

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 17, 2009 Case # 08CM1633  
07CM1925

Assigned Judge:  
Honorable Daniel Creed

Reporter: Teresa Pires

Clerk: XXXXXXXXXX

Bailiff: Jerry Costner/David Calhoun

Attorneys:

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

Defendant: Mark Coleman and Dennis  
Peterson

MINUTES OF TRIAL:

Court convened at 9:10 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, Gabriel Jimenez is sworn and testified as requested by the People. Exhibit #195-Packet of Morgan Stanley documents is marked for identification purposes as requested by the People. People request to admit Exhibit #195 into evidence. Defense counsel requesting to make objections outside the presence of the Jury at the next recess. Court so notes and reserves it's ruling as to the submission of Exhibit #195. Exhibit #196-Copy of NCIC report is marked for identification purposes as requested by Defense counsel. Witness is excused. Witness, Darrin Matteson is sworn and testified as requested by the People. Exhibit #197- 8X10 Colored Photograph of defendant's closet with two closet doors, Exhibit #198-8X10 Colored photograph of close up of right hand closet door and Exhibit #199- 8X10 Colored photograph of different angle of Exhibit #198 are marked for identification purposes as requested by the People. People request to admit Exhibits #197, #198 and #199 into evidence. No objection by Defense counsel. Court deems Exhibits #197, #198 and #199 admitted into evidence as requested by the People. Exhibits #200-8X10 Colored photograph of side of defendant's house, # 201-8X10 Colored photograph of side view of defendant's house w/ladder and bicycle and

#202-8X10 Colored photograph of ladder and bicycle are marked for identification purposes as requested by the People. People request to admit Exhibits #200, # 201 and #202 into evidence. No objection by Defense counsel. Court deems Exhibits #200, # 201 and #202 be admitted into evidence as requested by the People. Exhibits #203- CD of interview of 7/10/06 (Number #1) and #204- Transcript of interview of 7/10/06 (Number #1) are marked for identification purposes as requested by the People. Jury and Alternates are admonished and recessed for short break.

Court in session at 10:25 a.m., outside the presence of the Jury and Alternates. All parties and court staff are present. Defense counsel Peterson requesting a copy of Exhibit #204 be provided to Defense prior to any copies being provided to the Jury. Court directs that the People provide Defense counsels' with copy of Exhibit #204. Court inquires of Defense counsel Coleman regarding his earlier objections as to the admission of Exhibit #195. Defense counsel submits matter as to the admission of Exhibit #195. Court deems Exhibit #195 be admitted into evidence as requested by the People. Court in recess.

Exhibits #205- CD of interview of 7/10/06 (Number #2), #206- Transcript of interview of 7/10/06 (Number #2), #207- CD of interview of 7/10/06 (Number #3) and #208- Transcript of interview of 7/10/06 (Number #3) are pre-marked for identification purposes as requested by the People. Exhibits #209-8X10 Colored photograph of ariel view of defendant's residence, #210-8X10 Colored photograph of ariel view of defendant's residence, #211-8X10 Colored photograph of ariel view of defendant's residence, #212- CD entitled Segment #1, #213- CD entitled Segment #2, #214-CD entitled Segment #3, #215- CD entitled Segment #4, #216- CD entitled Segment #5, #217- CD entitled Segment #6, #218- CD entitled Segment #7, #219- CD entitled Segment #8, #220- CD entitled Segment #9, #221- CD entitled Segment #10, #222- CD entitled Segment #11 and #223- Transcript of Exhibits #212 through #222 are pre-marked for identification purposes as requested by Defense counsel.

Court reconvened at 10:54 a.m., Jury, Alternates, all parties and court staff are present. Witness, Darrin Matteson 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. Copy of Exhibit #204, the transcript is provided to the Jury for their use. Brief pause in proceedings while the CD is played for the Jury. People request to admit Exhibits #203 and #204 into evidence. No objection by Defense counsel. Court deems Exhibits #203 and #204 be admitted into evidence as requested by the People. Pre-marked Exhibits #205 and #206 now identified for the record. Counsels' stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Copy of Exhibit #206, transcript is provided to the Jury for their use. Brief pause in proceedings while Exhibit #205 is played for the Jury. Pre-marked Exhibits #207 and #208 now identified for the record. Copy of Exhibit #208, transcript is provided to the Jury for their use. 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. People request to admit Exhibits #205, #206, #207 and #208. No objection by Defense counsel. Court deems Exhibits #205, #206, #207 and #208 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.

Pre-marked Exhibit #224-8X10 Colored photograph of defendant's suburban is pre-marked for identification purposes as requested by Defense counsel.

Court reconvened at 1:36 p.m., Jury, Alternates, all parties and court staff are present. Witness, Darrin Matteson retakes the witness stand and resumes with testimony. Exhibit #225-Clear plastic evidence envelope is marked for identification purposes as requested by Defense counsel Coleman. Witness cuts open Exhibit #225 as directed by Defense counsel Coleman and removes a brown paper bag containing stun gun. Exhibit #225b-Brown paper bag containing stun gun is marked for identification purposes as requested by Defense counsel Coleman. Witness cuts open Exhibit #225a as directed by Defense counsel Coleman and removes stun gun. Exhibit #225b-stun gun is marked for identification purposes as requested by Defense counsel Coleman. Witness is excused and returns to counsel table. Witness, Randy Ebner is sworn and testified as requested by the People. Pre-marked Exhibit #211 now identified for the record. Defense counsel Peterson requests to admit Exhibit #211 into evidence. No objection by the People. Court deems Exhibit #211 be admitted into evidence. Pre-marked Exhibit #209 now identified for the record. Defense counsel Peterson requests to admit Exhibit #209 into evidence. No objection by the People. Court deems Exhibit #209 be admitted into evidence. Pre-marked Exhibit #210 now identified for the record. Defense counsel Peterson requests to admit Exhibit #210 into evidence. No objection by the People. Court deems Exhibit #210 be admitted into evidence. Pre-marked Exhibit #224 now identified for the record. Defense counsel Peterson requests to admit Exhibit #224 into evidence. No objection by the People. Court deems Exhibit #224 be admitted into evidence as requested by Defense counsel Peterson. Witness is excused. Jury and Alternates are admonished and Court recessed for short break.

Court reconvened at 3:10 p.m., Jury, Alternates, all parties and court staff are present. Bailiff, David Calhoun is now present. Witness, Cambria Gomez is sworn and testified as requested by the People. Witness is excused. Witness, Maria Jasso is sworn and testified as requested by the People. Pre-marked Exhibits #102-8X10 Colored Photograph of front view of victim's van and #103-8X10 Colored Photograph of driver's side of van are now identified for the record. Pre-marked Exhibit #128-8X10 Colored Photograph of passenger side view of neighborhood is now identified for the record. People request to admit Exhibits #102, #103 and #128 into evidence. No objection by Defense counsel. Court deems Exhibits #102, #103 and #128 be admitted into evidence as requested by the People. Witness is excused. Witness, Tom Scheeringa is sworn and testified as requested by the People. Exhibit #228-Ithica 20 gauge shotgun is marked as requested by the People. People request to admit Exhibit #228 into evidence. Defense

counsel states objections. Court deems Exhibit #228 be admitted into evidence as requested by the People. Exhibit #229-Remington 20 gauge shotgun is marked as requested by the People. People request to admit Exhibit #229 into evidence. Defense counsel states objections. Court deems Exhibit #229 be admitted into evidence as requested by the People. Exhibit #230-12 gauge shotgun is marked as requested by the People. People request to admit Exhibit #230 into evidence. Defense counsel states objections. Court deems Exhibit #230 be admitted into evidence as requested by the People. Exhibit #231-Winchester 22 caliber rifle is marked as requested by the People. People request to admit Exhibit #231 into evidence. Defense counsel states objections. Court deems Exhibit #231 be admitted into evidence as requested by the People. Exhibit #232-Browning 20 gauge shotgun is marked as requested by the People. People request to admit Exhibit #232 into evidence. Defense counsel states objections. Court deems Exhibit #232 be admitted into evidence as requested by the People. Exhibit #233-22 caliber semi-automatic pistol is marked as requested by the People. People request to admit Exhibit #233 into evidence. Defense counsel states objections. Court deems Exhibit #233 be admitted into evidence as requested by the People. Exhibit #233a-holster and magazine clip for 22 caliber semi-automatic pistol is marked as requested by the People. People request to admit Exhibit #233a into evidence. Defense counsel states objections. Court deems Exhibit #233a be admitted into evidence as requested by the People. Exhibit #234-brown paper evidence bag is marked as requested by the People. Witness opens Exhibit #234 as directed by the People and removes items contained within. Exhibit #234a-Morgan Stanley documents is marked for identification purposes as requested by the People. People request to admit Exhibits #234 and #234a into evidence. Defense counsel states objections. Court deems Exhibits #234 and #234a admitted into evidence as requested by the People. Exhibit #235-brown paper evidence bag is marked for identification purposes as requested by the People. Witness opens Exhibit #235 and removes document. Exhibit #235a-bank statement from Bank of America dated 6/2006 is marked for identification purposes as requested by the People. People request to admit Exhibit #235 and #235a into evidence. Defense counsel states objections. Court deems Exhibit #235 and #235a be admitted into evidence as requested by the People. Exhibit #236-brown paper evidence bag is marked for identification purposes as requested by the People. Jury and Alternates are admonished and Court adjourned until August 18, 2009 at 9:00 a.m.

Court adjourned

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