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FILED
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CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
BY A. Kelli Tyler
DEPUTY

6 STANISLAUS COUNTY SUPERIOR COURT
7 STATE OF CALIFORNIA

8 THE PEOPLE OF THE STATE OF CALIFORNIA,

9 Plaintiff,

CASE NO. 1490969
RESPONSE TO OPPOSITION
TO RELEASE ON BAIL /

10 vs.

11 BALJIT SINGH ATHWAL,
12 Defendant.
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14 In California the Defendant is entitled to bail as a matter of right,
15 except in rare circumstances. The California Constitution provides in Article I,
16 Section 12, subdivision (c),6: A person shall be released on bail by sufficient
17 sureties, except for: Felony offenses when the facts are evident or the
18 presumption great and the court finds based on clear and convincing evidence
19 that the person has threatened another with great bodily harm and that there is
20 a substantial likelihood that the person would carry out the threat if released.
21 Pursuant to Penal code section 1270.5 bail shall be set in a Capital case unless
22 the proof of guilt is evident or the presumption great." A defendant charged with
23 an offense punishable with death cannot be admitted to bail, when the proof of
24 his or her guilt is evident or the presumption thereof great. The finding of an
25 indictment does not add to the strength of the proof or the presumptions to be
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1 drawn therefrom." Penal Code section 1270.5. Pursuant to Penal Code section
2 1269b(b) the bail is set by the court if the defendant has made an appearance
3 in court. (b) If a defendant has appeared before a judge of the court on the
4 charge contained in the complaint, indictment, or information, the bail shall be
5 in the amount fixed by the judge at the time of the appearance. Bail shall be set
6 unless the prosecutor shows by a that either death is sought, and guilt is
7 evident or the presumption great, or death is not sought, and the evidence of
8 guilt is evident or the presumption great, and, there is clear and convincing
9 evidence that the defendant has threatened a another person with bodily harm
10 an that there is a a substantial likelihood that the person would carry out the
11 threat if released. In the instant case neither prong has been met. Therefor, this
12 defendant, Baljit Athwal requests this court set bail as a matter of law, in
13 accordance with the bail schedule of this county. We believe that amount in the
14 instant case is \$ 250,000. Any motion for reduction of bail made on the unique
15 circumstances of this case or this defendant will be made at a later date
16 pursuant to Penal Code section 1270.1.

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20 Discovery has not yet been provided to counsel. However, extensive
21 facts are provided in a 326 page Affidavit in Support of the Arrest Warrant for
22 Mr. B. Athwal and his co-defendants, Kirk Bunch's Declaration attached to the
23 Prosecutor's Motion in Opposition to Release on Bail, and the public records of
24 felony and theft convictions in Stanislaus County for witnesses relied on in the
25 Affidavit and Declaration, and available on the Stanislaus County Court Index,
26 but, not provided to the court in the Affidavit and Declaration. I Korey
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1 Kauffman, 24, was reported missing on April 2, 2012. On April 10, 2012 his
2 step father informed law enforcement he feared his disappearance could be
3 connected to the ongoing thefts from property owned by defendants Frank
4 Carson and his wife Georgia DeFilippo. Frank Carson is a very successful
5 criminal defense attorney who has had an antagonistic relationship with the
6 local District Attorney for a number of years. A task force was immediately
7 assembled in April to investigate his disappearance of Mr. Kauffman. At some
8 unknown time Michael Cooley claimed that He last saw Mr. Kauffman when he
9 left Cooley's home on March 30, 2012 at 11:00 p.m, intending to steal 10-15
10 irrigation pipes from property owned by the Carson-DeFilippas, and, apparently,
11 carry them away on his bicycle. Michael Cooley is a 59 year old with a felony
12 convictions for residential burglary, commercial burglary, felon with a gun, and
13 receiving stolen property, receiving stolen property, and drug possession lives
14 behind property owned by the Carsons. He was on parole in March 2012, and
15 has a pending open case in which he is charged with possession for sale of a
16 controlled substance. At some unknown point in time relatives off Robert Lee
17 Woody, DO.B. 7/5/75, a felon with convictions for grand theft and autotheft
18 with multiple drug arres,, and a part time employee of PopnCork, a store owned
19 by Karan Corp. a privately held corporation with officers Baljit Athwaland Daljit
20 Atwal informed the task force that Robert Lee Woody had implicated himself in
21 the murder of Korey Kauffman. To date, Mr. Woody has given at least five
22 versions of events to at least seven different people including law enforcement,
23 his son, two nephews, his parents, his brother, and a girlfriend wired by the
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1 task force. His mother may also have been wired. That is not clear. In some of
2 these versions he implicates defendant Baljit Athwal. There is *no* other evidence,
3 of Mr Athwal's involvement in the murder. (if it is a murder. There are no
4 antemortem or perimortem injuries on the recovered skeletal remains. Mr.
5 Woody has bragged that he shot Mr. Kauffman by himself, chopped him up and
6 spread the body to be eaten by pigs. (That's the version on the wire). He's also
7 claimed; that, he was on the Carson property and heard shots; that, he was on
8 the Carson property and saw Baljit Athwal struggling with Korey Kauffman as he
9 tried to get away, no guns involved, and left; that, he pulled Mr. Athwal off
10 trying to rescue an unconscious Korey Kauffman, and left; that he wasn't there
11 at all, but rather in the state of Washington at the time of the disappearance,
12 sent away by the Athwals to make it look like he was guilty; and, that he wasn't
13 there at all, but made it all up to focus attention on himself. He's also
14 speculated in jail phone calls with his family that Michael Cooley, or an Erick
15 Vanlier (apparently his sister's ex boyfriend) might be guilty. It becomes clear
16 that he accuses Mr. Athwal when it is important to deflect the interest he's
17 brought himself by his own gruesome statements, i.e. with his parents or law
18 enforcement.

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23 There is not any evidence in this case that Baljit Athwal has ever
24 threatened anyone. He did go with Mr. Woody to the home of Michael Cooley on
25 May 23, or May 24, 2012. He and Mr. Cooley engaged in a "stare down" as Mr.
26 Athwal said he thought he recognized Mr. Cooley as a "homeboy", then returned
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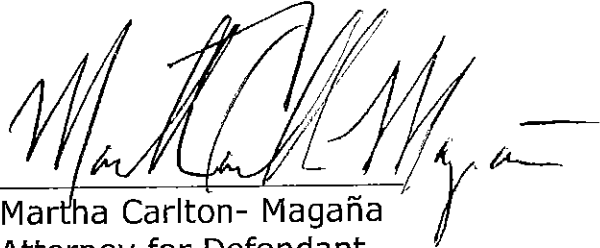
1 to his car and drove off. Baljit Athwal told law enforcement about that incident
2 when they interviewed him in July 2012.

3 Baljit Athwal is thirty seven years old, a citizen of the United States born
4 in India, with no prior record of convictions in the United States or India. He is
5 married to Narvneet Athwal and they are the parents of three children 9, 8, and
6 23 months old. Their eight year old is profoundly developmentally disabled,
7 active, but unable to feed, cloth or toilet herself. She requires round the clock
8 care which is provided by her parents. Navneet is with her and the other
9 children at home full time. Baljit operates and manages, with his brother's help
10 two stores owned by the brothers' closely held corporation.

13 Conclusion

14 This court should set bail as a matter of law, in accordance with the bail
15 schedule of this county. We believe that amount in the instant case is \$
16 250,000.
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20 Dated: August 23 2015

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22 Martha Carlton- Magaña
23 Attorney for Defendant
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2 Attorney at Law
3 1012 Eleventh Street, Suite 103
4 Modesto, California 95354
5 Telephone (209) 524-5616
6 Attorney for BALJIT ATHWAL

7
8 **PROOF OF SERVICE**

9 I am a citizen of the United States and am employed in the Stanislaus County; I
10 am over the age of eighteen (18) years and not a party to the within action; my
11 business address is 1012 Eleventh Street, Suite 103, Modesto, California 95354.

12 On AUGUST 24, 2015 I served the following document(s): People v. BALJIT
13 ATHWAL SSCN 1490969; RESPONSE TO OPPOSITION TO RELEASE ON BAIL, and
14 served in the manner and/or manners described below to each of the parties herein,
15 addressed as stated below:

16 Birgit Fladager
17 Stanislaus County District Attorney
18 832 12th Street, Suite 300
19 Modesto, California 95354,

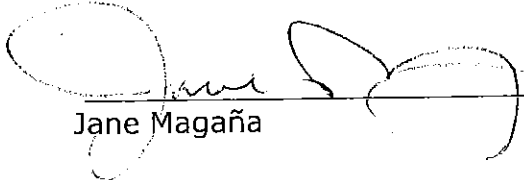
20 Precilliano Martinez
21 Timothy Rein
22 Timothy Pori
23 Marylynn Belscher
24 Larry Neimeyer
25 Alozono Bradford
26 Hans Hjertensson
27 Bruce Perry (conflict II)

28 at the
Attorney Box
Stanislaus County Court Clerks Office
800 11th St. Modesto, California 95354

X BY HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the
address(s) listed above.

I declare under penalty of perjury, under the laws of the State of California, that the
Foregoing is true and correct.

Executed at Modesto, California, on August 23 2015


Jane Magaña