

1
2
3
4
5
6
7
8
9

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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

ANTOLIN GARCIA-TORRES,

Defendant.

) Case No.: 213515

)
) PROTECTIVE ORDER
) REGARDING DISCLOSURE OF
) "NON-MATCH" DNA PROFILES.

)
)
) **FILED**

MAR 21 2016

DAVID H. YAMASAKI

Chief Executive Officer/Clerk
Superior Court of the County of Santa Clara

BY Ismael Armenta DEPUTY

10 GOOD CAUSE HAVING BEEN SHOWN, the Court issues the following Protective Order:

11 IT IS HEREBY ORDERED that defendant Antolin Garcia-Torres, his agents, his attorneys,
12 and any consultants for the defense:

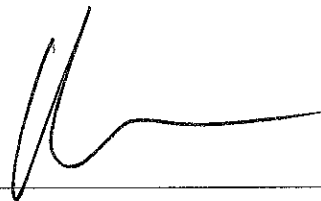
- 13 1. Not copy, duplicate, reproduce, or authorize another to copy, duplicate or reproduce the
14 dispositioned "non-match DNA profiles" obtained from the Combined DNA Index
15 System (CODIS) and/or State DNA Index System (SDIS) and any associated information
16 except as provided below;
- 17 2. Defense counsel may make no more than 10 controlled copies for use exclusively by the
18 defense team, including consultants. These copies must be marked "Controlled Document
19 Do Not Duplicate" and have this order attached. The controlled copies must be accounted
20 for and defense counsel must retrieve these controlled copies from members of the
21 defense team, including consultants, once the work is completed;

- 1 3. Said “non-matching DNA profiles” and any associated information may not be
2 conveyed, transferred, published, or distributed except among members of the defense
3 team, as stated above regarding controlled copies;
- 4 4. Said “non-matching DNA profiles” and any associated information shall be used
5 exclusively by defense counsel in the representation of Antolin Garcia-Torres, Case
6 number 213515, and may not be used in any other case, regardless if it is criminal, civil,
7 or an administrative hearing;
- 8 5. Said “non-matching DNA profiles” and any associated information shall be used
9 exclusively by defense counsel in the representation of Antolin Garcia-Torres, Case
10 number 213515, and is not to be divulged orally or in writing to the media or anyone
11 outside the defense team and their agents, including consultants, except as provided in
12 subsection 2 above;
- 13 6. Defense counsel or their agents, including experts, may not file, copy or describe in court
14 said “non-matching DNA profiles” and any associated information unless it is under seal
15 by order of the Court;
- 16 7. Defense counsel or their agents, including experts, may not introduce in open court
17 through testimony, documents, or description said “non-matching DNA profiles” and any
18 associated information unless the Court has expressly granted permission for its
19 admissibility, and only after the parties have had the opportunity to be heard on the
20 admissibility and publication of said information;
- 21 8. Upon final disposition of the case, defense counsel and their agents, shall promptly and
22 without further court order return all copies, both original and controlled, along with an
23
24
25

1 accounting of all controlled copies that were made, to the Santa Clara County District
2 Attorney's Office;

- 3 9. In the event that there is a conviction, defense counsel can retain the original copy and
4 shall return all controlled copies to the Santa Clara County District Attorney's Office.
5 The original copy is to be safeguarded in a sealed envelope marked "Confidential" and a
6 copy of this order is to be attached to the outside of the envelope. The original will be
7 safeguarded by defense counsel until it is provided to appellate counsel who will then
8 safeguard it and be bound by the terms of this Court Order;
- 9 10. The trial court and appellate courts may amend, modify, or delete all or portions of this
10 Court Order after all parties have been given the opportunity to be heard on the issue.

11
12
13 Dated: 3/21/16



14 Honorable Judge Helen E. Williams
15
16
17
18
19
20
21
22
23
24
25
26