Witness: Lee Peterson

Date: 2004-10-25

Proceedings held October 25, 2004

Called by: Defense

Phase: Guilt

Examinations: Direct – Mark Geragos; Cross – Dave Harris

Day 1 of 1 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/PetersonLee-Def.htm

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Direct Examination by Mark Geragos

GERAGOS: Mr. Peterson, you have already testified you are Scott's father. I have got a couple of areas that we couldn't get into because it exceeded the scope of direct. I'm going to,

JUDGE: This is 9B. How many have you got?

GERAGOS: Five pictures.

JUDGE: 9B1 through 5. Defendant's 9B1 through 5.

GERAGOS: Yes. There is five pictures. You are the one who handed these to somebody in my office. Do you know which ones I'm talking about?

PETERSON: Yes, sir.

GERAGOS: Where are these from?

PETERSON: I took those at Lake Poway. It's an area, it's an area lake near San Diego.

GERAGOS: And where is that? I mean specifically near San Diego where?

PETERSON: It's north and slightly east of San Diego, maybe 25 miles.

GERAGOS: Okay. What are these, these that we are looking at right here in D9B1?

PETERSON: Well, that's a boat rental dock, and with a row of boats, ordinary fishing boats you can rent for the day. And those, the object in the middle is a cement anchor which they, where they have one on each boat.

GERAGOS: I'm going to show you this picture. Is this as you are approaching that area?

PETERSON: That's right.

GERAGOS: D9B2? Then you have got some picture here, D9B3. Is that one of the rental boats?

PETERSON: Yes.

GERAGOS: And there is a D9B4, another one?

PETERSON: Yes.

GERAGOS: Yes. Is this a place where you have ever gone with Scott?

PETERSON: That's where Scott learned to fish, yes.

GERAGOS: D9B5, when you say learned to fish, what age?

PETERSON: Probably three. Started at three or so.

GERAGOS: Okay. And I asked you to take a picture of the, did I ask you to take a picture of this cement anchor and bring it back up to me?

PETERSON: That's right.

GERAGOS: Okay. Specifically did you ever know Scott to go camping, Scott or Laci, or both of them, to go camping?

PETERSON: Yes, I know they would go together at times.

GERAGOS: Do you know where?

PETERSON: I know of one place up toward Big Sur on Highway 1. Because Scott took me there after they, had he and Laci had camped there.

GERAGOS: Do you remember the name of the place?

PETERSON: It's, yeah, it's called Salmon Creek. It's a beautiful area just right off of Highway 1.

GERAGOS: Now, on April 18th did you make some kind of a reservation at Torrey Pines on that day, or some time before that?

PETERSON: Yeah. I made a reservation probably a week or two before that, on the 18th, Good Friday, 8:00 a.m.

GERAGOS: What is your intent? Why were you doing that?

PETERSON: I was going to get three of my boys together and play golf, and just look for some, for normalcy in our lives. Get together, and be together, and enjoy our company.

GERAGOS: Do you have a resident card?

PETERSON: Yes, I do.

GERAGOS: Do you have it on you?

PETERSON: Yes.

GERAGOS: Can I see it?

PETERSON: Sure. This may take a while.

GERAGOS: And can you tell me what this is?

PETERSON: It's a card that you purchase at either Torrey Pines, or any of the other San Diego County golf courses. And it's required to make starting times.

GERAGOS: Okay.

PETERSON: It has a six digit code number on it.

GERAGOS: This is the card right here showing you are a county resident.

PETERSON: Yes.

GERAGOS: And says April 10th. Is that roughly when you got the card?

PETERSON: Yes, that's. Yeah.

GERAGOS: Going to ask you, can I take a copy of this? I'll give him the original back.

JUDGE: Mr. Distaso has got no objection if a copy is marked as an exhibit.

DISTASO: Copy is fine, judge.

JUDGE: Defendant's 9C, resident card at Torrey Pines. Copy of Golf Card

GERAGOS: And when you make the reservation at Torrey Pines, does everybody have to have a resident card?

PETERSON: It's my understanding that only if you want to make a reservation you need a resident card. Should I explain that a little bit?

GERAGOS: Yeah, would you?

PETERSON: They have an automated phone-in line where you can call in and try to get a starting time. It's a very popular course. It's very difficult.

JUDGE: I think what he's driving at, you are asking if everybody in the foursome has to have a reservation card.

PETERSON: No, not to my understanding. I know my other two sons that day didn't.

JUDGE: You can make the reservation, you can bring people with you?

PETERSON: That's right. And I have also gone there as what you call a walk-on, just by myself, and presented my driver's license. And gotten the,

GERAGOS: That day, or at any point, did you tell Scott to do anything with his brother's license?

PETERSON: I told him to borrow it, we could save some money on the green fees.

GERAGOS: Is that because you are cheap?

PETERSON: Because I'm cheap, yes, sir.

GERAGOS: Okay. How did you tell him to borrow it?

PETERSON: I just suggested he call John, ask if he could borrow his driver's license. And they made the reservations.

GERAGOS: Going to show you what's been marked as D8C. That doesn't come out too clear. Is that, does though look like John?

PETERSON: Yeah, now it does. Un-hun.

GERAGOS: Is that the driver's license?

PETERSON: Yes.

GERAGOS: Did you tell Scott to go by pick it up prior to meeting him for golf in the morning?

PETERSON: I didn't tell him, Scott that. I left that to them to make those arrangements. But that's my understanding.

GERAGOS: Okay. Specifically did Scott ever show up to play golf that morning at 8:00 o'clock on Good Friday?

PETERSON: No, he didn't.

GERAGOS: Okay. Did you end up, did you end up golfing that day?

PETERSON: Yes.

GERAGOS: And who were you with?

PETERSON: My son Joe and my son Mark.

GERAGOS: Okay. So you, Joe, and Mark ended up golfing, correct?

PETERSON: And then they put another single a walk-on with us, yes.

GERAGOS: Okay. And was that other spot supposed to be foursome?

PETERSON: Supposed to be for Scott.

GERAGOS: Okay. And did you stay at Scott's house in Modesto at any point?

PETERSON: Yes.

GERAGOS: Scott and Laci's house?

PETERSON: Yes.

GERAGOS: Did you see media camped out there?

PETERSON: Yes, I did.

GERAGOS: Did you receive any death threats in regard to Scott?

DISTASO: Objection, your Honor. It's not relevant.

JUDGE: Sustained.

GERAGOS: Did you meet with the Chief of Police to let him know about threats?

DISTASO: Objection, your Honor. It's not relevant.

JUDGE: Sustained.

GERAGOS: Specifically, were there were people driving by the house and doing anything in particular?

DISTASO: Objection. Relevance.

JUDGE: Overruled.

PETERSON: When we stayed there, people were continually driving by. Some of them weren't very nice. They would honk their horn. There was some cussing we heard. It wasn't what you would call the normal noise level around. Because we had stayed there previously, Jackie and I. It was very quiet. But it seemed is like there was a lot of harassment going on.

GERAGOS: Okay. At some point did people or media camp out in front of your house as well?

PETERSON: Yes.

GERAGOS: And did that happen prior to Scott being arrested?

PETERSON: Prior to and after, yes.

GERAGOS: Okay. Did Scott ever give you a list of license plates?

PETERSON: Yes, he did.

GERAGOS: And do you know what they were?

PETERSON: He said they were the license numbers and descriptions of the cars that had been following him for several days.

GERAGOS: Okay. Did he tell you those were police that were following him?

PETERSON: No. He we were convinced it was the Enquirer, because we had cars parked all over our neighborhood. And I asked Scott if he could tell me what license numbers were following him, so I could identify who these guys were in front of our house.

GERAGOS: When you say the Enquirer, you are talking about the,

PETERSON: National.

GERAGOS: National Enquirer?

PETERSON: Yes.

GERAGOS: Thank you. I have no further questions.

Cross Examination by Dave Harris

DISTASO: Mr. Peterson, how much does a resident discount save the golfer at Torrey Pines?

PETERSON: Well, it varies. It's anywhere probably between twenty and fifty dollars, depending on the day of the week and time of the day. They have twilight rates and weekend ne 11 price are different. But there is a savings of, I don't know, would average twenty-five dollars a green fee, or so.

DISTASO: And so without the, do you know what it would have been on the morning of April 18th, 2003?

PETERSON: No. I just know it would have been a savings.

DISTASO: Some savings between twenty and forty dollars, you say?

PETERSON: Yes.

DISTASO: Okay. And you know your son had 15, almost $15,000 in his car when he was arrested on that morning?

PETERSON: My son wasn't paying. I was. I'm cheap.

DISTASO: So for a savings of twenty to forty dollars, when your son had $15,000 in the car, doesn't that sound a little unreasonable to you?

PETERSON: Not a bit.

DISTASO: And what do you have to do to receive a resident discount there?

PETERSON: It's been my experience you just present a driver's license showing you are either a county or a city resident.

DISTASO: And so if your son was to come and use his brother's ID, he would be misrepresenting himself, obviously, to the golf course as his brother, correct?

PETERSON: Yes.

DISTASO: During that week, were you aware that Laci and Conner's bodies had been discovered in the San Francisco Bay?

PETERSON: We were aware that bodies had been discovered.

DISTASO: But they hadn't been identified yet, correct?

PETERSON: That's correct.

DISTASO: And where was your son during that week?

PETERSON: I can't say every night. He was living like a nomad out of his car. I know he stayed with his sister Susan on the 17th, and possibly the night before.

DISTASO: Okay. So during that week he wasn't staying with you every night?

PETERSON: He may have stayed with us one or two nights. I can't recall.

DISTASO: At some point you or, Scott was driving your brown truck; is that right?

PETERSON: Yes.

DISTASO: And was that because that you and Scott knew that there was a GPS tracker in his white Dodge truck?

PETERSON: No. We suspected that was possible, but that really wasn't the reason we traded trucks. We, that's something we did all our lives. We like cars, and we like to, you know, drive different cars.

DISTASO: All right. To your knowledge, during that particular week, when, after it was pronounced that the bodies had been discovered, to your knowledge did your son make any effort to travel up to Northern California to look into the situation regarding that?

PETERSON: I believe my wife called and spoke to someone at, some authority in either Modesto or from the East Bay area about doing that, and was told that they weren't welcoming anybody to come up there.

DISTASO: To your knowledge did your son, did the defendant, in this case, make any effort?

PETERSON: I don't know.

DISTASO: Regarding these pictures of the boats here, those are from like a rental fleet or something; is that right?

PETERSON: That's right. I think they are rowboats. Let me take a look at them.

DISTASO: And this is in a lake, Lake Poway, you said?

PETERSON: Yes.

DISTASO: How big is that lake?

PETERSON: Oh, gosh,

DISTASO: Let me stop you here. It appeared that the rental boats are rowboats, correct?

PETERSON: And you can rent motors too.

DISTASO: Okay. And the anchor in this particular case has some kind of long length of rope attached to it?

PETERSON: It looks fairly long, un-huh.

DISTASO: Do you know how long those ropes are that are attached to those anchors?

PETERSON: No, I don't.

DISTASO: And the rope is on the, I'm assuming, I can't see in the particular, I'm assuming you can, the rope is attached to the boat at some place?

PETERSON: I assume it is, yes.

DISTASO: Did, when were these particular pictures taken?

PETERSON: I took those just two or three weeks ago.

DISTASO: The date on the back looks like 10-17 of 04. That is when it was developed. Is that somewhere around the time you took them?

PETERSON: Yes.

DISTASO: Let me show you another. Let me mark one more.

JUDGE: Do you want to mark that as Defense Exhibit 6?

DISTASO: It's the same kind.

JUDGE: Why don't we mark it 9B6.

DISTASO: Just do you mean mark one, I didn't see this one.

JUDGE: We'll keep 6 out then.

DISTASO: This is D9B2. This is, in this particular photograph, this shows us what the lake looks like?

PETERSON: Yes.

DISTASO: And is that the little rental marina there, at where you took these pictures?

PETERSON: Yeah. Right in the middle of the photo there.

DISTASO: Okay. And this is an inland lake?

PETERSON: Inland lake? Yes.

DISTASO: There is no access to the ocean from this particular lake; is that right?

PETERSON: That's right.

DISTASO: And I think it's probably obvious, but this lake is much smaller than the San Francisco Bay; is that right?

PETERSON: I would think so, yeah.

GERAGOS: Are we striking this one?

JUDGE: Yeah.

GERAGOS: I'll just strike it. It's a duplicate we don't need. We got enough exhibits.

DISTASO: Nothing further, judge.

JUDGE: Any redirect, Mr. Geragos?

DISTASO: I'm sorry. I do have one more question I should have asked.

JUDGE: Go ahead.

DISTASO: Mr. Peterson, you were here just a few minutes ago when your wife testified. She wasn't aware that you had given any money to the defendant in January. And you had given him at least $5,000, $5,000 on January 14th, correct?

PETERSON: You know, I do not remember that. Do you have a check, or,

DISTASO: Well, let me show you this summary of this phone call.

GERAGOS: Which one? Could I just ask which file?

DISTASO: Yeah. 1-14, 4:34.

JUDGE: Point it out to the witness.

DISTASO: I'm going to show him.

PETERSON: What's the date of this?

DISTASO: Does that refresh your memory, Mr. Peterson, about giving your son $5,000 on January 14th?

PETERSON: It really doesn't. But we were sure discussing it. I may have.

DISTASO: Nothing further, your Honor.