Witness: Denise Ducot

Date: 2004-07-19

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – 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 David Harris

HARRIS: I'll ask her some questions and look for them. Ms. Ducot, can you tell us, excuse me, can you tell us who you are employed by?

DUCOT: I'm employed by the City of Modesto Police Department.

HARRIS: And in what capacity do you work for the City of Modesto?

DUCOT: I'm a police identification technician and have worked for the City for 24 years.

HARRIS: Can you explain to us what that is?

DUCOT: My duties as a police identification technician include photography and videotaping of scenes, processing of evidence, fingerprint comparison identification, and things along that line.

HARRIS: Now, just to go through that process, were you, when you're talking about doing, processing scenes, do you kind of work for or at the direction of police officers for the department?

DUCOT: It depends on the scene. If it's a patrol operations scene where there are no detectives there, then yes, I work for the police officers. If I'm on a scene where the detectives are present, then I work for the detectives.

HARRIS: When you say you work for the detectives, just so that we can go through this, when something occurs and police officers from the Modesto Police Department go out, do they, so they go out, detectives go out and they contact you, or you're called out to the scene as well?

DUCOT: I'm called out to the scenes to assist them, and then I take direction from the policemen or the detectives on the, helping them at the scene.

HARRIS: I want to direct your attention back to December 26 of 2002. Were you working in your capacity, that ID technician position at that time?

DUCOT: Yes, I was.

HARRIS: And were you called out to a location of Covena in the City of Modesto?

DUCOT: Yes, I was.

HARRIS: When you went out there, did you meet with a scene manager, a detective that was on scene?

DUCOT: Yes.

HARRIS: Would that have been Rudy Skultety?

DUCOT: Detective Skultety, that's correct.

HARRIS: Did the detective give you an assignment at that point?

DUCOT: Videotape and photography.

HARRIS: When you say videotape, at that particular time a search warrant was being executed at a house on Covena?

DUCOT: Yes, it was.

HARRIS: And to videotape it, were you given the assignment to videotape it before detectives entered in the location?

DUCOT: Yes, I was given the assignment to videotape outside the residence.

HARRIS: Now, was, you say outside. Was there someone else assigned to videotape inside?

DUCOT: When I completed my duties on the outside, I turned, gave the camera to ID tech Lovell, who did the interior of the house.

HARRIS: Now, when you videotaped the house on Covena, doing the outside, just tell us briefly how you went about doing it.

DUCOT: I was escorted by, I believe Detective McGill, I think. And just started at one place and worked my way around the outside of the house, videotaping the, the condition of the doors and the windows and the yard and everything. And we went from one yard around to the other one. And that included outside the yard proper, out on the street.

HARRIS: When you do this, you're doing it at your own direction or discretion? Or do the detectives kind of point things out to you as you go along?

DUCOT: In this case I was with a detective. Sometimes not, but in this, at this residence here I was with a detective.

HARRIS: Okay. You're pointing to an exhibit down there. Would that be exhibit, is that number 12?

DUCOT: People's number 12, yes, your Honor. Or Mr. Harris.

HARRIS: So you, did you complete this task of videotaping the outside?

DUCOT: Yes, I did.

HARRIS: And when you were done videotaping, did you then start taking photographs?

DUCOT: Yes, I did.

HARRIS: Did you come back to the location on 12/27?

DUCOT: Yes, I did.

HARRIS: And again, did you take photographs on December 27th?

DUCOT: Yes, I did.

HARRIS: The photographs that you're taking on the 26th and the 27th, did you do this like the videotape, at the detective's direction? Or your own discretion?

DUCOT: The photographs I took were at the direction of the detectives. In this case I worked for the detectives and I did what they told me to do.

HARRIS: Now, when you were done with the photographs of the Covena search warrant, did you also go to another location on the 27th?

DUCOT: On the 27th we went to a warehouse on Emerald Avenue, I think.

HARRIS: And did you go to that warehouse at some point?

DUCOT: Yes, in the afternoon.

HARRIS: And was there a scene manager for that particular warehouse?

DUCOT: The manager at that scene was Detective Hendee.

HARRIS: Did Detective Hendee give you an assignment at that particular warehouse?

DUCOT: Yes, he did. I took photographs there.

HARRIS: I want to show you in particular People's number 120A that's been marked. Ask you to look at that, if you would. Do you recognize that photograph?

DUCOT: Yes, I do. This is a photograph I took at the direction of Detective Hendee of a pair of pliers with a hair in it in an aluminum boat at the warehouse, on the 27th.

HARRIS: Let me go ahead and put this up. Looking at 120A, I want to go through the process of this. You indicated you took this photograph. How did this come to your attention to take this photograph?

DUCOT: Detective Hendee was squatting in the boat. I was standing beside the boat, and he lifted up a pair of pliers and said There's a hair in here, I want you to take a picture of this.

HARRIS: And did he pull this placard out and put the pliers in front of the placard?

DUCOT: Yes.

HARRIS: And this is the photograph that you took?

DUCOT: And this is the photograph I took as he waited for me to take my picture.

HARRIS: After you take this picture, did you see what he did?

DUCOT: Yes. As soon as I took this picture, I got him a manila envelope and watched him stick the pliers in past the opening in the envelope and jiggle it a little bit, and then he looked in the envelope, said It's in there, and then he shut the envelope and taped it shut.

HARRIS: This photograph that we're looking at, 120A, does that accurately depict the photograph, or depict the pliers in Detective Hendee's hand that you took on that day?

DUCOT: Yes.

HARRIS: The People have no other questions.

Cross Examination by Mark Geragos

GERAGOS: Did you say Detective, did you say Detective Hendee was squatting in the boat?

DUCOT: He was standing or, to pick those pliers up, he had to squat down and pick them up.

GERAGOS: Does that mean he was physically inside of the boat?

DUCOT: Yes, sir.

GERAGOS: Okay. And when he was physically inside the boat, where were you?

DUCOT: Standing outside of the boat on the cement. I never got into that boat.

GERAGOS: Okay. You took the pictures from outside the boat; is that correct?

DUCOT: Yes, sir. That's correct.

GERAGOS: Okay. Is this a picture that I'm showing you, Quadruple E, did you take that?

DUCOT: This looks like a picture I took, yes.

GERAGOS: Okay. Can you take,

DUCOT: Quadruple E.

GERAGOS: Is that,

DUCOT: Yeah, that's what it is.

GERAGOS: Quadruple E,

DUCOT: 4.

GERAGOS: 4. Also Quadruple E 1. You took that?

DUCOT: This looks like a picture I took, yes, sir.

GERAGOS: Okay. When were the placards placed on things inside of the warehouse?

DUCOT: Before I took the pictures.

GERAGOS: Okay. So is it a fair statement that when you went in there, did you video, video the interior of the location here?

DUCOT: Of the warehouse?

GERAGOS: Yes.

DUCOT: No, sir.

GERAGOS: Somebody else did that? Was that Joy Smith?

DUCOT: Yes, sir.

GERAGOS: Okay. You came in and took still pictures. Detective Hendee had already been in there?

DUCOT: Yeah. Detective Hendee went in first.

GERAGOS: Okay. And when he went in, he's the one who placed these placards on all these Triple E, I mean Quadruple E 6, for instance?

DUCOT: You know, I can't say specifically I watched every placard get placed. So I can't answer that with a definite yes.

GERAGOS: Before you took the pictures

DUCOT: Someone put those,

GERAGOS: somebody put the placards there, correct?

DUCOT: That's correct.

GERAGOS: Okay. Did you take pictures, for instance, on Quadruple E 8, that was before or after you took that picture that's up there on the screen?

DUCOT: I would have to look at the negatives

GERAGOS: So the negatives,

DUCOT: the original film negatives, which are numbered, to be able to tell that. I can't tell, this is some number that's assigned by the computer program.

GERAGOS: Okay. The, when the number, when you look at the negatives, you're able to tell which order you took them in, is that correct?

DUCOT: More so than in this fashion, which has no, I don't, these numbers I believe are arbitrarily assigned. The negative, film negatives, as you know, have the numbers on them.

GERAGOS: Right. Have you ever compared the negatives to these numbers to see if they correspond?

DUCOT: No, sir.

GERAGOS: Okay. You could do that simply by taking the negatives that you have got and seeing the order that they're in; isn't that correct?

DUCOT: Someone could. I don't have the negatives.

GERAGOS: Okay. You turned the negatives in, correct?

DUCOT: I booked them into property, yes.

GERAGOS: A number of those negatives were lost; isn't that e 3 correct?

DUCOT: I don't, I'm not aware of that.

GERAGOS: You're unaware that in our, at least a number of the pictures that you turned in were lost? Anybody come to you and say Do you have any other negatives?

DUCOT: No.

GERAGOS: The photos that were taken by you on that date, did you take any photos of the warehouse prior to the placards going up?

DUCOT: A few. Just general views.

GERAGOS: Okay. And fair statement that all of the pictures that you took, with the exception of a few that show the general area, were all done after the placards were put up?

DUCOT: I'd say that's a fair statement, yes.

GERAGOS: And when you were in there, when this picture was taken, do you know Al Brocchini?

DUCOT: Yes, I do.

GERAGOS: Was he present in the warehouse during that search?

DUCOT: He was in the warehouse at times that day. I don't know if he was there when I took that picture, no.

GERAGOS: You, you don't know if he was there when you took the picture?

DUCOT: No, sir.

GERAGOS: Okay. Thank you. I have no further questions.

HARRIS: No questions.

JUDGE: You are excused. Thank you.

DUCOT: Thank you, your Honor.