

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KINGS

PEOPLE OF THE STATE
OF CALIFORNIA

Plaintiff(s)

vs.

DAVID MARTIN HAWK
08-2275
07-2612

Defendant(s)

Date: August 12, 2009 Case # 08CM1633
07CM1925

Assigned Judge:
Honorable Daniel Creed

Reporter: Teresa Pires

Clerk: XXXXXXXXXX

Bailiff: Jerry Costner/Ted Hernandez

Attorneys:

Plaintiff: Deputy District Attorney by:
Larry Crouch and Robert Shane Burns

Defendant: Mark Coleman and Dennis
Peterson

MINUTES OF TRIAL:

Court convened at 9:11 a.m., Jury, Alternates, the People represented by Deputy District Attorney Robert Shane Burns and Larry Crouch, the Defendant, David Martin Hawk, represented by Attorney Mark Coleman and Co-counsel Dennis Peterson and court staff present. Witness, Mary Royer retakes the witness stand and resumes with testimony. Juror in Seat #11 addresses the Court regarding a break. Jury and alternate are admonished and recessed for short break.

Court reconvened at 9:41 a.m., Jury, Alternates, all parties and court staff are present. Witness, Mary Royer retakes the witness stand and resumes with testimony. Exhibit #150-CD of interview of 6/8/07 and #151-Transcript of CD of interview of 6/8/07, are marked for identification as requested by the People. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while the CD is played for the Jury. Exhibit #152-CD of interview of 6/21/06 and #153-Transcript of CD of interview of 6/21/06, are marked for identification as requested by the People. Jury and Alternates are admonished and Court recessed for short break.

Court reconvened at 10:49 a.m., Jury, Alternates, all parties and court staff are present. Witness, Mary Royer retakes the witness stand and resumes with testimony. Counsels

stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while the CD is played for the Jury. Witness is excused. Witness, L. Kim Aguirre is sworn and testified as requested by the People. Exhibit #154-Order to Show Cause filed on 12/15/05, is marked for identification purposes as requested by the People. Exhibit #155-Response to Order to Show Cause filed on 1/17/06, is marked for identification purposes as requested by the People. Exhibit #156-Response to Order to Show Cause filed on 1/17/06 with attachments is marked for identification purposes as requested by the People. Exhibit #157-Income and Expense Declaration filed on 1/17/06, is marked for identification purposes as requested by the People. Exhibit #158-Respondent's Points and Authorities filed on 4/11/06 and Exhibit #159-Motion to Quash Subpoena filed on 4/11/06, are marked as requested by the People. Witness reads Exhibit #159 into the record as requested by the People. Exhibit #160-2005 Federal Income Tax, Exhibit #161-2003 Federal Income Tax, Exhibit #162-2002 Federal Income Tax, Exhibit #163- 2001 Federal Income Tax and Exhibit #164-2004 Federal Income Tax are marked for identification purposes as requested by the People. Jury and Alternates are admonished and Court recessed for lunch break. All parties ordered back at 1:30 p.m.

Court reconvened at 1:35 p.m., Jury, Alternates, all parties and court staff are present. Witness, L. Kim Aguirre retakes the witness stand and resumes with testimony. Exhibit #165-Trial brief filed on 1/6/06 is marked for identification purposes as requested by Defense counsel Coleman. Witness is excused subject to recall. Sidebar conference held. Bailiff, Ted Hernandez is now present. Jury and Alternates are admonished and recessed for short break.

Court in session at 2:05 p.m., outside the presence of the Jury and Alternates. All parties and court staff are present. Defense counsel Coleman presents argument regarding Motion in Limine #6 [REDACTED].

People present argument and further submits the matter upon filed pleadings. Court denies Motion in Limine #6. Court in recess.

Court reconvened at 2:38 p.m., Jury and Alternate, all parties and court staff are present. Witness, Robert Smith is sworn and testified as requested by the People. Exhibit #166-1040 Tax return, Exhibit #167-Copy of pay check stub, Exhibit #168-Fictitious business name statement and Exhibit #169-Verification of employment are marked as requested by the People. People request to admit Exhibits #166, #167, #168 and #169. No objection by Defense counsels'. Court deems Exhibits #166, #167, #168 and #169 be admitted into evidence as requested by the People. Witness is excused. Witness, Kimberly Harmon is sworn and testified as requested by the People. Witness is excused. Witness, Heidi Gutierrez is sworn and testified as requested by the People. Exhibit #170-Certification of lack of tax records and Exhibit #171-Certification of no payments made regarding taxes are marked for identification purposes as requested by the People.

Exhibit #172- Certification of lack of records from IRS is marked for identification purposes as requested by the People. Exhibit #173-Certification of lack of records from IRS regarding Savannah Hawk trust, Exhibit #174-Certification of no tax returns filed regarding Savannah Hawk trust, Exhibit #175-Certification of lack of records from IRS regarding Chelsa Hawk trust, Exhibit #176- Certification of no tax returns filed regarding Chelsa Hawk trust, Exhibit #177-Certification of lack of records from IRS regarding Conrad Hawk trust, Exhibit #178- Certification of no tax returns filed regarding Conrad Hawk trust, are marked as requested by the People.

Court in session at 3:30 p.m., outside the presence of the Jury and Alternates. All parties and court staff are present. Defense counsel objecting to the admission of evidence relating to the IRS records in that the Defense has not been provided the certification of the IRS record regarding the minor's trust accounts. People present argument. After arguments made, Defense counsel will wait for further information from the Defense tax specialist prior to any further objections.

Court reconvened at 3:41 p.m. Witness is excused. Witness, Norm Gassaway is sworn and testified as requested by the People. Exhibit #179-Car vehicle license plate and Exhibit #180-printed registration information from DMV are marked for identification purposes as requested by the People. People move to admit Exhibits #179 and #180 into evidence. No objection by Defense counsels'. Court deems Exhibits #179 and #180 be admitted into evidence as requested. Witness is excused. Witness, Sarah Hodson is sworn and testified as requested by the People. Witness is excused. Witness, Janet Hughes is sworn and testified as requested by the People. Witness is excused. Jury and Alternates are admonished and ordered to return on August 13, 2009 at 9:00 a.m.