

1 LAW OFFICES OF IAN WALLACH, P.C.  
2 IAN M. WALLACH (SBN 237849)  
3 iwallach@wallachlegal.com  
4 5777 W. Century Blvd., Ste. 750  
5 Los Angeles, CA 90045  
6 Telephone: (213) 375-0000  
7 Facsimile: (213) 402-5516

**FILED**  
OCT 09 2023

By *Pedro Martinez* Dep. Clerk  
SAN BERNARDINO COUNTY  
SUPERIOR COURT, JOSHUA TREE DISTRICT

5 KAEDIAN LLP  
6 KATHERINE C. MCBROOM (SBN 223559)  
7 kmcbroom@kaedianllp.com  
8 8383 Wilshire Blvd., Ste. 210  
9 Beverly Hills, CA 90211  
10 Telephone: (310) 893-3372  
11 Facsimile: (310) 893-3191

12 Attorneys for Defendant  
13 PEDRO MARTINEZ

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF SAN BERNARDINO**

16 THE PEOPLE OF THE STATE OF  
17 CALIFORNIA,

18 Plaintiff,

19 v.

20 PEDRO MARTINEZ,

21 Defendant.

Case: FVI19000218

**FILED UNDER SEAL**

**DEFENDANT PEDRO MARTINEZ' EX  
PARTE APPLICATION FOR ORDER TO  
USE RECORDING DEVICE DURING  
TRIAL**

Dept.: M2

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**Declaration of Ian Wallach, Esq.**

1. I am counsel to defendant Pedro Martinez in this matter.
2. The defense counsel is having difficulty communicating with each other as – for security reasons – the defendant is placed in between them.
3. Unlike the prosecutor, the defense has no office at the Court and needs to travel back and forth from lodging to get trial materials. At times this renders it difficult to process everything that is happening on the stand.
4. Upon proper application, the Court should grant counsel permission to use a Court Reporter, as such is in conformity with the California Rules of Court. **Cal. Rule of Court. Rule 1.150 (d) Personal recording devices**, provides as follows:  

The judge may permit inconspicuous personal recording devices to be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device must obtain advance permission from the judge. The recordings must not be used for any purpose other than as personal notes.
5. A personal recorder would allow the defense the capacity to confirm or clarify testimony and avoid making any misrepresentations based on misremembered testimony. The personal recorder will allow the defense the capacity to assist in its note-taking efforts.
6. The recorder will be discretely placed inside a personal item of the defendant’s counsel.
7. The device will not be used for any purpose other than as personal notes.

DATED: October 9, 2023

THE LAW OFFICE OF IAN WALLACH, PC

By: 

IAN WALLACH  
Attorney for Defendant  
PEDRO MARTINEZ

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SAN BERNARDINO**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

PEDRO MARTINEZ,

Defendant.

Case: FVI19000218

**FILED UNDER SEAL**

**[PROPOSED] ORDER RE:**

**DEFENDANT PEDRO MARTINEZ' EX PARTE APPLICATION FOR ORDER TO USE RECORDING DEVICE DURING TRIAL**

Dept.: M2

1 **GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED:**

2 That Defendant's *Ex Parte Application for an Order to use Recording Device during*  
3 *Trial* is GRANTED and Defense Counsel may use a recording device during trial.

4 Dated: October \_\_\_\_\_, 2023

\_\_\_\_\_  
5 Superior Court Judge

6 [or in the alternative]

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8  
9 The application to file under seal Defendant's *Ex Parte Application for an Order to use*  
10 *Recording Device during Trial* is DENIED.

11 **IT IS SO ORDERED.**

12  
13 Dated: October \_\_\_\_\_, 2023

\_\_\_\_\_  
14 Superior Court Judge