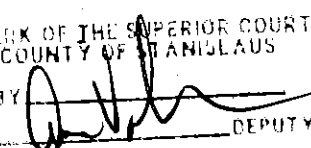


1 BIRGIT FLADAGER
District Attorney
2 Stanislaus County
832 12th Street, Suite 300
3 P.O. Box 442
Modesto, CA 95353
4 Telephone: (209) 525-5550
Facsimile: (209) 558-4027

5 Attorney for the Plaintiff
6
7

FILED
15 OCT 20 AM 9:17
CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
BY  DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF STANISLAUS

10 THE PEOPLE OF THE STATE OF CALIFORNIA,

11 Plaintiff,

12 vs.

13 FRANK CLIFFORD CARSON,
14 BALJIT ATWAL,
DALJIT ATWAL,
15 WALTER WESTLEY WELLS,
GEORGIA DEFILIPPO,
16 CHRISTINA DEFILIPPO
EDUARDO QUINTANAR AND
17 SCOTT MCFARLANE,

18 Defendants.

CASE NO.: 1490969

NOTICE OF MOTION AND MOTION
TO QUASH DEFENDANT'S
SUBPOENAS DUCES TECUM
RECEIVED OCT. 16, 2015 FOR
RECORDS OF THE OFFICE OF THE
DISTRICT ATTORNEY OF
STANISLAUS COUNTY

Date: October 21, 2015

Time: 9:30 a.m.

Dept. 26

The Honorable Barbara Zuñiga

19 TO DEFENDANTS AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that at the above-stated date and time or as soon thereafter as
21 the matter may be heard in the above-named court the People of the State of California, by and
22 through their attorney, BIRGIT FLADAGER, District Attorney, will move the court to quash the
23 service of defendant's subpoenas for defendants' continued failure to comply with Penal Code
24 section 1054 et. seq. This opposition is in reference to defendant's subpoenas received on October
25 16, 2015 for District Attorney records, specifically for copies of correspondence and
26 communications regarding assignment of judges and copies of all complaints made to the State
27 Bar by the office and/or its employees.

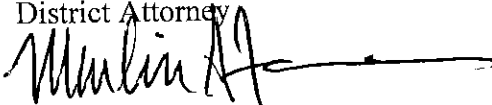
28 ///

1 This motion is based upon this notice of motion, the attached Memorandum of Points and
2 Authorities, as well as any oral and documentary evidence and argument of counsel that may be
3 presented at the hearing on the motion.

4 Dated this 20th day of October, 2015, at Modesto, California.

5 Respectfully submitted,

6 BIRGIT FLADAGER
7 District Attorney

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9 MARLISA A. FERREIRA
10 Chief Deputy District Attorney
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1 BIRGIT FLADAGER
District Attorney
2 Stanislaus County
832 12th Street, Suite 300
3 P.O. Box 442
Modesto, CA 95353
4 Telephone: (209) 525-5550
Facsimile: (209) 558-4027

5 Attorney for the Plaintiff
6
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF STANISLAUS

10 THE PEOPLE OF THE STATE OF CALIFORNIA,

CASE NO.: 1490969

11 Plaintiff,

12 vs.

13 FRANK CLIFFORD CARSON,
14 BALJIT ATWAL,
15 DALJIT ATWAL,
16 WALTER WESTLEY WELLS,
17 GEORGIA DEFILIPPO,
CHRISTINA DEFILIPPO,
EDUARDO QUINTANAR AND
SCOTT MCFARLANE,

Defendants.

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PEOPLE'S MOTION TO QUASH
DEFENDANT'S SUBPOENAS
DUCES TECUM RECEIVED OCT.
16, 2015 FOR RECORDS OF THE
OFFICE OF THE DISTRICT
ATTORNEY OF STANISLAUS
COUNTY

18
19 Comes now the People of the State of California, by and through its attorney, BIRGIT
20 FLADAGER, District Attorney, and respectfully submits the following Points and Authorities in
21 Support of Motion to Quash Subpoenas Duces Tecum.

22
23 **STATEMENT OF THE CASE AND FACTS**

24 The Stanislaus County District Attorney's Office is the prosecuting agency for offenses
25 occurring in Stanislaus County. Defendants are charged with the murder.

26 On September 29, 2015, the Office of the District Attorney of Stanislaus County was served
27 with a Subpoena Duces Tecum on behalf of defendant. The People filed their opposition to

1 defendants' subpoenas on September 30, 2015.

2 On October 16, 2015, the Office of the District Attorney of Stanislaus County was served
3 with two Subpoenas Duces Tecum on behalf of defendant requesting copies of correspondence
4 regarding the assignment of judges and complaints made by the Stanislaus County District Attorney
5 and/or any of its employees. (Exhibits A and B, attached.)
6

7 LAW AND ARGUMENT

8 **I. THE CHANGE TO DISCOVERY RULES IN CALIFORNIA**

9 With the exception of evidence that tends to exculpate a defendant or reduce penalty, the
10 Due Process clause of the Fourteenth Amendment imposes no burden of discovery upon the
11 prosecution. (*Wardius v. Oregon* (1973) 412 U.S. 470, 474.) Under the United States Constitution,
12 there is no general constitutional right to discovery in a criminal case. (*Weatherford v. Bursey*
13 (1977) 429 U.S. 545, 559.)

14 In California, prior to the passage of Proposition 115, discovery in criminal cases had
15 developed through common law rather than constitutional interpretation or legislative enactment.
16 "Unlike the statutory development of civil discovery in California, the right of an accused to seek
17 discovery in the course of preparing his defense to a criminal prosecution is a judicially created
18 doctrine evolving in the absence of guiding legislation." (*Pitchess v. Superior Court* (1974) 11
19 Cal.3d 531, 535.)

20 With the adoption of Proposition 115, the Crime Victims Justice Reform Act, however,
21 criminal discovery is now governed by constitutional and statutory enactment. Article I, section
22 30, subdivision (c), of the California Constitution provides, "In order to provide for fair and speedy
23 trials, discovery in criminal cases shall be reciprocal in nature, as prescribed by the Legislature or
24 by the people through the initiative process."

25 Proposition 115 also added a chapter to the Penal Code setting forth both substantive and
26 procedural rules for discovery. One of the stated purposes of this chapter is, "[t]o provide that no
27

1 discovery shall occur in criminal cases except as provided by this chapter, other express statutory
2 provisions, or as mandated by the Constitution of the United States." (Pen. Code, ' 1054, subd.

3 (e.) Similarly, Penal Code section 1054.5, subdivision (a), now states:

4 No order requiring discovery shall be made in criminal cases except as
5 provided in this chapter. This chapter shall be the only means by which the
6 defendant may compel the disclosure or production of information from
7 prosecuting attorneys, law enforcement agencies which investigated or prepared
8 the case against the defendant, or any other persons or agencies which the
9 prosecuting attorney or investigating agency may have employed to assist them in
10 performing their duties.

11 (See also, Pen. Code, ' 1054, subd. (e); see generally, *In re Littlefield* (1993) 5 Cal.4th 122,
12 129.) Hence, prior decisions of the California appellate courts no longer have force where
13 inconsistent with the California Constitution and statutes regarding discovery in criminal cases.

14 **B. A SUBPOENA MAY NOT BE SERVED ON THE PROSECUTION**

15 Cal. Pen. Code §1054.5, subdivision (a), reads: No order requiring discovery shall be made
16 in criminal cases except as provided in this chapter. This chapter shall be the only means by which
17 the defendant may compel the disclosure or production of information from prosecuting attorneys,
18 law enforcement agencies which investigated or prepared the case against the defendant, or any
19 other persons or agencies which the prosecuting attorney or investigating agency may have
20 employed to assist them in performing their duties. The procedural mechanisms of the discovery
21 statutory scheme (Cal. Pen. Code §1054 et seq.) are exclusive—that is, the parties to a criminal
22 proceeding may not employ discovery procedures other than those authorized by Chapter 10. (Cal.
23 Pen. Code §1054.5, subd. (a).) (See *People v. Superior Court (Barrett)* (2000) 80 Cal.App.4th 1305,
24 1312-1313.) A subpoena duces tecum is not authorized by the Discovery Act, except for third
25 parties, and the District Attorney is clearly not a third party witness as envisioned by case law.

26 *Barrett* goes further and holds, Chapter 10 also controls the substance of criminal discovery
27 in California except for discovery that is mandated by the United States Constitution and discovery
28 that is expressly provided in other statutes. Thus, unless a requested item is authorized by other
statutes or is constitutionally required, the parties to a criminal proceeding are entitled to obtain

1 disclosure of only those items listed in Cal. Pen. Code §1054.1 and §1054.3. *Id.*, at page 1313.

2 **C. The Requested Information is Privileged**

3 Article I, section 1 of the California Constitution secures to all people the right to privacy.
4 The 'inalienable right' of privacy is a 'fundamental interest' of our society, essential to those
5 rights 'guaranteed by the First, Third, Fourth, Fifth and Ninth Amendments to the U.S.
6 Constitution.' " (*El Dorado Savings and Loan Assn. v. Superior Court* (1987) 190
7 Cal.App.3d 342, 345.)

8 California law has long recognized the importance of maintaining privacy rights with
9 respect to criminal investigative files. Among the statutory protections is California's Public
10 Records Act which exempts from disclosure criminal investigative files. (Cal. Gov. Code, § 6254,
11 subd. (f).) As a result, law enforcement criminal investigations are not available as public records.

12 Cal. Evid. Code §1040 provides as follows,

13 (b) A public entity has a privilege to refuse to disclose official information, and to
14 prevent another from disclosing official information, if the privilege is claimed by a
15 person authorized by the public entity to do so and either of the following apply:

16 ...
17 (2) Disclosure of the information is against the public interest because there is a
18 necessity for preserving the confidentiality of the information that outweighs the
19 necessity for disclosure in the interest of justice; but no privilege may be claimed
20 under this paragraph if any person authorized to do so has consented that the
21 information be disclosed in the proceeding. In determining whether disclosure of the
22 information is against the public interest, the interest of the public entity as a party
23 in the outcome of the proceeding may not be considered.

24 The official information privilege, as noted in Cal. Evid. Code §1040 has an absolute and
25 conditional provision to protect private information acquired in confidence by a public employee.
26 Under the absolute provision, official information that is protected by California statutory law
27 cannot be disclosed.

28 The People further assert the following privileges apply: Cal. Evid. Code §954 (Attorney-
Client Privilege); Cal. Evid. Code §2018.030 and Cal. Pen. Code §1054.6 (Attorney-Work
Product); Confidential Reports (Cal. Pen. Code §11167.5); Confidentiality of Specified Victim and
Witness Information (Cal.Pen. Code §841.5); Access to Local Summary of Criminal History
Information (Cal.Pen.Code. §11105); Authorized Person Furnishing Records or Information to

1 Unauthorized Person (Cal. Pen. Code §11142); Unauthorized Person Receiving Record or
2 Information (Cal. Pen. Code §11143) Furnishing to Unauthorized Person (Cal. Pen. Code §13302);
3 Possession by Unauthorized Person (Cal. Pen. Code §13304); Report of Probation Officer (Cal.
4 Pen. Code §1203.05); Compelling Attendance of Witness (Cal. Pen. Code §1326); Identity of
5 Informer (Cal. Evid. Code § 1041). California's Information Practices Act also protects information
6 compiled by law enforcement agencies investigating crimes. (Cal. Civ. Code, §1798.40, 1798.41.)

7 "When compelling disclosure intrudes on constitutionally protected areas, it cannot be
8 justified solely on the ground that it may lead to relevant information." (*Board of Trustees v.*
9 *Superior Court* (1981) 119 Cal.App.3d 516, 525.) Accordingly, "California courts have generally
10 concluded that the public interest in preserving confidential information outweighs the interest of a
11 private litigant in obtaining confidential information." (*Harding Lawson Associates v. Superior*
12 *Court* (1992) 10 Cal.App.4th 7, 10.)

13 In addition to defendant's request not being covered by Cal. Pen. Code §1054, defendant's
14 requests are also hindered by the aforementioned privileges.

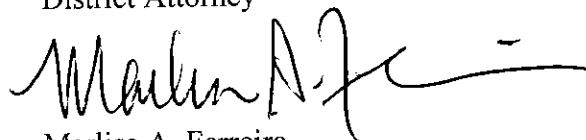
15 **CONCLUSION**

16
17 For the foregoing reasons the People respectfully request the Court to grant the motion to
18 quash defendant's subpoenas duces tecum for the records of the Stanislaus County District Attorney
19 pertaining to communications regarding assignment of judges and complaints made to the State Bar
20 by either the Stanislaus County District Attorney and/or its employees.

21 Dated this 20th day of October 2015, at Modesto, California.

22 Respectfully submitted,

23 BIRGIT FLADAGER
24 District Attorney

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26 Marlisa A. Ferreira
27 Chief Deputy District Attorney

28 MAF: vav

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EXHIBIT A

**SUBPOENA DUCES TECUM RECEIVED
OCT. 16, 2015 FOR COPIES OF
CORRESPONDENCE/COMMUNICATION
REGARDING ASSIGNMENT OF JUDGES**

DA / 17 dss19

CR-125/JV-525

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): MARTHA CARLTON-MAGANA 70391 1012 ELEVENTH STREET, SUITE 103 MODESTO, CA 95354		FOR COURT USE ONLY RECEIVED OCT 16 2015 STANISLAUS COUNTY DISTRICT ATTORNEY'S OFFICE
TELEPHONE NO.: 209.524.5616 FAX NO. (Optional):	E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name): BALJIT SINGH ATHWAL		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 1115 H STREET MAILING ADDRESS: CITY AND ZIP CODE: MODESTO, CA 95354 BRANCH NAME: DEPARTMENT 26		
CASE NAME: PEOPLE V. FRANK CLIFFORD CARSON et. al.		
ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum		CASE NUMBER: 1490969

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

- To: (name or business) THE DISTRICT ATTORNEY OF STANISLAUS COUNTY, Custodian of Records
- You must follow the court order(s) checked below:
 - Attend the hearing.
 - Attend the hearing and bring all items checked in c. below.
 - Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - _____
 - _____
 - _____
 - If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
 - If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
 - If this box is checked and you deliver all items listed above to the court within 5 days of service of this order, you do not have to attend court if you follow the instructions in item 5.

3. Court Hearing Date:		The court hearing will be at (name and address of court):	
Date: <u>10/28/15</u>	Time: <u>10:00 am</u>	<u>Stanislaus County Superior Court Dept. 26</u>	
Dept.: <u>26</u>	Rm.: <u>Ste. C</u>	<u>1130 12th St Ste C, Modesto, CA 95354</u>	

Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:

Name: MARTHA CARLTON-MAGANA Phone No.: 209.524.5616

Address: 1012 ELEVENTH STREET, SUITE 103
 Number, Street, Apt. No.
MODESTO, CA 95354
 City State Zip

Date: 10/16/2015 Signature: [Signature] Name and Title: _____

FOR COURT USE ONLY

CASE NAME: PEOPLE V. FRANK CLIFFORD CARSON et al.,	CASE NUMBER: 1490969
--	--------------------------------

- 5 a. Put all items checked in item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
 - (1) Case name
 - (2) Case number
 - (3) Your name
 - (4) Hearing date, time, and department
- c. Seal and mail the envelope to the Court Clerk at the address listed in item 3 or The court address in the caption on page 1. You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

— The server fills out the section below. —

Proof of Service of CR-125/JV-525

- 1. I personally served a copy of this subpoena on:

Date: _____ Time: _____ a.m. p.m.

Name of the person served: _____

At this address: _____

After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): _____

Mailed from (city): _____
 - 2. I received this order for service on (date): _____ and was not able to serve (name of person) _____ after (number of attempts) _____ attempts because:
 - a. The person is not known at this address.
 - b. The person moved and the forwarding address is not known.
 - c. There is no such address.
 - d. The address is in a different county.
 - e. I was not able to serve by the hearing date.
 - f. Other (explain): _____
 - 3. Server's name: _____ Phone no. _____
 - 4. The server (check one)
 - a. is a registered process server.
 - b. is not a registered process server.
 - c. is a sheriff, marshal, or constable.
 - d. works for a registered process server.
 - e. is exempt from registration under Business and Professional Code section 22350(b).
 - 5. Server's address: _____
- If server is a registered process server:
 County of registration: _____ Registration no.: _____

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: _____

▶ _____

TYPE OR PRINT NAME OF SERVER

▶ _____

SIGNATURE OF SERVER

PROVIDE THESE ITEMS

1. Copies of all correspondence and communications, however received **or sent** regarding the assignment of judges for the purpose of presiding over the instant case and/or executing warrants, of whatever type and for whatever purpose, associated with the instant case, and authorization intercept of wire communications, including, but not limited to, those communications resulting in the assignment of The Honorable Socrates Manoukian, The Honorable Barbara Zuniga, The Honorable Mitchell Rigby, The Honorable George Abdullah, The Honorable Rise Jones Pichon, and the Honorable Ernest LiCalsi and warrants or authorizations issued on or about June 23, 2012, July 12, 2012, May, 7, 2013, March 1, 2014 and August 13, 2015,

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EXHIBIT B

**SUBPOENA DUCES TECUM RECEIVED
OCT. 16, 2015 FOR COPIES OF COMPLAINTS
MADE BY STANISLAUS COUNTY DISTRICT
ATTORNEY OR ITS EMPLOYEES TO THE
STATE BAR**

OK compl.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
MARTHA CARLTON-MAGANA 70391
1012 ELEVENTH STREET, SUITE 103
MODESTO, CA 95354
TELEPHONE NO.: 209.524.5616 FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): BALJIT SINGH ATHWAL

FOR COURT USE ONLY
RECEIVED
OCT 16 2015 SxJ
STANISLAUS COUNTY
DISTRICT ATTORNEY'S OFFICE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS
STREET ADDRESS: 1115 H STREET
MAILING ADDRESS:
CITY AND ZIP CODE: MODESTO, CA 95354
BRANCH NAME: DEPARTMENT 26

CASE NAME:
PEOPLE V. FRANK CLIFFORD CARSON et. al.

ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS:
Subpoena/Subpoena Duces Tecum

CASE NUMBER:
1490969

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

- To: (name or business) THE OFFICE OF THE DISTRICT ATTORNEY, STANISLAUS COUNTY, Custodian of Records
- You must follow the court order(s) checked below:
 - Attend the hearing.
 - Attend the hearing and bring all items checked in c. below.
 - Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - (1) _____
 - (2) _____
 - (3) _____
 - If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
 - If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
 - If this box is checked and you deliver all items listed above to the court within 5 days of service of this order, you do not have to attend court if you follow the instructions in item 5.

3. **Court Hearing Date:** Date: 10/28/15 Time: 10:00 am **The court hearing will be at (name and address of court):** Stanislaus County Superior Court Dept. 26
 Dept.: 26 Rm.: Ste. C. 1130 12th St Ste C, Modesto, CA 95354

Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.

4. The person who has required you to attend court or provide documents is:
 Name: MARTHA CARLTON-MAGANA Phone No.: 209.524.5616
 Address: 1012 ELEVENTH STREET, SUITE 103
 Number, Street, Apt. No.
MODESTO, CA 95354
 City State Zip

FOR COURT USE ONLY

Date: 10/16/2015 Signature: [Signature]
Name and Title

CASE NAME: PEOPLE V. FRANK CLIFFORD CARSON et. al.,	CASE NUMBER: 1490969
---	--------------------------------

- 5 a. Put all items checked in item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
 - (1) Case name
 - (2) Case number
 - (3) Your name
 - (4) Hearing date, time, and department.
- c. Seal and mail the envelope to the Court Clerk at the address listed in item 3 or The court address in the caption on page 1. You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

— The server fills out the section below. —

Proof of Service of CR-125/JV-525

1. I personally served a copy of this subpoena on:
 Date: _____ Time: _____ a.m. p.m.
 Name of the person served: _____
 At this address: _____
 After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): _____
 Mailed from (city): _____
2. I received this order for service on (date): _____ and was not able to serve (name of person) _____ after (number of attempts) _____ attempts because:
 - a. The person is not known at this address.
 - b. The person moved and the forwarding address is not known.
 - c. There is no such address.
 - d. The address is in a different county.
 - e. I was not able to serve by the hearing date.
 - f. Other (explain): _____
3. Server's name: _____ Phone no. _____
4. The server (check one)

a. <input type="checkbox"/> is a registered process server.	d. <input type="checkbox"/> works for a registered process server.
b. <input type="checkbox"/> is not a registered process server.	e. <input type="checkbox"/> is exempt from registration under Business and Professional Code section 22350(b).
c. <input type="checkbox"/> is a sheriff, marshal, or constable.	
5. Server's address: _____
 If server is a registered process server:
 County of registration: _____ Registration no.: _____

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: _____



TYPE OR PRINT NAME OF SERVER

SIGNATURE OF SERVER

PROVIDE THESE ITEMS

1. Copies of all complaints made by the Stanislaus County District Attorney, or any of its employees, to the California State Bar regarding attorney Frank Clifford Carson CA St. Bar no. 136261, and all communications received from the Stanislaus County District Attorney's Office regarding those complaints. The applicable period of this request is complaints filed between January 1, 1990 and October 1, 2015.

PROOF OF SERVICE BY ELECTRONIC MAIL AND FACSIMILE

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS)

I, the undersigned, declare as follows:

That I am over the age of 18 years and am not a party to this action and I am employed by the Stanislaus County District Attorney's Office, 832 12th Street, Suite 300, Modesto, California.

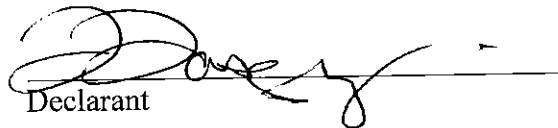
That I served a copy of the **People's Notice of Motion and Motion to Quash Defendant's Subpoenas Duces Tecum Received Oct. 16, 2015 for Records of the Office of the District Attorney of Stanislaus County** on October 20, 2015 pursuant to California Code of Civil Procedure section 1010.6(a)(6) by electronically sending a copy thereof to the offices of Timothy Rien at rienlaw@sbcglobal.net, Martha Carlton-Magana at carltnm@hotmail.com, Preciliano Martinez at attymartinezp@yahoo.com, Hans Hjertonsson at Hans.hjertonsson@gmail.com, Alonzo Gradford at gradfordlaw@gmail.com, Lawrence Niermeyer at lniermeyer@aol.com, Robert Lee Forkner at RLFCrimLaw@aol.com, Bruce Perry at brucerperry@msn.com and Stephanie Mitchell at stephanie.mitchell@stanct.org.

That I served a copy of the **People's Notice of Motion and Motion to Quash Defendant's Subpoenas Duces Tecum Received Oct. 16, 2015 for Records of the Office of the District Attorney of Stanislaus County** on October 20, 2015 via facsimile to Jesse Garcia at the number of (510) 887-0646 on October 20, 2015. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

That I placed a hard copy of the **People's Notice of Motion and Motion to Quash Defendant's Subpoenas Duces Tecum Received Oct. 16, 2015 for Records of the Office of the District Attorney of Stanislaus County** in the box assigned to each attorney located at the District Attorney's Office at 832 12th Street, Suite 300, Modesto, California.

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

Executed this 20th day of October 2015, at Modesto, California.


Declarant

Case No. 1490969
People v. Carson et al.
Hearing: 10/21/2015
Dept. 26

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2015 08:44
NAME : STAN CO DA MAIN
FAX : 2095584027
TEL :
SER.# : BROK9J989673

DATE, TIME	10/20 08:41
FAX NO./NAME	915108870646
DURATION	00:02:43
PAGE(S)	17
RESULT	OK
MODE	STANDARD ECM



OFFICE OF THE
DISTRICT ATTORNEY

Stanislaus County
832 12th Street, Suite 300
Modesto, CA 95354

Mailing address: P.O. Box 442, Modesto, CA 95353
Telephone: (209) 525-5550 Fax: (209) 558-4027

Birgit Fladager
District Attorney

Chief Deputy District Attorneys

Dave Harris
Doug Raynaud
Annetto Rees
Marlisa Ferreira

FAX TRANSMITTAL

Date: 10/20/2015 Time: 8:36 a.m.
To: Jesse Garcia
Fax: 510-887-0646 Phone:
Re: Case No. 1490969 // People's Notice of Motion and Motion to Quash
Sender: V. Vasquez Phone 209-525-5524

YOU SHOULD RECEIVE 17 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 209-525-5550.

Comments:

Good Morning,
Please find attached the People's Notice of Motion and Motion to Quash Defendant's Subpoena
Duces Tecum Received Oct. 16, 2015 for Records of the Office of the District Attorney of Stanislaus
County.
Thank you,