

SUPERIOR COURT OF THE STATE OF CALIFORNIA
STANISLAUS COUNTY

DATE: September 25, 2015
JUDGE: Barbara Zúñiga

DEPARTMENT: 26
CLERK: K. Stein
REPORTER: Lisa DeRuiter
DOCKET: 1490969

PEOPLE OF THE STATE OF
CALIFORNIA,

DEPUTY DISTRICT ATTORNEY
MARLISA A. FERREIRA

Plaintiff,

vs.

FRANK CLIFFORD CARSON, et al.

DEFENSE COUNSEL:
PRECILIANO MARTINEZ, et al.

Defendants.

**AMENDED MINUTE ORDER RE: STANISLAUS COUNTY SHERIFF'S DEPARTMENT'S MOTION TO
VACATE THE INTERIM ORDER RE SHACKLING ISSUES**

APPEARANCES:

Plaintiff, Sheriff Adam Christiansen is present with Martin Mayer, Esq. and David Demurjian, Esq.

Defendant/Respondent, BALJIT SINGH ATHWAL is present with Martha Carlton-Magaña, Esq. and with the aid of a Punjabi Interpreter.

Defendant/Respondent, DALJIT ATWAL is present with Hans Hjertonsson, Esq. and with the aid of a Punjabi Interpreter.

Defendant/Respondent, FRANK CLIFFORD CARSON is present with Preciliano Martinez, Esq. and Stephen Schmid, Esq.

Defendant/Respondent, WALTER WESTLEY WELLS is present with Timothy Rien, Esq.

(Also present is Marlisa Ferreira for the People and Defendant, CHRISTINA ANNE DeFILIPPO with/by Ryan Roth, Esq.)

(Punjabi interpreters: Kuldeep Dhindsa, Hardev S. Grewal, and Harinder Dhillon are present. - Qualifications of NonCertified or NonRegistered Interpreter have been filed for Mr. Grewal and Ms. Dhillon. Mr. Dhindsa submits said document to the Court today.)

At 10:25 a.m., case is regularly called for hearing.

Defendant/Respondent, FRANK CLIFFORD CARSON'S counsel, Stephen Schmid, requests that investigator Steve Jacobson be disarmed. This request is **DENIED**.

Court hears oral argument from Mr. Mayer, Esq.

The Sheriff's counsel requests that Defendant/Respondent, BALJIT SINGH ATHWAL'S opposition be stricken. Court **DENIES** this request.

Court continues to hear oral argument from the Sheriff's counsel, Mr. Mayer.

At 11:02 a.m. the Court makes the official finding that Mr. Kuldeep Dhindsa is qualified to interpret; he exceeds the provisions. He is sworn in and his Qualifications of NonCertified or NonRegistered Interpreter is executed and filed by the Court.

Plaintiff's Exhibit No. 1 is marked for identification.

Plaintiff's witness Greg Clifton, Lt. Jail Commander of the Stanislaus County Sheriff's Department is sworn in and testifies.

Defendant/Respondent, WALTER WESTLEY WELLS' counsel requests that he and his client be able to waive their presence for the remainder of this hearing. This request is **GRANTED**.

At 12:04 p.m. the Court takes the lunch recess.

At 1:30 p.m. Court is back in session. Defendants/Respondents, FRANK CLIFFORD CARSON, BALJIT SINGH ATHWAL and DALJIT ATWAL and their counsel are present. Sheriff Adam Christiansen is present with his attorneys. (Also now present is Bruce Perry, Esq. for Robert Woody, Jr. in a separate criminal case number.)

Plaintiff's witness, Greg Clifton continues his testimony, remaining under oath.

At 1:54 p.m., cross-examination is conducted by Martha Carlton-Magaña, Esq.

At 2:44 p.m., cross-examination is conducted by Preciliano Martinez, Esq.

At 2:56 p.m., re-cross is conducted by Martin Mayer, Esq.

Further cross-examination is conducted by Hans Hjertonsson, Esq. and Preciliano Martinez, Esq.

At 3:05 p.m. the Court takes an afternoon break.

At 3:22 p.m., Plaintiff's Exhibit 1 is received into evidence.

Respondents' (Joint) Exhibit A is marked for identification and received into evidence.

Court hears final arguments from Sheriff's counsel and attorneys for the Defendants/Respondents.

The Court hereby **ORDERS** that the motion to set aside Judge Manoukian's order is **GRANTED**.

At 4:04 p.m. Defendant, CHRISTINA ANNE DeFILIPPO'S counsel files his renewed CCP 170.6 challenge against Judge Zúñiga. The CCP 170.6 is **STRICKEN**.

Defendant, FRANK CLIFFORD CARSON'S counsel files a declaration in support of recusal motion.

Court and counsel discuss discovery issues.

The following dates are **CONFIRMED** in this matter:

October 1, 2015 - 10:00 a.m. - Department 26:

1. Defendant, BALJIT SINGH ATHWAL'S Motion to Dismiss for Outrageous Government Misconduct.
2. Defendant, BALJIT SINGH ATHWAL'S Motion to Quash Ramey Warrant.
3. Continued Arraignments for Defendants, FRANK CLIFFORD CARSON, BALJIT SINGH ATHWAL, DALJIT ATWAL, WALTER WESTLEY WELLS, and GEORGIA DeFILIPPO.
4. Pre-Trials for Defendants, CHRISTINA ANNE DeFILIPPO, SCOTT McFARLANE and EDUARDO QUINANTAR, JR.
5. Defendant, GEORGIA DeFILIPPO to formally enter a PC 977 waiver.
6. Defendants, SCOTT McFARLANE and EDUARDO QUINTANAR, JR. to formally enter ten day time waivers.

October 1, 2015 and October 2, 2015 - 10:00 a.m. - Department 26:

Motion to Recuse the Stanislaus County District Attorney's Office.

October 13, 2015 - 9:30 a.m. - Department 26 (three to four day time est.):

Defendants, EDUARDO QUINTANAR, JR. and SCOTT McFARLANE'S Preliminary Examination Hearings.

Defendants, FRANK CLIFFORD CARSON, BALJIT SINGH ATHWAL and DALJIT ATWAL are remanded to the custody of the Sheriff with bail currently set at No Bail.

Defendant, WALTER WESTLEY WELLS is remanded to the custody of the Sheriff with bail currently set at \$10,000,000.00.

People request they be able to file a surreply as to the motion to recuse the District Attorney's Office on Monday, September 28, 2015. Court **GRANTS** this request. It must be kept short.

Court recesses for the day at 4:35 p.m.

PROOF OF SERVICE BY FACSIMILE

STATE OF CALIFORNIA)
) SS
COUNTY OF STANISLAUS)

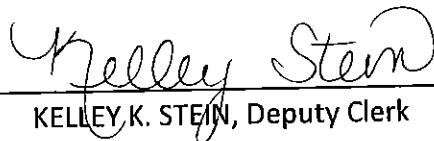
I am over the age of 18 years and employed by the Superior Court of the State of California, County of Stanislaus, and not a party to the within action. I certify that I served a copy of the attached **AMENDED MINUTE ORDER RE: STANISLAUS COUNTY SHERIFF'S DEPARTMENT'S MOTION TO VACATE THE INTERIM ORDER RE SHACKLING** via facsimile on September 29, 2015 as follows:

Timothy Rien, Esq.
Law Offices of Timothy B. Rien
Fax No. (925) 449-3257

Alonzo Gradford, Esq.
Law Office of Alonzo J. Gradford
Fax No. (209) 408-0797

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 29, 2015 at Modesto, California.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF STANISLAUS

By 
KELLEY, K. STEIN, Deputy Clerk

Kelley Stein

From: Patty Godfrey
Sent: Tuesday, September 29, 2015 8:29 AM
To: CRC
Subject: FW: facsimile job 6572 to Timothy Rien, Esq. (19254493257) completed

-----Original Message-----

From: HylaFAX Agent [<mailto:fax@supctfax4.stancourt.org>]
Sent: Tuesday, September 29, 2015 8:27 AM
To: Patty Godfrey
Subject: facsimile job 6572 to Timothy Rien, Esq. (19254493257) completed

Your job to 19254493257 was completed successfully.

Pages: 6
Receiver: 9254493257
Quality: 196
Page Width: 215 (mm)
Page Length: 279
Signal Rate: 14400 bit/s
Data Format: 2-D MMR
Remote Equipment: Brother MFC-3100C/MFC-8600
Remote Station:
Dialogs: 1 (exchanges with remote device)
Calls: 1 (total phone calls placed)
Modem: ttyIAX7
Submitted From: localhost
JobID: 6572
GroupID: 6572
CommID: c000036338

Processing time was 0:02:51.

Kelley Stein

From: Patty Godfrey
Sent: Tuesday, September 29, 2015 8:31 AM
To: CRC
Subject: FW: facsimile job 6573 to Alonzo Gradford, Esq. (4080797) completed

-----Original Message-----

From: HylaFAX Agent [<mailto:fax@supctfax4.stancourt.org>]
Sent: Tuesday, September 29, 2015 8:30 AM
To: Patty Godfrey
Subject: facsimile job 6573 to Alonzo Gradford, Esq. (4080797) completed

Your job to 4080797 was completed successfully.

Pages: 6
Receiver: 2094080797
Quality: 196
Page Width: 215 (mm)
Page Length: 279
Signal Rate: 12000 bit/s
Data Format: 2-D MMR
Remote Equipment: Brother MFC-3100C/MFC-8600
Remote Station:
Dialogs: 1 (exchanges with remote device)
Calls: 1 (total phone calls placed)
Modem: ttyIAX7
Submitted From: localhost
JobID: 6573
GroupID: 6573
CommID: c000036339

Processing time was 0:02:45.