

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF ORANGE

3 HARBOR JUSTICE CENTER

4 DEPARTMENT H-4

5
6 THE PEOPLE OF THE STATE OF CALIFORNIA,)

7)
8)
9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)

VS.

CASE NO. 09HF1564

MATTHEW ROBINSON,)

DEFENDANT.)

HONORABLE MATTHEW S. ANDERSON, JUDGE

REPORTER'S PARTIAL TRANSCRIPT OF PRELIMINARY HEARING

MONDAY, NOVEMBER 30, 2009

AND

TUESDAY, DECEMBER 1, 2009

STARLETTE SONIEGA-ARMIJO, CSR NO. 10584, RPR
OFFICIAL COURT REPORTER

ORIGINAL

1 APPEARANCES OF COUNSEL:

2 FOR PLAINTIFF: TONY RACKAUCKAS
3 DISTRICT ATTORNEY
4 BY: HEIDI GARREL
5 DEPUTY DISTRICT ATTORNEY

6 FOR DEFENDANT: DEBORAH KWAST
7 ORANGE COUNTY PUBLIC DEFENDER
8 BY: RICHARD CARMONA
9 DEPUTY PUBLIC DEFENDER

10 FOR THE WITNESS BRYAN: LAW OFFICES OF KIM SCHUMANN
11 NOVEMBER 30, 2009 BY: KIM SCHUMANN
(MORNING SESSION) ATTORNEY AT LAW
3100 BRISTOL STREET, SUITE 400
COSTA MESA, CALIFORNIA 92686
(714) 850-0210

12 FOR THE WITNESS BRYAN: LAW OFFICES OF STULL & STULL
13 NOVEMBER 30, 2009 BY: ADAM R. STULL
(AFTERNOON SESSION) ATTORNEY AT LAW
14 15615 ALTON PARKWAY, SUITE 450
15 IRVINE, CALIFORNIA 92618
(949) 271-6485

16 FOR THE WITNESS BRYAN: LAW OFFICES OF TIMOTHY R. CASEY
17 DECEMBER 1, 2009 BY: TIMOTHY R. CASEY, SPECIALLY
18 APPEARING FOR ADAM R. STULL
ATTORNEYS AT LAW
19 850 EAST CHAPMAN AVENUE, SUITE D
ORANGE, CALIFORNIA 92866
20 (714) 558-7777

21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

I N D E X

<u>PEOPLE'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
KELLY BRYAN	9				
(RESUMED)	17				
(RESUMED)	28				

<u>DEFENSE WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
(NONE)					

(ON DECEMBER 1, 2009, THE DEFENDANT WAS BOUND OVER TO APPEAR IN SUPERIOR COURT, DEPARTMENT C-5, ON DECEMBER 14, 2009, AT 8:30 A.M.)

1 NEWPORT BEACH, CALIFORNIA - MONDAY, NOVEMBER 30, 2009

2 11:17 A.M.

3 * * *

4
5 DEPARTMENT H-4 HONORABLE MATTHEW S. ANDERSON, JUDGE

6
7 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT:)

8 THE COURT: GOOD MORNING, COUNSEL.

9 MR. CARMONA: GOOD MORNING, YOUR HONOR.

10 MS. GARREL: GOOD MORNING, YOUR HONOR.

11 THE COURT: OKAY. IN THE MATTER OF MATTHEW JOSEPH
12 VASQUEZ ROBINSON, CASE NUMBER 0-9-H-F-1-5-6-4. THE CASE HAS
13 BEEN SENT HERE FOR PRELIMINARY HEARING.

14 COUNSEL, YOUR APPEARANCES, PLEASE.

15 MS. GARREL: HEIDI GARREL FOR THE PEOPLE.

16 MR. CARMONA: RICHARD CARMONA, DEPUTY PUBLIC
17 DEFENDER.

18 AND JUST FOR THE RECORD, YOUR HONOR, MY
19 CLIENT ADVISES ME THAT HIS TRUE NAME IS "MATTHEW JOSEPH
20 ROBINSON."

21 THE COURT: OKAY. NO "VASQUEZ"?

22 MR. CARMONA: NO "VASQUEZ."

23 THE COURT: AND, MR. ROBINSON, I SHOW A DATE OF
24 BIRTH FOR YOU OF NOVEMBER 25TH, 1979; IS THAT CORRECT, SIR?

25 THE DEFENDANT: YES, SIR.

26 THE COURT: OKAY. THANK YOU.

1 ALL RIGHT. THE COURT HAS A FELONY COMPLAINT,
2 FIRST AMENDED OR AMENDMENT NUMBER ONE. IN THAT COMPLAINT
3 MR. ROBINSON IS CHARGED FROM SEPTEMBER 2ND, IN COUNT 1 WITH
4 A VIOLATION OF PENAL CODE SECTION 273.5, A FELONY, DOMESTIC
5 BATTERY CAUSING INJURY.

6 AND ALSO THERE IS AN ALLEGATION OF A PRIOR
7 CONVICTION FOR DOMESTIC VIOLENCE CASE, AND THAT'S ALLEGED IN
8 THE COMPLAINT FROM 2002.

9 ALSO, THE COMPLAINT CONTAINS AN ENHANCEMENT,
10 CRIME-BAIL-CRIME ENHANCEMENT, PENAL CODE SECTION 12022.1,
11 SUBDIVISION (B).

12 AND FOR COMPLETENESS, THE COMPLAINT ALSO
13 ALLEGES A PRIOR CONVICTION, WHICH IS ALLEGED AS A STRIKE
14 PRIOR, UNDER PENAL CODE SECTION 667, SUBDIVISION (D),
15 SUBDIVISION (E), SUBDIVISION (1).

16 AND THERE ARE TWO PRISON PRIORS ALLEGED
17 WITHIN THE MEANING OF PENAL CODE SECTION 667.5,
18 SUBDIVISION (B).

19 COUNSEL, ANYTHING WE NEED TO COVER BEFORE WE
20 BEGIN?

21 MS. GARREL: NO, YOUR HONOR. I'LL JUST ASK THAT
22 THE NONTESTIFYING WITNESSES WAIT OUT IN THE HALLWAY.

23 THE COURT: THAT REQUEST IS GRANTED.

24 ANYTHING FROM YOU, MR. CARMONA?

25 MR. CARMONA: NO, YOUR HONOR. THANK YOU.

26 THE COURT: OKAY. MS. GARREL, WHENEVER YOU'RE

1 READY, PLEASE CALL YOUR FIRST WITNESS.

2 MS. GARREL: THANK YOU, YOUR HONOR.

3 THE PEOPLE CALL KELLY BRYAN.

4 MR. SCHUMANN: YOUR HONOR, KIM SCHUMANN. I'M THE
5 ATTORNEY FOR MS. BRYAN.

6 THE COURT: YES.

7 MR. SCHUMANN: BEFORE MS. BRYAN TAKES THE WITNESS
8 STAND, I'M GOING TO INFORM THE COURT THAT MY CLIENT IS GOING
9 TO TAKE THE 5TH.

10 THE COURT: WELL, LET'S SEE WHAT SHE DOES WHEN SHE
11 TAKES THE WITNESS STAND.

12 THE BAILIFF: RAISE YOUR RIGHT HAND AND FACE THE
13 CLERK.

14 THE CLERK: YOU DO SOLEMNLY STATE THAT THE EVIDENCE
15 YOU ARE ABOUT TO GIVE IN THE CASE NOW PENDING BEFORE THIS
16 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT
17 THE TRUTH, SO HELP YOU GOD.

18 THE WITNESS: I DO.

19 THE CLERK: PLEASE BE SEATED IN THE WITNESS STAND.

20 AND COULD YOU PLEASE STATE YOUR FULL NAME FOR
21 THE RECORD, SPELLING YOUR LAST.

22 THE WITNESS: IT'S KELLY BRYAN, B-R-Y-A-N.

23 THE CLERK: THANK YOU.

24 THE COURT: MS. GARREL.

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

KELLY BRYAN,

CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, AND HAVING BEEN
FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MS. GARREL:

Q GOOD MORNING, MS. BRYAN.

DO YOU KNOW THE GENTLEMEN SEATED TO MY LEFT
IN THE ORANGE JUMPSUIT?

A I DO.

Q AND HOW DO YOU KNOW HIM?

A HE'S MY HUSBAND.

Q AND WHAT IS HIS NAME?

A MATTHEW ROBINSON.

Q AND WHEN WERE THE TWO OF YOU MARRIED?

A AUGUST 30TH.

Q OF WHAT YEAR?

A LAST YEAR.

Q SO 2008?

A UH-HUH.

Q IS THAT A "YES"?

A CORRECT.

Q AND I NOTICED THAT YOU'RE PREGNANT; CORRECT?

A CORRECT.

Q YOU HAVE TO ANSWER OUT LOUD. THE COURT
REPORTER IS TAKING THINGS DOWN.

1 A I PLEAD THE 5TH.

2 Q YOU PLEAD THE 5TH ABOUT BEING PREGNANT?

3 A I DO.

4 MS. GARREL: YOUR HONOR, I'M NOT QUITE SURE HOW
5 THAT INCRIMINATES HER.

6 THE COURT: I DON'T EITHER. I DON'T UNDERSTAND
7 WHAT YOUR POINT IS.

8 MR. SCHUMANN: YOUR HONOR, IF I MAY?

9 THE COURT: YES.

10 MR. SCHUMANN: MY CLIENT IS GOING TO SERVE HER 5TH
11 FOR ANYTHING RELATED TO THE ALLEGED CRIME THAT'S COMMITTED.
12 IF THE D.A. WILL LIMIT THE INITIAL QUESTIONING TO JUST
13 PERSONAL QUESTIONS, THEN I WOULD RECOMMEND TO HER THAT SHE
14 NOT PLEAD THE 5TH ON PERSONAL MATTERS. BUT ANYTHING RELATED
15 TO THE ALLEGED CRIME, SHE IS GOING TO PLEAD THE 5TH TO IS
16 WHAT SHE HAS DISCUSSED WITH ME.

17 SHE AND I DO NOT WANT TO GET INTO A SITUATION
18 WHERE SHE ANSWERS A QUESTION ABOUT HER PERSONAL BEING AND
19 THEN YOUR HONOR RULES THAT SHE HAS NOW OPENED THE DOOR.

20 THE COURT: SO I THINK I UNDERSTAND YOUR POINT, BUT
21 WE DON'T DO THIS IN THE ABSTRACT. IT'S DONE BASED ON WHAT
22 THE QUESTION IS AND WHAT THE ANSWER IS.

23 MR. SCHUMANN: OKAY.

24 THE COURT: AND AT THIS POINT THE QUESTION IS, I
25 BELIEVE, "ARE YOU PREGNANT?"

26 MR. SCHUMANN: OKAY.

1 THE COURT: IS THAT A QUESTION FOR WHICH YOU'RE
2 GOING TO RECOMMEND TO YOUR CLIENT SHE SHOULD REFUSE TO
3 ANSWER?

4 MR. SCHUMANN: NO, IT'S NOT.

5 THE COURT: GO AHEAD.

6 THE WITNESS: SO, YES, I AM.

7 THE COURT: MS. GARREL:

8 Q BY MS. GARREL: AND THE DEFENDANT IS THE
9 FATHER?

10 A CORRECT.

11 Q AND AFTER GETTING MARRIED IN AUGUST -- ON
12 AUGUST 30TH, 2008, YOU AND YOUR HUSBAND RESIDED TOGETHER?

13 A NOT UNTIL -- NO.

14 Q NOT UNTIL AUGUST 30TH, 2008?

15 A NO, LATER THAN THAT.

16 Q YOU -- WHEN DID YOU START RESIDING TOGETHER?

17 A APRIL --

18 MR. CARMONA: OBJECTION, YOUR HONOR.

19 OF COURSE, I DON'T REPRESENT THIS WITNESS,
20 BUT I THINK WHAT I HEARD WAS SHE WISHES TO ASSERT THE 5TH IN
21 ANY MATTERS THAT ARE RELATED TO THESE CHARGES, AND, OF
22 COURSE, THE RELATIONSHIP IS RELATED TO THE CHARGES IN THIS
23 CASE. THERE HAS TO BE A RELATIONSHIP THAT SHE HAS WITH MY
24 CLIENT. SO I THINK THE ANSWERS ARE RELATED TO THE CHARGES.

25 THE COURT: WELL, THAT MIGHT BE, BUT YOU DON'T HAVE
26 A STAND TO MAKE THE OBJECTION AT THIS POINT.

1 THE OBJECTION IS OVERRULED.

2 MR. CARMONA: ALL RIGHT. THANK YOU, YOUR HONOR.

3 THE COURT: I UNDERSTAND.

4 JUST TO COMMENT ON WHAT MR. CARMONA JUST
5 SAID, PRETTY MUCH EVERYTHING CAN BE RELATED TO THE CHARGES
6 IF YOU LOOK AT IT VERY BROADLY. THE QUESTION IS WHETHER IT
7 SPECIFICALLY RELATES TO THE EVENT FROM SEPTEMBER 2ND, 2009,
8 AND THE ELEMENTS OF THE OFFENSE. MR. CARMONA IS CORRECT TO
9 THE EXTENT THAT ONE OF THE ELEMENTS OF THE CHARGE HAS TO DO
10 WITH THE RELATIONSHIP IN TERMS OF WHETHER THEY'RE LIVING
11 TOGETHER, RESIDING TOGETHER, WHETHER IT'S A HUSBAND-AND-WIFE
12 RELATIONSHIP AND SO FORTH.

13 BUT I APPRECIATE BEING ALERTED TO THAT. IT'S
14 OBVIOUS, BUT AT THIS POINT I KNOW THAT THE WITNESS,
15 APPARENTLY, IS REPRESENTED BY COUNSEL. SO I'M ASSUMING THEY
16 TALKED ABOUT THIS, AND THERE WILL BE A POINT AT WHICH THE
17 ANSWERS DO CALL FOR SOME DISCUSSION ABOUT THE EVENTS OF
18 SEPTEMBER 2ND.

19 MR. SCHUMANN: CORRECT, YOUR HONOR.

20 THE COURT: SO YOU'RE JUST GOING TO HAVE TO LET ME
21 KNOW AT WHAT POINT YOU INTEND TO RECOMMEND TO YOUR CLIENT OR
22 SHE DECIDES ON HER OWN NOT TO ANSWER THE QUESTION.

23 MR. SCHUMANN: OKAY. YOUR HONOR, WE'RE OKAY WITH
24 THIS LINE OF QUESTIONING. I'LL STAND UP WHEN MY CLIENT
25 NEEDS.

26 THE COURT: MS. GARREL.

1 MS. GARREL: THANK YOU.

2 Q WHEN DID YOU START LIVING TOGETHER WITH THE
3 DEFENDANT?

4 A APRIL.

5 Q OF WHICH YEAR?

6 A THIS YEAR.

7 Q APRIL 2009?

8 A YES.

9 Q WHEN DID YOU STOP LIVING WITH THE DEFENDANT?

10 A I DIDN'T STOP.

11 Q WERE YOU LIVING WITH HIM UP TO THE POINT HE
12 WAS ARRESTED FOR THE CURRENT OFFENSE?

13 A YES.

14 Q AND THAT WOULD BE ON SEPTEMBER OR SOMETIME
15 AFTER SEPTEMBER 2ND, 2009?

16 A I DON'T REMEMBER THE DATE.

17 Q OKAY. SOMETIME AFTER THE POLICE CAME TO YOUR
18 HOUSE IN RESPONSE TO A CALL REGARDING DOMESTIC VIOLENCE?

19 A I PLEAD THE 5TH.

20 THE COURT: OKAY. SO YOU'RE TAKING THIS POSITION
21 THAT YOU DON'T WANT TO ANSWER THIS QUESTION BECAUSE IT MAY
22 TEND TO POSSIBLY INCRIMINATE YOU OR ON ADVICE OF COUNSEL
23 YOU'VE BEEN ADVISED TO NOT ANSWER THE QUESTION?

24 THE WITNESS: CORRECT.

25 MR. SCHUMANN: CORRECT.

26 THE COURT: CORRECT?

1 MR. SCHUMANN: YES, YOUR HONOR.

2 MS. GARREL: YOUR HONOR, I THINK, THEN, THE PEOPLE
3 ARE GOING TO OFFER USE IMMUNITY. I HAVE THE DOCUMENTS
4 PREPARED.

5 THE COURT: HAVE YOU TALKED TO COUNSEL ABOUT THAT?

6 MS. GARREL: NO.

7 THE COURT: OKAY. WHAT WE'LL DO AT THIS POINT IS
8 WE'LL TAKE A BRIEF RECESS, AND, MS. GARREL, YOU'LL HAVE A
9 CHANCE TO SPEAK WITH YOUR WITNESS AND THE LAWYER.

10 MS. GARREL: OKAY.

11 THE COURT: SO LET ME KNOW WHEN YOU'RE DONE.

12 MA'AM, WE'LL BE IN RECESS. YOU MAY STEP
13 DOWN.

14 (11:27 A.M. A RECESS WAS HAD.)

15 (12:00 P.M. A NOON RECESS WAS HAD.)

16

17

18

19

20

21

22

23

24

25

26

1 NEWPORT BEACH, CALIFORNIA - MONDAY, NOVEMBER 30, 2009

2 1:42 P.M.

3 * * *

4
5 DEPARTMENT H-4 HONORABLE MATTHEW S. ANDERSON, JUDGE.

6
7 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT:)

8 THE COURT: ARE YOU READY?

9 MS. GARREL: YES.

10 THE COURT: BACK TOGETHER IN THE MATTER OF
11 MATTHEW ROBINSON.

12 THE WITNESS NEEDS TO RETAKE THE STAND,
13 PLEASE.

14 MR. STULL: YOUR HONOR, IF I MAY?

15 THE COURT: MAKE AN APPEARANCE, PLEASE.

16 MR. STULL: ADAM STULL, YOUR HONOR, MAKING AN
17 APPEARANCE WITH THE WITNESS IN THIS CASE.

18 I'VE SPOKEN TO THE DEPUTY DISTRICT ATTORNEY
19 ON THE CASE.

20 MY CLIENT IS NOT GOING TO TESTIFY IN THIS
21 CASE PER HER WISHES. I UNDERSTAND THAT THERE WAS AN
22 AGREEMENT REGARDING IMMUNITY. SHE DOESN'T WANT TO SIGN AN
23 IMMUNITY AGREEMENT. I UNDERSTAND THAT WE'RE SUPPOSED TO
24 HAVE A HEARING REGARDING THE IMMUNITY AGREEMENT. SHE
25 DOESN'T WANT TO GO INTO THAT IMMUNITY AGREEMENT OR BE
26 INVOLVED IN IT. BASICALLY WANTS TO JUST EXERCISE HER RIGHT

1 NOT TO TESTIFY AND INVOKE PENAL CODE SECTION OR CIVIL CODE
2 SECTION -- CODE OF CIVIL PROCEDURE 1219(B).

3 THE COURT: ALL RIGHT. AND I ASSUME THAT YOU'VE
4 ADVISED HER ON THE CONSEQUENCES OF CONTEMPT?

5 MR. STULL: CORRECT. I THINK IT'S A \$3,000 FINE,
6 SOMETHING LIKE THAT. WHATEVER -- THERE IS A CERTAIN FINE,
7 MONETARY FINE, SHE'S AWARE OF THAT. THAT'S CORRECT.

8 THE COURT: IN ADDITION, THERE CAN BE COMMUNITY
9 SERVICE REQUIREMENTS IMPOSED AS WELL.

10 MR. STULL: ABSOLUTELY. ABSOLUTELY. WHATEVER THE
11 COURT TOLD HER.

12 I TOLD HER THE COURT IS VERY EXPERIENCED AND
13 KNOWS WHAT THE PROPER SANCTIONS ARE. AND WHATEVER THE COURT
14 WANTS TO LEVEL THE SANCTIONS, THOSE SANCTIONS WILL BE AGREED
15 TO.

16 THE COURT: MS. GARREL, ARE YOU ASKING THE COURT TO
17 DIRECT THE WITNESS TO ANSWER THE QUESTIONS THAT YOU'RE
18 PROPOSING?

19 MS. GARREL: YES.

20 THE COURT: ASK YOUR NEXT QUESTION, PLEASE.

21 MS. GARREL: COULD THE COURT REPORTER REMIND ME THE
22 LAST QUESTION WE WERE ON?

23 OH, ACTUALLY, I REMEMBER.

24 ///

25 ///

26 ///

DIRECT EXAMINATION RESUMED

1
2 BY MS. GARREL:

3 Q MS. BRYAN, WERE YOU LIVING TOGETHER WITH THE
4 DEFENDANT AT 7-4-1-6 RESIDENCIA; IN THE CITY OF NEWPORT
5 BEACH, CALIFORNIA, COUNTY OF ORANGE, ON SEPTEMBER 2ND, 2009?

6 A I REFUSE TO TESTIFY.

7 THE COURT: OKAY. SO YOU UNDERSTAND, MA'AM, THAT
8 YOU'VE BEEN GIVEN A QUESTION TO ANSWER, AND WHAT YOU'RE
9 TELLING ME IS, FOR YOUR OWN REASONS AND/OR UNDER ADVICE OF
10 COUNSEL, YOU'RE GOING TO REFUSE TO ANSWER THAT QUESTION?

11 THE WITNESS: YES, YOUR HONOR.

12 THE COURT: ALL RIGHT. YOU ARE ORDERED TO ANSWER
13 THE QUESTION; AND YOU UNDERSTAND THAT YOUR REFUSAL TO DO SO,
14 WILL RESULT IN A CONTEMPT CITATION?

15 THE WITNESS: I UNDERSTAND.

16 THE COURT: HAVE YOU BEEN ADVISED OF THE POSSIBLE
17 CONSEQUENCES OF THAT CONTEMPT CITATION?

18 THE WITNESS: JUST THROUGH YOUR DISCUSSION HERE.

19 THE COURT: ALL RIGHT. INITIALLY YOU ANSWERED SOME
20 QUESTIONS OF A PRELIMINARY NATURE -- YOUR NAME, YOUR BASIC
21 QUESTIONS THAT HAD NOTHING REALLY TO DO WITH THE CHARGES OF
22 THE CASE. AND NOW YOU'VE TAKEN THE POSITION, AND CORRECT ME
23 IF I'M WRONG --

24 THE WITNESS: YES.

25 THE COURT: -- THAT WHATEVER QUESTION THAT WOULD BE
26 PROPOUNDED TO YOU, YOU'D REFUSED TO ANSWER; IS THAT CORRECT?

1 THE WITNESS: YES.

2 THE COURT: ALL RIGHT. AND THE REASONS YOU'RE
3 REFUSING TO ANSWER ARE BECAUSE YOU BELIEVE IT MAY TEND TO
4 INCRIMINATE YOU; IS THAT THE REASON?

5 THE WITNESS: CORRECT.

6 MR. STULL: THAT'S CORRECT. THAT'S ONE OF THE
7 REASONS, YOUR HONOR.

8 THE COURT: ALL RIGHT. THE COURT HAS NO
9 INFORMATION ABOUT ANY INCRIMINATORY -- I'VE RECEIVED NO
10 OFFER OF PROOF AS TO ANY INCRIMINATORY INFORMATION THAT
11 COULD BE REVEALED. BUT I DO KNOW THAT BEFORE YOU RETOOK THE
12 STAND TODAY, THERE WERE SOME DISCUSSIONS, I ASSUME,
13 MS. GARREL, WAS REGARDING A GRANT OF IMMUNITY?

14 MS. GARREL: CORRECT.

15 THE COURT: AND MY UNDERSTANDING IS THAT THE
16 WITNESS HAS REFUSED TO SIGN THOSE DOCUMENTS --

17 MS. GARREL: THAT'S MY UNDERSTANDING.

18 THE COURT: -- AND INFORMED YOU, MR. STULL, THAT
19 SHE DOES NOT WANT TO PARTICIPATE AND WILL REFUSE TO ANSWER
20 THE QUESTIONS.

21 MR. STULL: THAT'S CORRECT, YOUR HONOR.

22 THE COURT: UNDER THOSE CIRCUMSTANCES, THERE IS
23 REALLY NO REASON TO CONDUCT AN IMMUNITY HEARING. THE COURT
24 WOULD NORMALLY ISSUE AN ORDER TO SHOW CAUSE IN ORDER TO
25 ESTABLISH WHETHER THERE WAS A BASIS FOR AN IMMUNITY. BUT
26 WE'RE REALLY PAST THAT BECAUSE IF THE WITNESS IS REFUSING TO

1 ANSWER ANY QUESTIONS BEING PROPOUNDING, THE ONLY QUESTION IS
2 REALLY CONTEMPT, BECAUSE WE NEVER GET TO THAT POINT.

3 AND SO I DO INTEND, MR. STULL, TO ISSUE A
4 CONTEMPT CITATION, WHICH WOULD BE CONDUCTED IMMEDIATELY.
5 THIS IS A DIRECT CONTEMPT OF THE COURT. IT'S A REFUSAL TO
6 COMPLY WITH AN IMMEDIATE ORDER OF THE COURT, WHICH IS TO
7 COMPLY WITH THESE PROCEEDINGS AND ANSWER QUESTIONS
8 LEGITIMATELY PROPOUNDED TO THE WITNESS.

9 AND SO MY INTENTION WILL BE TO CITE HER, AND
10 AS YOU OBVIOUSLY KNOW, AS YOU'VE JUST ALLUDED TO, THERE ARE
11 CERTAIN LIMITATIONS ON THE TYPE OF CONTEMPT SANCTIONS THAT
12 CAN BE IMPOSED. BUT WHAT I DON'T HAVE AT THIS POINT IS THE
13 BASIS FOR THAT LIMITATION. SOMEONE'S GOING TO HAVE TO GIVE
14 ME AN OFFER OF PROOF THAT THE WITNESS ON THE STAND IS
15 SOMEHOW THE ALLEGED VICTIM OF A DOMESTIC VIOLENCE CASE,
16 WHICH IS WHAT THEN RESULTS IN THE LIMITATIONS. I'M ASSUMING
17 THAT BASED ON THE CHARGE, BUT NO ONE HAS TOLD ME THAT.

18 MS. GARREL, IS THAT THE CASE?

19 MS. GARREL: YES, IT IS, YOUR HONOR.

20 THE COURT: ALL RIGHT. SO IF THAT IS THE CASE, AND
21 I ACCEPT THAT OFFER OF PROOF FROM THE PEOPLE THAT SHE WOULD
22 BE, AT LEAST ACCORDING TO THE CHARGES HERE, A VICTIM OF
23 DOMESTIC VIOLENCE, THE COURT IS SOMEWHAT LIMITED IN WHAT
24 SANCTIONS CAN BE IMPOSED. AND SHE CAN'T BE INCARCERATED AT
25 THIS POINT, WHICH MIGHT HAPPEN TO A DIFFERENT TYPE OF
26 WITNESS, THE LAW DOES NOT ALLOW THAT.

1 BUT IT DOES ALLOW FOR THE IMPOSITION OF
2 SANCTIONS, MONETARY AND COMMUNITY SERVICE SANCTIONS CAN BE
3 IMPOSED. THE COURT IS REQUIRED TO DELAY THE IMPOSITION OF
4 THAT SENTENCE BY THREE DAYS. SO THOSE ARE REALLY THE ONLY
5 PRESCRIPTIONS.

6 MR. STULL, YOU'RE REPRESENTING HER NOW IN
7 THIS CAPACITY; RIGHT?

8 MR. STULL: YES, YOUR HONOR.

9 THE COURT: OKAY. ARE YOU REQUESTING -- THIS IS A
10 DIRECT CITATION. I DO INTEND TO IMPOSE IT.

11 ARE YOU REQUIRING OR REQUESTING A HEARING ON
12 THE CONTEMPT AT THIS POINT, OR ARE YOU SIMPLY GOING TO
13 CONCEDE THAT CONTEMPT EXISTS?

14 MR. STULL: I WILL CONCEDE TO THE COURT, YOUR
15 HONOR, THAT IT EXISTS.

16 THE COURT: ALL RIGHT. OKAY. WITH THAT IN MIND,
17 NOW, ARE THE PEOPLE MAKING ANY REQUESTS AT THIS POINT?

18 MS. GARREL: YES, YOUR HONOR.

19 THE COURT: WHAT IS THE REQUEST?

20 MS. GARREL: OUR REQUEST IS THAT THE WITNESS,
21 MS. BRYAN, BE FINED THE MAXIMUM PENALTY WHICH SHE CAN FINED
22 PER DAY, WHICH IS \$1,000; AND THAT SHE BE ORDERED TO RETURN
23 TOMORROW TO TESTIFY.

24 AND IF SHE DOES NOT TESTIFY TOMORROW, THAT
25 THE COURT FINE HER ANOTHER \$1,000 TOMORROW, AND CONTINUE
26 DOING THAT UNTIL SHE AGREES TO TESTIFY.

1 THE COURT: AND WHAT IS YOUR LEGAL BASIS FOR THAT
2 CONSEQUENCE?

3 MS. GARREL: CALIFORNIA CODE OF CIVIL PROCEDURE
4 SECTION -- I'LL GET IT FOR YOU. I WROTE A MOTION ON THAT.
5 I DON'T KNOW IF THE COURT NEEDS IT OR NOT IN HOLDING HER IN
6 CONTEMPT.

7 THE COURT: NO. I JUST WANT THE RECORD TO REFLECT
8 THE CODE SECTION.

9 MS. GARREL: CALIFORNIA CODE OF CIVIL PROCEDURE
10 SECTION 1218 AND 1219.

11 THE COURT: ALL RIGHT. OKAY. THAT ACTUALLY IS
12 EXACTLY WHAT I INTEND TO DO ON THIS, MR. STULL.

13 SO, MA'AM, TELL ME YOUR FULL NAME AGAIN,
14 PLEASE.

15 THE WITNESS: IT'S KELLY BRYAN.

16 THE COURT: HOW DO YOU SPELL KELLY?

17 THE WITNESS: K-E-L-L-Y. LAST NAME IS BRYAN,
18 B-R-Y-A-N.

19 THE COURT: B-R-Y-A-N?

20 THE WITNESS: CORRECT.

21 THE COURT: ALL RIGHT. MS. BRYAN, I -- HOPEFULLY
22 YOU'RE FOLLOWING THE PROCEEDINGS HERE. ESSENTIALLY, WHAT'S
23 HAPPENED IS YOU'VE BEEN CITED FOR CONTEMPT RELATED TO YOUR
24 REFUSAL TO ANSWER QUESTIONS THAT HAVE BEEN LEGITIMATELY
25 PROPOUNDED TO YOU.

26 BASED ON THAT, THE COURT DOES IMPOSE A

1 ONE-THOUSAND DOLLAR CONTEMPT CITATION, WHICH IS PAYABLE
2 FORTHWITH. ALTHOUGH, THAT PENALTY CAN BE DELAYED THREE
3 DAYS, BECAUSE THE IMPOSITION OF THE SENTENCE BY LAW MUST BE
4 DELAYED BY THREE DAYS. SO MEANING YOU HAVE THREE DAYS TO
5 PAY IT.

6 THE OTHER THING YOU ARE REQUIRED TO DO IS
7 REPORT HERE TOMORROW MORNING. NOW, ONE OF THE -- WELL, ARE
8 YOU AVAILABLE FIRST THING -- EVERYONE IS AVAILABLE FIRST
9 THING TOMORROW MORNING?

10 MS. GARREL: YES.

11 THE COURT: I KNOW I HAVE ANOTHER ISSUE WITH
12 MR. CARMONA BECAUSE HE HAS A CLIENT THAT'S IN THE MIDDLE OF
13 A PRELIMINARY HEARING, AND WE'LL BE ADDRESSING THAT IN A
14 MOMENT.

15 MR. STULL: I HAVE AN APPEARANCE TOMORROW MORNING
16 IN SAN DIEGO, YOUR HONOR, BUT I'LL TRY TO HAVE ANOTHER
17 ATTORNEY HERE PRESENT IF IT'S GOING TO BE BASICALLY THE SAME
18 ISSUE.

19 THE COURT: I UNDERSTAND.

20 WHAT I'M GOING TO DO IS ORDER THIS TO THE
21 NEXT USE OF THE COURT'S TIME. I HAVE NO OTHER MATTERS
22 SCHEDULED THIS AFTERNOON. I HAVE NO OTHER MATTERS SCHEDULED
23 THIS AFTERNOON, I'M SIMPLY GOING TO CONDUCT THIS AT THE NEXT
24 AVAILABLE DATE, WHICH IS TOMORROW.

25 AND SO, MS. BRYAN, YOU ARE ORDERED TO APPEAR
26 HERE, IN DEPARTMENT H-4, THIS COURTHOUSE, AT 8:30 TOMORROW

1 MORNING. YOU WON'T RECEIVE ANY OTHER NOTICE OTHER THAN THE
2 ORDER THAT YOU'RE GIVEN TODAY TO APPEAR. YOU ARE REQUIRED
3 TO APPEAR. YOUR FAILURE TO APPEAR, 8:30 TOMORROW MORNING,
4 WILL RESULT IN A WARRANT ISSUED FOR YOUR ARREST.

5 DO YOU UNDERSTAND?

6 THE WITNESS: UH-HUH. YES.

7 THE COURT: OKAY. THANK YOU.

8 MR. STULL, I'M NOT ORDERING YOU TO APPEAR,
9 BUT YOUR CLIENT HAS BEEN ORDERED TO APPEAR. SO I'D IMAGINE
10 THAT YOU'D ACT ACCORDINGLY.

11 MR. STULL: I WILL, YOUR HONOR.

12 AND CAN I JUST ASK THE COURT A QUESTION?

13 IS THE COURT GOING TO ORDER HER TO TESTIFY
14 TOMORROW OR SANCTION HER ANOTHER THOUSAND DOLLARS; IS THAT
15 THE PLAN?

16 THE COURT: YOU KNOW WHAT, I'LL TRY TO LET TOMORROW
17 TAKE CARE OF TOMORROW.

18 MR. STULL: THAT'S FAIR ENOUGH.

19 THE COURT: YOU KNOW, WHAT I HAVE IN FRONT OF ME
20 RIGHT NOW IS NOVEMBER 30TH.

21 MR. STULL: RIGHT.

22 THE COURT: AND I HAVE SEEN THINGS CHANGE SO
23 DRAMATICALLY IN A PERIOD OF TWENTY-FOUR HOURS, I JUST -- YOU
24 CAN PROBABLY ANTICIPATE WHAT I'D DO BECAUSE I TRY TO BE
25 CONSISTENT.

26 MR. STULL: SURE. I UNDERSTAND.

1 THE COURT: BUT THAT IS, TO LET YOU KNOW, WHAT'S
2 HAPPENING.

3 MR. STULL: THANK YOU, YOUR HONOR.

4 THE COURT: YOU'RE WELCOME.

5 MR. STULL: THANK YOU.

6 (MONDAY, NOVEMBER 30, 2009, THE PROCEEDINGS

7 RESUMED BUT WERE NOT TRANSCRIBED.)

8 (PROCEEDINGS CONTINUED TO TUESDAY,

9 DECEMBER 1, 2009, AT 8:30 A.M.,

10 DEPARTMENT H-4.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF ORANGE

3 HARBOR JUSTICE CENTER

4 DEPARTMENT H-4

5 THE PEOPLE OF THE STATE OF CALIFORNIA,)

6)

7)

8 PLAINTIFF,)

9)

10 VS.) CASE NO. 09HF1564

11)

12 MATTHEW ROBINSON,)

13)

14)

15 DEFENDANT.)

16)

17 HONORABLE MATTHEW S. ANDERSON, JUDGE

18 REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING CONTINUED

19 TUESDAY, DECEMBER 1, 2009

20 APPEARANCES OF COUNSEL:

21 FOR PLAINTIFF: TONY RACKAUCKAS
22 DISTRICT ATTORNEY
23 BY: HEIDI GARREL
24 DEPUTY DISTRICT ATTORNEY

25 FOR DEFENDANT: DEBORAH KWAST
26 ORANGE COUNTY PUBLIC DEFENDER
BY: RICHARD CARMONA
DEPUTY PUBLIC DEFENDER

FOR THE WITNESS BRYAN: LAW OFFICES OF TIMOTHY R. CASEY
BY: TIMOTHY R. CASEY, SPECIALLY
APPEARING FOR ADAM R. STULL
ATTORNEYS AT LAW
850 EAST CHAPMAN AVENUE, SUITE D
ORANGE, CALIFORNIA 92866
(714) 558-7777

STARLETTE SONIEGA-ARMIJO, CSR NO. 10584, RPR
OFFICIAL COURT REPORTER

1 NEWPORT BEACH, CALIFORNIA - TUESDAY, DECEMBER 1, 2009

2 9:17 A.M.

3 * * *

4
5 DEPARTMENT H-4 HONORABLE MATTHEW S. ANDERSON, JUDGE

6
7 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT:)

8 THE COURT: ALL RIGHT. GOOD MORNING, COUNSEL.

9 MR. CARMONA: GOOD MORNING, YOUR HONOR.

10 MS. GARREL: GOOD MORNING.

11 THE COURT: AND, MR. ROBINSON, GOOD MORNING.

12 THE DEFENDANT: GOOD MORNING.

13 THE COURT: ALL RIGHT. BACK TOGETHER AGAIN IN THE
14 MATTER OF MATTHEW JOSEPH ROBINSON, CASE NUMBER
15 0-9-H-F-1-5-6-4. WE'RE CONTINUING THE PRELIMINARY HEARING
16 THAT WAS RECESSED YESTERDAY AFTERNOON.

17 MS. GARREL.

18 MS. GARREL: YES, YOUR HONOR, THE PEOPLE RECALL
19 KELLY BRYAN.

20 THE COURT: MS. BRYAN, PLEASE COME BACK UP TO THE
21 STAND, PLEASE.

22 MR. CASEY: GOOD MORNING, YOUR HONOR.

23 THE COURT: MR. CASEY, GOOD MORNING TO YOU.

24 (BRIEF DISCUSSION HAD OFF THE RECORD.)

25 THE COURT: HAVE A SEAT, MS. BRYAN.

26 MR. CASEY: FOR THE RECORD I'M MAKING A SPECIAL

1 APPEARANCE FOR HER ATTORNEY, ADAM STULL.

2 THE COURT: ALL RIGHT. AND HAVE YOU FAMILIARIZED
3 YOURSELF WITH THE CIRCUMSTANCES FROM YESTERDAY, MR. CASEY?

4 MR. CASEY: YES, I HAVE.

5 THE COURT: OKAY. AT THIS POINT WHAT WE'RE GOING
6 TO DO IS LET'S GO AHEAD AND RE-SWEAR THE WITNESS.

7 THE WITNESS: DO I HAVE TO STAND?

8 THE COURT: NO, YOU'RE ALL RIGHT.

9 THE WITNESS: OKAY.

10 THE CLERK: DO YOU SOLEMNLY STATE THAT THE EVIDENCE
11 YOU ARE ABOUT TO GIVE IN THE CAUSE NOW PENDING BEFORE THIS
12 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT
13 THE TRUTH, SO HELP YOU GOD?

14 THE WITNESS: I DO.

15 THE CLERK: THANK YOU.

16 THE COURT: OKAY. JUST SO THAT THE RECORD IS
17 CLEAR, YESTERDAY THE COURT DID ISSUE A CONTEMPT CITATION
18 AGAINST MS. BRYAN AND ORDER THAT A FINE BE PAID, ALTHOUGH
19 THERE IS A MANDATORY THREE-DAY STAY ON THAT FINE. FOLLOWING
20 MS. BRYAN'S REFUSAL TO ANSWER QUESTIONS THAT WERE PROPOUNDED
21 TO HER, AND THAT THE COURT ORDERED HER TO RESPOND TO, THE
22 PEOPLE HAVE NOT YET RESTED THEIR CASE BUT HAVE ASKED TO HAVE
23 MS. BRYAN RECALLED TODAY.

24 SO I ASSUME YOU HAVE ADDITIONAL QUESTIONS,
25 MS. GARREL?

26 MS. GARREL: YES, YOUR HONOR.

1 THE COURT: GO AHEAD, PLEASE.

2

3

KELLY BRYAN,

4 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, AND HAVING BEEN
5 RE-SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

6

7

DIRECT EXAMINATION RESUMED

8

BY MS. GARREL:

9

Q ON SEPTEMBER 2ND, 2009, WERE YOU LIVING
10 TOGETHER WITH YOUR HUSBAND, MATTHEW ROBINSON, AT
11 7-4-1-6 RESIDENCIA, IN THE CITY OF NEWPORT BEACH,
12 CALIFORNIA?

13

A I REFUSE TO TESTIFY.

14

MS. GARREL: YOUR HONOR, I ASK THE COURT ORDER THE
15 WITNESS TO RESPOND.

16

THE COURT: OKAY. MS. BRYAN, AS WE DISCUSSED, THE
17 COURT HAS MADE CERTAIN FINDINGS THAT THERE IS RELEVANT
18 INFORMATION AND WOULD ORDER YOU TO ANSWER THAT QUESTION.
19 UNDERSTANDING YOU'VE RECEIVED THAT ORDER, WILL YOU BE
20 ANSWERING THAT QUESTION?

21

THE WITNESS: I WILL NOT.

22

THE COURT: ALL RIGHT. AND I ASSUME THE REASON
23 YOU'RE DOING THAT IS BECAUSE YOU'RE ACTING ON ADVICE OF
24 COUNSEL?

25

THE WITNESS: CORRECT.

26

THE COURT: IN ADDITION, YOU'VE MADE A DECISION, OR

1 AT LEAST IT'S YOUR BELIEF, THAT AN ANSWER TO THAT QUESTION
2 MAY TEND TO INCRIMINATE YOU.

3 THE WITNESS: CORRECT.

4 THE COURT: AND SO WOULD YOU BE INTENDING TO ANSWER
5 ANY QUESTIONS PROPOUNDED TO YOU REGARDING THIS CASE?

6 THE WITNESS: I WILL NOT.

7 THE COURT: THE COURT YESTERDAY IMPOSED A CONTEMPT
8 CITATION. MR. CASEY, YESTERDAY MR. STULL WAIVED ANY
9 PROCEEDINGS WITH RESPECT TO CONTEMPT, ESSENTIALLY, CONCEDED
10 THAT THERE WAS AN ACTUAL REFUSAL TO FOLLOW A COURT ORDER.

11 MR. CASEY: CORRECT.

12 THE COURT: AND SIMPLY CONCEDED THAT THE CONTEMPT
13 CITATION SHOULD PROCEED.

14 MR. CASEY: SAME POSITION TODAY, YOUR HONOR.

15 THE COURT: OKAY. MS. BRYAN, BECAUSE OF YOUR
16 REFUSAL TO TESTIFY IN THESE PROCEEDINGS AND FOLLOW, OF
17 COURSE, A DISCUSSION ABOUT THE PROSECUTOR'S REQUEST TO GRANT
18 IMMUNITY IN THE CASE, AGAIN, YOU WILL BE CITED FOR CONTEMPT
19 UNDER CODE OF CIVIL PROCEDURE SECTION 1218 AND 1219. AND AS
20 I INDICATED YESTERDAY, THERE WAS A FINE IMPOSED OF \$1,000
21 FOR YOUR FAILURE TO COMPLY YESTERDAY, AND AN ADDITIONAL
22 \$1,000 FINE IMPOSED. BOTH FINES PAYABLE TO THE COURT UNDER
23 C.C.P. 1218.

24 THE WITNESS: THAT'S FINE.

25 THE COURT: BUT THERE IS, BY CODE, A MANDATORY
26 THREE-DAY STAY BEFORE THAT SENTENCE CAN BE IMPOSED. ALL

1 RIGHT.

2 MR. CASEY: WE WOULD ASK THAT THE STAY BE ENFORCED
3 FOR THREE DAYS.

4 THE COURT: YES. AND SO WE'LL FOLLOW THAT RULE, OF
5 COURSE. SO YOU DO HAVE THREE DAYS FROM YESTERDAY TO PAY THE
6 FIRST \$1,000; THREE DAYS FROM TODAY TO PAY THE ADDITIONAL
7 \$1,000 THAT HAS BEEN ORDERED TODAY.

8 YOU DO NEED TO UNDERSTAND THAT FAILURE TO
9 MAKE THOSE FINE PAYMENTS IS PUNISHABLE BY A SEPARATE
10 CONTEMPT CITATION POTENTIALLY FOR WHICH YOU COULD BE PLACED
11 IN CUSTODY.

12 THE WITNESS: UH-HUH.

13 THE COURT: SO YOU NEED TO UNDERSTAND THAT TYPE OF
14 A CONTEMPT CITATION WOULD BE DIFFERENT.

15 OKAY. MR. CASEY, ANYTHING YOU CARE TO ADD
16 THIS MORNING?

17 MR. CASEY: THE ONLY THING I WOULD ASK THE COURT TO
18 CONSIDER THE FACT THAT SHE'S OBVIOUSLY PREGNANT AND IN A
19 POSITION WHERE PAYING A THOUSAND DOLLARS IS GOING TO BE A
20 VERY BIG HARDSHIP ON HER AT THIS POINT IN TIME. I
21 UNDERSTAND THE COURT HAS A COMPLETE DISCRETION TO ISSUE
22 WHATEVER FINE THEY FEEL IS APPROPRIATE, BUT I'D ASK THE
23 COURT TO TAKE THAT INTO CONSIDERATION AND POSSIBLY LOWER THE
24 SANCTION AND DO WHATEVER THE COURT THINKS IS APPROPRIATE.

25 THE COURT: OKAY. THANK YOU, MR. CASEY.

26 I HAVE ACTUALLY CONSIDERED THAT. THE COURT

1 MAY ALSO, IN ADDITION TO A MONETARY FINE, IMPOSE COMMUNITY
2 SERVICE UNDER THESE CIRCUMSTANCES, WHICH I'M DECLINING TO
3 DO.

4 MR. CASEY: ALL RIGHT.

5 THE COURT: ALL RIGHT. MS. GARREL, ANYTHING ELSE?

6 MS. GARREL: ON THIS ISSUE NO, YOUR HONOR.

7 THE COURT: OKAY. THANK YOU.

8 MA'AM, YOU MAY STEP DOWN.

9 MS. GARREL: I'D ASK THAT SHE REMAIN IN THE
10 COURTROOM, THOUGH, YOUR HONOR, UNTIL WE FIGURE OUT WHAT
11 WE'RE GOING TO DO NEXT.

12 THE COURT: MS. BRYAN, YOU ARE ORDERED TO REMAIN IN
13 THE COURTROOM UNTIL FURTHER ORDERED. IT SHOULDN'T TAKE VERY
14 LONG.

15 MR. CASEY: MAY WE APPROACH BRIEFLY ON THAT ISSUE?
16 YOUR BAILIFF INFORMED ME OF SOMETHING.

17 THE COURT: YES.

18 MR. CARMONA.

19 MR. CARMONA: THANK YOU.

20 THE COURT: MR. CASEY HAS ASKED TO APPROACH THE
21 BENCH, WHICH THE COURT HAS GRANTED, AND THE COURT HAS
22 INVITED ALL ATTORNEYS TO APPROACH.

23 (SIDEBAR WAS HAD WITHOUT THE COURT REPORTER.)

24 THE COURT: MS. BRYAN, YOU ARE ORDERED TO REMAIN
25 UNTIL I RELEASE YOU FROM THE CASE, BUT I'D LIKE YOU TO WAIT
26 OUT IN THE HALLWAY WITH YOUR ATTORNEY. THANK YOU.

1 OKAY. MS. GARREL, ANOTHER WITNESS?

2 MS. GARREL: YOUR HONOR, THE PEOPLE HAVE NO OTHER
3 WITNESS.

4 THE COURT: AND SO WHAT IS YOUR REQUEST AT THIS
5 TIME?

6 MS. GARREL: OUR REQUEST IS THAT THE COURT ORDER
7 MS. BRYAN TO RETURN THIS AFTERNOON TO SEE IF SHE HAS A
8 CHANGE OF HEART. ASK HER THE QUESTION AGAIN THIS AFTERNOON.
9 AND IF SHE DOES NOT ANSWER THE COURT'S QUESTION, TO HOLD HER
10 IN CONTEMPT AGAIN.

11 THE COURT: NO, I'M NOT GOING TO DO THAT.

12 MS. GARREL: THEN OUR REQUEST WOULD BE TO DO THE
13 SAME THING TOMORROW.

14 THE COURT: WHAT YOU'RE ASKING THE COURT TO DO IS
15 TO ELIMINATE ME FROM BEING ABLE TO HANDLE OTHER CRIMINAL
16 MATTERS -- HANDLE ANY MATTERS WHATSOEVER. ESSENTIALLY,
17 ENDING OR REQUIRING THAT THE PRELIMINARY HEARING CONTINUE
18 WITHOUT ANY REASONABLE EXPECTATION THAT YOU'RE GOING TO
19 OBTAIN ANY TESTIMONY FROM HER IN THIS CASE.

20 YOU HAVE HAD TWO SEPARATE DAYS WHERE SHE'S
21 REFUSED TO TESTIFY. SHE'S BEEN OFFERED A GRANT OF IMMUNITY.
22 SHE'S ELECTED NOT TO FOLLOW THAT.

23 SO GIVE ME SOME UNDERSTANDING AS TO WHY YOU
24 THINK SIMPLY BRINGING HER BACK AT 1:30 THIS AFTERNOON OR
25 TOMORROW MORNING IS GOING TO MAKE ANY DIFFERENCE WHATSOEVER?

26 MS. GARREL: WELL, IF IT'S SUCH A FINANCIAL

1 HARDSHIP FOR THE WITNESS, YOUR HONOR, EVENTUALLY AT SOME
2 POINT, AFTER ENOUGH SANCTIONS, MAYBE SHE'LL BE COMPELLED TO
3 TESTIFY.

4 THE COURT: WHEN WOULD THAT BE, THREE DAYS FROM
5 NOW?

6 MS. GARREL: I HAVE NO IDEA, YOUR HONOR.

7 THE COURT: NO. I THINK AT THIS POINT YOU'RE
8 CONTORTING THE SYSTEM. THE PROCEDURES ARE PRETTY CLEAR, AND
9 THEY'VE BEEN FOLLOWED TO THE "T" TO THIS POINT.

10 I HAVE NO EXPECTATION AT THIS POINT THAT
11 MS. BRYAN IS GOING TO TESTIFY, AT LEAST IN THIS PROCEEDING.
12 SHE HAS NOT GIVEN ANY INDICATION SHE'S GOING TO DO THAT.

13 YOU'VE, ESSENTIALLY, PUT INTO THE RECORD ALL
14 OF THE EVIDENCE THAT YOU WOULD NEED IN ORDER TO SUPPORT THE
15 CHARGES IN THE COMPLAINT.

16 MS. GARREL: YES.

17 THE COURT: I CAN'T THINK OF ANYTHING ELSE THAT YOU
18 WOULD NEED. I'M ASSUMING, AND I DON'T MEAN TO GET AHEAD OF
19 MYSELF HERE, BUT I'M ASSUMING THAT AT WHATEVER POINT THE
20 PRELIMINARY HEARING ENDS, YOU'RE GOING TO MAKE A MOTION TO
21 BIND MR. ROBINSON OVER.

22 MS. GARREL: CORRECT.

23 THE COURT: ALL RIGHT. I DON'T KNOW WHAT
24 MR. CARMONA'S POSITION IS, BUT THE EVIDENCE I'VE HEARD SO
25 FAR TENDS TO SUPPORT THAT BINDOVER MOTION. AND, IN FACT,
26 THE EVIDENCE THAT WAS RECEIVED UNDER PROP. 115 AND THROUGH

1 OTHER SOURCES, ESSENTIALLY, MEETS THE ELEMENTS OF THE CASE.

2 MS. GARREL: I WOULD AGREE.

3 THE COURT: SO BUT THE POINT OF THAT IS THAT
4 ALTHOUGH MS. BRYAN IS AN INTERESTING AND IMPORTANT WITNESS,
5 SHE'S CERTAINLY NOT A MATERIAL AND CRUCIAL WITNESS AT THIS
6 STAGE IN THE CASE BECAUSE WE'RE CONDUCTING A PROBABLE CAUSE
7 HEARING.

8 MS. GARREL: YES.

9 THE COURT: ALL RIGHT. SO IF THERE IS SOMETHING
10 I'M MISSING IN TERMS OF THE NECESSITY OF HER PERSONAL
11 TESTIMONY REGARDING THE PRELIMINARY HEARING, THEN I NEED TO
12 KNOW, BECAUSE I'M MISSING THAT PART.

13 MS. GARREL: WITHOUT GIVING AWAY TOO MUCH OF THE
14 PEOPLE'S STRATEGY --

15 THE COURT: NO. I'M VERY FOCUSED ON MY QUESTION.

16 MS. GARREL: I UNDERSTAND.

17 THE COURT: MY QUESTION IS VERY FOCUSED. IT'S NOT
18 ABOUT EXAMINING HER CHARACTER, HER ATTITUDE, HER Demeanor.
19 IT'S NOT ABOUT WHETHER SHE WAS ACTUALLY EVEN TELLING THE
20 TRUTH ABOUT WHAT HAPPENED. NONE OF THAT.

21 WHAT IT HAS TO DO WITH -- BECAUSE SHE CAN
22 COME IN AND SAY SOMETHING COMPLETELY DIFFERENT AT THIS
23 POINT, AND THAT COULD STILL RESULT IN MR. ROBINSON BEING
24 HELD TO ANSWER ON THIS CASE. BECAUSE AT A PROBABLE CAUSE
25 HEARING, ALL I'M EXAMINING IS WHETHER THERE IS PROBABLE
26 CAUSE TO HOLD A TRIAL, AND SO THAT'S MY FOCUS.

1 IS THERE ANYTHING THAT SHE COULD ADD TO THE
2 RECORD THAT WOULD IN SOME WAY EITHER FULFILL AN ELEMENT
3 THAT'S MISSING OR COUNTERACT ONE THAT'S ALREADY BEEN PUT
4 INTO EVIDENCE?

5 MS. GARREL: NO.

6 THE COURT: ALL RIGHT. SO IF THAT'S THE CASE, THEN
7 THERE IS NOTHING MATERIAL THAT SHE CAN ADD AT THIS
8 PARTICULAR HEARING.

9 MS. GARREL: PHRASED THAT WAY, THAT'S CORRECT, YOUR
10 HONOR. YES, YOU'RE CORRECT.

11 THE COURT: OKAY. AND SO JUST TO FOLLOW UP YOUR
12 REQUEST THROUGH TO ITS NATURAL CONCLUSION, IF SHE WERE TO BE
13 ORDERED TO APPEAR BACK HERE THIS AFTERNOON, AN ADDITIONAL
14 COLLOQUY THAT WE JUST HAD HERE REGARDING HER DESIRE TO
15 TESTIFY OR NOT DESIRE WOULD HAPPEN. SHE WOULD, THEN, EITHER
16 AGREE TO TESTIFY OR NOT. PRESUMING SHE AGREES -- DECIDES
17 NOT TO TESTIFY, WE'D HAVE ANOTHER CONTEMPT CITATION IMPOSED;
18 RIGHT?

19 MS. GARREL: YES.

20 THE COURT: SO AT WHAT POINT IS IT THAT YOU WOULD
21 DECIDE THAT ENOUGH IS ENOUGH?

22 MS. GARREL: WHEN SHE TESTIFIED.

23 THE COURT: RIGHT. SO WHEN WOULD THAT BE?

24 MS. GARREL: THAT'S UP TO MS. BRYAN.

25 THE COURT: NO, IT'S NOT. ULTIMATELY IT'S NOT UP
26 TO MS. BRYAN BECAUSE THIS IS NOT A SITUATION, INVOLVING A

1 DOMESTIC VIOLENCE VICTIM, WHERE A PERSON COULD BE HELD
2 INDEFINITELY IN CUSTODY, OR BE RE-CITED OVER AND OVER AGAIN
3 AND HELD AS A MATERIAL WITNESS. IT'S DIFFERENT. STATUTES
4 ARE WRITTEN DIFFERENTLY.

5 MS. GARREL: YES.

6 THE COURT: AND SO IT'S TRUE THAT FOR WHATEVER
7 REASON, AND SHE MAY HAVE GOOD REASONS, I'M NOT QUESTIONING
8 HER MOTIVE. SHE MAY HAVE ABSOLUTELY GOOD REASONS FOR DOING
9 WHAT SHE'S DOING BECAUSE I ONLY GET A LITTLE SLICE OF THIS
10 WHOLE PICTURE.

11 BUT MY JUDGMENT ON THIS THING IS THAT SHE'S
12 DECIDING AT THIS STAGE NOT TO TESTIFY. AND SO I WON'T TIE
13 UP THE COURT UNNECESSARILY, AND I WON'T ENGAGE IN WHAT I
14 THINK IS REALLY A CONTORTION OF WHAT WE'RE ATTEMPTING TO DO
15 HERE.

16 MS. GARREL: AND I APOLOGIZE TO THE COURT. I'M NOT
17 TRYING TO MISUSE THE CONTEMPT POWERS OF THE COURT OR TIE UP
18 THE COURT. THE PEOPLE ARE FRUSTRATED BY THE SITUATION WE
19 FIND OURSELVES IN WHERE WE HAVE AN EXTREMELY VIOLENT
20 INDIVIDUAL, BASED ON THE RECORD THAT YOU HAVE IN FRONT OF
21 YOU, WHERE WE HAVE A VICTIM, WHO REPORTED A CRIME OF
22 VIOLENCE AT HIS HANDS, AND IS NOW FRUSTRATING OUR ATTEMPTS
23 TO HOLD HIM TO ANSWER AND ULTIMATELY TO PROSECUTE HIM. WE
24 ARE ONLY TRYING TO GET JUSTICE IN THIS, AND I APOLOGIZE IF
25 IT APPEARS WE'RE TRYING TO MISUSE OUR POWER OR THE COURT'S
26 POWER.

1 THE COURT: NO. I'M NOT SAYING YOU'RE DOING THAT
2 NOW, BUT I WOULD SAY THAT IF WE CONTINUE THIS WAY, THAT'S
3 EXACTLY WHAT DOES OCCUR. I'M NOT SAYING YOU'RE DOING IT AT
4 THIS POINT. I MEAN, WE WOULDN'T BE HAVING THIS DISCUSSION,
5 AND SHE WOULDN'T HAVE BEEN ORDERED BACK TODAY IF I FELT THAT
6 WASN'T THE APPROPRIATE THING TO DO BECAUSE THINGS DO CHANGE
7 OVER TIME.

8 OBVIOUSLY, HER INFORMATION, WHATEVER IT IS,
9 IS OF INTEREST IN THE CASE. BUT, YOU KNOW, THAT'S THE
10 REASON THE EVIDENCE CODE PROVIDES FOR ADDITIONAL MEANS OF
11 OBTAINING EVIDENCE. AND IT'S THE REASON THAT SOMETIMES
12 FOLKS ARE FOUND NOT GUILTY. AND IT'S THE REASON THAT
13 BURDENS CAN'T BE SUSTAINED AND THE REASONS THAT ELEMENTS ARE
14 NOT MET, BECAUSE THIS IS A TRUTH-FINDING VENTURE. AND WE DO
15 THAT BY BRINGING IN EVIDENCE THAT IS VALUABLE AND
16 APPROPRIATE AND LEGAL AND HAS BEEN OBTAINED APPROPRIATELY.

17 AND, YOU KNOW, I DON'T HAVE A PARTICULAR
18 STAKE IN IT ONE WAY OR THE OTHER. I ONLY KNOW WHAT I'VE
19 HEARD, YOU KNOW. SO WHAT I'VE HEARD SO FAR IS ENOUGH TO
20 SUPPORT A BINDOVER MOTION AS A TENTATIVE RULING. BUT, ALSO,
21 WHAT I'VE HEARD FROM MS. BRYAN IS THAT SHE'S NOT GOING TO
22 TESTIFY RIGHT NOW.

23 MS. GARREL: THEN IN LIGHT OF THE COURT'S
24 STATEMENTS, I THINK IT WOULD PROBABLY BE IN MY BEST INTEREST
25 THEN, YOUR HONOR, TO REST MY CASE, MAKE A MOTION THAT THE
26 DEFENDANT BE HELD TO ANSWER AS CHARGED IN THE FELONY

1 COMPLAINT. AND PURSUANT TO THE COURT'S TENTATIVE RULING, IF
2 THE DEFENDANT IS HELD TO ANSWER, AND A DATE IS SET IN C-5
3 FOR ARRAIGNMENT, IT WOULD BE THE PEOPLE'S REQUEST THAT
4 MS. BRYAN BE ORDERED TO APPEAR FOR THAT DATE IN C-5.

5 THE COURT: OKAY. ALL RIGHT. LET'S TAKE THAT ONE
6 STEP AT A TIME.

7 MS. GARREL: CERTAINLY.

8 THE COURT: WITH RESPECT TO THE PEOPLE'S INDICATION
9 THAT THEY'RE GOING TO REST IN THE CASE, MY RECOLLECTION IS
10 THAT THE EXHIBITS THAT WERE MARKED WERE RECEIVED. I BELIEVE
11 THEY WERE ALL RECEIVED WITHOUT OBJECTION.

12 MR. CARMONA: YES, YOUR HONOR. NO OBJECTION FOR
13 PURPOSES OF PRELIM.

14 THE COURT: ALL RIGHT. THANK YOU, VERY MUCH,
15 MR. CARMONA.

16 THEY'VE ALL BEEN RECEIVED AS PART OF THIS
17 RECORD FOR PRELIMINARY HEARING PURPOSES ONLY AT THIS POINT.

18 PEOPLE HAVE RESTED.

19 ANY AFFIRMATIVE DEFENSE, MR. CARMONA?

20 MR. CARMONA: NO, YOUR HONOR.

21 THE COURT: AND IS THERE A PEOPLE'S MOTION?

22 MS. GARREL: THE PEOPLE MOVE THAT THE DEFENDANT BE
23 HELD TO ANSWER AS CHARGED IN THE FIRST AMENDED FELONY
24 COMPLAINT.

25 THE COURT: AND, MR. CARMONA, DO YOU CARE TO BE
26 HEARD?

1 MR. CARMONA: SUBMITTED, YOUR HONOR.

2 THE COURT: ALL RIGHT. IT APPEARING TO ME THAT THE
3 OFFENSE IN THE WITHIN COMPLAINT HAS BEEN COMMITTED; NAMELY,
4 A VIOLATION OF PENAL CODE SECTION 273.5, SUBDIVISION (A), AS
5 THAT RELATES TO SUBDIVISIONS (E) (1), WHICH IS DOMESTIC
6 BATTERY CAUSING INJURY WITH A PRIOR CONVICTION FOR VIOLENCE,
7 A FELONY AS CHARGED IN COUNT 1.

8 AND THE COURT, BASED ON THE ACTUAL EXHIBITS
9 THAT WERE RECEIVED EARLIER, DOES FIND THAT THERE IS A PRIOR
10 CONVICTION RELATED TO CASE NUMBER 0-2-S-F-0-6-9-0 AS ALLEGED
11 IN THE COMPLAINT AND CONTAINED IN THE EXHIBITS; AND THAT THE
12 DEFENDANT, MATTHEW ROBINSON, IS GUILTY THEREOF.

13 MR. ROBINSON, YOU WILL BE HELD TO ANSWER, AND
14 THE CASE CERTIFIED TO DEPARTMENT C-5 OF THE ORANGE COUNTY
15 SUPERIOR COURT.

16 AND DO WE HAVE THE HOLD-TO-ANSWER DATE?

17 THE CLERK: IT'S RIGHT THERE.

18 THE COURT: YOUR APPEARANCE DATE IN DEPARTMENT C-5
19 IS DECEMBER 14TH, DECEMBER 14TH OF THIS YEAR, IN DEPARTMENT
20 C-5, AND YOU ARE ORDERED TO APPEAR AT 8:30 IN THE MORNING.

21 IT APPEARS THERE IS BAIL CURRENTLY SET. BAIL
22 STATUS TO CONTINUE.

23 AND WHY DON'T WE GO AHEAD AND HAVE MS. BRYAN
24 COME BACK IN AND I'LL ORDER HER TO APPEAR AS WELL.

25 (THE WITNESS BRYAN RE-ENTERS THE COURTROOM).

26 THE COURT: YOU CAN STAND RIGHT THERE.

1 OKAY. MS. BRYAN, YOU ARE ORDERED TO APPEAR
2 IN DEPARTMENT C-5 OF THE ORANGE COUNTY SUPERIOR COURT, THAT
3 IS LOCATED IN SANTA ANA. IT IS ON CIVIC CENTER DRIVE. WE
4 CAN GIVE YOU DIRECTIONS IF YOU NEED IT. BUT YOU WON'T
5 RECEIVE ANY NOTICE IN THE MAIL. YOU WON'T RECEIVE ANY OTHER
6 SUBPOENA. THE ORDER THAT YOU ARE RECEIVING VERBALLY FROM ME
7 RIGHT NOW IS YOU ARE ORDERED TO APPEAR. YOU ARE ORDERED TO
8 APPEAR IN DEPARTMENT C-5 OF THE ORANGE COUNTY SUPERIOR
9 COURT, AT 8:30 IN THE MORNING, ON DECEMBER 14TH. AGAIN, YOU
10 WON'T RECEIVE ANY OTHER ORDERS, BUT YOU ARE ORDERED TO
11 APPEAR ON THAT DATE.

12 DO YOU UNDERSTAND?

13 THE WITNESS: I DO.

14 MR. CARMONA: YOUR HONOR, MAY I BE HEARD?

15 THE COURT: YES.

16 MR. CARMONA: C-5 IS JUST AN ARRAIGNMENT DATE.
17 IT'S NOT A DATE WHERE THERE IS GOING TO BE ANY TESTIMONY
18 TAKEN BY THIS WITNESS. IT SEEMS TO ME THAT THE D.A.'S
19 REQUEST TO HAVE HER APPEAR IS STRICTLY FOR ANOTHER
20 OPPORTUNITY TO HAVE HER FINED AND TO COMPEL TESTIMONY.

21 IT'S -- ALTHOUGH I DO NOT REPRESENT
22 MS. BRYAN, IT APPEARS SHE'S BEING -- THE PROSECUTION HERE IS
23 USING THE COURT'S POWER TO FINANCIALLY PUNISH HER AS A WAY
24 OF VICTIMIZING HER. SHE SEEMS TO BE -- EVERY TIME SHE COMES
25 TO COURT IT'S A THOUSAND DOLLARS, OR IT'S GOING TO BE A LONG
26 TIME OF COMMUNITY SERVICE.

1 THIS WOMAN IS PREGNANT HERE. IT LOOKS TO ME
2 LIKE SHE'S -- IT'S NOT EASY FOR HER TO BE HERE. SHE'S NOT
3 GOING TO TESTIFY. SHE SEEMS TO HAVE MADE THAT CLEAR. THE
4 ONLY THING THE PROSECUTOR WANTS IS ANOTHER THOUSAND DOLLARS,
5 EVEN THOUGH WHEN SHE SHOWS UP ON NOVEMBER 14TH, SHE'S JUST
6 GOING TO SIT THERE. THERE'S NOT GOING TO BE ANY TESTIMONY,
7 AND I THINK IT'S JUST CREATING AN UNNECESSARY HARDSHIP FOR
8 MS. BRYAN, AND I'LL SUBMIT.

9 THE COURT: ALL RIGHT. MR. CARMONA, THANK YOU.
10 HOWEVER, I RESPECTFULLY COMPLETELY DISAGREE. AT THIS POINT
11 IN TIME IT'S VERY COMMON FOR -- THIS IS NOT AN UNCOMMON
12 CIRCUMSTANCE FOR WITNESSES TO BE ORDERED TO APPEAR AT THE
13 NEXT COURT DATE.

14 I AGREE WITH YOU THAT THERE -- I WOULD NOT
15 ANTICIPATE THAT THERE WOULD BE TESTIMONY TAKEN AT THAT TIME.
16 IT'S AN ARRAIGNMENT, AS YOU'VE POINTED OUT. BUT IT IS THE
17 NEXT TIME THAT THIS CASE WOULD BE IN FRONT OF A SUPERIOR
18 COURT JUDGE, AND THAT'S THE POINT AT WHICH THE JUDGE MAY
19 MAKE FURTHER ORDERS ORDERING WITNESSES TO APPEAR, ORDERS ON
20 THE CASE, AND SO FORTH. AND SO THE ONLY NEXT TIME FOR
21 MS. BRYAN TO APPEAR WHERE SHE CAN BE ORDERED TO APPEAR AT
22 SUBSEQUENT HEARINGS, WOULD BE IN DEPARTMENT C-5 ON
23 DECEMBER 14TH.

24 NOW, I DON'T SEE, UNLESS THERE IS A MOTION
25 THAT'S GOING TO BE FILED IN ADVANCE OR SOME TESTIMONY THAT
26 WOULD BE HIGHLY UNUSUAL AT AN ARRAIGNMENT, WHICH I WOULDN'T

1 EXPECT, I DON'T SEE WHY MS. BRYAN WOULD BE CALLED TO TESTIFY
2 ON DECEMBER 14TH.

3 BUT, MS. BRYAN, YOUR APPEARANCE IS NECESSARY
4 IN ORDER TO GUARANTEE THAT YOU DO APPEAR AT THAT TIME. I
5 DON'T KNOW THAT THERE WOULD BE ANY BASIS FOR A CONTEMPT
6 CITATION THERE UNLESS YOU DECIDED NOT TO APPEAR.

7 BUT IF YOU DECIDED NOT TO APPEAR, IT'S MORE
8 THAN A CONTEMPT CITATION. IT WOULD BE A WARRANT ISSUED FOR
9 YOUR ARREST AND YOU'D BE HELD IN CUSTODY. THAT'S A
10 DIFFERENT THING ALL TOGETHER.

11 SO I UNDERSTAND THE CONCERNS YOU'RE VOICING
12 HERE, MR. CARMONA. BUT AT THIS POINT I DON'T THINK THIS IS
13 A PRECURSOR TO A SUBSEQUENT CONTEMPT CITATION. IT SEEMS TO
14 ME WHAT THIS IS, IS A REQUEST TO HAVE A WITNESS APPEAR IN A
15 CASE, WHO'S MADE INDICATIONS THAT THEY DON'T WANT TO
16 COOPERATE, WHICH IS VERY COMMON. I'M ORDERING PEOPLE TO
17 APPEAR IN DEPARTMENT C-5 ON A REGULAR BASIS, AND SO
18 MS. BRYAN IS CERTAINLY NOT BEING SINGLED OUT.

19 OKAY. MS. BRYAN, TO REMIND YOU THEN,
20 DECEMBER 14TH, DEPARTMENT C-5, AT 8:30 IN THE MORNING, YOU
21 ARE ORDERED TO APPEAR.

22 ALL RIGHT. THANK YOU, COUNSEL.

23 MS. GARREL: THANK YOU, YOUR HONOR.

24 MR. CARMONA: THANK YOU, YOUR HONOR.

25 THE COURT: YOU'RE WELCOME.

26 ANYTHING ELSE?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MS. GARREL: NO, YOUR HONOR.

THE COURT: ALL RIGHT. WE'RE IN RECESS.

(THE PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER WAS CONCLUDED AT 9:39 A.M.)

* * *

1 STATE OF CALIFORNIA)

2 COUNTY OF ORANGE)

3

4

5

REPORTER'S CERTIFICATE

6

7

8

I, STARLETTE SONIEGA-ARMIJO, CSR NO. 10584,

9

OFFICIAL COURT REPORTER IN AND FOR THE SUPERIOR COURT OF THE

10

STATE OF CALIFORNIA, COUNTY OF ORANGE, DO HEREBY CERTIFY

11

THAT ON NOVEMBER 30, 2009, AND DECEMBER 1, 2009, I DID

12

REPORT IN SHORTHAND THE TESTIMONY AND PROCEEDINGS OF THE

13

FOREGOING PRELIMINARY EXAMINATION; AND THAT THE REPORTER'S

14

TRANSCRIPT IS A PARTIAL, TRUE, AND CORRECT TRANSCRIPTION OF

15

MY SHORTHAND NOTES OF THE TESTIMONY AND PROCEEDINGS IN THE

16

CASE ENTITLED THE PEOPLE OF THE STATE OF CALIFORNIA,

17

PLAINTIFF, VERSUS MATTHEW ROBINSON, DEFENDANT; CASE NUMBER

18

09HF1564. MY PORTION OF SAID TRANSCRIPT CONSISTS OF PAGES 1

19

TO 44, INCLUSIVE.

20

21

DATED:

December 3rd, 2009

22

23

Starlette Soniega-Armijo

24

STARLETTE SONIEGA-ARMIJO

25

CSR NO. 10584, RPR

26

OFFICIAL COURT REPORTER