Witness: Craig Wend

Date: 2004-06-10

Proceedings held June 10, 2004

Called by: People (prosecution)

Phase: Guilt

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

Day 1 of 1 for this witness

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Direct Examination by Rick Distaso

DISTASO: Sergeant Wend, you're employed by the Modesto Police Department?

WEND: Yes, sir.

DISTASO: Okay. And how long have you been a sworn peace officer in the State of California?

WEND: Approximately 24 years.

DISTASO: What are your current, what's your current duty assignment?

WEND: I am currently a sergeant assigned to patrol.

DISTASO: On December 24th, 2000 and 2, were you on duty that day?

WEND: Yes, I was.

DISTASO: And did you get a call to assist Sergeant Duerfeldt in an investigation at 523 Covena?

WEND: No.

DISTASO: Okay. Did you get a call to go out to the airfield and get in a helicopter and fly the park?

WEND: Yes.

DISTASO: Okay. Tell me, let's just go through what happened. You were where when you got the call?

WEND: I got off at 8:00 o'clock that night. And I was called into the watch commander's office, and he told me that,

GERAGOS: Objection. Hearsay.

JUDGE: Well, it's to explain his subsequent conduct, not being offered for the truth.

DISTASO: That's right.

DISTASO: Go ahead.

WEND: And I was assigned to ride in the helicopter to search the park for this missing person.

DISTASO: Okay.

JUDGE: You weren't the pilot?

WEND: No. No, sir. Just an observer.

JUDGE: You rode along?

WEND: Yes, sir.

JUDGE: Okay. Go ahead.

DISTASO: So, go ahead, tell me what happened. You went out to the airfield?

WEND: Went out to the airfield. We got in the air approximately 8:30. One of, the co-pilot was an officer, Deputy Pettit, and I don't remember who the pilot was, but took off from the airfield, got over Dry Creek and flew from approximately Yosemite Boulevard where, to the south, or, correction, to the west, and then all the way up to the east. I know it's probably hard to understand, but past the furthest city limit boundary of Claus Road and then even approximately a mile or so east from that.

DISTASO: Okay. The, there's a diagram on the board, People's 36 here. And can you take a look at it?

WEND: Sure.

DISTASO: And if you take a look here. Just to orient you, here's Covena, here's the tennis courts, here's Dry Creek. Is that looking familiar to you?

WEND: Yes.

DISTASO: Okay. And down here, would that be Yosemite Boulevard?

WEND: Yes.

DISTASO: You can write right on the picture. Just take this black pen. You don't have to be neat or anything. Just write "Yosemite" so we know where you're talking about.

WEND: Sure.

DISTASO: Right in there. Okay. And so you got in the helicopter, and was the helicopter equipped with an infrared device?

WEND: A hand-held FLIR, yes.

REPORTER: I'm sorry, a hand-held what?

JUDGE: You want to spell it, Sergeant.

WEND: It's,

JUDGE: I know what it is but I thought maybe the court reporter would need it.

WEND: It's an acronym for a long word.

JUDGE: Okay. All right. Do you remember, what, F-L-E-I-R? Would that be it?

WEND: F-L-I-R, Forward-Looking Infrared something.

JUDGE: Put "sic."

DISTASO: Okay.

DISTASO: And Sergeant Wend, what that does is, just in a nutshell, that looks for heat sources, correct?

WEND: Yes.

DISTASO: So you were in the helicopter, you flew as far south, southwest, I guess, as Yosemite Boulevard?

WEND: Well, we flew a little farther, but the Dry Creek kind of, it's almost like a, the end of it,

DISTASO: Uh-huh.

WEND: Yosemite Boulevard is a little bit further to the south, but it's really overgrown and stuff. So for the most part we flew just a little bit south, southwest-ish of Yosemite Boulevard, and then we followed the creek.

DISTASO: All right. And then you, and so then you flew, I mean you rode in the helicopter with the infrared device all the way along the creek?

WEND: Yes.

DISTASO: And how, do you know how far that distance is from one end of the, you know, the entire Dry Creek Park area to the other?

WEND: It's several miles. And I know that because of the distances between the major streets. And, also, the creek really curves back and forth, and it goes quite a bit farther to the east than this map indicates.

DISTASO: Okay. Can you just put, just put a thing on this diagram, just put a thing that, just put "flew. Further east," or something. Don't step on the juror here.

JUROR: That's okay.

WEND: (Witness complies)

DISTASO: Just so they know where you went. Okay. How long, you can go ahead, have a seat now. How long do you think that you were in the air?

WEND: Probably around an hour and 15 minutes or so. An hour and 20 minutes.

DISTASO: Did you make more than one pass over the park?

WEND: Yes.

DISTASO: So you kind of flew up and down, I mean up one direction and then turned around, came back the other direction?

WEND: Well, of course it's at night, okay? So we're using the spotlight. And as you can see kind of on the map, some areas are relatively narrow where there's mostly just bank and water, and then, as you can see, some places where it spreads out where the parks are at and the bike riding trails and stuff. Those would take a lot longer to look. So we hovered on places, on places we couldn't see; you know, got down to the left, got down to the right, and went back and forth numerous times.

DISTASO: And were you making kind of low, low level passes along the park?

WEND: Whatever low is, it was, seemed to be, you know, a couple of hundred feet, maybe.

DISTASO: And it was yourself and the two pilots?

WEND: Yes.

DISTASO: And was everybody kind of just, you know, looking, searching for Laci Peterson; is what you were doing?

WEND: We were looking for this missing person, Laci Peterson, yes.

DISTASO: After you finished the, these passes over the park, of course you were not successful in finding Laci Peterson?

WEND: That's correct.

DISTASO: And at that point did you return to the airfield?

WEND: Yes.

DISTASO: And did you have any other involvement that night with this investigation?

WEND: No.

DISTASO: Thank you. Nothing further.

Cross Examination by Mark Geragos

JUDGE: Mr. Geragos.

GERAGOS: Sergeant, I've got a printout here, looks like a computer printout with your name on it. Is that your badge number?

WEND: That's my assigned, they call it my M number, well, an M number.

GERAGOS: Because it starts with an M?

WEND: Right.

GERAGOS: Okay. The, I'm going to mark this as defense next in order, which I think is K?

JUDGE: Want it next in order? K. And what is it, Mr. Geragos?

GERAGOS: It's a one-page computer printout of M numbers.

JUDGE: M numbers.

GERAGOS: M as in Mary.

DISTASO: What's the Bates stamp number, please.

GERAGOS: Doesn't have it on here.

GERAGOS: It shows a 1954 and a location, airport, and then your M number. Does that, what meaning does that have to you?

WEND: At 1954 the dispatcher, which is this Z number, assisted me to the airport, and "me" being me, my M number.

GERAGOS: Okay. 1954 being six minutes of eight, before 8:00 o'clock?

WEND: Yes.

GERAGOS: Okay. So what time did you arrive at the airport?

WEND: It was probably about ten or 15 minutes after that.

GERAGOS: Okay. And is it, do I understand this correctly, you were with somebody named Roy Pettit,

WEND: Yes.

GERAGOS: is that correct?

WEND: Yes.

GERAGOS: And an officer Daniel Gonzales?

WEND: No, sir.

GERAGOS: Do you know who Gonzales.

WEND: Yes, I do I know him.

GERAGOS: Where was he, was he directed somewhere else?

WEND: Yeah. It just shows it as an assist, and I don't know what he did, though.

GERAGOS: Okay. Now, what time, you went to the airport. What time did you actually go up? Looks like here that, says "en route" then "on scene." Does that correspond to when you actually got there? 8:15 on scene?

WEND: You have to look at these numbers here, too. These designate different units. At that time I was X 33. So X 33, you'll notice there's no Z number here by this miscellaneous. M X 33,

that's me providing information to the dispatcher. I told her that we would be making flyovers to assess the situation.

GERAGOS: So is it a fair statement that at 8:15 you were in the air?

WEND: No, sir.

GERAGOS: Okay. What time were you in the air?

WEND: Approximately 8:30, 8:35 or so.

GERAGOS: Okay. Is that reflected anywhere on here?

WEND: Right there's the closest that you're going to get to actually when we were getting close. And that's 20 after.

GERAGOS: 20 after 8:00 o'clock?

WEND: Yes, sir. And this supplement, again, is by the dispatcher. The dispatcher putting this information that air 101 will be taking flight in a moment.

GERAGOS: Okay.

WEND: And that happened approximately 15 minutes after that.

GERAGOS: Okay. So some time after 8:21, within 15 minutes, you're doing a flyover of this area; is that correct?

WEND: Yes.

GERAGOS: That I'm pointing to on People's 36?

WEND: Yes, sir.

GERAGOS: Okay. Now, when you did that, and you were up with Pettit and what was the other officer's name? The pilot's name you don't remember?

WEND: I don't remember.

GERAGOS: Okay. Now, you said there was a spotlight. Who was operating the spotlight?

WEND: The co-pilot was operating it at times. I operated it at times. We traded off, you know, to get different looks and look in different places.

GERAGOS: Okay. Was it your understanding that the, by the time you got up, which would have been, as you said, within 15 minutes of 8:21, so sometime before 8:35 or 8:36 you were over the park; is that correct?

WEND: Approximately then, yes.

GERAGOS: Okay. Is it your understanding that by that time the park had been cleared?

WEND: I didn't know that. I knew that we had other units doing other things, but there was plenty going on. I knew that I had just this job to do, and we went up and did it.

GERAGOS: Okay. When you say this job, you had this portable FLIR device, correct?

WEND: Yes, we did.

GERAGOS: That was to see if you could sense heat from, obviously, people who were in the park, correct?

WEND: Yes.

GERAGOS: Okay. Were you, were you getting any readings off of this FLIR device?

WEND: No.

GERAGOS: Did that lead you to believe that the park had been cleared out?

WEND: I have to correct myself. We weren't getting any readings that we would, indicate were heat sources coming from people. There were heat sources that were reading on the FLIR. It was working, but those were, like, lights and things that were producing heats, heat. Like the path was a darker, or a lighter color because it held more heat than the surrounding dirt. We were getting readings. I didn't see any human readings.

GERAGOS: Right. You were getting inanimate objects, you weren't getting anything that was a body?

WEND: Correct.

GERAGOS: Or a person, correct?

WEND: Correct.

GERAGOS: Okay. Now, how long did you, if you went up about 8:36, how long would you say that you were covering the park?

WEND: Like I said earlier, about an hour and 15 minutes, probably.

GERAGOS: Okay. When did you receive, when you said you flew farther east than over on this end of People's 36, how much farther did you go in that direction?

WEND: Well, like I said, we went past, we went past Claus Road, where the creek just keeps winding up through some orchards and stuff, and I'd have to say at least a mile past Claus Road, if not even farther.

GERAGOS: Okay. At the same time were you in contact with somebody on the ground?

WEND: Well, I had radio communications with our dispatcher, however it's pretty rough in the helicopter, especially with, you know, all the noise and stuff.

GERAGOS: Okay. The, when you went up, did you have a description at that point? Or were you looking in a specific area that they directed you to do a grid search? Were you given any direction?

WEND: Our instructions was to search the Dry Creek area and the, I mean it was pretty obvious that meant the surrounding parks. Parks within that Dry Creek area. We weren't directed to search, like, up into the neighborhoods, or anything. Our specific task was to search that Dry Creek,

JUDGE: This place is called Dry Creek. Is there water in this creek?

WEND: Yes there is. Not a lot. It's a small,

JUDGE: But there is water, though. How much water would you say is in there?

WEND: On that day I would say that it was maybe anywhere from two, three feet deep in some of the, probably, deeper spots, and, you know, eight or ten, twelve feet wide.

JUDGE: Okay.

WEND: And some places, of course, it varied. But that would be, maybe, an average.

GERAGOS: Which direction did the creek flow?

WEND: The creek flows to the west, southwest.

GERAGOS: Okay. And the total area, you were not directed, as you indicated, I think, if I understood you correct, to search any of the neighborhoods, is that correct?

WEND: Right.

GERAGOS: On that day?

WEND: Well, they weren't telling us not to search the neighborhoods.

GERAGOS: Okay.

WEND: They told us to search the Dry Creek area and the surrounding parks in there.

GERAGOS: Okay.

WEND: That's what we were told.

GERAGOS: Okay. So ultimately you did not, that evening, take the helicopter or have the pilots fly over any of the residential neighborhoods?

WEND: Not specifically, no.

GERAGOS: Not specifically. Now, you do do that on occasion; isn't that correct?

WEND: Could you be a little more specific?

GERAGOS: Do you have a, well, let me give you an example. The, on the 26th, which would have been two days later, there was a report of a burglary at 516 Covena; do you remember that?

WEND: Yes, I do.

GERAGOS: Okay. And you responded to conduct an investigation of that burglary; isn't that correct?

WEND: That's correct.

GERAGOS: What time did you get there for that burglary?

WEND: It was approximately quarter to 5:00, maybe a little later than that, ten to 5:00 maybe. Best I can remember.

GERAGOS: Can you tell me was the, as best as you can remember, 516 Covena you've already heard testimony is directly across the street from the 523 Peterson household. You were aware of that?

WEND: Yes.

GERAGOS: Okay. Now, were you in charge or placed in charge of the investigation of that burglary?

WEND: I'll have to clear that up a little bit, too. At the time of that, of this incident, I was a patrol officer, I was not a sergeant.

GERAGOS: At the time, back in December of 2002?

WEND: Yes.

GERAGOS: Okay. So in December of 2002 you had a couple less stripes than you're wearing right now?

WEND: A lot less.

GERAGOS: Okay. So after, after this 24th incident when you're up in the helicopter and, as you indicated, you were on patrol, you had left patrol, you go up, you're there from 8:36 until, what, 10:00 o'clock, roughly?

WEND: A little bit before 10:00, yes.

GERAGOS: A little bit before 10:00, and then you shut down, the helicopter search is shut down?

WEND: Yes.

GERAGOS: You land and go back to the airport and you're off duty; is that correct.

WEND: That's correct.

GERAGOS: Okay. Now, moving forward to the 26th, you get a call that there's a burglary because people had just returned home, having been gone since the morning of the 24th; is that your understanding?

WEND: Yes.

GERAGOS: And that would have been the Medinas?

WEND: Yes.

GERAGOS: Okay. Now, when you arrived there who did you speak to?

WEND: Both Mr. and Mrs. Medina were there.

GERAGOS: Okay. And who gave you or who kind of took charge of filing the report? Was it Mr. or Mrs. Medina?

WEND: I spoke mostly to Mr. Medina

GERAGOS: Now, when you took the report, you found signs of forced entry at the house, didn't you?

WEND: Yes, I did.

GERAGOS: You found signs of a safe, large safe had been removed. Somebody had indicated to you and you saw a location where it looked like a safe had been, correct?

WEND: I had every reason to believe a safe had been removed. There was a dolly out front. They claimed that it was there when they left and it wasn't, so...

GERAGOS: They claimed that the safe was there when they left, the safe was no longer in the location. I assume you saw some imprints in the floor from where the safe had been?

WEND: That's correct.

GERAGOS: Okay. And you see a dolly in the front yard, correct?

WEND: That's right.

GERAGOS: Where in the front yard was the dolly?

WEND: It was on the front grass.

GERAGOS: Kind of hard to miss?

WEND: Yeah.

GERAGOS: Okay. At that point when you arrived on the 26th, that street had already been blocked off because of the disappearance of Laci Peterson; isn't that correct? When I say "that street" I'm just going to point you here, if I could, to People's 33, which is the map of the Covena location. Had it blocked off here and here where I'm pointing to where Edgebrook is and just south of what's called Pierre Park?

WEND: In all honesty I don't remember the street being blocked off.

GERAGOS: Do you remember the, if I told you that Ms. Medina says that when they came home they had to show officers their identification in order to get into that block? Would that refresh your recollection as to whether or not the police had cordoned off the block?

WEND: No.

GERAGOS: Okay. What was the condition of the street on the 26th when you arrived shortly before 5:00 o'clock?

JUDGE: With regard to traffic or vehicles?

GERAGOS: Traffic, whether there were satellite trucks, whether there were police cars, whether there were people there.

WEND: I don't remember any media being there, specifically. I remember some people walking around, but I was able to just drive up to the front yard of the Medina residence, got out and took the burglary report.

GERAGOS: Were you in a marked patrol car?

WEND: Yes, sir.

GERAGOS: Okay. Do you generally get to drive wherever you want when you're in a marked patrol car?

WEND: Within reason.

GERAGOS: Okay. Now, the, when you drove up and you, which side of the street did you park on, by the way?

WEND: In front of their house, so it would have been the right-hand side of the street.

GERAGOS: Okay.

WEND: If you're facing to the north.

GERAGOS: Okay. And when you took the burglary report, how far off the street would you say this dolly was?

WEND: It was up kind of by the, closer to the front porch than, than the middle of the, of the yard. If you divided the yard in thirds, it would have been in the third closest to the front porch.

GERAGOS: And that setback from the street to the house is approximately 30 feet?

WEND: That sounds reasonable.

GERAGOS: Okay. I mean if I were to tell you that the, from where you're sitting to the pole right there is 40 feet, it's certainly a lot closer than that, isn't it?

WEND: It's probably about 40 feet, then.

GERAGOS: And so 25 feet, at most, off the street is the dolly?

WEND: If you throw out the "at most" part, "approximately" would be appropriate to use.

GERAGOS: Approximately 25 feet?

WEND: Yes, sir.

GERAGOS: Okay. Now, the, nobody had, as far as you know during your investigation, nobody else had phoned in a burglary report prior to the Medinas getting home, correct?

WEND: Are you talking about anybody else in the neighborhood or anything?

GERAGOS: Yeah. Right. Was that, as far as your investigation revealed, the first person to, to make a complaint about a burglary at the house were the Medinas?

DISTASO: Well, actually, your Honor, I object. Are we talking about at the Medinas's house? About the Medinas's burglary?

GERAGOS: Yes.

JUDGE: I think that's in the question.

DISTASO: All right.

WEND: So your question is are the Medinas the only ones that reported a burglary to me?

JUDGE: At their residence.

WEND: At their residence.

GERAGOS: At their residence.

WEND: They actually, if I'm understanding your question right, they actually reported this burglary to two policemen that were there.

GERAGOS: Right. Nobody else reported this burglary, nobody else came by, said Hey, I saw a safe in front of the house, I saw a dolly in front of the house, prior to the Medinas making the report, correct?

WEND: Not that I know of.

GERAGOS: Okay. What else did your investigation entail as far as this burglary?

WEND: Well, it was a pretty typical door-kick, grab what you can and take off with it. I mean, it wasn't, there was only one room that was really ransacked, and that was the master bedroom. And it wasn't ransacked a lot. Some things were taken off the top shelf in the bedroom, in the bathroom. In the master bedroom a drawer had been opened and a jewelry box had been laid, laid out.

GERAGOS: So a lot of, was there a lot of jewelry that was left in the location?

WEND: There was some. This lady had a lot of jewelry. Some of it was costume, I would assume, and some was not.

GERAGOS: Was the safe described to you? A weight or size of this safe?

WEND: Yes.

GERAGOS: And what was that?

WEND: If I could refer to my report, I'll give you the dimension that they told me.

GERAGOS: Yes.

DISTASO: Actually, your Honor, I'm going to object as hearsay at this point.

GERAGOS: He's looking at his report to refresh his recollection,

JUDGE: As regards the safe?

DISTASO: Right. But he didn't see the safe. I have no problem with him testifying,

JUDGE: He's going, he's going, this is his report. It's an official document results of an investigation. Are you objecting to that?

DISTASO: Okay. That's fine.

WEND: They told me that it was approximately three feet tall by two and a half feet wide by two and a half feet deep.

GERAGOS: Okay. Did you ever, was that safe ever recovered? To the best of your knowledge?

WEND: I don't know. It may have been through later investigation, but I don't know for sure.

GERAGOS: Okay. How much of the investigation did you actually handle?

WEND: Only, really, the initial taking and documentation of the forced entry into the, into the residence, the interviewing of the, of the victim. I actually left them a property page to fill out, because there were numerous items that were stolen, and it was just a general burglary report.

GERAGOS: Okay. Is the report that I'm holding right now, is that the burglary report you're referring to?

WEND: That's a copy of it, yes.

GERAGOS: Okay. Now, the, it looks like on the last page of that that you indicated that you did not contact the neighbors in regard to this incident; is that correct?

WEND: That's correct.

GERAGOS: Okay. And the place of entry on the house, this is 516; that's the address of the Medinas.

WEND: Yes.

GERAGOS: And the house is there. Was the house entered from the side where I've got my, going to point to? Can you describe exactly where the point of entry was,

WEND: Yes.

GERAGOS: that you saw?

WEND: I mean as detailed as this map will let me.

GERAGOS: Right.

WEND: The point of entry is on the south side. There's a gate. If this is the whole property, then I to have assume the house sits on this property, and it would be on the south side inside of the gate. There's a side door.

GERAGOS: Okay. Side door, the driveway, as you remember, runs on this side of the house? Or the gate is on this side of the house?

WEND: Yes. Right.

GERAGOS: Okay. Now, as you go straight out from that area, you're between where Karen Servas is and where the Petersons' house is? Is that your understanding?

WEND: I don't know who lived at 517.

GERAGOS: You know where the Peterson's residence is?

WEND: Yes, I know where it's at.

GERAGOS: And the house directly next door, which is 517, if I tell you that that's Karen Servas's house, and you assume that I'm telling you the truth on that, is the location of the gate, does it face right out towards the Peterson house and the Servas house?

WEND: I don't think that it can face both of them because the gate's only probably, you know, a few feet wide, and that's actually two lots. So it's going to face out probably more towards 517 than the Peterson house.

GERAGOS: Okay. Now, the report that Mr. Medina made to you and that you hand wrote, did you, who did you forward that to?

WEND: Turned it in to records, and obviously investigations would get a copy. And just, just the normal procedures, you know, as you turn in reports.

GERAGOS: Who became the detective assigned to that?

WEND: I don't know.

GERAGOS: Did nobody ever follow up with you as to, once you wrote that report, I assume you wrote it that evening, right?

WEND: I wrote it that afternoon, yes. That evening.

GERAGOS: I mean you got there around 5:00 o'clock, right?

WEND: A little bit before 5:00, yes.

GERAGOS: Okay. And you wrote it fairly soon after that?

WEND: Yes.

GERAGOS: And did you, did somebody follow-up with you after that as to any of your observation of things you had seen? Or was that pretty much the end of your involvement in the investigation?

WEND: That was about the end of my involvement.

GERAGOS: Okay. That's what I wanted to get at. Basically you came out, you took a report, you left with either Rudy or Susan the property form and you went on your way.

WEND: Well, yeah. I mean I turned in the report and, yeah.

GERAGOS: Okay. Now, the, as was described to you, that gate that you were referring to, where it looked like the point of entry for the Medina house, the gate was open; wasn't it standing open? Is how they reported seeing the, when they got home, they said the gate had been standing open, the small gate?

WEND: They reported that the gate was open.

GERAGOS: Okay. Now, they said that there was a number of tools and things that were out of place, correct?

WEND: Right.

GERAGOS: Okay. And the, they had gone in, they discovered this by going through the open gate and seeing if the backyard there had been and entry that had been made, correct?

WEND: They,

GERAGOS: I mean the Medinas?

WEND: Right.

GERAGOS: Okay. And you confirmed that by saying there had been a forced entry of some kind?

WEND: To the house.

GERAGOS: To the house.

WEND: Right.

GERAGOS: Okay. Now, when we say a "forced" entry, what are we talking about? What kind of, what kind of a door, first of all, if you could describe it?

WEND: It was a wood door that had some glass in it.

GERAGOS: Panes of glass inside the door?

WEND: Best I can remember, yes.

GERAGOS: Okay.

WEND: But the, the clue that it was a forced entry was the boot print by the lock, and the door standing open.

GERAGOS: That's a pretty good, you didn't have to be Sherlock Holmes to figure out somebody used their shoe to kick open that door?

WEND: That was the clue.

GERAGOS: Okay. Now, you saw that, and you described it in your report as a muddy footprint; is that correct? I'll show you, I'm looking at, my Bates number stamps are different from yours, so,

WEND: Yeah, I think that's what I said, yeah.

GERAGOS: Is that, you saw a muddy footprint on the white painted door, correct?

WEND: Right.

GERAGOS: Okay. Now, the footprint, this muddy footprint, had it, did it look to be fresh, dry dirt? What did it look like to you?

WEND: Don't confuse "muddy" with like when you step in a mud puddle and put your foot up against and it's dripping down, okay? It was, it looked to be moist dirt that was transferred to the door, and I didn't really, like, flake any off to see how moist it actually was, but it, you know, like I said it, time would have been hard for me to tell if it would have been right then or a day later. It was hard to tell.

GERAGOS: Day earlier.

WEND: I couldn't tell.

GERAGOS: Right. Now, there also, it was reported to you that there had been a chair that had been placed against the front door as well, correct? And that that had been removed?

WEND: Yes.

GERAGOS: Okay. And that presumably the front door was also now, when you checked it, unlocked, correct?

WEND: That's right.

GERAGOS: Okay. And it was reported to you, by the Medinas at least, that when they left the house on the 24th they had locked the house up, correct?

WEND: That's right.

GERAGOS: Okay. Not only locked it up but had placed the chair against the door itself, correct?

WEND: Right.

GERAGOS: As an additional security precaution?

WEND: Right. He wedged his chair up against the doorknob on his front door.

GERAGOS: Okay. Now, the, in the bedroom there was a closet sliding door that had been opened, correct?

WEND: That's what they said, yes.

GERAGOS: And items that had been taken off the shelf and placed on the bed?

WEND: Right.

GERAGOS: Okay. And the safe was missing, and there were several drawers that had been opened and a jewelry box that had been on the counter which, according to them at least, had been in a drawer prior to that?

WEND: Right.

GERAGOS: And the, they did, they told you about cash that was missing, numerous pieces of jewelry and a .380 pistol that was in the safe?

WEND: Right.

GERAGOS: Okay. And, but basically they were either too shook up or they hadn't had enough time to itemize everything that had been lost; isn't that correct?

DISTASO: Objection. That's argumentative.

GERAGOS: I don't believe it is. I'm asking for their demeanor.

JUDGE: Well,

GERAGOS: I will make,

JUDGE: Rephrase it.

GERAGOS: Did they itemize everything that had been stolen for you that evening, or afternoon?

WEND: No.

GERAGOS: You left them a property report so they could do that, correct?

WEND: Right. Their loss was extensive, and for them to sit down and figure out, go through the things that were still at home they told me, the things that had not been removed versus the things that had been removed, they needed some time to sit down and figure out what that was.

GERAGOS: Now, the, there's a converted garage. That was not ransacked, correct?

WEND: That's right.

GERAGOS: And it, looking like the converted garage, did not even have, that nobody had even entered it, correct?

WEND: It didn't appear to me that way, no.

GERAGOS: And there were TVs and VCRs and a vase containing lots of cash in this converted garage, and that didn't appear to be entered at all, correct?

WEND: No, that was in the living room of the house.

GERAGOS: Okay. The converted garage is right next door to that, isn't it?

WEND: Right.

GERAGOS: Okay. That did not appear to have been entered, right?

WEND: Right.

GERAGOS: And there were valuable items in that area, right?

WEND: Yes.

GERAGOS: Thank you. I have no further questions of this witness.

Redirect Examination by Rick Distaso

JUDGE: Mr. Distaso, anything else?

DISTASO: Yes, your Honor. Sergeant Wend, when they were telling you about this burglary report, the way you wrote it was the only room ransacked, and then you put in parentheses "slightly," was the master bedroom. Can you explain what that meant?

WEND: Sure. This, ransacked in my, when I've seen them ransacked, drawers are pulled out, clothes are pulled out, looking for guns or money or jewelry that are hidden and stuff. This room was not. Ransacked to me when, I wrote "slightly" meant that some things were taken and moved and removed and looked through, okay? Technically ransacked, but not torn up. The whole room wasn't tore up. And that appeared to be the only room that had been gone through.

DISTASO: And I think they said that they told you that in some of these other rooms there was -- a vase that contained I think $800 in cash that was still there, as well as TVs, VCRs that were not taken?

WEND: That's right.

DISTASO: And I think, finally, it looks like the keys to their Mercedes automobile was hanging in the kitchen, and the car remained in the driveway?

WEND: That's right.

DISTASO: So the car hadn't been taken either?

WEND: That's right.

DISTASO: That's all I have, your Honor.

JUDGE: Mr. Geragos, anything about the Mercedes or anything?

GERAGOS: Hmm?

JUDGE: Anything about the cars or Mercedes, anything like that? Cash?

GERAGOS: (Shakes head)

JUDGE: No questions. All right. Sergeant, thanks very much.

WEND: Thank you.