

I, Peter Espinoza, declare:

1. I am a Judge of the Superior Court and as such have been assigned to preside over this case.

2. I am not prejudiced or biased against or in favor of any party to this proceeding or their counsel. I have not yet decided or prejudged any of the issues presented by counsel for defendant's motion pending before me.

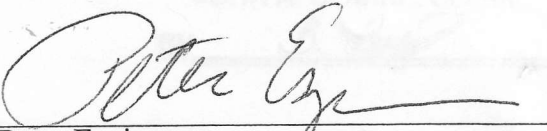
3. I have worked with the Court's Public Information Director with regard to trying to locate or reconstruct the file in this old case which he reported was missing. I did advise him that I was unaware of anything in the record that changed the outstanding arrest warrant that required the defendant to be present in court or the positions, if any, of judges who had earlier presided in this matter concerning whether the defendant is required to be present in court. I am aware of the general statutory requirement of Penal Code section 977(b)(1), which requires the accused to be personally present at most court proceedings unless he or she shall, with leave of court, execute in open court, a written waiver of his or her right to be personally present. However, I am unaware of any request for such leave of court that has been made to me or that has been granted by any other judicial officer presiding in this matter. I am also aware of California Common Law set forth in the prosecutor's opposition to counsel for defendant's motion that is pending before me, but have not yet decided how either Penal Code section 977(b)(1) or that Common Law should be applied to the circumstances of this case.

4. I have had no ex parte communications with any prosecutors concerning this case. I do not believe that I have had any conversations with any other judges who have presided in this matter concerning the merits of this case, although I regularly have conversations with my colleagues, as I am the Supervising Judge of the Criminal Division, and sometimes seek assistance and advice from other judges as is permitted by the Code of Judicial Ethics.

5. I know of no facts or circumstances which would require my disqualification or recusal in this case.

I declare under penalty of perjury that the foregoing is true and correct and of my own

1 personal knowledge, except as to those matters stated to be on my information and belief, and as
2 to those matters, I believe them to be true. Executed this 9th day of January, 2009, at Los
3 Angeles, California.

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7 Peter Espinoza



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PEOPLE OF THE
CALIFORNIA,
Plaintiff,
ROMAN RAYMOND POLANSKI
Defendant

CASE NO. AJ34139
ORDER STRIKING STATEMENT
OF DISQUALIFICATION

The Court has read and considered the defendant's "Verified Statement of Court, re:
Disqualification of the Los Angeles Superior Court Pursuant to CCP Section 170.1; Request for
Reference to the California Judicial Counsel Pursuant to CCP Section 170.3" filed January 5,
2009 with the attached points and authorities and declaration. As the pleading demonstrates on
its face no legal grounds for disqualification, it is stricken pursuant to Code of Civil Procedure
§170.4, subdivision (b).

The record in this case reflects that on August 5, 1977, the defendant pleaded guilty to
Penal Code section 261.5, a felony, for having unlawful sexual intercourse with a minor. The
record further reflects that on February 1, 1977, prior to being sentenced, the defendant failed to
appear in court and a bench warrant was issued for his arrest. The defendant reportedly left the
United States, and the bench warrant remains in full force and effect.