

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. OPN04249

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 02/20/08

DEFENDANT 01: MATTHEW MANNING

LAW ENFORCEMENT AGENCY EFFECTING ARREST: LAPD - NO. HOLLYWOOD AREA

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 08/30/00.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING
COMMITTED, ON OR ABOUT 06/06/00 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING
OFFENSE(S) OF:

COUNT 01: 647(A) PC MISD - DISRDR CONDUCT: LEWD ACT.

NEXT SCHEDULED EVENT:

ARREST WARRANT TO ISSUE

08/31/00 ARREST WARRANT IN THE AMOUNT OF \$5,000.00 BY ORDER OF JUDGE MARTIN
WEGMAN ISSUED. (09/01/00).

ON 03/09/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 101

CASE CALLED FOR ARRAIGNMENT

PARTIES: MARTIN WEGMAN (JUDGE) DIANE AZNAK (CLERK)
ELLEN ALO (REP) ROBERT A. ORLICH (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY JEFFREY COHEN PRIVATE
COUNSEL

BENCH WARRANT RECALLED

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 647(A) PC - DISRDR CONDUCT: LEWD ACT.

COUNSEL APPEARING 977(A). CONTINUED TO 4-9-01, DIV. 116, FOR

JURY TRIAL.

NEXT SCHEDULED EVENT:

04/09/01 830 AM JURY TRIAL DIST VAN NUYS COURTHOUSE DIV 116

03/09/01 ARREST WARRANT IN THE AMOUNT OF \$5,000.00 RECALLED. (03/09/01).

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/09/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 116

CASE CALLED FOR JURY TRIAL

PARTIES: GREGG MARCUS (JUDGE) DIANE TEIBEL (CLERK)
LEANNA J. ROESSELL (REP) PATRICK HISCOCKS (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY JEFFREY COHEN PRIVATE
COUNSEL

DEFENSE ATTORNEY APPEARING 977 A P.C.

PRETRIAL 4-18-01

NEXT SCHEDULED EVENT:

04/18/01 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DIV 116

ON 04/18/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 116

CASE CALLED FOR PRETRIAL HEARING

PARTIES: GREGG MARCUS (JUDGE) DIANE TEIBEL (CLERK)
LEANNA J. ROESSELL (REP) PATRICIA HUNTER (CA)

CASE NO. OPN04249
DEF NO. 01

PAGE NO. 2
DATE PRINTED 02/20/08

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL
MATTER TRAILED TO 4-19-01 FOR PRETRIAL.

NEXT SCHEDULED EVENT:

04/19/01 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DIV 116

ON 04/19/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 116

CASE CALLED FOR PRETRIAL HEARING

PARTIES: GREGG MARCUS (JUDGE) DIANE TEIBEL (CLERK)

LEANNA J. ROESSELL (REP) PATRICIA HUNTER (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL

JURY TRIAL CONTINUED TO 4-23-01

NEXT SCHEDULED EVENT:

04/23/01 830 AM JURY TRIAL DIST VAN NUYS COURTHOUSE DIV 116

DAY 10 OF 10

ON 04/23/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR JURY TRIAL

PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)

VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL

CAUSE TRANSFERED HEREIN FOR TRIAL FROM DIVISION 116 VIA

DIVISION 137.

NEXT SCHEDULED EVENT:

04/23/01 300 PM COMMENCEMENT OF TRIAL DIST VAN NUYS COURTHOUSE DIV 105

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/23/01 AT 300 PM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR COMMENCEMENT OF TRIAL

PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)

VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL

AT 3:15 PERJURY ADMONISHMENT ADMINISTERED TO PROSPECTIVE JURORS.

VOIR DIRE BEGINS.

COURT NOTES THAT 1 JUROR REFUSES TO SWEAR OF AFFIRM.

CAUSE RECESSED AT 4:10 PM.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:

04/24/01 830 AM JURY TRIAL IN PROGRESS DIST VAN NUYS COURTHOUSE DIV 105

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/24/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR JURY TRIAL IN PROGRESS

PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)

VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL
CAUSE CALLED AT 10:15 OUTSIDE THE PRESENCE OF THE JURY.
PEOPLE'S 402 MOTION HEARD ARGUED AND GRANTED TO ALLOW EVIDENCE
AND TESTIMONY UNDER 1101(B) PC.
CAUSE RECESSED AT 10:30 AM.
CAUSE RESUMES AT 10:45 AM WITH JURORS PRESENT.
VOIR DIRE RESUMES.
11:45 AM OUTSIDE THE PRESENCE OF THE JURY, CHALLENGES FOR CAUSE.
11:50 AM VOIR DIRE RESUMES.
CAUSE RECESSED AT 12:00 PM.
CAUSE CALLED AT 2:05 PM OUTSIDE THE PRESENCE OF THE JURY.
DEFENSE COUNSEL MOVES TO BRING IN CO-COUNSEL KURT STIFLER
SB# 103249.
MOTION GRANTED.
AT 2:20 PM PROSPECTIVE JURORS ARE IN COURT.
VOIR DIRE RESUMES.
AT 3:00 PM TWELVE JURORS AND 3 ALTERNATE JURORS ARE IMPANELED
AND AFFIRMED TO TRY THE CAUSE AS REFLECTED IN THE JURY CASE

INFORMATION SHEET, FILED THIS DATE AND INCORPORATED HEREIN
BY REFERENCE.
PRELIMINARY INSTRUCTIONS READ. JURY ADMONISHED.
CAUSE RECESSED AT 3:15 PM.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:

04/25/01 830 AM JURY TRIAL IN PROGRESS DIST VAN NUYS COURTHOUSE DIV 105

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/25/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR JURY TRIAL IN PROGRESS
PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)
VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL
CAUSE CALLED AT 10:55 AM OUTSIDE THE PRESENCE OF THE JURY.
PEOPLE'S MOTION TO EXCLUDE WITNESSES GRANTED.

AT 11:10 ALL PARTIES ARE PRESENT.
PEOPLE MAKE OPENING STATEMENT.
DEFENSE OPENING STATEMENT MADE.
PEOPLE'S WITNESS ROBERT PORTELLA SWORN AND EXAMINED.
DEFENSE A, LARGE PHOTO OF APARTMENT, MARKED FOR IDENTIFICATION.
PEOPLE'S 1, DRAWING OF APARTMENT, MARKED FOR IDENTIFICATION.
CAUSE RECESSED AT 12:00 PM.
CAUSE RESUMED AT 1:40 PM OUTSIDE THE PRESENCE OF THE JURY.
EVIDENTIARY ISSUES DISCUSSED WITH THE COURT.
AT 1:50 PM ALL PARTIES AND JURORS ARE PRESENT.
PEOPLE'S WITNESS, PORTELLA, RESUMES TESTIMONY.
DEFENSE EXHIBIT B, LARGE PHOTO OF APARTMENT INTERIOR,
MARKED FOR IDENTIFICATION.
CAUSE RECESSED AT 5:00 PM.
CAUSE RESUMED AT 3:15 PM WITH ALL PARTIES PRESENT.

CASE NO. OPN04249
DEF NO. 01

PAGE NO. 4
DATE PRINTED 02/20/08

PEOPLE'S WITNESS MATTHEW RODRIHUEZ SWORN AND EXAMINED.
CAUSE RECESSED AT 3:45 PM.
JURY DMONISHED.

NEXT SCHEDULED EVENT:

04/26/01 830 AM JURY TRIAL IN PROGRESS DIST VAN NUYS COURTHOUSE DIV 105

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/26/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR JURY TRIAL IN PROGRESS

PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)

VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL

CAUSE CALLED AT 10:40 AM WITH ALL PARTIES PRESENT.

PEOPLE'S WITNESS ALEJANDRO MARTINEZ SWORN AND EXAMINED.

AT 11:07 AM, PEOPLE'S MOTION TO ADMIT EXHIBIT 1 INTO EVIDENCE.

PEOPLE'S EXHIBIT 1 IS ADMITTED INTO EVIDENCE.

PEOPLE REST.

OUT OF THE PRESENCE OF THE JURY AND ALTERNATE JURORS:

DEFENSE MOTION TO DISMISS PURSUANT TO PENAL CODE SECTION 1118.1

ARGUED.

MOTION DENIED.

CAUSE RECESSED AT 11:10 AM.

CAUSE RESUMED AT 11:25 AM.

DEFENSE CALLS WITNESS JHAYNE EDDY WHO WAS IN COURT DURING TRIAL
PROCEEDINGS AND NOT ON WITNESS LIST. PEOPLE OBJECT.

OUT OF THE PRESENCE OF THE JURY AND ALTERNATE JURORS PEOPLE'S

OBJECTION HEARD AND ARGUED.

THE COURT WILL CONDUCT A 402 HEARING.

THE JURY IS RELEASED FOR THAT PURPOSE. JURY ADMONISHED.

OUT OF THE PRESENCE OF THE JURY AND ALTERNATE JURORS:

COURT CONDUCTS PRELIMINARY FACT HEARING (402).

DEFENSE WITNESS JHAYNE EDDY SWORN AND EXAMINED.

CAUSE ARGUED.

THE COURT TAKES RULING UNDER SUBMISSION.

CAUSE RECESSED AT 12:00 PM.

CAUSE RESUMES AT 2:00 PM OUTSIDE THE PRESENCE OF THE JURY AND

ALTERNATE JURORS.

THE COURT, HAVING HEARD AN OFFER OF PROOF AND AFTER CONDUCTING
A PRELIMINARY FACT HEARING WITH WITNESS TESTIMONY RULES AS
FOLLOWS:

THE WITNESS DPD JHAYNE EDDY IS INSTRUCTED NOT TO OFFER ANY

PERSONAL OPINION OR REPUTATION EVIDENCE AS TO DETECTIVE

MARTINEZ HIS CREDIBILITY OR THE INCIDENT AT HANSEN DAM

INVOLVING THE DEFENDANT AND DET. MARTINEZ IN FEBRUARY 1998.

THE COURT BELIEVES, AFTER A WEIGHING PROCESS PER EC 352, THAT

PROFFERED OPINION OR REPUTATION EVIDENCE REGARDING DET.

MARTINEZ IS WITHOUT SUFFICIENT FOUNDATION, LACKS PROBATIVE

VALUE, NECESSITATES AN UNDUE CONSUMPTION OF TIME AND CREATES

SUBSTANTIAL DANGER OF CONFUSING THE ISSUES AND MISLEADS THE JURY

AND IS COLLATERAL TO THE ISSUES OF THE TRIAL.

THE COURT RULES THAT THE WITNESS MAY, HOWEVER, OFFER OPINION AND

REPUTATION EVIDENCE PER EC 1102 REGARDING THE DEFENDANT'S CHARACTER OR A TRAIT OF HIS CHARACTER OR HIS REPUTATION. CHARACTER EVIDENCE COULD BE VIEWED AS C/E/ CONDUCT AND ARE OF 3 GENERAL KINDS:

1. EVIDENCE AS TO REPUTATION
 2. OPINION EVIDENCE AS TO CHARACTER AND
 3. EVIDENCE OF SPECIFIC ACTS INDICATING CHARACTER.
- THE PEOPLE ON CROSS EXAMINATION ARE RESTRAINED FROM AREAS OF CROSS EXAMINATION WHICH MAKE REFERENCE TO THE FEBRUARY 1998 INCIDENT.

CAUSE RESUMES WITH ALL PARTIES AND JURORS PRESENT.
DEFENSE WITNESS JHAYNE EDDY SWORN AND EXAMINED.
DEFENSE WITNESS MATTHEW MANNING SWORN AND EXAMINED.
DEFENSE EXHIBITS MARKED FOR IDENTIFICATION:

- C. CELLPHONE BILL
 - D. AUTO REPAIR BILL
 - E. RESTAURANT BILL
- CAUSE RECESSED AT 3:00 PM.

CAUSE RESUMED AT 3:45 PM.
DEFENSE WITNESS MATTHEW MANNING RESUMES TESTIMONY.
DEFENSE WITNESS CHRISTA MANNING SWORN AND EXAMINED.
CAUSE RECESSED AT 4:15 PM. JURY ADMONISHED.

NEXT SCHEDULED EVENT:

04/27/01 830 AM JURY TRIAL IN PROGRESS DIST VAN NUYS COURTHOUSE DIV 105

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/27/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR JURY TRIAL IN PROGRESS
PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)
VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL
CAUSE CALLED AT 10:45 OUTSIDE THE PRESENCE OF THE JURY AND
ALTERNATE JURORS.
PEOPLE OBJECT TO DEFENDANT'S BEHAVIOR AND DISPLAYS TO JURY BOTH
INSIDE AND OUTSIDE THE COURTROOM.
THE COURT CONDUCTS A FACT-FINDING HEARING RE: POSSIBLE JURY

TAMPERING.
DCA MAUREEN RODRIGUEZ SWORN AND EXAMINED
MATTHEW MANNING SWORN AND EXAMINED
PEOPLE'S MOTION TO EXCLUDE WITNESSES GRANTED.
ARGUMENT.
THE COURT WILL VOIR DIRE EACH JUROR INDIVIDUALLY.
AT 11:30 AM THE COURT CONDUCTS VOIR DIRE OF EACH JUROR AND
ALTERNATE.
AFTER VOIR DIRE THE COURT FINDS THE JURY HAS NOT BEEN TAINTED.
AT 11:47 AM ALL PARTIES AND JURORS ARE IN COURT.
DEFENSE WITNESS INEZ MENDEZ SWORN AND EXAMINED.
CAUSE RECESSED AT 11:55 AM.
CAUSE RESUMED AT 1:45 PM.
DEFENSE WITNESS INEZ MENDEZ RESUMES TESTIMONY.
DEFENSE WITNESSES SWORN AND EXAMINED:

CASE NO. OPN04249
DEF NO. 01

PAGE NO. 6
DATE PRINTED 02/20/08

CONCETTA PAPADOPOLI
PAUL CHAPPELL

AT 2:15 PM OUTSIDE THE PRESENCE OF THE JURY:
THE COURT AND COUNSEL DISCUSS DEFENSE WITNESS CHAPPELL'S
TESTIMONY THAT BRINGS UP DEFENDANT'S PRIOR CRIMINAL HISTORY.
THE COURT ALLOWS THE PEOPLE TO SET FORTH THE TRUE DISPOSITION
OF DEFENDANT'S PRIOR ARREST.
IN THE PRESENCE OF THE JURY AND ALTERNATES:
DEFENSE WITNESS ROBERT WINGATE SWORN AND EXAMINED.
DEFENSE EXHIBITS MARKED FOR IDENTIFICATION:
F. DRAWING OF PUBLIC PARK
G. DRAWING OF APARTMENT
H. PHOTO OF APARTMENT PATIO.
DEFENSE MOTION TO ADMIT EXHIBITS A-H INTO EVIDENCE.
DEFENSE EXHIBITS A-H ARE ADMITTED INTO EVIDENCE OVER PEOPLE'S
OBJECTION.
DEFENSE RESTS.
CAUSE RECESSED AT 3:00 PM.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:

04/30/01 830 AM JURY TRIAL IN PROGRESS DIST VAN NUYS COURTHOUSE DIV 105

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/30/01 AT 830 AM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR JURY TRIAL IN PROGRESS

PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)
VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL
CAUSE CALLED AT 11:30 AM OUTSIDE THE PRESENCE OF THE JURY AND
ALTERNATE JURORS.
THE DEFENSE AGAIN MOVES FOR DISMISSAL PURSUANT TO 1118.1.
MOTION ARGUED AND DENIED.
AT 11:33 AM JURORS AND ALTERNATES ARE PRESENT IN COURT.
CAUSE ARGUED.

CAUSE RECESSED AT 12:00 PM.

CAUSE RESUMED AT 1:30 PM OUTSIDE THE PRESENCE OF THE JURY AND
ALTERNATES.

BOTH COUNSEL STIPULATE THAT THE COURT REPORTER NEED NOT RECORD
THE JURY INSTRUCTIONS.

WITH THE JURY AND ALTERNATES IN COURT:

JURY INSTRUCTED. INSTRUCTIONS FILED.

NEXT SCHEDULED EVENT:

04/30/01 230 PM JURY DELIBERATIONS DIST VAN NUYS COURTHOUSE DIV 105

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/30/01 AT 230 PM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR JURY DELIBERATIONS

PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)
VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL

CASE NO. 0PN04249
DEF NO. 01

PAGE NO. 7
DATE PRINTED 02/20/08

AT 2:30 PM, THE JURY RETIRES TO DELIBERATE. DEPUTY ALICIA
SALDANA DULY SWORN TO TAKE CHARGE OF THE JURY AND ANDALTERNATES.
NEXT SCHEDULED EVENT:
04/30/01 330 PM VERDICT DIST VAN NUYS COURTHOUSE DIV 105

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/30/01 AT 330 PM IN VAN NUYS COURTHOUSE DIV 105

CASE CALLED FOR VERDICT
PARTIES: LELAND B. HARRIS (JUDGE) GENE BROWNE (CLERK)
VIRGINIA HEITZ (REP) MARTHA ANN GUTIERREZ (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEFFREY COHEN PRIVATE COUNSEL
COUNT (01) : DISPOSITION: ACQUITTIED BY JURY
NEXT SCHEDULED EVENT:
PROCEEDING TERM & CLDR CANCEL
3:30 PM: AT THIS TIME, THE JURY RETURNS WITH THE FOLLOWING

VERDICT:
"WE, THE JURY IN THE ABOVE-ENTITLED CAUSE, FIND THE DEFENDANT
NOT GUILTY OF THE OFFENSE CHARGED IN THE COMPLAINT, VIOLATION OF
647(A) PENAL CODE."
DATED APRIL 30, 2001 SIGNED JUROR #10 FOREPERSON.
NO REQUEST TO POLL THE JURY.
VERDICT FILED AND SEALED IN THE CONFIDENTIAL ENVELOPE.
THE JURORS ARE THANKED AND DISMISSED.
THE COURT ORDERS ALL EXHIBITS UNTAGGED AND RETURNED TO
SUBMITTING PARTIES.
THE DEFENDANT IS DISCHARGED.
PROCEEDINGS TERMINATED

02/20/08

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC DOCKET
ON FILE IN THIS OFFICE AS OF THE ABOVE DATE.

JOHN A. CLARKE, EXECUTIVE OFFICER/CLERK OF SUPERIOR COURT, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA

BY _____, DEPUTY

