Witness: Ronald Cloward

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect – Rick Distaso; Recross – Mark Geragos

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 Rick Distaso

CLERK: Be seated. Please state and spell your name for the record.

CLOWARD: Ronald Cloward. C-l-o-w-a-r-d.

D. HARRIS: Thank you.

JUDGE: Before we begin all that stuff you have there, is that copies of your reports and so forth?

CLOWARD: Yes, it is.

JUDGE: Mr. Geragos, do you have all this stuff?

GERAGOS: I don't know, judge, because I have got a large binder. I know that I have received, as you know, as we have discussed, some recent items. I mean my preference would be is to look through it. But I don't want to hold everybody up.

JUDGE: Is this stuff that you provided to the defense?

DISTASO: There was the recent information which was given. And then everything else, it's all Bates stamped in there.

JUDGE: Good.

DISTASO: It's,

JUDGE: Just didn't want to get into that.

DISTASO: I understand.

JUDGE: I just wanted to check, make sure.

JUDGE: Thank you.

DISTASO: Sergeant Cloward, what's your current, do you have an assignment in the Modesto Police Department?

CLOWARD: Currently assigned to the supervisor of the Street Narcotics Unit.

DISTASO: And how long have you been a police officer in California?

CLOWARD: Almost 19 years.

DISTASO: Back on December 24th of 2002, were you a sergeant of the Modesto Police Department then?

CLOWARD: Yes, I was.

DISTASO: What was your current duty assignment at that time?

CLOWARD: Supervised the Tactical Patrol Unit.

DISTASO: And, just briefly, what does that unit do?

CLOWARD: Tactical Patrol Unit is a unit that responds to various situations. They may be critical incidents, such as an investigation like this, to assist. We also do the community oriented policing, work on neighborhood problems, dealing with ABC issues, drug hotlines, things like that.

DISTASO: ABC, that is alcohol,

CLOWARD: Alcohol Beverage Control, yes.

DISTASO: So basically the Tactical Patrol Unit is just the officers who are kind of on the street doing the everyday stuff that the police department does?

CLOWARD: Yes.

DISTASO: Okay. And just so that the jury understands what all those binders are, you were put in charge of the search effort to find Laci Peterson during this case; is that right?

CLOWARD: Yes, I was.

DISTASO: Okay. What day did that happen?

CLOWARD: December 26th.

DISTASO: On those binders, do those, is that the reports and logs, and what not, of all the information that was gathered during that during the time that you were supervising the search effort?

CLOWARD: Yes, it is.

DISTASO: And do you have a memory, as you sit there today, there is hundreds of pages in front of you. Do you have a memory of every single day and every single event that you did?

CLOWARD: No. There are certain days that I can remember the events, and then there is others that have a, they just became a blur.

DISTASO: So if you have need to refer to the logs as we're going through this, that's okay. Just let us know when you need to do that.

CLOWARD: Okay.

DISTASO: Let's just start kind of right at the beginning. You were, on the 26th, tasked to do exactly what?

CLOWARD: I was called by Lieutenant Broumas. I was tasked with the job of being the Search Incident Commander.

DISTASO: And what did you do to start that process?

CLOWARD: Well, the first thing that I did was I, when I arrived at the Emergency Operations Center was, I was briefed, and then made the request to put a Command Post down in East La Loma Park.

DISTASO: Where was the Emergency Operations Center for this case originally situated?

CLOWARD: The Emergency Operations Center is actually a room that is just off of the Communications Center in Stanislaus County.

DISTASO: That's a particular location?

CLOWARD: Yes.

DISTASO: You went in, you got briefed, you decided to put the, I think it's the mobile trailer for the MPD down in East La Loma Park?

CLOWARD: Correct.

DISTASO: And did that happen?

CLOWARD: Yes, it did.

DISTASO: And, just briefly, that's just a trailer that has, it has computers, phone service. Has like basically kind of a mobile office?

CLOWARD: Right. It's titled Critical Incident Trailer.

DISTASO: Okay. Go ahead. What happened next, then?

CLOWARD: Then I, after being briefed with what was going on, we had a helicopter in the air. We had horses on the ground. We had officers on foot also. I directed my personnel, the officers that work Tactical Patrol Unit, to search some certain areas around the Peterson home. Being the grape vineyard right there, and the olive grove area.

DISTASO: Let me stop you. When you say you had, you had horse teams out and people on foot, and that helicopter, where were those people, where were they tasked to search? Where were they searching at this time?

CLOWARD: They actually are currently searching the East La Loma Park area. Some of them were working in the eastbound direction from the park, and others were working actually in the westbound direction. I believe Officer Rhea, who deals with the homeless, and rides on a bike patrol on a regular basis, was also in the area riding the bike path, making contact with those people as well.

DISTASO: Okay. If you could just look at this diagram, just so the people have an idea.

JUDGE: Identify it for the record.

DISTASO: This is People's 36.

DISTASO: Can you just circle, there is already one previously identified as Covena. Is this of the olive grove you are talking about?

CLOWARD: Yes, it is.

DISTASO: All right. Let me just circle it for the record. And is that designated where it was?

CLOWARD: Yes.

DISTASO: Go ahead. Hold on. Going to be couple other things in a minute.

CLOWARD: Okay.

DISTASO: So people are in the neighborhood. And what are those people doing in the neighborhood?

CLOWARD: A lot of people were just, they were just kind of randomly searching. That was one of the reasons why I wanted the Command Post down there was to coordinate and organize that searching a little bit so that we knew what had been checked and what hadn't been checked.

DISTASO: And what happened next, then? What did you do next? This is still on the 26th?

CLOWARD: This is still on the 26th.

DISTASO: Let me stop you, just so everybody knows where we're going. You did different search areas for a fairly lengthy period of time; is that right?

CLOWARD: Yes, we did.

DISTASO: And each day you kind of sent people out to do different things?

CLOWARD: Yes.

DISTASO: Just keep kind of marching through it on the 26th. What else happened?

CLOWARD: I also requested a mission number from the Governor's Office of Emergency Services so that I could reach out and obtain allied agency assistance for other areas, other things we wanted to do. And one of those was to bring in some search dogs.

DISTASO: Okay. And when you say allied agencies, do you mean other law enforcement agencies from other areas?

CLOWARD: Yes.

DISTASO: Other counties, other state agencies, that kind of thing?

CLOWARD: Right.

DISTASO: Go ahead. What happened next then?

CLOWARD: Then we had a lot of citizen volunteers showing up. So we set up a map in the Command Post. As people were assigned to search certain areas, we would give them the area to search, ask them to come back and check with us when they were done. We would brief them, tell them I wanted them to search, not only just walk around visually searching, but actually look in bushes, look through piles of leaves, limbs, anything at all. And if they found anything at all to let us know.

DISTASO: Did, were people handing out flyers at this time as well?

CLOWARD: There were flyers that were being handed out. But those were more coming from the citizen Volunteer Center. I think it was at the Red Lion.

DISTASO: Let me pull out, I think, one of these maps that shows what we're talking about. I'll have this marked next in order.

JUDGE: This will be number 58. And that's a map of what?

DISTASO: Modesto.

JUDGE: Okay. 57 is the printout of the transaction with Miss, did you give her, did she, I gave it to you.

GERAGOS: Wasn't 57 the receipt?

JUDGE: Right, the printout.

HARRIS: We didn't have it marked.

JUDGE: Mark it as next in order?

HARRIS: No. Does the Court wish to have it marked?

JUDGE: I think it should. Let's mark it 57.

GERAGOS: It was identified by her about a specific amount, so I think for the record it should be.

JUDGE: We should mark it it's 57. And then the map will be 58.

DISTASO: Okay. This is a People's 58. Do you recognize this map?

CLOWARD: Yes, I do.

JUDGE: Should be a pointer there somewhere.

DISTASO: Here it is.

CLOWARD: Okay.

DISTASO: I can actually move it down a little bit.

JUDGE: You can lead him through it to show where things are, things purport to be.

DISTASO: And, Sergeant Cloward, that's the map that you basically had posted up in the Command Center. As you send search teams out, you kind of worked with this map, right?

CLOWARD: Yes, we did.

DISTASO: Can you just tell the jury, it's all colored in. What does all that mean?

CLOWARD: Well, the yellow highlighted areas were areas that we sent ground officers or volunteers to search through neighborhoods, and streets, alleys. And as we would, as the days went on, we actually handled out maps for those areas, and had assigned them that area to search. So when they brought the map back, we were able to highlight and fill in the area.

DISTASO: So on People's 58 here, where, for example, like this portion up in the upper left-hand corner, this was filled in, would you send people out, or citizens, or police officers out, they would come back and say, yeah, we canvassed these neighborhoods, we went through this stuff, and you would highlight it?

CLOWARD: Yes.

DISTASO: And basically the entire city is filled in at this point, so I'm assuming at some point, at the end of this process, the entire city was gone through?

CLOWARD: Yes.

DISTASO: Okay. What else, what happened next then? Are we still on the 26th? Or are we still, or we work, forward?

CLOWARD: Something else on the 26th was, we also had City of Modesto come out, and we went through manhole covers. But actually did that a second time. As a matter of fact, many of these areas and locations were checked more than once. We had a pond of water that was directly behind the bathroom in East La Loma Park, a body of water that we brought in a dive team to check that.

JUDGE: Can you show us where East La Loma Park is on that map?

CLOWARD: It would be, get my bearings here. It would be right here.

JUDGE: That's the park?

CLOWARD: Yes.

DISTASO: And, okay, let's, I mean let's go back to the park before we continue with the rest of the city. You said you had a dive team check some areas in the park. Were you aware of at fire department running a boat down the creek?

CLOWARD: Yes. Modesto Fire Department, might have been consolidated fire, they might have been working together in a team. But the fire departments were actually in boat. They were checking the Tuolumne River, as well as they were working their way from Shiloh Bridge all the way up to the old Fishermen's Club, which is not on this map or I would point it out. But it's quite a ways down where it actually starts to flow into the Stanislaus, which eventually works its way to the Delta.

DISTASO: Just so the jury is clear, they are not familiar with Stanislaus County. Right now there is a number, there is the Tuolumne River that runs through town?

CLOWARD: That is the Tuolumne River right here.

DISTASO: And the Stanislaus River runs more, I guess, to the north, and kind of around?

CLOWARD: Yeah. It would be up in this area. But it's quite a ways north of the Modesto.

DISTASO: And all those areas eventually dump into the San Joaquin River?

CLOWARD: Correct.

DISTASO: The Dry Creek that we have talking about in the park, that dumps into the Tuolumne River eventually?

CLOWARD: Yes. Right near the Gallo Winery, right about in this area here.

DISTASO: And so there were boat teams that were searching the waterways at this time?

CLOWARD: Yeah. There was teams that were on the Tuolumne River that were working their way from the east to the west. And then there was working their way from the west to the east. And at the point they were to eventually meet. We knew that the river had been checked on the banks, and what they could actually see from the boat. There was also a crew in the Dry Creek that had started quite a ways up near the Empire area, Waterford, which is quite a ways to the east.

DISTASO: I was going to say, could you just give the jury some idea where that is?

CLOWARD: It would be out here somewhat.

DISTASO: Dry Creek is to the right on the map here?

CLOWARD: Yes.

DISTASO: Started up here somewhere and worked their way down the creek?

CLOWARD: That's correct.

DISTASO: And while the Command Post was down there in the park, were citizens and people coming up to you asking for, you know, can they help out, that kind of thing?

CLOWARD: Yeah. We had a lot of people showing up down there wanting to help. And those are the ones that we were, at the onset, my goal was to recheck the park. I didn't know what had been checked. So it was one of those things where we just went over it again.

DISTASO: And at the end of this the search process, did you feel that the Dry Creek area, I mean basically the entire creek and the entire park area had been thoroughly searched?

CLOWARD: Yeah. The Dry Creek had been checked thoroughly by boats. Actually ran a dive team through it, started about Claus Road, and worked their way out, on the down to the Tuolumne River. For the jury's sake, I'm pointing. They worked all of this, all the way down. And they actually, this creek, to kind of describe it, let me say Dry Creek, it is pretty much dry. The depth of the water at the most in some places is six feet. But most of the time the dive team just waded. They kind of walked through the water.

DISTASO: And then what happened next then? What other, early on, you know the 26th, 27th kind of timeframe, what other search efforts did you direct to have happened happen? You can go ahead and look at the logs if you need to.

CLOWARD: I need to put these on too.

DISTASO: Go ahead, Sergeant. Just, I'll stop you when I need to. Just kind of take us through what some other efforts that were made.

CLOWARD: As the day went on, day went on, we realized we were running out of time also, as far as daylight goes. I sent a team out to make contact on phone tips that had come in to the Command Center, to the police department, about a glove that was found on North Morton. And so I sent two officers out to check that. So we were also following up on tips as they were coming in, as they were directed to us from the Command Center.

DISTASO: And so people were calling in tips, they weren't calling in tips directly to you; is that right?

CLOWARD: Right. They actually went to the phone bank system which was set up at the police department.

DISTASO: And then the police, someone there would say, hey, we had something that the search teams need to do, go check this out, go to this place?

CLOWARD: Right.

DISTASO: You send the teams out there to do that?

CLOWARD: They were screened there. And then what they felt needed to be directed to us, we went out and searched and checked on.

DISTASO: Did you also send teams early on into the neighborhoods to kind of try to make contact with the 290 registrants, some of the parolees in the area?

CLOWARD: Eventually we did that.

JUDGE: I'm not sure the jury knows what 290 is.

DISTASO: I'm going to have him explain it.

JUDGE: All right.

DISTASO: Go ahead.

CLOWARD: Eventually we did that, but not on the, we hadn't started at that point on 290. For the jury's sake, referring to registered sex offenders.

DISTASO: And people who are convicted of sex crimes, anything ranging from misdemeanors to felonies, are required to register with the police department?

CLOWARD: Correct.

DISTASO: So, at some point, you got a list, I think, from state parole, and probably from the police department. You started sending teams out to try to contact these folks?

CLOWARD: Yes.

DISTASO: All right. Before we get there, though, what other efforts were made to search, before, I want to make sure I completely finished the Dry Creek area. What other efforts were made in the Dry Creek area, and in the surrounding neighborhoods around Covena, regarding searching?

CLOWARD: Still on the 26th?

DISTASO: Or you can go kind of move on a little bit.

CLOWARD: Okay. Well, there was one point, just to back up, on the 26th, a pair of socks had been located along the bank. And we actually, I took those socks to the Peterson home, and showed them to Scott. And he didn't recognize them, and didn't feel that, he thought they were men's socks, which they were. But I thought it would be best to have him look at them.

DISTASO: You said Scott. Talking about the defendant in this case, Mr. Peterson?

CLOWARD: Yes.

DISTASO: You had contact with Mr. Peterson kind of throughout this search process?

CLOWARD: A couple of times, yes.

DISTASO: But as he sits here today in court, you recognize him?

CLOWARD: Yes, I do.

DISTASO: Go ahead, then.

CLOWARD: So we about wrapped it up on that day. The remainder of the day was logistical planning for the next day. We came in on the 27th. We had met with MID personnel who brought us this map that that's attached here.

DISTASO: MID is the irrigation district?

CLOWARD: Modesto Irrigation District. Sorry.

DISTASO: That's all right.

CLOWARD: This little map here diagrams all the canals that run through the county and eventually dump into either the Stanislaus, San Joaquin, or the Tuolumne River. What we did is, we assigned search teams, officers that work for me, to actually start on those canals to the east of Modesto and work those canals all the way through to the west until they dumped into the, into the rivers.

DISTASO: And this, so the map you are pointing to now is on the lower right-hand side of People's 58?

CLOWARD: Yes.

DISTASO: And these canal systems that go through Modesto, Modesto, just for everybody's information, is an agricultural area; is that right?

CLOWARD: Yes, it is.

DISTASO: So these canals feed the orchards and fields, and what not, that are used in the agricultural business?

CLOWARD: Yes. It is a farming community there.

DISTASO: And there is, from looking at the map, there is a number of canals that go all the way through the town?

CLOWARD: Yes.

DISTASO: So you had swung out. You searched these canals. What else happened?

CLOWARD: We had them search the canals then again. We still had volunteers showing up. We were still assigning neighborhoods and areas to be searched also throughout Modesto. We had Stanislaus County Sheriff's Department helicopter, Air 101 was in the air. They were flying places throughout the county. They would check in with us and let us know what areas they had searched. Again, we would make note of the areas that they had checked. Fire department, Modesto Fire Department was also helping us check the canals. Once the officers reached the end on the canals, I had them start working back through the farming community, driving the roadways in the farming community, making contacts with farmers, ranchers in the area, asking them to please check their orchards as best they can. And they worked their way back into the Modesto from the westbound direction of Carpenter Road.

DISTASO: Early on in the search process, like we're talking about the 26th, 27th, did you, or did somebody, to your knowledge, contact the media and put it out to the media that we're searching for a missing woman?

CLOWARD: That was put out by the Public Information Officer. So that information was out, yes.

DISTASO: Okay. And as the, did you instruct the people, as the volunteers kinds of went through to ask questions about it, and question people, hey, we're looking for this woman, have you seen anything, that kind of information?

CLOWARD: Well, when people would show up, we made sure that they knew, had the information. If they didn't, we actually had the flyers that had been put together with Laci's

picture on it, and also the information that had been placed also regarding a reward.

DISTASO: And the reward was first established, do you remember how much it was when it was first established?

CLOWARD: I don't recall. I would have to guess. I know it was in the hundred thousand area, but I don't remember exact amount.

DISTASO: And do you remember what it eventually became?

CLOWARD: Eventually it became 500,000.

DISTASO: And that was for information leading to her safe return; is that right?

CLOWARD: Yes.

DISTASO: Do you know when, if you need if look in the logs, that's okay. But do you know when it was raised to 500,000?

CLOWARD: I don't believe it's, that information is in any of my logs.

DISTASO: Do you know if that was fairly early on?

CLOWARD: I want to say it was within a few days; but, again, I don't know the exact date.

DISTASO: Okay. What happened next then? What else, we talked about the canals were searched. What else was searched?

CLOWARD: We had the horses again still working with us, the equestrian unit. And the horse officers had moved back into the East La Loma Park area. They started to work down the Dry Creek toward the Gallo property. And that would be in this direction here.

DISTASO: Gallo is a major wine producer in Stanislaus County?

CLOWARD: Yes.

DISTASO: So they have large vineyard, and that kind of open land?

CLOWARD: Well, I don't know. I don't think they have too many vineyards in that area right there around the, winery. As it sits, predominantly the winery. There is some gardens and lots of area right along the river.

DISTASO: Go ahead. What happened next?

CLOWARD: When they reached the area of the Tuolumne River, I asked them to work up the bank of the Tuolumne River, and in and eastbound direction. And that would be in this way right here.

DISTASO: Okay.

CLOWARD: They also had some Explorer Scouts those are youth volunteers that were also working with them. They were on foot along with the officers. So there were ground officers on the ground searching, going along with the horses as well.

DISTASO: Would you characterize this search in the early stages as a fairly large, coordinated effort?

CLOWARD: It was pretty large. It was the biggest that I have ever been involved there. So I would say it was pretty large.

DISTASO: Okay. What happened next? This is on the 27th, still?

CLOWARD: This is still on the 27th. And we had received information that all the canals had been checked. Again, we still had volunteers coming in. There were a few tip lines that were coming out to us, but not too many. They knew that we were pretty much overwhelmed with just plain searching that we were doing, trying to get this part of the investigation, or this part of the

search done, completed. So then at the end of the day, we decided to, again, plan for the next day's search. We debriefed every day, and tried to create plans for the following day. On the 28th, we actually moved out to the Mapes Ranch area, which is not on this map either. But kind of give you an idea, out to the west of Modesto. Mapes Ranch is probably ten miles to the west of Modesto, and it's also where the Stanislaus and San Joaquin Rivers come together.

DISTASO: Highway 132 is on this particular map here in the middle?

CLOWARD: Yes.

DISTASO: And so it's about 10 miles down Highway 132?

CLOWARD: Correct.

DISTASO: And that's the western portion of the county is highly agricultural; isn't that right?

CLOWARD: A lot of agriculture. There is also what's known as the San Joaquin Wildlife Reserve, which is a very large area as well. So, again, when we moved out into that area, we had horses, we had Quad Runners, we had volunteers from a search and rescue team out of the Tracy area that came in. At one point we had over 30 volunteers on the Mapes Ranch area. And while that search was going on, there was still the search going on in the Modesto area by volunteers.

DISTASO: So there is kind of this two-prongs thing going on, people going out there in the country, people searching the neighborhoods?

CLOWARD: Correct.

DISTASO: Go ahead.

CLOWARD: I, myself, went in up in the helicopter with the Stanislaus Sheriff's Department just to try to see it from the air, make sure that we were covering everything. And then the helicopter later got grounded due to high winds, so we lost that particular piece of equipment. Once we completed that search out there, we started working our way back into Modesto. Received some tip line information that I sent officers to check on. There was an, I sent one of the teams to check on a tip regarding the Dry Creek Golf Course, regarding a vehicle that was suspicious in the area that ended up being a resident's vehicle. And he checked on a tip line as well. Also, a Blazer backed up by the post office near Carpenter Road, Carpenter and Paradise, I believe, and sent officers to check on that as well. Abandoned house on El Vista, we sent somebody to check that.

DISTASO: So these tips were still coming in. And as the tips are coming in, being forwarded to you, you are sending teams out to check on them?

CLOWARD: Yes.

DISTASO: And up to this point, say the 27th or 28th, did you have any information coming in that led you to, I mean let me just ask. You certainly hadn't recovered any evidence that led to Laci Peterson at this point?

CLOWARD: No, we had not.

DISTASO: What happened next then? Let's go to like the 28th or 29th.

CLOWARD: Well, the 29th we were back down in the park. We put the Command Post back there. It had been out at Mapes Ranch the previous day. And we started to sending officers to check. I sent,

GERAGOS: Could I ask, excuse me. Could I ask, it appears that he's reading from the report as he's testifying. Could I ask that if he needs to do that, we do it in the proper fashion, which is to have him refresh his recollection, cite the Bates number, and,

JUDGE: If you can't remember, if you read that, you indicate you are reading something to refresh your recollection so we'll know what you are doing. Then identify what it is you are referring to.

CLOWARD: Okay.

DISTASO: Just so you know, there is a number down in the right-hand side corner.

CLOWARD: 2412.

GERAGOS: When we refer to Bates numbers stamped. There is one that's up at the top. Don't refer to that. Just refer to the one that's in the lower right. If you are going to read or refresh your recollection, say that, at least cite the page number you are going from.

CLOWARD: Okay.

DISTASO: Go ahead.

CLOWARD: All right. Well, we had sent a team of officers out to check on a twenty-foot trailer which was out in the country, on a, near a canal bank. So I sent a team of officers out to check that. That was a tip line that had come in, and felt that it needed to be checked and cleared. I sent some Explorers also up to check for vacant houses on El Vista. We had been sent up there the day before on one particular, but we wanted to try to identify any house that was vacant. So we sent them up there to identify them and bring us a list of the vacant houses that were in that area.

DISTASO: El Vista is the area around, I don't know if it's on,

CLOWARD: Right here.

DISTASO: Okay. This is, and just to orient, this is kind of the La Loma area where 523 Covena is?

CLOWARD: Correct.

DISTASO: El Vista is at the end then?

CLOWARD: Correct.

DISTASO: Go ahead. So you send teams out to check vacant houses. What else did you do? What else did you direct be done?

CLOWARD: I believe that day was also the day that I asked Officer Hicks, who is one of our K-9 handlers in our department to take the family dog for a walk. And I sent him over to talk to Mr. Peterson, and ask him if it would be okay if we took the dog for a walk. Again, we just wanted to observe the dog's behavior in the park, see if the dog made any indications, if he wanted to go any particular place that was important to him, that kind of thing. Officer Hicks did that. But he said that,

GERAGOS: Objection. Hearsay as to whatever Officer Hicks told him.

JUDGE: Sustained.

DISTASO: Okay.

DISTASO: Did you get any information back that you felt led you in any particular direction from that?

CLOWARD: No.

DISTASO: Okay. What else was going on that day?

CLOWARD: I also sent a crew up after we got the list of homes to be checked, and had them actually check the vacant houses as well. And I'd have to look. I believe that day we also started to work on the registered sex offenders. They started sending us a list and information on those

to get out, and actually start making contacts, and checking on those.

DISTASO: Did you direct teams to do that?

CLOWARD: Yes, we did.

DISTASO: And just, can you describe for the jury just what was done in that regard? How did you set that up, and what did you tell them to do?

CLOWARD: There were two-man teams that were sent out, with a list of all the register sex offenders, their home addresses, where they should be, and should be able to contact them. I had them make contact with them, verify where they were over the Christmas holidays, who they were with, and take any photographs of them that we felt would be necessary. If they made contact with a sex offender who had scratches or marks, or anything like that, then we wanted photographs.

DISTASO: Did you also on that day have dive teams working?

CLOWARD: Yeah. The dive teams were still out in the Mapes Ranch area. They were still working a lot of water. There is a lot of bodies of water out there.

DISTASO: And Stanislaus County has a large number of rivers, and lakes, and ponds, and bodies of water; is that right?

CLOWARD: Yes.

DISTASO: Okay. What happened on, let's just go like to the 30th.

CLOWARD: Mr. Geragos, I'm going to turn to one of the logs that was sent to you. This is marked December 30th.

GERAGOS: Is this the most recent ones?

CLOWARD: Mine are not stamped at the bottom, 40993.

GERAGOS: So we're looking at the same thing.

CLOWARD: Yes.

DISTASO: Go ahead, Sergeant Cloward.

CLOWARD: Just take a minute to look at this, kind of refresh my memory.

DISTASO: Un-hun. You can take a moment if you want to look through the whole log, you can go ahead.

CLOWARD: On the 30th, we, again, were down at the Command Post, and today was going to be predominantly looking at all the 290 sex registrants. And so we were sending teams out to check all of those in the, I'm going to say the Beat 43 area. What I mean by that is, the area around El Vista and the park. That is actually the Beat 43 area.

DISTASO: Let me stop you. That's what Modesto Police, Modesto Police breaks up the city into beats; is that right?

CLOWARD: Yes, into beats. And the officers are assigned to those beats.

DISTASO: So Beat 43 is that particular portion of the city?

CLOWARD: Yes.

DISTASO: So you are sending teams out there. Go ahead.

CLOWARD: Yes. We also had dive teams out actually still searching, still diving. Air 101, which was the Stanislaus Sheriff's Department helicopter was up, and they were flying the California Aqueduct. And they actually, that from 580 all to the San Luis Reservoir. Then we had 30 police, citizen volunteers that day, that we continued to assign areas within the City of Modesto to go

out and search. And it was just another day of continuing to try to complete all the searches in this area in the City of Modesto.

DISTASO: At one point, I think you described it as looking for a needle in the haystack. Is that kind of what it was like?

GERAGOS: Objection. Argumentative.

JUDGE: Overruled.

CLOWARD: That's exactly what it was like. It was difficult.

DISTASO: And when you said you sent the citizen volunteers out, you are still basically filling in this map of Modesto on People's 58?

CLOWARD: Yes.

DISTASO: The way we're looking at it now is the way it looked like at the end of the search process?

CLOWARD: Yes.

JUDGE: That's the original map that you used?

CLOWARD: That is the original map.

DISTASO: Okay. Go ahead. Did that basically cover what was going on on the 30th?

CLOWARD: That pretty much covers the 30th, what we were doing. And, again, any tip lines that came out to us, we assigned officers to go out on the tip lines.

DISTASO: And what about the 31st?

CLOWARD: Have to take a look at it for a minute.

DISTASO: Go ahead.

CLOWARD: The 31st was predominantly, again, the citizen volunteers. We still had dive teams working, and they were still working on the 290 registrants as well, trying to complete all of those. Parole also was assisting with that, state parole. And also the narcotics unit had come out to lend their manpower, as well as the gang unit come out, give their manpower to assist.

DISTASO: So, additionally, teams of additional police officers arrived to help you in your efforts?

CLOWARD: Yes. The effort here was to try to accomplish contacting as many of the 290 registrants as we could to eliminate any of those as any possible suspects or connection to her disappearance. And there are large amounts of them, so we needed as many resources as we could.

DISTASO: What, at this time, on the 31st, had the search expanded beyond Stanislaus County yet?

CLOWARD: Well, there was some, I believe there was some searching that was being done at the bay, but I really hadn't directed that. I know that they had taken some search teams over there; but I was focusing mainly on the Modesto area. What was taking place over there I learned about at a later time. But I didn't know that they were actually over there working at the time.

DISTASO: You are talking about, you said the Bay. You are talking about the San Francisco Bay?

CLOWARD: Yes.

DISTASO: And the 31st was also the day of the candlelight vigil, is that right?

CLOWARD: Yes.

DISTASO: Were you present during that?

CLOWARD: Yes, I was.

DISTASO: And that happened basically right in front of your Critical Incident Trailer?

CLOWARD: Yes. They set up an, actually it was a flatbed truck trailer that they brought there for the vigil to work off of. And they actually put that right in front of the Command Post. So it was right there.

DISTASO: Did the logs reflect when that started?

JUDGE: What started?

DISTASO: Candlelight vigil.

CLOWARD: I believe they started setting up at about, I want to say it was like 3:30 in the afternoon, or so. And I think the vigil, if I remember correctly, didn't start until about five in the evening. It was starting to get dark, I know that.

DISTASO: The log reflects 1640, 4:40?

CLOWARD: About 4:40 in the evening.

DISTASO: Ended about 1700?

CLOWARD: Okay, that would be probably about right. It was getting dark.

DISTASO: Okay. What happened then? What's kind of the next search block that took place?

CLOWARD: I'll have to review, take a look at it.

DISTASO: Go ahead.

GERAGOS: Still looking at the same daily log that you showed me?

CLOWARD: That was actually the 30th that I was looking at before.

GERAGOS: Right.

DISTASO: Actually, just so he knows, Sergeant Cloward, the log that you are looking at is still the daily log sheets; is that right?

CLOWARD: Yes.

DISTASO: Okay. So when you look at the dates, the dates in the upper right-hand corner?

CLOWARD: Right.

DISTASO: Okay. So just,

CLOWARD: We're on the first action; is that right?

DISTASO: You can move on. Basically the same kind of searching going on during this time?

CLOWARD: Yes. Believe it or not, might be hard to believe, there was actually a day there where Sergeant Helton took over. And he also was a supervisor in the Tactical Patrol Units. He took over part of the day, and I think might have been the first, and actually made me stay home for a day. So the 1st, I really probably don't have much information on.

DISTASO: And then what's kind of the next thing that you did?

CLOWARD: Next, next day or next event?

DISTASO: Next thing would have been on the second. And, again, I don't have the bottom stamped. So if I could just inquire of the sergeant. I don't show anything on the second, do you? I go from 1-1 to 1-2.

CLOWARD: Actually see two logs for 1-3. That's because they put the wrong date on the,

DISTASO: So the first log,

CLOWARD: First one for 1-3 is actually the second.

DISTASO: Okay. Go ahead. What happened on the second?

CLOWARD: Well, on this day we were still finishing up the registered sex offenders. And then we were also checking on some tips that were coming from, we actually sent a horse unit out to check an area that had come in on a tip. And I think that one actually came to the chief's office. That needed to be checked. We had units that were checking, starting to move out into some of the outer county areas a little bit, and continuing that search effort there. As I was attending a meeting in the Chief's office at about 1:30, 2:00 o'clock in the afternoon, I received a page from a Parole Officer Suazo. And the page said to contact him because he had information on the burglary.

DISTASO: Let me stop you. Is that the burglary at the Medinas' place, across the street from the Peterson residence?

CLOWARD: Yes.

DISTASO: Go ahead. What happened next, then?

CLOWARD: So I left the meeting, and I called Suazo right away, Parole Officer Suazo. And he advised me that they had an informant,

GERAGOS: Objection. Hearsay.

DISTASO: Just,

JUDGE: Explain his actions. This goes to conduct. Overruled.

CLOWARD: He had an informant that was providing detailed information regarding the burglary, and felt that he needed to be talked to. So I sent two officers out to pick the informant up and bring him into the office.

DISTASO: And do you know who was the detective that was assigned to handle that burglary investigation?

CLOWARD: Detective Stough.

DISTASO: So you didn't personally handle that investigation?

CLOWARD: No, I did not.

DISTASO: I think you were present when some of the property was recovered from the Medinas?

CLOWARD: Well, it was myself and Sergeant Helton and both of our teams were the ones that were instructed on the locations where the two defendants were at, the information we were given, the two defendants in the burglary, as well as some of the property so we went out to those addresses eventually, yes.

DISTASO: Do you remember what day you did that?

CLOWARD: That was also on the second.

DISTASO: And do you remember what the address was that you went to?

CLOWARD: Again, I'm going to redo this. And for Mr. Geragos, it's bottom stamped with a 14960. I believe it's actually a press release has the addresses on it.

DISTASO: Go ahead.

CLOWARD: I'm sorry. That's not right either. It's bottom stamped was 020394. And the address was 1406 and 1407 Tenaya.

DISTASO: Can you just kind of point where those locations would be on the map? Okay. And did you go out to those areas?

CLOWARD: Yes, we did.

DISTASO: And what property, if you know, I know it wasn't your investigation. But what property were you present for, did you see that was recovered?

CLOWARD: Actually I was present. We, in fact, I did a report on that. And there was jewelry that one of the females was wearing. I think it was a gold chain necklace that she said had been given to her by a defendant Todd, I believe.

DISTASO: Do you remember what the names of the two people who were eventually arrested for the burglary were?

CLOWARD: I'll have to refer to this. And this is actually the previous bottom stamp that I was going to use the 14960. It was a Steven Wayne Todd and a Donald Glenn Pierce.

DISTASO: And so you went to the location, these people were arrested, you recovered some of the jewelry?

CLOWARD: We recovered what we thought was possibly jewelry that belonged to the Medinas. Is that correct?

DISTASO: Un-hun.

CLOWARD: I took the jewelry and actually went to the Medinas' the home, showed it to her. And she identified it as being her jewelry. And so we were able to confirm that it was some of the stolen property from the burglary.

DISTASO: Okay. This was all on January 2nd?

CLOWARD: Yes.

DISTASO: And so this is kind of going on at one place?

CLOWARD: Yes. The second search was continuation of the search effort by some of the different pieces of equipment out there. Maybe it was dive teams, or equestrian officers. They were still doing their search. But the, and the citizen volunteers were still being directed. But the burglary, being such a big aspect of this investigation, we really directed all of our resources toward that to try to clear up that burglary.

DISTASO: Do you remember, if you don't know this, I don't want you to guess. But do you know if there was a reward that was issued for information leading to the solving of that particular burglary at Medinas' house?

CLOWARD: Yes. That reward was a thousand dollars. And it was put out on the day prior to the second, which would have been the first.

GERAGOS: Put out when?

CLOWARD: I believe was January 1st, the day before.

JUDGE: The day prior.

DISTASO: On January first, the press release was issued; is that right?

CLOWARD: Yes.

DISTASO: They are saying we're looking to solve this burglary, it's a thousand dollars reward, and then either that night or on the first, an informant came in and give you information that led to this property?

CLOWARD: Correct.

DISTASO: Now, these 290 registrants that were being contacted, were the teams reporting back to you whether they were able to contact these persons or not?

CLOWARD: Yes. They would let me know. We gave them a list of, and just, as an example, if I gave them a list of 40, they would come back and say that we had contacted 10 out of the 40, and had the rest to do. So that was how we were tracking the ones that they had made contact with.

DISTASO: So the teams were able to contact some. Some they weren't able to find. And the ones they weren't able to find, what was done with those?

CLOWARD: Well, they continued to try to make contact with them. The one, there was a couple that were actually in jail currently. We didn't know that. And there was one that they found was deceased. So I mean those are some of the things that we came across while we were out there looking for them.

DISTASO: Were there some that just weren't able to contact, they weren't able to find?

CLOWARD: There were some eventually we just weren't able to find, that either they weren't at home, or they were no longer living there and hadn't, they weren't in compliance with their 290 registration, which happens quite a bit.

DISTASO: Okay. Does at that pretty much cover the second? And I think that pretty much covers the third too, doesn't it?

CLOWARD: Pretty completely. The burglary, that kept us pretty busy for the next couple of days, because we blanketed that entire area around Tenaya there, because they kept directing us saying, well, I know they gave a piece of jewelry to this person. So we were chasing leads all night long to the point that I think the next day we actually started late, because everybody was out until the wee hours of the morning.

DISTASO: When you say they were directing you, so you were recovering, you told us you recovered some jewelry from the Tenaya residence, and then did you get information there, people told you, got information that said some of the property was given to over here, or sold here, or that kind of thing?

CLOWARD: Yes.

DISTASO: So you were chasing around the city trying to get as much of that property as you could?

CLOWARD: Yes, we were.

DISTASO: Okay. What's kind of the next to the next thing that happened in this search process? Do you want to go to the further, you can go to the fourth, whatever day you think is kind of next issue.

CLOWARD: I'm going to take a look here, Mr. Geragos, at the log dated the fourth of January.

DISTASO: Before you answer, let me ask you a couple of questions. During this time, did you call in a dog team from Modesto Police and from other agencies to assist in these land searches?

CLOWARD: Actually the dog teams that we used were all state, from the Office of Emergency Services.

DISTASO: Let me just talk to you, you did call in resources of dog teams in order to assist you in these, when we're talking about searching these agricultural areas, you had dog teams come in?

CLOWARD: Yes.

DISTASO: Just like, for example, so the jury is, I think extent of this on the fourth, can you just go through that personnel, the number of people that were assisting you on that particular day,

listed as personnel?

CLOWARD: Well, we had, I'll read this right from the log, if that's okay. Eight, TPU officers, eight; gang officers, four; narcotics enforcement officers, six; dive team was six; two parole agents. And there was a crew of three in Air 101. There was also 38 citizen volunteers that day. And we had, I'll put it into percentages for you. But we had 75 percent of the water search certified dogs in the State of California assigned to assist us, as well as, actually those were land and water; and 25 percent of those were what was available in the state for water searching dogs.

DISTASO: Okay.

CLOWARD: We had a lot of dog teams.

DISTASO: Just briefly, those are dogs that can ride on boats, and they are trained to smell things coming out of the water?

CLOWARD: Yes.

DISTASO: Is that a fairly representative sample of the resources that you were using during this particular point in time?

CLOWARD: Yes, it is.

DISTASO: And what was going on on the fourth?

CLOWARD: We actually moved up into the east into the eastern hills, Merced County, Merced Falls, up around Don Pedro area, up around Lake Tulloch, Melones. I think even a crew was sent to Camanche Reservoir.

DISTASO: Let me stop you. By the time the fourth rolled around, did you feel that you had covered the City of Modesto and the Dry Creek area as thoroughly as you could?

CLOWARD: What the police officers personnel, I felt that I really didn't have much left in the city for them to do. I could continue to use citizen volunteers to go back and recheck neighborhoods. In fact, many were told this has already been checked, but it wouldn't hurt to have it checked again, and they were sent back again to follow up on that.

DISTASO: So citizens were still coming to the Command Center wanting to help?

CLOWARD: Yes.

DISTASO: And this was, at this point it was fairly well publicized that this search was going on?

CLOWARD: Yes.

DISTASO: I mean there were media crews, I think, even followed you on some of these searches; is that right?

CLOWARD: Yes.

DISTASO: Just so we can kind of get a perspective of where we are, see if there is another, here is a map of, let me ask this one marked next.

JUDGE: Number 59. What is it, Mr. Distaso?

DISTASO: It's a map of Madera and Mariposa counties. And on the other side it's a map of Merced County.

CLERK: Your Honor, do you want me to mark each side separately?

JUDGE: I don't think so.

DISTASO: Let me, if I can just get a piece of tape, because it ripped off.

DISTASO: You said you were at this point searching up in the foothills of Merced and I think you said Mariposa Counties; is that right?

CLOWARD: Yes. Merced County, Mariposa County, Tuolumne County, Calaveras.

DISTASO: This is 59. And this is 59, People's 59. Merced County is the county that's right below Stanislaus County?

CLOWARD: Yes.

DISTASO: Is that right?

CLOWARD: That's correct.

DISTASO: And then to the east of Merced County and eastern Stanislaus County, the foothills kind of start, and then the Sierra mountains?

CLOWARD: Yes. Then you run in to Mariposa County as you go to the east.

DISTASO: All right. And on the back there, actually the front of 59 is the, is Mariposa County and Merced. So now we're kind of moving up into the mountains?

CLOWARD: Yes.

DISTASO: Let me mark this next one, Calaveras County.

JUDGE: Number 60.

GERAGOS: Number 60.

DISTASO: Your Honor, this is a Calaveras and Tuolumne Counties.

JUDGE: All right.

DISTASO: This is People's 60.

JUDGE: I can take judicial notice of those.

DISTASO: That's fine, your Honor.

GERAGOS: Take what?

JUDGE: I can take judicial notice of a map.

DISTASO: If you could just take the jury through, you can use the pointer, and just take them through what areas were focused on in these particular counties, what you were looking for; and, specifically on 59, there is little white pins that very difficult to see, but you can tell the jury what they mean.

CLOWARD: Okay. We actually sent officers, each one of these white pins indicates where an officer or a team actually had gone up and searched the area themself. And the road's kind of highlighted in there. But the pins go up, and far as you have got, even beyond Coulterville here. To kind of give you a compass point, they work their way pretty close to Yosemite, as close as they could get up into the 120 area before they started to hit snow. At that time of the year, which 120 would be normally closed when that happens. Also down here in Calaveras County, Calaveras County to kind of give you a, can we put this map up here?

DISTASO: That would be a problem.

JUDGE: It would be easier for the jury, I think.

DISTASO: This one will be 61 then, your Honor. It's a map of California.

JUDGE: I'll take judicial notice of the map of California.

DISTASO: Sergeant Cloward, well, actually maybe go through in a little bit more detail. There is lots of information on it.

CLOWARD: Easier for the jury to understand.

DISTASO: You can go ahead and just kind of talk through it. I'm tell you to stop when we get to a good point.

CLOWARD: Started to move into Calaveras County. Stanislaus County is going to be right in this area. To give you an idea, Calaveras County will be up here. Tuolumne County here. And Mariposa and Merced are down in this area. So we were working our way in the eastbound direction as far as up into the hills as it would allow us to get in there on roads, checking waterways. And also the lakes, we were taking the dog teams in boats out on to the water itself, into the lakes.

DISTASO: Let me stop you. At this time in January up in the mountains, a lot of those roads are closed in snow?

CLOWARD: A lot of them are covered in snow. Lots of them are closed. They went up as far as they could go.

DISTASO: A lot of lakes up in those mountains. Basically you can't get to them when the snow is there; is that right?

CLOWARD: Yeah. That is a lot of them that you cannot get to, once you get up to a certain altitude.

DISTASO: Go ahead, keep going then.

CLOWARD: To kind of give you an idea of the pins that are on the map, to give after you a point of reference, everywhere you see a blue pin was searched with divers. So where you see the blue pins stuck in there, divers had gone in there. Where the brown pins the search was with dogs. Where the dark green was searched by boat. Where the white was searched on foot. The pink was searched with side scan sonar. That's another piece, another piece of equipment we brought in. The light green was searched by air. What this the map did for us was to help us identify the areas that had been searched and the resources that had been applied to those areas.

DISTASO: And this is the actual map that you were using when the search process was going on?

CLOWARD: It was one that we started to use as we started to move out, because at the onset, we were just focusing on Modesto, and worked our way out. Once we start to get into the outlying areas, such as Merced and Mariposa Counties, we needed, realized we needed a big map to have the big picture like we were providing for the jury.

DISTASO: And moving now to the 5th. On the 5th did you search some waterways closer in to Modesto?

CLOWARD: On the 5th?

DISTASO: Was that where you searched Tulloch Lake?

CLOWARD: Actually, I think Tulloch Lake was also searched on the third. I can take a look. But I think it was, actually it was the fourth.

DISTASO: Let me just do this then. That's one of the lakes that you searched?

CLOWARD: Yes.

DISTASO: Is that a lake that is, is that about maybe 35 miles or so from Modesto?

CLOWARD: I don't know the mileage. But timewise, I go up there a lot. It's about 45 minutes from Modesto.

DISTASO: And some of these bodies of water, you told the jury you searched them with side scan sonar. What did that mean?

CLOWARD: Side scan sonar is a piece of equipment that they use for searching water. It actually will use a sound, and is to actually project a map of the points which, you could actually identify tires at 300 feet on the bottom of a lake. It was an interesting piece of equipment. So we brought that piece of equipment in to try to help us to search areas we couldn't see.

DISTASO: Now, you were not, you are not an expert on that piece of equipment?

CLOWARD: No, I'm not.

DISTASO: And, but you brought in, you brought in some teams to run, or they run the sonar, then they kind of tell you what they saw. And then you determine whether or not you needed to put divers in the water?

CLOWARD: Yes, we did.

DISTASO: So anything during these lake searches and waterway searches you used with sonar. If there is anything that you felt needed someone to actually dive down and get to take a look at, you would have a dive team go in there?

CLOWARD: Yes, we would.

DISTASO: Okay. What else happened? Have we pretty much covered, I think we covered the Modesto and Stanislaus area. Have we covered all the surrounding areas except for the San Francisco Bay?

CLOWARD: Yes.

DISTASO: All right. And what you have told us about, I don't want to get into minute detail of every single thing. What you have told us about these various assets you used, these various teams you sent out, that was going on pretty much from the time you started on the 26th until about where we are right now,

CLOWARD: Yes.

DISTASO: in the timeline. Which would be, what, around January fifth?

CLOWARD: We're fourth, fifth. We're about the fifth right now.

DISTASO: And what else did you do in this particular investigation regarding the search effort?

CLOWARD: Well, there is over a thousand mines in the Calaveras area, which, as I pointed out again for the jury's sake up in this area, which is also near the Tulloch Lake area. And when we were given that information, I actually sent a team of officers to try to check as many of those mines as we could. I don't mean to chuckle, but there was a thousand of them. And we only tried to check the mines that we had access to, or that somebody would have access to. And in some of those mines, the officers actually climbed into the caves themselves. And they weren't too happy I sent them there, but they were, they did it anyway.

DISTASO: So you didn't search all 1000 mines?

CLOWARD: No. There is no way we could have searched that many.

DISTASO: So did you look for, did you ask for information regarding the mines that had easy access to, easy road access, or short distance from a road, that kind of thing?

CLOWARD: Yes. We actually obtained some assistance from Calaveras County, and they directed us to the mines that were accessible near roadways. And then they also suggested certain roads that should be driven and checked as well. And so the officers that were assigned to the mines also drove some of those roads.

DISTASO: Were you involved in sending officers out to the La Grange area and the Red Hills? Or was that Sergeant Helton?

CLOWARD: I directed him out there, but I believe Sergeant Helton actually went with them.

DISTASO: Let's go now to the 6th of January. What was going on on the 6th of January?

CLOWARD: I'll have to refer to that log, if you give me a minute to look at it.

DISTASO: Go ahead.

CLOWARD: It's marked the 6th again. I'm sorry, there is no bottom stamp on mine.

GERAGOS: That is the only one from the 6th you have?

CLOWARD: Yes. They were, the attempts on that day were still up in Mariposa County, leading those searches of La Grange. They were back at Tulloch, because the hits that we had up there in the prior day, or the, with the search dogs, we felt it was important to put some divers in the water in that area. I think it's called the O'Byrnes Ferry Road Bridge. They were in the water diving. Sergeant Helton was leading that part of the search up there. And there was still finishing up the mine shafts as well.

DISTASO: And looked like late in the day you sent some attempts out kind of to the East Livermore area. I think Del Valle Lake?

REPORTER: Can you spell that?

GERAGOS: D-e-l V-a-l-e.

CLOWARD: And also Bethany Reservoir.

JUDGE: Two L's, I think.

DISTASO: There are two, your Honor. V-a-l-l-e.

DISTASO: Bethany Lake, Del Valle Lake. Those are two lakes kind of in the Livermore area?

CLOWARD: Yes. And they also are kind of the lead-off points for the California Aqueduct. They feed into the aqueduct and the Delta-Mendota.

DISTASO: Delta-Mendota is what?

CLOWARD: That's the body of water that works its way towards Los Angeles on the southbound direction through the state, down this way.

DISTASO: Is that where, we have gone, so far, up to January 6th. Does that pretty much cover the search, I guess, in a nutshell of Modesto, Stanislaus County, and the surrounding counties?

CLOWARD: Yes.

DISTASO: Is there any additional information that you think I missed?

CLOWARD: I don't think so.

DISTASO: Your Honor, I'm going to move to the searches of the San Francisco Bay. I don't know if you want to take a break.

<recess>

JUDGE: All right. Let the record show the defendant is present with counsel and the jury is in the jury box, along with the alternates. Mr. Distaso, are we going to play that film now?

DISTASO: Actually, I'm going to ask him a couple questions first about something else.

JUDGE: Go ahead. That's okay. Go ahead.

DISTASO: Sergeant Cloward, before we move on to the Bay, the, let me ask you just a couple of, if you could just label this diagram with some mileages. Did I ask you to, to clock off the mileages as best you could in the Dry Creek/Scenic park area?

CLOWARD: Yes, you did.

DISTASO: Okay. And just so we have a good labeled diagram, do you see where Kewin Park is on here?

CLOWARD: Yes, I do.

DISTASO: Can you label that Kewin Park and circle where the footbridge is? And did I ask you to count per, count off the mileages to certain portions from Kewin Park and then moving eastward?

CLOWARD: Yes.

DISTASO: All right. And I think the first one I asked you was from Kewin Park to Scenic Hospital. Can you label Scenic Hospital?

CLOWARD: Can I refer to my notes?

DISTASO: Yes, go ahead, look at your notes.

CLOWARD: Mr. Geragos, that's,

GERAGOS: The little drawing that you did?

CLOWARD: Yeah.

DISTASO: This one right here.

GERAGOS: Yeah. The flow chart.

CLOWARD: Did you want me to circle Scenic and then put the mileage in? Is that,

DISTASO: Yes. Exactly. Just put Scenic Hospital.

CLOWARD: Okay.

DISTASO: And then the mileage from Kewin Park to Scenic Hospital is how much?

CLOWARD: Three-tenths of a mile.

DISTASO: Okay. And then the next, what's the next one that you did?

CLOWARD: The Covena entrance.

DISTASO: Is that the trail that leads off of Covena?

CLOWARD: Yeah.

DISTASO: Can you just put on there, just put Covena trail, and then the mileage from Kewin Park to Covena trail. Okay. Just put mileage right by there again.

CLOWARD: That's six-tenths of a mile.

DISTASO: Okay. And what was the next one?

CLOWARD: The next one would be the footbridge that goes over to Coffee and Scenic.

GERAGOS: Just so that the record is clear, we've got some, he's putting in mileage. You're doing all those from Kewin Park?

CLOWARD: Yes.

JUDGE: From what I understand.

CLOWARD: That's the point of reference.

DISTASO: Why don't you write on here, put mileage, or put "mileage from" so we don't get that. Can you label Coffee Road on here. Okay. And the footbridge, another witness has already told us where it is. You can stick the mileage underneath there. How far was that from Kewin Park?

CLOWARD: Seven-tenths of a mile.

DISTASO: And then what was the next one that I asked you to do?

CLOWARD: The tennis courts.

DISTASO: Okay. Go ahead and circle the tennis courts and then write the mileage in there.

CLOWARD: (Witness complies.) Want me to label?

DISTASO: Yeah, just label tennis courts. An how far was that from Kewin Park?

CLOWARD: One point two miles.

DISTASO: And the next one was to where?

CLOWARD: To, well, I did one to El Vista Bridge, also.

DISTASO: Okay. Go ahead, put that next mileage in there. Someone's already labeled El Vista on here.

CLOWARD: (Witness complies.) That's one point five miles.

DISTASO: And El Vista is El Vista on one side and Oakdale on the other. Can you just write Oakdale on there?

CLOWARD: (Witness complies.)

DISTASO: And where was the next one, the last mileage I asked you to get?

CLOWARD: The last one was Claus Road.

DISTASO: And where, is Claus Road on this aerial photograph?

CLOWARD: No, it's not pictured on this photograph, but it's a little bit farther out this way.

DISTASO: So it would be down, down this way?

CLOWARD: To the east.

DISTASO: Can you just write Claus Road right here and then the mileage above it?

CLOWARD: (Witness complies.)

DISTASO: And how far was that?

CLOWARD: That was three point six miles.

DISTASO: And does Claus Road basically represent the end of the Dry Creek Park area?

CLOWARD: Yes.

DISTASO: Okay. On the map is, here's, here's Claus Road indicated on People's 58. That would be the end of this Dry Creek Park area?

CLOWARD: Yes, it would.

DISTASO: Okay. Your Honor, I'm going to mark next in order just a little five minute clip of this whole area.

JUDGE: All right. 62 is a,

GERAGOS: CD.

DISTASO: CD of the Dry Creek Park.

JUDGE: All right. Movie clip of Dry Creek Park. Have you seen this, Mr. Geragos?

GERAGOS: Yes, your Honor. (People's Exhibit 62, CD of Dry Creek Park area, marked for identification)

DISTASO: And, Sergeant Cloward, just so we're clear, People's 62 is a, a little CD, I mean a movie clip of kind of the Dry Creek area?

CLOWARD: Yes, it is.

DISTASO: You've taken a look at it already?

CLOWARD: Yes, I have.

GERAGOS: Just so the record's clear, this is, I believe, taken in 2001?

DISTASO: 1.

JUDGE: Okay.

DISTASO: Actually, I guess, so we're totally clear, these are from photographs from 2001.

JUDGE: All right.

DISTASO: In fact, that picture is 2001 as well.

DISTASO: But is that basically what the park looks like today?

CLOWARD: Yeah.

DISTASO: Okay. It hasn't changed in any great detail since then?

CLOWARD: Not too much. I mean the trees are a little bigger and maybe a little more grass.

DISTASO: Okay.

JUDGE: Did you want this witness to narrate this?

DISTASO: I'm going to have him narrate it, just so the record is clear, I'm going to play it off the hard drive. I've shown him the CD. It matches what's on the hard drive here.

JUDGE: Okay.

DISTASO: Okay. Just so we can kind of orient ourselves, Sergeant Cloward, this is that olive grove that you told us about?

CLOWARD: Yes, right here.

DISTASO: Covena is right over here?

CLOWARD: Right there.

DISTASO: And the trail that leads off Covena is right here?

CLOWARD: This is Covena Avenue, and the entrance into the park runs right at the end of the street here to the north. And I believe this would be the Peterson home, I believe. Kind of moving off in a south direction, away from it.

DISTASO: And we're kind of moving to the end of the park complex there?

CLOWARD: Yes. You can see the Dry Creek running right through here.

DISTASO: And at the end there's, that big street at the bottom is Yosemite Boulevard?

CLOWARD: Yes.

DISTASO: All right. And the Gallo property is right on the south side of that?

CLOWARD: Should be right here.

DISTASO: And where are we going now?

CLOWARD: This is the Dry Creek as it runs, here it's kind of running in a north and south direction. This would be La Loma, which is a street that runs right through. And then now it starts to angle off a little bit more to the east.

DISTASO: And this?

CLOWARD: This would be Kewin Park right here, and this would be Moose Park. And then right up here will be Scenic Hospital.

DISTASO: And those are the areas that you marked on the other aerial photograph?

CLOWARD: Yes. Now, moving in an eastbound direction. And,

DISTASO: That intersection we just passed, is that Coffee and Scenic?

CLOWARD: Yes, I believe it was. This is the bike path that runs through there, and it runs right along the Dry Creek.

DISTASO: There's the,

CLOWARD: Here's the vineyard, or olive grove, and here's Covena right here coming in. You can see the trail.

DISTASO: Okay. Down in the bottom there is the footbridge that leads up to Scenic and Coffee?

CLOWARD: Yes. Right here. And still continuing eastbound from here. This is a playground area and as well as some basketball courts. Swimming pool.

DISTASO: And these are the portions of the tennis courts that we've been talking about?

CLOWARD: The tennis courts, yes.

DISTASO: And the parking lot there by the tennis courts?

CLOWARD: Right.

DISTASO: All right.

CLOWARD: Now you're still moving off eastbound. Here's the bike trail. Here's the Dry Creek and this is El Vista. And the El Vista Bridge. Still moving off eastbound. This would be Scenic right here. This would be Edgebrook right here, and this is still part of the park complex, the, along the Dry Creek.

DISTASO: The water in the picture, we're getting some reflection off of; there's no white water in Dry Creek, right?

CLOWARD: No, it's,

DISTASO: Okay.

CLOWARD: doesn't flow real heavy until, unless we have a real heavy rain.

DISTASO: And this is, I think that's Creekside Golf Course and school?

CLOWARD: Yeah. This is actually Riverside, I believe it's Riverside Park, and this is Creekside right through here. The golf course. And you can see the Dry Creek still bordering right here on the north edge of the golf course.

DISTASO: To the south around all these areas is just residential housing areas?

CLOWARD: Yes, it's all homes. A little further south of 132 turns into more industrial. There's the golf course, and here's Dry Creek running right here. Dry Creek is still right through here.

DISTASO: Okay. The quality of the picture changes here a little further, but we're still looking at the park, right?

CLOWARD: Yes.

DISTASO: And the bottom big road is what?

CLOWARD: That would be Claus Road.

DISTASO: And that's kind of the end of the park complex?

CLOWARD: Yes. This here is the Gallo property. Now you're just going westbound with the creek.

DISTASO: And we kind of just stay up above the Covena area; is that right?

CLOWARD: Right. Which here's the vineyard and here's Covena.

DISTASO: All right. (Playing of People's Exhibit 62 ended)

DISTASO: Okay. Before we, the last thing before we move on to the Bay, did you also send teams down to search the San Luis Reservoir area?

CLOWARD: Yes, we did.

DISTASO: What days did that occur?

CLOWARD: Actually there was three dates. It was the 17th that we went over there, then the 21st, and then again on the 23rd, I believe it was.

DISTASO: And that's all in January?

CLOWARD: It's all in January.

DISTASO: All right. Okay. Now, let's move kind of out of, what's that?

GERAGOS: I missed that. 17, 21st, 23rd where?

DISTASO: Of January.

GERAGOS: Where?

DISTASO: San Luis Reservoir.

GERAGOS: Okay.

DISTASO: Now, that kind of covers all these areas of the park, the foothills, all these surrounding areas, other than the San Francisco Bay?

CLOWARD: Yes.

DISTASO: Okay. Were you also involved in directing teams and did you also personally go out and were you involved in searches of the San Francisco Bay?

CLOWARD: Yes, I was.

DISTASO: And when did that start?

CLOWARD: Well, there was actually some points where we went over there while we were still searching in these areas. I was over there on the 8th of January.

DISTASO: Let me ask you this: Do you know what teams were sent there and to search certain areas prior to the 8th?

CLOWARD: Yes. There were some dog teams that were sent over into the Berkeley Marina area that did some searching over there prior to that.

DISTASO: Okay. And that was on December 28th?

CLOWARD: I believe it was.

DISTASO: And do you know, do you know when, and you might not, but do you know when officers first went to the Berkeley Marina, not necessarily searching but just as part of the investigation? What day they were first there?

CLOWARD: No, I do not.

DISTASO: Okay. Let's go now, let's go to the actual searches that you were involved with. When did that start?

CLOWARD: January 8th.

DISTASO: Okay. And what, let me just ask you this one, I guess. There was, there was a, many number of days from January to, I think, like October of oh three, where the San Francisco Bay, or search operations took place in the San Francisco Bay; is that correct?

CLOWARD: That's correct.

DISTASO: And what types of operations were being done there?

CLOWARD: Well, we used, the resources we used were side scan sonar, search dogs, dive teams from local law enforcement, as well as professional deep water dive teams. And I think that's about it.

DISTASO: Okay. And was the shoreline along that area also searched on foot?

CLOWARD: The shoreline was searched on foot. Myself and,

JUDGE: Excuse me. Shoreline where? San Francisco Bay has a big shoreline.

DISTASO: It's huge, right.

JUDGE: Where are you talking about?

DISTASO: Basically from areas around the Berkeley Marina, kind of north towards the Richmond Point and Richmond Marina area.

CLOWARD: They were searched as well on foot from there.

DISTASO: And were you present on, on some of the dive boats while these searches were going on?

CLOWARD: Yes, I was.

DISTASO: And, and sonar boats?

CLOWARD: Yes.

DISTASO: Now, again, you're not an expert in the use of the sonar, correct?

CLOWARD: Correct.

DISTASO: So somebody would, there was an operator there who would operate it, identify some target, and then you would have a dive team go and search and, and look at it?

CLOWARD: Correct.

DISTASO: Did, what kind of conditions were the dive teams faced with there at the San Francisco Bay? What problems did you have?

CLOWARD: Extreme currents at flood tides. That was a big problem that we had.

DISTASO: And what problem was that causing the divers?

CLOWARD: It caused visibility problems. It caused problems for the divers to actually get down on a target, an object that we wanted checked. It would actually blow them quite a ways away from where they were actually trying to get to, and it was, it was pretty rugged for them to get down there.

DISTASO: Like, for example, if the court reporter here was, I don't know, five or ten feet from you, if she were the target, you couldn't put a diver directly above her and say swim down, go down and look at it?

CLOWARD: Right. There was times we would put a diver say 40 feet upstream from the flood, or from the flow, and they would actually float back down to where the target was that.

DISTASO: They would try to, like, sweep down into where the target might be?

CLOWARD: Yes. And once they got there they would have a hard time maintaining their position because the water was pushing them. You know, it was flowing sometimes two knots, sometimes four to five knots.

DISTASO: And did that, and was that a problem that occurred throughout the entire searching the Berkeley Marina?

CLOWARD: Yeah, it was a continuous frustration.

DISTASO: Did the divers report visibility problems?

CLOWARD: Yes, at times they would have less than a foot visibility. Sometimes even less than that.

DISTASO: Were there times when the divers reported that visibility was something like around four inches?

GERAGOS: Objection. Hearsay.

DISTASO: Well --

GERAGOS: Compound. I, I let it go for a period of time.

JUDGE: It's also leading.

GERAGOS: Also leading. Thank you.

JUDGE: It's a leading question, Mr. Distaso.

DISTASO: Did they ever report to you visibility problems less than a foot?

CLOWARD: Yes.

DISTASO: And was that also a continuing problem there in searching, in the dive operation at the Berkeley Marina?

CLOWARD: Yes.

DISTASO: And, and in the rest of the San Francisco Bay?

CLOWARD: Correct.

DISTASO: It's a long list, I hate to have you just read it, but can you tell us, starting from the, when the first, first search of the San Francisco Bay from when either sonar or dive teams took place, can you tell the jury all the days that Modesto police or other law enforcement agencies were out there in the Bay?

CLOWARD: Okay. I'm going to pull out this other binder here. I'll give you the bottom stamp number on it.

JUDGE: You've got this?

GERAGOS: I don't know the coordinating number. I've got that six page thing that was turned over the other day. Yesterday. Is this what you're looking at?

CLOWARD: Yeah. I don't have the bottom stamp on mine.

GERAGOS: Neither do I.

CLOWARD: Okay.

JUDGE: You just want the days that the Modesto Police Department was out at the Bay?

DISTASO: Or when they directed other agencies.

JUDGE: Or when they directed other agencies to search, all right.

DISTASO: And, Sergeant Cloward, even on the days when Modesto police was getting assistance from other agencies, there were Modesto police officers who were directed to go and be present during these particular times?

CLOWARD: Yes.

DISTASO: Okay. Let's just start, just start in December, and we'll kind of go through these. Just give me a list of, of dates, and I'll tell you when to stop.

CLOWARD: Okay. I'm going to read from this because there's no way I'll remember each day, if that's okay.

JUDGE: All right.

CLOWARD: December 28th, December 30th, January 8th, January 9th, January 11th, January 18th,

DISTASO: Hold on. Let me stop you. I just realized something. The one on the 9th and the 11th, were you present or were you aware of what was going on on that, those searches?

GERAGOS: There's an objection as to, compound. I believe, if I understand what he's doing, is somebody, and I assume it was him, collated what they believed to be the searches that they were connected with, but it does not appear that he was present at all of those.

JUDGE: Well, I think that was the question. Didn't you just ask him if he was present?

DISTASO: I did ask him if he was present at, at this particular one.

JUDGE: Well, he's, he's objecting that you're asking about the 9th and the 11th. So why don't you take one day at a time.

DISTASO: Okay.

JUDGE: Were you present on January 9th, Sergeant, when the search was conducted?

CLOWARD: No, I was not.

JUDGE: How about January 11th?

CLOWARD: Yes, I was.

JUDGE: Go ahead.

DISTASO: On, on January 11th, was there, had it been reported in the press, or did the Modesto police release information that a, sonar had detected an object that might be a body in the Berkeley Marina?

CLOWARD: Yes.

DISTASO: And why was that information released?

CLOWARD: Actually, we did not release that information. The media gained that information, and it was released.

DISTASO: Did the media, was the media aware at that time in January that the Modesto police and law enforcement agencies were searching around, in the Bay around the Berkeley Marina?

CLOWARD: No. It was one of the few times I was able to elude them.

DISTASO: Okay. On January 11th, well, actually, let me follow-up on that. At times throughout this search process out there on the Bay, was the media aware of that?

CLOWARD: There were times they were, and then there were a lot of times they were not.

GERAGOS: The way that it's phrased, I don't want to be difficult here, but when you're talking about the media being aware, can't he just testify as to what he observed?

JUDGE: Yes.

GERAGOS: I don't know how,

JUDGE: Yeah, the media was present.

DISTASO: That's fair.

JUDGE: Was the media present, that type of thing.

DISTASO: That's fine.

JUDGE: Was the media present on some of these days.

DISTASO: The times that you saw the media, can you tell the jury what was going on?

CLOWARD: Well, on the 11th there was a large contingency of media at the Berkeley Marina. That was one of the logistical problems that we had to deal with that day.

DISTASO: When you say a large contingent, I mean how many people do you think were out there that day?

CLOWARD: I can't think of a network that wasn't there, including Geraldo.

DISTASO: Were there over 50 different media personnel?

CLOWARD: Easy.

DISTASO: And did you also observe helicopters up in the area, media helicopters?

CLOWARD: There were media helicopters. There was media renting boats to go out to try to get close to the search site.

DISTASO: And was that part of the process on the 11th, as far as law enforcement was concerned, to keep, kind of keep people back away from the search area?

CLOWARD: Yes.

DISTASO: And then on that day what was ultimately found, if anything?

CLOWARD: It was determined to be a large anchor.

DISTASO: And was that information then released to the, was that given either to the media? Or was it released to the families at some point?

CLOWARD: It was released to the family.

DISTASO: The, on the other days, and, and I don't want to go through every day when the media was there, kind of ad nauseam. But can you tell the jury some idea of what other types of media presence you observed during your search process of the San Francisco Bay?

CLOWARD: Well, there were a lot of helicopters, a lot of boats, that would just hover over us. There was, several times they were waiting at the marinas or at the docks when we would come in.

DISTASO: Would they question you about what was going on at the Bay?

CLOWARD: Yes.

DISTASO: Let's go back now. I think we ended up with you said the 18th there was a search going on, January 18th?

CLOWARD: Correct.

DISTASO: And what else?

CLOWARD: January 24th, January 28th, February 1st, February 2nd, February 3rd.

DISTASO: And February 3rd, looks like that was a helicopter search?

CLOWARD: Yes.

DISTASO: And what did that entail?

CLOWARD: Myself and Officer Ramirez. Officer Ramirez was assigned to a CHP helicopter. I went up with East Bay Regional Parks' helicopter, and we flew the shorelines along the San Francisco Bay, starting at the Bay Bridge and worked our way to the north, all the way up to Napa. We flew, the helicopter I was in flew to the east side of the Bay, and Officer Ramirez covered the west side. And we also covered Brooks Island and Treasure Island, those places as well.

DISTASO: What about, the next one looks like started on February 8th?

CLOWARD: Yes. February 8th, February 9th, February 20th, February 21st, February 23rd, February 26th, March 1st, March 2nd, March 3rd, March 4th, March 11th, March 12th, March 13th, March 26th, March 27th, March 29th. And I don't know if you want me to continue to read from here, but I did not participate from the 13th forward.

DISTASO: Okay. Other, actually, your Honor, just give me one moment.

JUDGE: Yeah. (Pause in proceedings)

GERAGOS: March 13th forward?

DISTASO: April.

CLOWARD: I'm sorry, you're right. April. (Pause in proceedings)

DISTASO: Your Honor, we have, Mr. Geragos has, since the officer was really in charge of the searches up to this point, there's a number of other officers that we called, those additional ones, but he's just agreed to just allow the officer to tell the dates,

GERAGOS: He can give the dates and that way we don't have to march in a number of witnesses.

JUDGE: Okay. So it's clear to the jury, after, you were there up to and including March 13th?

CLOWARD: I'm sorry, I was there up until March 29th. It was April 13th that I,

JUDGE: All right. March 29th you were still there?

CLOWARD: Yes.

JUDGE: Okay. And then what did you file, when did you stop searching the Bay? After the bodies were found?

CLOWARD: Correct.

JUDGE: Okay. Go ahead, give us the dates.

DISTASO: But you can go ahead, the log reflects a whole number of additional days when searching in the Bay continued.

CLOWARD: Okay.

DISTASO: Okay. Just go ahead and you can give us the dates that other searches took place.

JUDGE: You left us off on March 29th.

CLOWARD: Okay. April 13th was the discovery of Conner. April 14th was the discovery of Laci.

DISTASO: Okay. You can just give me now the dates for the remainders.

CLOWARD: Okay. May 5th, May 6th, May 16th, May 17th. Trying to go slow here.

DISTASO: That's all right.

CLOWARD: May 18th, May 19th, May 20th, May 21st, May 22nd, May 23rd, July 7th, July 8th, 9th, July 10th, July 11th, July 13th, September 11th, September 12th, September 18th,

September 19th, October 3rd, October 4th, and October 17th.

DISTASO: At the times when, when you were out in the Bay and, and, and searching, the, the conditions that you have described, would that be an accurate, I mean with the problems the divers had and the problems with visibility, and whatnot, would that be an accurate description of pretty much all the times that you were out present with the divers when they were searching?

CLOWARD: There were days when we would have good weather, the wind wouldn't blow, the waves weren't real high, we could anchor, currents weren't too bad, but predominantly we would run into frustrations of either high flood tides,

DISTASO: Wait. Can you give, what does that mean, "high flood tides"?

CLOWARD: Well, high flood times means there's a large amount of water, and I believe it's coming into the Bay. What that does is at that point it causes extreme knots of flow in the water, so therefore it would get upwards into six knots sometimes. And what that would mean is it's, it's more than the human being can actually battle off or try to fight off to try to dive to get into the water, even if they're only going 30 to 40 feet.

DISTASO: So the divers couldn't swim down to the bottom?

CLOWARD: Right. And it would also decrease the visibility.

DISTASO: And would that, would those tides and currents, would that impact how you could use the sonar or when you could use the sonar?

CLOWARD: Yes, because when the waves would get really rough and really high, it would rock the, the boat operating the sonar equipment to the point to where it would interfere with the sonar, or the "tow fish" as they refer to it, and it would cause a distortion in any images. So we would have to stop searching because of the distortion.

DISTASO: So the image would come back and it wasn't clear enough for you to tell, or for the experts, I guess, to figure out or tell what they were looking at?

CLOWARD: Correct.

DISTASO: When you say "tow fish," I want to make sure everybody understands what we're talking about. If the sonar is my pen, it's kind of, it's on a line attached to the boat and it's kind of dragged behind the boat?

CLOWARD: Correct. It kind of looks like a missile.

DISTASO: Okay. And it's, like, shooting down these sound waves that are bouncing back and recording an image somewhere in the boat?

CLOWARD: Correct.

DISTASO: Did the, the currents that you were talking about, or when you were searching, what's the depth that the sonar, the depth of the water that the sonar and boats can work in?

CLOWARD: Well, I know that the sonar itself has a very difficult time working in shallow water.

GERAGOS: Be an objection. There's no foundation. He's already testified he's not an expert.

JUDGE: Well, this is that, he's gleaned this, I don't think he's giving an expert opinion. I'll let him answer. You've gleaned this from your experience in conducting this search, Officer?

CLOWARD: Yes.

JUDGE: All right. You can answer the question.

DISTASO: So, so the sonar had a hard time. Do you remember what depth the experts said we can't run the sonar in there?

CLOWARD: Actually, I was told anything below six feet,

GERAGOS: Objection. Hearsay.

JUDGE: Sustained as hearsay.

DISTASO: Okay. Did, did you run sonar or, or did you do, did the police, did the people who were running the sonar equipment, did they run it in water that was six feet deep or less?

CLOWARD: No.

DISTASO: So the searches that you were talking about with the currents and whatnot and the divers and the sonar, that was happening in water deeper than six feet?

CLOWARD: Yes.

DISTASO: I don't have anything further at this time, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good morning, Sergeant. It is Sergeant, isn't it?

CLOWARD: Yes. Good morning.

GERAGOS: I'm going to jump around a little bit. As you know, there's, there's a number of documents that you just provided recently, correct?

CLOWARD: Correct.

GERAGOS: Within the last four or five days; is that a fair statement?

CLOWARD: Correct.

GERAGOS: So when you were reading the dates off, that series of dates, that's one of the documents that you just provided, to the defense at least, within the last week, correct?

CLOWARD: Correct.

GERAGOS: Also, those logs that you were going through, the detailed logs, the sets of those, that's also something that you just provided within the last week; is that correct? To the defense?

CLOWARD: I believe from the 27th on, yes.

DISTASO: Actually, your Honor,

GERAGOS: 27th of December?

DISTASO: I'm going to object to that because those logs were actually based on discovery that's been provided many, many, many moons ago.

GERAGOS: All, all I'm asking for is the items that he's using to testify, when were those provided to the defense.

JUDGE: Mr. Distaso said they were provided to the defense a long time ago.

DISTASO: The log, no, but, the log was created later, that's correct. But the information based, that the log's based on is in regular discovery.

JUDGE: Okay. But the log was just provided within the last few days?

DISTASO: That's right.

GERAGOS: Now, I'm going to jump around a little bit. But the first thing I want to start off with is I understand, it was your testimony, at least, that on that January 11th search of the marina, that to the best of your knowledge the Modesto PD was not revealing any information?

CLOWARD: I don't believe that's what I said. I believe the information leaked out to the media, we responded to it. But that's just my belief.

GERAGOS: Okay. I'm going to show you, you're not in charge of media relations, obviously?

CLOWARD: No.

GERAGOS: Okay. I'm going to show you three news advisories, ask you if you recognize these?

CLOWARD: Yes.

GERAGOS: Okay. These City of Modesto news advisories?

CLOWARD: Yes, they are.

GERAGOS: From the Modesto Police Department?

CLOWARD: Correct.

GERAGOS: Okay. I'm going to mark these as defense next in order.

JUDGE: Okay. That will be Defendant's L 1, 2 and 3.

GERAGOS: Okay. L 1 is a January 9th, L 2 January 10th, L 3 January 11th.

GERAGOS: The first one on January 9th looks like this was before you did the diving. It appears that the police department was announcing that they revealed an object, on the sonar device, that is possibly a human body, correct?

CLOWARD: Correct.

GERAGOS: And, once again, as you described, the weather and diver fatigue would not permit people to see it; is that correct? They weren't able to get down and identify what it was?

CLOWARD: Correct.

GERAGOS: And this, as far as you know, was issued, Doug Ridenour is the person who, or the press person for the Modesto PD?

CLOWARD: Doug Ridenour.

GERAGOS: Ridenour. Were you aware that this was released to the media at the time that it was?

CLOWARD: Yes. I believe later in the evening I remember him talking to me about it.

GERAGOS: Okay. Now, on January 10th another news advisory went out saying that search teams will return to Berkeley Marina on Saturday, January 11th to continue their search, correct?

CLOWARD: Correct.

GERAGOS: And, once again, sonar device, and we're talking about this same thing, the side sonar device, may have revealed a human body, correct?

CLOWARD: Correct.

GERAGOS: Okay. And, once again, the same language is used where the weather and condition permitting, the divers will attempt to examine the object?

CLOWARD: Correct.

GERAGOS: Okay. This was, as far as you know this was widely reported to the media, was it not?

CLOWARD: Correct.

GERAGOS: One of the reasons why you had kind of an enclave of media surrounding where you were diving, right?

CLOWARD: Correct.

GERAGOS: Okay. Then I've got L 3, which looks like it was on that same day, the 11th; is that correct? 6:00 a.m?

CLOWARD: Yes.

GERAGOS: Okay. Search teams are going to return to Berkeley Marina today where divers will attempt to examine the object that was found on a sonar device last Thursday. If the object is significantly connected to the Peterson case, we will notify the media via news advisory? Is that, that was what went out; isn't that correct?

CLOWARD: I believe so. It's what it says.

GERAGOS: Okay. All of that was being put out by, I guess the way that it was going was there was, Ridenour would respond or put out these press advisories on almost a daily or twice daily basis; isn't that correct?

CLOWARD: Many times he would respond to rumors or allegations, yes.

GERAGOS: And, is it a fair statement that early on this case became inundated with rumors and media attention?

CLOWARD: Yes.

GERAGOS: Okay. To the point where I've got a stack here, and I won't go through all of them, but the Modesto PD felt compelled to be issuing press advisories on almost a daily, twice daily, sometimes three times a day basis; isn't that correct?

CLOWARD: I believe so.

GERAGOS: And these rumors were rampant in terms of what was happening, what wasn't happening in terms of the search and Laci Peterson being missing and everything else; isn't that correct?

CLOWARD: Correct.

GERAGOS: Now, the early investigation, when did you first become involved in the investigation?

CLOWARD: I don't know if that's a fair statement because I never really became involved in the investigation. I was brought in as a search,

GERAGOS: I stand corrected. You were head of the tactical unit, which was more, I mean, properly, you weren't investigating as much as searching; is that correct?

CLOWARD: Correct.

GERAGOS: Okay. However, isn't it also fair that the, what the search efforts, you were in charge of the command center, weren't you?

CLOWARD: Command post for the search.

GERAGOS: Command post for the search. And where was that command post for the search?

CLOWARD: Down in East La Loma Park.

GERAGOS: On People's 36, is that someplace that you can point to?

CLOWARD: Right about in here.

GERAGOS: Okay. You want to mark that in there since we don't have it on there? And just put, did you have a specific name for it? I've seen abbreviations.

JUDGE: How about just using C P?

CLOWARD: C P is what we referred to it.

GERAGOS: C P. Okay.

JUDGE: I tell you what, I'm sorry, why don't you just put an X where the C P was, because we've got everybody's writing on it everywhere. Why don't you draw a line up and at the end of the line write C P.

CLOWARD: (Witness complies.)

JUDGE: Okay.

GERAGOS: Now, at the command post, there were tips coming in on a daily basis; isn't that correct?

CLOWARD: Not at this command post, no.

GERAGOS: Where were the tips coming in to?

CLOWARD: They went into the, I guess you would call it the command center. Basically at the police department.

GERAGOS: Okay. Well, wouldn't people come to the command post with tips?

CLOWARD: Yes. Sometimes people did, yes.

GERAGOS: Okay. The, the items that I was referring to before, that you had characterized or put on as daily log, ones you and I were comparing when you were on direct?

CLOWARD: Correct.

GERAGOS: Those include people who would come up with tips; isn't that correct?

CLOWARD: Correct.

GERAGOS: So besides phoning in thousands of tips, and literally, you were aware that there were in excess of 8900 tips that were phoned into the police department; isn't that correct?

CLOWARD: I knew there were thousands. I don't know about,

GERAGOS: Okay. In addition to that, there were people who would come into the command post or talk to the officers searching the park regarding what they had seen or information that they had; isn't that correct?

CLOWARD: Correct.

GERAGOS: On as early as the 25th of December there were witnesses who reported seeing the dog running around in the park loose on the leash; isn't that correct?

CLOWARD: I wasn't there on the 25th. I know that information was there, but I wasn't there.

GERAGOS: And the, can you, and that was specifically between the hours of 9:10 and 10:00 o'clock the dog was running loose in the park north of the Covena dead end? Can you show the jury where that would be?

CLOWARD: Give me that again, please? The location.

GERAGOS: Sure. And the Covena dead end, as the jury, I think we've been talking about with the jury, some people would refer to that as the trailhead; is that the same thing?

CLOWARD: Where the trail leads down from Covena down into the park, and it's right here marked as six-tenths of a mile. And if it was north of that,

GERAGOS: Let me see if I've got, I think I've got a better...maybe a slightly better print. Is this a little bit better?

CLOWARD: I think so.

GERAGOS: Yeah, I think so.

JUDGE: And you're showing what's already been marked, Mr. Geragos? What's the number?

GERAGOS: 22.

JUDGE: 22. Okay.

GERAGOS: Now, if I understand correctly, the pointer? Use this. Okay. The Covena house is right here, and then as you go down the street, the trail leading into the park is right where I'm pointing; is that correct?

CLOWARD: Correct.

GERAGOS: Okay. And then the first, one of the first reports was a jogger who had been, walker who was in the park on the 24th between 9:00 and 10:00 saw a large, yellowish dog running loose in the park north of Covena with a collar and leash attached? And that would be approximately where, is your understanding?

CLOWARD: Well, if it was north of Covena, it would be in this area right here.

GERAGOS: Okay. And there was also a report that the dog on the, was by the north side of the Dry Creek. Do you know where that is?

CLOWARD: North side of the Dry Creek would be over on this side.

GERAGOS: Okay. And that the dog with the leash on was pacing back and forth and barking like crazy?

DISTASO: Your Honor, I'm going to object as hearsay. It doesn't, unless it's going to somehow explain his conduct.

GERAGOS: It is going to explain his conduct.

JUDGE: I think it will.

GERAGOS: Yeah.

JUDGE: Overruled.

GERAGOS: And the dog was barking --

JUDGE: It's information he received, and how he acted on it is what the jury has to determine.

GERAGOS: Now, that would be, can you point to that north side of the Dry Creek where you're talking about?

CLOWARD: (Pointing.)

GERAGOS: Okay. Now, with that information, now, with that information, you also had various witnesses who said they were either jogging down in the park or walking down in the park and had seen a pregnant woman, who appeared to be Laci, with the dog; isn't that correct?

CLOWARD: Yes.

GERAGOS: Okay. Now, based upon that, where did you start to search? Or what were you looking for is, I guess, the best question.

CLOWARD: We were looking for anything that, whether it be evidence, or her, or anything at all that would be connected.

GERAGOS: Okay. Did you attempt to take, there was some testimony on direct with Mr. Distaso that you had taken McKenzie back down into the area there of the park; is that correct?

CLOWARD: Correct.

GERAGOS: You can have a seat, if you want. And that was, do you remember what day that was that you did that? The 27th?

CLOWARD: I want to say it was the 29th, but I can refer to the report if you want.

GERAGOS: Sure. Would that be on the, this one?

CLOWARD: Actually, I believe it's in my report.

GERAGOS: Okay. I have it highlighted. I'll see if I can find it for you.

CLOWARD: Yeah, it will be, it's bottom stamped 2412 A.

GERAGOS: Okay.

CLOWARD: My report. And it was the 29th of December.

GERAGOS: Okay. Now, when you did that, I assume somebody went up to Scott Peterson to see if he would allow you to use the dog; is that correct?

CLOWARD: Yeah, I believe so.

GERAGOS: Okay. Do you know who you sent to do that?

CLOWARD: Officer Hicks was assigned to take the family dog for a walk. I'm not sure if he's the one that contacted Scott.

GERAGOS: Okay. And obviously Scott allowed the dog to be used, correct?

CLOWARD: Correct.

GERAGOS: Okay. Do you know, can you show the jury approximately where this took place, the walking of the dog?

6 You don't have to get up, if you just want to use the pointer.

CLOWARD: I don't know the exact path that they walked because I didn't walk it with them.

GERAGOS: Okay.

CLOWARD: All I know is that he took the dog into the park.

GERAGOS: Okay. And the object of that was to see if the dog would do anything again similarly to barking like crazy as had been reported to you guys before?

CLOWARD: Correct.

GERAGOS: Okay. Do you know specifically, you weren't there so I'm not going to ask you to speculate, and I don't want you to tell me what Officer Hicks told you, but do you know where or which areas the dog McKenzie was taken into?

CLOWARD: I just know that he was walked into the park from Covena. I don't know where.

GERAGOS: Now, when you say from Covena, is that down this, for lack of a better term, the trailhead right there?

CLOWARD: Yes.

GERAGOS: Okay. And that was walked from the house?

CLOWARD: Correct.

GERAGOS: Okay. Now, the, when did you specifically get involved in terms of the, being assigned to the, is it the tactical unit for this particular search?

CLOWARD: I was called out on the 26th of December at 9:00 in the morning.

GERAGOS: Okay. And was the first place that you went, and I guess, at that point you were to be designated as the search team supervisor?

CLOWARD: Correct.

GERAGOS: Okay.

CLOWARD: Close enough.

GERAGOS: Were you briefed by a number of people in terms of what had been going on on the 24th and the 25th?

CLOWARD: I was briefed by a lieutenant and a sergeant, yes.

GERAGOS: Okay. And who was that? Who briefed you?

CLOWARD: It was Lieutenant Finnerty and then Sergeant Carter.

GERAGOS: You mean Sergeant Carter?

CLOWARD: Yeah.

GERAGOS: Okay.

CLOWARD: I'm sorry, Steve Carter, because there's two in our agency. So Sergeant Steve Carter.

GERAGOS: Okay. And the, and then you set up this command post where you already designated on the map for the jury, correct?

CLOWARD: Correct.

GERAGOS: Okay. And then at that point did you try to go over or do something to kind of familiarize yourself with the information that was coming in?

CLOWARD: I gathered their information. I knew what resources were out there. And, to be honest with you, I myself started from scratch, because I wanted to be sure that areas were checked and searched, so that I was aware that they had been, rather than relying on somebody else.

GERAGOS: Okay. As part of that, though, is it a fair statement, keep saying that, is it a fair statement that you were trying to take in as much information as you could that predated your arrival, and at the same time you wanted to, as you said, start from scratch and do grid by grid of all these areas that you previously testified to?

CLOWARD: Yes, correct.

GERAGOS: Now, the area where the, I think the first thing you said you found, or somebody found, using the collective you, were some socks and then some gloves were dispatched to? There's two separate incidents, right?

CLOWARD: Correct.

GERAGOS: Okay. Where were these socks?

CLOWARD: I'll have to refer to my report. 2410 again.

GERAGOS: Okay.

CLOWARD: My report just states that Officer Kirchoff located a pair of socks near the bank. Doesn't give an exact location.

GERAGOS: Okay. These were taken and shown to Scott to see if they had any relevance whatsoever to the investigation?

CLOWARD: Yes.

GERAGOS: Okay. And his response was No, they don't look like it, they appear to be men's socks; something to that effect?

CLOWARD: Yes.

GERAGOS: Okay. Was there also, there was some gloves that appeared to be bloody, like mittens, or something like that, that were located about a mile from this location. Were you in

charge of that as well?

CLOWARD: I don't recall anything about that.

GERAGOS: Okay. Do you remember any other items that were found that first day while doing the search that you inquired about?

CLOWARD: I think there was a tip line that came in on a glove that was found on a driveway at 119 North Morton, and I sent officers over to check that.

GERAGOS: Okay. And you took that, that was recovered and it was sealed and placed into evidence, as far as you know?

CLOWARD: I don't know what the officers did with that, but they were sent over to check it.

GERAGOS: Okay. Now, the, you also did the, I guess kind of a grid search, if you will, of this park, if I understand correctly? Took various areas and went through?

CLOWARD: Yes.

GERAGOS: Okay. You started with this olive grove area here that I'm pointing to on People's 22?

CLOWARD: Yes.

GERAGOS: Okay. Didn't come up with anything there, correct?

CLOWARD: Correct.

GERAGOS: Okay. Now, you had, by the time you arrived on the 26th, by that afternoon there was information regarding, because a police report had been made about a quarter to 5:00 about a burglary across the street; isn't that correct?

CLOWARD: I don't know that I received that information right away, but I did hear about it, yes.

GERAGOS: Okay. And at some point there was, I think you had said there was a thousand dollar reward and a flyer that was put out; isn't that correct?

CLOWARD: Yes.

GERAGOS: And the flyer talked about a, a van that was seen with three males; isn't that correct?

CLOWARD: I don't remember what the flyer said, so I can't answer that.

GERAGOS: Okay. The, you do remember that there was a reward; you don't remember whether, what the information was on the flyer itself?

CLOWARD: Correct.

GERAGOS: Okay. And there was at a certain point the, it became your impression that the burglary had taken place at almost exactly the same time that the, Laci went missing; isn't that correct?

DISTASO: Objection, your Honor. That calls for speculation.

JUDGE: Well, if he knows. If he knows. Did you know what time, the approximate time that Ms. Peterson came up missing?

CLOWARD: I don't know, I'm not sure what time he's talking about.

JUDGE: I'll sustain the objection.

CLOWARD: Yeah.

GERAGOS: Okay. Now, there was also a police advisory that was issued on December 31st?

JUDGE: Do you want that marked?

GERAGOS: Yes.

GERAGOS: Are you familiar with this? I'm putting it up here. Hopefully your eyesight is okay to see it.

DISTASO: I'm going to object, your Honor, as to a lack of foundation. This officer doesn't have the knowledge,

JUDGE: Well, he just asked. Do you have any knowledge of this particular news release?

CLOWARD: I mean I was contacted by Doug, but, many times, so I couldn't tell you, I don't know that I actually saw that particular press release.

GERAGOS: Were you aware, you said there was a reward for a thousand dollars, correct?

CLOWARD: Correct.

GERAGOS: And about the burglarized residence on the 24th to 26th, correct?

CLOWARD: I can see that, but, yes.

GERAGOS: Okay. The suspects are three dark-skinned males, not African American, short in stature. Also, the police are looking for an older model full-size van, tan or light brown in color, with one or possibly two doors that open to the rear. That was the information you had at the time on December 31st; isn't that correct?

CLOWARD: I may have.

GERAGOS: Okay. I mean you know, you know Doug Ridenour, right?

CLOWARD: Right.

GERAGOS: He's not going to be issuing press releases giving misinformation, would he?

CLOWARD: I wouldn't think so.

DISTASO: Objection, your Honor. It's calling for, I mean, he, he clearly doesn't have the foundation.

JUDGE: The problem is he just asked him if he was aware of that knowledge and, aware of information on December 31st, and I think he said he was.

GERAGOS: Right.

DISTASO: Actually, I think he said "I might have" or "I don't know."

JUDGE: Okay.

DISTASO: That's fine.

JUDGE: Let's find out. Were you aware of that information that was in that press release on December 31st?

CLOWARD: I don't recall if it was December 31st that I was aware of that or not.

JUDGE: Okay. All right.

GERAGOS: You were aware of it at some point,

JUDGE: Wait. I have to make a ruling. I'm going to sustain the objection and I'll ask the jury to disregard it.

GERAGOS: Okay. You were aware of that information at some point, correct?

CLOWARD: At some point.

GERAGOS: And I'm going to mark this as defendant's M.

JUDGE: What's the date of that release?

GERAGOS: December 31.

JUDGE: December 31, 2004 (sic) press advisory.

GERAGOS: You had testified, I think, when Mr. Distaso was asking questions, that significant resources were going into trying to find these people who were responsible for the burglary, correct?

CLOWARD: Correct.

GERAGOS: Okay. And the Modesto Police Department is releasing information that is three dark-skinned males, not African American, in a, and associated with an older light colored van, correct?

CLOWARD: It appears that they did, yes.

GERAGOS: Okay. Now, the, at the same time there was a discussion about the, what you called 290 registrants, correct?

CLOWARD: Correct.

GERAGOS: So besides the burglary, there was also, a decision was made by somebody, was it you?, to at least try to identify all the registered sex offenders in the area?

CLOWARD: I think that actually came out of the main office asking us to work on it. They were going to provide us a list.

GERAGOS: Okay. And a number of these people were contacted, correct?

CLOWARD: Correct.

GERAGOS: A number of them were not located, correct?

CLOWARD: Correct.

GERAGOS: Okay. And it was determined at one point that out of, that there were some 70-odd sex, registered sex offenders that were in the area; is that correct?

CLOWARD: If you want to direct me to a document that would tell me that. I don't recall.

GERAGOS: Yes, I will. Hold on, just give me one second. I believe that it's in your 2000 series, but I'll find you the exact pages. Do you have 2413?

CLOWARD: Yes.

GERAGOS: Okay. And it looks like it's the one, two, three, four, five, six, seventh paragraph?

CLOWARD: Okay.

GERAGOS: Okay. Now, it appears that there were 74, or at least, at that point 74, registered sex offenders that you had a list of, correct? Or that at least that that particular team, team four, had a list of?

CLOWARD: Correct.

GERAGOS: Okay. Five of those, as you said, you didn't mention the exact number, you said some were in jail, and, here in the report at least it appears that five of the 74 were in jail, right?

CLOWARD: Yes.

GERAGOS: 47 of them were listed as transients and showed the Mission as their registered address, correct?

CLOWARD: Correct.

GERAGOS: Okay. Where is the Mission on this map? Roughly the location?

CLOWARD: It won't be visible on this map, but it would be down in this direction.

GERAGOS: Okay. We've had testimony from Mrs. Medina that a number of these transients from the Mission walked back and forth to the park through here. Is it walking distance to the park?

CLOWARD: Yes.

GERAGOS: Okay. And at, out of that team four group of 74 registered sex offenders, 47 of them listed their address as that Mission? Is that, I mean do I understand that to be what you've written here?

CLOWARD: Where is that on this document that you pointed out?

GERAGOS: On 2413.

CLOWARD: Right here?

GERAGOS: Yes. Could you read that and see if that refreshes your recollection.

CLOWARD: Okay. What was your question again?

GERAGOS: Out of the 74, you had a list that's generated, I assume, of registered sex offenders, correct?

CLOWARD: Correct.

GERAGOS: What the law calls for under Penal Code Section 290 is that, when you move into a city, within either three to five days the sex offender has to register at an address with the police department of that city, correct?

CLOWARD: Correct.

GERAGOS: So when that happens, the police department has a computer-generated list that it spits out, and they can take a look at that list and determine where all the sex offenders are in the city, correct?

CLOWARD: Correct.

GERAGOS: Okay. So somebody, I assume from the police headquarters, generated the list, gave it to you, you distributed it, parts of the list, to various teams, correct?

CLOWARD: Correct.

GERAGOS: Team four, which is, I'm sure you don't remember off the top of your head today who was in team four, but team four was a couple of officers who were helping you with the search, correct?

CLOWARD: Correct.

GERAGOS: Okay. You had given them 74 out of this list of registered sex offenders, correct?

CLOWARD: Correct.

GERAGOS: Okay. Out of that 74 they reported to you that five of these people were in jail, correct?

CLOWARD: Yes.

GERAGOS: And that 47 of them were listed as transients, their word, and show the mission as their registered address, correct?

CLOWARD: Correct.

GERAGOS: Okay. Now, the Mission, as I, as you indicated before, is walking distance to the park, correct?

CLOWARD: Correct.

GERAGOS: And you know that there's a lot of traffic that goes back and forth between the Mission to the park; isn't that correct?

CLOWARD: Correct.

GERAGOS: Okay. And that happens on a daily basis?

CLOWARD: I don't know if it happens on a daily basis, but I know there's a lot of traffic in there.

GERAGOS: Okay. Could this be the spot where we,

JUDGE: Recess.

GERAGOS: SO I can get my other documents.

JUDGE: All right. So we'll quit a few minutes early. And 1:30 be all right, Mr. Geragos?

GERAGOS: Yes, that's fine, Judge.

<Noon recess>

DISTASO: Just before we get going. There was some subpoenaed records from Enterprise Rental Car in Modesto. I just want to get that on the record. And I'll do the normal stipulation about the foundation, and we'll make copies.

JUDGE: Okay. Fair enough.

GERAGOS: And I stipulate to that.

JUDGE: Do you remember where you left off, Mr. Geragos?

GERAGOS: No. But I'm going to start off somewhere else anyway. I take that back. I take that back. I do remember now.

GERAGOS: We were talking about the people from the missing 290 registrants. There was some investigation that's been done about, I guess you were coordinating to some degree the investigation of the 290 registrants; is that safe to say?

CLOWARD: Correct.

GERAGOS: Part of that coordination of the 290 registrants involved you actually going out and interviewing people, correct?

CLOWARD: Yes.

GERAGOS: And you have done that as recently as a year after she went missing; isn't that correct?

CLOWARD: Yes.

GERAGOS: There is some reports, if I can find it here, where, I think in December of last year, of 03, that you were out interviewing, or trying to find some of the these sex offenders?

CLOWARD: Correct.

GERAGOS: Do you know approximately how many total sex offenders the list generated by Modesto PD was?

CLOWARD: No, I have no idea.

GERAGOS: Safe to say it was more than a hundred; isn't that correct?

CLOWARD: Probably safe to say. But I have no idea.

GERAGOS: Okay. As far as we know, that Team 4, can you, just so the jury understands, and maybe myself as well, when you are putting entries onto your logs, you are talking about these references Team 1, Team 2, Team 3, Team 4. And I think you were telling Mr. Distaso that there was an, I don't know, sometimes you would have as many as 36 people working on the case at

any one time under your command?

CLOWARD: Well. Yes, including citizens, citizen volunteers.

GERAGOS: You may have as many as twelve law enforcement working for you at one time?

CLOWARD: Yes.

GERAGOS: You wouldn't want the twelve going to the same spot. You divide them up into teams?

CLOWARD: Correct.

GERAGOS: And then obviously name them Team 1, Team 2, Team 3, Team 4?

CLOWARD: Yes.e GERAGOS: Now, the, when you go around to try to locate some of these sex registrants, part of what you would do is, first of all, see if they were at the address that you were looking for, that they had listed with Modesto PD, correct?

CLOWARD: Correct.

GERAGOS: And I think you had previously indicated that a number of those people were not at the addresses where they had listed. You said that's fairly typical?

CLOWARD: That you will come across some, yes, that were not at the address.

GERAGOS: And others would tell you that they, do you have in front of you some of your reports from 12-18-03, when you were interviewing?

CLOWARD: Yes, I do.

GERAGOS: If I could take a look at that. You would go out specifically and ask people, see if they were at home where they said they were, questions of that nature, correct?

CLOWARD: Correct.

GERAGOS: This is about a year after the fact?

CLOWARD: Approximately.

GERAGOS: Okay. How many would you say you visited or were able to find in December of 03?

CLOWARD: Actually, all the reports that I have here were the names of everybody I was given to try to make contact with. And I made contact with all of them, unless there is a report here that states I couldn't find them.

GERAGOS: Okay. On a couple of these you were unable to find them; is that correct?

CLOWARD: Could be. I'd have to look at the reports. I don't remember.

GERAGOS: Okay. Show you the one that's marked on 32949.

CLOWARD: Okay.

GERAGOS: That appears that you were attempting to locate, I'm not going to enter the names, a certain person and that you did some followup and you spoke to the parole officer?

CLOWARD: Right.

GERAGOS: Okay. And that they had received the file when he came to Modesto. And right now, as of December 18th, he was a parolee at large, correct?

CLOWARD: Correct.

GERAGOS: They had no information as to his current whereabouts?

CLOWARD: That's correct.

GERAGOS: That was basically the extent of the investigation that was done on that particular person?

CLOWARD: Yes.

GERAGOS: There is another one, another gentleman, and this is 35877.

CLOWARD: Okay.

GERAGOS: There is another parolee or sex offender that you were trying to follow up on? You have no information or no new information on the location?

CLOWARD: Correct.

GERAGOS: You made contact at the address, the last known address?

CLOWARD: Correct.

GERAGOS: And there was no one home there. You contacted a neighbor next door?

CLOWARD: Yes.

GERAGOS: And told you that the person, you actually showed a picture of the person you were looking for to the neighbor, correct?

CLOWARD: Yes.

GERAGOS: And they said that he had not seen that person, and you were unable to locate any further information on him?

CLOWARD: Correct.

GERAGOS: Okay. There is, did you do another search for some of these people some time within the last six or seven months?

CLOWARD: Not that I recall.

GERAGOS: This was, you work with an officer, is it Beffa? Beffa?

CLOWARD: I don't remember. I don't work with him. I know who he is, yes.

GERAGOS: Was he under your command at one point for the search?

CLOWARD: At the onset, yes.

GERAGOS: He was looking for a particular gentleman who was a 290 registrant; is that correct?

CLOWARD: You have got his report. I don't know that I can testify to it. But he was sent out to look for 290 registrants. I don't know if that's what he was looking for or not, no.

GERAGOS: What I am saying, I will show you, which is 3183, which is a report, that would show you what investigation that he did in looking for 290 registrants, correct?

CLOWARD: Correct.

GERAGOS: He would ask, for instance, on this particular person, I'll just call him Randy M., last name, he would go out, he would get whatever their alibi was for the 24th, correct?

CLOWARD: That's what they were instructed to do on all the 290s, yes.

GERAGOS: They would follow up by calling and checking if they could what the alibi was, correct?

CLOWARD: They were instructed to try to confirm the alibi, yes.

GERAGOS: In this particular case, Randy M. said that he was at work. And the followup contact was made to work, and turned out that he, in fact, was off work on that day; isn't that correct?

DISTASO: Objection, your Honor. There is a lack of foundation.

JUDGE: Sustained. It's hearsay. Sustained.

GERAGOS: Now, the, in terms of the 290 registrants, as far as, you haven't done any kind of a survey to determine the total number of people that are registered in Modesto at that time, did you?

CLOWARD: No, I did not.

GERAGOS: Okay. And you did not, and you don't know how many people were actually contacted, correct?

CLOWARD: No, I do not.

GERAGOS: Okay. And is it also an accurate statement that there are still people that have been contacted within the last six months, you actually, last seven months, you were out in December of 03, trying contact some of them, and you were unable to contact some of these parolees. They are just at large, correct?

CLOWARD: Yes, I was, in December.

GERAGOS: Now, the, going back to when you first set up the search and you were in the park area. I guess that was your Command Post, correct?

CLOWARD: Right.

GERAGOS: I think that Mr. Distaso was asking you specifically about on one occasion, the 31st, when you were there, when there was a candlelight vigil; is that correct?

CLOWARD: Correct.

GERAGOS: And you have a daily log. That is the one, so the jury knows, this is the one that was provided just recently, correct?

CLOWARD: Correct.

GERAGOS: Okay. In that daily log, and that would have been after the opening statement, is that correct?

CLOWARD: Of,

GERAGOS: In this case, which what is about three weeks ago.

DISTASO: Objection. Relevance.

GERAGOS: I'll show it in a second.

JUDGE: I think if it's leading up to the question,

GERAGOS: Right.

JUDGE: Overruled.

GERAGOS: That's after the opening statement in this case this was provided, correct?

CLOWARD: Correct.

GERAGOS: Okay. Now, you have an entry on January 1st, correct?

CLOWARD: Yes.

JUDGE: Is this 2004, Mr. Geragos?

GERAGOS: 2003.

JUDGE: All right.

GERAGOS: And it's in regards to the candlelight vigil, correct?

CLOWARD: Yes.

GERAGOS: Okay. And that entry is that family of Laci e 12 Peterson arrived to set up for candlelight vigil, correct?

CLOWARD: Correct.

GERAGOS: And that's at 1510 hours, which would ten after three?

CLOWARD: Yes.

GERAGOS: And what's the next entry?

CLOWARD: Next entry says Scott Peterson is also here putting up very large signs.

GERAGOS: And that was, and then what's the entry at 4:15, about four and five minutes later?

CLOWARD: Family of Laci Peterson party arrived.

GERAGOS: Is it a fair statement that about an hour and a half before the candlelight vigil, which I think Mr. Distaso had asked you to take a look at, which is on your page three of three, candlelight vigil started at 4:40?

CLOWARD: Correct.

GERAGOS: Candlelight vigil ended at 5:00 o'clock?

CLOWARD: Yes.

GERAGOS: Based,

CLOWARD: That's what it says.

GERAGOS: Based on the notes?

CLOWARD: Based on the notes, yes.

GERAGOS: Is it a fair statement that your notes were made at a time when your memory was fairly good as to what you were doing? Better than your memory is today?

CLOWARD: Probably so.

GERAGOS: Okay. And is it a fair statement that you noticed that Scott Peterson was there when he was putting up the signs at least an hour, almost exactly an hour and a half before the candlelight vigil began?

DISTASO: Objection. Been asked and answered.

JUDGE: I'll overrule. You can answer.

CLOWARD: The notes reflect the information that was provided that day. So probably should clarify that I don't actually enter that information. That was actually done by somebody in the Command Post. That's what he entered into the log.

GERAGOS: These are records that were kept in the course and scope of business as you were operating the Command Post, correct?

CLOWARD: Correct.

GERAGOS: Okay. And information was, is that Scott Peterson was there an hour and a half before the vigil, according to the records, putting up very large signs, correct?

CLOWARD: Correct.

GERAGOS: Now, there was also some information about some of these, as I had mentioned to you before the lunch break, you would receive tips down there as well; isn't that correct?

CLOWARD: Yes.

GERAGOS: One of those tips was from a gentleman named Tommy, Tom Harshman. H-a-r-s-h-m-a-n. This would be, I have got a Bates numbered stamp. I don't think you do.

CLOWARD: 5:00 p.m. Yes.

GERAGOS: Okay. That was a gentleman who had phoned in and reported an observation about a van six days prior to that, correct?

CLOWARD: Correct. That would be on January 3rd.

GERAGOS: Okay. Six days prior to the January 3rd date when he phoned the Command Post?

CLOWARD: When he phoned the tip line, not the Command Post, yes.

GERAGOS: Right. So the Command Post, he phoned on, we have had some discussion in this. The phone on the third or the second, I know you said there were two entries where there is a typo, I guess, on the second, correct?

CLOWARD: Yes. This information was on the third. And it appears that he actually came physically to the Command Post. He didn't call.

GERAGOS: Okay. So he specifically came to the Command Post and described the van and a woman over by, is that Claus Road, south side of Scenic?

CLOWARD: Claus Road south side of Scenic, correct.

GERAGOS: You said the van had three windows on the driver's side?

CLOWARD: Correct.

GERAGOS: Woman had black hair, red top, black pants?

CLOWARD: Correct.

GERAGOS: And the man pushing her in the van seemed to be, looked like a street person, and there was an additional person in the van?

CLOWARD: Correct.

GERAGOS: And he wanted to be contacted by the detectives?

CLOWARD: Correct.

GERAGOS: Now, is it significant to some degree to you that ne 19 the man had indicated that there was a van involved; isn't that correct?

CLOWARD: Correct.

GERAGOS: Okay. And one of the reasons for that is that the van, or that you were looking for a number of witnesses, had indicated that they had seen a van with suspicious people in the neighborhood on the morning of the 24th, correct?

DISTASO: Objection. Lack of foundation.

JUDGE: Overruled.

CLOWARD: Correct.

GERAGOS: Right. And you were, it's a fair statement you are out there searching, you were head of the search team, one of the things that you wanted to follow up on, isn't it, was trying to find this van that a number of witnesses had identified, correct?

CLOWARD: Correct.

GERAGOS: And one of the reasons is, is that, at least as far as you knew, nobody had been able to place whatever van was seen in that neighborhood and connected it, or identified it as being either a landscaping van, or connected to somebody's business, or anything else, correct?

CLOWARD: Correct.

GERAGOS: Now, was there ever, to the best of your knowledge, any kind of a, call it a dragnet, any kind of a perimeter set up anywhere around this area that's marked on People's 22 to stop, or to look for vehicles, vehicles that may have matched the van, or anything like that, that you are aware of?

CLOWARD: I'm not aware of it, but I have no idea.

GERAGOS: And as far as you know, does the, was, I know you corrected me this morning, so I don't want to misstate what your role was. I know you were in charge of the search. But how close were you to what the investigators were doing simultaneous to your search efforts?

CLOWARD: I was,

GERAGOS: Close?

CLOWARD: I wouldn't say close. You know. I was tasked with a search. They were tasked with an investigation. If they felt something was important that related to the search, then they would let me know that information. But I wouldn't say I was close.

GERAGOS: Okay. So is it accurate that whatever they were developing in terms of information during the investigation was not being shared with you on a daily basis, so to speak?

CLOWARD: Only if it had something to directly relate to the search.

GERAGOS: Okay. So you were given kind of a broader mandate to search from Modesto, the Modesto area on out; is that a fair statement?

CLOWARD: Correct.

GERAGOS: Okay. And then it appears that you also were given some kind of a mandate to follow up on this burglary across the street at the Medinas' house; is that also accurate? I don't, maybe mandate is too strong. But you were tasked with following up on that if you had any information.

CLOWARD: If we came across information, actually we would have forwarded that on to detectives, like we did. And then if they need our assistance, then we would assist them, which they did.

GERAGOS: Then Mr. Distaso had asked you about getting that phone call on January 2nd, I guess, about the burglary, or the informant?

CLOWARD: Correct.

GERAGOS: Okay. And then, this is your report I'm showing you, which is Bates stamped 2393?

CLOWARD: Okay.

GERAGOS: At that point on January 2nd, it was your information that near or about the time that Laci Peterson was reported missing on December 24 was when the burglary was in the Medina residence; isn't that correct?

CLOWARD: On approximately 12-24, near and about the time, correct.

GERAGOS: Okay. And that was obviously the reason that there was followup in regards to anything that had to do with the burglary, and at the same time anything that had to do with the van or the people who were described as three dark-skinned, not African-American gentleman, seen around the van, correct?

CLOWARD: Correct.

GERAGOS: Now, the searches that went on in the waterways, is it, were you told specifically to check the waterways in and around Modesto?

CLOWARD: No, I was not.

GERAGOS: Okay. Did that, was that just, was there a particular reason that you have focused on bodies of water and waterways?

CLOWARD: Process of elimination.

GERAGOS: Did you go through, the house-to-house search was confined mostly to the Covena area, as far as you know; is that correct?

CLOWARD: Correct.

GERAGOS: And when I say the Covena area, which is a mark, I puts this up here. I don't think you have seen this before.

CLOWARD: No, I haven't.

GERAGOS: This is People's 33. We have had some testimony from some of the officers that they came back on the 25th, and they were at least doing front yard searches through here. Were you aware that that had been done?

CLOWARD: I was aware that some searches had been done in the area. But precisely where I couldn't tell you.

GERAGOS: Okay. And as far as you know, the, I have looked through, got a tremendous amount of records here that you have compiled. And it appears to me, at least, correct me if I'm wrong, that in terms of house-to-house searches, or car searches, that what your main objective was, if you knew of some vacant residences in the area, you would deploy people there, correct?

CLOWARD: Correct.

GERAGOS: There was about, as far as you could determine, maybe eight vacant houses that were in the neighborhood. So you sent officers to check on the vacant houses, correct?

CLOWARD: I don't recall how many. But we sent them out to check.

GERAGOS: Right. Checked more than one, less than twenty?

CLOWARD: Correct.

GERAGOS: My count was, you had some addresses, there looked to be about six or eight, something like that?

CLOWARD: Okay.

GERAGOS: And if there was a report of a van being recovered that, an older model van that was recovered, or that was seen that was suspicious, that was something that was usually forwarded to you for you to deploy somebody to follow up on; is that correct?

CLOWARD: Not necessarily.

GERAGOS: To go to other people as well?

CLOWARD: It may be something that would just forwarded to investigators to follow up on.

GERAGOS: Okay. Now, at the same time, you would talk to Scott Peterson on various occasions, and he would call you at times to get up dates on the search, correct?

CLOWARD: I don't know how many times we may have called. I know that he called maybe one or two times. I know that he came down to the Command Post.

GERAGOS: How many times did you see him at the Command Post?

CLOWARD: Couple of times, maybe.

GERAGOS: Okay. Did you see, were you ever at the Command Post separate and apart, we have heard testimony from the Volunteer Center, correct?

CLOWARD: Correct.

GERAGOS: Did you ever go over to the Volunteer Center?

CLOWARD: I think I was only over there one time.

GERAGOS: Okay. Now, you had also, I don't know if you are aware, but there was a wiretap that was done in this case. Were you aware of that?

CLOWARD: Correct.

GERAGOS: Okay. Were you aware that one of your conversations with Scott Peterson was intercepted?

CLOWARD: No, I wasn't.

GERAGOS: Okay. I'm going, do you have a memory of a conversation on January 13th of 2003 at about 8:24 in the morning? Almost a three-minute conversation?

CLOWARD: I couldn't give you the exact date; but I know I may have had one.

GERAGOS: Would it refresh your recollection as to the contents if I handed you Investigator Jacobson's report? Although you are going to need your glasses to read it. I have yellow highlighted the pertinent portion. If you would read it to yourself.

CLOWARD: Okay.

GERAGOS: Okay. Does that help refresh your recollection as to the conversation the two of you had that day?

CLOWARD: Yes.

GERAGOS: Okay. Is it a, was it the case that Scott had called you and was asking for help and direction from you on what he and his family should do, and where they should go to look?

DISTASO: Objection, your Honor. It's hearsay.

JUDGE: I didn't hear.

DISTASO: It's hearsay, an admission by a party offered by the party.

JUDGE: Again, this is 1250 evidence of existing state of mind. It comes under 1250 of the Evidence Code.

CLOWARD: What's the question again?

GERAGOS: Is it an accurate statement that he was calling and asking for direction from you on what he and his family should do, and where they should go to look?

CLOWARD: Yes.

GERAGOS: And you asked him what kind of places he had been looking?

CLOWARD: Correct.

GERAGOS: And he said that his main focus has been on knocking on doors, handing out flyers, and an option for him is not looking for a body; isn't that what he told you?

DISTASO: Objection, your Honor. That last portion is not relevant for that purpose.

GERAGOS: It's directly on state of mind.

JUDGE: Overruled, yeah.

GERAGOS: Isn't what he told you?

CLOWARD: Correct. That's what it says.

GERAGOS: He said, "The only resolution for me is finding her." And you answered, "Right."

CLOWARD: Correct.

GERAGOS: He said, "So I don't see for me, to looking at places when she is not going to be there." And he repeatedly would ask for direction on what to do; correct?

CLOWARD: Correct.

GERAGOS: And then you asked Scott if he's going to be somewhere later on so that we can sit down and talk a bit?

CLOWARD: Correct.

GERAGOS: And Scott gave you his mobile number. And he thanked you, and said that he was at your church on Saturday night; is that correct?

CLOWARD: Correct.

GERAGOS: Now, in addition to that there was, at some point your searchers went out to a location, I think it was called, if I mispronounce it, please correct me --

CLOWARD: Tulloch Lake.

GERAGOS: I blow it every time I say it. Tulloch Lake. And probably already identified it. Is it on one of these maps?

CLOWARD: Probably easier to show it on the state map.

GERAGOS: Okay. Can you show the jury where this lake is?

CLOWARD: Right here, where the,

GERAGOS: Approximately how far away is that Mr. Modesto?

CLOWARD: In mileage I couldn't tell you. About a 45 minute drive.

GERAGOS: Now, as, when you went there, do you remember what day it was? Do you have anything in your, do you have anything in your report that would refresh your recollection?

CLOWARD: What day I went there?

GERAGOS: Did you go there, did you lead the search there, or supervise the search?

CLOWARD: Actually, Sergeant Helton was sent up there to supervise that search.

GERAGOS: Do you remember when that was?

CLOWARD: Exact date, no, I do not.

GERAGOS: Do you remember approximately? Week, two weeks afterwards, after you set up the Command Post?

CLOWARD: Again, I don't recall exact date. I could probably look through here and find it.

GERAGOS: Okay. When you went to the, did you specifically go there with Helton? Or am I better off asking Helton about the search that's there?

CLOWARD: I would recommend you talk to Sergeant Helton about that search. He was present.

GERAGOS: Okay. And he was present with the dogs and the teams that were all there. There was a diving team I think you testified to was there, correct?

CLOWARD: Correct.

GERAGOS: There were dogs there as well?

CLOWARD: Correct.

GERAGOS: And who else would you have, at that point, have deployed up there?

CLOWARD: I don't recall who he had with him. Again, you would be probably better off asking him.

GERAGOS: Okay. Now, prior to that, you had, specifically you talked to somebody I think on January 6th. You got an e-mail from somebody named Bob Ford? Do you remember a Bob Ford?

CLOWARD: I don't recall it. But,

GERAGOS: Let me show you 16373 of the discovery. Read the yellow highlighted portion, see if that refreshes your recollection. We use bottom right?

CLOWARD: I'm sorry. Okay.

GERAGOS: Do you remember, do you remember getting this e-mail?

CLOWARD: Yes, I do.

GERAGOS: Okay. I think previously marked,

DISTASO: Your Honor, I'm going to object, as this is hearsay. I think counsel is going to try to elicit, well, in fact, double hearsay statement here.

JUDGE: If it's double hearsay, won't be admissible. This is double hearsay Mr. Geragos?

GERAGOS: Could I try to lay a foundation first?

JUDGE: Yeah, go ahead.

GERAGOS: Now, the January 6 e-mail that I showed you, and the, tough to say what date that is. I'm showing you G-1 and G-2. Do you remember, do you recognize both of those items?

JUDGE: These are e-mails regarding the park closure?

GERAGOS: From Bob Ford to Sergeant Cloward. Doesn't have the title in there. Just says Ron Cloward.

CLOWARD: This one came to me. This one here doesn't even look like I got a copy of it.

GERAGOS: This one you are saying came to you is G-1?

CLOWARD: Correct.

GERAGOS: Okay. I'll just ask you about G-1. Did you receive that in the course and scope of your duties as an officer?

CLOWARD: Correct.

GERAGOS: And was this an e-mail that was transmitted to you via the county e-mail system?

CLOWARD: Yes, it was.

GERAGOS: Okay. And was this a record that was kept in connection with this investigation?

CLOWARD: It was a document I held on to as part of the investigation or search.

GERAGOS: And that was to document conversation and exchange of information in terms of the search itself?

CLOWARD: Yes.

GERAGOS: Specifically you were given information that Laci Peterson,

DISTASO: Actually, your Honor, I'm going to object what the e-mail is. It's a conversation that Bob Ford was recounting from, allegedly from Laci Peterson that he put into an e-mail sent to Sergeant Cloward. That's not a business record of the county or the police department.

JUDGE: I don't think either,

DISTASO: It's double hearsay.

GERAGOS: Exactly what it is. If he wants, I'll just bring in Bob Ford.

DISTASO: That's fine.

JUDGE: You may have to. I'm going to sustain the objection.

GERAGOS: You were given information at some point, I'm not going to ask you from whom, but to explain subsequent conduct, were you given information that Laci Peterson had tried to get this area of Covena closed because of the undesirable activities; isn't that correct?

CLOWARD: Correct.

GERAGOS: Okay. And part of the reason, and based upon that, you focused your efforts around the park area and what was going on in there; isn't that correct?

CLOWARD: That would be incorrect.

GERAGOS: Did you search based upon the fact that she was worried about the undesirable activity there?

CLOWARD: No, that's not why I searched.

GERAGOS: Okay. Now, the search of the Modesto area took approximately how long? The one that's down here on People's 58. How many days did it take you to fill in this area here?

CLOWARD: It was probably a little more than a week.

GERAGOS: Okay. And after you did that, then you spread out to the, I guess the California map is a better one to look at?

CLOWARD: Probably.

GERAGOS: Which is 61. You have got a circle here on the map on 61. And then looks like it is divided in quadrants; is that correct?

CLOWARD: Correct.

GERAGOS: Is that, did you take each of these quadrants separately?

CLOWARD: Correct.

GERAGOS: Okay. And where was the first quadrant that you went to search?

CLOWARD: Actually we hit two quadrants at the same time, which would be the, I'll use that if you want.

GERAGOS: Sure.

CLOWARD: This would actually be Calaveras County, Tuolumne County. This down here would be Mariposa and Merced. So they were actually searching, looking into those areas at the same time.

GERAGOS: At the same time. And approximately how long did that search take place?

CLOWARD: That took several days as well.

GERAGOS: Okay. And after that, did you move over into the Bay Area?

CLOWARD: We started working our way that direction into Alameda County, San Joaquin County.

GERAGOS: Now, the first area of the Bay Area that you went to was the Berkeley Marina?

CLOWARD: There was people at the Berkeley Marina, again, as I stated earlier, that I wasn't aware of. There was a search effort before I was made aware of it.

GERAGOS: Okay. As far as you know, prior to you moving into that quadrant, there were already searches going on in the Berkeley Marina; is that correct?

CLOWARD: I believe, yeah, it was investigated. But they had been over there.

GERAGOS: And the, when did you move over to the marina itself, or the Bay Area?

CLOWARD: I'll have to look here real quick.

GERAGOS: Sure. You said you started January 8th. Would that refresh your recollection? Are you looking at your six-page log? You had that in front of you. The one that had the, kind of the compilation.

JUDGE: I just remind you, he testified he started, search started on January 8th. But the officer may have been there on prior occasions. Is that right?

CLOWARD: That's correct.

GERAGOS: Okay. Do you have another, you have another log that you had created that was, I think, six pages that had all the dates on it that you were reading off to Mr. Distaso.

CLOWARD: Oh, that's in this binder here.

GERAGOS: Could you pull this out for just one second. If I could borrow it. Now, the information that's on here prior to the 8th, did you put that in, for instance, looks like on December 28th, Contra Costa met with two MPD detectives to launch the Berkeley Marina search, Brooks Island. Looks like the U.S. Coast Guard was there.

CLOWARD: I didn't create this document, so I haven't seen it until the other day.

GERAGOS: Do you know who created this document?

CLOWARD: No, I don't.

GERAGOS: Were you aware that the Contra Costa was out with the Modesto PD at the Berkeley Marina on the 28th?

CLOWARD: No, I was not.

GERAGOS: How about the Coast Guard out on the December 30th, were you aware of that?

CLOWARD: I don't recall that, no.

GERAGOS: Okay. January 8th, it looks like San Mateo County sent over some sonar equipment. Are you aware of that?

CLOWARD: That one I was aware, and I was present.

GERAGOS: On January 8th, when there was some sonar equipment there, were you in charge of that search?

CLOWARD: They were sent over there at my direction. So I guess that's in charge.

GERAGOS: Okay. As, when you say sent over there in your direction, did they, did you keep in contact with, were you searching the area there were them physically?

CLOWARD: I wasn't out on the water with them. I was actually with an Oakland PD officer, a Berkeley PD officer.

GERAGOS: Where were you, physically?

CLOWARD: Cesar Chavez Park and at the marina.

GERAGOS: And when you were there, how long would you estimate on the 8th that the people were out in the, specifically where were they out in the Bay?

CLOWARD: They were just to the north of Cesar Chavez Park.

GERAGOS: Do you have anything here where you could point to where that is that would help us?

JUDGE: Hard to pick out Cesar Chavez Park on the map of California.

GERAGOS: Generally, can you just tell me, is that fairly close to where the marina is?

CLOWARD: Yes. It's within walking distance, walk across the parking lot into the park.

GERAGOS: Okay. Now, as you were there, how many people were deployed to search on the 8th of January?

CLOWARD: I believe it was just Officer Ramirez, and there was one other officer with him. I want to say was Grogan, Jason Grogan. And they were on the boat with San Mateo. I was on the shore.

GERAGOS: Okay. And approximately how long were they out in the Bay?

CLOWARD: I couldn't tell you the exact amount of time that they were out there on the boat. For quite a while.

GERAGOS: Okay. Now, after that you came back the following day, January 9th?

CLOWARD: I didn't come back at 9th. They did.

GERAGOS: Okay. Same thing, with sonar?

CLOWARD: Correct.

GERAGOS: Came back on the 11th with sonar?

CLOWARD: Correct.

GERAGOS: Now, those three days when you are out there, the 8th, 9th, and 11th, already shows you have a bunch of press releases. There was a belief that you had found something; isn't that correct?

CLOWARD: Correct. That was on the 8th.

GERAGOS: On the 8th. That belief was, is that the sonar device that maps the floor of the Bay, that was your understanding of what they were doing, correct?

CLOWARD: Correct.

GERAGOS: Had picked up an object, correct?

CLOWARD: Correct.

GERAGOS: And the problem that you talk about, that frustration that you were dealing with, with weather conditions, was in getting a diver into the water and at that specific location, correct?

CLOWARD: Yes.

GERAGOS: Frustration was not with the sonar device.

CLOWARD: No, it was not.

GERAGOS: Okay. So that I understand correctly, the sonar device was doing its job, I mean in the sense that you were, I know you are not an expert, but in general terms, the sonar device is submerged into the water, correct?

CLOWARD: Correct.

GERAGOS: It does whatever it does in terms of the technicalities of it, but it's able to map the floor and find objects that are on the floor of the Bay, correct?

CLOWARD: Correct.

GERAGOS: Okay. The frustration comes in with the fact that, depending on whether it's high tide or low tide, what the currents are, is getting to the location where the sonar device has identified an object on the floor of the Bay; is that a fair statement?

CLOWARD: That would be a fair statement.

GERAGOS: So on the 8th, something is identified. There is a suspicion. You went through it already on the MPD press releases, that it may be a body. You go down on 11th, and what's recovered?

CLOWARD: They didn't recover it, but they identified it as an anchor.

GERAGOS: Okay. And they identified it as an anchor via the sonar device, or a diver physically getting down there?

CLOWARD: I believe it was a diver.

GERAGOS: Okay. Now, there was a return on the 8th, 9th, and 11th, were all done with San Mateo' sonar device, correct?

CLOWARD: Correct.

GERAGOS: And that's, I don't say that because I was out there. I'm just looking at this view here, and/or the compilation of the list you have identified, somebody has identified as San Mateo County sonar, correct?

CLOWARD: Correct.

GERAGOS: Then there is a notation on the 18th that a Ralston was out there, 18th of January. Do you know who that is?

CLOWARD: Yes.

GERAGOS: Who is Gene Ralston?

CLOWARD: He is a kind of an expert in the field. He's made many recoveries for the FBI. Travels about the country with his equipment, and that's what he does.

GERAGOS: Okay. He was called in on the 18th. Were you there?

CLOWARD: I don't recall. I probably have to look through here to see if I was there or not.

GERAGOS: Okay. And he was actually called out again on the 24th; is that correct?

CLOWARD: Yes, he was.

GERAGOS: Okay. And while he was out doing these the mapping of the floor, was that also done on a kind of a grid basis?

CLOWARD: We tried to do it on a grid basis and eliminate areas as we went through, yes.

GERAGOS: Do you know specifically where you started in order to do that? I'm not going to ask you for the exact GPS coordinates, but roughly where you were when you started to kind of map out. I apologize that I don't know the map of the marina here. It's my fault. But what you did here for Modesto, you tried to do the same thing for the marina, correct?

CLOWARD: We tried to work in a grid, yes.

GERAGOS: Okay. So when you jury takes a look at this map and sees that it's colored in, what would you do is, you would take a specific area in the marina like you did in Modesto, you would plot that out, correct?

CLOWARD: Correct.

GERAGOS: Okay. How did you plot it out?

CLOWARD: We just we would pick an area and set, like we were doing was with San Mateo, they would set how far out we wanted to scan, realizing the farther out you get, the worse the image is. So we actually tried to keep our scans within a certain distance. And we would work, I remember one point, off Cesar Chavez Park, we were, I was on the boat working in a north-south direction just north of the Cesar Chavez, on the boat.

GERAGOS: When would you finish with one specific area, then you would move to another one, adjacent to or contiguous to it, so that you could just kind of brick-by-brick search the entire bay, correct?

CLOWARD: That was what we originally started, yes.

GERAGOS: Okay. Now, as you were doing that, did you have divers there at the same time that you had the sonar devices?

CLOWARD: We were with San Mateo. They had a diver on the boat. So, and I remember them, at times, putting a diver in the water to check an object that may have been seen.

GERAGOS: Okay. The specific areas that you would, that you would search, there is Brooks Island, which is approximately what, how far off of the, from the marina? Couple of miles?

CLOWARD: For me, it would be a guess. But maybe a mile and half, two miles.

GERAGOS: Okay. And as you indicated on the, learned that one item that the sonar had indicated there is, an item down there turned out that was an anchor, correct?

CLOWARD: Correct.

GERAGOS: Okay. Then was that determined, and you think that was determined by the side sonar, or the diver actually reaching down there?

CLOWARD: My best guess it was a diver. But I really don't know how they confirmed it.

GERAGOS: Okay. Then see if, I have got a little picture I'm going to try to put up here and see if this will help. If I were to place this on the document camera, would that give us a little bit of help?

CLOWARD: Yeah, that would probably help a little.

GERAGOS: Okay. You had San Francisco Police Department was helping you at some point; isn't that correct?

CLOWARD: Yes.

GERAGOS: They were assisting, they had a marine unit out at Treasure Island?

CLOWARD: Yes, they did.

GERAGOS: And they were assisting in the Bay search as well?

CLOWARD: They assisted with their boats and divers.

GERAGOS: Okay. When you went out there on one occasion, at least on the 20th, it appears that the SFPD was out there searching the Richmond Harbor Master Pier when you got out there; does that jog your memory? Does that jog your memory?

CLOWARD: Actually we met them at that location. The search was under way. But we met them at the Richmond Pier.

GERAGOS: Now, do you know approximately how many crews were out there searching? Now, on the, maybe, is it easier for me to go over there and just kind of use the pointer on the screen?

CLOWARD: Okay.

GERAGOS: When you are starting these what I'll describe as the, fair to call it a grid search of some kind? Where are you launching from?

CLOWARD: We were launching from Berkeley.

GERAGOS: Over in here?

CLOWARD: Well, I guess I would have to, I'm sorry, I'd have to go back on that question. We launched different places different days, so depends what day of the week you are talking.

GERAGOS: Well, when you, can we do it, do you have a memory of, good enough memory to do it in chronological order?

CLOWARD: Yeah.

GERAGOS: Okay. Let's just start first. Where was the first time that you launched from, and where did you search?

CLOWARD: We started from Berkeley.

GERAGOS: Over in here?

CLOWARD: Yes.

GERAGOS: Okay. And which direction did you go?

CLOWARD: We worked in a north-south direction. And,

GERAGOS: This direction in there?

CLOWARD: That would be to the west. North would be upward.

GERAGOS: And how far over did you come?

CLOWARD: We came over just about to, I think they referred to that as landfill right in behind Golden Gate Fields. We were, would go out in south in that area.

GERAGOS: Over in here?

CLOWARD: Yes.

GERAGOS: So you start the search there. And then as you, is it fair that you were trying to move in this direction that I have got the pointer going in?

CLOWARD: Yes.

GERAGOS: Okay. And so as you are going in this direction here, are you doing, are you at least mentally, or on a map, doing the same thing that you were doing with the Modesto map, and kind of coloring off the areas that you had already searched?

CLOWARD: Detective Owen could probably best answer that. He would actually document exact areas as we were searching them on the maps. And I think that's one of his reports.

GERAGOS: Okay. So as you are moving, you are doing this, how much area can you cover on a typical day, if there was such a thing?

CLOWARD: It's real hard to estimate. But it took hours to do. I think it took almost a full day to do that section just north there of Cesar Chavez Park that you were just pointing south. And the only reason I can tell you that is because I was on the boat.

GERAGOS: You were on the boat? Now, when you were on the boat, was there also a diver that would be on the boat?

CLOWARD: There was that day.

GERAGOS: Okay. Did the diver have a rope that was tied to the boat when he would dive?

CLOWARD: I don't recall.

GERAGOS: Okay. Would they, they would drop the side sonar, you would have a diver. If they found something, the diver would attempt to go down and see what it was, correct?

CLOWARD: If they could, yes.

GERAGOS: Okay. Now, the, one of the other things that you did when you were out there was, you went and searched the bay floor under a specific buoy; is that correct?

CLOWARD: Yes.

GERAGOS: That was something called Buoy Number 6; is that correct?

CLOWARD: Correct.

GERAGOS: Tell me approximately where Buoy Number 6 is.

CLOWARD: Go to the extreme upper left corner.

GERAGOS: Up here?

CLOWARD: Over in that area.

GERAGOS: Okay. And specifically somewhere in this, what is on here as a square?

CLOWARD: Somewhere, yeah, in that area.

GERAGOS: In this area here, Buoy Number 6 specifically, there was a search around the buoy, correct?

CLOWARD: Correct.

GERAGOS: And a sonar was done, and divers went underneath that buoy starting from the center and working out in a circumference of thirty feet, correct?

CLOWARD: Correct.

GERAGOS: And the search was negative, correct?

CLOWARD: Correct.

GERAGOS: And in addition to that, just so that I understand it, I'm looking from the report here, this buoy is what is referred to as a floating marker; is that correct?

CLOWARD: That's correct.

GERAGOS: And it's red in color, approximately six feet in diameter, and it's chained to the bottom of the bay floor, correct?

CLOWARD: Correct.

GERAGOS: And while you were there, somebody took a paint sample, in your presence, of that buoy, correct?

CLOWARD: I wasn't present, but I know somebody took a paint sample, yes.

GERAGOS: So that that could be compared to another sample, correct. That's what your understanding was?

CLOWARD: I believe so. I guess I would have to say, talk to the person that took the sample as to why they took it.

GERAGOS: Okay. Now, how long did, how long did it take to search the area around Buoy Number 6?

CLOWARD: Approximate, pretty large area. We were up in that area for several days.

GERAGOS: Okay. And that was done with both sonar and the diver, right?

CLOWARD: And dogs, and also an ROV.

GERAGOS: And could you tell the jury what is an ROV is?

CLOWARD: It's remote operated vehicle, which is like a little remote control submarine that is hooked to a cable, and feeds video to the boat so you can actually view the video.

GERAGOS: If I understand you correctly, when, they dropped this remote controlled vehicle on to the bottom of the Bay floor, correct?

CLOWARD: Correct.

GERAGOS: It sends video up, has monitor on the boat?

CLOWARD: Yes.

GERAGOS: And somebody takes a look at the TV monitor to see if they can read what's going on down at the bottom, correct?

CLOWARD: Correct.

GERAGOS: Okay. That met with negative results, correct?

CLOWARD: Correct.

GERAGOS: Now, there was a search done around a Buoy Number 4. Were you there for that?

CLOWARD: Yes, I was.

GERAGOS: Okay. Now, where is Buoy Number 4?

CLOWARD: It's very close proximity to Number 6. It would be just west of it. And it's actually,

GERAGOS: Somewhere here?

CLOWARD: Actually built up on a tower. I'm not sure what they call them. But it's a little different than the one, Number 6, which is actually floating buoy.

GERAGOS: Now, this inset here, which has got Buoy Number 4 on it, does that appear to be the area, I note actually looks like a little blown up, does that appear to be the area that you have referred as to Buoy Number 4?

CLOWARD: Yes. And Buoy Number 6 is just to the east of that, kind of northeast.

GERAGOS: Okay. Now, what equipment was used, and what personnel was used to search that area?

CLOWARD: That area was searched with rescue dogs, dog teams. Was searched with side scan sonar, divers, and an ROV.

GERAGOS: Okay. And met with negative results, obviously?

CLOWARD: Frustration and negative results.

GERAGOS: Nothing there, right?

CLOWARD: Best we can tell, yes.

GERAGOS: Okay. Now, there was also a search technique that was used off the boats where the diver would hold on to the boat, and that was, that he was let out beyond what your

24 target area was; is that correct? Do you remember that?

CLOWARD: I believe that was a commercial diver.

GERAGOS: Yes.

CLOWARD: Yes.

GERAGOS: I have got a diagram which I'm going to show you. That looks somewhat familiar to you, before I put it up on the screen?

CLOWARD: Yes.

GERAGOS: Okay. Now, this apparently is a sketch or a diagram of the boat, San Francisco PD Boat, marine boat that's being used, okay? That what you knew it to be, at least from looking at it?

CLOWARD: According to what it says there, yeah.

GERAGOS: Then you have got this rope area that's represented, and then a diver, obviously. And then you have got a, what they are calling a target area; is that correct?

CLOWARD: Correct.

GERAGOS: Okay. Now, the search pattern, they have labeled this as a search pattern, diver, basically with this rope, the diver would move in kind of an arc; is that correct?

CLOWARD: It appears that way, yes.

GERAGOS: Okay. And actually see these kinds of searches going on?

CLOWARD: Yes.

GERAGOS: And these searches would be so that you could go in a larger diameter than just the grid area that you were searching, correct?

CLOWARD: That's not why we did it that way, no.

GERAGOS: Why did you do that it way?

CLOWARD: Because the commercial diver had the ability to go down and fight the current. Getting surface air down to him he could stay down there for an hour, hour and a half. Whereas the divers that weren't tethered, and weren't having, weren't receiving surface air, could only go down for a short period of time, and they couldn't fight the current.

GERAGOS: Okay. Now, that would go, how many times did you see, or what kind of an area did this type of a search cover?

CLOWARD: With this type of search alone?

GERAGOS: Yes. Just this type of search, where you have got the divers doing this kind of an arc, I guess, side-to-side type of search, how large of an area did you cover with that?

CLOWARD: Compared to the vast square out there, we were searching, I would say it was very minute than what we were able to do with the commercial diver.

GERAGOS: There is also some FBI searches; isn't that correct?

CLOWARD: Not that I was a part of.

GERAGOS: You weren't part of any of that?

CLOWARD: No.

GERAGOS: Were you part of any Coast Guard searches?

CLOWARD: No.

GERAGOS: The searches that you were involved in were limited to San Mateo County sonar equipment and the Ralstons, San Francisco PD, Modesto PD, anybody, any other agencies you were working with?

CLOWARD: Berkeley, Tuolumne County Sheriff's Department, who actually had the ROV, and some of their equipment.

GERAGOS: Now, there was another search that was done, looks like, some time around January 24th, at about six in the morning; is that correct?

CLOWARD: Okay, correct.

GERAGOS: And that's listed on your sheet here as well, where there is a notation that the Ralstons were there?

CLOWARD: On January 24th, correct.

GERAGOS: Okay. Now, on that search, what the, what was happening was diagram up there. This diagram appears to look like the surface of the water out there with the boat, and then the sea floor. And is that a fairly accurate representation of what was going on there with the Ralstons?

CLOWARD: That's what their equipment would essentially do, yes.

GERAGOS: Okay. Now, on the 24th of January when you did the search with the Ralstons, it look like the search extended to the Bay, in the San Francisco North Bay, and that the target area of the search included the Richmond Turning Basin, Brooks Island area, and the Berkeley Marina; is that correct?

CLOWARD: Is that Detective Owens' report?

GERAGOS: Yeah.

CLOWARD: I'm going to probably have to defer you then to Detective Owens, because I really don't feel comfortable testifying what he, testifying what he said we searched that day.

GERAGOS: Were you out there that day?

CLOWARD: Yes, I was.

GERAGOS: Is it a fair statement that you covered quite a bit of ground that day?

CLOWARD: We covered quite a bit of ground every day.

GERAGOS: Now, the 24th when you were out there, the, specifically what kind of a search were you doing then, do you remember?

CLOWARD: We had the Ralstons. We had the Ralstons out there. We were doing side scan sonar. But, again, I would have to look at Detective Owens' report to see exactly what other equipment. And I would feel more comfortable if you asked him.

GERAGOS: I'd be happy to do that. But your memory is that, as you were out there covering quite a bit of territory, that includes the marina, Brooks Island, and in the bay, correct?

CLOWARD: I believe so. But, again, I would have to refer you to him.

GERAGOS: And is it a fair statement you didn't find anything?

CLOWARD: No, there wasn't anything we found that day, as far as the investigation of the search.

GERAGOS: Okay. Now, the, at some point on February 1st, did you go back out again?

CLOWARD: Officer Ramirez and Officer Skultety were out there.

GERAGOS: Okay. And I'm going to show you, this is Bates stamp 2145. It says I instructed them to search. Does that refresh your recollection as to your involvement?

CLOWARD: Yes.

GERAGOS: What did you do on February 1st? What was your involvement on February 1st?

CLOWARD: As far as the Berkeley Marina?

GERAGOS: Yes.

CLOWARD: Instructing them to go out and search.

GERAGOS: And where did you want them to search?

CLOWARD: The area north of Cesar Chavez Park.

GERAGOS: Is that represented on this map right here?

CLOWARD: Yes. It would be about midway up on the right, where the little,

GERAGOS: Right in this area here?

CLOWARD: Down right in there.

GERAGOS: Right in here? This would be Cesar Chavez Park?

CLOWARD: That's, well, that's the area of the water that's just north of Cesar Chavez Park. If you drop to the south, you are actually at the park.

GERAGOS: You wanted, from where to where did you instruct them to search?

CLOWARD: Well, we knew that that would take them most of the day. That was where the other, they were asked to start their searching. Where exactly they started, again, you would probably have to get with them as far as their reports.

GERAGOS: Okay. And did you have them go into the water as

8 well when they are doing side sonar? Is that what you instructed them to do?

CLOWARD: They were doing side scan sonar. And exactly what pattern they took, and the area that they were in, I couldn't tell you.

GERAGOS: Okay. Is that what your instruction was, is to go from this edge of the shoreline out towards Brooks Island, correct?

CLOWARD: I think I said north of Cesar Chavez Park is what the instructions I gave them. If you were to go out the way you just did, you would be going west.

GERAGOS: Specifically let me show you this again, see if this refreshes your recollection as to what you told them. The yellow highlighted portion.

CLOWARD: Okay. That would be in the northbound direction, Cesar Chavez Park to Brooks Island. Brooks Island is north of Cesar Chavez Park.

GERAGOS: So your instructions were to search from Cesar Chavez Park to Brooks Island, correct?

CLOWARD: Correct.

GERAGOS: And that was done, or at least reported back to ne 3 you that was meeting with negative results, correct?

CLOWARD: Correct.

<RECESS>

GERAGOS: Sergeant, the next search you did was on February 2nd, correct?

CLOWARD: Correct.

GERAGOS: Okay. On that one you were, let's see, the search resumed in the area that was just north of Cesar Chavez Park where it left off the day before?

CLOWARD: Correct.

GERAGOS: Okay. And there was an unknown object that was spotted and marked from the day before, correct?

CLOWARD: I don't recall that, so,

GERAGOS: Let me just show you, see if this refreshes your recollection. You may need your glasses.

CLOWARD: According to Detective Hendee's report, yes.

GERAGOS: Yes. That it was some kind of a pier, piling that was partially buried in the sand?

CLOWARD: According to his report, yes.

GERAGOS: Okay. Now, on the 3rd you met with, 3rd of February, so you were there three days in a row, 1st, 2nd and 3rd of February, correct?

CLOWARD: Yes.

GERAGOS: Okay. And you met with Officer Ramirez and officers from the East Bay Regional Park, as well as two officers from the CHP?

CLOWARD: Yes.

GERAGOS: Okay. And you developed a game plan for the day?

CLOWARD: Yes.

GERAGOS: And you were going to fly the banks of the Bay, starting at the Bay Bridge, and work your way north and cover areas of Brooks Island and Point Isabella, correct?

CLOWARD: Correct.

GERAGOS: And the CHP crew was going to fly to the extreme north of the Bay, work the west bank up the Bay, and back towards the Golden Gate Bridge?

CLOWARD: Actually, I believe they also went towards Napa as well.

GERAGOS: Okay.

CLOWARD: So they also worked in a northeast direction, I think.

GERAGOS: Okay. And you moved out, you were out at the Brooks Island area, correct?

CLOWARD: Correct.

GERAGOS: Okay. And you started to, you, I think the word you termed was hovered the west side of Brooks Island along the shoreline?

CLOWARD: Yes.

GERAGOS: And you were at and altitude of approximately ten to 40 feet, moving from the extreme southwest corner of the island to the tip of the west end of the rock jetty, correct?

CLOWARD: Correct.

GERAGOS: And you did a complete search, I guess hovering, at approximately as low as ten feet above the water and as high as 40 feet, correct?

CLOWARD: Correct.

GERAGOS: Now, the water around Brooks Island at certain times of the day is extremely shallow, isn't it?

CLOWARD: Yes.

GERAGOS: At certain times of the day just knee, knee level?

CLOWARD: It can be, yes.

GERAGOS: You can literally walk out from the island into the water, if you had waders on, and walk a good distance out, can you not?

CLOWARD: In certain areas, yes.

GERAGOS: Okay. And at certain points when the tide is low, it's not much more than three feet all the way from Brooks Island to the shoreline; isn't that correct?

CLOWARD: That I don't know. I couldn't tell you how shallow it gets there.

GERAGOS: It's not, it's not a deep water area during low tide, is it?

CLOWARD: No, it's not.

GERAGOS: It's what is referred to by people there as the shallows, is it not?

CLOWARD: I've never heard it referred to that, but I don't know.

GERAGOS: Okay. One of the reasons that you were hovering with the helicopter over this area is because you thought you would be able to see anything or do a visual check and search by being ten feet above the water, correct?

CLOWARD: Correct. We wanted to check the banks of Brooks Island, which is why we were hovering along the water's edge.

GERAGOS: Okay. Then you went back up, did you go back up that afternoon after you did the first search of the banks of the island?

CLOWARD: Yes. We ended in, up in Napa, and then came back from Napa, working along the shoreline again, and then went out to Treasure Island.

GERAGOS: Okay. And you were advised that the CHP crew, while they were doing this, they located some plastic wrapping material, or something like that, correct?

CLOWARD: Correct.

GERAGOS: But that it turned out that that had nothing but rolled up clear plastic with nothing inside, correct?

CLOWARD: Yes. I believe that was on Angel Island.

GERAGOS: Okay. And then you, the total scope of your search that day was from the Bay Bridge on the east shore of the Bay, right?

CLOWARD: Correct.

GERAGOS: All the way to the extreme northeast section of the Bay near Napa, correct?

CLOWARD: Correct.

GERAGOS: And fair statement that nothing suspicious was located during that search?

CLOWARD: I wouldn't say that was fair because the plastic was suspicious, so we did find something, but nothing that related to the search or the investigation.

GERAGOS: Okay. Now, the U.S. Coast Guard was out there that day as well? They were called in once the plastic was found? Wasn't that correct? To check it out?

CLOWARD: I called them and they in turn called the rangers on the island, at Angel Island, and the rangers went and checked that.

GERAGOS: Okay. And at the conclusion of that search, on the 3rd, then there was a determination made to bring out cadaver dogs; is that correct?

CLOWARD: Correct.

GERAGOS: And that, because at that point you had, you had searched, or there had been extensive searches, obviously, using the side sonar; you located the pier pilings, you located the anchor, but nothing in terms that had evidentiary value, as you have characterized it, for this investigation, correct?

CLOWARD: Correct.

GERAGOS: So then the next thing that was going to be attempted was to use cadaver dogs with sonar scans, correct?

CLOWARD: Correct.

GERAGOS: And the next search that was scheduled was February 8th?

CLOWARD: Yes.

GERAGOS: And that was with San Mateo County sonar SFPD and these dogs, right?

CLOWARD: Yes.

GERAGOS: And the primary focus was to do a search both on Saturday and Sunday, the 8th and the 9th, right?

CLOWARD: Yes.

GERAGOS: And the, once again, if I had it up there, what we had up before, it was around those buoys four and six, correct?

CLOWARD: That was where we ended up, yes.

GERAGOS: All right. And on the 8th you, there was a search of the Bay, right?

CLOWARD: Yes.

GERAGOS: Okay. And the search of the Bay started with the South Hampton Shoal channel of the Bay?

CLOWARD: If I can find a picture of that here, I can tell you. Yes. Correct.

GERAGOS: Okay. And that area was searched on the 8th and there was, met with negative results, correct?

CLOWARD: That would be incorrect.

GERAGOS: What did you find?

CLOWARD: The dogs made several alerts in that area, so we continued to work that area and scan that area.

GERAGOS: Right. Did you find anything?

CLOWARD: Not that day, no.

GERAGOS: Okay. Did you find anything the next day?

CLOWARD: No, we did not.

GERAGOS: Okay. You had the side sonar there, correct?

CLOWARD: Correct.

GERAGOS: Now, the, you say the dogs alerted. The dogs had alerted also at that Tulloch, is it "Too-lock" or "Tul-lock"?

CLOWARD: "Tul-lock."

GERAGOS: The Tulloch Lake location, correct?

CLOWARD: Correct.

GERAGOS: Okay. Now, Tulloch Lake on that California map is where?

CLOWARD: I'll use this.

GERAGOS: Sure.

CLOWARD: It's right there.

GERAGOS: Okay. How far away is that from the Bay?

CLOWARD: From the Bay?

GERAGOS: Yeah. Mileage-wise?

CLOWARD: Well, I'll break it down into time for you. Probably about two, two and a half hours. Maybe almost three hours from the Bay.

GERAGOS: A hundred, more than a hundred miles away?

CLOWARD: Yes.

GERAGOS: And the dogs that were brought out there were also CARDA dogs?

CLOWARD: Yes.

GERAGOS: And they alerted at the lake as well?

CLOWARD: Yes, they did.

GERAGOS: Approximately eight times?

CLOWARD: There were several alerts under that particular bridge, yes.

GERAGOS: Okay. Does that, is that lake connected in any way by any tributary to the Bay?

CLOWARD: The Stanislaus River flows into the Stanislaus, which eventually works its way into the Bay, the Delta.

GERAGOS: When did the dogs alert in the Tulloch Lake?

CLOWARD: Where did they?

GERAGOS: When.

CLOWARD: When?

GERAGOS: What date was that?

CLOWARD: I'll have to look through here and find the exact date.

GERAGOS: Sure. If you could find that. I don't think I've got it marked on mine.

JUDGE: I think January the 6th was the testimony.

CLOWARD: That would be correct. January 6th.

GERAGOS: Okay. So on January 6th you had the dogs alerting to the lake, and the lake is a hundred and some-odd miles away, at least, to, over two hours away from the Bay, correct?

CLOWARD: Correct.

GERAGOS: Okay. You didn't find anything at the lake, correct?

CLOWARD: Incorrect.

GERAGOS: What did you, did you find any, what did you find there?

CLOWARD: It ended up being a bag with what they determined to be possibly deer guts, or something like that.

GERAGOS: Okay. And where was that? Where was the bag?

CLOWARD: It was down under the, under the bridge in the area where the dogs were alerting.

GERAGOS: Okay. And what did you find where the dogs alerted by, this is by the buoys, right?

CLOWARD: Correct.

GERAGOS: At the Bay?

CLOWARD: Correct.

GERAGOS: What did you find there?

CLOWARD: We never finished that area, so we didn't find anything.

GERAGOS: Okay. Now, the, after the 8th and 9th, the next time you did a search was the 20th?

CLOWARD: The 20th of February?

GERAGOS: Yes.

CLOWARD: Correct.

GERAGOS: And the, this was for a dive team from San Francisco PD to go down and look around the buoy, right?

CLOWARD: Correct.

GERAGOS: How,

JUDGE: Which buoy?

GERAGOS: I'm sorry.

JUDGE: Which buoy?

GERAGOS: Was it four and six, both buoys?

CLOWARD: I would have to go through Detective Owen's report, and I really don't want to testify about what, what he has in his report.

GERAGOS: Okay. Now, the, the fact of the matter is that you did do, or you did send down the dive teams, correct?

CLOWARD: Correct.

GERAGOS: Okay. Now, prior to that, on the 9th, you did find some items by four and six, by buoy four and six; isn't that correct?

CLOWARD: On the 9th?

GERAGOS: Yeah.

CLOWARD: I want to say there was some objects that were located on the sonar equipment.

GERAGOS: Yeah. You've got the right page. 2234. The objects that were located after these dogs alerted were a broken crab trap, right?

CLOWARD: Correct.

GERAGOS: A buoy chain, right?

CLOWARD: I remember that, yes.

GERAGOS: And a metal girder?

CLOWARD: Yes.

GERAGOS: Okay. How big was the metal girder, size-wise?

CLOWARD: I don't recall.

GERAGOS: How about the broken crab trap?

CLOWARD: I don't, I don't recall that either. I don't think they brought any of those items up. I believe the divers just reported that information.

GERAGOS: Okay. So when they went down, they were able to determine that there were objects down there that the side sonar had spotted; is that correct?

CLOWARD: Correct.

GERAGOS: Okay. And the side sonar spotted these objects on the bottom of the floor, the divers go down, they're able to determine one thing's a girder, another thing's a crab trap, and the third object was a buoy chain; is that correct?

CLOWARD: I remember those things, yes.

GERAGOS: Okay. Then you then went back and searched, as I indicated, on the 20th, with the dive team, and also on the 21st?

CLOWARD: Yes.

GERAGOS: Okay. Both of those efforts, and the divers reported that they did not locate any object that they were looking for and they reported that visibility was poor, correct?

CLOWARD: Correct. I remember them reporting the visibility problem.

GERAGOS: So what they did is the San Mateo officers put down a scan again to mark the area with a buoy so the San Francisco divers could return and investigate, right?

CLOWARD: Yes.

GERAGOS: Okay. And then you then went again, and there was a specific area that was searched on the 23rd by San Mateo and Gene Ralston, correct?

CLOWARD: Correct.

GERAGOS: Okay. And another area that was searched in the Richmond turning basin on February 26th, correct?

CLOWARD: Correct.

GERAGOS: And then also the, and those are both by the, using both the side sonar and the San Francisco PD dive teams, right?

CLOWARD: I believe that was Gene Ralston that was, the side scan sonar was being used and the, with the San Francisco.

GERAGOS: And what they ended up doing is that picture that I showed with the diver and the boat went in the arc-like e 11 direction, they even ended up doing that same type search, correct?

CLOWARD: On which day?

GERAGOS: On the 26th.

CLOWARD: Again, Mr. Geragos, I myself didn't personally do a report on that, so I'm not going to testify to something that I really don't know if that's the type of search they did or not.

GERAGOS: Okay. Did anybody return with any items that were found from those searches that had any evidentiary value?

CLOWARD: Not that I'm aware of.

GERAGOS: Okay. And March 1st, again you caused a, or you were requesting of people to assist in a water search at the Richmond Marina?

CLOWARD: On March 1st?

GERAGOS: March 1st.

CLOWARD: Correct.

GERAGOS: Okay. That also met with negative results in terms of producing anything of evidentiary value, correct?

CLOWARD: Correct.

GERAGOS: March 2nd, what was your last day, by the way, that you had indicated?

JUDGE: I think he said March 29th.

GERAGOS: Is it March 29th?

CLOWARD: March 29th was the last day I was out there, yes.

GERAGOS: Okay. And how many more searches between March 2nd and the 29th did you request?

CLOWARD: One, two, three, four, five, six, seven, eight.

GERAGOS: And if I could just run through them. Out of those searches you had side sonars, correct?

CLOWARD: Correct.

GERAGOS: You had boat, you had boats out there, correct?

CLOWARD: Correct.

GERAGOS: You had both platform boats and other style boats, correct?

CLOWARD: Correct.

GERAGOS: You had dogs out there, correct?

CLOWARD: Correct.

GERAGOS: And divers; is that correct?

CLOWARD: Yes.

GERAGOS: Okay. And the searches up until the 29th, as you indicated that you were in charge of, all met with negative results for producing anything of any evidentiary value; is that correct?

CLOWARD: Correct.

GERAGOS: The, just so that I understand, the platform boat, was that used specifically so that you could use that ROV device?

CLOWARD: Yes.

GERAGOS: And why was that, why did you need a platform boat?

CLOWARD: Well, it's, Tuolumne County works off of their platform boat with that equipment, and the ROV is very easy to operate off of it as well, but it's not designed for the San Francisco Bay, as we found out.

GERAGOS: May I have just one moment, your Honor?

JUDGE: Yes.

GERAGOS: I'm sorry, I didn't mean to jump around, but there was one area I just didn't ask you about. Goes back to your, to the daily log reports, which looks like page four of six on 12/30 of 2000 and 2. Read the yellow highlighted areas.

CLOWARD: Okay.

GERAGOS: Okay. On the 30th, when we had spoken before, you were actively looking for or following up any leads as to this van; is that correct?

CLOWARD: Yes.

GERAGOS: And you had two tips on that day; isn't that correct? For the 30th of December?

CLOWARD: I believe so. I would have to look to confirm that.

GERAGOS: I can,

CLOWARD: That's only one page of the six, so I'd have to look at all the pages.

GERAGOS: Minimum of two tips that day; is that correct?

CLOWARD: Okay; minimum.

GERAGOS: And one of those was that there, there was one van that had been located, but then there was another van that had been reported, and you sent team ten, whoever that was, out and they drove around but were unable to locate the vehicle; isn't that correct?

CLOWARD: Correct.

GERAGOS: Thank you. I have no further questions

Redirect Examination by Rick Distaso

DISTASO: Sergeant Cloward, we're kind of working backwards. Let's start at the Bay. The, when you first set up, when they told you, you know, go and try to do some of these sonar searches in the Bay, did you, did, did you have a clear idea of what that would really entail?

CLOWARD: No, I had no idea how big that Bay was until the first trip I made over there.

DISTASO: And when, and once these searches, we talked about all of these searches that were done. Once these searches were, that were, that were, all of them that we talked about were completed, did the Modesto Police Department, or other agencies, were they able to search the entire San Francisco Bay?

GERAGOS: There would be an objection. It calls for speculation. And compound.

JUDGE: As far as he knows. Did you search the whole Bay as far as you know?

CLOWARD: No, we did not.

DISTASO: So these, these little areas that you talked about, like, for example, the area around Cesar Chavez Park, that's just a small, is, is it a fair statement that is just a small little portion of the Bay?

CLOWARD: Yeah, it's very small compared to the Bay.

DISTASO: And that took you, that portion alone took you, I don't remember what you said. How long did that take?

CLOWARD: I think it took us a whole day to do that.

DISTASO: And that Cesar Chavez Park is the park that's directly attached to the Berkeley Marina; is that right?

CLOWARD: Right. You walk across the parking lot and walk into the park.

DISTASO: All right. When you were searching for the anchor, or what turned out to be the anchor out there on, I think, on the 9th or the 8th, that area, was that around Brooks Island?

CLOWARD: No. Actually, this would be off of the Old Berkeley Pier, and it would be to the, directly west of the Berkeley Marina.

DISTASO: And that's, just for reference, we don't have a chart, but just for reference, Brooks Island would be east, I guess, of that, or directly opposite of that direction?

CLOWARD: Actually, it would be north --

DISTASO: Okay.

CLOWARD: of that.

DISTASO: And, on January 13th when you had this call from Mr. Peterson and he, and he asked you some questions, did, did he tell you any places where he had been searching or anything he had been doing, that you remember?

CLOWARD: I think if I remember from just what I read, there from the phone call, I think he said that he was looking in places where he would find her alive, you know, and that the other wasn't an option. I remember that conversation.

DISTASO: All right. Did, were you privy to the information in this case regarding any of the other investigation that was going on about Amber Frey or the defendant purchasing a boat or any of that kind of stuff?

CLOWARD: No, I was not.

DISTASO: Okay. So your thing, your part of it was this, separate from the investigation, the defendant was just searching for Laci Peterson?

CLOWARD: Yes.

DISTASO: Mr. Geragos asked you about a tip from Tom Harshman that came in. I guess he came down to the command center?

CLOWARD: That would be my understanding, because it was entered into the log that way.

DISTASO: And just so we're clear on these logs, you weren't sitting there making all these entries, correct?

CLOWARD: No, I wasn't. Whoever was assigned to the command post did the logs.

DISTASO: So somebody in the mobile trailer, you told him Hey, you keep the log for today so we have, you know, a, a reference of what happened on each day?

CLOWARD: Correct.

DISTASO: And he told you that he had seen this, this thing with the van six days prior to when he came in; is that right?

CLOWARD: Correct.

DISTASO: Okay. And he came in, yeah, you testified to, on January 3rd?

CLOWARD: Yes.

DISTASO: So six days prior would have been December 28th?

CLOWARD: If my math's correct, yes.

DISTASO: Okay. And the description he gave of this woman he saw was black hair, a red top and black pants?

CLOWARD: Yes.

DISTASO: Now, I think counsel asked you some questions about the Medinas's burglary and something you wrote in your report about the burglary happening in close proximity to when Laci Peterson was missing. Do you remember seeing that?

CLOWARD: Yes.

DISTASO: At the time that you wrote that report, did you know that Susan Medina had reported the burglary occurring after she left her house on, sometime after she left her house on the 24th and prior to her return in the afternoon of the 26th? Did you have that information?

CLOWARD: No, I didn't have that information.

DISTASO: So you didn't have the information then, I guess, that Susan Medina says she left her house around 10:31 or 10:32 that morning; is that right?

CLOWARD: No, I didn't.

DISTASO: And did you have that information that Karen Servas said that Laci Peterson's dog was found at 10:18? Did you have that information?

CLOWARD: No, I did not.

DISTASO: So the information that you had that you testified to was basically just that this tip came in to one of the parole officers, and they had your teams, your and Sergeant Helton's teams go down and go to these areas and try to recover this property and arrest the people if they do find them?

CLOWARD: Yes.

DISTASO: Regarding these 290 registrants that are in Modesto, do you know what the population of Modesto is? Just roughly.

CLOWARD: Approximately 210,000.

DISTASO: Okay. And so it would be somewhere close to around 200,000, I guess, back in December of 2002?

CLOWARD: That would probably be a good guess, yeah.

DISTASO: These, whose idea was it, do you know, to, to look or to try to contact these 290s?

CLOWARD: I'm not sure whose idea it was. I was contacted by Sergeant Zahr who said that he was going to need some help from my teams to check on the 290s.

DISTASO: To your knowledge was there any information, were you ever given any information that any of these people had anything to do with Laci Peterson's disappearance?

CLOWARD: No, I was not.

DISTASO: Did any of the information that your teams gained of the people that they were able to contact, did any of that information lead to evidence that was related to the disappearance of Laci Peterson?

CLOWARD: No.

DISTASO: Now, regarding just some specific information that you had, if, if somebody came to you with specific information that said, or a tip came to you that said I saw Laci Peterson at this location, did you send a team to go follow that up?

CLOWARD: Yes.

DISTASO: You mentioned something in your testimony about Copeland Sports. I think that's all you said, though. Can you tell the jury what that was?

CLOWARD: There was a tip that she was supposedly seen in there on Christmas Eve, I believe it was, and I sent a team out there to check on it. They had video cameras that recorded, you know, the day. And so the officers actually sat and watched videos for, I know it was well over six hours, and they were able to eliminate the fact that she was ever in the store.

DISTASO: So if specific information came in from someone saying I saw Laci Peterson here, and that was relayed to you, you sent a team out to check it out?

CLOWARD: Yes, I did.

DISTASO: That's all I have, your Honor.

DISTASO: Oh, I'm sorry, your Honor, I have,

JUDGE: Go ahead.

DISTASO: I have one more question.

JUDGE: Go ahead.

DISTASO: The, on the 26th, I think it was, of December, did you take some dog team personnel over to the defendant's house, Scott Peterson's house?

CLOWARD: Yes, I did.

DISTASO: And were you present when they asked Mr. Peterson if they could have a scent article or something to use of Laci Peterson's to use to scent with their dogs?

CLOWARD: Yes.

DISTASO: And what did the defendant say?

CLOWARD: He told them it was okay.

DISTASO: And then after you left the dog team there, then did you leave the house then?

CLOWARD: Yes.

DISTASO: Now I don't have anything further.

Recross Examination by Mark Geragos

GERAGOS: Sergeant Cloward, the, there was an article in the January, from the Modesto Bee talking about searching around the Berkeley Marina. Is that a quote of yours?

CLOWARD: Yes. Around the Berkeley Marina itself, yes.

GERAGOS: Okay. Is your quote is They're confident they have searched it thoroughly, they're confident they're done there unless something comes up that sends us back there?

CLOWARD: Yes.

GERAGOS: The information that Mr. Distaso is asking you about with the Medina burglary and your report that I had showed you before that showed that the 24th, at about the same time that Laci went missing, that the burglary had occurred? You remember that?

CLOWARD: Yes.

GERAGOS: That was based on information that was phoned in by a Diane Jackson, wasn't it?

CLOWARD: I have no idea.

GERAGOS: Well, you were given information that somebody on the 24th, in the morning, had seen a van and a safe on the front lawn and three people? Isn't that, isn't that where that information came from, from an eyewitness?

CLOWARD: I don't recall getting that information myself, no.

GERAGOS: Well, you were working off of some information, correct?

CLOWARD: Yes.

GERAGOS: Okay. And I showed you the press release. I'm not going to redo that again, correct?

CLOWARD: Okay.

GERAGOS: Okay. The, presumably the van we discussed here numerous times was a piece of information that was, even after the burglary, has never been found, correct?

DISTASO: Objection, your Honor. Calls for speculation. Facts not in evidence.

JUDGE: Well, I'm only aware of him checking out one van.

GERAGOS: He's checked out more.

GERAGOS: You've never found a van or identified a van that corresponds to the one that was sighted in the neighborhood on the 24th, have you?

JUDGE: Okay. You can answer that one.

CLOWARD: I myself, no.

GERAGOS: And the information about the three people who were, let me just show you something. Got Bates stamp 14765. And I would just ask if I could, do you remember what date,

Mr. Harris, my Mr. Harris, do you remember what date that's from?

HARRIS: Which one? What's the dates?

GERAGOS: For Diane Jackson.

HARRIS: Looks like 12-26.

GERAGOS: Okay.

GERAGOS: Does it appear that at 4:10 that Diane Jackson called and said that she witnessed the 459 on Covena at 11:40? She saw the van and the safe being removed from the house?

DISTASO: Objection, your Honor. Lack of foundation. He said he didn't have that information.

GERAGOS: He had to have had that information line 16 because he talked about --

JUDGE: But he just said he didn't. He just testified a few minutes ago.

GERAGOS: Well, you got this information, Modesto PD got this information from somewhere, correct?

DISTASO: Objection, your Honor. Lack of foundation.

JUDGE: He's not the Modesto Police Department.

GERAGOS: He's working for the Modesto Police Department.

JUDGE: Sustained.

GERAGOS: I'll lay a foundation for it.

JUDGE: Okay.

GERAGOS: You had information and, to the point where a flyer was made up, that said looking for information on a van with three people, dark-skinned, not African American, correct?

CLOWARD: Correct.

GERAGOS: Okay. That was based upon, as far as you know, an eyewitness, correct?

CLOWARD: I have no idea what it was based on.

GERAGOS: So you have no idea where that information came from?

CLOWARD: No idea.

GERAGOS: Okay. So did you ever inquire to anybody how, how it was that they determined that there was a van that you were looking for? Or why you were looking for three people, or anything of that nature?

CLOWARD: No, I didn't. I was pretty busy with what I had.

GERAGOS: And one of those things you were pretty busy with was looking for the van and any tips that came in, correct?

CLOWARD: I was following up on any information they provided me with, so I,

GERAGOS: Okay. Nobody told you Look, if you get a tip on a van, don't follow it up, did they?

CLOWARD: No.

GERAGOS: In fact, it was the opposite; you were following it up and running down some vans, correct?

CLOWARD: Correct.

GERAGOS: Okay. And because that was considered to be part of your mandate was we believe that could have something to do with Laci Peterson's disappearance, correct?

CLOWARD: There was a possibility, yes, that it could.

GERAGOS: Now, the, by the way, were you there on the day of the candlelight vigil?

CLOWARD: Yes, I was.

GERAGOS: Okay. Did you talk to Scott Peterson that day?

CLOWARD: Yeah, I believe he did come up to me, and if I remember correctly, I think he thanked me for everything we were doing.

GERAGOS: Thank you. I have no further questions.

JUDGE: Any?

DISTASO: No, I have no follow-up.