

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
STANISLAUS COUNTY**

**DATE: September 14, 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:  
PERCY MARTINEZ, et al.**

**Defendants.**

---

**APPEARANCES:**

The People of the State of California is present by Marlisa Ferreira, DDA. (Investigator Kirk Bunch is also present.)

Defendant, FRANK CLIFFORD CARSON is present with Preciliano Martinez, Esq. and is also co-counsel. Also present is Stephen Schmid, Esq. who represents Intervenor, Michael Hoyt in civil case No. 2016630

Defendant, BALJIT ATHWAL is present with Martha Carlton-Magana, Esq.

Defendant, DALJIT ATWAL is present with Hans Hjertonsson, Esq.

Defendant, GEORGIA DeFILIPPO is present with Tim A. Pori, Esq.

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

Defendant, SCOTT McFARLANE is present with Lawrence Niermeyer, Esq.

Defendant, EDUARDO QUINTANAR is present with Alonzo J. Gradford, Esq.

Defendant, CHRISTINA ANNE DeFILIPPO is present with Ryan Roth, Esq.

Punjabi Interpreters: Hardev Grewal, Harinder Dhillon, and Robert Brara are present and assisting Defendants, BALJIT SINGH ATHWAL and DALJIT ATWAL.

(Also present are Bruce Perry, Esq. and Martin Baker, Esq. for Robert Woody, a Defendant in a separate action - case No 1471110.)

Stanislaus County Sheriff, Adam Christianson is present by Martin J. Mayer, Esq.

At 10:17 a.m., the Court meets with all counsel in chambers.

At 11:05 a.m. the Courtroom audience is cleared in order to bring in the in-custody Defendants.

At 11:18 a.m., this case is regularly called for hearing. The audience members are now back in the courtroom. All parties/counsel are present.

Court has reviewed the applications re the qualifications re the non-certified Punjabi interpreters present in Court today and signs the orders. Court finds they have exceeded the provisional qualifications period specified in the Rules of Court.

The Qualifications of a NonCertified or NonRegistered Interpreter are filed for the three interpreters, per the instruction of the Court. The Punjabi Interpreters are sworn in.

At 11:22 a.m., the Court arraigns Defendants, SCOTT McFARLANE, EDUARDO QUINTANAR, JR. and CHRISTINA DeFILIPPO.

At 11:25 a.m., the Punjabi Interpreters officially begin interpreting for Defendants, DALJIT ATWAL and BALJIT SINGH ATHWAL.

Marlisa Ferreira, DDA objects to the no time waiver entries, stating that she would like the cases to stay together. Court **SETS** this case for hearing re the no time waiver issue on **September 21, 2015 at 1:30 p.m. in Department 26**. Per Mr. Rien's request, his client Defendant, WALTER WESTLEY WELLS is excused from this hearing.

At 11:33 p.m., Court discusses the CCP 170.6 filings made against her Honor. She has reviewed the challenges. Court hears oral arguments from Defendants, FRANK CLIFFORD CARSON and CHRISTINA ANNE DeFILIPPO'S attorneys and from Marlisa Ferreira, DDA.

Court finds that Defendants, FRANK CLIFFORD CARSON and GEORGIA ANNE DeFILIPPO'S CCP 170.6 challenges are hereby confirmed as **STRICKEN/DENIED**.

At 11:55 a.m. arguments are made regarding the order to show cause to the Stanislaus County Sheriff's Department re contempt (shackling issues) by Defendants, BALJIT SINGH ATHWAL and FRANK CLIFFORD CARSON'S counsel. Sheriff Adam Christianson's attorney also provided oral argument.

At 12:02 p.m. the Court takes a lunch break.

At 1:50 p.m. the Court is back in session. All parties/respective counsel are present with the exception of Mr. Gradford and his client, EDUARDO QUINTANAR, JR. and Mr. Niermeyer and his client, SCOTT McFARLANE as they were excused from the remainder of today's proceedings.

Court hears continuing arguments from Mr. Mayer, Esq. re shackling issues. He requests the Court stay the interim order and vacate any request for a contempt citation. Defendants, BALJIT SINGH ATHWAL and FRANK CLIFFORD CARSON'S counsel provide oral arguments.

(A brief conference in chambers with counsel is held.)

**Court rules as follows: Court and counsel have reached an agreement with the Sheriff that the Defendants in custody in this case will have the black boxes removed from their hand chains until a full hearing with respect to the order to show cause is heard.**

Defendant, FRANK CLIFFORD CARSON and his counsel notes their objections re discussions held off the record in chambers and at side bar without all counsel present. The Court addresses this.

A full hearing on the order to show cause as to the Sheriff re shackling contempt issues and the motion to vacate the interim order re the shackling issues are hereby **SET for September 25, 2015 at 10:00 a.m. in Department 26.**

At 3:04 p.m. Mr. Pori, attorney for Defendant, GEORGIA DeFILIPPO asks the Court if a bail hearing can be held today without waiving their right to recusal of the prosecution; as long as the prosecution stipulates to this. Court hears discussion from Marlisa Ferreira, DDA and Mr. Pori, Esq. re this. Marlisa Ferreira, DDA so stipulates.

At 3:12 p.m. the Court takes a short afternoon break.

At 3:34 p.m. Court is back in session. All counsel and parties are present with the exception of Mr. Gradford and his client Defendant EDUARDO QUINTANAR and Mr. Niermeyer and his client Defendant SCOTT McFARLANE as they were excused for the remainder of the afternoon.

At 3:36 p.m. a bail hearing is conducted re Defendant, GEORGIA DeFILIPPO.

Defendant, GEORGIA DeFILIPPO'S witness, Stephen Krimel is sworn in and testifies.

Marlisa Ferreira, DDA cross-examines witness, Stephen Krimel.

Judicial notice is taken of portions of the transcript of the August 25, 2015 hearing re bail per Marlisa Ferreira, DDA's request. Mr. Pori, Esq. does not object.

Mr. Pori, Esq. conducts re-cross examination of witness, Stephen Krimel.

Further Bail Review Hearing re Defendant, GEORGIA DeFILIPPO is **CONTINUED** to be heard on **September 21, 2015 at 10:00 a.m. in Department 26**. All Defendants, except for GEORGIA DeFILIPPO, are excused from this hearing date.

Counsel discussed the status of the discovery in this case. Court **ORDERS** Marlisa Ferreira, DDA to make a list of what discovery is outstanding and a date when it will be available. The Court will then contact the Special Master re this.

Court **ORDERS** that this matter be **CONTINUED to October 1, 2015 and October 2, 2015 at 10:00 a.m. in Department 26** to hear the motion to recuse the Stanislaus County District Attorney's Office.

(Attorney Ryan Roth, Esq. files a PC 977 waiver on behalf of his client, CHRISTINA ANNE DeFILIPPO.)

Court recesses for the day at 5:16 p.m.

cc: A. Gradford, Esq. (via facsimile)  
L. Niermeyer, Esq. (via facsimile)

**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 **MINUTE ORDER** via facsimile on September 15, 2015 as follows:

Alonzo Gradford, Esq.  
LAW OFFICES OF ALONZO J. GRADFORD *64125*  
Fax No.: (209) 408-0797

Lawrence T. Niermeyer, Esq.  
LAW OFFICES OF MOORAD, CLARK & STEWART *64124*  
Fax No.: (209) 526-4703

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 15, 2015 at Modesto, California.

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

By *Kelley K Stein*  
KELLEY K. STEIN, Deputy Clerk