

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 13, 2009 Case # 08CM1633  
07CM1925

Assigned Judge:  
Honorable Daniel Creed

Reporter: Teresa Pires

Clerk: XXXXXXXXXX

Bailiff: Jerry Costner/Liz Lewis

Attorneys:

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

Defendant: Mark Coleman and Dennis  
Peterson

MINUTES OF TRIAL:

Prior to Court commencing, Courtroom Clerk received telephone call from Juror (#77) in Seat #11 regarding her unavailability to continue in these trial proceedings due to an illness.

Exhibits #182- Email from Hawk computer regarding purchase of stun gun, #183- Email from Hawk computer regarding confirmation of stun gun purchase and #184- Email from Hawk computer from Debbie to David are pre-marked for identification purposes as requested by the People.

Court in session at 9:03 a.m., outside the presence of the Jury and Alternates. Court informs counsels as to the illness of Juror (#77) in Seat #11. Court directs Courtroom Clerk to place the Eight (8) Alternate Juror names into a box and the name will be randomly drawn. Court further directs that Courtroom Clerk contact Juror (#77) in Seat #11 and advise that she is excused.

Court convened at 9:05 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. Court informs the Jury that a Juror has become ill and the Court needs to replace

an Alternate Juror in the place of Juror #11. Court directs Defense counsel Coleman to draw the name out of the box. Defense counsel Coleman drew name out of the box. Alternate Juror, (#281) in Seat #15 is now substituted in place of Juror (#77) in Seat #11. Witness, Tiffany Jones is sworn and testified as requested by the People. Witness is excused. Witness, Marlene Dunn is sworn and testified. Pre-marked Exhibits #182-Email from Hawk computer regarding purchase of stun gun, #183-Email from Hawk computer regarding confirmation of stun gun purchase and #184-Email from Hawk computer from Debbie to David now identified for the record. Counsels' stipulate that this witness is an expert in the field of computer analysis. People move to admit Exhibits #182, #183 and #184. No objection by Defense counsel. Court deems Exhibits #182, #183 and #184 be admitted into evidence as requested by the People. Witness is excused. Witness, Melody Measell is sworn and testified as requested by the People. Witness is excused. Witness, Mark Dillon is sworn and testified as requested by the People. Pre-marked Exhibits #2-8X10 Colored Photograph of front of residence, #3-8X10 Colored Photograph of front of residence with front door open and #4-8X10 Colored Photograph of close up view of front of residence with front door open now identified for the record as requested by the People. People request to admit #2, #3 and #4 into evidence. Defense counsel states objections. Court deems Exhibits #2, #3 and #4 be admitted into evidence as requested. Pre-marked Exhibits #5-8X10 Colored Photograph of door entry into master bedroom, #6-8X10 Colored Photograph of wicker chair, #7-8X10 Colored Photograph of bedroom looking from the door, #8-8X10 Colored Photograph of entertainment center in bedroom and #9-8X10 Colored Photograph of close up view of entertainment center in bedroom now identified for the record as requested by the People. People request to admit #5, #6, #7, #8 and #9 into evidence. Defense counsel states objections. Court deems Exhibits #5, #6, #7, #8 and #9 be admitted into evidence as requested. Jury and Alternates are admonished and Court recessed for short break.

Court reconvened at 10:41 a.m., Jury, Alternates, all parties and court staff are present. Witness, Mark Dillon retakes the witness stand and resumes with testimony. Pre-marked Exhibits #10-8X10 Colored Photograph of chest at end of bed with pillow cushions, #11-8X10 Colored Photograph of close up view of chest at end of bed with pillow cushions, #12-8X10 Colored Photograph of close up view of chest at end of bed with pillow cushions w/evidence marker #6 and #13-8X10 Colored Photograph of close up view of chest at end of bed with pillow cushions w/evidence marker #6 & bedspread w/blood spots now identified for the record. People request to admit #10, #11, #12 and #13 into evidence. Defense counsel states objections. Court deems Exhibits #10, #11, #12 and #13 be admitted into evidence as requested. Pre-marked Exhibits #14-8X10 Colored Photograph of blood stain on carpet, #15-8X10 Colored Photograph of close up of blood stain on carpet, #16-8X10 Colored Photograph of blood stain on carpet w/evidence marker #6, #19-8X10 Colored Photograph of close up view of small drops of blood, #20-8X10 Colored Photograph of pillows on floor, #21-8X10 Colored Photograph of different view of blood stain on carpet, #22-8X10 Colored Photograph of stain on carpet w/droplets of blood and #23-8X10 Colored Photograph of stain on carpet w/droplets of

blood now identified for the record. People request to admit Exhibits #14, #15, #16, #19, #20, #21, #22 and #23 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #14, #15, #16, #19, #20, #21, #22 and #23 be admitted into evidence as requested by the People. Pre-marked Exhibits #24-8X10 Colored Photograph of close up of side of bed, #25-8X10 Colored Photograph of potted plant w/two white vases, #26-8X10 Colored Photograph of nightstand, #27-8X10 Colored Photograph of close up of corner of nightstand, #28-8X10 Colored Photograph of headboard to bed and #29-8X10 Colored Photograph of close up of headboard w/bed and pillows on bed now identified for the record. People request Exhibits #24, #25, #26, #27, #28 and #29 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #24, #25, #26, #27, #28 and #29 be admitted into evidence as requested by the People. Pre-marked Exhibits #30-8X10 Colored Photograph of side view of bed and #31-8X10 Colored Photograph of view of the end of the bed now identified for the record. People request to admit Exhibits #30 and #31 into evidence. No objection by Defense counsel. Court deems Exhibit #30 and #31 be admitted into evidence as requested by the People. Pre-marked Exhibits #32-8X10 Colored Photograph of bed comforter pulled down part way, #33-8X10 Colored Photograph of bed comforter pulled down part way w/white bed sheet and #34-8X10 Colored Photograph of left side of bed comforter pulled down part way w/white bed sheet now identified for the record. People request to admit Exhibit #32, #33 and #34 into evidence. No objection by Defense counsel. Court deems Exhibit #32, #33 and #34 be admitted into evidence as requested by the People. Pre-marked Exhibits #35-8X10 Colored Photograph of stain on top sheet, #36-8X10 Colored Photograph of left side of bed comforter pulled down part way w/ spot of blood on white bed sheet, #37-8X10 Colored Photograph of close up of left side of bed comforter pulled down part way w/ spot of blood on white bed sheet, #38-8X10 Colored Photograph of lower area of bed sheet and #39-8X10 Colored Photograph of white bed sheet folded back now identified for the record. People request that Exhibits #35, #36, #37, #38, and #39 be admitted into evidence. Pre-marked Exhibits #40-8X10 Colored Photograph of corner of bedroom and #41-8X10 Colored Photograph of side view of corner of bedroom now identified for the record. People request to admit Exhibit #40 and #41. No objection by Defense counsel. Court deems Exhibit #40 and #41 be admitted into evidence as requested by the People. Pre-marked Exhibits #42-8X10 Colored Photograph of cork bulletin board, #43-8X10 Colored Photograph of cork bulletin board , #44-8X10 Colored Photograph of office w/shelf, #45-8X10 Colored Photograph of close up view of office desk w/shelf, #46-8X10 Colored Photograph of top view of desk in office, #47-8X10 Colored Photograph of close up of top view of desk in office, #48-8X10 Colored Photograph of top of desk w/laptop, #49-8X10 Colored Photograph of laptop w/computer printer, #50-8X10 Colored Photograph of computer printer and #51-8X10 Colored Photograph of top view of desk w/drawers open now identified for the record. People request that Exhibits #42, #43, #44, #45, #46, #47, #48, #49, #50 and #51 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #42, #43, #44, #45, #46, #47, #48, #49, #50 and #51 be admitted into evidence as requested by the People. Pre-marked Exhibits #52-8X10 Colored Photograph of top shelf on left side

of desk w/binders, #53-8X10 Colored Photograph of top shelf on right side of desk w/binders, #54-8X10 Colored Photograph of top shelf on left side of desk w/binders & blue box and #55-8X10 Colored Photograph of close up of desk shelf w/Wedding photo albums now identified for the record. People request that Exhibits #52, #53, #54 and #55 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #52, #53, #54 and #55 be admitted into evidence as requested by the People. Pre-marked Exhibits #56-8X10 Colored Photograph of hallway, #57-8X10 Colored Photograph of close up of corner of hallway, #58-8X10 Colored Photograph of corner of wall w/plant on floor, #59-8X10 Colored Photograph of front foyer, #60-8X10 Colored Photograph of tiled & carpeted floor w/evidence marker #7, #61-8X10 Colored Photograph of living room and #62-8X10 Colored Photograph of living room w/entertainment center now identified for the record. People request to admit Exhibits #56, #58, #59, #60, #61 and #62. No objection by Defense counsel. Court deems Exhibits #56, #58, #59, #60, #61 and #62 admitted into evidence as requested by the People. Pre-marked Exhibits #63-8X10 Colored Photograph of kitchen, #64-8X10 Colored Photograph of left side view of computer desk in living room w/drawers open and #65-8X10 Colored Photograph of front view of computer desk in living room w/drawers open now identified for the record. People request that Exhibits #63, #64 and #65 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #63, #64 and #65 be admitted into evidence as requested by the People. Pre-marked Exhibits #66-8X10 Colored Photograph of left side view of kitchen bar, #67-8X10 Colored Photograph of kitchen bar w/evidence marker #8, #68-8X10 Colored Photograph of kitchen bar w/two chairs, #69-8X10 Colored Photograph of dining room table w/chairs and sliding glass, #70-8X10 Colored Photograph of left side of kitchen sink, #71-8X10 Colored Photograph of refrigerator and stove, #72-8X10 Colored Photograph of stove and #73-8X10 Colored Photograph of close up of dining room table now identified for the record. People request that Exhibits #66, #67, #68, #69, #70, #71, #72 and #73 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #66, #67, #68, #69, #70, #71, #72 and #73 be admitted into evidence as requested by the People. Pre-marked Exhibits #74-8X10 Colored Photograph of kitchen leading into laundry room, #75-8X10 Colored Photograph of side view of laundry room w/blood on tile floor, #76-8X10 Colored Photograph of tile floor w/blood & evidence marker #3, #77-8X10 Colored Photograph of front of dryer w/blood on tile floor, #78-8X10 Colored Photograph of close up of blood on front of dryer & on tile floor, #79-8X10 Colored Photograph of close up of blood on front of dryer, #80-8X10 Colored Photograph of blood smear on tile floor in front of dryer, #81-8X10 Colored Photograph of front of dryer w/cups & plates on top and #82-8X10 Colored Photograph of close up of blood spots on front of dryer now identified for the record. People request that Exhibits #74, #75, #76, #77, #78, #79, #80, #81 and #82 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #74, #75, #76, #77, #78, #79, #80, #81 and #82 be admitted into evidence as requested by the People. Pre-marked Exhibits #83-8X10 Colored Photograph of tile floor in front of dryer w/blood smear, #84-8X10 Colored Photograph of top view of tile floor in front of dryer w/blood smear, #85-8X10 Colored Photograph of close up of blood

on tile floor now identified for the record. People request that Exhibits #83, #84 and #85 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #83, #84 and #85 be admitted into evidence as requested by the People. Pre-marked Exhibits #86-8X10 Colored Photograph of blood on garage floor mat, #87-8X10 Colored Photograph of blood on garage floor mat, #88-8X10 Colored Photograph of blood spots on garage floor in front of car, #89-8X10 Colored Photograph of right front of vehicle w/blood on floor and #90-8X10 Colored Photograph of smear marks at front of vehicle now identified for the record. People request that Exhibits #86, #87, #88, #89 and #90 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #86, #87, #88, #89 and #90 be admitted into evidence as requested by the People. Pre-marked Exhibits #91-8X10 Colored Photograph of side view of blood spots on garage floor, #92-8X10 Colored Photograph of close up of blood spots on garage floor, #93-8X10 Colored Photograph of blood spots on garage floor, #94-8X10 Colored Photograph of blood spots on garage floor and #95-8X10 Colored Photograph of blood on garage floor next to garage door now identified for the record. People request to admit Exhibits #91, #92, #93, #94 and #95. No objection by Defense counsel. Court deems Exhibits #91, #92, #93, #94 and #95 be admitted into evidence as requested by the People. Pre-marked Exhibits #96-8X10 Colored Photograph of view looking into garage from garage door, #97-8X10 Colored Photograph of side view of car in garage w/blood on floor, #98-8X10 Colored Photograph of side view of car in garage w/blood on floor and #99-8X10 Colored Photograph of blood on garage floor w/evidence ruler now identified for the record. People request that Exhibits #96, #97, #98 and #99 be admitted into evidence. No objection by Defense counsel. Court deems Exhibits #96, #97, #98 and #99 be admitted into evidence 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.

Exhibits #185-shelving unit and #186-Cardboard box are pre-marked for identification purposes as requested by Defense counsel. Exhibit #187-8X10 Colored Photograph of close up view of top of desk is marked for identification purposes as requested by the People.

Court reconvened at 1:36 p.m., Jury, Alternates, all parties and court staff are present. Witness, Mark Dillon retakes the witness stand and resumes with testimony. Pre-marked Exhibit #187 now identified for the record. People request to admit Exhibit #187 into evidence. No objection by Defense counsel. Court deems Exhibit #187 admitted into evidence. Exhibit #188-8X10 Colored Photograph of evidence marker #4 w/evidence ruler is marked for identification purposes as requested by Defense counsel. Defense counsel requests to admit Exhibit #188 into evidence. People not objecting. Court deems Exhibit #188 admitted into evidence as requested by Defense counsel. Witness is excused. Witness, Savannah Hawk is sworn and testified as requested by the People. Bailiff, Liz Lewis now present. Courtroom Clerk, Susie Chapa now present. Witness excused. Jury and Alternates are admonished and Court recessed for a short break.

Court reconvened at 3:24p.m., Jury, Alternates, all parties and court staff present. Witness, Chelsa Hawk sworn and testifies as requested by the People. Exhibit #189 – Diagram of inside of Defendant’s house is marked for identification as requested by Defense Counsel Coleman. Witness identifies Exhibit #189. Jury and Alternates admonished and Court recessed until August 14, 2009 at 9:00a.m.