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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

9 STOCKTON BRANCH

10	The People of the State of California,)	No. SF112495(A)
)	
11	Plaintiff,)	MOTION TO SEAL
)	GRAND JURY TRANSCRIPT
12	v.)	
)	
13	MELISSA HUCKABY)	
)	DATE: 08/17/09
14)	TIME: 1:00 pm
	Defendant(s).)	DEPT: 35

15 To protect both the People's and defendant Melissa Huckaby's
16 right to a fair and impartial trial, the People request the court
17 seal the court reporter's transcript of the grand jury hearing until
18 the defendant's trial has been completed in accordance with
19 California Penal Code section 938.1.

20 Sealing of the transcript will: 1) protect identities of minor
21 victims and witnesses and their families; 2) protect potential
22 jurors from hearing about certain statements that, while admissible
23 at the grand jury hearing, would be inadmissible at trial if offered
24 BY the declarant per California Evidence Code section 1220;
25 3) protect potential jurors from hearing only one side of the
26 toxicological, DNA, cordage comparison, handwriting analysis,
27 pharmacological and autopsy evidence.
28

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1 Unless the transcript remains sealed, defense will no doubt
2 argue that neither voir dire nor jury instructions can reverse the
3 potentially damaging and prejudicial effect of likely extensive pre-
4 trial exposure to only one interpretation of such evidence and
5 hence, venue must move.

6 Also, prospective jurors who read newspapers or internet
7 accounts of the facts adduced before the grand jury are likely to
8 remember these reports because of their unique subject matter and
9 may even develop a preconception concerning defendant's guilt or
10 innocence.

11 In addition, in an effort to produce potentially exculpatory
12 evidence, the People introduced arguably embarrassing information
13 about some individuals and their backgrounds - which evidence may or
14 may not be admissible at trial. Sealing the transcript will protect
15 privacy interests of those persons.

16 Redacting or partially sealing the transcripts would render
17 them nearly unintelligible as the benign information is inextricably
18 intertwined with the prejudicial or inadmissible information.

19 Conclusion: To help the court select a fair jury locally, the
20 transcript should be sealed. It is worth noting P.C. 938.1(b) does
21 not prevent the release of transcripts for all time; it merely
22 delays public access to testimony until defendant's trial has been
23 completed.

24 Dated: 08/12/2009

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26 Respectfully submitted,
27 James P. Willett
28 District Attorney

Thomas J. Testa
Deputy District Attorney

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