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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
VICTORVILLE DISTRICT

JUN 05 2023

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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

**DEFENDANT PEDRO MARTINEZ'**  
**RENEWED NOTICE OF MOTION AND**  
**MOTION TO COMPEL**

Date: June 9, 2023  
Time: 8:30 a.m.  
Dept.: V3

*[Declaration of Ian Wallach in Support of  
Motion filed concurrently herewith]*

1 **TO THE HONORABLE JUDGE OF THE ABOVE-ENTITLED COURT AND THE**  
2 **DISTRICT ATTORNEY OF SAN BERNARDINO COUNTY AND/OR HIS**  
3 **REPRESENTATIVES:**

4 **PLEASE TAKE NOTICE** that on June 9, 2023 at 8:30 a.m., in Department V3 of the  
5 above-entitled Court, or soon thereafter as the matter may be heard, Defendant Pedro Martinez  
6 (“Mr. Martinez”) will again move this Court for an order to compel the following:

- 7 1. The actual printouts and data (“polygraph tracing and hand scoring [notes]” as referred  
8 to) relied on by Polygrapher Debbie Malm on January 23, 2019 following a polygraph  
9 examination of Defendant Pedro Martinez taken in connection with File No. 191900568  
10 for which a report interpreting such data was previously provided to the Defense.

11 **The Government previously, on May 22, 2023, upon the Court’s request, agreed to**  
12 **take efforts to locate the items below and provide them. The Court acknowledged their**  
13 **relevancy, the Government agreed to search for the documents, and the Court ordered**  
14 **the undersigned counsel, Ian Wallach, to submit the list of where the documents could be**  
15 **located. The Court took the hearing off calendar.**

16 **As ordered, on May 24, 2023, Mr. Wallach sent the following correspondence to**  
17 **Deputy District Attorney Deena Pribble (Affidavit of Ian Wallach, Esq. (“Wallach Aff.)**  
18 **at ¶(2):**

19 Ms. Pribble,

20 Per the Court’s instruction, this letter serves to identify at least four other areas  
21 where the sought polygraph tracings and scoring notes can be located, in  
22 addition to locating them from the Sheriff’s office database.

23 The items sought should be located:

- 24 1. Within the hard drive of the polygraph machine itself, or within any memory  
25 system associated with the polygraph machine itself;  
26 2. In any files maintained by Polygrapher Debbie Malm;  
27 3. In any files maintained by Supervising Polygraph Examiner Michelle Coley;  
28 and (but not limited to)  
4. Attached to any “sent” emails that contained the data, including, but not limited  
to, emails that were sent to the Sheriff’s Department for the purpose of  
preservation for this case.