



Superior Court of California County of Siskiyou

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Hon. Laura Masunaga
Presiding Judge

DATE: April 17, 2009
TO: ATTORNEYS, JUSTICE PARTNERS AND LAW ENFORCEMENT
FROM: PRESIDING JUDGE SISKIYOU COUNTY SUPERIOR COURT
SUBJECT: STANDING ORDER RE PROPOSITION 9 AND DISCOVERY

A victim, as that term is defined in California Constitution Article I Section (28)(e), has certain rights to justice and due process enumerated under California Constitution Article I Section 28.

One of those rights, under California Constitution Article I, Section 28(b)(4), is "the right to prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of a medical or counseling treatment, or which are otherwise privileged or confidential by law."

Additionally, the defendant has certain rights of due process under the state and federal constitutions.

To balance the rights of the defendant and the victim, the Court makes the following order below regarding the use and dissemination of confidential information and records, including law enforcement reports, that might be reasonably used to locate or harass a victim or his family or which disclose confidential communications made in the course of a medical or counseling treatment, or which are otherwise privileged or confidential by law (collectively the "Evidence").

THE COURT THEREFORE ORDERS:

1. The People and Law Enforcement shall comply with Penal Code Sections 1054 et seq. and all relevant state and federal case law.
2. The Defense (defined to include the defendant, the defendant's attorney, or any other person acting on behalf of the defendant) shall not use the Evidence for any purpose other than to prepare for the defense of the named defendant in this case.
3. The Defense shall not provide, sell or disclose the Evidence to any member or associate of the media, unless so ordered by a Court of appropriate jurisdiction.

4. The Defense shall not publicly or privately provide, sell or disclose the Evidence in any fashion except in judicial proceedings in the above-entitled case but may disclose the Evidence to any person(s) necessary for the proper preparation and/or presentation of the defense case.
5. The Defense shall not duplicate the Evidence, except as set forth in Section 6 below.
6. The Defense shall not provide the Evidence to anyone outside of the defense attorney's office with the exception of defendant (who is deemed owner of his/her file pursuant to State Bar of California), a defense expert or investigator, each shall be subject to this order.
7. Before the defendant's attorney may provide the Evidence to defendant, an expert witness or defense investigator, the defendant's attorney shall inform that person of this order. Defendant's attorney shall retain in the defense attorney's file and available upon court order, evidence that this information has been provided.
8. This order does not preclude the defendant's attorney from filing a motion pursuant to Penal Code section 1054.2(a)(2).
9. Though not required under Article I, Section 28 of the California Constitution, the People shall provide the primary victim(s) in this action a copy of this Order.

Dated: April 17, 2009

Masunoy
JUDGE OF THE SUPERIOR COURT