

CASE #: B356717, Div: 3

**IN THE COURT OF APPEAL OF THE S**  
**SECOND APPELLATE DISTRICT, DIVISION 3**

In re DAYSTAR PETERSON,

On Habeas Corpus.

Writ of Habeas Corpus  
No.:

Superior Court  
No.: XCNBA490599

**PETITION FOR WRIT OF HABEAS CORPUS**

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## INTRODUCTION

### **TO THE HONORABLE PRESIDING JUSTICE, AND THE HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL, SECOND APPELLATE DISTRICT, DIVISION 3:**

Petitioner DAYSTAR PETERSON (hereinafter “Petitioner Peterson” or “Petitioner”), by and through his undersigned counsel, Crystal Morgan of Morgan Legal Services, PLLC, Ronda Dixon of the Dixon Justice Center, and Andrew Flier of Levine, Flier and Flier, LLP, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy the Superior Court’s denial of Petitioner’s petition for writ of coram nobis (Case No. XCNBA490599), and to permit consideration of newly discovered evidence and facts that materially bear upon the validity of Petitioner’s conviction and sentence in Case No. BA490599.

This Petition also presents a material inconsistency arising from the record previously before this Court in Case No. B341643. In that proceeding, Petitioner asserted that bullet fragments and other potentially exculpatory physical evidence had not been preserved, thereby implicating the State’s obligations under *Brady v. Maryland* and its progeny. In response, the Los Angeles Police Department subsequently represented, by declaration, that all evidence that had been booked remained in its possession. Petitioner was nevertheless denied the opportunity to pursue the matter directly with the District Attorney’s Office. Petitioner thereafter made two written requests to the District Attorney seeking access to or clarification concerning the

evidence, neither of which received a response. The Superior Court subsequently denied Petitioner's request for post-conviction discovery despite further evidence subsequently supporting Petitioner's contentions that said fragments or "foreign bodies" as they are described in such, were never booked into evidence.

The circumstances have now materially changed. Petitioner possesses four distinct categories of evidence to establish that the "foreign bodies" were not preserved, including newly discovered evidence from the medical records relied upon at Petitioner's criminal trial. Moreover, Petitioner's experts have identified substantial irregularities and indicia of fabrication or alteration in those records. Of particular significance, the medical records presented in the criminal proceedings comprise approximately 100 pages, while substantially more extensive medical records consisting of 400 pages appear in a related civil proceeding involving the victim.

Cumulatively, such evidence now raises substantial questions concerning the integrity of the evidence presented at trial, the preservation and availability of potentially exculpatory physical evidence, the State's representations concerning that evidence, and Petitioner's ability to obtain and present material evidence after judgment. Said new discoveries, considered together with the evidence-preservation issue previously presented to this Court, demonstrates circumstances that could not

reasonably have been fully presented through the prior proceedings which affect the validity of Petitioner's conviction and sentence.

Petitioner therefore respectfully requests that this Court consider the newly discovered evidence and the constitutional and statutory violations arising therefrom, and grant such relief as justice and the law requires. In support thereof, Petitioner avers as follows:

### **STATEMENT OF THE CASE**

1. Petitioner Peterson is an individual incarcerated at California Men's Colony, located in San Luis Obispo County, California, in the custody of Warden Nathan Gaughan. The People named Petitioner as the defendant in Los Angeles County Superior Court, Case No. BA490599.

2. This proceeding concerns the People of the State of California, including the Los Angeles County District Attorney's Office and the California Attorney General, who have represented and continue to represent the People in the underlying criminal and post-conviction proceedings.

3. This proceeding is brought following the Los Angeles County Superior Court's denial of Petitioner's petition for writ of error coram nobis in Case No. XCNBA490599. The newly discovered evidence and subsequent developments described herein also bear directly upon matters previously presented to, and addressed by, this Honorable Court of Appeal in Case No. B341643. Petitioner therefore seeks relief by way of a petition for writ of

habeas corpus pursuant to this Court's original habeas corpus jurisdiction under article VI, section 10 of the California Constitution.

4. Petitioner respectfully requests that this Court take judicial notice, pursuant to Evidence Code sections 452, subdivision (d)(1), 453, and 459, of the records, pleadings, briefs, transcripts, motions, and other filings maintained in the proceedings before this Court in Case No. B341643, and such additional portions of the underlying record as are properly subject to judicial notice and relevant to the issues presented herein.

5. The following facts and procedural history are derived from the record and briefing previously presented to this Court, together with subsequent developments and newly discovered evidence. Petitioner maintains his innocence despite the jury's findings and brings this Petition to obtain judicial consideration of evidence that was not previously available to him and that materially bears upon the validity of his conviction and continued confinement.

6. On December 23, 2022, Petitioner Peterson was convicted by a jury of Count One, assault with a semiautomatic firearm, in violation of Penal Code section 245, subdivision (b), with personal use of a firearm and findings supporting enhancements under Penal Code sections 12022.5, subdivisions (a) and (d), and 12022.7, subdivision (a); Count Two, possession of a concealed firearm within a vehicle, in violation of Penal Code section 25400, subdivision (a)(1); and Count Three, discharge of a firearm

with gross negligence, in violation of Penal Code section 246.3, subdivision (a), with a finding supporting an enhancement under Penal Code section 12022.7, subdivision (a).

7. On August 8, 2023, Petitioner was sentenced to the midterm of six years on Count One, with an additional four-year term for the applicable firearm enhancement. The second enhancement was dismissed as to Counts One and Three. As to Count Two, the court imposed the midterm term of two years, to run concurrently with Count One. As to Count Three, the court imposed the midterm of two years and stayed execution of that sentence. Petitioner therefore received an aggregate sentence of ten years.

8. Petitioner timely filed a notice of appeal on September 18, 2023. Petitioner thereafter pursued his direct appeal in this Court, Case No. B331774, together with a collateral petition for writ of habeas corpus, Case No. B333805, filed in February 2024. In October 2024, Petitioner filed a successive petition for writ of habeas corpus in this Court, Case No. B341643.

9. On August 12, 2025, this Court issued its order addressing Petitioner's petitions for writ of habeas corpus, including the claims arising under the California Racial Justice Act. In that order, this Court addressed Petitioner's claim concerning missing bullet fragments and directed Petitioner to pursue the issue with the Los Angeles County District Attorney's Office as appropriate. The significance of that direction is

heightened by subsequent representations concerning the existence and preservation of the physical evidence, as set forth below.

10. Petitioner's direct appeal was denied on November 12, 2025. On February 25, 2026, the California Supreme Court denied Petitioner's petition for review.

11. On December 11, 2025, Petitioner Peterson filed his petition for writ of error coram nobis with the Los Angeles County Superior Court, Case No. XCNBA490599, under seal. Petitioner also pursued access to the physical evidence at issue in his prior habeas proceedings. In August 2025 and again in October 2025, Petitioner sought to inspect the bullet fragments or other "foreign bodies" as instructed by this Honorable Court's order, by sending such request to the District Attorney's office.

12. In March of 2026, Petitioner filed his motion for relevant evidence pursuant to Penal Code<sup>1</sup> section 745, subdivision (d), seeking evidence necessary to develop his claims under the California Racial Justice Act, as well as evidence material to his constitutional claims concerning evidence that should have been disclosed during the underlying criminal proceedings. Among the evidence sought were the "foreign bodies" and other physical evidence previously identified as potentially material to Petitioner's claims under *Brady v. Maryland* and its progeny.

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise denoted.

13. Simultaneously, Petitioner served subpoenas duces tecum on the Los Angeles Police Department, Cedars Sinai, and relevant phone companies in order to evaluate the authenticity, provenance, integrity, and accuracy of evidence., due to conflicting evidence being discovered. Moreover, Petitioner was seeking the metadata associated with Pete's medical records, so that the author of said alterations and overwrites in the medical record could be discovered and the true record determined.

14. On April 17, 2026, Petitioner filed a motion for an order to show cause compelling compliance by Cedars Sinai. On May 5, 2026, the Los Angeles Police Department filed their motion to quash Petitioner's subpoena, and on May 6, 2026, Cedars Sinai filed the same. No hearing was held on these matters.

15. The morning of the hearing on May 8, 2026, the People filed an opposition to Petitioner's motion for relevant evidence. Petitioner was permitted to file a reply on May 22, 2026. Pursuant to instructions by the Superior Court, Petitioner filed a redacted version of the petition for writ of error coram nobis on June 11, 2026.

16. On June 22, 2026, the Los Angeles County Superior Court summarily denied Petitioner's petition for writ of error coram nobis, and granted the Los Angeles Police Department and Cedars Sinai's motions to quash. On July 30, 2026, the Superior Court denied Petitioner's motion for relevant evidence pursuant to Penal Code section 745, subdivision (d).

Petitioner now seeks habeas corpus relief from this Court based upon the newly discovered evidence, the subsequent developments concerning the physical evidence, and the constitutional and statutory violations described herein.

### **STATEMENT OF RELEVANT FACTS**

17. On July 12, 2020, at approximately 4:30 a.m., Petitioner Peterson, his security guard, Jaquan Smith (“Smith”), and two women, Kelsey Harris (“Harris”) and Megan Pete (“Pete”), left a party at the home of Kylie Jenner. (4 RT 3307, 3354–55; 5 RT 3624; 6 RT 3992.) Several witnesses testified that Petitioner Peterson, Harris, and Pete had consumed significant amounts of alcohol at the party. (4 RT 3626–3627; 6 RT 3944, 3956.)

18. The group left the party in Petitioner Peterson’s black Cadillac SUV. (4 RT 3310; 9 RT 4898.) During the drive, an argument arose between Petitioner Peterson, Harris, and Pete, during which Petitioner disclosed his physical relationships with both Harris and Pete. (4 RT 3372–3373; 5 RT 3633–3635.) Pete asked to exit the vehicle. Smith stopped the SUV in a residential neighborhood on the 1800 block of Nichols Canyon Road. Pete testified that she exited the SUV and walked away from the vehicle with her back toward the SUV and its occupants. (4 RT 3315–3318.)

19. According to Pete's trial testimony, when she turned back toward the SUV, she observed Petitioner Peterson pointing a firearm at her. (4 RT 3316–3319.) Following the shooting, Petitioner Peterson and Harris attempted to provide Pete with medical assistance before helping her back into the SUV. (4 RT 3324–3325, 3415.)

20. The Los Angeles Police Department ("LAPD") responded to several 911 calls from neighbors. (3 RT 3067–3068.) Officers en route observed a vehicle matching the description provided in the 911 calls and initiated a felony detention stop of Petitioner Peterson's vehicle. (3 RT 3106–3108.) All occupants were ordered to exit the vehicle, and officers searched the SUV. (3 RT 3108.) Officers recovered a 9mm semiautomatic handgun from the floorboard of the front passenger seat. (3 RT 3110–3111.) The record does not establish that the owner of the firearm was ever determined. During a December 5, 2023 readiness hearing, however, trial counsel referred to the firearm as Harris's weapon. (2 RT 1570.)

21. When officers observed Pete bleeding from her right foot, they questioned her regarding the source of her injuries. (3 RT 3109.) Pete told officers that she had stepped on broken glass. (3 RT 3109; 4 RT 3330, 3399–3400.) Pete was transported to a hospital, where she received medical treatment for injuries to her feet. The trial record reflects that medical personnel subsequently removed what were described as "bullet fragments" from her feet. (4 RT 3331; 6 RT 3927–3931.)

22. Following the traffic stop, Smith, Harris, and Petitioner Peterson were taken into police custody for further questioning. (3 RT 3310.) Petitioner was ultimately charged with, among other offenses, possession of a concealed firearm within a vehicle.

23. During the underlying criminal proceedings, Harris invoked her Fifth Amendment privilege against self-incrimination in order to testify although she stated she did not remember, or had been untruthful in the past frequently throughout her testimony. In addition, Petitioner was not provided with certain information concerning other potential witnesses and evidence identified in the investigative materials. Among the materials at issue are police reports referring to a recording involving Justin Edison (“Edison”), which Petitioner has not been provided to date.

24. The existence and potential significance of Edison’s testimony were nevertheless referenced during the criminal trial. In opening statements, the prosecution represented that Edison would testify concerning an alleged confession by Petitioner. Although Edison was subject to a body attachment, he did not appear and testify at trial. Petitioner has sought the underlying recording and related materials in order to determine the circumstances and accuracy of the statements attributed to Edison.

25. Moreover, the former district attorney’s office only chose to prosecute Petitioner Peterson after this recorded phone call with Edison, which Petitioner does not possess. Additionally, Petitioner Peterson did not

receive chain-of-custody information regarding critical pieces of evidence, which he is questioning the veracity of, including a text to Edison from Harris, and Pete's medical records.

26. Petitioner Peterson further sought evidence concerning the investigation and prosecution of the case, including all recorded telephone calls involving Edison, a text message from Harris to Edison, chain-of-custody information concerning material evidence, and the medical records relied upon during the criminal proceedings. Petitioner has not been provided the complete evidentiary materials necessary to evaluate the authenticity, provenance, and evidentiary significance of these items.

27. On August 4, 2025, Petitioner wrote to the prosecutors who had represented the People in the underlying criminal proceedings and requested additional evidence and investigative information. Among other things, Petitioner requested that the serial number of the firearm recovered from the vehicle be processed in an effort to determine its ownership, and requested a copy of a 911 call made by a material witness. The request received no response.

28. On August 12, 2025, this Court issued its order addressing Petitioner's prior habeas proceedings. Among the matters addressed was Petitioner's claim concerning missing bullet fragments or other physical evidence described in the medical records as "foreign bodies." The Court directed Petitioner to pursue the matter with the District Attorney's Office as

appropriate, due to the Los Angeles Police Department lodging a declaration which implied the “foreign bodies” or fragments were in evidence. Petitioner thereafter continued his efforts to obtain and inspect the physical evidence, again requesting inspection from the District Attorneys in October of 2025. The declaration from the Los Angeles Police Department is attached hereto as Exhibit 1, and incorporated by reference as if set forth fully verbatim herein.

29. During the course of related civil litigation involving Pete, Petitioner, who was not a party to that proceeding, obtained copies of medical records concerning Pete’s injuries. Those records materially differ in volume and content from the medical records that were presented or relied upon during Petitioner’s criminal proceedings. The criminal trial record contains approximately 100 pages of medical records, while the records produced in the related civil proceeding contain approximately 400 pages. Redacted versions of said medical records will be furnished to this Honorable Court.

30. The additional medical records contain a page titled “Evidence” that is not contained in the approximately 100-page medical-record previously obtained in connection with the criminal proceedings. The newly discovered page states that three bags containing “foreign bodies” removed from Pete were prepared and that the three bags were given to Cedars-Sinai security. A redacted copy of the page titled “Evidence” is

attached hereto as Exhibit 2, and incorporated by reference as if set forth fully verbatim herein.

31. The newly discovered “Evidence” page is significant because it is inconsistent with the information previously available to Petitioner concerning the disposition of the physical evidence. The coram nobis record reflects that Detective Eberhardt subsequently went to Cedars-Sinai to retrieve the purported bullet fragments and was informed by Cedars-Sinai personnel that the hospital did not possess any bullet fragments.

32. The same newly discovered medical records therefore identify a specific physical-evidence trail three bags containing “foreign bodies,” removed from Pete and provided to a specifically identified Cedars Sinai security guard that was not contained in the medical records previously available to Petitioner. Petitioner has not been permitted to inspect or independently examine those items, and their present location, custody, condition, and contents remain unresolved.

33. The evidentiary issue was further complicated by the Los Angeles Police Department’s subsequent declaration representing that evidence that had been booked remained in its possession in response to Petitioner’s subsequent (second) petition for writ of habeas corpus. This representation prompted Petitioner to continue seeking access to the physical evidence and to pursue the issue with the District Attorney’s Office, consistent with this Court’s August 12, 2025 order in Case No. B341643.

34. In addition, Petitioner Peterson relied upon statements from the LAPD contained in their investigatory reports, where Detective Eberhardt stated that no such evidence was collected from Cedars Sanai, along with testimony from Detective Stogner in Petitioner's preliminary hearing stating the same. Moreover, and importantly, text messages between the District Attorney prosecuting Petitioner, and Pete's attorney from Quinn Emanuel in October of 2024, also discuss how no such evidence was ever produced by Cedars Sanai. These materials further support Petitioner's contention that the custody and disposition of the "foreign bodies" remain unresolved and raise a substantial question whether those items were ever transferred to and booked by law enforcement. The police report, relevant page from Petitioner's preliminary hearing, and the relevant portions of the text exchange are attached hereto as Exhibit 3, and incorporated by reference as if set forth fully verbatim herein.

35. The underlying trial record further reflects that law enforcement was unable to recover the purported fragments from the hospital. Although body attachments issued for Dr. Milton Little and Dr. Haruno, Dr. Little did not testify; Dr. Haruno, a surgical resident who observed the procedure, testified concerning the medical evidence. Dr. Haruno's testimony was necessarily limited by the scope of his personal participation in and observation of the procedure. To the extent he did not personally remove, collect, package, transfer, or maintain custody of the

purported fragments, he could not supply first-hand testimony establishing those facts. The absence of testimony from Dr. Little, the attending physician, together with the newly discovered documentation reflecting that three bags of “foreign bodies” were transferred to Cedars Sinai security, leaves material questions concerning the removal, handling, and ultimate disposition of the physical evidence unresolved.

36. Petitioner thereafter obtained independent review of the two medical-record productions. Ryan O’Connor, M.D., an emergency medicine physician who was discovered from the Los Angeles County Superior Court list of expert witnesses, identified multiple errors, omissions, and inconsistencies, including a direct contradiction between an orthopedic consultation note and multiple radiology reports concerning radiopaque foreign bodies in Pete’s feet. Dr. O’Connor also identified an acknowledged emergency-department order dated July 12, 2020, at 05:43 for a “Laceration Suture Repair.” Nursing entries thereafter state that the laceration had been washed out and was awaiting repair or suturing; however, Dr. O’Connor found no corresponding procedure note documenting the suture repair.

37. Dr. O’Connor concluded that the order for suture repair was therefore inconsistent with the remainder of the emergency-department record. Dr. O’Connor additionally identified July 14, 2020 imaging of Pete’s right forearm for “Pain/Swelling” and right wrist for “Trauma.” Although a nursing entry refers to swelling of the right forearm, he found no

corresponding physician, nursing, or patient documentation explaining trauma to the right wrist sufficient to account for the stated reason for that imaging. Moreover, Dr. O'Connor identified a direct inconsistency because Dr. Little was the attending physician who attested to the orthopedic consultation note that he identifies as directly inconsistent with multiple radiology reports concerning the presence of radiopaque foreign bodies.

38. Jeannine Bernstein, MSN-Inf, RN, CCRN, a registered nurse with clinical and nursing-informatics experience reviewing Epic electronic health records, identified more than sixty documentation irregularities affecting the completeness and continuity of the records. Bernstein further concluded that a complete authenticity assessment would require the native Epic audit trail, access logs, version history, and metadata. These reports are attached hereto as Exhibit 4, and incorporated by reference as if set forth fully verbatim herein.

39. On December 11, 2025, Petitioner filed a petition for writ of error coram nobis in the Los Angeles County Superior Court, Case No. XCNBA490599, under seal. The coram nobis proceeding was based, in substantial part, upon newly discovered evidence concerning the medical records associated with Pete's injuries.

40. In March 2026, Petitioner filed a motion for relevant evidence pursuant to Penal Code section 745, subdivision (d). The motion sought evidence necessary to develop Petitioner's claims under the California Racial

Justice Act, as well as evidence relevant to his constitutional claims concerning material evidence that Petitioner contends was not disclosed during the underlying criminal proceedings. The requested evidence included the physical evidence previously identified as “foreign bodies” or bullet fragments.

41. On June 22, 2026, the Los Angeles County Superior Court summarily denied Petitioner’s petition for writ of error coram nobis. On July 30, 2026, the Superior Court denied Petitioner’s motion for relevant evidence pursuant to Penal Code section 745, subdivision (d).

42. The evidence and developments described above demonstrate that Petitioner has continued to pursue evidence concerning the physical evidence, investigative materials, witness information, and medical records underlying his conviction. The newly discovered evidence was not fully available to Petitioner during the original proceedings and materially bears upon the reliability and validity of the evidence presented against him at trial.

## **ARGUMENT**

### **I. PETITIONER'S CLAIMS ARE PROPERLY PRESENTED BY HABEAS CORPUS BECAUSE THE MATERIAL FACTS SUPPORTING THESE CLAIMS WERE NOT PREVIOUSLY AVAILABLE, AND PETITIONER HAS DILIGENTLY PURSUED THE NEWLY DISCOVERED EVIDENCE**

43. California recognizes that habeas corpus is an extraordinary remedy, but it remains the appropriate mechanism for challenging the

legality of a criminal judgment when the material facts supporting the claim are not contained in the trial record and therefore could not adequately be presented on direct appeal. (*In re Clark* (1993) 5 Cal.4th 750, 765–767.) The California Supreme Court has explained that habeas corpus is particularly suited to claims involving matters “not shown in the appellate record,” for which the appellate remedy is inadequate. (*Id.* at p. 767.)

44. That principle is especially applicable here. Petitioner Peterson’s claims do not merely seek to relitigate an issue decided on direct appeal. Rather, they arise from evidence and factual circumstances that were not available to Petitioner during the trial or his earlier collateral proceedings, including a substantially expanded set of medical records obtained through separate civil litigation, expert review of those records, and newly identified documentation concerning physical evidence removed from the victim’s feet.

45. The California Supreme Court’s decision in *In re Waltreus* (1965) 62 Cal.2d 218, 225, establishes the general rule that issues raised and rejected on appeal ordinarily may not be relitigated through habeas corpus. But *Waltreus* does not transform habeas corpus into a bar against consideration of new facts that were not available to the petitioner during the prior proceedings.

46. Indeed, *In re Clark* explains that California’s successive-petition doctrine is directed at repetitious or piecemeal litigation and requires the Court to determine whether the factual basis for a new claim was actually

available earlier. *In re Clark*, supra, 5 Cal.4th at pp. 767–775. Where a petitioner demonstrates that the facts supporting a claim were newly discovered and could not reasonably have been discovered earlier despite diligence, the successive-petition concern is materially different. Petitioner Peterson satisfies that requirement here.

47. The evidence supporting the present petition was not simply overlooked by Petitioner Peterson. Petitioner has pursued post-conviction relief and specifically sought the underlying physical evidence and related records. The newly discovered medical-record production was obtained only through separate civil litigation involving the victim, and it contains material documentation that was not included in the approximately 100 pages of medical records previously available to the defense. Most significantly, the expanded production contains an “Evidence” page documenting that three bags containing “foreign bodies” removed from the victim were prepared and provided to a Cedars Sinai security guard. That information was not available to Petitioner Peterson during trial nor as he filed his earlier habeas claims.

48. Petitioner Peterson moved upon the information once it became available without delay. The procedural history set forth above demonstrates that Petitioner repeatedly sought the relevant records and physical evidence, including requests to the District Attorney and requests for post-conviction discovery. His efforts ultimately produced evidence that

materially changed what was known concerning both the medical documentation and the existence and disposition of the physical evidence.

49. Petitioner Peterson recognizes the *Waltreus* rule and does not seek to evade it. The rule exists to prevent a defendant from using habeas corpus as a substitute for appeal or as a means of obtaining repeated review of matters already litigated. *In re Waltreus*, supra, 62 Cal.2d at p. 225. This petition presents a materially different circumstance.

50. In *In re Clark*, the California Supreme Court explained that the successive petition doctrine does not turn merely upon whether a petitioner has previously sought habeas relief. Rather, the Court examines whether the claims could have been presented previously and whether the petitioner has adequately justified their later presentation. (*In re Clark*, supra, 5 Cal.4th at pp. 767–775.) The Court specifically recognized the importance of whether facts supporting the claim, although only recently discovered, could and should have been discovered earlier, and emphasized the petitioner’s duty of diligence. (*Id.* at p. 775.)

51. Here, the record demonstrates diligence rather than abandonment. Petitioner Peterson sought the physical evidence, requested additional records, pursued the issue through the District Attorney’s Office, and continued seeking discovery after this Court’s prior order. The evidence now relied upon was not merely a different legal characterization of facts previously known. It includes new documentary evidence concerning the

victim's medical treatment and the custody of physical objects removed from her feet, together with expert analysis identifying significant discrepancies and irregularities in the medical documentation.

52. Senate Bill No. 97 (2023), chapter 381, further expanded California's statutory protection for habeas petitioners presenting newly discovered evidence. Effective through its amendment of Penal Code section 1473, SB 97 removed the former limitation requiring that qualifying new evidence could not have been discovered before trial through the exercise of due diligence. Section 1473 now provides that "new evidence" means evidence that "has not previously been presented and heard at trial and has been discovered after trial." (§ 1473, subd. (b)(1)(C)(ii).) The amendment therefore directly addresses evidence such as that presented here, which emerged after trial and was never presented to the jury.

53. Petitioner Peterson's claims herein also fall squarely within California's statutory recognition of habeas relief based upon false evidence. Penal Code section 1473, subdivision (b)(1)(A), provides that a writ of habeas corpus may be prosecuted where "[f]alse evidence that is material on the issue of guilt or punishment was introduced against a person at a hearing or trial relating to the person's incarceration." (§ 1473, subd. (b)(1)(A).) The statute further provides that "false evidence" includes certain expert opinions that have been repudiated or undermined by subsequent scientific knowledge, research, or technological advances. (§ 1473, subd. (b)(2).)

54. The Legislature's enactment of Senate Bill No. 97 further confirms California's recognition that habeas corpus is an appropriate vehicle to address convictions affected by false evidence. Senate Bill No. 97 amended Penal Code section 1473 to clarify and expand the statutory grounds upon which habeas relief may be sought based upon false evidence. Petitioner Peterson invokes this statute because the newly discovered evidence raises a substantial and factually supported question whether material evidence presented in connection with the prosecution's case was false, materially incomplete, or unreliable.

55. Accordingly, the present petition is properly before this Court under both California's established habeas corpus jurisprudence concerning newly discovered evidence and Penal Code section 1473's express authorization of habeas relief based upon materially false evidence. The petition should therefore be considered on its merits rather than rejected as an impermissible successive presentation of previously available claims.

**II. THE NEWLY DISCOVERED MEDICAL RECORDS ARE MATERIAL BECAUSE THEY DIRECTLY UNDERMINE THE RELIABILITY OF THE EVIDENCE USED TO ESTABLISH THE VICTIM'S INJURIES AND THE PROSECUTION'S THEORY OF THE CASE**

56. The newly discovered records are not merely cumulative impeachment evidence, as they materially alter the evidentiary picture offered to the jury. Taken together, the newly discovered evidence is

sufficiently material and credible that, if established, it more likely than not would have changed the outcome of the case. Petitioner Peterson's underlying trial presented only approximately 100 pages of medical records. The later-produced records contain approximately 400 pages and include an "Evidence" page that was not contained in the earlier production. That page documents three bags containing "foreign bodies" removed from the victim's feet and identifies a specific individual to whom the bags were allegedly transferred. (*See Exhibit 2.*)

57. The expanded records also contain material inconsistencies concerning the existence and characterization of foreign bodies in the victim's feet. Petitioner's medical expert, Dr. Ryan O'Connor, identified a July 12 orthopedic consultation note stating that there were no radiopaque foreign bodies concerning for bullet fragments in either hind foot, while other portions of the medical record, including radiology reports, documented multiple radiopaque foreign bodies. (*See Exhibit 4.*)

58. Petitioner's expert, Jeannine Bernstein, separately reviewed the two sets of medical records and identified substantial discrepancies and documentation irregularities, including overwritten or altered text, sequencing problems, duplicate narratives, and other irregularities affecting the completeness and continuity of the medical record. (*See Exhibit 4.*) The audit trail is necessary to ascertain the veracity of such irregularities. Bernstein's opinion is not that every difference proves intentional alteration.

She specifically explains that some formatting/content differences may be attributable to differences between Epic’s operational record and the certified Legal Health Record, but that altered text or overwrites are not acceptable and that native audit data are needed for a complete authenticity assessment.

59. Petitioner is not asking this Court to resolve the authenticity question summarily from counsel’s characterization of the records. He is asking the Court to recognize that the newly discovered evidence establishes a prima facie basis for further proceedings in which the underlying records, audit history, physical evidence, and expert testimony can be examined. California’s habeas procedure is designed to permit that inquiry when a petition alleges specific facts supported by documentary evidence. *People v. Duvall* (1995) 9 Cal.4th 464, 474, requires a habeas petitioner to state the supporting facts with particularity and provide reasonably available documentary evidence. *In re Bacigalupo* confirms that a *Brady* claim may provide a basis for habeas relief and that habeas proceedings may be necessary to develop the evidentiary record concerning undisclosed information. (*In re Bacigalupo* (2012) 55 Cal.4th 312, 333, 336.)

60. California’s Legislature has expressly expanded the circumstances in which newly discovered evidence may support habeas relief. Senate Bill No. 97 (2023), chapter 381, amended Penal Code section 1473. Section 1473, subdivision (b)(1)(C)(i), permits habeas relief where new evidence “is presented without substantial delay, is admissible, and is

sufficiently material and credible that it more likely than not would have changed the outcome of the case.” Section 1473, subdivision (b)(1)(C)(ii), defines “new evidence” as evidence that “has not previously been presented and heard at trial and has been discovered after trial.”

61. The present petition falls within that statutory framework. Petitioner Peterson does not seek to relitigate evidence previously presented to the jury. Rather, Petitioner presents evidence that was not previously presented or heard at trial and was discovered only after trial, including substantially expanded medical records obtained through separate civil litigation and the previously undisclosed “Evidence” page documenting three bags containing “foreign bodies” removed from Pete’s feet and transferred to a Cedars Sinai security guard. The newly discovered records further provide a factual basis for expert review that was not possible from the limited medical records previously available in the underlying trial.

62. The evidence is also sufficiently material to warrant consideration under section 1473. The newly discovered records do not concern a collateral or immaterial issue. They concern the nature, mechanism, treatment, removal, and subsequent custody of objects allegedly recovered from Pete’s feet, which is evidence that the prosecution relied upon concerning the injuries underlying Petitioner Peterson’s convictions. The newly discovered records therefore provide substantially more than cumulative impeachment. They provide a previously unavailable evidentiary

trail concerning physical evidence that the defense did not have the opportunity to investigate, examine, or present to the jury.

63. Petitioner Peterson has likewise acted without substantial delay after obtaining the evidence. As set forth *supra*, Petitioner has repeatedly sought the underlying evidence and related records, including requests to the District Attorney's Office, requests concerning the physical evidence, and post-conviction discovery proceedings. The expanded medical records became available only through separate civil litigation involving Pete. Petitioner thereafter obtained expert review and pursued relief in the Superior Court. The present petition follows that effort. The chronology demonstrates diligence rather than an attempt to delay or circumvent the ordinary appellate process.

64. This statutory framework must be considered together with the principles governing successive habeas petitions articulated in *In re Clark* (1993) 5 Cal.4th 750. Although California generally will not permit a petitioner to use successive habeas petitions to repeatedly litigate claims that were previously known and could have been raised earlier, *Clark* recognizes the importance of whether the factual basis for a claim was available to the petitioner and whether the petitioner exercised diligence in presenting it. (*Id.* at pp. 767–775.) Where material facts supporting the claim were not previously available, the successive-petition bar does not operate as though the petitioner had simply withheld a known claim.

65. The present petition is therefore materially different from Petitioner Peterson's earlier habeas filings. In those proceedings, Petitioner raised the issue of missing or unpreserved bullet fragments based upon the information then available to him. Subsequent events materially changed the evidentiary landscape. LAPD represented that evidence that had been booked remained in its possession; the District Attorney's Office thereafter failed to respond to Petitioner Peterson's requests; and, through subsequent litigation, Petitioner obtained medical records containing a previously undisclosed record documenting the removal and transfer of three bags of "foreign bodies" along with texts between Pete's counsel-of-record, and the District Attorneys. These facts could not have been presented in the same form during Petitioner's earlier proceedings because they had not yet been discovered.

66. Accordingly, the present petition does not constitute an attempt to circumvent *In re Waltreus* (1965) 62 Cal.2d 218, 225. Petitioner Peterson recognizes that issues actually raised and rejected on appeal ordinarily may not be relitigated through habeas corpus. The present claims, however, depend upon new factual evidence that was not previously available, together with subsequent events concerning the preservation and custody of physical evidence. The petition therefore presents a materially different factual basis from the claims previously considered.

67. The newly discovered evidence is particularly significant because it bears upon the reliability of evidence material to Petitioner's

convictions. Penal Code section 1473 separately authorizes habeas relief where false evidence material to guilt or punishment was introduced against a person at a proceeding relating to the person's incarceration. (Pen. Code, § 1473, subd. (b)(1)(A).) Petitioner does not ask this Court to assume, without evidentiary development, that the medical records were intentionally falsified. Rather, the newly discovered records and expert analyses establish specific factual discrepancies and documentation irregularities that warrant examination of whether evidence material to Petitioner's guilt was false, materially incomplete, or otherwise unreliable.

68. The California Supreme Court has similarly explained that false evidence is materially significant for purposes of habeas relief where there is a reasonable probability that the evidence could have affected the outcome of the proceeding. (*In re Sassounian* (1995) 9 Cal.4th 535, 546.) The requisite reasonable probability is one sufficient to undermine confidence in the outcome and is evaluated in light of the totality of the relevant circumstances.

69. Thus, the statutory amendment embodied in Senate Bill No. 97 is particularly important here. The Legislature has recognized that newly discovered evidence may warrant habeas relief when the statutory requirements are satisfied. Petitioner's newly discovered evidence meets that framework because it was not previously presented at trial, was discovered after trial, is supported by documentary evidence and expert analysis, and

bears directly upon evidence material to the prosecution's case. Petitioner therefore respectfully requests that this Court consider the newly discovered evidence on its merits and permit the evidentiary development necessary to determine whether Petitioner's convictions and continued restraint are constitutionally sustainable.

**III. THE NEWLY DISCOVERED EVIDENCE ESTABLISHES A PRIMA FACIE DUE PROCESS CLAIM AND REQUIRES FURTHER FACTUAL DEVELOPMENT CONCERNING THE EXISTENCE, PRESERVATION, AND CUSTODY OF MATERIAL PHYSICAL EVIDENCE**

70. The newly discovered medical records establish, for the first time, a documented chain of custody concerning physical objects removed from Pete's feet. The "Evidence" page contained in the expanded medical-record production documents, along with further and additional abnormalities identified by two independent experts. This evidence was not contained in the approximately 100 pages of medical records previously available to the defense and was not presented to the jury in Petitioner Peterson's underlying trial

71. The significance of this evidence is heightened by the conflicting evidence concerning the subsequent location and preservation of the objects. The newly discovered medical record indicates that the objects existed and were transferred to a specifically identified person. Yet the investigative record does not establish what ultimately happened to those

objects. Petitioner thereafter sought information concerning the physical evidence, including requests to the District Attorney's Office and to the Los Angeles County Superior Court. No information was forthcoming to date.

72. The issue is not merely whether law enforcement possessed evidence that might theoretically have been useful to the defense. The newly discovered record identifies specific physical objects, the circumstances under which they were removed from Pete's body, and the person to whom they were transferred. Those objects potentially could have been independently examined to determine their nature and whether they were consistent with the prosecution's theory concerning Pete's injuries. Their existence therefore had an obvious potential relationship to the defense.

73. Moreover, the Los Angeles Police Department either knew, or should have known, what evidence from Petitioner Peterson's trial was booked, and thereby still preserved in evidence. Their declaration creates an additional material factual conflict. In responding to Petitioner's earlier habeas proceeding, the Los Angeles Police Department represented that evidence that had been booked remained in its possession. Yet the existing investigative record and newly discovered medical documentation leave unresolved whether the fragments were preserved or not.

74. The United States Supreme Court has recognized that due process imposes an obligation upon the State to preserve evidence that "might be expected to play a significant role in the suspect's defense."

(*California v. Trombetta* (1984) 467 U.S. 479, 488.) Evidence falls within that constitutional preservation obligation where its exculpatory value was apparent before destruction and the defendant cannot obtain comparable evidence through reasonably available means. (*Id.* at pp. 488–489.) California courts have adopted and applied these principles. (*People v. Zapien* (1993) 4 Cal.4th 929, 964–965.)

75. The present case differs fundamentally from a case in which the defendant merely speculates that an unidentified item might have yielded favorable results. Here, Petitioner has documentary evidence establishing that three physical bags containing foreign bodies were actually created following the victim's treatment. The evidence therefore existed. It was sufficiently identified to permit a specific inquiry into its custody. And its potential evidentiary significance was apparent from the circumstances: the objects had allegedly been removed from the very body part upon which the prosecution's proof of the shooting-related injuries depended.

76. California law recognizes that the government's preservation obligation is distinct from its *Brady* disclosure obligation. In *City of Los Angeles v. Superior Court* (2002) 29 Cal.4th 1, 8, the California Supreme Court explained that the duty to preserve evidence is narrower than the duty to disclose material exculpatory evidence, and that the applicable standard depends upon whether the evidence was materially exculpatory or merely

potentially useful. Petitioner Peterson therefore pleads the preservation claim in the alternative to his *Brady* and false evidence claims.

77. To the extent the State contends that the “foreign bodies” were merely potentially useful evidence, the circumstances nevertheless warrant factual development concerning whether the evidence was lost, destroyed, transferred, or otherwise rendered unavailable, and under what circumstances. Under *Arizona v. Youngblood* (1988) 488 U.S. 51, 57–58, failure to preserve potentially useful evidence may constitute a due process violation where the defendant can establish bad faith. California courts have applied that distinction in evaluating claims concerning lost or destroyed physical evidence. (*People v. Lucas* (2014) 60 Cal.4th 153, 221–222.)

78. The California Supreme Court applies the same distinction. To establish a due process violation based upon the failure to preserve evidence, the evidence must possess an exculpatory value that was apparent before its destruction and be of such a nature that the defendant would be unable to obtain comparable evidence by other reasonably available means. (*People v. DePriest* (2007) 42 Cal.4th 1, 41–42; *California v. Trombetta* (1984) 467 U.S. 479, 489.) Where the evidence is merely potentially useful, rather than apparently exculpatory, a due process violation additionally requires a showing of bad faith under *Arizona v. Youngblood* (1988) 488 U.S. 51. (*DePriest*, supra, 42 Cal.4th at pp. 41–42.)

79. Petitioner Peterson, however, cannot presently establish the circumstances of the disappearance or nonproduction of the three bags because the State has not provided the information necessary to do so. That is precisely why the newly discovered evidence is significant. The medical record identifies the existence of the physical evidence and its transfer to a named security guard; Petitioner's subsequent efforts have sought to determine what happened thereafter; and the available record contains conflicting information concerning the preservation of booked evidence. Petitioner should not be required to prove the ultimate disposition of evidence that is uniquely within the possession or control of the State, law enforcement, Cedars Sinai, or other custodians involved in the chain-of-custody, before being permitted to obtain the evidence necessary to establish that disposition.

80. Moreover, the physical evidence cannot reasonably be characterized as cumulative. If the objects remain available, independent examination could potentially determine whether they were consistent with bullet fragments, glass, or another material. If they no longer exist, the circumstances of their loss or destruction may themselves bear upon the constitutional claim. Either circumstance is materially different from the evidentiary record presented at trial, where the defense did not have the benefit of the newly discovered documentation establishing that three bags of foreign bodies had actually been created and transferred.

81. The newly discovered evidence also bears directly upon Petitioner Peterson's rights under the Due Process Clause of the Fourteenth Amendment. *Brady v. Maryland* (1963) 373 U.S. 83, 87, holds that suppression by the prosecution of evidence favorable to an accused violates due process where the evidence is material either to guilt or punishment. The obligation extends to impeachment evidence as well as directly exculpatory evidence. Where favorable evidence is suppressed, the prosecution's good faith or bad faith does not eliminate the constitutional disclosure obligation.

82. California courts apply the same principles. A *Brady* violation consists of three components: the evidence must be favorable to the accused, either because it is exculpatory or impeaching; the evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have resulted. (*In re Salazar* (2005) 35 Cal.4th 1031, 1042–1043.) Evidence is material where there is a reasonable probability that, had it been disclosed to the defense, the result of the proceeding would have been different. (*Id.* at p. 1043.)

83. The prosecution's disclosure obligation is not limited to evidence that independently establishes innocence. It extends to material evidence that could have been used to impeach the credibility or reliability of evidence presented by the prosecution. (*Giglio v. United States* (1972) 405 U.S. 150, 154–155.) As the United States Supreme Court recognized in *Giglio*, where the reliability of evidence or testimony may be determinative

of guilt or innocence, nondisclosure of evidence affecting its credibility falls within the constitutional disclosure rule. (*Id.* at p. 154.) California likewise recognizes that the prosecution's *Brady* obligation encompasses material impeachment evidence. (*In re Salazar* (2005) 35 Cal.4th 1031, 1050.)

84. Materiality must also account for the effect nondisclosure had upon the defense's ability to investigate and formulate its theory of the case. In *In re Brown* (1998) 17 Cal.4th 873, 887, the California Supreme Court recognized that an incomplete response to a request for favorable evidence may cause the defense to believe that the evidence does not exist and, in reliance upon that understanding, to abandon "lines of independent investigation, defenses, or trial strategies that it otherwise would have pursued." In determining prejudice, a reviewing court therefore may consider the adverse effect the nondisclosure had upon the preparation and presentation of the defense and must assess that effect in light of the totality of the circumstances.

85. That principle has particular force here. Had the defense received the complete medical documentation the defense could have pursued an entirely different line of investigation concerning the physical cause of Pete's injuries. Counsel could have sought the objects themselves, traced their chain of custody, requested independent examination and testing, questioned the physicians and security personnel involved in their collection and transfer, and investigated whether the objects were consistent with bullet

fragments, glass, or some other material. The nondisclosure therefore affected not merely a single item of impeachment, but the defense's ability to investigate and present an alternative evidentiary theory concerning the mechanism of injury.

86. The California Supreme Court has further recognized that *Brady* materiality cannot be evaluated by considering suppressed evidence in isolation. In determining whether disclosure could reasonably have produced a different outcome, a court must consider the nondisclosure "dynamically," including the range of predictable effects the evidence would have had upon trial strategy. (*People v. Gaines* (2009) 46 Cal.4th 172, 183–184.) Thus, the materiality inquiry encompasses not only how the undisclosed evidence itself might have been presented to the jury, but how timely disclosure could have altered the defense's investigation, examination of witnesses, development of evidence, and overall presentation of the case.

87. The United States Supreme Court has likewise emphasized that *Brady* materiality is not a sufficiency-of-the-evidence test. A petitioner need not demonstrate that disclosure of the suppressed evidence would more likely than not have resulted in acquittal. Rather, favorable evidence is material when it could reasonably place the entire case in such a different light as to undermine confidence in the verdict. (*Kyles v. Whitley* (1995) 514 U.S. 419, 434–435.) The materiality inquiry therefore concerns whether the nondisclosure deprived the accused of a fair trial resulting in a verdict worthy

of confidence, rather than whether the remaining evidence was independently sufficient to convict. (*Id.* at p. 434.)

88. Equally significant here, *Kyles* requires the materiality of suppressed evidence to be considered cumulatively rather than item by item, and holds that the prosecutor's constitutional responsibility extends to favorable evidence known to others acting on the government's behalf, including law enforcement. (*Id.* at pp. 436–438.) Thus, the constitutional inquiry cannot isolate the newly discovered “Evidence” page, the three bags of “foreign bodies,” the conflicting medical documentation, the expert findings concerning irregularities in those records, and the unresolved evidence-preservation record from one another. Their collective effect must be considered in determining whether confidence in the verdict has been undermined.

89. Here, the three bags of foreign bodies potentially constituted both substantive and impeachment evidence. Their examination could potentially have provided independent evidence concerning the mechanism of Pete’s injuries. Their existence and chain of custody could also have been used to challenge the completeness and reliability of the medical and investigative evidence presented at trial. The defense, however, had no opportunity to investigate, examine, or present this evidence because the relevant documentation was not included in the medical records previously

produced to the defense and the physical objects themselves have not been accounted for.

90. The materiality of the evidence is particularly apparent when considered together with the newly discovered medical-record discrepancies discussed above. The medical records contain conflicting documentation concerning the presence and characterization of foreign bodies, while the newly discovered “Evidence” page documents that three bags containing foreign bodies were actually prepared and transferred to security. The physical evidence therefore provides a potential means of testing the competing accounts rather than merely adding another layer of testimonial disagreement.

91. Petitioner Peterson’s prior habeas proceedings do not eliminate this claim because the factual predicate presently before the Court was not available during those proceedings. Petitioner’s prior contention concerning missing bullet fragments was based upon the information then available to him. The subsequently discovered medical record materially changes that factual landscape by documenting the existence and transfer of three bags of foreign bodies. Petitioner's subsequent efforts to obtain the evidence further demonstrate diligence rather than an attempt to withhold a known claim. (*In re Clark* (1993) 5 Cal.4th 750, 767–775.)

92. At minimum, Petitioner Peterson has established a prima facie factual basis requiring further inquiry. The Court need not determine on the

face of this petition whether the three bags contained bullet fragments, glass, or another substance; whether they were transferred from Cedars Sinai security to law enforcement; whether they were booked; whether they remain in State custody; or whether they were lost or destroyed. Those are precisely the factual questions that the newly discovered evidence now makes possible to investigate.

93. Petitioner Peterson therefore respectfully requests that this Court issue an order to show cause and direct the Respondent to account for the three bags of “foreign bodies,” including their collection, transfer, booking, testing, storage, disposition, and present location, and to produce all reasonably available records documenting those events. Such factual development is necessary to determine whether material favorable evidence was suppressed, whether evidence subject to a constitutional preservation obligation was lost or destroyed, and whether Petitioner’s convictions were obtained in violation of due process.

#### **IV. PETITIONER HAS ESTABLISHED A PRIMA FACIE CASE WARRANTING AN ORDER TO SHOW CAUSE AND FURTHER EVIDENTIARY DEVELOPMENT**

94. California habeas corpus procedure does not require a petitioner to conclusively prove the merits of his claims at the pleading stage. Rather, an appellate court evaluates the petition by assuming the factual allegations are true and determining whether, if those allegations are proven,

the petitioner would be entitled to relief. (*See People v. Duvall* (1995) 9 Cal.4th 464, 474–475; *In re Clark* (1993) 5 Cal.4th 750, 769, fn. 9.)

95. If the petition fails to state a prima facie case, it may be summarily denied. Conversely, where the petition's factual allegations, taken as true, establish a prima facie case for relief, the reviewing court should issue an order to show cause. (*See Duvall*, supra, 9 Cal.4th at p. 475.) Petitioner has satisfied that threshold here. This petition does not rest upon speculation or an unsupported assertion that favorable evidence might exist. Petitioner has identified and submitted documentary evidence establishing that previously undisclosed medical records exist, that those records contain significant variances from that which was presented in Petitioner Peterson's underlying trial.

96. Petitioner has further provided expert analysis identifying material discrepancies and irregularities within the newly discovered medical records. Dr. Ryan O'Connor identified conflicting medical documentation concerning the presence of radiopaque foreign bodies, while Jeannine Bernstein identified more than sixty documentation irregularities warranting examination of the underlying electronic records, audit trails, version histories, and metadata. Petitioner does not ask this Court to resolve those disputed medical and evidentiary questions summarily. Rather, these materials establish a factual basis upon which relief could be granted if the allegations are substantiated.

97. These facts are sufficient to require further factual development. The California Supreme Court has recognized that habeas corpus proceedings may require an evidentiary hearing where the petition states a prima facie case and the disputed factual issues cannot be resolved from the existing record. (*See Duvall*, supra, 9 Cal.4th at pp. 475, 490–491.)

98. The need for factual development is particularly apparent because several of the most important facts are uniquely within the knowledge, possession, or control of persons and entities other than Petitioner Peterson. The purpose of an order to show cause and subsequent evidentiary proceedings is to permit the parties and the Court to develop and test disputed factual matters that cannot fairly be resolved from the petitioner's presently available record.

99. Petitioner therefore requests issuance of an order to show cause requiring Respondent to address the existence, transfer, booking, preservation, testing, disposition, and present location of the three bags of “foreign bodies,” and permitting appropriate factual development concerning the newly discovered medical evidence.

100. If the evidence establishes that material favorable evidence was suppressed, materially false or misleading evidence was presented, constitutionally protected physical evidence was lost or destroyed, or that the newly discovered evidence satisfies Penal Code section 1473's requirements for habeas relief, Petitioner respectfully requests the relief authorized by law.

At this stage, however, Petitioner need only establish the prima facie factual and legal basis necessary for the Court to permit those issues to be developed.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner Peterson respectfully requests that this Honorable Court:

1. Issue an order to show cause directed to Respondent;
2. Order Respondent and/or the appropriate custodians to account for the collection, transfer, booking, testing, preservation, disposition, and present location of the three bags of “foreign bodies” identified in the newly discovered medical records, and to reconcile that evidence with LAPD's prior representation concerning booked evidence;
3. Permit Petitioner to develop the factual record concerning the newly discovered medical records, the physical evidence, and the circumstances surrounding their preservation and disclosure;
4. Determine, following appropriate factual development, whether Petitioner is entitled to relief under 45 section 1473, the Due Process Clause, *Brady v. Maryland* and its progeny, and other applicable law; and

5. Grant such other and further relief this Court deems proper and within the interests of justice.

Dated: August 21, 2026

Respectfully submitted,

By:   
Crystal Morgan (SBN: 335712)  
Andrew Flier (SBN: 137372)  
Ronda Dixon (SBN: 136858)

Attorneys for Petitioner  
*Daystar Peterson*

## VERIFICATION

I, CRYSTAL MORGAN, HEREBY STATE AND DECLARE AS  
FOLLOWS:

I am an attorney at law duly licensed to practice before all of the courts within the State of California, and Colorado with an office in California and Colorado.

I am an attorney for petitioner in this action and am authorized to file documents on their behalf. The issues contained herein are properly raised through a petition for writ of habeas corpus. Due to recent investigation and matters discovered since petitioner has been incarcerated, the facts upon which this petition is based are facts of which I have personal knowledge. Therefore, I am filing this petition pursuant to California Code of Civil Procedure section 1085.

I have drafted the foregoing petition and attached the exhibits attached thereto or lodged with this court and to the best of my knowledge the contents thereof are true and correct.

I hereby state and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 21, 2026

Respectfully submitted,

By:   
Crystal Morgan (SBN: 335712)

## **CERTIFICATE OF COMPLIANCE**

Pursuant to the California Rules of Court, rule 8.204 (c), I certify that this petition for writ of habeas corpus contains 8,132 words, including footnotes and excluding the items excluded by rule 8.204(c)(3), as calculated by the word-count function of Microsoft Word.

Dated: August 21, 2026

Respectfully submitted,

By:



Crystal Morgan (SBN: 335712)

## PROOF OF SERVICE

I, Crystal Morgan, am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 28649 S. Western Ave., Suite 6292, San Pedro, CA 90734.

On **August 21, 2026**, served the foregoing document(s) described as:

### PETITION FOR WRIT OF HABEAS CORPUS

☒ **BY MAIL:** I am readily familiar with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service and said correspondence is deposited with the United States Postal Service the same day.

☐ **BY OVERNIGHT MAIL:** by causing the document(s) listed above to be picked up by an overnight delivery service company for delivery to the addressee(s) set forth below on the next business day.

☒ **BY ELECTRONIC SERVICE:** by electronically serving via email delivery of the document(s) listed above to the agency set forth below on this date using the TrueFiling System:

#### Agency/Attorney

Los Angeles District Attorney Office  
211 W. Temple St. #1200  
Los Angeles, CA 90012

Clara Shortridge Foltz  
Criminal Justice Center located at 210 W.  
Temple, Los Angeles, CA 90012

California Attorney General

#### Electronic Service Address(es)

Writs@doj.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 21, 2026, at Colorado Springs, CO.

  
Crystal Morgan

@ComewithFacts

@ComewithFacts

@ComewithFacts

## **EXHIBIT 1**

DECLARATION

I, Martin Preciado, do hereby declare as follows:

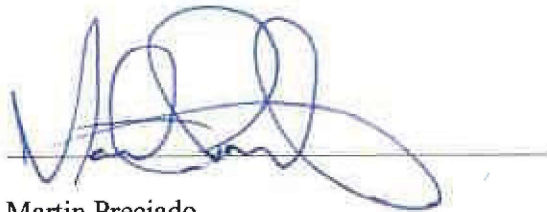
I am a Senior Property Officer of the Los Angeles Police Department's Evidence and Property Management Division.

In that capacity, I have received a request from Detective II Eberhardt, W #35892 for property booked in connection with DR number 2006-12515 Peterson, Daystar.

As a result of the request, on October 30, 2024, I queried DR no. 2006-12515 in the Automated Property Information Management System (APIMS). That query showed that Evidence and Property Management Division has the firearm, the firearm magazine, and all the bullet casings and the bullet fragments that were booked under DR no. 2006-12515 are still in the Los Angeles Police Department's custody.

I declare under the penalty of perjury under the laws of the State of California.

Dated this 31 day of October, 2024

A handwritten signature in blue ink, appearing to read 'Martin Preciado', is written over a horizontal line.

Martin Preciado

Document received by the CA 2nd District Court of Appeal.

@ComewithFacts

@ComewithFacts

@ComewithFacts

## **EXHIBIT 2**

**07/12/2020 - ED to Hosp-Admission (Discharged) in 7-ne (continued)**

**Pathology**

**EVIDENCE (Active)**

Electronically signed by: **Little, Milton Tm, MD on 07/13/20 1011**  
 Mode: Ordering in Telephone with readback mode  
 Ordering user: Francisco, Kristina, RN 07/12/20 1453  
 Authorized by: Little, Milton Tm, MD  
 Frequency: Routine 07/12/20 1453 - 1 occurrence  
 Quantity: 1  
 Order comments: BAG CONTROL #M 476143

Communicated by: Francisco, Kristina, RN  
 Ordering provider: Little, Milton Tm, MD  
 Ordering mode: Telephone with readback  
 Class: Individually Performed  
 Instance released by: Francisco, Kristina, RN 7/12/2020 2:53 PM

Status: **Active**

PICKED UP BY [REDACTED] (SECURITY)

**Specimen Information**

| ID | Type         | Source     | Collected By                        |
|----|--------------|------------|-------------------------------------|
| E1 | Foreign Body | Non-Tissue | Little, Milton Tm, MD 07/12/20 1447 |

Comment: BAG CONTROL #M 476143

PICKED UP BY [REDACTED] (SECURITY)

|    |              |            |                                     |
|----|--------------|------------|-------------------------------------|
| E2 | Foreign Body | Non-Tissue | Little, Milton Tm, MD 07/12/20 1448 |
|----|--------------|------------|-------------------------------------|

Comment: BAG CONTROL #M 476145

PICKED UP BY [REDACTED] (SECURITY)

|    |              |            |                                     |
|----|--------------|------------|-------------------------------------|
| E3 | Foreign Body | Non-Tissue | Little, Milton Tm, MD 07/12/20 1448 |
|----|--------------|------------|-------------------------------------|

Comment: BAG CONTROL #M 476146

PICKED UP BY [REDACTED] (SECURITY)

**EVIDENCE: Patient Communication**

 Not Released

 Not seen

@ComewithFacts

@ComewithFacts

@ComewithFacts

## **EXHIBIT 3**

Trace and requested analysis of the GSR samples obtained from suspect Peterson, witnesses Harris, and witness Smith. I also requested a finger print analysis of the firearm and magazine recovered.

On 7/16/2020 at approximately 0500 hours, I spoke to the victim on the phone. It was conducted on a conference call with the victim, her attorney (Alex Spiro), and her manager (Desiree Perez). The victim advised that she was the victim of a shooting and provided the following statement. On 7/12/2020 at approximately 0430 hours, the victim and suspect were arguing about leaving a party. The suspect did not want to leave but the victim did. While traveling in the suspect vehicle, the argument continued to escalate and the victim asked to exit the vehicle. The driver stopped the suspect vehicle near 1841 N Nichols Canyon Rd and allowed the victim to exit the vehicle. The victim exited the vehicle by herself and began to walk away. The suspect continued to yell at the victim causing her stop and turn towards the suspect. The victim observed the suspect standing in the threshold of the passenger door, pointing an unknown caliber handgun at her. The suspect stated, "Dance bitch!" and fired multiple rounds at the victim. The victim felt pain to her feet and fell to the ground.

The suspect immediately apologized to the victim and begged her not to say anything. The suspect agreed to take the victim home and she re-entered the suspect vehicle. The victim reported bleeding profusely from her feet but did not know if she had been shot. Moments later, the suspect vehicle was stopped by police and all occupants were detained. The victim was transported to Cedars Sinai for medical treatment.

The victim stated, she and the suspect have been friends for approximately one year and are not in a dating relationship. The victim advised that she and the suspect are solely friends. The victim identified the suspect by his moniker, "Torey." The victim did not know the suspect's true name. The suspect's moniker is "Torey Lanez."

The victim advised that she lied to the police originally because she was in shock and scared. She also stated, she wasn't sure if she was shot and didn't want to get anyone in trouble by making false accusations. The victim learned she was shot after X-rays were taken of her feet. The victim stated, she had surgery to remove "bullets" from her feet.

The victim also expressed her reluctance to cooperate with this investigation because she is scared and embarrassed. She advised that she may be contacted through her attorney, Alex Spiro, at (617) 755-4555. 51 Madison Avenue, 22<sup>nd</sup> Floor, New York, NY 10010.

I spoke to the officer that escorted the victim to the hospital for treatment. Officer Mejia (36183) advised that the victim adamantly denied being shot and repeatedly stated she cut her foot on glass. Officer Mejia spoke to Dr. Loffredo, whom advised the victim's injury was consistent with a laceration due to stepping on glass. Since the victim, nor witnesses reported a crime, the officers left the scene. X-rays were taken after the officers left the hospital. The hospital, nor the victim/witnesses, notified police of new evidence of a shooting until today.

Det Eberhardt (35892) spoke to Cedars Sinai medical records section and they did not report the presence of bullet slugs or evidence awaiting pick up in this case. The victim's medical records are necessary to confirm what caused her injury.

I provided the victim an authorization to release medical records form so I can obtain her medical treatment records for this incident.

The victim's attorney provided the following contact information for witness Kelsey Harris: [REDACTED] and (361) 460-3706. She and witness Jauquan Smith were eye witnesses to the shooting.

#### WITNESS INTERVIEWS:

On 7/16/2020 at approximately 0830 hours, I spoke to witness Kelsey Harris on the phone. She refused to provide a statement and advised she wanted to seek legal representation.

Bates000004

1 RELEVANT.

2 Q THERE'S GUNSHOT RESIDUE ON TORY'S AND  
3 KELSEY'S HANDS, CORRECT?

4 A ACCORDING TO THE REPORT, YES.

5 Q YOU HAVE LEARNED THAT KELSEY AND MEGAN ARE  
6 'NO LONGER FRIENDS, CORRECT?

7 A YES.

8 Q UP TO THIS NIGHT, THEY HAD BEEN CLOSE  
9 FRIENDS FOR MORE THAN SEVEN YEARS, RIGHT?

10 A YES.

11 Q AND SHE ALSO, KELSEY ALSO HAD BEEN MEGAN'S  
12 ASSISTANT, CORRECT?

13 A YES.

14 Q YET THEY STOPPED THEIR FRIENDSHIP  
15 IMMEDIATELY FOLLOWING THIS INCIDENT, RIGHT?

16 A I'M NOT AWARE OF EXACTLY WHEN BUT FROM MY  
17 UNDERSTANDING, SOMETIME AROUND THERE, YES.

18 Q NOW THE BULLET FRAGMENTS WHICH WERE  
19 ALLEGEDLY REMOVED FROM MEGAN'S ANKLES, THEY CAN'T BE  
20 LOCATED, CORRECT?

21 A CORRECT.

22 Q AND YOU INDICATED THAT YOU REVIEWED THE  
23 MEDICAL REPORTS FROM CEDARS OR AT LEAST SOME OF THEM?

24 A YES.

25 Q DID YOU READ THE REPORT THAT CALL THE  
26 FINDINGS SUPERFICIAL INJURIES?

27 A YES.

28 MS. HOLLY: NOTHING FURTHER.

Chat with Mari Henderson ([REDACTED])

[8/12/22 8:59 AM] Mari Henderson: Sitting across from Shawn now on the 9th floor (was hoping to catch my old AHD in trial but they're dark).

[12/8/22 2:58 PM] Mari Henderson: In a meeting. Will call back shortly.

[12/8/22 2:58 PM] Me: 👍

[12/8/22 3:12 PM] Mari Henderson: I'm around all afternoon. In a mediation but can step out to talk when you're free.

[12/8/22 4:43 PM] Mari Henderson: I'll have to call you back in a few mins walked back into meeting

[12/8/22 4:43 PM] Me: Nm disregard

[12/8/22 4:44 PM] Mari Henderson: Liked "Nm disregard "

[12/13/22 8:14 AM] Mari Henderson: 8:35 am arrival for Meg

[12/13/22 11:08 AM] Mari Henderson: We are coming now

[12/13/22 1:36 PM] Mari Henderson: Let us know when you want us to come down, she's just using the bathroom

[12/13/22 1:37 PM] Me: We're ready

[12/13/22 1:37 PM] Mari Henderson: Ok

[12/13/22 1:37 PM] Mari Henderson: Des Farris and me first, Meg finishing up in bathroom and then coming

[12/13/22 1:38 PM] Me: Okay

[12/14/22 7:03 AM] Me: Lol saw that

[12/14/22 3:09 PM] Mari Henderson: Sent zoom invite for 5 pm I know you're busy but we need a quick call.

[12/14/22 5:02 PM] Mari Henderson: Meg is on the line now

[12/14/22 5:02 PM] Mari Henderson: Please get on

[12/14/22 5:02 PM] Me: 5 minutes

[12/14/22 5:02 PM] Me: Walking back still

[12/14/22 5:02 PM] Mari Henderson: Got it thanks!

[12/14/22 5:02 PM] Me: Elevators took forever

[12/14/22 5:02 PM] Mari Henderson: No worries! Just wanted to make sure it wasn't pushed back to 5:30

[12/14/22 5:02 PM] Me: Yeah it won't

[12/14/22 5:02 PM] Me: Kathy's just gotta make a couple calls

[12/14/22 5:03 PM] Mari Henderson: As long as you can join first and then Kathy

[12/14/22 5:03 PM] Mari Henderson: We have everyone on, Meg, des and Alex

[12/14/22 5:04 PM] Me: Yes

[12/14/22 5:07 PM] Me: Getting on

[12/15/22 3:38 PM] Mari Henderson: Know you guys have a lot on your plate but set a quick zoom call with Meg at her request for 5:30 tonight

[12/15/22 5:31 PM] Mari Henderson: Meg and everyone on the zoom line

[12/16/22 8:35 AM] Mari Henderson: Call me please

[12/16/22 10:31 AM] Mari Henderson: Please call as soon as done with court

[12/16/22 10:32 AM] Me: Ok. Lmk if you hear anything from Justin asap

[12/16/22 10:32 AM] Mari Henderson: [REDACTED] Can you talk? Or text?

[12/16/22 10:32 AM] Me: I can text

[12/16/22 10:34 AM] Mari Henderson: [REDACTED]

[12/16/22 10:34 AM] Mari Henderson: [REDACTED]

[12/16/22 10:34 AM] Me: [REDACTED]

[12/16/22 10:34 AM] Me: [REDACTED]

[12/16/22 10:34 AM] Mari Henderson: [REDACTED]

[12/16/22 10:34 AM] Me: [REDACTED]

[12/16/22 11:20 AM] Me:

[12/16/22 11:46 AM] Mari Henderson: [REDACTED]

[12/16/22 11:54 AM] Mari Henderson:

[12/16/22 2:19 PM] Mari Henderson:

\_\_\_\_\_

[12/30/22 7:45 AM] Mari Henderson: Sorry to bother early but can you please let me

know when you're free for a quick call? Meg has a question.

[12/30/22 8:35 AM] Me: Hey yeah I'm free now

[1/6/23 2:19 PM] Mari Henderson: In a meeting but I can call when done. Likely around 3, does that work?

[1/6/23 2:19 PM] Me: Yeah 🙏

[1/6/23 4:31 PM] Me: Court date is 1/10/23 at 8:30

[1/6/23 4:53 PM] Mari Henderson: Liked "Court date is 1/10/23 at 8:30"

[1/6/23 5:22 PM] Mari Henderson: Are there dates/times that work best for you and Kathy next two weeks to come to her. She's asking for options.

[1/6/23 5:27 PM] Me: I can make any afternoon work

[1/6/23 5:27 PM] Me: Kathy should be available most afternoons too

[1/14/23 5:21 PM] Me: First I'm hearing of this

[1/14/23 5:22 PM] Mari Henderson: Figured - if this week you hear anything new please let me know thanks!

[1/14/23 5:22 PM] Me: Sounds good!

[1/20/23 9:31 AM] Mari Henderson: Let me know if you're free for a quick call later today, thanks

[1/20/23 9:32 AM] Me: Sounds good. Can do 10:30 or 2

[1/20/23 9:33 AM] Mari Henderson: Great thanks will call at 10:30

[1/20/23 9:33 AM] Me: 🙏

[1/26/23 11:57 AM] Mari Henderson: Free to talk later today?

[1/26/23 11:57 AM] Me: Yeah 2 pm?

[1/26/23 11:58 AM] Mari Henderson: Great thanks!

[1/26/23 11:58 AM] Mari Henderson: I'll call you then

[2/27/23 9:00 AM] Mari Henderson: See article where Carl admits to "trolling" Meg with Tory, they admit they are purposefully bullying and intimidating her together.

[2/27/23 9:03 AM] Mari Henderson:  
<https://www.tzm.com/2023/02/27/carl-crawford-megan-thee-stallion-kai-verse-tyler-jay-z-roc-nation-1501-ent/>

[3/29/23 4:49 PM] Mari Henderson: Give me a call when you're free and please email us a copy of the motion for a new trial

[4/7/23 9:37 AM] Me: Hey Mari, I obviously anticipate Tory's mtn will be denied on Monday. We will then pick our sentencing date. I'm hoping for late April/early May. Can you clear good dates with Megan so she can give impact statement?

[4/7/23 11:12 AM] Mari Henderson: Yes will check dates and keep you posted

[4/7/23 11:16 AM] Mari Henderson: Meg is planning on writing a letter and wants to know if she can just give it to the judge?

[4/7/23 11:28 AM] Me: Of course

[4/7/23 11:31 AM] Mari Henderson: Ok thanks so she'll give the letter to us and we'll give it to you to share with the judge only addressed to him- that's what she feels most comfortable doing at this time.

[4/21/23 1:41 PM] Mari Henderson: Hey I called because of Tory's post. Give me a call when you get a chance please, thanks!

[4/21/23 1:41 PM] Me: I will, just finishing up a call

[4/21/23 1:44 PM] Mari Henderson:  
<https://www.instagram.com/reel/CrTgmPsuEo8/?igshid=MDJmNzVkMjY=>

[4/25/23 3:22 PM] Mari Henderson: Please call when free

[4/25/23 3:22 PM] Mari Henderson:  
<https://www.xxlmag.com/tory-lanez-dna-evidence-misled-jurors/>

[7/6/23 10:03 AM] Mari Henderson: Hey! Do you have time for a quick call today?

[7/6/23 10:04 AM] Me: Yeah

[8/3/23 11:07 AM] Me: Any update on Megan impact statement?

[8/3/23 11:21 AM] Mari Henderson: Not yet, I reminded them Tuesday you need it before the week ends and they said they'd revert back. I'll ping again and remind them you need it by tmw. I also raised whether she wants it submitted read or to appear.

[8/7/23 1:32 PM] Me: Gonna call you and keep my phone on speaker

[8/7/23 1:32 PM] Me: Stay muted

[8/7/23 1:33 PM] Mari Henderson: We are on but we don't hear anything

[8/7/23 1:34 PM] Me: It's quiet

[8/7/23 1:34 PM] Me: People are entering the courtroom. No one is taking

[8/7/23 1:34 PM] Me: Talking

[8/7/23 1:35 PM] Me: Still waiting for people to come kn

[8/7/23 1:35 PM] Me: In

[8/7/23 1:37 PM] Me: Getting started now

[8/7/23 1:38 PM] Mari Henderson: It's hard to hear but we're on

[8/7/23 3:00 PM] Me: You're on soeak

[8/7/23 3:01 PM] Me: Speaker

[8/7/23 3:01 PM] Me: Starting soon

[8/7/23 3:01 PM] Me: I'll let you know when we start

Chat with Janet ([REDACTED]), Mari Henderson ([REDACTED])

[10/30/24 5:37 PM] Mari Henderson: You received a picture.

[10/30/24 5:37 PM] Mari Henderson: Contact if issues

[10/30/24 5:37 PM] Mari Henderson: I just walked through will call

[10/30/24 5:40 PM] Mari Henderson: We're getting your tickets now

[10/30/24 5:40 PM] Me: Just parked

[10/30/24 5:40 PM] Mari Henderson: Are you here? Then I can handle them to you

[10/30/24 5:41 PM] Mari Henderson: Great I'll wait for you at will call entrance with your ticket so there are no issues

[10/30/24 5:41 PM] Me: Ok cool

[10/30/24 5:42 PM] Mari Henderson: You have to cross from el Capital to will call entrance

[10/30/24 5:42 PM] Janet: Parking now

[10/30/24 5:44 PM] Me: Ok crossing over by hard Rock

Chat with Kathy Ta ([REDACTED]), Mari Henderson ([REDACTED])

[10/28/24 6:51 AM] Mari Henderson: You received a picture.

[10/28/24 6:51 AM] Mari Henderson: Good morning, sorry for the early text. Is there any truth to their claim the gun and bullet fragments are missing? Lots of coverage lately on his writ and lots of misinformation. If you happen to be free before 9 am I'll be in arbitration starting then but can talk before then.

[10/28/24 8:41 AM] Mari Henderson: Hi both, could I check in with one of you later today, perhaps around lunch break? Thanks!

[10/28/24 9:29 AM] Kathy Ta: Bullet fragments were never found after hospital removed them from Meg. Unclear if hospital misplaced. Gun and magazine Still very much in lapd custody. I have no clue where they got that info - from bloggers?

[10/28/24 9:33 AM] Kathy Ta: But claim that gun and magazine is missing is false

[10/28/24 10:16 AM] Mari Henderson: Got it thanks for responding, apparently press misreporting this. Milagro back at it again...it comes from the writ

[10/28/24 10:26 AM] Me: They should be sanctioned for making blatantly false claims to the court

[10/28/24 10:26 AM] Me: This is pretty egregious

[10/28/24 10:27 AM] Mari Henderson: What do you suggest within criminal case if anything? We want to pursue civil suits against them sick of the lies

[10/28/24 10:28 AM] Me: It would be up to the AG but it's a clear and blatant violation of the ethical obligation of lawyers

[10/28/24 12:50 PM] Kathy Ta: Hi mari. Can't pick up at moment. Can we shoot for 2pm

[10/28/24 12:54 PM] Mari Henderson: I'll be in arbitration then, do you know offhand what happened to the shells/casings?

[10/28/24 12:54 PM] Kathy Ta: Not offhand but they were tested so would likely still be in lapd custody too

[10/28/24 12:55 PM] Mari Henderson: Thanks!

[10/28/24 12:56 PM] Kathy Ta: When I say tested - I don't mean DNA. It was part of ballistics testing to match with gun

[10/28/24 1:04 PM] Mari Henderson: Liked "When I say tested - I don't mean DNA. It was part..."

[10/29/24 8:29 AM] Mari Henderson: Are you free to talk today? Lunch break?

[10/30/24 8:31 AM] Mari Henderson: Hi both, I know it's last minute but Meg and Des would love it if you came to her premiere tonight (and we understand if you can't or aren't able to). These are the details:

LOCATION: TCL Chinese Theatre - 6925 Hollywood Blvd, Hollywood, CA 90028

4:30 PM - DOORS OPEN

6:00 PM - SCREENING

- Runtime: 1 Hr 52 Min
- Complimentary movie concessions provided.
- Latecomers are not guaranteed a seat. All tickets may be released from Will Call at 5:45pm.
- This is a private event, and the invitation is strictly non-transferable.

Let me know if either one of you are coming, thanks!

[10/30/24 8:37 AM] Me: Hey Mari, I'd love to come. Thanks for the invite!

[10/30/24 8:39 AM] Mari Henderson: Great! Kathy let me know if you can too sorry again for last minute notice

[10/30/24 8:39 AM] Kathy Ta: Hi Mari. I have guests coming over tonight and had plans. Let me see what I can move around and get back to you by noon if that's not too late

[10/30/24 8:39 AM] Mari Henderson: Not a problem thanks

[10/30/24 8:53 AM] Mari Henderson: Your ticket is there if you come or don't so no worries, tickets at will call so you can pick up ticket there when you give your name and text me if any issues I have Roc contact if issues. Thanks and see you tonight!

[10/30/24 8:54 AM] Me: Awesome! What time do you recommend we arrive?

[10/30/24 8:55 AM] Mari Henderson: Sounds like we have to before 5:45 I'm leaving my house early from the westside to be there by 5:30

[10/30/24 8:55 AM] Me: Ok cool I'll do the same

[10/30/24 9:12 AM] Kathy Ta: Loved "Your ticket is there if you come or don't so no wo..."

[10/30/24 12:11 PM] Kathy Ta: Hey mari. Please send my regards to Meg and Des. Wasn't able to rearrange plans bc it involves a bunch of other families. I hope you guys have a great time tonight. And I know it's going to be amazing. Thank you for the invite and maybe we can come say hi again next time she's in town.

[10/30/24 12:11 PM] Mari Henderson: Loved "Hey mari. Please send my regards to Meg

and Des. ...”

[10/30/24 12:12 PM] Mari Henderson: Of course and sorry for the last minute notice!

[10/30/24 12:13 PM] Kathy Ta: No worries. I appreciate the invite! I almost never have plans. Just been busier than normal because of Halloween season.

[10/30/24 12:13 PM] Kathy Ta: And [REDACTED]

[10/30/24 4:31 PM] Me: En route should be there at 5:30

[10/30/24 4:35 PM] Mari Henderson: Liked “En route should be there at 5:30”

[11/14/24 9:00 AM] Mari Henderson: Hi could we check in later today on the order and status there? Tied up the next few hours in a hearing but free during lunch break

[11/14/24 3:04 PM] Mari Henderson: I am free from now rest of day if one or both of you are

[11/15/24 9:54 AM] Mari Henderson: I am generally free today if you can briefly chat, thanks!

[11/15/24 10:11 AM] Kathy Ta: Can we shoot for Monday! I'm off site today and in meeting rn

[11/15/24 10:11 AM] Kathy Ta: Easier for call when I'm downtown w alrx

[11/15/24 10:11 AM] Kathy Ta: Alex

[11/15/24 10:11 AM] Me: Works for me

[11/15/24 10:12 AM] Mari Henderson: Monday works for me too, thanks

[11/15/24 10:13 AM] Mari Henderson: If easier I can send a zoom calendar invite if you want to set a time?

[11/18/24 11:50 AM] Mari Henderson: Please let me know when you two are free to connect today or otherwise early this week won't take more than 5 mins thanks!

[11/18/24 11:54 AM] Me: I can talk this afternoon anytime between 2 and 4

[11/18/24 12:01 PM] Mari Henderson: Ok do you guys want to call me together then? I'll be on my cell, or happy to send an invite thanks!

[11/18/24 12:16 PM] Kathy Ta: We can call you on your cell

[11/18/24 12:16 PM] Mari Henderson: Liked “We can call you on your cell”

[11/18/24 12:16 PM] Kathy Ta: Will shoot you a text before to make sure you're free in that moment

[11/18/24 3:50 PM] Kathy Ta: Hey mari. We should actually do another call tomorrow if you're free

[11/18/24 3:50 PM] Kathy Ta: And before you file anything. It's regarding additional research on this issue

[11/18/24 3:53 PM] Mari Henderson: Ok free to talk today or tmw let me know what works for you. We won't be filing anything tmw but given your advice we are starting to put together a civil RO.

[11/18/24 4:01 PM] Kathy Ta: Look at civil harassment vs civil dvro. I will forward you a case to look at it but it's one that poses issues for us so we can chat about it tomorrow

[11/18/24 4:02 PM] Mari Henderson: Ok will do and will take a look at the case you send as well before we chat

[11/18/24 4:03 PM] Kathy Ta: Liked "Ok will do and will take a look at the case you se..."

[11/20/24 1:57 PM] Kathy Ta: Hi can we make it 2:30

[11/20/24 1:57 PM] Mari Henderson: Yes just adjusted thanks

[11/20/24 1:57 PM] Me: I'm in a prelim in AV all day

[11/20/24 1:58 PM] Mari Henderson: Kathy okay if we connect?

[11/20/24 2:02 PM] Kathy Ta: 2:30 works for me

[11/20/24 2:02 PM] Kathy Ta: Alex I'm in AV too!

[11/20/24 2:04 PM] Me: Nice!!

[11/20/24 2:13 PM] Kathy Ta: Hi mari I'm free now actually.

[11/20/24 2:14 PM] Kathy Ta: I can call now if you're free

[12/20/24 10:59 AM] Mari Henderson: Hi and happy holidays! Are you free for a brief call today? Or Monday?

Chat with Janet ([REDACTED])

[12/12/22 8:54 AM] Janet: Hi Alex! It's Janet. I'm with Meg's security team and they just want to do a quick walkthrough in H0J up to the 9th floor. Is this something we can arrange now? Apologies for any inconvenience, I know you're preparing and busy.

[12/12/22 8:55 AM] Me: Texting Kathy now. I'm in the middle of something

[12/12/22 8:58 AM] Janet: Thank you!

[12/12/22 5:56 PM] Janet: Alex, I spoke to the person [REDACTED]  
[REDACTED]

[12/12/22 5:56 PM] Janet: The direct link is available here:  
[REDACTED]

[12/12/22 5:57 PM] Janet: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[12/12/22 5:58 PM] Janet: [REDACTED]  
[REDACTED]

See below.

[12/12/22 5:59 PM] Me: Wow thank you!!

[12/19/22 10:06 AM] Me: Morning we are starting soon

[12/19/22 10:06 AM] Janet: Walking in now

[12/19/22 10:06 AM] Janet: Did you see video clip with guy claiming Tory in elevator by himself with bodyguard and juror?

[12/19/22 10:07 AM] Janet: Guy claims he tried to walk in and bodyguard didn't let him step in the elevator.

[12/19/22 10:07 AM] Me: Yes

[12/19/22 10:07 AM] Me: We are going to address it

[12/19/22 10:07 AM] Janet: Great, walking up now. Thanks so much for the text.

[12/19/22 12:54 PM] Janet: King Pain blogger is here right outside Dept. 132. The one who said juror entered elevator with Tory and bodyguard didn't allow him in.

[12/22/22 7:51 PM] Janet: I'm dying at Milagro's commentary of you specifically. I've been laughing for minutes. (It's not bad, I mean she's absolutely nuts but it's hilarious.)

[12/22/22 7:51 PM] Janet:  
<https://www.instagram.com/tv/Cmfm9v-OWq2/?igshid=YmMyMTA2M2Y=>

[12/22/22 7:53 PM] Janet: At 25:59 minutes remaining

[12/22/22 7:56 PM] Me: Hahaha

[12/22/22 7:56 PM] Me: She is very strange

[12/22/22 7:57 PM] Janet: Did you hear about you losing teeth?

[12/22/22 7:57 PM] Janet: And what she wrote in the notebook?

[12/22/22 7:57 PM] Me: Lol yep

[3/30/23 1:18 PM] Janet: Hi Alex! Are you able to email me the motion? If not, I'll send a messenger to the clerk's office but want to check before doing that.

[3/30/23 1:19 PM] Me: Yeah

[3/30/23 1:19 PM] Me: Will email in 20 min

[3/30/23 1:20 PM] Janet: Thank you!

[3/30/23 1:54 PM] Me: Np!

[5/9/23 10:00 AM] Janet: Good morning Mayor. When you get a chance, can you please email me the papers that are no longer sealed?

[5/9/23 10:13 AM] Me: Let me confirm it's for sure unsealed

[5/9/23 10:13 AM] Me: For sure

[5/9/23 10:13 AM] Me: Then yes no problem

[5/9/23 10:13 AM] Janet: Thank you!

[5/9/23 10:14 AM] Janet: Hopefully it is because they clearly and explicitly waived privilege so not sure why it would remain sealed.

[5/9/23 10:45 AM] Janet: Mgdesyan is here

[8/7/23 8:46 AM] Janet: Are we anticipating that this will take all day? Is he going to put on character testimony on the stand?

[8/7/23 4:34 PM] Janet: Are you able to join the zoom link?

[8/7/23 4:35 PM] Me: Yeah

[8/7/23 4:35 PM] Me: 5 min

[8/14/23 6:46 PM] Janet: Hi Alex! What time is the bail hearing tomorrow?

[8/14/23 6:46 PM] Me: Hey I don't think that's happening

[8/14/23 6:47 PM] Me: Nothing is on the calendar and we haven't received any filings from defense

[8/14/23 6:49 PM] Janet: Got it, thank you. Can you please let me know if that changes? The team wants me to attend for whenever it is scheduled.

[8/14/23 6:49 PM] Janet: But I guess it's safe to assume it won't be tomorrow then, right?

[8/14/23 6:50 PM] Me: Yeah for sure. Nothing is happening tomorrow.

[8/14/23 6:50 PM] Janet: Thanks!

[8/18/23 1:04 PM] Janet: Hi Alex! Still nothing on the bail hearing?

[8/18/23 1:06 PM] Me: Nothing

[9/2/23 7:15 PM] Janet: Hi Alex! I hope all is well.

[9/2/23 7:16 PM] Janet:

[https://twitter.com/rapalert6/status/1697971985433645056?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1697991570807542266%7Ctwgr%5Ee286ac8cf5d649c3d27e50100eaaa1ed21b60a05%7Ctwcon%5Es3\\_&ref\\_url=https%3A%2F%2Fuprox.com%2Fmusic%2Fdocumentary-megan-thee-stallion-tory-lanez%2F](https://twitter.com/rapalert6/status/1697971985433645056?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1697991570807542266%7Ctwgr%5Ee286ac8cf5d649c3d27e50100eaaa1ed21b60a05%7Ctwcon%5Es3_&ref_url=https%3A%2F%2Fuprox.com%2Fmusic%2Fdocumentary-megan-thee-stallion-tory-lanez%2F)

[9/2/23 7:16 PM] Janet: Is this the doc you provided commentary on?

[9/2/23 8:52 PM] Me: Yep

[5/21/25 1:29 PM] Janet: Hi Alex, I hope all is well with you!

I wanted to check in to see if you had any information on the following:

1. Whether Tory was stabbed in prison?
2. Whether you're going to release a public statement on his stabbing?
3. I'm sure you've seen that there is press circulating again challenging the verdict and questioning it. Are you going to release a public statement on it?

[5/29/25 5:16 PM] Janet: Hiiii! Sorry Alex, quick question. Was the testimony that fragments were in Megan's feet because the bullets ricocheted? As opposed to actual bullets in her feet.

[5/29/25 5:41 PM] Me: [REDACTED]

[5/29/25 5:42 PM] Me: The doctors were not sure. Could have been ricochet or a direct hit

[5/29/25 5:42 PM] Me: Bullets often break apart like that even after a direct hit

[5/29/25 5:44 PM] Janet: Aww, I'm so sorry for bothering. Thank you for the clarification! Just wanted to make sure.

[7/19/25 12:17 PM] Janet: Hi Alex!!! I hope you're well. [REDACTED]  
[REDACTED] I'm emailing her to get trial transcripts/exhibits and all my emails are bouncing back

[7/19/25 12:18 PM] Janet: [REDACTED]

[7/19/25 12:18 PM] Janet: Who can I reach out to in order to order trial transcripts and exhibits?

[7/20/25 9:27 AM] Janet: [REDACTED]  
[REDACTED]  
[REDACTED]

[7/20/25 9:29 AM] Me: [REDACTED]  
[REDACTED]

[7/20/25 9:30 AM] Me: I can look into when I'm back next week

[7/21/25 9:48 AM] Janet: Thank you and have fun!

[7/30/25 1:27 PM] Janet: Hiii Alex!!!

[7/30/25 1:27 PM] Janet: I just spoke to Michael from the AG's office. He asked me for your number so I'm going to pass it along.

[7/30/25 1:28 PM] Janet: [REDACTED]  
[REDACTED]

[7/30/25 1:28 PM] Me: [REDACTED]  
[REDACTED]

@ComewithFacts

@ComewithFacts

@ComewithFacts

## **EXHIBIT 4**

# Ryan O'Connor, M.D.

---  
Emergency Medical Physician  
P.O. Box 86166  
Los Angeles, CA 90086

October 15, 2025

Ms. Dixon,

I have reviewed the discovery that you provided to me regarding People v. Daystar Peterson. This includes medical records for [REDACTED] from Cedars Sinai Medical Center dated 07/12/2020 – 07/14/2020.

Upon my review of the medical records provided to me in this case, I have discovered multiple errors, omissions, and inconsistencies that they contain. Most significantly, the Orthopaedic Surgery Consultation Note for 07/12/2020 contains the false statement that “there are no radiopaque foreign bodies concerning for bullet fragments present in both the left and right hind foot.” The remainder of the medical records including multiple radiology reports are clear and consistent about the presence of multiple radiopaque foreign bodies in both the left and right hind foot, and this statement contradicts the remainder of the medical record. This statement appears to be authored by orthopaedic surgical resident Jonathan Henry Garfinkel. His attending physician, Dr. Milton Little authored a statement of attestation that agrees with Dr. Garfinkel’s note and does not point out his error. Furthermore, Dr. Little’s attestation contains typographical errors in the first sentence in the form of an extraneous forward slash symbol (i.e.: / ) at the beginning of the first sentence and two periods separated by a space at the end of that same sentence. Furthermore, Dr. Little writes that “...we recommend irritation and debridement of the bilateral feet with removal of

the larger fragments.” The word “irritation” is clearly supposed to be “irrigation” and likely represents a dictation error.

It is perhaps significant to note that Dr. Little’s name appears in multiple different formats throughout the medical records. He is alternatively referred to as “LITTLE, MILTON THOMAS MICHAEL”, “LITTLE, MILTON TM”, “Little, Milton Tm”, “Little, Milton Thomas Michael”, “Milton Little”, and “Milton TM Little”.

Additionally, in the ER note dated 07/12/2020, there is an acknowledged ED Non Lab Order at 0543 for “Laceration Suture Repair” created by the ER physician, Dr. Anthony Loffredo. There is a nursing note generated at 0727 stating that “Laceration washed out by Jin pending ER MD lac repair” and another at 0730 stating “Waiting for suturing”. However, there is no procedure note generated for a suture repair of a laceration. Therefore the order for suture repair is not consistent with the remainder of the ER records.

Finally, on 07/14/2020, there were x-rays performed on the patient’s right forearm with the “Reason for Exam” as “Pain/Swelling” and on the patient’s right wrist with “Reason for Exam” as “Trauma”. There is a nursing note authored prior to these x-rays being performed that states that “Ortho resident notified that [the patient complains of] a raised area, swollen area of her R[ight] forearm.” However, there is no mention in the doctors’ notes, nurses’ notes, or statements made by the patient regarding trauma to the right wrist to justify the order for the x-ray of the wrist.

Please feel free to contact me with any questions that you may have about this case.

Sincerely,

Ryan O’Connor, M.D.

## Declaration of Expert Witness – Healthcare Record Documentation Integrity

Case: *People v. Peterson*, Case No. BA490599

Expert: Jeannine Bernstein, MSN-Inf, RN, CCRN

Date: October 27<sup>th</sup>, 2025

### I. Qualifications

I am a registered nurse with 20 years of clinical and informatics experience. My background includes reviewing and interpreting complex Epic electronic health records for clinical accuracy, clinical completeness, and regulatory compliance. I have a master's degree in nursing informatics.

### II. Assignment

I was retained by [CMorgan@MorganLegalServicesPLLC.com](mailto:CMorgan@MorganLegalServicesPLLC.com) to review the patient's medical record related to *People v. Peterson*, and to provide an opinion on documentation integrity and authenticity. The individual identified in the

[REDACTED]

### III. Materials Reviewed

- Scanned medical record #1 [REDACTED] BERNSTEIN\_000001LAPD-  
[REDACTED] BERNSTEIN\_000104 LAPD
- Scanned in color medical record #2 [REDACTED] BERNSTEIN000001PRIOR  
LITIGATION-[REDACTED] BERNSTEIN000426 PRIOR LITIGATION
- No native Epic audit logs or metadata provided

### IV. Opinions

The reviewed medical records exhibited over sixty documentation irregularities, including altered text or overwrites, document format inconsistency, illegible or non-standard unallowable abbreviations, sequencing gaps, duplicate narratives, and late entries without clear designation. These issues reduce confidence in the completeness and continuity of the clinical record.

1. Differences in font, spelling, and content between the two record sets are consistent with variations expected between the operational Epic system and the certified Legal Health Record (LHR) produced by the Health Information Management (HIM) department. However, altered text or overwrites are not acceptable.
2. The "Print Chart" view available to clinical users in Epic does not necessarily match the HIM-certified version of the legal medical record in either content or formatting.
3. No electronic audit trail, access log, or version metadata was provided; therefore, the review reflects document-based analysis only. A complete authenticity assessment would require native Epic audit data and metadata.
4. The record sets display structural irregularities consistent with partial or recompiled extractions. These findings may not indicate intentional alteration but warrant audit-trail verification.
5. The opinions expressed are supported by recognized industry standards and authorities, including the American Health Information Management Association (AHIMA), the Joint Commission, ASTM International, ISO, HIMSS, AMLA, CMS, and Epic Systems Corporation documentation.

#### V. Basis for Opinions

My opinions are based on the analysis summarized in the Documentation Integrity Report dated October 27, 2020, and generally accepted standards established by AHIMA, HIMSS, and the Joint Commission.

#### VI. Declaration

I declare under penalty of perjury under the laws of the State of \_\_\_\_FL\_\_ that the foregoing is true and correct.

Executed this 27th\_ day of October\_, 2025\_, at \_Clearwater, Fl.

Signature: \_\_\_\_\_

Jeannine Bernstein, MSN-Inf, RN, CCRN

Legal Nurse Consultant / Expert Witness

jeannine@jbernsteinlegalnurse.com | (727) 743-2525

**STATE OF CALIFORNIA**  
**SUPERIOR COURT, COUNTY OF LOS ANGELES**

Case: *People v. Daystar Peterson*

Case No.: BA490599

**EXPERT WITNESS STATEMENT AND DOCUMENT INTEGRITY  
REVIEW**

Prepared by: Jeannine Bernstein, MSN-Inf, RN, CCRN

Legal Nurse Consultant / Expert Witness

Date of Report: 10/24/25

**I. PURPOSE AND ASSIGNMENT**

Counsel for the Defendant, CMorgan@MorganLegalServicesPLLC.com, retained the undersigned to conduct an independent professional review of the medical records produced in this case. The purpose of the review was to evaluate the internal consistency, accuracy, and completeness of the documentation within the medical record provided and to identify any apparent irregularities that may impact the reliability or interpretation of clinical care.

**II. RECORD SOURCE AND LIMITATIONS**

The materials reviewed consisted of scanned reproductions of Epic-generated printouts produced on two separate occasions. The first set, totaling 104 pages, was released under LAPD authorization in accordance with the California Confidentiality of Medical Information Act on July 20, 2020. The second set, totaling 426 pages, was obtained from prior litigation and provided to current counsel on October 10, 2025, for use in this criminal proceeding. The individual identified in the records is [REDACTED]

These materials were supplied to the undersigned by current counsel for review in the present matter. Due to documents representing a secondary production rather than a direct extraction from the originating electronic health record system, no verification of completeness, authenticity, or native sequence was possible. No electronic audit trail, version history, or embedded metadata accompanied this set. Accordingly, all observations are based solely on the visible content, internal chronology, and date-time consistency of the materials as provided.

### III. MATERIALS REVIEWED

- Scanned medical record #1 [REDACTED] BERNSTEIN\_000001LAPD-[REDACTED] BERNSTEIN\_000104 LAPD
- Scanned in color medical record #2 [REDACTED] BERNSTEIN000001PRIOR LITIGATION-[REDACTED] BERNSTEIN000426 PRIOR LITIGATION
- No native Epic audit logs or metadata provided

### IV. METHODOLOGY

The undersigned conducted a Document Integrity Review using established nursing informatics, EPIC, and health information management principles. The review process included:

- Verification of chronological order and time continuity across notes, orders, and flowsheets.
- Examination of visible timestamps, signatures, and handwriting for completeness and consistency.
- Cross-checking of clinical sequence or duplications (orders → notes → results).
- Identification of potential irregularities or discrepancies within the scanned record.
  - Chronological Order
  - Date and time discrepancies
  - Missing or Repeated Pages
  - Altered Text or Overwrites
  - Illegible or Cropped Scans
  - Document Format Inconsistency
  - Signature Irregularities
  - Gaps in Care Continuity
  - Duplicate Documentation

- Handwritten Additions
- Out-of-Place Documents
- Illegible or Non-Standard Abbreviations
- Documentation of findings by Bates number, visible timestamp, and narrative observation.

## V. DOCUMENT INTEGRITY FINDINGS

| This review reflects the sequence of pages and sections in the scanned record production labeled [REDACTED] BERNSTEIN PRIOR LIT. The record appears to be 426 pages and is a compilation of printed EHR pages and ancillary documents. Observations regarding timing, authorship, or versioning are limited to what is visible in that scanned sequence. |            |                                                                                                                                                                                                                         |                           |                                                             |                                                               |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------|
| Event Date                                                                                                                                                                                                                                                                                                                                               | Event Time | Description                                                                                                                                                                                                             | Category                  | Significant Integrity Finding                               | Pattern Finding                                               | Bates No                                     |
|                                                                                                                                                                                                                                                                                                                                                          |            | Subpoena records released July 12-14th from Cedar Sinai health<br>[REDACTED]<br>Department to Dixon Justice Center: Prior Civil Litigation to this review Megan Pete v. Milagro Elizabeth Cooper CC-24228-CMA 8/28/2025 | Chain of custody          |                                                             |                                                               | [REDACTED] BERNSTEIN PRIOR LIT_000001-000007 |
|                                                                                                                                                                                                                                                                                                                                                          |            | Release signed by [REDACTED]                                                                                                                                                                                            | Chain of custody          |                                                             |                                                               | [REDACTED] BERNSTEIN PRIOR LIT_000008-000010 |
| July 12, 2020                                                                                                                                                                                                                                                                                                                                            | 0527       | Conditions of [REDACTED]                                                                                                                                                                                                | Chain of custody          | Signature Irregularities<br>Missing or Repeated Pages       | No provider or patient signature or mismatch in printed name. | [REDACTED] BERNSTEIN PRIOR LIT_000022-000025 |
| July 14th, 2020                                                                                                                                                                                                                                                                                                                                          | 1000       | [REDACTED]                                                                                                                                                                                                              | Document Integrity Review | Chronological Order Records appear out of sequence, or time |                                                               | [REDACTED] BERNSTEIN PRIOR LIT_000021        |

|                |      |  |                           |                                                                                                                                                                             |                                                                               |                                     |
|----------------|------|--|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------|
|                |      |  |                           | progression is illogical.                                                                                                                                                   |                                                                               |                                     |
| July 14th 2020 | 0955 |  | Document Integrity Review | <b>Chronological Order Records</b> appear out of sequence, or time progression is illogical.<br><br><b>Missing or Repeated Pages</b>                                        | Duplication entered Epic of the same MD orders, same day, similar time frame. | ERNSTEIN<br>PRIOR LIT_000026        |
| July 12, 2020  | 0527 |  | Document Integrity Review | <b>Chronological Order Records</b> appear out of sequence, or time progression is illogical.<br><br><b>Signature Irregularities</b><br><br><b>Missing or Repeated Pages</b> | No provider or patient signature or mismatch in printed name.                 | ERNSTEIN<br>PRIOR LIT_000027-00030  |
| July 12 2020   | 1530 |  | Document Integrity Review | <b>Chronological Order Records</b> appear out of sequence, or time progression is illogical.<br><br><b>Missing or Repeated Pages</b>                                        | Duplication entered Epic of the same MD orders, same day, similar time frame. |                                     |
| July 12, 2020  | 1535 |  | Document Integrity Review | <b>Chronological Order Records</b> appear out of sequence, or time progression is illogical.<br><br><b>Missing or Repeated Pages</b>                                        | Duplication entered Epic of the same MD orders, same day, similar time frame. | ERNSTEIN<br>PRIOR LIT_000031        |
| July 12, 2020  | 0527 |  | Document Integrity Review | <b>Chronological Order Records</b> appear out of sequence, or time progression is illogical.<br><br><b>Signature Irregularities</b><br><br><b>Missing or Repeated Pages</b> | No provider or patient signature or mismatch in printed name.                 | ERNSTEIN<br>PRIOR LIT_000033-000035 |

|               |      |  |                           |                                                                                              |                                                                         |                               |
|---------------|------|--|---------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------|
| July 12, 2020 | 1525 |  | Document Integrity Review | <b>Chronological Order</b> Records appear out of sequence, or time progression is illogical. |                                                                         | BERNSTEIN<br>PRIOR LIT_000041 |
| July 12, 2020 | 1455 |  | Document Integrity Review | <b>Chronological Order</b> Records appear out of sequence, or time progression is illogical. |                                                                         | BERNSTEIN<br>PRIOR LIT_000051 |
| July 12, 2020 | 1145 |  | Document Integrity Review | <b>Gaps in Care Continuity</b><br><br><b>Missing or Repeated Pages</b>                       | Missing notes or unexplained                                            | BERNSTEIN<br>PRIOR LIT_000056 |
| July 12, 2020 | 1120 |  | Achor point event         |                                                                                              |                                                                         | BERNSTEIN<br>PRIOR LIT_000058 |
| July 12, 2020 | 1146 |  | Document Integrity Review | <b>Chronological Order</b> Records appear out of sequence, or time progression is illogical. | same day, similar time frame.                                           | BERNSTEIN<br>PRIOR LIT_000063 |
| July 12, 2020 | 1105 |  | Document Integrity Review | <b>Chronological Order</b> Records appear out of sequence, or time progression is illogical. | similar time frame.                                                     | BERNSTEIN<br>PRIOR LIT_000068 |
| July 12, 2020 | 1055 |  | Document Integrity Review | <b>Chronological Order</b> Records appear out of sequence, or time progression is illogical. | same day, similar time frame.                                           | BERNSTEIN<br>PRIOR LIT_000073 |
| July 12, 2020 | 1045 |  | Document Integrity Review | <b>Out-of-Place Documents</b><br><br><b>Gaps in Care Continuity:</b> unexplained time gaps.  | Insertion is potentially unrelated to this case<br><br>Missing notes or | BERNSTEIN<br>PRIOR LIT_000078 |

|               |      |                                               |                           |                                                                                              |                                                      |                                    |
|---------------|------|-----------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------------|
|               |      |                                               |                           |                                                                                              | unexplained time gaps.                               |                                    |
| July 12, 2020 | 1040 |                                               | Document Integrity Review | <b>Chronological Order</b> Records appear out of sequence, or time progression is illogical. | Duplication<br>same day, similar time frame.         | BERNSTEIN<br>PRIOR LIT_000088      |
| July 12, 2020 | 0945 |                                               | Document Integrity Review | <b>Chronological Order</b> Records appear out of sequence, or time progression is illogical. | The duplicate of another<br>in a similar time frame. | BERNSTEIN<br>PRIOR LIT_000093      |
| July 12, 2020 | 0545 |                                               | Document Integrity Review | <b>Chronological Order</b> Records appear out of sequence, or time progression is illogical. | Duplication<br>of the same<br>similar time frame.    | BERNSTEIN<br>PRIOR LIT_000098      |
| July 12, 2020 | 0507 | Arrival at the ER by law enforcement referral | Achor point event         |                                                                                              |                                                      | BERNSTEIN<br>PRIOR LIT_000103      |
| July 12, 2020 | 0519 |                                               | Achor point event         |                                                                                              |                                                      | BERNSTEIN<br>PRIOR LIT_000105      |
| July 12, 2020 | 0519 |                                               | Achor point event         |                                                                                              |                                                      | BERNSTEIN<br>PRIOR LIT_000105_NOTE |
| July 12, 2020 | 0543 |                                               | Achor point event         |                                                                                              |                                                      | BERNSTEIN<br>PRIOR LIT_000105_NOTE |
| July 12, 2020 | 1057 | Admit Provider                                | Achor point event         |                                                                                              |                                                      | BERNSTEIN<br>PRIOR LIT_000105      |

|               |      |                   |                           |                                                |                                                                             |                                     |
|---------------|------|-------------------|---------------------------|------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------|
|               |      |                   |                           |                                                |                                                                             |                                     |
| July 12, 2020 | 1253 |                   | Achor point event         |                                                |                                                                             | BERNSTEIN<br>PRIOR LIT_000105       |
| July 12, 2020 | 1340 |                   | Achor point event         |                                                |                                                                             | BERNSTEIN<br>PRIOR LIT_000105       |
| July 12, 2020 | 1509 |                   | Achor point event         |                                                |                                                                             | BERNSTEIN<br>PRIOR LIT_000105       |
| July 12, 2020 | 1647 |                   | Achor point event         |                                                |                                                                             | BERNSTEIN<br>PRIOR LIT_000106       |
| July 12, 2020 | 0543 |                   | Document Integrity Review | <b>Date and time discrepancies</b>             | Timestamps are inconsistent between sections. Provider RETRO SPECTIVE ENTRY | BERNSTEIN<br>PRIOR LIT_000106       |
| July 12, 2020 | 0543 |                   | Document Integrity Review | <b>Duplicate Documentation</b>                 | Identical wording or entries repeated. Epic cut and paste                   | BERNSTEIN<br>PRIOR LIT_000112       |
|               |      |                   | Document Integrity Review | <b>Duplicate Documentation</b>                 | Identical wording or entries repeated. Epic cut and paste                   | BERNSTEIN<br>PRIOR LIT_000113       |
|               |      | ankle laceration. | Document Integrity Review | <b>Illegible or Non-Standard Abbreviations</b> | Unclear terminology is causing ambiguity.                                   | BERNSTEIN<br>PRIOR LIT_000117       |
| July 12, 2020 | 0555 |                   | Achor point event         |                                                |                                                                             | BERNSTEIN00<br>0119PRIOR LITIGATION |
| July 12, 2020 | 0609 |                   | Achor point event         |                                                |                                                                             | BERNSTEIN00<br>0120PRIOR LITIGATION |

|               |      |  |                           |                                                                                       |  |                                                                             |
|---------------|------|--|---------------------------|---------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------|
| July 12, 2020 | 0727 |  | Achor point event         |                                                                                       |  |                                                                             |
| July 12, 2020 | 0727 |  | Achor point event         |                                                                                       |  | BERNSTEIN00<br>0126PRIOR LITIGATION                                         |
| July 12, 2020 | 1152 |  |                           |                                                                                       |  | BERNSTEIN00<br>0131PRIOR LITIGATION                                         |
| July 12, 2020 |      |  |                           |                                                                                       |  | ERNSTEIN00<br>0131PRIOR LITIGATION-<br>BERNSTEIN00<br>0148PRIOR LITIGATION  |
| July 12, 2020 | 1233 |  | Achor point event         |                                                                                       |  | NSTEIN00<br>0149PRIOR LITIGATION-<br>ERNSTEIN00<br>0158PRIOR LITIGATION     |
| July 13, 2020 | 1715 |  | Achor point event         |                                                                                       |  | BERNSTEIN00<br>0162PRIOR LITIGATION                                         |
| July 14, 2020 | 0739 |  | Document Integrity Review | Chronological Order Records appear out of sequence, or time progression is illogical. |  | BERNSTEIN00<br>0165PRIOR LITIGATION                                         |
| July 12, 2020 | 1520 |  | Document Integrity Review | Chronological Order Records appear out of sequence, or time progression is illogical. |  | BERNSTEIN00<br>0166PRIOR LITIGATION                                         |
| July 12, 2020 | 1514 |  |                           |                                                                                       |  |                                                                             |
| July 13, 2020 | 0556 |  |                           |                                                                                       |  |                                                                             |
| July 14, 2020 | 0838 |  |                           |                                                                                       |  |                                                                             |
| July 14, 2020 | 1025 |  |                           |                                                                                       |  | BERNSTEIN00<br>0177PRIOR LITIGATION-<br>BERNSTEIN00<br>0186PRIOR LITIGATION |

|               |      |            |                           |                             |                                                                   |                                     |
|---------------|------|------------|---------------------------|-----------------------------|-------------------------------------------------------------------|-------------------------------------|
| July 14, 2020 | 1132 |            |                           |                             |                                                                   | BERNSTEIN00<br>0197PRIOR LITIGATION |
| July 12, 2020 | 1705 |            | Document Integrity Review | Date and time discrepancies | Timestamps are inconsistent between sections.                     | BERNSTEIN00<br>0203PRIOR LITIGATION |
| July 12, 2020 |      |            | Achor point event         |                             |                                                                   |                                     |
| July 12, 2020 | 1447 |            | Document Integrity Review | Chronological Order (CO)    | Records appear out of sequence, or time progression is illogical. | BERNSTEIN00<br>0226PRIOR LITIGATION |
| July 12, 2020 | 1448 |            | Document Integrity Review | Chronological Order (CO)    | Records appear out of sequence, or time progression is illogical. | BERNSTEIN00<br>0226PRIOR LITIGATION |
| July 12, 2020 | 1448 | (SECURITY) | Document Integrity Review | Chronological Order (CO)    | Records appear out of sequence, or time progression is illogical. | BERNSTEIN00<br>0226PRIOR LITIGATION |
| July 12, 2020 | 0604 |            | Document Integrity Review | Chronological Order (CO)    | Records appear out of sequence, or time progression is illogical. | BERNSTEIN00<br>0228PRIOR LITIGATION |

|               |      |                  |                           |                          |                                                                   |                                                                             |
|---------------|------|------------------|---------------------------|--------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------|
| July 12, 2020 | 1231 |                  | Achor point event         |                          |                                                                   | BERNSTEIN00<br>0240PRIOR LITIGATION                                         |
| July 12, 2020 |      |                  | Document Integrity Review | Chronological Order (CO) | Records appear out of sequence, or time progression is illogical. | BERNSTEIN00<br>0240PRIOR-<br>BERNSTEIN00<br>0252PRIOR LITIGATION            |
| July 12, 2020 | 1145 |                  | Document Integrity Review | Chronological Order (CO) | Records appear out of sequence, or time progression is illogical. |                                                                             |
| July 12, 2020 | 1415 |                  | Achor point event         |                          |                                                                   | BERNSTEIN00<br>0255PRIOR LITIGATION                                         |
| July 12, 2020 | 1334 | note: Anesthesia | Achor point event         |                          |                                                                   | BERNSTEIN00<br>0260PRIOR LITIGATION                                         |
| July 12, 2020 | 1119 |                  | Document Integrity Review | Duplicate Documentation  | Identical wording or entries repeated.                            | BERNSTEIN00<br>0263PRIOR LITIGATION                                         |
| July 12, 2020 | 1119 |                  | Document Integrity Review | Duplicate Documentation  | Identical wording or entries repeated.                            | BERNSTEIN00<br>0272PRIOR LITIGATION                                         |
| July 12, 2020 | 1514 |                  | Achor point event         |                          |                                                                   | BERNSTEIN00<br>0273PRIOR LITIGATION                                         |
| July 12, 2020 | 1334 | Procedure Notes  | Achor point event         |                          |                                                                   | BERNSTEIN00<br>0276PRIOR LITIGATION-<br>BERNSTEIN00<br>0298PRIOR LITIGATION |
| July 12, 2020 |      |                  |                           |                          |                                                                   | BERNSTEIN00<br>0298PRIOR LITIGATION-<br>BERNSTEIN00<br>0311PRIOR LITIGATION |

|                  |      |  |                           |                          |                                              |                                                                             |
|------------------|------|--|---------------------------|--------------------------|----------------------------------------------|-----------------------------------------------------------------------------|
| July 12, 2020    | 1545 |  | Achor point event         |                          |                                              | BERNSTEIN00<br>0313PRIOR LITIGATION                                         |
| July 12-14, 2020 |      |  |                           |                          |                                              | BERNSTEIN00<br>0313PRIOR LITIGATION-<br>BERNSTEIN00<br>0330PRIOR LITIGATION |
| July 12, 2020    | 0543 |  | Achor point event         |                          |                                              | BERNSTEIN00<br>0331PRIOR LITIGATION                                         |
| July 12-14, 2020 |      |  |                           |                          |                                              |                                                                             |
| July 12, 2020    | 1339 |  | Achor point event         | Signature Irregularities | No pt signature or mismatch in printed name. | BERNSTEIN00<br>0344PRIOR LITIGATION                                         |
| July 12-14, 2020 |      |  | Document Integrity Review |                          |                                              | BERNSTEIN00<br>0344PRIOR LITIGATION-<br>BERNSTEIN00<br>0389PRIOR LITIGATION |
| July 12, 2020    |      |  | Achor point event         |                          |                                              |                                                                             |
| July 12-14, 2020 |      |  |                           |                          |                                              | BERNSTEIN00<br>0392PRIOR LITIGATION-<br>BERNSTEIN00<br>0402PRIOR LITIGATION |
| July 12, 2020    | 0524 |  | Achor point event         |                          |                                              |                                                                             |
| July 12, 2020    |      |  | Achor point event         | Signature Irregularities | No pt signature or mismatch in printed name. | BERNSTEIN00<br>0404PRIOR LITIGATION-<br>BERNSTEIN00<br>0407PRIOR LITIGATION |
| July 12, 2020    | 1208 |  | Achor point event         |                          |                                              | BERNSTEIN00<br>0408PRIOR LITIGATION-<br>BERNSTEIN00<br>0415PRIOR LITIGATION |
|                  |      |  |                           |                          |                                              | BERNSTEIN00<br>0415PRIOR LITIGATION-<br>BERNSTEIN00<br>0417PRIOR LITIGATION |

|                 |      |  |                   |  |  |                                                                             |
|-----------------|------|--|-------------------|--|--|-----------------------------------------------------------------------------|
| July 12, 2020   | 1206 |  | Achor point event |  |  | BERNSTEIN00<br>0419PRIOR LITIGATION                                         |
| July 12, 2020   |      |  | Achor point event |  |  | BERNSTEIN00<br>0423PRIOR LITIGATION-<br>BERNSTEIN00<br>0425PRIOR LITIGATION |
| July 14th, 2020 |      |  | Achor point event |  |  | BERNSTEIN00<br>0426PRIOR LITIGATION                                         |

This review reflects the sequence of pages and sections in the scanned record production labeled [REDACTED] / LAPD—104 PAGES TOTAL. The record appears to compile printed EHR pages and ancillary documents. Observations regarding timing, authorship, or versioning are limited to what is visible in that scanned sequence. Compared to Prior lit, this set has poor quality scanning in black and white and includes altered text or overwrites. Intermittently refers to [REDACTED]

| Event Date    | Event Time | Description                              | Category         | Significant Integrity Finding | Pattern Finding                                                          | Bates No                  |
|---------------|------------|------------------------------------------|------------------|-------------------------------|--------------------------------------------------------------------------|---------------------------|
| 7/21/2020     |            | [REDACTED]<br>a faxed copy of [REDACTED] | Chain of custody |                               |                                                                          | BERNSTEIN00<br>0001LAPD   |
|               |            | [REDACTED]                               | Chain of custody | Altered Text or Overwrites    | Scanned lines darker, crossed out, or overwritten without initials/date. | BERNSTEIN00<br>0003LAPD   |
| July 17, 2020 |            | [REDACTED]                               | Chain of custody | Altered Text or Overwrites    | Scanned lines darker, crossed out, or overwritten                        | BERNSTEIN00<br>0002-3LAPD |

|                     |      |                      |                                 |                                                                            |                                                                                         |                                                                           |
|---------------------|------|----------------------|---------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
|                     |      | Information,<br>LAPD |                                 |                                                                            | without<br>Initials/date.                                                               |                                                                           |
| July<br>12,<br>2020 | 1233 |                      | Document<br>Integrity<br>Review | <b>Altered Text or<br/>Overwrites</b>                                      | Scanned lines<br>darker, crossed<br>out, or<br>overwritten<br>without<br>Initials/date. | ██████████ BERNSTEIN00<br>0004LAPD-<br>██████████ BERNSTEIN00<br>0008LAPD |
| July<br>12,<br>2020 | 1233 |                      | Document<br>Integrity<br>Review | <b>Missing or<br/>Repeated Pages</b><br><br><b>Chronological<br/>Order</b> | duplication                                                                             | ██████████ BERNSTEIN00<br>0008LAPD-<br>██████████ BERNSTEIN00<br>0013LAPD |
| July<br>12,<br>2020 | 1520 |                      | Document<br>Integrity<br>Review |                                                                            |                                                                                         | ██████████ BERNSTEIN00<br>0014LAPD-<br>██████████ BERNSTEIN00<br>0016LAPD |
| July<br>14,<br>2020 | 0739 |                      | Document<br>Integrity<br>Review | <b>Chronological<br/>Order</b>                                             | Records<br>appear out of<br>sequence, or<br>time<br>progression is<br>illogical.        | ██████████ BERNSTEIN00<br>0016LAPD-<br>██████████ BERNSTEIN00<br>0018LAPD |
| July<br>13,<br>2020 | 1725 |                      | Document<br>Integrity<br>Review | <b>Chronological<br/>Order</b>                                             | Records<br>appear out of<br>sequence, or<br>time<br>progression is<br>illogical.        | ██████████ BERNSTEIN00<br>0019LAPD-<br>██████████ BERNSTEIN00<br>0022LAPD |
| July<br>12,<br>2020 | 1233 |                      | Document<br>Integrity<br>Review | <b>Missing or<br/>Repeated Pages</b>                                       | duplication                                                                             | ██████████ BERNSTEIN00<br>0022LAPD-<br>██████████ BERNSTEIN00<br>0026LAPD |
| July<br>12,<br>2020 | 0543 |                      | Document<br>Integrity<br>Review | <b>Chronological<br/>Order</b><br><br><b>Repeated Pages</b>                | Records<br>appear out of<br>sequence, or<br>time<br>progression is<br>illogical.        | ██████████ BERNSTEIN00<br>0027LAPD                                        |
| July<br>12,<br>2020 | 1233 |                      | Document<br>Integrity<br>Review | <b>Missing or<br/>Repeated Pages</b>                                       | duplication                                                                             | ██████████ BERNSTEIN000022<br>LAPD-<br>██████████ BERNSTEIN000026<br>LAPD |

|               |      |  |                           |                                       |                                                                   |                                                                           |
|---------------|------|--|---------------------------|---------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------|
| July 12, 2020 | 0543 |  | Document Integrity Review | Chronological Order<br>Repeated Pages | Records appear out of sequence, or time progression is illogical. | ██████████ BERNSTEIN000027<br>LAPD                                        |
| July 12, 2020 | 0543 |  | Document Integrity Review | Missing or Repeated Pages             | duplication X3                                                    | ██████████ BERNSTEIN000032<br>LAPD-<br>██████████ BERNSTEIN000035<br>LAPD |
| July 12, 2020 | 1242 |  | Document Integrity Review | Chronological Order                   | Records appear out of sequence, or time progression is illogical. | ██████████ BERNSTEIN000036<br>LAPD                                        |
| July 12, 2020 | 1152 |  | Document Integrity Review | Chronological Order                   | Records appear out of sequence, or time progression is illogical. | ██████████ BERNSTEIN000036<br>LAPD                                        |
| July 12, 2020 | 0730 |  | Document Integrity Review | Chronological Order                   | Records appear out of sequence, or time progression is illogical. | ██████████ BERNSTEIN000036<br>LAPD                                        |
| July 12, 2020 | 0713 |  | Document Integrity Review | Chronological Order                   | Records appear out of sequence, or time progression is illogical. | ██████████ BERNSTEIN000035<br>LAPD-<br>██████████ BERNSTEIN000038<br>LAPD |
| July 12, 2020 | 0619 |  | Document Integrity Review | Chronological Order                   | Records appear out of sequence, or time progression is illogical. | ██████████ BERNSTEIN000038<br>LAPD-<br>██████████ BERNSTEIN000042<br>LAPD |
| July 12, 2020 | 1114 |  | Achor point event         |                                       |                                                                   | ██████████ BERNSTEIN000045<br>LAPD-<br>██████████ BERNSTEIN000090<br>LAPD |
| July 12, 2020 | 0951 |  | Achor point event         |                                       |                                                                   | ██████████ BERNSTEIN000045<br>LAPD-<br>██████████ BERNSTEIN000090<br>LAPD |

|                     |      |  |                                 |                                |                                                                                  |                                                     |
|---------------------|------|--|---------------------------------|--------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------|
| July<br>12,<br>2020 | 0951 |  | Achor<br>point<br>event         |                                |                                                                                  | BERNSTEIN000045<br>LAPD-<br>BERNSTEIN000090<br>LAPD |
| July<br>12,<br>2020 | 1521 |  | Document<br>Integrity<br>Review | <b>Chronological<br/>Order</b> | Records<br>appear out of<br>sequence, or<br>time<br>progression is<br>illogical. | BERNSTEIN000090<br>LAPD-<br>BERNSTEIN000103<br>LAPD |

## VI. SUMMARY OF OBSERVATIONS AND CONCLUSIONS (WITHIN STATED LIMITATIONS)

The reviewed medical records exhibited over sixty documentation irregularities, including altered text or overwrites, document format inconsistency, illegible or non-standard unallowable abbreviations, sequencing gaps, duplicate narratives, and late entries without clear designation. These issues reduce confidence in the completeness and continuity of the clinical record.

The two separate records show font, spelling, and content inconsistencies. These differences can potentially be explained by the fact that the Legal Health Record (LHR) represents a subset of data released by the Health Information Management (HIM) department. Printouts generated directly from operational systems such as Epic may vary depending on the user's access level and role.

According to the American Health Information Management Association's Defining the Designated Record Set and the Legal Health Record (2013, updated 2022) and the Joint Commission's Comprehensive Accreditation Manual for Hospitals, Record of Care Standards RC.01.01.01–RC.01.05.01 (2024), the legal medical record is the certified version released by the HIM department. Epic's Print Chart function, available to clinical users, does not always replicate the certified legal record in content or format described in Epic Systems Corporation's EpicCare Inpatient Fundamentals (2024).

No electronic audit data accompanied this record set to validate authorship, access history, or modification timestamps. As such, these findings should be interpreted as document-based observations only and not as definitive conclusions regarding data alteration within the electronic Epic system. Guidance published by AHIMA in Data Integrity in the Electronic Health Record (2015), ASTM International in ASTM E2147-18: Audit and Disclosure Logs for Electronic Health Records (2018), and the International Organization for Standardization in ISO/TS 18308:2011 – Electronic Health Record Architecture Requirements establishes that a complete authenticity review requires access to native audit data and metadata.

Based on the materials reviewed and within the stated limitations, the documentation demonstrates more than 60 internal inconsistencies, unacceptable documentation abbreviations, altered text or overwrites, and structural irregularities consistent with partial or recompiled record sets. These findings may not indicate intentional alteration but support the need for audit-trail verification. Relevant guidance from the Health Information and Management Systems Society (HIMSS) (EHR Data Integrity and Trustworthiness, 2017), the American Medical Informatics Association (AMIA) (Guidelines for Forensic Electronic Health Record Review, 2020), and the Centers for Medicare & Medicaid Services (CMS) (Conditions of Participation for Hospitals: Medical Record Services, §482.24, 2023) supports this conclusion.

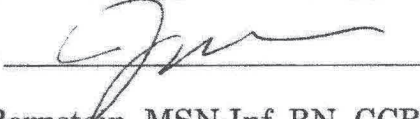
## **V11. SOURCES AND REFERENCES REVIEWED**

- AHIMA. (2011). Amendments in the electronic health record. *Journal of AHIMA*, 82(9), 52–55.
- AHIMA. (2013, updated 2022). Defining the designated record set and the legal health record. *Journal of AHIMA*, 84(8).
- AHIMA. (2015). Data integrity in the electronic health record. *Journal of AHIMA*, 86(7), 54–60.
- AHIMA & HIMSS Joint Task Force. (2015). Integrity of the EHR: Principles and practices. American Health Information Management Association and Healthcare Information and Management Systems Society.
- American Medical Informatics Association (AMIA). (2020). Guidelines for forensic electronic health record review. AMIA.
- ASTM International. (2018). ASTM E2147-18: Standard specification for audit and disclosure logs for electronic health records. West Conshohocken, PA: ASTM International.
- Centers for Medicare & Medicaid Services (CMS). (2023). Conditions of participation for hospitals: Medical record services (§ 482.24).
- Epic Systems Corporation. (2024). EpicCare Inpatient Fundamentals [Internal training manual]. Verona, WI: Epic Systems Corporation.
- Epic Systems Corporation. (2024). UserWeb Knowledge Base: Note authorship and audit trail documentation [Online knowledge base]. Verona, WI: Epic Systems Corporation.
- Health Information and Management Systems Society (HIMSS). (2017). EHR data integrity and trustworthiness [White paper]. Chicago, IL: HIMSS Analytics.
- HIPAA Privacy Rule, 45 C.F.R. § 164.501 & § 164.524 (2024).
- HITECH Act, 42 U.S.C. §§ 17921–17954 (2024).

- International Organization for Standardization (ISO). (2011). ISO/TS 18308:2011—Requirements for an electronic health record architecture. Geneva, Switzerland: ISO.
- Joint Commission. (2024). Comprehensive accreditation manual for hospitals: Record of care, treatment, and services (RC.01.01.01–RC.01.05.01). Oak Brook, IL: Joint Commission Resources.
- SEAK, Inc. (2024). Expert witness handbook (27th ed.). Falmouth, MA: SEAK Publishing.
- U.S. Judiciary. (2023). Federal Rules of Evidence, Rule 702: Testimony by expert witnesses.

#### VIII. SIGNATURE

Executed this 26th day of October, 2025, at Clearwater, Florida.

Signature: 

Jeannine Bernstein, MSN-Inf, RN, CCRN

Legal Nurse Consultant / Expert Witness

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# Ryan O'Connor, M.D.

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CA Medical License # A95130

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## **WORK EXPERIENCE**

|                 |                                                                                                                                                                                                      |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/18 – present | <b>Attending Physician in Emergency Medicine</b><br>Hollywood Presbyterian Medical Center; Los Angeles, CA                                                                                           |
| 03/08 – present | <b>Forensic Medical Expert Witness &amp; Consultant</b><br>Los Angeles County Superior Court List of Approved Expert Witnesses                                                                       |
| 11/08 – 05/18   | <b>Attending Physician in Emergency Medicine</b><br>Good Samaritan Hospital; Los Angeles, CA                                                                                                         |
| 08/11 – 02/13   | <b>Attending Physician in Emergency Medicine</b><br>San Mateo County Medical Center; San Mateo, CA<br>Washington Hospital Medical Center; Fremont, CA                                                |
| 01/07 – 11/08   | <b>Attending Physician in Emergency Medicine</b><br>St. John's Medical Center; Santa Monica, CA<br>Centinela Freeman Medical Center; Inglewood, CA<br>Century City Doctors Hospital; Los Angeles, CA |
| 07/05 – 12/06   | <b>Attending Physician in Emergency Medicine</b><br>Beth Israel Medical Center; New York, NY                                                                                                         |
| 07/97 – 06/98   | <b>Emergency Medical Technician (EMT)</b><br>Schaefer Ambulance; Los Angeles, CA                                                                                                                     |

01/94 – 07/97

**Volunteer Emergency Medical Technician (EMT)**

Georgetown Emergency Response Medical Service; Washington, D.C.

- Served over 2,000 hours of active duty as volunteer EMT for the Georgetown University community
- Organized and staffed medical coverage for special events including 1994 World Cup, RFK Stadium concerts and music festivals, local & international martial arts tournaments, marathons, Georgetown University sporting events, and events at the French Embassy.
- **President and Chief Operating Officer** (04/07 – 05/07)  
Lead organization of 125 volunteer EMTs.  
Organized fundraising of \$65,000 for purchase of new ambulance.
- **Director of Equipment** (04/05 - 04/06)  
Managed the acquisition, utilization, and maintenance of medical equipment for community volunteer emergency medical service, including two ambulances.
- **Director of Systems** (04/05 – 04/06)  
Managed the acquisition, utilization, and maintenance of computer and communication equipment for volunteer ambulance service.

**EDUCATION**

09/14 – 12/21

**California State University, Los Angeles; Los Angeles, CA**

Master of Science, Criminalistics

- Courses Completed:
  - Directed Field Work at the Los Angeles County Department of Medical Examiner – Coroner (200 hours)
  - Forensic Pathology
  - Forensic Toxicology
  - Identification & Analysis of Controlled Substances
  - Firearms & Toolmark Examination
  - Crime Scene Reconstruction
  - Forensic Anthropology
  - Physical Methods and Pattern Analysis
  - Forensic Serology / Forensic Biology
  - Courtroom & Legal Issues in Criminalistics
  - Statistical Analysis and Research Methods in Forensic Science
  - Ethical & Contemporary Issues in Forensic Science

07/02 – 07/05

**Beth Israel Medical Center;** New York City, NY

Residency in Emergency Medicine

- Clinical Rotations Completed:
  - Emergency Medicine
  - Pediatric Emergency Medicine
  - Trauma Medicine
  - Pediatric Trauma Medicine
  - Toxicology
  - Surgery
  - Medical Critical Care
  - Surgical Critical Care
  - Orthopedics
  - Obstetrics & Gynecology
  - Labor & Delivery
  - Anesthesia
  - Emergency Medical Systems (EMS)
  - Psychiatry
  - Ophthalmology
  - Dermatology
  - Otolaryngology (ENT)
  - Radiology

07/98 – 06/02

**New York Medical College;** Valhalla, NY

Doctor of Medicine

- Academic Courses Completed:
  - Gross Anatomy
  - Histology
  - Biochemistry
  - Physiology
  - Neurology
  - Behavioral Science (Psychiatry)
  - Biostatistics & Epidemiology
  - Primary Care
  - Microbiology
  - Pathology & Pathophysiology
  - Pharmacology
  - Community and Preventive Medicine

- Clinical Rotations Completed:
  - Pediatrics
  - Pediatric Intensive Care
  - Neurology
  - Family Medicine
  - Internal Medicine
  - Obstetrics & Gynecology
  - Psychiatry
  - Geriatrics
  - General Surgery
  - Surgical Specialties
  - Anesthesiology
  - Rehabilitation Medicine
  - Emergency Medicine
  - Toxicology
  - Medical Research
  - Radiology

07/93 – 06/97

**Georgetown University**, College of Arts and Sciences; Washington D.C.  
B.A.; Major: English, Minor: Biology; *cum laude*

## **INSTRUCTORSHIPS & CONSULTANCIES**

2024

**California Innocence Advocates**  
Pro Bono Consultant

2021 – 2023

**Loyola University Law School Project for the Innocent**  
Pro Bono Consultant

2016 – 2018

**Los Angeles County Department of Medical Examiner – Coroner**  
Volunteer Medical Consultant

- Consulted and advised pathologists at this office on an as needed basis regarding specific forensic autopsy cases requiring supplemental expertise and experience

2013 – 2018

**Touro University, College of Osteopathic Medicine**; Henderson, NV  
Adjunct Instructor of Emergency Medicine

- Instruct and supervise medical students and student physician assistants in the theory and practice of Emergency Medicine in the clinical setting.

- 2005 – 2006      **Beth Israel Medical Center**; New York City, NY  
Attending Physician of Emergency Medicine
- Instructed and supervised new medical doctors in the practice of Emergency Medicine for credentialed Emergency Medicine residency program.
- 1995 – 1997      **Georgetown University**; Washington, D.C.  
Certified EMT Instructor
- Trained students for Emergency Medical Technician certification in University sponsored classes.
  - Organized bi-weekly lectures and weekly practical skills sessions.
  - Administered both practical and written certification examinations.
- 1995 – 1997      **Georgetown University**; Washington, D.C.  
American Red Cross Certified CPR Instructor
- Trained students for national CPR certification in University sponsored classes.
  - Administered both practical and written certification examinations.

## **LECTURES & PRESENTATIONS**

### *Soft Tissue Injuries: Contusions, Abrasions & Lacerations*

- Office of the Public Defender; Los Angeles County, CA – 2021
- Defense Investigators Association, Fall Seminar – 2015
- Office of the Public Defender, San Diego County – 2015
- Los Angeles County Bar Association, ICDA – 2014
- District Attorney's Office; Marin County, CA – 2014
- Office of the Public Defender; Monterey County, CA -2014
- Office of the Public Defender; Riverside County, CA -2014
- Office of the Public Defender; Ventura County, CA -2014
- Office of the Public Defender; Contra Costa County, CA – 2014
- District Attorney's Office; San Mateo County, CA -2012
- Office of the Public Defender; Sacramento County, CA - 2012
- Office of the Public Defender; Marin County, CA – 2012
- Office of the Public Defender; San Francisco County, CA – 2012
- Office of the Public Defender; Santa Clara County, CA – 2011
- Office of the Public Defender; Los Angeles County, CA – 2010

### *Fractures, Concussions & Loss of Consciousness*

- Office of the Public Defender; San Diego, CA – 2016
- Office of the Public Defender; Ventura County, CA – 2015
- Office of the Public Defender; Felony Division; Los Angeles County, CA – 2015
- Office of the Public Defender; Riverside County, CA – 2015
- Office of the Public Defender; San Bernardino County, CA – 2015
- Los Angeles County Bar Association, ICDA – 2015

### *Fatal and Non-Fatal Strangulation*

- Office of the Public Defender; San Diego, CA – 2023
- Office of the Public Defender; Los Angeles, CA – 2021
- California Public Defenders Association, Annual Homicide Seminar – 2020
- Los Angeles County Bar Association, ICDA - 2017

### *Forensic Science Research*

- California Association of Toxicologists, Fall Meeting – 2018  
Controlled Drinking Study Research Presentation
- 3<sup>rd</sup> Annual Forensics Sciences Symposium, CSULA, Los Angeles - 2017  
Controlled Drinking Study Research Presentation

### *Miscellaneous*

- Hollywood Presbyterian Medical Center Water Birth Symposium – 2019  
Guest Moderator for Multidisciplinary Symposium

## **RESEARCH**

2017 – 2021

### **Thesis Research for Criminalistics M.S.**

California State University, Los Angeles

- Comparing the effects of Blood Alcohol Concentration (BAC) on Horizontal Gaze Nystagmus (HGN) at equivalent levels during absorption and metabolism phases.
- Recipient of California State University Program for Education & Research in Biotechnology (CSUPERB) 2018 Grant

Summer 2001

### **Emergency Medicine Research Elective**

Metropolitan Hospital; New York, NY

- Examined the efficacy and safety of various modes of ketamine administration for pediatric sedation during invasive procedures in the ED. Preceptor Yash Chathampally, M.D.

Summer 1994

**Research Assistant**

National Institutes of Health (NIH); Bethesda, MD

- Determined the genome of the porcine enteric calici virus and established its suitability for use as a model for the human calici virus. Preceptor Kim Green, M.D.

**CONFERENCES AND WORKSHOPS ATTENDED**

American Academy of Forensic Sciences

AAFS Connect: Best Practice Recommendations for Performing Alcohol Calculations - 2025

AAFS Annual Scientific Meeting - 2025

AAFS Connect: Sudden Cardiac Death in Assault Contexts: Homicide Qualification – 2024

AAFS Annual Scientific Meeting – 2024

AAFS Annual Scientific Meeting – 2022

AAFS Annual Scientific Meeting – 2020

AAFS Annual Scientific Meeting – 2016

California Association of Criminalists

CAC Workshop: Blood Alcohol Study Group – 2022

CAC Workshop: Alcohol Workshop – 2021

CAC Workshop: Bloodstain Pattern Analysis – 2020

CAC Workshop: General Crime Scene - 2020

CAC Workshop: Alcohol Impairment – 2020

CAC Fall Seminar – 2019

CAC Fall Seminar – 2017

CAC Spring Seminar – 2016

CAC Spring Seminar – 2015

CAC Southern Study Group – 2015

CAC Workshop: Wound Pathology – 2014

CAC Workshop: Forensic Injury Biomechanics -2013

California Association of Toxicologists

CAT Winter Meeting – The Science of DRE - 2024

CAT Fall Seminar – 2023

CAT Fall Seminar – 2022

CAT Spring Seminar – 2022

CAT Fall Seminar – 2018

#### American College of Emergency Physicians

ACEP Scientific Assembly - 2018  
ACEP Scientific Assembly – 2011  
ACEP Scientific Assembly - 2008  
ACEP Scientific Assembly - 2007  
ACEP Scientific Assembly -2004

#### Miscellaneous Forensic Education

NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) Training Course - 2025  
NHTSA DWI Detection & SFST Student Training Course – 2023  
3<sup>rd</sup> Annual Forensic Science Symposium, CSULA – 2017  
National Association of Medical Examiners: Annual Meeting – 2016  
Advanced Strangulation Course, Training Institute on Strangulation Prevention – 2014  
National Conference on Health and Domestic Violence, Futures Without Violence - 2012

#### Miscellaneous Emergency Medicine Education

National Emergency Medicine Board Review Course, Center for Medical Education - 2016  
Emergency Ultrasound Conference, UCSF - 2012

### **ORGANIZATIONAL MEMBERSHIPS**

- American College of Emergency Physicians (ACEP), Associate Member
  - ACEP Forensic Medicine Section
  - ACEP Toxicology Section
- American Academy of Forensic Sciences (AAFS), Professional Affiliate
- California Association of Criminalists (CAC), Associate Member
- California Association of Toxicologists (CAT), Associate Member

### **RELEVANT EXTRACURRICULAR**

1991-1997     Martial Arts Instructor  
                  Jhoon Rhee Tae Kwon Do; Washington, D.C.  
                  Jun Chong Tae Kwon Do; Los Angeles, CA

- 1<sup>st</sup> Degree Black Belt, Jun Chong Toe Kwon Do; Kukkiwon.
- Taught martial arts to both children and adults.
- Competed in various martial arts tournaments.
- Served as referee in various martial arts tournaments.
- Served as medical first responder at various martial arts tournaments.
- Member of the JCTKD and JRTKD Demonstration Teams.
- Performed during presidential dedication ceremony for Korean War Monument, National Mall, Washington D.C.

## **LANGUAGES**

- Conversational in Spanish