

People v. Brock Allen Turner

Case # B1577162

Court Motions / Orders
Instructions / Minutes
Chronological Order
PART ONE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
PALO ALTO COURTHOUSE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

BROCK ALLEN TURNER [REDACTED]
Defendant(s).

81577162
FELONY COMPLAINT
CASE SUMMARY

DA NO: 150102055
CEN
15002487 BAT BAIL 02/02/2015

CASE SUMMARY

Count	Charge	Charge Range	Defendant
1	PC261(a)(3)	3-6-8	Brock Allen Turner
2	PC261(a)(4)	3-6-8	Brock Allen Turner
3	PC220(a)(1)	2-4-6	Brock Allen Turner
4	PC289(e)	3-6-8	Brock Allen Turner
5	PC289(d)	3-6-8	Brock Allen Turner

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SANTA CLARA
PALO ALTO COURTHOUSE

FILED

JAN 28 2015

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

81577162
FELONY COMPLAINT

vs.

DA NO: 150102055
CEN
15002487 BAT BAIL 02/02/2015

BROCK ALLEN TURNER 
Defendant(s).

PROTECTIVE ORDER

The undersigned is informed and believes that:

COUNT 1

On or about January 18, 2015, in the County of Santa Clara, State of California, the crime of RAPE BY AN INTOXICATING, ANESTHETIC OR CONTROLLED SUBSTANCE, in violation of PENAL CODE SECTION 261(a)(3), a Felony, was committed by BROCK ALLEN TURNER who did accomplish an act of sexual intercourse with Jane Doe, a person not the spouse of the defendant, where the person was prevented from resisting by an intoxicating and anesthetic substance, and a controlled substance, and this condition was known, and reasonably should have been known by the defendant(s).

A conviction of the offense charged in this count requires the defendant to register pursuant to Penal Code section 290.

P.C. 1048

COUNT 2

PRIORITY

On or about January 18, 2015, in the County of Santa Clara, State of California, the crime of RAPE OF A VICTIM UNCONSCIOUS OF THE NATURE OF THE ACT, in violation of PENAL CODE SECTION 261(a)(4), a Felony, was committed by BROCK ALLEN TURNER who did accomplish an act of sexual intercourse with Jane Doe, a person not the spouse of the defendant, where the person was at the time unconscious of the nature of the act and this was known to the defendant(s).

A conviction of the offense charged in this count requires the defendant to register pursuant to Penal Code section 290.

COUNT 3

On or about January 18, 2015, in the County of Santa Clara, State of California, the crime of ASSAULT WITH INTENT TO COMMIT FELONY, in violation of PENAL CODE SECTION 220(a)(1), a Felony, was committed by BROCK ALLEN TURNER who did assault Jane Doe with the intent to commit rape and sexual penetration.

It is further alleged that probation will not be granted except where the interests of justice would best be served, within the meaning of Penal Code section 1203.065(b)

A conviction of the offense charged in this count requires the defendant to register pursuant to Penal Code section 290.

COUNT 4

On or about January 18, 2015, in the County of Santa Clara, State of California, the crime of SEXUAL PENETRATION WHEN THE VICTIM WAS INTOXICATED OR ANESTHETIZED, in violation of PENAL CODE SECTION 289(e), a Felony, was committed by BROCK ALLEN TURNER who did commit an act of sexual penetration when the victim, Jane Doe, was prevented from resisting by an intoxicating and anesthetic substance, and a controlled substance and this condition was known, and reasonably should have been known by the defendant(s).

A conviction of the offense charged in this count requires the defendant to register pursuant to Penal Code section 290.

COUNT 5

On or about January 18, 2015, in the County of Santa Clara, State of California, the crime of SEXUAL PENETRATION WHERE THE VICTIM WAS UNCONSCIOUS OF THE NATURE OF THE ACT, in violation of PENAL CODE SECTION 289(d), a Felony, was committed by BROCK ALLEN TURNER who did commit an act of sexual penetration and the victim, Jane Doe, was unconscious of the nature of the act, and this was known by the defendant(s), the person committing the act and causing the act to be committed.

A conviction of the offense charged in this count requires the defendant to register pursuant to Penal Code section 290.

NOTICE AND STATEMENT OF PROBABLE CAUSE FOR AIDS TESTING

Complainant alleges that the official reports and documents of a law enforcement agency attached to this document and incorporated by reference establish that there is probable cause to believe that a transfer of bodily fluids from the defendant, Brock Allen Turner, to a victim has occurred within the meaning of Penal Code section 1524.1 and/or Health and Safety Code sections 121055 and 121060.

You are notified that, if at the conclusion of the probable cause hearing the magistrate determines that the requirements of Penal Code section 1524.1, and/or Health and Safety Code sections 121055 and 121060 have been met, the defendant will be ordered to submit to a blood test to detect the AIDS antibody and/or other communicable diseases as provided by statute.

REQUEST FOR TRIAL PRIORITY PURSUANT TO PENAL CODE § 1048

The case charged above falls within the provisions of Penal Code section 1048, and the People therefore respectfully request that the case be given the trial priority provided by that section.

Any defendant, including a juvenile, who is convicted of and pleads guilty and no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the pretrial restraint of defendant BROCK ALLEN TURNER, for the above-listed crimes.

Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on January 27, 2015, in SANTA CLARA County, California.

Kim K8866
Kim K8866
(Shaw S1780)
STAN (650) 723-9633 SR150089F STAN
CAPPS/ D439/ FELONY/ EG

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JEFFREY F. ROSEN, DISTRICT ATTORNEY
Bar No. 163589
Alaleh Kianerci, Deputy District Attorney
Bar No. 254198
70 West Hedding Street, West Wing
San Jose, CA 95110

Telephone: (408) 299-7400

Attorneys for The People

FILED

FEB 04 2015

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY: _____ DEPUTY

JOHN S. VEIRA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff, SUPERIOR COURT
NO. B1577162

vs.

BROCK ALLEN TURNER
PFN: EDE393



**ORDER TO PRODUCE SART
PHOTOGRAPHS/VIDEOS/DOCUMENTS**

Defendant/

GOOD CAUSE APPEARING THEREFORE:

IT IS HEREBY ORDERED that the SART Unit of Santa Clara County Valley Medical Center provide **two (2) sets** of SART photographs, and/or video recordings, and/or any and all writings used to memorialize medical treatment, consultation, observation or forensic examination created as a result of a victim receiving a SART examination, whether created before, during or after the examination. "Writings" includes handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words,


ORDER TO PRODUCE SART PHOTOGRAPHS/VIDEOS/DOCUMENTS
DOCKET: B1577162

1 pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of
2 the manner in which the record has been stored of victim, [REDACTED] to Alaleh Kianerci,
3 Deputy District Attorney, or an authorized agent or representative of the Office of the District
4 Attorney.

5 These photographs, and/or video recordings, and/or documents are not to be shown to anyone other
6 than defense attorneys or experts. They are not to be shown to the defendant or to any lay
7 witnesses. They are not to be reproduced in any way. They must be returned to the DA's office at
8 the conclusion of the case.
9

10
11 Given under my hand, with the seal of said Court affixed this 2nd day of February, 2015

12 **BY ORDER OF THE COURT**

13 
14 JUDGE OF THE SUPERIOR COURT
15 Judge Aaron M. Persky
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1 JEFFREY F. ROSEN, DISTRICT ATTORNEY
Bar No. 163589
2 Alaleh Kianerci, Deputy District Attorney
Bar No. 254198
3 70 West Hedding Street, West Wing
4 San Jose, CA 95110

5 Telephone: (408) 299-7400
6 Attorneys for The People

7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF SANTA CLARA

9 PEOPLE OF THE STATE OF CALIFORNIA,

10 Plaintiff, SUPERIOR COURT
NO.B1577162

11 vs.

12 BROCK ALLEN TURNER
13 PFN: EDE393
14 [REDACTED]

DECLARATION IN SUPPORT
OF ORDER TO PRODUCE SART
PHOTOGRAPHS/VIDEOS/DOCUMENTS

Defendant/

15 I, Alaleh Kianerci, Deputy District Attorney, do hereby declare, under a penalty of perjury:

16 1. I am assigned to the prosecution of the above-mentioned matter;

17 2. The Sexual Assault Response Team (SART) at Santa Clara Valley Medical Center may
18 have in their possession photographs, and/or video recording, and/or documents of the victim,
19 [REDACTED] (DOB: [REDACTED]). The photographs, and/or video recording, and/or documents

20 depicting the vaginal area were taken on or about 1/18/15.
21

22 3. The SART Unit will not release copies of the photographs, and/or video recording,
23 and/or documents without a court order.
24

25
26 ORDER TO PRODUCE SART PHOTOGRAPHS/VIDEOS/DOCUMENTS

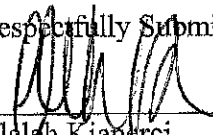
DOCKET: B1577162

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THEREFORE, I respectfully request that the Court order duplication of the photographs, and/or video recording, and/or documents.

Dated: January 29, 2015

Respectfully Submitted,



Alane Kianerci
Deputy District Attorney

Name, Address and Telephone No. of Attorney(s)
 MIKE ARMSTRONG SBN 87799
 600 ALLERTON ST. SUITE 200
 REDWOOD CITY, CA 94063
 (650) 619-5977

Attorney(s) for BROCK TURNER

Space below for use of Court Clerk only

FILED

MAR 30 2015

DAVID H. YAMASAKI
 Chief Executive Officer/Clerk
 Superior Court of CA County of Santa Clara

BY: [Signature] DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF SANTA CLARA**

THE PEOPLE OF THE STATE OF CALIFORNIA
 Plaintiff(s)

Vs.

BROCK TURNER
 Defendant(s)

No. B1577162

**WAIVER OF DEFENDANT'S
 PERSONAL PRESENCE**

The undersigned defendant, having been advised of his or her right to be present at all stages of the proceedings, including, but not limited to, presentation of and arguments on question of fact and law, and to be confronted by and cross-examine all witnesses, hereby waives the right to be present at the hearing of any motion or other proceeding in this cause. The undersigned defendant hereby requests the court to proceed during every absence of the defendant that the court may permit pursuant to this waiver, and hereby agrees that his or her interest is represented at all times by the presence of his or her attorney the same as if the defendant were personally present in court, and further agrees that notice to his or her attorney that his or her presence in court on a particular day at a particular time is required is notice to the defendant of the requirement of his or her at that time and place.

THIS WAIVER DOES NOT APPLY, AND THE DEFENDANT SHALL BE PRESENT, AT THE TIME AND PLACE SET FOR ARRAIGNMENT, PLEA, PRELIMINARY HEARING, FELONY ADVANCED RESOLUTION (NARCOTICS CASES), FELONY NARCOTICS CASE REVIEW, CHANGE OF PLEA, MASTER TRIAL CALENDAR, TRIAL, JUDGMENT, AND IMPOSITION OF SENTENCE.

The undersigned defendant further understands that when his or her case is in trailing or standby status, the defendant must maintain daily contact with his or her attorney, and shall be reachable by the attorney on 30 minutes notice and in court within one and a half hours of said notice, if so ordered.

Dated: 3-30-15

[Signature]
 Defendant

Address [Redacted]

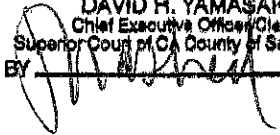
Home No. [Redacted] Work No. _____

APPROVED:
 Dated: 3-30-15
[Signature]
 Attorney for Defendant

B.A.T.
 Defendant's Initials

3/30/15
 Date

WAIVER OF DEFENDANT'S PERSONAL PRESENCE

<p>SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA</p> <p>STREET ADDRESS: 270 GRANT AVENUE CITY AND ZIP CODE: PALO ALTO, CA 94306 BRANCH NAME: PALO ALTO FACILITY</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>OCT 06 2015</p> <p>DAVID H. YAMASAKI Chief Executive Officer/Clerk, Superior Court of CA County of Santa Clara</p> <p>BY  DEPUTY</p>
<p>PEOPLE OF THE STATE OF CALIFORNIA</p> <p>vs.</p> <p>DEFENDANT: <u>Brock Allen Turner</u></p>	
<p>FINGERPRINT FORM</p>	<p>CASE NUMBER: <u>B1577162</u></p>

INSTRUCTIONS

Immediately following arraignment in Superior Court of a defendant charged with a felony, the Court shall require the defendant to provide a right thumbprint on this form. In the event the defendant is convicted, this form shall be attached to the minute order reflecting the defendant's sentence and shall be permanently maintained in the court file. Please see Penal Code section 992 for further information, including when the defendant is physically unable to give a right thumbprint.

For a proper imprint and durable record, this form should be printed on paper that meets California Department of Justice specification: a 99 pound white tab card or 100 pound white tab stock 0.0070 inch thick (0.0066 through 0.0074 inch is acceptable). Paper smoothness should be 100-140 Sheffield units. The form should be printed with the grain left to right.

1. The box to the right contains the defendant's:

right thumbprint
other print (specify):

2. The print was taken on (date):

10-6-15

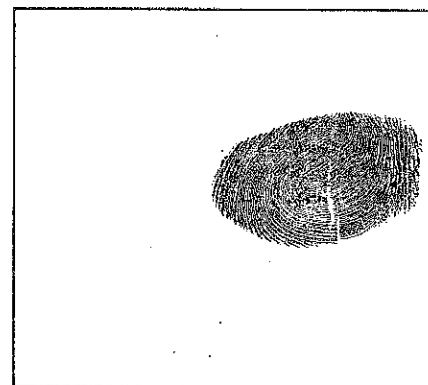
3. The print was taken by:

a. Name: LEO MAURO

b. Position: DEPUTY

c. Badge or Serial No.:

1075



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Palo Alto Courthouse

PRELIMINARY EXAMINATION MINUTES, COMMITMENT, CERTIFICATION, ARRAIGNMENT

The People of the State of California

Case No. B1577162

Vs.

CEN: 15002487

Brock Allen Turner

Custody Status: BB-150 K

Defendant

Date: 10-6-15

Interpreter

Judge: Aaron Persky

Deputy District Attorney Alaleh Kianerci

Reporter: V. Southard

Defense Attorney Mike Armstrong

Clerk: J. Nashed

AD/PA/Legal Aid

Motion to exclude/admonish witness(es) granted.

Interpreter for Witness _____

MDA/COM Amended to _____

Preliminary Examination Held - Witnesses Sworn and Testified:

Carl-Fredrik Arndt
Deputy Jeffrey P. Taylor
Detective Mike Kim

People's Exhibits: marked/admitted

Defense Exhibits: marked/admitted

1. _____	<input type="checkbox"/>	<input type="checkbox"/>	A. _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	B. _____	<input type="checkbox"/>	<input type="checkbox"/>
3. <u>See exhibit</u>	<input type="checkbox"/>	<input type="checkbox"/>	C. _____	<input type="checkbox"/>	<input type="checkbox"/>
4. <u>list</u>	<input type="checkbox"/>	<input type="checkbox"/>	D. _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>	E. _____	<input type="checkbox"/>	<input type="checkbox"/>

Waives right to continuous Preliminary Examination. Continued to _____

HELD TO ANSWER: It appearing to me from the testimony this day given before me on the preliminary examination of the above-named defendant, that the offense of a violation of section(s):

Ct 3 (F) PC 220 (A)(1)
Ct 4 (F) PC 289 (E)
Ct 5 (F) PC 289 (D)

has been committed and that there is sufficient cause to believe the above-named defendant guilty thereof. I order that he/she be held to answer to same. Arming allegation(s) found true / not true. Enhancements found true / not true.

Misdemeanor violation(s) certified to general jurisdiction _____

HOLDING DENIED as to Counts one and Two.

DEFENDANT ORDERED TO APPEAR FOR ARRAIGNMENT

Information filed + served AM/PM Dept _____

Counsel stipulate Complaint Counsel enters special appearance Counsel Do Not slip to Complaint as Information

Arr/Adv Arr Wvd Defendant pleads not guilty. TW 60 TNW

Exhibits released

Last day to file motions _____

Last day to hear motions _____

DEFENDANT ORDERED TO APPEAR FOR trial setting

10/20/15 9 AM/PM Dept 89

IDC Referred for SORP Hearing set for Wednesday _____

AM/PM Dept _____

<input type="checkbox"/> REMANDED to custody of DOC until next appearance. Bail \$ _____
<input type="checkbox"/> RELEASED <input type="checkbox"/> O/R <input type="checkbox"/> SORP <input type="checkbox"/> BAIL INCREASED/REDUCED

I certify that the foregoing is a true and correct record of the proceedings had before me this date in said case.

DATE 10-6-15

JUDGE OF THE SUPERIOR COURT

Aaron Persky

I certify the foregoing is a true copy of the Judgment/Order rendered on the above date by the above-named Judge.

J. Nashed
 Clerk of the above-named Court.

TO THE DOC: The foregoing certified copy of Judgment/Order in the above-entitled action is your authority for the execution thereof.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Palo Alto Courthouse

PRELIMINARY EXAMINATION MINUTES, COMMITMENT, CERTIFICATION, ARRAIGNMENT

The People of the State of California

Case No. B1577162

Vs.

CEN: 15002487

Brock Allen Turner

Custody Status: BB-150K

Defendant

Date: 10-5-15

Interpreter

Judge: Aaron Persky

Deputy District Attorney Alaleh Kianerci

Reporter: V. Southard

Defense Attorney Mike Armstrong

Clerk: J. Nashed

AD/PD/Legal Aid

Motion to exclude/admonish witness(es) granted. Interpreter for Witness _____

MDA/GOM Amended to refer to victim + sister w/ last name Doe - granted

Victim + sister have victim witness advocate - granted

Victim Witness Advocate (w/w) [redacted]

Preliminary Examination Held - Witnesses Sworn and Testified:

Doe "JANE doe 1"
Doe "JANE doe 2"

Peter Mars Jansson

People's Exhibits: marked/admitted

Defense Exhibits: marked/admitted

1. _____	<input type="checkbox"/> <input type="checkbox"/>	A. _____	<input type="checkbox"/> <input type="checkbox"/>
2. _____	<input type="checkbox"/> <input type="checkbox"/>	B. _____	<input type="checkbox"/> <input type="checkbox"/>
3. <u>See Exhibit List</u>	<input type="checkbox"/> <input type="checkbox"/>	C. _____	<input type="checkbox"/> <input type="checkbox"/>
4. _____	<input type="checkbox"/> <input type="checkbox"/>	D. _____	<input type="checkbox"/> <input type="checkbox"/>
5. _____	<input type="checkbox"/> <input type="checkbox"/>	E. _____	<input type="checkbox"/> <input type="checkbox"/>

Waives right to continuous Preliminary Examination. Continued to 10-6-15 9 am D-89

HELD TO ANSWER: It appearing to me from the testimony this day given before me on the preliminary examination of the above-named defendant, that the offense of a violation of section(s): _____

has been committed and that there is sufficient cause to believe the above-named defendant guilty thereof. I order that he/she be held to answer to same. Aiming allegation(s) found true / not true. Enhancements found true / not true.

Misdemeanor violation(s) certified to general jurisdiction _____

HOLDING DENIED as to _____

DEFENDANT ORDERED TO APPEAR FOR ARRAIGNMENT _____ AM/PM Dept _____

Counsel stipulate Complaint be deemed Information Counsel enters special appearance Counsel Do Not stip to Complaint as Information

Arr/Adv Arr Wvd Defendant pleads not guilty. TW 60 TNW Exhibits released

Last day to file motions _____ Last day to hear motions _____

DEFENDANT ORDERED TO APPEAR FOR MTC _____ AM/PM Dept _____

IDC Referred for SORP Hearing set for Wednesday _____ AM/PM Dept _____

<input type="checkbox"/> REMANDED to custody of DOC until next appearance. Bail \$ _____	<input type="checkbox"/> BAIL INCREASED/REDUCED
<input type="checkbox"/> RELEASED <input type="checkbox"/> O/R <input type="checkbox"/> SORP	

I certify that the foregoing is a true and correct record of the proceedings had before me this date in said case.

DATE 10-5-15

JUDGE OF THE SUPERIOR COURT

Julie Nashed
 Clerk of the above-named Court.

I certify the foregoing is a true copy of the Judgment/Order rendered on the above date by the above-named Judge.

TO THE DOC: The foregoing certified copy of Judgment/Order in the above-entitled action is your authority for the execution thereof.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

Plaintiff: People of the State of California

Defendant: Brock Allen Turner

EXHIBIT RECEIPT

RECEIVED from Clerk: Julie Nashed
with Judge: Aaron Persky

(X) Prelim () Jury Trial () Post Trial Motion

CASE NO.: B15772487

EXHIBIT NO.	EXHIBITS	DESCRIPTION	ID Only	ADMITTED
PEOPLE'S EXHIBITS				
1	Photo – Cell phone and poke-a-dot underwear on the ground		10/05/15	10/06/15
2	Photo – Screen shot of a call log dated January 18, 2015		10/05/15	10/06/15
3	Photo – Screen shot of a text chain		10/05/15	10/06/15
4	Call log of [REDACTED]		10/05/15	10/06/15
5	Photo – Basketball court with 2 people on skateboards / labeled #1 with Peter Jonsson signature on it		10/05/15	10/06/15
6	Photo – Corner of a basketball court, fence and white building beyond the trees / labeled #2-3 with Peter Jonsson signature on it		10/05/15	10/06/15
7	Photo – Wooden fence with dirt and pine needles surrounding the ground area / labeled #4		10/05/15	10/06/15
8	Photo – Bushes to the left of the photo, trees, a portion of a basketball court to the right of the photo / labeled #5 with Peter Jonsson signature on it		10/05/15	10/06/15
9	Photo – Basketball court with 2 people on skateboards / labeled #1 with Carl-Fredrik Arndt initials on it		10/06/15	10/06/15
10	Photo – Corner of a basketball court, fence and white building beyond the trees / labeled #2-3 with Carl-Fredrik Arndt initials on it		10/06/15	10/06/15
11	Photo – Wooden fence with dirt and pine needles surrounding the ground area / labeled #4 with Carl-Fredrik Arndt initials on it		10/06/15	10/06/15
12	Photo – Bushes to the left of the photo, trees, a portion of a basketball court to the right of the photo / labeled #5 with Carl-Fredrik Arndt initials on it		10/06/15	10/06/15
13	Photo – Female in the fetal position on the ground		10/06/15	10/06/15
14	Photo – Back of a female in the fetal position on the ground with a emergency medical response person leaning over her		10/06/15	10/06/15
15	Photo – Golf cart between a wooden fence and tree with people in the distance		10/06/15	10/06/15
16	Photo – Female on a gurney		10/06/15	10/06/15
17	Photo – close up head shot of female on gurney with debris in her hair		10/06/15	10/06/15
18	Diagram		10/06/15	10/06/15

Above exhibits received by Exhibit Control as correct

Page 1

DATE: _____ DEPUTY: _____

FILED

OCT 06 2015

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY [Signature] DEPUTY

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

October 6, 2015

DA NO 150102055
CEN: 15002487

BROCK ALLEN TURNER [REDACTED]
[REDACTED]
Defendant(s).

vs.

BAT BAIL 10/06/2015

INFORMATION NO. B1577162

INFORMATION
SUMMARY

Count	Charge	Charge Range	Defendant
1	PC220(a)(1)	2-4-6	Brock Allen Turner
2	PC289(e)	3-6-8	Brock Allen Turner
3	PC289(d)	3-6-8	Brock Allen Turner

The District Attorney of the County of Santa Clara, by this Information alleges that:

COUNT 1

On or about January 18, 2015, in the County of Santa Clara, State of California, the crime of ASSAULT WITH INTENT TO COMMIT FELONY, in violation of PENAL CODE SECTION 220(a)(1), a Felony, was committed by BROCK ALLEN TURNER who did assault Jane Doe with the intent to commit rape.

It is further alleged that probation will not be granted except where the interests of justice would best be served, within the meaning of Penal Code section 1203.065(b)

A conviction of the offense charged in this count requires the defendant to register pursuant to Penal Code section 290.

COUNT 2

On or about January 18, 2015, in the County of Santa Clara, State of California, the crime of SEXUAL PENETRATION WHEN THE VICTIM WAS INTOXICATED OR ANESTHETIZED, in violation of PENAL CODE SECTION 289(e), a Felony, was committed by BROCK ALLEN TURNER who did commit an act of sexual penetration when the victim, Jane Doe, was prevented from resisting by an intoxicating and anesthetic substance, and a controlled substance and this condition was known, and reasonably should have been known by the defendant(s).

A conviction of the offense charged in this count requires the defendant to register pursuant to Penal Code section 290.

COUNT 3

On or about January 18, 2015, in the County of Santa Clara, State of California, the crime of SEXUAL PENETRATION WHERE THE VICTIM WAS UNCONSCIOUS OF THE NATURE OF THE ACT, in violation of PENAL CODE SECTION 289(d), a Felony, was committed by BROCK ALLEN TURNER who did commit an act of sexual penetration and the victim, Jane Doe, was unconscious of the nature of the act, and this was known by the defendant(s), the person committing the act and causing the act to be committed.

A conviction of the offense charged in this count requires the defendant to register pursuant to Penal Code section 290.

NOTICE AND STATEMENT OF PROBABLE CAUSE FOR AIDS TESTING

Complainant alleges that the official reports and documents of a law enforcement agency attached to this document and incorporated by reference establish that there is probable cause to believe that a transfer of bodily fluids from the defendant, Brock Allen Turner, to a victim has occurred within the meaning of Penal Code section 1524.1 and/or Health and Safety Code sections 121055 and 121060.

You are notified that, if at the conclusion of the probable cause hearing the magistrate determines that the requirements of Penal Code section 1524.1, and/or Health and Safety Code sections 121055 and 121060 have been met, the defendant will be ordered to submit to a blood test to detect the AIDS antibody and/or other communicable diseases as provided by statute.

REQUEST FOR TRIAL PRIORITY PURSUANT TO PENAL CODE § 1048

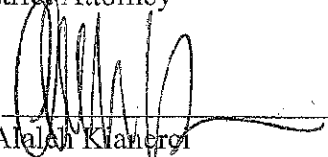
The case charged above falls within the provisions of Penal Code section 1048, and the People therefore respectfully request that the case be given the trial priority provided by that section.

Any defendant, including a juvenile, who is convicted of and pleads guilty and no contest to any felony offense, including any attempt to commit the offense, charged in this complaint or information is required to provide buccal swab samples, right thumbprints and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to the DNA and Forensic Identification Database and Data Bank Act of 1998 and Penal Code section 296, et seq.

Pursuant to Penal Code Section 1054 through 1054.7, inclusive, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of any physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer as evidence at the trial. (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

Jeffrey F. Rosen
District Attorney

By


Alana Klamer

Deputy District Attorney

INFORMATION CASE STATUS

File No: 150102055

Sup. Ct. Doc. No: B1577162

Dep. Dist. Attorney: Alaleh Kianerci

1. Defendant.: Brock Allen Turner CEN: 15002487

Charges: PC220(a)(1), PC289(e), PC289(d)

Lab No: _____ BA %: * _____ Drugs: _____

Defense Attorney: Mike Armstrong

Information Indictment Bail: _____

Arrestment Date: _____

(a) Time waived at Arrestment. Yes No

(b) Time subsequently waived. Yes Date: _____

Pretrial Date: 1. _____ 2. _____

Trial Date: 1. _____ 2. _____ 3. _____ 4. _____

Motions:

1538.5 Date: 1. _____ 2. _____ 3. _____ Granted Denied

995 Date: 1. _____ 2. _____ 3. _____ Granted Denied

Discovery Dt: 1. _____ 2. _____ 3. _____ Granted Denied

Bail Date: _____ Result: Bail \$ _____ O/R

Drs. app'd per Sec. _____ Drs. _____ Rpts. due: _____

Other: _____

Remarks: _____

Case FAR'd Yes No.

FAR offer: _____

FILED

MAR - 7 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA/County of Santa Clara
BY J. Paura DEPUTY

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6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 SANTA CLARA COUNTY

8	PEOPLE OF THE STATE OF CALIFORNIA,)	Case No.:B1577162
9)	
	Plaintiff,)	PEOPLE'S MOTIONS IN LIMINE AND
10)	WITNESS LIST
	vs.)	
11)	
)	Date: 3/9/16
12	BROCK ALLEN TURNER,)	Time: 1:30 a.m.
)	Dept: 89
13)	Hon. Persky
	Defendant.)	

14
15
16 STATEMENT OF FACTS

17 In the evening of January 17, 2015, ^{JANE DOE 1} [REDACTED] Doe, a recent college graduate, hung out with
18 her sister ^{JANE DOE 2} [REDACTED] Doe, and a couple of ^{JANE DOE 2} [REDACTED] friends at their family home. ^{JANE DOE 2} [REDACTED] and he
19 friends were [REDACTED] students and were home for the weekend. They had planned on meeting
20 their mutual friend [REDACTED] who was a student at Stanford University and lived on
21 campus. They began drinking hard liquor and champagne at approximately 10:30 p.m. [REDACTED]
22 ^{JANE DOE 1} Doe had approximately four shots of whiskey before the girls' mother dropped them off on
23 campus between 11:00-11:15. They met up with [REDACTED] at a party on campus at the Kappa Alpha
24 fraternity (hereinafter KA). They socialized and drank both inside and outside of the KA

1 exposing her vagina and buttocks. Her underwear was on the ground next to her. The back of her
2 hair was disheveled, knotted and completely covered in pine needles. She had a grey sweatshirt
3 that was removed from one arm only.

4 The deputies were alerted to two males who had pinned down and restrained a subject
5 (later identified as Brock Allen Turner, herein after the Defendant) about 25 yards north. Deputy
6 Adams and Deputy Shaw ran towards the men, while Deputy Taylor stayed with the unconscious
7 victim. Witness Peter Jonsson was straddling the male while holding both his arms down.

8 Witness Carl-Fredrik Arndt was sitting on the subject's legs. Deputy Shaw told the two men to
9 get off of the Defendant. Deputy Shaw asked the men what was going on and Jonsson replied,
10 "We found him on top of the girl!" He then pointed back towards where the victim was laying.
11 The Defendant remained silent. Deputy Shaw placed handcuffs on the Defendant, while doing so
12 the Defendant noticed he had a strong odor of alcoholic beverage, his crotch area appeared
13 disheveled, and he had what appeared to be a cylindrical bulge consistent with an erect penis
14 underneath his pants. The Defendant was told he would be detained until further investigation.

15 When Deputy Taylor stayed with the victim who was laying on the ground, he checked
16 for a pulse and heard that the victim began snoring. In a very loud voice he asked several times
17 "Can you hear me?" The victim did not respond to any verbal or physical attempts to wake her.
18 Deputy Taylor accompanied the victim as she was transported to Valley Medical Center (VMC)
19 at 1:30 a.m. In the ambulance Deputy Taylor again attempted to verbally wake the victim every
20 15 minutes. Deputy Taylor observed EMT technicians place an IV in her arm and she still did
21 not come to. Deputy Taylor reports that as [REDACTED] ^{JANE DOE} Doe remained unconscious throughout the
22 ambulance ride and the check in process at the hospital. She arrived at VMC at 2:00 a.m. She
23 finally regained consciousness at approximately 4:15 a.m. She was medically cleared at 4:30
24 a.m. and taken to undergo a SART exam. Her blood was drawn at 7:15 a.m and at that time it

1 blood alcohol content was 0.12%. A back extrapolation of the victim's blood alcohol content at
2 the time of the assault places her intoxication level around a 0.22%, almost three times the legal
3 limit.

4 Deputy Shaw interviewed Witness Jonsson who indicated that he and Witness Arndt
5 were riding their bikes at around 12:55 a.m. to go to the party at KA when he noticed the male
6 and female lying on the ground near the dumpster and it appeared that they were having sex. He
7 and Witness Arndt at first thought it was a mutual interaction, but as he got closer he got a bad
8 feeling. Witness Jonsson described that the woman was lying on her back motionless and it
9 looked like she was asleep or passed out while the man was on top of her thrusting his hips into
10 her aggressively. As they got closer he could tell the woman was not moving at all and her eyes
11 were closed and her head was tilted to the side, so he yelled to get the Defendant's attention. He
12 yelled words to the effect of "Hey, she's fucking unconscious!" The Defendant looked up,
13 slowly got off the victim and began running rapidly away from her. Witness Jonsson and
14 Witness Arndt briefly checked on the girl and noticed she continued to appear unconscious and
15 did not respond to them asking her if she was ok. Witness Jonsson then gave chase after the
16 Defendant and caught up to him about 35 yards away. He told the Defendant to stop many times,
17 but the Defendant kept running. Witness Jonsson caught up to the Defendant and did a leg sweep
18 to trip him which cause the Defendant to fall. According to Witness Jonsson, it looked like the
19 Defendant was going to run away again, so Witness Jonsson tackled him to the ground and held
20 his arms down as Witness Arndt caught up and held the Defendant's legs down until help
21 arrived.

22 Deputy Adams transported the Defendant to the police station where his blood was drawn
23 by a phlebotomist at around 3:15 a.m. The Defendant was interviewed after a SART exam was
24 performed on him. The following day Detective Kim interviewed ^{JANE DOE 1} [REDACTED] and ^{JANE DOE 2} [REDACTED] Doe.

JANE DOE 1

1 [REDACTED] Doe does not know what happened to her. She remembers being at the party and waking
2 up in the hospital. She does not remember being alone with any male. She was in a relationship
3 with [REDACTED] and did not intend on "hooking up" with anyone. She indicated that everyone
4 at the party was much younger than her, and she really was being silly and joking around about
5 the fact that she was at a college fraternity party. She does not remember making the calls to her
6 boyfriend [REDACTED]. The next morning she checked her phone call log and saw that she attempted
7 to call her sister and [REDACTED] at 12:30 a.m. She does not remember these calls as well. There are
8 several missed calls and text messages on her phone from her sister and [REDACTED] starting from 12:32
9 a.m. until the next morning.

JANE DOE 2

JANE DOE 1

10 [REDACTED] indicated that at 11:00 p.m. their mother dropped her, [REDACTED] and
11 [REDACTED] off at Stanford University. They walked to meet up with [REDACTED] and were inside the party for
12 approximately 45 minutes. At around 11:50 p.m. they all went outside to "pee" in the bushes
13 since the restrooms inside were occupied. They did not go back inside the party. Instead they
14 talked to some guys who were outside. One of the guys Tom Kremer had a sibling who went to
15 [REDACTED] and she and Tom talked about this. At some point when she was outside the Defendant
16 all of a sudden grabbed her and kissed her, she turned and pushed him away. She thought this
17 was odd, since they had not really talked, but she did not really think much of this. He came
18 back and tried to kiss her a second time while she was trying to talk to [REDACTED]. At approximately
19 12:10 a.m. her friend [REDACTED] was very intoxicated and felt sick, so she and [REDACTED] decided to take
20 her back to [REDACTED] room to sleep. She was gone for about an hour and when she came back she
21 saw the police and assumed they were there to break up the party. She looked for [REDACTED] and she
22 could not find her sister.

23 On June, 25, 2015 Detective Kim received information about two females who had an
24 encounter with the Defendant the weekend before the assault on [REDACTED] Doe. Detective Kim had

1 email correspondence with both [REDACTED] and [REDACTED] Ms. [REDACTED] indicated she
2 came to the Stanford campus the weekend of January 9th-12th, to visit Ms. [REDACTED] who was a
3 student. While on campus they attended a party at the Kappa Alpha fraternity where Ms. [REDACTED]
4 was introduced to the Defendant. She described the Defendant as living in the same dormitory as
5 Ms. [REDACTED] and that they had mutual friends, but were not close. She stated that during the party
6 she and Ms. [REDACTED] were dancing on a table and the Defendant followed them on the table. She
7 described the Defendant as being flirtatious with her. He put his hat on her and she took it off.
8 He then started to dance behind her and tried to turn her around to face him. She felt
9 uncomfortable and tried to turn her body away so that he would not be directly "behind" her. He
10 became really "touchy" and put his hands on her waist and stomach. He even put his hands on
11 her upper thighs. She felt more and more uncomfortable and got down off of the table. She said
12 the Defendant "creeped" her out because of his persistence.

13
14 **MOTIONS IN LIMINE**

15 **1. Exclude Reference to Sentencing Consequences**

16 Since the jury is not allowed to consider penalty or punishment, the People request that
17 the defense be ordered not to make any reference to sentencing consequences in this case, either
18 during the presentation of evidence or during argument.

19
20 **2. Exclusion of Evidenced Designed to Solicit Sympathy**

21 An order excluding all testimony, argument or evidence the primary purpose of which is
22 to solicit sympathy for the Defendant, including:

- 23 (1) The Defendant's feelings about this case, including, but not limited to, whether the
24 Defendant is embarrassed or humiliated because of his arrest, any feelings of

1 remorse he may have felt after the alleged incident, and feelings of persecution;

2 (2) The potential impact that the jury verdict may have on the Defendant's family,
3 employment, financial status, probation status, parole status and/or immigration
4 status.

5 (3) The impact and potential future impact on the Defendant's swimming career.

6 Such testimony, argument or evidence is irrelevant under Evidence Code sections 210, 350
7 and 351, and the admission of such evidence will create a substantial danger of undue prejudice
8 or will confuse the issues or mislead the jury. (Evid. Code § 352.)

9
10 **3. Objections Outside the Presence of the Jury**

11 An order that all objections to the use of peremptory challenges made pursuant to *People*
12 *v. Wheeler* (1978) 22 Cal.3d 258 and any other allegations and objections regarding misconduct
13 on behalf of either counsel heard at the bench or otherwise outside the presence of the jury.

14
15 **4. Motion to Exclude Witnesses**

16 The People move to exclude witnesses from the courtroom during the time the witnesses
17 are not under examination pursuant to Evidence Code Section 777.

18
19 **5. The People Designate Stanford University Detective Mike Kim Santa Clara**
20 **Sheriff's Office as Their Investigating Officer.**

21
22 **6. Special Accommodation for Sexual Assault Victims**

23 **a. Support Person**
24

1 The People request that a support person be present with the victim during his testimony,
2 if so desired. Penal Code section 868.5 states that even though the court may close an
3 examination, a support person chosen by the prosecuting witness may always remain with the
4 witness during testimony.

5 **b. Victim Anonymity**

6 The People request that, pursuant to Penal Code section 293.5, the Court refer to the
7 victim and his family members by their first name and the last name of "Doe." The request is
8 that the victim, ^{JA} [REDACTED] and ^{DOE 2} [REDACTED], be referred to only by their first name, or by first and middle
9 name, so as to protect their privacy.

10
11 **7. Defendant's Admission and statements**

12 An order prohibiting defense counsel from introducing or referring to any of the
13 Defendant's statements to the police or anyone else unless the evidence is first introduced by the
14 People. (Evid. Code Sections 1200, 1220.) Any statements made by the defendant in his post-
15 arrest interview are hearsay and are not admissible if offered by the defense. The defendant's
16 statements are self-serving denials made out-of-court and not subject to cross-examination. A
17 defendant is not permitted to introduce self-serving statements made to other persons. *People v.*
18 *Williams* (1957) 151 Cal.App.2d 173, 187; *People v. Williamson* (1977) 71 Cal.App.3d 206, 213.

19
20 **8. The People seek to introduce the voice mail and text message with the victim**
21 **that night.**

22 The victim's intoxication is one of the elements and relevant to counts one and three. The
23 voice mail message that was captured on [REDACTED] phone as well as his conversation with
24 her is relevant to the disputed issue of [REDACTED] ^{DOE 1} Doe's level of intoxication and physical state and

1 whether she was too intoxicated to consent to sexual activity. It will aid the trier of fact as to both
2 the victim and the Defendant's credibility. (Cal Evid Code section 210, 780, 410, 352, 250.)
3

4 **9. The Prosecution should be permitted to file a first amended information.**

5 Penal Code section 1009 allows a court to permit an amendment to the charging document
6 at any stage of the proceedings. Prior convictions such as prison priors, strike priors, and five-
7 year priors are not required to be proved at a preliminary hearing. *Thompson v. Superior Court*
8 (2001) 91 Cal.App.4th 144, 147.

9 The prosecution requests permission to file a First Amended Information, which contains
10 the following changes.

- 11 • Amending the language of count one, PC 220 to read Assault with intent to commit Rape
12 of an intoxicated or unconscious person. It is currently charged as simple forcible rape.

13 The prosecution provided notice to the defense, on March 7, 2016 along with a copy of
14 the proposed First Amended Information that the prosecution would seek to file in the trial
15 department. The amended language of count one does not affect the substantive charging and it
16 merely conforms to the charges in counts two and three.
17

18 **10. The People seek to exclude any reference to Defendant's pending Minor in**
19 **Possession case**

20 The Defendant has a pending minor in possession case arising from a citation that occurred
21 on campus on November 15, 2014 as documented in report number 14-319-0270U. The People
22 seek to exclude any and all reference to this matter or its pending status. Should the Defendant
23 testify, the People may seek to introduce this prior police contact and citation depending on the
24

1 Defendant's testimony. Should the People elect to introduce this evidence they will first notify
2 the court.

JANE DOE I

4 11. Questions relating to [REDACTED] Doe's sexual history should not be permitted.

5 To protect victims from harassment of the type that has traditionally plagued complaining
6 witnesses in sexual assault cases, the Legislature has enacted laws which exclude evidence of
7 sexual activity by the complaining witness with persons other than the defendant in order to
8 prove consent. Evidence Code sections 782 and 1103(c); People v. Rioz (1984) 161 Cal.App.3d
9 905, 916.

10 Evidence Code section 782 provides:

11 (1) A written motion shall be made by the defendant to the court
12 and prosecutor stating that the defense has an offer of proof of the
13 relevancy of evidence of the sexual conduct of the complaining
witness proposed to be presented and its relevancy in attacking the
credibility of the complaining witness.

14 (2) The written motion shall be accompanied by an affidavit in
which the offer of proof shall be stated.

15 (3) If the court finds that the offer of proof is sufficient, the court
shall order a hearing out of the presence of the jury, if any, and at
16 such hearing allow the questioning of the complaining witness
regarding the offer of proof made by the defendant.

17 (4) At the conclusion of the hearing, if the court finds that evidence
proposed to be offered by the defendant regarding the sexual
18 conduct of the complaining witness is relevant pursuant to Section
780, and is not inadmissible pursuant to Section 352 of this code, the
19 court may make an order stating what evidence may be introduced
by the defendant, and the nature of the questions to be permitted.
20 The defendant may then offer evidence pursuant to the order of the
court.

21 The prosecution does not believe that the defense can meet the requirements of Evidence
22 Code sections 782 and 1103 and the cases interpreting those sections. Therefore, questions
23 concerning JANE DOE I [REDACTED] Doe's personal sexual activity with anyone except the defendant are improper
24 and should not be permitted.

1 **12. The People seek to exclude any reference to victim's manner of dress.**

2 An order prohibiting the defense from suggesting that the victim's manner of dress is
3 indicative of consent.

4 A sexual assault victim's clothing and manner of dress is irrelevant to prove consent by the
5 victim, until the court has made a relevance determination following a hearing on the issue.
6 (Evidence Code section 1103(2).) This section specifically states the proponent of the evidence
7 must make an offer of proof outside the presence of the jury, and the judge must state the reasons
8 for the ruling on the record, prior to any such evidence being presented to the jury.
9

10 **13. Discovery Motion and Defense expert witness**

11 The People move to prohibit any testimony, evidence, or witnesses not provided to the
12 prosecution in accordance with California law and Penal Code sections 1054.1 and 1054.3.

13 The defense has listed as an expert witness Dr. Kim Fromme as an expert on "alcoholic
14 induced blackouts." Dr. Fromme's CV that was provided illustrates that she is a clinical
15 psychologist and an expert in alcohol related black outs. The Defense has disclosed a two page
16 report of the subject matter in which they seek to have Dr. Fromme testify. The People have not
17 been provided any notes or other statements about the basis of Dr. Fromme's expertise. Much of
18 Dr. Fromme's opinion as documented in her report about the specifics in this case, is based on
19 assumptions, speculation and conjecture.

20 The People specifically object to the Dr. Fromme's testimony because it has not been
21 established that alcoholic blackouts are generally accepted in the scientific community. (*People*
22 *v. Kelly* (1976) 17 Cal.3d 24, 39) The People further object because Dr. Fromme's testimony
23 invades the province of the jury to decide the case. Further, the People object as the veracity of a
24

1 witness is not a matter sufficiently beyond common experience to permit the expert testimony.
2 Finally, the People submit that it should be excluded under Evidence Code sections 350 and 352
3 because its probative value, if any, is far outweighed by its prejudicial effect of misleading a jury
4 and confuse the issues.

5 As a preliminary matter, the People note that this trial court has the discretion to exclude
6 evidence pursuant to Evidence Code section 352 "if its probative value is substantially
7 outweighed by the probability that its admission will (a) necessitate undue consumption of time
8 or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the
9 jury." (Evidence Code §352; *People v. Espinoza* (2002) 95 Cal.4th 1287, 1309-1310.) A ruling
10 excluding evidence under section 352 will be overturned on appeal only if the trial court
11 "exercised its discretion in an arbitrary, capricious, or patently absurd manner that resulted in a
12 manifest miscarriage of justice." (*People v. Rodrigues* (1994) 8 Cal.4th 1060, 1124.)

13 The "requirements for expert testimony are that it relate to a subject sufficiently beyond
14 the common experience as to assist the trier of fact and be based on matter that is reasonably
15 relied upon by an expert in forming an opinion on the subject to which his or her testimony
16 relates." (*People v. Olquin* (1994) 31 Cal.App.4th 1355, 1371; *People v. Valdez* (1997) 58
17 Cal.App.4th 494, 506; *People v. Torres* (1995) 33 Cal.App.4th 37, 45.) As such:

18 "The decisive consideration in determining the admissibility of expert opinion
19 evidence is whether the subject of inquiry is one of such common knowledge
20 that men of ordinary education could reach a conclusion as intelligently as the
21 witness, or whether, on the other hand, the matter is sufficiently beyond
22 common experience that the opinion of an expert would assist the trier of
23 fact." (*People v. Cole* (1956) 47 Cal.2d 99, 103.)

24 On the other hand, "expert opinion is not admissible if it consists of inferences and
conclusions which can be drawn as easily and intelligently by the trier of fact as by the witness."
(*People v. Torres, supra*, at 45; *In re Cheryl H.* (1984) 153 Cal.App.3d 1098, 1121 [expert

1 opinion about who molested a child was not admissible].) As a general rule, “a trial court has
2 wide discretion to admit or exclude expert testimony.” (*People v. Page* (1991) 2 Cal.App.4th 161,
3 187.)

4 In general, the veracity of those who report crimes is not a matter “sufficiently beyond
5 common experience to require the testimony of an expert.” (*People v. Sergill* (1982) 138
6 Cal.App.3d 34, 39.) The testimony of victims of sexual crimes is not deemed inherently suspect
7 or distrusted. (*People v. Foss* (2007) 155 Cal.App.4th 113, 128; *People v. Mejia* (2007) 155
8 Cal.App.4th 86 [considering a child victim with multiple inconsistencies present]; *People v.*
9 *Espinoza, supra* at 1310-1311.) Moreover, it is well-established in case law that intoxication is a
10 matter of common experience and lay witness opinion: Lay witnesses are permitted to give
11 opinion of another's state of intoxication when based on witness' personal observations of such
12 commonly recognizable signs as odor of alcohol, slurring of speech, unsteadiness, and the like.
13 (*People v. Williams* (1992) 3 Cal.App.4th 1326.)

14 Although Evidence Code section 780, subdivision (c), permits a witness to be impeached
15 by discrediting his/her capacity to perceive, recollect or communicate, it does not follow that a
16 party has a right to impeach a witness by calling another witness to testify as to the former's
17 capacity, ultimately ending in a “battle of the experts”. (*Porter v. State* (1978) 576 P.2d 275;
18 *U.S. v. Amaral* (1973) 488 F.2d 1148.) In fact, some courts have suggested that it is improper for
19 an expert to impeach an eyewitness account because cross-examination is a more efficient
20 method for testing credibility. (*U.S. v. Amaral, supra*, 488 F.2d 1148.)

21
22 In *People v. Espinoza, supra*, the trial court excluded testimony from a defense expert
23 witness in a sexual assault case that ostensibly went to the victim/witness credibility. The
24 defense made an offer of proof that the expert would testify that (1) this degree of sexual “acting

1 out" behavior by the victim could not have been caused by defendant's molestation of the victim;
2 (2) this sexual "acting out" behavior must have been caused by "trauma of a sexual nature
3 occurring over a long period of time;" (3) such long term trauma "would destroy her ability to
4 distinguish between her sexual wishes and fears and her ability to accurately assess such sexual
5 issues;" and (4) long term sexual trauma causing such sexual "acting out" behavior makes a child
6 "an unreliable reporter of sexual events because they tend to confuse the past with the present
7 and fact with fantasy." (*Id.* at 1307.) The defense also proffered the expert to testify that (1) the
8 victim did not suffer from post-traumatic stress disorder; (2) the victim's testimony at trial was
9 confusing and contradictory; (3) the victim's failure to discuss the alleged molestation was
10 inconsistent with the truth of her allegations; and (4) although the victim may have convinced
11 herself that the molestations occurred, she was not a reliable witness. The defense also argued
12 that the expert's testimony was relevant to show that the victim had "some very serious
13 emotional problems which may distort [her] ability to testify accurately" and that it was "very
14 relevant for the Court to determine whether a person with the various psychological makeups and
15 conditions that this witness has is believable in this situation." (*Id.* at 1308.) The trial court
16 rejected the defendant's argument and excluded all of the expert's testimony. The Court of
17 Appeal upheld the trial court's ruling pointing out the general rule forbidding psychiatric
18 testimony to impeach the credibility of witnesses applied to sexual assault victims. (*Id.* at 1312.)
19 They also added that the proposed evidence was speculative and had little to offer in terms of
20 probative value. (*Id.*)

21 Similarly, in *People v. Alcala* (1992) 4 Cal.4th 742, the court properly excluded proffered
22 defense expert testimony suggesting that the witness' actual memory had been supplanted with
23 false and imaginary information by police investigators where the jury heard the witness'
24

1 testimony and other tapes of lengthy pretrial interviews with the police and where the defense
2 expert had not attended those sessions and the reliability of his testimony was suspect. The court
3 relied on the available grounds that it would involve undue consumption of time, leading to
4 rebuttal evidence from the prosecution and continuous "parades of expert witnesses." (*Id.* citing
5 *People v. Shirley* (1982) 31 Cal.3d 18, 40.)

6
7 Here the People do not believe there is sufficient evidence to support an alcoholic blackout
8 during the time that the Defendant was engaged in the act of sexually assaulting ^{JANE DOE} [REDACTED] While
9 there arguably is some evidence that the victim does not remember making phone calls between
10 12:00 a.m. to approximately 12:30 a.m., there is no evidence that closer in time to the assault
11 around 12:55 a.m. that she was in an alcoholic blackout. The evidence supports she was highly
12 intoxicated and in fact too intoxicated to consent to sexual activity and that she passed out or was
13 unconscious during the pivotal moments the sexual assault occurred. The voicemail that was
14 captured on [REDACTED] cell phone which the defense expert relies upon actually supports that she
15 was highly intoxicated and not acting normally to the outside world which would suggest she
16 was in an alcoholic blackout. The People respectfully request the Court to listen to the voicemail
17 in determining whether the evidence supports the defense theory.

18 Furthermore, there is no evidence to suggest that she consented or voluntarily went with the
19 Defendant to the dumpster area, no one even sees her talking to him prior to the assault. There
20 are two independent witnesses who observed the Defendant in the midst of the assault who will
21 testify that ^{JANE DOE} [REDACTED] Doe's eyes were closed, she was laying limp and lifeless. And they will testify
22 that she appeared to be unconscious and unresponsive to attempts to get her attention. The fact
23 that she made a phone call that she does not remember almost half an hour before the assault
24

1 does not thereby permit the expert witness to speculate about her state during the time the
2 Defendant was on top of her assaulting her.

3 Unless the medical professional can diagnose the victim as having suffered from a blackout
4 at the time of the assault, not at some time before, any expert testimony on her possibly suffering
5 a “blackout” would lead the jury to speculate about whether the victim was in a “blackout”
6 without evidence to support such a finding. Such speculation would be more prejudicial than
7 probative. While ~~JANE DOE~~ Doe’s memory is an appropriate subject for cross-examination, it is not
8 an appropriate subject for expert testimony. Further, there are no blatant inconsistencies
9 between her multiple statements that tend to indicate the need for expert testimony. Moreover,
10 ~~JANE DOE~~ Doe concedes that she had been drinking earlier that evening—and a forensic
11 toxicologist is already slated to testify as to the amount of alcohol in her system.

12 Thus, such speculative testimony will only serve to confuse the jury whilst cultivating unfair
13 prejudice and ultimately act against this Court’s ultimate pursuit of justice; and, this type of
14 tactic has been routinely excluded by courts as it is a veiled attempt to opine on victim
15 credibility. Dr. Fromme merely aims to attack the credibility of this sexual assault victim with
16 absolutely no basis for coming to the medical opinion that she was suffering from an alcoholic
17 induced blackout and she engages in rank speculating that she “possibly” could have consented,
18 making this the exact type of testimony the Courts have cautioned against.

19 If the Court is inclined to allow the defense to call these witnesses, the People respectfully
20 request that: (1) the defense be ordered to provide any and all statements, notes, studies and
21 articles the defense expert relied upon in rendering an opinion and (2) the People be afforded the
22 opportunity to request a 402 hearing to determine the basis and scope of the expert’s testimony.
23 (3) The expert testimony be limited to general theories and hypothetical questions based on
24 evidence in the record.

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THE PEOPLE'S WITNESS LIST

- JANE DOE 1
[REDACTED] Doe
- JANE DOE 2
[REDACTED] Doe
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Tom Kremer
- Peter Lars Jonsson
- Carl-Fredrik Arndt
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Alice King (Forensic toxicologist)
- Craig Lee (DNA expert)
- Kris Setterland (SART Nurse)
- Joy Mitchell (SART Nurse)
- Det Mike Kim
- Deputy Taylor
- Deputy Edwards
- Deputy Dotsky
- Deputy Devlugt
- Deputy Shaw
- Detective Henrisken ([REDACTED] PD)

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Dated: March 7, 2016

Respectfully Submitted,

Jeffrey Rosen
DISTRICT ATTORNEY



Alden Kranerci
Deputy District Attorney

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Honorable Aaron Persky, Presiding
DEPARTMENT 89

Clerk: J. Paura

Reporter: C. Bagatelos

Deputy: P. Jensen

People of the State of California,
Plaintiff,

Alaleh Kianerci,
Counsel

vs.

Brock Allen Turner
Defendant

Michael Armstrong
Counsel

Jury Trial – Day 1

B1577162

Wednesday, March 9, 2016

- 1:30 p.m. Not reported – counsel meet and confer regarding motions in limine.
- 2:18 p.m. Not reported – counsel in chambers for discussions with the court.
- 4:08 p.m. All counsel are present. Defendant's appearance was waived for today.
The court discusses voir dire questionnaires with counsel.
Counsel to submit jury instruction numbers to the court by Friday, March 11, 2016 at 3:00 p.m.
The Court rules on the peoples motions in limine as follows:
Exclude reference to sentencing consequences – **Granted**
Exclude evidence designated to solicit sympathy – **Granted**
Objections outside the presence of the jury – **Granted**
Exclude witnesses – **Granted**
Designate Stanford University Det. Mike Kim as Investigating Officer – **Granted**
Request for support person – **Granted**
Victim Anonymity – **Granted**
Defendant's Admissions and Statements – **Granted after amendment**
Introduce voice mail and text messages with the victim that night –
The People are to transcribe voice mail
Motion deferred as to text messages
File First Amended Information – **deferred**
Exclude reference to pending minor in possession case – **Granted**
Questions relating to victim's sexual history shall not be permitted – **Granted**
Exclude any reference to victim's manner of dress – **Granted**
Exclude testimony, evidence or witnesses not provided to the prosecution –
Parties to comply with discovery statute/Deferred
- 4:30 p.m. The Court rules on the peoples further motions in limine as follows:
Exclude reference to specific consequences of the defendant no longer being a
Stanford student or swimmer – **Tentative ruling to grant as stated on record**
Limit scope of character witnesses - **Deferred**

- 4:39 p.m. **The Court rules on defense motions in limine as follows:**
 Exclude reference to defendant's pending case – **Granted**
 Exclude reference to word "finger-bang" relating to defendant's statement to police –
 Granted if its established defendant never said the phrase
 Exclude camera from courtroom – **Deferred**
 For substantial time for voir dire – **Granted as stated on the record**
 Finalization of discovery from the District Attorney –
 Parties to comply with discovery statute/Deferred
- 4:43 p.m. The court continues this matter to Friday, March 11, 2016 at 3:00 p.m. for further motions in
 limine.
 Not Reported – A panel of 92 jurors is ordered by the clerk.

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JEFFREY ROSEN
District Attorney, #163589
Alaleh Kianerci
Deputy District Attorney, #254198
70 W. Hedding Street, 6th Floor
San Jose, California 95110
Telephone: (408) 792-2955

Attorneys for the People

FILED

MAR - 9 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
BY J. Paula DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

SANTA CLARA COUNTY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

BROCK ALLEN TURNER,

Defendant.

Case No.: B1577162

PEOPLE'S MOTIONS IN LIMINE

Date: 3/9/16
Time: 1:30 a.m.
Dept: 89
Hon. Aaron Persky

1) **The People move to exclude any reference to the specific consequences of the Defendant no longer being a Stanford Student or swimmer.**

The People move to exclude any reference to the consequences that the Defendant has suffered as a result of this case. Specifically, that he is no longer on the Swim team, or a student at Stanford University. The People seek to exclude any reference as to where the Defendant is living currently. The People seek to have all witnesses admonished not to make any reference to these facts. They are not relevant, nor are they probative to any disputed fact. They merely serve to conjure sympathy towards the Defendant and highlight punishment which is an improper consideration for the fact finders. (Cal Evid Code 352)

1
2 **2) The People seek to limit the scope of the character witnesses.**

3 The defendant may introduce opinion or reputation evidence of his or her own character to
4 prove conduct in conformity therewith when such evidence is relevant to a defense. (Cal Evid
5 Code §1102(a)) In *People v. Stoll*, the court found that §1102 permits a defendant to present
6 expert opinion evidence that he was not a sexual deviant, because it would show a nondisposition
7 to commit the charged sex offense. *People v. Stoll* (1990) 49 Cal. 3d 1136. In *McAlpin*, the court
8 held that a character witness for the defendant could present lay opinion that the defendant was
9 not "a person of lustful or lewd conduct with children," so long as the opinion was based on
10 relevant observations by the witness of the defendant's interactions with children. *People v.*
11 *McAlpin* (1991) 53 Cal. 3d 1289, 1305.

12 The defense has indicated they seek to introduce at least four character witnesses. The People
13 have attached as an exhibit (exhibit 1) the defense offer of proof of the statements from the
14 character witnesses. First, the defense should be required to state the specific character trait each
15 witness will testify to and demonstrate how the character trait relates to a disputable issue.
16 Further, some of the character witnesses make reference to the Defendant's lack of ability to
17 sexually assault a female. That is an improper character trait and does not meet the standards in
18 *Stoll* and *McAlpin* for character for non-sexual deviance.

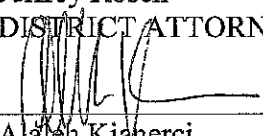
19 Also, many of the character witnesses make reference to the Defendant's swimming career
20 and his performance and dedication as a swimmer. The Defendant's swim career is not an issue
21 in dispute, it is not relevant and the People seek to exclude any reference to it as unduly
22 prejudicial. Furthermore, the Defendant's performance in school is not relevant and should be
23 excluded. Additionally, other witnesses observations about the Defendant's character, experience
24 or habit drinking is a not relevant character trait and should be excluded.

1 Finally, should the character witnesses be allowed to testify about the Defendant's drinking
2 history, the People should be allowed to ask about the Defendant's pending minor in possession
3 charge on cross examination of those character witnesses.
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8 Dated: March 9, 2016

Respectfully Submitted,

9 Jeffrey Rosen
10 DISTRICT ATTORNEY

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12 Alaleh Kianerci
13 Deputy District Attorney
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Exhibit 1

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1. [REDACTED] Residence is [REDACTED]
[REDACTED] He is a year older than Brock and they have known each other since they were 12 or 13. He describes his relationship with Brock as a big brother to Brock. They swam on the same club swim team - the Raiders - through high school. Their families are close, too. He describes Brock as very smart, very hard-working both in and out of the pool. Brock is honest and polite to all, and would not sexually assault a woman. They all used alcohol very rarely in high school due to swimming. [REDACTED]

2. [REDACTED] Residence is [REDACTED] in [REDACTED]
[REDACTED] She met Brock at middle school or Oakwood High School, and they dated for almost 2 years. They swam together on the club swim team - the Raiders. She describes Brock as very caring, calm, a hard worker both in school and swimming. They didn't continue dating after high school only because he was headed to Stanford and she [REDACTED]

3. [REDACTED] Residence is [REDACTED]
[REDACTED] Brock was probably about 10 when she first met him in about 205. She knew his brother [REDACTED] first. She got to know Brock quite well at Oakwood [REDACTED]
[REDACTED] He was a fast learner, intelligent and one of the best students in all subjects. As a swimmer, he was focused - captain of the team his senior year and a 3-time state champion, setting records. Brock had good relationships with everyone and she never heard a bad word about him. He was always very respectful to girls, and [REDACTED] was aware of he and [REDACTED] dating. He was very serious about training, and she was unaware of any abuse of drugs or alcohol. She has 4 kids of her own (16-24) and she thinks of herself as like a second mother to all 3 Turner kids. When her son showed her Brock's picture when he was arrested, her reaction was one of shock and disbelief. She wrote a college recommendation letter for Brock to Stanford.

4. [REDACTED] Residence is [REDACTED]
[REDACTED] He runs a swim program there now after coaching the Raiders in Dayton. He met Brock in the early 2000s when the Turner family joined the YMCA there. [REDACTED] daughter swam with Brock's older brother. [REDACTED] At first, Brock was a normal good swimmer, but when he got more serious about it he made great strides and was a finalist for junior nationals and could have competed for the 2016 Olympic trials. Brock got along with everyone on the Raiders. He was on the quiet side, not a rah-rah kid. Brock also worked for [REDACTED] as a summer lifeguard, for which Brock thanked him a lot. Brock is just a great kid. Brock was very focused and even driven to improve, but [REDACTED] never saw a relationship damaged by that drive. [REDACTED] cried when he heard about Brock's arrest. Brock would never assault a woman like he's accused of here, and there isn't anything that would cause Brock to jeopardize his swimming career. He is an honest person. He heard about another student abusing alcohol but not Brock.

1 Mr. Turner said he fingered the alleged victim, but never used the term finger-bang.

2 3) MOTION TO EXCLUDE CAMERAS FROM THE COURTROOM

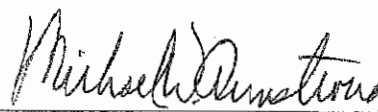
3 4) MOTION FOR SUBSTANTIAL TIME FOR ATTORNEY VOIR DIRE

4 This case has several factors which require the attorneys and/or the court to question the
5 potential jurors about, including press coverage, connections to Stanford University, familiarity
6 with scientific knowledge and procedures (DNA, alcohol use and abuse, including calculation of
7 blood alcohol levels, laboratory analysis, blackouts, SART examinations, e.g.) and sexual assault
8 experiences. See attached suggested voir dire questions for the court to ask.

9 5) FINALIZATION OF DISCOVERY FROM THE DISTRICT ATTORNEY

10 Counsel just wants to be sure that both counsel have the same documents and physical
11 evidence.

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13 Respectfully submitted this 7th day of March 2016.

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21 Michael W. Armstrong, Attorney
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Honorable Aaron Persky, Presiding
DEPARTMENT 89

Clerk: J. Paura

Reporter: C. Bagatelos

Deputy: P. Jensen

People of the State of California,
Plaintiff,

Alaleh Kianerci,
Counsel

vs.

Brock Allen Turner
Defendant

Michael Armstrong
Counsel

Jury Trial – Day 2

B1577162

Friday, March 11, 2016

2:40 p.m. **Not reported** – counsel in chambers for discussions with the court.

3:51 p.m. **Not reported** – The court continues this matter to Monday, March 14, 2016 at 8:30 a.m.

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JEFFREY F. ROSEN (Bar No. 163589)
DISTRICT ATTORNEY
Alaleh Kianerci (Bar No. 254198)
Deputy District Attorney
270 Grant Avenue, Fourth Floor
Palo Alto, CA 94306
Telephone: (650) 324-6400

Attorneys for the People of the State of California

FILED
MAR 11 2016
~~DAVID H. MANTZAKI~~
Chief Executive Officer
Superior Court of CA County of Santa Clara
DEPUTY
BY JOHN SILVEIRA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

vs.

BROCK ALLEN TURNER,



Defendant

No. B1577162
ORDER SHORTENING TIME
[Local Rule 5.B.4]

Good Cause Appearing,

IT IS HEREBY ORDERED THAT time for filing the Motion to Release Documents be shortened so that said document(s) may be filed on March 11, 2016 and the matter heard on March 14, 2016.

Dated: 3-11-2016


Judge Aaron Persky


Count

1 JEFFREY F. ROSEN (Bar No. 163589)
2 DISTRICT ATTORNEY
3 Alaleh Kianerci (Bar No.254198)
4 Deputy District Attorney
5 270 Grant Avenue, Fourth Floor
6 Palo Alto, CA 94306
7 Telephone: (650) 324-6400

FILED

MAR 11 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

JOHN SILVEIRA

Attorneys for the People of the State of California

7 SUPERIOR COURT OF CALIFORNIA

8 COUNTY OF SANTA CLARA

9
10 THE PEOPLE OF THE STATE OF CALIFORNIA,

11 Plaintiff

12 vs.

13 BROCK ALLEN TURNER,

14 Defendant(s)

) No. B1577162

) APPLICATION FOR ORDER
) SHORTENING TIME AND
) DECLARATION THEREOF
) [Local Rule 5.B.4]

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17 **APPLICATION FOR ORDER SHORTENING TIME**

18 The People request an order shortening time so that the People may file the Motion to
19 Release Documents on March 11, 2016 and the matter may be heard on March 14, 2016.

20 Dated: March 11, 2016

Respectfully submitted,

21 JEFFREY F. ROSEN
22 District Attorney

23
24 Alaleh Kianerci
25 Deputy District Attorney

26 Application for Order Shortening
Time and Declaration Thereof

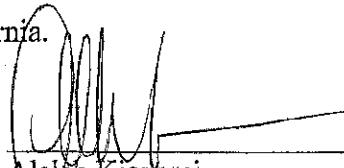
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DECLARATION

I, Alaleh Kianerci, declare that:

1. I am a Deputy District Attorney assigned to handle the above-entitled matter.
2. I request that time for filing the Motion to Release Documents be shortened so that said document(s) may be filed on March 11, 2016 and the matter heard on March 14, 2016.
3. I have been unable to file said document(s) earlier because Trial is set for March 14, 2016.

I declare under penalty of perjury that the foregoing is true and correct, and as to those matters stated upon information and belief I believe them to be true, and that this declaration was signed on March 11, 2016, at Palo Alto, California.



Alaleh Kianerci
Deputy District Attorney

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JEFFREY F. ROSEN (Bar No. 163589)
DISTRICT ATTORNEY
Alaleh Kianerci (Bar No. 254198)
Deputy District Attorney
270 Grant Avenue, Fourth Floor
Palo Alto, CA 94306
Telephone: (650) 324-6400

Attorneys for the People of the State of California

FILED
MAR 11 2016
DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY
JOHN SILVEIRA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

vs.

BROCK ALLEN TURNER,

Defendant(s)

No. B1577162
NOTICE OF MOTION FOR RELEASE OF DOCUMENTS PURSUANT TO SUBPOENA DUCES TECUM, AND DECLARATION IN SUPPORT THEREOF

Date: March 14, 2016
Time: 8:30 AM
Dept.: Palo Alto Facility, Dept. 89
Time Est.: 10 minutes

TO: THE CLERK OF THE ABOVE-ENTITLED COURT, THE DEFENDANT(S), AND COUNSEL FOR DEFENDANT(S)

NOTICE IS HEREBY GIVEN that on March 14, 2016, at 8:30 AM in Palo Alto Facility, Dept. 89 of the above-entitled court located at 270 Grant Avenue, Palo Alto, CA 94306, the People of the State of California will move the Court for release of records subpoenaed to court pursuant to Evidence Code section 1560 as alleged and supported by good

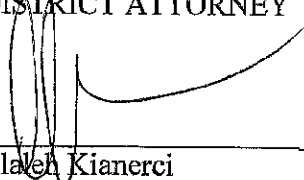
Notice of Motion for Release of Documents Pursuant to Subpoena Duces Tecum, and Declaration in Support Thereof

1
2 cause for the production of said records as shown by the attached declaration of Deputy District
3 Attorney Alaleh Kianerci, and other evidence, oral or documentary, as may be presented at said
4 hearing.

5
6 Dated: March 11, 2016

Respectfully submitted,

7 JEFFREY F. ROSEN
8 DISTRICT ATTORNEY

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10 
11 Alaleh Kianerci
12 Deputy District Attorney

13 **DECLARATION**

14 I, Alaleh Kianerci, declare that

15 I am a Deputy District Attorney for the County of Santa Clara, State of California and I
16 am one of the attorneys for the Plaintiff in the above-entitled case. Said action is a criminal
17 prosecution for violations of CALIFORNIA Penal Code section 220(a)(1) (ASSAULT WITH
18 INTENT TO COMMIT FELONY), Penal Code section 289(d) (SEXUAL PENETRATION
19 WHERE THE VICTIM WAS UNCONSCIOUS OF THE NATURE OF THE ACT) and Penal
20 Code section 289(e) (SEXUAL PENETRATION WHEN THE VICTIM WAS
21 INTOXICATED OR ANESTHETIZED).

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26 *Notice of Motion for Release of Documents
Pursuant to Subpoena Duces Tecum, and
Declaration in Support Thereof*

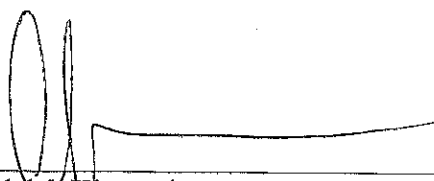
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That this declaration is in support of the People's motion for the release of documents. A copy of the Subpoena Duces Tecum is attached as Exhibit 1 for the Custodian of Records for Palo Alto Fire Department.

Such record(s) are necessary to further the public interest in prosecuting the defendant as they are likely to contain relevant and material evidence on the issue of guilt or innocence of the defendant in the above-entitled case and that there exists good cause for the production of the above records.

WHEREFORE, I request that said records be released to counsel for both parties on March 14, 2016.

I declare under penalty of perjury that the foregoing is true and correct, and as to those matters stated upon information and belief I believe them to be true and that this declaration was signed on March 11, 2016 at Palo Alto, California.



Alaleh Kianerci
Deputy District Attorney

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JEFFREY F. ROSEN (Bar No. 163589)
DISTRICT ATTORNEY
Alaleh Kianerci (Bar No. 254198)
Deputy District Attorney
270 Grant Avenue, Fourth Floor
Palo Alto, CA 94306
Telephone: (650) 324-6400

Attorneys for the People of the State of California

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	No. B1577162
)	
Plaintiff)	DECLARATION IN SUPPORT OF
)	SUBPOENA DUCES TECUM
)	
vs.)	
)	
BROCK ALLEN TURNER,)	
)	
Defendant(s))	
)	
)	

I, Alaleh Kianerci, declare:

I am a duly appointed and acting Deputy District Attorney in and for the County of Santa Clara, State of California.

I am in charge of the prosecution of the above-entitled case and that said action is a criminal prosecution for violation of CALIFORNIA Penal Code section 220(a)(1) (ASSAULT WITH INTENT TO COMMIT FELONY), Penal Code section 289(d) (SEXUAL PENETRATION WHERE THE VICTIM WAS UNCONSCIOUS OF THE NATURE OF THE

Declaration in Support
of Subpoena Duces Tecum

1 ACT) and Penal Code section 289(e) (SEXUAL PENETRATION WHEN THE VICTIM WAS
2 INTOXICATED OR ANESTHETIZED).

3 The Custodian of Records for Palo Alto Fire Department, located at 250 Hamilton
4 Avenue, Palo Alto, CA 94301, has in his/her possession, or under his/her control, the following
5 described documents:

6 **Fire department report for Medic ^{JANE DOE1} 62 and engine 66**
7 **who transferred victim [REDACTED] (DOB: [REDACTED])**
8 **[REDACTED] on January 18, 2016 to Santa Clara County**
9 **Valley Medical Center.**

10 I am requesting these records because Defendant is charged with a crime arising out of
11 an incident that occurred around January 18, 2015. These records may establish the extent of
12 the incident. These records may also provide evidence regarding Defendant's actions of the
13 incident that resulted in the criminal charges pending against the Defendant in this case.


14 All interested parties, whose records are being sought, have been sent notice of the time
15 and date set for hearing and advised of his/her right to be heard at such hearing.

16 WHEREFORE, declarant prays that a Subpoena Duces Tecum be issued requiring the
17 Custodian of Records for Palo Alto Fire Department to produce the above described documents
18 and records at a session of the above-entitled Court on March 14, 2016, at 8:30 AM, and each
19 succeeding day thereafter until excused by the Court.

20 **You are not required to appear in person if you produce the records described**
21 **herein, together with a completed declaration of Custodian of Records in compliance with**
22 **Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an**
23 **envelope (or other wrapper). Enclose our original declaration with the records, with the**
24 **appropriate information filled in by you and signed. Seal them. (2) Attach a copy of this**
25

1 subpoena to the envelope. (3) Place this first envelope in an outer envelope, seal it, and mail it
2 to the Clerk of the Court at 270 Grant Avenue 2nd floor, Palo Alto, California 94306. (4) Mail a
3 copy of your declaration to the attorney or party shown at the top of this form.

4 I declare under penalty of perjury that the foregoing is true and correct to the best of my
5 knowledge and belief, and that this Declaration was executed on March 11, 2016 at Palo Alto,
6 California.

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11 Alaleh Kianerci
12 Deputy District Attorney
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**DECLARATION OF
CUSTODIAN OF RECORDS**

I, _____ (Custodian of Records)
declare as follows:

1. I am the duly authorized Custodian of Records of _____
and have the authority to certify said records.
2. I have prepared the records of: _____.
3. I have attached a true copy of these records which are described in the Subpoena Duces
Tecum.
4. As the Custodian of Records, I am familiar with the method and practice of preparation
of these writings which constitute these records:
 - a) the writings were made in the regular course of business;
 - b) the sources of information and method and time of preparation are such to
indicate the trustworthiness of these records; and
 - c) these records have not been altered in any fashion.

The writings were prepared by the personnel of the company or persons acting under the
control of either, in the ordinary course of company business at or near the time of the act,
condition or event.

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

Executed this _____ day of _____, _____
(Month) (Year)

At _____

(Signature of Declarant)