

1 LAW OFFICES OF THE ALTERNATE DEFENDER  
2 DAVID EPPS, Supervising Attorney #160173  
3 ALFONSO O. LOPEZ, #203564  
4 BRIAN MATTHEWS, #191508  
5 BICKA BARLOW, #178723  
6 County of Santa Clara  
7 701 Miller Street  
8 San Jose, CA 95110  
9 Telephone: (408) 299-7207

10 Attorneys for Defendant

**FILED**

AUG 30 2016

DAVID H. YAMASAKI

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

BY G. COLLENSON DEPUTY

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

13 PEOPLE OF THE STATE OF CALIFORNIA,

NO: 213515

14 Plaintiff,

STIPULATED ORDER FOR RELEASE AND  
RETURN OF EVIDENCE FOR DEFENSE  
TESTING; FIBER EVIDENCE

15 vs.

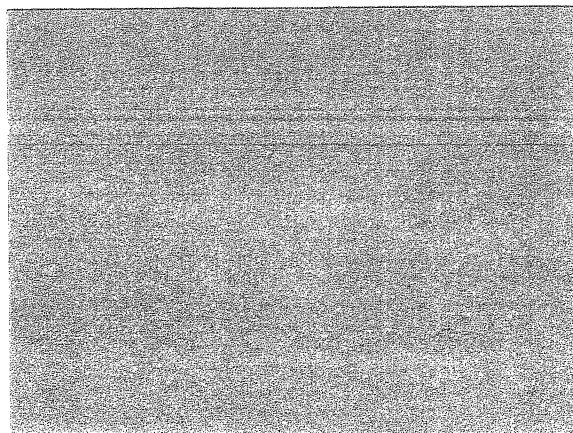
16 ANTOLIN GARCIA-TORRES,

17 Defendant

18 TO THE SANTA CLARA COUNTY DISTRICT ATTORNEY AND THEIR CRIME LAB:

19 Per stipulation of the parties you are hereby ordered to release the fibers listed in

20 paragraphs A and B below to defense consultant:



21 //

22 //

23 //

1 A. Fibers Listed on Lab Page 001640 more specifically described as:

- 2 1. L110A, Fiber 4, Grey Fiber From Shoe;  
3 2. L110A, Fiber 5, Grey Fiber From Shoe Sole;  
4 3. L108, Fiber 71, Grey Fiber From Jeans;  
5 4. L108, Fiber 74, Black Fiber From Jeans;  
6 5. P108, Fiber 90, Black Fiber From Jeans;  
7 6. L109, Fiber 123, Grey Fiber From Sweatshirt;  
8 7. L109, Fiber 158, Black Fiber From Sweatshirt;  
9 8. L109, Fiber 171, Grey Fiber From Sweatshirt;  
10 9. L109, Fiber 174, Grey Fiber From Sweatshirt;  
11 10. L109, Fiber 175, Black Fiber From Sweatshirt;  
12 11. L109, Fiber 184, Black Fiber From Sweatshirt.

13 B. Reference Fibers packaged under Laboratory bar code AA124224

14 The parties have stipulated that:

- 15 1. the District Attorney Crime Laboratory has been requested by the defense to  
16 prepare and send selected fiber samples for analysis;
- 17 2. the District Attorney Crime Laboratory shall send the mentioned fibers in a manner  
18 that is consistent with their training and experience in sending such samples for  
19 testing by an outside laboratory so that the item arrives in a condition suitable for  
20 forensic trace evidence review of fibers;
- 21 3. counsel for the defendant will provide the District Attorney with appropriate  
22 shipping dates to ensure that the recipient is open for business for the expected  
23 delivery;
- 24 4. the results of the defense forensic review of said fibers are confidential consultation  
25 for the defense and may or may not be disclosed to the District Attorney except as  
26 required under Penal Code section 1054 *et seq*;
- 27 5. the defense may not alter the fibers in any way and may examine them using  
28 alternate light sources and magnification and other forensic methods which do not  
damage or alter them;
6. the cost of the testing shall be borne by the defense;
7. counsel for the defendant shall make arrangements with Microtrace LLC to ensure  
that the fibers are returned at defense expense to the District Attorney Crime  
Laboratory in a manner that is consistent with their training and experience in  
sending such samples so that the items arrive in a condition suitable to maintain the  
integrity of the evidence;

1 8. the District Attorney Crime Laboratory will send the requested fibers via Federal  
2 Express or other similar delivery service and cannot make any warranty regarding  
3 its care and handling after leaving the custody of the District Attorney Crime  
4 Laboratory;

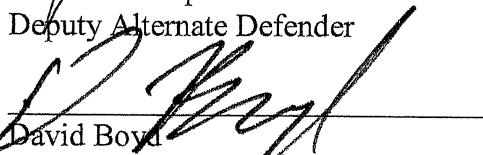
5 9. the samples shall be returned to the District Attorney Crime Laboratory no later  
6 than three weeks from their receipt by Microtrace LLC.

6 It Is So Stipulated:

7 

Date: 8/30/2016

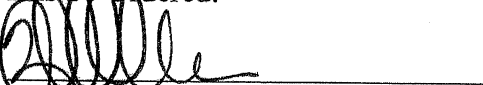
8 Alfonso O Lopez  
9 Deputy Alternate Defender

10 

Date: 8/30/2016

11 David Boyd  
12 Deputy District Attorney

12 It Is So Ordered:

13 

Date: 8.30.2016

14 Honorable Judge Vanessa Zecher

15 **Judge Vanessa A. Zecher**