



1 (AFTERNOON SESSION)

2 THE COURT: ALL RIGHT. SO WE ARE BACK ON THE  
3 RECORD HERE IN PEOPLE VERSUS PHOENIX AND KALDANI AND THE  
4 DEFENDANTS ARE NOW PRESENT OUT OF CUSTODY WITH THEIR  
5 COUNSEL. PEOPLE ARE PRESENT THROUGH THEIR DEPUTY DISTRICT  
6 ATTORNEY AND OFFICER KIRKPATRICK.

7 MR. CHAN: I BELIEVE THE PEOPLE HAVE A MOTION WITH  
8 RESPECT TO MR. KALDANI.

9 THE COURT: I SEE. ALL RIGHT. AND SO,  
10 MS. SCHWARTZBERG.

11 MS. SCHWARTZBERG: YES, YOUR HONOR. IN LIGHT OF  
12 THE EVIDENCE GLEANED AT THE PRELIMINARY HEARING AS WELL AS  
13 PRIOR TO THE PRELIMINARY HEARING, WE HAVE DECIDED TO MOVE  
14 TO DISMISS FOR INSUFFICIENT EVIDENCE REGARDING DEFENDANT  
15 KALDANI ONLY.

16 THE COURT: ALL RIGHT.

17 MR. CHAN: THANK YOU.

18 THE COURT: OKAY. ALL RIGHT. SO, THEN, THAT  
19 MOTION WILL BE GRANTED AT THIS TIME AND, MR. KALDANI, THEN,  
20 YOU ARE DISCHARGED.

21 THE DEFENDANT: THANK YOU VERY MUCH, YOUR HONOR.

22 THE COURT: ALL RIGHT. OKAY.

23 (WHEREUPON, MR. KALDANI AND HIS ATTORNEY EXITED THE  
24 COURTROOM AND FURTHER PROCEEDINGS CONTINUED.)

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REPORTER'S CERTIFICATE

COUNTY OF SAN MATEO)

) SS.

STATE OF CALIFORNIA)

I, ROSA MARTINEZ, HEREBY CERTIFY:

THAT I AM AN OFFICIAL CERTIFIED SHORTHAND  
REPORTER OF THE SUPERIOR COURT OF THE COUNTY OF SAN MATEO,  
STATE OF CALIFORNIA;

THAT IN PURSUANCE OF MY DUTIES AS SUCH, I  
ATTENDED THE PROCEEDINGS IN THE FOREGOING MATTER AND  
REPORTED ALL OF THE PROCEEDINGS AND TESTIMONY TAKEN  
THEREIN;

THAT THE FOREGOING IS A FULL, TRUE AND CORRECT  
TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN.

DATED: DECEMBER 3, 2008

REDWOOD CITY, CALIFORNIA

  
ROSA MARTINEZ

C.S.R. NO. 8893