

# Governmental Authoritative Abuse Exposed

California Attorney General Fails to Rectify “Justice” System Abuse

By

Lonnie G. Schmidt

Advocate – Legal Researcher

March 29, 2024

I’ve spent decades researching how prosecutors —federal and state— have achieved a “98% conviction rate” year after year. My research shows a disturbing pattern of prosecutorial abuse. The only possible way to achieve such results is by manipulating critical documents, thus controlling the outcome in the government’s favor.

For the purposes of this analysis, the focus is on prosecutors in the California criminal justice system involved in the false arrest/imprisonment of hundreds of thousands of persons.

I have irrefutable evidence that —at least since the 1950’s— the California Attorneys General and their subordinates’ —the county District Attorneys— have been violating both constitutional and statutory law in (most likely) all of their prosecutions of felonies. They do this by substituting a fictitious writing (felony complaint) in lieu of a constitutionally and legislatively mandated Grand Jury Indictment.

Consequently, Superior Court judges become complicit by failing to file judgments on the court’s record (in most cases) thus, extending the pattern of authoritative abuse to the Clerk who now also becomes complicit in this fraud and abuse.... through the creation and filing of a fictitious “Abstract of Judgment”. The result of this chain of authoritative abuse is that county and state officials have imprisoned persons *without a court order*.

After seeing the Scott Peterson case reemerge in the news recently, I read all that was included on his family’s very thorough webpage *ScottPetersonAppeal.org*, and personally reviewed the court files at Stanislaus County Superior Court, Modesto, California, where the case originated.

After my review, I believe he is not guilty of the charges. However, my research is not about his innocence or guilt. It is about his illegal arrest, prosecution, trial, conviction and imprisonment; and that, as a matter of law he is entitled to immediate and unconditional release.

The procedural jurisdictional defects fatal to the state’s prosecution of the Peterson case are exemplary of 98% of all “felons” who have been, and are now, imprisoned in California; and 100% of those whose cases were initiated by the state via a felony criminal complaint.

Innocence or guilt is not my focus. My focus is the proper Constitutional application of the due process guarantees of lawful arrest, trial and imprisonment. And when those guarantees are not provided, the remedy is release of the accused and compensation for damages.

## LEGAL ANALYSIS

### *Peeking behind the curtain of the state's case— from a jurisdictional point of view.*

**Exhibits A-C**, attached hereto and incorporated herein, are documents which I've extracted from the court files of Scott Peterson's case as being the most apropos evidence pertinent to his and the cases of most persons (*hereinafter referred to in the first person as "you, your"*), who have been, or are now, incarcerated in California. *He who has ears to hear, let him hear!*

By law, your case was over when the District Attorney filed the felony criminal complaint and thereby deprived the Superior Court of subject matter jurisdiction. See **Exhibit A**. (*District Attorney erred. And thus begins a sad comedy of governmental abuse prejudicial to the accused.*)

Presuming (for argument's sake), a valid Information and jurisdiction residing in the Court, the failure of the Court to file a judgment at sentencing deprived you of an appeal and prohibited the California Department of Corrections and Rehabilitation (CDCR) from legally receiving and imprisoning you. (*Superior Court Judge erred.*)

In Scott's case, when the original Judgment of Death (**Exhibit B**) sentence was overturned and he was resentenced, like as for you, a Judgment of Conviction (JOC) (court order) was required to be filed in the court record stating a term of imprisonment in the state prison and committing him/you to the custody of the Director of CDCR, and it was not. See **Exhibit C**.

Based on the indisputable fact that no JOC or any other court order (such as **Exhibit B**) committing you to state prison exists either in the files of CDCR, or in the files of the "committing" Superior Court, **you are illegally imprisoned**. (*CDCR Secretary/Director erred.*)

Lacking a certified JOC or court order, CDCR is using an Abstract of Judgment (AOJ) as authority to receive and imprison you. Absent a supporting JOC there CANNOT be an AOJ! The government is perpetrating a fraud on you!

The CDCR Department Operations Manual (DOM) 72020.4.1 requires that the receiving R&R Sergeant must verify that the court order committing you to prison is valid and certified. The Sergeant must use the following identifiers to verify said certification. At least two (2) of these are required: (1) Original judge's signature, (2) Original county clerk/court clerk's signature, and (3) Original county seal. The Sergeant "shall" also affix an imprint of your right index finger on the commitment document.<sup>1</sup>

Following are the only possible combinations to verify that the commitment document is valid and certified: **A**) If 1 is accompanied by 2 or 3; **B**) If 2 is accompanied by 1 or; **C**) If 3 is accompanied by 1. Every court order must have #1 on its face to be effectual.

<sup>1</sup> **CDCR DOM 72020.4.1**—Receiving Responsibility: Receiving and Release (R&R): "In processing arrivals the R&R sergeant **shall**: Verify that new/additional commitments [commitment documents; official orders of the court: judgment] are valid and certified. The **court order** [commitment document] is deemed certified if it has any **two** of the following: Original judge's signature; Original county/court clerk's signature; Original county seal. ... Make a print of arrival's right index finger **on the commitment document**."

*One voice silences the enemy — Truth*

The fraudulent AOJ in your CDCR Central File, delivered to the R&R Sergeant at the time of your arrival at CDCR, has only ONE of the required identifiers: the signature of the Superior Court clerk. It does not bear a judge's and clerk's signature, both required to certify it as the commitment document (court order); and a copy of your fingerprint is not affixed thereto.

In Scott's case, I exhibit documented proof that the Superior Court does not have a JOC signed by a judge and that the Clerk never entered a JOC into the record. The same will be found true in your case. See (**Exhibit C**). (*Superior Court Clerk erred.*)

Consequently, the clerk was unable to provide a certified copy of a JOC to "the officer whose duty it is to execute judgment" as required by Penal Code (PC) §§ 1207, 1213 who then delivered you, without authority (PC § 1202a), to state prison. (*County Sheriff erred.*)

The CDCR R&R Sergeant, failing to verify certification of a commitment document as required by DOM 72020.4.1, illegally took custody of you without a court order. (*R&R Sergeant erred.*)

Further, the CDCR Legal Processing Unit (LPU), in violation of DOM 72020.5.4.1, failed to use a **judgment** to calculate your term and thus fraudulently prepared Forms 188/678, and CDCR has no way to calculate your time served or when to release you.<sup>2</sup> (*LPU erred.*)

When the Attorney General, the direct supervisor of all county District Attorneys, allows them to bypass the Grand Jury system and manipulate the accusatory pleadings, he demonstrates a flagrant disregard for the Rule of law and your Constitutional rights. (*Attorney General errs.*)

In summation, I have provided a clear delineation that highlights procedural and administrative errors by various Executive, Judicial Branch and County employees, which violate their oath of office. Their actions demonstrate their belief that they are immune from civil and criminal liability for false arrest/imprisonment. According to Government Code § 820.4, **they are not**.

I realize this is a lot to digest... that I have introduced specific, new information that relates directly to your situation. I also realize that your attorney —and the established status quo— has not recognized these procedural defects and their impact. Consequently they will probably deny/deflect this information as gobbledygook... and reply "that's just the way we do it".

As the documents presented demonstrate, I've created a proprietary administrative process which potentially eliminates any further court proceedings. This is my Copyrighted work-product and my priority is to use it to help you end your current incarceration and demand compensation.

You are going to need help to take appropriate action, so I invite you to contact me at [withoutoneplea@mail.com](mailto:withoutoneplea@mail.com) as this process must be supervised and precisely executed. I am in the process of assembling a team of qualified professionals that will, at a low cost, streamline and make the process seem effortless. Let's go home!

<sup>2</sup> **CDCR DOM 72020.5.4.1**—Procedures for Processing Commitments: "Upon receiving a **judgment** under the provisions of PC 1170(a)(2), LPU shall process the case as follows: To conform with **DSL** commitments: **Terms shall be calculated** and a CDC Form 188 prepared. ...**ISL** To conform with ISL commitments: **Term(s) shall be recalculated** pursuant to 1170.2(a) using a CDC Form 678, Cumulative Case Summary Confinement Computation, and the case screened for possible extended term hearing." See also, PC §§ 2900, 2901.

## EXHIBIT A - Explanation

**COMPLAINT – CRIMINAL**, Stanislaus County Superior Court, **SC55500**, *People v. Peterson*, **April 21, 2003**. Two Counts: Murder. “On April 21, 2003, K. VELLA, STANISLAUS COUNTY DISTRICT ATTORNEY’S OFFICE, complains and alleges” (2 pages).

**INFORMATION –** Stanislaus County Superior Court, **SC55500**, *People v. Peterson*, **December 1, 2003**. Two Counts: Murder. “SCOTT LEE PETERSON is accused by the District Attorney for the County of Stanislaus, State of California, by this Information” (3 pages).

### My Interpretation of the Law

*The government initiated prosecution via felony complaint. This is not legally allowed:*

- “The government may not even be involved in the preparation, investigation and filing of a felony complaint.” California Attorney General Bill Lockyer, in *People v. Viray*, (2005) 134 Cal.App.4<sup>th</sup> 1186, 1201. **Why?**
- “In this jurisdiction...a criminal complaint [misdemeanor]...commits the prosecutor to pursue a criminal conviction” *Viray*, supra at 1205;
- Felony prosecutions must be initiated by Indictment or Information, as there is no constitutional or statutory authority for the State to initiate a felony prosecution by complaint, Calif. Const. Article I, § 14; Penal Code (PC) §§ 948, 949;
- There is no plea available to a defendant charged in a felony complaint, PC § 1016; and
- A “felony complaint... does not confer trial jurisdiction” *Serna v. Superior Court*, (1985) 40 Cal.3d 239, 257.

### Requirement under the Law

“Prosecution for felonies in this state, so far as the mode of prosecution is concerned, are governed by the constitution of the state, which in section 8 [14] of article I provides for prosecution either by information or indictment. The Penal Code, in conformity with the constitution, outlines the procedure of prosecution by indictment as well as by information.’ *People v. Wallach*, (1926) 79 Cal.App. 605, 608. ‘Accordingly, the first pleading by the prosecution, in a felony case may be either an indictment or information.’ (4 Witkin & Epstein, Cal.Criminal Law (3d Ed. 2000) Pre-trial Proceedings, § 169, p. 374; emphasis in original.)” *Guillory v. Superior Court*, (2003) 31 Cal.4<sup>th</sup> 168, 173-174.

“Here, there is no argument a valid information was not filed at the outset of the case.. ... Failure to file an information is an irregularity of sufficient importance to the functioning of the courts that the parties cannot cure the irregularity by their consent to the proceedings. (See, *In re Griffin*, (1967) 67 Cal.2d 343,348.) The Superior Court did not have jurisdiction to accept appellant’s guilty plea or enter judgment against him. The judgment is reversed.” *People v. Smith*, (1986) 187 Cal.App.3d 1222, 1224.

Under California and federal law, no court can acquire jurisdiction to try a person for an offense unless he is charged in the particular form and mode required by law. And, a person may not be punished for a crime without a formal and sufficient accusation. *Albrecht v. United States*, 273 U.S. 1, 8 (1927); *People v. Vasilyan*; (2009) 174 Cal.App.4<sup>th</sup> 443, 449-50.

STANISLAUS COUNTY SUPERIOR COURT  
STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, )

vs. )

SCOTT LEE PETERSON )  
(DOB: 10/24/1972) )  
(IN CUSTODY) )

DEFENDANT(S) )  
SAN MATEO COUNTY )

No. 1056770 )

JAN 26 2004 )

State of California )  
County of Stanislaus ) ss.

Clerk of the Superior Court )  
By *Shelley English* )  
DEPUTY CLERK )

FILED  
03 APR 21 AM 10:05  
SUPERIOR COURT  
COUNTY OF STANISLAUS  
*Mary Vento*  
DEPUTY  
SC55500  
COMPLAINT -- CRIMINAL

CIS

On April 21, 2003, K. VELLA, STANISLAUS COUNTY DISTRICT ATTORNEY'S OFFICE, complains and alleges, upon information and belief, that said defendant(s) did commit the following crime(s) in the County of Stanislaus, State of California.

COUNT I: On or about and between December 23, 2002 and December 24, 2002, defendant did commit a felony, MURDER, violation of Section 187 of the California Penal Code, in that the defendant did willfully, unlawfully, and feloniously and with malice aforethought murder Laci Denise Peterson, a human being.

SPECIAL ALLEGATION: It is further alleged as to Count I, MURDER, that the defendant acted intentionally, deliberately and with premeditation.

ENHANCEMENT: TERMINATION OF PREGNANCY. During the commission of the murder of Laci Denise Peterson, the defendant, with the knowledge that Laci Denise Peterson was pregnant, did inflict injury on Laci Denise Peterson resulting in the termination of her pregnancy, a violation of Section 12022.9(a) of the California Penal Code.

COUNT II: On or about and between December 23, 2002 and December 24, 2002, defendant did commit a felony, MURDER, violation of Section 187 of the California Penal Code, in that the defendant did willfully, unlawfully, and feloniously and with malice aforethought murder Baby Conner Peterson, a fetus.

**SPECIAL ALLEGATION:** It is further alleged as to Count II, MURDER, that the defendant acted intentionally, deliberately and with premeditation.

**THE FOLLOWING SPECIAL ALLEGATION APPLIES TO BOTH COUNTS:**

**SPECIAL ALLEGATION:** It is further alleged as to Counts I & II, MURDER, the defendant committed more than one murder in the 1st or 2nd degree in this proceeding, and is a special circumstance within the meaning of Penal Code section 190.2(a)(3).

RD:kv  
(Disk 83)

All of which is contrary to law in such cases made and provided, and against the peace and dignity of the People of the State of California.

Said Complaint therefore prays that a warrant be issued for the arrest of said defendant(s) and that said defendant(s) be dealt with according to law.

I certify under penalty of perjury, at Modesto, California, that the foregoing is true and correct.

Dated: 21 April 03

K. Vella

Complainant

SC55500

1 12/03/03 (RD)  
2 M. GERAGOS

FILED  
2003 DEC - 1 AM 10:38  
CLERK OF THE SUPERIOR COURT  
COUNTY OF STANISLAUS  
BY [Signature]  
DEPUTY

6 STANISLAUS COUNTY SUPERIOR COURT  
7 STATE OF CALIFORNIA

SC55500  
FILED  
SAN MATEO COUNTY  
JAN 2 6 2004

9 D.A. No. 1056770  
10 THE PEOPLE OF THE STATE OF CALIFORNIA )  
11 )  
12 Plaintiff, )  
13 vs. )  
14 SCOTT LEE PETERSON )  
15 (DOB: 10/24/1972) )  
16 Defendant. )

Clerk of the Superior Court  
No. 1056770  
By [Signature]  
DEPUTY CLERK

INFORMATION FOR  
MURDER, COUNT I:  
VIOLATION OF §187,  
CALIFORNIA PENAL  
CODE, FELONY  
-----  
SPECIAL ALLEGATION:  
PREMEDITATION  
-----  
SPECIAL ALLEGATION:  
SPECIAL CIRCUMSTANCE  
WITHIN THE MEANING OF  
PENAL CODE  
§190.2(a)(3)  
-----  
MURDER, COUNT II:  
VIOLATION OF §187,  
CALIFORNIA PENAL  
CODE, FELONY  
-----  
SPECIAL ALLEGATION:  
PREMEDITATION  
-----  
SPECIAL ALLEGATION:  
SPECIAL CIRCUMSTANCE  
WITHIN THE MEANING OF  
PENAL CODE  
§190.2(a)(3)  
-----

*Stricken*  
2/9/04

1           **SCOTT LEE PETERSON** is accused by the District Attorney for the  
2 said County of Stanislaus, State of California, by this  
3 Information, of the crimes of COUNT I: Violation of Section 187 of  
4 the California Penal Code, and COUNT II: Violation of Section 187  
5 of the California Penal Code, felonies, committed as follows:

6           COUNT I: The said **SCOTT LEE PETERSON** on or about and between  
7 December 23, 2002 and December 24, 2002, at and in the County of  
8 Stanislaus, State of California, and prior to filing of this  
9 Information, did willfully, unlawfully, and feloniously and with  
10 malice aforethought murder **Laci Denise Peterson**, a human being.

11           SPECIAL ALLEGATION: It is further alleged as to Count I,  
12 MURDER, that the defendant acted intentionally, deliberately and  
13 with premeditation.

14           SPECIAL ALLEGATION: It is further alleged as to Counts I &  
15 II, MURDER, the defendant committed more than one murder in the 1st  
16 or 2nd degree in this proceeding, and is a special circumstance  
17 within the meaning of Penal Code section 190.2(a)(3).

18           COUNT II: The said **SCOTT LEE PETERSON** on or about and between  
19 December 23, 2002, and December 24, 2002 at and in the County of  
20 Stanislaus, State of California, and prior to filing of this  
21 Information, did willfully, unlawfully, and feloniously and with  
22 malice aforethought murder **Baby Conner Peterson**, a fetus.

23           SPECIAL ALLEGATION: It is further alleged as to Count I, MURDER,  
24 that the defendant acted intentionally, deliberately and with  
25 premeditation.

26       ///

27       ///

1        SPECIAL ALLEGATION: It is further alleged as to Counts I &  
2 II, MURDER, the defendant committed more than one murder in the 1st  
3 or 2nd degree in this proceeding, and is a special circumstance  
4 within the meaning of Penal Code section 190.2(a)(3).  
5  
6  
7  
8  
9

*Struck  
2/9/04*

10                    Dated this 1<sup>st</sup> day of December, 2003.

11                    JAMES C. BRAZELTON  
12                    District Attorney of  
13                    Stanislaus County,  
14                    State of California

15                    By   
16                    Rick Distaso  
17                    Deputy District Attorney

17 RD/rom  
18 (D418)

## **EXHIBIT B - Explanation**

**MINUTES** - People v. Peterson, Case No. **SC055500 A** March 16, 2005 San Mateo County Superior Court. Proceedings: Motion for New Trial, Sentencing (4 pages).

*(No signature of Judge or Clerk. No Seal of the Court.)*

**COMMITMENT JUDGMENT OF DEATH** - People v. Peterson, Case No.: **SC55500**, San Mateo County Superior Court, March 16, 2005 (6 pages).

*(Signature of the Judge and Clerk. No seal of the Court.)*

**ABSTRACT OF JUDGMENT** - People v. Peterson, Case No.: **SC55500A**, San Mateo County Superior Court, March 18, 2005 (2 pages).

*(Signature of the Clerk. No seal of the Court.)*

**Clerk's Certification** - Stanislaus County Superior Court of above **Exhibits A, B** (13 of 22 pages) pages, February 6, 2024 (1 page).

*(Seal of the Court and Clerk's signature.)*

### **My Interpretation of the Law**

*A copy of the judgment of conviction was filed with the papers in this case, (per PC § 1207).*

The absence of the required court seal renders the **Judgment of Death** order legally invalid. Courts take due process seriously, and any violation of constitutional protections can impact the judgment's validity as referenced below:

- "A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its wants of vitality is a dead limb upon the judicial tree, which should be lopped off, if the power to do so exists." *People v. Greene*, (1973) 71 Cal 100 [16 Pac. 197, 5 Am. St. Rep. 448]. "If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1 Freeman on Judgments, 120c.) An illegal order is forever void.
- "A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. It is not entitled to enforcement. All proceedings founded on the void judgment are themselves regarded as invalid." 30A Am Jur Judgments 44, 45.
- "Unconditional release' appropriate if 'there is no jurisdiction to detain the applicant.'" *Walberg v. Israel*, 776 F.2d 134, 136 (7<sup>th</sup> Cir. 1985). No judgment; no jurisdiction.
- "It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use, even when that span of time covers our entire National existence and even predates it." *Waltz v. Tax Commission of New York City*, 397 U.S. 664, 678 (1970).

J2411H1  
SAN MATEO CJIS  
ORGANIZATION: SC

SUPERIOR COURT - HALL OF JUSTICE & RECORDS  
IN AND FOR THE COUNTY OF SAN MATEO

03/17/05  
14:25

CASE NO. SC055500 A      DATE: 03/16/05      TIME: 09:00      DEPT.: 42

PEOPLE VS. SCOTT LEE PETERSON

JUDGE:      ALFRED A DELUCCHI, JUDGE      CLERK:      MARYLIN MORTON  
REPORTER: LINDA SWANNER      2ND CLERK: NONE  
D.A.:      SEE MINUTES      DEFENSE CO: GERAGOS/P. HARRIS

PROCEEDINGS: MOTION FOR NEW TRIAL  
SENTENCING

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CHARGES: 1. PC 187(A) W/PC 12022.9(A) W/PC 190.2(A) (3)  
2. PC 187(A)

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PRESENT IN COURT ARE STANISLAUS DEPUTY DISTRICT  
ATTORNEYS BIRGIT FLADAGER, RICK DISTASO, AND DAVID  
HARRIS.

MARK GERAGOS AND PAT HARRIS PRESENT IN COURT FOR THE  
DEFENDANT.

FORMER JURORS AND ALTERNATE JURORS ARE PRESENT AND  
SEATED IN THE JURY BOX.

9:05 - 9:19 UNREPORTED CONFERENCE HELD IN CHAMBERS WITH  
THE COURT AND COUNSEL. DEFENDANT NOT PRESENT.

UNREPORTED: AS TO COURT EXHIBIT 52 (ORIGINAL LETTER  
ORDERED SEALED) MR. GERAGOS HAS RETAINED THIS EXHIBIT IN  
HIS POSSESSION. COURT EXHIBIT 52A (COPY OF THE LETTER  
ORDERED SEALED) IS TO REPLACE EXHIBIT 52, PER THE COURT  
AND COUNSEL.

9:20 A.M. : COURT CONVENED. COUNSEL PRESENT. DEFENDANT  
PRESENT IN CUSTODY.

AFTER REVIEW BY COUNSEL THE COURT ORDERS PAGES 21765 -  
21770 FROM THE FEBRUARY 25, 2005 HEARING TO BE  
CERTIFIED.

CASE NO. SC055500 A  
PEOPLE VS. SCOTT LEE PETERSON

DATE: 03/16/05

TIME: 09:00

DEPT.: 42

MR. GERAGOS REQUESTED THE PORTION IN THE PROBATION REPORT REFERRING TO THE LIE DETECTOR TEST BE REDACTED FROM THE PROBATION REPORT. (BOTTOM OF PAGE 6.) THE LETTER PROVIDED TO THE CLERK FROM MR. GERAGOS TO ALSO BE MADE PART OF THE PROBATION REPORT ALONG WITH THE LETTER FROM LEE AND JACKIE PETERSON RECEIVED EARLIER BY THE COURT.

DEFENDANT IS ARRAIGNED FOR PRONOUNCEMENT OF JUDGMENT.

DEFENDANT STATED THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT NOW BE PRONOUNCED.

THE COURT HAS READ AND CONSIDERED THE REPORT OF THE PROBATION OFFICER AND THE LETTERS AND OTHER REPORTS SUBMITTED TO THE COURT IN THIS MATTER, INCLUDING THE LETTERS FROM JACKIE PETERSON AND LEE PETERSON, AND FROM HIS EMPLOYER.

THE COURT ORDERED THESE LETTERS BE MADE PART OF THE PROBATION REPORT AND INCORPORATED THEREIN BY REFERENCE AND BE MADE PART OF THE RECORD.

JUDGMENT WAS PRONOUNCED AS FOLLOWS:

DEFENDANT IS COMMITTED TO THE DEPARTMENT OF CORRECTIONS AS FOLLOWS:

PROBATION IS DENIED.

AS TO COUNT 1 VS PC 187(A) COURT IMPOSES DEATH PENALTY.

THE JURY FOUND THE SPECIAL CIRCUMSTANCE PURSUANT TO PENAL CODE 190.2(A)(3) TO BE TRUE, THAT THE DEFENDANT COMMITTED MORE THAN ONE MURDER IN EITHER THE FIRST OR SECOND DEGREE.

AS TO COUNT 2 VS. PC 187(A) COURT IMPOSES 15 YEARS TO LIFE.

THE COURT FURTHER HAVING DENIED THE APPLICATION TO MODIFY THE JURY VERDICT AS TO THE PENALTY WITHIN THE MEANING OF SECTION 190.4 AND 1180 OF THE PENAL CODE; AND THE COURT HAVING DENIED THE MOTION FOR A NEW TRIAL; AND NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED:

CASE NO. SC055500 A            DATE: 03/16/05  
PEOPLE VS. SCOTT LEE PETERSON

TIME: 09:00

DEPT.: 42

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT FOR THE OFFENSE OF THE MURDER OF LACI DENISE PETERSON AS ALLEGED IN COUNT 1 OF THE INFORMATION, AND THE MURDER OF BABY CONNDR PETERSON AS ALLEGED IN COUNT 2 OF THE INFORMATION, THAT THE DEFENDANT, SCOTT LEE PETERSON, SHALL BE PUT TO DEATH IN THE MANNER AND MEANS PRESCRIBED BY LAW WITHIN THE WALLS OF THE STATE PRISON OF SAN QUENTIN, CALIFORNIA, IN ACCORDANCE WITH PENAL CODE SECTION 3604.

CREDIT FOR 699 ACTUAL DAYS SERVED, PLUS 0 DAYS GOOD TIME/WORK TIME PLUS 0 PROGRAM TIME FOR A TOTAL OF 699.

THE COURT ORDERED A \$10,000 RESTITUTION TO THE VICTIM'S COMPENSATION AND GOVERNOR'S CLAIMS BOARD, PAYABLE THROUGH THE CALIFORNIA DEPARTMENT OF CORRECTIONS FOR THE FUNERAL EXPENSES THAT WERE ADVANCED TO THE FAMILY TO COVER FUNERAL EXPENSES OF THE VICTIM AND HER CHILD.

DEFENDANT SHALL PAY A \$5,000.00 RESTITUTION FUND FINE AS MANDATED BY PENAL CODE SECTION 1202.4 PLUS 10 % OR \$0.00 COLLECTION FEE.

FINE(S) TO BE COLLECTED BY THE DEPARTMENT OF CORRECTIONS

MR. PETERSON, SO FAR AS THE DEATH PENALTY IS CONCERNED, WITH REFERENCE TO COUNT 1 AND COUNT 2 AND THE SPECIAL CIRCUMSTANCE, THERE IS AN AUTOMATIC APPEAL TO THE STATE SUPREME COURT. YOUR PRESENT LAWYERS MAY OR MAY NOT HANDLE YOUR APPEAL. IF THEY DO NOT, THE SUPREME COURT WILL APPOINT COUNSEL TO REPRESENT YOU AT NO COST. THERE IS AN AUTOMATIC APPEAL TO THE SUPREME COURT OF THE STATE OF CALIFORNIA.

THEREFORE, IT IS HEREBY ORDERED, AJUDGED AND DECREED THAT THE DEFENDANT BE REMANDED TO THE CARE, CUSTODY AND CONTROL OF THE SHERIFF OF SAN MATEO COUNTY, TO BE BY SAID SHERIFF DELIVERED TO THE WARDEN OF THE STATE PRISON AT SAN QUENTIN, CALIFORNIA, WITHIN TEN DAYS OF THE OF THE DATE OF THE JUDGMENT HEREIN, AND THAT THE EXECUTION OF THIS SENTENCE IS TO BE WITHHELD BY SAID WARDEN PENDING THE FINAL DETERMINATION OF SCOTT LEE PETERSON'S APPEAL IN THS MATTER, WHICH IS AUTOMATIC.

CASE NO. SC055500 A  
PEOPLE VS. SCOTT LEE PETERSON

DATE: 03/16/05

TIME: 09:00

DEPT.: 42

AND SAID SENTENCE IS TO BE EXECUTED UPON FINAL DETERMINATION OF SAID APPEAL AND THAT THE SAID SCOTT LEE PETERSON IS TO BE HELD BY HIM DURING SAID PERIOD UNTIL FURTHER ORDER OF THIS COURT.

THEREFORE, THIS IS TO COMMAND YOU TO THE CUSTODY OF THE SHERIFF OF SAN MATEO COUNTY AS PROVIDED IN SAID JUDGMENT TO TAKE SCOTT LEE PETERSON TO THE STATE PRISON IN SAN QUENTIN, CALIFORNIA, TO BE DELIVERED TO THE CUSTODY OF THE WARDEN OF SAID PRISON.

NOW, THIS IS TO FURTHER COMMAND YOU, THE WARDEN OF THE STATE PRISON OF SAN QUENTIN, CALIFORNIA, TO HOLD IN YOUR CUSTODY THE DEFENDANT, SCOTT LEE PETERSON, PENDING THE DECISION OF THIS CASE ON APPEAL, AND UPON THE JUDGMENT HEREIN BECOMING FINAL TO CARRY INTO EFFECT THE JUDGMENT OF SAID COURT AT A TIME AND PLACE AND A DATE TO BE HEREIN AFFIXED BY ORDER OF THIS COURT WITHIN THE STATE PRISION SYSTEM AT WHICH TIME AND PLACE YOU SHALL THEN PUT TO DEATH SCOTT LEE PETERSON IN THE MANNER AND MEANS PRESCRIBED BY LAW.

DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF TO BE DELIVERED TO CALIFORNIA STATE PRISON, SAN QUENTIN.

10:40 A.M.: COURT ADJOURNED.

ALL ORIGINAL SENTENCE ELEMENTS FOR THIS PROCEEDINGS ENTERED.

ENTERED ON CJIS BY MARYLIN DATE 03/16/2005.

1 JAMES C. BRAZELTON  
2 District Attorney  
3 Stanislaus County  
4 Courthouse  
5 Modesto, California  
6 Telephone: 525-5550

7 Attorney for Plaintiff

**FILED**  
SAN MATEO COUNTY

MAR 16 2005

Clerk of the Superior Court  
By *Marylin Martin*  
DEPUTY CLERK

8 SAN MATEO COUNTY SUPERIOR COURT

9 STATE OF CALIFORNIA

10 -----o0o-----

11 D.A. No.1056770

12 THE PEOPLE OF THE STATE OF CALIFORNIA

13 Plaintiff,

14 vs.

15 SCOTT LEE PETERSON,

16 Defendant.

) No. SC55500  
) (Stan. Co.#1056770)

)  
) COMMITMENT  
) JUDGMENT OF DEATH

)  
)  
)  
) Date: March 16, 2005  
) Time: 9:00a.m.  
) Place: Dept. 2M

17 -----o0o-----

18 TO THE SHERIFF OF SAN MATEO COUNTY AND TO THE WARDEN OF THE STATE  
19 PRISON AT SAN QUENTIN:

20  
21 On December 3, 2003, the Stanislaus County District Attorney  
22 filed an Information charging the defendant, Scott Lee Peterson, in  
23 Count I with the murder of Laci Peterson, in violation of California  
24 Penal Code section 187. It was further alleged that, in the  
25 commission of the murder, the defendant acted with premeditation.  
26 It was also further alleged and charged that the defendant committed  
27 more than one murder in the first or second degree in this  
28 proceeding, within the meaning of Penal Code section 190.2(a)(3).

1           The Information also charged the defendant, Scott Lee Peterson,  
2 in Count II with the murder of Baby Conner Peterson, in violation of  
3 California Penal Code section 187. It was further alleged that, in  
4 the commission of the murder, the defendant acted with  
5 premeditation. It was also further alleged and charged that the  
6 defendant committed more than one murder in the first or second  
7 degree in this proceeding, within the meaning of Penal Code section  
8 190.2(a)(3).

9           Thereafter, on December 3, 2003, the defendant was duly  
10 arraigned on the Information, entered pleas of not guilty, denied  
11 the special allegations, and denied the special circumstances as set  
12 forth in the Information.

13           On January 8, 2004, a change of venue from Stanislaus County  
14 was granted. On January 20, 2004, the case was transferred to San  
15 Mateo County.

16           On June 1, 2004, the defendant and his attorneys being present,  
17 the case came on for trial before the Honorable Alfred DeLucchi,  
18 Superior Court, County of San Mateo, State of California, and trial  
19 commenced on the same day.

20           On November 12, 2004, after a trial by jury and by verdict of  
21 the jury, the defendant, Scott Lee Peterson, was found guilty of the  
22 first degree murder of Laci Peterson as charged in Count I of the  
23 Information and was also found guilty of second degree murder of  
24 Baby Conner Peterson as a lesser offense in Count II of the  
25 Information. In addition, the jury found to be true the special  
26 circumstance allegation that the defendant committed more than one  
27 murder in the first or second degree in this proceeding.

1 On November 30, 2004, the defendant and his attorneys being present, the penalty phase of  
2 the trial commenced. On December 13, 2004, after the presentation of evidence, the arguments of  
3 counsel, and instructions to the jury, the jury determined that the penalty to be imposed should be  
4 death.

5 Thereafter, on March 16, 2005, the automatic motion for modification of the verdict and  
6 finding imposing the death penalty pursuant to Penal Code section 190.4 and Penal Code section  
7 1181.7 was heard by the court and said motion was denied, whereupon on March 16, 2005, the  
8 defendant's counsel stated there was no legal cause why sentence should not be pronounced and the  
9 court pronounced judgment as follows:

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that for  
11 the offense of the murder of Lacy Denise Peterson, as alleged in Count  
12 1 of the Information, and the murder of Baby Conner Peterson, as  
13 alleged in Count 2 of the Information, that the defendant, Scott Lee  
14 Peterson, shall be put to death in a manner and means prescribed by  
15 law within the walls of the State Prison of San Quentin, California, in  
16 accordance with Penal Code section 3604.

17 The defendant is entitled to credit for time served of 699 days actual time.

18 ///  
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///

1 Mr. Peterson, so far as the death sentence is concerned, there  
2 is an automatic appeal to the state Supreme Court. The Supreme  
3 Court will appoint counsel to represent you at no charge to you if  
4 you do not retain private counsel.

5 The defendant is remanded to the custody of the Sheriff of San  
6 Mateo County to be delivered to the Warden of the State Prison at  
7 San Quentin, California, within ten days from this date, for the  
8 execution of the death sentence for the offense of murder, as  
9 charged in the Information of which the defendant has been found  
10 guilty by the jury and the jury further having found the special  
11 circumstance alleged to be true, and the penalty of death having  
12 been found to be appropriate by the court.

13 The defendant is to be held by the Warden pending the final  
14 determination of his appeal in this case to the California Supreme  
15 Court, said appeal being automatic and to be filed as required by  
16 law, and said sentence to be executed upon final determination of  
17 said appeal. It is further ordered that the defendant shall be held  
18 by the Warden during such period of time until further order of the  
19 court, and upon the judgment herein becoming final, to carry into  
20 effect the judgment of said court at a time and on a date to be  
21 hereafter fixed by order of this court, within the State Prison, at  
22 which time and place he shall then and there be put to death in the  
23 manner prescribed by law.

24 ///

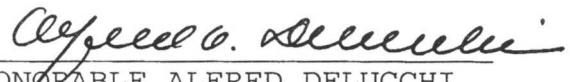
25 ///

26 ///

27 ///

1 IN WITNESS THEREOF, I have hereunto set my hand as judge of the  
2 said Superior Court, and have caused the seal of the said court to  
3 be affixed hereto.

4  
5  
6 Done in open court this 16 day of March, 2005.

7  
8  
9  
10   
11 HONORABLE ALFRED DELUCCHI  
12 Judge of the Superior Court  
13 State of California  
14 assigned to the County of  
15 San Mateo

16 ATTEST:  
17 County Clerk and Clerk of the  
18 Superior Court of the State of California  
19 in and for the County of San Mateo

20  
21   
22 Deputy County Clerk  
23  
24  
25  
26  
27  
28

**AFFIDAVIT OF MAILING CASE NUMBER: SC55500A –  
PEOPLE V. SCOTT PETERSON  
DOCUMENT: COMMITMENT JUDGMENT OF DEATH**

I declare, under penalty of perjury, that on the following date I deposited in the United State Post Office Mail Box at Redwood City, California a true copy of the foregoing document, enclosed in an envelope, with the proper and necessary postage pre-paid thereon, and addressed to the following:

Mary Jameson  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-3600

Daniel E. Lungren  
Attorney General  
State of California  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-3664

Executed on March 16, 2005  
At Redwood City, California

CLERK OF THE SUPERIOR COURT  
OF THE STATE OF CALIFORNIA

By:   
Marilyn Morton, Deputy Clerk

**ABSTRACT OF JUDGMENT – PRISON COMMITMENT - INDETERMINATE**  
 [NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-292 ATTACHED]

CR-292

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: <b>SAN MATEO</b>			<b>FILED</b> SAN MATEO COUNTY  MAR 18 2005  Clerk of the Superior Court <i>By [Signature]</i> DEPUTY CLERK
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: <b>SCOTT LEE PETERSON</b>	DOB: <b>10-24-72</b>	SC55500A -A	
AKA:		-B	
CIM#: <b>024557454</b>		-C	
BOOKING #:	<input type="checkbox"/> NOT PRESENT		
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT	<input type="checkbox"/> AMENDED ABSTRACT		
DATE OF HEARING: <b>03-16-05</b>	DEPT. NO.: <b>42</b>	JUDGE: <b>ALFRED A. DELUCCHI</b>	
CLERK: <b>MARYLIN K. MORTON</b>	REPORTER: <b>LINDA SWANNER</b>	PROBATION NO. OR PROBATION OFFICER: <b>ROSIE CARPIO</b>	
COUNSEL FOR PEOPLE: <b>BIRGIT FLADAGER, RICK DISTASO, DAVID HARRIS</b>	COUNSEL FOR DEFENDANT: <b>MARK GERAGOS AND PAT HARRIS</b>	<input type="checkbox"/> APPTD.	

1. Defendant was convicted of the commission of the following felonies:

Additional counts are listed on attachment  
 \_\_\_ (number of pages attached)

CNT.	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			CONCURRENT	CONSECUTIVE	664 STAY
						JURY	COURT	PLEA			
1	PC	187(A)	MURDER - FIRST DEGREE WITH SPECIAL CIRCUMSTANCE PC 190.2(A)(3)	2002	11-12-04	X					
2	PC	187(A)	MURDER - SECOND DEGREE	2002	11-12-04	X					
					- -						
					- -						
					- -						

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

Defendant was sentenced to State Prison for an INDETERMINATE TERM as follows:

- 4.  LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts
- 5.  LIFE WITH THE POSSIBILITY OF PAROLE on counts
- 6. a.  15 years to Life on counts 2      c.  \_\_\_ years to Life on counts
- b.  25 years to Life on counts \_\_\_\_\_      d.  \_\_\_ years to Life on counts
- PLUS enhancement time shown above.
- 7.  Additional determinate term (see CR-290).
- 8. Defendant was sentenced pursuant to  PC 667(b)-(i) or PC 1170.12  PC 667.61  PC667.7  other (specify):

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for indeterminate sentences. Attachments may be used but must be referred to in this document.

**SC55500A**

-A

-B

-C

-D

9. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

a. Restitution Fine(s):

Case A: **\$5,000** per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.  
 Case B: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.  
 Case C: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.  
 Case D: \$ per PC 1202.4(b) forthwith per PC 2085.5; \$ per PC 1202.45 suspended unless parole is revoked.

b. Restitution per PC 1202.4(f):

Case A: \$  Amount to be determined to  victim(s)\*  Restitution Fund  
 Case B: \$  Amount to be determined to  victim(s)\*  Restitution Fund  
 Case C: \$  Amount to be determined to  victim(s)\*  Restitution Fund  
 Case D: \$  Amount to be determined to  victim(s)\*  Restitution Fund

(\*List victim name(s) if known and amount breakdown in item 11, below.)

c. Fine(s):

Case A: \$ per PC 1202.5. \$ per VC 23550 or days  county jail  prison in lieu of fine  CC  CS  
 Case B: \$ per PC 1202.5. \$ per VC 23550 or days  county jail  prison in lieu of fine  CC  CS  
 Case C: \$ per PC 1202.5. \$ per VC 23550 or days  county jail  prison in lieu of fine  CC  CS  
 Case D: \$ per PC 1202.5. \$ per VC 23550 or days  county jail  prison in lieu of fine  CC  CS

d. Lab Fee and Drug Program Fee:

Case A: Lab Fee: \$ per HS 11372.5(a) for counts \_\_\_\_\_.  Drug Program Fee of \$150 per HS 11372.7(a).  
 Case B: Lab Fee: \$ per HS 11372.5(a) for counts \_\_\_\_\_.  Drug Program Fee of \$150 per HS 11372.7(a).  
 Case C: Lab Fee: \$ per HS 11372.5(a) for counts \_\_\_\_\_.  Drug Program Fee of \$150 per HS 11372.7(a).  
 Case D: Lab Fee: \$ per HS 11372.5(a) for counts \_\_\_\_\_.  Drug Program Fee of \$150 per HS 11372.7(a).

10. TESTING

a.  AIDS pursuant to PC 1202.1      b.  DNA pursuant to PC 296      c.  other (specify):

11. Other orders (specify):

**COUNT 1: THE PENALTY IS FIXED AT DEATH.**

**THE COURT ORDERED \$10,000 RESTITUTION TO THE VICTIM'S COMPENSATION AND GOVERNOR'S CLAIMS BOARD, PAYABLE THROUGH THE CALIFORNIA DEPARTMENT OF CORRECTIONS FOR THE FUNERAL EXPENSES THAT WERE ADVANCE TO THE FAMILY TO COVER FUNERAL EXPENSES OF THE VICTIM AND HER CHILD.**

**FINES TO BE COLLECTED BY THE DEPARTMENT OF CORRECTIONS.**

12. EXECUTION OF SENTENCE IMPOSED

a.  at initial sentencing hearing.  
 b.  at resentencing per decision on appeal.  
 c.  after revocation of probation.  
 d.  at resentencing per recall of commitment. (PC 1170(d).)  
 e.  other (specify):

13. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A	699	699	0 <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
B			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
C			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
D			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
Date Sentence Pronounced:		Time Served in State Institution:	
03-16-05		DMH      CDC      CRC [ ]      [ ]      [ ]	

14. The defendant is remanded to the custody of the sheriff  forthwith  after 48 hours excluding Saturdays, Sundays, and holidays.  
 To be delivered to  the reception center designated by the director of the California Department of Corrections.  
 other (specify): **SAN QUENTIN**

**CLERK OF THE COURT**

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

**MARYLIN K. MORTON**

*Marilyn K. Morton*

DATE

03-18-05

I hereby certify the foregoing instrument, consisting of 22  
page(s), is a true and correct copy of the original on file in this  
office.

ATTEST:

Feb 8 2024



*Eric Esteban-Soto*  
County Clerk

ERIC ESTEBAN-SOTO

## EXHIBIT C - Explanation

**MINUTE ORDER** - People v. Peterson, Case No.: **SC055500A**, December 8, 2021, San Mateo County Superior Court. Probation Report and Sentencing (5 pages).

*(No signature of Judge or Clerk. No Seal of the Court.)*

**ABSTRACT OF JUDGMENT** - People v. Peterson, Case No.: **SC055500A**, San Mateo County Superior Court, December 10, 2021 (2 pages).

*(Signature of the Clerk. No signature of Judge. No seal of the Court.)*

**Clerk's Certification** - Stanislaus County Superior Court of above (7 pages), March 8, 2024 (1 page).  
*(Seal of the Court and Clerk's signature.)*

### My Interpretation of the Law

*A copy of the judgment of conviction was not filed with the papers in the case, (PC § 1207).*

The judgment of conviction (JOC) is the official record of conviction, a document required by law to be signed by the judge and filed in the court's record (**Exhibit B**).<sup>1</sup> Without it (**Exhibit C**), regardless of the charges or sentence imposed, there is no conviction and no basis for appeal.<sup>2</sup> And, being required by law for delivery of a person to state prison, there is no authority to imprison.<sup>3</sup> The lack of a certified copy of the JOC entitles the prisoner to discharge.<sup>4</sup>

The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. *Hanson v Denckla*, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228. (**Exhibit A**).

<sup>1</sup> **California Penal Code (PC) 1207**: "When judgment upon a conviction is rendered, the clerk must enter the judgment in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction, if any. A copy of **the judgment of conviction** shall be filed with the papers in the case." "Judgment of conviction is one signed by the judge." *Payne v. Madigan*, (1960 CA 9 Cal) 274 F.2d 702, affmd (1961) 366 U.S. 761, 6 L.Ed.2d 853, 81 S.Ct. 7, re. den. (1961) 368 U.S. 871, 7 L.Ed.3d 72, 82 S.Ct. 2 et seq.. "What shall be final process in criminal actions is prescribed in the four hundred and sixty-third section of the Act which regulates proceedings in criminal cases. It is a certified copy of the **judgment** as entered in the minutes of the Court." *Ex parte Gibson*, 31 Cal. 619, 622 (Cal. 1867).

<sup>2</sup> **California Code of Civil Procedure 664**: "In no case is a **judgment** effectual for any purpose until entered."

<sup>3</sup> **PC 1202a**: "If the judgment is for imprisonment in the state prison **the judgment shall** direct that the defendant be delivered into the custody of the Director of Corrections at the state prison or institution designated by the Director of Corrections as the place for the reception of persons convicted of felonies, except where the judgment is for death in which case the defendant shall be taken to the warden of the California State Prison at San Quentin." "when a judgment has been pronounced, a certified copy of the entry thereof in the minutes shall be forthwith furnished to the officer whose duty it is to execute **the judgment**, and no other warrant or authority is necessary to justify or require the execution thereof, except when judgment of death is rendered.'" *Gibson, supra at 623*.

<sup>4</sup> **California Supreme Court**– "the writ does not contain a certified copy of the **judgment**, nor does it appear that such copy was furnished to the officer whose duty it was to execute the judgment. The prisoner is therefore entitled to his discharge, and it is so ordered.'" *Id. Gibson, 623*.



**SUPERIOR COURT OF SAN MATEO COUNTY**

400 County Center  
Redwood City, CA 94063  
www.sanmateocourt.org

1050 Mission Road  
South San Francisco, CA 94080

**Minute Order**

The People of the State of California vs. SCOTT LEE PETERSON

SC055500A

12/08/2021 10:00 AM

Probation Report and  
Sentencing

**Hearing Result: Held**

**Judicial Officer:** Massullo, Anne-Christine

**Location:** Courtroom 2M

**Courtroom Clerk:** Alejandra Mayorga;

**Courtroom Reporter:** Annette Jaycox

**Deputy District Attorney:**

---

**Parties Present**

PETERSON, SCOTT LEE                      Defendant  
The People of the State of California      Plaintiff

---

**Exhibits**

---

**Minutes**

Journals

- Defendant Scott Peterson is present in Court.

Stanislaus County Deputy District Attorneys David Harris and Birgit Fladager are present in court on behalf of the People.

Counsel Pat Harris is present in Court on behalf of Defendant Scott Peterson.

Court notes all parties in Court are to social distance following San Mateo's Superior Court social distancing guidelines.

Families of Mr. Peterson and the Victim's family are in separate social bubbles and parties have been tested 24 hours prior to the hearing and/or vaccinated.

The Court will allow the victim's family to remove their mask when making their statements.

Court recites the history of the case.

District Attorney Dave Harris makes his statement to the Court.

Counsel Pat Harris responds.

---

The following members of Laci Peterson's family gave a victim impact statement: Amy, Brent, & Sharon Rocha.

Counsel Pat Harris discusses mitigating factors.

The people state their response.

Matter submitted.

The Court proceeds to sentencing:

The Court determines Mr. Peterson is statutorily ineligible for probation, and none of the factors under California Rule of Court rule 4.413 are present in this record. Even if he were not presumptively ineligible, the Court would not grant probation under Rule 4.414 due to the seriousness of the charges and without question the vulnerability of the victims.

With respect to Count 1, the First Degree Murder of Laci Denise Peterson in which the jury found true that her murder was committed under a special circumstance pursuant to Penal Code section 190.2, subsection A, subsection 3, specifically that the Defendant committed more than one murder in either the first or second degree, it is hereby ordered, adjudged, and decreed that the Defendant Scott Lee Peterson shall serve the term of life imprisonment without the possibility of parole.

With respect to Count 2, the murder of baby Connor Peterson, the Court is sentencing Scott Lee Peterson to 15 years to life to run concurrent with his sentence on Count 1.

The Court has imposed the foregoing sentence noting the following factors in aggravation: California Rule of Court rule 4.421(a)(1) that the crimes involved great violence, great bodily injury, cruelty, and callousness; and rule 4.421(a)(3) the victims were particularly vulnerable. Laci Peterson was 32 weeks pregnant at the time of the murder, and Connor was unborn.

The Court informs Mr. Peterson, that after the expiration of the term of life imprisonment that the Court just imposed, the defendant may be released on parole unless the board of prison terms waives parole for good cause.

The Court advises Mr. Peterson of his appellate rights.

The defendant affirms he understands his appellate rights.

The Defendant is hereby ordered, adjudged and remanded to the care and custody of the Sheriff of San Mateo County to be delivered to the warden of the state prison San Quentin California within ten days of the conclusion of the habeas evidentiary hearing that is set 2/25/22-3/4/22.

Formal ordered to be prepared signed, and filed by Mr. Pat Harris.

#### Case Events

- CRC Worksheet
  - Probation Report reviewed and considered by the Court.
  - Arraignment for sentencing waived.
  - No legal cause.; Defendant stated there is no legal cause why sentence should not now be pronounced.
-

- Probation is denied.
- Defendant not to be transported; 3/14/22
- Defendant Remanded to Sheriff
- Previous dates remain as set
- Sentenced. Conviction Certified By Clerk of the Court
- Declaration; Defendant's Declaration in response to the Court Order Establishing Covid-19 Protocols for Sentencing Hearing

Charge Changes

Interim Conditions

Judgment

**Others**

Pleas

Dispositions

Sentence

SCOTT LEE PETERSON, October 24, 1972  
 Prison Sentence  
 Date: December 08, 2021 Judge: Massullo, Anne-Christine  
 SC055500A

- 001. PC187(A)-FEL-MURDER

CA Confinement and Detention Component	Adult Confinement Type: Prison Facility: Prison Start Date: 12/08/2021 Life Comment: TOTAL TIME: LIFE WITHOUT THE POSSIBILITY OF PAROLE
---	--

ACTUAL: 6,818 DAYS  
 GT/WT: 0 DAYS

Condition - Adult	<p>TOTAL CTS: 6,818 DAYS</p> <ol style="list-style-type: none"> <li>1. State restitution ordered payable through CDCR (felony) Duration . effective December 08, 2021. As of December 08, 2021, the status is Active. \$5,000.00</li> <li>2. Court operations fee that is ordered payable through CDCR Duration . effective December 08, 2021. As of December 08, 2021, the status is Active. \$40.00</li> <li>3. Criminal conviction assessment ordered payable through CDCR Duration . effective December 08, 2021. As of December 08, 2021, the status is Active. \$30.00</li> <li>4. Fine(s) to be collected by the Department of Corrections. Duration . effective December 08, 2021. As of December 08, 2021, the status is Active.</li> <li>5. Defendant to pay restitution to victim(s) through CDCR as directed. Ordered as follows: \$10,000.00 to the Victim's Compensation &amp; Governor's Claim Board for the funeral expenses that were advanced</li> </ol>
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to the family to cover funeral expenses of the Victim and her child. (Per the Court, this amount has been fully collected and deemed satisfied and paid.) Duration . effective December 08, 2021. As of December 08, 2021, the status is Active.

6. Genetic marker testing pursuant to PC 296 is ordered. Genetic Marker Testing Duration . effective December 08, 2021. As of December 08, 2021, the status is Active.

SC055500A

- 002. PC187(A)-FEL-MURDER

CA Confinement and Detention Component	Adult Confinement Type: Prison Facility: Prison Start Date: 12/08/2021 Concurrent with Count Concurrent: CT 1 15 Years to Life Comment: TOTAL TIME: 15 YEARS TO LIFE
Condition - Adult	1. Court operations fee that is ordered payable through CDCR Duration . effective December 08, 2021. As of December 08, 2021, the status is Active. \$40.00 2. Criminal conviction assessment ordered payable through CDCR Duration . effective December 08, 2021. As of December 08, 2021, the status is Active. \$30.00

Credits:

Total Credits for CA Confinement	;;;;
Credit for Time Served	;;;;
Treatment Credit	;;;;
Additional Credit	;;;;
Post Sentence Credit	;;;;
Mandatory Supervised Release Credit	

Comments:

Status of Defendant:

---

**Future Hearings and Vacated Hearings**

February 25, 2022 10:00 AM Evidentiary Hearing  
Visiting Judge, -

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February 28, 2022 10:00 AM Evidentiary Hearing  
Visiting Judge, -

March 01, 2022 10:00 AM Evidentiary Hearing  
Visiting Judge, -

March 02, 2022 10:00 AM Evidentiary Hearing  
Visiting Judge, -

March 03, 2022 10:00 AM Evidentiary Hearing  
Visiting Judge, -

March 04, 2022 10:00 AM Evidentiary Hearing  
Visiting Judge, -

**ABSTRACT OF JUDGMENT—PRISON COMMITMENT—INDETERMINATE**  
(NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-292 ATTACHED)

CR-292

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: <b>SAN MATEO</b>		<b>FILED</b> <b>SAN MATEO COUNTY</b>  DEC 10 2021 Clerk of the Superior Court <i>[Signature]</i> <b>DEPUTY CLERK</b>	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: <b>PETERSON, SCOTT LEE</b>	DOB: 10/24/1972	SC055500A	-A
AKA:			-B
CII NO.:			-C
BOOKING NO.:	<input type="checkbox"/> NOT PRESENT		-D
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT	<input checked="" type="checkbox"/> AMENDED ABSTRACT		
DATE OF HEARING 12/8/2021	DEPT. NO. 41	JUDGE <b>ANNE-CHRISTINE MASSULLO</b>	
CLERK <b>ALEJANDRA MAYORGA</b>	REPORTER <b>ANNETTE JAYCOX</b>	PROBATION NO. OR PROBATION OFFICER	<input type="checkbox"/> IMMEDIATE SENTENCING
COUNSEL FOR PEOPLE <b>DAVID HARRIS &amp; BIRGIT FLADAGER</b>	COUNSEL FOR DEFENDANT <b>PAT HARRIS</b>		<input type="checkbox"/> APPTD.

1. Defendant was convicted of the commission of the following felonies:

Additional counts are listed on attachment  
\_\_\_\_\_ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			CONCURRENT	CONSECUTIVE	654-STAY
						JURY	COURT	PLEA			
001	PC	187(a)	MURDER	2002	11 /12 /04	X					
002	PC	187(a)	MURDER	2002	11 /12 /04	X			X		
					/ /						
					/ /						
					/ /						
					/ /						

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

COUNT	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENT(S).

ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	ENHANCEMENT	TIME IMPOSED OR "S" FOR STAYED	TOTAL

Defendant was sentenced to State Prison for an INDETERMINATE TERM as follows:

4.  LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts 1
5.  LIFE WITH THE POSSIBILITY OF PAROLE on counts \_\_\_\_\_
6. a.  15 years to Life on counts 2      c.  \_\_\_\_\_ years to Life on counts \_\_\_\_\_
- b.  25 years to Life on counts \_\_\_\_\_      d.  \_\_\_\_\_ years to Life on counts \_\_\_\_\_
- PLUS enhancement time shown above
7.  Additional determinate term (see CR-290).
8.  Defendant was sentenced pursuant to  PC 667(b)-(i) or PC 1170.12  PC 667.61  PC 667.7  other (specify):

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document. Page 1 of 2

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: PETERSON, SCOTT LEE			
SC055500A	-A	-B	-C

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fines:

- Case A: \$ \_\_\_\_\_ per PC 1202.4(b) forthwith per PC 2085.5; \$ \_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked.  
\$ \_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.
- Case B: \$ \_\_\_\_\_ per PC 1202.4(b) forthwith per PC 2085.5; \$ \_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked.  
\$ \_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.
- Case C: \$ \_\_\_\_\_ per PC 1202.4(b) forthwith per PC 2085.5; \$ \_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked.  
\$ \_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.
- Case D: \$ \_\_\_\_\_ per PC 1202.4(b) forthwith per PC 2085.5; \$ \_\_\_\_\_ per PC 1202.45 suspended unless parole is revoked.  
\$ \_\_\_\_\_ per PC 1202.44 is now due, probation having been revoked.

b. Restitution per PC 1202.4(f):

- Case A: \$ 10,000  Amount to be determined to  victim(s)\*  Restitution Fund
- Case B: \$ 5,000  Amount to be determined to  victim(s)\*  Restitution Fund
- Case C: \$ \_\_\_\_\_  Amount to be determined to  victim(s)\*  Restitution Fund
- Case D: \$ \_\_\_\_\_  Amount to be determined to  victim(s)\*  Restitution Fund

\* Victim name(s), if known, and amount breakdown in item 12, below.  \* Victim name(s) in probation officer's report.

c. Fines:

- Case A: \$ \_\_\_\_\_ per PC 1202.5 \$ \_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 includes:  \$50 Lab Fee per HS 11372.5(a)  \$ \_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense
- Case B: \$ \_\_\_\_\_ per PC 1202.5 \$ \_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 includes:  \$50 Lab Fee per HS 11372.5(a)  \$ \_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense
- Case C: \$ \_\_\_\_\_ per PC 1202.5 \$ \_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 includes:  \$50 Lab Fee per HS 11372.5(a)  \$ \_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense
- Case D: \$ \_\_\_\_\_ per PC 1202.5 \$ \_\_\_\_\_ per VC 23550 or \_\_\_\_\_ days  county jail  prison in lieu of fine  concurrent  consecutive  
 includes:  \$50 Lab Fee per HS 11372.5(a)  \$ \_\_\_\_\_ Drug Program Fee per HS 11372.7(a) for each qualifying offense

d. Court Security Fee: \$ 80 per PC 1465.8.

e. Criminal Conviction Assessment: \$ 60 per GC 70373.

10. TESTING: a.  Compliance with PC 296 verified b.  AIDS per PC 1202.1 c.  other (specify): GENETIC MARKER

11. REGISTRATION REQUIREMENT:  per (specify code section): \_\_\_\_\_

12. Other orders (specify):

Per court, \$15,000 in total ordered restitution has been fully collected & deemed satisfied and paid.

13. IMMEDIATE SENTENCING:

Probation to prepare and submit post-sentence report to CDCR per PC 1203c.

Defendant's race/national origin: WHITE

14. EXECUTION OF SENTENCING IMPOSED

- a.  at initial sentencing hearing
- b.  at resentencing per decision on appeal
- c.  after revocation of probation
- d.  at resentencing per recall of commitment (PC 1170(d).)
- e.  other (specify): RESENTENCING - 12/8/2021

15. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT			
A	6818	6818	0	[ ]	[ ]	2933
				[ ✓ ]	[ ]	2933.1
				[ ]	[ ]	4019
B				[ ]	[ ]	2933
				[ ]	[ ]	2933.1
				[ ]	[ ]	4019
C				[ ]	[ ]	2933
				[ ]	[ ]	2933.1
				[ ]	[ ]	4019
D				[ ]	[ ]	2933
				[ ]	[ ]	2933.1
				[ ]	[ ]	4019
Date Sentence Pronounced			Time Served in State Institution			
12 8 2021			DMH	CDC	CRC	[ ]
			[ ]	[ ✓ ]	[ ]	[ ]

16. The defendant is remanded to the custody of the sheriff  forthwith  after 48 hours excluding Saturdays, Sundays, and holidays.  
To be delivered to  the reception center designated by the director of the California Department of Corrections and Rehabilitation.  
 other (specify): DEFENDANT NOT TO BE TRANSPORTED TO SAN QUENTIN PRIOR TO 3/14/2022

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE <u>Carl Safford</u>	DATE 12/10/2021
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I hereby certify the foregoing instrument, consisting of 7 page(s), is a true and correct copy of the original on file in this office.

ATTEST: Dated: 3-8-24

Stanislaus County Superior Court  
By Eduardo Manzo Deputy Clerk  
EDUARDO MANZO

