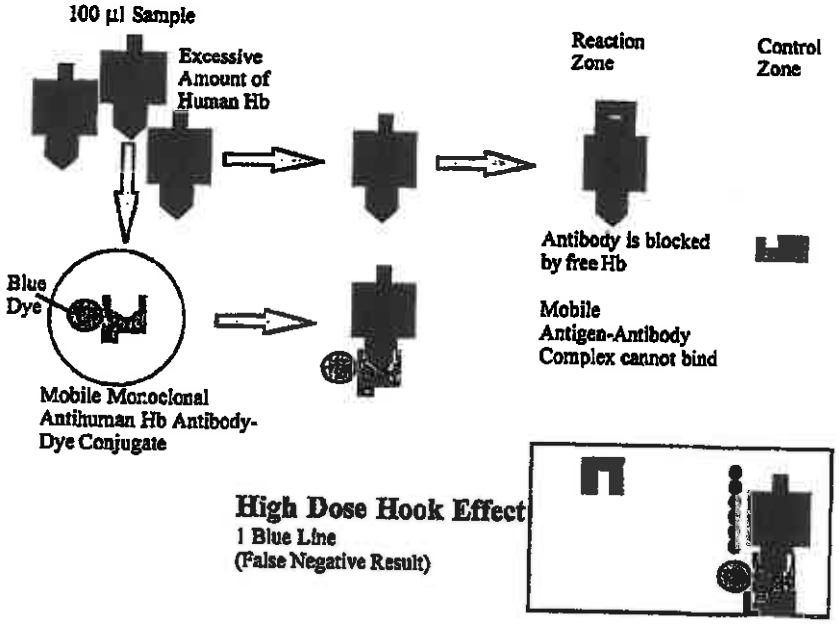


FIG. 2—*Free unbound hemoglobin binds to the immobilized antibodies and prevents these antibodies from reacting with the antigen-mobile antibody complexes.*

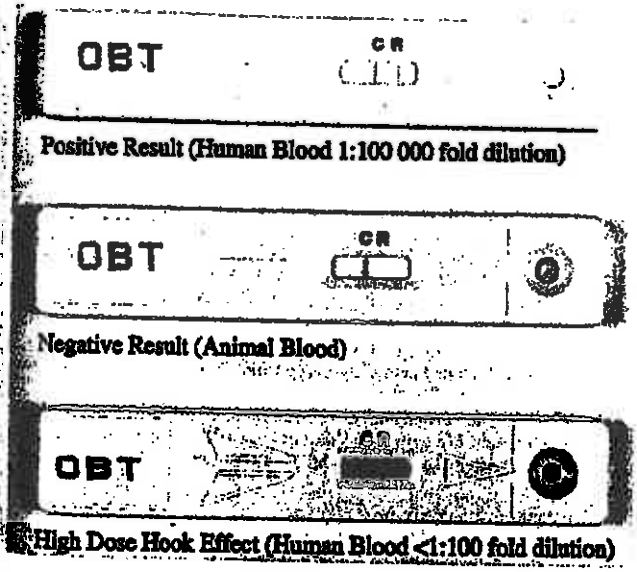


FIG. 3—*Immunochromatographic 1-step test for the identification of human blood. One hundred µL of the extract were placed in the round opening at the end of the device. A positive result is indicated by the formation of a blue line in the reaction zone (R) and in the control zone (C). A negative result is indicated by the formation of a blue line in the control zone. The high dose hook effect is a false negative result due to excess hemoglobin in the sample and indicated by the formation of a blue line in the control zone only.*

Contamination with Detergents

When human blood was mixed with SDS or sarcosyl (ionic detergents), at a final concentration of 2%, no human hemoglobin was detected in the assay, presumably due to denaturation of proteins and/or interference with protein-protein interactions. Triton X-100 (a non-ionic detergent) at the same concentration yielded a weak positive signal. The mixture of blood with stain extraction buffer without SDS or sarcosyl yielded a strong positive result, whereas stain extraction buffer with SDS or sarcosyl yielded a negative result. Therefore the use of a detergent to improve the DNA extraction should be avoided, if an anti-Hb assay is intended to be performed.

It could be anticipated that an individual might attempt to clean bloodstained items. Contamination of blood with different brands of soap at a final concentration of 2% yielded positive results. However, contamination with various household bleaches in the same concentration yielded either an extremely weak positive signal or a negative result, presumably due to the denaturation of proteins and/or inhibition of the immunoassay (data not shown). When the pH of the supernatant was adjusted to pH 7 before testing, the samples still yielded a negative result.

Contamination with Luminol

Luminol is often used in crime scene investigations to presumptively detect blood. Therefore, stains that arrive at the forensic laboratory for analysis may be contaminated with luminol and related reagents. Of the luminol preparations tested, only preparation one and two yielded detection of hemoglobin in all contaminated blood samples throughout a 72 h period. However, it was necessary to adjust the pH of the supernatant to <12 in order to obtain a positive result. Blood mixed with luminol preparation three tested positive only at a 1:1000 fold dilution of blood up to 1 h of exposure. Presumably certain components of the third luminol preparation, such as sodium hydroxide have deleterious effects on the immunoassay, depending on the dilution of blood and time of exposure. Therefore, preparation one and two may be considered the most desirable of the three preparations for the detection of blood at crime scenes. Furthermore, if samples were exposed to luminol, it is necessary to check and adjust the pH of the extract prior to testing to <12.

TABLE 2—*Test procedure. Test of suspected blood stains for the presence of human hemoglobin (field testing/laboratory testing).*

Apparently Fresh Stains	Aged Stains	Stains Exposed to Luminol
Extract a small portion of the stain in a microfuge tube or a microtiter plate with an appropriate amount of the Tris-buffer provided in kit, water, 5% Chelex solution, or any other suitable buffer that does not contain SDS/Sarcosyl or Proteinase K	If insoluble, extract with an appropriate amount of 5% ammonia. Let ammonia evaporate. Resolubilize with buffer provided in kit, water, or any other suitable buffer that does not contain SDS/Sarcosyl/Proteinase K	Extract with one of the described methods. Check and adjust pH before testing.
Use 100 µL of supernatant for confirmatory test		

TABLE 3—*Confirmatory testing. Confirmatory test for the presence of human hemoglobin during DNA-extraction.*

Depending on age and condition of the stain use one of the methods described above to resolubilize the stain
Centrifuge briefly
Use 100 µL of supernatant for confirmatory test
Continue DNA extraction

Conclusions

The Hexagon OBTI test has been demonstrated to be a powerful and robust tool as a confirmatory test for human blood, because it is human specific (or at least primate specific) and is suitable for use with both aged and degraded material. It can be a useful tool for either field testing or laboratory testing (Table 2). The antigen is insensitive to a variety of environmental insults, except for exposure to certain detergents and household bleaches and prolonged exposure to certain preparations of luminol. This immunoassay is compatible with highly solubilizing extraction procedures, such as those that use ammonia, that may be needed for the extraction of aged blood stains.

While this assay is specific for primate hemoglobin, it is not specific solely for blood. Body fluids other than blood may contain trace amounts of hemoglobin and yield a positive result. However, this observation should not be a problem for the detection of human blood in the large bulk of cases.

Most forensic laboratories characterize human blood stains using DNA-based procedures. This assay is compatible with the current DNA extraction procedures with slight modifications (Table 3). It enables the analysis of human hemoglobin and DNA comparable to results that would be obtained if each test was done individually and has the ancillary benefit of not consuming any DNA in the sample.

This test is simple to perform, requires a minimum amount of equipment, produces results that are easy to interpret and is relatively rapid to perform. Furthermore, the test was found to be at least one order of magnitude more sensitive than current presumptive or confirmatory tests described in the literature. The procedure can be easily implemented in the forensic laboratory.

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SERATEC® HemDirect Hemoglobin Assay

REF HbF07

A visual one-step immunoassay for the rapid identification of human blood in forensic samples by the determination of hemoglobin. In-vitro diagnostic device for professional use only.

Intended use

The SERATEC® HemDirect test serves the rapid identification of human blood for forensic purposes. The detection is based on the determination of human hemoglobin in the sample by a specific antigen/antibody reaction. The result is interpreted visually by the appearance of a red test result line in hemoglobin positive samples. The test is easy to perform (no training necessary) and can be used directly at the crime scene, if required.

Introduction

The red blood pigment, hemoglobin (Hb), is located in the erythrocytes and predominantly serves the transport of oxygen and carbon dioxide within the body. Hemoglobin has a molecular weight of 64.5 kDa. It is composed of 4 amino acid chains, two of which are identical. Each chain is associated with a hem group that contributes to around 4 % of the total weight of the molecule. With concentrations between 120-160 mg/ml and 140-180 mg/ml for women and men, respectively, hemoglobin is one of the most abundant proteins in blood.

For the examination of a crime it might be essential to know if biological samples contain blood and/or if the blood is of human origin. Various confirmatory tests for the identification of blood are based on the detection of hemoglobin but do not allow to differentiate if the blood is human. In order to analyze this, additional testing is required. Frequently immunological tests or DNA-based hybridization assays are performed. As these assays are time consuming and work intense, it is generally not possible to perform them directly at the crime scene.

The use of one-step immunoassays may eliminate these problems. In these tests human hemoglobin is generally detected by a specific antibody pair. Originally developed for an early detection of colon carcinoma by the determination of occult blood in stool samples, the SERATEC® HemDirect test combines a high specificity with an excellent sensitivity and can be used for the identification of traces of human blood in forensic samples. Employing the test has the following advantages over the conventional methods:

- The generation of the result does not require any difficult manipulations of the sample and can be performed directly at the crime scene.
- The result is generated rapidly. 5 minutes after the addition of the sample the result can be read and interpreted visually without the aid of further equipment.
- The sensitivity of the test is very high. Samples containing only 40 ng/ml human hemoglobin are detected easily by the test. Fresh human blood diluted in the extraction buffer up to 10^{-6} shows clear positive test results. Even 10^{-7} dilutions are generally detected by the SERATEC® HemDirect test.
- The test is specific for human hemoglobin. A cross reactivity is observed for blood of primates. Therefore a positive test results allows the conclusion that the sample tested most probably contained blood of human origin.

Studies[1,2] show, that immunoassays are also suited for the detection of old blood stains. 2-15 year old blood stains on clothing, that had been extracted in the laboratory, reacted positive when tested. Dried blood stains and muscle tissue stored at different environmental conditions for one month, also gave positive test results following an extraction. In contrast, the addition of detergents like SDS or sarcosyl or bleach to the sample led to negative or only weak positive results. This was probably due to the denaturation of hemoglobin.

The test result of immunoassays will be affected in its evidence by two facts. First, hemoglobin may also be present in other body fluids (e.g. urine, stool, seminal fluid, vaginal fluid or saliva) in trace amounts yielding positive test results. However, this observation should not be a problem for the detection of human blood in the large bulk of cases. Second it must be kept in mind that very high concentrations of human hemoglobin in the sample may lead to negative test results – a phenomenon known as high dose hook effect (prozone effect). The high dose hook effect can be avoided by testing different dilutions of a sample. As the visible color caused by the hemoglobin vanishes between a 10^{-3} and a 10^{-4} dilution, the color of the sample might be a guide for the user. At these concentrations no high dose hook effect is expected.

Description of the test

Originally the SERATEC® HemDirect test was developed for the determination of occult blood in stool samples and was used for the early detection of colon cancer. In the forensic use, the test is employed for the detection of human hemoglobin with the aim to identify traces of human blood in forensic material obtained at a crime scene.

Principle of the test

The SERATEC® HemDirect test is a chromatographic immunoassay (CIA). It contains two monoclonal murine anti-hHb (human hemoglobin) antibodies as active compounds. One of these antibodies is immobilized at the test region on the membrane as a line. The upstream control region contains immobilized polyclonal goat anti-rabbit antibodies that are also fixed on the membrane as a line. A glass fiber pad downstream of the membrane is used for sample loading and transmission to a second fiber pad that contains the dried and gold-labeled second monoclonal murine anti-hHb antibody that will bind the hemoglobin present in the sample. Additionally the pad contains gold-labeled rabbit antibodies.

Through the capillary effect of the membrane, the reaction mixture moves across the membrane towards the test and the control region. In any case the colored gold-labeled rabbit-antibodies will bind to the anti-rabbit-antibody at the control region resulting in the formation of the red control line in the upper part of the result well. This line indicates the correct performance of the test.

If the sample contains hHb, the hHb-gold-labeled anti-hHb-antibody complex will bind to the immobilized monoclonal antibody of the test region that recognizes another epitope on the hemoglobin molecule (sandwich complex). The binding is indicated by the formation of an additional line in the test result region.

A high dose hook effect can be observed, if too much free hemoglobin that is not bound to the gold-labeled antibody reaches the test result region. If the amount of hemoglobin is high, the antibody fixed at the test result region becomes saturated with free hemoglobin. This prevents the binding of the hemoglobin complexed with the gold-labeled antibody, thus repressing the formation of the test result line. The test result appears negative in spite of the presence of hemoglobin in the sample.

Materials

Materials provided: 40 individually wrapped tests, tubes with 2 ml extraction buffer for extracting the sample material
Materials required but not provided: Timer

Storage and Stability

The test is stable up to the expiry date stated on the sealed pouch. The tests can be stored at room temperature or refrigerated at +2 to +30°C (38-86 °F). The test must remain in the sealed pouch until use.

Qualitative Characteristics

Sensitivity

The test is capable of detecting hemoglobin in a concentration range of at least 40 ng/mL to 500 µg/ml. At higher concentrations a beginning high dose hook effect can be observed resulting in a continuous decrease of the color intensity of the test result line.

Reference Material

The qualitative characteristics of the test are confirmed in a final QC testing using human hemoglobin purchased form SIGMA. Using the extraction buffer as solvent the amount of hemoglobin is adjusted to the concentrations needed to confirm the performance characteristics of the test.

Performance Characteristics

For the detection of 40 ng/ml hemoglobin in sample buffer (indicated by the appearance of the test result line) the SERATEC® HemDirect test showed the following performance characteristics:

Diagnostic sensitivity:	100 %
Diagnostic specificity:	100 %
Positive predictive value:	100 %
Negative predictive value:	100 %
Reproducibility:	100 %

Specificity
The SERATEC® HemDirect Test shows no cross reactivity with bovine, dog, rabbit, cat, pig, wild boar, horse, chicken, sheep, mule, goat or red deer hemoglobin.
Blood of primates and blood of ferret reacted positive in the test.

Test procedure

For your safety
Samples containing human blood and all materials coming in contact with them should be handled and disposed of as if capable of transmitting infection. Avoid contact with skin by wearing gloves and proper laboratory attire.

- Test for single *in-vitro* diagnostic use only.
- Do not use the test after the expiration date or if the pouch has been damaged.
- Do not open pouch until ready to perform the assay.
- The test and all materials coming in contact with the sample should be autoclaved before their disposal. They contain potentially infectious material.
- The test consists of potentially infectious materials (e.g. antibodies). These materials do not cause any danger if the device is used according to the instructions.

Specimen collection/specimen preparation
Hold collection tube upright down and unscrew the blue cap. Collect some sample material (e.g. dried blood, blood stained thread of clothing) with the applicator stick attached at the cap. Re-insert the stick into the tube, thus transferring the sample material into the extraction buffer. Screw the cap tightly and extract the blood by shaking thoroughly. At this stage the specimen is stable at room temperature for at least 2 days.
The extraction of old bloodstains may be difficult. If necessary the extraction can be done in the laboratory using the provided buffer (transfer buffer into a different reaction tube, add sample material, extract for two hours on a shaker, centrifuge briefly, and test supernatant).
As solvent we recommend using the extraction buffer provided in the kit. However, other buffers at a neutral pH range (e.g. Phosphate, HEPES or TRIS buffered saline) might be used as well. The addition of pure water for the extraction is not recommended since it leads to a decrease in sensitivity of the test. No detergents like SDS or Sarcosyl should be added to the extraction buffer. If you feel unsure, if an unknown buffer is suitable for the extraction, it might be useful to test a serial dilution of fresh human blood in the buffer to check, if 10^{-6}/10^{-7} dilutions show positive test results. The first dilution step should be carried out in distilled water to ensure a complete lysis of the erythrocytes. Alternatively, a solution with 40 ng/ml hemoglobin can be used.

Note:

High Dose Hook Effect
Due to their high content of hemoglobin, fresh bloodstains should be diluted prior to testing to avoid a high a dose hook effect. As a guide for a suitable dilution, you may want to use the color of the sample. The visual detectable color caused by hemoglobin vanishes between a 10^{-3} and a 10^{-4} dilution. At this concentration range there is no danger of a high dose hook effect. Samples that exhibit an obvious color due to hemoglobin might cause negative test results because of the high dose hook effect.

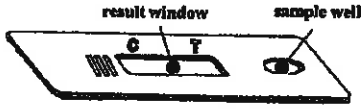
pH value of the Sample
If possible the pH value of the sample should be close to the neutral range. Samples with a pH less than 5 might cause false positive test results. At the alkaline range, the sensitivity of the test is slightly decreased between pH 9 and 11. At pH values of 12 or more the test is no longer functional. Generally no drastic changes in the pH are expected after the extraction of small amounts of sample material, because the extraction buffer exhibits a sufficient buffer capacity.

Influence of the temperature
The sensitivity of the test is only guaranteed if the test is carried out at room temperature. A drop of the temperature to 8 °C leads to a decrease of the sensitivity to approximately 400 ng/ml.

Extraction Buffer
The extraction buffer is composed of the following ingredients:
12.1 g TRIS; 8.8 g $Na_3Citrate$; 0.2 g NaN_3 →adjust pH auf 6.8 with HCl
0.5 g Tween 20; 5.0 g BSA → fill with distilled water to 1000 ml

Assay Procedure

- Bring test device and sample to room temperature prior to the testing. Remove the test from the protective pouch when ready to start the assay. Label the device for identification purposes if necessary.



- Add 3 drops of the sample (approximately 100 µl) into the round opening (sample well). If the extraction was carried out in the collection tube, remove the white conic cap at the lower end of the tube. Using a piece of paper (danger of splattering), break the seal of the tube by a twisting motion. Hold the tube upright down and dispense three drops of liquid into the round sample well by exerting a light pressure on the walls of the tube. Start the timer. Keep remaining liquid in case it might be necessary to test additional dilutions.
- Wait for 5 minutes. During this time one or two red lines appear in the result window. Negative results should be confirmed after 10 minutes.

Interpretation of results

Negative result (no hemoglobin in the sample or hemoglobin beyond the detection limit)

Only one red colored line appears in the control region (C). The absence of a line in the test result region T indicates a negative test result.

In this case the sample most likely does not contain human blood or human hemoglobin.

Note:
Make sure that the dilution of the sample is within the detectable range Hemoglobin concentrations that are too low e.g. due to an insufficient extraction or hemoglobin concentrations that are too high e.g. due to an unsuitable dilution (also see high dose hook effect) interfere with the formation of the test result line.

Positive result (human hemoglobin present in the sample)

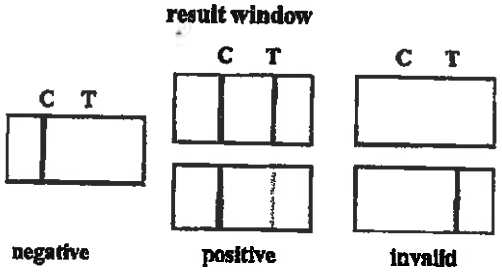
Two red colored lines appear in the result window, one at the control region (C) and one in the test result region (T). The color intensities of the two lines may vary. Even a weak test result line indicates a positive test result.

In this case it is very likely that the sample contains human hemoglobin.

Invalid result

The control line (C) does not appear.

In this case the test is invalid and should be repeated with a new cassette.



Further Reading

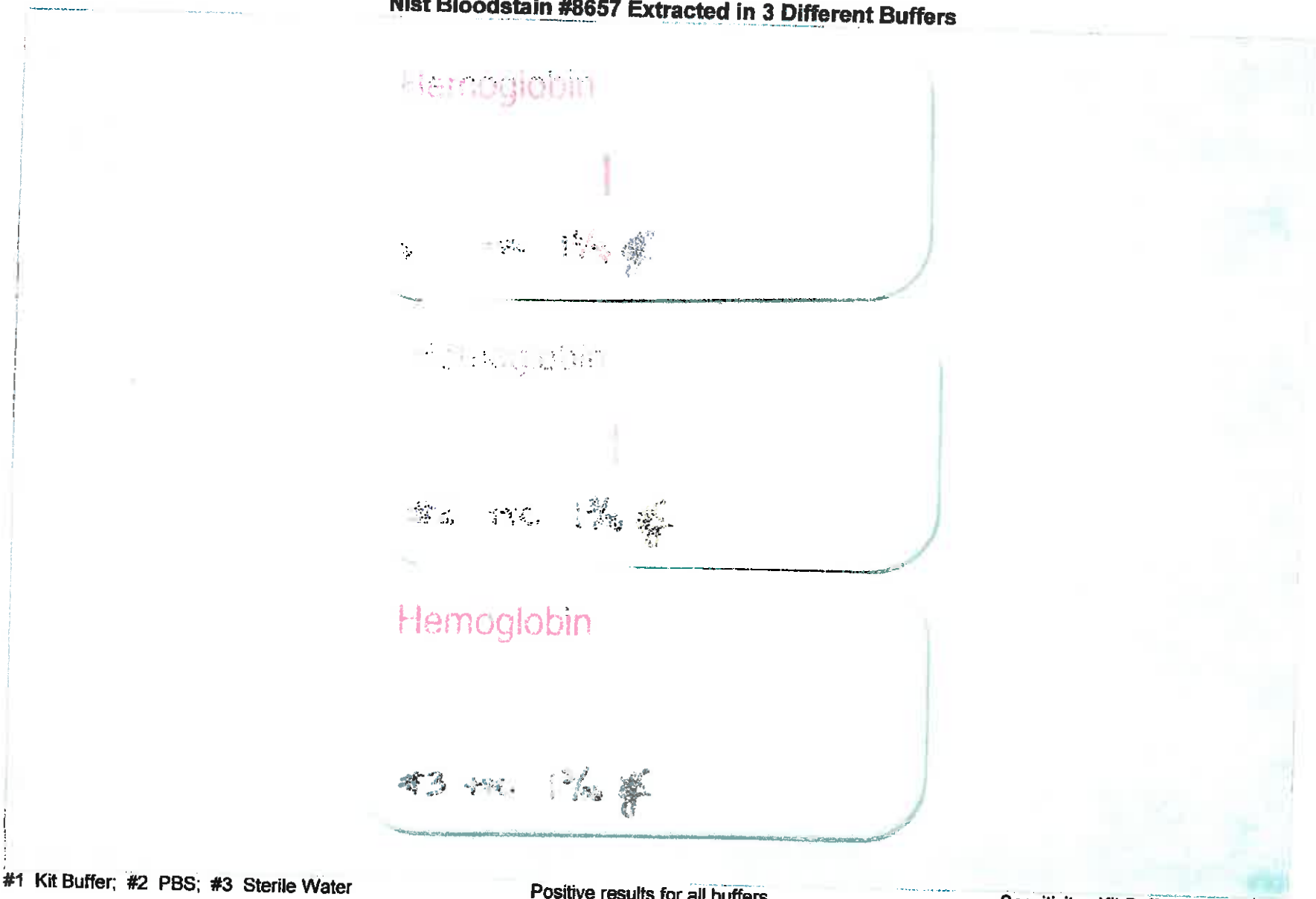
[1]Hochmeister et al. (1999) Validation Studies of an Immunochromatographic 1-Step Test for the Forensic Identification of Human Blood. J Forensic Sci Vol 44: 597-601

[2]Herrmann et al. (2003) The Use of the Hexagon OBTI Test for Detection of Human Blood at Crime Scenes and on Items of Evidence. Part I: Validation Studies and Implementation. J Forensic Sci Vol 53, 2003

October 2004

HemDirect Validation - Extraction Buffer Comparison

Nist Bloodstain #8657 Extracted in 3 Different Buffers



#1 Kit Buffer; #2 PBS; #3 Sterile Water

Positive results for all buffers

Sensitivity: Kit Buffer > H2O > PBS

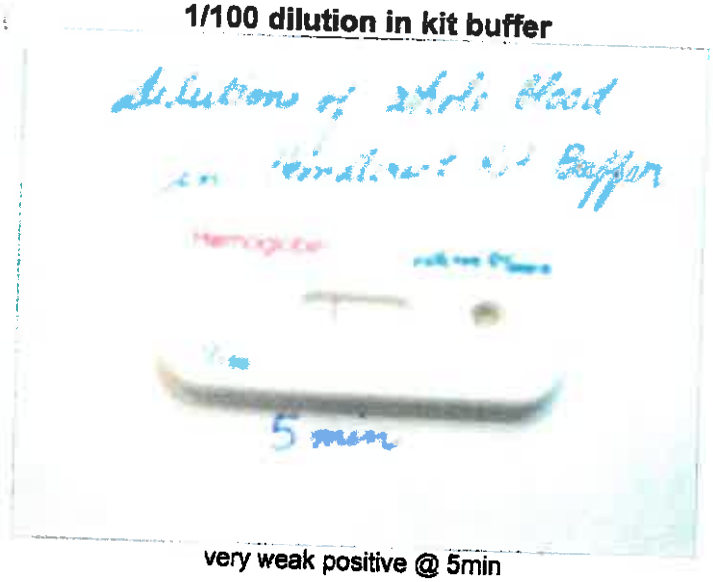
HemDirect Validation
Sensitivity Study
Comparison of Diliutions of Whole Blood in Water vs Kit Buffer

DILUTION IN WATER		
	5 mins	10 mins
1/10	negative (hook effect)	negative (hook effect)
1/100	very weak positive	very weak positive
1/1000	weak positive	positive
1/10,000	positive	positive
1/100,000	very weak positive	weak positive
1/1MIL	negative	negative
1/10MIL	negative	negative

DILUTION IN KIT BUFFER		
	5 mins	10 mins
1/100	very weak positive	weak positive
1/1000	positive	positive
1/10,000	positive	positive
1/100,000	positive	positive
1/1MIL	weak positive	positive
1/10MIL	negative	weak positive
1/20MIL	negative	very weak positive

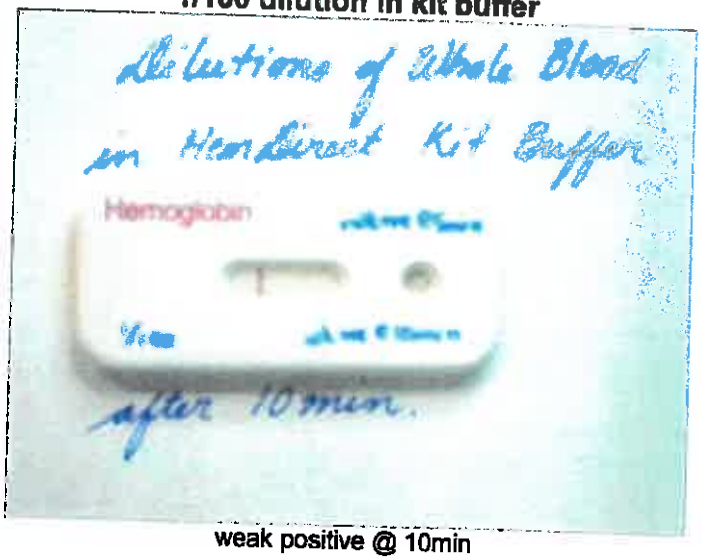
HemDirect Validation - Sensitivity

1/100 dilution in kit buffer



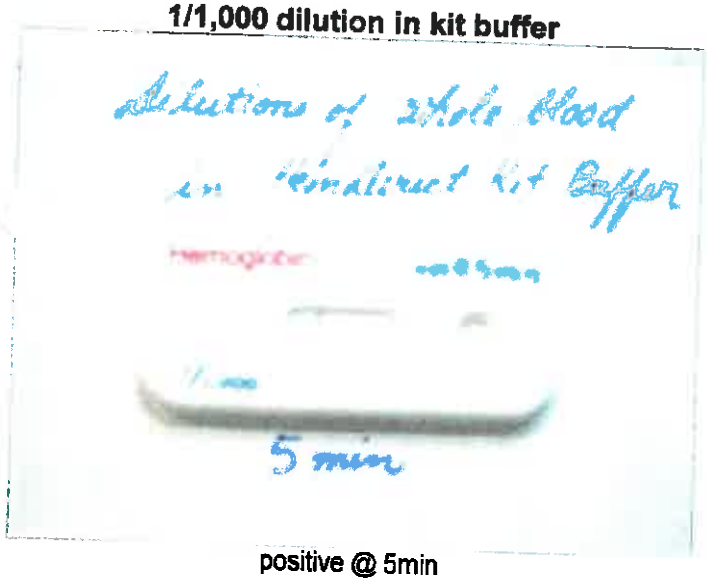
very weak positive @ 5min

1/100 dilution in kit buffer



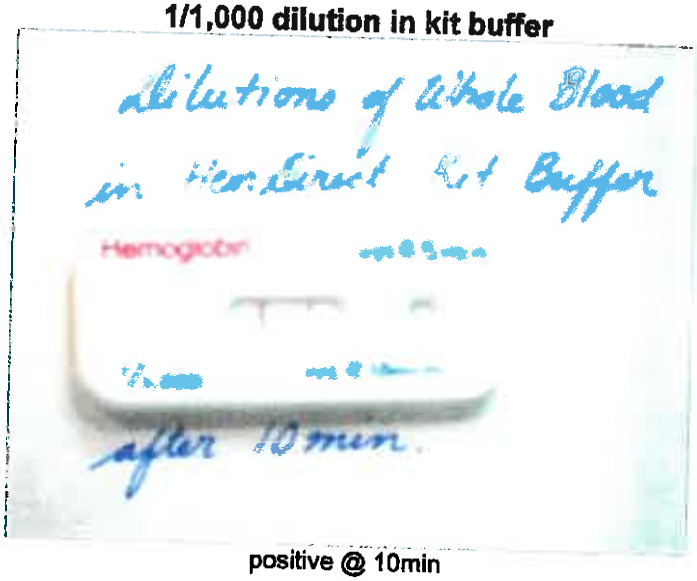
weak positive @ 10min

1/1,000 dilution in kit buffer



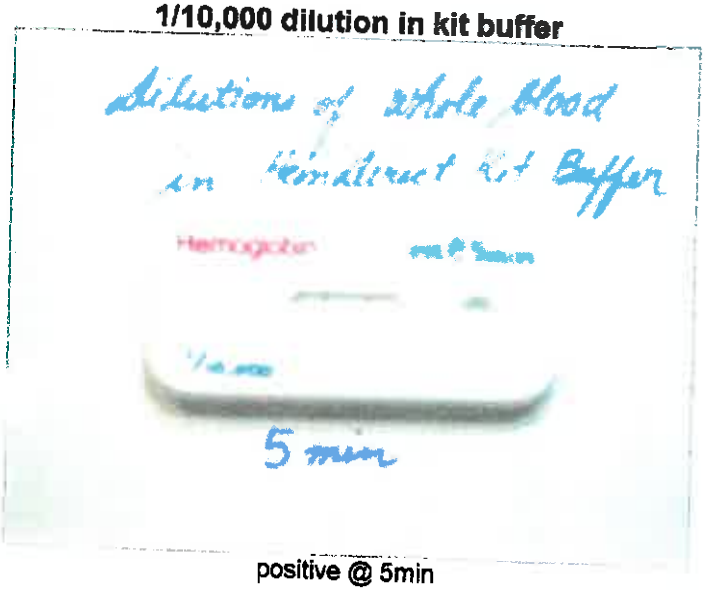
positive @ 5min

1/1,000 dilution in kit buffer



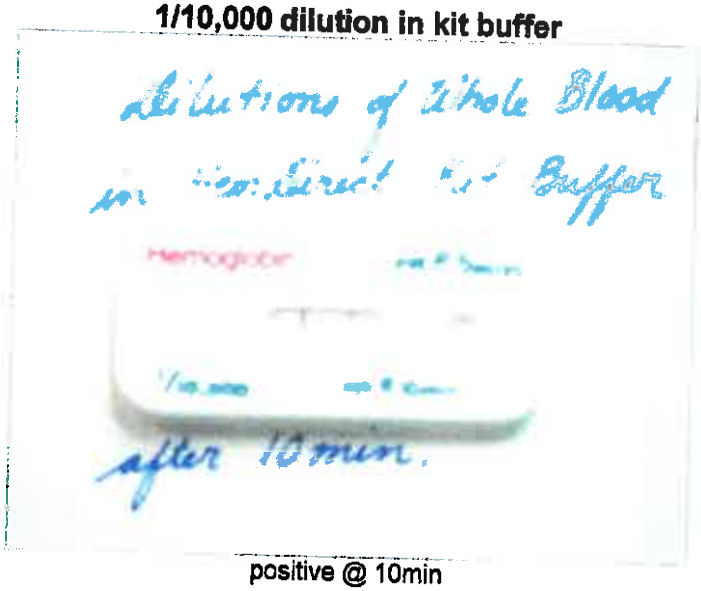
positive @ 10min

1/10,000 dilution in kit buffer



positive @ 5min

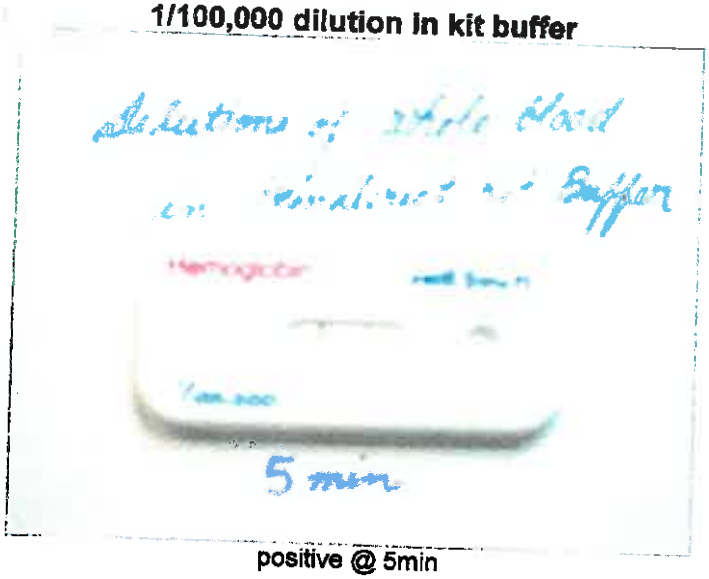
1/10,000 dilution in kit buffer



positive @ 10min

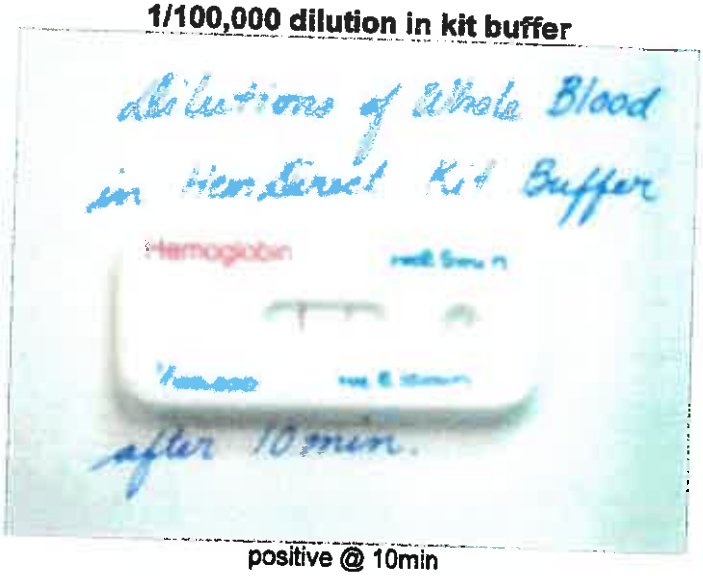
HemDirect Validation - Sensitivity

1/100,000 dilution in kit buffer



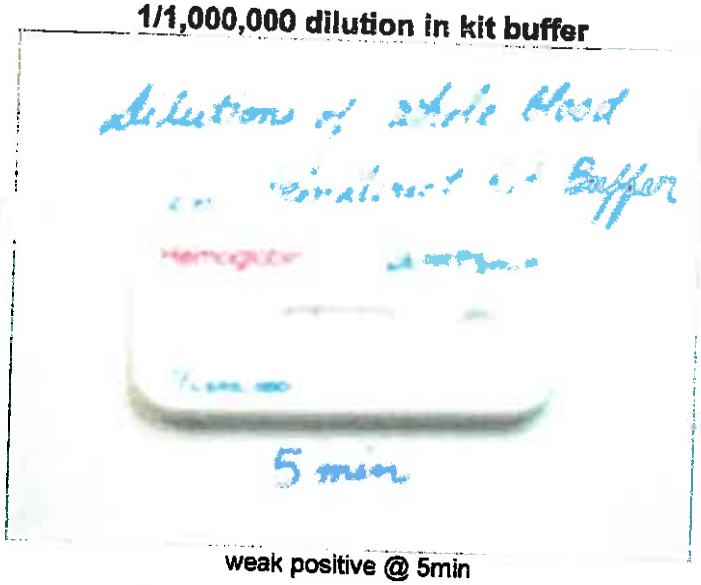
positive @ 5min

1/100,000 dilution in kit buffer



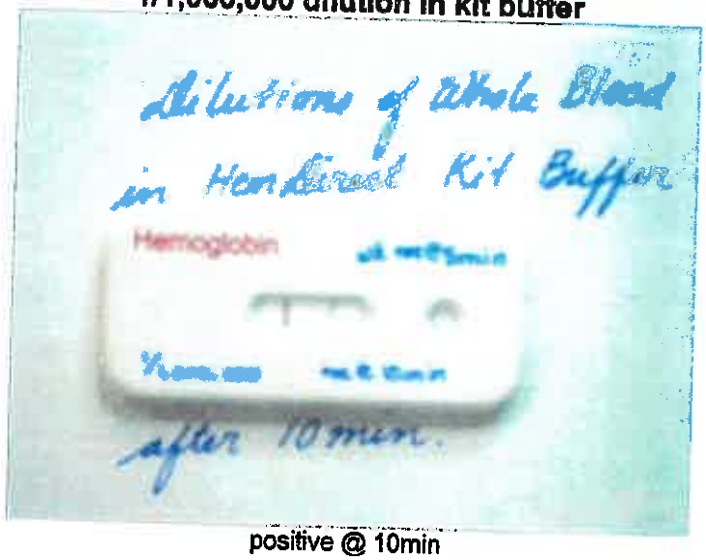
positive @ 10min

1/1,000,000 dilution in kit buffer



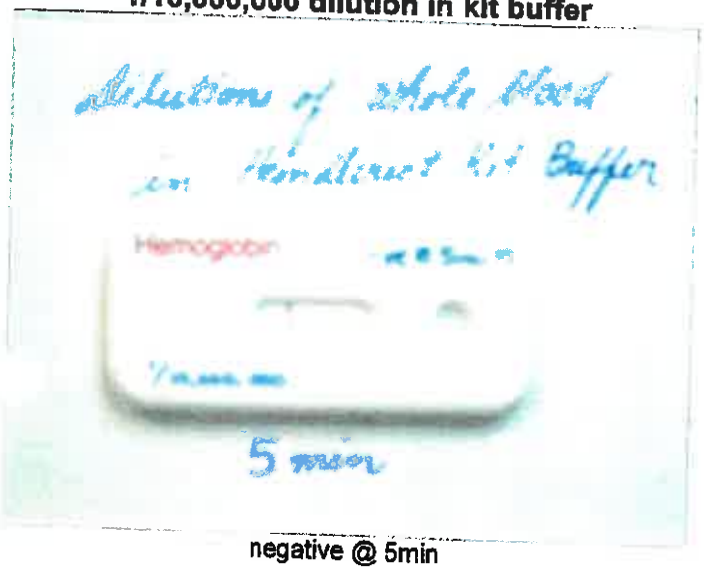
weak positive @ 5min

1/1,000,000 dilution in kit buffer



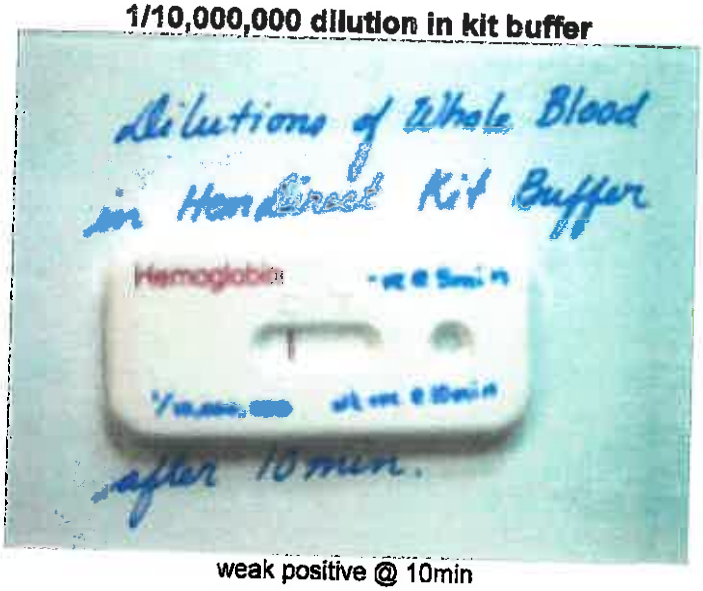
positive @ 10min

1/10,000,000 dilution in kit buffer



negative @ 5min

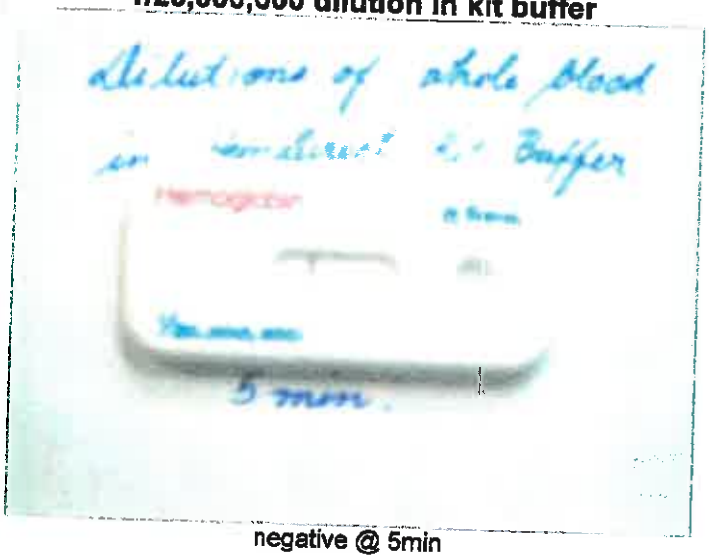
1/10,000,000 dilution in kit buffer



weak positive @ 10min

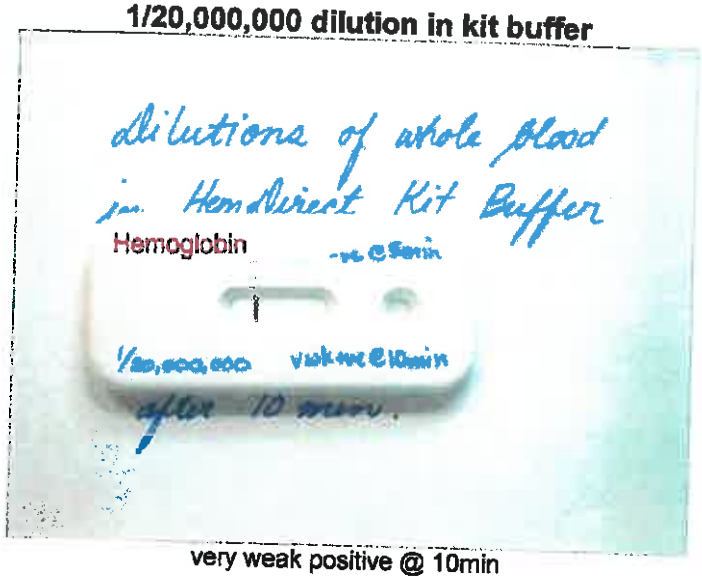
HemDirect Validation - Sensitivity

1/20,000,000 dilution in kit buffer



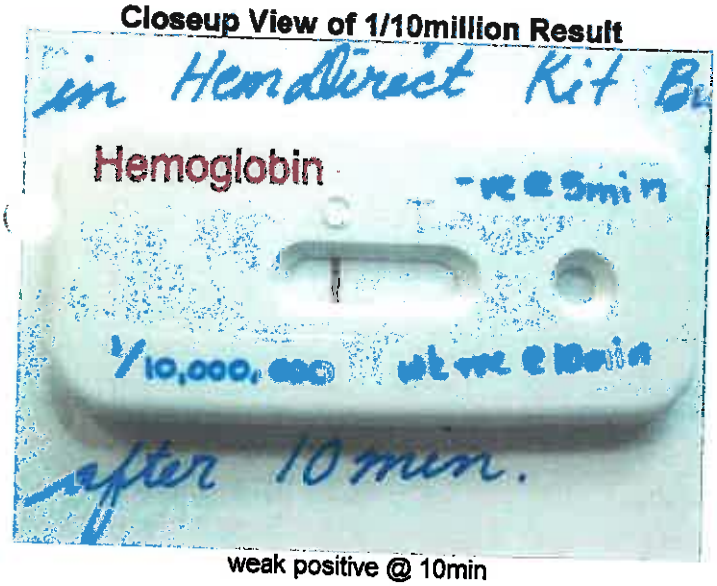
negative @ 5min

1/20,000,000 dilution in kit buffer



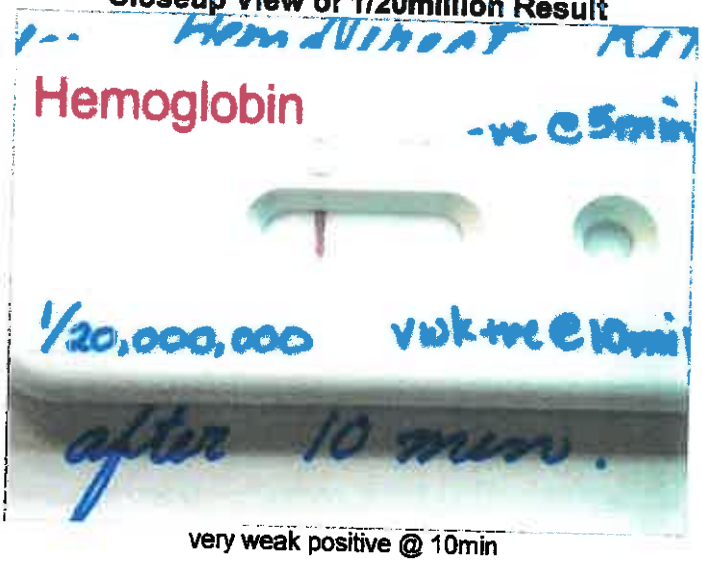
very weak positive @ 10min

Closeup View of 1/10million Result



weak positive @ 10min

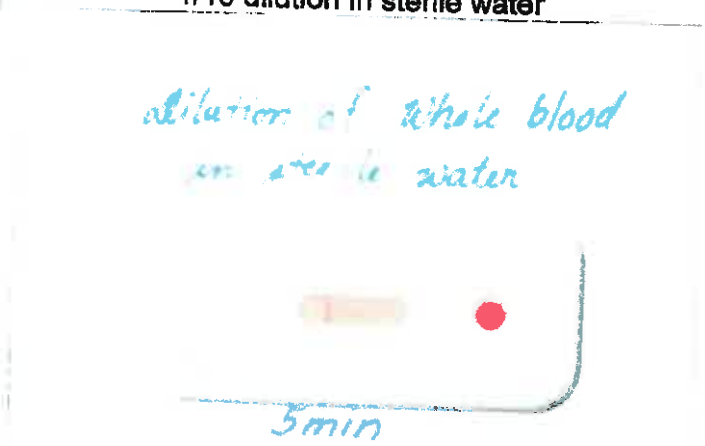
Closeup View of 1/20million Result



very weak positive @ 10min

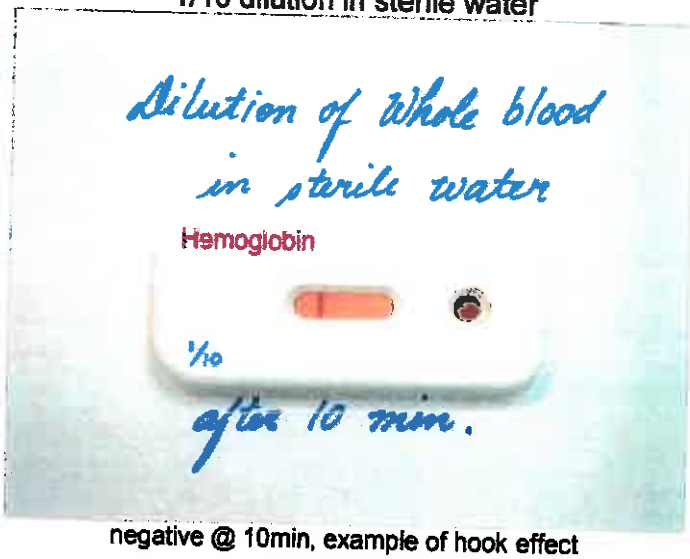
HemDirect Validation - Sensitivity

1/10 dilution in sterile water



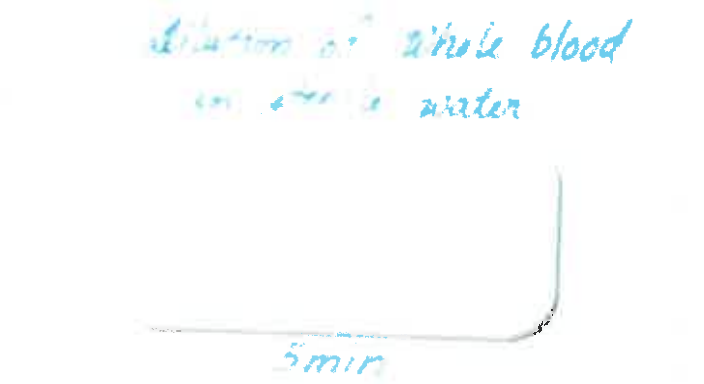
negative @ 5min, example of hook effect

1/10 dilution in sterile water



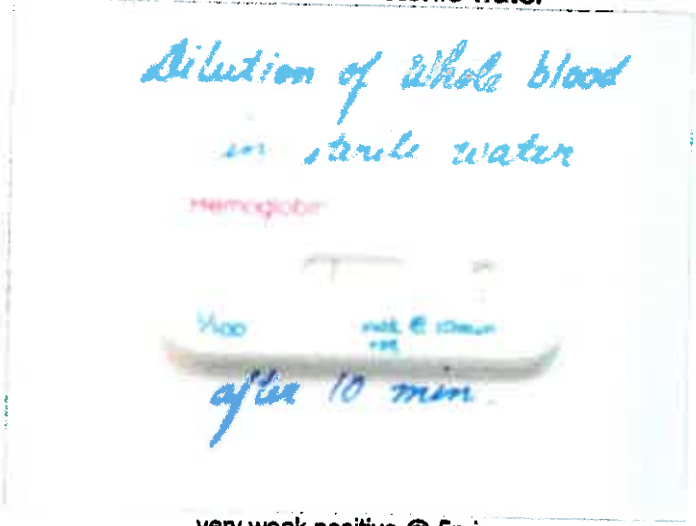
negative @ 10min, example of hook effect

1/100 dilution in sterile water



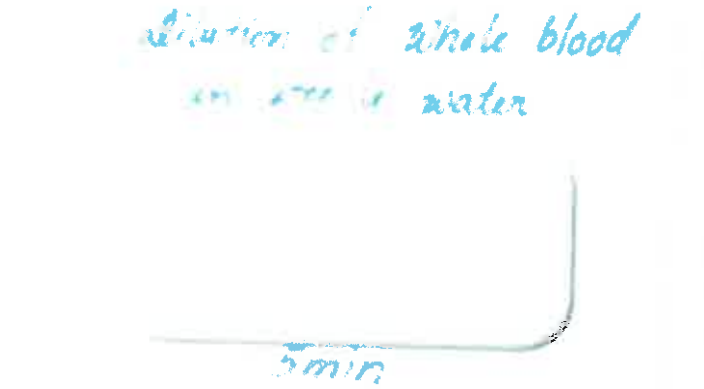
very weak positive @ 5min

1/1,000 dilution in sterile water

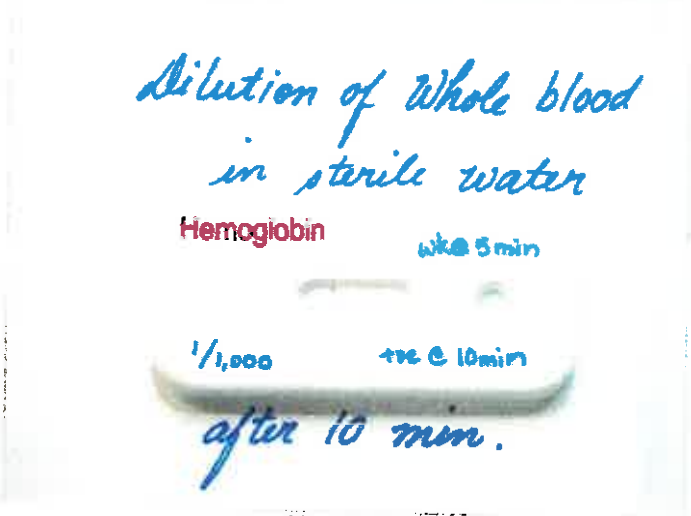


very weak positive @ 5min

1/1,000 dilution in sterile water



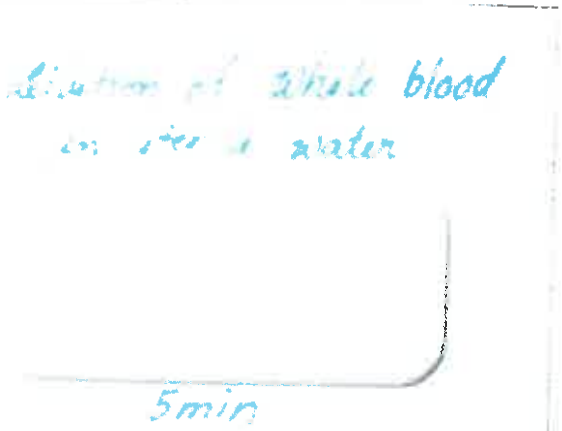
weak positive @ 5min



positive @ 10min

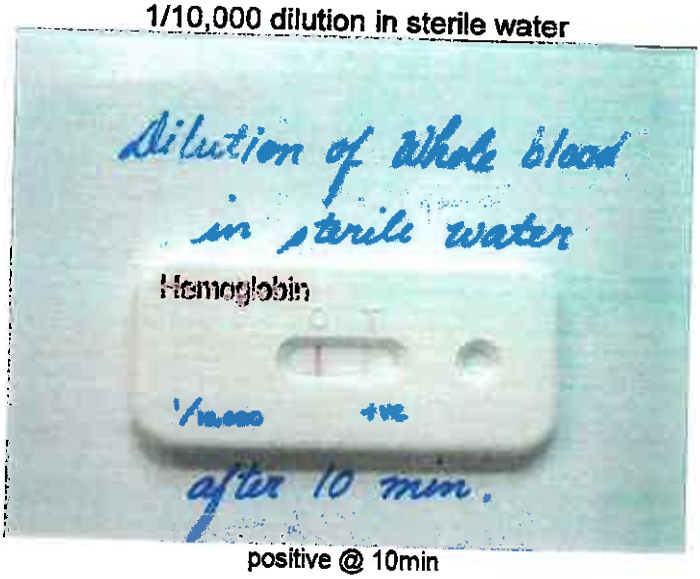
HemDirect Validation - Sensitivity

1/10,000 dilution in sterile water



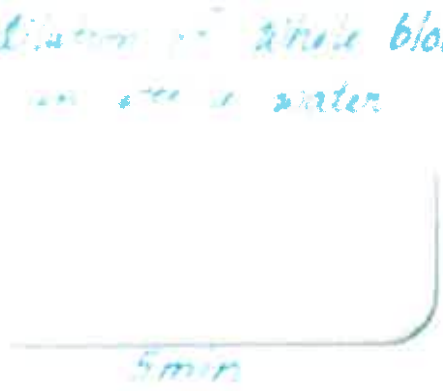
positive @ 5min

1/10,000 dilution in sterile water



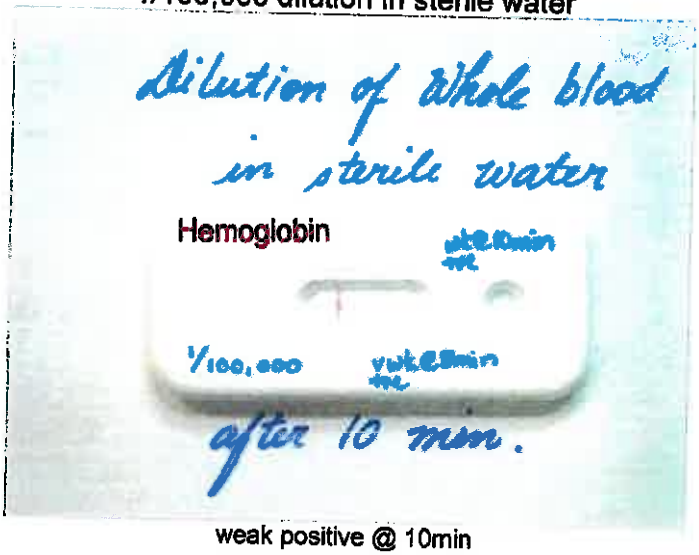
positive @ 10min

1/100,000 dilution in sterile water



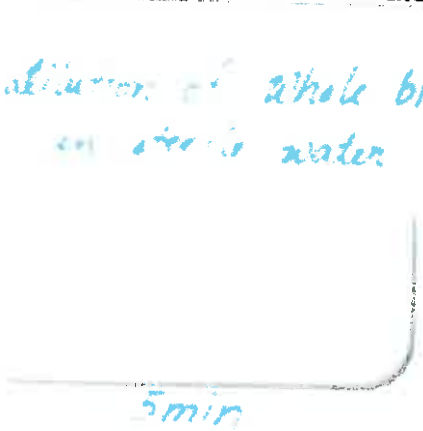
very weak positive @ 5min

1/100,000 dilution in sterile water

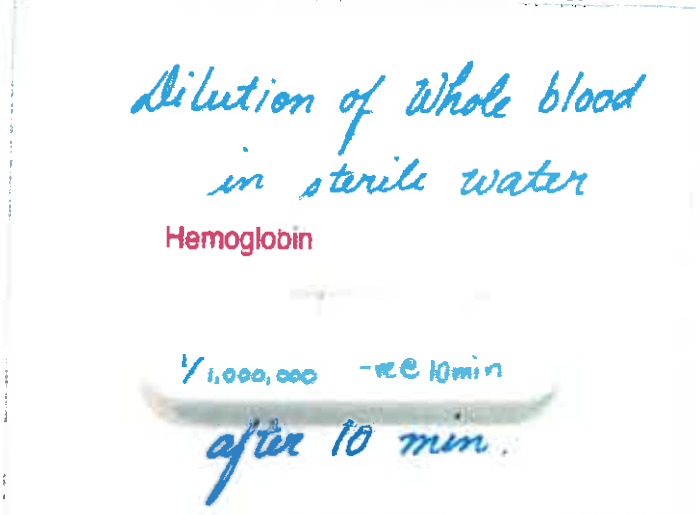


weak positive @ 10min

1/1,000,000 dilution in sterile water



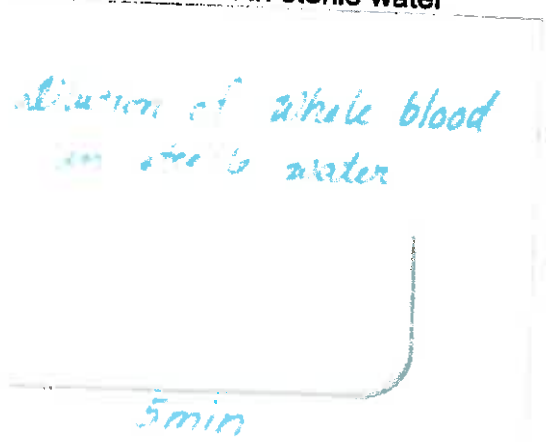
negative @ 5min



negative @ 10min

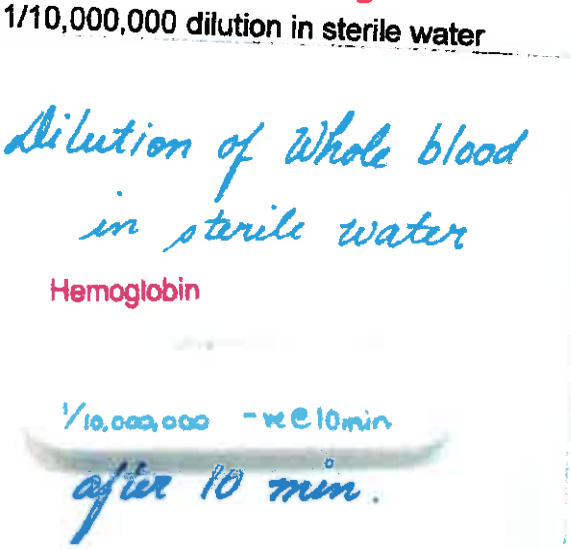
HemDirect Validation - Sensitivity

1/10,000,000 dilution in sterile water



negative @ 10min

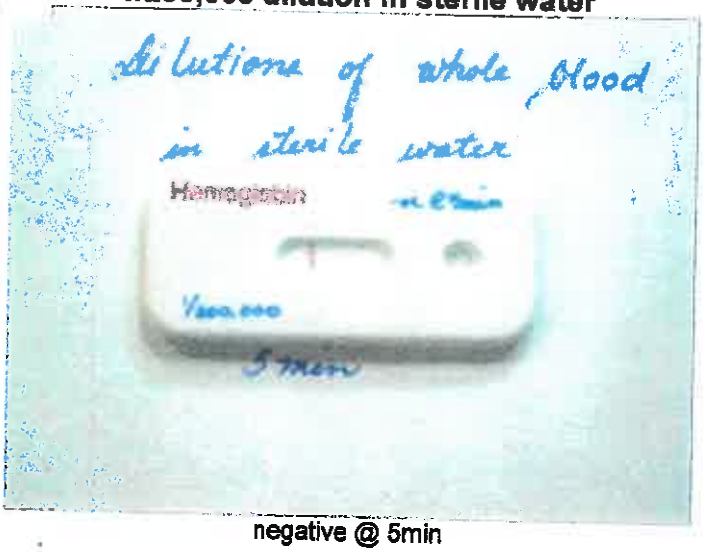
1/10,000,000 dilution in sterile water



negative @ 10min

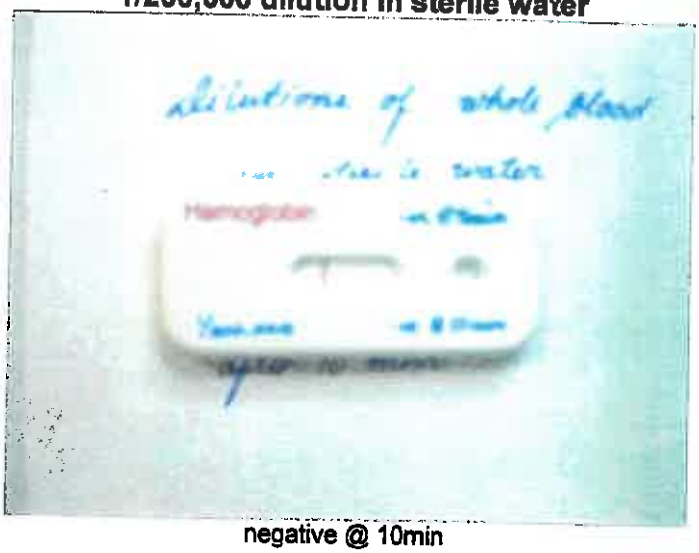
HemDirect Validation - Sensitivity

1/200,000 dilution in sterile water



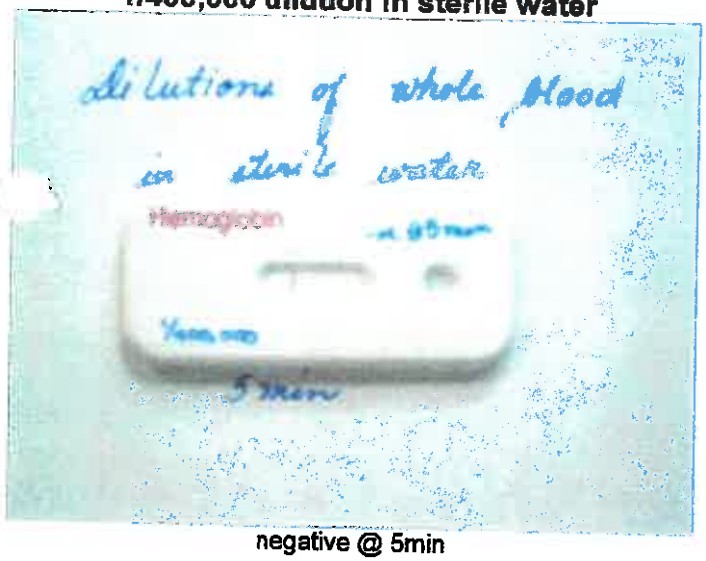
negative @ 5min

1/200,000 dilution in sterile water



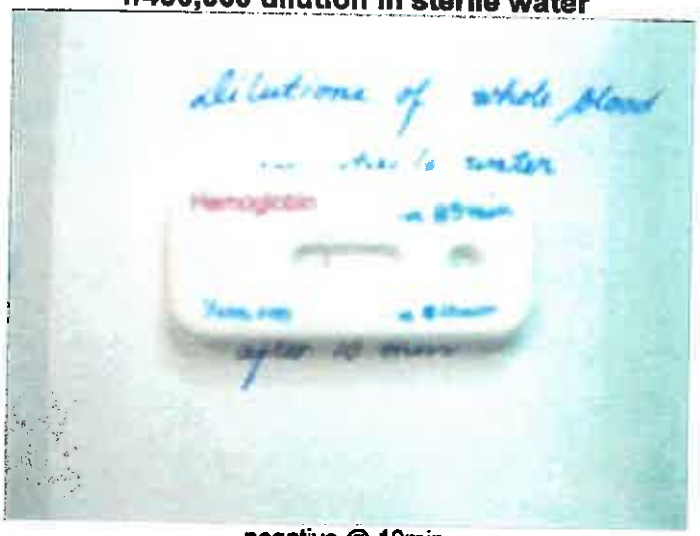
negative @ 10min

1/400,000 dilution in sterile water



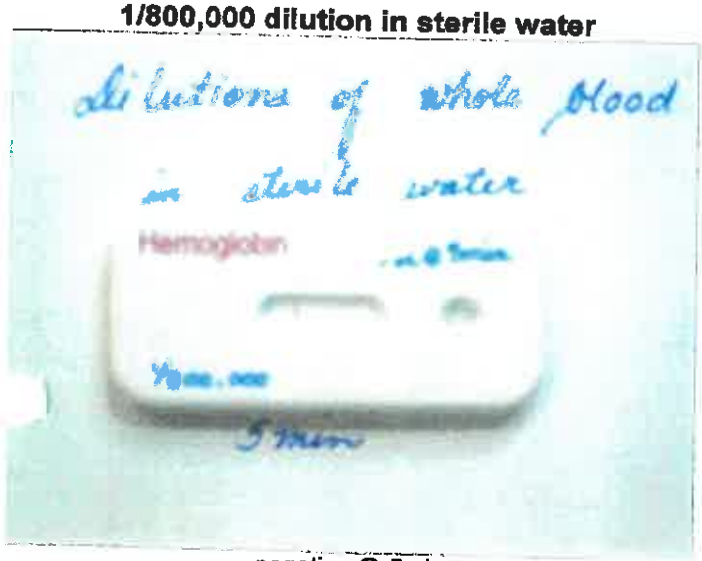
negative @ 5min

1/400,000 dilution in sterile water



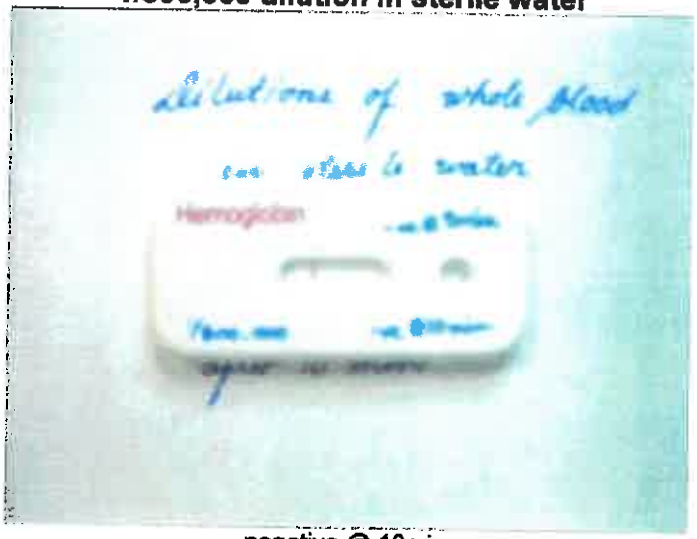
negative @ 10min

1/800,000 dilution in sterile water



negative @ 5min

1/800,000 dilution in sterile water



negative @ 10min

HemDirect Validation
Sensitivity
O-tol Titer Comparison

Row	Column 1	Column 2	Column 3
A	1/10 dil'n in water	1/1M dil'n in water	1/20M dil'n in kit buffer
B	1/100 dil'n in water	1/10M dil'n in water	water
C	1/1K dil'n in water	1/100 dil'n in kit buffer	kit buffer
D	1/10K dil'n in water	1/1K dil'n in kit buffer	
E	1/100K dil'n in water	1/10K dil'n in kit buffer	
F	1/200K dil'n in water	1/100K dil'n in kit buffer	
G	1/400K dil'n in water	1/1M dil'n in kit buffer	
H	1/800K dil'n in water	1/10M dil'n in kit buffer	

NOTES:
Sterile Water #3967
O-tol #4017
10% Hydrogen Peroxide #4018
HemDirect Kit Buffer #11492

HE..DIRECT VALIDATION: O- OL TITER COMPARISON



ANTI HUMAN

A420 Lot #726 Host Animal: Rabbit

Freeze Dried Product. Reconstitute with one (1) ml deionized water
SERI antisera for species determination are quality control tested by both SERI and the manufacturer. Cross-over electrophoresis is utilized to test for species cross-reactivity. The results of sensitivity tests are tabulated below. Titers are for comparison purposes only.

Species Serum	Crossover Result
Bovine	neg
Cat	neg
Chicken	neg
Deer	neg
Dog	neg
Duck	neg
Elk	neg
Goat	neg
Horse	neg

Species Serum	Crossover Result
Human	pos
Monkey	pos
Moose	neg
Mouse	neg
Pigeon	neg
Rabbit	neg
Rat	neg
Sheep	neg
Swine	neg
Turkey	neg

TITER: vs whole serum dilutions — Crossover 1/100K — Diffusion 1/6400

KEY: Blank = Not Tested; pos = positive; neg = negative; wk = weak positive

1379

1903

120 V, 30 [illegible]

#726		#1750
α Human (1:1)	+ve	Human Serum (1/100)
	+ve	(1/200)
	+ve	(1/400)
	+ve	(1/800)
	+ve	(1/1600)
	+ve	(1/3200)
	+ve	(1/6400)
	+ve	(1/12,800)
	+ve	(1/25,600)
	+ve	(1/51,200)
	+ve	(1/102,400)

#725		#1575
α bovine (1:1)	-ve	Bovine Serum (1/100)
	-ve	(1/200)
	+ve	(1/400)
	+ve	(1/800)
	+ve	(1/1600)
	+ve	(1/3200)
	+ve	(1/6400)
	wk +ve	(1/12,800)
	wk +ve	(1/25,600)
	-ve	(1/51,200)
	-ve	(1/102,400)

Note: BW units insert. Say cross over titer is 1/100 K. We have not done this in the past. Always have reported 12.5K on the insert. Tube test has been dropped from the insert.

ANTI HUMAN

A420 Lot #728 Host Animal: Rabbit

Freeze Dried Product. Reconstitute with one (1) ml deionized water. SERI antisera for species determination are quality control tested by both SERI and the manufacturer. Cross-over electrophoresis is utilized to test for species cross-reactivity. The results of sensitivity tests are tabulated below. Titers are for comparison purposes only

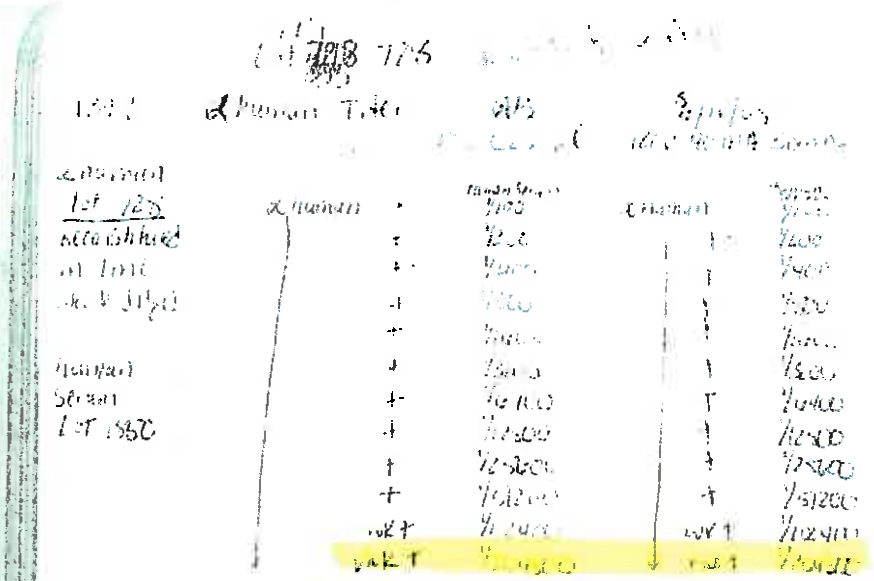
Species Serum	Crossover Result
Bovine	neg
Cat	neg
Chicken	neg
Deer	neg
Dog	neg
Duck	neg
Elk	neg
Goat	neg
Horse	neg

Species Serum	Crossover Result
Human	pos
Monkey	pos
Moose	neg
Mouse	neg
Pigeon	neg
Rabbit	neg
Rat	neg
Sheep	neg
Swine	neg
Turkey	neg

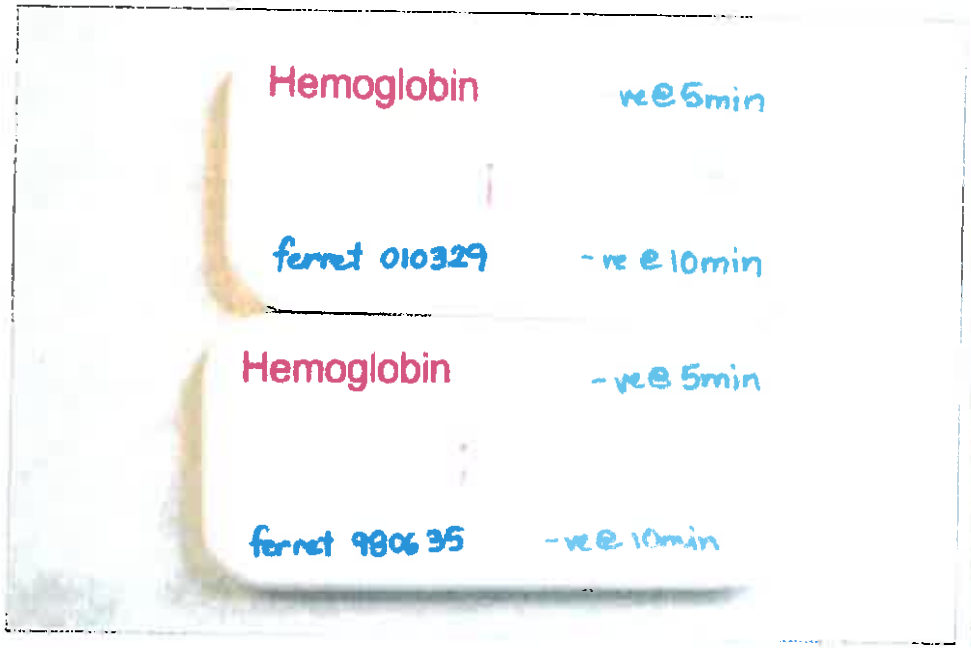
TITER: vs whole serum dilutions	Crossover 1/25K	Gel Diffusion 1:6400

KEY: Blank = Not Tested pos = positive neg = negative wk = weak positive

Serological Research Institute, Richmond, CA 94806



HEMDIRECT: SPECIES CROSSREACTIVITY

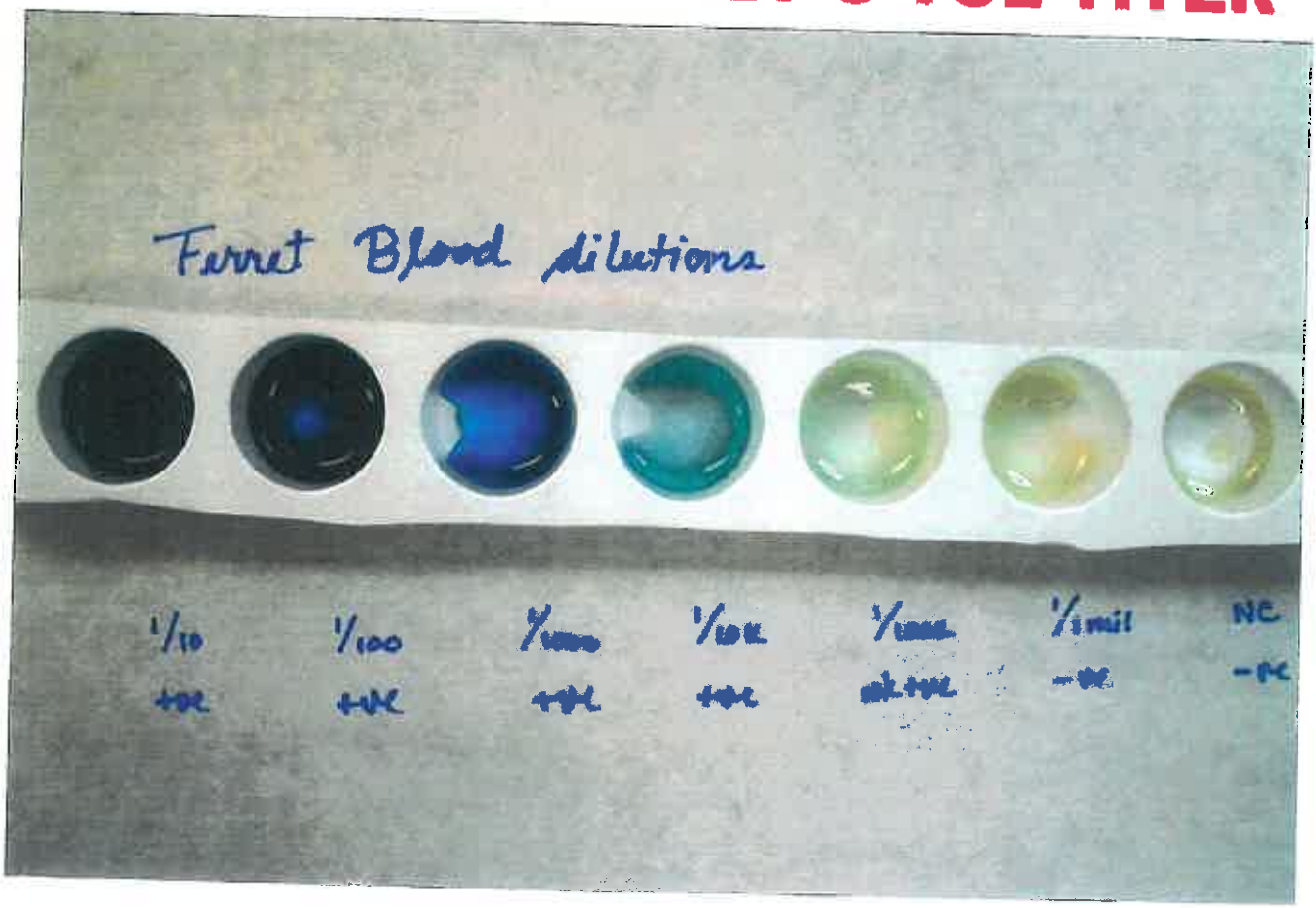






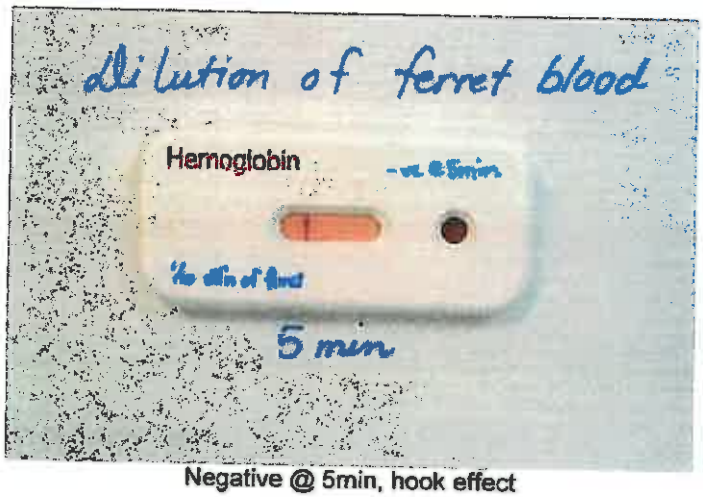
Samples of Animal Blood on slides obtained from Bale Zaun, Ohio BCI

HEMDIRECT: FERRET O-TOL TITER



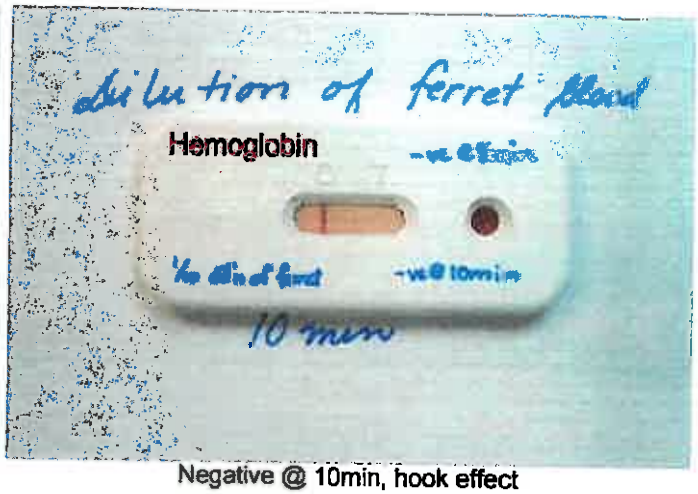
HEMDIRECT FERRET CROSSREACTION

1/10 DILUTION WHOLE FERRET BLOOD



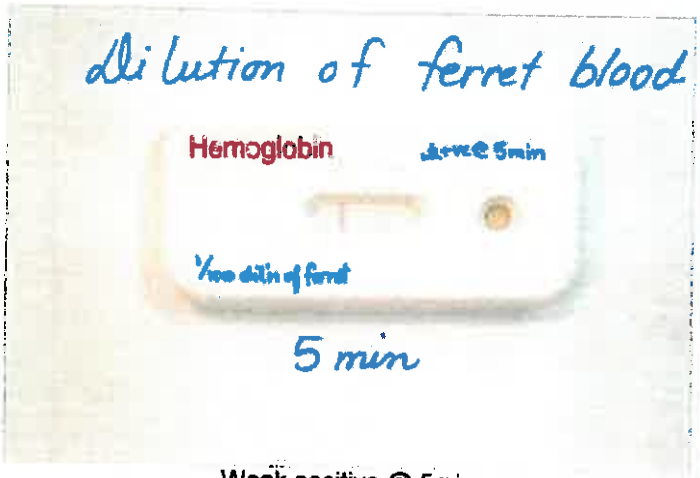
Negative @ 5min, hook effect

1/10 DILUTION WHOLE FERRET BLOOD



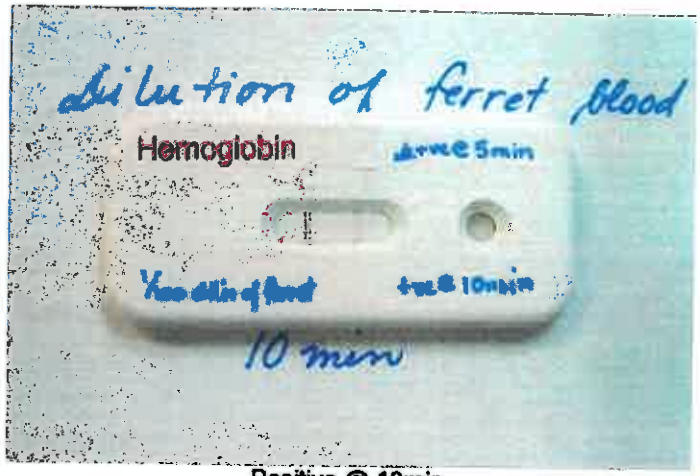
Negative @ 10min, hook effect

1/100 DILUTION WHOLE FERRET BLOOD



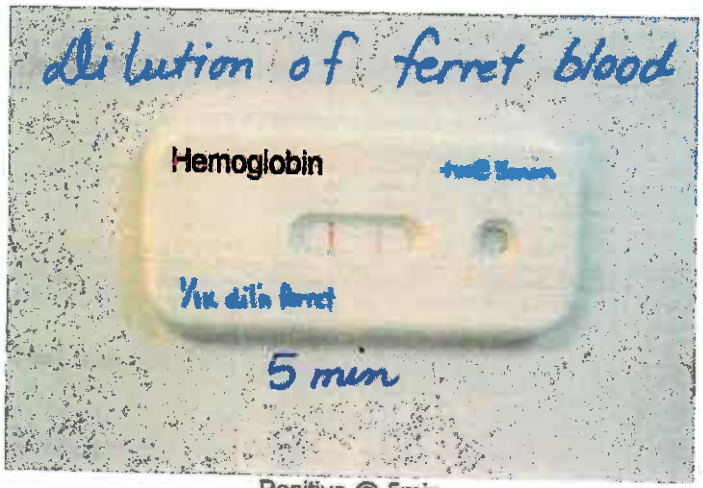
Weak positive @ 5min

1/100 DILUTION WHOLE FERRET BLOOD



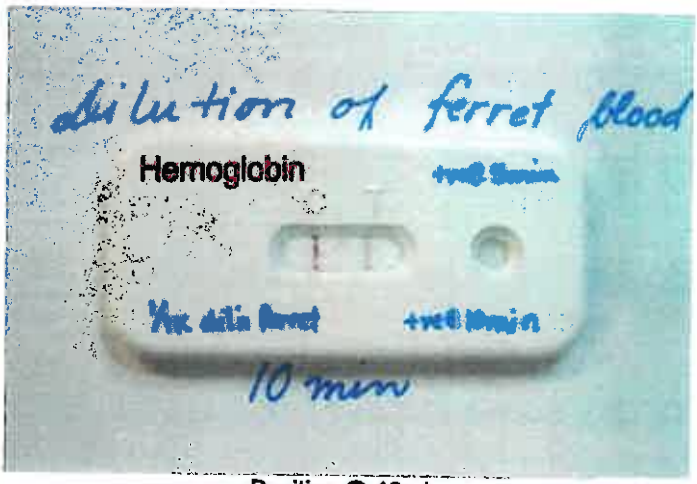
Positive @ 10min

1/1K DILUTION WHOLE FERRET BLOOD



Positive @ 5min

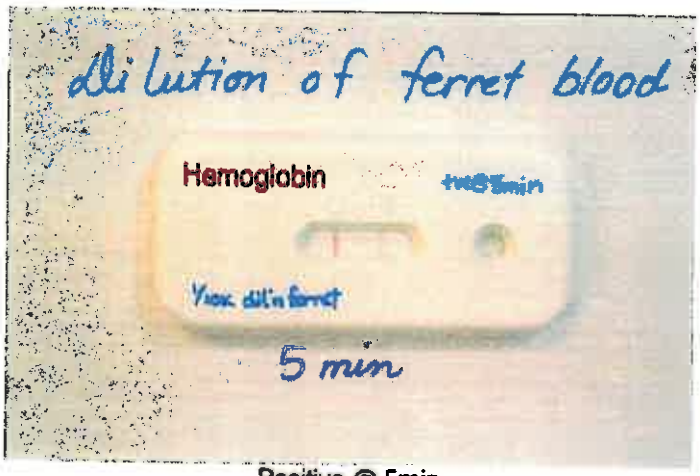
1/1K DILUTION WHOLE FERRET BLOOD



Positive @ 10min

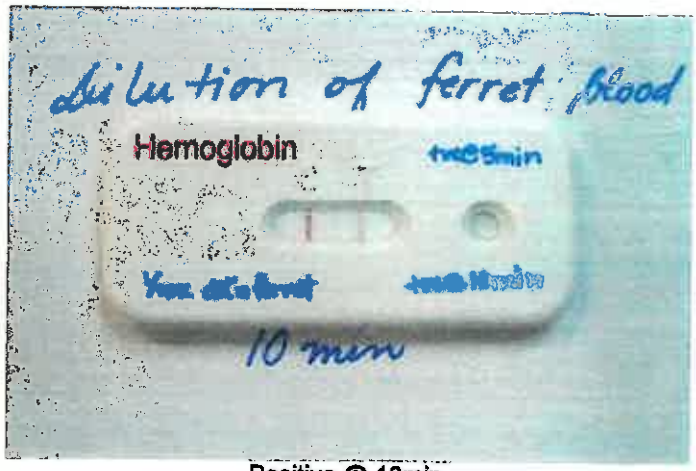
HEMDIRECT FERRET CROSSREACTION

1/10K DILUTION WHOLE FERRET BLOOD



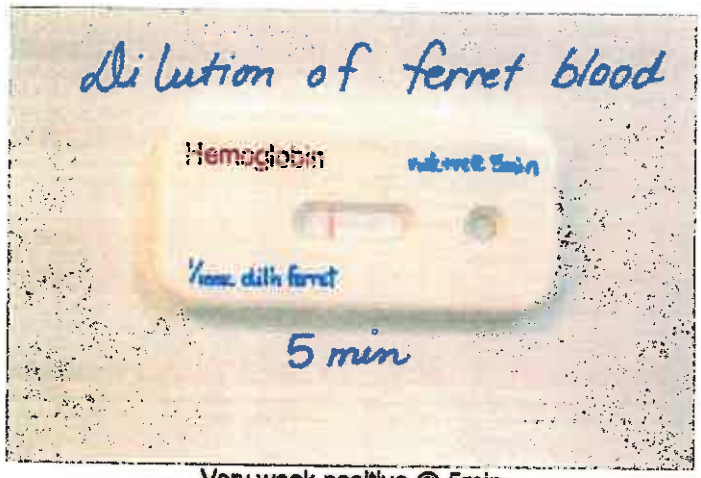
Positive @ 5min

1/10K DILUTION WHOLE FERRET BLOOD



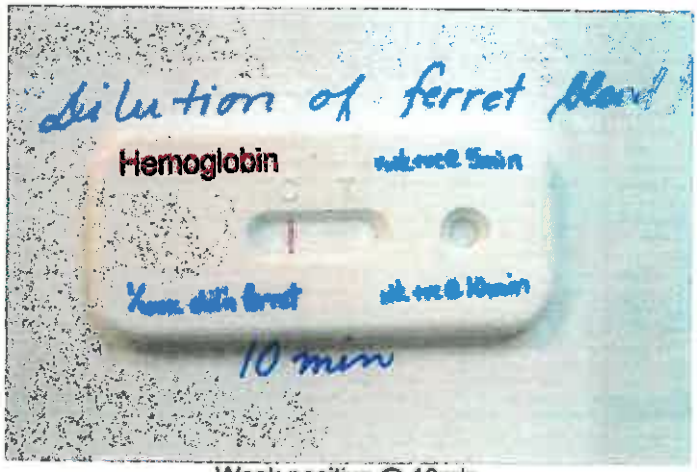
Positive @ 10min

1/100K DILUTION WHOLE FERRET BLOOD



Very weak positive @ 5min

1/100K DILUTION WHOLE FERRET BLOOD



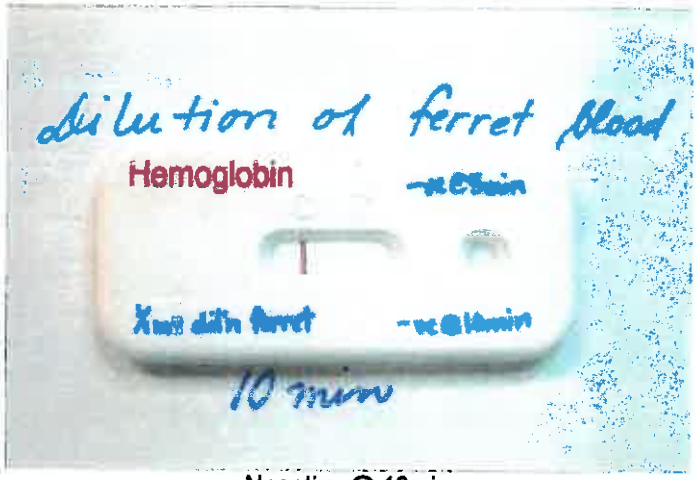
Weak positive @ 10min

1/1MIL DILUTION WHOLE FERRET BLOOD



Negative @ 5min

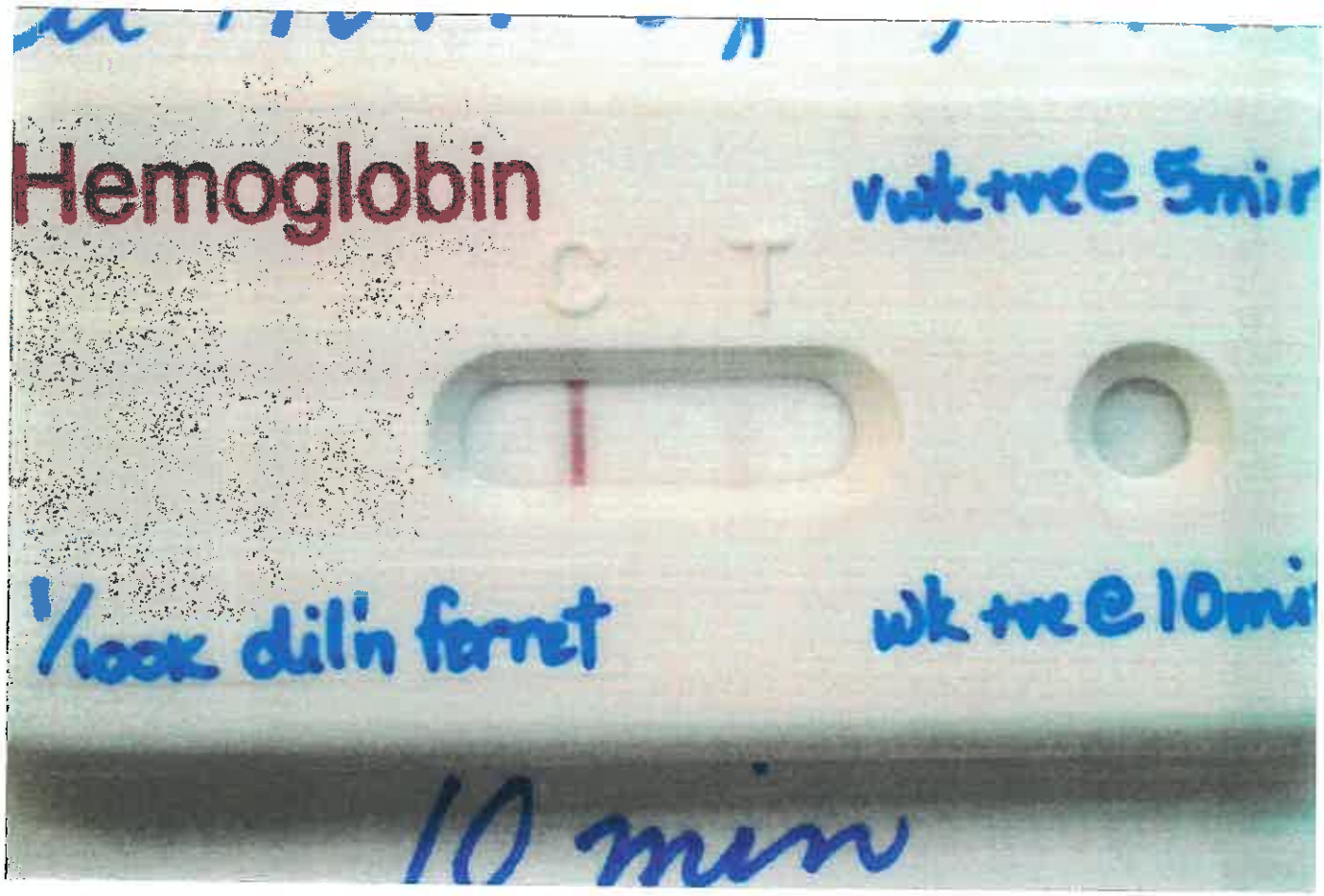
1/1MIL DILUTION WHOLE FERRET BLOOD



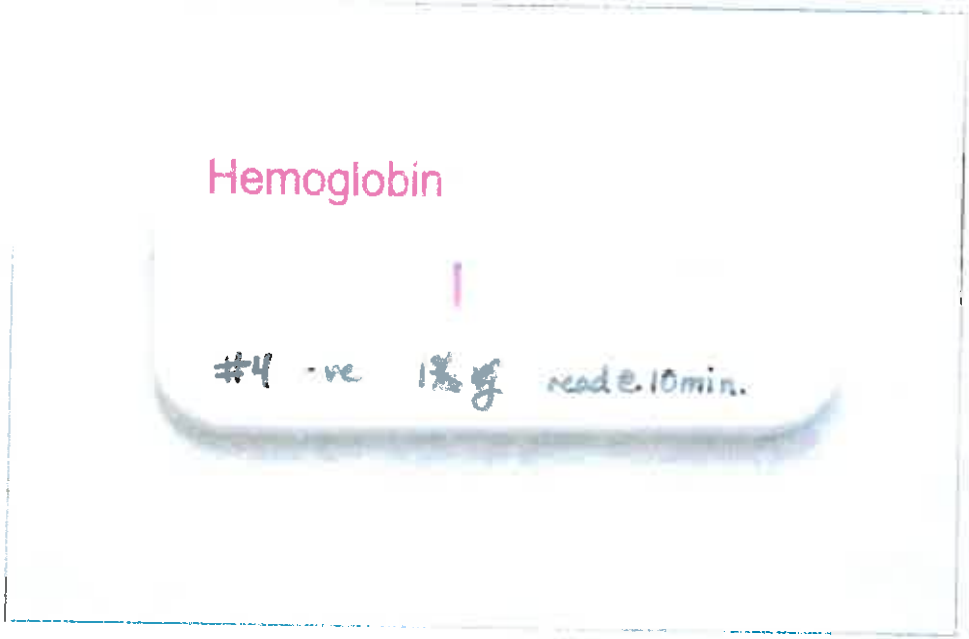
Negative @ 10min

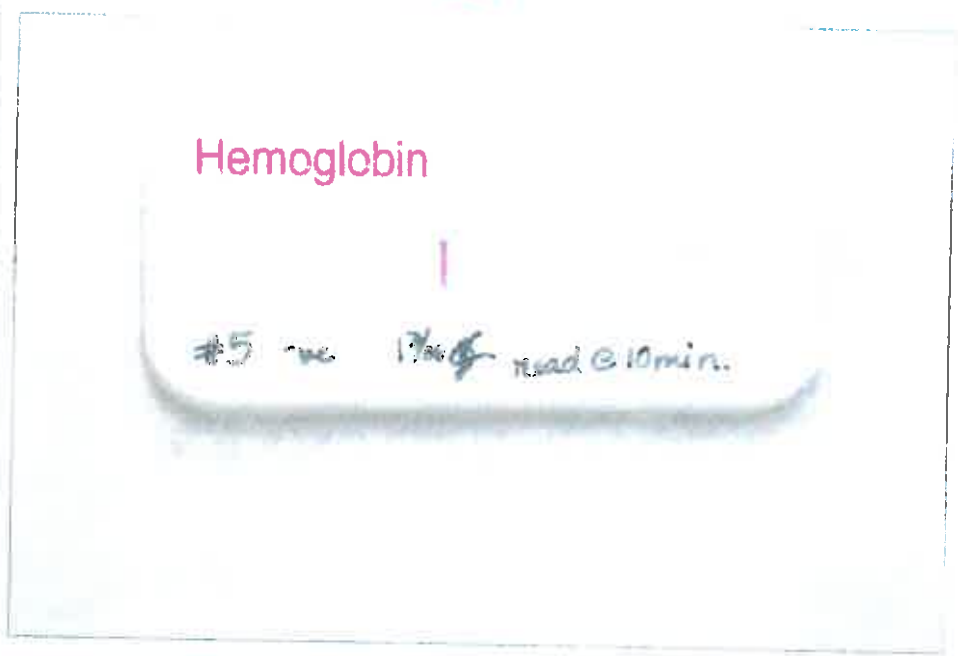
HEMDIRECT FERRET CROSSREACTION

REACTION ENDPOINT AT 1/100K DILUTION

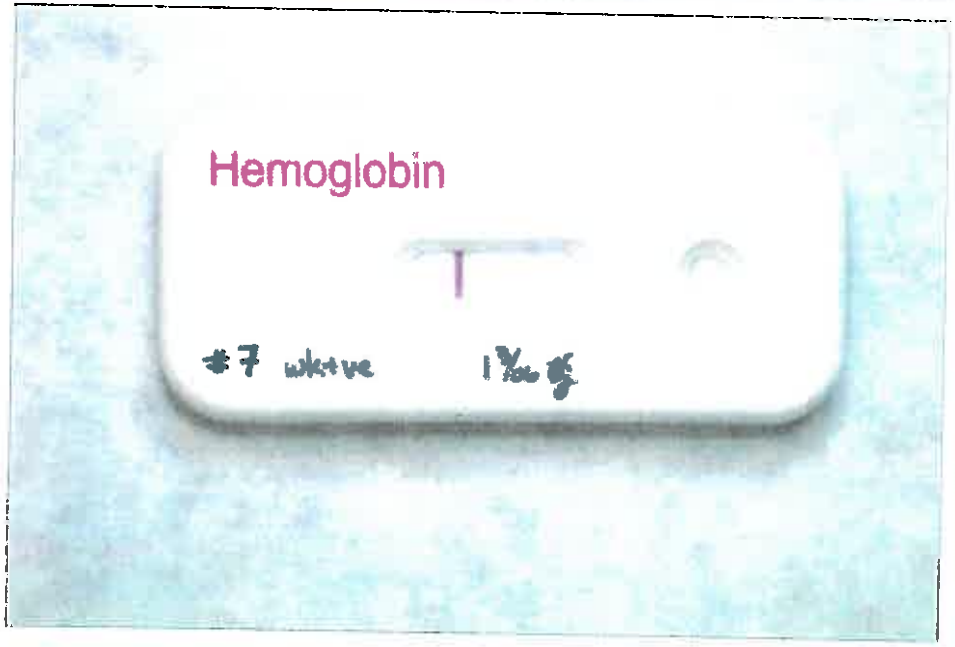


HEMDIRECT VALIDATION

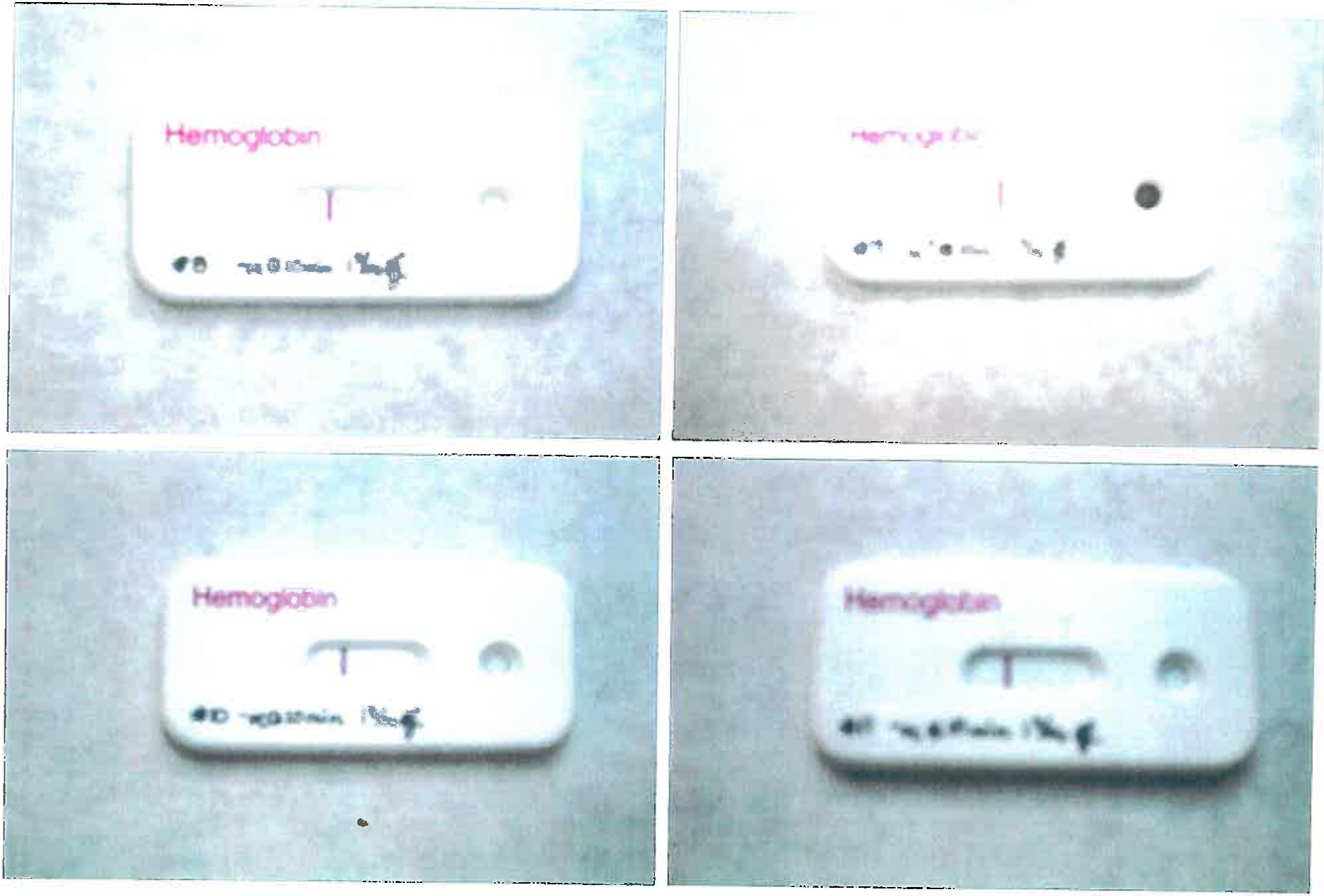








HEMDIRECT VALIDATION



HEMDIRECT VALIDATION









HEMDIRECT VALIDATION









HEMDIRECT VALIDATION









EXHIBIT G

SAN LUIS OBISPO COUNTY SHERIFF

1585 KANSAS AVE.
SAN LUIS OBISPO, CA 93405

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
960610965	565
CASE TYPE	CAD EVENT NUMBER
HOMICIDE	
REPORTING OFFICER	REPORT DATE
SLSO1535 - LIDDELL, SHELBY	04/22/2021

INCIDENT

LOCATION				DATE	TIME
, CA				04/22/2021	00:00
PREMISE NAME					
STATION	BEAT	RESP AREA		JURISDICTION	
ST24				SLSO	

ADDITIONAL INFORMATION

☐ INC SUPP 1

INC SUPP 1

INC SUPP 4

☐ INC SUPP 3

INC SUPP 6

STATUS

CASE STATUS	CASE STATUS DATE	DISPOSITION	DISPOSITION DATE	APPROVAL	APPROVAL DATE
FIL	04/20/2021	AA	04/08/2021	SLSO1240 - NICHOLSON, CHAD	04/26/2021

INCIDENT REPORT	SAN LUIS OBISPO COUNTY SHERIFF	CASE NUMBER	SUP NO
		960610965	565

PROPERTY

ENTRY NO	INVOLVEMENT	TYPE	MAKE	MODEL					
898	E	40							
SERIAL NUMBER		QUANTITY	COLOR	COLOR	OAN	REF NO	EVIDENCE		
							Y		
DESCRIPTION						CUSTODY STATUS			
PLYWOOD FROM TRAIL POS PRES. BLUESTAR						CHECK-OUT			
COMMENT									

ENTRY NO	INVOLVEMENT	TYPE	MAKE	MODEL					
899	E	40							
SERIAL NUMBER		QUANTITY	COLOR	COLOR	OAN	REF NO	EVIDENCE		
							Y		
DESCRIPTION						CUSTODY STATUS			
SCREWS FROM PLYWOOD						CHECK-OUT			
COMMENT									

ENTRY NO	INVOLVEMENT	TYPE	MAKE	MODEL					
900	E	53							
SERIAL NUMBER		QUANTITY	COLOR	COLOR	OAN	REF NO	EVIDENCE		
							Y		
DESCRIPTION						CUSTODY STATUS			
PHOTOS OF TRAILER SEARCH & BLUESTAR						SUBMITTED			
COMMENT									

NARRATIVE

Case Number: 9606-10965
Date Written: April 23, 2021
Purpose of Report: Document Search of Trailer at 710 White Court, Arroyo Grande & Vehicle Examination

Synopsis: I photographed the search of a travel trailer, California License Plate 1EA9027, at 710 White Court, Arroyo Grande. Additionally, I photographed and assisted in processing a separate trailer, California License Plate 4ML7869, at the Crime Laboratory Annex. BlueStar was applied to the interior floor of this trailer and a positive reaction was observed and photographed.

April 21, 2021

On Wednesday April 21, 2021, at approximately 1430 hours, I arrived at 710 White Court, Arroyo Grande, along with multiple members of the San Luis Obispo Sheriff' s Office to photograph and search two trailers on the property.

One Aljo travel trailer, California License Plate 1EA9027, was located parked in the driveway, in front of the garage. The second trailer, a Haulmark Passport cargo trailer, California License Plate 4ML7869, was parked north of the driveway on a dirt area, adjacent to the garage. I photographed the trailers. The travel trailer was then searched on scene. I photographed items throughout the search.

I cleared the scene at approximately 1535 hours and responded to the Sheriff' s Office Crime Laboratory Annex along with Forensic Specialist J. West.

Sergeant C. Nicholson towed the cargo trailer to the Crime Laboratory Annex where it was then secured.

April 22, 2021

On Thursday April 22, 2021 at approximately 0900 hours, FS. West, Detectives C. Cole, S. Archibald, T. Lopes, M. Terrell, S. Garrett, and I met in the Crime Laboratory Annex to examine and process the white Haulmark Passport cargo trailer, California License Plate 4ML7869.

I photographed the exterior and interior of the trailer. Items were removed from the trailer and examined. I collected photographs throughout the process.

The interior floor and back pulldown hatch of the trailed was processed with BlueStar, a presumptive reagent for the presence of blood. I collected photographs of the BlueStar reactions. One area, on the floor inside the side door entrance to the trailer, had a reaction observed. The area was cut out of the floor (Evidence Item #898) and booked into the Sheriff' s Property Office along with two screws (Evidence Item #899) also removed from that section of floor.

We concluded our examination at approximately 1230 hours.

All photographs were transferred to the Crime Laboratory Archive as well as a compact disc (Evidence Item #900).

Disposition of Evidence:

All evidence was booked in the Sheriff' s Property Office.

Closing Statement

Case Status Exceptionally Cleared.

Forensic Specialist Shelby Liddell, #1535
SBL

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 BY
Superior Court of California,
County of Monterey
On 6/23/2022 4:17 PM
By: Renee Inofuentes, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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. Such efforts will help assure the defendant is able to receive a fair and impartial trial in which has now been moved to Monterey County.

In this regard, I have submitted a copy of Opposition to Motion to Exclude Evidence Related to 710 White Court Inspection, Investigation, and Soil Analysis to be heard on July 7, 2022. In accordance with Section 6255 of the California Government Code, I am requesting

that this court order that the Opposition to Motion to Exclude Evidence Related to 710 White Court Inspection, Investigation, and Soil Analysis 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 Jury Trial. Defense counsel represented in chambers with the Honorable Judge van Rooyen 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 23, 2022

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 6/23/2022 4:17 PM
By: Renee Inofuentes, Deputy

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 23, 2022, I served the foregoing document(s) described as:

OPPOSITION TO MOTION TO EXCLUDE EVIDENCE RELATED TO 710 WHITE COURT INSPECTION, INVESTIGATION, AND SOIL ANALYSIS & 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.22CR003712 & 22CR003713)

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
ATTORNEY FOR PAUL FLORES
EMAIL:
RMSTEAM@SANGERSWYSEN.COM

SARAH SANGER
ATTORNEY FOR PAUL FLORES
EMAIL:
SSANGER@SANGERSWYSEN.COM

HAROLD MESICK
ATTORNEY FOR RUBEN FLORES
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 23, 2022, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

DAN DOW (State Bar No. 237986)
DISTRICT ATTORNEY
Office of the District Attorney
County Government Center
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorneys for the People of the State of California

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 06/24/2022
By Deputy: Inofuentes, Maria

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

PAUL RUBEN FLORES,

Defendant.

Case No. 22CR003712

~~[PROPOSED]~~ ORDER SEALING RECORDS

Based upon the Declaration of Eric J. Dobroth, the Court makes the following factual findings:

1. The People's Opposition to Defendant's Motion to Dismiss for "Outrageous Government Conduct" and attached exhibits and declarations contain information that if disclosed to the public would jeopardize Defendant's rights to due process, a fair trial and impartial jury, which overcomes the right of public access to the documents;
2. Defendant's right to a fair trial and impartial jury supports sealing the records;
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 propose 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 People's Opposition to Defendant's Motion to Dismiss for "Outrageous Government Conduct," including exhibits and declarations attached thereto are sealed and lodged with the Court;

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

3. Counsel for the People, Defense Counsel for Paul Ruben Flores and Defense Counsel for Ruben Flores are permitted to view the sealed records.

Dated: June 24, 2022

THE HONORABLE JENNIFER O'KEEFE
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 BY
Superior Court of California,
County of Monterey
On 06/24/2022
By Deputy: Inofuentes, Maria

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendant.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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 Statement of the People as to the Cross-Admissibility of Defendants Statements and the Affidavit in support of the Statement of the People as to the Cross-Admissibility of Defendants Statements 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 Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: **June 24, 2022**

THE HONORABLE JENNIFER O'KEEFE
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 BY
Superior Court of California,
County of Monterey
On 06/24/2022
By Deputy: Inofuentes, Maria

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendant.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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 People's Motion In Limine and the Affidavit in support of the People's Motion In Limine 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 Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: **June 24, 2022**

Jennifer O'Keefe

THE HONORABLE JENNIFER O'KEEFE
JUDGE OF THE SUPERIOR COURT

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

Attorney for the People of the State of California

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 06/24/2022
By Deputy: Inofuentes, Maria

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendant.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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 People's Reply to Supplemental Brief on Motion to Traverse, Quash, and Suppress and the Affidavit in support of the People's People's Reply to Supplemental Brief on Motion to Traverse, Quash, and Suppress 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 Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: **June 24, 2022**

Jennifer O'Keefe

THE HONORABLE JENNIFER O'KEEFE
JUDGE OF THE SUPERIOR COURT

MC-510

MEDIA AGENCY *(name)*: FOX NEWS DIGITAL
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: STEPHANIE PAGONES
ADDRESS: 700 FIRST STREET, APT 14Q, HOBOKEN, NJ 07030
TELEPHONE NO.: 646-908-0079

FOR COURT USE ONLY

FILED

JUN 22 2022

CLERK OF THE SUPERIOR COURT
DEPUTY
K Hansen

Insert name of court and name of judicial district and branch court, if any:
Superior Court for California, County of Monterey

TITLE OF CASE:
People v Flores

NAME OF JUDGE:
HON. JENNIFER O'KEEFE

CASE NUMBER:
22CR003712, 22CR003713

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)*:

See attached 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: 6/22/2022

Jennifer O'Keefe
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 Hon. Jennifer O'Keefe

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

CASE NAME:	CASE NUMBER:
People v. Flores	22CR003712, 22CR003713

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.

Out of Court Minute Order Re: Media Requests

The Court makes the following rulings:

Recording of courtroom proceedings is restricted. One pool camera for still photography is allowed.

No audio recording is allowed inside the courtroom. This includes audio recordings for note taking purposes.

No video recording is allowed inside the courtroom

The pool camera will not be permitted to capture images during jury selection

The pool camera will not be permitted to capture images of jurors at any time, whether during jury selection or during trial.

The pool camera will not be permitted to capture images of conferences between an attorney and a client, witness or aide

The pool camera will not be permitted to capture images of conferences between attorneys

The pool camera will not be permitted to capture images of conferences between counsel and the judge at the bench

The pool camera is prohibited from capturing images of proceedings held in chambers

The pool camera is prohibited from capturing images of proceedings closed to the public

No other cameras are allowed.

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

FILED

JUN 24 2022

CLERK OF THE SUPERIOR COURT
DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendant.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO CASE NO.: 21F-02402-A, B [redacted] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The People's Reply to Supplemental Brief on Motion to Traverse, Quash, and Suppress and the Affidavit in support of the People's People's Reply to Supplemental Brief on Motion to Traverse, Quash, and Suppress 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 Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: 6/24/2022

Jennifer O'Keefe
THE HONORABLE JENNIFER O'KEEFE
JUDGE OF THE SUPERIOR COURT

FILED

JUN 24 2022

CLERK OF THE SUPERIOR COURT
DEPUTY
K Hansen

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 MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES &

RUBEN RICARDO FLORES,

Defendant.

MONTEREY CASE NO. 22CR003712 & 22CR003713
SAN LUIS OBISPO CASE NO.: 21F-02402-A, B

[redacted] ORDER SEALING PUBLIC RECORDS

Based upon the foregoing Affidavit and Request, IT IS HEREBY ORDERED that:

1. The People's Opposition to Motion to Exclude Evidence Related to 710 White Court Inspection, Investigation, and Soil Analysis and the Affidavit in support of the Opposition to Motion to Exclude Evidence Related to 710 White Court Inspection, Investigation, and Soil Analysis 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 Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: 6/24/2022

Jennifer O'Keefe

THE HONORABLE JENNIFER O'KEEFE
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 BY
Superior Court of California,
County of Monterey
On 6/24/2022 4:28 PM
By: Renee Inofuentes, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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. Such efforts will help assure the defendant is able to receive a fair and impartial trial in which has now been moved to Monterey County.

In this regard, I have submitted a copy of People's Supplemental Motion to Admit Evidence Pursuant to Evidence Code Sections 1108/1101(B) to be heard on July 7, 2022. In accordance with Section 6255 of the California Government Code, I am requesting that this

court order that the People's Supplemental Motion to Admit Evidence Pursuant to Evidence Code Sections 1108/1101(B) 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 Jury Trial. Defense counsel represented in chambers with the Honorable Judge van Rooyen 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, 2022

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 6/24/2022 4:28 PM
By: Renee Inofuentes, Deputy

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, 2022, I served the foregoing document(s) described as:

PEOPLE'S SUPPLEMENTAL MOTION TO ADMIT EVIDENCE PURSUANT TO EVIDENCE CODE SECTIONS 1108/1101(B) & 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.22CR003712 & 22CR003713)

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
ATTORNEY FOR PAUL FLORES
EMAIL:
RMSTEAM@SANGERSWYSEN.COM

SARAH SANGER
ATTORNEY FOR PAUL FLORES
EMAIL:
SSANGER@SANGERSWYSEN.COM

HAROLD MESICK
ATTORNEY FOR RUBEN FLORES
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, 2022, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

MEDIA AGENCY *(name)*: NBC News, Datelin e
CHANNEL/FREQUENCY NO.: National — NBC
PERSON SUBMITTING REQUEST *(name)*: Ann Preisman, producer
ADDRESS: 100 Universal CIty Plaza, Universal City, CA 91608
TELEPHONE NO.: 646-573-3796

To keep other people from seeing what you entered on your form, please press the Clear This Form button

Insert name of court and name of judicial district and branch court, if any:
Monterey County Criminal Court

TITLE OF CASE:
People v Paul FLores; People v. Ruben FLores

NAME OF JUDGE:
Hon. Jennifer O'Keefe

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 06/23/2022
By Deputy: Inofuentes, Maria

CASE NUMBER:
22CR003712 and 22CR003713

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: NBC News, Dateline

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)*: See attached 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: **June 8, 2022**

Jennifer O'Keefe

JUDGE JENNIFER O'KEEFE

(See reverse for additional information)

CASE NAME:	CASE NUMBER:
—	22CR003712 and 22CR003713

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

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 May 31, 2022, I served the following document(s): **ORDER ON MEDIA REQUEST TO PERMIT COVERAGE**

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 May 31, 2022, at Riverside, California.

Ellen Duncan	*s/ Ellen Duncan*
Print Name	Signature

SERVICE LIST

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222 E Carrillo St Ste 300
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JEFFRY C. RADDING
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1035 Walnut Street
San Luis Obispo, CA 93401
tel: (805) 546-8541

Attorney for: Susan Flores, subpoenaed witness

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 6/30/2022 1:53 PM
By: Renee Inofuentes, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

SALINAS BRANCH

People of the State of California,

Plaintiff,

vs.

Ruben Ricardo Flores,

Defendant.

Case no. 22CR003713

MOTION OF SUBPOENAED WITNESS SUSAN FLORES TO QUASH THE PEOPLE'S SUBPOENA TO TESTIFY AT THE TRIAL; MEMORANDUM OF LAW; DECLARATION OF JEFFRY C. RADDING

Date: July 11, 2022
Time: 8:30 a.m.
Dept: 4

To: The District Attorney for San Luis Obispo County, and to counsel of record for defendant Ruben Ricardo Flores:

PLEASE TAKE NOTICE that on July 11, 2022 at 8:30 a.m. in Department 4 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 trial witness.

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: July 11, 2022

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. Trial is now pending.

The petitioner herein, Susan Flores, is the mother of Paul Flores. The People have served Ms. Flores with a subpoena to appear as a trial witness. Through counsel and agreement with the People, on the subpoena Ms. Flores remains on call to appear as a witness.

Ms. Flores seeks the subpoena to be quashed as it is her intent to exercise the Fifth Amendment privilege not to testify. Ms. Flores also seeks a prompt hearing and decision on the issue, as she will remain subject to the court's exclusion order and unable to attend her son's murder trial until it is resolved. It is her desire and intent to attend the trial and support her son.

In July 2021, the San Luis Obispo Superior Court conducted the preliminary hearing in this matter. For that hearing, the People subpoenaed Ms. Flores as a witness. In response, Ms. Flores brought a motion to quash on the same grounds that are currently advanced. The motion was granted; accordingly, Ms. Flores was not called to the stand and was permitted to attend the preliminary hearing proceedings notwithstanding the witness exclusion order.

In the course of the San Luis Obispo County Sheriff's investigation leading to the current prosecution, Ms. Flores has always been considered as potentially subject to being charged in the case and was the subject of the ongoing investigation. Ms. Flores has been the object of search warrants and telephone intercept warrants directly related to this case and as recently as early 2021, near to when Paul Flores and Ruben Flores were arrested. On April 14, 2021, upon the arrest of Paul Flores and his father, in response to a question at a press conference District Attorney Dan Dow stated,

> "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."

Ms. Flores's fifth amendment privilege clearly is implicated. On the advice of counsel, Ms. Flores intends to exercise her constitutional privilege.

This case involves an alleged homicide and an alleged accessory to a homicide. The jeopardy of any "other suspects" necessarily will be related to or dependent upon the charges now pending and to the facts underlying those charges. Any accessory charge is directly 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. In the presenting circumstances, the scope of the privilege is broad and comprehensive: *all questions that would be relevant to the pending charges* implicate the privilege because any question relevant to the charged offenses also represents a relevant (if not necessary) evidentiary predicate to any charges the People may decide to bring against Ms. Flores. Any questions, therefore, that the People characterize as being "outside the privilege" necessarily are *irrelevant* to the pending charges and therefore inadmissible. "No evidence is admissible except relevant evidence." **Evidence Code §350.**

The People previously have indicated the desire and intent to ask Ms. Flores about (1) statements made by Paul Flores in 1996, as well as his ostensible omissions in statements made to her, and (2) the timeline of Memorial Day weekend in 1996 and Ms. Flores' observations of Paul Flores and/or Ruben Flores over that period. Any answers to those questions reflect potential knowledge on the part of Ms. Flores that the People could use against her in any subsequent criminal prosecution. They also place Ms. Flores in locations or with persons that could have evidentiary value in the event of any potential future prosecution the People might decide to pursue against Ms. Flores for any offense related to the charges pending against Paul Flores and Ruben Flores. Again, if the People's intended questions are not relevant to those charges, the responses would be inadmissible in the trial and no basis would exist for even calling Ms. Flores as a witness.

Underscoring Ms. Flores' status as a potential "other suspect" is the fact that the family of Ms. Kristin Smart has initiated a civil suit against Ms. Flores accusing her of

conduct that potentially could subject her to prosecution as an accessory to Kristin Smart being murdered, as alleged. (*Stan Smart and Denise Smart v. Ruben Flores, Susan Flores, and Mike McConville, San Luis Obispo Superior Court case no. 21CV-0230.*) That case is currently stayed pending conclusion of the criminal action against Paul Flores and Ruben Flores. The Smart family and the People clearly identify Ms.Flores as a possible "other suspect." That's no secret.

Because of this, the People's subpoena of Susan Flores ought to be quashed. Ms. Flores has a right not to testify and answer questions that represent a potential or a perceived link in the chain of criminal jeopardy. On the other hand, there are in fact no questions whatsoever that can be posed of Ms. Flores that fall outside the scope of the privileges the Fifth Amendment confers and the answers to which would constitute evidence relevant to the pending charges. (Even offering testimony that Paul Flores is her son is a link Ms. Flores has no obligation to provide and every right not to.) As a trial witness, all prosecution inquiries would seek information legally irrelevant to the pending charges. 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, 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 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, now pending in the Monterey County Superior Court, case no. 22CR003712, as well as in other matters related to the events and circumstances underlying the case. I have done so for some twenty years.

(2) In July 2021, the San Luis Obispo Superior Court conducted the preliminary hearing in this matter. For that hearing, the People subpoenaed Ms. Flores as a witness. In response, Ms. Flores brought a motion to quash on the same grounds that are currently advanced. The motion was granted; accordingly, Ms. Flores was not called to the stand and was permitted to attend the preliminary hearing proceedings notwithstanding the witness exclusion order.

(3) I also represent Ms. Flores in San Luis Obispo Superior Court case no. 21CV-0230, a civil case in which Stan Smart and Denise Smart are suing Susan Flores as well as Ruben Flores and Mike McConville accusing them of being accessories to the crimes alleged in the pending case captioned above. By court order, the civil case is now stayed until the conclusion of the criminal proceedings.

(4) Upon the arrest of Paul Flores and Ruben Flores in April of 2021, District Attorney Dan Dow conducted a press conference on April 14th of that year. That press conference was broadcast and remains accessible and viewable online in its entirety at https://www.facebook.com/watch/live/?v=824873421720742&ref=watch_permalink). In response to a question at a press conference District Attorney Dan Dow stated,

"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."

(5) I have advised Ms. Flores to exercise her constitutional prerogatives and decline to testify. Ms. Flores intends to follow my advice.

(6) DDA Peuvrelle and I have met and conferred about the issues this motion 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 evidentiary proceedings. 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 30, 2022

JEFFRY C. RADDING

11/17/2021 10:48 AM

JEFFRY C. RADDING
Attorney at Law - SBN 91835
1035 Walnut Street
San Luis Obispo, CA 93401
tel: (805) 546-8541

Electronically
FILED: 11/17/2021
San Luis Obispo Superior Court
By: Miller, Victoria

Attorney for: Susan Flores and Mike McConville, defendants

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

STAN SMART and DENISE SMART, Plaintiff, *vs.* RUBEN FLORES, SUSAN FLORES, MIKE McCONVILLE, and Does 3 to 10, Defendants.	Case no. 21CV-0230 STIPULATION AND ORDER FOR STAY OF PROCEEDINGS

Whereas, in this action plaintiffs Stan Smart and Denise Smart have sued defendants Ruben Flores, Susan Flores, and Mike McConville for intentional infliction of emotional distress; and,

Whereas, in this action, plaintiffs Stan Smart and Denise Smart allege, inter alia, that defendants Ruben Flores, Susan Flores, and Mike McConville, "removed the remains of Kristin Smart to avoid having those remains at 710 White Court in the event

EXH "A"

of an additional search of the property," and that they did so, "knowing that Plaintffs' daughter had been killed by Paul Flores and with knowledge that Defendant Ruben Flores had previously transported the body of Kristin Smart from the Cal Poly dorm room of Paul Flores to the initial burial site at the home of Defendant Ruben Flores;" and

Whereas, defendant Ruben Flores currently is being prosecuted in San Luis Obispo Superior Court case no. 21F-02402 for an alleged violation of Penal Code §32, accused of being an accessory-after-the-fact of an alleged homicide of Kristin Smart for which Paul Flores is being prosecuted in the same case, the same alleged events upon which Plaintiffs here base their action; and,

Whereas, defendant Ruben Flores has a constitutional right not to testify about matters related to the criminal prosecution; and,

Whereas, it is recognized that the pendency of criminal and civil proceedings impose an unfair dilemma on a defendant subject to both actions and a detriment to the exercise of a constitutional right, in that there exists (1) the impossibility of anticipating the full scope of evidence which provides prosecutors with some "link in the chain" needed for the criminal case, Hoffman v. United States (1951) 341 U.S. 479, 486, and; (2) disadvantages in the civil action the defendant will suffer by asserting the Fifth Amendment. *See, e.g.,* London v. Patterson (9th Cir. 1972) 463 F.2d 95, 97-98, cert. denied, 411 U.S. 906); and,

Whereas, also pending in the San Luis Obispo Superior Court are related lawsuits involving the many of the same underlying evidence and circumstances and many of the same parties, case no. CV02-0315 (*Stan Smart and Denise Smart v Paul Flores*) and case no. CV05-0355 (*Dennis Mahon v. Mike McConville and Susan Flores*

/ Mike McConville and Susan Flores v. Dennis Mahon, Denise Smart, and Stan Smart), which have been consolidated for the limited purpose of addressing a common discovery issue involving the investigation records of the San Luis Obispo County Sheriff's Department; and,

Whereas, as a result of the objection of the San Luis Obispo County Sheriff's Department to releasing its records as the investigation remained active, case nos. CV02-0315 and CV05-0355 have been stayed by court order, with the stay order subject to annual review of the status of the investigation; and,

Whereas, the annual review of the stay order relative to case nos. CV02-0315 and CV05-0355 was most recently undertaken on July 28, 2021 and was renewed for another year, per stipulation of all parties, and scheduled for a further annual review on July 27, 2022 at 9:00 a.m. in Department 2 of the San Luis Obispo Superior Court;

Therefore, the parties hereto stipulate as follows:

(1) Based on the pendency of the criminal proceedings in case no. 21F-02402 relative to defendant Ruben Flores, and based upon the discovery stay orders issued relative to case nos. CV02-0315 and CV05-0355, all proceedings in the above-captioned matter shall be stayed.

(2) The matter shall be set for a Case Management Conference in conjunction with the scheduled annual review of the stay orders issued relative to case nos. CV02-0315 and CV05-0355, on July 27, 2022 at 9:00 a.m. in Department 2.

(3) The stay orders issued hereunder in the above-captioned case shall expire upon the occurrence of the following events: (a) the dissolution of the stay order relative

to case nos. CV02-0315 and CV05-0355, *and* (b) either the dismissal of case no. 21F-02402 as to Ruben Flores or, if a conviction occurs, upon the sentencing of Ruben Flores.

(4) For good cause, and prior to the expiration of the stay orders to be issued hereunder, any party may petition to terminate the stay order issued hereunder or to extend its duration.

DATED: ~~August~~ Nov. 10, 2021

JAMES R. MURPHY, Jr.
Attorney for Stan Smart and Denise Smart
Plaintiffs

DATED: ~~August~~ Nov. 16, 2021

JEFFRY C. RADDING
Attorney for Susan Flores and Mike McConville
Defendants

DATED: ~~August~~ Nov. 15, 2021

HAROLD MESICK
Attorney for Ruben Flores
Defendant

ORDER FOR STAY OF PROCEEDINGS

The Court having considered the stipulation of the parties, and good cause appearing therefor,

IT IS ORDERED as follows:

(1) Based on the pendency of the criminal proceedings in case no. 21F-02402 relative to defendant Ruben Flores and based upon the discovery stay orders issued relative to case nos. CV02-0315 and CV05-0355, all proceedings in the above-captioned matter are stayed.

(2) The matter is set for a Case Management Conference in conjunction with the scheduled annual review of the stay orders relative to case nos. CV02-0315 and CV05-0355, on July 27, 2022 at 9:00 a.m. in Department 2. All other currently scheduled court dates are vacated.

(3) The stay orders issued herein shall expire upon the occurrence of the following events: (a) the dissolution of the stay order relative to case nos. CV02-0315 and CV05-0355, *and* (b) either the dismissal of case no. 21F-02402 as to defendant Ruben Flores or, if convicted, upon the sentencing of Ruben Flores.

(4) For good cause, and prior to the expiration of the stay order issued herein, any party may petition to terminate the stay order or to extend its duration.

DATED: November 17, 2021

RITA COYNE FEDERMAN
Judge of the Superior Court

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 30, 2022 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
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*)
rswanger@sangerswysen.com

Harold Mesick
Attorney at Law
1303 Higuera Street
P.O. Box 23
San Luis Obispo, CA 93406
(*Attorney for Ruben Flores*)
haroldmesick@gmail.com

(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.

(x) **(By eMail)** To the addresses above indicated.

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 30, 2022.

JEFFRY C. RADDING

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 BY
Superior Court of California,
County of Monterey
On 7/5/2022 12:38 PM
By: Oscar Luna, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants.	CASE NO. 22CR003712 22CR003713 PEOPLE'S MOTION TO INTRODUCE PHOTOGRAPH OF PAUL FLORES AS A CERTIFIED PHOTOGRAPH Date: July 8, 2022 Time: 8:30 AM Dept. 4

STATEMENTS OF FACTS

On May 27,1996, a Monday, Ruben Flores drove Paul Flores to the Arroyo Grande police station to handle a warrant that was outstanding for his DUI arrest from February 1996. At the station, a photograph was taken of Paul Flores. Paul Flores is holding up a piece of paper referencing the case number, as well as the date of the photograph. Officer Beau Pryor took the photograph. In April of 2021, retired Chief of Police Beau Pryor died.

At some point, the negative for the photograph was given to the law office of attorney Jim Murphy. Printed copies of the photograph were retained by AGPD. In 2021 Detective Cole obtained the negative and took it to a photography shop for enlargement. On May 25, 2021, AGPD Detective Mike Smiley chronicled the history of documentation regarding the

booking photograph and original report, as well as agency certification pursuant to California Evidence Code section 1531. On June 23, 2021, the Arroyo Grande Police Department issued a letter certification for the photograph and accompanying documents. (Attachment 1) The enlarged photograph was identified and introduced at Preliminary Hearing.

I.

THE BOOKING PHOTOGRAPH IS ADMISSIBLE AS A CERTIFIED GOVERNMENT DOCUMENT UNDER EVIDENCE CODE SECTION 1531

California Evidence Code section 1531 states ".. whenever a copy of a writing is attested or certified, the attestation or certificate must state in substance that the copy is a correct copy of the original, or of a specified part thereof..."

In this case, the Arroyo Grande Police Department has certified the booking photo of Paul Flores taken on May 27, 1996. (See Attachment 1)

II.

THE PHOTOGRAPH EXHIBITS CERTAIN INDICIA OF RELIABILITY IN ADDITION TO ITS CERTIFICATION

Paul Flores is recognizable in the photograph. Additionally, he admits to going to the Arroyo Grande Police Department on Monday (May 27, 1996) to post his bail and get his paperwork. (See Page 22, lines 10-22 of Attachment 2 Interview with Mike Kennedy and Robert Cudworth). Additionally, the photograph printout itself has a date stamp of May 27, 1996. Lastly, Paul Flores is holding a placard containing the actual report number as cross-referenced in the certification paperwork, as well as the date of May 27, 1996. Even without the certification, the photograph is self-authenticating that it was taken on May 27, 1996.

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III.

CONCLUSION

Given the certification and documentation provided by AG PD, as well as the admission of defendant Paul Flores and other indicia of reliability, the booking photograph is admissible.

Date: July 5, 2022

Respectfully Submitted,
Dan Dow
District Attorney

By: _____

Christopher Peuvrelle
Deputy District Attorney

ATTACHMENT 1

ARROYO GRANDE POLICE DEPARTMENT

200 N. HALCYON ROAD
ARROYO GRANDE, CA 93420
(805) 473-5100

INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
2100740	
CASE TYPE	CAD EVENT NUMBER
AOA	2105006746
REPORTING OFFICER	REPORT DATE
P071 - SMILEY, MICHAEL	05/25/2021

INCIDENT

LOCATION				OCCURRED	DATE	TME	DAY
200 N HALCYON RD , ARROYO GRANDE, CA 93420				ON OR FROM	05/25/2021	13:27	TUE
PREMISE NAME			JURISDICTION	TO	05/25/2021	13:27	TUE
ARROYO GRANDE PD AGPD STATION 46			AGPD	REPORTED	05/25/2021	13:27	TUE
BEAT	DIVISION	UNIT	SHIFT				
46-3	SUPPORT	INVESTIGATIONS	INVESTIGATIONS				

NATURE OF INCIDENT

☐ ALCOHOL RELATED	☐ SENIOR CITIZEN	☐ HATE / BIAS	☐ ARSON
☐ CHILD ABUSE	☐ GANG RELATED	☐ OFFICER ASSAULT	
☐ DRUG RELATED	☐ DOMESTIC VIOLENCE	☐ JUVENILE	

RELATED CASE NUMBERS

SYNOPSIS

Assist the District Attorney's Office with a records request.

COPY
DO NOT DUPLICATE

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Michael T. Martinez, Chief of Police

By: JL Date: 6-23-21

ADDITIONAL INFORMATION

☐ DUI TC	☐ PRCS AB109	☐ SOCIALLY DISPLACED

STATUS

CASE STATUS	CASE STATUS DATE	DISPOSITION	DISPOSITION DATE	APPROVAL	APPROVAL DATE
CLOSED	05/26/2021	DOC	05/25/2021	P085 - CASTILLO, JASON	06/02/2021

06/25/2021
60:016073

INCIDENT REPORT	ARROYO GRANDE POLICE DEPARTMENT	CASE NUMBER 2100740

OTHERS

ENTRY NO	INVOLVEMENT	NAME: LAST, FIRST, MIDDLE
1	SJ	FERDOLAGE, JOHN

HOME ADDRESS	MAILING ADDRESS
200 N HALCYON RD ARROYO GRANDE, CA 93420	

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE
(805) 473-5100			

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
		M										

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID	ID

COMMENT

ENTRY NO	INVOLVEMENT	NAME: LAST, FIRST, MIDDLE
2	SJ	BOESE, KIMBERLY ANNE

HOME ADDRESS	MAILING ADDRESS
661 TIERRA ST ARROYO GRANDE, CA 93420	

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION
		COUNSELOR

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE
(805) 348-1850		(805) 348-1850	

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
02/21/1961	60	F	W	N	507	140	BLN	BRO				

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID	ID
N7181991	CA						

COMMENT

ARTICLE

ENTRY NO	REF NO	INVOLVEMENT	CATEGORY	DESCRIPTION
1		E	MISCELLANEOUS	POLICE REPORT

SERIAL NUMBER	OAN	QUANTITY	DENOMINATION	CASH AMOUNT

TYPE	BRAND	MODEL	SIZE	GENDER	COLOR 1	COLOR 2
-	-					

VALUE STOLEN	DATE STOLEN	JURISDICTION STOLEN

VALUE RECOVERED	DATE RECOVERED	JURISDICTION RECOVERED	RECOVER LOCATION	RECOVERED BY NAME

EVIDENCE	CUSTODY STATUS	WET	DATE/TIME TAKEN	RECOVERED BY PIN	SOURCE	DESCRIPTION
Y	CUSTODY	N				

LOCATION OF DNA SAMPLE

COMMENT

ARTICLE

ENTRY NO	REF NO	INVOLVEMENT	CATEGORY	DESCRIPTION
2		E	MISCELLANEOUS	BOOKING PHOTO

SERIAL NUMBER	OAN	QUANTITY	DENOMINATION	CASH AMOUNT

TYPE	BRAND	MODEL	SIZE	GENDER	COLOR 1	COLOR 2
-	-					

VALUE STOLEN	DATE STOLEN	JURISDICTION STOLEN

VALUE RECOVERED	DATE RECOVERED	JURISDICTION RECOVERED	RECOVER LOCATION	RECOVERED BY NAME

EVIDENCE	CUSTODY STATUS	WET	DATE/TIME TAKEN	RECOVERED BY PIN	SOURCE	DESCRIPTION
Y	CUSTODY	N				

LOCATION OF DNA SAMPLE

COMMENT

ARTICLE

ENTRY NO	REF NO	INVOLVEMENT	CATEGORY	DESCRIPTION

06/25/2021
60:016074

INCIDENT REPORT	ARROYO GRANDE POLICE DEPARTMENT	CASE NUMBER 2100740

3		E	MISCELLANEOUS	FINGERPRINT CARDS

SERIAL NUMBER	OAN	QUANTITY	DENOMINATION	CASH AMOUNT

TYPE	BRAND	MODEL	SIZE	GENDER	COLOR 1	COLOR 2
-	-					

VALUE STOLEN	DATE STOLEN	JURISDICTION STOLEN

VALUE RECOVERED	DATE RECOVERED	JURISDICTION RECOVERED	RECOVER LOCATION	RECOVERED BY NAME

EVIDENCE	CUSTODY STATUS	WET	DATE/TIME TAKEN	RECOVERED BY PIN	SOURCE	DESCRIPTION
Y	CUSTODY	N				

LOCATION OF DNA SAMPLE

COMMENT

MEDIA LIST REPORT



TITLE	MEDIA DATE	ENTERED DATE
ATTACHMENT	06/04/2021 03:11	06/04/2021 03:11

CONTEXT
INCIDENT

06/25/2021
60:016075

NARRATIVE

NARRATIVE:

On 5-25-2021, I was contacted by Clint Cole, a Senior Deputy for the San Luis Obispo County Sheriff's Office, requesting assistance in certifying an old Arroyo Grande Police Department report and booking photograph. Deputy Cole told me these were records retained by the Sheriff's Office. Deputy Cole arrived after our conversation and provided the report and photograph to AGPD Records/Property Clerk Tierza Little, who immediately walked them back to me at my desk.

I examined the nine page document first:

The first page I recognized as an Arroyo Grande Police Department report written in an old computer software report writing system that was discontinued as I was beginning my employment. The arrest number #13113 and DR#960933 (case number) were consistent with the numbering we used at the time for arrest/booking numbers and report/case numbers. I recognized the reporting officer listed as Beau D Pryor, who was an officer at the time and who I worked with throughout most of my career. I recognized the initials/signature as belonging to John Ferdolage P007, who was a retired Commander and Reserve Police Officer when I began my career. I recognized the red stamp as consistent with our records stamp applied to any copy of a report that is provided to another agency, a stamp which is still utilized today, although updated. The Police Chief's name, Lester F. Terborch Jr., was the Chief of Police when I began my career and was the Chief of Police at the time of the original report (5-27-1996) and copy (11-24-1998). The records clerk who signed and dated the red stamp for the outgoing copy was identified as Kimberly Boese from her signature. The red stamp indicated we provided a nine page copy of the report to the SLOSO (San Luis Obispo Sheriff's Office) on 11-24-1998. Written in the same blue ink as Boese's handwriting is "attn: Steve Crawford" who I am unfamiliar with but who was likely working for the Sheriff's Office at the time.

The second page I recognized as an Arroyo Grande Police Department Warrant Arrest form AG-76. The form was completed with the arrestee listed as Paul Ruben Flores with the case number 96-0933. As a young officer, I completed this form numerous times when I arrested individuals with warrants. The AG-76 form was discontinued several years after I began my employment. I noticed the form listed the arresting officer as Beau D. Pryor and the supervisor was the initials of John Ferdolage. Due to my long working relationship with Beau Pryor, 18 years, I immediately recognized the handwriting as belonging to him.

The third page I recognized as an Arroyo Grande Police Department Court Calendar / Release form (AG-35) used after booking to set a court date and release the individual on bail or own recognizance. The form was completed with the defendant listed as Paul Ruben Flores with the case number 96-0933. As a young officer, I completed this form numerous times when I arrested individuals with warrants. The AG-35 form was discontinued several years after I began my employment. Again, I recognized the handwriting as belonging to Beau Pryor.

The fourth page I recognized as a warrant abstract, which details the information on the warrant and lists Paul Ruben Flores as the wanted person. The case #96-0933 is in the upper right corner.

The fifth page I recognize as a San Luis Obispo County Municipal Court Warrant Return document used by the Arroyo Grande Police Department, AG-44. The form was completed with the defendant listed as Paul Ruben Flores. As a young officer, I completed this form numerous times when I arrested individuals with warrants. The AG-44 form was discontinued several years after I began my

06/25/2021
60:016076

employment and is now an electronic document. Again, I recognized the handwriting and his signature as belonging to Beau Pryor.

Pages six through nine I recognize a printouts from the California Law Enforcement Telecommunications System (CLETS). These are standard printouts that were (and still are) included with arrest reports, including a printout of the suspect/arrestee's driver's license information. The driver's license printout lists Paul Ruben Flores. In the upper right corner, the handwritten case number is 96-0933.

I examined the 3x5 color photograph:

I recognized the background of the photograph as the Arroyo Grande Police Department custody area where we would book arrestees before releasing them from the station, instead of transporting them to the San Luis Obispo County Jail for booking. I am familiar with this area as I booked numerous arrestee's in this area. We would complete the booking paper work, roll inked fingerprints and take the arrestee's photograph (later digital images). This area of the police department now serves as part of our property and evidence room. Also shown in the photograph is a white male adult, holding a card listing the name Flores, Paul R. #13113 (arrest/booking number) and the date 5-27-96. In the lower right corner of the photograph, is the date imprinted by the camera, 5-27-1996. In the upper right corner, C6380 is handwritten in black marker. I was unable to determine what this number was used for. I recognize this photograph as a standard booking photograph that would have been taken at the Arroyo Grande Police Department.

Records/Property Clerk Little told me she conducted an exhaustive records search at our police department for the original arrest report and booking photograph. She was unable to locate either and said they were likely purged as well as all the records from that time except for major felonies, such as homicides, to which we still retain the records for.

Records/Property Clerk Little did discover several boxes in storage containing old fingerprint cards. She provided me with two fingerprint cards, stapled together with an old rusty staple. Both cards list Paul Ruben Flores as the subject, DOB: 10-22-1976, dated 5-27-1996 with the case#96-0933 (96-933). Both cards have the signature of Beau D. Pryor, which I recognize as his signature.

I was unable to contact Beau D. Pryor, Retired Chief of Police due to his recent death, 4-21-2021.

I contacted John Ferdolage, retired Arroyo Grande Police Department Commander. Cmdr. Ferdolage said he recognized the forms as forms that would have been used at that time and authenticated his intials/signature. Cmdr. Ferdolage did not have an independent recollection of the arrest/booking.

I contacted Kimberly Boese, former Arroyo Grande Police Department Records Clerk. Boese said she recognized the stamp on the front of the documents and authenticated the signature as hers. Boese did not have an independent recollection of the arrest/booking.

In investigating and evaluating the copy of the report and the photograph, I concluded that they are consistent with a warrant arrest report and booking photograph that would have been completed/taken at the Arroyo Grande Police Department during the time listed by Beau Pryor. I have verified the signatures on the documents as authentic. This report should be certified as authentic copies of the originals. in accordance with Evidence Code 1531.

06/25/2021
60:016077

The police report, photograph and fingerprints were booked into evidence. A letter certifying their authenticity per Evidence Code 1531 was completed and attached to this report.

CASE DISPOSITION:

Cleared by exception.

06/25/2021
60:016078

ARROYO GRANDE POLICE DEPARTMENT

200 N. HALCYON ROAD
ARROYO GRANDE, CA 93420
(805) 473-5100

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
2100740	1
CASE TYPE	CAD EVENT NUMBER
AOA	
REPORTING OFFICER	REPORT DATE
C096/C096 - LITTLE, TIERZA	06/23/2021

INCIDENT

LOCATION	DATE	TIME
200 N HALCYON RD , ARROYO GRANDE, CA 93420 US SAN LUIS OBISPO	06/23/2021	11:05
PREMISE NAME		

BEAT	DIVISION	UNIT	SHIFT	JURISDICTION
46-2	SUPPORT	RECORDS	SQUAD A	AGPD

ADDITIONAL INFORMATION

☐ DUI TC ☐ PRCS AB109

MEDIA LIST REPORT

TITLE	MEDIA DATE	ENTERED DATE
DISCOVERY	06/23/2021 11:33	06/23/2021 11:33
CONTEXT: INCIDENT		
TITLE	MEDIA DATE	ENTERED DATE
COPY OF ITEM 2 AND CERT LETTER	06/23/2021 11:31	06/23/2021 11:31
CONTEXT: INCIDENT		

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Michael T. Martinez, Chief of Police

By: _____ Date: 6.23.21

STATUS

CASE STATUS	CASE STATUS DATE	DISPOSITION	DISPOSITION DATE	APPROVAL	APPROVAL DATE
CLOSED	06/26/2021	DOC	06/25/2021	P071 - SMILEY, MICHAEL	06/23/2021

06/25/2021
60:016079

NARRATIVE

NARRATIVE:

On 6/22/2021, I received a discovery request from the San Luis Obispo County District Attorney's Office, requesting copies of Item #1, #2 and #3. Furthermore, the DA requested a certified copy of Item #2 (Booking Photo).

On 6/23/2021, I checked-out Item #1, #2 and #3 from property and evidence. I made photo copies of each item, per the DA's discovery request. I placed all three items back into it's original envelope and sealed it with evidence tape. I signed the evidence tape with my initials and date. All three items were checked back into property and evidence. All three items stayed in my possession the entire time they were checked-out.

While the items were checked-out to me, I made a color copy of Item #2 and provided the copy to our Custodian of Records, Commander Zak Ayala, along with a certification letter, in which he signed.

I scanned both documents, along with the discovery request, and attached them to the media section of this supplement. The originals were sent to the DA's office.

CASE DISPOSITION:

Closed. Documentation only.

06/25/2021
60:016080

Arroyo Grande Police Department

Arrest Report

AR# 13113
DR# 960933
IN# 114836

Report Date: 05-27-96 Report ID: 114836.A45

Offenses
Warrant/Traffic FTA

Arrestee: FLORES, PAUL RUBEN
AKA:
Age: 19 DOB: 10-22-76 ADULT
Race: H Eth. H Hair: BRN Ht: 510
Sex: M Eyes: GRN Wt: 165

Occ. on: MON, 05-27-96 at 23:05
or Btwn: , at

HP# 473-4694 WP#
SS# 546-97-5858 Hold for:
DL# A7119112 Booked: AGPD

If Juvenile:
Par. Notified:
Detained? N
Adult at interview:
Detention appr. by:
Prints? Y Photos? Y

Birthplace: CALIF.
Residence Addr: 710 WHITE CT
Residence City: ARROYO GRANDE, CA.
Occupation/Grade: STUDENT
Employer/School: CAL POLY

Loc. of Arrest: AGPD
Loc. of Crime: 200 N HALCYON RD (ARRO
Means: OTHER
Motive: OTHER
Distinguishing Characteristics:
Clothing Worn:
Driving (direction):
Driving (at or between):
Connecting Reports, People etc.:
Emergency Contact and Phone No.:
Case Clearance/Disposition: 2 Arrest

ARRESTED
Date: 05-27-96
Time: 23:05

BOOKED
Date: 05-27-96
Time: 23:05

ADDITIONAL PEOPLE INVOLVED
CODES: S=Suspect, V=Victim, W=Witness, C=Complainant, F=Father, M=Mother

The Details are as follows:

SEE TO WARRANT/ARREST FORM ATTACHED TO THIS REPORT.

COPY

NOT TO BE [illegible]

This copy, consisting of 9 (nine) is furnished for the exclusive use of SLOSO and is not to be duplicated, copied or furnished to any other person or agency except as provided by law without the express permission of the Arroyo Grande Police Department and is to be returned to that department upon demand
LESTER F. TEEBOOKH, CHIEF OF POLICE

Rights (if applicable) read by: P#

Supervisor P# Reporting Officer(s) P#. Assmt. Rep. Off. Signature

PRYOR, BEAU D P045 PATROL

Assigned to: P# Assmt Date/Time Reproduced Div/Clk To Whom

5-28-96

___Charged as Arr. ___Refer to Social Agency ___Prior Record ___Action suspended. ___Refer other Law Enf.
___Denies ___Admits ___Charge changed to ___ AP&P notified___

06/25/2021
60:016081

ARROYO GRANDE POLICE DEPARTMENT

WARRANT ARREST / DETENTION

ARRESTEE: FLORES, PAUL RUBEN CASE# 96-0933

PC for CONTACT: The above subject was contacted by me at 200 N. HALCYON, A.G.P.D.

The subject came to my attention when HE CAME INTO THE A.G.P.D. TO TURN HIMSELF IN FOR AN OUTSTANDING ARREST WARRANT. I ARRESTED FLORES FOR WARRANT # M242916.

SUMMARY: The subject was placed under arrest per the attached warrant.

DISPOSITION: The subject was transported to the Arroyo Grande Police Department where he/she was detained and later released on:

☐ Cash Bail Amount _____

☒ Bail Bond # R25-10329997

☐ Citation Release Cite# _____

☐ Other _____

Court Appearance: Date 07.11.96 Time 8:00 AM Loc. SB.M.C.

☐ Subject unable to post bail and transported to the San Luis Obispo County Jail for booking.

Arresting Officer: BRIAN D. PRYOR Date 05.27.96

Supervisor: Date: 5-27-96

AG-76

06/25/2021
60:016082

M242916 COURT CASE NO. ARROYO GRANDE P.D. AGENCY

V.C. 40515 FOR V.C. 14601.2(a) VIOLATIONS

CITATION NO./DATE

96-0933 AGENCY CASE NO.

A.G.P.D. / PRYOR ARRESTING AGENCY/OFFICER

$ 1,500 BAIL AMOUNT

PAUL RUBEN FLORES DEFENDANT

710 WHITE CT. ADDRESS

ARROYO GRANDE, CA. 93420

COURT APPEARANCE / CALENDAR INFORMATION

___ San Luis Obispo Branch, Government Center, 1050 Monterey St., Dept. I, Room 132
X Grover City Branch, 214 South 16th Street
___ Paso Robles Branch, 549 10th Street

Other:

07.11.96 AT 8:00 A.M. DATE AND TIME FOR APPEARANCE

ARRAIGNMENT PROCEEDINGS

X COURT APPEARANCE IS MANDATORY

___ BAIL MAY BE POSTED FOR FORFEITURE IN LIEU OF APPEARANCE

BAIL DEPOSIT INFORMATION

$ Cash Bail Amount

Received From

Address

OFFICER

$1,500 #R25-10329997 Bail Bond Amount & Bond Number

A ACTION Bonding Company

P.O. BOX 924 PISMO BEACH 93448 Address

05.27.96 @ 2330 HRS. DATE and TIME

RELEASE ON PROMISE TO APPEAR/OWN RECOGNIZANCE (853.6, 1318 P.C.)

___ I hereby request that bail be forfeited and the case closed without appearance.

___ I promise I will not leave the State of California without the permission of the Court and that if I fail to appear and am apprehended outside of the State of California, I waive extradition.

___ For release on my own recognizance, I hereby agree that I will personally appear on the above date and time, and will appear personally at all times and places ordered by the Court. I understand the Court may revoke this order and require that I give bail or other assurance of my appearance.

___ I understand that if I willingly fail to appear as promised, such failure to appear is a separate violation for which I may be punished by up to 6 months in jail and/or up to a $1,000.00 fine regardless of the disposition of this charge, and in the case of a felony, by up to three years in State Prison or up to one year in the County Jail, or up to a $10,000 fine, or both.

By initialing the boxes to the left of each statement above, I acknowledge that I understand the contents thereof and agree to the provisions thereof.

Signature of the Defendant

Signature of the Officer

Date and Time

Distribution: Court – Original & 1 Copy

AG-35

06/25/2021
60:016083

96-0933

FROM: SBCL ISN: 1960 DATE: 05/27/96 TIME: 23:04:04 RESPONSE MSG
TO: AGPD OSN: 570 DATE: 05/27/96 TIME: 23:04:05 RCVR LID: SWARD

-- ABSTRACT -- DATE 05/27/96 TIME 2306

SAN LUIS OBISPO WARRANTS CTL BUR HOLDS THE FOLLOWING WARRANT:

NAME	FLORES, PAUL RUBEN
DESCRIPTION	10-22-76 W M 510 170 BLN GRN
ADDRESS	710 WHITECOURT; ARROYO GRANDE, CA
WARRANT #	M242916
CHARGE(S)	40515 VC FOR 14601.2(A) VC NO CITE OUT
WARRANT TYPE	MISDEMEANOR
BAIL	$1,500.00
ISSUE DATE	05-14-96
COURT / RESP AGY	GROVER CITY MC PISMO BEACH PD
MAGISTRATE	CHIDLAW
NIGHT SERVICE?	NO
BAIL FORFEIT?	MANDATORY APPEARANCE REQUIRED
INITIATING AGENCY	ARROYO GRANDE PD
WARRANT CTL #	F4621483-001
ISSUING AGENCY	PBPD
REFER TO: SAN LUIS	OBISPO WARRANTS CTL BUR

06/25/2021
60:016084

SAN LUIS OBISPO COUNTY MUNICIPAL COURT

FOR COURT USE ONLY

- ☐ San Luis Obispo Branch, County Government Center, 1050 Monterey Street, Room 220, San Luis Obispo, CA 93408
- ☒ Grover City Branch, 214 South 16th Street, Grover City, CA 93433
- ☐ Paso Robles Branch, 549 10th Street, Paso Robles, CA 93446

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

vs.

FLORES, PAUL RUBEN, Defendant.

CASE NUMBER: M242916

RETURN OF PEACE OFFICER

I hereby certify that I received the warrant issued on 05-14-96 calling for the arrest of the above-named defendant. I further certify that I arrested said defendant on 05-27-96 and

(Applicable Item Checked)

☐ bringing said defendant before a magistrate of the _____ Court of _____ Judicial District, on _____ in the County of _____

☒ booking said defendant at the ARROYO GRANDE POLICE DEPT. Jail, on 05-27-96 in the County of SAN LUIS OBISPO

BEAU PRYOR / PEACE OFFICER
Name and Title of Peace Officer

Dated: 05-27-96

By _____
Officer or Deputy

P.C. §§ 821,822,848

APPEARANCE DATE ON ADMISSION TO BAIL

Bail and penalty assessment posted and defendant notified to appear in the above-entitled Court on 07-11-96 at 8:00 A.M.

Dated: 05-27-96

BEAU PRYOR
Officer in Charge of Jail

P.C. §§ 1269, 1295

CERTIFICATE OF A MAGISTRATE OF ANOTHER COURT

I hereby certify that the defendant named in the above warrant was this day brought before me and I ordered that the said defendant be admitted to bail in the sum of $ _____ including penalty assessment.

(Applicable Item Checked)

Bail Given

☐ Bail and penalty assessment having been given by _____, whose address is _____, the said defendant was ordered to appear in the above-entitled court on _____ at _____ M., and said defendant is hereby ordered released.

Bail Not Given

☐ Bail not having been given, the said defendant is hereby remanded to the custody of the _____ for appearance in the above-entitled court on _____ at _____ M.

Dated: _____

_____
Signature of Magistrate

at _____, California.

_____
Title and Court

P.C. §§ 821, 824, 1269, 1269a, 1269b

2510-150 (9006)

DC-44

06/25/2021
60:016085

FROM: SBCL ISN: 2045 DATE: 05/28/96 TIME: 00:09:40 RESPONSE MSG 96-0933
TO: AGPD OSN: 599 DATE: 05/28/96 TIME: 00:09:40 RCVR LID: SWARD

NW01 WCN F4621483 001 WARRANT NOW CLEARED

06/25/2021
60:016089

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Michael T. Manner, Chief of Police

By: JL Date: 6-23-21

06/25/2021
60:016090

ARROYO GRANDE POLICE DEPARTMENT

June 23, 2021

San Luis Obispo County
District Attorney's Office
Attn: DDA Chris Peuvrelle
1035 Palm Street
San Luis Obispo, CA 93408

Subject: Certified Copy of Item #2(Booking Photo) from AGPD# 2100740

To Whom It May Concern,

I, Zak Ayala, the undersigned, say:

1. I am the duly authorized Custodian of Records of the Arroyo Grande Police Department;
2. I have the authority to certify copies of these records;
3. (Check the appropriate boxes)
   a. (**X**) The copies transmitted herewith are true and accurate copies of the original documents.
   b. ( ) No copies are transmitted herewith because the Arroyo Grande Police Department has none of the records described in the attached subpoena.
   c. ( ) No copies or records are transmitted herewith because they are protected under one or more of the sections listed in #3(a) above.
   d. ( ) Without a court order (which is signed by a judge), we are unable to release anything further.

The records referred to above were prepared by the personnel of the Arroyo Grande Police Department in the ordinary course of business, executed on June 23, 2021.

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

MICHAEL T. MARTINEZ
CHIEF OF POLICE

Zak Ayala
Support Services Commander

200 North Halcyon Road, Arroyo Grande, CA 93420 • Phone (805) 473-5120 • FAX (805) 473-2198
Website: www.agpd.org

06/25/2021
60:016091



06/25/2021
60:016092



ARROYO GRANDE POLICE DEPARTMENT
200 North Halcyon Road
Arroyo Grande, California 93420

TYPE OR PRINT ALL INFORMATION IN BLACK

FBI LEAVE BLANK

LAST NAME NAM: FLORES, FIRST NAME: PAUL, MIDDLE NAME: RUBEN

ALIASES

CONTRIBUTOR ORI: CA0400100
PD.
ARROYO GRANDE, CA

DATE OF BIRTH DOB (Month Day Year): 10/22/76

SIGNATURE OF PERSON FINGERPRINTED: X [signature]

THIS DATA MAY BE COMPUTERIZED IN LOCAL, STATE AND NATIONAL FILES

DATE: 5-27-96

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS: [signature]

CHARGE: WAR

DATE ARRESTED OR RECEIVED DOA: 05/27/96

YOUR NO. OCA: 96-00933

SEX	RACE	HGT.	WGT.	EYES	HAIR	PLACE OF BIRTH POB
M	H	510	165	GRN	BLO	CALIFORNIA

LEAVE BLANK

FBI NO. FBI

CLASS.

SID NO. SID

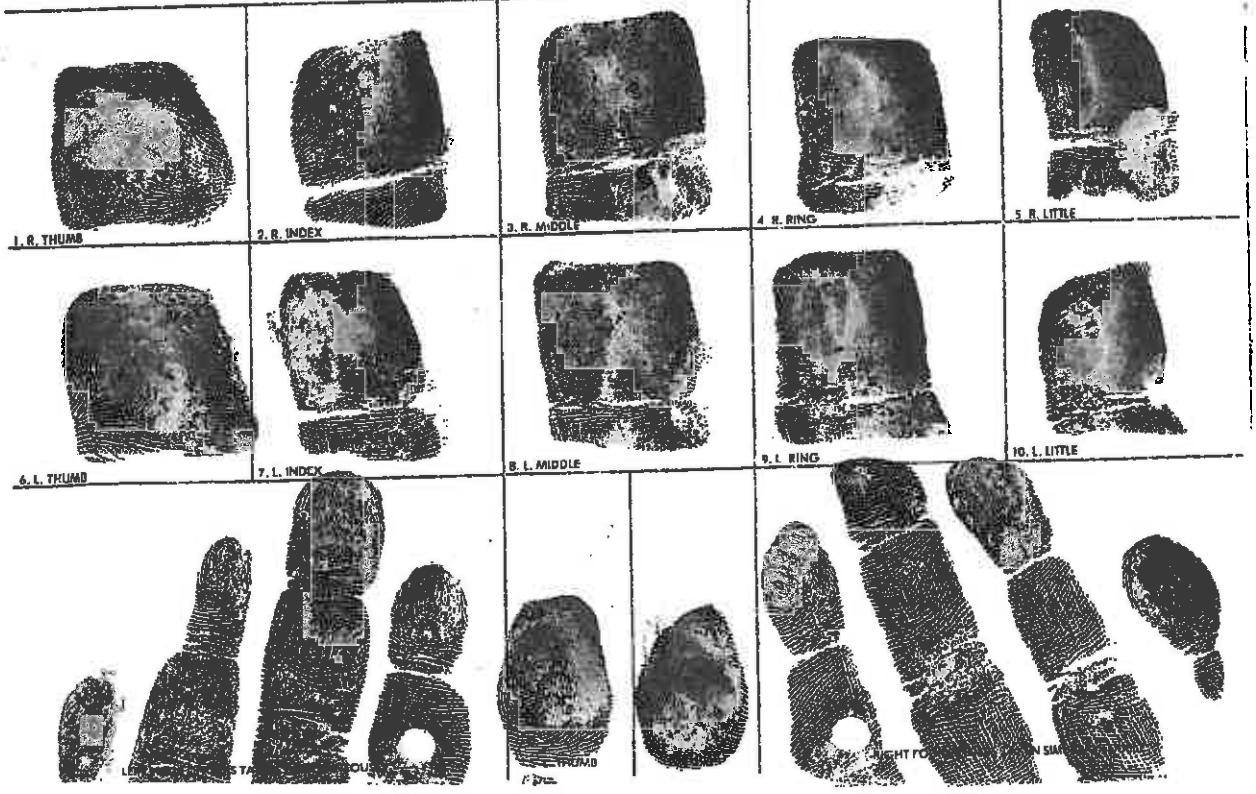
REF.

SOCIAL SECURITY NO. SOC: 546-97-5858

NCIC CLASS - FPC

FINAL DISPOSITION

CAUTION



06/25/2021
60:016093

FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20537

PALM PRINTS TAKEN? YES ☐ NO ☒X

PHOTO AVAILABLE? YES ☒X NO ☐

IF ARREST FINGERPRINTS SENT FBI PREVIOUSLY AND FBI NO. UNKNOWN
FURNISH ARREST NO. _____ DATE _____

STATUTE CITATION (SEE INSTRUCTIONS NO 9) CIT
1.
2.
3.

ARREST DISPOSITION (SEE INSTRUCTION NO. 5) ADN

EMPLOYER: IF U S. GOVERNMENT, INDICATE SPECIFIC AGENCY.
IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO.
CAL POLY STATE UNIVERSITY

OCCUPATION STUDENT

RESIDENCE OF PERSON FINGERPRINTED PISMO BEACH

SCARS, MARKS, TATTOOS, AND AMPUTATIONS SMT

BASIS FOR CAUTION ICO

DATE OF OFFENSE 05/27/98 | SKIN TONE SKN

MISC. NO. MNU DL#-A7119112

ADDITIONAL INFORMATION

INSTRUCTIONS

1. UNLESS OTHERWISE PROVIDED BY REGULATION IN YOUR STATE FINGERPRINTS ARE TO BE SUBMITTED DIRECTLY TO FBI IDENTIFICATION DIVISION. FORWARD IMMEDIATELY FOR MOST EFFECTIVE SERVICE.
2. FINGERPRINTS SHOULD BE SUBMITTED BY ARRESTING AGENCY ONLY (MULTIPLE PRINTS ON SAME CHARGE SHOULD NOT BE SUBMITTED BY OTHER AGENCIES SUCH AS JAILS, RECEIVING AGENCIES ETC.) REQUESTS COPIES OF FBI IDENTIFICATION RECORD FOR ALL OTHER INTERESTED AGENCIES IN BLOCK BELOW. GIVE COMPLETE MAILING ADDRESS INCLUDING ZIP CODE.
3. TYPE OR PRINT ALL INFORMATION.
4. NOTE AMPUTATIONS IN PROPER FINGER BLOCKS.
5. LIST FINAL DISPOSITION IN BLOCK ON FRONT SIDE. IF NOT NOW AVAILABLE, SUBMIT LATER ON FBI FORM R 84 FOR COMPLETION OF RECORD. IF FINAL DISPOSITION NOT AVAILABLE SHOW PRE-TRIAL OR ARRESTING AGENCY DISPOSITION e.g., RELEASED. NO FORMAL CHARGE, BAIL, TURNED OVER TO, IN THE ARREST DISPOSITION BLOCK PROVIDED ON THIS SIDE.
6. MAKE CERTAIN ALL IMPRESSIONS ARE LEGIBLE FULLY ROLLED AND CLASSIFIABLE
7. CAUTION - CHECK BOX ON FRONT IF CAUTION STATEMENT INDICATED. BASIS FOR CAUTION (ICO) MUST GIVE REASON FOR CAUTION, e.g., ARMED AND DANGEROUS, SUICIDAL ETC
8. MISCELLANEOUS NUMBER (MNU) - SHOULD INCLUDE SUCH NUMBERS AS MILITARY SERVICE, PASSPORT AND/OR VETERANS ADMINISTRATION (IDENTIFY TYPE OF NUMBER.)
9. PROVIDE STATUTE CITATION, IDENTIFYING SPECIFIC STATUTE (example - PL for PENAL LAW) AND CRIMINAL CODE CITATION INCLUDING ANY SUB SECTIONS.
10. ALL INFORMATION REQUESTED IS ESSENTIAL.
11. PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

REPLY DESIRED? YES ☒X NO ☐
(REPLY WILL BE SENT IN ALL CASES IF SUBJECT FOUND TO BE WANTED)

IF COLLECT WIRE OR COLLECT TELEPHONE REPLY DESIRED, INDICATE HERE: (WIRE SENT ON ALL UNKNOWN DECEASED)

WIRE REPLY ☐ TELEPHONE REPLY ☐ TELEPHONE NO. AND AREA CODE _____

SEND COPY TO: NAME, ORI NUMBER AND ADDRESS

LEAVE BLANK

FD-249 (REV. 12-29-82)

☆U.S. G.P.O. 1988 — 155-394



06/25/2021
60:016094

ARROYO GRANDE POLICE DEPARTMENT

114836.A45 — 96-933

I.D.NO.	LAST NAME	FIRST NAME	MIDDLE NAME	BIRTH DATE	BOOKING NO.	CR: DATE
	Flores,	Paul	Ruben	10-22-76	1311.3	5-27-96

SIGNATURE OF PERSON FINGERPRINTED

X Paul Flores

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

Dan D. Taylor





06/25/2021
60:016095

ARROYO GRANDE POLICE DEPARTMENT
200 North Halcyon Road
Arroyo Grande, California 93420

06/25/2021
60:016096

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Michael T. Martinez, Chief of Police

By: JL Date: 6-23-21

06/25/2021
60:016097

ATTACHMENT 2

PEOPLE V. PAUL RUBEN FLORES & RUBEN RICARDO FLORES

CASE NO. 21F-02402-A, B

DA CASE NO. 079-662557 & 079-663275

ITEM 41 – INTERVIEW WITH PAUL FLORES – 5/30/96

K = DETECTIVE MIKE KENNEDY, SAN LUIS OBISPO SHERIFF'S DEPARTMENT

H = OFFICER ROBERT CUDWORTH, CAL POLY POLICE DEPARTMENT

F = PAUL RUBEN FLORES, DEFENDANT

[TRANSCRIBED BY SL ON 7/5/22]

[START TIME 00:00:00]

K OH GOD, LET ME UNPLUG MY PHONE. THAT'S GONNA BE THE FIRST THING. THAT WAY WE DON'T UH -- I KNOW THE PHONE'S GONNA CONTINUE TO RING. IT'S RUN ALL DAY. WHEW -- UH THANKS FOR COMING DOWN. THIS IS -- IT'S NOT A CRIMINAL MATTER. [UNINTELLIGIBLE]

F RIGHT

K BECAUSE YOU'RE THE LAST PERSON -- UH, WE APPRECIATE YOU COMING DOWN --

F YEAH NO PROBLEM.

K IT'S VOLUNTARY

F YEAH, I UNDERSTAND. YEAH.

K OKAY. UHM, LET'S GO OVER AGAIN. UH, WHAT I WANT YOU TO DO FOR ME THOUGH UH -- IS DO SOMETHING A LITTLE DIFFERENT. . UH, WHAT I WANT YOU TO DO IS START BACKWARDS FROM THE LAST TIME YOU SAW ROXY AND TAKE ME BACK DOWN TO WHEN YOU WERE WALKING IN FRONT OF THE HEALTH CENTER. SO IT'S JUST GONNA -- IT'S GONNA TAKE A LITTLE THOUGHT PROCESS, SO JUST KINDA GO THROUGH IT FOR ME.

F OH, REVERSE?

K YEAH. WHAT I WANT YOU TO DO IS DO IT BACKWARDS.

F OH. OKAY.

K SO OPEN WITH THE LAST TIME YOU SAW ROXY -- UH, AT THAT POINT UH DESCRIBE WHAT YOU DID, GOING BACKWARDS.

F OKAY

K DOWN TO THE HEALTH CENTER

F OKAY UHM, SHE WALKED THAT WAY, I WALKED THAT WAY. THAT'S THE LAST TIME I SAW HER.THEN THE OTHER GIRL LEFT AT THE -- AT THE CORNER OVER THERE AND THEN UH -- AND -- AND A COUPLE TIMES LIKE ON THE WAY, MAYBE PROBABLY TWICE YOU KNOW, I WENT LIKE THAT, JUST GAVE HER KINDA LIKE A HUG, 'CAUSE SHE WAS FREEZIN'. I --- I --- I REMEMBER THAT. AND THEN I THOUGHT -- I REMEMBER ONE TIME OVER THE -- IT PROBABLY WAS ABOUT THE HEALTH CENTER, LIKE I TOLD UH -- BECAUSE UH -- BECAUSE ROXY WAS WALKING REAL SLOW AND SO THEN UH -- I -- I TOLD THE OTHER GIRL THAT SHE CAN GO IF SHE WANTED TO. I REMEMBER SAYING THAT TO HER. AND THEN UH -- BE -- ' CAUSE I WAS LIKE -- AND THEN UH -- AND I DON'T EVEN REMEMBER WHAT WE WERE TALKIN' ABOUT DURING THE WHOLE TIME. WE WERE JUST—

K OKAY

F WE WERE JUST WALKING.

K OKAY. HOW – HOW MUCH DID YOU HAVE TO DRINK THAT NIGHT PAUL?

F TOO MUCH

K OKAY, WELL WHAT'S THAT?

F I DON'T – I – I – I'M NOT QUITE SURE. I JUST WOUND UP THROWING UP LATER ON. SO—

K ALRIGHT. OKAY. WHAT TIME WAS THAT? WHEN DID YOU GET SICK?

F OOH – OOH – OOH – RIGHT WHEN WE GOT BACK, PRETTY WELL MUCH.

K OKAY. CAN YOU REMEMBER WHAT TIME THAT WAS? DID YOU LOOK AT A CLOCK OR --?

F NUH-UH. I DIDN'T EVEN—

K OKAY, CAN YOU MAKE A GUESS AS TO WHAT TIME IT WAS?

F NO, I – I DON'T EVEN KNOW WHAT TIME I LEFT THERE OR NOTHIN'.

K OKAY. UH—

F IT WASN'T LIKE I WAS LIKE DOIN' GALLONS OR NOTHIN' – IT WAS JUST LIKE A LITTLE TINY BIT, SO THEN –

K WELL IF – IF YOU GET SICK UH—

F JUST LIKE – YEAH.

K YOU KNOW LIKE TOO MUCH FOR YOU IS – IS MANY WAY TOO MUCH FOR ME OR IT'S UH --

F OH--

K [UNINTELLIGIBLE] SO WHAT I'M TRYING TO DO IS KINDA GET AN IDEA.

F SO OH -- BE -- BE -- BECAUSE THEN WHAT HAPPENED IS LIKE RIGHT BEFORE I WENT I HAD TWO BEERS LIKE THAT (SNAPS FINGERS) AND THEN --

K OKAY.

F AND THEN LIKE JUST FROM WALKING JUST LIKE -- JUST -- BUT -- BUT THEN UH, I WENT TO SLEEP. AND THEN UH --

K HOW DID YOU -- UH, LET'S GO BACK TO THE PARTY AND KINDA GO IN FORWARD MOTION HERE, UH FROM THE POINT THAT YOU WERE LEAVING THE PARTY UH AND YOU JOINED UP WITH ROXY AND THE OTHER PEOPLE.

F I -- I DON'T -- I DON'T KNOW HOW WE WOUND UP WALKING TOGETHER.

K OKAY.

F BECAUSE THE PARTY WAS JUST PRETTY WELL ENDING –

K UH-HUH.

F I THINK SO. THEN THE PEOPLE WALKING THAT WAY WALKED THAT WAY – YOU KNOW. PEOPLE WALKING THE OTHER WAY WALKED THE OTHER WAY.

K OKAY. ALRIGHT. UHM – OKAY. SO, UH OTHER THAN THE TWO [2] HUGS, DID YOU HAVE ANY PHYSICAL CONTACT?

F NAH-UH.

K WITH ROXY?

F NOPE. NEVER GAVE HER A KISS, NOTHIN' OR—

K OKAY, OKAY. ALRIGHT. OKAY.

F YEAH UH – IT WAS THE NAME THAT SHE WAS USING AT THE PARTY WAS ROXY. BE – BECAUSE AFTER – AFTER YOU LEFT I WAS THINKING YOU KNOW – - CHRISTINE, CHRISTINE AND THEN – AND I WAS LIKE – THEN I'M ALL – I'M ALL – - I NEVER EVEN HEARD THAT NAME BEFORE. THEN – THEN I SAW THAT THE PAPERS IN THE RESIDENCE HALL YESTERDAY TALKIN' ABOUT ROXY. SO – SO THAT'S THE NAME SHE WAS GOING BY YESTERDAY OR THE FRIDAY.

K KAY. WHAT DID UH, WHAT DID SHE SAY, UH, DO YOU REMEMBER ANY OF THE CONVERSATIONS YOU HAD WALKIN' UP THE HILL?

F NO, SHE WAS JUST – SAID SHE WAS – THE ONLY THING I REMEMBER WAS SHE WAS SAYING SHE WAS FREEZING. THAT'S –

K OKAY. WAS THEY ANY TALK OF UH – YOU KNOW – GETTIN' TOGETHER –

F NO, NO, NO.

K ANYTHING OF THAT NATURE?

F NOTHIN' AT ALL LIKE THAT.

K YOU SURE?

F I'M POSITIVE.

K OKAY.

F I'D REMEMBER THAT.

K NOTHIN' OTHER THAN THE TWO HUGS, UH THAT UH [UNINTELLIGIBLE] CLAIM SHE WAS COLD.

F YEAH YEAH.

K [UNINTELLIGIBLE] PHYSICAL CONTACT.

F YEAH, YEAH, THAT'S THE ONLY THING SHE SAID TO ME – LIKE I TALKED TO HER ONE TIME AT THE PARTY AND SHE SAID HI I'M ROXY – YOU KNOW – UHM, HOW DO YOU LIKE ME OR SOMETHING LIKE THAT. BUT SHE – SHE KEPT GET – SHE KEPT WALKIN' UP LIKE EVERY SINGLE GUY AT THE PARTY SAYIN' THAT.

K OKAY.

F AT – AT THE TIME -- YOU KNOW – THIS ONE GUY HE'LL START TALKING TO HER AND SHE DID IT TO HIM LIKE THREE TIMES.

K OKAY. HOW WOULD YOU DESCRIBE THAT BEHAVIOR?

F LIKE -- KINDA LIKE -- OVER FLIRTA -- FLIRTATIOUS I GUESS -- YOU KNOW -- JUST LIKE UH -- IT WAS LIKE I WOULDN'T -- EVEN IF THE GIRL WANTED ME, I WOULDN'T BECAUSE -- BECAUSE YOU DON'T KNOW WHAT YOU CAN EVER GET -- YOU KNOW -- YOU CAN --

K AS FAR AS--?

F DISEASES.

K OH

F YOU KNOW -- BE -- BECAUSE IT'S LIKE UH -- BECAUSE YOU DON'T -- BECAUSE IF A PERSON'S -- IF YOU DON'T EVEN KNOW THE PERSON, LIKE THAT, THEN [UNINTELLIGIBLE[YOU KNOW THE WAY THAT THEY'RE ACTING YOU JUST GO HEY, YOU KNOW, SHE'S WALKING UP TO EVERYONE LIKE SAYING STUFF TO 'EM AND THEN [UNINTELLIGIBLE] THERE WAS A FEW PEOPLE AT THE PARTY THAT WERE COMPLAINING OR LIKE THEY'RE MAKING JOKES ABOUT IT. KINDA LIKE THAT, SO I [UNINTELLIGIBLE]

K OKAY

F [UNINTELLIGIBLE]

K OKAY. GOOD, UH, YOU HAVE A NICKNAME FOR AROUND THE HALL?

F HALL?

K AROUND THE – AROUND THE HALL, DO YOU HAVE A NICKNAME THAT PEOPLE CALL YOU?

F NAH-UH.

K OKAY. WE – WE'VE FOUND SEVERAL PEOPLE WHO HAVE SAID THAT YOU DO HAVE A NICKNAME.

F BIG P – I DON'T KNOW – THAT – THAT'S MY [UNINTELLIGIBLE] ON THE DOOR OR SOME [UNINTELLIGIBLE] PEOPLE CALL ME [UNINTELLIGIBLE] I GUESS LIKE THAT OR [UNINTELLIGIBLE] PAULINO.

K OKAY. ANYTHING ELSE?

F NO.

K HA -- HA -- HAS ANYBODY KIDDED ABOUT ANY NAMES OR RHYMING NAMES OR ANYTHING OF THAT NATURE?

F PAULIE SHORT. THERE WE GO--

K PAULIE SHORT. OKAY.

F [UNINTELLIGIBLE]

K UHM, NO I WAS THINKING OF UH -- THE PHRASE THAT WE HEARD WAS "CHESTER THE MOLESTER".

F WHAT?! NO. NAH-UH.

K NOBODY'S EVER CALLED YOU THAT?

F NEVER!

K EVER?

F NEVER EVER.

K OKAY. OKAY. UHM, SO THAT'S NOT SOMETHING THAT ANYBODY'S EVEN IN JEST CALLED YOU?

F NAH, I'VE NEVER EVEN HEARD THAT.

K OKAY

F THE ONLY OTHER KIND OF NICKNAMES I'VE HEARD OTHER PEOPLE GET CALLED IS SPANKY 'CAUSE SOME GUY GOT CAUGHT IN HIS ROOM AND THAT'S ABOUT THE ONLY KIND OF NICKNAMES WE EVEN HAVE IN THE HALL. THAT'S ABOUT IT.

K OKAY

F CHESTER THE MOLESTER?

K THAT WAS IT.

F NAH. NO ONE HAS EVER CALLED ME THAT -- THE ONLY – THING THEY CALL ME JUST PAULIE SHORE AND PAULO [UNINTELLIGIBLE].

K ALRIGHT. NOW IT'S IMPORTANT PAUL –

F OH AND UHM, THE OTHER ONE THEY CALLED ME -- THAT LADY -- THE LADY GUY --UH, THE SINGER PERSON. RUE PAUL. THAT'S THE ONLY OTHER ONE THEY CALLED ME.

K OH YEAH. THAT – THAT'S A GUY. YEAH.

F YEAH A GUY

K WELL I WOULDN'T CONCIDER THAT TOO MUCH OF A COMPLIMENT.

F YEAH [UNINTELLIGIBLE]

K OKAY.

F YEAH THAT'S—

K BUT YOU'VE NEVER HEARD CHESTER THE MOLESTER GETTING AROUND -- THAT'S--?

F NEVER.

K OKAY. ALRIGHT. WELL, OKAY -- UH, WHEN WE HEARD THAT NAME AND THIS INDIVIDUAL WHO TOLD US THAT, UH THEY CAME UP WITH THAT NAME ON THEIR OWN. WE DIDN'T PROMPT 'EM ON THAT. THAT'S WHAT THEY TOLD US.

F UH-HUH

K SO IT'S VERY IMPORTANT THAT YOU REALIZE -- YOU KNOW -- HOW IMPORTANT THAT THIS INVESTIGATION IS.

F YEAH

K YOU – YOU -- YOU'RE GRASPING THIS? THAT THIS IS -- THIS IS VERY SERIOUS BUSINESS WITH A MISSING WOMAN AND THAT SORT OF THING?

F YEAH

K YOU'RE – YOU'RE AWARE OF ALL THIS?

F I'M AWARE OF THIS.

K OKAY. THIS IS -- THIS IS UH – I DON'T WANT TO USE THE WORD DEADLY SERIOUS, BUT IT IS AS SERIOUS AS YOU CAN GET.

F UH-HUH.

K ALRIGHT? SHE HASN'T SURFACED. WE HAVEN'T HAD ANY SIGHTINGS OF HER. UH, AT THIS POINT, YOU 'RE THE LAST PERSON THAT SAW HER.

F YEAH. YEAH, THAT'S SERIOUS.

K OKAY. SO IT'S -- IT'S MOST IMPORTANT. IT IS -- I -- I CAN'T IMPRESS UPON YOU HOW IMPORTANT IT IS THAT YOU BE COMPLETELY HONEST HERE --

F UH-HUH.

K AS FAR AS SOME OF THESE NICKNAMES OR THAT SORT OF THING. IF YOU – IF YOU -- IF ANYBODY'S EVER USED THAT OR YOU -- IF YOU'RE AWARE OF IT, LET US KNOW NOW.

F UH--

K OKAY.

F NO. NEVER HEARD ANYONE USE THAT.

K OKAY. ALRIGHT. OKAY, UH -- IN THIS INVESTIGATION WHAT WE'VE DONE IS WE'VE GONE BACK AND WE'VE INTERVIEWED UH TWENTY – TWENTY-FIVE MEN. OKAY?

F UH-HUH.

K UHM, THEY DESCRIBE UH RO -- UH ROXY OR KRISTIN AS A RATHER PROMISCUOUS INDIVIDUAL.

F YEAH.

K OKAY?

F [UNINTELLIGIBLE]

K UH, IT GOES ALONG WITH WHAT YOU WERE SAYING AT THE PARTY.

F UH-HUH.

K OKAY. UH, SO NOW HERE -- HERE WE HAVE -- LOOK AT THIS FROM OUR POINT OF VIEW FOR A MOMENT. HERE WE HAVE SOMEBODY THAT IS UH -- HAS A NICKNAME OF CHESTER THE MOLESTER.

F YEAH.

K OKAY.

F YEAH. OKAY.

K OKAY, WE'RE GOING FROM MY POINT OF VIEW --

F RIGHT. I KNOW.

K OKAY, SO HERE WE HAVE A GUY NAMED CHESTER THE MOLESTER AND HE'S LAST SEEN WALKING UP THE HILL WITH A WOMAN THAT IS VERY PROMISCUOUS.

F UH-HUH.

K OKAY. UH, AND I'M PUTTING IT KINDLY FROM WHAT SOME OF THESE OTHER PEOPLE HAVE SAID. UH, WE BELIEVE THAT UH ROXY WAS UH -- UH INTIMATE WITH A NUMBER OF INDIVIDUALS UH, AND --

F WHILE AT THE PARTY?

K NOT AT THE PARTY --

F OH

K BUT OVER THE COURSE OF THE LAST SEVERAL WEEKS THAT WE'VE BEEN ABLE TO ESTABLISH.

F OH

K ALRIGHT? SO NOW WE'VE GOT A GUY NAMED CHESTER THE MOLESTER. WE HAVE THIS MASSIVELY PROMISCUOUS INDIVIDUAL AND YOU'RE CLAIMING THAT THERE WAS NOTHING THAT WENT ON.

F NOTHING

K ABSOLUTELY NOTHING?

F ABSOLUTELY NOTHING. NO KISS.

K OKAY

F JUST THE CH -- JUST THE HUGS WHEN SHE WAS SAYING SHE WAS FREEZING.

K OKAY. UHM, WHEN YOU GOT BACK TO YOUR RESIDENCE HALL –

F UH-HUMM.

K UH, WHO WAS THERE? ANYBODY SEE YOU COME INTO THE RESIDENCE HALL?

F NAH-UH. I SAW SOMEONE WHEN I WENT TO THE BATHROOM. IT'S LIKE UH -- I DON'T RE -- EVEN RECALL WHO IT WAS.

K OKAY.

C THIS WAS WHEN YOU WERE GETTING SICK? WHEN YOU WENT TO THE BATHROOM?

F YEAH -- YES.

K OKAY, YOU NEED TO THINK ABOUT THAT PAUL.

F YEAH.

K WE NEED TO FIND THAT PERSON.

F YEAH. THAT WOULD BE MY ALIBI.

K THIS PERSON IS GONNA BE AN ALIBI, IF IT COMES DOWN TO THAT. I'M NOT SAYING YOU NEED ANALIBI, BUT THIS PERSON'S GONNA PUT YOU IN THE HALL. OKAY?

F YEAH

K UH, DON'T GO OUT AND MAKE THIS UP. DON'T GO OUT AND --

F RIGHT

K AND [UNINTELLIGIBLE] SOMEBODY—

F RIGHT

K TO LIE FOR YOU. OKAY? WHAT WE NEED IS WE NEED THE NAME OF THAT INDIVIDUAL.

F RIGHT

K OKAY. SO THINK ABOUT IT. RACK YOUR BRAIN --

F YEAH

K UH, DON'T HAVE ANY ALCOHOL [UNINTELLIGIBLE] THINKING ABOUT IT.

F RIGHT

K JUST THINK ABOUT IT STRAIGHT. UHM, WE NEED TO FIND THAT PERSON.

F RIGHT

K WHAT ABOUT YOUR ROOMMATE?

F UHM, HE WAS AT HIS GIRLFRIENDS.

K OKAY. UH, SO THAT NIGHT THIS PERSON IN THE HALLWAY SAW YOU WHEN YOU WERE GOING TOTHE BATHROOM?

F HE -- [UNINTELLIGIBLE] I SAW SOME -- UH, AND THEN LATER ON -- OH, IT'S PROBABLY MAYBE -- IWANT TO SAY MAYBE FIVE [5:00] O'CLOCK IN THE MORNING OR SOMETHING LIKE THAT.

K OKAY

F IT'S LIKE -- 'CAUSE I HAD SOME BAD TASTE IN MY MOUTH SO I WENT AND TOOK A SHOWER.

K OKAY.

F THEN -- THEN WHEN I WAS TAKING THE SHOWER, SOM -- SOMEONE WAS IN THERE I KNOW.

K OKAY.

F SO IF YOU FIND OUT –

K DID YOU SEE THAT PERSON OR DID THAT PERSON SEE YOU?

F NO, NO. YEAH, WELL -- (UNINTELLIGIBLE) TAKING A SHOWER. SO –

K OKAY

F SO I GUESS LIKE SOMEONE WAS IN THERE WHILE I WAS TAKING MY SHOWER, 'CAUSE I HEARD -- HEARD THE BATHROOM DOORCLOSE –

K OKAY

F FROM -- FROM ONE OF THE LITTLE STALLS. SO -- SO SOMEONE HEARD THE SHOWER GOING.

K ALRIGHT

F I WOULD HAVE TO SAY

K OKAY. UHM, ALRIGHT. SO THAT'S FIVE [5:00] O'CLOCK IN THE MORNING?

F YEAH, IT WAS JUST PRIOR TO—

K WHAT -- WHAT I'M LOOKING FOR AND THAT'S--

F YEAH

K WHAT'S THE TIME FRAME HERE? WE'RE -- WE'RE ENDING AT FIVE [5:00] O'CLOCK WHEN YOU'RE TAKING A SHOWER -- WHAT TIME--?

F YEAH, I KNOW.

K WHAT TIME DID YOU GET HOME? THAT'S WHAT WE'RE -- THAT'S WHAT WE'RE AFTER.

F YEAH. YEAH, BUT EVEN FIVE [5:00] O'CLOCK, THAT WOULD BE -- YOU KNOW -- EVEN IF IT -- IF I GOT IN AT THREE [3:00], THAT'S TWO HOURS THAT NO ONE SAW ME LIKE -- YOU KNOW.

K OKAY. ALRIGHT. UHM, ALRIGHT.

F (UNINTELLIGIBLE) WELL --- WELL I -- I CAN'T REMEMBER WHO I -- I EVEN SAW. IT'S LIKE -- 'CAUSE I SEE EVERYONE EVERY SINGLE TIME. SO IT'S LIKE TRYING TO REMEMBER (UNINTELLIGIBLE) WITH IT.

K HAVE YOU HAD UH -- HAVE YOU HAD SEX IN YOUR ROOM WITH ANY WOMEN OVER THE LAST –

F NO.

K COUPLE WEEKS?

F NEVER. NOT EVEN ALL YEAR LONG.

K ALL YEAR LONG. OKAY. UH, DO YOU HAVE A GIRLFRIEND?

K OKAY. UH, YOU HAVEN'T BEEN INTIMATE WITH ANYBODY, A FEMALE SINCE WHEN? HAS IT BEEN BEFORE THE SCHOOL YEAR STARTED?

F YES.

K OKAY.

F WELL -- WELL, EXCEPT FOR ONE TIME DURING CHRISTMAS BREAK, BUT THAT'S ABOUT IT.

K OKAY. THAT'S FINE. OKAY. GOOD.

F BUT THE -- THE ONLY THING I'VE DONE WAS KISS GIRLS. THAT'S IT.

K OKAY. NEVER HAD SEX WITH WOMEN?

F RIGHT.

K OKAY. ALRIGHT. UHM, DID YOU -- DID YOU FIND UH ROXY ATTRACTIVE?

F NAH-UH. NOT --

K HOW COME?

F SHE WAS DRUNK. IT'S LIKE -- WELL, IT'S LIKE UH, SHE -- SHE WAS TALLER THAN ME. I -- I DON'T KNOW, IT'S JUST LIKE SOME PEOPLE – [UNINTELLIGIBLE] SOME OTHER GIRL I WAS TALKING TO THERE. SO IT'S JUST -- I -- I DON'T KNOW SOME PEOPLE [UNINTELLIGIBLE] BUT -- BUT LIKE IF SOMEONE'S PROMISCUOUS I DON'T -- I DON'T -- I DON'T FIND THEM ATTRACTIVE, 'CAUSE --

K OKAY. UH, ALRIGHT. OKAY. DO YOU HAVE ANYTHING TO ADD, AS FAR AS YOUR TIMES FRAMES, UH --

F I CAN'T THINK OF ANYTHING.

K WHO SAW YOU, UH -- HOW'D YOU -- HOW DID YOU GET TO THE PARTY? LET'S GO BACK TO THAT.

F I WALKED THERE.

K OKAY, WITH WHO?

F MYSELF.

K OKAY, SO YOU DIDN'T GO WITH ANYBODY?

F RIGHT.--

K HOW -- HOW DID YOU HEAR ABOUT THE PARTY?

F I DIDN'T EVEN HEAR ABOUT THE PARTY.

K OKAY. HOW DID YOU END UP THERE?

F OKAY, I WAS WALKING TO MY SISTERS, SO I WENT -- BECAUSE SHE LIVES IN THE -- UH, OVER THERE BY UH -- DOWN BY TACO BELL. I WAS WALKING THERE AND THEN LIKE UH -- I SAW THE PARTY SO THEN I WOUND UP STOPPING BY AND THEN --

K OKAY, DID YOU KNOW ANYBODY AT THE PARTY?

F UHM, I -- I WENT THERE -- I WAS AT A PARTY THERE UH PROBABLY ABOUT TWO MONTHS AGO OR SO.

K UH-HUMM. OKAY.

F YEAH, IT WAS ABOUT TWO MONTHS AGO I WAS THERE, BUT I DIDN'T PARTY. SO THEN I SAW THAT THEY WERE HAVING A PARTY, SO THEN I JUST LIKE POPPED IN AND I NEVER MADE IT TO MY SISTER'S.

K OKAY. DID YOU SEE YOUR SISTER THAT NIGHT?

F NO.

K SO YOU WERE WALKING TO YOUR SISTER'S?

F YEAH.

K OKAY. WHERE DOES SHE LIVE? DO YOU REMEMBER THE ADDRESS OR THE PHONE NUMBER?

F OH, SHE LIVES RIGHT BY UH -- JACK IN THE BOX.

K OKAY.

F YEAH, I -- I DIDN'T TELL HER I WAS COMING OVER, 'CAUSE THERE WAS NOTHING -- LIKE THE HALLS WERE DEAD. PEOPLE WERE JUST LIKE STUDYING, SO THEN EVERY -- SOMETIMES I JUST GO LIKE WELL OVER THERE LIKE I WAS JUST LIKE -- KINDA LIKE A LITTLE JOG [UNINTELLIGIBLE].

K ALRIGHT. UH --

F I'VE DONE THAT BEFORE -- LIKE ON FRIDAY [UNINTELLIGIBLE].

K OKAY. SO YOU JUST DECIDED TO GO SEE YOUR SISTER?

F YEAH.

K DID YOU CALL HER BEFORE YOU WENT OVER?

F NO.

K OKAY, WHAT'S HER PHONE NUMBER?

F FIVE FOUR FOUR FOUR NINE SIX THREE [544-4963].

K OKAY. UM, WOULD IT BE OKAY IF WE CALLED HER?

F YEAH, THAT'S FINE.

K OKAY WHAT'S HER NAME?

F UM, ERMELINDA.

K ERMELINDA. OKAY. VERY GOOD. UH, DOES SHE WORK? SHE A STUDENT?

F UM, SH-SH-SHE GOES HERE.

C SHE A CAL POLY [UNINTELLIGIBLE]-

K CAL POLY STUDENT.

F RIGHT.

K ALRIGHT. OKAY, UM, 'KAY NOW YOU'RE BEING COMPLETELY HONEST WITH US?

F COMPLETELY HONEST.

K UH, YOU'RE NOT HOLDING ANYTHING BACK?

F NOTHIN'.

K OKAY, SO BASICALLY YOU HELPED THIS GAL UP THE, UH, WALK. UH, AND YOU SAW HER HEADING OFF TOWARDS MUIR AND THAT'S THE LAST [UNINTELLIGIBLE] -

F W-WELL LIKE NOT – I – I DIDN'T GO UP THE WALKWAY UP THE STAIRS. I DIDN'T EVEN GO THAT DIRECTION.

K OKAY.

F I JUST WENT TO AS FAR AS I NEEDED TO GO TO-

K W-W-WHERE WAS THAT? HOW -- HOW DID YOU ENTER THE HALL THAT NIGHT? HOW DID YOU ENTER SANTA LUCIA HALL THAT NIGHT?

F S--- I'M PRETTY SURE I WENT RIGHT THROUGH THE FRONT. YEAH.

K FRONT DOOR?

F YEAH.

K 'KAY. WAS THE DOOR LOCKED?

F YEAH, I HAVE A KEY WITH ME.

K OKAY. ALRIGHT. UHM, AND WHEN YOU SAW ROXY WALKING, WHERE WAS THE LAST PLACE THAT YOU SAW HER?

F THE LAST TIME I SAW HER WAS ABOUT -- IT'S LIKE RIGHT THERE RIGHT BY, UM-

K SEQUOIA?

F IT WAS [UNINTELLIGIBLE] IS – LIKE ONE OF THOSE ON THE CORNER RIGHT THERE?

K MM-HM

F YEAH, THAT ONE.

K OKAY.

F I SAW HER LIKE RIGHT BY THERE.

K OKAY. AND WH -- WHERE WAS SHE GOING? WA -- WAS SHE WALKING, WAS SHE STANDING STILL, WAS SHE LAYING DOWN?

F SHE WAS WALKING.

K OKAY. AND SHE WAS HEADING IN WHAT DIRECTION?

F SHE WAS HEADING UP TOWARDS THE PARKING LOT TOWARDS THAT DIRECTION.

K TOWARDS MUIR? UH-

F YEAH-

K WHICH IS THE NEXT RESIDENCE HALL-

F [UNINTELLIGIBLE] OH, IS THAT -- THAT'S MUIR?

K THAT'S MUIR.

F [UNINTELLIGIBLE].

K OKAY.

K OKAY. YOU DIDN'T KNOW WHERE MUIR WAS?

F I WASN'T QUITE SURE IF IT'S THAT ONE OR IF THERE'S AN OTHER ONE RIGHT THERE BY [UNINTELLIGIBLE] THAT'S ANOTHER RED BRICK ONE [UNINTELLIGIBLE] -

K THAT'S FREMONT. RIGHT.

F NO. NO, NOT THAT ONE. THE OTH-

K [UNINTELLIGIBLE].

F OH, [UNINTELLIGIBLE] THAT'S – OKAY-

K 'KAY-

F OKAYS THAT'S WHAT I WAS THINKING OF.

K UM, I'M GONNA DRAW A REAL QUICK MAP HERE.

F YEAH. WHAT, UM, I JUST DIDN'T KNOW [UNINTELLIGIBLE].

K [UNINTELLIGIBLE] SO HERE'S, UH, GRAND AVENUE COMING IN, UH, AND PERIMETER CURVES DOWN THIS WAY. THE -- THE REC CENTER WOULD BE OVER HERE. UH, RIGHT ON THE CORNER HERE IS SEQUOIA. OKAY? UM --

F WAIT HERE'S GRAND?

C MM-HM.

K THIS IS GRAND.

F OKAY HERE'S SEQUOIA –

K THIS IS [UNINTELLIGIBLE] –

F OKAY [UNINTELLIGIBLE] –

K SO, THE -- THE FIRST WOMAN LEFT -- THERE'S A -- YOU KNOW THERE'S SIDEWALK THAT RUNS THIS WAY AND SIDEWALK THAT RUNS THIS WAY.

F YEAH. YEAH [UNINTELLIGIBLE] –

K THE FIRST WOMAN LEFT FROM THIS LOCATION-

F OR IT'S EITHER THIS CORNER OR THIS CORNER? I DON'T REMEMBER WHICH ONE IT WAS.

K ALRIGHT. AND THEN YOU AND ROXY WALKED DOWN THE SIDEWALK THIS WAY-

F [UNINTELLIGIBLE] AND RIGHT HERE WHERE IT HAS LIKE THE -- THE GOLD THING, WHATEVER –

K RIGHT-

F LIKE A LITTLE THING.

K RIGHT.

F HERE'S WHERE -- HERE WAS THE -- THE -- YEAH. HERE WAS THE LAST TIME AND THEN SHE WAS ABOUT RIGHT HERE.

K SO SHE WAS –

F THE LAST TIME I SAW HER –

K RIGHT OFF THE END OF, UH, SEQUOIA HALL?

F YEAH.

K ALRIGHT. OKAY. UH, AND SHE WAS WALKING IN THIS DIRECTION?

F YES.

K ALRIGHT. OKAY.

F YEAH.

K 'KAY, NOW YOU'RE SURE ABOUT ALL THIS?

F YES.

K ALRIGHT. OKAY. UM, OKAY FIVE THIRTY NINETY-SIX [5-30-96]. AND IT'S ABOUT -- WHAT IS IT -- UH, SEVENTEEN FORTY [17:40] HOURS. I'M GONNA PUT MY INITIALS ON HERE. WANT YOU -- WANT YOU TO PUT YOUR INITIALS RIGHT NEXT TO MINE THERE. GREAT. THANKS PAUL.

F OKAY.

K ALRIGHT. UM, WAS SHE SAYING ANYTHING WHEN SHE WALKED AWAY?

F NO. IT'S LIKE WE DIDN'T EVEN HAVE ANY – I DON'T EVEN REMEMBER ANY CONVERSATION WITH HER FOR THIS WHOLE ENTIRE TIME.

K OKAY. YOU WERE REALLY FEELING THE EFFECTS OF ALCOHOL?

F YEAH. I – I WAS PRETTY WELL –

K OKAY, DO YOU REMEMBER WHAT YOU DRANK?

F ME?

K YEAH.

F OH, I DRANK UM –

K YOU'RE NOT GONNA GET IN TROUBLE BY TELLING ME WHAT YOU DRANK.

F OKAY, I DRANK A SUP -- A SUPERO, SUPARO -- THE JAPANESE ONE [UNINTELLIGIBLE].

K [UNINTELLIGIBLE].

F THE, UH, THEN I HAD, UM –

K SAPPORO.

F OH, THEN I HAD TWO MICKEY'S.

K OKAY. BIG ONES? REGULAR SIZE?

F UH, TWENTY-TWOS.

K OKAY.

F [UNINTELLIGIBLE] A TWENTY-TWO AND THEN I HAD UM -- I HAD SOME BEERS -- I DON'T EVEN KNOW HOW MANY CUPS OF BEER I HAD.

K OKAY. ALRIGHT. 'KAY SO, YOU HAD TWENTY-TWO, FORTY-FOUR AND SAPPORO'S PROBABLY ABOUT TWENTY OUNCES, SO YOU'RE TALKING SIXTY-FOUR OUNCES OF BEER.

F YEAH.

K UM, HOW'S YOUR BLADDER CONTROL? UH, YOU HAVE TO DRINK THAT MUCH BEER, A GUY WOULD HAVE TO PISS QUITE A BIT WOULDN'T YA?

F LIKE UM -- I DIDN'T PISS -- I PISSED UH -- PROBABLY THE FIRST THREE BEERS I PEED TWICE.

K OKAY. AND THAT WAS AT THE HOUSE? WAS IT OUTSIDE, INSIDE?

F OH, [UNINTELLIGIBLE] IT WAS BEFORE I GOT TO THE HOUSE.

K OKAY, SO WHERE'D YOU HAVE THOSE BEERS AT? IN THE RESIDENCE HALL?

F OH, YEAH.

K ARE YOU SURE?

F YES.

K 'KAY, YOU GOT A SURPRISED LOOK ON YOUR FACE --

F YEAH—

K THERE—

F YEAH. IT WAS – IT WAS THAT I DIDN'T - I DIDN'T WANNA -- BUT YOU KNOW -- SAY I HAD BEERS IN THERE BUT ---

K OKAY. NO, IT'S ALRIGHT.

F OKAY.

K THAT'S -- WE'RE NOT DEALING WITH HOUSING HERE. WE'RE --

F YEAH --

K SO YOU WERE DRINKING -- LET'S SEE, YOU WERE DRINKING IN THE RESIDENCE HALLS --

F UH-HUH.

K OKAY, AND THEN UH -- SO YOU HAD THE SAPPORO AND THE TWO MICKEYS --

F UH-HUH

K IN THE RESIDENCE HALL?

F RIGHT.

K OKAY. AND THEN YOU LEFT THE RESIDENCE HALL AND YOU WERE GOING WHERE?

F IT WAS – I WAS GOING TO MY SISTER'S.

K OKAY. SO, WERE YOU FEELING THE EFFECTS OF THE ALCOHOL?

F NO, WAIT – WAIT. UHM, I WENT TO – WENT TO -- I THINK [UNINTELLIGIBLE] I HAD THE MICKEYS AND SAPPORO -- THE -- THE -- AT THE RESIDENT HALL. UH, THE OTHER MICKEY I TOOK WITH ME.

K OKAY, SO YOU WERE -- YOU WERE CARRYING AN ALCOHOLIC BEVERAGE AS YOU -- YOU WERE WALKING--

F RIGHT—

K DOWN THE HILL?

F RIGHT.

K OKAY. 'KAY. UHM, DO YOU -- DO YOU DRINK ON A REGULAR BASIS PAUL?

F UM, MIGHT DRINK ONCE A WEEK, MAYBE ONCE EVERY OTHER WEEK.

K OKAY. OKAY. HAVE YOU EVER GOTTEN INTO TROUBLE WITH --

F YES.

K WITH -- AS FAR AS WHAT?

F D-U-I.

K OKAY. AND WHEN -- WHEN WAS THAT?

F UHM, THAT WAS IN FEBRUARY -- THAT'S WHY LIKE I WENT TO GO HAND YOU THE PAPERWORK, BE -- BECAUSE UH – BE-BECAUSE LIKE UH, I -- I DIDN'T DRIVE. I DROVE WITHOUT A LICENSE, SO THEN S-SO—

K OH—

F SO -- SO -- SO I MISSED MY COURT DATE --

K [UNINTELLIGIBLE]—

F LIKE THAT -- SO THEN UH, ON SUNDAY NIGHT I WENT TO -- NO, MONDAY NIGHT I WENT TO THE ARROYO GRANDE POLICE STATION TO HAVE THEM – TO -- TO POST MY BAIL.

K POST YOUR BAIL.

F YEAH, SO –

K [UNINTELLIGIBLE] --

F SO THAT'S WHY WHEN I [UNINTELLIGIBLE] --

K [UNINTELLIGIBLE].

F YEAH.

K OKAY.

F SO -- SO I SAW YOU ON TUESDAY –

K RIGHT.

F SO -- SO THEN THAT'S WHY I'M ALL -- I GOT MY PAPERWORK.

K YOU THOUGHT I'D COME AFTER --

F YEAH.

K THAT SITUATION. OKAY. OKAY, SO ANYWAY THEN YOU GOT UH – YOU'VE HAD TWO BEERS IN THE RESIDENCE HALL. YOU'RE CARRYING ONE MICKEY WITH YA AND –

F YEAH—

K YOU GO OFF TO SEE YOUR SISTER?

F RIGHT.

K OKAY. WERE YOU FEELING THE EFFECTS OF THE ALCOHOL AT THAT TIME?

F YEAH, I WAS BUZZED PRETTY GOOD. THAT'S WHY I DIDN'T EVEN DRINK THE OTHER ONE. I JUST WENT -- I JUST WENT AND BROUGHT IT WITH ME.

K OKAY. AND UM, DOES YOUR SISTER DRINK?

F YES. WELL NOT -- I DON'T KNOW -- NOT TOO OFTEN REALLY.

K OKAY. SO, WHAT WOULD YOUR SISTER'S REACTION BE IF YOU SHOWED UP AT HER HOUSE, UH, AFTER, UH, DRINKING THAT MUCH BEER AND HAVING ANOTHER BEER WITH YOU, JUST, UH, SEVERAL WEEKS AFTER YOU WERE ARRESTED FOR D-U-I?

F OH NO, IT WAS ALL THE WAY BACK IN FEBRUARY I GOT A D-U-I.

K OKAY. WELL, HOW DO YOU THINK YOUR SISTER WOULD FEEL ABOUT THAT?

F I GUESS SHE -- I -- I -- I WOULD THINK SHE WOULD FEEL OKAY.

K OKAY. OKAY. DON'T YOU THINK, UH --HAS ANYBODY SUGGESTED TO YOU THAT PERHAPS MAYBE YOU SHOULDN'T DRINK? YOU'RE UNDERAGE. YOU KNOW YOU'VE LOST YOUR LICENSE. YOU KNOW YOU GOT THIS D-U-I.

F YEAH.

K 'KAY. HAS ANYBODY SUGGESTED TO YOU THAT YOU DO THAT, NOT DRINK?

F YEAH.

K OKAY. OKAY. UM --

F YEAH I'M IN, UH –

K I -- I -- I'M – I'M CONFUSED HERE PAUL. HERE -- HERE IT IS, WE'RE TALKING A FRIDAY NIGHT, SCHOOL'S OVER, IT'S UH -- NEXT WEEK IS DEAD WEEK. UH, YOU'RE SITTIN' IN THE RESIDENCE HALLS. YOU HAVE, UH, TWO PRETTY GOOD SIZE BEERS.

F UH-HUH.

K UM, AND THEN YOU'RE FEELING THE EFFECTS OF THE ALCOHOL. UH, YOU PUT ANOTHER BEER IN YOUR POCKET AND HEAD OVER TO YOUR SISTER'S HOUSE.

F WELL IT'S ACTUALLY IN MY SWEATSHIRT.

K IN YOUR SWEATSHIRT AND THEN YOU HEAD OFF TO YOUR SISTER'S HOUSE.

F UH-HUH.

K OKAY? UH, WHAT TIME IS THIS?

F I'M NOT QUITE SURE.

K MAKE A GUESS. GIVE ME AN ESTIMATE.

F ALMOST TEN [10:00] MAYBE. SOMETHING LIKE -- OR NINE SOMETHING AT -- OR—

K 'KAY—

F EIGHT SOMETHING. I DON'T KNOW. I -- I JUST SEE – IF I SEE A T-V GUIDE I – I COULD TELL YOU, 'CAUSE, UM, BECAUSE OF WHAT SHOWS I WOULDA BEEN WATCHING.

K OKAY.

F INSIDE MY ROOM –

K WHAT DID YOU WATCH THAT NIGHT?

F I -- I DON'T EVEN REMEMBER WHAT'S ON FRIDAY NIGHTS.

K OKAY. OKAY. WELL WHEN YOU GET BACK TO THE RESIDENCE HALL, LOOK IT UP.

F OKAY.

K LET US KNOW. SO UM, DOES YOUR SISTER LIVE ALONE?

F NO.

K OKAY.

F WHO SHE LIVE WITH?

F HER FIANCE.

K OKAY. UM, IS HE A CAL POLY STUDENT?

F YES.

K OKAY. UM, DO YOU JUST, UH, OFTEN -- HOW OFTEN DO YOU GO SEE THEM?

F UM, I USED TO GO MORE OFTEN WHEN I HAD MY TRUCK. BUT, UM -- WELL, IT'S UM, MAYBE EVERY OTHER WEEK MAYBE I [UNINTELLIGIBLE]—

K EVERY OTHER WEEK--

F SOMETHIN' I DON'T KNOW, JUST A -- IT'S WELL THAT -- THAT WOULD BE LIKE [UNINTELLIGIBLE] FOR THE YEAR LIKE [UNINTELLIGIBLE] I USED TO LIVE WITH THEM FOR A MONTH OR SOMETHING LIKE THAT.

K 'KAY.

F FEW MONTHS WHEN I WAS LIKE – LIKE I MOVED IN WHEN I WAS GOING THROUGH WOW.

K OKAY. OKAY, WHEN WAS THE LAST TIME YOU SAW HER? BEFORE THIS -- BEFORE YOU HEADED OUT TO SEE HER?

F OH THE LAST TIME I SAW MY SISTER?

K MM-HM.

F I'M NOT QUITE SURE.

K A WEEK AGO?

F YEAH, YEAH A WEEK BEFORE THAT--

K FEW WEEKS AGO – OKAY SOMETHING –

F [UNINTELLIGIBLE] LIKE – LIKE –

K SOMETHING'S NOT ADDING UP HERE TO ME PAUL. I'M -- I'M -- I'M SEEING YOU, UH, PROBABLY WITH A BUZZ ON. THE --

F UH-HUH --

K [UNINTELLIGIBLE] I -- I HOPE YOU'D HAVE A BUZZ ON AFTER DRINKING --

F YEAH I DID --

K THAT SORT OF BEER. UH, YOU – YOU TAKE ANOTHER MICKEY AND YOU HEAD OFF TO SEE YOUR SISTER AT TEN [10:00] O'CLOCK AT NIGHT, UH, WITHOUT CALLING. UH, THAT DOESN'T -- THAT DOESN'T SEEM LIKE THAT'S PLAUSIBLE SITUATION. YOU MIGHT WANNA CALL AND SAY HEY, YOU GUYS STILL UP? CAN I COME BY? YOU KNOW -- SOMETHING OF THAT NATURE. THAT SOUND REASONABLE?

F OH, NO SHE – SHE WOULDA BEEN UP. I'M NOT QUITE SURE IF IT WAS TEN [10:00] OR MAYBE IT WAS LIKE NINE [9:00] O'CLOCK. I'M NOT QUITE SURE. 'CAUSE I DON'T REMEMBER –

K OKAY—

F [UNINTELLIGIBLE] --

K [UNINTELLIGIBLE] T-V GUIDE. I NEED TO –

F OKAY, OKAY –

K I NEED TO KNOW THIS –

F I'LL DO THAT.

K OKAY? UM, YOU SURE YOU DIDN'T JUST HEAD OUT TO GO TO A PARTY SOMEWHERE?

F YEAH.

K ABSOLUTELY?

F I ALREADY HAD MY OWN BEER, SO --

K OKAY –

F [UNINTELLIGIBLE] --

K ALRIGHT. OKAY, WELL THAT -- THAT'S -- THAT'S A STRETCH FOR ME. UH, I THINK OF -- ON A FRIDAY NIGHT A YOUNG MAN IS -- YOU KNOW --

F [UNINTELLIGIBLE] --

K HAD A COUPLE OF BEERS AND HE'S HEADING OUT TO SEE HIS SISTER, THAT --

F SEE, UM --

K THERE'S A STRETCH HERE –

F [UNINTELLIGIBLE] THING USUALLY, BUT A LOT OF TIMES ON THE WEEKENDS I GO TO PARTIES BUT I HEARD THERE WAS NO PARTIES WHATSOEVER.

K 'KAY.

F SO – S-S-SO – SO WHEN I SAW THE PARTY, YOU KNOW, IT'S -- I SAID HEY, I'M STOPPING.

K OKAY.

F YOU -- YOU KNOW LIKE THAT.

K OKAY. ALRIGHT.

F SO IF YOU ASKED ANYONE IN THE HALL, THEY WOULD SAY I GO TO PARTIES ALL THE TIME, BUT – YOU KNOW THAT'S TRUE, BECAUSE --

K NO, I'M JUST INTERESTED IN THAT PARTICULAR –

F OH—

K WEEK SO – UHM, ANYTHING ELSE TO ADD?

F NOTHING.

K OKAY. ROBERT, UH, YOU HAVE ANYTHING?

C ACTUALLY I JUST GOT A COUPLE THINGS. UH, DO YOU PLAY BASKETBALL ALONE OR ANYTHING? I NOTICED YOU GOT A COUPLE --

F YEAH—

C SCABS ON YOUR KNEES [UNINTELLIGIBLE]—

F UM, I WAS PLAYING, UM, MONDAY.

C MONDAY?

F YEAH.

C UH, BY ANY CHANCE, DID YOU HAVE ANY ACCIDENT OR ANYTHING? THOSE LOOK KIND OF FRESH, IS THAT –

F YEAH. [UNINTELLIGIBLE] FROM. UHM, I WAS PLAYING OVER IN, UM, HARLOE SCHOOL.

C UH-HUH.

F OVER THERE IN, UM – IT'S A ELEMENTARY SCHOOL IN, UM, ARROYO GRANDE.

C MM-HM.

F AND THEN, UH, THE – THE GRAVELS ALL LOOSE DIRT.

C M'KAY.

F SO, I WENT BOOM.

C M'KAY. UM, WHEN YOU WERE, UH, LEAVING THE PARTY –

F UH-HUH—

C AND EVERYBODY WAS KINDA LEAVING, HOW DID YOU END UP GETTING TOGETHER WITH, UH, KRISTIN --

F I DON'T EVEN KNOW --

C ROXY. M'KAY. YOU JUST -- YOU JUST HAPPENED TO -- THEY WERE WALKING ONE DIRECTION –

F YEAH --

C AND YOU --

F THAT -- THAT'S ALL – I – I – I DON'T REMEMBER IF WE WALKED FROM THE FRONT DOOR WITH THEM OR -- OR IF WOUND UP YOU KNOW WITH LIKE – OR LIKE – LIKE A COUPLE HOUSES DOWN. I DON'T – I DON'T EVEN REMEMBER.

C OKAY. DID YOU OFFER TO GIVE HER – OR HELP HER HOME? OR DID YOU JUST – YOU WERE JUST WALKIN' WITH A GROUP OF PEOPLE –

F YEAH –

C AND YOU JUST ENDED UP – HOW DID YOU END UP WITH, UH, WITH ROXY?

F UM, I DON'T EVEN KNOW.

C OKAY.

F I WAS JUST -- WE WERE JUST ALL LEAVING AT THE SAME TIME, I GUESS.

C WHEN YOU WERE WALKING, WERE YOU HELPING HER PHYSICALLY WALK HOME?

F NO.

C SHE WASN'T LEANING ON YOU OR ANYTHING?

F NUH-UH. SHE -- SHE WAS WALKING JUST FINE. COUPLE TIMES I GAVE HER A HUG, WHEN SHE SAID SHE WAS COLD.

C OKAY. DID SHE SAY ANYTHING WHETHER -- WAS SHE FEELING SICK OR ANYTHING ON THE WAY HOME --

F NUH-UH --

C WAS THERE ANY REASON FOR -- SO THE ONLY REASON YOU GUYS -- DO YOU -- WHEN YOU WERE GIVING HER A HUG, WERE YOU GUYS STOPPED MOVING? HAD YOU STOPPED --

F YEAH. YEAH. ONLY FOR A SECOND AND THEN [UNINTELLIGIBLE] THE LONGEST TIME WOULD PROBABLY BE IN FRONT OF THE REC CENTER. THEN WHEN -- THEN I SAID TO THE OTHER GIRL THE [UNINTELLIGIBLE] YOU KNOW IF YOU WANT YOU CAN BE WALKING, 'CAUSE -- 'CAUSE LIKE -- BECAUSE I FELT FINE WALKING WITH A GIRL -- YOU KNOW?

C M'KAY. WHEN YOU WERE WALKING HOME, DID YOU SAY -- DO YOU HAVE ANY OTHER CONVERSATION WITH THE OTHER GIRL? DID YOU TALK TO HER AT ALL OR --?

F UHM, I -- I REMEMBER TALKING TO HER ABOUT -- 'BOUT CLASS. LIKE -- BUT I DON'T REMEMBER IF THAT WAS DURING THE PARTY OR DURING THE WALK BACK, 'CAUSE WE -- WE HAD A CLASS TOGETHER LAST QUARTER.

C OKAY.

F SO, I DON'T REMEMBER IF THAT WAS THE -- THE WALK BACK OR AT THE PARTY.

C SO YOU -- THE -- THE OTHER GIRL YOU'D BEEN -- YOU WERE WALKING HOME WITH, YOU WERE TALKING WITH AT THE PARTY? YOU HAD SAW -- YOU --

F YEAH --

C YOU RECOGNIZED HER FROM THE PARTY?

F RIGHT.

C OKAY. UH, WHEN YOU GUYS GOT UP TO THE INTERSECTION AND BEFORE YOU AND, UM, KRISTIN WENT TOWARDS THE -- UH, SEQUOIA --

F UH-HUH.

C AND SHE LEFT, DID YOU SAY AN -- DID YOU HAVE ANY CONVERSATION WITH HER OR TELL HER GOODNIGHT OR --?

F I DON'T REMEMBER SAYING GOODNIGHT. I DON'T --

C OKAY. DID YOU –

F I DON'T REMEMBER LIKE -- LIKE -- LIKE [UNINTELLIGIBLE] 'CAUSE I PROBABLY DID THOUGH -- YOU KNOW -- SAY YOU KNOW SEE YOU LATER OR –

C M'KAY –

F OR WHATEVER.

C DID YOU GIVE HER A HUG OR A KISS OR --?

F NO.

C ANYTHING LIKE THAT? OKAY. DID YOU -- DID YOU ASK FOR A HUG OR A KISS OR --

F NO.

C ANYTHING LIKE THAT? YOU JUST SAID I'LL SEE -- I'LL SEE YOU LATER AND --

F YEAH.

C [UNINTELLIGIBLE].

F I -- I PROBABLY SAID SOMETHIN' LIKE TAKE CARE.

C M'KAY.

F OR SOMETHING.

C M'KAY. [UNINTELLIGIBLE].

K TAKE YOUR HAT OFF FOR A SECOND PAUL. [UNINTELLIGIBLE] WHAT HAPPENED TO YOUR EYE?

F I GOT ELBOWED PLAYING BASKETBALL.

K OH YOU DID. OKAY. COULD -- UH, WHO WERE YOU PLAYING BASKETBALL WITH?

F UM, I WAS PLAYING WITH MY FRIEND JEREMY AND, UM, AND TWO OTHER GUYS.

K OKAY. OKAY. UM, IT MAY COME DOWN TO THIS, BUT I'M WONDERING, UH, ARE YOU FAMILIAR WITH THE TERM, UH, POLYGRAPH? LIE DETECTOR? THAT SORT OF THING?

F YEAH, I'VE HEARD OF 'EM.

K WOULD YOU BE WILLING TO TAKE ONE IF NECESSARY?

F YEAH.

K OKAY. ALRIGHT. UM, I'M NOT SURE THAT'S GONNA BE NECESSARY AT THIS POINT --

F ALRIGHT --

K BUT UH -- WE MAY -- WE -- THAT'S SOMETHING WE -- WE MAY WANNA DO --

F UH-HUH --

K IF SHE DOESN'T SHOW UP.

F ALRIGHT.

K SO -- UH, WHAT I WANT YOU TO DO IS, UH, SEVERAL THINGS. UM, YOU NEED TO, UH, CONTACT THE PEOPLE IN THE RESIDENCE HALL WHO MAY HAVE SEEN YOU.

F UH-HUH.

K YOU NEED TO CONTACT EVERYBODY UP THERE AND FIND OUT WHO SAW YOU, UH, YOU KNOW, AT THE RESTROOM OR IF ANYBODY HEARD YOU COME IN. THIS IS GONNA BE TO YOUR BENEFIT.

F RIGHT. I UNDERSTAND THAT.

K OKAY. AND WE NEED TO TRY AND FIND A TIME FRAME FOR THE TIME YOU LEFT YOUR APARTMENT -

F UH-HUH.

K OR THE RESIDENCE HALL AND THE TIME YOU RETURNED.

F OKAY, I'LL CHECK THE T-V GUIDE.

K OKAY. CAN YOU -- WHEN CAN YOU GET THAT INFORMATION TO ME?

F WHAT THE – ABOUT THE –

K ALL OF THAT INFORMATION I JUST ASKED YOU FOR.

F UM, WELL I HAVE TO SEE WHERE PEOPLE ARE, BUT THEN I CAN ASK –

K 'KAY –

F START ASKING PEOPLE --

K CAN YOU HAVE THAT TO ME BY MONDAY?

F YEAH.

K ALRIGHT.

F UM, YEAH SHOULD BE ABLE TO [UNINTELLIGIBLE] –

K OKAY –

F BECAUSE I'M GOING HOME TOMORROW NIGHT.

K ALRIGHT.

F 'CAUSE [UNINTELLIGIBLE] BUT --

K OKAY. GOOD. YEAH, MAYBE BY MONDAY AFTERNOON IF YOU CAN HAVE THAT FOR ME I WOULD APPRECIATE IT.

F OKAY.

K 'KAY.

F OKAY.

K ANY OTHER QUESTIONS OF ME?

F UH, DID THE -- DOES THE OTHER GIRL EVEN KNOW WHAT TIME TH -- THE THING WAS AT? [UNINTELLIGIBLE] --

K YEAH, WE'VE GOT SOME –

F OH –

K WE'VE GOT SOME ESTIMATES FROM HER.

F [UNINTELLIGIBLE] OKAY, ABOUT THE PARTY AND WHAT TIME THAT ENDED.

K RIGHT, WE'VE GOT SOME ESTIMATES [UNINTELLIGIBLE] --

F I WAS JUST WONDERIN' IF THERE WAS LIKE -- 'CAUSE -- 'CAUSE I HAVE –

K WHAT WE'RE LOOKING FOR IS YOUR ESTIMATE.

F RIGHT.

K SO IF YOU CAN COME UP --

F YEAH --

K WITH SOMETHING THAT'S GONNA BE HELPFUL TO US.

F YEAH, I CAN [UNINTELLIGIBLE] TO THE DORMS, BECAUSE REALLY -- DON'T HAVE ANY [UNINTELLIGIBLE] --

K OKAY. DO -- DO YOU NORMALLY WEAR A WATCH OR DO YOU HAVE A WATCH?

F I -- I HAVE A WATCH. IT'S LIKE -- SEE YEAH, YOU CAN TELL I NEVER WEAR IT.

K OKAY.

F [UNINTELLIGIBLE].

K OKAY. ALRIGHT. GOOD.

F [UNINTELLIGIBLE] YEAH THAT'S ABOUT -- I DON'T THINK I HAVE ANY QUESTIONS -- JUST –

K 'KAY, YOU'VE BEEN COMPLETELY HONEST HERE WITH –

F YEAH --

K WITH EVERYTHING THAT YOU'VE TOLD US?

F YES SIR.

K OKAY. AS FAR AS YOUR INJURIES AND -- AND --

F YEAH.

K THAT SORT OF THING?

F [UNINTELLIGIBLE] YEAH, SEE -- SEE [UNINTELLIGIBLE] MY FRIEND JAVIER, HE WAS WITH ME ON, UH, HE -- HE WAS WITH ME ON SATURDAY NIGHT AND HE CAN TELL YOU I DIDN'T HAVE A BLACK EYE THEN OR NOTHIN'.

K OKAY. ALRIGHT. GOOD. THAT'S ALL I HAVE.

F ALRIGHT?

K OKAY PAUL.

F ALRIGHT, THANKS.

K THANKS FOR COMING DOWN.

F ALRIGHT.

C HEY, PAUL, THANKS FOR COMING DOWN. I APPRECIATE IT.

K DON'T FORGET YOUR BACKPACK.

F YEAH.

K PROBABLY GOT ALL YOUR STUDIES IN THERE, SO --

F WELL NOT TOO MANY OF MY STUDIES, MORE MY FOOD FROM WORK SO --

K OH, ALRIGHT --

F [UNINTELLIGIBLE]

K 'KAY. I'LL SHOW YA HOW TO GET OUTTA HERE.

[BACKGROUND VOICES/NOISES UNINTELLIGIBLE-NOT TRANSCRIBED]

K INVESTIGATION, UH, HAS CONCLUDED. THE INTERVIEW'S CONCLUDED AND IT'S, UH, SEVENTEEN FIFTY-TWO [1752] HOURS ON THE THIRTIETH [30TH] OF MAY.

[END TIME 00:32:47]

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 5, 2022, I served the foregoing document(s) described as:

PEOPLE'S MOTION TO INTRODUCE PHOTOGRAPH OF PAUL FLORES AS A CERTIFIED PHOTOGRAPH & 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.22CR003712 & 22CR003713)

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
ATTORNEY FOR PAUL FLORES
EMAIL:
RMSTEAM@SANGERSWYSEN.COM

SARAH SANGER
ATTORNEY FOR PAUL FLORES
EMAIL:
SSANGER@SANGERSWYSEN.COM

HAROLD MESICK
ATTORNEY FOR RUBEN FLORES
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 5, 2022, at San Luis Obispo, California.

Cameron Myers, Legal Clerk

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 7/5/2022 12:38 PM
By: Oscar Luna, 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

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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. Such efforts will help assure the defendant is able to receive a fair and impartial trial in which has now been moved to Monterey County.

In this regard, I have submitted a copy Of People's Motion To Introduce Photograph Of Paul Flores As A Certified Photograph To Be Heard On July 8, 2022. In Accordance With Section 6255 Of The California Government Code, I am requesting that this

Court Order That The People's Motion To Introduce Photograph Of Paul Flores As A Certified Photograph 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 Jury Trial. Defense counsel represented in chambers with the Honorable Judge van Rooyen 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 5, 2022

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 7/5/2022 5:06 PM
By: Oscar Luna, 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

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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. Such efforts will help assure the defendant is able to receive a fair and impartial trial in which has now been moved to Monterey County. In This Regard, I Have Submitted A Copy Of People's Request For Closing Hearing Re: August 21, 2021 Disclosures And Supplemental Information

To Be Heard On July 8, 2022. In Accordance With Section 6255 Of The California

Government Code, I Am Requesting that A Copy Of People's Request For Closing Hearing Re: August 21, 2021 Disclosures And Supplemental Information 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 Jury Trial. Defense counsel represented in chambers with the Honorable Judge van Rooyen 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 5, 2022

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 7/5/2022 6:07 PM
By: Oscar Luna, Deputy

Dan Dow
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State Bar #237986
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Attorney for the People of the State of California

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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. Such efforts will help assure the defendant is able to receive a fair and impartial trial in which has now been moved to Monterey 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 July 8, 2022. In Accordance With Section 6255 Of The California Government Code, I Am Requesting that A Copy Of People's 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 Jury Trial. Defense counsel represented in chambers with the Honorable Judge van Rooyen 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 5, 2022

Respectfully submitted,

Dan Dow
District Attorney

By: Christopher Peuvrelle
Deputy District Attorney

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: Location: Department 4

Date: 7/6/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial ongoing long cause.

Deputy District Attorney Chris Puervelle is present.

Defendant appears with Attorney Harold Mesick.

Court reviews for the record, proceedings heard in this case.

Week of June 6, 2022 Motions in limine, heard and ruled upon.

Week of June 13, 2022 Jury selection for Paul Flores and Ruben Flores were held for hardships of potential jurors.

Week of June 20, 2022, Trial not heard, continued for reasons stated for the record.

Week of June 27, 2022 Jury selection for Paul Flores. Jury panel and alternates sworn.

Week of July 11, 2022 Jury selection for Ruben Flores to be held.

July 18, 2022 Opening statements for Paul Flores to be held beginning at 8:30 am.

July 18, 2022 Opening statements for Ruben Flores to be held beginning at 1:30 pm.

Remaining Motions in limine to be heard this week.

The Court has provided tentative rulings for Motions 1108, 1101b.

Adoptive admission issue: arguments presented.

The Court has reviewed the flash drive and compact disc provided.

Court exhibit 1 marked and received: Flash drive of interview.

Court exhibit 2 marked and received: Compact disc of conversation between Susan Flores and Paul Flores.

Aranda-Bruton issue: Arguments presented.

Ruben Flores jurors to be excluded for May 31, June 19 interviews.

Court exhibit 3 marked and received: Recording of Ruben Flores statement during buccal swab.

Motion to traverse, quash, suppress filed by the Defense for Paul Ruben Flores.

Arguments presented.

Mr. Mesick orally requests to join the motion.

People object, stating the need for written motion with specificity.

The Court finds the Defendant has not met the burden, and respectfully denies the motion to traverse, quash.

Court in recess for morning break.

Case called, all parties present.

Motion regarding Paul Flores photo is trailed to the afternoon or tomorrow as Defense Counsel has additional evidence and needs additional time.

The Court is in recess until 1:30 pm.

Evidentiary motions to be heard regarding soil sample or cadaver dogs.

Counsel to have their witnesses ready to proceed.

Case called, all parties present.

Defense motion to exclude dog alerts is heard.

The Court has reviewed the motion and responses filed.

Brief recess to allow the Court to review the supplemental report.

Defense witness Dr. James C. Ha, appearing by zoom, is sworn to testify.

Direct examination by Mr. Sanger.

Defense Exhibit # 600 copy of report dated June 1, 2022 by Dr. Ha is marked.

Cross exam by the People.

Court in recess for afternoon break.

Case called, all parties present.

Cross examination of Dr. Ha by the People continues.

Redirect by Mr. Sanger.

Direct examination by Mr. Mesick.

Voir dire by Mr. Peuvrelle regarding witness designation as an expert.

Arguments presented.

The Court will make a ruling on this tomorrow.

The Court is in recess for the day.

Now case is recalled.

The People note that in Defense exhibit 600, the People provided their copy of the motion, which was missing some pages.

This was inadvertent and not intentional.

Pages are now provided and copied, and exhibit is addended by stipulation of the parties.

Case continued to Thursday, July 07, 2022 at 08:30 am in Salinas courtroom 4 for jury trial ongoing (Motions in limine).

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 7/7/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial ongoing long cause.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Robert Mesick.

The Motion in limine regarding cadaver dog evidence continues.

Dr. Ha, appearing by video, previously sworn, remains under oath.

The Court finds Dr. Ha an expert in canine behavior, olfactory expert.

Mr. Sanger indicates Defense exhibit 600 is now complete and admits it into evidence for purposes of 402 hearing.

Parties stipulate to the admission of exhibit 600 for 402 hearing purposes.

Direct examination of Dr. Ha by the Defense, Mr. Sanger continues.

Direct examination of Dr. Ha by the Defense, Mr. Mesick.

Cross examination of Dr. Ha by the People, Mr. Peuvrelle.

Witness is excused.

Parties submit.

Arguments presented.

The Court will admit evidence, handlers are qualified, dogs trained and reliable, the area is not stale.

There was a sufficient foundation laid.

The Court finds as to evidence code 352 that the evidence presented has probative value.

Court is in recess for break.

Case called, all parties present.

Motions in limine as to the soil samples.

Defense exhibits marked:

604 Photo of house at White Court. (exhibit 95 from preliminary hearing)

605 Photo of house at White Court close up of deck. (99)

606 Close up under deck prior to excavation. (100)

607 Grid marked A-D from March 16, 2021 dig. (101)

608 Digging under deck with 2 people in photo. (109)

609 Area under deck with steps and railing removed from April 15, 2021. (119)

610 Open area painted with grid (130)

611 Open area painted with grid (129)

612 Looking down on grid area A-D with tripod in photo. (186)

613 Area excavated under cleanout valve. (181)

614 Area excavated with buckets and woman in photo. (233)

615 New grid holes in lower area of previously excavated area (E-H). (227)

616 Hole with soil sample A-1 stain. (144)

617 Hole with soil sample B-1stain. (142)

618 Hole with soil sample B-4 stain. (155)

619 Probe area E. (162)

620 Soil sample E-2 stain. (172)

621 Probe G. (168)

622 Soil sample G-1. (167)

623 Soil sample B-3. (154)

624 Soil sample B-2. (151)

625 Soil sample C-2. (150)

626 Soil sample C-1 (149)

627 Soil sample D-1. (148)

DNA exhibits marked- Defense

601 Dr. Johnson report on soil.

601A List of materials provided.

602 Dr. Johnson report on DNA.

603 Dr. Carter report.

People's witness Angela Butler sworn to testify.

People's exhibit marked: 597 Photo of canvas pad.

Court in recess for lunch break, to return at 01:30 pm.

Case called all parties present.

Witness Angela Butler resumes testimony, previously sworn.

Cross examination by the Defense, Mr. Sanger.

Cross examination by the Defense, Mr. Mesick.

Redirect by Mr. Peuvrelle.

Witness is excused.

People's witness Phil Hanes sworn to testify.

People's exhibit 595 marked: Manufacture data sheet for ground penetrating radar machine.

Cross examination by the Defense, Mr. Sanger.

Cross examination by Defense, Mr. Mesick.

Re-direct by the People.

Court in recess for break.

Case called all parties present.

Re-cross by the Defense, Mr. Sanger.

Re-cross by the Defense, Mr. Mesick.

Re-direct by the People, Mr. Peuvrelle.

Witness is excused.

People's witness Cindy Arrington sworn to testify.

People's exhibit 596 marked: photo of excavation below deck with stain. (179)

Cross examination by the Defense, Mr. Sanger.

Defense exhibits 604-607 received.

Witness is excused, and will be allowed to appear by zoom tomorrow.

Jury trial long cause ongoing is set for July 8, 2022 at 08:30 am in Salinas, Deparment 4. (Motions in limine)

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 7/8/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Parties agree that exhibits received will be provided to the clerk at the end of each day.

If exhibits are marked only, they will not be retained by the Clerk.

Witness Cindy Arrington, previously sworn is continuing testimony, appearing by zoom under cross examination by Mr. Sanger.

No further questions by Mr. Sanger.

Cross examination by Mr. Mesick.

Re-direct by Mr. Peuvrelle.

Witness is excused, subject to recall.

Defense witness Dr. David Carter, appearing by zoom, sworn to testify.

Direct examination by Defense, Mr. Sanger.

Defense exhibit 603 is received into evidence.

Dr. Carter is designated as an expert witness.

Court in recess for break.

Case called, all parties present.

Dr. David Carter, previously sworn, appearing by zoom, continues testimony under direct examination by Mr. Sanger.

Direct examination by Defense, Mr. Mesick.

Cross examination by the People, Mr. Peuvrelle.

Redirect by Mr. Sanger.

Redirect by Mr. Mesick.

Witness is excused.

Witness Dr. Elizabeth Johnson is sworn to testify, appearing by zoom.

Direct examination by the Defense, Mr. Sanger.

Exhibit 601, 601A. 602 received.

Court in in recess for lunch break, witness ordered to return.

Case called all parties present.

Witness Dr. Elizabeth Johnson resumes testimony, previously sworn, appearing by zoom.

Continued direct examination by the Defense, Mr. Sanger.

Defense exhibit 628 marked Photo of HEM Direct test cards.

Defense exhibit 629 marked Photo of HEM Direct test cards.

Defense exhibit 630 marked Photo of HEM Direct test cards.

Defense exhibit 631 marked Photo of HEM Direct test cards.

Direct examination of the witness by Mr. Mesick.

The Court is in recess for afternoon break.

Case called, all parties present.

Witness Dr. Elizabeth Johnson resumes testimony, previously sworn, appearing by zoom.

Cross examination by the People, Mr. Peuvrelle.

Redirect by Mr. Sanger.

Redirect by Mr. Mesick.

Recross by Mr. Peuvrelle.

Witness is excused subject to recall.

Witness Angela Butler, previously sworn recalled.

Direct examination by the People, Mr. Peuvrelle.

People's exhibit 594 marked and received Document Swigdam guidelines.

Witness is ordered to return on July 14, 2022 at 08:30 am for continued motions in limine. May appear by zoom.

Case is continued to Monday July 11, 2022 at 1:30 PM in Salinas Department 4 for Jury Trial: Long Cause (Ongoing) Jury selection Ruben Flores.

Case is continued to Tuesday July 12, 2022 at 08:30 AM in Salinas Department 4 for Jury Trial: Long Cause (Ongoing) Jury selection Ruben Flores.

Case is continued to Thursday, July 14, 2022 at 08:30 am in Salinas, Department 4 for Jury Trial Motions in limine continued.

Defendant is to remain on bail.

MC-500

MEDIA AGENCY *(name)*: FOX NEWS DIGITAL
CHANNEL/FREQUENCY NO.: FOXNEWS.COM
PERSON SUBMITTING REQUEST *(name)*: STEPHANIE PAGONES
ADDRESS:
1211 6TH AVENUE, FLOOR 2, NEW YORK, NY 10036
TELEPHONE NO.: 845-416-6727

FOR COURT USE ONLY

FILED

JUL 11 2022

CLERK OF THE SUPERIOR COURT
DEPUTY

Insert name of court and name of judicial district and branch court, if any:
Superior Court for California, County of Monterey

TITLE OF CASE:
PEOPLE V FLORES

NAME OF JUDGE: HON. JENNIFER O'KEEFE

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
22CR003712, 22CR003713

1. PORTION OF THE PROCEEDINGS TO BE COVERED *(e.g., particular witnesses at trial, the sentencing hearing, etc.)*:
   Duration of remainder of trial, jury deliberation and verdict

2. DATE OF PROPOSED COVERAGE *(specify)*: ASAP through completion . *(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)*: Note-taking via laptop use

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: 7/11/2022

StephaniePagones
(TYPE OR PRINT NAME)

Stephanie Pagones
(SIGNATURE)

Telephone No.: 845-416-6727

DIGITAL 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

MC-510

MEDIA AGENCY *(name)*: FOX NEWS DIGITAL
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: STEPHANIE PAGONES
ADDRESS: 700 FIRST STREET, APT 14Q, HOBOKEN, NJ 07030
TELEPHONE NO.: 646-908-0079

FOR COURT USE ONLY

FILED

JUL 11 2022

CLERK OF THE SUPERIOR COURT
DEPUTY
K Harsu

Insert name of court and name of judicial district and branch court, if any:
Superior Court for California, County of Monterey

TITLE OF CASE:
People v Flores

NAME OF JUDGE:
HON. JENNIFER O'KEEFE

CASE NUMBER:
22CR003712, 22CR003713

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)*:

See attached 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: 7/11/2022

Jennifer O'Keefe
JUDGE

(See reverse for additional information)

Hon. Jennifer J. O'Keefe

CASE NAME:	CASE NUMBER:
People v. Flores	22CR003712, 22CR003713

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.

Out of Court Minute Order Re: Media Requests

The Court makes the following rulings:

Recording of courtroom proceedings is restricted. One pool camera for still photography is allowed.

No audio recording is allowed inside the courtroom. This includes audio recordings for note taking purposes.

No video recording is allowed inside the courtroom

The pool camera will not be permitted to capture images during jury selection

The pool camera will not be permitted to capture images of jurors at any time, whether during jury selection or during trial.

The pool camera will not be permitted to capture images of conferences between an attorney and a client, witness or aide

The pool camera will not be permitted to capture images of conferences between attorneys

The pool camera will not be permitted to capture images of conferences between counsel and the judge at the bench

The pool camera is prohibited from capturing images of proceedings held in chambers

The pool camera is prohibited from capturing images of proceedings closed to the public

No other cameras are allowed.

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 BY
Superior Court of California,
County of Monterey
On 7/11/2022 11:52 AM
By: Renee Inofuentes, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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. Such efforts will help assure the defendant is able to receive a fair and impartial trial in which has now been moved to Monterey County.

In this regard, I have submitted a copy of People's Motion to Exclude Any Cross Examination of Jennifer Hudson as to Motorcycle Clubs or Her Status as a Victim of Domestic Violence to be heard on July 14, 2022. In accordance with Section 6255 of the California

Government Code, I am requesting that this court order that the People's Motion to Exclude Any Cross Examination of Jennifer Hudson as to Motorcycle Clubs or Her Status as a Victim of Domestic Violence 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 Jury Trial. Defense counsel represented in chambers with the Honorable Judge van Rooyen 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 11, 2022

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 11, 2022, I served the foregoing document(s) described as:

PEOPLE'S MOTION TO EXCLUDE ANY CROSS EXAMINATION OF JENNIFER HUDSON AS TO MOTORCYCLE CLUBS OR HER STATUS AS A VICTIM OF DOMESTIC VIOLENCE & 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.22CR003712 & 22CR003713)

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
ATTORNEY FOR PAUL FLORES
EMAIL:
RMSTEAM@SANGERSWYSEN.COM

SARAH SANGER
ATTORNEY FOR PAUL FLORES
EMAIL:
SSANGER@SANGERSWYSEN.COM

HAROLD MESICK
ATTORNEY FOR RUBEN FLORES
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 11, 2022, at San Luis Obispo, California.

Alyssa Muckey, Supervising Legal Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Pamela Ramos, CSR13221** Location: Department 4

Date: 7/11/2022 **Time: 1:30 PM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

All prospective jurors are present in Departments 4 and 5.

Prospective jurors thanked for their service.

Extreme hardship forms provided to prospective jurors.

Remaining prospective jurors without hardships are released for break.

The Court and Counsel are in recess in chambers to review the extreme hardship forms.

Case called, all parties present.

Jurors released for hardships.

18 remaining prospective jurors called to and seated in the jury box.

The Court explains the nature of the trial and how it will proceed with the two jury panels.

The Court reads the information to the prospective jurors.

Jurors are admonished not to speak to the other jury panel or anyone regarding the trial.

Jurors are admonished not to read, listen to or watch any accounts of this case.

Jurors are provided with a list of prospective witnesses.

Vior dire by the Court of prospective jurors.

Voir dire by the People.

Jurors are admonished and released for the day to return at 08:30 am on July 12, 2022.

Out of the presence of the jurors, the Court discusses the hardship for juror 1362.

Juror 1362 is released for hardship.

Juror 1241 and 1094 are released for hardship.

Case remains set for Jury trial ongoing long cause on July 12, 2022 at 08:30 am in Salinas, Department 4. Jury selection Ruben Flores.

Case remains set for Jury trial ongoing long cause on July 14, 2022 at 08:30 am in Salinas, Department 4. Motions in limine.

Case remains set for Jury trial onging long cause on July 18, 2022 at 08:30 am in Salinas, Department 4. Opening statements.

Defendant is to remain on bail.

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 BY
Superior Court of California,
County of Monterey
On 07/12/2022
By Deputy: Inofuentes, Maria

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendant.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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 People's Motion To Introduce Photograph Of Paul Flores As A Certified Photograph And The Affidavit In Support Of The People's Motion To Introduce Photograph Of Paul Flores As A Certified Photograph 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 Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: 7/12/2022

Jennifer O'Keefe

THE HONORABLE JENNIFER O'KEEFE
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 BY
Superior Court of California,
County of Monterey
On 07/12/2022
By Deputy: Inofuentes, Maria

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendant.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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 a copy of People's Motion To Exclude Testimony Regarding August 12, 2021, Disclosures be Sealed Until Further Order Of This Court And The Affidavit In support of A copy of People's Motion To Exclude Testimony Regarding August 12, 2021, Disclosures be Sealed Until Further Order Of This Court 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 Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: 7/12/2022

THE HONORABLE JENNIFER O'KEEFE
JUDGE OF THE SUPERIOR COURT

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 5, 2022, I served the foregoing document(s) described as:

PEOPLE'S MOTION TO EXCLUDE TESTIMONY REGARDING AUGUST 12, 2021, DISCLOSURES BE SEALED UNTIL FURTHER ORDER OF THIS COURT & 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.22CR003712 & 22CR003713)

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
ATTORNEY FOR PAUL FLORES
EMAIL:
RMSTEAM@SANGERSWYSEN.COM

SARAH SANGER
ATTORNEY FOR PAUL FLORES
EMAIL:
SSANGER@SANGERSWYSEN.COM

HAROLD MESICK
ATTORNEY FOR RUBEN FLORES
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 5, 2022, at San Luis Obispo, California.

Cameron Myers, 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 BY
Superior Court of California,
County of Monterey
On 07/12/2022
By Deputy: Inofuentes, Maria

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendant.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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 A Copy Of People's Request For Closing Hearing Re: August 21, 2021 Disclosures And Supplemental Information And The Affidavit In Support of A Copy Of People's Request For Closing Hearing Re: August 21, 2021 Disclosures And Supplemental Information 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 Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: 7/12/2022

Jennifer O'Keefe

THE HONORABLE JENNIFER O'KEEFE
JUDGE OF THE SUPERIOR COURT

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 5, 2022, I served the foregoing document(s) described as:

A COPY OF PEOPLE'S REQUEST FOR CLOSING HEARING RE: AUGUST 21, 2021 DISCLOSURES AND SUPPLEMENTAL INFORMATION & 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.22CR003712 & 22CR003713)

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
ATTORNEY FOR PAUL FLORES
EMAIL:
RMSTEAM@SANGERSWYSEN.COM

SARAH SANGER
ATTORNEY FOR PAUL FLORES
EMAIL:
SSANGER@SANGERSWYSEN.COM

HAROLD MESICK
ATTORNEY FOR RUBEN FLORES
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 5, 2022, at San Luis Obispo, California.

Cameron Myers, 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 BY
Superior Court of California,
County of Monterey
On 07/12/2022
By Deputy: Inofuentes, Maria

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendant.	MONTEREY CASE NO. 22CR003712 & 22CR003713 SAN LUIS OBISPO 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 People's Motion to Exclude Any Cross Examination of Jennifer Hudson as to Motorcycle Clubs or Her Status as a Victim of Domestic Violence and the Affidavit in support of the People's Motion to Exclude Any Cross Examination of Jennifer Hudson as to Motorcycle Clubs or Her Status as a Victim of Domestic Violence are sealed and lodged with the Court;

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

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//

//

//

3. Defense Counsel for Paul Ruben Flores, Robert M. Sanger and his office and Defense Counsel for Ruben Ricardo Flores, Harold V. Mesick and his office are permitted to view the sealed records.

Dated: 7/12/2022

THE HONORABLE JENNIFER O'KEEFE
JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Pamela Ramos, CSR13221** Location: Department 4

Date: 7/12/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

All prospective jurors present.

Voir dire by the Defense.

No challenges for cause.

Jurors released for peremptory challenges.

Jury panel sworn 9:37 am.

The following jurors are sworn to try the case: 1: 184, 2: 194, 3: 253, 4: 262, 5: 974, 6: 538, 7: 890, 8: 897, 9: 950, 10: 926, 11: 929, 12: 932.

Jurors admonished. Recess for Break.

Out of the presence of the jurors, the Court notes for the record juror 1145 was released for hardship due to illness.

Case called all parties present, all prospective jurors present.

Additional prospective jurors called to the box for voir dire regarding alternate juror service.

Voir dire of the new prospective jurors by the Court.

Voir dire of the new prospective jurors by the People.

Voir dire of the new prospective jurors by the Defense.

Jurors admonished and released for short break to return at 11:10 am.

Case called, all parties present, all prospective jurors present.

Alternate jurors chosen by stipulation of counsel.

Nine Alternate jurors sworn. (11:18 am).

Alternate Jurors: 976, 978, 1017, 1063, 1067, 1089, 1102, 1116, 1117.

Remaining prospective jurors are thanked and released.

Jurors admonished and released for short break with exception of juror 184.

Out of the presence of the jurors, the Court and Counsel have discussion with Juror 184.

Juror 184 indicates after being sworn that he has a hardship issue.

Parties stipulate 184 is released for hardship.

Case called, all parties present, all jurors and alternates present.

Juror 184 seated in seat 1, is released and replaced with Alternate juror 976.

Juror 976 is sworn as a trial juror.

Jurors are admonished, released and ordered to return on July 18, 2022 at 01:30 pm for opening statements in Ruben Flores matter.

Court in recess for the day.

Out of the presence of the jurors, the Court notes for the record that Juror 184 was released by stipulation of the parties and replaced with juror 976.

The People disclose for the record overheard remarks made by juror.

Case remains set for July 14, 2022 at 08:30 am for Jury trial long cause, continuing motions in limine in Department 4.

Case remains set for Jury Trial ongoing long cause for July 18, 2022 at 01:30 pm in Salinas Department 4. (Opening statements)

Defendant is to remain on bail.

MC-500

MEDIA AGENCY *(name)*: The Stockton Record/USA Today Network
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: Genette Brookshire
ADDRESS:
445 W. Weber Ave., Suite 128 C, Stockton, CA 95203
TELEPHONE NO.: (209) 470-0401

FOR COURT USE ONLY

FILED IN COURT
7-11-22
CLERK OF THE SUPERIOR COURT
BY DEPUTY

Insert name of court and name of judicial district and branch court, if any:
Superior Court of California, Monterey County, Salinas branch

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

NAME OF JUDGE: Hon. Jennifer O'Keefe

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

CASE NUMBER:
22CR003713

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

2. DATE OF PROPOSED COVERAGE *(specify)*: 7/18/22 *(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)*:
Hon. Jennifer O'Keefe

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: Jul 13, 2022

Genette Brookshire
(TYPE OR PRINT NAME)

Genette Brookshire
(SIGNATURE)

Telephone No.: 209-470-0401

Senior Content Strategist/Managing 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

MC-510

MEDIA AGENCY *(name)*: The Stockton Record/USA Today Network
CHANNEL/FREQUENCY NO.:
PERSON SUBMITTING REQUEST *(name)*: Genette Brookshire
ADDRESS: 445 W. Weber Ave., Stockton, CA 95203
TELEPHONE NO.: 2094700401

FOR COURT USE ONLY

FILED IN COURT
7-14-22
CLERK OF THE SUPERIOR COURT
BY _____ DEPUTY

Insert name of court and name of judicial district and branch court, if any:
Superior Court of California, Monterey County, Salinas branch

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

NAME OF JUDGE:
Hon. Jennifer O'Keefe

CASE NUMBER:
22CR003713

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)*:
      See attached 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: 7/14/2022

Jennifer O'Keefe
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

Hon. Jennifer J. O'Keefe

CASE NAME:	CASE NUMBER:
The People of the State of California vs. Ruben Ricardo Flores	22CR003713

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.

Out of Court Minute Order Re: Media Requests

The Court makes the following rulings:

Recording of courtroom proceedings is restricted. One pool camera for still photography is allowed.

No audio recording is allowed inside the courtroom. This includes audio recordings for note taking purposes.

No video recording is allowed inside the courtroom

The pool camera will not be permitted to capture images during jury selection

The pool camera will not be permitted to capture images of jurors at any time, whether during jury selection or during trial.

The pool camera will not be permitted to capture images of conferences between an attorney and a client, witness or aide

The pool camera will not be permitted to capture images of conferences between attorneys

The pool camera will not be permitted to capture images of conferences between counsel and the judge at the bench

The pool camera is prohibited from capturing images of proceedings held in chambers

The pool camera is prohibited from capturing images of proceedings closed to the public

No other cameras are allowed.

MC-500

MEDIA AGENCY *(name)*: Mustang Media Group CHANNEL/FREQUENCY NO.: KCPR 91.3 FM PERSON SUBMITTING REQUEST *(name)*: Catherine Allen ADDRESS: 1GrandAve.San Luis Obispo, CA 93407 TELEPHONE NO.: 760-331-3206	FOR COURT USE ONLY FILED IN COURT 7-14-22 CLERK OF THE SUPERIOR COURT BY _____ DEPUTY
Insert name of court and name of judicial district and branch court, if any. Superior Court of California, Monterey County	
TITLE OF CASE: People v. Flores Paul Ruben, People v. Ruben Ricardo	
NAME OF JUDGE: Judge Jennifer O'Keefe	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	CASE NUMBER: 22CR003712, 22CR003713

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

2. DATE OF PROPOSED COVERAGE *(specify)*: 7/18/2022 - Onward . *(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)*: $ 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: 7/9/2022

Catherine Allen
(TYPE OR PRINT NAME)

Catherine Allen
(SIGNATURE)

Telephone No.: 760-331-3206

Editor in Chief
(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

Print this form | Save this form | Clear this form

MC-510

MEDIA AGENCY *(name)*: Mustang Media Group
CHANNEL/FREQUENCY NO.: KCPR 91.3 FM
PERSON SUBMITTING REQUEST *(name)*: Catherine Allen
ADDRESS: 1 Grand Ave.San Luis Obispo, CA 93407
TELEPHONE NO.: 760-331-3206

FOR COURT USE ONLY

FILED IN COURT
7-14-22
CLERK OF THE SUPERIOR COURT
BY _____ DEPUTY

Insert name of court and name of judicial district and branch court, if any:
Superior Court of California, Monterey County

TITLE OF CASE:
People v. Flores Paul Ruben, People v. Ruben Ricardo

NAME OF JUDGE:
Judge Jennifer O'Keefe

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

CASE NUMBER:
22CR003712, 22CR003713

AGENCY MAKING REQUEST *(name)*: Mustang Media Group, Mustang News

1. a. ☑ No hearing was held.
   b. ☑ Date of hearing: 7/18/2022 Time: a.m. Dept./Div.: 4 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)*:

See attached 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: 7/14/2022

Jennifer O'Keefe
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

Hon. Jennifer J. O'Keefe

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

CASE NAME:	CASE NUMBER:
—	22CR003712, 22CR003713

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.

Out of Court Minute Order Re: Media Requests

The Court makes the following rulings:

Recording of courtroom proceedings is restricted. One pool camera for still photography is allowed.

No audio recording is allowed inside the courtroom. This includes audio recordings for note taking purposes.

No video recording is allowed inside the courtroom

The pool camera will not be permitted to capture images during jury selection

The pool camera will not be permitted to capture images of jurors at any time, whether during jury selection or during trial.

The pool camera will not be permitted to capture images of conferences between an attorney and a client, witness or aide

The pool camera will not be permitted to capture images of conferences between attorneys

The pool camera will not be permitted to capture images of conferences between counsel and the judge at the bench

The pool camera is prohibited from capturing images of proceedings held in chambers

The pool camera is prohibited from capturing images of proceedings closed to the public

No other cameras are allowed.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Pamela Ramos, CSR13221** Location: Department 4

Date: 7/14/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Regarding Chris Lambert, parties agree that he may remain in courtroom today and the court will take up the issue at the end of today's session.

Motion to quash subpoena for Susan Flores.

Attorney Jeff Radding and Susan Flores appearing by zoom.

Susan Flores is sworn to testify.

Ms. Flores indicates she will invoke the right against self incrimination.

Subpoena is fulfilled.

Witness Angela Butler, previously sworn and still under oath, resumes testimony (zoom).

Cross examination by the Defense.

Witness is excused.

Arguments presented.

The Court is in recess for break.

Case called, all parties present.

Motions in Limine ruled upon.

The Court reviews the specific laws that apply regarding admissible scientific evidence.

Phillip Hanes testimony is admissible.

Cindy Arrington testimony is admissible.

Angela Butler: DNA bodily fluids expert analyst.

Motion to exclude DNA evidence will not be excluded.

Hemdirect test evidence is admissible.

Luminol testing of trailer will be admissible.

People's Motion regarding photograph of Mr. Flores.

Matter was discussed in chambers.

The Court's ruling remains the same, blow up photo of negative, background to be cropped.

Ruling regarding witness Jennifer Hudson stated for the record.

Ruling regarding 1101 and 1108 motion to admit evidence.

The Court and Counsel had in chambers discussions.

Sworn Jurors for each panel were admonished to have no contact with media.

Court ruling as to admissibility of specific witnesses stated for the record.

Court ruling as to videos stated for the record.

Court ruling as to google searches stated for the record.

Court in recess for lunch break.

Case called all parties present.

Juror 974 (seat 5) is present for Ruben Flores jury panel.

Juror 974 stated she has a hardship.

Juror 974 is released for hardship by stipulation of the parties.

Alternate juror number is drawn at random from alternate juror group for Ruben Flores.

Juror 1067 to replace 974 in seat 5.

People's motion to exclude testimony is heard.

The Motion is heard in open court.

The Court rules for the record.

Appropriate to question Jennifer Hudson.

Mr. Lambert's Attorney has filed a motion to quash and shortening time.

Motion will be heard on July 15, 2022 at 10:00 am in Salinas, Department 4.

Defendant waives his presence and will allow his Attorney to appear for him.

Matter is set for Jury trial long cause ongoing for July 15, 2022 at 10:00 am in Salinas, Department 4. (Motion to quash Defendant's subpoena, or order shortening time)

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Pamela Ramos, CSR13221** Location: Department 4

Date: 7/15/2022 **Time: 10:00 AM** **Hearing: Other**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Hearing: Other.

Deputy District Attorney Chris Peuvrelle is present.

Attorney Howard Mesick appears for Defendant. (Appearing by zoom and PC 977)

Defendant has personally waived his presence for these proceedings.

Attorney Diana Palacios with Chris Lambert is present. (Attorney appearing by zoom)

Motion to quash Defendant's subpoena or shorten time is heard.

The Court has read and reviewed the non party exparte application by Ms. Palacios for Chris Lambert.

Arguments presented.

Motion is granted with reasons stated for the record. Mr. Lambert will be able to attend Court proceedings.

Mr. Sanger requests the Court make a preservation order for evidence.

Parties agree to the order.

Motion regarding statements of admissibility of Paul Flores:

Statement 1: May 28, 1996 to Officer Cudworth is admissible to both juries.

Statement 2: May 31, 1996 to Detective Mike Kennedy and Officer Cudworth is admissible to both juries.

Statement 3: May 31, 1996 to Investigator Bill Hanley is admissible only to Paul Flores jury.

Statement 4: June 1996 to Investigator Bill Hanley and Investigator Larry Hobson is admissible to Paul Flores jury only.

Report: Mike Kennedy interview of Paul Flores is admissible to both juries.

Regarding the photo of Paul Flores, submitted as cropped, the Court finds it acceptable.

Counsel are encouraged to meet and confer regarding the witness lineup for next week.

Case remains set for Jury trial long cause on July 18, 2022 at 01:30 PM in Salinas, Department 4. (Opening statements Ruben Flores)

Defendant is to remain on bail.

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ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 7/15/2022 3:16 PM
By: Renee Inofuentes, Deputy

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County of Monterey
On 7/15/2022 3:16 PM
By: Renee Inofuentes, D

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES and RUBEN RICARDO FLORES,

Defendants.

Case Nos. 22CR003712, 22CR003713

PROOF OF SERVICE

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PROOF OF SERVICE

I declare that I am employed in the County of San Francisco, State of California. I am over the age of eighteen (18) and not a party to the within entitled case, and my business address is Cannata, O'Toole, Fickes & Olson LLP, 100 Pine Street, Suite 350, San Francisco, CA 94111.

On July 14, 2022, I served the following documents in the manner(s) selected:

1. **NOTICE OF MOTION AND MOTION OF NEWS MEDIA COALITION TO UNSEAL JUDICIAL RECORDS AND REGISTER OF ACTIONS AND FOR REMOTE ACCESS;**

   MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT;

   REQUEST FOR HEARING;

   DECLARATION OF CHLOE JONES IN SUPPORT

2. **[PROPOSED] ORDER GRANTING MOTION OF NEWS MEDIA COALITION TO UNSEAL JUDICIAL RECORDS AND REGISTER OF ACTIONS AND FOR REMOTE ACCESS**

3. **PROOF OF SERVICE**

[X] (ELECTRONIC SERVICE) on the date executed below, I caused the document(s) described to be electronically served via Odyssey e-FileCA to the below recipients:

By Electronic Service

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Counsel for Paul Ruben Flores

I declare that the foregoing is true and correct and that this declaration was executed in San Francisco, California, on July 14, 2022.

Jessica Toscano

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On 7/15/2022 3:16 PM
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES and RUBEN RICARDO FLORES,

Defendants.

Case Nos. 22CR003712, 22CR003713

NOTICE OF MOTION AND MOTION OF NEWS MEDIA COALITION TO UNSEAL JUDICIAL RECORDS AND REGISTER OF ACTIONS AND FOR REMOTE ACCESS;

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT;

REQUEST FOR HEARING;

DECLARATION OF CHLOE JONES IN SUPPORT

Date:
Time:
Place: Dept. 4
Judge: Hon. Jennifer O'Keefe

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Cal. R. Ct. 2.551 ..... *passim.*

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NOTICE OF MOTION AND MOTION

TO THE COURT, ALL PARTIES, AND ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, at a date and time set by the Court, in Department 4 of the Monterey County Superior Court, at 240 Church Street, Salinas, California 93901, non-party news media organizations The McClatchy Company, LLC (d.b.a. *The Tribune*), Los Angeles Times Commiunications, LLC (d.b.a. *Los Angeles Times*), American Broadcasting Company, Inc. (d.b.a. *ABC News*), and The Associated Press (collectively, "the News Media Coalition") will, and hereby do, move for an order (1) unsealing all sealed court records filed in this case following its transfer to the Monterey County Superior Court in their entirety; (2) unsealing in its entirety and providing the press and the public with access to the full and complete register of actions in this matter, both remotely in electronic format and in hard copy upon request at the courthouse; and (3) authorizing remote electronic access to all records filed with the Court in this case under California Rule of Court 2.503(e). The News Media Coalition moves to lift or modify any order, including the April 15, 2021 "gag order" in this case, that is inconsistent with the relief sought in this Motion.

This Motion is made on the grounds that under the First Amendment to the United States Constitution, article I, sections 2(a) and 3(b) of the California Constitution, California Code of Civil Procedure section 1904, California Rules of Court 2.550-2.551, 2.503, and 2.507, and the common law, judicial records and registers of actions, including the records and register of actions sought here, are presumptively open and cannot be sealed without notice and express factual findings as set forth in California Rule of Court 2.550(d). The demanding requirements for sealing set forth in, inter alia, California Rule of Court 2.550(d) have not been and cannot be satisfied here. This Motion also seeks an order authorizing remote electronic access to all judicial records in this case as set forth for certain criminal cases under California Rule of Court 2.503(e).

This Motion is based on this Notice of Motion, the Memorandum of Points and Authorities filed herewith, the Request for Hearing filed herewith, the declaration of Chloe Jones filed herewith, the anticipated Reply in support of this Motion, all pleadings, records, and files in this action (including, but not limited to, the sealed records this Motion seeks to access), and all

other evidence and argument received by the Court in connection with this Motion.

DATED: July 14, 2022

CANNATA O'TOOLE FICKES & OLSON LLP

By: _____
AARON R. FIELD

Karl Olson
Aaron R. Field

Attorneys for Non-Party News Media Organizations THE MCCLATCHY COMPANY, LLC (d.b.a. THE TRIBUNE), LOS ANGELES TIMES COMMUNICATIONS, LLC, AMERICAN BROADCASTING COMPANY, INC. (d.b.a. ABC NEWS), and THE ASSOCIATED PRESS

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

As our Supreme Court has recognized, "Openness in government is essential to the functioning of a democracy." (*International Federation of Professional and Technical Engineers, Local 21 v. Superior Court* ("*IFPTE*") (2007) 42 Cal.4th 319, 328.) Accordingly, courts have long held that the press and the public have a powerful presumptive right of access to judicial records and proceedings[1], and that sealing or closure is permitted in only "the rarest of circumstances." (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1226; see also *id.* at p. 1198 ["[H]istorically our nation viewed what transpires in the courtroom as public property."].) More than a century ago, our Supreme Court explained:

> "In this country it is a first principle that the people have the right to know what is done in their courts. The old theory of government which invested royalty with an assumed perfection, precluding the possibility of wrong and denying the right to discuss its conduct of public affairs, is opposed to the genius of our institutions in which the sovereign will of the people is the paramount idea; and the greatest publicity to the acts of those holding positions of public trust, and the greatest freedom in discussion of the proceedings of public tribunals that is consistent with truth and decency are regarded as essential to the public welfare."

(*Cal. ex rel. Lockyer v. Safeway, Inc.* (C.D. Cal. 2005) 355 F. Supp. 2d 1111, 1124-25 [quoting *In re Shortridge* (1893) 99 Cal.526, 530-31].)

Openness is particularly "essential," *IFPTE*, *supra*, 42 Cal.4th at p. 328, here. The state contends that this case will solve a mystery that has unsettled the San Luis Obispo County community for more than twenty-five (25) years: What happened to Kristin Smart on May 25, 1996? The public has a powerful interest – and is in fact keenly interested – in independently evaluating whether and, if so, how this case answers that question. It also has a powerful interest in verifying that this case is adjudicated fairly and consistently with the law, and that law enforcement agencies and officials handled the investigation of Ms. Smart's disappearance appropriately and are prosecuting this case effectively despite waiting decades to bring charges.

[1] The relevant rights of access here flow from the First Amendment to the United States Constitution, article I, sections 2(a) and 3(b)(1) of the California Constitution, California Rules of Court 2.550-2.551, and the common law.

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Yet, despite the presumption of and compelling interest in openness, as of July 5, 2022, *most* of the records filed in this Court – *166 of 243* records – were sealed *in their entirety*, including records related to motions to dismiss and motions in limine, and records related to sealing, including this Court's rulings on whether sealing is justified. Of the 77 filings that are public, 54 are form "media requests," form orders granting or denying them, and related records, and only 6 contain anything of substance relating to the actual criminal case. (Declaration of Chloe Jones ("Jones Decl.") ¶ 5(A).) In short, since this case came to this Court, virtually every filing of substance has been sealed. This has made it very hard to track, evaluate, and report on these proceedings and the parties' factual and legal arguments. Compounding the problems this has caused, the Court appears to be using a "dual-docketing" system that limits the public to a difficult-to-decipher partial register of actions while using more complete records internally.

To overcome these barriers to access, the News Media Coalition makes this motion to unseal. The Motion should be granted, for several reasons. *First*, all sealed judicial records filed on or after April 20, 2022 in this case should be unsealed under the First Amendment, article I, sections 2(a) and 3(b) of the California Constitution, Rules of Court 2.550 and 2.551, and the common law. No party has demonstrated that any sealing is justified in this case – let alone the sealing of almost all substantive filings in this case in their entirety. Nor, to the News Media Coalition's knowledge, has the Court made on-the-record findings necessary to justify sealing. *Second*, the register of actions should be unsesaled or supplemented such that it is fully accessible to the public and contains all required information under the First Amendment, Rules of Court 2.550-2.551, 2.503(b), and 2.507(b)(3)(H), and the common law. *Third*, remote access to all court filings in this case should be authorized under Rule of Court 2.503(e) and the First Amendment.

II. FACTUAL AND PROCEDURAL BACKGROUND

This case arises from the disappearance of Kristin Smart, a 19-year-old freshman at California Polytechnic State University, San Luis Obispo, on May 26, 1996. There has been great public interest in, and thus extensive news media coverage of, Ms. Smart's disappearance in the decades since it occurred. (See Jones Decl. ¶ 4.) According to defendant Paul Flores, this has included "thousands of articles in various publications." (Motion for Change of Venue at 8:1-2.)

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Despite the exceptional public interest in this case, as of July 5, 2022, most of the records filed in this case after its transfer –166 of 243 records – have been sealed in their entirety, including all records related to the parties' motions to dismiss and motions in limine, and almost all records related to sealing, and sealing orders. (Jones Decl. ¶ 5(A).) Of the 77 public filings, 54 are form "media requests," form orders granting or denying them, and related records. (*Ibid.*) The remainder are also non-substantive except for 6 that relate to juror selection. (*Ibid.*)

The extensive, wholesale sealing of almost all substantive records in this case is inconsistent with the San Luis Obispo County Superior Court's handling of this matter. (*Ibid.*) The parties presented and discussed at the preliminary hearing before the San Luis Obispo County Superior Court evidence that appears to be the subject of motions in limine that this Court has sealed. (*Ibid.*) Further, this Court's public-facing register of actions in this case is difficult to decipher and contains very little substantive information. (Jones Decl. ¶ 5(B).) It uses short statements like "motion," "affidavit," and "document: other" that do not meaningfully describe proceedings, the nature or purpose of any filing, or how the Court has ruled. (*Ibid.*)

Lack of remote access to court filings in this case detracts from the openness of the proceedings. (Jones Decl. ¶ 5(C).) Without remote access, the press and the public must request records in person at the courthouse or by mail using a form that takes weeks or longer for the Court to process. (*Ibid.*) This burdens and delays reporting, including for Ms. Jones, a reporter for *The Tribune* who covered this case in her City with relative ease until it was transferred to this Court, many miles away. (Jones Decl. ¶¶ 3, 5(C).)

Ms. Jones informally requested remote access in a June 10, 2022 e-mail, but the Court declined. (Jones Decl. ¶ 5(C).) The Court's media liason wrote, "The Court has considered the possibility of designating Flores an extraordinary criminal case under CRC 2.503, however, has decided not to designate it as such at this time." (*Ibid.*)

To remove these barriers to access, the News Media Coalition makes the instant Motion.

III. ARGUMENT

A. THE MEDIA COALITION HAS STANDING TO MAKE THIS MOTION.

The public and press have standing to assert their rights of access to court records and

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proceedings. (*Globe Newspaper Co. v. Superior Court* (1982) 457 U.S. 596, 609 n. 25 ["representatives of the press and the general public must be given an opportunity to be heard on the question of their exclusion"]; *NBC Subsidiary, supra*, 20 Cal.4th at p. 1217 n.36 [same]; see also, e.g., *In re Associated Press* (7th Cir. 1998) 162 F.3d 503, 507-08 [holding that "those who seek access . . . have a right to be heard in a manner that gives full protection of the asserted right" and that the press and the public "must be given an opportunity to be heard on the question of their exclusion from the proceedings or access to documents"].) The News Media Coalition therefore has standing to challenge any restrictions on its (or the public's) access to court records here, and should be provided an opportunity to be heard before such orders are issued. (See *NBC Subsidiary, supra*, 20 Cal.4th at pp. 1217-18 & n.36; Cal. R. Ct. 2.551(h)(2) [any "member of the public may move, apply, [or] petition . . . to unseal a court record"].)[2]

B. THIS MOTION SEEKS TO VINDICATE PUBLIC RIGHTS THAT ARE ESSENTIAL TO THE FUNCTIONING OF A DEMOCRACY.

Openness in and press coverage of criminal court records and proceedings empowers the public to debate, evaluate, and politically supervise the work of law enforcement and the judicial branch in an informed manner. (See *Richmond Newspapers, Inc. v. Virginia* (1980) 448 U.S. 555, 587 [Brennan, J., Marshall, J., concurring].) The First Amendment embodies a "commitment to free expression and communicative interchange for their own sakes" and an "antecedent assumption that valuable public debate – as well as other civic behavior – must be informed." (*Ibid.*)

> Without the information provided by the press most of us and many of our representatives would be unable to vote intelligently or to register opinions on the administration of government generally. With respect to judicial proceedings in particular, the function of the press serves to guarantee the fairness of trials and to bring to bear the beneficial effects of public scrutiny upon the administration of justice.

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[2] The press is entitled to challenge orders that deny access to court records. (E.g., *Burkle v. Burkle* (2006) 135 Cal.App.4th 1045, 1050 [recognizing newspaper's right to intervene to unseal records]; *Press-Enterprise v. Superior Court* ("*Press-Enterprise III*") (1994) 22 Cal.App.4th 498, 500-01 [implicitly recognizing newspaper's right to challenge sealing of post-indictment grand jury transcript in high-profile criminal case in Riverside County]; Cal. R. Ct. 2.551(h)(2) [any "member of the public may move, apply, [or] petition . . . to unseal a court record"].)

(*Cox Broad. Corp. v. Cohn* (1975) 420 U.S. 469, 491-92; see also *Estate of Hearst* (1977) 67 Cal.App.3d 777, 782 ["If public court business is conducted in private, it becomes impossible to expose corruption, incompetence, inefficiency, prejudice, and favoritism."].)

In *Richmond Newspapers*, the United States Supreme Court recognized that "a presumption of openness inheres in the very nature of a criminal trial under our system of justice." (448 U.S. at p. 573.) The Court held that the First Amendment guarantees the public and the press a presumptive right of access to criminal trials, emphasizing that openness has "long been recognized as an indispensable attribute of an Anglo-American trial." (*Id.* at p. 569; see also *Globe Newspaper, supra*, 457 U.S. at p. 602 [statute excluding public and press from trial testimony of minor victims in sex offense cases violated First Amendment]; *Press-Enterprise Co. v. Superior Court* ("*Press-Enterprise I*") (1984) 464 U.S. 501, 509-10 [order sealing transcript of voir dire proceedings in murder case violated constitutional right of access; recognizing that openness enhances the appearance of fairness so essential to public confidence].)

This presumption of openness applies to court records as well as court proceedings. (See, e.g., *Associated Press v. District Court* (9th Cir. 1983) 705 F.2d 1143, 1145 [overturning order sealing documents filed as part of pre-trial proceedings in drug prosecution of John DeLorean, and stating [t]here is no reason to distinguish between pretrial proceedings and the documents filed in regard to them. Indeed, the . . . principal justifications for the first amendment right of access to criminal proceedings apply, in general, to pretrial documents"].) As the Ninth Circuit explained in *CBS, Inc. v. District Court* (9th Cir. 1985) 765 F.2d 823, 825,

> We begin with the presumption that the public and the press have a right of access to criminal proceedings and documents filed therein. The right of access is grounded in the First Amendment and in common law, and extends to documents filed in pretrial proceedings as well as in the trial itself.

(See also *Copley Press, Inc. v. Superior Court* (1992) 6 Cal.App.4th 106, 111 ["Both the federal and the state Constitutions provide broad access rights to judicial hearings and records. A lengthy list of authorities confirms this right in general, and in particular as it pertains to the press, both in criminal and civil cases"] [citations omitted].)

Openness that enables public oversight of law enforcement officers, prosecutors, and

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criminal trials is particularly important. (See *McClatchy Newspapers, Inc.*, *supra*, 189 Cal.App.3d at p. 975 [the public's " 'interest in overseeing the conduct of the prosecutor, the police, and the judiciary is strong indeed' "].) In criminal cases, openness also has "community therapeutic value." (*Press Enterprise Co. v. Superior Court* ("*Press-Enterprise II*") (1986) 478 U.S. 1, 13.) And, openness promotes "the appearance of justice" in criminal cases, which is "best provided for by allowing people to observe it." (*Richmond Newspapers, Inc.*, *supra*, 448 U.S. at pp. 571-72 [pl. opn.].)

The public interest in openness here is magnified by the seriousness of the government's allegations, the community's desire to for answers to longstanding questions about Ms. Smart's disappearance, and the fact that it took decades for the government to bring charges. " 'People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.' " (*Press-Enterprise I*, *supra*, 464 U.S. at p. 509 [citation omitted].)

The News Media Coalition's interest in access is an interest in "contemporaneous" access. (*Courthouse News Service*, *supra*, 47 F.3d at p. 594.) The News Media Coalition thus respectfully requests that this motion be heard promptly – before opening statements or as soon as possible thereafter – to enable it to receive the records that it seeks while they are newsworthy. (*Ibid.*) "The newsworthiness of a particular story is often fleeting. To delay or postpone disclosure undermines the benefit of public scrutiny and may have the same result as complete suppression." (*Ibid.* [internal citations and quotation marks omitted].)

C. THE SEALING OF ALMOST ALL RECORDS VIOLATES THE FIRST AMENDMENT, RULES OF COURT 2.550 AND 2.551, AND THE COMMON LAW RIGHT OF ACCESS.

The First Amendment and Rules of Court 2.550 and 2.551 foreclose sealing 166 of 243 records, in their entirety, without public justification. In *NBC Subsidiary* – a unanimous and sweeping decision that fully embraced the First Amendment right of access to judicial records and proceedings, in which all four News Media Coalition members participated as *amici curiae* – the Supreme Court held that judicial records may be sealed only "in the rarest of circumstances." (20 Cal. 4th at p. 1226.) Under *NBC Subsidiary*, judicial records and proceedings may not be

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sealed or closed unless strict procedural and substantive requirements are satisfied.

First, as to procedure, the court must "provide notice to the public of the contemplated closure." (*Id.* at p. 1217.) If the motion is a "written filing," it must be "publicly docket[ed]" "reasonably in advance of the determination thereon." (*Ibid.*; accord. Cal. R. Ct. 2.551(b)(1).) The motion "must be accompanied by a memorandum of points and authorities and a declaration containing facts sufficient to justify the sealing." (*Ibid.*; *NBC Subsidiary, supra*, 20 Cal.4th at pp. 1217-18; see also *Oregonian Publ. Co. v. District Court* (9th Cir. 1990) 920 F.2d 1462, [vacating sealing order because trial court had "no evidentiary support" for belief that sealing would "serve 'higher values' "].) The Court must then make specific, express, on-the-record findings that all requirements for sealing have been met. (*Press-Enterprise II, supra*, 478 U.S. at pp. 13-14.)

Second, as to substance, sealing or closure is not permitted unless its proponent proves, *In re Providian Credit Card Cases* (2002) 96 Cal.App.4th 292, 301, and the Court expressly finds, that (1) there is an overriding interest that overcomes the public's right of access; (2) there is a substantial probability that sealing will promote that interest; (3) the sealing order is narrowly tailored to serve the overriding interest; and (4) there are no less restrictive alternatives to sealing, *NBC Subsidiary, supra*, 20 Cal.4th at at p. 1208; accord. Cal. R. Ct. 2.550(d), 2.550(e)(1).[3] A "court must not permit a record to be filed under seal based solely upon the agreement or stipulation of the parties." (Cal. R. Ct. 2.551(a).)

NBC Subsidiary is dispositive of many of the issues presented here and should guide this Court's decision. There, in a civil lawsuit by Sondra Locke against Clint Eastwood alleging "deceit, intentional interference with prospective economic advantage, and breach of fiduciary duty arising out of promises by Eastwood to assist Locke in the development of motion picture projects," the trial court ordered that "all proceedings in the case that are held outside the presence of the jury will be closed to the public and the press." (*NBC Subsidiary, supra*, 20

[3] The First Amendment right of access applies to all of the sealed records at issue here, because they were all "filed in court as a basis for adjudication." (*NBC Subsidiary*, 20 Cal.4th at 1208 & n.25; accord. Cal. R. Ct. 2.550(b) [records subject to presumption of access include "all or a portion of any document, paper, exhibit, transcript, or other thing filed or lodged with the court, by electronic means or otherwise"]; Cal. Const., art. I, § 3(b) [providing an independent right of access and requiring that statutes and court rules be construed in favor of access].)

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Cal.4th at p. 1182.) Its stated reason was "to ensure that the only information that the press has is what the jury sees and nothing else because I do not want to have a situation I have seen in other cases where the press reports something that was out of the presence of the jury and then, somehow, someone reads it." (*Ibid.*; see also *id.* at pp. 1183 [discussing later order stating a similar rationale for blanket closure of proceedings held outside the presence of the jury].) KNBC-TV applied to vacate the order, but the trial court denied the application. (*Id.* at p. 1184.) KNBC-TV then obtained a writ of mandate from the Court of Appeal vacating the closure order because it was "based upon insufficient findings and hence inconsistent with the First Amendment" and directing the trial court to disclose transcripts of proceedings that had been improperly closed. (*Id.* at p. 1188.)

The Supreme Court affirmed the Court of Appeal and unequivocally held that the trial court's blanket closure order was not consistent with the First Amendment. It began its First Amendment analysis with the "celebrated dictum" that "[a] trial is a public event" and that "[w]hat transpires in the court room is public property." (*Id.* at p. 1197 [internal citaitons and quotation marks omitted].) It surveyed *Richmond Newspapers*, *supra*, 448 U.S. 555, *Globe Newspaper*, *supra*, 457 U.S. 596, *Press-Enterprise I*, *supra*, 464 U.S. 501, *Waller v. Georgia* (1984) 467 U.S. 39, and *Press–Enterprise II*, *supra*, 478 U.S. 1 (all prominent criminal cases), and held that the First Amendment right of access applies in not only criminal cases, but also civil cases. (*Id.* at pp. 1207-12.) It also held that proceedings outside the presence of the jury are not categorically exempt from the First Amendment right of access. (*Id.* at pp. 1213-14.)

Next, the Supreme Court rejected the argument that proceedings on the admissibility of evidence and other matters ancillary to a jury trial are not subject to the First Amendment right of access, stating that it was "unaware of any authority holding or suggesting that such proceedings have not been historically important, open, and public parts of civil trials." (*Id.* at p. 1119.) It also rejected the assertion that applying the First Amendment right of access to hearings held outside the presence of the jury "might (i) increase 'the risk that jurors will be exposed to the very information that was held from them,' and (ii) discourage or impair 'the necessary give-and take negotiations between counsel and the court that such conferences are designed to engender.' " (*Id.*

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at p. 1221.) The Supreme Court wrote:

> . . . although it is readily apparent that publicity poses a risk of prejudice to the fairness of a trial (cf. *Press–Enterprise II*, *supra*, 478 U.S. 1, 14-15[. . .]), [. . .] frequent and specific cautionary admonitions and jury instructions, and not closure, constitute the accepted, presumptively adequate, and plainly less restrictive means of dealing with the threat of jury contamination.

(*Ibid.*)

The Supreme Court held that fair trial concerns did not justify the trial court's blanket closure order. It held that the trial court had "made no finding supporting the proposition that prejudice to that interest was *substantially probable* absent closure and temporary sealing in a case that was similarly a focus of intense public interest and significant coverage by the news media" – and expressed doubts that some of the information at issue could have caused prejudice because it was already public. (*Id.* at p. 1222 & n.47 [emphasis in original].) It elaborated,

> . . . even assuming that closure and temporary withholding of transcripts might have been appropriate as to some or part of the proceedings that were conducted in the jury's absence, the trial court's blanket and sweeping order closing the courtroom during all nonjury proceedings was not narrowly tailored: the trial court wholly failed to identify particular proceedings that would or did contain information justifying closure.

(*Id.* at pp. 1222-23.)

The Supreme Court also held that the trial court's blanket closure order was not consistent with the First Amendment for the independent reason that less restrictive means than closure were available to address fair trial concerns. (*Id.* at p. 1223.) It held that jury instructions or sequestration could have addressed fair trial concerns in a less restrictive way than closure, and that this independently invalidated the closure order. (*Ibid.*) It held that "as a general matter, cautionary admonitions and instructions must be considered a presumptively reasonable alternative – a presumption that can be overcome only in exceptional circumstances." (*Id.* at p. 1224.) Even in a hypothetical extreme case involving "exceptionally prejudicial" evidence and "intens[e] of media coverage" that might rebut this presumption, the Supreme Court explained, only "narrowly tailored closure," "supported by sufficient findings," "made after notice and a hearing," "coupled with prompt release of transcripts" is permissible. (*Ibid.*) It wrote that it knew

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of no authority suggesting that blanket closure was permitted. (*Id.* at p. 1225.)

The Supreme Court held that the trial court's "generalized conjecture that the jurors might violate their oaths and allow themselves to be exposed to press coverage, and that their deliberations might be tainted irreparably by that exposure" was insufficient to establish an "overriding interest" that could justify *any* closure, let alone the trial court's blanket closure order. (*Ibid.*) It rejected the assertion that requiring proponents of closure to satisfy First Amendment standards on an issue-by-issue basis was unworkable, and admonished that "courts can and should minimize such inconveniences by proposing to close proceedings only in the rarest of circumstances." (*Id.* at p. 1226.)

Applying the First Amendment, Rules of Court 2.550 and 2.551, and *NBC Subsidiary* here, all sealed court filings in this matter from April 20, 2022 onward should be unsealed in their entirety. Neither the procedural nor the substantive prerequisites for sealing have been satisfied here. The parties have not demonstrated, and to our knowledge the Court has not expressly and specifically found on the record, that *any* overriding interest in nondisclosure could justify *any* sealing or closure here – let alone the wholesale sealing of most of the records filed in this case following its transfer to this Court – especially considering the acute public interest in access here. Since the register of actions in this case is itself largely sealed or withled, motions to seal have not been publicly docketed in this Court, and, as a result, First Amendment-compliant public notice of motions to seal was never provided. And, to our knowledge, no party has presented evidence that explains and the Court has not expressly found on the record, as to any of the many sealed records in this case, let alone all of them, that sealing is narrowly tailored to an overriding interest in nondisclosure or that there is no less restrictive means available to protect such an interest. Nor could they have (especially now that jury selection is done). It is almost impossible justify blanket sealing or closure under the First Amendment, see *NBC Subsidiary*, *supra*, 20 Cal.4th at pp. 1224-25, and blanket sealing or closure is not, and cannot be, justified here.

The April 15, 2021 "gag order" cannot, and does not, justify any sealing or closure here. To the extent that the order purports to require sealing or closure, it must be lifted or modified because the First Amendment, Rule of Court-based, and common law requirements for sealing

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and closure are not satisfied, just as the blanket closure order in *NBC Subsidiary* was vacated.[4] The same goes for any other order that purports to require sealing or closure here; to the extent any order purports to require sealing or closure that the First Amendment, the Rules of Court, and the common law do not allow, it should be lifted or modified to harmonize it with the law.

Even if the parties could demonstrate and the Court could expressly and specifically find that there is an "overriding" interest in nondisclosure here (and no such demonstration or finding has been made, to the News Media Coalition's knowledge), limited redaction, rather than blanket sealing, is the only way to protect that interest. To seal presumptively public judicial records, the proponent of sealing must prove, *In re Providian Credit Card Cases*, *supra*, 96 Cal.App.4th at p. 301, and the Court must expressly and specifically find that sealing is narrowly tailored to address an overriding interest in nondisclosure. Blanket, wholesale sealing is not permitted.

Moreover, sealing or closure is not permitted if there are less restrictive means available to protect any overriding interest. The United States Supreme Court has held:

> [R]isk of prejudice does not automatically justify refusing public access to hearings on every motion to suppress. Through *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. And even if closure were justified for the hearings on a motion to suppress, closure of an entire 41-day proceeding would rarely be warranted.

(*Press-Enterprise II*, *supra*, 478 U.S. at p. 15; see *ibid.* ["The First Amendment right of access cannot be overcome by the conclusory assertion that publicity might deprive the defendant of that right.' "].) "[A]s a general matter, cautionary admonitions and instructions must be considered a presumptively reasonable alternative [to secrecy] – a presumption that may be overcome only in exceptional circumstances." (*NBC Subsidiary*, *supra*, 20 Cal.4th at pp. 1223-24.)

The extensive news media coverage of this case is not enough to meet the standards for sealing. Prejudice to fair trial rights cannot be presumed from publicity. (*Nebraska Press Assn. v. Stuart* (1976) 427 U.S. 539, 554; see also *People v. Mendonsa* (1982) 137 Cal.App.3d 888, 895

[4] At a minimum, the April 15, 2021 "gag order" should be modified to remove "court clerks and baliffs" from page 1, line 23 and "judicial officers or employees" from page 1, line 24, and to include language that confirms no other provision of the order applies to the Court, court clerks or baliffs, or judicial officers or employees. To the extent that the order applies to the Court, it is inconsistent with the First Amendment, Rules of Court 2.550 and 2.551, and the common law.

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["[T]here is no presumption that an accused suffers prejudice from unfriendly news stories."].) In *Odle v. Superior Court* (1982) 32 Cal.3d 932, 942, a case involving the murder of an 18-year-old woman with a two-year-old child, and a police officer, the Supreme Court observed, "It is . . . difficult to envision an eventual capital case which will not receive extensive media coverage, at least for a short period of time." There, the Court affirmed denial of a venue change motion – where the "reasonable likelihood of prejudice" standard is far lower than the standard for sealing in Rule 2.550(d) - from Contra Costa County, which then had a population of 666,000 reasoning,

> If the early publicity attendant on a capital case alone suffices to raise a doubt as to the likelihood of a fair and impartial trial, a change of venue would perforce be required in every such case. . . . Time dims all memory and its passage serves to attenuate the likelihood that early extensive publicity will have any significant impact at the time of trial. It also serves to resolve any doubt concerning the likelihood that Odle can receive a fair and impartial trial in Contra Costa County.

(*Id.* at pp. 942-43.) Here, *a fortiori*, fair trial concerns do not meet the far more demanding First Amendment and Rule 2.550 requirements for any sealing, let alone the extensive sealing that has occurred in this case, particularly now that the trial is to be held in a different venue than the one in which the alleged crime in this case was committed and the jury has been chosen. Nor is sealing narrowly tailored to or the least restrictive means of addressing such concerns. Cautionary admonitions to the jury, or even sequestration, are less restrictive alternatives to closure that would address any fair trial concerns here.[5]

D. THE COURT'S APPARENT "DUAL-DOCKETING" SYSTEM IN THIS CASE IS INCONSISTENT WITH THE FIRST AMENDMENT, RULES OF COURT 2.550 AND 2.551, THE COMMON LAW, AND RULES OF COURT 2.503 AND 2.507.

The First Amendment right of access to judicial records and proceedings extends to not only court filings, but also registers of actions. (See *Hartford Courant Co. v. Pellegrino* (2d Cir.

[5] The common law right of access indepdendently requires that the records sought be unsealed. It covers a broader universe of judicial records than the First Amendment, and applies to all of the records sought by this Motion *a fortiori*. (See *Sander v. State Bar of Cal.* (2013) 58 Cal.4th 300, 318 [setting forth the breadth of the common law right of access].) Like the First Amendment, it makes records it covers "presumptively accessible to the public," *id.* at p. 319, and prohibits sealing them "[a]bsent strong countervailing reasons," *id.* at p. 318 [internal citation and quotation marks omitted]. And, the burden to justify sealing rests on the party that advocates for it. (*Id.* at pp. 318-19; see also Evid. Code § 500.) That burden has not been, and cannot be, met here given the strength of the public interest in access and the weakness of any interest in sealing.

2004) 380 F.3d 83, 93-96 [holding that newspaper and public had qualified First Amendment right of access to docket sheets in civil and criminal cases]; *Doe v. Public Citizen* (4th Cir. 2014) 749 F.3d 246, 268-69 [same]; *United States v. Valenti* (11th Cir. 1993) 987 F.2d 708, 715 [holding that a "dual-docketing" system involving a public docket stripped of information about certain filings and an internal docket that contained this information violated the First Amendment]; see also *Courthouse News Service v. Planet* (9th Cir. 2014) 750 F.3d 776, 787 [citing *Hartford Courant* with approval for a different proposition].) Access to registers of actions is necessary for the press and the public to effectuate their rights of access to underlying court records and proceedings. The common law right of access applies as well. (See *Sander, supra,* 58 Cal.4th at p. 318.)

The register of actions in this case has apparently been largely sealed or withheld, since the public version contains very little useful information. That is inconsistent with the First Amendment, Rules of Court 2.550 and 2.551, and the common law. First, to our knowledge, neither the parties nor the Court followed the sealing procedures required by the First Amendment. No notice of motion to seal the register of actions was ever publicly docketed. No evidence establishing that all of the First Amendment requirements for sealing are satisfied as to the register of actions has, to our knowledge, ever been presented. Nor are we aware of any express, specific, on-the-record findings by the Court that sealing or withholding the register of actions, in whole or in part, meets the First Amendment standards. (See Cal. R. Ct. 2.550.)

Second, there is no conceivable justification for sealing or withholding the register of actions here. Registers of actions contain basic case information like the names of Court filings, the disposition of motions, and hearing information. (See Cal. R. Ct. 2.507(b)(3).) Disclosing this kind of basic information will harm nothing, and will help the news media and the public a great deal in observing these proceedings. Thus, there is neither an "overriding interest" that overcomes the public interest in access under the First Amendment, nor a "countervailing reason[]" that justifies under the common law. Sealing is not narrowly tailored to any theorretical overriding interest in closure. And, again, the Court has other less-restrictive means to address fair trial concerns: careful instructions to the jury and, if necessary, sequestration.

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The limited information included in the current publicly available register of actions also falls short of the requirements of Rules of Court 2.503(b) and 2.507(b)(3)(H). (See also Cal. Const., art. I, § 3(b)(2) [court rules must be broadly construed to the extent that they provide a right of access, and narrowly construed to the extent that they limit access].) Rule 2.503(b) states that if the Court "maintains" "registers of actions" "in electronic form," it "must provide electronic access *to them*," and not to a less-informative replacement. Further, Rule of Court 2.507(b)(3)(H) requires registers of actions to include "descri[ptions] of each event." The difficult-to-decipher charaterizations of events in the current register of actions do not qualify.[6]

E. THE COURT SHOULD AUTHORIZE REMOTE ACCESS TO ALL RECORDS AND FILINGS IN THIS CASE UNDER RULE OF COURT 2.503(E) AND THE FIRST AMENDMENT.

Rule of Court 2.503(e) allows the Court to authorize remote access to records in a criminal case if it finds that the case is "extraordinary." The Court may authorize remote access in a criminal proceeding if " (1) the number of requests for access to documents in the case is extraordinarily high and (2) responding to those requests would significantly burden the operations of the court." (Cal. R. Ct. 2.503(e).) The Court should consider "relevant" factors when exercising its discretion under this rule, "such as" (A) "The privacy interests of parties, victims, witnesses, and court personnel, and the ability of the court to redact sensitive personal information"; (B) "The benefits to and burdens on the parties in allowing remote access, including possible impacts on jury selection"; and (C) "The burdens on the court in responding to an extraordinarily high number of requests for access to documents." (Cal. R. Ct. 2.503(e)(1).)

This is a textbook case for remote access. The number of requests for records in this case is presumably already unusually high, and will increase as more records become available. Remote access will not harm any privacy interests; public records in this closely-watched case will inevitably be requested and disclosed to the public regardless of whether remote access is authorized. The benefits of remote access far outweigh any detriments, and remote access will not negatively impact jury selection, which the Court has now completed.

[6] The April 15, 2021 order should be lifted or modified to the extent necessary grant this Motion.

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The First Amendment right of timely access to judicial records and proceedings is an independent ground for authorizing remote access here. At present, to obtain copies of judicial records in this case, Ms. Jones must either drive from San Luis Obispo to Salinas and retrieve them in person or request them by U.S. Mail, which can take weeks. Others face similar obstacles. There is no good reason for this delay, especially considering that the Court uses an electronic filing system, presumably has electronic copies of all filings in this case readily available, and can presumably enable remote access to records in this case with relative ease. The widespread adoption of remote access procedures during the COVID-19 pandemic confirm that remote access is workable and can benefit the parties, the press, the public, and the Court.

The delay in access that denying remote access has caused, coupled with the absence of a justification for the denial, is inconsistent with the First Amendment. A court policy that delays access must satisfy two criteria to be consistent with the timely access right. First, there must be "a substantial probability that [the Court's] interest in the fair and orderly administration of justice would be impaired by immediate access." (*Courthouse News Service, supra*, 947 F.3d at p. 596.) Second, there must be no reasonable alternative ways to " 'adequately protect' that government interest" available. (*Id.* at pp. 595-96 & n.8; see also *Courthouse News Service v. Hade* (E.D.Va. Jan. 14, 2022) Civil Action No. 3:21cv460-HEH, 2022 WL 141532, at **3-5 [denying motion to dismiss First Amendment challenge to remote access limitation].) The denial of remote access here passes neither test. Remote access would not impair the Court's interest in the fair and orderly administration of justice. And, again, if the Court has fair trial concerns, juror admonitions and instructions or sequestration are reasonable alternative ways to address them.

IV. CONCLUSION

The First Amendment, Rules of Court 2.550 and 2.551, and the common law require the unsealing of all of the many court filings in this matter from April 20, 2022 onward that are now sealed. They also require the unsealing of the register of actions. And, remote access should be authorized under both Rule of Court 2.503(e) and the First Amendment. This Motion should be granted.

//

DATED: July 14, 2022

CANNATA O'TOOLE FICKES & OLSON LLP

By: _____
AARON R. FIELD

Karl Olson
Aaron R. Field

Attorneys for Non-Party News Media Organizations THE MCCLATCHY COMPANY, LLC (d.b.a. THE TRIBUNE), LOS ANGELES TIMES COMMUNICATIONS, LLC, AMERICAN BROADCASTING COMPANY, INC. (d.b.a. ABC NEWS), and THE ASSOCIATED PRESS

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REQUEST FOR HEARING

The News Media Coalition respectfully requests the opportunity to be heard by the Court in person on the matters set forth in this Motion at the earliest possible time. As the Ninth Circuit recently reaffirmed, the press and the public have a right of timely access to judicial records under the First Amendment. (*Courthouse News Service, supra*, 947 F.3d at p. 594 [internal citations and quotation marks omitted].) "The newsworthiness of a particular story is often fleeting. To delay or postpone disclosure undermines the benefit of public scrutiny and may have the same result as complete suppression." (*Ibid.*) The News Media Coalition, the press, and the public need contemporaneous access to the many records that have been filed under seal over the past several months, and to future court filings in this matter, to report on developments in this case while they are newsworthy and to use the information it is entitled to in a way that will best inform readers and the public.

DATED: July 14, 2022

CANNATA O'TOOLE FICKES & OLSON LLP

By: _____
AARON R. FIELD

Karl Olson
Aaron R. Field

Attorneys for Non-Party News Media Organizations THE MCCLATCHY COMPANY, LLC (d.b.a. THE TRIBUNE), LOS ANGELES TIMES COMMUNICATIONS, LLC, AMERICAN BROADCASTING COMPANY, INC. (d.b.a. ABC NEWS), and THE ASSOCIATED PRESS

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DECLARATION OF CHLOE JONES

I, CHLOE JONES, declare:

1. I am a Courts & Crime Reporter at *The Tribune*, a member of the coalition of news media organizations that filed the instant motion to unseal and request for remote access. *The Tribune* serves and focuses its coverage on the City of San Luis Obispo and San Luis Obispo County, where it is the largest daily newspaper by circulation. I make this declaration based on personal knowledge, and, if called as a witness, I could testify to the facts stated herein.

2. I hold undergraduate and graduate degrees in investigative journalism, and I have dedicated my entire career thus far working as a professional journalist. I earned a B.A. in Journalism in May 2019 and an M.A. in Investigative Journalism in December 2020 from Arizona State University's Walter Cronkite School of Journalism and Mass Communication. I worked as a News Intern at KJZZ 91.5, an NPR Member Station in Phoenix, Arizona in 2018 and 2019; in various reporter roles at Cronkite News – Arizona PBS from 2019-2020; as a Reporting Fellow at News 21 in Phoenix, Arizona, where I led several in-depth investigative reporting efforts, from January through August 2020; as a Breaking News Intern at The Arizona Republic/azcentral and an Investigative Reporter at the Howard Center for Investigative Journalism from August through December 2020; as a freelance journalist covering, among other things, breaking news for the Arizona Mirror from May 2020 through January 2021; and as a Roy Howard Fellow and Digital Reporter for PBS NewsHour in Phoenix, Arizona from 2021-2022. I joined *The Tribune* as a Courts and Crime Reporter in January 2022, and I have worked there ever since.

3. At *The Tribune*, I have covered a wide range of topics, including Kristin Smart's disappearance, law enforcement's investigation of Ms. Smart's disappearance, and this criminal case. I have covered this case since I joined *The Tribune*, and I intend to continue covering this case through trial.

4. The press and the public have a compelling interest in access to judicial records and proceedings in all court cases. However, in my opinion, this case is particularly newsworthy, and the public has a particularly compelling interest in access to records and proceedings in this

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case. This case is an attempt to solve a mystery that has unsettled San Luis Obispo residents for decades. Everyone in the San Luis Obispo community has a powerful interest in verifying for themselves that, despite a decades-long delay, the judicial process is working in this case and that the result makes sense and is consistent with the evidence and the law. The San Luis Obispo community also has a powerful interest in understanding how and why the juries in this case reach their eventual verdicts – from those who helped search for Ms. Smart when she disappeared, to Ms. Smart's former colleagues at California Polytechnic State University, to Ms. Smart's family and friends, to residents who had little personal involvement with Ms. Smart's disappearance but will nevertheless feel safer and trust their institutions more after watching the judicial process work here and understanding the factual and legal basis for the result.

5. Beginning when this case was transferred to this Court, I encountered multiple barriers to my and *The Tribune*'s coverage of the case.

A. First, the majority of court filings and records in the case created after the case was transferred to this Court are sealed and inaccessible to the press and the public. Attached hereto as **Exhibit A** is a spreadsheet I prepared based on my review of the register of actions and my communications with the Court that identifies filings in this case following its transfer to this Court that are sealed and filings that are public. The spreadsheet shows the extent of the wholesale sealing of records in this case, including the sealing of almost all of the parties' substantive court filings and the Court's rulings. As well, I am aware from my visits to the San Luis Obispo County Superior Court that, in that Court, motions related to the preliminary hearing, and those that came after, in this case are almost all public, yet motions in limine in this Court are all under seal, even though some of them appear to address the same categories of evidence that these earlier motions did, and some of them appear to address evidence that was publicly presented at the preliminary hearing.

Sealing all moving, opposition, and reply papers in their entirety makes it impossible to report on the parties' written factual and legal arguments and much more difficult to report on the oral arguments of counsel and the Court's rulings on the parties' motions. This kind of sealing also makes it much harder to assess which hearings are likely to be newsworthy, to

prepare to report on motion hearings by investigating relevant issues or conducting relevant interviews before they occur (and to prepare to report effectively on each day of testimony at the coming trial), and to explain what is happening in the case and why to my readers and the public.

The wholesale sealing of all filings related to the parties' motions in limine, motions to dismiss, and motions regarding third party culpability and electronic evidence found in the Flores home, in particular, has posed challenges for *The Tribune*'s coverage of this case. With respect to the motions in limine, for example, it is my understanding that the Court's rulings on those motions may determine what evidence can and cannot be presented at trial. It is important for *The Tribune* and other news organizations to be able to explain to our readers what evidence will and will not be presented and why; the public is already aware, due to previous reporting, of certain evidence in this case that one might view as significant, and the public should not be left to guess about the legal basis for admitting or excluding such evidence at trial. With respect to the motions to dismiss and the motions regarding third party culpability and Paul Flores's 1996 statements, it is my understanding that these motions speak to the merits of the case and to the need to impanel and try the case to two separate juries. The public needs access to filings related to these motions as well to understand the proceedings in this case and to evaluate the result.

The wholesale sealing of almost all filings and court orders related to whether sealing is appropriate is also problematic. Sealing these records makes it impossible for the press and the public to evaluate and challenge sealing decisions on a record-by-record basis. And, sealing these records means that not only can members of the public not access judicial records related to the merits of this case, they cannot identify with confidence what records are being withheld or the extent of the sealing, and they cannot assess the parties' and the Court's reasons for secrecy or meaningfully evaluate whether secrecy is appropriate.

B. Second, the Court's publicly available register of actions in this case provides virtually no useful information about the nature of each court filing. In other courts, in my experience, registers of actions or docket sheets identify each filing by name, which makes it possible to ascertain the basic nature of each filing. The Court's register of actions in this case,

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however, provides virtually no substantive information about each filing, instead labeling each filing with abstract terms like "motion," "affidavit," or "document: other." The press and the public need to know what each document is to determine when they need to advocate for their right of access on a document-by-document basis, and to report effectively on the proceedings in this case.

C. Third, requiring *The Tribune* and other members of the press to access court records in this case by asking for them on a record-by-record basis from the Court's clerk is particularly problematic in this case, and this is in my opinion a textbook case for which it makes sense to authorize remote access. The public's interest in (and thus the news media's interest in covering) this case is unusually high, and I presume, based on this fact, that the volume of requests for records by the news media and the public is already likewise unusually high and will increase further in advance of and during the trial. Unsealing records in this case, consistent with this Motion, may further increase the volume of records requests. I also expect, based on my experience requesting records from the Court thus far, that keeping up with this unusually high volume of requests will be increasingly challenging for the Court's staff, which I understand also has other responsibilities at the Court. Finally, confirming that the case is extraordinary and that the Court should approve remote access here, requiring *The Tribune* to ask the Court clerk whether records are sealed or unsealed, and requiring *The Tribune* to travel to the Monterey County Superior Court computer by refusing to respond to requests electronically and only providing a mail option that can take thirty (30) days to obtain a response, inherently and unnecessarily delays access to those records. While I appreciate the clerk's office's efforts to timely respond to my records questions related to this case to date, the Court's process inherently delays access to records. The process is particularly burdensome and obstructive here, given the lack of information about each filing provided by the Court's register of actions in its current public form.

By way of background, I informally asked the Court to authorize remote access in this case in a June 10, 2022 e-mail, and the Court declined. The Court's media liason responded, "The Court has considered the possibility of designating Flores an extraordinary criminal case

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under CRC 2.503, however, has decided not to designate it as such at this time." When I asked for more information, the liason declined to elaborate on the Court's decision.

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

Executed this 14th day of July, 2022 in Pismo Beach, California.

CHLOE JONES

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EXHIBIT A

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
1	Paul	4/20/22	Document: Other		Y	Soil sample orde	N
2	Paul	4/21/22	Document: Other		Y	Case summary fi	N
3	Paul	4/21/22	Document: Other		Y	Case summary fi	N
4	Paul	4/22/22	Application (no fe	Flores	N		N
5	Paul	4/22/22	Application (no fe	Flores	N		N
6	Paul	4/25/22	Minute Order; Out of Court Entry		Y	order assigning c	N
7	Paul	4/27/22	Affidavit: Peremp	People	Y	people saying va	N
8	Paul	4/28/22	Minute Order; Out of Court Entry		Y	order assigning c	N
9	Paul	5/16/22	Order	People	N		N
10	Paul	5/16/22	Order	People	N		N
11	Paul	5/16/22	Affidavit	People	N		N
12	Paul	5/16/22	Request	People	N		N
13	Paul	5/26/22	Order		Y	media decorum c	Y
14	Paul	5/27/22	Proof of Service	People	Y	motion to seal Be	N
15	Paul	5/27/22	Affidavit	People	Y	motion seal Benc	N
16	Paul	5/27/22	Motion	People	Y	motion to seal Be	N
17	Paul	5/31/22	Request: Media Coverage		Y	media	Y
18	Paul	5/31/22	Order:Media Coverage		Y	media	Y
19	Paul	5/31/22	Order:Media Coverage		Y	media	Y
20	Paul	5/31/22	Order:Media Coverage		Y	media	Y
21	Paul	5/31/22	Order:Media Coverage		Y	media	Y
22	Paul	5/31/22	Order:Media Coverage		Y	media	Y
23	Paul	5/31/22	Order:Media Coverage		Y	media	Y
24	Paul	5/31/22	Request: Media Coverage		Y	media	Y
25	Paul	5/31/22	Request: Media Coverage		Y	media	Y
26	Paul	5/31/22	Request: Media Coverage		Y	media	Y
27	Paul	5/31/22	Request: Media Coverage		Y	media	Y
28	Paul	5/31/22	Request: Media Coverage		Y	media	Y
29	Paul	5/31/22	Request: Media Coverage		Y	media	Y
30	Paul	5/31/22	Brief	NBCUniversal M	Y	media	Y
31	Paul	5/31/22	Request: Media (	NBCUniversal M	Y	media	Y

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
32	Paul	5/31/22	Proof of Service	People	N		N
33	Paul	5/31/22	Affidavit	People	N		N
34	Paul	5/31/22	Memorandum	People	N		N
35	Paul	5/31/22	Minute Order; Out of Court Entry		Y	Order to strike Pe	N
36	Paul	5/31/22	Proof of Service	People	N		N
37	Paul	5/31/22	Proof of Service	People	N		N
38	Paul	5/31/22	Order	Flores	N		N
39	Paul	5/31/22	Order	People	N		N
40	Paul	5/31/22	Order	People	N		N
41	Paul	5/31/22	Order	People	Y	denial to seal Be	N
42	Paul	5/31/22	Motion	Flores	N		N
43	Paul	5/31/22	Motion	Flores	N		N
44	Paul	5/31/22	Motion	Flores	N		N
45	Paul	5/31/22	Motion	Flores	N		N
46	Paul	5/31/22	Application (no fe	Flores	N		N
47	Paul	5/31/22	Affidavit	People	N		N
48	Paul	5/31/22	Motion	People	N		N
49	Paul	5/31/22	Affidavit	People	N		N
50	Paul	5/31/22	Motion	People	N		N
51	Paul	6/1/22	Order:Media Coverage		Y	media	Y
52	Paul	6/1/22	Order:Media Coverage		Y	media	Y
53	Paul	6/1/22	Request: Media Coverage		Y	media	Y
54	Paul	6/1/22	Order:Media Coverage		Y	media	Y
55	Paul	6/1/22	Request: Media Coverage		Y	media	Y
56	Paul	6/1/22	Affidavit	People	N		N
57	Paul	6/1/22	Request	People	N		N
58	Paul	6/1/22	Affidavit	People	N		N
59	Paul	6/1/22	Motion		N		N
60	Paul	6/1/22	Motion	Flores	N		N
61	Paul	6/1/22	Motion	Flores	N		N

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
62	Paul	6/1/22	Application (no fe	Flores	N		N
63	Paul	6/1/22	Minute Order; Out of Court Entry		Y	media, Order allc	Y
64	Paul	6/1/22	Motion	People	N		N
65	Paul	6/2/22	Request: Media Coverage		Y	media	Y
66	Paul	6/3/22	Proof	People	N		N
67	Paul	6/3/22	Application (no fe	People	N		N
68	Paul	6/3/22	Declaration	People	N		N
69	Paul	6/3/22	Declaration	People	N		N
70	Paul	6/3/22	Opposition/Objec	People	N		N
71	Paul	6/3/22	Opposition/Objections		N		N
72	Paul	6/3/22	Application (no fe	Flores	N		N
73	Paul	6/3/22	Order:Media Coverage		Y	media	Y
74	Paul	6/3/22	Motion	Flores	N		N
75	Paul	6/3/22	Application (no fe	Flores	N		N
76	Paul	6/6/22	Order	People	N		N
77	Paul	6/6/22	Order	People	N		N
78	Paul	6/6/22	Order	People	N		N
79	Paul	6/6/22	Affidavit	People	N		N
80	Paul	6/6/22	Motion	People	N		N
81	Paul	6/6/22	Motion	People	N		N
82	Paul	6/6/22	Motion	People	N		N
83	Paul	6/7/22	Affidavit	People	N		N
84	Paul	6/7/22	Motion	People	N		N
85	Paul	6/7/22	Affidavit	People	N		N
86	Paul	6/7/22	Motion	People	N		N
87	Paul	6/9/22	Motion	Flores	N		N
88	Paul	6/9/22	Application (no fe	Flores	N		N
89	Paul	6/9/22	Order		N		N
90	Paul	6/9/22	Document: Other		Y	media request	Y
91	Paul	6/10/22	Application (no fe	Flores	N		N

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
92	Paul	6/10/22	Application (no fe	Flores	N		N
93	Paul	6/13/22	Minute Order		N		N
94	Paul	6/14/22	Order		N		N
95	Paul	6/14/22	Minute Order		N		N
96	Paul	6/15/22	Minute Order		N		N
97	Paul	6/16/22	Minute Order		N		N
98	Paul	6/16/22	Notice	Flores	N		N
99	Paul	6/16/22	Application (no fe	Flores	N		N
100	Paul	6/17/22	Minute Order		N		N
101	Paul	6/20/22	Minute Order: Out Of Court Entry		Y	trial calendar cha	N
102	Paul	6/22/2022	Order: Media Coverage		Y	media related	Y
103	Paul	6/23/22	Order	People	N		N
104	Paul	6/23/22	Proof		N		N
105	Paul	6/23/22	Affidavit		N		N
106	Paul	6/23/22	Opposition/Objections		N		N
107	Paul	6/23/22	Order	Flores	N		N
108	Paul	6/23/22	Order: Media Co	NBCUniversal, e	Y	media	Y
109	Paul	6/23/22	Proof		N		N
110	Paul	6/23/22	Affidavit		N		N
111	Paul	6/23/22	Motion		N		N
112	Paul	6/23/22	Motion	Flores	N		N
113	Paul	6/23/22	Application (no fe	Flores	N		N
114	Paul	6/24/22	Order	Flores	N		N
115	Paul	6/24/22	Order	People	N		N
116	Paul	6/24/22	Order	People	N		N
117	Paul	6/24/22	Order	People	N		N
118	Paul	6/24/22	Order	Flores	N		N
119	Paul	6/24/22	Order	Flores	N		N
120	Paul	6/24/22	Order	People	N		N
121	Paul	6/24/22	Proof		N		N

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
122	Paul	6/24/22	Affidavit		N		N
123	Paul	6/24/22	Motion		N		N
124	Paul	6/24/22	Order		N		N
125	Paul	6/24/22	Order		N		N
126	Paul	6/27/22	Minute Order		N		N
127	Paul	6/28/22	Minute Order		N		N
128	Paul	6/28/22	Order	People	N		N
129	Paul	6/28/22	Order	Flores	N		N
130	Paul	6/28/22	Order	Flores	N		N
131	Paul	6/30/22	Motion	Susan Flores	N		N
132	Paul	7/5/22	Affidavit	People	N		N
133	Paul	7/5/22	Motion	People	N		N
134	Paul	7/5/22	Affidavit	People	N		N
135	Paul	7/5/22	Motion	People	N		N
136	Paul	7/5/22	Affidavit	People	N		N
137	Paul	7/5/22	Motion	People	N		N
138	Ruben	4/21/22	Minute Order		Y	change or venue	N
139	Ruben	4/21/22	Document: Other		Y	Case summary fi	N
140	Ruben	4/21/22	Affidavit: Peremp	Flores	Y	says monterey ju	N
141	Ruben	4/21/22	Document: Other		Y	Case summary fi	N
142	Ruben	4/27/22	Affidavit: Peremptory Challenge C(		Y	says monterey ju	N
143	Ruben	5/23/22	Minute Order: Out of Court Entry		Y	modified bail so I	N
144	Ruben	5/26/22	Order		Y	media decorum c	Y
145	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
146	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
147	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
148	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
149	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
150	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
151	Ruben	5/31/22	Request: Media Coverage		Y	media	Y

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
152	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
153	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
154	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
155	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
156	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
157	Ruben	5/31/22	Affidavit	NBCUniversal, e	Y	media	Y
158	Ruben	5/31/22	Request	NBCUniversal, e	Y	media	Y
159	Ruben	5/31/22	Proof of Service	People	Y	motion to seal Be	N
160	Ruben	5/31/22	Order	People	Y	denial to seal Be	N
161	Ruben	5/31/22	Affidavit	People	Y	motion to seal Be	N
162	Ruben	5/31/22	Minute Order: Out of Court Entry		Y	Order to strike Pe	N
163	Ruben	5/31/22	Motion		Y	motion to seal Be	N
164	Ruben	6/1/22	Order: Media Coverage		Y	media	Y
165	Ruben	6/1/22	Order: Media Coverage		Y	media	Y
166	Ruben	6/1/22	Request: Media Coverage		Y	media	Y
167	Ruben	6/1/22	Order: Media Coverage		Y	media	Y
168	Ruben	6/1/22	Request: Media Coverage		Y	media	Y
169	Ruben	6/1/22	Order: Media Coverage		Y	media	Y
170	Ruben	6/1/22	Request: Media Coverage		Y	media	Y
171	Ruben	6/2/22	Request: Media Coverage		Y	media	Y
172	Ruben	6/9/22	Order		Y	media request	Y
173	Ruben	6/9/22	Document: Other		Y	media request	Y
174	Ruben	6/22/22	Order: Media Coverage		Y	media request	Y
175	Ruben	6/23/22	Order: Media Co	NBCUniversal, e	Y	media request	Y
176	Ruben	4/26/22	Report		N		N
177	Ruben	4/28/22	Minute Order		N		N
178	Ruben	5/16/22	Affidavit	People	N		N
179	Ruben	5/16/22	Request	People	N		N
180	Ruben	5/20/22	Order	People	N		N
181	Ruben	5/20/22	Order	People	N		N

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
182	Ruben	5/31/22	Proof of Service	People	N		N
183	Ruben	5/31/22	Affidavit		N		N
184	Ruben	5/31/22	Memorandum	People	N		N
185	Ruben	5/31/22	Affidavit	People	N		N
186	Ruben	5/31/22	Order	People	N		N
187	Ruben	5/31/22	Affidavit	People	N		N
188	Ruben	5/31/22	Proof of Service	People	N		N
189	Ruben	5/31/22	Proof of Service	People	N		N
190	Ruben	5/31/22	Order	People	N		N
191	Ruben	5/31/22	Motion	People	N		N
192	Ruben	5/31/22	Motion	People	N		N
193	Ruben	6/1/22	Affidavit	People	N		N
194	Ruben	6/1/22	Request	People	N		N
195	Ruben	6/1/22	Affidavit	People	N		N
196	Ruben	6/1/22	Motion		N		N
197	Ruben	6/1/22	Motion	People	N		N
198	Ruben	6/3/22	Declaration		N		N
199	Ruben	6/3/22	Motion: In Limine		N		N
200	Ruben	6/6/22	Order	People	N		N
201	Ruben	6/6/22	Order	People	N		N
202	Ruben	6/6/22	Order	People	N		N
203	Ruben	6/6/22	Affidavit	People	N		N
204	Ruben	6/6/22	Motion	People	N		N
205	Ruben	6/6/22	Motion	People	N		N
206	Ruben	6/6/22	Motion	People	N		N
207	Ruben	6/7/22	Affidavit	People	N		N
208	Ruben	6/7/22	Motion	People	N		N
209	Ruben	6/7/22	Affidavit	People	N		N
210	Ruben	6/7/22	Motion	People	N		N
211	Ruben	6/13/22	Minute Order		N		N

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
212	Ruben	6/14/22	Minute Order		N		N
213	Ruben	6/15/22	Minute Order		N		N
214	Ruben	6/16/22	Minute Order		N		N
215	Ruben	6/17/22	Minute Order		N		N
216	Ruben	6/23/22	Proof		N		N
217	Ruben	6/23/22	Affidavit		N		N
218	Ruben	6/23/22	Opposition/Objections		N		N
219	Ruben	6/23/22	Proof		N		N
220	Ruben	6/23/22	Affidavit		N		N
221	Ruben	6/23/22	Motion		N		N
222	Ruben	6/24/22	Order	People	N		N
223	Ruben	6/24/22	Order	People	N		N
224	Ruben	6/24/22	Order	People	N		N
225	Ruben	6/24/22	Order	People	N		N
226	Ruben	6/24/22	Proof		N		N
227	Ruben	6/24/22	Affidavit		N		N
228	Ruben	6/24/22	Motion		N		N
229	Ruben	6/24/22	Order		N		N
230	Ruben	6/24/22	Order		N		N
231	Ruben	6/27/22	Application (no fe	Flores	N		N
232	Ruben	6/27/22	Application (no fe	Flores	N		N
233	Ruben	6/27/22	Order		N		N
234	Ruben	6/27/22	Order		N		N
235	Ruben	6/28/22	Order	People	N		N
236	Ruben	6/28/22	Order	Flores	N		N
237	Ruben	6/30/22	Motion	Susan Flores	N		N
238	Ruben	7/5/22	Affidavit	People	N		N
239	Ruben	7/5/22	Motion	People	N		N
240	Ruben	7/5/22	Affidavit	People	N		N
241	Ruben	7/5/22	Motion	People	N		N

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
242	Ruben	7/5/22	Affidavit	People	N		N
243	Ruben	7/5/22	Motion	People	N		N

MC-500

MEDIA AGENCY *(name)*: KTLA
CHANNEL/FREQUENCY NO.: 5
PERSON SUBMITTING REQUEST *(name)*: MORGAN BALL
ADDRESS: 5800 SUNSET BLVD LOS ANGELES, CA 90028
TELEPHONE NO.: (323) 460-5513

Insert name of court and name of branch court, if any.
MONTEREY SUPERIOR COURT

TITLE OF CASE:
PEOPLE V RUBEN RICARDO FLORES

NAME OF JUDGE: JUDGE O'KEEFE

MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST

FOR COURT USE ONLY

FILED

JUL 18 2022

CLERK OF THE SUPERIOR COURT
DEPUTY
K Hansen

CASE NUMBER
22CR003713

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)*: 7/18/22 *(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: 7/15/22

MORGAN BALL
(TYPE OR PRINT NAME)

(SIGNATURE)

Telephone No.: (323) 460-5513

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

MC-510

MEDIA AGENCY *(name)*: KTLA
CHANNEL/FREQUENCY NO.: 5
PERSON SUBMITTING REQUEST *(name)*: MORGAN BALL
ADDRESS: 5800 SUNSET BLVD LOS ANGELES, CA 90028
TELEPHONE NO.: (323) 460-5513

FOR COURT USE ONLY

FILED

JUL 18 2022

CLERK OF THE SUPERIOR COURT
DEPUTY

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

TITLE OF CASE:
PEOPLE V RUBEN RICARDO FLORES

NAME OF JUDGE:
JUDGE O'KEEFE

CASE NUMBER:
22CR003713

ORDER ON MEDIA REQUEST TO PERMIT COVERAGE

AGENCY MAKING REQUEST *(name)*: KTLA

1. a. ☐ No hearing was held.
   b. ☑ Date of hearing: 7/18/22 Time: 8:30A 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)*:

See attached 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:

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:	CASE NUMBER:
PEOPLE V PAUL RUBEN FLORES	22CR003712

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.

Out of Court Minute Order Re: Media Requests

The Court makes the following rulings:

Recording of courtroom proceedings is restricted. One pool camera for still photography is allowed.

No audio recording is allowed inside the courtroom. This includes audio recordings for note taking purposes.

No video recording is allowed inside the courtroom

The pool camera will not be permitted to capture images during jury selection

The pool camera will not be permitted to capture images of jurors at any time, whether during jury selection or during trial.

The pool camera will not be peimitted to capture images of conferences between an attorney and a client, witness or aide

The pool camera will not be permitted to capture images of conferences between attorneys

The pool camera will not be permitted to capture images of coniferences between counsel and the judge at the bench

The pool camera is prohibited from capturing images of proceedings held in chambers

The pool camera is prohibited from capturing images of proceedings closed to the public

No other cameras are allowed.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 7/18/2022 **Time: 1:30 PM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peurvelle is present.

Defendant appears with Attorney Harold Mesick.

All jurors and alternate jurors are present in Court.

Court instructs the jurors as to the law.

Alternate juror 1067 sworn to replace juror in seat 5 as trial juror.

People's opening statement.

Jurors admonished and released for the day to return at 10:30 am on July 19, 2022.

Out of the presence of the jurors:

The People have provided the Clerk with exhibit 5.

Jury trial ongoing remains as set for July 19, 2022 at 10:30 am in Salinas, Department 4 for opening statements (Ruben Flores).

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY	
The People of the State of California, Plaintiff vs. **Ruben Ricardo Flores,** Defendant	**Out of Court Entries by Clerk** Clerk: **Kristie Hanson** Date: 7/20/2022 Time: 9:01 am
	Case No. 22CR003713

Matter is set for Hearing Motion of News Media Coalition to unseal Judicial records and register of actions and for remote access on August 4, 2022 at 03:00 pm in Salinas, Department 4.

All parties notified by emailed copy of this minute order.

District Attorney Chris Peuvrelle

Attorney Robert Sanger

Attorney Harold Mesick

Attorney Karl Olson

Attorney Aaron Field

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

AMENDED
on: 07/22/2022

By: Hanson, Kristie
Deputy Clerk

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: **Department 4**

Date: 7/21/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called.

All parties present.

Opening statement by the Defense.

Seating arrangements for the jury panels discussed.

Seating for panels will be alternating by week with Paul Flores jury panel in box this week and Ruben Flores panel in box next week.

Jurors admonished and released for break.

Case called, all parties present, both jury panels present Paul Flores and Ruben Flores panels.

Witness Denise Smart sworn to testify for the People.

People's exhibit 1 marked and received photo of Kristin Smart in red sweater.

People's exhibit 1A marked and received photo of Kristin Smart at high school graduation.

People's exhibit 4 marked and received photo of Smart family on boat.

Court takes Judicial notice that May 5, 1996 was a Sunday.

People's exhibit 412 marked and received letter to Kristin.

Court takes Judicial notice that May 24, 1996 was a Friday.

Cross exam of witness by Defense Robert Sanger.

Jurors are admonished and released for lunch break, to return at 1:25 pm.

Out of the presence of the jurors, the Court and Counsel discuss housekeeping matters.

Case called, all parties present, all jurors for Paul Flores panel and Ruben Flores panel are present.

Witness Denise Smart, previously sworn, resumes testimony under cross examination by the Defense, Mr. Sanger.

Cross exam of witness by the Defense, Mr. Mesick.

Re-cross by Defense.

Defense exhibit 600 marked Mulliken Medical Center report.

Witness is excused, subject to recall.

Witness Matthew Smart sworn to testify for the People.

People's exhibit 6 marked and received IOU note to Matthew Smart.

Cross exam by Defense, Mr. Sanger.

Jurors are admonished and released for break.

Case called all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panels.

Witness Matthew Smart, previously sworn, resumes testimony under cross examination.

Cross examination by Mr. Mesick.

Witness is excused.

People's witness Stan Smart sworn to testify.

Cross examination by the Defense, Mr. Sanger.

Jurors are admonished and released for the day.

Out of the presence of the jurors, the Court and Counsel discuss matters for the record regarding 402 rulings.

Matter remains set for July 22, 2022 at 08:30 am in Salinas, Department 4.

Defendant to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

AMENDED MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 7/21/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called.

All parties present.

Opening statement by the Defense.

Seating arrangements for the jury panels discussed.

Seating for panels will be alternating by week with Paul Flores jury panel in box this week and Ruben Flores panel in box next week.

Jurors admonished and released for break.

Case called, all parties present, both jury panels present Paul Flores and Ruben Flores panels.

Witness Denise Smart sworn to testify for the People.

People's exhibit 1 marked and received photo of Kristin Smart in red sweater.

People's exhibit 1A marked and received photo of Kristin Smart at high school graduation.

People's exhibit 4 marked and received photo of Smart family on boat.

Court takes Judicial notice that May 5, 1996 was a Sunday.

People's exhibit 412 marked and received letter to Kristin.

Court takes Judicial notice that May 24, 1996 was a Friday.

Cross exam of witness by Defense Robert Sanger.

Jurors are admonished and released for lunch break, to return at 1:25 pm.

Out of the presence of the jurors, the Court and Counsel discuss housekeeping matters.

Case called, all parties present, all jurors for Paul Flores panel and Ruben Flores panel are present.

Witness Denise Smart, previously sworn, resumes testimony under cross examination by the Defense, Mr. Sanger.

Cross exam of witness by the Defense, Mr. Mesick.

Re-cross by Defense.

Defense exhibit 600 marked Mulliken Medical Center report.

Witness is excused, subject to recall.

Witness Matthew Smart sworn to testify for the People.

People's exhibit 6 marked and received IOU note to Matthew Smart.

Cross exam by Defense, Mr. Sanger.

Jurors are admonished and released for break.

Case called all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panels.

Witness Matthew Smart, previously sworn, resumes testimony under cross examination.

Cross examination by Mr. Mesick.

Witness is excused.

People's witness Stan Smart sworn to testify.

Cross examination by the Defense, Mr. Sanger.

Jurors are admonished and released for the day.

Out of the presence of the jurors, the Court and Counsel discuss matters for the record regarding 402 rulings.

********Amended by order of court on Friday, July 22, 2022, Christopher Ruhl, Court Executive Officer, by Kristie Hanson, Deputy.********

Court exhibit 6 marked and received Juror question.

Court exhibit 7 marked and received Juror question.

Court exhibit 8 marked and received Juror question.

Matter remains set for July 22, 2022 at 08:30 am in Salinas, Department 4.

Defendant to remain on bail.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY	
The People of the State of California, Plaintiff vs. **Ruben Ricardo Flores,** Defendant	**Out of Court Entries by Clerk** Clerk: **Kristie Hanson** Date: 7/22/2022 Time: 8:18 am
	Case No. 22CR003713

*****Deletions and/or corrections made to docket entries on Thursday, July 21, 2022 to correct record Nunc Pro Tunc.*****

Record corrected to reflect: Court exhibit 6 marked and received Juror question.

Court exhibit 7 marked and received Juror question.

Court exhibit 8 marked and received Juror question.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 7/22/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Out of the presence of the jurors, the Court and Counsel have had discussions in chambers.

Juror 929 from Ruben Flores panel is brought into the courtroom and asked about an encounter that occurred outside of courtroom.

Juror is excused until called back in with the rest of the panel.

Juror 932 from Ruben Flores panel is brought into the courtroom and asked about an encounter that occurred outside of the courtroom.

Juror is excused until called back in with the rest of the panel.

Out of the presence of the jurors, the Court and Counsel discuss 402 rulings.

Court exhibit 9 is marked and received document regarding promiscuity.

Court exhibit 10 is marked and received document Mike Kennedy.

The Court denies the request.

Case called, all parties present, all jurors for Paul Flores panel, and Ruben Flores panel and alternates are present in Court.

Witness Stan Smart, previously sworn, resumes testimony under cross examination by Mr. Sanger.

Defense exhibit 601 marked and received aerial photo of map of 710 White Court house.

Defense exhibit 602 marked dark copy of reward flier of Paul Flores.

Defense exhibit 603 marked and received copy of reward flier of Paul Flores.

Cross examination by Mr. Mesick.

Jurors are admonished and released for break.

Case called all parties present, all jurors and alternates are present for both jury panels.

Redirect of the witness by the People.

People's exhibit 420 marked and received aerial view of 710 White Court.

People's exhibit 421 marked and received street view of front of house of 710 White Court.

People's exhibit 422 marked and received view of driveway of 710 White Court.

Cross exam by the Defense.

Witness is excused, subject to recall. Witness may remain in courtroom.

Witness Vanessa Shields sworn to testify.

Cross exam by the Defense.

Redirect by the People.

Witness is excused.

Jurors are admonished and released for lunch break.

Out of the presence of the jurors and alternates, the Court and Counsel discuss housekeeping matters.

Stipulation of the parties regarding exhibits is marked and received as Court exhibit 11.

Court in recess for lunch.

Case called, all parties present, all jurors and alternates present for both jury panels.

People's witness Kendra Koed sworn to testify.

People's exhibit 57A marked photo of 135 Crandall Way.

People's exhibit 53 marked photo side view 135 Crandall Way.

People's exhibit 51 marked front side view 135 Crandall Way.

Peoples exhibit 2 marked photo Kristin Smart.

People's exhibit 3 marked photo Kristin Smart with dark hair.

People's exhibit 58 marked View of 135 Crandall Way.

People's exhibit 60 marked photo inside front door 135 Crandall Way.

People's exhibit 62A marked photo living room.

People's exhibit 70 marked photo view from back door.

People's exhibit 74 marked photo close up from back porch.

People's exhibit 75 marked photo of back porch.

People's exhibit 76 marked photo of back porch.

People's exhibit 79 marked and received photo of backyard fence.

Cross exam by the Defense, Mr. Sanger.

Defense exhibit 604 marked screenshot your own back yard.

Defense exhibit 605 marked and received Koed Instagram page.

Defense exhibit 606 marked and received facebook page.

Defense exhibit 607 marked and received Instagram page.

Jurors are admonished and released for break.

Case called, all parties present, all jurors and alternates present for both panels.

Witness Kendra Koed, previously sworn, resumes testimony under cross examination.

Cross examination by Mr. Mesick.

Witness is excused subject to recall.

The Court clarifies with the jurors that any evidence and exhibits presented pertain to both Defendants.

Jurors are admonished and released for the day.

Jury trial remains as set for Monday, July 25, 2022 at 08:30 am in Salinas, Department 4.

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 7/25/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called, all parties present, all jurors for both panels present.

Alternate 3 (Juror 1063) for Ruben Flores not present.

People's witness Lindsey Smart Stewart sworn to testify.

People's exhibit 431 marked and received photo of Kristin, Matt, Lindsey Smart.

Cross examination by Defense, Mr. Sanger.

Cross examination by Defense, Mr. Mesick.

Witness is excused.

People's witness Margarita Campos sworn to testify.

People's exhibit 86 is marked and received, large aerial map of Crandall Way and University.

Jurors are admonished and released for break.

Out of the presence of the jurors and alternates, the Court and Counsel discuss matters for the record.

Defense counsel places his objections to Lindsey Stewart testimony on the record.

The Court notes juror 1063 (alternate 3 on Ruben Flores panel) is released by stipulation of Mr. Peuvrelle and Mr. Mesick.

Case called all parties present, all jurors and alternates present for both Paul Flores and Ruben Flores panel.

Witness Margarita Campos, previously sworn, still under oath resumes testimony.

Cross examination by Defense, Mr. Sanger.

Cross examination by Defense, Mr. Mesick.

Redirect by the People.

Re-cross by Mr. Sanger.

Re-cross by Mr. Mesick.

Witness is excused, subject to recall.

Jurors are admonished and released for lunch to return at 1:15 pm.

Case called all parties present, all jurors and alternates for both Paul Flores and Ruben Flores panel present.

People's witness Ross Ketcham sworn to testify.

Cross examination by Defense, Mr. Sanger.

Cross examination by Defense, Mr. Mesick.

Witness is excused subject to recall.

People's witness Cheryl Manzer is sworn to testify.

Jurors admonished and released for break.

Case called, all parties present, all jurors and alternate jurors for Paul Flores and Ruben Flores panel present.

Witness Cheryl Manzer resumes testimony under direct examination by the People.

People's exhibit 414A marked and received aerial map of Perimeter Road and Grand Avenue.

People's exhibit 414B marked and received aerial map of intersection Perimeter Road and Grand Avenue.

Cross examination by Defense, Mr. Sanger.

Defense exhibit 608 marked and received, aerial map of Crandall Way.

Cross examination by Defense, Mr. Mesick.

Witness excused, subject to recall.

Jurors admonished and released for the day to return at 10:30 am on July 26, 2022.

Out of the presence of the jurors, the Court and Counsel discuss housekeeping issues.

The Court and Counsel have discussion with Juror 344 regarding time off request. Letter marked court exhibit 13.

Court exhibit 12 juror question is marked and received.

Court exhibit 13 juror letter is received.

Court is in recess for the day.

Jury trial ongoing remains set for July 26, 2022 at 10:30 am in Salinas, Department 4.

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 7/26/2022 **Time: 10:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called, all parties present.

All Jurors and alternates present with exception of one juror on Ruben Flores panel.

Matter was discussed in chambers with the Court and Counsel.

Jury trial long cause ongoing is continued by stipulation of the parties.

Jurors are admonished and released for the day, to return on August 1, 2022 at 08:30 am.

Jury trial remains set for August 1, 2022 at 08:30 am in Salinas, Department 4.

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/1/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

All jurors in Ruben Flores panel present except juror 950 who is ill.

Juror 950 is released from the panel for Ruben Flores.

Alternate juror 1017 replaces juror 950 and is sworn into seat 9.

Paul Flores jury panel, alternate juror 382 is ill and not present today. (alternate 5).

Alternate Juror 382 is released from jury duty by stipulation of the parties.

People's witness James T. Camp is sworn to testify.

People's exhibit 50 marked and received photo of 135 Crandall Way.

People's exhibit 50A marked and received photo of driveway 135 Crandall Way.

People's exhibit 51 marked and received photo of front, right side view of 135 Crandall Way.

People's exhibit 52 marked and received photo of view of sidewalk from front of 135 Crandall Way.

People's exhibit 53 marked and received photo of side view of 135 Crandall Way.

People's exhibit 54 marked and received photo of side fence 135 Crandall Way.

People's exhibit 55 marked photo of view of side fence 135 Crandall Way.

People's exhibit 55A marked and received photo of side fence at 135 Crandall Way.

People's exhibit 56 marked and received photo of 135 Crandall Way from middle of street.

People's exhibit 57 marked and received photo of 135 Crandall Way from corner across street.

People's exhibit 57A marked and received photo of 135 Crandall Way from corner across street.

People's exhibit 58 View of driveway and 135 Crandall Way marked and received.

People's exhibit 59 marked and received view of side fence at 135 Crandall Way and neighboring home.

People's exhibit 60 marked and received view from front door of inside of 135 Crandall Way.

Peoples exhibit 61 marked and received photo of living room inside looking outside of window.

People's exhibit 61A marked and received photo of living room inside looking outside of window.

People's exhibit 62 marked and received photo of living room window on right side.

People's exhibit 62A marked and received photo of living room window on right side.

People's exhibit 63 marked and received photo of kitchen looking out to back yard.

People's exhibit 64 marked and received view of hallway leading to bedrooms.

Peoples exhibit 65 marked and received view of hallway with cabinets.

People's exhibit 66 marked and received photo of hallway view of entrance to bathroom.

People's exhibit 67 marked and received photo of front view of entrance to bathroom.

People's exhibit 68 marked and received photo of front view of entrance to bathroom.

People's exhibit 69 marked and received photo of hallway view looking towards living room.

People's exhibit 70 marked and received photo of view from backdoor leading to kitchen.

People's exhibit 71 marked and received photo view of kitchen looking diagonally into living room.

People's exhibit 72 marked photo view of kitchen wall microwave.

People's exhibit 73 marked and received view from kitchen looking into living room.

People's exhibit 74 marked and received close up view from back porch from kitchen.

People's exhibit 75 marked and received photo of back porch looking at door entrance to kitchen.

People's exhibit 76 marked and received photo of view of back porch and side yard.

People's exhibit 77 marked and received photo of side yard looking from backyard to front of house.

People's exhibit 78 marked and received photo of side door.

People's exhibit 79 marked and received photo of back yard and fence from side of house.

Peoples exhibit 80 marked and received photo of back yard and fence from side of house.

People's exhibit 81 marked and received photo of view of side yard from back yard looking towards porch.

People's exhibit 82 marked and received photo of side view of front of 135 Crandall Way looking at driveway.

People's exhibit 83 marked and received photo of side view of driveway at 135 Crandall Way.

People's exhibit 10 marked and received photo of Cal Poly walk from Crandall Way.

Cross exam by the Defense, Mr. Sanger.

Jurors admonished and released for break to return at 10:40 am.

Case called, all parties present, all jurors and alternate jurors present for both Paul Flores and Ruben Flores panel.

Witness James Campbell, previously sworn, resumes testimony under cross examination by Mr. Sanger.

Cross examination by the Defense, Mr. Mesick.

Redirect by the People.

People's exhibit 414, 414B marked and received aerial map of Santa Lucia dorm.

Witness excused, subject to recall.

Witness Crystal Teschendorf sworn to testify.

People's exhibit 432 marked photo of hairbrush.

Cross examination by Mr. Sanger.

Court exhibit 14 marked and received Juror note.

Court exhibit 15 marked and received Juror note.

Jurors are admonished and released for lunch break to return at 1:30 pm.

Out of the presence of the jurors, the Court and Counsel discuss juror questions.

Court is in recess for lunch.

Case, called, all parties present, out of the presence of the jurors, with the exception of juror 86.

The Court questions juror 86 regarding information received by the Court.

Juror 86 is released and will be called back in with remaining jury panels and alternates.

Case called, all parties present, all jurors and alternate jurors are present.

Witness Crystal Teschendorf, previously sworn, resumes testimony under cross examination by the Defense, Mr. Sanger.

Cross examination by Mr. Mesick.

Redirect by the People.

People's exhibit 433 marked and received photo of backpack.

People's exhibit 434 marked and received photo of cosmetic bag.

Witness is excused subject to recall.

Witness Steve Fleming sworn to testify.

Jurors are admonished and released for a one hour break to accommodate juror request.

Out of the presence of the jurors, with the exception of juror 310, the Court and Counsel discuss matter with the juror.

Juror 310 ordered to return with the rest of the jurors after break at 3:30 pm.

The Court states for the record matters discussed with Counsel regarding information received regarding one of the jurors.

Matter regarding jurors absent today were stated for the record.

The People state for the record hardship of witness Crystal Teshendorf, if recalled to testify. The People will not have an objection to calling witness out of order.

The Court will amend the decorum order regarding photos by media of 1108 witnesses.

Case called, all parties present, all jurors and alternate jurors present.

Witness Steve Fleming, previously sworn, resumes testimony under direct by the People.

People's exhibit 42 marked photo of door to room 120 Muir Hall.

People's exhibit 43 marked photo of view of room 120 Muir Hall window.

Cross examination by Mr.Sanger.

Witness is excused and ordered to return at 10:30 am on August 2, 2022.

Out of the presence of the jurors and alternate jurors, the Court and Counsel discuss a matter with Juror 345 regarding conversation overheard.

Juror 345 will remain on the jury panel.

Court in recess for the day.

Jury trial remains set for August 2, 2022 at 10:30 am in Salinas, Department 4.

Defendant is to remain on bail.

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 BY
Superior Court of California,
County of Monterey
On 8/2/2022 8:38 AM
By: Renee Inofuentes, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants	CASE NOS. 22CR003712 & 22CR003713 PEOPLE'S OPPOSITION, IN PART, TO COURT'S PROPOSED LIST OF ITEMS TO UNSEAL TO THE GENERAL PUBLIC Date: August 4, 2022 Time: 8:30 AM Dept. 4

TO THE HONORABLE JUDGE JENNIFER O'KEEFE, TO THE DEFENDANTS AND THEIR ATTORNEYS OF RECORD, ROBERT SANGER AND HAROLD MESICK:

Please take notice that on August 4, 2022, The People of the State of California, by and through Christopher Peuvrelle, Deputy District Attorney for the County of San Luis Obispo, will oppose, in part, the Court's proposed list of items to unseal to the general public in the above-captioned case. This opposition is based upon the attached points and authorities and argument contained herein; as well as all documents, pleadings, a redacted copy of the DA Discovery Log originally attached as an exhibit to People's Reply to Defense Motion to Compel filed on 7/14/21 (See Exhibit 1) and a redacted copy of the DA Discovery Log originally attached as an exhibit to People's Reply to Defense Motion to Compel filed on 8/20/21 (*See*

Exhibit 2), and papers filed in this case, and such other written and oral evidence as will be presented in court.

I.

THE PEOPLE OBJECT TO CERTAIN ITEMS BEING UNSEALED

On July 29, 2022, the Honorable Judge Jennifer O'Keefe provided the Prosecution and Defense with two color-coded lists of items under consideration for unsealing to the general public. The People are currently in the process of a thorough review of both lists provided by Judge O'Keefe, however, after a preliminary review of both lists, the People object to the unsealing and release of the following items:

4/19/21	(24 pages)Opposition/objections: Declaration and Motion opposing defense' request for a bail reduction Points and Authorities	Yes	?	
6/25/21	People's motion to amend complaint	Yes	?	
7/14/21	Reply: People's reply to defenses' motion to compel	Yes	?	
7/30/21	People's motion to admit evidence pursuant to 1101(b)	Yes	?	
8/16/21	Declaration in support of Pitchess Motion	Yes	?	
8/16/21	People's motion to exclude testimony regarding August 12, 2021 disclosures	Yes	?	
8/16/21	Motion: Discovery – Notice of motion for peace officer personnel records	Yes	?	
8/16/21	Proposed order Pitchess	Yes	?	
8/20/21	People's reply to defense motion to compel	Yes	?	
8/20/21	Request – people's request for closed hearing re: August 12, 2021 disclosures	Yes	?	
8/23/21	Opposition/objections Sheriff's opposition to motion of D Paul Flores for Peace Officer Personnel Records	Yes	?	

The People have filed several documents in the above instant cases containing confidential information. This includes the names of Victims asserted under Evidence Code Section 1108 and therefore object to the unsealing of all sealed documents with personal and/or identifying information of the Victims. Under Marsy's Law, the California Constitution article I, § 28, section (b) provides victims with the right to have their information kept confidential. Unsealing of the documents outlined above would be a violation of that right.

CONCLUSION

Based on the above, the People object to the unsealing of the items delineated above as they contain confidential information.

Date: August 1, 2022

Respectfully submitted,

Dan Dow
District Attorney

By: _____
Christopher G. Peuvrelle
Deputy District Attorney

EXHIBIT 1

EXHIBIT 2

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 1, 2022, I served the foregoing document(s) described as:

PEOPLE'S OPPOSITION, IN PART, TO COURT'S PROPOSED LIST OF ITEMS TO UNSEAL TO THE GENERAL PUBLIC
(*People v. Paul Ruben Flores & Ruben Ricardo Flores,* Case No.22CR003712 & 22CR003713)

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
ATTORNEY FOR PAUL FLORES
EMAIL: RMSTEAM@SANGERSWYSEN.COM

SARAH SANGER
ATTORNEY FOR PAUL FLORES
EMAIL: SSANGER@SANGERSWYSEN.COM

HAROLD MESICK
ATTORNEY FOR RUBEN FLORES
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 1, 2022, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/2/2022 **Time: 10:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

All parties present, all jurors and alternate jurors present for Paul Flores and Ruben Flores panels.

Witness Steve Fleming, previously sworn, resumes testimony under cross examination by the Defense Mr. Sanger.

Defense exhibit 609 marked and received google earth aerial map of the dorms.

Cross examination by the Defense Mr. Mesick.

Jurors and alternates are admonished and released for lunch break to return at 1:15 pm.

Witness Steve Fleming is ordered to return at 1:15 pm.

Court in recess for lunch break.

The Court has been informed by the Bailiff that a juror has a question for the Court.

Out of the presence of the jurors and alternate jurors, with exception of juror 273, the Court and Counsel have discussions with juror.

Juror 273 will remain on the jury panel.

Case called, all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panels.

Witness Steve Fleming, previously sworn, resumes testimony under redirect examination by the People.

The parties have a stipulation that the winter quarter at Cal Poly began January 2, 1996 and ended March 16, 1996.

People's exhibit 129A marked transcript of interview with Steve Fleming.

Cross examination by Mr. Sanger.

Court exhibit 16 marked and received juror note.

Cross examination by Mr. Mesick.

Re-cross by Mr. Sanger.

Court exhibit 17 marked and received juror note.

Witness is excused subject to recall.

Jurors are admonished and released for break.

Case called, all parties present, all jurors and alternates present.

Witness Matthew Toomey sworn to testify.

Cross examination by the Defense Mr. Sanger.

Cross examination by the Defense Mr. Mesick.

Witness is excused.

Witness Trevor Boelter sworn to testify.

Witness is excused and ordered to return August 3, 2022 at at 8:30 am.

Jurors and alternates are admonished and ordered to return August 3, 2022 at 8:30 am.

The Court notes for the record the Court exhibits 16, 17 juror questions.

Court in recess for the day to return on August 3, 2022 at 08:30 am in Salinas, Department 4 for Jury trial long cause ongoing.

Defendant is to remain on bail.

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 8/2/2022 4:31 PM
By: Oscar Luna, Deputy

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 MONTEREY

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. PAUL RUBEN FLORES & RUBEN RICARDO FLORES, Defendants	CASE NOS. 22CR003712 & 22CR003713 AMENDED PROOF OF SERVICE PEOPLE'S OPPOSITION, IN PART, TO COURT'S PROPOSED LIST OF ITEMS TO UNSEAL TO THE GENERAL PUBLIC

THE PEOPLE OF THE STATE OF CALIFORNIA file an Amended Proof of Service Re: People's Opposition, In Park, to Court's Proposed List of Items to Unseal to the General Public, attached as Exhibit A.

EXHIBIT A

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, 2022, I served the foregoing document(s) described as:

AMENDED PROOF OF SERVICE
PEOPLE'S OPPOSITION, IN PART, TO COURT'S PROPOSED LIST OF ITEMS TO UNSEAL TO THE GENERAL PUBLIC
(*People v. Paul Ruben Flores,* Case No.22CR003712 & *People v. Ruben Ricardo Flores,* Case No.22CR003713)

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
ATTORNEY FOR PAUL FLORES
VIA EMAIL:
RMSTEAM@SANGERSWYSEN.COM

SARAH SANGER
ATTORNEY FOR PAUL FLORES
VIA EMAIL:
SSANGER@SANGERSWYSEN.COM

HAROLD MESICK
ATTORNEY FOR RUBEN FLORES
VIA EMAIL: HAROLDMESICK@GMAIL.COM

KARL OLSON
VIA EMAIL: KOLSON@COFOLAW.COM

AARON FIELD
VIA EMAIL: AFIELD@COFOLAW.COM

KRISTEL GELERA
VIA EMAIL: KGELERA@COFOLAW.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, 2022, at San Luis Obispo, California.

Sandee Lopez

Sandee Lopez, Legal Clerk

KARL OLSON (SBN 104760)
AARON R. FIELD (SBN 310648)
CANNATA O'TOOLE FICKES & OLSON LLP
100 Pine Street, Suite 350
San Francisco, California 94111
Telephone: (415) 409-8900
Facsimile: (415) 409-8904
Email: kolson@cofolaw.com
afield@cofolaw.com

Attorneys for Non-Party News Media Organizations THE MCCLATCHY COMPANY, LLC (d.b.a. THE TRIBUNE), LOS ANGELES TIMES COMMUNICATIONS, LLC, AMERICAN BROADCASTING COMPANY, INC. (d.b.a. ABC NEWS), and THE ASSOCIATED PRESS

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 8/3/2022 4:58 PM
By: Renee Inofuentes, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES and RUBEN RICARDO FLORES,

Defendants.

Case Nos. 22CR003712, 22CR003713

REPLY OF NEWS MEDIA COALITION IN SUPPORT OF MOTION TO UNSEAL JUDICIAL RECORDS AND REGISTER OF ACTIONS AND FOR REMOTE ACCESS;

DECLARATION OF AARON R. FIELD;

SUPPLEMENTAL DECLARATION OF CHLOE JONES

Date: Aug. 4, 2022
Time: 3:00 pm
Place: Dept. 4
Judge: Hon. Jennifer O'Keefe

CANNATA O' TOOLE FICKES & OLSON LLP
ATTORNEYS AT LAW
100 PINE STREET, SUITE 350, SAN FRANCISCO CA, 94111
TEL: 415.409.8900 – FAX: 415.409.8904

I. INTRODUCTION

The People and defendant Paul Flores agree that the majority of sealed records in this case should be unsealed and have not opposed unsealing the register of actions. Moreover, neither makes the demanding showing required to seal any records at all – they offer only conclusory and unspecified arguments that some records should remain sealed. But such conclusory arguments are not enough to meet the strict requirements for sealing set forth by the First Amendment right of access, the U.S. Supreme Court's case law establishing it, the California Supreme Court's *NBC Subsidiary v. Superior Court* (1999) 20 Cal.4th 1178 decision, and California Rule of Court 2.550(d), which puts the *NBC Subsidiary* decision into the rules. *A fortiori*, no party has demonstrated that the continued sealing of any record *in its entirety* is permitted; if there is any remaining overriding interest in secrecy in this case, it can and must be protected by redaction, and not the blanket withholding of filings with this Court. The News Media Coalition's[1] motion should be granted.

II. ARGUMENT

A. OBJECTION TO FAILURE TO SERVE NEWS MEDIA COALITION WITH COURT FILINGS RE: SEALING.

As a preliminary matter, the News Media Coalition has been unable to confirm the extent to which the prosecution and the defense oppose the motion to unseal prior to filing this reply, and it appears that the News Media Coalition has not been served with court documents related to this motion. The People served the News Media Coalition with a document signed on August 1, 2022 entitled "People's Opposition, in Part, to Court's Proposed List of Items to Unseal to the General Public" in the late afternoon on August 2, 2022."[2] (Declaration of Aaron R. Field ¶ 2.) Defendant Paul Flores served the News Media Coalition with a short document entitled "Response to Motion of News Media Coalition to Motion to Unseal Judicial Records and

[1] The "News Media Coalition" consists of Non-Party News Media Organizations The McClatchy Company, LLC (d.b.a. The Tribune), Los Angeles Times Communications, LLC, American Broadcasting Company, Inc. (d.b.a. ABC News), and The Associated Press.

[2] It is not clear from the People's opposition or from the publicly available register of actions, in its current form, whether the People filed this document in partial opposition to the News Media Coalition's motion, or to additional unsealing that the Court may have – quite rightly – proposed.

Register of Actions" on August 3, 2022, following a request for service of opposition papers by counsel for the News Media Coalition. (*Ibid.*) However, no other party, including defendant Ruben Flores, has served the News Media Coalition with opposition papers. (*Ibid.*) Further, the papers served by the People and defendant Paul Flores do not state the extent to which those parties object to unsealing, and refer to documents regarding sealing – and, in particular, to lists of records that should or should not be unsealed in the view of these parties – which have not been provided to the News Media Coalition.

The News Media Coalition objects to the Court potentially relying on anything in papers that have neither been served on the News Media Coalition nor themselves sealed consistent with the First Amendment, the Rules of Court, and the common law – which are ex parte submissions to the Court related to the instant motion. The News Media Coalition is entitled to a full and fair, due process-compliant hearing on its motion, which seeks to vindicate its members' First Amendment rights. (See *In re Associated Press* (7th Cir. 1998) 162 F.3d 503, 507-08 ["[t]hose who seek access . . . have a right to be heard in a manner that gives full protection of the asserted right"]; *Globe Newspaper Co. v. Superior Court* (1982) 457 U.S. 596, 609 n. 25 [holding that "representatives of the press and the general public must be given an opportunity to be heard on the question of their exclusion"].) Parties should not be permitted to oppose a motion to unseal in secrecy, especially without proving, or being able to prove, that such secrecy itself complies with the First Amendment prerequisites for sealing or closure. (Accord. Cal. R. Ct. 2.551(h)(2) ["The . . . opposition . . . and supporting documents must be filed in a public redacted version and a sealed complete version if necessary to comply with (c)."].)

To date, no party has adequately demonstrated that any filings related to sealing – such as oppositions to the instant motion to unseal – can be kept from the public, let alone from the moving parties who must confront the arguments they contain to vindicate their constitutional rights. Counsel for defendant Paul Flores declares, in a response to this motion, that he has "submitted a list of items to which we do not object and to which we do object to the Court confidentially," and that "[d]isclosure of the list of items to which there is an objection would defeat the purpose of sealing the documents if the Court so rules." (Response to Motion of News

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Media Coalition to Unseal Judicial Records and Register of Actions at 3:16-19.) However, that conclusory assertion falls far short of the prerequisites for sealing under the First Amendment and the Rules of Court, and does not justify sealing this list under the common law either. The list presumably identifies documents by name to which defendant Paul Flores objects to unsealing, and may or may not speak to the basis for maintaining the Court's seal on those documents. It, and one or more documents discussed in People's Opposition, may also reveal the Court's tentative position on what should and should not be unsealed. There is no interest at all in sealing that kind of basic information, let alone an overriding interest or a strong countervailing reason for sealing that justifies sealing under the First Amendment, the Rules of Court, and the common law. *A fortiori*, the sealing of this list in its entirety is not narrowly tailored to any such interest. The earlier change of venue to this Court and admonitions to the jury about access to news media reporting on this case are less restrictive means of protecting any interest in fair trial rights here that confirm sealing these materials is inappropriate. Withholding this kind of information from parties that have filed a motion to unseal forces the moving parties to address whether proponents of sealing have met their burden of proof on this question blind, contrary to basic principles of due process and the News Media Coalition's First, Fifth and Fourteenth Amendment rights in this context.

B. THE PARTIES HAVE NOT SATISFIED THEIR BURDEN TO PROVE THAT SEALING IS JUSTIFIED.

As noted above, both the People and defendant Paul Flores concede that the vast majority of records currently sealed must be unsealed – and neither party contests that the register of actions must be unsealed as well. Both argue that some portion of records should remain sealed. Neither party, however, meaningfully grapples with the procedural or substantive requirements for sealing under the First Amendment, the Rules of Court, or the common law right of access, let alone demonstrates that these requirements are satisfied as to any records or information at issue here.

The First Amendment and Rule 2.550(d)(1) first require a showing that, "There exists an overriding interest that overcomes the right of public access to the record." On this score, both the

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People and defendant Paul Flores are entirely conclusory, with defendant Paul Flores citing fair trial rights and the People citing Marsy's Law. These conclusory assertions are not tied to, and *a fortiori* cannot justify, sealing any particular information in any particular records as is required to justify sealing.

Defendant Paul Flores claims that he cannot publicly disclose a list of items he contends should remain sealed and later requests an *in camera* hearing. However, that claim is incorrect, and the request for an *in camera* hearing should be denied. First, defendant Paul Flores concedes, as he must, that the jury has been seated and admonished. It must be presumed that the jury will follow instructions and admonitions, and that these are adequate alternatives to sealing or closure. (See *NBC Subsidiary*, *supra*, 20 Cal.4th at pp. 1221, 1223-24 [citing *Press Enterprise Co. v. Superior Court* ("*Press-Enterprise II*") (1986) 478 U.S. 1, 14-15].) Neither party has presented anything that overcomes these presumptions here, confirming that none of the First Amendment and Rule of Court-based prerequisites for sealing have been satisfied. (*Press-Enterprise II*, *supra*, 478 U.S. at p. 15; see *ibid.* ["The First Amendment right of access cannot be overcome by the conclusory assertion that publicity might deprive the defendant of that right.' "].)

Second, defendant Paul Flores's request for *in camera* proceedings ignores the Supreme Court's holding in *NBC Subsidiary* that even proceedings "tangential to the trial" such as proceedings regarding the admissibility of evidence have been historically "open, public, and important" parts of trials and are subject to the First Amendment right of access. (20 Cal.4th at pp. 1217-18.) Thus, his request that the hearing on this motion take place in private should be soundly rejected. A star chamber private hearing on what should be made public would defeat the purpose of the First Amendment access rules and there is no provision in the case law or the access rules for it that applies here – especially given, as here, that defendant Paul Flores has not even identified what he thinks should be presented *in camera*, let alone established with evidence that such a presentation is necessary or appropriate.

Defendant Paul Flores's request for an *in camera* hearing should be denied on statutory grounds as well. In *Torres v. Superior Court* (2000) 80 Cal.App.4th 867, 872-75, the Court of Appeal held that parties are "not entitled to an *in camera* hearing" under Evidence Code section

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915 "just for the asking," and vacated a trial court order setting an *in camera* hearing based on a conclusory request by the People. Under Evidence Code section 915, "the party claiming the privilege must either show in open court why the matter is privileged, or declare that doing so would compromise the privilege" in order to obtain an *in camera* hearing (in addition to satisfying the First Amendment requirements for closure discussed in *NBC Subsidiary, supra*). (See *Torres, supra*, 80 Cal.App.4th at pp. 872-73.) Defendant Paul Flores has done neither, which confirms that his request for an *in camera* hearing should be denied. (*Accord, Am. Civil Liberties Union of N. Cal. v. Superior Court* (2011) 202 Cal.App.4th 55, 87 [holding, in a Public Records Act case, that "a trial court's prerogative to inspect documents *in camera* is not a substitute for the government's burden of proof, and should not be resorted to lightly" and that *in camera* review cannot replace the "obligation to justify its withholding in publicly available and debatable documents, and it should be invoked only when the issue at hand, could not be otherwise resolved"].)

The parties likewise fail to make the showing that, "The overriding interest supports sealing the record," the requirement set forth in Rule 2.550(d)(2). Once again, conclusory references to fair trial rights and Marsy's Law, not tied to any particular record, don't make the required showing. (See, e.g., *Press-Enterprise II, supra*, 478 U.S. at p. 15 ["The First Amendment right of access cannot be overcome by the conclusory assertion that publicity might deprive the defendant of that right.' "].)

The First Amendment and Rule 2.550(d)(3) require a showing that, "A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed." Once again, the parties fall short. Defendant Paul Flores cites *People v. Jackson*, but the instant case is most definitely not *People v. Jackson*. The Court of Appeal in *Jackson* – a case involving a celebrity entertainer who had achieved worldwide fame and notoriety, in which no jury had been impaneled when the motion to unseal was decided and there had been no change of venue – correctly described that case as "*sui generis*." The "*sui generis*" factors in *Jackson* are absent here. This case is more like *Odle v. Superior Court* (1982) 32 Cal.3d 932, a case which involved the killing of a police officer and the mother of a two-year-old child, where the nature of the

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crime resulted in extensive publicity but not enough even to justify a change of venue under the less demanding "reasonable likelihood" that a fair trial cannot be had in a given county standard applicable to venue change motions. Moreover, and most significant, the jury has already been seated and admonished here, unlike in *Jackson.* (See also, e.g., *United States v. Loughner* (D. Ariz. 2011) 769 F.Supp.2d 1188, 1192-97 [ordering the unsealing of warrant affidavits related to an infamous and tragic mass shooting, in which a United States Congresswoman was among the victims, before a jury had been impaneled and where no change of venue motion had previously been granted].)

The fourth requirement of the First Amendment and Rule 2.550(d) is that the proponents of sealing or closure show sealing is "narrowly tailored," and here they most certainly have not. The People cite Marsy's Law, which might in the abstract justify sealing some part of some record, but they do not offer the Court any "narrowly tailored" sealing. Likewise, defendant Paul Flores completely fails to "narrowly tailor" any proposed sealing. The Court is not obligated to do the parties' jobs for them. The Court can unseal all of the records in this case without making specific findings. It cannot seal records without making the specific findings set forth in the case law and the rules, however. Absent any "narrowly tailored" sealing justified by the other requirements in Rule 2.550(d), the Court is justified in unsealing all of the records. At the very least, no party has demonstrated that any record should remain sealed in its entirety; if there are overriding grounds to keep particular information in particular records, such as the name of a crime victim, sealed, that particular information should be redacted, and the remainder of the record should be disclosed.

The First Amendment and Rule 2.550(d)(5) requires the court to find, as a prerequisite for sealing, that "No less restrictive means exist to achieve the overriding interest." Once again, the parties have not made that showing. The Court has already changed venue, and the jury has been seated and admonished about avoiding publicity. Those are the less restrictive means available, and already employed, to protect fair trial rights. Redaction, too, is a less restrictive means to protect any information which should be sealed, to the extent that an overriding interest in sealing is established. Sacrificing the First Amendment rights of access, on the other hand, is the most

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restrictive and least appropriate option. The parties have not shown and cannot show that is necessary.

C. TRIAL EXHIBITS – ESPECIALLY TRIAL EXHIBITS PRESENTED TO THE JURY – MUST BE UNSEALED AND DISCLOSED.

Finally, we note that the Court has declined to disclose Exhibits presented to the jury at trial. (Supplemental Declaration of Chloe Jones ¶ 2.) The News Media Coalition's motion calls for the unsealing of these Exhibits, and these Exhibits should be unsealed for the same reasons that all other filings in this case and the register of actions should be unsealed, as explained above and in the memorandum of points and authorities filed in support of this motion.

III. CONCLUSION

The parties have not satisfied the procedural or substantive requirements for sealing – or *a fortiori* for sealing any records or the register of actions entirely – under the First Amendment, the Rules of Court, or the common law. Nor have the parties opposed, to the News Media Coalition's knowledge, the News Media Coalition's request for remote access. This motion should be granted in its entirety, to effectuate the strong First and Sixth Amendment interest in public trials.

DATED: August 3, 2022

CANNATA O'TOOLE FICKES & OLSON LLP

By: _____
AARON R. FIELD

Karl Olson
Aaron R. Field

Attorneys for Non-Party News Media Organizations THE MCCLATCHY COMPANY, LLC (d.b.a. THE TRIBUNE), LOS ANGELES TIMES COMMUNICATIONS, LLC, AMERICAN BROADCASTING COMPANY, INC. (d.b.a. ABC NEWS), and THE ASSOCIATED PRESS

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DECLARATION OF AARON R. FIELD

I, AARON R. FIELD, declare:

1. I am a member in good standing of the State Bar of California. I am a Partner at the law firm of Cannata, O'Toole, Fickes & Olson LLP, and I represent Non-Parties the McClatchy Company, LLC (d.b.a. The Tribune), Los Angeles Times Communications, LLC, American Broadcasting Company, Inc. (d.b.a. ABC News), and The Associated Press (collectively, "the News Media Coalition") in connection with this motion. I make this declaration based on personal knowledge, and, if called as a witness, I could testify to the facts stated herein.

2. The District Attorney's Office e-mailed the News Media Coalition a document that states it was signed on August 1, 2022 entitled "People's Opposition, in Part, to Court's Proposed List of Items to Unseal to the General Public" in the late afternoon on August 2, 2022. Defendant Paul Flores, through counsel, served the News Media Coalition with a document entitled "Response to Motion of News Media Coalition to Motion to Unseal Judicial Records and Register of Actions" on August 3, 2022. No other party, including defendant Ruben Flores, has served the News Media Coalition with opposition papers to date, to the best of my knowledge.

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

Executed this 3rd day of August, 2022 in San Francisco, California.

AARON R. FIELD

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SUPPLEMENTAL DECLARATION OF CHLOE JONES

I, CHLOE JONES, declare:

1. I am a Courts & Crime Reporter at *The Tribune*, a member of the coalition of news media organizations that filed the instant motion to unseal and request for remote access. *The Tribune* serves and focuses its coverage on the City of San Luis Obispo and San Luis Obispo County, where it is the largest daily newspaper by circulation. I make this declaration based on personal knowledge, and, if called as a witness, I could testify to the facts stated herein.

2. I e-mailed the Court on July 27, 2022 to request access to "the electronic exhibits that were projected during opening statements in the Flores case, including but not limited to photos, the powerpoint, the interview videos and the audio-recording." I added, "I am happy to pick them up in person, if needed." However, the Court, through the Court Executive Officer, denied this request, writing in a reply e-mail on July 27, 2022, "this is not a request the Court can accommodate, for a variety of different reasons. [¶] Please see the attached Gag Order, which remains in force. See sec. 1 in particular."

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

Executed this 3rd day of August, 2022 in Pismo Beach, California.

Chloe Jones
CHLOE JONES

KARL OLSON (SBN 104760)
AARON R. FIELD (SBN 310648)
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ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 8/3/2022 4:58 PM
By: Renee Inofuentes, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES and RUBEN RICARDO FLORES,

Defendants.

Case Nos. 22CR003712, 22CR003713

PROOF OF SERVICE

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PROOF OF SERVICE

I declare that I am employed in the County of San Francisco, State of California. I am over the age of eighteen (18) and not a party to the within entitled case, and my business address is Cannata, O'Toole, Fickes & Olson LLP, 100 Pine Street, Suite 350, San Francisco, CA 94111.

On August 3, 2022, I served the following documents in the manner(s) selected:

1. **REPLY OF NEWS MEDIA COALITION IN SUPPORT OF MOTION TO UNSEAL JUDICIAL RECORDS AND REGISTER OF ACTIONS AND FOR REMOTE ACCESS;**

   DECLARATION OF AARON R. FIELD;

   SUPPLEMENTAL DECLARATION OF CHLOE JONES

2. **PROOF OF SERVICE**

[X] (ELECTRONIC SERVICE) on the date executed below, I caused the document(s) described to be electronically served via Odyssey e-FileCA to the below recipients:

By Electronic Service

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Counsel for Ruben Ricardo Flores

I declare that the foregoing is true and correct and that this declaration was executed in San Francisco, California, on August 3, 2022.

Kristel Gelera

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/3/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial ongoing long cause.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panels.

Witness Trevor Boelter, previously sworn, still under oath resumes testimony under direct examination by the People.

Defense exhibit 611 marked email.

Jurors are admonished and released for break.

Court exhibit 18 marked and received juror question.

Case called, all parties present, all jurors and alternates present for Paul Flores and Ruben Flores.

Witness Trevor Boelter, previously sworn, still under oath resumes testimony under cross examination by the Defense.

Court exhibit 19 marked and received juror question.

Witness is excused, subject to recall.

Witness Eric Wilkins sworn to testify.

Witness excused subject to recall.

Witness Jennifer Medeiros sworn to testify.

People's exhibit 433 marked and received photo of backpack.

People's exhibit 434 marked photo of cosmetic bag.

Cross examination by Mr. Sanger.

Jurors are admonished and released for lunch break to return at 1:15 pm.

Case called, all parties present all alternates present for Paul Flores and Ruben Flores panels.

Defense exhibit 612 marked and received Calendar for May and June 1996.

Defense exhibit 613 marked and received schematic of rooms in Muir dorm first floor.

Cross exam by the Defense.

Witness is excused, subject to recall.

Stipulation regarding Defense exhibit 435 and Peoples exhibit 610 is read into the record.

People's witness Derrick Tse sworn to testify.

People's exhibit 419 diagram marked and received.

Court exhibits marked and received juror questions 20, 21, 22, 23, 24, 25.

People's exhibit 12 marked phone log for Derrick Tse.

Jurors admonished and released for break.

Case called, all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panels.

Witness Derrick Tse, previously sworn, continues testimony under cross examination by Mr. Sanger.

Court exhibits 26, 27, 28 juror questions marked and received.

Cross exam by the Defense Mr. Mesick.

Defense exhibit 614 marked and received photo of dorm room.

Defense exhibit 615 marked and received photo of dorm room.

Stipulation read into the record People's exhibits 438, 438A marked and received building schematics for Santa Lucia hall.

People clarify exhibit 12 previously marked should have been marked as 112.

Witness is excused, subject to recall.

Jurors are admonished regarding any communications regarding the case, and released for the day to return on August 4, 2022 at 10:30 am.

Out of the presence of the Jurors, the Court and Counsel discuss juror notes reviewed for the record and marked as Court exhibits.

Court in recess for the day.

Matter remains set for Jury trial long cause ongoing on August 4, 2022 at 10:30 am in Salinas, Department 4.

Matter remains set for Motion to unseal on August 4, 2022 at 03:00 pm in Salinas, Department 4.

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/4/2022 **Time: 10:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Juror 1067 in seat 5 on Ruben Flores panel is released from service.

Alternate juror 1116, randomly drawn from alternate jurors, is sworn to serve as a juror and seated in seat 5 on Ruben Flores panel.

People's witness Mario Garcia sworn to testify.

Cross examination by the Defense.

Witness is excused, subject to recall.

Court exhibit 30 marked and received juror question.

Witness Felipe Arias sworn to testify.

Court exhibit 31, 32 juror questions marked and received.

Cross examination by the Defense.

Witness is excused, subject to recall.

Jurors admonished and released for lunch, to return at 1:30 pm.

Out of the presence of the jurors, the Court and Counsel discuss the juror questions 30, 31, 32 for the record.

The Court and Counsel discuss the conduct in the audience.

Court is in recess for lunch.

Angelica Perez replaces Kristie Hanson as Court Clerk.

Now, following recess. Case is called. Appearances are stated for the record. All jurors and alternates are present for Paul Flores and Ruben Flores panels. Trial resumes.

Witness James T. Camp, previously sworn is examined by the People.

Exhibit is marked and received on behalf of the People: 407 - DMV Calphoto for Ruben Flores & driver license history.

Exhibit is marked and received on behalf of the People: 407A - DMV Cal Photo for Ruben Flores issued 04/01/2008.

Exhibit is marked and received on behalf of the People: 407B - DMV Cal Photo for Ruben Flores issued 02/26/2003.

Exhibit is marked and received on behalf of the People: 407C - DMV Cal Photo for Ruben Flores issued 02/28/1998.

Exhibit is marked and received on behalf of the People: 407D - DMV Cal Photo for Ruben Flores issued 02/22/1994.

Exhibit is marked and received on behalf of the People: 408 - DMV Cal Photo for Susan Flores & license history.

People's Exhibit #408A is withdrawn.

Exhibit is marked and received on behalf of the People: 408B - DMV Cal Photo for Susan Flores issued 03/22/2016.

Exhibit is marked and received on behalf of the People: 408C - DMV Cal Photo of Susan Flores issued 03/03/2011.

Exhibit is marked and received on behalf of the People: 408D - DMV Cal Photo for Susan Flores issued 03/06/2006.

Exhibit is marked and received on behalf of the People: 408E - DMV Cal Photo for Susan Flores issued 04/18/2001.

Exhibit is marked and received on behalf of the People: 408F - DMV Cal Photo for Susan Flores issued 02/26/1997.

Exhibit is marked and received on behalf of the People: 408G - DMV Cal Photo for Susan Flores issued 04/16/1993.

Exhibit is marked on behalf of the People: 409 - DMV Cal Photo for Ermelinda Flores & driver license history.

Exhibit is marked on behalf of the People: 409A - DMV Cal Photo for Ermelinda Flores issued 03/09/2001.

Exhibit is marked on behalf of the People: 409B - DMV Cal Photo for Ermeldinda Flores issued 01/22/1997.

Exhibit is marked on behalf of the People: 409C - DMV Cal Photo for Ermelinda Flores issued 08/26/1996.

Exhibit is marked on behalf of the People: 409D - DMV Cal Photo for Ermelinda Flores issued 02/23/1993.

Jury is admonished and recesses for 15 minutes.

Out of the presence of the Jury: Defense Motion to exclude driver license history from Exhibits 407, 408, 409, 410 is granted.

Driver license history from People's exhibits 407, 408, 409, and 410 are withdrawn.

Exhibit 408 is withdrawn.

Now, following recess. Case is called. Appearances are stated for the record. All jurors and alternates are present for Paul Flores and Ruben Flores panels. Trial resumes.

Witness James T. Camp, previously sworn is further examined by the People.

Exhibit 410 is withdrawn.

Exhibit is marked and received on behalf of the People: 410A - DMV Cal Photo for Paul Flores issued 02/07/2020.

Exhibit is marked and received on behalf of the People: 410B - DMV Cal Photo for Paul Flores issued 12/01/2015.

Exhibit is marked and received on behalf of the People: 410C - DMV Cal Photo for Paul Flores issed 05/06/2014.

Exhibit is marked and received on behalf of the People: 410D - DMV Cal Photo for Paul Flores issed 10/02/2013.

Exhibit is marked and received on behalf of the People: 410E - DMV Cal Photo for Paul Flores issued 10/14/2011.

Exhibit is marked and received on behalf of the People: 410F - DMV Cal Photo for Paul Flores issued 03/02/2011.

Exhibit is marked and received on behalf of the People: 410G - DMV Cal Photo for Paul Flores issued 06/03/2009.

Exhibit is marked and received on behalf of the People: 410H - DMV Cal Photo for Paul Flores issued 06/27/2008.

Exhibit is marked and received on behalf of the People: 410I - DMV Cal Photo for Paul Flores issued 10/16/2007.

Exhibit is marked and received on behalf of the People: 410J - DMV Cal Photo for Paul Flores issued 02/07/2007.

Exhibit is marked and received on behalf of the People: 410K - DMV Cal Photo for Paul Flores issued 08/25/2006.

Exhibit is marked and received on behalf of the People: 410L - DMV Cal Photo for Paul Flores issued 12/28/2005.

Exhibit is marked and received on behalf of the People: 410M - DMV Cal Photo for Paul Flores issued 01/16/2003.

Exhibit is marked and received on behalf of the People: 410N - DMV Cal Photo for Paul Flores issued 01/16/2003.

Exhibit is marked and received on behalf of the People: 410O - DMV Cal Photo for Paul Flores issued 04/15/2002.

Exhibit is marked and received on behalf of the People: 410P - DMV Cal Photo for Paul Flores issed 11/16/1999.

Exhibit is marked and received on behalf of the People: 410Q - DMV Cal Photo for Paul Flores issued 09/08/1999.

Exhibit is marked and received on behalf of the People: 410R - DMV Cal Photo for Paul Flores issued 07/15/1998.

Exhibit is marked and received on behalf of the People: 410S - DMV Cal Photo for Paul Flores issued 06/16/1997.

Exhibit is marked and received on behalf of the People: 410T - DMV Cal Photo for Paul Flores issued 07/29/1996.

Exhibit is marked and received on behalf of the People: 410U - DMV Cal Photo for Paul Flores issued 08/04/1993.

Cross examination by the Defense Mr. Sanger.

No cross examination by the Defense Mr. Messick.

Witness is excused.

Jury is admonished and recesses for the day.

Reconvene on Monday, August 8, 2022 at 08:30 AM in Salinas Courtroom 04 for Jury Trial - Long Cause (Ongoing).

Defendant, Ruben Flores waives right to be present for Motion to Unseal Records on August 4, 2022 at 03:00 PM.

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/4/2022 **Time: 3:00 PM** **Hearing: Motion**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Motion to Unseal Records.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Attorney Aaron Field for Media Coalition is present.

Deputy County Counsel Ann Duggan via video conference is present.

Arguments are presented.

Briefing schedule:

Proposed list to be filed with the court by August 12, 2022 and to counsel by August 19, 2022.

Defense Counsel, People and County Counsel to file by August 25, 2022.

Reply due by August 29, 2022.

Case is continued to Friday, September 2, 2022 at 3:00 PM in Salinas Department 4 for Hearing: Further Motion to Unseal Records and Lifting of Gag Order.

Supervised Person is to remain on bail.

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: (805) 597-8404

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 08/05/2022
By Deputy: Inofuentes, Maria

San Luis Obispo County Superior Court

TITLE OF CASE: People v. [illegible]

NAME OF JUDGE:

CASE NO.: [illegible]

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)*:

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: 7/19/2022

Jennifer O'Keefe

(See reverse for additional information)

JENNIFER O'KEEFE

CASE NAME: People V Flores

MC-510

CASE NUMBER: 22CR-0371243

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
San Luis Obispo County Superior Court
PEOPLE VS Florez
CASE NUMBER: 22CR0-3712 & 13

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 08/05/2022
By Deputy: Inofuentes, Maria

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.)*
B'roll of empty courtroom where Florez trial is held

2 **DATE OF PROPOSED COVERAGE** *(specify)*: 7-19-22 . *(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- 610 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: 7-19-22

Kathrene Herndon
(TYPE OR PRINT NAME)

Kathrene Herndon
(SIGNATURE)

Telephone No.: (805) 471-0152

Assignment Editor
(TITLE/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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: Location: Department 4

Date: 8/8/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panels.

Juror 932 (seat 12) Ruben Flores panel, is ill and released today.

Alternate juror 1089 is sworn as a trial juror and is now seated in seat 12 in Ruben Flores Panel.

People's witness Timothy Davis sworn to testify.

People's exhibit 49 marked and received sketch of Crandall Way.

People's exhibit 50 previously marked is received photo of front driveway view of Crandall Way.

People's exhibit 55 previously marked is received photo of side view of Crandall Way.

People's exhibit 87 marked diagram of Cal Poly.

People's exhibit 87A marked diagram of Cal Poly.

Court exhibit 33 marked and received juror question.

Jurors admonished and released for break.

Case called, all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panel.

Witness Timothy Davis, previously sworn, resumes testimony under direct examination.

People's exhibit 87, 87A are received.

Cross examination by the Defense, Mr. Sanger.

Cross examination by the Defense Mr. Mesick.

Court exhibits 34, 35 marked and received juror questions.

Redirect by the People.

Court exhibits 36, 37, 38 marked and received juror questions.

Witness is excused subject to recall.

Jurors admonished and released for lunch to return at 1:30 pm.

Case called, out of the presence of the jurors, the Court and Counsel discuss for the record the matter of replacement juror for illness on Ruben Flores panel, and the juror questions received today that have been addressed.

Mr. Sanger makes motion for mistrial for prosecutorial misconduct.

Motion for mistrial is respectfully denied.

Case called, all parties present, all jurors and alternate jurors for Paul Flores and Ruben Flores panel present.

Witness Jeromy Moon sworn to testify.

Cross examination by the Defense, Mr. Sanger.

Witness excused, subject to recall.

Witness James Camp, recalled to testify, previously sworn.

Cross examination by the Defense Mr. Sanger.

Witness excused, subject to recall.

Witness Lawrence Kennedy sworn to testify.

Jurors admonished and released for break.

Case called all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panel.

Court exhibit 39 marked and received juror question.

Witness Lawrence Kennedy, previously sworn, resumes testimony under direct examination.

People's exhibit 12 marked and received photo of Paul Flores with eye injury.

Cross examination by the Defense Mr. Sanger.

Jurors are admonished and released for the day to return at 10:30 am on Tuesday, August 9, 2022.

Case remains set for Jury trial long cause ongoing to August 9, 2022 at 10:30 am in Salinas, Department 4.

Defendant is to remain on bail.

DAN DOW
DISTRICT ATTORNEY
STATE BAR # 237986
COUNTY OF SAN LUIS OBISPO
COURTHOUSE ANNEX, 4TH FLOOR
SAN LUIS OBISPO, CA 93408
TELEPHONE: (805) 781-5800

FILED IN COURT
8-3-22
CLERK OF THE SUPERIOR COURT
BY _____ DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
DEPARTMENT 4

THE PEOPLE OF THE STATE OF CALIFORNIA Plaintiff, vs. **PAUL RUBEN FLORES** DOB: 10/22/1976 ID NO. D000182939 **RUBEN RICARDO FLORES** DOB: 04/09/1941 ID NO. D000445617 AKA RUBEN FLORES Defendants.	COURT CASE NO. 22CR003712 AND 22CR003713 STIPULATION TO ADMIT A PORTION OF THE CAL POLY ACADEMIC CALENDAR DEPICTING SUMMER QUARTER 1994 THROUGH SUMMER QUARTER 1996 AS PEOPLE'S TRIAL EXHIBIT #435 AND DEFENSE'S TRIAL EXHIBIT #610 Appearance Date: August 3, 2022

IT IS HEREBY STIPULATED between the parties that pages 19 thru 21 of the Academic Calendar for Cal Poly San Luis Obispo for the summer 1994 quarter through the summer 1996 quarter be admitted as the People's Trial Exhibit #435 and Defense Trial Exhibit #610.

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IT IS SO STIPULATED.

Date: August 3, 2022

Christopher G. Peuvrelle, DDA

Date: August __, 2022

Robert M. Sanger
Attorney for Defendant, Paul Ruben Flores

Date: August 3, 2022

Harold V. Mesick
Attorney for Defendant Ruben Ricardo Flores

ACADEMIC CALENDAR

Please note: *This is not intended to be construed as an employee work calendar. Please refer to the Class Schedule for the 1996-97 Academic Calendar.*

SUMMER QUARTER 1994

June 20	Monday	Beginning of university year Beginning of summer quarter Summer quarter classes begin
July 1	Friday	End of second week of instruction Last day to drop a class
July 4	Monday	Academic holiday – Independence Day Observed
July 5	Tuesday	Last day to add a class Last day to register late and pay late registration fee
July 11	Monday	End of third week of instruction – Census date
August 8	Monday	End of seventh week
August 26	Friday	Last day of classes
August 29–September 2	Monday–Friday	Final examination period
September 2	Friday	End of summer quarter
September 3–11	Saturday–Sunday	Academic Holiday

FALL QUARTER 1994

September 12	Monday	Beginning of fall quarter (faculty only)
September 19	Monday	Fall quarter classes begin
September 30	Friday	End of second week of instruction Last day to drop a class
October 3	Monday	Last day to add a class Last day to register late and pay late registration fee
October 7	Friday	End of third week of instruction – Census date
November 4	Friday	End of seventh week of instruction
November 11	Friday	Academic holiday – Veterans' Day
November 23–27	Wednesday–Sunday	Academic holiday – Thanksgiving
December 2	Friday	Last day of classes
December 5–9	Monday–Friday	Final examination period
December 10	Saturday	Mid-Year Commencement End of fall quarter
December 11–January 2	Sunday–Sunday	Academic holiday

WINTER QUARTER 1995

January 3	Tuesday	Beginning of winter quarter Winter quarter classes begin
January 16	Monday	Academic holiday – Martin Luther King, Jr. Birthday Observance
January 17	Tuesday	End of second week of instruction Last day to drop a class
January 18	Wednesday	Last day to add a class Last day to register late and pay late registration fee
January 24	Tuesday	End of third week of instruction – Census date
February 20	Monday	Academic holiday – George Washington's Birthday Observance
February 21	Tuesday	End of seventh week of instruction
March 13	Monday	Last day of classes
March 14–18	Tuesday–Saturday	Final examination period
March 18	Saturday	End of winter quarter
March 19–26	Sunday–Sunday	Academic holiday

SPRING QUARTER 1995

March 27	Monday	Beginning of spring quarter Spring quarter classes begin
April 7	Friday	End of second week of instruction Last day to drop a class
April 10	Monday	Last day to add a class Last day to register late and pay late registration fee
April 14	Friday	End of third week of instruction Census date
May 12	Friday	End of seventh week of instruction
May 29	Monday	Academic holiday – Memorial Day
June 2	Friday	Last day of classes
June 5–9	Monday–Friday	Final examination period
June 10	Saturday	Commencement End of spring quarter End of university year (faculty only)
June 11–June 18	Sunday–Sunday	Academic Holiday

SUMMER QUARTER 1995

June 19	Monday	Beginning of university year Beginning of summer quarter Summer quarter classes begin
June 30	Friday	End of second week of instruction Last day to drop a class
July 3	Monday	Last day to add a class Last day to register late and pay late registration fee
July 4	Tuesday	Academic holiday – Independence Day Observance
July 10	Monday	End of third week of instruction Census date
August 7	Monday	End of seventh week of instruction
August 25	Friday	Last day of classes
August 28–September 1	Monday–Friday	Final examination period
September 1	Friday	End of summer quarter
September 2–17	Saturday–Sunday	Academic holiday

FALL QUARTER 1995

September 11	Monday	Beginning of fall quarter (faculty only)
September 18	Monday	Fall quarter classes begin
September 29	Friday	End of second week of instruction Last day to drop a class
October 2	Monday	Last day to add a class Last day to register late and pay late registration fee
October 6	Friday	End of third week of instruction Census date
November 3	Friday	End of seventh week of instruction
November 10	Friday	Academic holiday – Veterans' Day
November 22–26	Wednesday–Sunday	Academic holiday – Thanksgiving
December 1	Friday	Last day of classes
December 4–8	Monday–Friday	Final examination period
December 9	Saturday	Mid-Year Commencement End of fall quarter
December 10–January 1	Sunday–Monday	Academic holiday

WINTER QUARTER 1996

January 2	Tuesday	Beginning of winter quarter Winter quarter classes begin
January 15	Monday	Academic holiday – Martin Luther King, Jr. Birthday Observance
January 16	Tuesday	End of second week of instruction Last day to drop a class
January 17	Wednesday	Last day to add a class Last day to register late and pay late registration fee
January 23	Tuesday	End of third week of instruction Census date
February 20	Monday	Academic holiday – George Washington's Birthday Observance
February 21	Tuesday	End of seventh week of instruction
March 11	Monday	Last day of classes
March 12–16	Tuesday–Saturday	Final examination period
March 16	Saturday	End of winter quarter
March 17–24	Sunday–Sunday	Academic holiday

SPRING QUARTER 1996

March 25	Monday	Beginning of spring quarter Spring quarter classes begin
April 5	Friday	End of second week of instruction Last day to drop a class
April 8	Monday	Last day to add a class Last day to register late and pay late registration fee
April 12	Friday	End of third week of instruction Census date
May 10	Friday	End of seventh week of instruction
May 27	Monday	Academic holiday – Memorial Day
May 31	Friday	Last day of classes
June 3–7	Monday–Friday	Final examination period
June 8	Saturday	Commencement End of spring quarter End of university year (faculty only)
June 9–16	Sunday–Sunday	Academic Holiday

SUMMER QUARTER 1996

June 17	Monday	Beginning of university year Beginning of summer quarter Summer quarter classes begin
June 28	Friday	End of second week of instruction Last day to drop a class
July 1	Monday	Last day to add a class Last day to register late and pay late registration fee
July 4	Thursday	Academic holiday – Independence Day
July 8	Monday	End of third week of instruction Census date
August 5	Monday	End of seventh week of instruction
August 16	Friday	Last day of classes
August 26–August 30	Monday–Friday	Final examination period
August 30	Friday	End of summer quarter
August 31–September 15	Saturday–Sunday	Academic Holiday



SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/9/2022 **Time: 10:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called, all parties present, all jurors and alternates present with exception of juror 202 on Paul Flores panel.

The Court and Counsel will be in session out of the presence of the jurors regarding legal matters.

Jurors and alternates are thanked and admonished and released for the day to return on August 10, 2022 at 08:30 am.

Case remains set for Jury trial long cause ongoing on August 10, 2022 at 08:30 am in Salinas, Department 4.

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/10/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case is called. Appearances are stated for the record. All jurors and alternates present for Paul Flores and Ruben Flores panels.

Juror 202 (seat 6) Paul Flores panel is released.

Alternate juror 345 is sworn as a trial juror and is now seated in seat 6 on Paul Flores panel.

People's witness: Officer Lawrence Kennedy, previously sworn, resumes testimony on cross examination by the Defense Mr. Sanger.

No cross examination by the Defense Mr. Messick.

Re-direct by the People.

Jury is admonished and recesses for 30 minutes.

Out of the presence of the Jury: Discussion had regarding audio recording of interview. Court will allow the playing of recording.

Now, following recess. Case is called. All parties are present. All jurors and alternates present for Paul Flores and Ruben Flores panels.

People's witness: Officer Lawrence Kennedy, previously sworn is recalled to the stand and is further examined on direct.

Exhibit is marked and received on behalf of the People: 7 - Photograph of evidence box.

Exhibit is marked and received on behalf of the People: 88 - Photograph of evidence label.

Exhibit is marked and received on behalf of the People: 90 - Photograph of yellow back side of flyer.

Exhibit is marked and received on behalf of the People: 91 - Photograph of front side of social security card for Kristin Smart.

Exhibit is marked and received on behalf of the People: 92 - Photograph of back side of social security card for Kristin Smart.

Exhibit is marked and received on behalf of the People: 93 - Photograph of Cal Poly Resident Identification for Kristin Smart.

Exhibit is marked and received on behalf of the People: 94 - Photograph of Citibank credit card for Kristin Smart.

Exhibit is marked and received on behalf of the People: 95 - Photograph of Wells Fargo Bank ATM transaction record.

Exhibit is marked and received on behalf of the People: 96 - Photograph of check #529 within checkbook of Kristin Smart.

Exhibit is marked and received on behalf of the People: 97 - Photograph of carbon copy of check #528 of Kristin Smart.

Exhibit is marked and received on behalf of the People: 98 - Photograph of check #551 & check register of Kristin Smart.

Exhibit is marked and received on behalf of the People: 99 - Photograph of carbon copy of check #575 & checkbook for Kristin Smart.

Exhibit is marked and received on behalf of the People: 100 - Photograph of close up of carbon copy of check #575.

Exhibit is marked and received on behalf of the People: 101 - Photograph of Black Los Angeles book.

Exhibit is marked and received on behalf of the People: 102 - Photograph of evidence label.

Jurors are admonished and recess for morning break.

Now, following recess. Case is called. All parties are present. All jurors and alternates present for Paul Flores and Ruben Flores panels.

Exhibit is marked on behalf of the People: 598 - Audio recording of interview with Paul Flores.

Exhibit is marked on behalf of the People: 598A - Transcript of audio recording.

Copies of transcript of People's #598A provided to the jury panels as #598 is played to the jury.

Audio recording has concluded. Direct examination continues.

Cross examination by the Defense Mr. Sanger.

Jurors admonished and released for lunch to return at 1:30 pm.

Out of the presence of the jurors: sidebar discussions placed on the record.

Notes from jurors received and marked as court exhibits 40 and 41.

Kristie Hanson replaces Angelica Perez as Court Clerk.

Case called, all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panels.

Witness Lawrence Kennedy, previously sworn, resumes testimony under cross examination by Mr. Sanger.

Defense exhibit 616 marked, two page incident report.

Cross examination by the Defense Mr. Mesick.

Court exhibit 41, 42 marked and received juror questions.

Re-direct by the People.

People's exhibit 440 marked and received missing person flier.

People's exhibit 11 marked and received photo of dorm room 128 Santa Lucia.

People's exhibit 48 marked and received photo of dorm room.

People's exhibit 48 A marked and withdrawn back of photo.

Jurors admonished and released for break.

Court exhibit 43, 44, 45, 46 marked and received juror questions.

Case called, all parties present all jurors and alternate jurors present for Paul Flores and Ruben Flores panels.

Re-cross by Mr. Sanger.

Parties stipulate to phone call on May 24, 1996, 8:58 pm.

Witness is excused, subject to recall.

Witness Lt. Robert Cudworth sworn to testify.

Court exhibit 47 marked and received juror question.

Court exhibit 48 marked and received, juror question.

Jurors admonished and released for break.

Case called, all parties present, all jurors and alternate jurors present.

Witness Lt. Robert Cudworth, previously sworn resumes testimony under cross exam by Mr. Sanger.

Witness is excused, subject to recall.

Witness Richard Neufeld sworn to testify.

Witness ordered to return on Friday August 12, 2022 at 08:30 am for further testimony.

Jurors are admonished and released for the day.

Paul Flores panel to return on August 11, 2022 at 10:30 am.

Ruben Flores panel to return on August 12, 2022 at 08:30 am.

Out of the presence of the jurors, the Court and Counsel discuss matters for the record, juror questions, juror 202 who was released and replaced. Parties stipulate juror questions not regarding court proceedings will not be marked as court exhibits.

Jury trial long cause ongoing is vacated for Ruben Flores for August 11, 2022 at 10:30 am in Salinas, Department 4.

Case remains set for Jury trial long cause ongoing for August 12, 2022 at 8:30 am in Salinas, Department 4.

Defendant is to remain on bail.

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 8/12/2022 5:54 PM
By: Maria Ramirez, Deputy

RITA L. NEAL Bar #151156
County Counsel
ANN DUGGAN, Bar # 169531
Deputy County Counsel
County Government Center
1055 Monterey Street, Room D-320
San Luis Obispo, CA 93408
Telephone: (805) 781-5400
Facsimile: (805) 781-4221

Attorneys for Sheriff
COUNTY OF SAN LUIS OBISPO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA

Plaintiffs,

v.

PAUL RUBEN FLORES and RUBEN RICARDO FLORES,

Defendants.

IAN PARKINSON,
Sheriff of the County of San Luis Obispo,

Real party in Interest.

Case Nos. 22CR003712, 22CR003713

NOTICE OF LODGING CONDITIONALLY UNDER SEAL APPLICATION FOR ORDER TO FILE RECORDS UNDER SEAL AND/OR MAINTAIN RECORDS UNDER SEAL THAT HAVE BEEN PREVIOUSLY FILED "CONDITIONALLY UNDER SEAL"

Date: September 2, 2022
Time: 3:00 p.m.
Dept: 4
Judge: The Honorable Jennifer O'Keefe

CRC 2.550 & 2.551

TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Ian Parkinson, Sheriff of the County of San Luis Obispo and real party in interest herein ("the Sheriff"), through his attorney of record, the Office of County Counsel for the County of San Luis Obispo, hereby lodges conditionally under seal an "Application for Order to File Records Under Seal and/or Maintain Records Under Seal That Have Been Previously Filed 'Conditionally Under Seal'; Memorandum of Points and Authorities and

Declaration of James Voge in Support Thereof." (Hereafter collectively referred to as "the Application.) The Application, including the supporting declaration, is lodged "Conditionally Under Seal" pursuant to Rules of Court, rules 2.550 [sealed records], and 2.551 [procedure for filing under seal].

The records requested filed under seal or maintained under seal are the following:

1. The Application.
2. The "Notice of Motion and Motion for Peace Officer Personnel Records, Prior Complaints and Brady Material; Memorandum of Points and Authorities," originally filed "*CONDITIONALLY UNDER SEAL*" in the San Luis Obispo Superior Court on August 16, 2021.
3. The "Declaration of Robert Sanger in Support of Pitchess Motion, Production of Brady Material, Motion for Continuance and/or BR Motion, and Supplemental Declaration in Support of Motion to Recuse," filed "*CONDITIONALLY UNDER SEAL*" on or about August 16, 2021.
4. The "Sheriff's Opposition to Motion of Defendant Paul Flores for Peace Officer Personnel Records, Prior Complaints and Brady Material; Memorandum of Points and Authorities in Support Thereof," filed "*CONDITIONALLY UNDER SEAL*" on August 23, 2021.
5. Any other copy of the above-referenced records that may have been attached to another record filed in this matter or that may hereafter be filed in this matter.

Dated: August 12, 2022

Respectfully submitted,

By: Ann Duggan
Ann Duggan, Deputy County Counsel

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN LUIS OBISPO)

I am employed in the County of San Luis Obispo, California; I am over the age of 18 years, and not a party to the within action; my business address is County Government Center, Room D320, San Luis Obispo, CA 93408.

On August 12, 2022, I served a true copy of this declaration and the following described document(s):

NOTICE OF LODGING CONDITIONALLY UNDER SEAL APPLICATION FOR ORDER TO FILE RECORDS UNDER SEAL AND/OR MAINTAIN RECORDS UNDER SEAL THAT HAVE BEEN PREVIOUSLY FILED "CONDITIONALLY UNDER SEAL"

on the party or parties named below:

Attorney for Defendant **SangerSwysen & Dunkle** Robert M. Sanger, SBN 058214 Sarah S. Sanger, SBN 322722 222 E. Carrillo Street, Suite 300 Santa Barbra, CA 93101 RMStream@sangerswysen.com	***Attorney for Defendant*** Harold Mesick 1303 Higuera St. PO Box 23 San Luis Obispo, CA 93406 haroldmesick@gmail.com
District Attorney Christopher Puevrelle **Deputy District Attorney** 1025 Palm St., #4 San Luis Obispo, CA 93408-1000 cpeuvrelle@co.slo.ca.us	***Attorney for Non-Party News Media*** Karl Olson, SBN 104760 Aaron R. Field, SBN 310648 Cannata O'toole Fickers & Olson LLP 100 Pine Street, Suite 350 San Francisco, CA 9411 kolson@cofolaw.com afield@cofolaw.com

☒ **By e-mail or electronic transmission.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above on August 12, 2022. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ **By United States mail.** I enclosed a true copy of the documents in a sealed envelope addressed to each of the persons as indicated above, and then placed the envelope for

collection and mailing where it would be deposited with the United States Postal Service with postage fully prepaid, following my employer's business practice with which I am readily familiar.

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 12, 2022, at San Luis Obispo, California.

Brooklyn Farr, Legal Clerk

ACD:bf
43bfpld

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/12/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called, all parties present, all jurors and alternates present for Paul Flores and Ruben Flores panel.

The Court addresses the jurors regarding health, comfort and safety measures.

The Court will be dark on August 19, 2022.

Witness Richard Neufeld previously sworn, resumes testimony.

Voir dire by Mr. Sanger regarding exhibit evidence collection on 55A and 55B exhibits.

Direct exam by Mr. Sanger.

Short side bar with counsel.

Case called, all parties present, all jurors and alternates present.

Cross examination by Mr. Sanger continues.

People's 11 and 48 shown photos of dorm room inside.

No cross examination by Mr. Mesick.

Redirect by Mr. Peuvrelle.

Jurors admonished and released for break.

Out of the presence of the jurors and alternate jurors.

People's motion to reseal J. Hudson is heard.

It is the Court's intent to seal entirely until redacted information is received by August 24. 2022.

Case called, all parties present, all jurors and alternates present.

Richard Neufeld, previously sworn, resumes testimony under cross examination by Mr. Sanger.

Court exhibits 51, 52 marked and received, juror questions.

No questions by Mr. Mesick.

People's exhibit 11 referred to by the People.

Sidebar with counsel.

Case called, all parties present, all jurors and alternates present.

Richard Neufeld is designated as an expert in crime scene expertise.

Witness is excused, subject to recall.

Witness Jana Lord sworn.

Cross exam by Mr. Sanger.

Court exhibits 53, 54 marked and received, juror questions.

Sidebar with counsel.

Cross examination by Mr. Sanger.

Cross examination by Mr. Mesick.

Redirect by Mr. Peuvrelle.

Witness is excused, subject to recall.

Jurors admonished and released for lunch break to return at 1:30 pm.

Out of the presence of the jurors, the Court and Counsel discuss with juror 231 communication received.

The Court puts on the record the response to Court exhibit 49.

Case called, all parties present, all jurors and alternates for Paul Flores and Ruben Flores panels present.

Witness Karen Hall sworn to testify.

People's exhibit 109 video of Karen Hall marked and received.

People's exhibit 109A transcript of Karen Hall video marked and received.

Parties stipulate that the Court reporter does not have to transcribe the audio on the video.

Cross examination by Mr. Sanger.

Cross examination by Mr. Mesick.

Witness is excused.

Parties stipulate that Ermalinda Flores sister of Paul Flores read into the record.

People's exhibit 112 A marked and received redacted phone records.

Witness J.T. Camp, previously sworn, resumes testimony under direct by the People.

People's exhibit 112A and 44 referred to.

People's exhibit 438 marked and received schematic of Muir Hall.

People's exhibit 438A marked and received schematic of Santa Lucia Hall.

People's exhibit 441 marked and received aerial view of Santa Lucia Hall.

People's exhibit 439 marked and received outside view of window Santa Lucia Hall.

People's exhibit 439A marked and received close up view of outside window to dorm room 128.

People's exhibit 439B marked and received window to dorm view of side street.

People's exhibit 439C marked and received view of back of Santa Lucia Hall.

People's exhibit 439D marked and received view of side street behind Santa Lucia Hall.

People's exhibit 439E marked and received view of window to dorm 128.

People's exhibit 439F marked and received view of back of Santa Lucia Hall.

People's exhibit 439G marked and received view of side of bike racks at Santa Lucia Hall.

People's exhibit 439H marked and received view of close up of entrance to Santa Lucia Hall.

People's exhibit 439I marked and received view of entry door to Santa Lucia Hall entrance.

Court exhibits 56, 57, 58, 59, 55 marked and received juror questions.

People's exhibit 28 marked and received front view window room 128.

Court exhibit 60 marked and received juror question.

Short sidebar with Counsel.

Juror questions addressed by the People.

Cross examination by Mr. Sanger.

Courtroom Clerk Sally Lopez replaces Courtroom Clerk Kristie Hanson.

People's exhibit 441 marked and received aerial google map of Santa Lucia Hall.

Sidebar with counsel.

Jurors admonished and released for break.

Case called. Appearances as heretofore stated. Defendant present with Counsel. Jury present and seated in jury box.

Continued cross examination by Mr. Sanger of Investigator Camp.

Defense exhibit 617 marked and received photograph of back of dorm depicting bicycles on bike racks.

Defense exhibit 618 marked and received photograph google view of street.

Sidebar with counsel.

Court exhibits 61, 62, 63, 64 marked and received juror notes.

Continued cross examination of Investigator Camp by Mr. Sanger.

People's exhibit 11 received and discussed.

Mr. Mesick no questions for witness.

Redirect of Investigator Camp by the People.

People's exhibit 441 marked and received photograph aerial map.

Mr. Sanger re-cross examination.

Witness is excused.

Jurors are admonished and released for the day to return on Monday August 15, 2022 at 08:30 am.

Out of the presence of the jury, Jurors notes are discussed and placed on the record.

The Judge places on the record regarding audio played. Stipulation entered regarding transcript and that the Court reporter does not need to take down the audio.

Case remains set for August 15, 2022 at 08:30 am in Salinas, Department 4 for Jury trial long cause ongoing.

Defendant is to remain on bail.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY
240 CHURCH STREET
SALINAS, CA 93901
831-775-5400

MINUTE ORDER

Case Number: 22CR003713

People of the State of California vs. Ruben Ricardo Flores

Honorable: **Jennifer Jean O'Keefe** Courtroom Clerk: **Kristie Ann Hanson**
Courtroom Reporter: **Stefani Cortopassi, CSR11993** Location: Department 4

Date: 8/15/2022 **Time: 8:30 AM** **Jury Trial: Long Cause (Ongoing)**

Charges:
001 PC32-Accessory Felony

Nature of proceedings: Jury Trial long cause ongoing.

Deputy District Attorney Chris Peuvrelle is present.

Defendant appears with Attorney Harold Mesick.

Case called, all parties present, all jurors and alternates present for both Paul Flores and Ruben Flores panels.

Witness J.T. Camp previously sworn, recalled to the stand to testify.

People's exhibit 18 marked and received photo front of Santa Lucia Hall.

People's exhibit 19 marked and received photo view of tree in front of Santa Lucia Hall.

People's exhibit 20 marked and received annotated photo of trees to left of front of Santa Lucia Hall.

People's exhibit 20A marked and received original photo of trees to left of Santa Lucia Hall.

People's exhibit 21 marked and received photo of inside lobby of Santa Lucia Hall.

People's exhibit 22 marked and received photo vertical view of hallway in Santa Lucia Hall.

People's exhibit 23 marked and received view of hallway in Santa Lucia Hall.

People's exhibit 24 marked and received photo entrance to bathroom at Santa Lucia Hall.

People's exhibit 25 marked and received photo of entrance to bathroom showers at Santa Lucia Hall.

People's exhibit 26 marked and received view of door to room 128.

People's exhibit 27 marked and received front view of inside room of 128.

People's exhibit 28 marked and received front view of inside room 128 with bunkbed.

People's exhibit 29 marked and received closeup view of window room 128.

People's exhibit 30 marked and received view of road from room 128.

People's exhibit 31 marked and received view of recreation room in Santa Lucia Hall.

People's exhibit 32 marked and received view of double doors to recreation room.

People's exhibit 33 marked and received view of back wall of Santa Lucia Hall with side view of window.

People's exhibit 34 marked and received view of back wall with view to front window.

People's exhibit 36 marked and received photo front view of Muir Hall.

People's exhibit 37 marked and received photo view of walkway to Muir Hall.

People's exhibit 38 marked and received photo view of walkway to street Muir Hall.

People's exhibit 39 marked and received photo vertical street view of rear of Muir Hall.

People's exhibit 40 marked and received view of Mustang Way sign.

People's exhibit 41 marked and received view of room 120 Muir Hall.

People's exhibit 42 received view of door to room 120 Muir Hall.

People's exhibit 43 received photo midway view of room 120.

People's exhibit 44 marked and received photo closeup room 120.

People's exhibit 45 marked and received view of front entrance doors to Muir Hall.

People's exhibit 46 marked and received annotated photo view of corner Muir Hall building.

People's exhibit 46A marked and received original photo view of corner Muir Hall building.

People's exhibit 47 marked and received distance view of front to Muir Hall.

Cross examination by Mr. Sanger.

No questions by Mr. Mesick.

Redirect by Mr. Peuvrelle.

Witness is excused, will be recalled in the future.

Witness Adela Morris is sworn to testify.

Jurors admonished and released for break.

Case called, all parties present, all jurors and alternates present for Paul Flores and Ruben Flores present.

Witness Adela Morris, previously sworn resumes testimony under direct examination by the People.

People's exhibit 113 marked and received photo of Cholla dog.

Court exhibit 65, 66, 67, 68 marked and received, juror questions.

Jurors admonished and released for lunch break to return at 1:30 pm.

Out of the presence of the jurors, Mr. Peuvrelle requests reconsideration of ruling regarding dog alert.

The Court will sustain the ruling.

Case called, all parties present, all jurors and alternates for both Paul Flores and Ruben Flores panel are present.

Adela Morris, previously sworn, resumes testimony under direct examination by the People.

People's request to designate Ms. Morris as an expert dog handler is granted.

People's exhibit 114 marked and received photo of Cirque dog.

Court exhibit 69 marked and received juror question.

Cross examination by Mr. Sanger.

Court exhibit 70, 71 marked and received juror questions.

Jurors admonished and released for break.

Case called, all parties present, all jurors and alternate jurors for Paul Flores and Ruben Flores panels present.

Witness Adela Morris, previously sworn resumes testimony under cross examination by the Defense Mr. Sanger.

Court exhibit 72, 73, 74 marked and received juror questions.

Sidebar with counsel.

Case called all parties present, all jurors and alternates for Paul Flores and Ruben Flores panels.

Witness Adela Morris, previously sworn, resumes testimony under cross examination by Mr. Sanger.

Jurors are admonished and released for the day to return at 10:30 am on Tuesday, August 16, 2022.

Witness Adela Morris ordered to return at 10:30 am on August 16, 2022.

Case remains set for August 16, 2022 at 10:30 am in Salinas, Department 4.

Defendant is to remain on bail.