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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAR 27 2025

BY Mayela Martinez
MAYELA MARTINEZ, DEPUTY

7 **SUPERIOR COURT OF CALIFORNIA**
8 **COUNTY OF SAN BERNARDINO**

9
10 THE PEOPLE OF THE STATE OF CALIFORNIA,

11 Plaintiff,

12 vs.

13 JUSTIN HALSTENBERG,

14 Defendant.

Criminal Case No. FSB24003353

PEOPLE'S WITNESS LIST AND EXHIBIT LIST

DATE: 3-27-25
TIME: 8:30 AM
DEPT: 519

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18 **TO THE JUDGE OF THE SUPERIOR COURT, DEFENDANT, AND**
19 **DEFENSE COUNSEL:**

20 PLEASE TAKE NOTICE that the People of the State of California, by their Attorney of
21 Record, Jason Anderson, District Attorney for the County of San Bernardino, hereby submit the
22 following Witness List and Exhibit List for the Court's consideration.

23 The People base the Witness List and Exhibit List on all pleadings; records and files in this
24 action; and such oral and documentary evidence as may be heard at the time of the hearing of this
25 matter.

1 **PEOPLE'S PROPOSED WITNESS LIST**

2 The People of the State of California hereby gives notice to the defendant, and his attorney
3 of record, and the above-entitled Court of those who may be called to testify in the above-entitled
4 case. Unless otherwise noted, witness contact information is contained in the police report(s).
5 This list is not intended to include every potential witness, and the People do not represent that
6 every witness on this list will be called to testify. The People may release any of these witnesses
7 at any time. Defense counsel should serve his/her own subpoenas on any possible defense
8 witnesses, and not rely on this list. The People reserve the right to amend this list at any time.

- 9 1. Detective Jacob Hernandez—San Bernardino County Sheriff's Department
- 10 2. Detective Lorraine Bertetto—San Bernardino County Sheriff's Department
- 11 3. Detective Blake Stebbing—San Bernardino County Sheriff's Department
- 12 4. Sgt. Michael Brandt—San Bernardino County Sheriff's Department
- 13 5. Paul Bugar—San Bernardino County Sheriff's Department
- 14 6. Deputy Roland Schmiedel—San Bernardino County Sheriff's Department
- 15 7. Deputy B. Robinson—San Bernardino County Sheriff's Department
- 16 8. Deputy Ryan Garcia—San Bernardino County Sheriff's Department
- 17 9. Officer Matthew Kirkhart—Cal Fire San Bernardino
- 18 10. Officer Matthew Franklin—Cal Fire San Bernardino
- 19 11. Officer Andrew Arthen—Cal Fire San Bernardino
- 20 12. Officer Jan Rybczynski—Cal Fire San Bernardino
- 21 13. Officer Bennet Milloy—Cal Fire San Bernardino
- 22 14. Officer Joshua Williams—Cal Fire San Bernardino
- 23 15. Officer John May—Cal Fire Riverside
- 24 16. Officer Joe Green—Cal Fire Riverside
- 25 17. Patrick Aguada—Cal Fire Financial Specialist
- 26 18. Monica Sanchez—Cal Fire Financial Specialist
- 27 19. Jack Franklin—Cal Fire Financial Specialist
- 28 20. Karl Behrens—US Forest Service Financial Specialist

PEOPLE'S PROPOSED EXHIBIT LIST

Possible exhibits which may be offered by the People include the following:

1. Document—Cal Fire Line Fire Summary Cost Report—Jack Franklin Set One
2. Document—Cal Fire Line Fire Summary Cost Report—Jack Franklin Set Two
3. Document—Cal Fire Line Fire Summary Cost Report—Pat Aguada Set One
4. Document—Cal Fire Line Fire Summary Cost Report—Pat Aguada Set Two
5. Document—Federal Financial Records
6. Document—Jose Luise Hernandez Medical Records
7. Document—Chevrolet Silverado License Plate Number #8D1602 Registration History
8. Document—Justin Halstenberg DMV SoundEx
9. Document—Vigilant Automated License Plate Reader Results
10. Document—Cellebrite Web History for Justin Halstenberg's Phone
11. Document—Cellebrite Phone Photos for Justin Halstenberg's Phone
12. Document—T-Mobile Subscriber Information and CDR Certificate
13. Document—T-Mobile Timing Advance Certificate
14. Document—T-Mobile Subscriber Information
15. Document—T-Mobile Timing Advance Data
16. Document—T-Mobile CDR Mediations Data
17. Document—Hawk Analytics Days of Week vs. Hour of Day
18. Document—Hawk Analytics Call Detail Records
19. Image—Map of Northeast Highland—Satellite View
20. Image—Map of Northeast Highland—Street View
21. Image—Map of Bacon Lane and Randall Lane—Satellite View
22. Image—Map of Bacon Lane and Randall Lane—Street View
23. Image—Map of Baseline Street—Satellite View
24. Image—Map of Baseline Street—Street View
25. Image—Map of Highland City—Street View
26. Image—Map of San Manuel Casino Area—Street View

- 1 27. Image—Map of San Manuel Village Area—Street View
- 2 28. Image—Map of Frontera Del Norte and Plunge Creek—Street View
- 3 29. Image—Map of Highland to Running Springs—Street View
- 4 30. Image—Map of Pinecone Drive—Street View
- 5 31. Image—Map of Panorama Road and Pinecone Drive—Street View
- 6 32. Image—Map Panorama Road—Street View
- 7 33. Image—Map of 1394 Detroit St.—Satellite View
- 8 34. Image—Map of Total Burned Area
- 9 35. Image—Bacon Fire—Coin on Ground
- 10 36. Image—Bacon Fire—Razor Blades, Staple, and Coin on Ground
- 11 37. Image—Bacon Fire—Burned Bush with Three Yellow Flags—Up Front View
- 12 38. Image—Bacon Fire—Burned Bush with Three Yellow Flags—Side View
- 13 39. Image—Bacon Fire—Ground with Three Yellow Flags
- 14 40. Image—Bacon Fire—Yellow Flag Next to Coin
- 15 41. Image—Bacon Fire—Close-Up of Coin
- 16 42. Image—Bacon Fire—Close-Up of Coin and Staple
- 17 43. Image—Bacon Fire—Close-Up of Metal Razors
- 18 44. Image—Bacon Fire—Scorched Piece of Yellow Paper with Ruler—Close-Up
- 19 45. Image—Bacon Fire—Scorched Piece of Yellow Paper with Ruler—Medium View
- 20 46. Image—Vehicle Processing—White Chevrolet Truck—Front View
- 21 47. Image—Vehicle Processing—White Chevrolet Truck—Driver's Side View
- 22 48. Image—Vehicle Processing—White Chevrolet Truck—Rear View
- 23 49. Image—Vehicle Processing—White Chevrolet Truck—Yellow Piece of Paper on
- 24 Driver Floorboard
- 25 50. Image—Vehicle Processing—White Chevrolet Truck—Coins in Center Console
- 26 51. Image—Vehicle Processing—White Chevrolet Truck—Coin and Yellow Piece of
- 27 Paper on Driver Floorboard
- 28

373 U.S. 83. The People further seek to preclude the defense from seeking to introduce any evidence regarding such prior conduct.

The admissibility of prior conduct to impeach a witness generally is limited to evidence that demonstrates "moral turpitude." (See *People v. Castro* (1985) Cal.3d. 301, 314-316.) Even moral turpitude conduct may be excluded pursuant to Evidence Code Section 352. Such exclusion is particularly appropriate in cases where the conduct is remote and a witness has "subsequently led a blameless life" since the commission of the prior conduct. (See *People v. Green* (1995) 34 Cal.App.4th 165, 183 [discussing relevance of remote conduct where a witness has not led a blameless life]; *People v. Muldrow* (1988) 202 Cal.App.3d 636, 644.) In addition, when the introduction of prior conduct evidence would necessitate undue consumption of time and risk confusing the jury, it is appropriately excluded. (Evid. Code. §352.)

A. IMPEACHMENT MATERIAL RELATED TO PAUL BUGAR.

As part of its *Brady* obligation, the People have turned over to defense three news articles in the public record relating to Paul Bugar and the death of a woman named Tyisha Miller. The first article is from the *Los Angeles Times*, the second is from the *Daily Bulletin*, and the third is from the *New York Times*. The People do not have any records or materials in their possession regarding Paul Bugar beyond what can be found through a "Google" search.

From the public record, the following is known: In the early hours of December 28, 1998, Riverside City Police Officers responded to a call for a woman who was unconscious in a vehicle with a gun in her lap. The woman was Tyisha Miller. Officers, including Paul Bugar, who was a trainee at the time, responded. Officers attempted to wake Ms. Miller but could not. Officers then attempted to break the car window to reach Ms. Miller. The first attempt failed, and Ms. Miller woke up.

The second attempt succeeded, and one of the officers stuck his head inside of the vehicle to secure the firearm from Ms. Miller. At this point, one of the officers saw Ms. Miller reach for the gun, and the officers outside of the vehicle began firing at Ms. Miller.

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
MAR 27 2025
BY Mayela Martinez
MAYEEA MARTINEZ, DEPUTY

11 Attorneys for Defendant
12 JUSTIN HALSTENBERG

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

11 PEOPLE OF THE STATE OF CALIFORNIA,) No. FSB24003353
12)
13 Plaintiff,) **DEFENDANT'S MOTIONS IN LIMINE AND**
14) **TRIAL BRIEF**
15 vs.)
16 JUSTIN HALSTENBERG,) Date: 3/27/2025
17) Time: 8:30am
18) Dept: S-19
19 Defendant.)

20 **TO: JASON ANDERSON, DISTRICT ATTORNEY OF SAN BERNARDINO COUNTY; AND**
21 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

22 **NOTICE IS HEREBY GIVEN** that on the above date and time, or as soon thereafter as
23 counsel may be heard in the courtroom assigned for trial, defendant, JUSTIN HALSTENBERG, by
24 and through his attorney, the Public Defender for San Bernardino County, will move this court to grant
25 all listed motions in limine.

26 Said motion will be based on this notice of motion, the pleadings in this action, the attached
27 memorandum of points and authorities, and arguments to be presented at the time and place herein
28 scheduled for the motion.

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3 **STATEMENT OF THE CASE**

4 MR. HALSTENBERG has been charged with violating California Penal Code section 451.5(a),
5 451(a), two counts of 451(b), four counts of 451(c), three counts of 453(a), and three counts of 451(d).
6 JUSTIN HALSTENBERG has pled not guilty to the charges and denied any and all special
7 allegations.

8 **MOTIONS IN LIMINE**

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11 **I. MOTION TO EXCLUDE WITNESSES**

12 Pursuant to California Evidence Code section 777, the defense requests that all witnesses and
13 potential witnesses be excluded from the courtroom pending their testimony and shall not discuss their
14 testimony with anyone until the conclusion of the trial.

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16 **II. MOTION FOR ORDER REQUIRING THE PROSECUTION TO ADMONISH ITS**
17 **WITNESSES AGAINST VOLUNTEERING OR OTHERWISE OFFERING**
18 **INADMISSIBLE TESTIMONY AND TO ADVISE WITNESSES OF COURT'S IN**
19 **LIMINE RULINGS**

20
21 A prosecutor in a criminal case has a duty to see that a witness called by him or her volunteers
22 no statements that would be inadmissible, and to be especially careful to guard against statements that
23 would also be prejudicial. *People v. Schiers* (1971) 19 Cal.App.3d 102.

24 To similar effect, as stated by the Court of Appeal in *People v. Parsons* (1984, 2nd Dist.) 156
25 Cal.App.3d 1165, 1170: "A prosecutor is under a duty to guard against inadmissible statements from
26 his witnesses and guilty of misconduct when he violates that duty.... When a prosecutor intentionally
27 asks a question, the answers to which he or she knows are inadmissible, the prosecutor is guilty of a
28 bad-faith attempt to improperly persuade the court or jury. (Citations omitted.)" An admonition to the