

SUPERIOR COURT OF THE STATE OF CALIFORNIA
STANISLAUS COUNTY

DATE: October 5, 2015
JUDGE: Barbara Ann Zúñiga

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

PEOPLE OF THE STATE OF
CALIFORNIA,

CHIEF DEPUTY DISTRICT ATTORNEY:
MARLISA A. FERREIRA

Plaintiff,

vs.

FRANK CLIFFORD CARSON, et al.

DEFENSE COUNSEL:
PRECILIANO MARTINEZ, et al.

Defendants.

NATURE OF HEARING:

Hearing to discuss conflicts, substitution of attorney issues, getting acknowledgments from clients and waivers re counsel talking to co-Defendants.

APPEARANCES:

The People of the State of California is present by Marlisa Ferreira, Chief Deputy District Attorney. (Investigator Kirk Bunch is also present.)

Defendant, BALJIT SINGH ATHWAL is present with Martha Carlton-Magaña, Esq. Punjabi Interpreters: *Hardev Grewal and Gurpreet Kaur have qualification of noncertified/non registered interpreter orders on file and they are interpreting for this Defendant.*

Defendant, FRANK CLIFFORD CARSON is present with Stephen Schmid, Esq.

Defendant, GEORGIA DeFILIPPO is present with Jesse J. García, Esq.

Defendant, EDUARDO QUINTANAR, JR. is present by Alonzo J. Gradford, Esq.

Defendant, CHRISTINA ANNE DeFILIPPO is present with Robert L. Forkner, Esq.

Attorney Ryan Roth, Esq. is present to assist Mr. Martinez, Mr. Schmid and Mr. Forkner in this matter.

Also present is Bruce Perry, attorney for Robert Woody in criminal case No. 1471110.

Case is regularly called for hearing at 10:19 a.m.

Court is notified that Mr. Gradford will be here by 10:30 a.m.

Court recesses until 10:30 a.m.

Case is recalled for hearing at 10:35 a.m.

A substitution of attorney is submitted by Jesse J. García. It lacks the signature of Tim A. Pori, the Court returns said document to Mr. García to secure Mr. Pori's signature before filing.

Court receives a waiver of conflict and declaration from Mr. Forkner. Mr. Forkner states that he has visited both FRANK CLIFFORD CARSON and GEORGIA DeFILIPPO while they were in custody and has represented Mr. CARSON in the past. He states he had permission from their counsel as well as each other and his client. He states that his visits with GEORGIA DeFILIPPO were mostly a social visit other than discussing attorneys for her. Court informs him that he must obtain a waiver from Mr. Samra (potential witness) before the preliminary examination. After discussion with counsel, Court requests staff to find out if Mr. Jeffrey Hirschfield is available to advise CHRISTINA ANNE DeFILIPPO re any potential conflicts today at 1:30 a.m. Mr. Jeffrey Hirschfield is from the San Joaquin County appointment of counsel list.

Court **ORDERS** the District Attorney's Office to obtain a witness list for Mr. García's review right away to determine if he has a conflict. This is done.

Court **ORDERS** Martha Carlton-Magaña to provide the Court with a written waiver of conflict signed by her client. The interpreter must also go over this form with her client. Mr. Perry indicates that his client, Robert Woody, will not have an objection to Mrs. Carlton-Magaña representing Mr. BALJIT SINGH ATHWAL. Mr. Perry is willing to waive all potential conflicts that may exist on behalf of his client. Mrs. Carlton-Magaña is to also have a written waiver ready for Mr. Woody to execute when he appears in Court.

The Court formally inquires Defendant, BALJIT SINGH ATHWAL re any potential conflicts of interest his attorney may have and that he has the right to be represented by counsel who is conflict-free. He states orally in open Court that he understands and gives up his right to be represented by a conflict-free attorney. Court finds he has been fully advised and freely and voluntarily gives up the same.

Jesse J. García requests that the witness list be lodged with the Court. Mr. Gradford requests that when it is lodged, it be lodged under seal. **SO ORDERED.** Mr. García needs dates of births

for the people on the list with the last name of Singh in order for him to do a proper conflict check. Court **ORDERS** that the District Attorney's Office give him dates of birth for each person that they can. The Court also **ORDERS** Mr. García to do a full conflict check in his data base at his office as well by name. Mr. García requests the District Attorney's Office provide him a witness list of the witnesses they plan to call under subpoena. Marlisa Ferreira states she does not have that readily available yet. Court **ORDERS** that she provide all defense counsel a 'potential' witness list by October 9, 2015 via email.

Marlisa Ferreira states that she will provide Mrs. Carlton-Magaña the discovery re Jim Cook today. Further discovery matters were discussed.

Court **ORDERS** that the District Attorney's Office provide their First Amended Complaint by today.

Court hands out copies of the bench recusal order to counsel. Mrs. Carlton-Magaña states that the order handed to counsel is the August 25, 2015 order which was signed the day after the Ramey warrant. She is requesting any other orders re a bench recusal/individual recusals from this county.

Counsel request that the seating arrangements of the Defendants be changed. Court will permit this. (Discussions about seating logistics re the upcoming preliminary hearing are held off the record.) Also, counsel advise the Court that Mr. Roth will be assisting Mr. García, Mr. Martinez, AND Mr. Forkner. His assistance will be for legal research and things of that nature only. The Court **ORDERS** that if this is to be, then both Mr. Roth and Mr. Martinez shall have written waivers provided to the Court before this happens.

Counsel inform the Court that Eula Keyes (a potential witness) was represented by Mr. Roth and Mr. Martinez in the past. Mr. Roth informs the Court that he merely conflicted off of her matter. The Court **ORDERS** that Mr. Roth and Mr. Martinez file declarations of no conflict re her. Mr. Schmid advises that he will let Mr. Martinez know.

Per in-custody Defendants' counsels' requests, the Court **ORDERS** that the in-custody Defendants shall be DRESSED OUT for the preliminary examination hearings.

Mr. García requests if an email signature from Mr. Pori on Defendant, GEORGIA DeFILIPPO'S substitution of attorney will suffice. The Court **GRANTS** this request.

Court takes the lunch recess at 12:07 p.m.

At 1:37 p.m., Court resumes. Mr. Forkner and Defendant, CHRISTINA ANNE DeFILIPPO are present. Mr. Hirschfield is in Illinois. The Court has contacted him via phone over the lunch period. The Court informs counsel that Mr. Hirschfield requests that Defendant, CHRISTINA

ANNE DeFILIPPO meet with him at his office in Stockton re obtaining independent counsel advising her about potential conflicts of interest and possibly executing a waiver of such.

This matter is **CONFIRMED** for preliminary hearings as to all Defendants **on October 13, 2015 in Department 26**. The time for the preliminary examination hearings will be at **10:00 a.m.** rather than at 9:30 a.m.

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

Defendants, GEORGIA DeFILIPPO, EDUARDO QUINTANAR, JR. and CHRISTINA ANNE DeFILIPPO are released on bail.

Court recesses for the day at 1:40 p.m.

Note to jail: ALL IN CUSTODY DEFENDANTS (FRANK CLIFFORD CARSON, BALJIT SINGH ATHWAL, DALJIT ATWAL, and WALTER WESTLEY WELLS) ARE TO BE DRESSED OUT FOR THEIR PRELIMINARY EXAMINATION HEARINGS.