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DAVID H. YAMASAKI
Deputy Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY: _____ DEPUTY

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

PEOPLE OF THE STATE OF CALIFORNIA,

NO. 213515

Plaintiff,

Trial Motion No.7

vs.

MOTION TO EXCLUDE
BLEACH AND TURKEY
BASTER (EC352)

ANTOLIN GARCIA-TORRES,

Defendant.

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND THE DISTRICT ATTORNEY
OF SANTA CLARA COUNTY:

The government is seeking to introduce evidence that Mr. Garcia-Torres purchased bleach and a turkey baster several days prior to Ms. LaMar becoming a missing person. The government would be offering the evidence so that the jury could speculate that the items were purchased to clean a crime scene or a body. The evidence is being proffered through Sargent Herman Leon who is not qualified as a crime scene expert nor had any experience where a turkey baster was used to clean a body with bleach.

1 The evidence proffered by the government is nothing more than speculation intended to
2 prejudice the case against Mr. Garcia-Torres and nothing more. A turkey baster could never be
3 used to clean a body. Turkey basters are designed to be used only in an upright vertical position
4 with the rubber boot facing the top. If the turkey baster is used in a horizontal to upside down
5 position, such as to insert it into a body cavity, the bleach would flow to the rubber boot or back
6 of the device and air would enter the spigot rendering the device ineffective for the speculated
7 use claimed by the government. Moreover, there is no evidence of bleach stains on Ms.
8 LaMar's clothing nor on Mr. Garcia-Torres' clothing to suggest such bleach clean up. There is
9 excellent footage of Mr. Garcia-Torres on Bank of America video surveillance at around noon
10 on March 16, 2012, the day Ms. LaMar is believed to be missing and no bleach stains are
11 visible.
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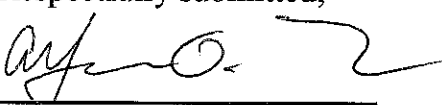
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14 There are more credible innocent explanations why Mr. Garcia-Torres would buy a
15 turkey baster and bleach. One buys bleach to wash their white clothes and to clean dirty white
16 towels. A turkey baster is used to make hash oil out of left over marijuana leaves. There are
17 countless videos and discussions on the internet explaining how to make hash oil out of less
18 desirable marijuana leaves and stems. In a nut shell, the leaves and stems are filled into the
19 turkey baster after removing the boot and the boot is replaced with coffee filters that are zipped
20 tied and/or secured with rubber bands. A butane can of lighter fluid is connected to the spigot
21 end of the turkey baster and the pressure from the butane breaks down and compresses the
22 marijuana through the filters extracting hash oil. Hash oil is a product of extracting THC from
23 less desirable marijuana stems and leaves. A stainless steel turkey baster is recommended but it
24 is more expensive and must be cleaned between uses. A cheap plastic turkey baster, such as the
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1 one purchased by Mr. Garcia-Torres, is ideal because it can be discarded after one use, no need
2 to clean it out, and no need to save it.

3 Mr. Garcia-Torres objects to the government introducing the turkey baster evidence as
4 not relevant, calls for speculation, and violates his right to a fair trial under state and federal due
5 process. Moreover, the government's evidence should be excluded under EC352 because it has
6 no probative value, it will necessitate undue consumption of time, it will unfairly prejudice the
7 case against Mr. Garcia-Torres, and it will confuse the issues and mislead the jury.
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9 In the event that this Court allows the speculative evidence proffered by the government,
10 the defense will present a significant amount of evidence related to this issue. Namely, a
11 cannabis expert to explain how hash oil is made using a turkey baster and explain that several
12 items seized from Mr. Garcia-Torres' red Jetta are typically used to making hash oil with a
13 turkey baster. Next, we would call a crime scene expert to explain how a turkey baster cannot
14 be used to clean a body as speculated by the government. Moreover, that there is no evidence of
15 bleach stains on the clothes consistent with bleach clean up. Lastly, we would call witnesses to
16 explain how white clothes are cleaned with bleach and that Mr. Garcia-Torres washed his white
17 clothes including rags with bleach. It is also common for fisherman to soak their fishing rags,
18 used to hold the fish, in bleach to clean them between uses.
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22 Dated: October 6, 2016.

23 Respectfully submitted,
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25 _____
26 Alfonso O. Lopez
27 Deputy Alternate Defender
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