## Witness: Byron Duerfeldt

Date: 2004-06-10

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect – Rick Distaso; Recross – Mark Geragos; 2nd Redirect – Rick Distaso; 2nd 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. State and spell your name for the record.

DUERFELDT: Byron Duerfeldt, D-u-e-r-f-e-l-d-t.

CLERK: First name, please.

DUERFELDT: Byron, B-y-r-o-n.

JUDGE: Go ahead, Mr. Distaso.

DISTASO: Sergeant Duerfeldt, you're a sergeant with the Modesto Police Department?

DUERFELDT: Yes, sir.

DISTASO: And what are your current duties?

DUERFELDT: Current duties, currently I'm assigned to the evidence and property unit.

DISTASO: And on December 24th of 2002 were you also a sergeant in the Modesto Police Department?

DUERFELDT: Yes, I was.

DISTASO: And at that time what were your duties?

DUERFELDT: My duties was patrol supervisor. I was working what, we call third platoon, which is from 12:00 noon till 11:00 o'clock at night.

DISTASO: And how long have you been a police officer, a sworn peace officer with the State of California?

DUERFELDT: Twenty five years.

DISTASO: On December 24th 2002, did you get a call to respond or go to 523 Covena?

DUERFELDT: Yes, I did.

DISTASO: In the city of Modesto?

DUERFELDT: Yes.

DISTASO: Okay. What time did that call come to you, do you remember?

DUERFELDT: It was 5:58 p.m.

DISTASO: And where were you geographically in the city? How far away from 523 Covena were you?

DUERFELDT: The Covena address is in southeast Modesto. I was way up in the northeast corner of Modesto, which is approximately eight to nine miles away.

DISTASO: Okay. And after you got the call, what kind of vehicle do you use, car?

DUERFELDT: It was a marked black and white police vehicle.

DISTASO: Is that your normal police car with the lights and the whole bit?

DUERFELDT: Yes.

DISTASO: All right. And did you drive over to 523 Covena?

DUERFELDT: Initially responded to East La Loma Park.

DISTASO: And I put a new aerial on the board. Your Honor, can I have that marked next in order?

JUDGE: It's a brand new one, 36.

DISTASO: 36. It's just a wider aerial view of the park.

DISTASO: Sergeant Duerfeldt, looking at People's 36, do you recognize this as an aerial of Modesto? Can you come take a look at it? I can just lead you through it. You recognize this, do you see this here? Here's the tennis courts. Do you recognize this as the Dry Creek Park area?

DUERFELDT: Yes, I do.

DISTASO: So you went to the park first; is that right?

DUERFELDT: Yes.

DISTASO: And what time did you get to the park, do you remember?

DUERFELDT: I'm guessing around 6:15 p.m.

DISTASO: Okay. And where exactly in the park did you go?

DUERFELDT: It's the entrance of East La Loma Park. It's near the covered picnic area, the main parking lot of that particular park.

DISTASO: Okay. Is that up by the tennis courts?

DUERFELDT: Yes.

DISTASO: And what did you do?

DUERFELDT: I was just there briefly because three other officers, Officer Evers, Officer Spurlock and Officer Letsinger were leaving the park to go to the Covena address.

DISTASO: And those three officers, are those regular patrol officers in the Modesto Police Department?

DUERFELDT: Yes, they are.

DISTASO: And would they have been kind of under your command because you were the sergeant there on the scene?

DUERFELDT: Yes.

DISTASO: Okay. And did you meet with them in the park?

DUERFELDT: It was just very brief in essence they were moving to the Covena address.

DISTASO: Okay. And what happened next then?

DUERFELDT: I contacted the communications center and advised them to contact the local hospitals to check to see if a pregnant woman had recently been admitted into the hospital. And I began to communicate with Lieutenant Able, who was what we call the watch commander during this shift about getting a helicopter launched to be on searching the area

DISTASO: The watch commander, the lieutenant who is on duty, does that person also drive around the city in a patrol car?

DUERFELDT: No, he's stationed at the police department.

DISTASO: So he stays at the police department and you kind of call in resources or try to line that stuff up?

DUERFELDT: Yes.

DISTASO: Okay. And so you spoke to him about the helicopter. What happened next?

DUERFELDT: Then I drove to the Covena address.

DISTASO: And when you got to the Covena address, did you park your car somewhere?

DUERFELDT: Yes, I parked my car facing the opposite direction directly in front of the driveway of the Covena address.

DISTASO: And what happened when you were there? Can you just describe when you first got there what was going on.

DUERFELDT: Well, the three officers went into the home to secure it, to just make sure there was no one in the house. Other family members and friends who were at the park were also arriving at the residence, so I was just kind of monitoring or making sure that no one went, went into the house at that point.

DISTASO: What happened next?

DUERFELDT: I believe the next thing what happened was the defendant went into the house with the three officers.

DISTASO: Okay. Do you recognize Mr. Peterson as he sits here today in court?

DUERFELDT: Yes, I do.

DISTASO: Okay. And so he was the one that went into the house with the three officers?

DUERFELDT: Yes.

DISTASO: Okay. And you did not at that time accompany them into the house?

DUERFELDT: No.

DISTASO: And while they all went into the house with the defendant, where did you stay?

DUERFELDT: In the driveway near my patrol vehicle out in front of the house.

DISTASO: While you were out there, there's the three officers inside the house and yourself. Were other officers arriving or what was going on?

DUERFELDT: While at that point I, I wanted to make sure that Laci wasn't inside the house or that she wasn't in the backyard somewhere, so that was the purpose of it. And, again, with the defendant to make sure, that, you know, we weren't missing her somewhere inside the house.

DISTASO: Okay.

DUERFELDT: As far as other things, I was in contact with Lieutenant Able again asking about the helicopter, what was the status of that, if there's any word on the hospital. And I believe that's the only thing at that point that was going on.

DISTASO: Okay. So the three officers were inside the house with the defendant, and then did they come out of the house at some point?

DUERFELDT: Yes.

DISTASO: Okay. What's just the next thing that happened? You know, taking you through step by step.

DUERFELDT: What I remember next is going inside the house with the three officers and standing near the front door near the entryway inside the house and I asked the officers to give me a run-down of what they had.

DISTASO: Hm-hmm.

DUERFELDT: And Officer Evers, who was the investigating officer,

GERAGOS: Objection, hearsay.

JUDGE: Sustained.

DISTASO: Yeah. Don't tell me what he told you. You asked him for a run-down?

DUERFELDT: I asked him for a run-down and he told me that.

DISTASO: Okay. What happened next thing?

DUERFELDT: I asked if there's anything unusual or suspicious about what they had known at that time.

DISTASO: And they gave you some information?

DUERFELDT: Yes.

DISTASO: Okay. What happened next?

DUERFELDT: Based on what they told me, I felt it was necessary to have a detective respond to this incident.

DISTASO: In a normal missing person's case would it, let me ask you this way: Does a detective always respond to a missing person's case right out of the gate or is that kind of your call as the on-scene person? How does that work?

DUERFELDT: I would characterize it as it being unusual for a detective to respond to a missing person's case; and, secondly, that would be my call.

DISTASO: Okay. And so you decided to call in a detective?

DUERFELDT: Yes.

DISTASO: The circumstances of this particular case, an eight-month pregnant woman missing on Christmas Eve, were the circumstances of that also unusual?

DUERFELDT: Yes.

GERAGOS: Objection, calls for speculation. No foundation.

JUDGE: Overruled. I'll sustain. Called in a detective. Overruled.

DISTASO: Go ahead, you can answer that.

DUERFELDT: Yes.

DISTASO: So this whole kind of situation is unusual to you?

DUERFELDT: Yes.

DISTASO: So you decided to call in the detectives, what happened next?

DUERFELDT: Once the three officers, once I had a conversation with the three officers,

DISTASO: Hm-hmm.

DUERFELDT: Then I had them search a house that was directly north of the Covena residence because it was a vacant residence.

DISTASO: And why did you happen to do that?

DUERFELDT: Again, there's a possibility that Laci could have been in that house. I wanted to make sure that that house had been checked.

DISTASO: All right. So you had them go into that house?

DUERFELDT: Yes.

DISTASO: And just for reference here, do you recognize this as a diagram of the houses on Covena Avenue?

DUERFELDT: Yes, I do.

DISTASO: Okay. This one is labeled the Peterson residence and this is at 523 Covena

DUERFELDT: Correct.

DISTASO: Okay. So the house that you said you had them search is 529, the vacant house right next door?

DUERFELDT: Yes.

DISTASO: Okay. After they did that, what else did you have happen? What's the next thing that happened?

DUERFELDT: Once they checked that house I directed the three officers to then begin to search the park.

DISTASO: After those three officers left that vacant house and you told them to go back down to the park and start searching, how many officers remained up at the 523 Covena area?

DUERFELDT: At that point I was the only uniformed officer, only police officer at the Covena residence.

DISTASO: Had any of the detectives arrived yet?

DUERFELDT: No.

DISTASO: How long did it take, the detective that arrived was Detective Brocchini, is that right?

DUERFELDT: That's correct.

DISTASO: Do you know how long it took after you made the call for him to arrive at the house?

DUERFELDT: I would estimate at least two hours. Detective Brocchini was responding from somewhere up in the Sierra Nevada foothills, so he was some distance away from the city of Modesto.

DISTASO: He was off on a holiday break at some location that's not in Modesto?

DUERFELDT: That's correct.

DISTASO: Okay. What happened next then. You called in the detective and you're out in front and you're the only officer? Where was Scott Peterson during that time?

DUERFELDT: He was in front of the house.

DISTASO: While you were there what was going on? I mean, you know, can you describe the situation at the house?

DUERFELDT: Chaotic. Emotional. I specifically remember Mrs. Rocha being very upset, understandably, as well as family members and friends. And so I was the source of a lot of

emotion and questions and anger, all those types of emotions that the family and friends were feeling that night.

DISTASO: And since you were kind of the only law enforcement present there at that time, were people coming up to you, for lack of a better term, kind of venting or questioning what was going on?

DUERFELDT: Yes.

DISTASO: And would you say that was fairly constant?

DUERFELDT: Yes.

DISTASO: Did Scott Peterson, during this time when he was, when you were just there by at the house by yourself, did Scott Peterson ever come up to you and do any of this kind of questioning of you or venting or anything of that nature?

DUERFELDT: No.

DISTASO: Okay. What happened, next thing.

DUERFELDT: The helicopter was airborne about 8:30. So from probably 8:30 till approximately 10:00 o'clock at night the helicopter was making repeated flights over the park at a low altitude. The scene there changed. It was very quiet. There wasn't a lot of activity because we needed to clear the park so infrared device in the helicopter could operate properly.

DISTASO: Did you or someone else make some directions to get people out of the park?

DUERFELDT: Yes.

DISTASO: So the helicopter flew over from about 8:30 to 10:00. Do you remember what time Detective Brocchini arrived at 523 Covena?

DUERFELDT: It was right around 10:00 o'clock, I believe, 5 to 10:00 p.m. I'm sorry, that probably was not real clear. It was approximately 10:00 p.m. in the evening.

DISTASO: What happened next then. So the helicopters are kind of flying around. What's the next thing that you did?

DUERFELDT: Once officer or Detective Brocchini arrived, Officer Evers briefed Detective Brocchini about the case.

DISTASO: And when you call a detective to kind of start an investigation of this nature, what is your role then? You're the sergeant, but are you in charge of the investigation at that point or is kind of the detective, how does that work?

DUERFELDT: The detective assumes the investigation. I'm there as a resource.

DISTASO: See if he asks you for some resources, you know, can you get somebody or do something, you're available for that purpose?

DUERFELDT: Correct.

DISTASO: Okay. What happened, next thing.

DUERFELDT: At that point, because of our, well, throughout this I'm in communication with Lieutenant Able to try to get additional officers into the are

DUERFELDT: At 11:00 o'clock the shift I was working was due to get off work. We held over all those officers and began deploying them into the park.

DISTASO: And did that kind of start a search of the park from the law enforcement perspective?

DUERFELDT: Yes.

DISTASO: I said perspective, I should have said law enforcement personnel?

DUERFELDT: Correct.

DISTASO: And what happened; next thing?

DUERFELDT: That was about 11:00 p.m. you said. Again, there were officers arriving. I know K-9 officers specifically and just trying to direct on where to go. Again, this was the command poster that the central meeting place so the officers would come there and then they would move into different areas of the park.

DISTASO: So your patrol vehicle was kind of the meeting place out in front of Covena, 523 Covena; is that right?

DUERFELDT: Yes.

DISTASO: Okay. And then so people would come to you and say where do we need to go and you kind of send them on their way?

DUERFELDT: Yes, but I should add, Sergeant Heller was in search of the park. So at approximately 11:00 o'clock, somewhere around that time he, he took over that responsibility.

DISTASO: And that was Sergeant Heller?

DUERFELDT: Yes.

DISTASO: Do you know if any officers were searching or canvassing the neighborhood?

DUERFELDT: Yes.

DISTASO: So you saw that going on as well?

DUERFELDT: I didn't see it, I either directed or was advised that they were canvassing or checking the neighborhood.

DISTASO: And what happened next thing.

DUERFELDT: It was getting very cold. The family wanted to do something. We couldn't let them down to the park so I think it was brought to their attention, I mean they brought, I mean they were coming up to me with a lot of ideas what to do. One of those ideas was to start creating posters. So I thought that would be, you know, a perfect thing to do. So several family members left to go to Kinko's' copying to make copies for posters. I explained to them that I just didn't think they were going to be, this wasn't a good place to meet because it was very cold and they wouldn't be allowed to go into the house at that point. So I was suggesting maybe they could all kind of gather up in another place. So it was kind of a process where the family and the friends were now leaving.

DISTASO: And what time did you leave the house that night?

DUERFELDT: 12:30 am.

DISTASO: And when you left at 12:30, were you the last person to leave the house?

DUERFELDT: No, I believe Detective Brocchini and identification technician was still there.

DISTASO: After you left 523 Covena, did that, I mean, did that kind of end your participation in this particular case or this investigation or did you do other things as well like the next day or something?

DUERFELDT: This was my only involvement in this case.

DISTASO: All right. Thank you, Your Honor, I don't have any further questions.

**Cross Examination by Mark Geragos**

JUDGE: Mr. Geragos.

GERAGOS: Thank you, Your Honor.

GERAGOS: Good morning.

DUERFELDT: Good morning.

GERAGOS: You get a call at exactly what time?

DUERFELDT: Well, it's not exactly. It's approximately, I believe, 5:58 p.m.

GERAGOS: Okay. And you arrive, you go first to 523 Covena?

DUERFELDT: No.

GERAGOS: Where do you go first?

DUERFELDT: First I drove to East La Loma Park.

GERAGOS: Okay. Where in the park do you respond to? We have a pointer here if you want to point to it on People's 36.

DUERFELDT: Thank you. Generally right in this area here.

GERAGOS: There's some, right next to the tennis courts?

DUERFELDT: There's a parking lot. There's tennis courts, basketball court.

GERAGOS: Let me show you this. This might have a better view of the area you responded to.

JUDGE: Just for the record, you're showing him what number, Mr. Geragos?

GERAGOS: I'm putting up on the board People's 22, Your Honor.

JUDGE: All right.

GERAGOS: It's a little bit, I think a little bit more blown up.

GERAGOS: Did you see, did you respond somewhere in here?

DUERFELDT: Yes, right in this area right here.

GERAGOS: Okay. Now who did you see when got there? You can return to your seat. Who did you respond to or who was there?

DUERFELDT: There was, well, in addition to the three officers.

GERAGOS: Well, let's get through. Which three were there?

DUERFELDT: Officer Evers, Officer Spurlock and Officer Letsinger.

GERAGOS: So Evers, Spurlock and Letsinger are there. And what are they doing when you drive up? And, by the way, are you by yourself?

DUERFELDT: Yes.

GERAGOS: So you're in a patrol car, a marked patrol car, by yourself, you don't even have a partner officer with you?

DUERFELDT: That's correct.

GERAGOS: You see Evers, Spurlock and Letsinger, what are they doing?

DUERFELDT: They're in their cars beginning to drive out of the park.

GERAGOS: Okay. Three separate cars?

DUERFELDT: Yes.

GERAGOS: Okay. Do you all stop and at that point meet and have a discussion?

DUERFELDT: My recollection is no, just with Officer Evers and that was car to car.

GERAGOS: Okay.

DUERFELDT: We never got out of our car.

GERAGOS: So someplace here in the parking lot, you're driving in and he's driving out so it's car to car, you roll down the windows. It's obviously starting to get cold so you talk through the car windows with Evers?

DUERFELDT: Yes.

GERAGOS: Okay. Do you see people down there searching with flashlights?

DUERFELDT: No, I don't believe it was even dusk yet or it wasn't dark yet.

GERAGOS: Okay. So at 7:00 o'clock, roughly you're there at 7:00?

DUERFELDT: No, I was there at 6:00 o'clock.

GERAGOS: 6:00 o'clock. Roughly at 6:00 o'clock, it's not even dusk yet so you wouldn't need a flashlight at that point; is that correct?

DUERFELDT: That's my recollection. I don't remember seeing anyone with flashlights.

GERAGOS: Okay. Do you remember seeing anyone out there, civilians, searching or doing anything or yelling?

DUERFELDT: No, what I just saw was a lot of cars parked in the parking lot and it seemed like a lot of people around on foot.

GERAGOS: Okay. And did you see my client, Scott Peterson, down there?

DUERFELDT: No.

GERAGOS: Okay. Did you see him anywhere in the park before, you talked to Evers, right, after you talked to Evers you then move and go out to the Covena address?

DUERFELDT: Yes.

GERAGOS: Okay. Did you see him at any point when you made that trip out of the parking lot and down to Covena?

DUERFELDT: No.

GERAGOS: Okay. And when you arrive at Covena, what do you see? What's the first, you park your car where, on the street?

DUERFELDT: Yes.

GERAGOS: Okay. Do you see the map behind you that's marked as People's 33. How did you approach the house?

DUERFELDT: From Encina westbound Encina and then southbound, or correction, northbound Covena

GERAGOS: Okay. As I'm doing right here?

DUERFELDT: Yes.

GERAGOS: Okay. And then you parked on one of the curbs?

DUERFELDT: I parked directly in front of the residence closer to the Peterson residents.

GERAGOS: You parked on the wrong side of the street?

DUERFELDT: Right.

GERAGOS: Nobody gave you a ticket?

DUERFELDT: Not that I'm aware of.

GERAGOS: When you parked there, what was going on on the lawn?

DUERFELDT: I'm sorry, I didn't hear that.

GERAGOS: What was going on on the lawn or the grass in front of the house?

DUERFELDT: I can't remember anything going on on the lawn.

GERAGOS: Okay. So, I mean, when you drove up to the house, I'll put the picture up. You've seen it ad nauseam. You drive up to the house, there's nothing unusual going on that you see in the front yard?

DUERFELDT: No, that I can recall.

GERAGOS: Okay. Were there people milling about at that point?

DUERFELDT: When I initially arrived, I don't believe so. Like I said, other family members and friends began to arrive once the three officers and myself arrived or soon thereafter.

GERAGOS: Okay. When you, how long would you say would you estimate you and Evers were down in the parking lot talking?

DUERFELDT: Two minutes.

GERAGOS: Okay?

DUERFELDT: At the most.

GERAGOS: But it takes you a couple minutes to get up here, it's shortly after 6:00 o'clock and you're in front of Covena?

DUERFELDT: Well, there was a man who identified himself as a doctor. He had been jogging in the park and he had stopped to search and he asked me if I could give him a ride home because he had a medical emergency he had to get to. So I, I drove him home from that point then I went to the Covena address.

GERAGOS: Where was that, where did you take him?

DUERFELDT: I have no idea where. It was, I believe it was on Edgebrook Avenue near the entrance of a park, but I can't recall the specific location.

GERAGOS: Okay. Did he approach you after you had talked to Evers?

DUERFELDT: Yes.

GERAGOS: And as you were leaving the park?

DUERFELDT: Yes.

GERAGOS: Would flag you down?

DUERFELDT: Yes.

GERAGOS: And so you give him a ride. That takes another couple of minutes, five minutes or wherever he was going?

DUERFELDT: Maybe, yeah, it was very close, maybe a minute.

GERAGOS: Okay. So what I'm just trying to get a picture of, I assume sometime shortly after 6:00 o'clock, roughly, you're parked in front of the Peterson house?

DUERFELDT: Yes.

GERAGOS: And who, was Evers, Spurlock and Letsinger already there?

DUERFELDT: Yes.

GERAGOS: And when they were there were they also parked in the street itself?

DUERFELDT: They were parked,

GERAGOS: They were parked?

DUERFELDT:, on the street legally, as opposed to me who was illegally parked.

GERAGOS: And as you come up and they're legally parked, are they out of their cars at that point?

DUERFELDT: My recollection is they're already in the house.

GERAGOS: Okay. So when you drive up, you see patrol cars, nobody's in the patrol cars, you park on the other side of the street, you get out, do you go inside of the house?

DUERFELDT: No.

GERAGOS: What was the first thing you did when you arrived at the location after your parked your car and got out?

DUERFELDT: I believe I called the watch commander, Lieutenant Able.

GERAGOS: Okay. And told him you were there?

DUERFELDT: Well, again, just strategizing about contacting hospitals. Trying to get the helicopter up.

GERAGOS: Okay. You wanted the helicopter up so the helicopter could kind of do a, they talked about it. They are an infrared. So they go through the park and wanted to clear the park so that the helicopter, if it could, would, the infrared would show any kind of thorough heat that's being radiated would pick it up from the helicopter if there's a body down there and it's radiating heat you'll be able to see better?

DUERFELDT: That was my understanding.

GERAGOS: That was your understanding. And if you've got a bunch of people down in the park it's going to be problem because obviously it's going to pick up all the heat coming off of the people who are searching?

DUERFELDT: Correct.

GERAGOS: Okay. Now, did you order the helicopter then at that point, a couple whatever it was, five, ten minutes after 6:00 o'clock?

DUERFELDT: Well, I don't think "order" is the right order.

GERAGOS: Okay. Did you request while you were strategizing that a helicopter get out there?

DUERFELDT: Yes.

GERAGOS: Okay. So you make this request, did they tell you that they're going to do that? I mean what believed?

DUERFELDT: No, I didn't know, I didn't even know that they had an infrared device on the helicopter.

GERAGOS: Okay. Did at some point did you or were you aware that somebody issued an order to have the park evacuated?

DUERFELDT: Yes.

GERAGOS: And at time was that?

DUERFELDT: I would estimate probably around 8:00 to 8:30 p.m.

GERAGOS: Okay. So you arrive, you're in your patrol car, your don't see Evers, you don't see Spurlock, you don't see Letsinger, they're inside the house, you assume. You, if I got it right, you're on your radio and you're strategizing about getting the helicopter at that point, correct?

DUERFELDT: Correct.

GERAGOS: And then at that point did you go onto the premises?

DUERFELDT: Yes, I was in the driveway area

GERAGOS: Okay. As you're in the driveway area, did you do anything to go around or secure the perimeter of the house itself?

DUERFELDT: No.

GERAGOS: Did you see anybody else do that?

DUERFELDT: No.

GERAGOS: Did you go and check the pool or the jacuzzi in the backyard or the cars or the inside of the house yourself?

DUERFELDT: No.

GERAGOS: Did you basically just kind of man the front yard and make sure nobody else goes inside the house?

DUERFELDT: (No response.)

GERAGOS: Let me back it up because maybe it will make more sense. Did you at some point after you get out and you have this conversation strategizing about what you were going to do, did you contact with Evers, Letsinger or Spurlock?

DUERFELDT: Yes.

GERAGOS: And when, was that the next thing you did after you made your phone call?

DUERFELDT: Yes.

GERAGOS: Who did you talk to?

DUERFELDT: Again, it was a group discussion amongst all three of us.

GERAGOS: Now, when you say again, if I understand correctly, down in the park it was just you and Evers; is that correct?

DUERFELDT: Right. I was just referring to my earlier testimony.

GERAGOS: Okay. So your first discussion was with Evers, your second discussion up at the house is with Spurlock, Letsinger and Evers, the four of you together?

DUERFELDT: Yes.

GERAGOS: And where did that take place, that discussion?

DUERFELDT: Inside the house near the front door.

GERAGOS: Okay. Had you-- and was that the first thing you did at the house is have this, the group discussion, if you will?

DUERFELDT: Yes.

GERAGOS: Did you at any point prior to that group discussion had you encountered Scott Peterson yet?

DUERFELDT: At that point I didn't know who Scott Peterson was.

GERAGOS: Okay. So as far as you know you had not seen him down at the park, you had not seen him at the house?

DUERFELDT: That's correct.

GERAGOS: You have this group discussion which takes approximately how long?

DUERFELDT: Very brief, less than five minutes.

GERAGOS: Okay. What did you do after right after that?

DUERFELDT: That's when I called Lieutenant Able explained that I wanted a detective to respond.

GERAGOS: Okay. So the reason that you wanted a detective to respond, I think the prosecutor was asking you, you know, was that unusual. That was based upon the discussion that you had with Evers, Letsinger and Spurlock, correct?

DUERFELDT: Yes.

GERAGOS: Okay. And based upon that discussion, you called and asked for, you have some kind of, in Modesto I guess it's a rotating detective basis or on-call basis; is that correct?

DUERFELDT: Do you want me to tell you the process of what I went through?

GERAGOS: Well, is that going to take a long time? Can I kind shortcut it?

DUERFELDT: The Lieutenant Kirk, I called the supervisor of the crimes against persons unit who in turn told me to call Detective Brocchini, he gave me his phone number and I called Detective Brocchini.

GERAGOS: When you talked to Detective Brocchini did you tell him or convey to him, I'm not asking for what's hearsay, the discussion you had with Evers, Spurlock and Letsinger?

DUERFELDT: Yes.

GERAGOS: Okay. And that discussion at that point, you didn't have any independent knowledge of anything about Scott Peterson because you didn't know who Scott Peterson was, correct?

DUERFELDT: (No response.)

GERAGOS: Other than what you were told by Spurlock, Evans, Evers and Letsinger, correct?

DUERFELDT: Well, I'm thinking when I made the phone call at that point did I know who Scott Peterson was. That's why I had to reflect for a minute. And I can't say at that point I knew who Scott Peterson was.

GERAGOS: Okay. So you get on the phone, you talk to, it's not Captain Kirk, it's Lieutenant Kirk, right?

DUERFELDT: Lieutenant Able.

GERAGOS: Lieutenant Able. And after Able, Able gives you Brocchini's number, you call Brocchini, you fill him in, did you tell him roughly the basics of what Evers, Spurlock and Letsinger had told you?

DUERFELDT: Yes.

GERAGOS: Okay. So whatever those three and you discussed, was then conveyed in essence to Brocchini who's two hours way or an hour-and-a-half away somewhere in the Sierra Nevadas, correct?

DUERFELDT: Correct.

GERAGOS: And at that point were you told to do certain things by Detective Brocchini?

DUERFELDT: No.

GERAGOS: Did you, after you got, how long was that discussion you had with Brocchini?

DUERFELDT: Less than five minutes.

GERAGOS: Approximately the same amount of time as your discussion with Evers, Spurlock and Letsinger?

DUERFELDT: Yes.

GERAGOS: Okay. So you get off the phone with him. At that point where do you go?

DUERFELDT: To the front of the house.

GERAGOS: And at that point are you allowing people to go in and out of the house?

DUERFELDT: No.

GERAGOS: Okay. Is it a fair statement that from the time you arrived at 6:05, 6:10, whatever it was, and that you already saw Evers, Spurlock and Letsinger there, that you saw no other civilians go in or out of that house?

DUERFELDT: No, I can't say that for certainty, no.

GERAGOS: Well, while you were there did you see anybody else go inside that house that wasn't either a, what do you call them, evidence techs or forensic tech or a law enforcement type?

DUERFELDT: I believe I saw the defendant go into the house with one of the officers.

GERAGOS: Okay. And do you remember which officer that was?

DUERFELDT: I think it was Officer Evers.

GERAGOS: And do you remember what time that was?

DUERFELDT: No.

GERAGOS: Okay. Do you remember if it was after you had already called Brocchini and requested that he be brought in?

DUERFELDT: Yes.

GERAGOS: Okay. And do you remember how long after it was when you called the detective?

DUERFELDT: No, other than it had to be sometime probably before the helicopter launched.

JUDGE: Mr. Geragos, let me interrupt. It's just about noon time. I want to admonish the jury. Ladies and gentlemen of the jury, you're not to discuss this case or form or express any opinions about this case. You're not to listen to, read or watch any media reports of this trial or discuss it with any representatives of the media or their agents. We'll take the noon recess. We'll reconvene at 1:30. Okay. And Sergeant, you're ordered back at 1:30. I don't know how much longer you're going to be.

JUDGE: All right. This is People vs. Peterson. Let the record show the defendant is present with counsel and the jury is in the jury box, along with the alternates. And where is the sergeant?

DISTASO: The sergeant is outside.

GERAGOS: Cross-examine an empty chair.

JUDGE: Okay. We have Sergeant Duerfeldt. And, Mr. Geragos, do you remember where you left off? Want to read back the last question and answer? Or do you know where you left off?

GERAGOS: No, I remember.

JUDGE: Okay.

GERAGOS: After you recalled Able and then Brocchini, at this point it was approximately 6:15?

DUERFELDT: No, because I didn't arrive at the Covena address until approximately 6:20.

GERAGOS: You didn't arrive there until 6:20 you think? Your best estimate,

DUERFELDT: Yes.

GERAGOS:, is that you were at Covena at 6:20?

DUERFELDT: Yes. Approximately.

GERAGOS: So then you do, you have the strategy sessions, as you call it. You make two calls, and then what do you do?

DUERFELDT: Then I return to the front of the home to the driveway area

GERAGOS: Okay. Did you talk to a Sergeant Allen Carter?

DUERFELDT: Yes.

GERAGOS: Okay. When did you do that in this time line?

DUERFELDT: Yeah. He was the sergeant I was referring to who is a supervisor of crimes against persons who gave me the telephone number of Detective Brocchini.

GERAGOS: Okay. Now, he's got a report, have you reviewed any of the reports in connection with this case?

DUERFELDT: Yes.

GERAGOS: Okay. I'm going to show you one that's Bates stamped 21635, Sergeant Allen Carter, May 14th.

DUERFELDT: I haven't read that.

GERAGOS: Read the first sentence, if you will.

DUERFELDT: On Tuesday,

JUDGE: To yourself.

GERAGOS: To yourself. I'm sorry.

DUERFELDT: Okay.

GERAGOS: Okay. Does that refresh your recollection at about what time you called,

DUERFELDT: Yes.

GERAGOS:, Carter? So would it have been closer to 6:30 that you actually called him?

DUERFELDT: Right. I arrived on scene at approximately 6:20 and ten minutes later made the phone call.

GERAGOS: All right. Now, when you called him, did you tell him that Scott Peterson was currently not at the house at 6:30 but was out walking the neighborhood looking for his wife?

DUERFELDT: I can't remember that.

GERAGOS: Same page. Does that refresh your recollection.

DUERFELDT: Again, I don't recall telling Sergeant Carter that.

GERAGOS: Okay. Did you tell Sergeant Carter that Scott had called numerous family members prior to the police being called and they were now at the residence?

DUERFELDT: I can't recall specifically telling him that.

GERAGOS: Okay. Did you, did Carter tell you something that caused you to go get Scott? Did he tell you to go get Scott? Or did you,

DUERFELDT: No.

GERAGOS: Ask you to read this silently to yourself.

DUERFELDT: (reads)

GERAGOS: Does that refresh your recollection?

DUERFELDT: Again, my only recollection of my conversation with Sergeant Carter is just to explain that we had a missing person case and I wanted a detective out and who should we call

out.

GERAGOS: Okay. Now, did you tell Carter, what I just showed you was a lot more information than that. You don't remember that, giving that information to Carter?

DUERFELDT: That's correct, sir.

GERAGOS: Okay. The, I'm going to ask you to read silently to yourself. Now, do you remember any of that information that's in Carter's report, conveying that to him?

DUERFELDT: No, sir.

GERAGOS: Okay. Now, did you call, end up calling him back? Carter?

DUERFELDT: I don't remember calling him. I just remember the one telephone call.

GERAGOS: Okay. Let me show you another portion of this report where Carter indicates that at 7:00 o'clock you called him back. Does that refresh your recollection?

DUERFELDT: No.

GERAGOS: Okay. And do you remember, you don't have any recollection of this second phone call; is that correct?

DUERFELDT: I'm sorry, I don't.

GERAGOS: Okay. Now, did you, when, when you went back outside, you were in the front lawn, that would have been after you talked to Carter, after you talked to Brocchini and obviously the other three officers, correct?

DUERFELDT: Yes.

GERAGOS: You leave the other three officers inside of the house and you went out into the front yard?

DUERFELDT: No. I believe they were already outside the house, too.

GERAGOS: Okay. So the four of you were out front, family members were coming up and asking questions, getting angry and hysterical; is that, is that a fair approximation of what was going on?

DUERFELDT: Yes.

GERAGOS: Okay. And you were trying to keep them off of the, or out of the house at that point, correct?

DUERFELDT: No, I don't, there was no urgency, or no one was wanting to go in the house.

GERAGOS: Didn't they want to go in the house to get pictures? Weren't they requesting to get pictures? You talked about this poster, they wanted to make up a poster. Wasn't one of the things that people were looking for were pictures of Laci so that they could distribute those?

DUERFELDT: My recollection of that was much later in the night, closer to, after the helicopter had ended its search. More like around 10:00 o'clock in the evening.

GERAGOS: Okay. Now, the, as you came back out, the family members were doing this and that, when's the first time you saw Scott?

DUERFELDT: The first time I saw the defendant was outside in the driveway area

GERAGOS: At approximately what time?

DUERFELDT: I'm estimating sometime after 6:30.

GERAGOS: Okay.

DUERFELDT: P.m.

GERAGOS: And at that point did you have him, did you tell him to stay at the house?

DUERFELDT: I had no conversation with him.

GERAGOS: At all that evening?

DUERFELDT: That's correct.

GERAGOS: Okay. Now, at any point did you see him in the company of any other officers?

DUERFELDT: No.

GERAGOS: When he came back to the house, where did you see him? Just in the driveway area?

DUERFELDT: Again, my recollection is I saw him in the driveway at the front of the house. I didn't see him approach. I just, my recollection is I saw him at the house.

GERAGOS: Okay.

DUERFELDT: In the front of the house.

GERAGOS: Did you see him go into the house with Evers or one of the other officers?

DUERFELDT: My recollection is there was something about a telephone, there was a telephone was ringing and/or something along that effect, and Officer Evers escorted him inside the house.

GERAGOS: Okay. Now, at some point you said that you had ordered this helicopter, correct? Or required, you didn't order it. You requested that somebody put up a helicopter?

DUERFELDT: Yes.

GERAGOS: Now, after you did that, did you do something to have the park cleared?

DUERFELDT: I asked the three officers to go down and clear the park because Sergeant Wend had relayed to us that everyone had to be out of the park because they were going to use the FLIR.

GERAGOS: Okay. When did Sergeant Wend do that? What time was that?

DUERFELDT: I know he went airborne or the helicopter went airborne approximately 8:30, so approximately 8:00 to 8:15, somewhere in that time frame.

GERAGOS: Where were you between 6:30 and 8:00 or 8:15?

DUERFELDT: The entire time I never left the front of the house.

GERAGOS: Okay. While you were in the front of the house, did you see Scott Peterson come and go?

DUERFELDT: I never saw him leave, no.

GERAGOS: Did you see him standing there,

DUERFELDT: Yes.

GERAGOS: the whole time? Did you see him talking to people?

DUERFELDT: No.

GERAGOS: Did you see him talk, you already indicated you saw him with Evers, Officer Evers, correct?

DUERFELDT: No.

JUDGE: Answer the phone? Remember that incident with the phone?

DUERFELDT: Oh, yeah, where, when he escorted him back in the house, yes.

GERAGOS: Okay. And how long were they inside together?

DUERFELDT: Less than a couple of minutes, I would imagine.

GERAGOS: And the time while you were waiting out front from 6:00 to 8:15, where were Evers or, let's make it 6:30 to 8:15, where were Evers, Spurlock and the other officer?

DUERFELDT: Again, they were down in the park.

GERAGOS: They were down in the park?

DUERFELDT: Yeah. Searching in the park.

GERAGOS: And so you were the only officer, roughly, in between the time of 6:30, 8:15 that was manning the house?

DUERFELDT: Yes. Between 6:30 or maybe 7:00 p.m. until 10:00 o'clock p.m.

GERAGOS: So 10:00 o'clock p.m. It's a fair statement that the only officer that was at the house was you?

DUERFELDT: No. I, I mean there might have been a point, I know once the helicopter started searching, I believe one of those three officers, either Evers, Letsinger or Spurlock probably was at the home. Probably all three of them at one point. Once the park had been cleared and the helicopter was searching for an hour and a half, I know what, those three officers were back at the house, in front of the house. Now I don't know how long they were there.

GERAGOS: And that would have been sometime after 8:30?

DUERFELDT: Approximately. It could have been 8:00 o'clock. I'm not sure.

GERAGOS: Okay. And the first time that you saw Scott Peterson on the driveway was when you came back out of the house and had made those phone calls?

DUERFELDT: Sometime after that, yes, sir.

GERAGOS: And would that have been shortly after he came outside?

DUERFELDT: Sometime after I came outside.

GERAGOS: Okay. Before 7:00 o'clock?

DUERFELDT: Yes.

GERAGOS: May I have just one moment?

GERAGOS: Thank you. I have no further questions.

**Redirect Examination by Rick Distaso**

JUDGE: Any redirect examination, Mr. Distaso?

DISTASO: Yes, your Honor.

DISTASO: Sergeant Duerfeldt, before December 24th of 2002, did you know Scott Peterson?

DUERFELDT: No.

DISTASO: Did you even know he existed?

DUERFELDT: No.

DISTASO: Nothing further.

**Recross Examination by Mark Geragos**

JUDGE: Any other, Mr. Geragos? Mr. Geragos, any other questions? On that

GERAGOS:. Did you -- on that scintillating redirect, no. But did I just -- I missed one thing I wanted to ask. Sergeant, did you direct Letsinger at some point to -- that evening to wait for the ID techs to arrive to photograph the house?

DUERFELDT: Yes.

GERAGOS: And did you point out areas where Brocchini had asked you to have photographs taken?

DUERFELDT: No.

GERAGOS: No?

DUERFELDT: No.

GERAGOS: Do you recall seeing this report? I'm referring to 3309?

DUERFELDT: Yes.

GERAGOS: Okay. Now, did you, did you run into somebody or did somebody arrive by the name of Doug Lovell that evening?

DUERFELDT: Yes.

GERAGOS: And did Doug Lovell -- who do you know Doug Lovell to be?

DUERFELDT: He's a department identification technician.

GERAGOS: And did you relieve Letsinger from watching the house at some point?

DUERFELDT: That's not my recollection. And, again, I know in Officer Letsinger's report it states that I relieved him of that responsibility.

GERAGOS: I don't have to show you?

DUERFELDT: No.

GERAGOS: In his report he says you relieved him from watching the house. That's not what you remember, correct?

DUERFELDT: No.

GERAGOS: Thank you. I have no further questions.

**2nd redirect Examination by Rick Distaso**

JUDGE: Mr. Distaso, any questions in this new area?

DISTASO: Hold on one second, your Honor.

JUDGE: Sure.

DISTASO: Did, Sergeant Duerfeldt, what is, do you have a recollection of who relieved Letsinger from his duties?

DUERFELDT: No. I remember I was there at the house entirely, until ID technician Doug Lovell and Detective Brocchini were at the home. At that point I remember leaving the home when those two people were at the home. So as far as someone in charge of the home, I would defer that -- that Detective Brocchini now was scene manager of that home.

DISTASO: Nothing further.

**2nd recross Examination by Mark Geragos**

JUDGE: Mr. Geragos, any questions?

GERAGOS: Just so I understand, your -- your understanding what happened that evening is that once Brocchini showed up, that that house was under his auspices at that point, in whatever pecking order you have?

DUERFELDT: Yeah. It's, at that point it becomes his investigation. Although I'm a supervisor, I will provide him the resources, it's his investigation, his expertise.

GERAGOS: And you're not at that point doing anything other than supplying, as you say, resources or, or trying to assist him; he's the one who is in charge of the investigation at that point when he arrives at I think you said five to 10:00, correct?

DUERFELDT: Correct.

GERAGOS: Thank you. No further questions.

JUDGE: May this witness be excused?

DISTASO: Yes, sir.