Witness: Michelle Buer

Date: 2004-06-03

Proceedings held June 3, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Pat Harris; Redirect – Rick Distaso; Recross – Pat Harris; 2nd Redirect – Rick Distaso

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

DISTASO: Ma'am, can you tell me where are you employed?

BUER: Sweet Serenity Day Spa.

DISTASO: And is Tina Reiswig one of your employees?

BUER: Yes, she is.

DISTASO: And are you the owner of that salon?

BUER: Yes, I am.

DISTASO: What are your duties? What do you do besides being the owner of the salon?

BUER: I'm an esthetician.

DISTASO: Can you just tell us briefly what that is?

BUER: I do facials, waxing, body wraps.

DISTASO: Was one of your clients back in December of 2002 a woman by the name of Laci Peterson?

BUER: Yes, it was.

DISTASO: Let me show you a picture. People's 5.

DISTASO: Four the record, judge, this is a picture of Laci Peterson.

JUDGE: Number 5 now?

DISTASO: Number 5.

JUDGE: Okay.

DISTASO: Do you recognize the woman that's depicted in that picture?

BUER: Yes, I do.

DISTASO: Who is that?

BUER: Laci Peterson.

DISTASO: Okay. And is that a fair representation of, let me stop. Did you see Laci Peterson on December 23rd, 2002?

BUER: Yes, I did.

DISTASO: Is this picture a fair representation of what she looked like on the 23rd?

BUER: Yes.

DISTASO: All right. What I mean by that, it's not clothes or anything, but that's, Laci is pregnant just like you saw her?

BUER: Yes.

DISTASO: Okay. And can you tell the Court, just start at the beginning. What time did you start work that day?

BUER: I usually get in by about 9:00 o'clock in the morning.

DISTASO: And what was the traffic in your salon that particular day?

BUER: There was a lot of foot traffic. It was the day before Christmas Eve, and there were a lot of people buying gift certificates. Not a lot of clients, but-

DISTASO: People coming in and out?

BUER: Yeah.

DISTASO: Did Laci receive some kind of treatment on that day?

BUER: Yes, she did.

DISTASO: And were you the one that that treated her?

BUER: Yes, I am.

DISTASO: Okay. What time did Laci come into the salon?

BUER: I believe her appointment was at one, and she got there early for her appointment. So between twelve and one.

DISTASO: Okay. So her appointment was at one. She was there a little early?

BUER: Yes.

DISTASO: Was it after 12:30?

BUER: I'm not 100% sure.

DISTASO: So-

BUER: I think it was. I think it was between 12:30 and 12:45.

DISTASO: The best you can give us between 12:30 and 12:45?

BUER: Yes.

DISTASO: And what happened when she came into the salon?

BUER: I took her into the treatment room and did the treatments on her.

DISTASO: What treatments did she get?

BUER: She had some facial waxing.

DISTASO: Okay. And how long did that take?

BUER: Twenty minutes. Fifteen, twenty minutes.

DISTASO: Do you remember what Laci was wearing that particular day?

BUER: Yes, I do.

DISTASO: What was she wearing?

BUER: She had on black bottoms, a white shirt, and a black sweater.

DISTASO: Do you remember what kind of shoes she was wearing?

BUER: Yes. Black Mary Janes.

DISTASO: Black Mary Janes?

BUER: What I would call Mary Janes, yeah.

DISTASO: And Miss Reiswig just explained them as kind of a closed shoe with a buckle across the top?

BUER: Yes.

DISTASO: Is that how you would describe it also?

BUER: Yes.

DISTASO: Can you describe the shirt for us?

BUER: You know, I don't really, it was a white shirt. I thought it was a collar, button up. But I can't be 100% sure of that. I just know it was a white shirt.

DISTASO: And you said black bottoms. What did you mean by that?

BUER: I'm not sure if she had Capris or skirt. I just know her lower legs were exposed. And I recall commenting on how cute she looked. She looked like a parochial student with her Mary Janes. And she just looked really cute that day.

DISTASO: Did Laci Peterson have a tattoo somewhere on her body?

BUER: Yes, she did. I believe it was on her left ankle, of a sunflower.

DISTASO: And could you see her tattoo when she came in that day?

BUER: Yes, I did.

DISTASO: Did Laci say anything while you were treating her about her physical condition, how she was feeling that day?

BUER: Just that she was tired.

DISTASO: Did she say anything else?

BUER: Not that I recall.

DISTASO: Did she say anything about how many, let me stop. How many times have you treated her prior to the 23rd?

BUER: Several.

DISTASO: And so she was a fairly regular client of yours?

BUER: Yes, she was.

DISTASO: And during that time, did you see her as the pregnancy progressed?

BUER: Yes, I did.

DISTASO: Did she ever talk to you about any physical effects she was feeling as a result of her pregnancy?

BUER: She was a rare pregnant woman. She was very happy through her whole pregnancy.

DISTASO: On this particular day, you said she said she was tired. Did she say anything else?

BUER: Not that I recall. She was just quiet, and that was her excuse for being quiet, that she was tired.

DISTASO: Let me, do you remember giving a statement to Detective Grogan back on March 19th of 2003?

BUER: Yes.

DISTASO: At the time that you gave him the statement, was this incident fresher your mind than today?

BUER: Probably.

DISTASO: All right. And did you tell truth when you gave him the statement?

BUER: Yes, I did.

DISTASO: Let me show you this report that you gave to Detective Grogan. I want to ask you about one line in there.

BUER: Laci said that-

DISTASO: Don't read it. I'm sorry.

GERAGOS: I think actually, judge, one of the reasons we have this problem is, he leaves the report up there. I think it's proper to have the witness refresh their recollection, have him take the report away.

JUDGE: Yes.

BUER: Okay.

JUDGE: Give her the report, ask her to read it.

DISTASO: Go ahead and read through that page, you know. Just read to yourself, though.

BUER: I did.

JUDGE: Does it refresh your recollection now that you have read that report?

BUER: Yes.

JUDGE: Next question.

DISTASO: Let me take it back from you. Do you remember Laci saying anything about her physical condition as a result of her pregnancy now that you have read this report?

BUER: Just that she was uncomfortable, and having trouble sleeping.

DISTASO: Okay. Did the Modesto Police Department show you any clothing items later on as this case was being investigated?

BUER: They showed me photos at that time.

DISTASO: Okay. And did they show you a photograph of a pair of Mary Jane style shoes?

BUER: Yes, she did.

DISTASO: Do you remember if the photograph they showed you were the shoes that you remember seeing Laci wearing?

BUER: Yes, they were.

DISTASO: Nothing further, Judge.

Cross Examination by Pat Harris

HARRIS: Good morning.

BUER: Good morning.

HARRIS: Do you recall how many times you interviewed with Modesto Police Department?

BUER: Once over the phone and once in person.

HARRIS: And the phone conversation, do you remember the detective you spoke with?

BUER: Brocchini, I believe.

HARRIS: Had you met Detective Brocchini on previous occasions?

BUER: He said I had met him the night Laci was reported missing at Dittos.

HARRIS: What had you done the night Laci was missing?

BUER: I was the one who made the flyers, the initial flyers.

HARRIS: Where did you go?

BUER: To Ditto’s.

HARRIS: And about what time was that?

BUER: I think it was about 10:30 when they called me. And I got the keys to Ditto’s between eleven and 11:30.

HARRIS: And do you recall seeing Detective Brocchini that night?

BUER: I recall seeing a detective with Scott. And I couldn't pick him out today.

HARRIS: But they came to Ditto’s to give you some information?

BUER: They came to take a look if he flyer and make sure the information was accurate.

HARRIS: Okay. And you, in fact, did make flyers that night?

BUER: Yes, we did.

HARRIS: And you had a conversation with Detective Brocchini that night, a short one, but you had a conversation?

BUER: Not really, no. He just made some comments in regards to the flyer. Was just over my shoulder, actually.

HARRIS: After Laci's disappearance, did you go to the Volunteer Center to work?

BUER: No, I did not.

HARRIS: And at no point did you ever go to the Volunteer Center, or do anything there?

BUER: No, I did not.

HARRIS: Now, do you recall talking with a Detective Grogan?

BUER: Yes, I did.

HARRIS: And do you remember approximately that date?

BUER: I do not, no. It's been quite some time ago.

HARRIS: Okay. Do you recall telling Detective Grogan that you had, in fact, gone to the Volunteer Center, had been working there?

BUER: Do I recall telling him that?

HARRIS: Yes.

BUER: No, I do not. That was corrected.

HARRIS: Let's talk about that.

BUER: Okay.

HARRIS: Showing you a report of a Detective Grogan.

JUDGE: The date and time?

HARRIS: March 19, 2003.

HARRIS: Take a look at the underlined section.

BUER: Uh-huh.

HARRIS: Does that refresh your recollection of what you told Detective Grogan?

BUER: Yes.

HARRIS: And you told Detective Grogan, in fact, you had gone to the Volunteer Center some at the beginning of the search?

BUER: That was not exactly what I had told him. That's why it was corrected.

HARRIS: That was not what you told him?

BUER: No, it was not.

HARRIS: What Detective Grogan wrote was inaccurate?

BUER: Yes.

HARRIS: And you explained to him it was inaccurate?

BUER: Yes, I did.

HARRIS: He also wrote that the reason you left the Volunteer Center, no longer worked at the Volunteer Center, because you found, you gave this whole description of how you found Scott's behavior unusual at the Volunteer Center; isn't that correct?

BUER: No, that's not correct.

HARRIS: Okay. Would you like to look again at the report to refresh your recollection? Again, looking at report March 19th, 2003. Does that refresh your recollection that you, in fact, told Detective Grogan this entire story about going to the Volunteer Center, being displeased because of Scott's, the way he acted at the Volunteer Center, so you quit going?

BUER: I did not make that statement.

HARRIS: So Detective Grogan's report is, in fact, inaccurate?

BUER: Yes.

HARRIS: In fact, untrue?

BUER: I wouldn't call it untrue. It was a-

HARRIS: It was untrue, correct?

BUER: It was misinterpreted.

HARRIS: Was it also misinterpreted that you were uncomfortable being at the Volunteer Center talking, entire description of talking to several of Laci's and Scott's friends, specifically Laurie Ellsworth, Stacey Boyers, and Rene Tomlinson? Do you recall telling him that as well?

BUER: I told him I was uncomfortable discussing Scott with them because of an opinion I had already created.

HARRIS: You told him you were uncomfortable going to the Volunteer Center discussing with them, did you not?

BUER: I don't recall.

HARRIS: See if I can refresh your recollection again. Looking at the March 19th report. Does that refresh your recollection of what you told Detective Grogan?

BUER: I don't recall telling him that.

HARRIS: So if he wrote that, that was also inaccurate?

BUER: Possibly.

HARRIS: You, in fact, talked to Detective Brocchini that night, or, excuse me, you interviewed with Detective Brocchini about a month before you did the interview with Detective Grogan; is that correct?

BUER: Correct.

HARRIS: And at that point you told Detective Brocchini that you were suspicious of Scott Peterson the first night?

DISTASO: Objection. Relevance.

JUDGE: Overruled.

HARRIS: You were making the remarks you were suspicious of Scott Peterson, is that correct?

BUER: That's not correct.

HARRIS: So if Detective Brocchini wrote in this police report that you, in fact, told him that night you did not want to go work on Laci's case because you thought Scott was, in fact, the person responsible for his disappearance-

BUER: I did not,

HARRIS: Excuse me, let me finish the question. That would, in fact, be an inaccurate statement as well?

BUER: Yes, it is.

HARRIS: Okay. So if Detective Brocchini wrote that in the report, that would be inaccurate as well?

BUER: Yes, it would.

HARRIS: So you were not suspicious of Scott Peterson the first night?

BUER: No, I was not.

HARRIS: Like you to look at a report about by Detective Al Brocchini of an interview with you on February, excuse me, appears to be January 20 2003. If I can refresh your recollection, if you will look at the section there.

BUER: Uh-huh.

DISTASO: Counsel, what's the Bates number on that?

HARRIS: That's 1166.

DISTASO: That's on the January 17th?

HARRIS: I show the interview, in fact, was on January 17th. The actual report was written January 20th.

DISTASO: Okay.

HARRIS: Does that refresh your recollection?

BUER: Yes, it does.

HARRIS: So Detective Brocchini, in fact, wrote in his report that you refused to work on the case after that day because you had suspicions of Scott?

BUER: The following day, Christmas Day. Not that night.

HARRIS: Okay. You told him, in fact, he wrote in his report that the night you worked on, the deal was worked on the flyer was the last date you worked on it because of your suspicion of Scott. Is that an inaccurate statement as well?

BUER: I did still help Rene Tomlinson the following day with getting some more flyers done, and getting some posters made from Ditto's. It was all phone work.

HARRIS: The question was, however, if Detective Brocchini wrote that in his report, that that night you, in fact, told him that was the last day you were going to work on the case, that, in fact, would be an inaccurate statement from Detective Brocchini, would it not?

BUER: I guess it could be interpreted that way.

HARRIS: You mentioned you were first, who is Rene Tomlinson?

BUER: She's a very good friend of mine.

HARRIS: She also a very good friend-

BUER: She is one of Laci's best friends, yes.

HARRIS: Is it a fair statement to say that you were uncomfortable talking to Rene Tomlinson about the case because Rene Tomlinson was a friend of Scott Peterson, and she was a very good friend of-

BUER: Yes.

HARRIS: In fact, Rene Tomlinson, you heard her say on occasion that Scott, she wished her relationships were as good as Scott had with Laci?

BUER: I never heard that.

DISTASO: Objection. Calls for hearsay.

JUDGE: Sustained. Sustained.

HARRIS: In fact, Rene Tomlinson had felt-

DISTASO: Objection. He is calling for hearsay.

JUDGE: It's irrelevant. It might go to bias, interest and motive. She's testified about Laci Peterson's condition at the spa. Might go to interest, bias, or motive. Does call for hearsay. It's sustained on that ground.

HARRIS: You were uncomfortable being around Rene because you felt she was defending Scott, is that correct?

BUER: That's correct.

HARRIS: Who is Stacey Boyer?

BUER: She is Laci's best friend.

HARRIS: Are you familiar with her?

BUER: Yes, I have met her a few times.

HARRIS: You also told detectives you were uncomfortable being around her because she felt, because you felt she was defending Scott, is that correct?

DISTASO: Objection, your Honor. Calls for speculation.

BUER: I have no relationship with Stacey-

JUDGE: Overruled.

BUER: -Stacey Boyer to make that statement.

JUDGE: The answer will stand.

HARRIS: If you made that statement to Detective Grogan, you did not make that statement to Detective Grogan; is that your recollection?

BUER: No.

HARRIS: I'm sorry, inartfully asked. Did you tell Detective Grogan that, in fact, you did not feel comfortable around Stacey Boyer because she was: quote, seemed to be very supportive of Scott?

BUER: I recall stating that I was uncomfortable being with any of the girls, and I may have mentioned Stacey, because she was part of the group that I had a relationship with.

HARRIS: You, in fact, mentioned three girls. Laurie Ellsworth, Stacey Boyer, and Rene Tomlinson?

BUER: Correct.

HARRIS: Remember mentioning those names to Detective Grogan?

BUER: Uh-huh.

HARRIS: And you told him that you were uncomfortable being around, they seemed to be very supportive of Scott?

BUER: Yes.

HARRIS: These you knew to be very close friends of Scott and Laci Peterson?

BUER: Yes.

HARRIS: Do you own the Serenity Spa?

BUER: Yes, I do.

HARRIS: And you have worked there obviously on a daily basis?

BUER: Yes, I do.

HARRIS: You have lots of women come in, I assume, during the day, I guess, these days?

BUER: Yes.

HARRIS: You dealt with Laci on numerous locations?

BUER: Yes, I have.

HARRIS: She was a regular, more or less?

BUER: Yes.

HARRIS: In your profession, you spent time sort of alone with a lot of women, correct?

BUER: Yes, I do.

HARRIS: During those times, they like to talk about relationships, I assume?

BUER: Yes, they do.

HARRIS: A lot of married women come in and like to talk about their husbands.

BUER: Yes, they do.

HARRIS: And is it safe to say that in numerous occasions women like to come in and gripe a little bit about their husbands?

DISTASO: Objection, your Honor. Calls for hearsay.

HARRIS: Doesn't call for hearsay. It's totally relevant.

JUDGE: Might be relevant. Why are you offering this? What's the exception?

HARRIS: We will get to the reasons. The reason it's relevant is because the testimony will show that, in fact, Laci Peterson-

DISTASO: Objection, your Honor. It's, the answer is going to call for hearsay. It's not admissible.

JUDGE: May be offered, going to say offered for the state of mind, not for the truth?

HARRIS: Offered for state of mind, not the truth of the matter.

JUDGE: All right.

HARRIS: In fact, women do often gripe about their husbands?

BUER: Yes.

HARRIS: And, in fact, you told Detective Grogan that Laci was an exception, because she never griped about Scott?

BUER: No, she did not.

DISTASO: Objection. Irrelevant, your Honor. Relevance.

JUDGE: Number one, it is relevant. Number two, it goes to her state of mind.

BUER: No, she did not.

HARRIS: In fact, she never, during the entire time you knew her, came into your salon, said anything negative about Scott Peterson, did she?

BUER: No, she did not.

HARRIS: The day she came in, do you recall she was wearing a pair of, I believe you testified a pair of black Mary Jane shoes?

BUER: Uh-huh.

HARRIS: And had you seen her wear those shoes before?

BUER: I believe so.

HARRIS: I believe you mentioned to Detective Grogan that you had seen her come in before in a pair of red sandals?

BUER: I don't recall saying that, no.

HARRIS: You don't recall anything about seeing-

BUER: No, I do not.

HARRIS: Let me ask the question. Do you ever recall seeing her come in a pair of red sandals?

BUER: No, I do not.

HARRIS: That day, you recall that she was wearing a pair of black pants?

BUER: Uh-huh.

HARRIS: Or a black skirt?

BUER: Correct.

HARRIS: And the description you gave police officers was that she was wearing a white shirt; is that correct?

BUER: Yes, it is.

HARRIS: It's your recollection the white shirt, at least you believe, was a button down, had a collar; is that correct, to the best of your memory?

BUER: Best of my memory.

HARRIS: This was a white button down collar shirt; is that correct?

BUER: Yes.

HARRIS: At some point you were shown pictures of shoes?

BUER: Yes.

HARRIS: And, in fact, you chose what shoes you thought she was wearing that day?

BUER: Yes.

HARRIS: It was your understanding that these were pictures of shoes that were taken from Laci's house, that they were her shoes?

BUER: Yes.

HARRIS: And during the, when you were told to look at these clothes, in the pictures of clothes, you were asked to identify what you believe to be the shoes and the pants and the shirt that she was wearing; is that correct?

BUER: Correct, yes.

HARRIS: It's your understanding these were items that were taken from Laci's house and had belonged to Laci; is that correct?

BUER: Correct.

HARRIS: Nothing further.

Re-direct Examination by Rick Distaso

DISTASO: Miss Buer, on the 24th, you went down and were helping in the search for Laci Peterson; is that right?

BUER: That evening, yes.

DISTASO: And you went to the Ditto’s Copy Center?

BUER: Yes, I did.

DISTASO: That's in downtown Modesto?

BUER: Yes, it is.

DISTASO: And you were there to print up some missing person flyers?

BUER: Correct.

DISTASO: You said Detective Brocchini came down to that location?

BUER: Yes.

DISTASO: Was the defendant, Scott Peterson, with him?

BUER: Yes, he was.

DISTASO: And you said that he came down and looked at the flyers to check the accuracy of the information contained in it?

BUER: Correct. I think it was the phone number, and in particular the contact phone number is what he was looking at.

DISTASO: That's what he looked at?

BUER: Yes.

DISTASO: You say you are talking to Brocchini?

BUER: Brocchini.

DISTASO: Detective Brocchini looked at the contact information,

BUER: Uh-huh.

DISTASO:, of the phone number? And then did the defendant Scott Peterson look over the flyer to check it for the accuracy of the information?

BUER: I don't recall.

DISTASO: Detective Brocchini, you were asked about his report. What it says is Buer said then the last, that was the last day, the 24th, she worked on finding Laci because Buer was suspicious of Scott Peterson. That statement was the 24th, the last day that she went down and did something physical with other people in helping search for Laci.

BUER: Yes. That is the only day.

DISTASO: On the 25th you became suspicious of the defendant, is that right?

BUER: Yes, I did.

DISTASO: You didn't want to go down to the Volunteer Center any more, correct?

BUER: I did talk to Rene a few times and did get more flyers and do some posters also. But it was all phone work that I had done.

DISTASO: That is the last time, that was the last time that you physically went town and worked physically with these people?

BUER: Yes.

DISTASO: Now, Laci, counsel asked you, Laci didn't complain, I guess, when she came to your salon about the defendant; is that right?

BUER: Never.

DISTASO: Did she ever tell you anything about the defendant having an affair with any woman at all?

BUER: Never.

DISTASO: Never mentioned that topic to you?

BUER: Never.

DISTASO: And, again, counsel asked you that it's a common practice for, when women, I guess, are down there to, at times, kind of use people like yourself as kind of a sounding board, or talk about things; is that right?

BUER: Right.

DISTASO: Nothing further.

Re-cross Examination by Pat Harris

HARRIS: Just one question. The prosecution said you didn't go down to the Volunteer Center any more. You never went down to the Volunteer Center, did you?

BUER: Correct.

HARRIS: Thank you.

2nd Re-direct Examination by Rick Distaso

DISTASO: When counsel was asking you about a correction that was made in Detective Grogan's report, a couple of weeks ago Detective Grogan and myself met with you and in preparation for your testimony; is that right?

BUER: That's correct.

DISTASO: You went over your statement?

BUER: Correct.

DISTASO: And you did make some corrections to the statement at that time?

BUER: Yes, I did.

DISTASO: And you told Detective Grogan that information?

BUER: I told both of you that information.

DISTASO: Thank you.

BUER: And he took the information and he corrected it.

DISTASO: it was that they wrote inaccurate information from the very beginning, correct?

BUER: Correct.

HARRIS: Thank you.

DISTASO: I don't have anything further.