

Court Motions / Orders
Instructions / Minutes
Chronological Order

PART TWO

1 JEFFREY F. ROSEN
2 DISTRICT ATTORNEY
3 Alaleh Kianerci
4 Deputy District Attorney
5 270 Grant Avenue, Fourth Floor
6 Palo Alto, CA 94306
7 (650) 324-6400

8 **INSTRUCTIONS FOR PRODUCTION OF BUSINESS RECORDS UNDER
9 EVIDENCE CODE §§1560 and 1561**

10 **You are NOT required to appear in person if you follow these procedures:**

- 11 1. **WITHIN FIVE DAYS AFTER RECEIPT OF SUBPOENA**, or within the time
12 agreed upon by the party who served the subpoena, **DELIVER BY MAIL** or otherwise
13 a true, legible and durable copy of all records described in subpoena to the Clerk of the
14 Court listed in the subpoena;
- 15 2. The copy of the records must be **SEPARATELY ENCLOSED** in an inner envelope or
16 wrapper, sealed, with the title and number of the action, name of witness and date of
17 subpoena clearly inscribed on it;
- 18 3. The sealed envelope or wrapper must be enclosed in an outer envelope or wrapper,
19 sealed, and sent to the Clerk of the Court listed on the subpoena;
- 20 4. The records must be accompanied by an affidavit of the **CUSTODIAN OF RECORDS**
21 or other qualified witness, stating each of the following:
 - 22 a) The affiant is the duly authorized custodian of records or other qualified witness
23 and has authority to certify the records;
 - 24 b) The copy is a true copy of all the records in the subpoena;
 - 25 c) The records were prepared by the personnel of the business in the ordinary
26 course of business at or near the time of the act, condition or event.
- 27 5. If the business has none of the records required by the subpoena or only part thereof, the
28 custodian or other qualified witness shall so state in the affidavit and deliver the
29 affidavit and such records as are available to the Clerk of the Court listed in the
30 subpoena.

31 **PLEASE CALL Alaleh Kianerci, Deputy District Attorney WITH ANY QUESTIONS
32 AT: (650) 324-6418.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and Address) JEFFREY R. ROSEN (Bar No. 163589) DISTRICT ATTORNEY Alaleh Kianerci (Bar No. 254198) Deputy District Attorney 270 Grant Avenue Palo Alto, CA 94306	FOR COURT USE ONLY
Telephone No. (650) 324-6418 Email Address: AKianerci@da.sccgov.org Attorney for Petitioner	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA	
STREET ADDRESS: 270 Grant Avenue MAILING ADDRESS 270 Grant Avenue CITY AND ZIP CODE Palo Alto, California 94306 BRANCH NAME: Palo Alto Facility	
CASE NAME: People of California v BROCK ALLEN TURNER	
ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum	CASE NUMBER: B1577162

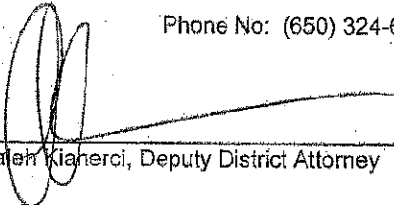
You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

1. To: (Name or Business) **The Custodian of Records for: Palo Alto Fire Department**
 Phone: (650)329-2184
 250 Hamilton Avenue, Palo Alto, CA 94301

2. You must follow the court order(s) checked below.
 - a. Attend the hearing
 - b. Attend the hearing *and* bring all items checked in c. below.
 - c. Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - (1) All items listed in the Declaration in Support of Subpoena Duces Tecum
 - (2) _____
 - (3) _____
 - d. If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
 - e. If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
 - f. If this box is checked and you deliver all items listed above to the court **within 5 days of service of this order**, you do not have to attend court if you follow the instructions in item 5.

Court Hearing Date:	The court hearing will be at: 270 Grant Avenue, Palo Alto, CA 94306
Date: March 14, 2016	Time: 8:30 AM
Dept: Palo Alto Facility, Dept. 89	Rm:
Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.	

4. The person who has required you to attend court or provide documents is:

Name: Alaleh Kianerci, Deputy District Attorney Phone No: (650) 324-6418
 Address: 270 Grant Ave, Palo Alto, CA 94306
 Date: March 11, 2016 Signature: 
 * 4 8 7 7 7 0 9 *

FOR COURT USE ONLY

CASE NAME:
People of California v. BROCK ALLEN TURNER

CASE NUMBER:
B1577162

5. a. Put all items checked in Item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
- (1) Case name
 - (2) Case number
 - (3) Your name
 - (4) Hearing date, time, and department
- c. Seal and mail the envelope to Attn: Court Clerk, Santa Clara County Superior Court, 270 Grant Avenue, Palo Alto, CA 94306. You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in Item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

____ The server fills out the section below. ____
Proof of Service of CR-125/JV-525

1. I personally served a copy of this subpoena on:

Date: _____ Time: _____ [] a.m. [] p.m.

Name of the person served: _____
At this address: _____
After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): _____
Mailed from (city): _____

2. I received this order for service on (date): _____ and was not able to serve (name of person) _____ after (number of attempts) _____ attempts because:

- a. [] The person is not known at this address.
- b. [] The person moved and the forwarding address is not known.
- c. [] There is no such address.
- d. [] The address is in a different county.
- e. [] I was not able to serve by the hearing date.
- f. [] Other
(explain) _____

3. Server's name: _____ Phone no. _____

4. The server (check one)

- a. [] is a registered process server.
- b. [] is not a registered process server.
- c. [] is a sheriff, marshal, or constable.
- d. [] works for a registered process server.
- e. [] is exempt from registration under Business and Professions Code Section 22350(b).

5. Server's address: _____
If server is a registered process server:
County of registration: _____ Registration no: _____

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: _____

(TYPE OR PRINT NAME OF SERVER)

(SIGNATURE OF SERVER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and Address) JEFFREY F. ROSEN (Bar No. 163589) DISTRICT ATTORNEY Alaleh Kianerci (Bar No. 254198) Deputy District Attorney 270 Grant Avenue, Fourth Floor Palo Alto, CA 94306 Telephone No: 650-324-6418 E-Mail Address: AKianerci@da.sccgov.org Attorney For: The People of the State of California	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA	
STREET ADDRESS: 270 Grant Avenue, Palo Alto, CA 94306	
MAILING ADDRESS: 270 Grant Avenue Palo Alto, CA 94036	
BRANCH NAME: Palo Alto Courthouse	
PLAINTIFF/PETITIONER: The People of the State of California	Case Number
DEFENDANT/RESPONDENT: BROCK ALLEN TURNER	B1577162
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

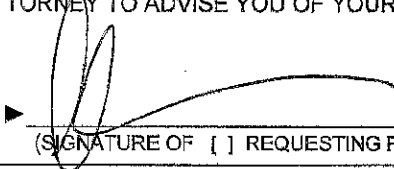
NOTICE TO CONSUMER OR EMPLOYEE

To (name): JANE DOE

- PLEASE TAKE NOTICE THAT THE PEOPLE OF THE STATE OF CALIFORNIA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: March 14, 2016
The records are described in the subpoena directed to the Custodian of Records for Palo Alto Fire Department
A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED IN ITEM a. OR b. BELOW:
 - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure Section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
 - If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the attached Proof of Service indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **Warning: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: March 11, 2016

Alaleh Kianerci, Deputy District Attorney


 (SIGNATURE OF REQUESTING PARTY ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- I object to the production of all my records specified in the subpoena.
- I object only to the production of the following specified records.

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)
(SIGNATURE)

(Proof of Service attached)

Page 1 of 2

PLAINTIFF/PETITIONER: The People of the State of California	Case Number: B1577162
DEFENDANT/RESPONDENT: BROCK ALLEN TURNER	

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION

(Code Civ. Proc., §§ 1985.3, 1985.6)

Mail Personal Service

1. At the time of service, I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. Personal service. I personally delivered the Notice to Consumer or Employee and Objection as follows:

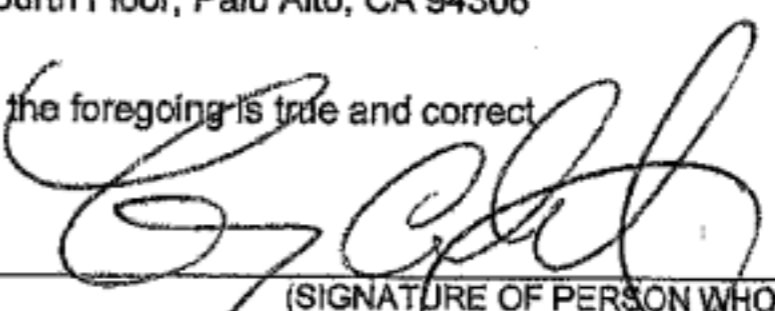
(1) Name of person served:	(3) Date Served:
(2) Address where served:	(4) Time Served:
 - b. BY FIRST CLASS MAIL: by placing a true copy thereof, enclosed in a sealed envelope, for postage and deposit with the U.S. Postal Service on the same date it is submitted for mailing, and addressed as follows:

(1) Name of person served: JANE DOE	(3) Date of Mailing: March 11, 2016
(2) Address: [REDACTED]	(4) Place of Mailing (city and state): [REDACTED], CA
 - (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
 - c. My residence or business address is (specify): 270 Grant Avenue, Fourth Floor, Palo Alto, CA 94306
 - d. My phone number is (specify) [REDACTED]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: March 11, 2016

Lucy Cedillo

(TYPE OR PRINT NAME OF PERSON WHO SERVED)



(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS

(CODE Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service, I was at least 18 years of age and not a party to this legal action.
 2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - a. ON THE REQUESTING PARTY
 - (1) Personal Service. I personally delivered the *Objection to Production of Records* as follows:

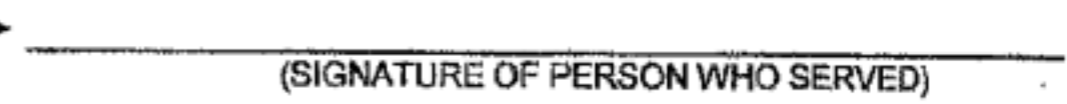
(i) Name of person served:	(iii) Date Served:
(ii) Address where served:	(iv) Time Served:
 - (2) Mail. I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of Mailing:
(ii) Address:	(iv) Place of Mailing (city and state):
 - (v) I am a resident or employed in the county where the *Objection to Production of Records* was mailed.
 - b. ON THE WITNESS
 - (1) Personal Service. I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date Served:
(ii) Address where served:	(iv) Time Served:
 - (2) Mail. I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of Mailing:
(ii) Address:	(iv) Place of Mailing (city and state):
 - (v) I am resident of or employed in the county where the *Objection to Production of Records* was mailed.
 3. My residence or business address is (specify):
 4. My phone number is (specify):
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)



(SIGNATURE OF PERSON WHO SERVED)

FILED

MAR 12 2016

DAVID H. YAMAMOTO
Chief Executive Officer
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

PROOF OF SERVICE

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STATE OF CALIFORNIA) People v. BROCK ALLEN TURNER **JOHN SILVEIRA**
) ss.
COUNTY OF SANTA CLARA) Docket No. B1577162

I am employed in the County of Santa Clara, State of California. I am over the age of eighteen years, and not a party to the above-entitled action. My business address is: Office of the District Attorney, 270 Grant Avenue, Fourth Floor, Palo Alto, CA 94306

On March 11, 2016, I served the following documents upon the interested parties in this action by the method(s) indicated below:

SDT

BY FIRST CLASS MAIL: by placing a true copy thereof, enclosed in a sealed envelope, for postage and deposit with the U.S. Postal Service on the same date it is submitted for mailing, and addressed as follows:

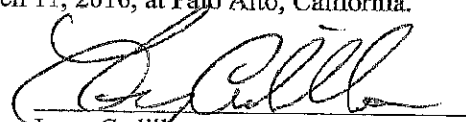
BY PERSONAL DELIVERY: by causing a true copy thereof to be hand-carried to the recipient at the address indicated:

BY FACSIMILE TRANSMISSION: by faxing a true copy thereof to the recipient at the facsimile number indicated:

Michael Armstrong
Fax: (650) 362-4198

BY COUNTY PONY MAIL: by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on March 11, 2016, at Palo Alto, California.



Lucy Cedillo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Honorable Aaron Persky, Presiding
DEPARTMENT 89

Clerk: J. Paura Reporter: S. Antonio (8:55 – 10:00 a.m.) / C. Bagatelos Deputy: L. Mauro

People of the State of California,
Plaintiff,
vs.

Alaleh Kianerci,
Counsel

Brock Allen Turner
Defendant

Michael Armstrong
Counsel

Jury Trial – Day 3

B1577162

Monday, March 14, 2016

- 8:55 a.m. **Out of the presence of the jury:**
All parties are present. The court grants the peoples' motion to file a first amended information. Arraignment is waived on the first amended information and a plea of not guilty is entered.
The court discusses jury questionnaires, the court's jury speech and jury selection with the parties.
Not reported – The clerk takes roll and swears in the prospective jurors in the jury room.
- 9:22 a.m. A panel of 98 prospective jurors is now present. The defendant, counsel, court staff, and Information is introduced to the parties. The court instructs the potential jurors on the law.
- 9:36 a.m. Jurors without hardship are instructed to return to the jury room and complete the juror questionnaire.
Jurors with hardship are instructed to assemble in the hallway. The court examines the potential jurors on a one by one basis in a closed courtroom.
- 10:16 a.m. Hardships have been completed.
All parties and prospective jurors are once again present.
The jurors are admonished and released for break.
- 10:52 a.m. All parties and jurors are once again present. The court introduces the prospective witness to the jurors. The Clerk calls 20 prospective jurors to the jury box. The court commences voir dire of the prospective jurors.
- 11:40 a.m. **Not Reported** – Counsel approaches the bench for a side bar conversation.
The Jurors are admonished and released for break.
Out of the presence of the jury:
The Court examines seated jurors in a closed courtroom.
- 12:17 p.m. **Out of the presence of the jury:**
The remaining jurors with request for private examination are released for lunch.
- 1:35 p.m. **Not Reported** – Counsel in chambers for discussions with the court.

All parties and jurors are once again present. The court releases the jurors to the jury room to complete a further juror questionnaire.

1:42 p.m.

Out of the presence of the jury:

The Court examines seated jurors in a closed courtroom.

2:32 p.m.

Out of the presence of the jury:

The Court discusses causes for challenge with counsel.

2:43 p.m.

Out of the presence of the jury:

The Court admonishes jurors regarding case information in a closed courtroom.

2:47 p.m.

All parties and jurors are once again present. The court continues voir dire of the prospective jurors.

3:31 p.m.

The jurors are admonished, released, and ordered to return Tuesday, March 15, 2016 at 9:00 a.m.

Out of the presence of the jury:

The Court examines seated jurors in a closed courtroom.

3:50 p.m.

The Court stands adjourned.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Honorable Aaron Persky, Presiding
DEPARTMENT 89

Clerk: J. Paura

Reporter: C. Bagatelos

Deputy: L. Mauro

People of the State of California,
Plaintiff,
vs.

Alaleh Kianerci,
Counsel

Brock Allen Turner
Defendant

Michael Armstrong
Counsel

Jury Trial – Day 4

B1577162

Tuesday, March 15, 2016

- 9:21 a.m. All parties and jurors are present. The clerk swears in the remaining jurors.
Not reported – counsel approaches the bench for a sidebar conversation.
The Defense commences voir dire of the seated jurors.
- 9:57 a.m. The People commence voir dire of the seated jurors.
- 10:37 a.m. The jurors are admonished and released for break.
Out of the presence of the jury:
The court examines seated jurors in a closed courtroom.
The court excuses prospective juror 6 for hardship.
The court discusses challenges for cause with counsel.
Jurors to be excused for cause: 3, 87, 22, and 61
- 11:11 a.m. All parties and jurors are once again present.
The court excuses the previously identified jurors for cause.
Peremptory challenges commence.
The clerk calls 9 jurors to fill the empty seats.
The court commences voir dire of the newly seated jurors.
- 11:29 a.m. The jurors are admonished and instructed to assemble in the jury assembly room.
Out of the presence of the jury:
The court examines seated jurors in a closed courtroom.
The court discusses challenges for cause with counsel.
Jurors excused for cause: 2 and 98
- 11:42 a.m. All parties and jurors are once again present.
The clerk calls 2 new jurors to fill the empty seats.
The court continues voir dire of the newly seated jurors.
- 12:01 p.m. The Jurors are admonished and released for lunch.
Out of the presence of the jury:
The court examines juror seated in seat 12 in a closed courtroom.
Parties stipulate to excuse juror 89 for cause.

- 1:25 p.m. **Out of the presence of the jury:**
 The court examines and excuses juror 53 for hardship.
All parties and jurors are once again present.
The clerk fills the empty seat.
The court continues voir dire of the newly seated jurors.
- 1:56 p.m. The defense commences voir dire of the newly seated jurors.
- 2:05 p.m. The people commence voir dire of the newly seated jurors.
- 2:33 p.m. **Not reported** – Counsel approaches the bench for a sidebar conversation.
Peremptory challenges commence.
The clerk calls nine names to fill the empty seats.
The court commences voir dire of the newly seated jurors.
- 3:00 p.m. The Jurors are admonished and released for break.
Out of the presence of the jury:
 The court examines seated jurors in a closed courtroom.
Juror 25 is excused for cause.
- 3:39 p.m. **Out of the presence of the jury:**
 The court discusses challenges for cause with counsel.
Jurors to be excused for cause: 7 and 21
- 4:01 p.m. All parties and jurors are once again present.
The clerk fills the empty seats.
The court commences voir dire of the newly seated jurors.
- 4:13 p.m. The Jurors are admonished, released and ordered to return Wednesday, March 16, 2016
at 9:00 a.m.
Out of the presence of the jury:
 The court examines seated juror in a closed courtroom.
 The court discusses juror challenges with counsel.
Not reported – Counsel in chambers for discussions with the court.
- 4:48 p.m. The Court stands adjourned.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Honorable Aaron Persky, Presiding
DEPARTMENT 89

Clerk: J. Paura

Reporter: C. Bagatelos

Deputy: P. Jensen

People of the State of California,
Plaintiff,

Alaleh Kianerci,
Counsel

vs.

Brock Allen Turner
Defendant

Michael Armstrong
Counsel

Jury Trial – Day 5

B1577162

Wednesday, March 16, 2016

- 9:14 a.m. All parties and jurors are present.
The defense commences voir dire of the newly seated jurors.
- 9:24 a.m. The people commence voir dire of the newly seated jurors.
- 9:50 a.m. Peremptory challenges commence.
Not reported – counsel approaches the bench for a sidebar conversation.
Juror 70 is thanked and excused for cause.
The parties are satisfied with the jurors as seated.
The clerk swears in the 12 jurors.
Peremptory challenges of the alternate jurors commence.
The parties are happy with the alternate jurors as seated.
The clerk swears in the two alternate jurors.
The remainder of the potential jury panel is thanked and excused.
Not reported – counsel approaches the bench for a sidebar conversation.
- 9:59 a.m. The jurors are admonished and released for break.
Not reported – counsel in chambers for discussions with the court.
- 10:41 a.m. **Out of the presence of the jury:**
The court discusses jury instructions with counsel.
- 10:53 a.m. All parties and jurors are present. The court reads the instructions of law to the jurors.
- 11:16 a.m. The jury is admonished, released and ordered to return Thursday, March 17, 2016
at 9:00 a.m.

FILED

MAR 16 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

J. Paura

1 Michael W. Armstrong, Esq., (SBN: 87799)

2 600 Allerton Street, Suite 200 Redwood City, Ca. 94063
3 Tel. (650) 619-5977; Fax (650) 362-4198

4 Attorney for Defendant Brock Turner

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA

6 IN AND FOR THE COUNTY OF SANTA CLARA

7 PALO ALTO FACILITY

8 PEOPLE OF THE STATE OF
9 CALIFORNIA,

10 Plaintiff,

11 v.

12 BROCK TURNER,

13 Defendant.

Case No. B1577162

WITNESS LIST

Date: March 9, 2016

Time: 1:30 pm

Dept. 89

Time Est.:

14
15
16 I am the attorney of record herein for defendant Brock Turner. I hereby submit this list of
17 witnesses for the jury trial:

- 18 1) Kim Fromme (expert)
- 19 2) Gary Galbreath
- 20 3) Jennifer Jervis
- 21 4) Lydia Pocisk
- 22 5) Andrew Cole-Goins

23
24 Dated: March 9, 2016

Michael W. Armstrong

25
26 Michael W. Armstrong

FILED

MAR 16 2016

DAVID H. HAWKINS
Chief Executive Officer/Clerk,
Superior Court of Cal. County of Santa Clara
BY J. Paula DEPUTY

1 Michael W. Armstrong, Esq., (SBN: 87799)

2 600 Allerton Street, Suite 200 Redwood City, Ca. 94063
3 Tel. (650) 619-5977; Fax (650) 362-4198

4 Attorney for Defendant Brock Turner

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA

6 IN AND FOR THE COUNTY OF SANTA CLARA

7 PALO ALTO FACILITY

8 PEOPLE OF THE STATE OF
9 CALIFORNIA,

10 Plaintiff,

11 v.

12 BROCK TURNER,

13 Defendant.

Case No. B1577162

SUGGESTED VOIR DIRE QUESTIONS

Date: March 9, 2016

Time: 1:30 pm

Dept. 89

Time Est.:

15 I am the attorney of record herein for defendant Brock Turner. His jury trial is scheduled
16 for March 14, 2016, and the court has indicated it will hear the in limine motions on March 9,
17 2016, at 1:30 pm in Department 89. Defendant submits the following as his suggested voir dire
18 questions:

19 PRETRIAL PUBLICITY

20 Have you seen anything about this case on television?

21 Have you read anything about this case in the press?

22 Have you read anything about this case on the Internet?

23 Have you heard anything about this case on the radio?

24 What did you read, see or hear?

25 Have you discussed this case with anyone? Who and under what circumstances?
26
27
28

yes

1 Have you formed any opinions about this case based on what you know now?

2 Is what you have learned about the case accurate? Why or why not?

3 Having this knowledge now do you believe you can be fair and impartial?

4
5 FAMILIARITY WITH SCIENTIFIC KNOWLEDGE AND PROCEDURES

6 Do you have any education, training, knowledge or experience with:

7 DNA?

8 Alcohol use and abuse?

Oral

9 Calculation of blood alcohol levels?

10 Blackouts?

11 SART examinations and/or rape kits?

12 Laboratory analysis?

13
14 ② CONNECTIONS WITH STANFORD UNIVERSITY

15 Were you ever a student at Stanford? When? Field of study?

16 Were you ever a faculty member or staff member at Stanford? When? What?

yes

17 Are you familiar with the campus now?

18 Have you ever worked at Stanford? Explain

19
20 ③ SEXUAL ASSAULT

Greek life
college sports or swimming

21 Have you, or anyone close to you or related to you, been the victim of a sexual assault?

22 Have you, or anyone close to you or related to you, been accused of a sexual assault?

23 Do you have any education, training, knowledge or experience with sexual assault?

24 Have you followed

25 Defense counsel asks the court to ask appropriate followup questions as well.

26
27
28 ④ Alcohol Q's

FILED

MAR 16 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
BY J. PAULI DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS.


BROCK ALLEN TURNER,

DEFENDANT.

CASE NO.: B1577162

JURY INSTRUCTIONS GIVEN
(READ TO THE JURY)

JURY INSTRUCTIONS GIVEN (READ TO THE JURY)

3-16-2016


Our system of justice requires that trials be conducted in open court with the parties presenting evidence and the judge deciding the law that applies to the case. It is unfair to the parties if you receive additional information from any other source because that information may be unreliable or irrelevant and the parties will not have had the opportunity to examine and respond to it. Your verdict must be based only on the evidence presented during trial in this court and the law as I provide it to you.

During the trial, do not talk about the case or about any of the people or any subject involved in the case with anyone, not even your family, friends, spiritual advisors, or therapists. Do not share information about the case in writing, by email, by telephone, on the Internet, or by any other means of communication. You must not talk about these things with other jurors, either, until you begin deliberating.

As jurors, you may discuss the case together only after all of the evidence has been presented, the attorneys have completed their arguments, and I have instructed you on the law. After I tell you to begin your deliberations, you may discuss the case only in the jury room, and only when all jurors are present.

You must not allow anything that happens outside of the courtroom to affect your decision. During the trial, do not read, listen to, or watch any news report or commentary about the case from any source.

Do not use the Internet, a dictionary, or any social media in any way in connection with this case, either on your own or as a group. Do not investigate the facts or the law or do any research regarding this case. Do not conduct any tests or experiments, or visit the scene of any event involved in this case. If you happen to pass by the scene, do not stop or investigate.

If you have a cell phone or other electronic device, keep it turned off while you are in the courtroom and during jury deliberations. An electronic device includes any data storage device. If someone needs to contact you in an emergency, the court can receive messages that it will deliver to you without delay.

During the trial, do not speak to a defendant, witness, lawyer, or anyone associated with them. Do not listen to anyone who tries to talk to you about the case or about any of the people or subjects involved in it. If someone asks you about the case, tell him or her that you cannot discuss it. If that person keeps talking to you about the case, you must end the conversation.

If you receive any information about this case from any source outside of the trial, even unintentionally, do not share that information with any other juror. If you do receive such information, or if anyone tries to influence you or any juror, you must immediately tell the bailiff.

Keep an open mind throughout the trial. Do not make up your mind about the verdict or any issue until after you have discussed the case with the other jurors during deliberations. Do not take anything I say or do during the trial as an indication of what I think about the facts, the witnesses, or what your verdict should be.

Do not let bias, sympathy, prejudice, or public opinion influence your decision.

You must reach your verdict without any consideration of punishment.

I want to emphasize that you may not use any form of research or communication, including electronic or wireless research or communication, to research, share, communicate, or

we anticipate that there will be media coverage of this case.
Do not expose yourself to any media coverage of this case, including reading about this case in the ST News or any other newspaper.

allow someone else to communicate with you regarding any subject of the trial.

When the trial has ended and you have been released as jurors, you may discuss the case with anyone. But under California law, you must wait at least 90 days before negotiating or agreeing to accept any payment for information about the case.

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You have been given notebooks and may take notes during the trial. Do not remove them from the courtroom. You may take your notes into the jury room during deliberations. I do not mean to discourage you from taking notes, but here are some points to consider if you take notes:

1. Note-taking may tend to distract you. It may affect your ability to listen carefully to all the testimony and to watch the witnesses as they testify;

AND

2. The notes are for your own individual use to help you remember what happened during the trial. Please keep in mind that your notes may be inaccurate or incomplete.

At the end of the trial, your notes will be collected and destroyed.

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I will now explain the presumption of innocence and the People's burden of proof. The defendant has pleaded not guilty to the charges. The fact that a criminal charge has been filed against the defendant is not evidence that the charge is true. You must not be biased against the defendant just because he has been arrested, charged with a crime, or brought to trial.

A defendant in a criminal case is presumed to be innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. Whenever I tell you the People must prove something, I mean they must prove it beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt.

In deciding whether the People have proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendant guilty beyond a reasonable doubt, he is entitled to an acquittal and you must find him not guilty.

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You must decide what the facts are in this case. You must use only the evidence that is presented in the courtroom. "Evidence" is the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else I tell you to consider as evidence. The fact that the defendant was arrested, charged with a crime, or brought to trial is not evidence of guilt.

Nothing that the attorneys say is evidence. In their opening statements and closing arguments, the attorneys will discuss the case, but their remarks are not evidence. Their questions are not evidence. Only the witnesses' answers are evidence. The attorneys' questions are significant only if they help you understand the witnesses' answers. Do not assume that something is true just because one of the attorneys asks a question that suggests it is true.

During the trial, the attorneys may object to questions asked of a witness. I will rule on the objections according to the law. If I sustain an objection, the witness will not be permitted to answer, and you must ignore the question. If the witness does not answer, do not guess what the

answer might have been or why I ruled as I did. If I order testimony stricken from the record, you must disregard it and must not consider that testimony for any purpose.

You must disregard anything you see or hear when the court is not in session, even if it is done or said by one of the parties or witnesses.

The court reporter is making a record of everything that was said during the trial. If you decide that it is necessary, you may ask that the court reporter's record be read to you. You must accept the court reporter's record as accurate.

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You alone must judge the credibility or believability of the witnesses. In deciding whether testimony is true and accurate, use your common sense and experience. You must judge the testimony of each witness by the same standards, setting aside any bias or prejudice you may have. You may believe all, part, or none of any witness's testimony. Consider the testimony of each witness and decide how much of it you believe.

In evaluating a witness's testimony, you may consider anything that reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the factors that you may consider are:

How well could the witness see, hear, or otherwise perceive the things about which the witness testified?

How well was the witness able to remember and describe what happened?

What was the witness's behavior while testifying?

Did the witness understand the questions and answer them directly?

Was the witness's testimony influenced by a factor such as bias or prejudice, a personal relationship with someone involved in the case, or a personal interest in how the case is decided?

What was the witness's attitude about the case or about testifying?

Did the witness make a statement in the past that is consistent or inconsistent with his or her testimony?

How reasonable is the testimony when you consider all the other evidence in the case?

Do not automatically reject testimony just because of inconsistencies or conflicts. Consider whether the differences are important or not. People sometimes honestly forget things or make mistakes about what they remember. Also, two people may witness the same event yet see or hear it differently.

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If, during the trial, you have a question that you believe should be asked of a witness, you may write out the question and send it to me through the bailiff. I will discuss the question with the attorneys and decide whether it may be asked. Do not feel slighted or disappointed if your question is not asked. Your question may not be asked for a variety of reasons, including the reason that the question may call for an answer that is inadmissible for legal reasons. Also, do not guess the reason your question was not asked or speculate about what the answer might have been. Always remember that you are not advocates for one side or the other in this case. You are impartial judges of the facts.

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In this case, one person will be referred to as [REDACTED] Doe and another person will be referred to as [REDACTED] Doe. These names are used only to protect their privacy, as required by law. The fact that they are identified in this way is not evidence. Do not consider this fact for any purpose.

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You will be permitted to separate during recesses and at the end of the day. I will tell you when to return. Please remember, we cannot begin the trial until all of you are in place, so it is important to be on time.

Remember, do not talk about the case or about any of the people or any subject involved in it with anyone, including the other jurors. Do not do research, share information, or talk to each other or to anyone else about the facts of the case or anything else connected with the trial, and do not use any form of electronic or wireless communication to do any of those things, either.

Do not make up your mind or express any opinion about the case or any issue connected with the trial until after you have discussed the case with the other jurors during deliberations.

The defendant is charged in Count 1 with assault with intent to commit Rape of an Intoxicated or Unconscious person in violation of Penal Code section 220(a).

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant did an act that by its nature would directly and probably result in the application of force to a person;
 2. The defendant did that act willfully;
 3. When the defendant acted, he was aware of facts that would lead a reasonable person to realize that his act by its nature would directly and probably result in the application of force to someone;
 4. When the defendant acted, he had the present ability to apply force to a person;
- AND
5. When the defendant acted, he intended to commit Rape of an Intoxicated or Unconscious Person;

The terms application of force and apply force mean to touch in a harmful or offensive manner. The slightest touching can be enough if it is done in a rude or angry way. Making contact with another person, including through his or her clothing, is enough. The touching does not have to cause pain or injury of any kind.

The touching can be done indirectly by causing an object to touch the other person.

The People are not required to prove that the defendant actually touched someone.

No one needs to actually have been injured by the defendant's act. But if someone was injured, you may consider that fact, along with all the other evidence, in deciding whether the defendant committed an assault, and if so, what kind of assault it was.

To decide whether the defendant intended to commit Rape of an Intoxicated or Unconscious Person, please refer to the following two instructions which define those crimes.

The defendant is charged in Count 1 with Assault with intent to commit rape of an intoxicated person. Element 5 of Count 1 requires the People to prove that when the defendant acted, he intended to commit rape of an intoxicated person.

The crime of rape of an intoxicated person is defined as follows:

1. A defendant had sexual intercourse with a woman;
2. He and the woman were not married to each other at the time of the intercourse;
3. The effect of an intoxicating substance prevented the woman from resisting;

AND

4. The defendant knew or reasonably should have known that the effect of an intoxicating substance prevented the woman from resisting.

Sexual intercourse means any penetration, no matter how slight, of the vagina or genitalia by the penis. Ejaculation is not required.

A person is prevented from resisting if he or she is so intoxicated that he or she cannot give legal consent. In order to give legal consent, a person must be able to exercise reasonable judgment. In other words, the person must be able to understand and weigh the physical nature of the act, its moral character, and probable consequences. Legal consent is consent given freely and voluntarily by someone who knows the nature of the act involved.

The defendant is not guilty of this crime if he actually and reasonably believed that the woman was capable of consenting to sexual intercourse, even if that belief was wrong. The People have the burden of proving beyond a reasonable doubt that the defendant did not actually and reasonably believe that the woman was capable of consenting. If the People have not met this burden, you must find the defendant not guilty.

The defendant is charged in Count 1 with Assault with intent to commit rape of an unconscious person. Element 5 of Count 1 requires the People to prove that when the defendant acted, he intended to commit rape of an unconscious person.

The crime of rape of an unconscious person is defined as follows:

1. A defendant had sexual intercourse with a woman;
2. He and the woman were not married to each other at the time of the intercourse;
3. The woman was unable to resist because she was unconscious of the nature of the act;

AND

4. The defendant knew that the woman was unable to resist because she was unconscious of the nature of the act.

Sexual intercourse means any penetration, no matter how slight, of the vagina or genitalia by the penis. Ejaculation is not required.

A woman is unconscious of the nature of the act if she is unconscious or asleep or not aware that the act is occurring.

The defendant is charged in Count 2 with sexual penetration of a person while that person was intoxicated in violation of Penal Code section 289(e).

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant committed an act of sexual penetration with another person;
2. The penetration was accomplished by using a foreign object,
3. The effect of an intoxicating substance prevented the other person from resisting the act;

AND

4. The defendant knew or reasonably should have known that the effect of that substance prevented the other person from resisting the act.

Sexual penetration means penetration, however slight, of the genital or anal opening of the other person for the purpose of sexual abuse, arousal, or gratification.

A person is prevented from resisting if he or she is so intoxicated that he or she cannot give legal consent. In order to give legal consent, a person must be able to exercise reasonable judgment. In other words, the person must be able to understand and weigh the physical nature of the act, its moral character, and probable consequences. Legal consent is consent given freely and voluntarily by someone who knows the nature of the act involved.

A foreign object, substance, instrument, or device includes any part of the body except a sexual organ. An unknown object includes any foreign object, substance, instrument, or device, or any part of the body, including a penis, if it is not known what object penetrated the opening.

The defendant is not guilty of this crime if he actually and reasonably believed that the person was capable of consenting to the act, even if the defendant's belief was wrong. The People have the burden of proving beyond a reasonable doubt that the defendant did not actually and reasonably believe that the woman was capable of consenting. If the People have not met this burden, you must find the defendant not guilty.

The defendant is charged in Count 3 with sexual penetration of a person who was unconscious of the nature of the act in violation of Penal Code section 289(d).

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant committed an act of sexual penetration with another person;
2. The penetration was accomplished by using a foreign object;
3. The other person was unable to resist because she was unconscious of the nature of the act;

AND

4. The defendant knew that the other person was unable to resist because she was unconscious of the nature of the act.

Sexual penetration means penetration, however slight, of the genital or anal opening of the other person for the purpose of sexual abuse, arousal, or gratification.

A person is unconscious of the nature of the act if he or she is unconscious or asleep or not aware that the act is occurring.

A foreign object, substance, instrument, or device includes any part of the body except a sexual organ. An unknown object includes any foreign object, substance, instrument, or device, or any part of the body, including a penis, if it is not known what object penetrated the opening.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
Honorable Aaron Persky, Presiding
DEPARTMENT 89

Clerk: J. Paura Reporter: C. Bagatelos a.m. / S. Upton p.m. Deputy: L. Mauro

People of the State of California,
Plaintiff,

Alaleh Kianerci,
Counsel

vs.

Brock Allen Turner
Defendant

Michael Armstrong
Counsel

Jury Trial – Day 6

B1577162

Thursday, March 17, 2016

- 9:34 a.m. All parties and jurors are present. The people commence opening statements.
- 9:51 a.m. **Not reported** – The people play a voice mail message for the jury.
- 9:53 a.m. The Defense commences opening statements.
- 9:58 a.m. The people call Deputy Jeff Taylor S.U.D.P.S. to the witness stand. The witness is sworn and testifies under direct examination.
The People identify for the record:
 Exhibit 1 – Oversized diagram of crime scene
- 10:14 a.m. The people identify for the record:
 Exhibit 7 – Photograph of bottom of access driveway
 Exhibit 2 – Photograph of shed and basketball court
 Exhibit 3 – Photograph of shed and golf cart
 Exhibit 4 – Photograph of basketball court and shed
 Exhibit 5 – Photograph of shed and golf cart
 Exhibit 6 – Photograph of panties
- 10:26 a.m. The Jurors are admonished and released for break.
- 10:48 a.m. All parties and jurors are once again present. Witness **Jeff Taylor, retakes the witness stand**, previously sworn, testifies under direct examination by the people.
The people identify for the record:
 Exhibit 9 – Photograph of crime scene with cell phone and panties
 Exhibit 8 – Photograph of cell phone with case
 Exhibit 11 – Photograph of victim on ground
 Exhibit 14 – Photograph of victim on ground
 Exhibit 10 – Photograph of victim on ground
 Exhibit 12 – Photograph of victim on ground
 Exhibit 13 – Photograph of victim on her back

- 11:06 a.m. The people identify for the record:
Exhibit 17 – Photograph of victim on hospital gurney
Exhibit 15 – Photograph of victim's hair
Exhibit 16 – Photograph of victim's hair
- 11:17 a.m. The people identify for the record:
Exhibit 18 – Timeline
- 11:22 a.m. The people identify for the record:
Exhibit 19 – Photograph of crime scene in daytime
Exhibit 20 – Photograph of crime scene in daytime
(dumpster and golf cart on left)
Exhibit 21 – Photograph of crime scene in daytime (from basketball court)
Exhibit 22 – Photograph of crime scene in daytime (with shed and golf cart)
Exhibit 23 – Photograph of crime scene in daytime (basketball court on left)
- 11:27 a.m. The Defense commences cross-examination of the witness.
- 11:36 a.m. **Not reported** – Counsel approaches the bench for a sidebar conversation. Witness Jeff Taylor is thanked and excused. The **People call Carl-Fredrik Arndt to the witness stand.** The witness is sworn and testifies under direct examination.
- 11:56 a.m. The Jury is admonished and released for break.
- 1:39 p.m. All parties and jurors are once again present. Witness, **Carl-Fredrik Arndt, retakes the witness stand,** previously sworn, testifies under direct examination by the people.
- 1:58 p.m. The witness makes an in-court identification of the defendant.
- 2:19 p.m. The people identify for the record:
Exhibit 24 – Photograph of basketball court with drawings on it
Exhibit 25 – Photograph of basketball court with drawings on it
Exhibit 26 – Photograph of wooden shed with drawings on it
Exhibit 27 – Photograph of wooden shed with drawings on it
Exhibit 28 – Photograph of crime scene
- 2:28 p.m. The defense commences cross-examination of the witness.
- 2:47 p.m. The people commence redirect examination of the witness.
- 2:50 p.m. **Not reported** – Counsel approaches the bench for a sidebar conversation. Witness Carl-Fredrik Arndt is thanked and excused. The **People call Julia [REDACTED] to the witness stand.** The witness is sworn and testifies under direct examination.
- 3:17 p.m. The Jurors are admonished and released for break.

3:39 p.m. All parties and jurors are once again present. Witness, **Julia [REDACTED]** retakes the witness stand, previously sworn, testifies under direct examination by the people.

3:51 p.m. **Not reported** – Counsel approaches the bench for a sidebar conversation. The defense commences cross-examination of the witness.

4:05 p.m. The people commence redirect examination of the witness.

4:09 p.m. The defense commences cross-examination of the witness. Witness Julia Nacey Maggioncalda is thanked and excused. **Not reported** – Counsel approaches the bench for a sidebar conversation. The People call **[REDACTED]** to the witness stand. The witness is sworn and testifies under direct examination.

4:15 p.m. **Not reported** – Counsel approaches the bench for a sidebar conversation.

4:27 p.m. The people identify for the record:
Exhibit 29 – C.D. of voicemail message
Not reported – The people play exhibit 29 (voice mail message).

4:33 p.m. The people identify for the record:
Exhibit 30 – Screen shot of text messages

4:36 p.m. The jurors are admonished, released and ordered to return Friday, March 18, 2016 at 9:00 a.m.
Out of the presence of the jury:
The Court issues a new criminal protective order.
Not reported – Counsel in chambers for discussions with the court.

FILED

MAR 17 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
BY J. Paula DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

The People of the State of California

Case No: B1577162

vs

Brock Allen Turner

Juror Trial Question for Witness

Name of Witness: Carl Arndt

Question:

Is it possible to obtain more clarification
on the state of the defendant's clothing
when he got up off the woman / victim?

Date: 3/17/16 Time: 3:40 pm

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(Juror Seat Number)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
HONORABLE AARON PERSKY
DEPARTMENT 89

Clerk: Julie Nashed
Reporter: Carley Bagatelos
Deputy: Paul Jensen

Date: March 18, 2016

Case No: B1577162

Parties:

Counsel:

The People of the State of California
Plaintiff,

Alaleh Kianerci

Vs.

Brock Allen Turner
Defendant.

Michael Armstrong

Day 7: Testimony

- 9:05 a.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. Ms Kianerci resumes direct examination of witness [REDACTED].
- 9:06 a.m. The witness is examined by Mr. Armstrong on cross-examination.
- The following Plaintiff's exhibit is marked for identification:
No. 29A – Transcript of a voice mail
- 9:08 a.m. The Court holds an unreported sidebar conference.
- 9:09 a.m. Deputy Jensen receives a juror question.
- 9:10 a.m. The Court is once again on the record.
- 9:12 a.m. The witness is excused.
The following Plaintiff's exhibits are admitted into evidence: 2 through 17 & 19 through 28
- 9:16 a.m. The Court holds an unreported sidebar conference.
- 9:17 a.m. The Court is once again on the record.
- 9:28 a.m. Witness: Lars Peter Jonsson, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff.

9:39 a.m. The clerk pre-marks the following Plaintiff's exhibits for identification:
No. 31 – Photograph of basketball court with 2 kids on skateboards / labeled #1 with red X and initials on it
No. 32 – Photograph of partial basketball court and trees beyond it / labeled #2 with a red X on it
No. 33 – Photograph of corner of a basketball court, fence with a white building beyond it / labeled #3 with red & black X and initials on it
No. 34 – Photograph of close up picture of wooden shed / labeled #4 with a red stick person and initials on it
No. 35 – Photograph of bushes, a portion of a basketball court off to the right beyond some trees / labeled #5 with red X and initials on it
No. 36 – Photograph of Mr. Brock Turner

10:21 a.m. The witness is examined by Mr. Armstrong on cross-examination.

The following Defense exhibit is marked for identification:

"A" – Photograph of lawn and trees with picnic tables and a basketball court off to the far left and a building off to the right.

10:30 a.m. The witness is examined by Ms. Kianerci on re-direct examination.

10:33 a.m. The Court holds an unreported sidebar conference.

10:35 a.m. The Court is once again on the record. The jury is admonished and the Court takes a morning recess.

11:03 a.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. Witness: Colleen Kathryn McCann, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff.

11:33 a.m. The witness is examined by Mr. Armstrong on cross-examination.

11:43 a.m. The witness is examined by Ms. Kianerci on re-direct examination.

11:46 a.m. The Court admonishes the jurors and excuses them for lunch.

1:37 p.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. Ms. Kianerci resume re-direct examination of the witness.

1:40 p.m. The witness is examined by Mr. Armstrong on re-cross examination.

1:41 p.m. The witness is excused. Witness: Kristine Setterlund, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff.

The clerk pre-marks the following Plaintiff's exhibits for identification:

No. 37 – Uber Receipts

No. 38 – Photograph of the left side of Ms. Doe's head with vegetation in her hair

- No. 39 – Photograph of the right side of Ms. Doe’s head with vegetation in her hair
- No. 40 – Photograph of the back of Ms. Doe’s head with vegetation & a clip in her hair
- No. 41 – Photograph of close up buttocks with multiple abrasions
- No. 42 – Photograph of ruler to show measurements of abrasions on right buttock
cheek
- No. 43 – Photograph of close up of ruler to show measurements of abrasions on left
buttock cheek
- No. 44 – Photograph of ruler to show measurements of abrasions on skin next to
hospital gown
- No. 45 – Photograph of close up of ruler to show measurements of abrasions on skin
next to hospital gown (numbers on ruler are unclear and blurry)
- No. 46 – Photograph of right side of neck
- No. 47 – Photograph of abrasions below right clavicle
- No. 48 – Photograph of abrasions at the base of neck & upper back
- No. 49 – Photograph of buttocks with multiple abrasions
- No. 50 – Photograph of buttocks with multiple abrasions with a ruler to take
measurements
- No. 51 – Photograph of ruler to show measurements of abrasions on right buttock
(repeat of exhibit #42)
- No. 52 – Close up photograph of ruler to show measurements of abrasions on the left
buttock cheek (repeat of exhibit #43)
- No. 53 – Photograph of ruler to show measurements of abrasions on skin next to
hospital gown (repeat of exhibit #44)
- No. 54 – Photograph of right side of neck
- No. 55 – Photograph of abrasions below right clavicle
- No. 56 – Diagram of female genitalia
- No. 57 – Photograph of female genitalia
- No. 58 – Photograph of female genitalia
- No. 59 – Photograph of female genitalia with debris inside labia minora

- 2:25 p.m. Deputy Jensen receives a juror question.
The following Plaintiff’s exhibit is marked for identification:
- 2:26 p.m. No. 60 – Photograph of diagram body and of findings
- 2:27 p.m. No. 61 – Photograph of diagram head/neck and of findings
- No. 62 – Photograph of diagram genital and of findings
- 2:30 p.m. The Court holds an unreported sidebar conference.
- 2:33 p.m. The Court is once again on the record.
- 2:36 p.m. The witness is examined by Mr. Armstrong on cross-examination.
- 3:08 p.m. The witness is examined by Ms. Kainerci on re-direct examination.
- 3:10 p.m. The witness is examined by Mr. Armstrong on re-cross examination.

- 3:11 p.m. The witness is excused. The Court admonishes the jurors and takes an afternoon recess.
- 3:33 p.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. Witness: [REDACTED] Doe, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff. JANE DOE
- 4:09 p.m. The Court holds an unreported sidebar conference.
The Court is once again on the record.
The Court takes a short recess.
- 4:15 p.m. The clerk pre-marks the following Plaintiff's exhibits for identification:
No. 63 – Screen shot of phone labeled [REDACTED] dated 1/18/15 phone # ending in 2151
No. 64 – Screen shot of text messages to [REDACTED] & Julia
- 4:16 p.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. Ms. Kianerci resumes direct examination.
- 4:35 p.m. Jurors are admonished and ordered back Monday 3/21/16 @ 9:00 am.
- 4:36 p.m. Back on the record, out of the presence of the jury, juror in seat #6 addresses the Court regarding availability during trial.
- 4:38 p.m. Court is adjourned for the evening.

The Matter is continued to March 21, 2016 @ 9:00 am

Important Conflict – See attached

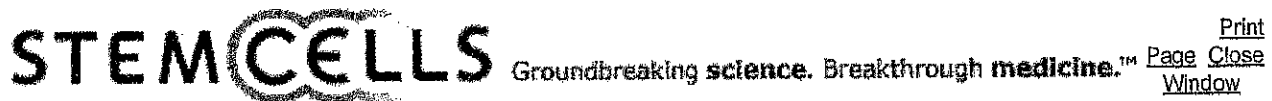
As CEO of StemCells Inc I need to be present to give the Quarterly Financial call next week.

I recently took over as CEO and this will be my first Quarterly call to investors – it is really important that I am available to do this.

Is there a way that we can create a schedule that will allow me to fulfill this very important obligation?

Respectfully

Ian J. Morrey



StemCells, Inc. Announces Webcast to Discuss Fourth Quarter 2015 Financial Results

NEWARK, Calif., March 15, 2016 (GLOBE NEWSWIRE) -- StemCells, Inc. (Nasdaq:STEM), a leading stem cell company developing novel cell-based therapeutics for the treatment of serious central nervous system diseases, announced today that it will host a conference call and webcast to discuss its results and an update on its business at 1:30 p.m. Pacific Daylight Time (4:30 p.m. Eastern Daylight Time) March 23.

Interested parties are invited to listen to the call over the Internet by accessing the Investors section of the Company's website at www.stemcellsinc.com. Webcast participants should allot extra time before the webcast begins to register and, if necessary, download and install audio software.

Event: Q4 2015 Financial Results Conference Call / Webcast

Date: Wednesday, March 23, 2016

Time: 1:30 PM PDT (4:30 PM EDT)

Live webcast: <http://edge.media-server.com/m/p/zcfs3qdv>

An archived version of the webcast will be available for replay on the Company's website beginning approximately two hours following the conclusion of the live call and continuing for a period of 30 days.

About StemCells, Inc.

StemCells, Inc. is currently engaged in clinical development of its HuCNS-SC[®] platform technology (purified human neural stem cells) as a potential treatment for chronic spinal cord injury (SCI). The Company's Pathway Study, a Phase II proof-of-concept trial in chronic cervical SCI is actively enrolling at twelve sites. Six-month interim data for the first cohort of the Pathway Study showed the first-ever clinical evidence of a treatment effect improving both upper muscle strength and motor function following cellular transplant in spinal cord injury. Top-line data from the Company's Phase I/II clinical trial in chronic thoracic SCI showed measurable gains involving multiple sensory modalities and segments in 7 of 12 patients enrolled in the study, including the conversion of two patients from the complete AIS-A spinal cord injury to the incomplete AIS-B spinal cord injury. The Company has also completed its Phase I/II clinical trial in geographic atrophy, the most advanced form of dry age related macular degeneration. Top-line results from this study show a positive safety profile and favorable preliminary efficacy data. In a Phase I clinical trial in Pelizaeus-Merzbacher disease (PMD), a fatal myelination disorder in children, the Company showed preliminary evidence of progressive and durable donor-derived myelination by MRI. A Phase 1 study in children with Batton's disease showed that transplantation of the cells into the brain was safe and resulted in long term survival of the cells.

Further information about StemCells, Inc. is available at <http://www.stemcellsinc.com>.

Apart from statements of historical fact, the text of this press release constitutes forward-looking statements within the meaning of the U.S. securities laws, and is subject to the safe harbors created therein. These forward-looking statements speak only as of the date of this news release. The Company does not undertake to update any of these forward-looking statements to reflect events or circumstances that occur after the date hereof. Such statements reflect management's current views and are based on certain assumptions that may or may not ultimately prove valid. The Company's actual results may vary materially from those contemplated in such forward-looking statements due to risks and uncertainties to which the Company is subject, including those described under the heading "Risk Factors" in the Company's Annual Report on Form 10-K for the year ended December 31, 2015.

CONTACT: Greg Schiffman
StemCells, Inc.
Chief Financial Officer
(510) 456-4128

FILED

MAR 18 2016

SUPERIOR COURT OF CALIFORNIA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
DEPUTY

COUNTY OF SANTA CLARA

The People of the State of California

Case No: B1577162

vs

Brock Allen Turner

Juror Trial Question for Witness

Name of Witness: IAN MASSET.

Question:

WAS THE NATURE OF THE DEBRIS IN THE VAGINA
DETERMINED

Date: 3/18/16 Time: 2:25

#6.
(Juror Seat Number)

FILED

MAR 18 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY [Signature] DEPUTY

The People of the State of California

Case No: B1577162

vs

Brock Allen Turner

Juror Trial Question for Witness

Name of Witness: Tom Paveello

Question:

I cannot comprehend some of
the photo evidence projected.

Please improve projection of photo
photos around jurors.

Thanks

Date: 3/15/16 Time: 9:05 AM

5
(Juror Seat Number)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
HONORABLE AARON PERSKY
DEPARTMENT 89**

Clerk: Julie Nashed
Reporter: Carley Bagatelos
Deputy: Leo Mauro

Date: March 21, 2016

Case No: B1577162

Parties:

Counsel:

The People of the State of California
Plaintiff,

Alaleh Kianerci

Vs.

Brock Allen Turner
Defendant,

Michael Armstrong

Day 8: Testimony

- 9:06 a.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. Plaintiff's exhibits 29 through 64 are admitted into evidence.
- 9:08 a.m. Ms. Kianerci reopens her case to further examine the witness.
- 9:10 a.m. The following Plaintiff's exhibit is marked for identification:
No. 65 – Screen shot of phone labeled [REDACTED] of outgoing call / phone # ending in [REDACTED]
No. 66 – Screen shot of phone labeled Julia [REDACTED] / phone # ending in [REDACTED]
- 9:12 a.m. The witness is examined by Mr. Armstrong on cross-examination.
- 9:22 a.m. The witness is examined by Ms. Kianerci on re-direct examination.
- 9:25 a.m. The witness is excused, subject to recall. Witness: Craig Lee, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff.
- 9:55 a.m. The following Plaintiff's exhibit is marked for identification:
No. 67 – DNA Chart dated 3/20/15
- 10:00 a.m. Deputy Mauro receives a juror question.
- 10:03 a.m. The Court holds an unreported sidebar conference.
The Court is once again on the record.
- 10:04 a.m. The Court examines the witness based on a juror question. Ms. Kianerci further examines the witness.

10:05 a.m. The witness is examined by Mr. Armstrong on cross-examination.

10:10 a.m. The Court holds an unreported sidebar conference.

10:11 a.m. The Court is once again on the record.

10:12 a.m. The witness is excused, subject to recall. The jury is admonished and the Court takes a morning recess.

10:41 a.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. Witness: Shaohsuan Steven Fanchiang, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff.

11:13 a.m. Deputy Mauro receives a juror question. The Court examines the witness based on a juror question.

11:14 a.m. The witness is examined by Mr. Armstrong on cross-examination.

11:19 a.m. The witness is excused. The Court holds an unreported sidebar conference.

11:21 a.m. The Court is once again on the record. The Court admonishes the jurors and excuses them for lunch.

1:31 p.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. The Court holds an unreported sidebar conference.

1:33 p.m. The Court is once again on the record. Witness: Alice King, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff.

1:43 p.m. The following Plaintiff's exhibit is marked for identification:
No. 68 – Oversized Alcohol Chart

2:09 p.m. The Court holds an unreported sidebar conference.

2:10 p.m. The Court is once again on the record.

2:25 p.m. The witness is examined by Mr. Armstrong on cross-examination.

2:30 p.m. Deputy Mauro receives a juror question.

2:36 p.m. The Court holds an unreported sidebar conference.

2:37 p.m. Deputy Mauro receives 2 juror questions.

2:38 p.m. The Court is once again on the record. The Court admonishes the jurors and takes an afternoon recess.

- 2:39 p.m. Back on the record, out of the presence of the jury, the Court begins a 402 hearing. Court exhibit marked for identification.
No. 1 – Santa Clara County Crime Lab Blood & Urine Drug Worksheet
Mr. Armstrong examines the witness.
- 2:54 p.m. 402 Hearing concluded. The Court and counsel discuss juror questions.
- 3:02 p.m. Court stands in recess.
- 3:19 p.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present. Ms. Kianerci reopens her case to further examine the witness.
- 3:24 p.m. The witness is excused. Witness: ^{JANE DOE} [REDACTED] Doe, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff.
- 4:14 p.m. The witness is examined by Mr. Armstrong on cross-examination.
- 4:28 p.m. The witness is examined by Ms. Kianerci on re-direct examination.
- 4:29 p.m. The Court holds an unreported sidebar conference.
- 4:32 p.m. The Court is once again on the record. Jurors are admonished and ordered back 3/22/16 @ 10:30 a.m.
- 4:33 p.m. Back on the record, out of the presence of the jury, The Court and counsel place sidebar discussions on the record.
- 4:36 p.m. Court is adjourned for the evening.

The Matter is continued to March 22, 2016 @ 9:00 am

FILED

MAR 21 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
DEPUTY

The People of the State of California

Case No: B1577162

vs

Brock Allen Turner

Juror Trial Question for Witness

Name of Witness: GRAIG LEE

Question: AS A CLARIFICATION,

WAS DNA FROM BROCK TURNER FOUND ON OR
ANY ITEMS OF HER CLOTHING.

JANE DSGI

Date: 3/2/16 Time: 10:00 AM

#6
(Juror Seat Number)

JUROR QUESTION

FILED

MAR 21 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of Cal. County of Santa Clara
DEPUTY

The People of the State of California

vs

Brock Allen Turner

Case No: B1577162

Juror Trial Question for Witness

Name of Witness: Steven Fanchiary

Question:

What was noted about state of
clothing of unconscious woman when
he first reached her?

Date: 3/21/16 Time: 11:12am

8

(Juror Seat Number)

FILED

MAR 21 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
DEPUTY

The People of the State of California

Case No: B1577162

vs

Brock Allen Turner

Juror Trial Question for Witness

Name of Witness: Alice King

Question:

Was any other drug checked for in
victims blood other than alcohol?

Date: 3/24/16 Time: 2:30 PM

125
(Juror Seat Number)

FILED

MAR 21 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
DEPUTY

The People of the State of California

Case No: B1577162

vs

Brock Allen Turner

Juror Trial Question for Witness

Name of Witness:

Alice King

Question:

If someone passes out and is unconscious for 5 hours and cannot be woken up as a result of reaching a blood alcohol level of .24, can you determine this person's relative tolerance to alcohol?

Date: 3/21 Time: 2:36 PM

Alt #2

(Juror Seat Number)

JUROR QUESTION

FILED

MAR 21 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

BY DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
DEPUTY

The People of the State of California

Case No: B1577162

vs

Brock Allen Turner

Juror Trial Question for Witness

Name of Witness: Alice King

Question:

Did you calculate the IV injections into consideration
to your result of 0.201 or 0.209 for [REDACTED] Doe?
JANF 051

Date: 3/21 Time: 2:40 PM

#9
(Juror Seat Number)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
HONORABLE AARON PERSKY
DEPARTMENT 89

Clerk: Julie Nashed
Reporter: Carley Bagatelos
Deputy: Leo Mauro

Date: March 22, 2016
Case No: B1577162

Parties:

Counsel:

The People of the State of California
Plaintiff,

Alaleh Kianerci

Vs.

Brock Allen Turner
Defendant.

Michael Armstrong

Day 9: Testimony

- 09:13 a.m. Court convenes on the record with the above listed counsel, defendant and sworn jurors present. The Court returns to People's Motion in Limine No. 13
- 9:20 a.m. 402 Hearing held.
The following Defense exhibit is marked for identification:
"B" – Kim Fromme, Ph.D / Curriculum Vita
- 10:47 a.m. 402 hearing concluded. The Court takes a morning recess.
- 11:16 a.m. Court convenes on the record with the above listed counsel, defendant and sworn jurors present. Ms. Kianerci resumes direct examination on witness [REDACTED] Doe.
JANE DOE 2
- 11:17 a.m. The Court holds an unreported sidebar conference.
- 11:19 a.m. The Court is once again on the record.
- 11:35 a.m. The following Plaintiff's exhibit is marked for identification:
No. 69 – Uber receipt dated 1/18/16 in the amount of \$16.98
- 11:37 a.m. The witness is examined by Mr. Armstrong on cross-examination.
- 11:40 a.m. The witness is examined by Ms. Kianerci on re-direct examination.
The witness is excused.
The Court admonishes the jurors and excuses them for lunch.
- 11:43 a.m. Back on the record, out of the presence of the jury, in chambers hearing and ruling on the 402 hearing placed on the record.

Case No. B1577162
March 22, 2016

11:51 a.m. Court stands in recess.

1:16 p.m. Court convenes on the record with above listed counsel, defendant and sworn jurors present. Defense witness called out of order. Witness: Kim Fromme, is sworn and examined by Mr. Armstrong on behalf of the defendant.

1:36 p.m. Defense exhibit "B" is admitted into evidence.

1:39 p.m. The Court holds an unreported sidebar conference.

1:42 p.m. The Court is once again on the record.

1:55 p.m. The witness is examined by Ms. Kianerci on cross-examination.

1:56 p.m. Deputy Mauro receives a juror question.

2:37 p.m. The Court holds an unreported sidebar conference. Deputy Mauro receives a juror question.

2:41 p.m. The Court is once again on the record. The Court examines the witness based on a juror question.

3:04 p.m. Court convenes on the record with the above listed counsel, defendant and sworn jurors present. Ms. Kianerci further examines the witness on cross-examination.

3:20 p.m. The witness is examined by Mr. Armstrong on re-direct examination.

3:29 p.m. The witness is excused and the court takes a short recess.

3:36 p.m. Back on the record, the Court returns to the People's case in chief. Witness: Braden Shaw, is sworn and examined by Ms. Kianerci on behalf of the Plaintiff.

4:02 p.m. The following Plaintiff's exhibit is marked for identification:
No. 70 – Photograph of a black wallet with a condom

4:03 p.m. The witness is examined by Mr. Armstrong on cross-examination.

4:06 p.m. Deputy Mauro receives a juror question.

4:09 p.m. The witness is examined by Ms. Kianerci on re-direct examination.
The witness is examined by Mr. Armstrong on re-cross examination.

4:11 p.m. The following Defense exhibit is marked for identification:
"C" – Photograph of shed & trees w/ a person in a red shirt beyond the trees labeled #6

4:13 p.m. The Court holds an unreported sidebar conference.

- 4:14 p.m. The Court is once again on the record. The witness is examined by Ms. Kainerci on re-direct examination.
- 4:15 p.m. The witness is examined by Mr. Armstrong on re-cross examination.
The witness is excused. The Court holds an unreported sidebar conference.
- 4:16 p.m. The Court is once again on the record. The Court admonishes the jurors and orders them back on 3/23/16 @ 9 a.m. Court is adjourned for the evening.

The Matter is continued to March 23, 2016 @ 9:00 am

FILED

MAR 22 2016

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

DAVID H. YAMASAKI

Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara

BY *[Signature]*

DEPUTY

The People of the State of California

vs

Brock Allen Turner

Case No: B1577162

Juror Trial Question for Witness

Name of Witness: ~~ALICE KING~~ FROMME

Question:

BASED ON THE LEVEL OF 0.127 FOR THE HYPOTHETICAL PERSON WOULD YOU EXPECT THAT PERSON TO DISPLAY ^{BEHAVIORS} SYMPTOMS SUGGESTING THE INDIVIDUAL TO BE INTOXICATED

HAVE YOU PERSONALLY TALKED WITH A PERSON ~~BE~~ WHILE THEY ARE HAVING A BLACKOUT & FOUND THEM TO BE ACTING NORMALLY & ABLE TO MAKE RATIONAL DECISIONS

Date: ~~2/21/16~~ 3/22/16 Time: ~~2:25~~ 2:35

#6.
(Juror Seat Number)

FILED

MAR 22 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

The People of the State of California

Case No: B1577162

vs

Brock Allen Turner

Juror Trial Question for Witness

Kim Fromse PhD

Name of Witness:

~~John P. Panchang~~ ~~PharmD~~

Question:

Why was victim sent to Valley Med.

instead of Stanford Med?

(be sure) "How can you act accordingly" during a blackout when you are under the influence?

Date: ~~March 21~~ 3/22/16 Time: 1:40

5
(Juror Seat Number)

FILED

MAR 22 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of Santa Clara County
BY: [Signature] DEPUTY

The People of the State of California

vs

Brock Allen Turner

Case No: B1577162

Juror Trial Question for Witness

Name of Witness: Deputy Shannon

Question:

Did you ever see the ~~victim~~ ^{victim} vomit?

Date: 3- -16 Time: 1:25 pm

12
(Juror Seat Number)

Defendant's Requested Jury Instruction No. 1

Add to CALCRIM 1048:

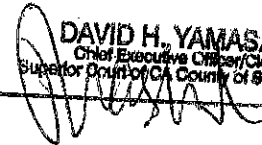
The defendant is not guilty of this crime if he actually and reasonably believed that the person was conscious, even if his belief was wrong. The People have the burden of proving beyond a reasonable doubt that the defendant did not actually and reasonably believe that the woman was unconscious. If the People have not met this burden , you must find the defendant not guilty.

(tracks language in CALCRIM 1047)

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FILED

MAR 28 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF,
VS.
BROCK ALLEN TURNER,
DEFENDANT.

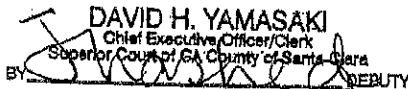
CASE NO.: B1577162

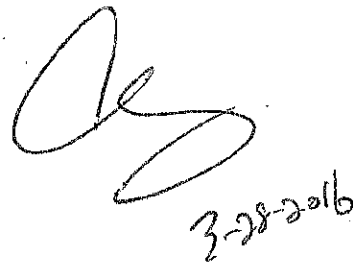
JURY INSTRUCTIONS GIVEN
(READ TO THE JURY)

JURY INSTRUCTIONS GIVEN (READ TO THE JURY)

FILED

MAR 28 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY


3-28-2016

200

Members of the jury, I will now instruct you on the law that applies to this case. Each of you has a copy of these instructions to use in the jury room. During my reading of the instructions, I may notice an error and correct it as I read and on my final, official version of the instructions. Only consider the final version of the instructions in your deliberations .

You must decide what the facts are. It is up to all of you, and you alone to decide what happened, based only on the evidence that has been presented to you in this trial.

Do not let bias, sympathy, prejudice, or public opinion influence your decision. Bias includes, but is not limited to, bias for or against the witnesses, attorneys, defendant or alleged victim, based on disability, gender, nationality, national origin, race or ethnicity, religion, gender identity, sexual orientation, age, or socioeconomic status.

You must follow the law as I explain it to you, even if you disagree with it. If you believe that the attorneys' comments on the law conflict with my instructions, you must follow my instructions.

Pay careful attention to all of these instructions and consider them together. If I repeat any instruction or idea, do not conclude that it is more important than any other instruction or idea just because I repeated it.

Some words or phrases used during this trial have legal meanings that are different from their meanings in everyday use. These words and phrases will be specifically defined in these instructions. Please be sure to listen carefully and follow the definitions that I give you. Words and phrases not specifically defined in these instructions are to be applied using their ordinary, everyday meanings.

Some of these instructions may not apply, depending on your findings about the facts of the case. Do not assume just because I give a particular instruction that I am suggesting anything about the facts. After you have decided what the facts are, follow the instructions that do apply to the facts as you find them.

201

Do not use the Internet, a dictionary, or any social media in any way in connection with this case, either on your own or as a group. Do not investigate the facts or the law or do any research regarding this case, either on your own, or as a group. Do not conduct any tests or experiments, or visit the scene of any event involved in this case. If you happen to pass by the scene, do not stop or investigate.

202

You have been given notebooks and may have taken notes during the trial. You may use your notes during deliberations. Your notes are for your own individual use to help you remember what happened during the trial. Please keep in mind that your notes may be inaccurate or incomplete.

If there is a disagreement about the testimony and stipulations at trial, you may ask that the court reporter's record be read to you. It is the record that must guide your deliberations, not your notes. You must accept the court reporter's record as accurate.

Please do not remove your notes from the jury room.
At the end of the trial, your notes will be collected and destroyed.

208

^{JANE DOE 2}
In this case, one person has been referred to as ^{JANE DOE 1} [REDACTED] Doe and one person has been referred to as [REDACTED] Doe. These names are used only to protect their privacy, as required by law. The fact that they are identified in this way is not evidence. Do not consider this fact for any purpose.

220

The fact that a criminal charge has been filed against the defendant is not evidence that the charge is true. You must not be biased against the defendant just because he has been arrested, charged with a crime, or brought to trial.

A defendant in a criminal case is presumed to be innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. Whenever I tell you the People must prove something, I mean they must prove it beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt.

In deciding whether the People have proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendant guilty beyond a reasonable doubt, he is entitled to an acquittal and you must find him not guilty.

222

"Evidence" is the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else I told you to consider as evidence.

Nothing that the attorneys say is evidence. In their opening statements and closing arguments, the attorneys discuss the case, but their remarks are not evidence. Their questions are not evidence. Only the witnesses' answers are evidence. The attorneys' questions are significant only if they helped you to understand the witnesses' answers. Do not assume that something is true just because one of the attorneys asked a question that suggested it was true.

During the trial, the attorneys may have objected to questions or moved to strike answers given by the witnesses. I ruled on the objections according to the law. If I sustained an objection, you must ignore the question. If the witness was not permitted to answer, do not guess what the answer might have been or why I ruled as I did. If I ordered testimony stricken from the record you must disregard it and must not consider that testimony for any purpose.

You must disregard anything you saw or heard when the court was not in session, even if it was done or said by one of the parties or witnesses.

During the trial, you were told that the People and the defense agreed, or stipulated, to certain facts. This means that they both accept those facts as true. Because there is no dispute about those facts you must also accept them as true.

The court reporter has made a record of everything that was said during the trial. If you decide that it is necessary, you may ask that the court reporter's record be read to you. You must accept the court reporter's record as accurate.

223

Facts may be proved by direct or circumstantial evidence or by a combination of both. Direct evidence can prove a fact by itself. For example, if a witness testifies he saw it raining outside before he came into the courthouse, that testimony is direct evidence that it was raining. Circumstantial evidence also may be called indirect evidence. Circumstantial evidence does not directly prove the fact to be decided, but is evidence of another fact or group of facts from which you may logically and reasonably conclude the truth of the fact in question. For example, if a witness testifies that he saw someone come inside wearing a raincoat covered with drops of water, that testimony is circumstantial evidence because it may support a conclusion that it was raining outside.

Both direct and circumstantial evidence are acceptable types of evidence to prove or disprove the elements of a charge, including intent and mental state and acts necessary to a conviction, and neither is necessarily more reliable than the other. Neither is entitled to any greater weight than the other. You must decide whether a fact in issue has been proved based on all the evidence.

224

Before you may rely on circumstantial evidence to conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the People have proved each fact essential to that conclusion beyond a reasonable doubt.

Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

226

You alone must judge the credibility or believability of the witnesses. In deciding whether testimony is true and accurate, use your common sense and experience. You must judge the testimony of each witness by the same standards, setting aside any bias or prejudice you may have.

You may believe all, part, or none of any witness's testimony. Consider the testimony of each witness and decide how much of it you believe.

In evaluating a witness's testimony, you may consider anything that reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the factors that you may consider are:

How well could the witness see, hear, or otherwise perceive the things about which the witness testified?

How well was the witness able to remember and describe what happened?

What was the witness's behavior while testifying?

Did the witness understand the questions and answer them directly?

Was the witness's testimony influenced by a factor such as bias or prejudice, a personal relationship with someone involved in the case, or a personal interest in how the case is decided?

What was the witness's attitude about the case or about testifying?

Did the witness make a statement in the past that is consistent or inconsistent with his or her testimony?

How reasonable is the testimony when you consider all the other evidence in the case?

Did other evidence prove or disprove any fact about which the witness testified?

Did the witness admit to being untruthful?

Do not automatically reject testimony just because of inconsistencies or conflicts. Consider whether the differences are important or not. People sometimes honestly forget things or make mistakes about what they remember. Also, two people may witness the same event yet see or hear it differently.

If you do not believe a witness's testimony that he or she no longer remembers something, that testimony is inconsistent with the witness's earlier statement on that subject.

If you decide that a witness deliberately lied about something significant in this case, you should consider not believing anything that witness says. Or, if you think the witness lied about some things, but told the truth about others, you may simply accept the part that you think is true and ignore the rest.

251

The crimes charged in this case require proof of the union, or joint operation, of act and wrongful intent.

For you to find a person guilty of the crimes in this case, that person must not only intentionally commit the prohibited act, but must do so with a specific intent or mental state. The act and the specific intent or mental state required are explained in the instruction for that crime.

300

Neither side is required to call all witnesses who may have information about the case or to produce all physical evidence that might be relevant.

301

The testimony of only one witness can prove any fact. Before you conclude that the testimony of one witness proves a fact, you should carefully review all the evidence.

302

If you determine there is a conflict in the evidence, you must decide what evidence, if any, to believe. Do not simply count the number of witnesses who agree or disagree on a point and accept the testimony of the greater number of witnesses. On the other hand, do not disregard the testimony of any witness without a reason or because of prejudice or a desire to favor one side or the other. What is important is whether the testimony or any other evidence convinces you, not just the number of witnesses who testify about a certain point.

303

During the trial, certain evidence was admitted for a limited purpose. You may consider that evidence only for that purpose and for no other.

318

You have heard evidence of statements that witnesses made before the trial. If you decide that the witnesses made those statements, you may use those statements in two ways:

1. To evaluate whether the witness's testimony in court is believable;
- AND
2. As evidence that the information in those earlier statements is true.

332

Witnesses were allowed to testify as experts and to give opinions. You must consider the opinions, but you are not required to accept them as true or correct. The meaning and importance of any opinion are for you to decide. In evaluating the believability of an expert witness, follow the instructions about the believability of witnesses generally. In addition, consider the expert's knowledge, skill, experience, training, and education, the reasons the expert gave for any opinion, and the facts or information on which the expert relied in reaching that opinion. You must decide whether information on which the expert relied was true and accurate. You may disregard any opinion that you find unbelievable, unreasonable, or unsupported by the evidence.

An expert witness may be asked a hypothetical question. A hypothetical question asks the witness to assume certain facts are true and to give an opinion based on the assumed facts. It is up to you to decide whether an assumed fact has been proved. If you conclude that an assumed fact is not true, consider the effect of the expert's reliance on that fact in evaluating the expert's opinion.

333

Witnesses who were not testifying as experts gave their opinions during the trial. You may but are not required to accept those opinions as true or correct. You may give the opinions whatever weight you think appropriate. Consider the extent of the witness's opportunity to perceive the matters on which his or her opinion is based, the reasons the witness gave for any opinion, and the facts or information on which the witness relied in forming that opinion. You must decide whether information on which the witness relied was true and accurate. You may disregard all or any part of an opinion that you find unbelievable, unreasonable, or unsupported by the evidence.

350

You have heard character testimony that the defendant is of high moral character as it relates to sexually assaultive behavior.

Evidence of the defendant's high moral character as it relates to sexually assaultive behavior can by itself create a reasonable doubt whether the defendant committed the charged crimes. However, evidence of the defendant's good character may be countered by evidence of his bad character for the same trait. You must decide the meaning and importance of the character evidence.

You may take that testimony into consideration along with all the other evidence in

deciding whether the People have proved that the defendant is guilty beyond a reasonable doubt.

351

~~The attorney for the People was allowed to ask defendant's character witnesses if they had heard that the defendant had engaged in certain conduct. These "have you heard" questions and their answers are not evidence that the defendant engaged in any such conduct. You may consider these questions and answers only to evaluate the meaning and importance of a character witness's testimony.~~

357

^{AP}
If you conclude that someone made a statement outside of court that accused the defendant of a crime intended to connect the defendant with the commission of the crime and the defendant did not deny it, you must decide whether each of the following is true:

1. The statement was made to the defendant or made in his presence;
2. The defendant heard and understood the statement;
3. The defendant would, under all the circumstances, naturally have denied the statement if he thought it was not true;

AND

4. The defendant could have denied it but did not.

If you decide that all of these requirements have been met, you may conclude that the defendant admitted the statement was true.

If you decide that any of these requirements has not been met, you must not consider either the statement or the defendant's response for any purpose.

358

You have heard evidence that the defendant made oral statements before the trial. You must decide whether the defendant made any such statements, in whole or in part. If you decide that the defendant made such statements, consider the statements, along with all the other evidence, in reaching your verdict. It is up to you to decide how much importance to give to the statements.

Consider with caution any statement made by the defendant tending to show his guilt unless the statement was written or otherwise recorded.

359

The defendant may not be convicted of any crime based on his out-of-court statements alone. You may rely on the defendant's out-of-court statements to convict him only if you first conclude that other evidence shows that the charged crime was committed.

That other evidence may be slight and need only be enough to support a reasonable inference that a crime was committed.

This requirement of other evidence does not apply to proving the identity of the person who committed the crime. If other evidence shows that the charged crime was committed, the identity of the person who committed it may be proved by the defendant's statements alone.

You may not convict the defendant unless the People have proved his guilt beyond a reasonable doubt.

370

The People are not required to prove that the defendant had a motive to commit any of the crimes charged. In reaching your verdict you may, however, consider whether the defendant had a motive.

Having a motive may be a factor tending to show that the defendant is guilty. Not having a motive may be a factor tending to show the defendant is not guilty.

372

If the defendant fled or tried to flee immediately after the crime was committed or after he was accused of committing the crime, that conduct may show that he was aware of his guilt. If you conclude that the defendant fled or tried to flee, it is up to you to decide the meaning and importance of that conduct. However, evidence that the defendant fled or tried to flee cannot prove guilt by itself.

890A

The defendant is charged in Count 1 with Assault with Intent to Commit Rape of an Intoxicated or Unconscious Person in violation of Penal Code section 220(a).

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant did an act that by its nature would directly and probably result in the application of force to a person;
2. The defendant did that act willfully;
3. When the defendant acted, he was aware of facts that would lead a reasonable person to realize that his act by its nature would directly and probably result in the application of force to someone;
4. When the defendant acted, he had the present ability to apply force to a person;

AND

5. When the defendant acted, he intended to commit Rape of an Intoxicated or Unconscious Person.

Someone commits an act willfully when he or she does it willingly or on purpose.

The terms application of force and apply force mean to touch in a harmful or offensive manner. The slightest touching can be enough if it is done in a rude or angry way. Making contact with another person, including through his or her clothing, is enough. The touching does not have to cause pain or injury of any kind.

The People are not required to prove that the defendant actually touched someone.

No one needs to actually have been injured by the defendant's act. But if someone was injured, you may consider that fact, along with all the other evidence, in deciding whether the defendant committed an assault, and if so, what kind of assault it was.

To decide whether the defendant intended to commit Rape of an Intoxicated or Unconscious person, please refer to the following two instructions which define those crimes.

1002A

The defendant is charged in Count 1 with Assault with Intent to Commit Rape of an Intoxicated Person. Element 5 of Count 1 requires the People to prove that when the defendant acted, he intended to commit rape of an intoxicated person.

The crime of rape of an intoxicated person is defined as follows:

1. A defendant had sexual intercourse with a woman;
2. He and the woman were not married to each other at the time of the intercourse;
3. The effect of an intoxicating substance prevented the woman from resisting;

AND

4. The defendant knew or reasonably should have known that the effect of an intoxicating substance prevented the woman from resisting;

Sexual intercourse means any penetration, no matter how slight, of the vagina or genitalia by the penis. Ejaculation is not required.

A person is prevented from resisting if he or she is so intoxicated that he or she cannot give legal consent. In order to give legal consent, a person must be able to exercise reasonable judgment. In other words, the person must be able to understand and weigh the physical nature of the act, its moral character, and probable consequences. Legal consent is consent given freely and voluntarily by someone who knows the nature of the act involved.

The defendant is not guilty of this crime if he actually and reasonably believed that the woman was capable of consenting to sexual intercourse, even if that belief was wrong. The People have the burden of proving beyond a reasonable doubt that the defendant did not actually and reasonably believe that the woman was capable of consenting. If the People have not met this burden, you must find the defendant not guilty.

1003A

The defendant is charged in Count 1 with Assault with Intent to Commit Rape of an Unconscious Person. Element 5 of Count 1 requires the People to prove that when the defendant acted, he intended to commit rape of an unconscious person.

The crime of rape of an unconscious person is defined as follows:

1. A defendant had sexual intercourse with a woman;
2. He and the woman were not married to each other at the time of the intercourse;
3. The woman was unable to resist because she was unconscious of the nature of the act;

AND

4. The defendant knew that the woman was unable to resist because she was unconscious of the nature of the act.

Sexual intercourse means any penetration, no matter how slight, of the vagina or genitalia by the penis. Ejaculation is not required.

A woman is unconscious of the nature of the act if she is unconscious or asleep or not aware that the act is occurring.

The defendant is not guilty of this crime if he did not have the mental state required to commit the crime because he did not know a fact or mistakenly believed a fact. If the defendant's conduct would have been lawful under the facts as he believed them to be, he did not commit this crime. If you find that the defendant believed that the woman was unconscious of the nature of the act, he did not have the mental state required for this crime. If you have a reasonable doubt about whether the defendant had the mental state required for this crime, you must find him not guilty of this crime.

AP

1047A

The defendant is charged in Count 2 with sexual penetration of a person while that person was intoxicated in violation of Penal Code section 289(e).

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant committed an act of sexual penetration with another person;
2. The penetration was accomplished by using a foreign object,
3. The effect of an intoxicating substance prevented the other person from resisting the act;

AND

4. The defendant knew or reasonably should have known that the effect of that substance prevented the other person from resisting the act.

Sexual penetration means penetration, however slight, of the genital or anal opening of the other person for the purpose of sexual abuse, arousal, or gratification.

A person is prevented from resisting if he or she is so intoxicated that he or she cannot give legal consent. In order to give legal consent, a person must be able to exercise reasonable judgment. In other words, the person must be able to understand and weigh the physical nature of the act, its moral character, and probable consequences. Legal consent is consent given freely and voluntarily by someone who knows the nature of the act involved.

A foreign object, substance, instrument, or device includes any part of the body except a sexual organ. An unknown object includes any foreign object, substance, instrument, or device, or any part of the body, including a penis, if it is not known what object penetrated the opening.

The defendant is not guilty of this crime if he actually and reasonably believed that the person was capable of consenting to the act, even if the defendant's belief was wrong. The People have the burden of proving beyond a reasonable doubt that the defendant did not actually and reasonably believe that the woman was capable of consenting. If the People have not met this burden, you must find the defendant not guilty.

1048A

The defendant is charged in Count 3 with sexual penetration of a person who was unconscious of the nature of the act in violation of Penal Code section 289(d).

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant committed an act of sexual penetration with another person;
2. The penetration was accomplished by using a foreign object;
3. The other person was unable to resist because she was unconscious of the nature of the act;

AND

4. The defendant knew that the other person was unable to resist because she was unconscious of the nature of the act.

Sexual penetration means penetration, however slight, of the genital or anal opening of the other person for the purpose of sexual abuse, arousal, or gratification.

A person is unconscious of the nature of the act if he or she is unconscious or asleep or not aware that the act is occurring.

A foreign object, substance, instrument, or device includes any part of the body except a sexual organ. An unknown object includes any foreign object, substance, instrument, or device, or any part of the body, including a penis, if it is not known what object penetrated the opening.

The defendant is not guilty of this crime if he did not have the mental state required to commit the crime because he did not know a fact or mistakenly believed a fact. If the defendant's conduct would have been lawful under the facts as he believed them to be, he did not commit this crime. If you find that the defendant believed that the person was unconscious of the nature of the act, he did not have the mental state required for this crime. If you have a reasonable doubt about whether the defendant had the mental state required for this crime, you must find him not guilty of this crime.

1048B

Penetration of the genital opening refers to penetration of the labia majora, not the vagina.

1190

Conviction of a sexual assault crime may be based on the testimony of a complaining witness alone.

The defendant is charged in Count One with Assault with Intent to Commit Rape of an Intoxicated or Unconscious Person.

The People have presented evidence relating to both intoxication and unconsciousness. You must not find the defendant guilty of Count One unless you all agree that the People have proved that the defendant committed the crime of either 1) assault with intent to commit rape of an intoxicated person, or 2) assault with intent to commit rape of an unconscious person; and you all agree on which crime he committed.

When you go to the jury room, the first thing you should do is choose a foreperson. The foreperson should see to it that your discussions are carried on in an organized way and that everyone has a fair chance to be heard.

It is your duty to talk with one another and to deliberate in the jury room. You should try to agree on a verdict if you can. Each of you must decide the case for yourself, but only after you have discussed the evidence with the other jurors. Do not hesitate to change your mind if you become convinced that you are wrong. But do not change your mind just because other jurors disagree with you.

Keep an open mind and openly exchange your thoughts and ideas about this case. Stating your opinions too strongly at the beginning or immediately announcing how you plan to vote may interfere with an open discussion. Please treat one another courteously. Your role is to be an impartial judge of the facts, not to act as an advocate for one side or the other.

As I told you at the beginning of the trial, do not talk about the case or about any of the people or any subject involved in it with anyone, including, but not limited to, your spouse or other family, or friends, spiritual leaders or advisors, or therapists. You must discuss the case only in the jury room and only when all jurors are present. Do not discuss your deliberations with anyone. Do not communicate using any social media during your deliberations.

It is very important that you not use the Internet, a dictionary, or any social media in any way in connection with this case during your deliberations.

During the trial, several items were received into evidence as exhibits. You may examine whatever exhibits you think will help you in your deliberations. These exhibits will be sent into the jury room with you when you begin to deliberate.

If you need to communicate with me while you are deliberating, send a note through the deputy, signed by the foreperson or by one or more members of the jury. To have a complete record of this trial, it is important that you not communicate with me except by a written note. If you have questions, I will talk with the attorneys before I answer so it may take some time. You should continue your deliberations while you wait for my answer. I will answer any questions in writing or orally here in open court.

Do not reveal to me or anyone else how the vote stands on the question of guilt unless I ask you to do so.

Your verdict on each count must be unanimous. This means that, to return a verdict, all of you must agree to it. Do not reach a decision by the flip of a coin or by any similar act.

It is not my role to tell you what your verdict should be. Do not take anything I said or

did during the trial as an indication of what I think about the facts, the witnesses, or what your verdict should be.

You must reach your verdict without any consideration of punishment.

You will be given verdict forms. As soon as all jurors have agreed on a verdict, the foreperson must date and sign the appropriate verdict forms and notify the deputy. If you are able to reach a unanimous decision on only one or only some of the charges, fill in those verdict forms only, and notify the deputy. Return any unsigned verdict form.

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JEFFREY ROSEN
District Attorney, #163589
Alaleh Kianerci
Deputy District Attorney, #254198
70 W. Hedding Street, 6th Floor
San Jose, California 95110
Telephone: (408) 792-2955

Attorneys for the People

FILED

MAR 28 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
DEPUTY
[Signature]
Julie Nashed

SUPERIOR COURT OF THE STATE OF CALIFORNIA
SANTA CLARA COUNTY

PEOPLE OF THE STATE OF CALIFORNIA,) Case No.: B1577162
Plaintiff,)
vs.) PEOPLE'S PROPOSED JURY
INSTRUCTIONS
BROCK ALLEN TURNER,)
Defendant.)
Date: 3/28/16
Time: 1:30 a.m.
Dept: 89
Hon. Persky

The People propose the following jury instructions:

- 208
- 220
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1 351
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2 358
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3 372
1190

4 Caljic 1.23.1 definition of consent

5 Pinpoint re penetration-

6 "Penetration of the genital opening refers to penetration of the labia majora, not the vagina."
7 People v. Quintana (2001) 89 Cal. App. 4th 1362, 1371.

8 Also, should the defense request voluntary intoxication CALCRIM 3426. I would ask for the
9 following pinpoint.

10 1047 Penetration of an intoxicated person has specific intent requirement that the "[s]exual
11 penetration [is done] for the purpose of sexual abuse, arousal, or gratification." The People
12 request the following pinpoint, for CALCRIM 3426: "You may consider evidence, if any, of the
13 defendant's voluntary intoxication only in a limited way. You may consider that evidence only in
14 deciding whether the defendant acted with the intent to achieve sexual abuse, arousal, or
15 gratification."

16 Dated: March 28, 2016

17 Respectfully Submitted,

18 Jeffrey Rosen
19 DISTRICT ATTORNEY

20 
21 Aaleh Kianerci
22 Deputy District Attorney
23
24

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
HONORABLE AARON PERSKY
DEPARTMENT 89

Clerk: Julie Nashed
Reporter: Carley Bagatelos
Deputy: Leo Mauro

Date: March 29, 2016

Case No: B1577162

Parties:

Counsel:

The People of the State of California
Plaintiff,

Alaleh Kianerci

Vs.

Brock Allen Turner
Defendant.

Michael Armstrong

Day 13: Deliberations

- 9:07 a.m. The Court convenes on the record with all the above listed counsel, parties and sworn jurors present.
- 9:09 a.m. The clerk administers the oath the Deputy Mauro and he affirms that he will take charge of the sworn jurors. Deputy Mauro escorts the jury into the jury room to begin deliberations.
- 9:10 a.m. The Court reads on final instruction to the alternate jurors and places on telephone standby and releases them for the day.
- 9:12 a.m. Back on the record out of the presence of the jury, the Court and counsel discuss verdicts.
- 9:16 a.m. The court stands in recess.
- 11:00 a.m. The clerk administers the oath the Deputy Duarte and he affirms that he will temporarily take charge of the sworn jurors.
- 11:52 a.m. Jurors take a lunch recess.
- 1:00 p.m. All 12 jurors are present and escorted into the jury room to resume deliberations.
- 1:08 p.m. Deputy Mauro resumes the responsibly of the jury.
- 2:35 p.m. Jurors take an afternoon recess.
- 2:52 p.m. All 12 jurors are present and escorted into the jury room to resume deliberations.

Case No. B1577162

March 29, 2016

3:10 p.m. Deputy Mauro receives juror question No. 1.

4:28 p.m. The Jurors break for the night.

Trial is continued to March 30, 2016 @ 8:30 am

FILED

MAR 29 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY [Signature] DEPUTY

3577

To the alternate jurors: The jury will soon begin deliberating, but you are still alternate jurors and are bound by my earlier instructions about your conduct.

Do not talk about the case or about any of the people or any subject involved in it with anyone, not even your family or friends, and not even with each other. Do not have any contact with the deliberating jurors. Do not decide how you would vote if you were deliberating. Do not form or express an opinion about the issues in this case, unless you are substituted for one of the deliberating jurors.

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

MAR 29 2016

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY *David H. Yamasaki* DEPUTY

The People of the State of California
vs
Brock Allen Turner

Case No: B1577162

Jury Question No. 1

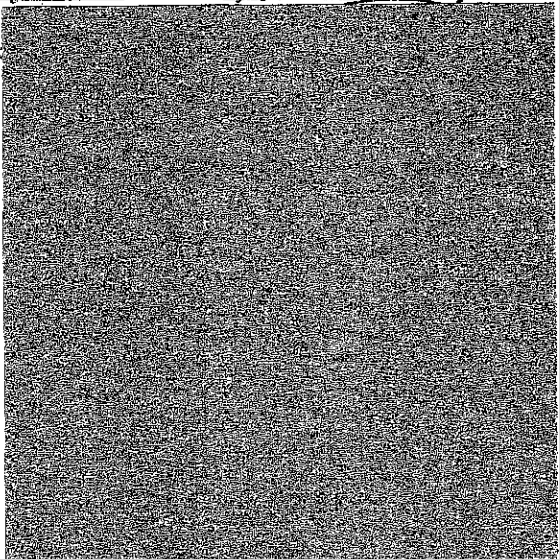
(DO NOT INDICATE OR WRITE YOUR VERDICT ON THIS FORM)

We, the jury in the above-entitled action, request the following, or have the following question(s):

NAME
We would like to have ~~the~~ Suterlands
testimony

Date: *2/29/16* Time: *3:10*

FOREPERSON:<



JURY QUESTION (DELIBERATING JURY)


Redacted

FILED

People of the State of California v. Brock Allen Turner (B1577162)

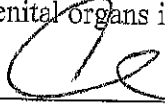
MAR 30 2016

Response to Jury Question Number Four

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY

Question: Is contact with the inner lining of the Labia Majora or any portion of the Labia Minora considered penetration?

Response: Sexual penetration means penetration, however slight, of the genital or anal opening of the other person for the purpose of sexual abuse, arousal, or gratification. Penetration of the genital opening refers to penetration of the labia majora, not the vagina. Penetration of the external genital organs is sufficient to constitute sexual penetration.



Hon. Aaron Persky

Date: 3-30-2016

FILED

SUPERIOR COURT OF CALIFORNIA

MAR 30 2016

COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY: *[Signature]* DEPUTY

The People of the State of California

vs

Brock Allen Turner

Case No: B1577162

Jury Question No. 2

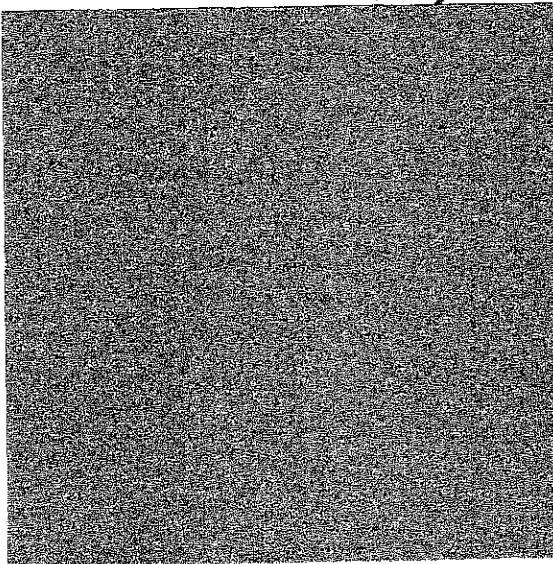
(DO NOT INDICATE OR WRITE YOUR VERDICT ON THIS FORM)

We, the jury in the above-entitled action, request the following, or have the following question(s):

*We want just the testimony related to
people's exhibit 2, 56-62, by the SART
Nurse Kristine Peltier.*

Date: 3/30/16 Time: 8:55 AM

FOREPERSON:



JURY QUESTION (DELIBERATING JURY)

Redacted

FILED

SUPERIOR COURT OF CALIFORNIA

MAR 30 2016

COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY *[Signature]* DEPUTY

The People of the State of California

vs

Brock Allen Turner

Case No: B1577162

Jury Question No. 3

(DO NOT INDICATE OR WRITE YOUR VERDICT ON THIS FORM)

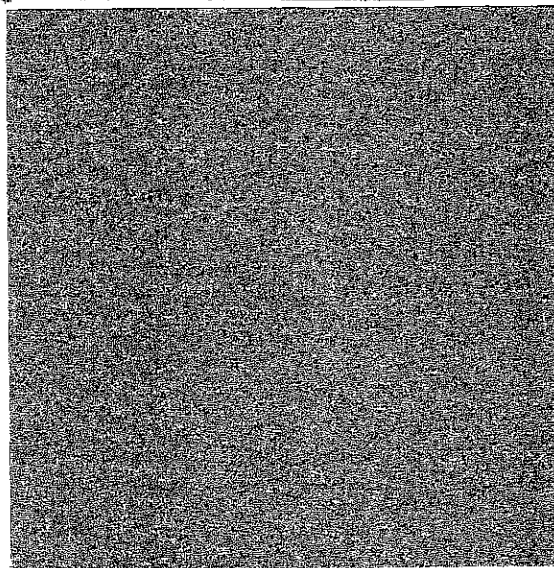
We, the jury in the above-entitled action, request the following, or have the following question(s):

Last
With regard to ~~Count 3~~, Paragraph 1048A, ~~if the defendant did not believe he was penetrating the victim, did he not have the mental state to commit the crime,~~

If the defendant did not know or mistakenly believe his act was not penetration does it manifest the required mental state to commit the crime under Count 3?

Date: 3/30/16 Time: 1:10

FOREPERSON:



JURY QUESTION (DELIBERATING JURY)

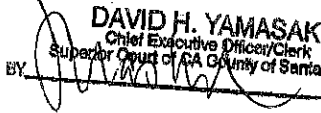
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FILED

MAR 30 2016

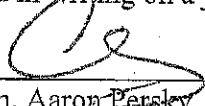
People of the State of California v. Brock Allen Turner (B1577162)

Response to Jury Question Number Three

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY

Question: With regard to Count 3, last paragraph 1048A, if the defendant did not know or mistakenly believe his act was not penetration does it negate the required mental state to commit the crime under Count 3.

Response: We need clarification of your question. Is the question accurately rephrased as: If the defendant did not know his act was penetration, or if the defendant mistakenly believed his act was not penetration, does it negate the required mental state to commit the crime under Count 3? Please respond in writing on a juror question form.



Hon. Aaron Persky

Date: 3-30-2016

FILED

SUPERIOR COURT OF CALIFORNIA

MAR 30 2016

COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY: *[Signature]* DEPUTY

The People of the State of California

vs

Brock Allen Turner

Case No: B1577162

Jury Question No. 4

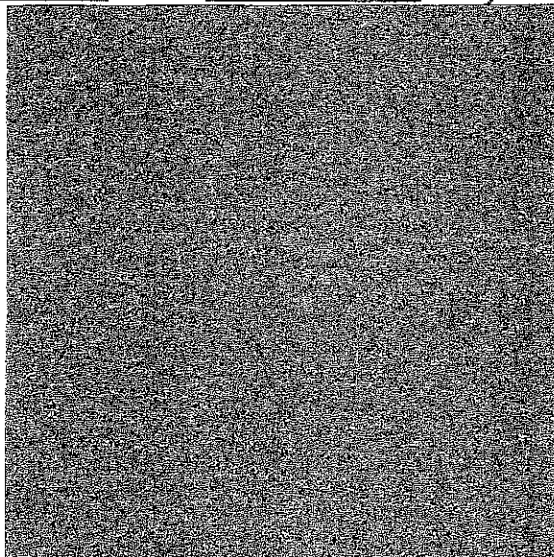
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We, the jury in the above-entitled action, request the following, or have the following question(s):

~~IF~~
If the defendant did not know his act was penetration, or if the defendant mistakenly believed his act was not penetration, does it negate the required mental state to commit the crime under Count 3?

Date: 3/30/16 Time: 1:40 PM

FOREPERSON:



JURY QUESTION (DELIBERATING JURY)

Redacted

FILED

People of the State of California v. Brock Allen Turner (B1577162)


MAR 30 2016

Response to Jury Question Number Four

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY  DEPUTY

Question: If the defendant did not know his act was penetration, or if the defendant mistakenly believed his act was not penetration, does it negate the required mental state to commit the crime under Count 3?

Response: No. The last paragraph of Instruction 1048A applies to Element 4 of the Instruction, which contains the required mental state: the People must prove that the defendant knew that the other person was unable to resist because she was unconscious of the nature of the act.



Hon. Aaron Persky

Date: 3-30-2016

FILED

MAR 30 2016

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY *[Signature]* DEPUTY

The People of the State of California

vs

Brock Allen Turner

Case No: B1577162

Jury Question No. 5

(DO NOT INDICATE OR WRITE YOUR VERDICT ON THIS FORM)

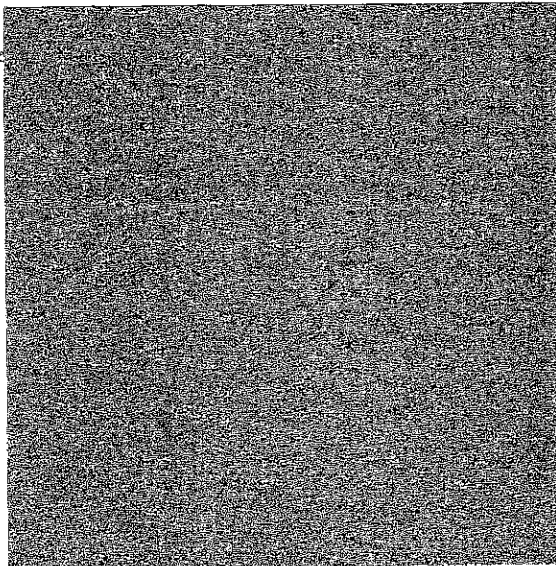
We, the jury in the above-entitled action, request the following, or have the following question(s): ~~contact with the minor~~

~~Is touching under Labia Majora or Labia~~
~~Minora,~~

lining of the
Is contact with the minor, Labia Majora
on any portion of the Labia Minora
considered penetration?

Date: 3/30/16 Time: 2:34

FOREPERSON:



JURY QUESTION (DELIBERATING JURY)

Redacted

FILED

MAR 30 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY *[Signature]* DEPUTY

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
-vs-)
BROCK ALLEN TURNER,)
Defendant.)

INFORMATION NO. B1577162

VERDICT OF THE JURY

VERDICT

COUNT ONE – PENAL CODE SECTION 220(a)(1) - FELONY

We, the Jury, find the defendant, BROCK ALLEN TURNER,

Guilty of a felony, a violation of California Penal Code section
(Guilty/Not Guilty)

220(a)(1) ASSAULT WITH INTENT TO COMMIT RAPE OF AN INTOXICATED OR

UNCONSCIOUS PERSON.

Date: 3/30/16

[Faint signature and stamp area]
Foreperson Juror # 5

Redacted

FILED

MAR 30 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY: *[Signature]* DEPUTY

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)

INFORMATION NO. B1577162

-vs-

VERDICT OF THE JURY

BROCK ALLEN TURNER,)
Defendant.)

VERDICT

COUNT TWO – PENAL CODE SECTION 289(e) – FELONY

We, the Jury, find the defendant, BROCK ALLEN TURNER,

Guilty of a felony, a violation of California Penal Code section
(Guilty/Not Guilty)

289(e) SEXUAL PENETRATION WHEN THE VICTIM WAS INTOXICATED.

Date: 3/30/16

Foreperson Juror # 5

Redacted

FILED

MAR 30 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY: *[Signature]* DEPUTY

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff,)
-vs-)
BROCK ALLEN TURNER,)
Defendant.)

INFORMATION NO. B1577162
VERDICT OF THE JURY

VERDICT

COUNT THREE -- PENAL CODE SECTION 289(d) -- FELONY

We, the Jury, find the defendant, BROCK ALLEN TURNER,

Guilty of a felony, a violation of California Penal Code section
(Guilty/Not Guilty)

289(d) SEXUAL PENETRATION WHERE THE VICTIM WAS UNCONSCIOUS OF THE
NATURE OF THE ACT.

Date: 3/30/16



Foreperson Juror # 5

Redacted