

1 ROBERT J. KOCHLY
District Attorney
2 Contra Costa County
Harold W. Jewett
3 Deputy District Attorney
State Bar No. 104555
4 725 Court Street,
Courthouse, 4th Floor
5 P.O. Box 670
Martinez, CA 94553-0150
6 (925) 957-2200

7 Attorneys for Plaintiff

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF CONTRA COSTA

10 THE PEOPLE OF THE STATE OF CALIFORNIA,

11 Plaintiff,

12 vs.

13 Scott Edgar Dyleski

14 Defendant

) Case No.: 05-060254-0
)

) PEOPLE'S REPLY TO
) DEFENDANT'S REQUEST FOR A
) 402 HEARING RE: DOG SCENT
)

) Date: June 19, 2006

) Time: 8:30AM

) Dept: 2
)

17 ARGUMENT

18 Defendant's remarks regarding the "dog scent" evidence developed in this case are well taken, and
19 apply with equal force to all dog tracking done, and all locations where tracking dogs apparently
20 "alerted". Putting aside the fact the "red-tinted water" referred to was not blood, and the fact cadaver
21 dogs are known to "alert" in shower stalls (where the shower drain trap can emit a foul odor), the fact is
22 substantial evidence containing the biological fluids of both Defendant and Pamela Vitale was moved
23 from a van to Defendant's residence by a police officer before the K-9's were brought to Defendant's
24 residence. The People cannot say this action did not contribute to the reactions by the K-9.
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FILED

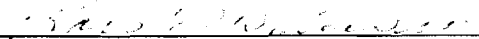
2006 JUN -6 P 2:29

K. TERRY... COURT
CLERK OF SUPERIOR COURT
CONTRA COSTA COUNTY, CALIF.
BY: *Miller*

1 Therefore, the People do not intend to introduce any evidence regarding K-9 "dog scent evidence",
2 and assume Defendant will lay the proper foundation at a 402 hearing before he should endeavor to
3 introduce or otherwise make reference to any such evidence before the jury.¹
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5 Respectfully submitted,

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7 Date: June 5, 2006

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9 Harold W. Jewett
10 Deputy District Attorney
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28 ¹ Of course, the People are assuming no such effort will be made since "the facts of this case cast more doubt on the scientific reliability of the dog scent evidence at issue than those of *Willis*" (Defendant's P's & A's, page 13)

