

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

JEFFREY F. ROSEN, DISTRICT ATTORNEY  
Bar No. 163589  
DAVID R. BOYD, Deputy District Attorney  
Bar No. 184614  
County Government Center, West Wing  
70 West Hedding Street  
San Jose, CA 95110  
Telephone: (408) 299-7400

Attorneys for The People

(ENDORSED)  
**FILED**  
OCT 21 2016

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

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA

RE: CRIMINAL GRAND JURY )  
 ) DECLARATION OF DAVID R. BOYD  
 ) RE: MOTION TO UNSEAL THE  
 ) TRANSCRIPT OF WITNESS TESTIMONY  
 ) BEFORE 2012 GRAND JURY (5/22/12 &  
 ) 5/23/12)  
 )  
 )  
 )  
 )

**DECLARATION**

I, DAVID R. BOYD, am a Deputy District Attorney for the Office of the District Attorney, Santa Clara County. The People seek an order that the below described grand jury testimony be unsealed so that it may be used at the jury trial.

1. The Criminal Grand Jury impaneled on May 21, 2012 (the 2012 GRAND JURY), heard witness testimony on May 22, 2012 and May 23, 2012, relating to the kidnap and murder of Sierra LaMar.
2. On May 21, 2012, Antolin Garcia-Torres was arrested for the kidnapping and murder of Sierra LaMar. The crimes occurred in the County of Santa Clara on or about March 16, 2012.

- 1 3. On May 24, 2012, Antolin Garcia-Torres appeared for arraignment in Santa Clara  
2 County Superior Court for the kidnapping and murder of Sierra LaMar under case  
3 number C1233134. The complaint additionally charged a special circumstance of  
4 kidnapping making the case eligible for the death penalty.  
5
- 6 4. On May 20, 2013, the Honorable Brian Walsh ordered, after the required review  
7 pursuant to Penal Code section 924.6, that the 2012 GRAND JURY testimony be  
8 released to the District Attorney's Office and defense counsel for Antolin Garcia-  
9 Torres.  
10
- 11 5. On January 28, 2014, the Honorable Brian Walsh authorized the use of the 2012  
12 GRAND JURY testimony before another criminal grand jury (the 2014 GRAND  
13 JURY) that was investigating the kidnap and murder of Sierra LaMar, along with other  
14 charges. Judge Walsh ordered that the transcript otherwise remain sealed.  
15
- 16 6. On February 11, 2014, the 2014 GRAND JURY returned an Indictment (213515)  
17 charging Antolin Garcia-Torres with the murder of Sierra LaMar along with other  
18 charges. As a result, the criminal complaint alleging the same was dismissed in lieu of  
19 the Indictment.  
20
- 21 7. On June 17, 2014, the Honorable Griffin Bonini ordered the transcripts for the 2014  
22 GRAND JURY proceedings unsealed. As a result, the only sealed grand jury testimony  
23 surrounding the kidnap and murder of the Sierra LaMar that remains is the testimony  
24 before the 2012 GRAND JURY.  
25
- 26 8. Trial is currently in the early phases before the Honorable Vanessa Zecher. Testimony  
will commence in December 2016 or January 2017. The People seek an order that the  
grand jury testimony be unsealed so that it may be used at trial.

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

9. All of the witnesses who testified before the Criminal Grand Jury on May 22, 2012 and May 23, 2012 are relevant witnesses to the subject matter of Santa Clara County Superior Court case number 213515, including a potential penalty phase should the special circumstance be found true. The testimony the witnesses provided to the 2012 GRAND JURY appears to be admissible at trial in 213515 subject to the usual evidentiary objections.

10. I have consulted with defense counsel for Antolin Garcia-Torres, Alfonso Lopez, and he has no objection to unsealing of the 2012 GRAND JURY transcripts.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2016, at San Jose, California.

\_\_\_\_\_  
DAVID R. BOYD  
Deputy District Attorney

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

JEFFREY F. ROSEN, DISTRICT ATTORNEY  
Bar No. 163589  
DAVID R. BOYD, Deputy District Attorney  
Bar No. 184614  
County Government Center, West Wing  
70 West Hedding Street  
San Jose, CA 95110  
Telephone: (408) 299-7400

Attorneys for The People

(ENDORSED)  
**FILED**  
OCT 21 2016

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

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA

RE: CRIMINAL GRAND JURY )  
)  
)  
) ORDER  
)  
)  
)  
\_\_\_\_\_ )

FOR GOOD CAUSE SHOWN, the Criminal Grand Jury witness testimony conducted  
on May 22, 2012 and May 23, 2012, is ordered unsealed.

Dated: **OCT 21 2016**

**Judge Vanessa A. Zecher**

\_\_\_\_\_  
VANESSA ZECHER  
Judge of the Superior Court