Witness: Susan Medina

Date: 2004-06-10

Proceedings held June 10, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Pat Harris; Redirect – David Harris; Recross – Pat Harris

Day 1 of 1 for this witness

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

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Direct Examination by David Harris

D. HARRIS: Ms. Medina, directing your attention back to the month of December of 2002, did you live in the area of Covena Avenue in the City of Modesto?

MEDINA: Yes, I did. Yes, I do.

D. HARRIS: Okay. If you could look behind you to what's been marked as People's number 33. You can go ahead have a seat, just take a look at it. Do you recognize that chart as being kind of a diagram of the, the houses over on Covena?

MEDINA: Yes, I do.

D. HARRIS: And you had a chance to look at the smaller version of this?

MEDINA: Yes, I did.

D. HARRIS: Now it's blown up to a little bit bigger version?

MEDINA: Yes, it is.

D. HARRIS: Okay. Do you see on there where it's marked at 516 and has the word "Medina" written there?

MEDINA: Yes.

D. HARRIS: Does that represent where your house is at?

MEDINA: Correct.

D. HARRIS: All right. You can go ahead and scoot back up, because we need to hear you in front of the microphone. I want to talk to you about December 24th, 2002. Were you at home that day?

MEDINA: Yes, I was.

D. HARRIS: I want to take you through the steps of being at home that particular day. Did you have an appointment in some official capacity, not necessarily yours, but some official come to your house that day?

MEDINA: Yes.

D. HARRIS: Can you tell the jury about what time that was?

MEDINA: It is a building inspector from the City of Modesto, and it is about between 8:20, 8:35.

D. HARRIS: And just, so you were set up to have some building inspector come to your house on that particular day, that morning?

MEDINA: Correct.

D. HARRIS: Had you had something done to your house that required them to come out to do the inspection?

MEDINA: Yes.

D. HARRIS: Can you tell us what that was?

MEDINA: It is a patio in our backyard.

D. HARRIS: You had gotten a new patio?

MEDINA: Correct.

D. HARRIS: The, the times that we're asking about, at some point in time you were interviewed and you were asked about times. Did you go back and attempt to try and determine the most accurate times of information that you had from that date?

MEDINA: Correct.

D. HARRIS: And what type of documentation did you go and look at to, to try and figure out the most accurate times?

MEDINA: My phone logs. Cell phone logs.

D. HARRIS: When you say "logs," are those like phone bills?

MEDINA: Correct.

D. HARRIS: Now, going through that, I want to talk about the phone bills just real briefly for a second. Do you have one cell phone or more?

MEDINA: We have two. I have two.

D. HARRIS: And can you tell us real briefly why you have two cell phones?

MEDINA: I have two cell phones. One is for personal use and the other one is for business use.

D. HARRIS: And do you work out of your home?

MEDINA: I work out of my home.

D. HARRIS: And the cell phone that you use for your own personal calls, is that called your husband's cell phone

MEDINA: Yes.

D. HARRIS: So you kind of take it from him?

MEDINA: Correct.

D. HARRIS: And what's your husband's name?

MEDINA: Rodolfo Medina.

D. HARRIS: This particular day, let me back up for a second. Did you provide those cell phone records to the police at some point in time?

MEDINA: I did.

D. HARRIS: If I could have marked as next in order.

JUDGE: All right. People's number 35, Medina cell phone records.

D. HARRIS: Ms. Medina, I'm going to show you what's just been marked at People's number 35. I'll give you a chance to look at this, if you want to.

MEDINA: Okay. I, I have a copy of my own.

D. HARRIS: Did you bring with you the original that you got from the phone company?

MEDINA: I'm sorry?

D. HARRIS: Did you bring with you the original that you got from the phone company?

MEDINA: I did, but it's in the car.

D. HARRIS: Okay.

MEDINA: I just made copies.

D. HARRIS: Let me just go through this. You talked to the police. At some point in time your phone bill comes for the two different cell phones; is that correct?

MEDINA: I have a momentary lapse here. Can you repeat the question, please.

D. HARRIS: Okay. After you had talked to the police, did your cell phone bill come for both of the cell phones?

MEDINA: Correct.

D. HARRIS: And you then went through those cell phone bills and looked at them?

MEDINA: Correct.

D. HARRIS: And looking at what you have up there, which is, excuse me, People's number 35, do you recognize that as being a copy of your originals?

MEDINA: Yes.

D. HARRIS: And is there some writing on there?

MEDINA: Yes.

D. HARRIS: Do you recognize who the writings,

MEDINA: Those are mine, my handwritings.

D. HARRIS: Okay. You wrote a whole bunch of information there to the side?

MEDINA: Correct.

D. HARRIS: Can you tell us what it was that you were writing on the cell phone bill? What is it that you marked up there?

MEDINA: What I wrote down here is that who the telephone numbers belong to, who are the people that have that telephone numbers. And the event as I recalled.

D. HARRIS: Now that you have that record in front of you, if you need to refresh your recollection as to the particular time of that particular phone call, go ahead and look at that so we can be as accurate as possible. I want to walk you through the events of that particular day.

MEDINA: Okay.

D. HARRIS: Now, you told us that this inspector came on the morning of the 24th. Did you make a phone call around that time, sometime?

MEDINA: When you say I made a phone call, that does not include incoming?

D. HARRIS: I was asking did you make a phone call or did you receive a phone call?

MEDINA: I received a phone call.

D. HARRIS: All right. And is that indicated on your record about what time that phone call was?

MEDINA: It was.

D. HARRIS: And what time was it that you got the phone call when this inspector was at the house?

MEDINA: It was 8:34 a.m.

D. HARRIS: Do you happen to know this inspector?

MEDINA: He had been to our house in the, in this same project.

D. HARRIS: And you recognize his name as being Mr. Nickerson?

MEDINA: Yes.

D. HARRIS: When Mr. Nickerson got to the house, or the city inspector got to the house, did you stay with him? Or did he go with someone else?

MEDINA: No, he stayed with my husband.

D. HARRIS: And where did your husband and Mr. Nickerson go?

MEDINA: They were in the patio.

D. HARRIS: What did you do during that time?

MEDINA: At that time I cleaned up the house, I did some vacuuming, washing the dishes, put some clothes, packed some clothes.

D. HARRIS: Packing some clothes. Were you and your husband planning on taking a trip on the 24th?

MEDINA: Yes, we were.

D. HARRIS: Can you tell us where you were planning on going?

MEDINA: We were going to spend Christmas Eve with our children in LA

D. HARRIS: And were your children expecting you at any particular time? Or did you have to call them and tell them when you were leaving?

MEDINA: No, we have to call them. The, the approximate departure date from, from Covena

D. HARRIS: When you say approximate date,

MEDINA: I mean, I'm sorry, approximate time of departure from Covena

D. HARRIS: You're a little bit nervous this morning?

MEDINA: A little bit.

D. HARRIS: Okay.

MEDINA: Anyone would be, I think.

D. HARRIS: I'll try and go through this as easy as we can. At some point in time did Mr. Nickerson finish the inspection and leave?

MEDINA: I'm sorry?

D. HARRIS: At some point in time did Mr. Nickerson finish the inspection and then leave your house?

MEDINA: Yes.

D. HARRIS: And did you either receive a phone call or make a phone call at that point in time?

MEDINA: Correct.

D. HARRIS: And do you need to look at your records to see what it was and what time that occurred?

MEDINA: Yes. It was 8:34 a.m. there was an incoming call in one of the cell phones.

D. HARRIS: Is that when he arrived? Or when he left?

MEDINA: No, he was still there. When he, when he arrived.

D. HARRIS: And was there a phone call that came in or you made when Mr. Nickerson left?

MEDINA: Yes.

D. HARRIS: And do you need to look at your phone bill to see about what time that was?

MEDINA: It is 10:33 a.m.

D. HARRIS: Let's go back through this. So Bob Nickerson leaves; your husband's done. Does he come back into the house?

MEDINA: Mr. Nickerson?

D. HARRIS: No, your husband.

MEDINA: Oh, my husband? Yes, he did come inside the house.

D. HARRIS: And did you close up the house and, and leave for LA at that point in time?

MEDINA: Not yet. We still continued to, we took a shower, and he loaded the car with the groceries and meat and things we were bringing for the kids. And, you know, the vacuum cleaners and all that kind of things. And then went inside one more in the house, my husband, you know, just make sure that, that our, that we have brought what we need to bring, and then left.

D. HARRIS: Okay. When you, when you were loading up the car, where was your car at?

MEDINA: Our car was located on our pad on the south side of the house, and it's inside a gate.

D. HARRIS: So kind of in the backyard?

MEDINA: It's, it's not in the backyard, it's on the side yard.

D. HARRIS: You load up the car, and do you, ultimately everything's done in the house and you're ready to go?

MEDINA: Correct.

D. HARRIS: Did you lock up the house?

MEDINA: Uh-huh. We did.

D. HARRIS: So you lock up the house. Do you go out and get in the car at that time?

MEDINA: I did get in the car.

D. HARRIS: Who got to drive to LA that day?

MEDINA: My husband.

D. HARRIS: Where were you at?

MEDINA: I'm sorry?

D. HARRIS: Where were you at?

MEDINA: I'm on the passenger seat.

D. HARRIS: And does your husband then back out or pull out the car from the side yard out into the driveway?

MEDINA: He did.

D. HARRIS: Did you make him do something before you finally got on the road?

MEDINA: Yes. I wanted him to check on the mail, because I have a lot of outgoing mails that day.

D. HARRIS: And did you kind of get him out of the car, make him go check the mailbox?

MEDINA: I'm sorry?

D. HARRIS: Did you get him out of the car, make him go check the mailbox?

MEDINA: Yes. Yes. He, he went out of the car. He told me to stay in the car; you know, don't leave the car. The car keys were in, the ignition was going on. And so he looked at the, at the mails that I had put in our mailbox.

D. HARRIS: And when he, did he come back to the car?

MEDINA: He did after he checked the mailbox.

D. HARRIS: When he came back from the mailbox, did he have any mail with him?

MEDINA: No, he didn't have any mail with him.

D. HARRIS: All right. So you're now in the car. He gets back in. Do you leave for LA?

MEDINA: Yes, we did.

D. HARRIS: And as you start to leave for LA, so you were in your car and you are starting to drive. Do you call your children to tell them that you're leaving at that time?

MEDINA: Not when we back off from our driveway. It's when we made, after we made the stop on Encina to make a right turn, that's when I started to dial his number. And that's the 10:33 a.m. call to my son.

D. HARRIS: Let me go back through this. I'll show it up here on the chart to make sure we're all talking about the same thing. Now, this has been identified as your house here.

MEDINA: Okay.

D. HARRIS: So you say that you come out and you come to the stop sign on,

MEDINA: On Encina

D. HARRIS: , on Encina, right here?

MEDINA: Okay.

D. HARRIS: And as you start to make this turn, that's when you call your son?

MEDINA: Correct.

D. HARRIS: And that's what you're saying is the 10:33?

MEDINA: Correct.

D. HARRIS: Would it just take a matter of seconds to maybe a minute or two for you to go from your driveway to that stop sign?

MEDINA: I would say about a, a minute, maybe, it depends on, I can't recall that day how fast, you know, we were driving.

D. HARRIS: Okay. So it's kind of up to how fast your husband was going down the street?

MEDINA: Yes.

D. HARRIS: Okay. Now, when you're leaving, you're coming out of the driveway, you're going down the street, did you, did you notice anything out of the ordinary?

MEDINA: Nothing unusual.

D. HARRIS: During that time period, so we're talking about 12-24, 2002, did you have a dog?

MEDINA: Yes, we did.

D. HARRIS: What was your dog's name?

MEDINA: Diana

D. HARRIS: You kind of made a face when you said that. Did something happen to the dog?

MEDINA: Yes.

D. HARRIS: What was that?

MEDINA: She passed away last year.

D. HARRIS: Was this kind of a small dog? Or big dog?

MEDINA: Uh-huh, it's a small dog. It's about ten to twelve pounds.

D. HARRIS: Did the dog bark at all?

MEDINA: Yes.

D. HARRIS: Did you, back during this time period that we're talking about, did you know the mailman from that area?

MEDINA: Yes.

D. HARRIS: That's Mr. Graybill?

MEDINA: I didn't know his last name. I know his first name.

D. HARRIS: And that's Russell?

MEDINA: Russell.

D. HARRIS: In fact, did you even exchange Christmas gifts with him?

MEDINA: That's true.

D. HARRIS: When the mailman would come around your, your property, did your dog bark?

MEDINA: Yes.

D. HARRIS: And as Mr. Graybill, or Russell, moved through the neighborhood, did other dogs bark?

MEDINA: I can recall Sage barking, did you ask me if other dogs barked at him?

D. HARRIS: Did other dogs bark when he walked through the neighborhood?

MEDINA: When Russell walked?

D. HARRIS: Yes.

MEDINA: I remember Sage.

D. HARRIS: And who or what is Sage?

MEDINA: Sage is a dog that belongs to, they live on 526 Covena

D. HARRIS: You're pointing to the diagram up there?

MEDINA: Yes.

D. HARRIS: So that would be the house towards the corner of Edgebrook and Covena?

MEDINA: Correct.

D. HARRIS: Do you remember what kind of dog Sage is? If you know?

MEDINA: It's a white, it looks like my dog now, like a Siberian Husky, in the same breed like that. It's a white, hairy, really hairy, hairy big dog.

D. HARRIS: Okay.

MEDINA: Nice dog.

D. HARRIS: Now, doing, since we're talking about the mailman at this point in time, I want to go back to this mailbox that you had your husband get out and check. Was this a new mailbox?

MEDINA: Yes, it was, it is a new mailbox.

D. HARRIS: And why had you gotten that new mailbox?

MEDINA: With the kind of job that I do, I have a lot of incoming and outgoing mails. Mostly outgoing mails.

D. HARRIS: So is it bigger than a regular box?

MEDINA: Yes, it is bigger.

D. HARRIS: From the time that you drive off the street of Covena with your husband and you call your kids at 10:33, did you have any real contact or did you have any contact with Modesto or your house until you came home?

MEDINA: No. Not that I can recall.

D. HARRIS: Do you remember what day it was? Or was it the same day or a few days later that you came back

MEDINA: No, we came back on the 26th of December.

D. HARRIS: When you come back on the 26th of December, do you get off the freeway in Modesto?

MEDINA: Correct.

D. HARRIS: And do you have to drive through kind of the downtown to get to where your house is at?

MEDINA: Correct.

D. HARRIS: What's the first thing that you noticed as you got off the freeway or you started to drive through the downtown area to go to your house?

MEDINA: We were on G Street, and we glanced at the Modesto police headquarter, it's on G Street and 10th, I think, and we saw a lot of cameras. And my husband says Call your son and see why Modesto is on TV again. (Laughter)

D. HARRIS: So not getting into, did you call your son?

MEDINA: Yes, we did.

D. HARRIS: And, again, if you looked at your phone records, would that indicate to you about what time it was that you called your son on the 26th?

MEDINA: That is 4:12 p.m.

D. HARRIS: So you're driving through downtown by the police department, you see these cameras, call your son at about 4:12?

MEDINA: Correct.

D. HARRIS: Did you drive home?

MEDINA: Yeah, we drove home. Did I drive home?

D. HARRIS: When I say you, you or your husband?

MEDINA: Yeah, my husband. Yeah, my husband. He was driving.

D. HARRIS: And you're still in the passenger side of the car?

MEDINA: Correct.

D. HARRIS: You get to your house. Was there something different at this point in time?

MEDINA: Yes.

D. HARRIS: What was that?

MEDINA: We can't get into the little, when we were trying to make a right turn from Edgebrook Drive to Covena, we can't get in because there were some police, like some sort of barricade, and we have to identify to the police people that we live in that area, to let us in.

D. HARRIS: Did you show some identification and then they let you go to your house?

MEDINA: Yeah, my husband tried to pull out his driver's license, and he pulled it out and showed it to them that we live in that area

D. HARRIS: And then are you allowed to go through the police barricade?

MEDINA: We were allowed.

D. HARRIS: Did you drive, meaning you or your husband, did you go to the house, to your house?

MEDINA: Yes.

D. HARRIS: And as you get there, do you again pull into the driveway towards that side gate?

MEDINA: We, we stopped the car on the driveway. We didn't go into the south side yet. Just on the driveway in front of our house, in front of the main, the main house. We have a driveway in there.

D. HARRIS: Now, as you start to go into the house, do you go to the front door? Or where do you go?

MEDINA: The south gate.

D. HARRIS: The south gate where the car had been behind before?

MEDINA: Correct.

D. HARRIS: And is that gate open, closed, locked, unlocked?

MEDINA: Still locked with a padlock.

D. HARRIS: And had you or your husband locked that when you left on the 24th?

MEDINA: My husband did lock it.

D. HARRIS: So he has to undo the padlock, and you go through kind of this side gate?

MEDINA: Correct.

D. HARRIS: Did you notice something a little bit unusual or out of the ordinary as you were there in your driveway when you first get home?

MEDINA: Yes. We saw a lot of people. People are on our lawns. There were a lot of police officers. There was a car, a police car, many police cars. And when we drove into our driveway, we glanced at, at our front door, and it was locked. So we thought, you know, it must not be our house. And as my husband proceeded to open the south gate, he told me to get out and ask the couple of, I think they were sheriff from Contra Costa, to ask what's happening.

D. HARRIS: Did you notice anything about your lawn while you were there, other than the people that might have been standing on it?

MEDINA: Yes.

D. HARRIS: What did you notice?

MEDINA: Our dolly was there, our hand, call it dolly.

D. HARRIS: Is it, some people call it like a hand cart, some people call it a dolly?

MEDINA: Yeah.

D. HARRIS: Some device, kind of a metal frame device on wheels that you can move heavy objects?

MEDINA: Correct.

JUDGE: I want to ask. Did you take Diana with you to Los Angeles?

MEDINA: No, sir. No,

JUDGE: You left Diana home?

MEDINA: Yes,

JUDGE: In the yard?

MEDINA: In the backyard.

JUDGE: Go ahead. Just wanted to know what happened to the dog.

D. HARRIS: To follow up, is Diane a, or was Diana an outdoor dog?

MEDINA: She's an outdoor dog.

D. HARRIS: Since you were only going to be gone for a couple of days, did you give her food and water outside so she could survive?

MEDINA: Yes, we did. We gave her so much food.

D. HARRIS: Did Diana usually eat most of the food?

MEDINA: No, she knows not to, not to overeat because she got sick one time overeating.

D. HARRIS: Okay. So going back, you're there now, some time after 4:00 p.m. you, you noticed that that dolly is in the front yard, or the hand cart is in the front yard. You're going through the side gate. Do you go to the back of the house?

MEDINA: Yes.

D. HARRIS: And do you notice something different now about the house?

MEDINA: My husband immediately noticed that his leaf,

D. HARRIS: Let me stop you there for a second. What you noticed, not what your husband noticed.

MEDINA: I noticed the leaf blower on the cement pad.

D. HARRIS: And why was that something that you noticed?

MEDINA: Well, it could have not when there because we back off from that. I never got out from the car to put it there. My husband never unlocked it to take it out from the shed and bring, and put it down on the cement.

D. HARRIS: Did you continue on, along the back of the house until you get to your back door?

MEDINA: Uh-huh.

D. HARRIS: You notice anything there?

MEDINA: Yes.

D. HARRIS: What do you notice?

MEDINA: Our French door leading to the dining room was wide open.

D. HARRIS: Any damage to it?

MEDINA: Yes.

D. HARRIS: What kind of damage?

MEDINA: The, you know, where you locked the keys, it was, it was broken. And then the stucco of the wall where they bang it, still have the hole up to this date, the hole where they left the mark of the, of the doorknob.

D. HARRIS: When you see this, do you go inside or do you stay outside at that time?

MEDINA: I stay outside. My husband made me stay outside.

D. HARRIS: At some later point in time did you actually go into this house?

MEDINA: Yes.

D. HARRIS: Did you notice if anything was now different about the inside of the house?

MEDINA: Yes.

D. HARRIS: What was different?

MEDINA: There's so many. The rooms of the kids, they no longer with us, they're living on their own, but my son's room, the, armoire were open, you know, the, the,

D. HARRIS: Let me stop you there so we can just go through this, as the Judge likes to say, question by question.

MEDINA: Okay.

D. HARRIS: The, your children's room, did you kind of leave them the same way they were before they leave to go off to college?

MEDINA: Yes.

D. HARRIS: And when you came back you notice it's different?

MEDINA: Yes.

D. HARRIS: You say that the doors to the armoire were open. Did it look like their rooms had been ransacked?

MEDINA: Yes.

D. HARRIS: Did you go through other rooms in the house?

MEDINA: Yes.

D. HARRIS: What did you see there?

MEDINA: There were some rooms that were not touched or they have not been into, that did not have any changes.

D. HARRIS: As you went through the house, did you determine that things were missing?

MEDINA: On that day? On that afternoon? I mean that afternoon that we went back?

D. HARRIS: When you got home and you came in and found that the back door was forced open like that, the rooms looked ransacked, did you determine if anything was taken from your house?

MEDINA: Yes.

D. HARRIS: Now, as you first got there, you're saying your husband wouldn't let you go in?

MEDINA: Correct.

D. HARRIS: Did he tell you to go tell somebody something?

MEDINA: Correct.

D. HARRIS: Not saying what he said, but did he tell you to go to do something?

MEDINA: Yes, he did.

D. HARRIS: Did you go back out to the police officers in the front yard?

MEDINA: I did.

D. HARRIS: Said something had happened to your house?

MEDINA: Yes, I said that we were robbed.

D. HARRIS: Did the police come and do kind of an investigation of your house?

MEDINA: Yes.

D. HARRIS: After the police do the investigation of your house, a few weeks later did they contact, I'm not even sure if it's a few weeks; at some further point in time do they contact you and ask you to come look at some property?

MEDINA: Yes.

D. HARRIS: And did you go?

MEDINA: Yes.

D. HARRIS: Can you tell us where you went to?

MEDINA: We went to, close to where the Modesto police headquarter. It's like a, it's like a, I would like to say like a storage, where they keep recovered items.

D. HARRIS: Did the police indicate that somebody or some people had been caught and they wanted you to come look at some things?

MEDINA: I'm sorry?

D. HARRIS: Did the police indicate to you that somebody had been caught or some people had been caught and wanted you to come look at some things?

GERAGOS: Objection. That's, I realize what he's asking for, to elicit subsequent conduct, but the statement that he's making is clearly not what happened.

JUDGE: I don't know if he did or not, so I'll overrule the objection and you can cross-examine on it. Did the police tell you to come down and look at some property that could be yours?

MEDINA: Yes.

JUDGE: Okay. Next question.

D. HARRIS: When you went down there, did you see any property? Did they have you look at some property?

MEDINA: Yes.

D. HARRIS: Let me just jump to the next,

MEDINA: I'm not getting clear as to when we were notified that,

JUDGE: Let's talk about when they asked you to come down to the storage area. You said they asked you and you went down to some storage area?

MEDINA: Yes. Later.

JUDGE: Did you see anything there that belonged to you that was taken from your house?

MEDIAN: Yes, sir.

JUDGE: Go ahead.

D. HARRIS: The property that was from your house, was that your property and the police gave it back to you at that point in time?

MEDINA: Yes.

D. HARRIS: Was there a safe, prior to you leaving on the 24th, was there a safe in your house?

MEDINA: Yes.

D. HARRIS: When you came back on the 26th, was that safe still in your house?

MEDINA: Not anymore.

D. HARRIS: When you were looking at the property that the police had recovered, was your safe there?

MEDINA: I didn't see it, personally, that the safe was there.

D. HARRIS: Did you ask the police or did the police tell you that the safe had been damaged?

GERAGOS: Objection. Calls for hearsay.

JUDGE: Sustained.

D. HARRIS: Did you ask the police if the safe had been damaged?

MEDINA: I can't recall exactly how I ask it, but I ask did they see the safe.

D. HARRIS: And were you told that the safe was damaged?

GERAGOS: Objection. Hearsay.

JUDGE: Sustained.

D. HARRIS: Based on what the police told you about the safe, did you tell them to keep the safe because you didn't want it?

MEDINA: We didn't say you can keep it. We just said we're not interested.

D. HARRIS: From what they said, you told them you were not interested anymore?

MEDINA: Can you repeat the question, please.

D. HARRIS: From what the police told you, did you advise them that you were not interested in the safe anymore?

MEDINA: We just said we're not interested.

D. HARRIS: Now, I want to talk just a little bit about the safe. Did you find something, when you go back in your house and you're looking around in the general area of the safe, did you find something that was out of place in that area?

MEDINA: Where the previous location of the safe was?

D. HARRIS: Yes.

MEDINA: Yeah, it wasn't there anymore.

D. HARRIS: Okay. Let me kind of direct you a little bit more. Did you find a glove and a hammer?

MEDINA: Correct.

D. HARRIS: Where was the glove and where was the hammer?

MEDINA: It was on top of our bed.

D. HARRIS: And that's pretty close to where the safe was at?

MEDINA: Yes, it's a few feet away.

D. HARRIS: And where was the hammer?

MEDINA: The hammer was inside a glove, a leather glove I use in the yard, and those were taken from our shed and now is placed on top of our bed.

D. HARRIS: And that was, so that was brought, both of those items were brought from the shed into the house in the General area where the safe was at?

MEDINA: Correct.

D. HARRIS: No other questions.

Cross Examination by Pat Harris

JUDGE: Mr. Geragos?

GERAGOS: I was going to ask, because we went into one area that I wasn't expecting, if we could take a break a little earlier today, if that's okay.

JUDGE: All right. I think the jury can stand it. Okay. We're going to take a little earlier break because, don't go away.

MEDINA: I won't.

JUDGE: Recess until 25 after 10:00, and then Mr. Geragos will start cross-examining this witness.

JUDGE: All right. This is People versus Peterson. Let the record show the defendant's present with counsel, the jury's in the jury box along with the alternates. Mr. Harris, are you going to do cross?

P. HARRIS: Yes. Thank you, Your Honor.

P. HARRIS: Good morning, Ms. Medina

MEDINA: Hi.

P. HARRIS: Susan, when was the first time that you actually moved into the neighborhood, what was the year?

MEDINA: It was May 1979.

P. HARRIS: So you've been there quite a while, you've been there almost 25 years?

MEDINA: Correct.

P. HARRIS: And do you recall approximately when Scott and Laci moved into the neighborhood?

MEDINA: It's about when I signed a card to welcome them.

P. HARRIS: And do you remember how long ago that was?

MEDINA: That was winter in 2000.

P. HARRIS: Okay. Did you have a lot of personal contact with them when they first moved in?

MEDINA: No.

P. HARRIS: Was it more of a passing wave when you see them out in the yard, that kind of thing?

MEDINA: Yes.

P. HARRIS: Smile at each other and just kind of greet each other?

MEDINA: Yes.

P. HARRIS: You didn't, it wasn't a situation where you had them over for dinner or they had you over for dinner?

MEDINA: No.

P. HARRIS: Okay. You never had really a lengthy conversation with either Scott or Laci before I believe was December 10th, is that your recollection?

MEDINA: Yes.

P. HARRIS: December 10th right before 2002 before Laci disappeared, is that what you recall? Let me phrase it a different way. You had a, you ended up having a conversation with Scott Peterson after a day that you had a flat tire; is that true?

MEDINA: On the day that I had the flat tire.

P. HARRIS: Yeah. Could you tell us a little bit about what happened that day?

MEDINA: It was about 7:40, 7:45 in the morning. I was in my driveway. I noticed my rear, rear passenger tire, the one at the back,

P. HARRIS: Hm-hmm.

MEDINA: appears to be flat.

P. HARRIS: Okay. And then what happened after that?

MEDINA: I called my husband to let him know I may have a flat tire.

P. HARRIS: And did Scott Peterson come out of his house about that time?

MEDINA: He was in his driveway close to his pickup truck.

P. HARRIS: And what did he do?

MEDINA: He came to my driveway and asked me if I'm okay.

P. HARRIS: And what did you tell him?

MEDINA: And I told him that I think I have a flat tire.

P. HARRIS: Did he offer to do something at that point?

MEDINA: Yes, he did.

P. HARRIS: And what was that?

MEDINA: He offered to take me to a gas station to, so he could put gas, I mean, I'm sorry, he could put air into the tire.

P. HARRIS: Hm-hmm. And is that what you ended up doing?

MEDINA: No.

P. HARRIS: What did you end up actually doing?

MEDINA: He ended up giving me a ride to the appointment that I needed to make at 8:00 o'clock that morning.

P. HARRIS: And this was the first time you'd ever had any kind of a lengthy conversation with Scott?

MEDINA: Correct.

P. HARRIS: And, in general, what did you guys talk about?

D. HARRIS: Objection, hearsay and irrelevant.

JUDGE: I think it's irrelevant. Sustained.

P. HARRIS: That day, first of all, where do you work?

MEDINA: I work, in 2002 I worked for a company that owns a chain of skilled nursing and long-term facility as the director of recruitment for nurses, but it is located in Fort Smith so, Arkansas, but I work out of my house.

P. HARRIS: I didn't realize it was located in Fort Smith. I grew up 40 miles from there.

MEDINA: Yeah, Fort Smith.

P. HARRIS: The place you work, sometimes on occasion, you work at home?

MEDINA: Most of the time.

P. HARRIS: In December of 2002 were you working at home?

MEDINA: Yes.

P. HARRIS: For the most part was that part-time at home, full-time at home?

MEDINA: It's full-time at home, although, my job would require me to, to drive and meet applicants.

P. HARRIS: Does your job require a lot of notetaking?

MEDINA: Yes.

P. HARRIS: A lot of recordkeeping?

MEDINA: Yes.

P. HARRIS: And you would say you're pretty good at keeping notes and keeping records, those type of things?

MEDINA: Yes, it's the training we have in nursing school.

P. HARRIS: Now, you mentioned that you had a new mailbox on December 24th. You had a mailbox for a couple of days; is that correct, a new one?

MEDINA: Yes.

P. HARRIS: And I think we've heard a description of the mailbox. If it's my understanding, when you were pulling out of the driveway the day you were leaving to go to Los Angeles, your husband got out of the car and took some outgoing mail and placed it in the mailbox; is that correct?

MEDINA: Correct.

P. HARRIS: And then you came back two days later on the 26th, the night of the 26th. Do I have my dates right?

MEDINA: Yes, you do.

P. HARRIS: And when you came back that night, was the outgoing mail gone?

MEDINA: Yes.

P. HARRIS: It had been picked up?

MEDINA: Yes.

P. HARRIS: In the mailbox, I believe you told the police officers that there were two or three small letters in the mailbox when you got back,

MEDINA: Correct.

P. HARRIS: is that correct? Okay. They weren't sticking out of the mailbox, were they?

MEDINA: No, they were not.

P. HARRIS: They were just placed in where you would reach in and pull out the mail; is that right?

MEDINA: No, you don't reach in.

P. HARRIS: I'm sorry, that's right. I had the description. But they were inside the mail where they wouldn't be sticking out?

MEDINA: Correct.

P. HARRIS: I think you, if I understand your testimony, you said one of the reasons you got the mailbox was because you wanted to be secure and safe and you had important items being present in the house, checks and so forth, that you wanted to make sure it was secure?

MEDINA: Correct.

P. HARRIS: And one of the reasons you were concerned about security is because that is a neighborhood with a large number of transients that go back and forth to the park and walk up and down the street; isn't that correct? I'll rephrase the question. There is a park located at the north end of the street, the park entrance where people go into the park, correct?

MEDINA: You're referring to Dry Creek?

P. HARRIS: Yes.

MEDINA: Right.

P. HARRIS: And during the day you will often see transients come out of that entrance and walk down Covena?

MEDINA: Correct.

P. HARRIS: And, in fact, during this time period that we're discussing in December you became aware that there were a number of incidents where people were missing items from their house, burglaries and people that had their houses actually broken into and items stolen; is that correct?

MEDINA: I can't recall.

P. HARRIS: Do you recall Karen Servas telling you that, for example, she had a bicycle stolen?

D. HARRIS: Objection, hearsay.

JUDGE: Sustained.

P. HARRIS: But one of the reasons that you wanted to get this mailbox because it was, there were people that would go up and down the streets, it was a little nerve-racking, correct?

MEDINA: Correct.

P. HARRIS: If I read your testimony correct, I read your report for the record, you got up on December 24th at around 4:45 in the morning?

MEDINA: I was awoken by my cell phone at 4:59 am.

P. HARRIS: 4:59. Okay. And when you got up that morning at some point shortly thereafter you looked out the front of your window and you told the police that you saw Scott Peterson's truck in the driveway?

MEDINA: I saw a couple of vehicles in the driveway.

P. HARRIS: Both the Land Rover and the truck?

MEDINA: Two vehicles in their driveway.

P. HARRIS: And that was very early in the morning around, sometime around 5:00 o'clock?

MEDINA: Correct.

P. HARRIS: If you can, could you point out once again where your house is located on that. Just take the pointer so,

MEDINA: I hope I remember my address. 516 Covena

P. HARRIS: So it looks directly to the Petersons' home?

MEDINA: Yes.

P. HARRIS: Now do you have a front window in your house?

MEDINA: Many.

P. HARRIS: Many. You can see directly what's going on at the Peterson house in the driveway?

MEDINA: Correct.

P. HARRIS: And in your house when you're, well, let me ask you this, where your front window is located, front windows, is that your living room or your office or what exactly is that room that looks out the windows to the Peterson home?

MEDINA: There are windows in the living room looking at them.

P. HARRIS: Hm-hmm.

MEDINA: There are windows in our breakfast nook looking at them. There is a window in our kitchen where you do the dishes looking at them.

P. HARRIS: So pretty much, at least in three rooms of the house, you can actually be looking out into the Petersons' driveway?

MEDINA: Correct.

P. HARRIS: And on the morning of December 24th you got up around 5:00 o'clock; is that correct?

MEDINA: Hm-hmm.

P. HARRIS: And you were, were you inside the house the entire time before you left to go to Los Angeles?

MEDINA: No, I went to the patio to visit with the inspectors, an inspector and my husband.

P. HARRIS: And the patio is located where in relationship to the house?

JUDGE: Is it in the back of the house?

MEDINA: It's at the back of the house.

P. HARRIS: Okay. So during the day, during that day when you would, when you were in the house, the only time you actually left the house was to go to the patio to discuss what was going on with the building inspector?

MEDINA: That's correct.

P. HARRIS: And it was your recollection that the building inspector actually left sometime around 9:30? If you need to refer to your notes, please.

MEDINA: Yes. There was a telephone call that was made on 9:32 a.m.

P. HARRIS: Hm-hmm.

MEDINA: And that was made by my husband to the guy who was wanting to, for him to play golf that day. So I gave him the phone in the patio and Mr. Nickerson was still there and I said please call your son. He called earlier inviting you to play golf and tell him no.

P. HARRIS: And do you know approximately what time it was?

MEDINA: When he made that call?

P. HARRIS: Yes.

MEDINA: It's 9:32 am.

P. HARRIS: Okay. And at that point you were back inside the house then after that?

MEDINA: Yes, I did.

P. HARRIS: Do you have any recollection where you were in the house that morning?

MEDINA: In the kitchen.

P. HARRIS: In the kitchen?

MEDINA: In the kitchen washing dishes.

P. HARRIS: And the kitchen looks directly out on the driveway, the Petersons' driveway?

MEDINA: I can see it on this side, it is mostly facing the, can I say her name? Karen Servas.

P. HARRIS: Sure.

MEDINA: Portion and a portion of the Petersons.

P. HARRIS: Okay. Did you at any point see Scott Peterson come out in the driveway?

MEDINA: No, I did not.

P. HARRIS: Did you at any point see anybody come out of the Peterson home into the driveway?

MEDINA: No, I did not.

P. HARRIS: When you were looking at the driveway you saw, at 9:30, you saw the truck parked there, correct?

MEDINA: 9:30?

P. HARRIS: Yes, 9:30. Do you recall seeing the truck there at 9:30?

MEDINA: I can't say. I can't recall.

P. HARRIS: Okay. And you don't recall whether the Land Rover was there at 9:30?

MEDINA: I didn't look at 9:30.

P. HARRIS: Okay.

MEDINA: I can't recall looking at 9:30.

P. HARRIS: So at 9:30 you don't recall whether either car was actually in the driveway?

MEDINA: Correct.

P. HARRIS: And you don't recall any activity going on in the driveway?

MEDINA: Correct. Nothing unusual.

P. HARRIS: Nothing unusual happened, did it?

MEDINA: Correct.

P. HARRIS: You didn't see anybody dragging anything out of the house?

MEDINA: No.

P. HARRIS: You didn't see anybody loading anything into a truck?

MEDINA: No, I did not.

P. HARRIS: You didn't see anything unusual at all going on in that driveway at 9:30, between 9:30 and 9:45, did you?

MEDINA: No.

P. HARRIS: The truck, by the way, was pulled in, While we're waiting you had seen Mr. Peterson's truck parked in the driveway many times?

MEDINA: Correct.

P. HARRIS: So you would recognize what the truck looks like?

MEDINA: Hm-hmm.

P. HARRIS: Now, do you recognize the truck on the right as being Scott Peterson's truck?

MEDINA: Yes.

P. HARRIS: Okay. And when you woke up that morning at 5:00 o'clock and you saw the truck parked there, was it parked with the front part toward the gate and the back toward the street as it is now?

MEDINA: I saw two vehicles parked. And it was a little dark. I can't tell if it's the front or the back towards their swimming pool area

P. HARRIS: Okay. So you're not sure which way it was parked, in which direction?

MEDINA: At that time.

P. HARRIS: Okay. You're familiar with the house next to you where Amy Krigbaum and Tara Venable live next door, correct?

MEDINA: Yes.

P. HARRIS: Does it also have a window that looks directly out onto the driveway?

MEDINA: Their kitchen. Their kitchen window should be able to look at the driveway.

P. HARRIS: Okay. So they could be able to see any activity that would have gone on that morning, they would have been able to see as well?

D. HARRIS: Objection, calls for speculation.

JUDGE: Sustained.

P. HARRIS: I'll withdraw it. The house next to the Venable's, 520, the Venable's, 526 the Wilmes. Are you familiar with the Wilmes, are you familiar with that house?

MEDINA: I've been to that house, inside the house.

P. HARRIS: And do you know if there is a window outside, if you know, if there is a window outside that would be able to see the Peterson driveway?

MEDINA: It's not windows, it's French doors. They have two. And I don't know if they can see from there.

P. HARRIS: Okay. So you're not sure one way or the other whether they can actually see the driveway?

MEDINA: Correct.

P. HARRIS: And the house next to you, I believe, is 508. And I believe, who is living, who was living there at the time?

MEDINA: Penny Fleischman.

P. HARRIS: And that house does not have a window that looks across, does it?

MEDINA: Not across.

P. HARRIS: Not across, right. Now, additionally during the morning, during, let me ask this question, during normal morning there's some flow of traffic up and down the street, is that a fair statement?

MEDINA: It depends on what day.

P. HARRIS: Hm-hmm. Let's say on an average day, just an average regular day, there is some flow of traffic going back and forth?

MEDINA: That's not a busy street.

P. HARRIS: It's not a busy one, but it certainly has people going up and down the street, cars going up and down the street, right?

MEDINA: Yes.

P. HARRIS: It also has people going down the street, people running to go to the park?

MEDINA: Correct.

P. HARRIS: And, particularly, early in the morning people tend to go, they tend to run, a lot of people early in the morning down to the park, correct?

MEDINA: Correct.

P. HARRIS: Do you, you came back on the 26th and there were, I assume you were somewhat surprised to find your street lined up with media trucks and police officers and so forth; is that right?

MEDINA: Yes.

P. HARRIS: And for the most part, how long were these media trucks and the whole media conglomeration, were they there for a couple months?

MEDINA: Oh, yes.

P. HARRIS: Longer than that?

MEDINA: Oh, yes.

P. HARRIS: And to the point where it was hard to even go, get out of your own driveway, is that a fair statement?

MEDINA: That's a fair statement.

P. HARRIS: There would be people literally, well, let me just ask you a question. Would you say there were more than a hundred people out there?

D. HARRIS: Objection, vague as to when.

JUDGE: Yes.

P. HARRIS: I'll rephrase it. From the time you arrived home for the first couple of weeks there were well over a hundred people in the street, media people, is that fair to say?

MEDINA: There's a lot, but I, but I cannot differentiate the media per se and a lot of curious people.

P. HARRIS: Oh, sure.

MEDINA: So there is hundreds.

P. HARRIS: There were literally just hundreds of people out there?

MEDINA: Correct.

P. HARRIS: And as you, as the weeks wore on and the months wore on there continued to be a large number of people out in the street at all times?

MEDINA: Correct.

P. HARRIS: You saw, for example, whenever Scott Peterson would walk out of his home, the media would just rush to the house, you've seen that actually, right?

MEDINA: Yes.

P. HARRIS: You were present when in fact some media people came with a bull horn and started screaming at his house, "you murdered your wife, you murdered your child," yelling and screaming and so forth at Scott Peterson, did they not?

MEDINA: Yes.

P. HARRIS: In fact, you were scared for your own safety at that point?

MEDINA: Yes.

P. HARRIS: You also were present at different times when people would drive by Scott's house and scream "murderer"?

MEDINA: Yes.

P. HARRIS: You were also aware that people were literally breaking into his house and taking things, correct?

MEDINA: I witnessed one.

P. HARRIS: You actually witnessed one, didn't you?

MEDINA: Yes.

P. HARRIS: In fact, you were the person that actually caught somebody?

MEDINA: Made the report.

P. HARRIS: Made the report. Is it a fair to say that life at Scott Peterson's could be described as chaotic?

MEDINA: Yes.

P. HARRIS: And that would be a mild term to use, wouldn't it?

MEDINA: Yes.

P. HARRIS: Mr. Harris asked you about coming home on the 26th and finding out that your house had been burglarized. Do you recall that?

MEDINA: Yes.

P. HARRIS: And after the burglary, you had insurance, you had home insurance; is that right?

MEDINA: I had the minimum, no rider or anything.

P. HARRIS: That was with Kemper?

MEDINA: Yes.

P. HARRIS: And they had you fill out a list of all the items stolen, didn't they?

MEDINA: Yes, but it's not a total list because once they said we can only give you "X" number, I figured out it's not, it's an exercise in futility.

P. HARRIS: So this list that you made out for them isn't even the entire thing that was stolen?

MEDINA: No.

P. HARRIS: This is just part of what was taken?

MEDINA: Part of what I can recall.

P. HARRIS: I'd like to have this marked, what are we at?

JUDGE: Defendant's next in order will be I.

P. HARRIS: I.

GERAGOS: Are we going to have that photograph marked as well?

P. HARRIS: I'll mark the photo of the truck as J.

JUDGE: Do you want to mark the photo?

P. HARRIS: The photo. Is it J?

JUDGE: All right.

JUDGE: Is that the one you're going to project now?

P. HARRIS: Yes, I'm going to.

JUDGE: What does it purport to represent?

P. HARRIS: It purports to represent the driveway with the two trucks parked in the driveway. Susan, if I can ask you to just take a look at this partial list of items stolen. Just take a quick look for a second. I just want to, and I'll try to sort of skip around here, not go into too many, but I want to go into a few of the things that were taken. For example, you had what was listed as a four-cycle gas trimmer, which I guess is more commonly known as a weed wacker, weed eater.

MEDINA: (Nods)

P. HARRIS: A rolling tool box. Could you sort of, do you recall what that looked like?

MEDINA: We purchased it either at Walmart or Home Depot. It's a rolling tool box, it's plastic, so when my husband's doing work inside the house he can just roll it instead of those huge Craftsman thing.

P. HARRIS: How tall would you say that is?

MEDINA: I use my gauge. I don't think so. I'm five feet, but it's probably about here (indicating) when you pull up the handle.

P. HARRIS: So maybe two feet, two-and-a-half feet?

MEDINA: I'm really not sure.

P. HARRIS: About two feet, maybe, how's that?

MEDINA: Yeah.

P. HARRIS: About two feet. And it had tools in it?

MEDINA: Yeah.

P. HARRIS: It's kind of heavy?

MEDINA: Hm-hmm.

P. HARRIS: He had to roll it, in fact, he couldn't pick it up?

MEDINA: Yeah.

P. HARRIS: You also listed a Craftsman reciprocating saw. Is that an electric saw?

MEDINA: Yeah, it is an electric saw that kind of, that's my husband's.

P. HARRIS: That's kind of heavy as well?

MEDINA: Hm-hmm.

P. HARRIS: Something to pick up. You also listed several numerous cameras and camera items, photo lenses and things like that.

MEDINA: Yes.

P. HARRIS: All those things were taken as well?

MEDINA: The long ones, the photo, you know, the long ones. These are the old, real good ones.

P. HARRIS: And there were a lot of different items taken, photo-related items?

MEDINA: Hm-hmm.

P. HARRIS: Black & Decker drill, that was taken. Even just a regular drill. Do you see that one?

MEDINA: Drill, yes.

P. HARRIS: You mentioned earlier a safe a fairly large safe was taken?

MEDINA: Yeah.

P. HARRIS: Can we assume the safe was fairly heavy as well with strong reinforcement?

MEDINA: Well, when my husband bought it from Costco, he took his cousins to help him.

P. HARRIS: He had to actually have people help him and carry the safe?

MEDINA: Yeah.

P. HARRIS: How many people did he have to have to carry the safe?

MEDINA: I don't want to call him weakling, but I think he also got his two cousins. I think his two cousins, Joey and Mario to help him.

P. HARRIS: So it took three people to actually put the safe into the house?

MEDINA: Hm-hmm.

P. HARRIS: You also list, and I'll just run through this. Automotive tools; is that right?

MEDINA: Yes.

P. HARRIS: Various different kinds of other types of tools, hammers, pliers, those kinds of things?

MEDINA: Hm-hmm.

P. HARRIS: Another large tool box. Do you recall another 24-inch tool box?

MEDINA: Yes.

P. HARRIS: Again, did that have tools this it, do you recall?

MEDINA: I can't recall if it has the tools.

P. HARRIS: Now there were also, well, actually it lists as item No. 53, numerous items inside the tool box. There were also tools in the tool box.

MEDINA: My husband would know more his tools.

P. HARRIS: Okay. There were also a huge number of, well, I'll say a list of, you listed 75 items of jewelry?

MEDINA: And more I didn't list.

P. HARRIS: You didn't list all of the things that were taken?

MEDINA: No.

P. HARRIS: But there were 75, at least, a minimum that you wrote on the list were taken in the burglary?

MEDINA: Hm-hmm.

P. HARRIS: Were all these items in the safe?

MEDINA: Yes. Not all of them. My Gucci watch was on top of the armoire in the bedroom.

P. HARRIS: Hm-hmm.

MEDINA: Some of my watches, like my Citizen watch, were together with the Gucci watch. There were earrings on top of that armoire. I think it's the, it's the pearl.

P. HARRIS: Okay.

MEDINA: But most of them were inside the safe.

P. HARRIS: Inside the safe?

MEDINA: Inside a jewelry box inside the safe.

P. HARRIS: Okay. You mentioned that you had at some point gone down to the police station and they had asked you to identify some items. Do you recall that?

MEDINA: Yes.

P. HARRIS: When they asked you to look at those items, did they recover all the items that were taken?

MEDINA: No.

P. HARRIS: Did they recover most of the items that were taken?

MEDINA: On my husband's tools, nothing was recovered except the two guns.

P. HARRIS: I'll get to the guns in a second. But as far as the tools were concerned, none of the tools was recovered?

MEDINA: No.

P. HARRIS: Was all the jewelry recovered?

MEDINA: No.

P. HARRIS: There were still parts of that missing, too, weren't there?

MEDINA: Yes.

P. HARRIS: Now you just mentioned two guns. There were also two guns that belonged to your husband?

MEDINA: Correct.

P. HARRIS: And they were later recovered?

MEDINA: Correct.

P. HARRIS: And they were given back to your husband, correct?

MEDINA: Correct.

P. HARRIS: And as far as you know, no tests were run on those guns?

MEDINA: I can't recall.

P. HARRIS: Just one last question. You had given the, at one point you met an investigator by the name of Gary Ermoian who worked for us?

MEDINA: Yes.

P. HARRIS: Okay. And you gave him permission, you had actually given him, actually written permission to go get the safe and have it turned over to us. Do you recall doing that?

MEDINA: It wasn't Gary Ermoian.

P. HARRIS: Was it was a different investigator?

MEDINA: Yes.

P. HARRIS: But you did give written permission for the safe to be turned over to the defense; is that correct?

MEDINA: Correct.

P. HARRIS: I said one more question. You should never trust a lawyer who says one more question. The day after or a couple days after Laci disappeared, Scott came over to your house to discuss the burglary. You've heard about the burglary, do you recall that?

MEDINA: There's a couple of times.

P. HARRIS: So Scott came over to your house a couple of times after Laci disappeared, is that,

MEDINA: Yes.

P. HARRIS: And when he came over to discuss the burglary you had, you had told him the details of what you knew at that point about the burglary, right?

MEDINA: Yes.

P. HARRIS: And he talked to you about Laci, didn't he?

MEDINA: Yes.

P. HARRIS: And when he talked to you about Laci, do you recall what his emotions were?

MEDINA: Yeah. On that second time he was, he was crying and he was really upset at that time.

P. HARRIS: Very emotional?

MEDINA: Yeah.

P. HARRIS: And there was no media present then, was there?

MEDINA: No, it was in my living room.

P. HARRIS: And it was just you and Scott and was your husband present?

MEDINA: My husband was present and Gary Ermoian was there, too.

P. HARRIS: That's all I have.

Re-Direct Examination by David Harris

JUDGE: Any redirect, Mr. Harris?

D. HARRIS: Yes.

D. HARRIS: Ms. Medina, if I understand this correctly, Mr. Ermoian is a defense investigator. Do you know if he's a defense investigator?

MEDINA: Yes.

D. HARRIS: So Mr. Peterson comes to your house with a defense investigator and cries; is that correct?

MEDINA: Well, he asked, they asked about the burglary.

D. HARRIS: Okay. So while they're talking, the defendant is there with the defense investigator and the defendant starts to cry for you?

P. HARRIS: Objection, reframe the question.

JUDGE: Yeah. And the objection is sustained. It's the form of the question.

D. HARRIS: I'll rephrase it.

JUDGE: Well, when the investigator for the defense was present and the defendant was present, did you talk about, did he talk about Laci Peterson, the defendant?

MEDINA: Yes.

JUDGE: Okay. Go ahead.

D. HARRIS: And during that conversation when the defense investigator is there is that when he's crying that you're telling us about?

MEDINA: Yeah, he, I saw he cried.

D. HARRIS: And you said that that was the second time that you had talked to him about it. And the first time he was there without a defense investigator, would that be accurate?

P. HARRIS: Misstates the evidence. Okay.

JUDGE: Well, you can clear it up on cross-examination. She said she talked to him twice. So you can clear it up.

D. HARRIS: The first time,

MEDINA: Can I say it? When I talked to him the first time about the burglary,

D. HARRIS: Yes.

MEDINA: is that Mr. Brent Rocha came to our house and he knew of the burglary, and then afterwards Scott followed to the house. That was the first time.

D. HARRIS: Okay. And when the defendant came to your house that first time after following Brent Rocha, did he cry that time?

MEDINA: I can't recall that first time.

D. HARRIS: Okay. Now you were asked about the guns that were taken in your burglary. Were those guns locked in the safe?

MEDINA: One was locked. One was in the camera bag.

D. HARRIS: Were there items that were also, items of value that were also left in your house?

MEDINA: Yes.

D. HARRIS: So the burglar or burglars didn't take everything?

MEDINA: Correct.

D. HARRIS: Did they leave some expensive things there?

MEDINA: Correct.

D. HARRIS: Jewelry?

MEDINA: Yes.

D. HARRIS: Electronics?

MEDINA: Yes.

D. HARRIS: In fact, the safe that was taken, was this the kind that has a turn dial or does it work with a lock or both?

MEDINA: It has a key and then you have the combination to lock it, I mean to open it.

D. HARRIS: And did the burglars actually get that key and combination?

MEDINA: They, they got a hold of it, but they didn't take the key and the combination.

D. HARRIS: Was, was the key and the combination someplace, like in an envelope or something?

MEDINA: Yeah, it was in an envelope labeled "monthly allowance."

D. HARRIS: Did it have some money in it?

MEDINA: Yes.

D. HARRIS: Who's allowance is that?

MEDINA: I give my husband his weekly allowance. But it's a lot, though, you know. And then I pay for the gas, too, so that's not included.

D. HARRIS: So in this envelope the combination, the key to the safe were there?

MEDINA: Yeah.

D. HARRIS: The burglar or burglars took the money, but they didn't take the key and they didn't take the combination?

MEDINA: Not all the money. He left me some, two $20 bills.

D. HARRIS: Okay. Now you were asked about this media presence and I just want to go through this. When you were asked about the hundreds of people that were in the street and onlookers and all of this, would it be a fair statement to say that there was a large presence very early on when you got back after the 26th and then it kind of tapered off?

MEDINA: It tapered off, but not a whole lot.

D. HARRIS: When you were talking about the number of hundreds of people that were there, was this a daily occurrence that you had hundreds of people there every day for months?

MEDINA: I would say for several months, yes.

D. HARRIS: And as this happened, since we're talking a lot of this was news crews, did you see then that they would set up at different times of the day and then at the end of the day most of them would go away?

MEDINA: No, it's a consistent. Sometimes it's past midnight.

D. HARRIS: And after the past midnight, excuse me, did they leave at some point this time?

MEDINA: They would and I would see some come back again like at 4:00 in the morning, 5:00 in the morning, and start all over again.

D. HARRIS: Okay. So there were times, usually at night, that the media presence would kind of slack off?

MEDINA: Yeah, some of them would go away.

D. HARRIS: Now, you mentioned that there was another, and counsel asked you about this other burglary that you witnessed. In fact, I think the phrase you used was that you actually caught somebody. So when you caught this person that was going into the defendant's house, this was months after Laci disappeared; isn't that correct?

MEDINA: I wish I brought my calendar. I observed her.

D. HARRIS: And this was sometime around June or July?

JUDGE: Was it in the summer?

MEDINA: Yeah, it's about summer. Oh, it's the birthday of Ike. Yeah, it's about June.

D. HARRIS: So when you saw this person walking to the house,

MEDINA: Uh-huh.

D. HARRIS: there wasn't all this media presence there anymore, was there?

MEDINA: No, there was no more.

D. HARRIS: When you asked about, that all this stuff was happening, this is, the question that was asked of you is kind of condensed down over a long period of time, would that be a fair statement?

MEDINA: Can you ask that again, please.

D. HARRIS: The question that you were asked about all of these events that were happening, it didn't all happen at one period of time, this is something that took place over many, many months?

GERAGOS: That's vague.

JUDGE: No, I don't think so. Do you understand the question?

MEDINA: No, I do not.

JUDGE: You better rephrase it. Maybe it is vague, she didn't understand it.

GERAGOS: Thank you.

JUDGE: You're welcome. Go ahead.

D. HARRIS: The burglary that took place in June, some of these other incidents, they didn't all happen, excuse me, they all didn't happen on the same day, did they?

MEDINA: Together with the media? Are we still with the media or are we,

D. HARRIS: I'll just go through this and try to clear this up. When you were asked that question about all these different things that were happening, a lot of people driving by, these radio DJ's from Los Angeles, all of these different things that happened, that didn't all happen on the same day, did it?

MEDINA: Oh, no, it did not.

D. HARRIS: So this is something, it wasn't something that happened every day, it was something that happened maybe three weeks down the road, something that happened two months down the road, something that happened in June?

GERAGOS: Objection, compound and vague.

JUDGE: Well, it is compound and vague. Sustained.

D. HARRIS: Is it something that took place over a period of time, these incidents that you were asked about?

MEDINA: Yeah, it continues to happen. That, you know, not one day that there will be this, this burglary and then another day, I mean, the same day.

D. HARRIS: Now, I want to go back to the photograph that you were shown. And you were saying, and I just want to make sure that we're all clear about this. You said that you were awaken in the morning by the cell phone call. You get up, or wake up at some point in time. Do you actually look out the window?

MEDINA: I did because I was making my coffee in the microwave, in the location of my microwave. I looked outside. It's almost like a daily routine.

D. HARRIS: You get up, you go to the kitchen, and you're standing there, you're kind of looking out your window at that time?

MEDINA: Correct.

D. HARRIS: And while you're standing at your window you can actually see outside?

MEDINA: Correct.

D. HARRIS: Now, I know if you look to your left up here there's some windows behind the jury. We're on the second floor. From where you're sitting right now, can you see the ground floor?

MEDINA: Not the ground floor.

D. HARRIS: If you were to walk to the window and kind of stick your head to the window do you imagine you can see the ground floor?

MEDINA: I'll have to try.

D. HARRIS: So when you're standing at the window making the coffee and you're kind of waiting for the coffee to get ready, you notice that there's two vehicles out in the vehicle and that's about all that you can tell us?

MEDINA: Yeah. I saw, I saw vehicles parked like at Karen's side, at her side, not in my front side, not in my curb.

D. HARRIS: Okay.

MEDINA: And then, of course, our car, one of our cars was parked outside.

D. HARRIS: So you continue your morning routine. You've already described for the jury about Mr. Nickerson and all the things that he was doing. When you were in the house and you were being asked if you saw anything out there, like somebody dragging something, were you always standing at your kitchen window like you had been at 5:00 in the morning?

MEDINA: That particular date, December 24, I was up pacing because I was on the cell phone for a long time. I was basically looking out just, just so that I'm occupied while I'm talking for a long time to my cousin in Chicago.

D. HARRIS: Okay. And when you were looking out, what part of the street were you looking?

MEDINA: I was looking basically in front of my house, to Covena, in particular just, it's not a, a purposeful look. You're not looking, looking, you know, you're walking and I have my headset on my ears with my cell phone and I'm basically pacing up and down.

D. HARRIS: Okay. When you were asked the question about what Amy Krigbaum and Tara Venable could see out their windows, they live in that house, right, the next-door house?

MEDINA: Yes, they do.

D. HARRIS: And would they be the best people to ask what they can see out their window?

MEDINA: I can't speculate.

D. HARRIS: Okay. Now I want to go back up to one of the first things that you were asked about. You were asked about these transients. I don't know if that's the more politically correct terms than what some other people kind of call them homeless individuals?

MEDINA: Home challenged.

D. HARRIS: Home challenged. Let's talk about the home challenged for a little bit. When you were being asked about this was it, did you have this constant parade of those individuals walking up your street or would you see them just on occasions?

MEDINA: No, in the morning you would see them.

D. HARRIS: And where would you see them at?

MEDINA: They would be coming from the Yosemite area. That would be the south.

D. HARRIS: Right.

MEDINA: And then they would be going to Dry Creek, which is the north.

D. HARRIS: And so they would walk kind of, when you're saying "they," can you give us an estimate with a number that you would see on a daily basis?

MEDINA: On a daily basis you would see about, if we're talking in the morning after the shelter, or you call it Modesto Union Gospel, Modesto Union Gospel, you would see, you would see between, I would say, I would say between five and ten.

D. HARRIS: And they would leave, from what you're talking about, Yosemite, and they'd walk to the park?

MEDINA: Correct.

D. HARRIS: Did you ever have any problems with them?

MEDINA: Yes.

D. HARRIS: Okay. And that was them going through your trash?

MEDINA: Correct.

D. HARRIS: Other than that, just them looking in your trash, any problems with them?

MEDINA: Yes. One time I lost a nice pot and I don't know who got it, but I lost a nice pot with jade plants in it.

D. HARRIS: Some potted plant?

MEDINA: Yeah, on my front porch.

D. HARRIS: These homeless or the home-challenged individuals, did they usually, they were pretty much gone early in the morning up to dry Creek Park?

MEDINA: Correct.

D. HARRIS: And it's not something that happened all day long?

MEDINA: No, they, they will come back in the afternoon.

D. HARRIS: Later in the afternoon?

MEDINA: Later in the afternoon.

D. HARRIS: Would it be a fair statement that these individuals from the mission would kind of walk through, go to the park almost at sunrise, and then come back later in the day, go back when the mission opened up later in the day?

MEDINA: I really don't know where, you know where they stayed most of the day, but I would see them in the morning, go that direction, and then come out of that direction in the afternoon to go back to the mission house or Modesto Union Gospel.

D. HARRIS: During the time that you were there with your headset on, pacing back and forth or looking, making your coffee over on the 24th, did you see any of these homeless people?

MEDINA: We're talking between 5:00 o'clock and 6:00 o'clock when I was making the phone call?

D. HARRIS: Yeah.

MEDINA: I didn't see them.

D. HARRIS: Later in the day before you left at 10:33?

MEDINA: I wasn't looking for them.

D. HARRIS: The People have no other questions.

Re-Cross Examination by Pat Harris

JUDGE: Mr. Harris.

P. HARRIS: Susan, you mentioned that you had seen media there from pretty much the time you got home for several months there was a large media tending; is that right? We've established that?

MEDINA: (Nods)

P. HARRIS: And I believe you just told Mr. Harris that essentially at least for several months it never died down for a few months?

MEDINA: Yes.

P. HARRIS: You also mentioned that during this, when I asked you questions about what was going on in the neighborhood you mentioned that there were a number of people driving by screaming things, the bull horn incident, we talked about that. These things all happened over the period, as Mr. Harris stated, they all happened a period of several weeks and even months, didn't they?

MEDINA: Yes.

P. HARRIS: They didn't stop, did they?

MEDINA: Yes.

P. HARRIS: Mr. Peterson is sitting there, you recognize Mr. Peterson, right?

MEDINA: Yes, I do.

P. HARRIS: For several months people were in his driveway, yelling things at him, following him around, absolutely making his life a total wreck, weren't they, for months, correct?

MEDINA: (Nods)

JUDGE: You have to answer audibly.

MEDINA: Yes.

P. HARRIS: And at some point it got so bad that you became aware that Scott couldn't even go back to his own house; is that right?

D. HARRIS: Objection, calls for speculation.

JUDGE: Sustained.

P. HARRIS: You became aware that Scott was not coming back to his house, didn't you?

JUDGE: You can answer that, if you know.

MEDINA: Yes.

P. HARRIS: At some point you even became aware that Mr. Harris mentioned the burglary where you caught the person, but that wasn't the only burglary, was it, that you were aware of?

D. HARRIS: Objection, speculation.

JUDGE: Well, that she was aware of. You saw somebody going in, but were you aware of any other people breaking in to his house?

MEDINA: Not inside his house. He had a pile of bricks in his driveway and people were stealing it.

JUDGE: Stealing his bricks?

MEDINA: His bricks.

JUDGE: Okay.

P. HARRIS: Did you become aware on January 19th his house was broken into?

D. HARRIS: Objection, assumes a fact not in evidence.

JUDGE: Sustained.

P. HARRIS: Did you become aware at the time, at anytime at all that his house was broken into other than the time you caught the person?

D. HARRIS: Objection, again,

JUDGE: Overruled. You can answer that.

MEDINA: Yes.

P. HARRIS: Now, if I understand your statement on redirect, the Union, the Modesto Union is a homeless shelter, is that for lack of a better term?

MEDINA: I have not been their inside personally. I saw the outside. What I was told is that people go there to sleep overnight.

P. HARRIS: Okay.

MEDINA: And then they're out at certain hours in the morning, and then they go back in certain hours at night.

P. HARRIS: Okay. And you mentioned that that was on Yosemite. Is that,

MEDINA: It is on Yosemite and it's Kerr, K-e-r-r. It's in that area

P. HARRIS: And the closest path from the Union, the shelter, to the park is to go down Covena; is that correct?

MEDINA: Correct.

P. HARRIS: And that's why there was a group of people on a daily basis going through there?

MEDINA: Yes.

P. HARRIS: And they would actually come all the way down Covena; is that correct?

MEDINA: Yes.

P. HARRIS: I don't have anything else.

DISATASO: Nothing else.

JUDGE: All right. May Ms. Medina be excused?

D. HARRIS: No objection.

JUDGE: All right. Ms. Medina you can be excused. Thank you.

MEDINA: Thanks.