

ADAM G. GASNER (SBN 201234)
Law Chambers Building
345 Franklin Street
San Francisco, CA 94102
Telephone: 415-782-6000
Facsimile: 415-782-6011
E-Mail: adam@gasnerlaw.com

Attorneys for Defendant
MARK PERSONETTE

FILED
San Francisco County Superior Court

DEC 11 2025

CLERK OF THE COURT

BY: CHANTAL DYER
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE CITY & COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

MARK S PERSONETTE,

Defendant.

CASE NUMBER: 22000870

DEFENDANT'S SENTENCING
MEMORANDUM

Date: December 17, 2025
Time: 9:00 AM
Place: Dept. 10

Per California Rules of Court sections 4.410, 4.421, and 4.423, defendant MARK PERSONETTE ("Mr. Personette") presents the following sentencing memorandum requesting Mr. Personette be sentenced to 7 years to life served at CDCR Vacaville due to Mr. Personette's poor mental and physical health.

I. INTRODUCTION:

On November 12, 2025, a jury found Mr. Personette guilty of Count 1 of the Information: violation of Penal Code section 187(a). The violation stems from the homicide of victim Marissa Harvey almost 48 years ago on or about March 27, 1978, in San Francisco. The instant case was a cold case until DNA found at the crime scene was submitted to a commercial data base from which

1 Mr. Personette was eventually traced.

2 Mr. Personette is before this Court at 80 years of age. He has been in the custody of San
3 Franciso County Jail for 4 years since his arrest on December 16, 2021, at his home in Colorado.

4 General objectives of sentencing under Cal. Rules of Court § 4.410 include:

- 5
6 (1) Protecting society;
7 (2) Punishing the defendant;
8 (3) Encouraging the defendant to lead a law-abiding life in the future and deterring him or
9 her from future offenses;
10 (4) Deterring others from criminal conduct by demonstrating its consequences;
11 (5) Preventing the defendant from committing new crimes by isolating him or her for the
12 period of incarceration;
13 (6) Securing restitution for the victims of crime; and
14 (7) Achieving uniformity in sentencing.

15 Because, in some instances, these objectives may suggest inconsistent dispositions, the
16 sentencing judge must consider which objectives are of primary importance in the particular case.
17 The sentencing judge should be guided by statutory statements of policy, the criteria in these rules,
18 and the facts and circumstances of the case. Cal. Rules of Court § 4.410. In the instant case, the
19 penological objectives of sentencing and society would be served optimally by accepting the
20 defense sentence recommendation for custody in CDCR's local medical facility.

21 **II. APPLICABLE RULES:**

22 **A. Factors Relating To The Crime Per Calif. Rule of Court § 4.421(a):**
23 **Circumstances of Aggravation**

24 Mr. Personette was not armed with any weapon; however, the manner of the victim's death
25 was strangulation by ligature. Calif. Rule of Court § 4.414(b)(2). Mr. Personette did not induce
26 others to participate in his crimes. Calif. Rule of Court § 4.421(a)(4). Mr. Personette did not induce
27 a minor to participate in his crimes. Calif. Rule of Court § 4.421(a)(5). The defendant did not
28 threaten witnesses, unlawfully prevent or dissuade witnesses from testifying, suborned perjury, or
in any other way illegally interfered with the judicial process. Calif. Rule of Court § 4.421(a)(6).

1 The defendant was not convicted of other crimes for which consecutive sentences could have been
2 imposed but for which concurrent sentences are being imposed. Calif. Rule of Court § 4.421(a)(7).
3 Mr. Personette did not commit this crime in a manner suggesting sophistication or professionalism.
4 Calif. Rule of Court § 4.421(a)(8). Mr. Personette's crime involved no attempted or actual taking or
5 damage of great monetary value. Calif. Rule of Court § 4.421(a)(9). Mr. Personette's crime
6 involved no quantity of contraband. Calif. Rule of Court § 4.421(a)(10). Mr. Personette did not
7 take advantage of a position of trust or confidence to commit the offense. Calif. Rule of Court §
8 4.421(a)(11). Mr. Personette is not before this Court charged with any hate crime under Penal Code
9 section 422.55. Calif. Rule of Court § 4.421(a)(12).
10

11
12 **B. Factors Relating To The Defendant Per Calif. Rule of Court § 4.421(b):**
13 **Circumstances of Aggravation**

14 Mr. Personette does not have numerous or increasingly serious charges. Calif. Rule of Court
15 § 4.421(b)(2). Mr. Personette has served no prior prison term. Calif. Rule of Court § 4.421(b)(3).
16 Mr. Personette was neither on probation nor parole when he committed the crimes in the instant
17 case. Calif. Rule of Court § 4.421(b)(4). The defendant's prior performance on probation,
18 mandatory supervision, post release community supervision, or parole was not unsatisfactory Calif.
19 Rule of Court § 4.421(b)(4).
20

21 Considering the above factors, the court should sentence Mr. Personette according to the
22 defense recommendation.

23 **C. Factors Relating To The Defendant Per Calif. Rule of Court § 4.423(b):**
24 **Circumstances of Mitigation**

25 Mr. Personette has no prior record of serious criminal conduct. Calif. Rule of Court §
26 4.423(b)(1).
27

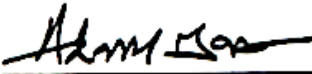
28 Considering the above factors, the court should sentence Mr. Personette according to the
defense recommendation.

1 **III. DEFENSE SENTENCING RECOMMENDATION:**

2 Therefore, it is respectfully requested that Mr. Personette be sentenced to 7 years to life at
3 the California Medical Facility at Vacaville.
4

5
6 Dated: December 8, 2025

Respectfully Submitted,

7 
8

9 By: ADAM G. GASNER
10 Attorney for MARK PERSONETTE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28