

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA – CRIMINAL DIVISION

FILED
JUL 11 2016

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)

Case No. 213515

Plaintiff,)

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

Vs.)

ORDER UNSEALING DOCUMENTS

ANTOLIN GARCIA-TORRES,)

Date of Hearing: July 8, 2016

Defendant.)

On June 20, 2016, the court issued a conditional sealing order with respect to a Motion to Suppress filed on June 20, 2016 on behalf of defendant ANTOLIN GARCIA-TORRES. Said order permitted the filing of the Motion to Suppress under seal until further order of the Court.

On July 8, 2016, the court heard argument from both sides regarding whether or not the Motion to Suppress should continue to be filed under seal. The court makes the following order:

IT IS HEREBY ORDERED that the Motion to Suppress be **UNSEALED**, including any attachments thereto. (Cal.Rules of Court, Rule 2.551 (h)).

In deciding to unseal the Motion to Suppress, the court considers the matters addressed in Cal.Rules of Court, Rule 2.550 (c)-(e) as follows:

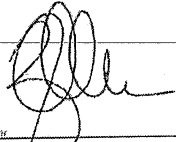
- (1) Court records are presumed to be open. (Cal.Rules of Court, Rule 2.550(c)). The court cannot find any facts which would overcome that presumption. The court has carefully considered the defense argument that the Motion to Suppress is filed close in time to the start of jury selection and does not find it persuasive.

(2) No facts have been presented to the court which expressly establish that there is an overriding interest that overcomes the right of public access to the record. (Cal.Rules of Court 2.550(d)). There is no overriding interest supporting sealing the Motion to Suppress, as both sides represented that much of the evidence the defendant would like suppressed is already referenced in the grand jury transcript which has been previously ordered by the court to be unsealed.

(3) Any order to seal is to be specifically and narrowly tailored. (Cal.Rules of Court 2.550(e)). The original sealing order sealed the entire Motion to Suppress pending further order of the court. At the time of the hearing on July 8, 2016, no alternatives were presented to the court for a partial sealing of the Motion (i.e., that only specific portions of the Motion to Suppress be sealed). In any event, given the unsealing of the Grand Jury transcript, the court would not be able to find facts which would support the sealing of the Motion.

IT IS FURTHER ORDERED that, in consideration of the court's order unsealing the Motion to Suppress, that the People's "Confidential Statement of Reasons" filed under seal is ordered UNSEALED.

DATED: July 11, 2016



VANESSA A. ZECHER
JUDGE OF THE SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

In the Matter of ANTOLIN GARCIA TORRES Defendant	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <div style="font-size: 1.2em; font-weight: bold;">JUL 11 2016</div> <div style="font-size: 0.8em; font-weight: bold;"> DAVID H. YAMASAKI Chief Executive Officer/Clerk Superior Court of CA County of Santa Clara </div> BY: _____ DEPUTY
PROOF OF SERVICE:	
ORDER: ORDER UNSEALING DOCUMENTS	CASE NO: 213515

CLERK'S CERTIFICATE OF SERVICE

I CERTIFY THAT I AM NOT A PARTY TO THIS CAUSE AND THAT A TRUE COPY OF THIS DOCUMENT, **ORDER UNSEALING DOCUMENTS**, WAS HAND-DELIVERED INTO THE BELOW-LISTED AGENCY'S INTER-OFFICE PICK-UP BOX, (WHERE APPLICABLE), OR MAILED WITH FIRST CLASS POSTAGE PREPAID IN A SEALED ENVELOPE ADDRESSED AS SHOWN BELOW, AND THESE DOCUMENTS WERE PLACED FOR PICK-UP OR MAILED AT SAN JOSE, CALIFORNIA ON DATE SHOWN BELOW.

DATED: 07/11/16

DAVID YAMASAKI, CHIEF EXECUTIVE OFFICER/CLERK

BY: _____
Gina Colbenson, Deputy Courtroom Clerk

SANTA CLARA COUNTY OFFICE OF THE DISTRICT ATTORNEY ATTN: David Boyd & Dana Veazey (via: inter-office pick-up box)	SANTA CLARA COUNTY OFFICE OF THE ALTERNATE DEFENDER ATTN: Al Lopez & Brian Matthews (via: inter-office pick-up box)
SANTA CLARA COUNTY SUPERIOR COURT ATTN: Rose Silva Hall of Justice – Public Service (via: inter-office pick-up box)	SANTA CLARA COUNTY SUPERIOR COURT ATTN: CJIC HOJ (via: inter-office pick-up box)
SANTA CLARA COUNTY SUPERIOR COURT ATTN: Hon. Deborah A. Ryan Hall of Justice – Dept. 27 (via: inter-office pick-up box)	SANTA CLARA COUNTY SUPERIOR COURT ATTN: Jose Macalusco Administration (via: inter-office pick-up box)