

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 18, 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 9:07 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, Tom Sheeringa is excused. Witness, Keith Marshall is sworn and testified as requested by the People. Side bar conference held. Pre-marked Exhibit #223- Transcript of Exhibits #212 through #222 and #212- CD entitled Segment #1 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 #223, the transcript is provided to the Jury for their use. Brief pause in proceedings while Exhibit #212 is played for the Jury. Exhibit #213- CD entitled Segment #2 now identified for the record. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #213 is played for the Jury. Defense counsel Peterson states that Exhibit #214 is not audible and therefore will not be played for the Jury. Exhibit #215- CD entitled Segment #4 now identified for the record. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #215 is played for the Jury. Exhibit #216- CD entitled Segment #5 now identified for the record. Counsels

stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #216 is played for the Jury. Jury and Alternates are admonished and Court recessed for short break.

Court reconvened at 10:55 a.m., Jury, Alternates, all parties and court staff are present. Witness, Keith Marshall retakes the witness stand and resumes with testimony. Exhibit #217- CD entitled Segment #6 now identified for the record. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #217 is played for the Jury. Exhibit #218- CD entitled Segment #7 now identified for the record. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #218 is played for the Jury. Exhibit #219- CD entitled Segment #8 now identified for the record. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #219 is played for the Jury. Exhibit #220- CD entitled Segment #9 now identified for the record. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #220 is played for the Jury. Exhibit #221- CD entitled Segment #10 now identified for the record. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #221 is played for the Jury. Exhibit #222- CD entitled Segment #11 now identified for the record. Counsels stipulate to the Court Reporter not transcribing the recording while the CD is played for the Jury. Brief pause in proceedings while Exhibit #222 is played for the Jury. Jury and Alternates are admonished and Court recessed for lunch break. All parties ordered back at 1:30 p.m.

Court reconvened at 1:46 p.m., Jury, Alternates, all parties and court staff are present. Witness, Keith Marshall retakes the witness stand and resumes with testimony. Witness is excused. Defense counsel Peterson requests to admit Exhibits #212, #213, #215, #216, #217, #218, #219, #220, #221 and #222. No objection by the People. Court deems Exhibits #212, #213, #215, #216, #217, #218, #219, #220, #221 and #222 as requested by Defense counsel Peterson. Witness, Teresa Merzoian is sworn and testified as requested by the People. Witness is excused. Witness, Taryn Maltes is sworn and testified as requested by the People. Witness is excused. Witness, Trish Estabrook is sworn and testified as requested by the People. Exhibit #237-Reconciliation Report is marked for identification purposes as requested by the People. Witness is excused. Jury and Alternates are admonished and Court recessed for short break.

Exhibit #238-Certified Copy of Fictitious Business Statement is marked for identification purposes as requested by the People.

Court reconvened at 3:15 p.m., Jury, Alternates, all parties and court staff are present. Witness, Trish Hershberger is sworn and testified as requested by the People. Pre-

marked Exhibit #238 is now identified for the record. People request to admit Exhibit #238. No objection by Defense counsel. Court deems Exhibit #238 admitted into evidence as requested by the People. Witness is excused. Witness, Richard Pontecorvo is sworn and testified and requested by the People. Pre-marked Exhibits #100-8X10 Colored Photograph of City of Fresno map and #101-8X10 Colored Photograph of City of Fresno map w/Byrd, Kirk & Lily Street now identified for the record. People request to admit Exhibits #100 and #101. No objection by Defense counsel. Court deems Exhibits #100 and #101 admitted into evidence as requested by the People. Pre-marked Exhibits #104-8X10 Colored Photograph of rear view of van and #105-8X10 Colored Photograph of passenger side of van now identified for the record. People request to admit Exhibits #104 and #105. No objection by Defense counsel. Court deems Exhibits #104 and #105 admitted into evidence as requested by the People. Pre-marked Exhibits #106-8X10 Colored Photograph of close up of vehicle license plate and #107-8X10 Colored Photograph of close up of vehicle bumper area now identified for the record. People request to admit Exhibits #106 and #107. No objection by Defense counsel. Court deems Exhibits #106 and #107 admitted into evidence as requested by the People. Pre-marked Exhibits #108-8X10 Colored Photograph of tire w/dirt in tire treads, #109-8X10 Colored Photograph of inside tire well w/dirt #110-8X10 Colored Photograph of close up of rear bumper w/dirt, #111-8X10 Colored Photograph of inside tire well w/dirt in corner and #112-8X10 Colored Photograph of inside view of van through driver's side window. People request to admit Exhibits #108, #109, #110 and #112. No objection by Defense counsel. Court deems Exhibits #108, #109, #110, #111 and #112 admitted into evidence as requested by the People. Pre-marked Exhibits #113-8X10 Colored Photograph of inside of drivers side of the van, #114-8X10 Colored Photograph of close of inside of drivers side of the van, #115-8X10 Colored Photograph of inside of drivers side of van, #116-8X10 Colored Photograph of inside of van w/open ashtray and #117-8X10 Colored Photograph of close up of open glove box now identified for the record. People request to admit Exhibits #113, #114, #115, #116 and #117 into evidence. Court deems Exhibits #113, #114, #115, #116 and #117 admitted into evidence as requested by the People. Pre-marked Exhibits #118- 8X10 Colored Photograph of steering wheel w/keys in ignition #119- 8X10 Colored Photograph of blood on rear passenger side seat, #120- 8X10 Colored Photograph of view looking thru rear driver's side window w/blood on seat and #121-8X10 Colored Photograph of close up view of back seat w/blood now identified for the record. People request to admit Exhibits #119, #120 and #121 into evidence. Court deems Exhibits #119, #120 and #121 admitted into evidence as requested by the People. Pre-marked Exhibits #122-8X10 Colored Photograph of close up of rear floor board, #123-8X10 Colored Photograph of rear side driver's side seat corner, #124-8X10 Colored Photograph of close up of bottom of door slide w/blood, #125-8X10 Colored Photograph of lower view of rear seat on driver's side and #126-8X10 Colored Photograph of close up of bottom of door slide w/blood now identified for the record. People request to admit Exhibits #122, #123, #124, #125 and #126. No objection by Defense counsel. Court deems Exhibits #122, #123, #124, #125 and #126 admitted into evidence as requested by the People. Pre-marked Exhibits

#127-8X10 Colored Photograph of close up of driver's side rear seat looking thru front windshield, #129-8X10 Colored Photograph of front view of passenger side looking back, #130-8X10 Colored Photograph of red truck in locked gate, #131-8X10 Colored Photograph of house behind locked gate, #132-8X10 Colored Photograph of street w/cop car, #133-8X10 Colored Photograph of side view of house w/trees, #134-8X10 Colored Photograph of boat behind locked gate and #135-8X10 Colored Photograph of car behind locked gate w/3 tires in street gutters now identified for the record. People request to admit Exhibits #127, #129, #130, #131, #132, #133, #134 and #135. No objection by Defense counsel. Court deems Exhibits #127, #129, #130, #131, #132, #133, #134 and #135 admitted into evidence as requested by the People. Witness is excused. Witness, Kenneth Penner is sworn and testified as requested by the People. Counsels' stipulate that this witness is an expert in the field of DNA testing. Jury and Alternates are admonished and Court adjourned until August 19, 2009 @ 9:00 a.m.

Court adjourned
