

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SAN DIEGO**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

JACK HENRY LEWIS, JR.,

Defendant.

Case No. SCD 193558  
DA No. ABP085

**ORDER TO PRODUCE DOCUMENTS; PROTECTIVE ORDER**

**I. Order to Produce Documents**

Having read and considered the pleadings filed by the California Department of Corrections and Rehabilitation (CDCR) in support of its Motion To Quash the *subpoena duces tecum* served by the defense in January 2007; and the reply filed by the defense in support of its Motion To Compel Production of Documents in connection with its *subpoena duces tecum*, and the arguments of the parties, the Court rules as follows: As amended by the defense, the Court finds that the *subpoena* is neither overbroad nor unduly burdensome. The subpoena *duces tecum* is limited to (1) presentence reports relating to CDCR inmates convicted of first degree murder as defined in the *subpoena duces tecum*, and (2) received into the custody of CDCR between January 2003 and December 2005. A protective order resolves any concerns about privacy, confidentiality, improper disclosure or danger; and the documents defendant seeks are relevant to Defense Motion Number 3 and are likely to lead to the discovery of admissible evidence regarding the claim made therein.

The CDCR must comply with the *subpoena duces tecum*. Accordingly, and good cause therefor appearing, the subpoenaed documents must be produced.

**It is so ordered.**

1 **II. Protective Order Regarding Production of Probation Reports**

2 Good cause therefor appearing, the Court enters the Protective Order.

3 Unless otherwise ordered by the Court, the materials produced in the present action  
4 by the CDCR are and shall remain confidential: they shall be revealed only to counsel for the  
5 parties, persons acting on counsel's behalf and persons working under their supervision in  
6 connection with the present action and they shall be used only for the litigation of the present  
7 action. No confidential identifying information shall be revealed to the defendant.

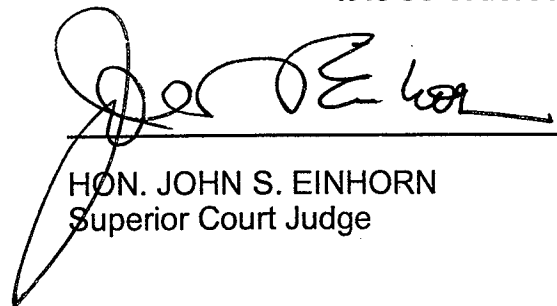
8 In order to ensure that the identities of persons named in the CDCR materials remain  
9 confidential, Defendant's counsel shall develop a method for identifying such persons by a  
10 numeric code; this code shall be used instead of names to refer to such persons in any  
11 papers filed in the public record and in hearings, unless otherwise ordered by the Court.  
12 Defense counsel shall prepare a key that will enable the Court and the prosecution to  
13 determine the names of persons to whom either party or the Court refers by code. Defendant  
14 shall file the key under seal and shall serve it to the District Attorney. The key shall be  
15 confidential: it shall be revealed only to counsel for the parties, persons acting on counsel's  
16 behalf and persons working under their supervision in connection with the present case.

17 Nothing in this Order prohibits the CDCR or anyone acting on its behalf from notifying  
18 any person named in the CDCR materials that the CDCR has been ordered by the Court to  
19 produce the materials naming that person.

20 This Protective Order shall continue in effect after the conclusion of the present action  
21 and specifically shall apply in the event of a retrial of all or any portion of Defendant's case.  
22 The parties may request modification or vacation of this Protective Order upon entry of final  
23 judgment in the present action.

24 **It is so ordered.**

25  
26 Dated: NOV 6 2007

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HON. JOHN S. EINHORN  
Superior Court Judge