Witness: Craig Grogan

Date: 2004-09-30

Proceedings held September 30, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Redirect – Birgit Fladager (continued from previous day); Recross – Mark Geragos; 2nd Redirect – Birgit Fladager; 2nd Recross – Mark Geragos

Day 8 of 8 for this witness

Court: San Mateo County Superior Court, Redwood City (People v. Scott Peterson)

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September 30, 2004

FLADAGER: Detective Grogan, I have three fairly quick things. Referring you back to what's been marked People's Exhibit 267, the map of the City of Modesto with the various sightings listed. Previously when Mr. Geragos questioned you we talked about Mr. Harshman, and you placed him or identified it was dot number 41 on that map as being Mr. Harshman.

GROGAN: That's correct.

FLADAGER: Is he actually on another map instead of this map?

GROGAN: Yes, he is.

FLADAGER: Is he on the, basically the state map, the larger map for December 24th?

GROGAN: No, he's on the U.S. map.

FLADAGER: Okay. That one is 268 B. And why is it that you had him placed on that map?

GROGAN: The, the other map in Modesto is strictly for the 24th. Since it appears it's the 28th for that sighting, he was listed on this one, under the California column. And number 41 on that other map is right in the same area, which is what I was looking at, why I got confused.

GROGAN: Okay. And I'd like to return just real quickly to Grace Wolf, who we spoke about yesterday. In order to clarify, I think I asked you if she had seen, reported seeing Laci and Scott Peterson walking on the Sunday before Christmas? Do you recall that?

GROGAN: Yes.

FLADAGER: And in that report did she indicate that she was sure that she saw Scott Peterson and Laci Peterson?

GROGAN: Yes.

FLADAGER: And did that figure into her thought that she was sure she saw Laci Peterson?

GERAGOS: Objection. Speculation.

JUDGE: Sustained.

GERAGOS: As,

FLADAGER: Did she indicate why she was sure she saw Laci Peterson on December 24th?

GROGAN: That she recognized Laci from the contact they had on that Sunday.

FLADAGER: December 22nd?

GROGAN: Yes.

FLADAGER: And the last time that Scott Peterson said he went walking with Laci Peterson was on what day?

GROGAN: December 16th, I believe.

FLADAGER: And the last thing I have, I'd like to ask this be marked People's next in order.

GERAGOS: Same one you showed me, right?

FLADAGER: It is.

JUDGE: This would be People's No. 282.

GERAGOS: 282?

JUDGE: 282.

FLADAGER: Detective Grogan, have you take a look at that. Mr. Geragos showed you a photograph, maybe it was yesterday, of yourself and the defendant; do you recall that?

GROGAN: Yes, ma'am.

FLADAGER: And does this appear to be essentially the same photograph, but clearer?

GROGAN: Yes. It's not quite as digital-like. I think it's a little bit clearer.

FLADAGER: Okay. I'll go ahead and show that to the jury. And so this was a photograph that was taken during the service of the search warrant in February?

GROGAN: Yes.

FLADAGER: Thank you. I have no further questions.

Recross Examination by Mark Geragos

JUDGE: Mr. Geragos.

GERAGOS: Sure. I have a number of photos that I want to mark, if I could, Judge.

JUDGE: Okay. Defendant's 7 Y. And how many do you have?

GERAGOS: If I could just lay a foundation for it first.

JUDGE: All right.

GERAGOS: Good morning, Detective. Good morning. The photos that I've got in my hand that are coming out of envelopes, these are the ones that were seized during the search warrant; isn't that correct?

GROGAN: Yes, I believe so.

GERAGOS: Okay. And what you did is you marked on the outside of the envelope what the pictures were or where, where they came from; is that correct?

GROGAN: Yes. Which evidence item they came out of.

GERAGOS: Okay. And the first three pictures came out of the search warrant on February 18th, and then number 55 A; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And I'm going to mark them all as a group in a moment. And then the second envelope has got 218, and that's out of bag 55 B; is that correct?

GROGAN: Yes.

GERAGOS: Okay. The third is 218, 55 C, and I've got two photos, correct?

GROGAN: Yes.

GERAGOS: And 218, 55 A, I've got one photo; is that correct?

GROGAN: Yes, sir.

GERAGOS: And then 218, 55 A, I've got two photos there. I'm leaving two in the envelope that I'm going to give back to Marylin.

GROGAN: Yes.

GERAGOS: Okay. These were all pictures that were seized in the search warrant service on February 18th?

GROGAN: Correct.

GERAGOS: Those pictures all show Laci Peterson, for the most part it looks prior to her being pregnant; correct?

GROGAN: Yes.

GERAGOS: Okay. And in all of those photos, with the exception of two of Scott, who's out camping, it appears that she's wearing earrings and a pendant; isn't that correct?

GROGAN: Yes.

GERAGOS: Okay. You and I went through these, what, two or three weeks ago?

GROGAN: Yes, sir.

GERAGOS: Okay. And we went through those to see if we could determine, or at least if I could determine that she was wearing screw-on earrings and a pendant prior to the time of the inheritance, correct?

GROGAN: Yes.

JUDGE: Just so we don't mess up these. This is the D 7 Y envelope number 1 and contents?

GERAGOS: Yeah. I think what I'll do is I gave the envelopes back to Marilyn. I've identified them and got them in the order that he and I pulled them out.

JUDGE: Just want to mark them 1 through –

GERAGOS: 1 through, exactly.

JUDGE: Okay. 1 through, how many photographs are there?

GERAGOS: Nine.

JUDGE: Nine. Okay. 1 through 9. (Defendant's Exhibits D 7 Y 1 through 9 marked for identification)

GERAGOS: Okay. You lose a little bit of the clarity when I'm blowing it up, but when you look at it you can see she's wearing some earrings that look to be diamond earrings; isn't that correct?

GROGAN: I think so, yes.

GERAGOS: Okay. This is, and that, the one that I just put up there, obviously D 7 4 1 (sic), I'm sorry, Marilyn, you didn't mark that one. Okay. And then this is D 7 4 2 (sic).

JUDGE: It's D 7 Y 2.

GERAGOS: Yeah. D 7 Y 2. You see in that a pendant and/or earrings?

GROGAN: Yes. It appears she has something on a chain there, and, and she does have earrings in.

GERAGOS: Let me show you D 7 Y 3. This is the same way. Appears that she's wearing a pendant on there as well?

GROGAN: Correct. And earrings.

GERAGOS: And earrings. So D 7 Y 2, this is the one wearing both earrings and a pendant you can see when you look at it, the picture itself?

GROGAN: Yes.

GERAGOS: D 7 Y 3, you can see the pendant and earrings when you look at it; is that correct?

GROGAN: Yes.

GERAGOS: Okay. D 7 Y 4, this is one where you can see the earrings; is that correct?

GROGAN: Yes. You could tell they've, there are earrings.

GERAGOS: Okay. This is one in a series of photos. I didn't bring the other one, but I specifically asked you to take a look at it because they were at a ballgame; do you remember that?

GROGAN: Yes.

GERAGOS: And I showed you in one of the pictures of the ballgame Mike Piazza was still playing for the Dodgers?

GROGAN: Correct.

GERAGOS: And I asked you do you remember how long ago it was that Piazza was playing with the Dodgers and you told me you'd go find out?

GROGAN: Yes.

GERAGOS: Okay. You found out that Piazza hasn't been on the Dodgers for a little while, correct?

GROGAN: Yeah. I looked on the Internet and I believe it was around 98 or so.

GERAGOS: This picture is also somewhat hard to, D 7 Y 5. Do you see ne anything in there?

GROGAN: It's difficult to tell. I think that's, that's a necklace.

GERAGOS: Yes. Does that appear to you –

GROGAN: Yes. It appears she has some, some necklace on.

GERAGOS: Okay. D 7 Y 7?

GROGAN: Yes. I don't see earrings. Her hair is over her ears, but she is wearing a necklace with a pendant that appears to be a stone in it.

GERAGOS: That's D 7 Y 7. What you're referring to right there, a pendant with a stone in it?

GROGAN: Yes, sir.

GERAGOS: Okay. You also recovered some photos that appeared to be Scott out camping; is that correct?

GROGAN: Yes, that's what it appears.

GERAGOS: Okay. Another photo here, him with a backpack as well?

GROGAN: Yes.

GERAGOS: And that's D 7 Y 8. Now, the, yesterday also the district attorney asked you specifically about chicken wire; do you remember that?

JUDGE: Can we go back just one second?

GERAGOS: Sure.

JUDGE: 5 and 6 –

GERAGOS: 5 and 6 I showed him, they're not, it doesn't matter –

JUDGE: You're not going to be offering those?

GERAGOS: Well, I, he's identified them as the pictures that he saw. I, there's no point in blowing them up because you can barely see it as you look at it.

JUDGE: All right. I'll just X that out. I want to keep track. I don't want to lose track of these photographs. Go ahead.

GERAGOS: Okay.

GERAGOS: Now, yesterday the district attorney asked you about chicken wire, again; do you remember that?

GROGAN: Yes.

GERAGOS: Okay. And she I think specifically was saying, in terms of tying evidence together, in hindsight do things kind of make more sense; and you said certainly, correct?

GROGAN: Yes.

GERAGOS: Okay. And you also said, she asked you, for example, you talked about this idea that maybe chicken wire was somehow involved, right? She asked you that yesterday?

GROGAN: Yes.

GERAGOS: Okay. And specifically even in the previous, your direct examination, before I got up in cross, she asked you back on September 20th, when you first started testifying, was there anything about that chicken wire that piqued your interest and you were trying to get some answers to. Do you remember that?

GROGAN: Yes.

GERAGOS: Okay. And he had told you that he had bought it at Home Depot. And then she asked you is it a 90 degree cut to the base of the chicken wire. Do you remember that question, back on direct?

GROGAN: Yes, I think so.

GERAGOS: Okay. And specifically when she asked you that question, she, you said that you sent Ron Reed out to Home Depot to try to find out how it came packaged, correct?

GROGAN: Yes.

GERAGOS: Then she asked you have you dealt with chicken wire yourself before. You said yes, on a few occasions. And she asked you if you purchased it has it ever come with that kind of jagged edge, and you said not that I've seen, correct?

GROGAN: Correct.

GERAGOS: And nowhere did she ever ask you to explain the fact that Ron Reed had actually gone out to Home Depot and found out that the chicken wire is cut in 25 or 50 foot specific sections? Was that ever asked you on direct?

GROGAN: Was that question asked on direct? I, I don't think so. I don't recall.

GERAGOS: Okay. And specifically when I asked you about it, when we talked about it, you felt that it was still, I think you indicated that it was still somewhat suspicious that the, or the one thing you found to be suspicious was the single wire that came from the chicken wire, correct?

GROGAN: Yes. There's a loose wire off of the, the chicken wire. I don't, I don't believe it, it might be hooked in it, but I don't believe that it is part of the chicken wire itself.

GERAGOS: Did you ever ask Ron Reed, or did you ever go to Home Depot and ask them, when they cut the chicken wire and they roll it up, do they then take yet another piece of wire and wrap it around so that it won't unwind?

GROGAN: I don't, I don't know that they cut it at Home Depot. I think they do it at Lowe's. I believe it comes prepackaged in 25 or 50 at, foot lengths at Home Depot.

GERAGOS: Well, specifically didn't it look like that wire in the picture, that you said still looks suspicious, didn't that look like that was a wire that had been wrapped around it in order to keep it bundled?

GROGAN: That's a possibility.

GERAGOS: Okay. And that would tend to negate any suspicion about what was going on with that chicken wire; isn't that correct?

FLADAGER: Objection. Speculation.

GERAGOS: I'm asking him regarding his investigation.

JUDGE: Overruled. You may answer.

GERAGOS: And specifically you've got Dr. Cheng on deck to testify. And when you gave him, and I went over this with you, you gave him the theories in February, you told him possibly wrapped in chicken wire or some form of plastic wrap, correct?

GROGAN: Yes. He was given that information.

GERAGOS: Okay. Was any, did anybody, after you sent Ron Reed out to Home Depot and to Lowe's, did anybody ever tell Dr. Cheng Forget about this, you know, the, or, Dr. Cheng, we solved the chicken wire problem, it's no longer one of our theories?

GROGAN: I don't know. Detective Owen had most of the contact with him.

GERAGOS: Okay. The, when you say Detective Owen had most of the contact, the, did you, did you talk to him? To Dr. Cheng?

GROGAN: Not around that time period. I have met him recently.

GERAGOS: Okay. And did anybody, did you tell Owen You better, you know, talk to Dr. Cheng and tell him that that chicken wire theory no longer is in play?

GROGAN: No.

GERAGOS: Okay. Now, did you, did you tell Boyd Stephens, you talked to Boyd Stevens, correct?

GROGAN: Yes. One time.

GERAGOS: Okay. When you talked to Boyd Stephens, did you tell him about the chicken wire also?

GROGAN: Yes.

FLADAGER: Objection. Beyond the scope of redirect.

GERAGOS: She asked about the chicken wire.

JUDGE: Yeah, I think so. I'm going to let him go on with it.

GERAGOS: You told Boyd Stephens about the chicken wire theory as well, right?

GROGAN: I asked him questions and given, gave him chicken wire as one possible scenario, yes.

GERAGOS: Okay. Did you ever call him back afterwards and say We no longer are following up on that, or We kind of disabused ourselves of that chicken wire theory?

GROGAN: No, sir.

GERAGOS: Okay. You've only spoken to him once; is that correct? To Boyd Stephens?

GROGAN: Yes.

GERAGOS: Okay. Now, the, one of the other things that you mentioned yesterday, I shouldn't say you mentioned it; Ms. Fladager asked you about was people correcting the, themselves? I think she asked you past tense to present tense; is that correct?

GROGAN: Yes.

GERAGOS: Okay. Now, do you know what difference that makes if they've corrected themselves?

GROGAN: Well, it, I guess if you correct yourself, again, it's the state of mind of whoever is speaking, but if you correct yourself, then I guess you realized that what you said is not, not what you wanted to say.

GERAGOS: And that, is correcting yourself suspicious? Or is not correcting yourself suspicious?

GROGAN: Well, it's, I guess it depends on the circumstances.

GERAGOS: Okay. Well, I have Sharon Rocha's interview, and it appears to me that she goes from past tense to present tense in the same sentence. Does that qualify as correcting yourself? I was going to say she was, and then She's happy, which is present tense?

GROGAN: Yes, it does say that.

GERAGOS: Okay. So I mean certainly you don't think that it's suspicious, anything about Sharon Rocha's statement, because she corrected herself from past tense to present tense, do you?

GROGAN: No.

GERAGOS: Okay. Now, you, I showed you the specific tip sheet that was 14751 that was a call from, that was a call from Marna Davis, who was a reporter, who said that Brent Rocha, that she thought it was odd that Brent Rocha spoke about his sister in the past tense, correct?

GROGAN: Yes.

GERAGOS: Okay. And you never listened to that interview, correct?

GROGAN: No, I haven't.

GERAGOS: So we don't know if Brent Rocha himself corrected himself from past to present there, correct?

GROGAN: No, I don't know that.

GERAGOS: Okay. Have you ever watched any other people whose loved ones have gone missing speak about their loved ones on TV or in interviews?

GROGAN: I'm sure I have.

GERAGOS: Have you ever seen that that's, that that's something that happens sometimes?

GROGAN: I would have to say it does happen sometimes, yes.

GERAGOS: Okay. And then I think when I asked you about it you specifically said Well, it depends on at what point; you know, at a certain point you may lose hope, or things like that. The caller on Brent Rocha called in on, and this is 14751, she called in on 12/26, on the day after Christmas, and said that she thought it was odd that Brent was talking in the past tense, correct?

GROGAN: That's true.

GERAGOS: Okay.

GROGAN: That's what that says.

GERAGOS: Yeah. Now, specifically the, I mean so ultimately that doesn't mean a whole lot of anything, does it?

GROGAN: Probably not by itself, no.

GERAGOS: Okay. Well, I mean even, even in context, or if you've got every single person, they've got Brent the day after Christmas, you've got Sharon correcting herself, you've got Amy in your own reports using the past tense and then using the future tense in the same sentence, and I mean that doesn't mean much, does it?

GROGAN: Yeah; there's a lot that goes to it. It depends on, I guess, you, on how the question is worded, whether they're talking about events that happened in the past. There's a lot of factors to consider on something like that, yes.

GERAGOS: One of the factors to consider was that Scott Peterson, by the time he was interviewed by Diane Sawyer was late January, correct?

GROGAN: It was, yes.

GERAGOS: Yeah, and he had already asked you whether or not you, in fact, he asked you in early January what you thought, you know, if she was still alive, and you had already told him that each day that you thought there was getting less and less hope of that, correct?

GROGAN: Something very similar to that, yes.

GERAGOS: Okay. And, specifically, yesterday Ms. Fladager was asking about whether Scott called and asked you about the investigation. Do you remember that?

GROGAN: Yes.

GERAGOS: Okay. If I'm not mistaken, did you say that it was once monthly that he was calling, on average, to ask about the investigation?

GROGAN: I think that's what I said. It's, the options were weekly or monthly, and I'd say it's probably somewhere in between.

GERAGOS: Okay. And, in actuality, Scott Peterson was talking to police every single day asking about the investigation? Let me, let me see if I can refresh your recollection. There's a volunteer center, correct?

GROGAN: Yes.

GERAGOS: Okay. What did Modesto PD do at that volunteer center?

GROGAN: We did send a sergeant over there.

GERAGOS: Every day, right?

GROGAN: He was there for, yeah. I don't know when he started. I believe he was there almost every day.

GERAGOS: Right. He was, and you gave him a name, I mean he had a name, obviously, when he came there; but you gave him even another name, which is called a liaison officer, correct?

GROGAN: Correct.

GERAGOS: And the liaison officer, by definition, is to liaison between the person, or the public, and the police, correct?

GROGAN: Yes.

GERAGOS: Okay. And he was at the command center, he would go over there, presumably, every morning? That was part of what his function was, correct?

GROGAN: Yes. His function was to be there.

GERAGOS: Okay. And his function was to liaison?

GROGAN: Yes.

GERAGOS: Right?

GROGAN: Correct.

GERAGOS: And did you talk to him and ask if he talked to Scott on a daily basis?

GROGAN: I spoke to him once, maybe more than that, and I don't know if he talked to him every day.

GERAGOS: Okay. Well, certainly Scott would talk to you, and we went over all the conversations he had with you, correct?

GROGAN: Have we gone over all of them? Is that –

GERAGOS: Well, we went over quite a few of them, didn't we?

GROGAN: Quite a few of them, yes.

GERAGOS: And by my calculation it looks like, and you tell me if I'm wrong, that you and he spoke at least eleven times in the first ten days of her being missing, correct? I kind of did a little cheat sheet for myself. You can take a look at it and tell me if that looks like that's accurate, the number of times that you two talked.

GROGAN: You counted eleven times in the first ten days, correct?

GERAGOS: I think so. Did I count right?

GROGAN: It's right in that area, yes, sir.

GERAGOS: Okay. And, specifically, wouldn't you say that he spent a total time with you of about, I don't know, I added it all up, but it looks to me like over ten hours' worth of time?

GROGAN: That's possible.

GERAGOS: Okay. Now, you also, once the, the volunteer center was shut down, didn't he specifically, didn't you pick up calls where he would talk to Sergeant Cloward or call Sergeant Cloward?

GROGAN: Did we pick them up on –

GERAGOS: On the wiretap?

GROGAN: On the wiretap.

GERAGOS: Let me show you, see if this refreshes your recollection. I've got, I've got a call, what looks like calls to Sergeant Cloward on 1/13, January 13th, again on January 13th to Sharon Rocha, January 13th to Sharon, then we've got calls Sergeant Cloward on the 13th again, Sergeant Cloward on the 13th, Sergeant Cloward on the 14th. Those are all calls that are picked up on the wiretap, correct?

GROGAN: Yes, it appears so.

GERAGOS: Okay. And, specifically, on the 14th you've got information that Scott is asking if Cloward can give him any direction, right?

GROGAN: As far as the search?

GERAGOS: Yeah. He states that the police department will give focus on the law enforcement stuff, such as tip lines and working with outside agencies, and Scott wanted to know what to do; get some direction from Cloward, correct?

GROGAN: That's correct.

GERAGOS: Okay. On the 11th he's calling Sharon Rocha and Sharon Rocha's informing him what Cloward is telling her, correct?

GROGAN: Yes.

GERAGOS: Okay. On the 12th, calls Sharon again and they talk about what's going on with the investigation; do they not?

GROGAN: Yes.

GERAGOS: On the 13th he calls, Scott calls Brent Rocha, and he says, he says: I'm just wondering how much contact do you, do you have? What's going on with the investigation, or are they keeping you out of it; right? That's what Brent's asking Scott?

GROGAN: Yes.

GERAGOS: Brent's asking him about the investigation, did they ever follow-up on the van or did they, and Scott is saying They won't tell me a damn thing; right?

GROGAN: That's what he's saying.

GERAGOS: And Brent says They won't let you, um, they won't tell you anything, huh? And Scott says The only one that there's even kind of talking to, that they're even kind of talking to is Kim Peterson; right?

GROGAN: That's what it says.

GERAGOS: Okay. Specifically on the 13th he calls Sergeant Cloward again, right?

GROGAN: Yes.

GERAGOS: Okay. Then he calls, on the 13th, Sharon Rocha again, correct?

GROGAN: Yes.

GERAGOS: Okay. They start talking about things that are going on in the investigation; calls Sharon Rocha back again on the 13th, talking about that, correct?

GROGAN: Yes.

GERAGOS: Okay. So would it be, I think would you like to just say that, based upon what you were asked yesterday, that that was somewhat misleading about how much information Scott, what kind of contact Scott was having with trying to get information on the investigation?

GROGAN: It does appear that he had contact with other individuals besides myself. At least Sergeant Cloward by phone. I can assume that he talked to, to Sergeant Steele at the volunteer center, but,

GERAGOS: The liaison officer. And it does appear, at least now that you have got the full picture, that he was talking multiple times every single day with either representatives of the Modesto PD or making requests, including on January 6th when he made a request to talk to Chief Wasden and Chief Wasden turned him down, correct?

FLADAGER: Objection. Argumentative and compound.

JUDGE: Overruled.

GROGAN: That report does say that he tried to have contact with the chief, and he, the chief was unable to meet with him that day.

GERAGOS: And that report was authored by you, correct?

GROGAN: Yes.

GERAGOS: Okay. So then we get this idea that, well, let's estimate how often he was asking about the investigation, and the answer comes back is once a month, that certainly is not what

was going on, correct?

GROGAN: I'm not sure if the question was only directed at me or the police department in, in general. I don't remember how it was worded, but as far as, I was speaking mostly about my contacts.

GERAGOS: Okay. Well, your contacts were at least, as we said, more than eleven times in that first ten days, correct?

GROGAN: Yeah, it appears so.

GERAGOS: And I could continue to go on and show you time after time in the, on the 14th, on the 15th, and just go page after page from the wiretap and show you yellow highlights, couldn't I? Of people that he talked to, that he asked about, specifically, the investigation? Has anybody ever done that with the wiretap information?

GROGAN: No. I didn't look through that yesterday, no.

GERAGOS: Okay. And, specifically, isn't it a fair statement also that the, that you had told him early on that there were some things that you could tell him about the investigation and others that you couldn't?

GROGAN: Yes. That's probably a fair statement.

GERAGOS: Okay. And wasn't that one of the reasons for that was is that you were looking at him as a suspect, correct? I mean that's, you didn't tell, necessarily tell him that, but that was what was going on, right?

GROGAN: Well, I didn't share details about the investigation with, you know, outside of law enforcement, for the most part. I would, I would talk a little bit in general, generalities.

GERAGOS: Okay. Now, we also heard, and I'm not going to play it again for the jury, but let's put this in context how one time we heard this tape where he calls you up and he's asking about this, and then you say, you have some concern over his mental health at that point, correct?

GROGAN: Yes.

GERAGOS: Okay. And you were, you were concerned that, with this kind of whirlwind going around, that he was going to do something to himself; weren't you?

GROGAN: I was asking him to find out what his mental state was, yes.

GERAGOS: Okay. And in that very same conversation then you tell him, basically you say you know what's happened, you make the accusation to him? I mean it wasn't exactly veiled, was it? I mean you let him know, you wanted to let him know that you thought that he did it, that he did this, right?

GROGAN: Yes, I think that's clear in that conversation.

GERAGOS: Okay. Would you expect at that point that he's going to come to you and ask for status reports? I mean is that, wouldn't that be something suspicious? Wouldn't you think that was odd behavior?

GROGAN: Well, yeah, he may not feel quite as comfortable talking to me, GERAGOS: He's not going to be real warm and fuzzy with you, is he?

GROGAN: Possibly not.

GERAGOS: Okay. Possibly not? I mean, he's already told you and Brocchini the day after, when you're in Judge Ashley's chambers, that he's more than a little upset. He's already voiced his concerns. Then he's asking you, or coming to you and asking you for information and you're telling him basically We think you did it. Would you expect that he's going to call you up and say How's the investigation going at that point? I mean, that really wouldn't be a thing that you

would expect somebody to do, would it?

FLADAGER: Objection. Argumentative and compound.

JUDGE: It's compound, sustained.

GERAGOS: Okay. The, you then, on the 19th, you come in and do the search, right? The search warrant, 18th you actually come in and do the search warrant?

GROGAN: Yes. In February.

GERAGOS: Okay. Now, as I understand it, what's happened at that point is there's been, by the time the second search warrant happens, you've had two search warrants at his house, correct?

GROGAN: No. We, we served one search warrant there on the 26th, and we didn't leave until the 27th.

GERAGOS: Okay. Then you do another search warrant on the 18th?

GROGAN: Yes.

GERAGOS: And both times you searched not only his, his house but his warehouse, his storage locker, correct?

GROGAN: Yes. We didn't, we did not include the warehouse in the 2/18 search warrant, but we did search a storage locker on that date yes, sir.

GERAGOS: Okay. He had people on his front lawn with bullhorns, you know, calling him a murderer correct? You were aware of that?

GROGAN: That happened at some point in the end of January, yes, sir.

GERAGOS: Okay. Some people from the media were out there with bullhorns on his lawn, calling him a murderer; we had people breaking in, repeated break-ins into the house, correct?

GROGAN: Yes. I know of two.

GERAGOS: Okay. And we had somebody who rammed their truck into his warehouse, correct?

GROGAN: Yes.

GERAGOS: Okay. We had his automobiles, both seized, correct?

GROGAN: Yes.

GERAGOS: Okay. We had his, at some point, let's see, the 9th is when the, or the 8th I think is when the warehouse was bashed. We then have you show up for the second search warrant. In fact, one of the first things that was asked was Where is the dog, right? Somebody asked him, you know, We have, part of the search warrant on the 18th of February was to take hairs of the dog, right?

GROGAN: Yes. I think, I think I asked him that. I'm not sure if it's one of the first things I asked, but,

GERAGOS: One of his responses was What, are you going to impound my dog, too?

GROGAN: He may have said that. I, I'd have to look at the transcript, or something.

GERAGOS: Okay. Now, the fact of the matter is that yesterday there was also some suggestion by Ms. Fladager that, I don't know, is there some distinction between answering questions and cooperation that you're aware of?

She was asking questions about Well, was this question and answer, or was he volunteering. Do you remember that?

GROGAN: Yes.

GERAGOS: Okay. You, specifically, and I think she said, she wanted to talk about the defendant's level of cooperation, right?

GROGAN: Yes, sir.

GERAGOS: Okay. Now, the, you specifically would tell him that he did not have to participate in interviews, he was free to leave, and you would appreciate it if he would assist in the investigation; correct?

GROGAN: That's what I told him on the 25th, yes, sir.

GERAGOS: And he said he would stay and he wanted to help, right?

GROGAN: That's what he said.

GERAGOS: Okay. Now, that, also there was some suggestion yesterday that this Internet research that you, that had been discovered at the warehouse, he's the one who told you about it, right?

GROGAN: He, he did tell me about the, that he had been on the Internet in a conversation we had on December 25th, yes.

GERAGOS: On December 25th, right? Before you had been to the, before you had actually been to the warehouse, right?

GROGAN: Right.

GERAGOS: Okay. He also told you something else; specifically didn't he tell you that the research, let's see if I've got it here. Didn't he tell you that the research was on the Internet? That the Internet research was over at the house? I mean over at the warehouse? I'm going to show you your notes.

GROGAN: Okay.

GERAGOS: 24064. Didn't he say Look, not only did I research it on the Internet, but the printout is over at my work?

GROGAN: Yes, that's what those notes say.

GERAGOS: Okay. That's in your notes. It doesn't make it into the report, though; is that correct? I didn't see it anywhere in the report. I saw it in the notes.

GROGAN: It may not have.

GERAGOS: Okay. But this idea yesterday that was suggested, or this intimation to the jury that somehow this thing was discovered during the search warrant, that wasn't correct, right?

GROGAN: That it was discovered during the –

GERAGOS: Well, it was discovered during the search warrant, but you knew about it going in. Before you froze the location you sat down with Scott, Scott told you Hey, at work I've got the printout for the research I did on the Internet?

GROGAN: Yeah, it appears so.

GERAGOS: Okay. It was not something, as was suggested yesterday, that happened Well, you know, he, he said it, but we had already seized the document over at the warehouse, right? That isn't how it happened. You knew it was there. That's one of the reasons you wanted to go to the warehouse, right? Because he told you about it.

GROGAN: Well, in that first search warrant we wanted to go to the warehouse to try to verify some of the information that we had. And he had obviously told us about that research on the, on the Internet prior to that date, yes, sir.

GERAGOS: Okay. Now, there was also some idea, or some suggestion, once again by Ms. Fladager yesterday, that, that somehow there was, there was something suspicious about being too cold to golf but going fishing; do you remember that?

GROGAN: Yes.

GERAGOS: Okay. Now, you now know, you didn't know at the time, but you now know, after this trial started, that Ron Grantski went fishing that same day, correct?

GROGAN: Yes.

GERAGOS: Do you know, did you check what the difference in temperature was between the Bay area that day and Modesto?

GROGAN: It may be somewhere in one of those binders there, but I don't know what the difference is, no, sir.

GERAGOS: Okay. Did, do you golf?

GROGAN: No.

GERAGOS: I don't golf either, but golfers tell me when it's cold out and you swing and hit that ball, when it's real cold, that something happens when you, to you, similar to when you've got an aluminum bat with a ball. Do you know what that might be? Kind of a stinging action?

GROGAN: Okay. I –

GERAGOS: Never, anybody ever, did you ever inquire of anybody, any golfers –

JUDGE: I don't think he's ever hit a golf ball.

(Laughter)

GERAGOS: Have you ever, have you ever talked to a golfer about whether or not they like to go golfing when it's 38 or 39 degrees out?

GROGAN: No, sir. I don't know much about it.

GERAGOS: Okay. So when we start talking about this idea that, wow, it's strange to go fishing but not golfing on a particular day, when we know that Ron Grantski went fishing that same day, and we don't know anything about golfing, neither you nor I do, maybe we're making some assumptions, huh?

FLADAGER: Objection, your Honor. The form of the question.

JUDGE: Argumentative. Sustained.

GERAGOS: Well, now as you sit here, it may not be, now that you know Ron Grantski went fishing that same day, it may not seem all that suspicious, huh?

GROGAN: The circumstances between the two events are a little different.

GERAGOS: Well, the circumstances are that he didn't tell anybody he was going fishing until the middle of this trial, and Scott told everybody, including the police, he was going fishing within an hour, within five minutes of the police showing up, right?

GROGAN: (No response)

GERAGOS: Well, I'll ask it a different way. The circumstances are different in that, when Ron Grantski came up, the police thought that he was serious when he said it was a little bit fishy that you were going fishing, right?

GROGAN: Yes.

GERAGOS: Okay. So I, I would agree with you; the circumstances are different. The, specifically also yesterday there seemed to be some kind of indication, by Ms. Fladager, that, she asked you

a series of questions: What was the price range of this house that Laci was looking at. Do you remember that?

GROGAN: Yes.

GERAGOS: Okay. And that, that this house was 400 to 600 thousand; homes in that range, right?

GROGAN: Yes.

GERAGOS: Okay. And then the next question was and she wanted to stop working, right?

GROGAN: Yes.

GERAGOS: Okay.

GROGAN: Something like that.

GERAGOS: And then somehow all of this was going to come crashing down: She wanted to stop working, she was going to have a baby, and, and she wanted a more expensive house, and this was, I mean the suggestion, at least to you, is there a working theory that Scott decided he was going to off Laci,

FLADAGER: Objection. Argumentative.

GERAGOS: I'm asking him what his theory is.

JUDGE: I know, but I'm going to sustain the objection.

GERAGOS: Is there a theory that you had that, because she wanted a nicer house and she was going to stop working, that therefore that was going to cause Scott to be the motivation to kill her? Is that your theory?

GROGAN: No. I think that could add to motive.

GERAGOS: That could add to motive. But at that time did you understand that Laci was going to get one third of the sale of the house? To the tune of a hundred and sixty thousand bucks? You didn't know that at that time, did you?

GROGAN: At what time, sir?

GERAGOS: Well, early on in this investigation, as you're focusing on Scott Peterson, you've got this theory that, because she wanted a new house, God forbid that a wife wants a better house, that that's –

FLADAGER: Objection. Argumentative.

GERAGOS: going to, I'll strike that.

JUDGE: It is argumentative, Mr. Geragos.

GERAGOS: Did you know at that point that she was due to get a hundred and sixty thousand dollars as her share of the proceeds?

JUDGE: Of what? Of what? So he knows what you're talking about.

GERAGOS: On the proceeds of the sale of the house?

GROGAN: My understanding of that is that she could receive that money and that that was up to the attorney that was covering the estate for her grandparents. And there were several people that had to agree that, that the house would be sold and where that money would go to.

GERAGOS: Okay. Was it your understanding also that she just inherited a good deal of jewelry?

GROGAN: Yes.

GERAGOS: Okay. That you estimated, at least in the reports, to be worth upwards of a hundred thousand dollars?

GROGAN: I think there was an estimate by the jewelers, and it was substantial. Somewhere between fifty and a hundred thousand.

GERAGOS: Right. Do you think that maybe if she had sold a substantial amount of that jewelry, if she had gotten that hundred and sixty thousand dollars as her share of the house, and they had sold their house in Modesto with whatever equity they had in it, would that have been such a financial drain to then move to a house in the 400 to 600 thousand dollar range?

GROGAN: Well, there's several, there's several other factors that go with that. I don't know if Laci was aware of what was going to happen with the house sale and whether she was going to get that money or not.

GERAGOS: Do you know why it was,

GROGAN: And I know that, I think even with that, I mean there's people that could speak to it better than me, she wouldn't receive anything until she was 30 years old.

GERAGOS: But the, do you know why it was that, in May, that she decided to look for another house outside the area?

GROGAN: Do I know why?

GERAGOS: Yeah.

GROGAN: No.

GERAGOS: Did, did it occur that if the, she was trying to get pregnant in May that that would have been the time that she was looking for a new house?

GROGAN: There was some information that she wanted a new home that came from someone, and I can't recall right now.

GERAGOS: Okay. Came from Sharon Rocha, too; correct?

GROGAN: I think you're right.

GERAGOS: Okay. And it also came from the tip line, from the real estate broker who Laci actually talked to?

GROGAN: I did see that document from the real estate broker, yes.

GERAGOS: Okay. The document was a, they actually had a file that they opened up, and she called the tip line and told you about it, correct?

GROGAN: Yes. I think, I think the source of that's a tip. I don't recall for sure.

GERAGOS: Now, the other thing she asked you, part of this theory or equation was Laci planned to stay at home or be a stay-at-home mom; is that right?

GROGAN: Yes.

GERAGOS: She wasn't planning on working, right?

GROGAN: Yes. I think that came from more than one source.

GERAGOS: Okay. Can you tell me, can you tell me how much did she earn in the year 2000 and 2?

GROGAN: I'm sorry, I have no idea.

GERAGOS: About six thousand dollars, wasn't it?

GROGAN: I have no idea.

GERAGOS: Scott had just gotten a raise that exceeded that, didn't he?

GROGAN: I don't know. You'd have to talk to –

GERAGOS: Well, if this was part of the working theory as to that there was some kind of financial pressures, wouldn't you want to know how much she had earned in the year 2002, how much Scott had earned and what he was scheduled to earn in 2003, so you could see whether or not these financial pressures actually played a part in any of this?

GROGAN: Well, I think even excluding that, and based on the information we had about the losses in the business, that still, the financial pressures still, arguably, exist.

GERAGOS: Well, have you listened to the testimony in this trial on the financial pressures?

GROGAN: Very, very little of it.

GERAGOS: Okay. Have you talked to any of those witnesses since they were made aware of what the realities were?

GROGAN: No.

GERAGOS: All right. Now, the, there was a question to you about, and there were two pictures that were shown yesterday about Scott doing an interview with Brocchini; do you remember that?

GROGAN: Yes.

GERAGOS: Okay. And that somehow he knew Laci's cell phone password? Did I get that right?

GROGAN: Yeah. There was a question about that, and I remember watching on the video that he was able to access her, her voice mails somehow. Or his voice mail.

GERAGOS: Okay.

GROGAN: Through that phone.

GERAGOS: Okay. Was that suspicious? That a husband knows his wife's cell phone password?

GROGAN: I don't know. My, I don't know my wife's password, but I'm not sure she even has voice mail. (Laughter)***

GERAGOS: Is that suspicious that she doesn't have voice mail?

GROGAN: That my wife doesn't?

GERAGOS: Yeah. Are you suspicious about that? That she doesn't have voice mail?

GROGAN: No, sir.

GERAGOS: Okay. Now, you tell me he was wearing brown trousers and a blue shirt and he put that in the hamper, right? You were shown a picture yesterday,

GROGAN: Yes.

GERAGOS: about, People's 7, correct? And specifically the brown trousers and the blue shirt, correct?

GROGAN: Yes. It appears consistent with what's in that, that video.

GERAGOS: Okay.

GROGAN: Obviously they don't –

GERAGOS: When was this picture taken?

GROGAN: I think that's on the 26th/27th search warrant.

GERAGOS: Okay. Which would have been after the interview with Brocchini, right?

GROGAN: Correct.

GERAGOS: Okay. So right now we can assume that if these are his shirt and his trousers, sometime after he wore them he put them in the hamper?

GROGAN: That would be my guess, yes.

GERAGOS: Okay. Is that suspicious?

GROGAN: No.

GERAGOS: Okay. Then we got a, and I don't know where People's 10 is. Here it is. The, we were, this was passed around to the jury to show that maybe this picture here –

JUDGE: You want to identify it for the record?

GERAGOS: This is quadruple O. That maybe what that shows is that the sleeve was like this; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And specifically that it would have been inside-out; is that right?

GROGAN: Yes.

GERAGOS: Okay. When you turn this inside-out, what's one of the things that you notice about it?

GROGAN: The, there is a black like, I think you call it a bodice,

GERAGOS: Okay.

GROGAN: in, inside. Doesn't include the sleeves, but it goes through the body portion of the shirt.

GERAGOS: Okay. Is it suspicious that somebody, if they take off their blouse, that they, and they put it in the hamper, and as far as we know, by the way, all we see is something that looks like a hem, correct?

GROGAN: Yes, sir.

GERAGOS: Do we know if that's the hem, and I'll show you, hold it up to the light. Do you see the hem coming through? There's a window that's right next to there, correct?

GROGAN: There is off to the left-hand side of that photograph.

GERAGOS: Okay. When I hold this up to the window you can see that hem, correct?

GROGAN: Yeah.

GERAGOS: Okay. Do we know if you're seeing it like this? Or do we know if you're seeing it like this, as I've got it, inside-out? You can't really tell, can you?

GROGAN: I can't say for sure. The line does look dark there like it's possibly inside-out.

GERAGOS: Possibly. But you can't say for sure because you certainly don't see what's right here in that picture, right?

GROGAN: No.

GERAGOS: Okay. And that would be the, that would be the edge of the fabric where it was sewn together, correct?

GROGAN: Yes. I don't, I don't see that there.

GERAGOS: And frankly, the officer who searched that hamper, which was Coyle, doesn't have any memory of it whatsoever, correct?

GROGAN: No, I don't think so.

GERAGOS: Right. So now, or sometime two years later, we're supposed to speculate as to whether or not it was inside-out and that has some relationship to this case?

GROGAN: I'm sorry, the question is?

GERAGOS: Whether it was inside or out, does that, does that, did that factor into your theory early on in this case?

GROGAN: Did it factor into it on the 26th/27th? Absolutely not. We didn't know that that shirt had anything to do with anything. And then later, when we were trying to, after the February search warrant, we found it in a drawer, we were just trying to establish if, if it was inside-out or not. Prior to that.

GERAGOS: Inside-out prior to you finding it in the drawer in February, correct?

GROGAN: Correct.

GERAGOS: Okay. And specifically, as I said, as you sit here as the investigating officer, we can't tell whether that's inside or out; and we really don't know whether or not it was inside-out on that date and whether it was inside-out when it was put in the drawer and who put it from the hamper into the drawer, do we? We don't know any of that, do we?

GROGAN: No.

GERAGOS: Okay. Then there was this picture that was shown you yesterday. 37 double C. Haven't we at this point, after four months, gotten to the point where we've gotten beyond the rags on top of the washer and dryer?

FLADAGER: Objection. Vague and argumentative.

JUDGE: Well, it's argumentative. Sustained.

GERAGOS: Okay. I, the rags provide no evidence, forensic evidence, correct?

GROGAN: No.

GERAGOS: Okay. And if I'm, if I'm mistaken, please correct me. Weren't these what originally spurred the suspicion of the, one of the things that spurred the suspicion of the officers on the evening of the 24th?

GROGAN: Yes, I think so.

GERAGOS: Okay. Because they thought that the rags were used by Scott to clean up a crime scene, correct? Or that was one of the suspicions?

GROGAN: That was a suspicion, I believe, yes.

GERAGOS: Okay. And then it was later confirmed that Margarita Nava had actually cleaned the house, put those things inside the washer and dryer, correct? Or inside the washer, correct?

GROGAN: Yes. She used the rags, and I believe she put them in the washer.

GERAGOS: Okay. And then Scott has said that he took them out when he put in his clothes that he had worn when he went fishing, right?

GROGAN: I believe he told that to Detective Brocchini, yes.

GERAGOS: Okay. Is there any reason that you can think of now, in hindsight, as to why this is suspicious?

GROGAN: It does seem odd that he decided to do his laundry at that time, under the circumstances.

GERAGOS: Given the fact that he had just gotten back from fishing and he puts his clothes in the washing machine? He's been in a boat in the Bay? Does that seem odd?

GROGAN: It does, it does seem odd that he comes home, he finds that Laci's not there, that the dog has the leash attached, and that's one of the things he decides to do.

GERAGOS: Okay. Does the, does it seem odd that he might have come home and assumed that she would have been over at her parents' house or somewhere else and that he wanted to get out of the clothes that were damp and take a shower and then become progressively more concerned? Isn't that just as reasonable an explanation for what happened?

GROGAN: That's one scenario. I don't know if it's as reasonable.

GERAGOS: Certainly reasonable, isn't it? Whether it's as reasonable in your mind, it's certainly reasonable?

GROGAN: It's a possible scenario.

GERAGOS: All right. Now, the, there was also some questions that you were asked yesterday about this theory that she was, that Laci was not walking. There was, there was an indication at some point in this investigation, in fact, I believe at the beginning of this case, the suggestion was is that she didn't walk after the end of November? Wasn't that the position of the investigators? Namely, you?

GROGAN: There's several parts to that question, but I think we did receive information from her medical records early on in the investigation that suggested there was a possibility she wasn't walking. And then we had, we had the information from, from people that she had spoken to that said she got ill while she was on walks, and then we didn't have anyone that really had seen her walking recently.

GERAGOS: Well, you had, specifically, Kristen Reed telling Brocchini that Laci was very specific about the conversations she had, that she walked on a regular basis, She told me she was going down to the park, I always kind of cautioned her, you know, gosh, neighbor I haven't jogged down there by myself for years, and she says, You know, I've got the dog and I just walk and I'm all right. Isn't that what Reed told Brocchini?

GROGAN: Yes. That's what was said in September of 2003.

GERAGOS: Right. And then she said right after Thanksgiving, it was the very first part of December, she said She was back, you know, trying to because she was really concerned about her weight, because she had gained so much weight with the pregnancy; correct?

GROGAN: That's what she said.

GERAGOS: Okay. And she also said that She always walked McKenzie with her because it was a safety feature, she didn't let him off the leash because she couldn't control him like Scott could; correct?

GROGAN: That's what it says, yes.

GERAGOS: Okay. You also had the Yoga teacher telling you, at least initially, before she changed her story, that,

FLADAGER: Objection. Argumentative.

GERAGOS: That isn't argumentative. It's demonstrable that she's changed her –

JUDGE: Yeah, she did change her story.

GERAGOS: Wolski told you originally that on 12/4 Laci had mentioned she had gone for a walk, she had been dizzy, she said she had shortened her walks, and that Wolski had suggested she drink more water, right?

GROGAN: That she told her on that date about a walk that she had taken in late November, I think is what that says.

GERAGOS: Okay. And that she had shortened her walks and that Wolski suggested she drink more water, right?

GROGAN: Yes.

GERAGOS: Okay. And you had also, on December 30th, a specific interview with Ron and Sharon in which Ron and Sharon told you that her daily routine was to walk, correct?

GROGAN: That was my understanding on that date, yes.

GERAGOS: Okay. Now, in addition to that, you said yesterday, Ms. Fladager asked you Oh, didn't you provide a correction to that report? Do you remember that?

GROGAN: Yes, sir.

GERAGOS: Okay. Can you tell me when was the correction to that report? The original interview was it looks like on December 29th, and you're told that Laci's daily routine is to walk the dog every day or every second day, correct?

GROGAN: Yes.

GERAGOS: Okay. And isn't it true that the corrected report took place after this trial, after jury selection had already begun in this trial, correct?

GROGAN: Yes.

GERAGOS: Okay. And Sharon then said that the only information she was providing was information that she had from Scott, correct?

GROGAN: In, yes, in, as far as what Laci was doing on the 24th of December, she said that she only knew that based on what the defendant had said.

GERAGOS: Okay. Well, she also told you in another interview that she was aware Laci had planned to walk that day and to bake gingerbread cookies, correct?

GROGAN: That may be the same interview. Isn't it?

GERAGOS: You tell me. I don't know.

GROGAN: Yes. That's the December 30 interview.

GERAGOS: Okay. Sharon was asked to make a correction on the report back in January of oh four, correct? She was advised because she testified at the preliminary hearing, right?

GROGAN: Yes.

GERAGOS: Okay. And did she make that correction that she made in May, back in January?

GROGAN: In this, this interview with Detective Bertalotto, that's not a correction that was made that day, no.

GERAGOS: Okay. I assume what you do, what you do when you make corrections is you hand the witness a report that's been filled out based upon the interview, have them review it, correct?

GROGAN: I'm not sure how, how many of her reports she was given at that time. I wasn't there for that meeting.

GERAGOS: Okay. The report that I just showed you, Bertalotto's report, specifically was about walking the dog, correct?

GROGAN: That one, one portion of it, yes.

GERAGOS: Yes. And that's specifically what your correction in May was about, correct?

GROGAN: Yes. I think the correction that I wrote had to do with what Laci was doing on the 24th.

GERAGOS: Now, specifically, you also had indicated that you couldn't find a white bucket, a white plastic bucket, right?

GROGAN: Right.

GERAGOS: Now, this is the white plastic bucket that Scott told you that he used to make the anchor, correct?

GROGAN: Yes.

GERAGOS: Okay. And did you ask him what he did with the plastic bucket?

GROGAN: You know, I didn't.

GERAGOS: Okay. Have you ever used a plastic bucket to do cement work in it?

GROGAN: I think I've, I have poured left-over cement into five gallon buckets before. I've never actually made anything intentionally in a bucket, no.

GERAGOS: Okay. Are you aware that one of the ways that you, after the cement sets, that you remove the bucket is to just, especially if it's a plastic bucket, just to tear it off?

GROGAN: Well, you certainly can't do that with a five gallon bucket, and I'm not sure you could do that with, with this, these type of buckets either.

GERAGOS: We have it here; but you bought one at Home Depot, correct?

GROGAN: I bought a few of them, yes.

GERAGOS: Okay. And you're telling me as you sit here, you've never tried it but you're not sure whether or not you could just break that off of the, the cement after it had set? Is that what you're saying?

GROGAN: I would be surprised if you could just break that with your hands.

GERAGOS: The plastic bucket?

GROGAN: Yes.

GERAGOS: Okay. Now, the, specifically there was also this idea of the boat cover that you found, you were asked that again. The boat cover being at the house, right?

GROGAN: Yes.

GERAGOS: Okay. And once again, I just want to ask you, wasn't that boat cover tested?

GROGAN: Yes, it was.

GERAGOS: Okay. And when the boat cover that was tested, gasoline leaking or no gasoline leaking, there was no blood, no urine, no feces, no tissue, nothing on there except miscellaneous debris, correct?

GROGAN: Well, it does, it indicates some other things that were found here. Just dirt debris, fibers, partial hairs.

GERAGOS: Okay. Was there absolutely anything of any evidentiary value found on that boat cover?

GROGAN: Not to my knowledge, nothing.

GERAGOS: Okay.

JUDGE: All right, Mr. Geragos. Let's take the morning recess until five minutes to 11:00, okay? Remember the admonition I've heretofore given you. And then I want to stay in session after the jury leaves because I want to know about, if there's some tapes you're going to play.

GERAGOS: Just one.

JUDGE: One tape. Okay. You guys can go ahead. I just got to hear about this tape

JUDGE: All right. The record show the jury's filed out for the morning recess. Mr. Geragos, excuse me, you have Raffi here now, and are you going to be showing a tape? And a tape of what? Or video of what?

GERAGOS: He keeps doing this (gesturing).

JUDGE: What's that mean?

GERAGOS: He says he's got everything ready.

JUDGE: Okay. And how many tapes have you got, for the record here? You've got one tape, and this is going to be impeaching the testimony,

GERAGOS: Four and a half minutes.

NALJIAN: With transcripts on the screen.

JUDGE: With transcripts on the screen. And this is going to be a tape of a phone call between –

GERAGOS: Want me to have him just play it for you?

JUDGE: Yeah. Why don't you just play it. If it just takes four and a half minutes, I might as well look at it. I'll just look at it.

FLADAGER: Do that in chambers?

JUDGE: What?

FLADAGER: After the break, in chambers?

JUDGE: Well, I tell you what. It's so much easier just to do it out here. If you want I'll clear the courtroom, if you want.

FLADAGER: I might object to it. It's not even a conversation with this officer, doesn't relate to the questions I asked this specific officer.

JUDGE: Well, let's ask if it's a conversation between this officer and the defendant.

DISTASO: You know, Judge, the only thing about that is I'm pretty sure this was already played with Investigator Jacobson.

GERAGOS: There was one Aja that was played.

JUDGE: We did play one.

HARRIS: This is the second.

JUDGE: We did play one. Is this a conversation between your client and this witness?

GERAGOS: Aja. We go into the request on Longview, Washington. Which is –

DISTASO: Yeah, that's February, like, 2nd or 3rd.

JUDGE: Did we play –

DISTASO: I think we already played it.

GERAGOS: No, there was two, two phone calls.

JUDGE: Well, if you can play it on the computer, I can look at it in chambers, right?

GERAGOS: Right.

JUDGE: All right. Well, let's go into chambers and I'll take a look at it. And if you want to make any objections, we'll bring the court reporter in and you can make your objections on the record and I'll rule on it.

JUDGE: All right. This is People versus Scott Peterson. Let the record show these proceedings are taking place out of the presence of the jury. And the defendant is present with counsel. The Court has viewed the tape of the conversation between the defendant and Detective Aja. And my understanding is the District Attorney has no objection if the matter is played on the recross examination to Detective Grogan.

FLADAGER: That's correct.

JUDGE: Okay. Mr. Geragos, how much longer will you be with Detective Grogan? Mr. Geragos?

GERAGOS: I'm sorry, judge.

JUDGE: How much longer will you be with this witness?

GERAGOS: Just trying to figure that out.

JUDGE: Can you give me a clue?

GERAGOS: Before noon.

JUDGE: Before noon. One minute to twelve, right? Okay.

Because we have other witnesses. You have other witnesses standing by?

FLADAGER: Yes, they are.

JUDGE: Okay. Let's bring the jury back.

JUDGE: All right, let the record show the jury is in the jury box, along with alternates. The defendant is present with counsel. Go ahead, Mr. Geragos.

GERAGOS: Thanks, judge. Could I have just one second?

GERAGOS: You were asked also yesterday about this Longview, Washington, situation.

GROGAN: Yes, sir.

GERAGOS: Okay. And you and I went over the fact yesterday about, before Miss Fladager asked you about it as to whether or not Scott had asked you, correct? Did ask you about it? We went over that, right?

GROGAN: Yes. He asked me about that on February 18th.

GERAGOS: Right. And specifically you went over the fact that he had, was that on a telephone call?

GROGAN: No. That was during a conversation at his home during the second search warrant.

GERAGOS: Okay. And specifically I think you were asked yesterday by Miss Fladager, did he ever come to the police department to try to view it. He had asked you, correct? We went over that. He asked you. You said that you hadn't seen it, but you had it on good authority that it wasn't her, right?

GROGAN: Correct.

GERAGOS: Okay. If somebody comes to the Police Department, do you encourage people to just show up to the Police Department and insist on viewing things?

GROGAN: Generally need to call first and make sure someone is around to take care of something like that.

GERAGOS: Now, specifically I have got a, you are familiar that he did call Lieutenant Aja, right?

GROGAN: Yes, I have been made aware of that.

GERAGOS: And you are familiar with the fact that when he called Lieutenant Aja, he specifically asked to listen, right?

GROGAN: To look at those tapes.

GERAGOS: To look at the tapes and view them, correct?

JUDGE: Before you play it, let's mark it next in order, 283, and transcript.

GERAGOS: 283?

JUDGE: It's 283. You want to mark it as a defense exhibit?

GERAGOS: Right.

JUDGE: Be defense exhibit, got to find the book here

JUDGE: Ladies and gentlemen of the jury this is a phone conversation, so you will see it. There won't be a transcript. You will see it projected on the board

JUDGE: What was the date of this phone call?

GROGAN: I'm not sure, your Honor.

GERAGOS: I'll find it. Do you have the date? It's a February 3rd date.

JUDGE: February 3rd?

GERAGOS: February 3rd at 1533.

GERAGOS: Now, the, specifically before that call from Aja on February 3rd at about, looks like, what, 3:00 o'clock Scott had called over to Modesto PD and reached a woman by the name of Juliana; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And that's when he left the message specifically requesting Lieutenant Aja to call him back, so that he left a voicemail message?

GROGAN: Yes, appears so.

GERAGOS: That he said he didn't trust anyone other than himself to review the tapes?

GROGAN: That's what it says, yes.

GERAGOS: And did anybody ever call him back, specifically did you ever call him back to tell him you had the tapes there, he could review them?

GROGAN: Did I? No, sir.

GERAGOS: Okay. Specifically, he asked you on the, this was on the third with Aja. And did he, on the 18th, ask you at the house?

GROGAN: Yes. We talked about those tapes, and I think he asked to see them.

GERAGOS: Okay. And you never allowed him to see the tapes, correct?

GROGAN: At the time I didn't know if we had them yet or not. Detective Buehler was in contact with Longview, Washington, folks. And we were told that there was nothing on the tape that even matched what the lady had said originally.

GERAGOS: Did you ever look at the tape?

GROGAN: Did I ever look at it? No.

GERAGOS: Did Lieutenant Aja, to your knowledge?

GROGAN: No.

GERAGOS: Did Detective Buehler, to your knowledge?

GROGAN: I don't know if he did or not.

GERAGOS: Okay. As far as you know, nobody from Modesto PD has ever looked at it; is that correct?

GROGAN: Not that I know for certain, no.

GERAGOS: Okay. Now, and it is certainly not in the report in any of the 42,000 pages, correct?

GROGAN: I don't know if it is or not.

GERAGOS: Okay. Now, the, specifically we have got this issue yesterday, you were asked again by Miss Fladager about Ann Bird, and that she said all these things were statements of Peterson, that Scott had told Ann, that told you that the majority of them were. That's not accurate, is it?

GROGAN: I think I tried to parse that out and say only there was some statements in there that are attributed to Scott, and there are some statements that Ann made about separate things that were her own observations.

GERAGOS: You interviewed her, specifically I thought we went there, that when I started questioning you, you specifically asked her about Thanksgiving and what had happened to Disneyland, and her observations, correct?

GROGAN: Correct.

GERAGOS: They specifically told you that Laci was being pampered by Scott. That was her impression. That was wasn't what Scott was telling her, right?

GROGAN: That's what I recall, yes.

GERAGOS: And all of the, I mean there is 35 pages in this interview. I'm not going to go over all of it. A good portion of this interview are Anne Bird's observations of what happened at Disneyland on the Thanksgiving holidays, correct?

GROGAN: We did talk about that, yes, sir.

GERAGOS: And when you talked about that, she specifically was telling you what her observations were?

GROGAN: Yes.

GERAGOS: Okay. She wasn't saying Scott told me that when I was at Disneyland. This is what I saw, right?

GROGAN: Right.

GERAGOS: Okay. Now, the, you also had indicated yesterday, put it up here again.

JUDGE: That's been marked already. That's the trunk?

GERAGOS: Yeah, D7O-2. Okay. Now, yesterday I don't know what was being suggested; but this says Ducot down here, correct?

GROGAN: Yes, it does.

GERAGOS: Okay. And this is Ducot herself right there, right?

GROGAN: Yes, sir.

GERAGOS: Okay. Now, the defense didn't go in and take pictures there, right?

GROGAN: No.

GERAGOS: So that's a secure police area, right? You, presumably if you got evidence in there, you didn't let the public come in, right?

GROGAN: Correct.

GERAGOS: Okay. Every time I want to see any evidence, I got to give you a list. I go to the place. You bring it out one item at a time, whatever. Then these are photos that were produced, or that were taken by somebody at Modesto PD, right?

GROGAN: Yes. They have to be taken by someone from Modesto Police Department.

GERAGOS: Okay. All of these pictures that we have had hundreds and hundreds of pictures that have been marked here during this case, and they have all got various markings down below here. That I assume, I would before assuming all along

FLADAGER: Objection, your Honor.

GERAGOS: What's the objection?

FLADAGER: To suggest there are numbers at the bottom of all these photographs, because there are not. Some of them have –

GERAGOS: For the Modesto PD photographs, there are numbers on the bottom, are there not?

GROGAN: When you pull them up with, on the computer there are numbers on the bottom.

GERAGOS: Okay. Then these are printed out on a color printer, right?

GROGAN: Correct.

GERAGOS: Okay. And generally what you do is, there is a date presumably they are taken on, the person who takes them, and then a number on there that just indicates what number of that particular roll or digital output is being taken, right?

FLADAGER: Objection. Calls for speculation by this witness as to how those numbers are placed on the photograph.

JUDGE: Okay. If he knows. Do you know how the numbers get placed on the photographs?

GROGAN: Your Honor –

JUDGE: You have said when they come out of the computer. They are assigned a number?

GROGAN: I know what the end result is that what we have in the computer has those dates on it. I don't know about the numbers off to the side. And I know it gets downloaded at Modesto Police Department, that the entire process, how all that works I don't know.

JUDGE: You don't know. All right.

GERAGOS: Is there any suggestion whatsoever, I don't know if that was being suggested this way, that any of these photos are anything but Modesto PD photos, the ones that have been produced in this trial. Have you seen any photo here that looked to you to be fabricated, or not be a Modesto PD photo, any of the exhibits?

GROGAN: Well, I.

GERAGOS: Of the ones you have seen.

GROGAN: I have seen some photographs that were printed out off of videotape or that sort of thing also. But –

GERAGOS: All these exhibits that we have been playing around with for whatever number of months, aren't these the photos that come from Modesto PD?

GROGAN: This one, for instance, I don't know if this is a Modesto PD photograph or not.

GERAGOS: And this is a photograph that you have already identified as D7G. It's how it looked outside of the house on the day of the search warrant on February 18th. That's an accurate photo, correct, in terms of how it looked?

GROGAN: Right.

GERAGOS: Okay. All of the other photos that have been marked that have the either Brocchini's name, or Ducot's name, or B Smith's name, those are photos that appear to you to be Modesto-PD-produced, correct?

GROGAN: Well, I haven't been here when all of those photos were marked. I would have to guess at that, sir. But I know that we do have something like 5,000 photographs in this case.

GERAGOS: Okay. And you, then those photographs are given to Modesto PD, to the prosecution, and who then gives them over to me, right?

GROGAN: Yes. Other than photographs taken by other agencies, and that sort of thing. There was different circumstances for that.

GERAGOS: Specifically Miss Fladager asked you yesterday about the East Bay Regional people, Frazer and Phillips. Do you remember that?

GROGAN: Yes, sir.

GERAGOS: Now, she asked you if it was in a report about the smell of decomposition. Do you remember that?

GROGAN: Yes.

GERAGOS: Okay. Well, there was a specifically an e-mail that was produced. Did anybody ever show you this e-mail?

GROGAN: No, I have never seen that.

GERAGOS: Okay. And that purports –

FLADAGER: Your Honor, I'd object if the witness hasn't seen –

JUDGE: Sustained.

GERAGOS: You have never seen an e-mail that describes Frazer's and Phillips' own observations.

FLADAGER: Objection.

JUDGE: Getting around the objection. Sustained. The jury can disregard it.

GERAGOS: Did anybody, you were present when they were interviewed, correct? You talked about that?

GROGAN: When you interviewed them upstairs, yes, sir.

GERAGOS: Right. And specifically Officer Phillips said that the bag and the body, Target bag and the body had the same smell, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, you also had mentioned, Miss Fladager asked you, did the cadaver dog alert on it, right?

GROGAN: Yes, she did.

GERAGOS: Okay. You said no, right?

GROGAN: Based on the report that I was reading, yes.

GERAGOS: Okay. The cadaver dog did alert on some of the fabric pieces, did it not, that were also found on the shoreline?

GROGAN: I don't know. I'd have to look at that.

GERAGOS: Okay. As you sit here, did anybody, are you aware of, at any point in the investigation, you knowing at a certain point that the cadaver dog had alerted on some of these

pieces of fabric?

GROGAN: I don't know that, no, sir.

GERAGOS: Let me show you 17054. Does that refresh your recollection as to whether or not the cadaver dog alerted on a piece of fabric that was 528 feet north of the scene where Laci's body was found?

GROGAN: Yes, I see that in here.

GERAGOS: Okay. Did anybody ever ask that that fabric be sent to DOJ for any kind of analysis?

GROGAN: Not to my knowledge.

GERAGOS: Now, there was also this time period that Miss Fladager was asking you about yesterday. Do you remember that? 10:08 to 10:18?

GROGAN: Yes.

GERAGOS: You are aware that originally Karen Servas said she was sure they picked up the dog with the leash at 10:30, correct?

GROGAN: I know that's the time she originally reported. I don't know about the word "sure".

GERAGOS: Okay. Well, she said she had checked her watch; isn't that what she said? And it was 10:30, right?

GROGAN: I don't recall that.

GERAGOS: She never, do you remember when it was that she then said, or changed it to 10:18?

GROGAN: Do I remember when?

GERAGOS: Yes. Do you remember when that was?

GROGAN: I think, well, she did that obviously after the initial report. And I'm not sure of the date.

GERAGOS: Okay. That would have been some time after we had all of these sightings that you have now, or at least a good portion of the sightings that were up right here on the People's Exhibit 267; isn't that correct?

GROGAN: It would have been, yes. Slightly after at least some of those.

GERAGOS: The great majority of them, because I believe most of these came in early on in that first couple of days; isn't that correct?

GROGAN: I would probably agree with you, if we went into like the first week of January, or somewhere in there, that most of those probably do.

GERAGOS: So at that time, at least, the only information you had was that Karen Servas had picked up the dog at 10:30, and that Scott had said that he left the house about or around 9:30; isn't that correct?

GROGAN: Yes.

GERAGOS: Okay. So you had the one-hour window which you were dealing with on when these calls that are right here came in, the most, or the e majority of them. I don't want to misstate it. But the majority of them, when you initially were investigating this case, it was a one-hour window that you were working on, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, this 10:08 only came about,

JUDGE: 10:18?

GERAGOS: 10:08. The moving the 9:30 to 10:08 came about because some time, six or seven months later, you got some phone records, correct?

GROGAN: I'm not sure of the time period. It was later, yes.

GERAGOS: Okay. Was substantially after the time that this case had been investigated and Scott was arrested. It was not before May that you started to formulate this theory about 10:08, correct?

FLADAGER: Objection. Compound and argumentative.

GERAGOS: I'll break it down.

JUDGE: Break it down.

GERAGOS: You didn't have 10:08 prior to the arrest, right?

GROGAN: I think you are correct in that, yes.

GERAGOS: Okay. 10:08 became this theory by Jacobson that when he's driving –

FLADAGER: Objection. Argumentative.

GERAGOS: This isn't argumentative.

JUDGE: You are trying to ask him to read Jacobson's mind.

GERAGOS: I'll ask him.

GERAGOS: Where did you get 10:08?

GROGAN: From an analysis of those records and what I was told by those that did that.

GERAGOS: Okay. So you, that was what moved from 9:30 or 9:45 over to 10:08, correct?

GROGAN: Yes.

GERAGOS: Okay. Are you aware that the 10:08 time is conditional on this idea that you are using the cell sites and voicemail retrieval. And are you familiar with any of that, the background into that?

GROGAN: I would think that most everybody in here knows more about that than I do at this point.

GERAGOS: Isn't it a fair statement, if that's the case, if this voicemail retrieval and the 10:08 is not accurate, if that, in fact, does not reflect Scott moving, that the only thing that you do know at this point after this trial has started is that Martha Stewart, or a comment about meringue was on Martha Stewart; is that correct?

FLADAGER: Objection. Compound.

JUDGE: It is several questions.

GERAGOS: Let me ask you this. The one thing that you know for sure about the start time is that the Martha Stewart tape, you now have a Martha Stewart tape, correct?

GROGAN: Yes.

GERAGOS: And you are reasonably certain that there is now a mention of meringue on that tape, correct?

GROGAN: Yes.

GERAGOS: And that happened somewhere at about 9:45, 9:46, right in there; isn't that correct?

GROGAN: 9:48, I think.

GERAGOS: Depending on whether the commercials, or what commercials are shown, correct?

GROGAN: I don't know.

GERAGOS: Okay. And that's the one thing that you do know, because obviously, in order to know that there was a meringue, somebody would have had to have heard those words before leaving, correct?

GROGAN: Well, are you saying that, I don't know about the, about the other records, because I still have that information.

GERAGOS: Well, I think you were very candid in saying that practically everybody in this room knows more about the 10:08. The jury has heard. We have heard all of the testimony regarding that. I'm not going to relive it. I just asked you what you know now, in the middle of the trial, is that, or at least after the opening statement, is that meringue was mentioned at a portion of the tape, correct?

GROGAN: I know that meringue is mentioned at a portion of the tape, yes.

GERAGOS: Okay. And you also know that you are basing 10:18 on Karen Servas.

GROGAN: Yes.

GERAGOS: Karen Servas is basing 10:18 on an Austin's Store, Austin's receipt, correct?

GROGAN: Yes. And I think some other factors that, she retraced basically her activities that day.

GERAGOS: Working backwards from a receipt that said 10:34 from Austin's, correct?

GROGAN: I think that's the right time, yes.

GERAGOS: Okay. Now, did anybody ever go in, or actually I know the answer to this. They went in, somebody went into Austin's in September of 2003, correct, to talk to Bill Austin about the timing on that machine, the cash register; is that right?

FLADAGER: Your Honor, I object at this point in terms of going really far beyond the scope.

GERAGOS: It's not beyond the scope to question about the 10:08 to 10:18, what investigation he did to bracket the 10:18 time?

GROGAN: I don't think he went to Austin's. I would have to find out if this was part of his investigation that he determined.

GERAGOS: That's what I would,

JUDGE: I'm going to overrule the objection then.

GERAGOS: Did you do anything to determine whether Austin's accurately, the time accurately was printed?

GROGAN: Did I personally? No.

GERAGOS: Did you direct somebody, or were you aware of an investigation being done about that?

GROGAN: I think someone went out there. I can't tell you who or when.

GERAGOS: Now, you also mentioned that there was a pillow missing; is that correct? Pillowcase missing?

GROGAN: That is noted in the 2-18 search warrant.

GERAGOS: I'm going to show you a series of photos.

JUDGE: Have they been marked already?

GERAGOS: No.

JUDGE: Mark them Defendant's next in order. That would be Defendant's 8A. Quadruple, no, Double Quadruple A. Defendant's 8A. How many photographs?

GERAGOS: Hold on, judge. I'm going to see if I can,

JUDGE: 8A

GERAGOS: Two photos.

JUDGE: One and two. .

GERAGOS: Does this appear to be photos that were taken by Doug Lovell on December 24?

GROGAN: That's what it says at the bottom.

GERAGOS: Do you see any pillowcases missing from the pillows?

GROGAN: Not that I can tell, no.

GERAGOS: Doug Lovell was the first Modesto PD Crime Scene Technician who was called to the scene?

GROGAN: Yes.

GERAGOS: Also asked you about the.

JUDGE: Mr. Geragos, just a second. Since there was no objection, might as well, since the District Attorney didn't object to the Aja tape, we played that to the jury. Might as well put it in evidence.

GERAGOS: That's fine.

JUDGE: Okay. Exhibit D7Z Admitted in Evidence.

GERAGOS: Now, specifically, the, at the time that you were doing this investigation of the witnesses, did you ask them, or did you do any investigation regarding the 9:30 to 10:30?

GROGAN: During the time these tips were coming, is that your question?

GERAGOS: That's my question, yes.

GROGAN: I think, you know, the initial information went out at 9:30 to the media when Laci first disappeared. And we had 10:30 with Karen Servas and her initial estimate of what time she left.

GERAGOS: Miss –

GROGAN: I think that was reported as well.

GERAGOS: Miss Fladager asked you about Grace Wolf, and asked you if Grace Wolf had ever called law enforcement; is that correct?

GROGAN: Yes.

GERAGOS: And Miss Wolf made a statement. Specifically she said that the reason she was hesitant to call the police is because they were discrediting anyone who claimed they saw Laci; isn't that correct?

FLADAGER: Objection. Relevance, lack of foundation, and hearsay.

GERAGOS: Relevance?

FLADAGER: Hearsay.

JUDGE: It's not irrelevant. And it's not, again, being offered for the truth. It's being offered to explain his conduct. Objection is overruled. Is that what you found out from her?

GERAGOS: Isn't what Grace Wolf said?

GROGAN: This is what she told investigator, an investigator at one point, with Mr. Gary Ermoian.

GERAGOS: Miss Fladager was asking you yesterday about things from Gary Ermoian's report, correct?

GROGAN: Yes.

GERAGOS: The one thing that wasn't mentioned is that the reason that she was hesitant to call the police is that they were discrediting anyone who claimed they saw Laci, right?

GROGAN: That's what that report says.

GERAGOS: Okay. Now, specifically there was also recently, I just received recently, I guess not so recently, April, there was another gentleman who came forward who said that he had read where in the Modesto Bee, the prosecutors had intended to present evidence that Laci was not walking her dog during two months before she went missing, right?

GROGAN: That's what it says.

GERAGOS: And that he had seen Laci walking her dog on Encina approximately five times, right, starting after October 15th?

GROGAN: That's what it says.

GERAGOS: Okay. And he said that the last time he saw her walk by was approximately two weeks before Christmas, right?

GROGAN: That's what it says.

GERAGOS: And that he didn't want to be a witness. He didn't even want to be fronted in the media, right?

GROGAN: That's what it says.

GERAGOS: Okay. And he was somebody who apparently did know her and recognized her, correct?

GROGAN: I didn't see that. I haven't read that report, sir.

GERAGOS: Okay. I'm not going to go through every one of the 41 sightings. But is it a fair statement that there wasn't a whole lot of investigation done regarding people in this area who say they saw Laci on the 24th?

GROGAN: As far as beyond the initial information that they called in with, it is fair to say that a few of those people were contacted, ones that telephoned in early on; and others remained as tips with the information that they provided and the description they provided. And that was the only information we stored.

GERAGOS: Right. And that wasn't really followed up on, correct?

GROGAN: Not really.

GERAGOS: And Laci sightings, as you said, were not a priority, correct?

GROGAN: At some point they did not become a priority in the investigation.

GERAGOS: And ultimately you put out a press release on January 2nd, however, asking for Scott sightings, correct?

GROGAN: That's correct.

GERAGOS: Okay. And that included release of the boat and the photo of the truck, correct?

GROGAN: Correct.

GERAGOS: You had indicated before that you were worried that these the Laci sightings were contaminated because there had been information that was placed out in the media, correct?

FLADAGER: Objection. Vague.

GERAGOS: I'm asking specifically.

JUDGE: I don't think so. I can understand it. Were you worried about those contacts had been tainted because of the stuff that had been printed in the media, that maybe people were getting suggestions and, following up on it, giving you tips that were unfounded?

GROGAN: Well, yeah. And, actually, what we're talking about right now is sort of the first true understanding we had of the problem that we potentially had there. Because when we asked for the information about the truck and the boat, and we released those photographs, we had sightings all over Central California.

GERAGOS: And one of the problems was, is that you were not, for lack of a better term, following up on the Laci sightings. You were more concerned with trying to pin down Scott sightings; isn't that correct?

GROGAN: It's a very brief time period between when she disappeared, we released those photos, and we, and then we had tips pouring in, both sightings of the defendant the vehicles, Laci Peterson.

GERAGOS: Well, the time period, as I understand it, is January 2nd, is when the press release goes out, correct? January 2nd and 3rd with the photos of the truck and the boat?

GROGAN: I would agree with you, somewhere in the first week of January.

GERAGOS: And you had already, by December 30th, determined, I think you testified yesterday, by December 30th that Laci sightings were a product of the media so, therefore, you discounted the Laci sightings by December 30th. Wasn't that your testimony yesterday?

GROGAN: I don't think so.

GERAGOS: Now, specifically there was also a question about Scott letting Sharon Rocha into the house; isn't that correct?

GROGAN: Yes.

GERAGOS: Now, specifically that was a, that was not, maybe I misheard it. But that did not occur at the beginning of the search warrant, correct?

GROGAN: No. The conversation with the defendant?

GERAGOS: Yes.

GROGAN: Is that the question?

GERAGOS: The conversation did not take place at the beginning of the search warrant, right?

GROGAN: No.

GERAGOS: Okay. That happened after, this picture here, this is what the scene looked like, right, on the 18th and the 19th?

GROGAN: Yes, sir.

GERAGOS: Okay. And you had been in the house for two days, correct?

GROGAN: Yeah. We were in there on the, I think it was the afternoon of the 19th.

GERAGOS: Okay. Until the afternoon of the 19th. And then you asked him at that point whether he wanted to let Sharon come in and take items, correct?

GROGAN: Our first conversation about that I'm not sure. I believe it was, I believe it was on the 19th.

GERAGOS: Okay. And I believe you testified that you had never seen anything like the media response to that search warrant; isn't that correct?

GROGAN: That's very true.

GERAGOS: And the specific, do you have the specific page where you wrote in your report about what you asked Scott?

FLADAGER: Page 229.

GROGAN: Thank you. Yes, I have it.

GERAGOS: Okay. Specifically it was you already, you had already left; isn't that correct, or you had already closed up the house?

GROGAN: No. Looks like we were there for at least few more hours.

GERAGOS: Okay. And when you, at that point had you told Scott that you were going to, that you were going to close up the place?

GROGAN: Yes.

GERAGOS: Had you told him that yet?

GROGAN: I didn't, I did tell him that in later conversation. We discussed how to secure the home and all that.

GERAGOS: And specifically you had told him that he was giving, or he told you he was giving no one permission to enter his home, correct?

GROGAN: Correct.

GERAGOS: And he said he may meet with Sharon to give her specific items she wanted from the home at a later time, correct?

GROGAN: Yes.

GERAGOS: He was not giving anyone permission to enter the home, correct?

GROGAN: Correct.

GERAGOS: And you told him that any release of property is between Sharon and him, and you would not bring her into the house, correct?

GROGAN: Correct.

GERAGOS: And you also explained he would have to be present in order for Sharon and he to discuss what items she should take?

GROGAN: Right.

GERAGOS: Scott said he would possibly meet with her in the future, but he did not want her in the home on that day, correct?

GROGAN: Correct.

GERAGOS: Is there a, with that kind of a media presence, having Sharon come over to the house and start removing items, did you think that was a good idea?

FLADAGER: Objection. Speculation. Relevance.

GERAGOS: I'm asking.

JUDGE: Overruled. You can answer. Did you think that it is a good idea for her to come over and start taking things from the house with the media there?

GROGAN: I guess it depends on what she wanted to take, and if the defendant wanted to meet her there or not. That would be up to them, not really me.

GERAGOS: Did you think that was a good idea, that with that kind of media presence there, to have Sharon pull items out of the houses?

FLADAGER: Objection. Relevance.

JUDGE: I think he answered it the best of his ability.

GERAGOS: Now, Kristin Reed, you already mentioned that she was a friend of the Petersons, and that she had said that Laci was walking, correct?

GROGAN: I think that's in one of the reports, yes.

GERAGOS: Okay. And repeatedly you were also asked yesterday about strangulation or smothering, would there necessarily be blood or urine, correct?

GROGAN: I was asked that question.

GERAGOS: Okay. You are certainly aware that in many cases, if not most where there is smothering or strangulation, that there is forensic evidence of some kind, or trace evidence of some kind; isn't that correct?

GROGAN: I know that there can be, yes, sir.

GERAGOS: Have you ever handled a case involving smothering, or asphyxiation, or strangulation?

GROGAN: Yes.

GERAGOS: Okay. And wasn't there trace evidence in that case?

GROGAN: There was, there was, yes. There was DNA evidence in that case.

GERAGOS: Okay. And in addition to that, there was other forensic type evidence that showed that there was specifically a means or cause of death; wasn't that correct?

GROGAN: There is a young woman with a cord wrapped around her neck.

GERAGOS: Okay. And you had other evidence besides that, not just the cord. You had other evidence involved in that case after postmortem, correct?

GROGAN: There was an autopsy done, yes.

GERAGOS: And there was evidence that showed, that gave you some indication that confirmed obviously what happened, right?

GROGAN: That the cause of death was strangulation, yes. And there was DNA evidence recovered, yes.

GERAGOS: Now, you also mentioned that the driving a boat registered versus a non-registered, that could be pulled over by police, correct?

GROGAN: Yes.

GERAGOS: And you said something about Scott Peterson not registering the boat, actually the trailer. That's registered, isn't it, if you are talking about something with CHP, or somebody going could pull you over on the freeway?

GROGAN: That's true, yes.

GERAGOS: You are aware that after you buy a boat trailer that you have 30 days in which to register it? Are you aware of that?

GROGAN: I am, no, sir, I'm not aware of that. Standard on vehicles is ten days. I don't know if there is a difference in boats or not.

GERAGOS: Okay. And the, specifically you had impounded that boat on the 26th, basically frozen the warehouse on the 25th, and the boat was not going anywhere from the 25th on, correct?

GROGAN: The evening of the 25th, that's correct, sir.

GERAGOS: From Christmas evening on, that boat wasn't going anywhere, right?

GROGAN: Right.

GERAGOS: Now, the other thing that Miss Fladager brought up was this idea of Scott writing down items that Boyer was taking. Do you remember that?

GROGAN: Yes.

GERAGOS: And that was two-fold, I guess. The fact he slipped some papers under the receipt, correct? And you thought that was odd when the guy's wife is missing, that he would slip papers under so it doesn't make a mark on the table?

GROGAN: Yes. That he did hand some papers over to him to slide, to put underneath the receipt.

GERAGOS: Okay. And was Jackie Peterson there at the time?

GROGAN: I think she was, yes.

GERAGOS: Did you ever ask her if that was her table?

GROGAN: No, I didn't.

GERAGOS: Did you ever ask her if that's a pine table, and she's been scolding him about writing on that table?

GROGAN: I didn't ask her that, no.

GERAGOS: Did you ever ask Scott, you say, look, I thought that was a little odd why did you slip the papers under, and find out whether or not that's something that Laci was akin to, or that she did not like people writing on there and making markings on the table?

GROGAN: No, I never asked that question.

GERAGOS: Okay. You said it was odd that he didn't want the car dinged.

Is there something that you know of, an investigative manual or policy anywhere, that says that if you don't want your property damaged, that that means that you are more guilty than not?

FLADAGER: Objection. Argumentative.

JUDGE: Sustained.

GERAGOS: You found that to be odd that he placed a glove so the car wouldn't get lit?

GROGAN: Yes.

GERAGOS: Okay. Now, the, specifically, if I understand correct, when Miss Fladager asked you yesterday about that Scott wasn't happy that Boyer was writing a receipt, you just said, you gave assent that that was a good thing; is that correct?

GROGAN: I'm sorry, can you repeat that question?

GERAGOS: They asked you yesterday, was he happy that the, that Boyer was giving him a receipt, correct?

FLADAGER: Objection. Actually misstates the testimony.

JUDGE: I think there was an objection interposed yesterday too, if I'm not mistaken. That's within the –

GERAGOS: I'll ask the, can I ask you a question? Were you aware at that point that Brocchini, that Brocchini, the day before, had taken items without telling Scott, without a warrant?

GROGAN: Yes.

GERAGOS: Okay. Wouldn't that be a reasonable explanation for why he, at this point, was not averse to getting a receipt?

FLADAGER: Objection to speculation as to what's in the defendant's mind.

GERAGOS: He's the one who was testifying it was odd.

JUDGE: Overruled. You can answer.

GROGAN: Do I think it would be reasonable based on what happened the night prior?

GERAGOS: Right.

GROGAN: The defendant did make comments about that, that he's concerned about the items that they used for scent articles. I'm not sure what, I'm not sure what he would think that we would do with them.

GERAGOS: I'm not saying, the night before Brocchini came in and specifically had taken gun out, a gun out of the glove compartment, had Lovell take the mop and the buckets and some other items and had not told him about it. Were you aware of that?

GROGAN: I think they did have a conversation about that later, at least about the gun. But, and I was aware of it both by Detective Brocchini and by the defendant. When we came in on the 26th, he made some comments about that.

GERAGOS: Okay. I'm asking you once again, isn't that reasonable the next day that a receipt is being made out that somebody would at least be not put out by it, that given the history of the night before, that that would be something that they would want?

GROGAN: I guess you could argue that, yes, sir.

GERAGOS: Okay. Now, specifically the pillow without a pillowcase. You would say, you collected that in February; is that correct?

GROGAN: I think, yes. I think last notation in one of those Crime Scene Manager's reports, or something on that.

GERAGOS: Did you have that pillow tested, the pillow itself?

GROGAN: We collected it. I don't know if it's been tested or not.

GERAGOS: Was it fair to say that if you had tested that pillow, and if there had been anything of any evidentiary value on that, that we would have had it or heard about it here in court?

GROGAN: If it had been tested, yes.

GERAGOS: If it had been tested, is it a fair statement, as the lead detective, that you had heard about any of this, if there had been evidence on that pillow, whether the pillowcase was there or not, that you would have known about it? You would have been, at some point somebody would have alerted you as the lead detective?

GROGAN: Yes, I should know about it if there is something critical involving the pillowcase.

GERAGOS: As you sit here today, do you have any evidence whatsoever from the Department of Justice, that they have produced, that shows smothering, strangulation, or asphyxiation? Is there any of the Department of Justice reports that are consistent or that come back and say this is consistent with smothering, strangulation, or asphyxiation?

GROGAN: There is no report that says that, no.

GERAGOS: Okay. Is there anything in your, you are aware that, in the autopsy, that there is no, either no time of death, no cause, or no manner of death; is that correct?

GROGAN: I believe that's true.

GERAGOS: Thank you. I have no further questions.

2nd redirect Examination by Birgit Fladager

JUDGE: Miss Fladager is writing. I assume you have,

FLADAGER: As much as I would like not to, I'm going to have a few questions.

JUDGE: Go ahead. We have got five minutes. Get started. This will be the last go-around.

FLADAGER: Can we go a little bit past noon?

JUDGE: He's going to have some recross.

FLADAGER: Maybe not.

JUDGE: I wouldn't bet on it. If you are going to ask some questions, go ahead.

FLADAGER: Detective Grogan, Mr. Geragos asked you, showed you some photographs of Laci Peterson wearing various items of jewelry; is that right?

GROGAN: Yes.

FLADAGER: And we have a photograph of jewelry which has previously been marked People's Exhibit 8. Does that photograph show two necklaces with diamonds in them?

GROGAN: Yes, ma'am.

FLADAGER: And those are now in evidence; is that correct?

GROGAN: Correct.

FLADAGER: When you examined Laci Peterson's jewel box, did you also find a third necklace with a diamond in it?

GROGAN: Yes.

FLADAGER: When you examined her jewelry box, did you also find a diamond –

GERAGOS: There is an objection. It's all leading.

JUDGE: It is leading.

FLADAGER: I'm trying to speed it up. But –

JUDGE: I have to sustain the objection. I guess I wouldn't have to, but I will. Go ahead.

FLADAGER: In the jewelry box, did you find any diamond earrings?

GROGAN: Yes, there is two sets inside there with what I believe to be diamond stones.

FLADAGER: You talked about, in response to a question by Mr. Geragos, he asked you about the difference between Scott Peterson fishing on Christmas Eve and Ron Grantski fishing on Christmas eve. And, in your mind, is there a difference between those two people fishing on Christmas Eve?

GROGAN: Yes.

FLADAGER: What is that?

GROGAN: Well, like we were talking about early on in this, you are looking for behaviors that are out of the normal. And it's very normal for Mr. Grantski to go fishing. But I think there is plenty of witnesses that can say that, that he enjoys fishing. He goes all the time. The defendant, as far as I know, I know that he was making maybe an annual fishing trip, and lakes, streams,

that sort of thing. And as far as I know, he'd never fished in the San Francisco Bay previously. And so it appears that that's something that's out of the normal for Mr. Peterson.

FLADAGER: Do you have handy in front of you a report where you talk to Doctor Boyd Stephens? And I would refer you to page 15449.

GROGAN: Okay.

FLADAGER: Okay. All right. You were asked, you indicated that you asked Doctor Stephens about what you might expect if the body is placed in the San Francisco Bay, correct?

GROGAN: Yes, ma'am.

FLADAGER: And you gave him different ideas of conditions that the body might be in when initially placed in the bay, correct?

GROGAN: Yes.

FLADAGER: One of those hypotheticals was an unwrapped body, correct?

GROGAN: Correct.

FLADAGER: And what did he tell you about that?

GROGAN: He told me that an unwrapped body after a three-month period would likely be skeletal remains, and that those would be disarticulated. And he also told me that, however, if the body was clothed or wrapped, animal activity wouldn't take place where the clothing or wrappings were, and that those areas wouldn't be as rapidly to decompose.

FLADAGER: And the last question, Sergeant Ed Steele who was assigned as volunteer, to the Volunteer Center was working on the investigative portion of this case that you were working on?

GROGAN: No.

FLADAGER: I have no further questions.

2nd recross Examination by Mark Geragos

JUDGE: Mr. Geragos, how long is your examination to go, the last go-around? Do you have a lot of questions you want to ask on just those limited areas?

GERAGOS: Let me just finish. I'll do it in two minutes.

JUDGE: All right. I'll watch.

GERAGOS: Get ready, get set, go

GERAGOS: Sergeant Ed Steele is the liaison, right?

GROGAN: Yes, sir.

GERAGOS: Okay. Whether he's working on the investigation or not, he's similar to what a PIO is, correct? Public Information Officer is someone who liaisons with the press, right?

GROGAN: Yes.

GERAGOS: Okay. That's the person that's supposed to talk to the press about what's going on, right?

GROGAN: Yes.

GERAGOS: In this case Ed Steele is the liaison with the Volunteer Center, correct?

GROGAN: Correct.

GERAGOS: He's the person Modesto PD is supposed to, or puts out there to liaison with the family and the volunteers, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, specifically when, on at least two occasions in the reports, I'm not going to pull them up, people asked you, including my client, certain things, you said that's going to take time away from doing the investigation, right?

GROGAN: Yes, I think you are correct.

GERAGOS: Okay. And Ed Steele's function was to be the liaison, the person who is to talk to volunteers and family about what's going on, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, when you talked to Boyd Stephens, he also told you and he was the San Francisco, or still is the San Francisco Medical Examiner. He told you that in cases previously where bodies have bloated with decomposition, that they pulled as much as eighty pounds of weight up with the body surfacing in the Bay, correct?

GROGAN: Yes.

GERAGOS: Okay. And, once again, you gave him, and this would have been on April 2nd, of 2003. You gave him the hypothetical of the chicken wire, right?

GROGAN: Yes, sir.

GERAGOS: Okay. And he told you that the water flow southbound was at four knots, right?

GROGAN: In one particular area we were talking about, yes.

GERAGOS: Okay. And he also said that, in his opinion, thirty pound of weights would not likely be enough to cause a female of that weight, especially wrapped in plastic causing additional buoyancy in the plastic to immediately go to the bottom, correct?

GROGAN: Yes, that's one of the things he said.

GERAGOS: And he said victim would likely have traveled with the currents for a considerable distance before any exposed weights could catch something on the bottom, or the current would allow the object to stay in one place long enough for the weights to begin to sink in the mud.

GROGAN: Yes. When talking about the Richmond Turning Basin area, there.

GERAGOS: If it had made it to deeper waters, it's possible the body would still be in pristine condition, right?

GROGAN: Yes, sir.

GERAGOS: Thank you. I have no further questions.

FLADAGER: I have,

JUDGE: No.

GERAGOS: That's it.

JUDGE: That's it. He's only been here seven days.

FLADAGER: I know.

JUDGE: I say that is the last go-around. That's it.