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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA
BEFORE THE CRIMINAL GRAND JURY

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

SAMUEL JEWELL BERNSTINE, AND
DARNELL LEMAR HOLLISTER, AND
DEANDRE CHRISTOPHER MITCHELL,

Defendants.

121842-9
DA No. M 12 000434-1
VOLUME I
(PAGES 1 - 264)

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TRANSCRIPT OF GRAND JURY PROCEEDINGS

MARTINEZ, CALIFORNIA

OCTOBER 15, 18 & 22, 2012

FILED
NOV 28 2012
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA - MARTINEZ
By _____ Deputy Clerk

A P P E A R A N C E S

For the People: MARK A. PETERSON, DISTRICT ATTORNEY
BY: STEVEN J. MOAWAD
SATISH JALLEPALLI
Deputy District Attorneys
Contra Costa County

For the Defendants: (No appearance)

Reported by: Jennifer J. Matteo, CSR 12139
Jennifer J. Antolin, CSR 12869

1 making?

2 A. It looked like he was throwing up a 31 sign,
3 which is a "3" and then a "1" sign. I see it commonly.
4 I haven't testified to it before, but there's a lot of
5 guys on the south side from the 30s that throw up the
6 three-one. That's what it appeared that he threw up.

7 Q. Okay. So is that a hand sign you associate to
8 an action affiliated with Deep C?

9 A. The south 30s, yes.

10 Q. Okay.

11 *(Whereupon, a videotaped recording was*
12 *played, not reported herein.)*

13 BY MR. JALLEPALLI:

14 Q. Pausing at 57 -- 57 seconds. In the video at
15 this point, is Mr. Mitchell with two other people?

16 A. Yes. He's with [REDACTED] which is [REDACTED]
17 [REDACTED] and James Langford who's on the right with the
18 New York baseball cap on. And [REDACTED] is in the center
19 with the Cincinnati Reds hat on.

20 Q. And during this point -- or at this point in
21 the song, there's references to a K-ter. What is a
22 K-ter?

23 A. A K-ter is a street term, slang for an AK-47.

24 Q. And during this -- at this point of this song,
25 there's a reference to someone, "Hey, I'm going to murk"
26 a person, murk someone?

27 A. Murk is another slang term which means murder.
28 M-U-R-K.

1 *(Whereupon, a videotaped recording was*
2 *played, not reported herein.)*

3 BY MR. JALLEPALLI:

4 Q. Pausing at one minute into the video. In the
5 foreground again wearing the 1969 jersey, who was that
6 person?

7 A. That's Deandre Mitchell.

8 Q. Okay. And on the right in the background --
9 at one minute -- is Sam Bernstine in the video?

10 A. Yes, that's him on the right side. I see the
11 black hoodie he's wearing. He might even have a black
12 beanie on, I'm not sure.

13 Q. Okay. So from our perspective going left to
14 right, is he on the right -- the second person from the
15 right?

16 A. Yes.

17 Q. Okay.

18 *(Whereupon, a videotaped recording was*
19 *played, not reported herein.)*

20 BY MR. JALLEPALLI:

21 Q. Pausing at 1 minute 40 seconds. At that
22 point, does Mr. Mitchell make a gesture towards the
23 camera with both of his hands?

24 A. He does. It happens in videos when they're
25 talking about shooting somebody, they'll extend either
26 one arm or both their arms with their fingers like
27 they're pulling a trigger on a gun.

28