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(ENDORSED)
FILED

APR 22 2016

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

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

15 PEOPLE OF THE STATE OF CALIFORNIA,

NO: 213515

16 Plaintiff,

STIPULATED ORDER FOR RELEASE OF
EVIDENCE FOR DEFENSE TESTING

17 vs.

18 ANTOLIN GARCIA-TORRES,

19 Defendant

20 TO THE SANTA CLARA COUNTY DISTRICT ATTORNEY AND THE SANTA CLARA
21 COUNTY SHERIFF'S OFFICE:

22 Per stipulation of the parties you are hereby ordered to release a two to four centimeter
23 portion of evidence item #216-4 (an approximately twenty-nine centimeter hair collected from
24 a white rope seized from Mr. Garcia-Torres' red Jetta) to the defense by sending the partial
25 hair shaft to:

26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 The parties have stipulated that:

- 2 1. the District Attorney Crime Laboratory has been requested by the defense to cut 2-4
3 centimeter (cm) of item 216-4 for mitochondrial testing at the laboratory noted
4 above;
- 5 2. the District Attorney Crime Laboratory shall send a 2-4 cm portion of item #216-4
6 in a manner that is consistent with their training and experience in sending such
7 samples for testing by outside labs so that the item arrives in a condition suitable
8 for mitochondrial testing of a hair shaft;
- 9 3. counsel for the defendant will provide the District Attorney with appropriate
10 shipping dates to ensure that the recipient is open for business for the expected
11 delivery;
- 12 4. the results of the defense testing of said hair shaft are confidential consultation for
13 the defense and may or may not be disclosed to the District Attorney except as
14 required under Penal Code section 1054 *et seq*;
- 15 5. the defense may consume the entire 2-4 cm partial hair shaft if necessary;
- 16 6. the cost of the testing shall be borne by the defense;
- 17 7. counsel for the defendant shall make arrangements with Mitotyping Technologies
18 to ensure that any unused portion of the hair and any remaining extracted DNA are
19 returned at defense expense to the District Attorney Crime Laboratory in a manner
20 that is consistent with their training and experience in sending such samples so that
21 the items arrive in a condition suitable to maintain the integrity of the evidence;
- 22 8. the defense is on notice that the cutting and consumption of a portion of item 216-4
23 will compromise the ability to do further comparison of 216-4 against other
24 reference or questioned hairs;
- 25 9. the defense is on notice that the cutting and consumption of the 2-4 cm portion of
26 item 216-4 as requested by the defense may compromise other forensic testing of
27 216-4 by the defense whether contemplated at this time or not; and
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1 10. the District Attorney Crime Laboratory will send the requested portion of item 216-
2 4 via Federal Express or other similar delivery service and cannot make any
3 warranty regarding its care and handling after leaving the custody of the District
4 Attorney Crime Laboratory.

5 It Is So Stipulated:

6 _____ Date: _____
7 Alfonso O. Lopez
8 Deputy Alternate Defender

9 _____ Date: _____
10 David R. Boyd
11 Deputy District Attorney

12 IT IS SO ORDERED:

13 **Judge Deborah A. Ryan**

Date: **APR 22 2016**

14 Honorable Judge Deborah Ryan
15 Supervising Judge, Criminal Division
16 Santa Clara County Superior Court
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