

1 Hans Hjertonsson, CSB # 248228
2 Grisez, Orenstein and Hertle
3 Attorneys at Law
4 724 Tenth Street
5 Modesto, CA 95354
6 (209) 526-3121
7 Fax: (209) 526-5875

8 Attorney for Defendant

FILED

2015 AUG 24 PM 2:44

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
BY [Signature] DEPUTY

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

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 V.

15 DALJIT ATWAL

16 Defendant

Case Number: 1490969

RESPONSE TO PEOPLE'S
OPPOSITION TO DEFENDANTS'
RELEASE ON BAIL

Date: August 25, 2015

Time: 9:00 a.m.

Dept. 8

17
18 **DALJIT ATWAL IS ENTITLED TO BAIL**

19
20 A defendant is entitled to bail unless "[1]the facts are evident or the presumption great
21 and the court finds based on [2] clear and convincing evidence that the person has threatened
22 another with great bodily harm and there is a [3] substantial likelihood that the person would
23 carry out the threat if released." California Constitution Article 1, Section 12, subdivision (c).

24
25 Mr. Atwal submits to the court that the 325 page affidavit in support of the Ramey
26 warrant in this matter does not support that the facts are evident or the presumption of guilt is
27 great. The repetition, inconsistencies, and the speculation by law enforcement officers does not
28

me
AV

1 meet the required burden.

2 The People assert there is clear and convincing evidence Mr. Atwal threatened
3 individuals with great bodily harm and that there is a substantial likelihood Mr. Atwal would
4 carry out such threats if released. The People have not met their burden. Perhaps the most
5 revealing flaws in the People's position to oppose bail is found in the affidavit in support of the
6 Ramey warrant itself:

8 Investigators sought and obtained Ramey warrants for Daljit Atwal and Baljit
9 Atwal on the charges of 187 ... on March 13, 2014. They then obtained a Ramey
10 warrant for Frank Carson on the charges of 187 ... on April 18, 2014.
11 Affidavit in support of Ramey warrant dated August 13, 2015, page 313, lines 4-7

12 Thus, the District Attorney's Office apparently had sufficient information to arrest Mr.
13 Atwal more than 16 months ago, but elected not to arrest him because law enforcement wanted
14 to continue the investigation based on other potential suspects. If the People actually believed
15 Mr. Atwal posed such a danger to other individuals they would have arrested him back in 2014.
16 The fact that they waited more than 16 months is indicative of the conclusion that they never
17 believed Mr. Atwal would make and carry out any threats of great bodily harm.

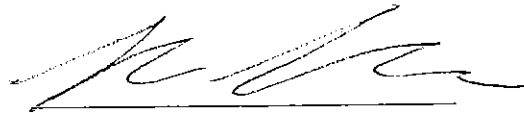
18 The declaration by Investigator Bunch attached to the People's moving papers reflects
19 an incident in which Mr. Atwal supposedly brandished a firearm at Robert Woody Sr. (See
20 Declaration by Investigator Bunch dated August 21, 2015 pages A-9 – A-11) This incident
21 appears to have been reported several days after Mr. Atwal was arrested and reported first after
22 law enforcement met members of the Woody family at the District Attorney's office on August
23 19, 2015. The incident is said to have occurred on August 1, 2015 but does not appear to have
24 been reported at that time. It is also perplexing why Mr. Atwal several years after the
25 disappearance of Korey Kaufman would brandish a firearm at Robert Woody Sr. when the latter
26
27
28

1 individual believed that the Atwal brothers were not involved in the disappearance of Korey
2 Kaufman. (See Id. page A-11, lines 8-9)

3 CONCLUSION

4 Mr. Daljit Atwal respectfully requests bail be set at the scheduled amount because the
5
6 People have not met their burden to deny bail. Mr. Atwal will be requesting a bail hearing to
7 lower bail below the scheduled amount at a future court date.
8
9
10

11
12 Dated: August 24, 2015



13 Hans Hjertonsson
14 Attorney for Defendant
15 Daljit Atwal
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5 DECLARATION OF PERSONAL SERVICE
6

7 I, the undersigned, say:
8

9 I was at the time of service of the attached RESPONSE TO PEOPLE'S OPPOSITION TO
10 DEFENDANTS' RELEASE ON BAIL

11 over the age of eighteen years and not a party to the above-entitled action. I served a
12 copy of the above-entitled document(s) on August 24, 2015, by delivering a copy thereof to
13 the office(s) of:

14 Birgit Fladager
15 District Attorney
16 832 12th Street, Suite 300
17 Modesto, CA 95354

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

19 Executed August 24, 2015, at Modesto, California.

20
21 
22 _____
23 Declarant
24
25
26
27
28