Witness: Kris Buelna

Date: 2004-10-05

Proceedings held October 5, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos; Redirect – David Harris

Day 1 of 1 for this witness

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

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Direct Examination by David Harris

HARRIS: Officer, we see how you are dressed. For the record, can you tell us what your occupation is?

BUELNA: Yes. I'm a police officer with the East Bay Regional Park District.

HARRIS: And East Bay Regional Park district, that's an agency that has jurisdiction over by the Point Isabel. There is a dog park over there?

BUELNA: Yes, it does.

HARRIS: And is that one of the areas that you patrol?

BUELNA: Yes, it is.

HARRIS: I want to direct your attention back to June 21st of 2003. Were you working in your capacity for the East Bay Regional Park on that day?

BUELNA: Yes.

HARRIS: And at about 2:00 o'clock on that Saturday, did you get a call to go to some particular place over there by that dog park?

BUELNA: Yes.

HARRIS: Where was it that you got called to go to?

BUELNA: Point Isabel Regional Park.

HARRIS: And is there a particular place in the park that you went to?

BUELNA: Yes. On the Rydin side of the park.

HARRIS: I'm sorry?

BUELNA: Rydin side of the park.

HARRIS: Looking behind you, 98B, do you see the particular park that we're talking about?

BUELNA: Yes, I do.

HARRIS: And the Rydin side of the park, do you see that up there as well?

BUELNA: Yes, I do.

HARRIS: Go ahead. If you want to go ahead and grab the pointer, just go through this. Looking at 98B. Do you see there is a circular drive towards the middle lower portion of that photograph

there?

BUELNA: Yes.

HARRIS: You are nodding your head?

BUELNA: Yes. I'm sorry, yes.

HARRIS: And is that part of the park that's there?

BUELNA: Yes, it is.

HARRIS: Now, you were saying the Rydin side. Where would that be on that photograph?

BUELNA: This would be Rydin.

HARRIS: Is there also a parking lot at that particular place?

BUELNA: Yes, there is.

HARRIS: And when you were called out, were you called out to that particular parking lot or in that general vicinity?

BUELNA: Yes, I was.

HARRIS: And was it reported to you that there was something there for you to look at?

BUELNA: Yes, it was.

HARRIS: Did you go and look at it?

BUELNA: Yes, I did.

HARRIS: Why don't you go ahead and sit down. Did you go to an area to look at something?

BUELNA: Yes, I did.

HARRIS: What was it that you looked at?

BUELNA: I was directed to an area where they pointed out a piece of plastic and debris.

HARRIS: And where was this at?

BUELNA: It was on the embankment along the canal.

HARRIS: On the canal? Was the canal, was it closer to that circular, looking at 98B again, would it be closer to the circular drive, or closer to that Rydin parking lot that you were just describing?

BUELNA: Be closer to the Rydin parking lot.

HARRIS: Did you take some photographs of the general area where this debris was at?

BUELNA: Yes, I did.

HARRIS: Like to have marked People's next in order.

JUDGE: That would be 290. How many photographs do you have?

HARRIS: Four photographs.

BUELNA: 290A through D.

HARRIS: Officer, let me show you what's just been marked as 290A through D, have you look at these, see if you recognize what's contained in these photographs.

BUELNA: Yes, I do.

HARRIS: And are these photographs enlargements of the photographs that you took on the 21st out there?

BUELNA: Yes.

HARRIS: And does it accurately depict the scene as you observed it on that day?

BUELNA: Yes.

HARRIS: Go ahead and put these up on the screen.

JUDGE: Which number is that?

HARRIS: This is 290. Officer, can you describe for us what we're looking at here in this particular photograph?

BUELNA: Yes. You are looking at the canal. You are looking at the embankment. We see the X, that's where I marked where I located the debris.

HARRIS: And the X is right here towards the center of the photograph?

BUELNA: Yes, sir.

HARRIS: And then trying to orient us on this, if you look behind you at 98B, do you see that bridge in that photograph?

BUELNA: Yes, I do.

HARRIS: Could you point that out on the photograph there on 98B?

BUELNA: It's right here.

HARRIS: So this photograph would be taken from the, towards the ocean side looking back towards the bridge?

BUELNA: Yes.

HARRIS: And did you take close-ups of the debris that you found that day?

BUELNA: Yes.

HARRIS: Showing you 290B. Does this appear to be some of the debris?

BUELNA: Yes.

HARRIS: 290C. Is this also some of the debris?

BUELNA: Yes, sir.

HARRIS: And 290D.

BUELNA: Yes.

HARRIS: Now, the debris that you found out that, that was pointed out to you, this was some citizen that called something in?

BUELNA: Yes.

HARRIS: The area that this was at, did that person, that citizen, were they down in that area as well?

BUELNA: Yes, they were.

HARRIS: By themselves, or with someone or something?

BUELNA: She had her dog with her.

HARRIS: And did the dog go down into this area at all?

BUELNA: Yes. She said it was in the canal.

HARRIS: The items that were there, did you collect them?

BUELNA: Yes, I did.

HARRIS: Was that part of kind of the standard procedure that was going on with East Bay Regional Park?

BUELNA: Yes.

HARRIS: Did, you can you describe for us the process of collecting these items?

BUELNA: Yes. Is what we do, we make sure we put gloves on before we collect the items. We collect the items. They are placed in a brown evidence bag.

HARRIS: And the evidence bag what type of bag is that?

BUELNA: It's a brown paper bag.

HARRIS: These items, did you have to go down into this, the concrete area to get these items?

BUELNA: Yes, I did.

HARRIS: How were these items in the concrete, if you can describe that for us?

BUELNA: They were kind of in between and underneath the concrete.

HARRIS: When you say around and in between,

BUELNA: Yes.

HARRIS: Did you have to move any of the concrete?

BUELNA: Some of it, yes.

HARRIS: The items, the items, you ultimately collect them, did you put them into that brown paper bag?

BUELNA: Yes, I did.

HARRIS: As part of the process, do you identify that, the bag with any identifying information?

BUELNA: Yes, we did.

HARRIS: How do you do that?

BUELNA: We put the case number, all the information that we need to put on the outside of the bag. We fill that out, the case number, the location where we picked up the evidence.

HARRIS: The case number, is that the same thing that we see here in these particular photographs that you wrote on the bottom of the pictures?

BUELNA: Yes, sir.

HARRIS: We also see that this has a date of 6-21-03?

BUELNA: Yes.

HARRIS: And the KB, number 91, that is your initials and your badge number?

BUELNA: Yes, it is.

HARRIS: And then to the right, Point Isabel, to stand for the jurisdictional area that you were at?

BUELNA: Correct.

HARRIS: Like to show you some other photographs, 254A through E that have previously been marked. Have you look at these see if you recognize the contents.

JUDGE: Just so the jury knows what these are, the testimony is that these were items that were received by Pin Kyo and forwarded on to the evidence criminalist.

HARRIS: Do you recognize what's depicted in these photographs?

BUELNA: Yes, I do.

HARRIS: And the items depicted, those are the items that you collected in the brown bags that you put them into?

BUELNA: Yes, they were.

HARRIS: Starting with 254A, the brown bag that you are describing, is this one to the left there?

BUELNA: Yes, it is.

HARRIS: It's kind of hard to see it on the screen. Does that have your basic information, that case number and date, name, that you were previously describing for us?

BUELNA: Yes, it does.

HARRIS: 254B, does this appear to be some of the items that you recovered from, as debris that day?

BUELNA: Yes.

HARRIS: 254C, close-up of some those items?

BUELNA: Yes.

HARRIS: 254D?

BUELNA: Yes.

HARRIS: Now, we see at the top there is some items up there, this package and a glove, it's been described, and some caution tape?

BUELNA: Yes, uh-huh.

HARRIS: This was all stuff that was found in the rocks?

BUELNA: Yes, it was.

HARRIS: And you collected everything that was there?

BUELNA: Yes, we did.

HARRIS: And 254E. Is this another one of the items that you collected from the rocks that day?

BUELNA: Yes, it was.

HARRIS: People have no other questions.

Cross Examination by Mark Geragos

GERAGOS: Good morning.

BUELNA: Good morning.

GERAGOS: The picture that Mr. Harris showed you of the, of this bridge right there. You said that that's in the picture right there?

BUELNA: Yes, sir.

GERAGOS: Okay. Is that something that cars go over?

BUELNA: No.

GERAGOS: Can you go walk on to there?

BUELNA: Yes, you can.

GERAGOS: And is that

JUDGE: Mr. Geragos, I don't think the jury can hear.

GERAGOS: Is this accessible, this bridge?

BUELNA: Yes.

GERAGOS: Okay. And does, this is this a channel here that I'm pointing to?

BUELNA: Canal or channel.

GERAGOS: A canal or channel that goes out to, the recovery site is over here?

BUELNA: I'm not aware where the recovery sites were.

GERAGOS: This is about eight weeks, nine weeks after April 14th?

BUELNA: I collected it on June 21st of 2003.

GERAGOS: Okay. And specifically the item that you were directed to in late June, was that this right here in the bags?

BUELNA: Yes.

GERAGOS: And specifically you put it into one of these evidence bags, is that correct?

BUELNA: Yes, I did.

GERAGOS: Okay. And the items, item itself, or the items itself, this is what you are talking about?

BUELNA: Yes, sir.

GERAGOS: Okay. Can I just show this to the jury, your Honor?

JUDGE: Do you want to hold it up? I don't want you to hand it to them.

GERAGOS: I won't pass it around. I don't have enough gloves. I'll just show them what it is. This appear to you to look like some kind of ties of some kind?

BUELNA: Yes.

GERAGOS: Okay. And that's what you picked up out of the rocks?

BUELNA: Yes.

GERAGOS: Okay. And the item itself, this portion of it, was it like that when you saw it?

BUELNA: I don't recall.

GERAGOS: Okay. How about this, this item here?

BUELNA: I don't recall. It was all collected together.

GERAGOS: Okay. And when you collected it together, you put it into this bag, right?

BUELNA: Yes, I did.

GERAGOS: Okay.

JUDGE: Mr. Geragos, I don't think we have marked that.

GERAGOS: I would like to have it marked if I could.

JUDGE: Be defendant's next in order. Defendant's 8E. That's E to the 8th power. Bag and contents.

GERAGOS: What time of day was it when you recovered it?

BUELNA: I'm sorry, I can't hear you.

GERAGOS: What time of day was it?

BUELNA: It was, I collected it at 1425.

GERAGOS: Okay. Does that area up here, does this water rise and fall with ebb and flow there?

BUELNA: I don't know that, sir.

GERAGOS: You don't know? Okay. And I assume that leads straight out into The Bay; is that correct?

BUELNA: I would assume so.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by David Harris

HARRIS: Officer, just so we're all clear about this, I'm not sure that I heard back there. This bridge that you are talking about up here –

JUDGE: Mr. Harris, you better stand on this side of the jury.

HARRIS: I'm going to move. I want just to just orient the officer. Officer, the bridge and the channel here are two things I want to talk about.

BUELNA: Okay.

HARRIS: The channel that goes from the bridge out to the lower portion of that particular photograph, that's going out into The Bay?

BUELNA: I would assume so. I don't really know.

HARRIS: All right. And is there, looking at the photograph there, does it appear that there is water going from the lower portion of the photograph up to the bridge?

BUELNA: Yes.

HARRIS: And the bridge, you were being asked something I couldn't quite hear it. Were you saying that cars could drive over that?

BUELNA: No, they cannot.

HARRIS: So the bridge up there, what is that for?

BUELNA: It's just foot traffic or bicycles.

HARRIS: Is that part of the bike trails that's in East Bay Regional Park's jurisdiction?

BUELNA: Yes, it is.

HARRIS: And the photograph that we are looking at up on the screen, 290A, that shows that same bridge?

BUELNA: Yes, it does.

HARRIS: Does it show water in that channel or canal?

BUELNA: Yes, it does.

HARRIS: People have no other questions.

JUDGE: Any questions, Mr. Geragos?

GERAGOS: No.

JUDGE: Officer Buelna, thank you very much.