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COUNTY OF STANISLAUS

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5 Attorney for Defendant  
FRANK C. CARSON

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

9 PEOPLE OF THE STATE OF )  
10 CALIFORNIA, )  
11 Plaintiff, )  
12 vs. )  
13 FRANK C. CARSON, et. al., )  
14 Defendants. )

CASE NO.: 1490969  
DEFENDANT'S MOTION  
TO STRIKE HEARSAY  
TESTIMONIAL STATEMENTS  
DATE: TBA  
TIME: 9:30 a.m.  
DEPT: 26

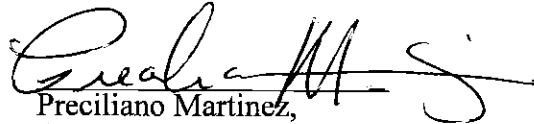
17 In testimony given by Robert Lee Woody on August 9, 2016 beginning at 15096; 18  
18 extending to 15108; 6 Mr. Woody was allowed to quote supposed statements attributed to family  
19 members who in turn attributed supposed statements to Baljit Atwal. Mr. Woody testified what  
20 he had been told in phone calls he'd had while in jail. The court repeatedly overruled objections  
21 to the statements Mr. Woody recounted quoting family members. The multiple levels of hearsay  
22 kept being admitted into evidence until the court allowed: "I'm going to let it come in. Take it  
23 subject to a motion to strike. I need to think this one through." (PXT P. 15107; 11-12).

24 The People offered a range of exceptions to allow the multiple levels of speculative  
25 quotations including consciousness of guilt (PXT P. 15097; 1-3), operative fact of the crime  
26 (PXT P. 15097; 18), etc. The People have not yet claimed Mr. Woody's family members to be  
27 co-conspirators.

1 It should be pointed out that a review of *Simons On California Evidence*, 2:12  
2 Consciousness of Guilt , 2:14 Verbal Acts, and 2:16 Multiple Hearsay, doesn't suggest the  
3 evidence should have been admitted. The defendant moves to strike them.

4  
5 Dated: 9-26, 2016.

Respectfully submitted,

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8 Preciliano Martinez,  
9 Attorney for Frank Carson  
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1 **PROOF OF SERVICE**

2 I declare under penalty of perjury that:

3  
4 I am a citizen of the United States and am employed in the County of Stanislaus. I am  
5 over the age of eighteen years and not a party to the within action. My business address is as  
6 follows: 1120 14<sup>th</sup> Street, Modesto, CA 95354.

7  
8 On the date set forth below, I caused the attached **DEFENDANT'S MOTION TO  
9 STRIKE HEARSAY TESTIMONIAL STATEMENTS** to be served on the parties to this  
10 action as follows:

11  BY MAIL-

12 I placed a true copy thereof, enclosed in a sealed envelope with postage thereon fully  
13 prepaid, in the United States mail at Modesto, California, addressed to the parties as set  
14 forth on the attached service list. C.C.P. §§1013 (a), 2015.5.

15  BY FEDERAL EXPRESS-

16 I retained Federal Express to personally serve a true copy thereof on \_\_\_\_\_ on the parties  
17 as set forth on the attached service list. C.C.P. §§1013 (c), 2015.5.

18  BY FACSIMILE TRANSMISSION-EMAIL

19 I am readily familiar with this law firm's business practices for collection and processing  
20 of documents by way of facsimile and email. I telefaxed/scanned a true copy thereof at  
21 said facsimile number (s)/email addresses as set forth on the attached service list. C.C.P.  
22 §§1013 (e), 2015.5 and C.R.C. §2008.

23  BY PERSONAL SERVICE-

24 I personally served a true copy thereof on the parties as set forth on the attached service  
25 list. C.C.P. §§1011, 2015.5.

26 Executed on 9/20/16 at Modesto, California.

27  
28 

1 **Re: People of the State of California v. Frank Carson, et al.,**  
2 **STANISLAUS County Superior Court Case No.: 1490969**

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