

1 **Kenneth Clair**
2 **501 City Drive South**
3 **Orange, CA. 928868**
4 **Booking Number: 2925186**

RECEIVED
OCT 26 2016

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 26 2016

ALAN CARLSON, Clerk of the Court

OFFICE OF THE DISTRICT ATTORNEY
CENTRAL JUSTICE CENTER
SANTA ANA, CA

BY: **BRENDA RAAB**, DEPUTY

5 **In: Pro Per**

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7
8 **FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

9
10 **PEOPLE OF THE STATE OF**

11 **CALIFORNIA,**

12
13 Plaintiff,

14 vs.

15 **KENNETH CLAIR**

16
17 Defendant

) Case No. C-57572
)
)

) DISCOVERY MOTION AND
) TRANSCRIPTS
)

) TO HAVE ALL OF THE
) DISCOVERY DEVELOPED ON
) DEFENDANTS CASE AND ALL OF
) THE TRANSCRIPTS TURNED OVER
) TO KENNETH CLAIR'S
) INVESTIGATOR C. J. FORD
) JR. FOR PREPARATION OF
) RESENTENCING DEFENSE AND
) REQUEST FOR NEW TRIAL

Hearing Date: Thursday

Nov. 10, 2014

8:30am

18
19 To The Honorable Judge GOETHALS of Department C45:

20 **KENNETH CLAIR, Defendant in the above matter seeks the following**
21 **order:**

22
23 Kenneth Clair is requesting an order by this court to have all
24 discovery in the Orange County District Attorney's office regarding
25 this matter turned over to defendant's investigator C. J. Ford Jr.

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27 - 1 -

DISCOVERY MOTION AND TRANSCRIPTS

28 TO HAVE ALL OF THE DISCOVERY DEVELOPED ON DEFENDANTS CASE AND ALL OF THE TRANSCRIPTS TURNED OVER TO
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NEW TRIAL

1 This includes all briefs and documentation filed or in the
2 possession of the Orange County District Attorney's office related
3 to this case.

4
5 This includes but NOT limited to briefs, police reports, physical
6 evidence, photos, diagrams, slides, composites, videotapes, crime
7 scene exhibits, court and exhibits.
8

9
10
11 **SCIENTIFIC EVIDENCE**
12

13 This request "Scientific" evidence such as DNA information,
14 reports, communication, test, and results for further evaluation
15 and investigation for resentencing purposes and to respond to the
16 district attorney's current motion where the district attorney
17 claims that this court does not have authority to do any more than
18 resentence the defendant. The defendant believes that this court
19 does have, or will have the authority to hear a motion for a new
20 trial or to handle other matters other than resentencing before or
21 by the January, 13, 2017 court date. The defendant is preparing a
22 motion, if necessary, to a higher court to give this court the
23 authority to hear a motion for a new trial or other matters besides
24 resentencing.
25
26

27 - 2 -

28 **DISCOVERY MOTION AND TRANSCRIPTS**

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1 The defendant also request that all "Scientific" evidence in
2 defendant's case be protected by this court and that the district
3 attorney, the Santa Ana Police Department, and all other agencies
4 that have this evidence in their possession be bared from handling,
5 testing, examinations, transporting, or any handling other way,
6 being involved with the evidence without a defense expert being
7 present. The defendant request that all report and testing results
8 and the locations of all evidence be reported to the defendant and
9 this court and no other testing is to continue, or any new testing
10 will be done until the appropriate time agreed to by the defense.
11
12
13

14 The defendant is requesting that the district attorney make the
15 court and the defendant aware of any current or past testing, any
16 results if known, and the names of all facilities that are testing
17 the evidence, and their addresses.
18
19

20 **THE DEFENDANT'S 6TH AND 14TH RIGHTS MUST BE PROTECTED**
21 **BEFORE THE RESENTENCING HEARING ON JANUARY 13, 2017**
22

23
24 The defendant intends in defendant's responding papers to file a
25 constitutional response for the purpose outlined in defendant's
26

27 - 3 -

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1 upcoming response to challenge the district attorney's assumption
2 that this court only is authorized to rule on resentencing issues.
3

4 The defendant believes that this court has not ruled on the
5 resentencing issue as of this date, and that the defendant should
6 be allowed to prepare a motion for a new trial in case the court
7 decides that it has the authority to rule on whether or not the
8 defendant can file a motion for a new trial. There is no ruling at
9 this time that would prohibit the defendant from seeking a new
10 trial as part of his response to the district attorney's moving
11 papers.
12
13

14
15 The defendant needs the court to protect the defendant's legal
16 rights guaranteed to him by the 6th and 14th amendments of the
17 constitution to be able to prepare for a new trial, and to have his
18 discovery to prepare.
19

20
21 **TRANSCRIPTS OF ACTIVITY IN DEPARTMENT C45**
22

23 The defendant is also requesting that all transcripts of this
24 matter heard in department C45 be given to the defense
25

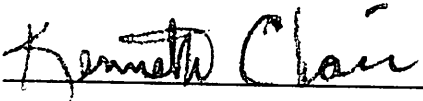
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27 - 4 -

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1 investigator, C. J. Ford Jr. for the purpose of delivering to the
2 defendart without cost because the defendant is pro-per.
3

4 DATED: October 19, 2016

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7 Kenneth Clair
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27 - 5 -

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