Witness: Ernie Limon

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; 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 Rick Distaso

DISTASO: Special Agent Limon, you work for the California Department of Justice?

LIMON: Yes, I do.

DISTASO: As part of the San Diego unit?

LIMON: Yes.

DISTASO: Okay. And you were part of the surveillance of Mr. Peterson on April 18th of 2000 and 3?

LIMON: Yes, I was.

DISTASO: And were you actually the officer who initiated the stop that resulted in Mr. Peterson's arrest?

LIMON: Yes, I did.

DISTASO: Let's go right before that. Had you followed Mr. Peterson throughout the route that he had taken that morning for about the five hours or so that you followed him?

LIMON: Yes, I did.

DISTASO: When you got back down from going up in Orange County and came back down, you were in a residential area, how was Mr. Peterson's driving? Can you describe that for the jury?

LIMON: It was what I call counter-surveillance driving, either trying to detect law enforcement from following him, or trying to lose law enforcement.

DISTASO: Did he, did you eventually follow him onto a road called El Camino, I don't know if it was El Camino Real, or what is it down there?

LIMON: Yeah, it's El Camino Real.

DISTASO: Is that a road down in what part of San Diego?

LIMON: It's in the, I believe it's in the Encinitas area of San Diego County.

DISTASO: And what was Mr. Peterson's driving speed on that particular road?

LIMON: I estimated it about 75 miles an hour.

DISTASO: And what's the speed limit on that road?

LIMON: 35 miles per hour.

DISTASO: So were you and the other agents driving fairly quickly to try to keep up with him?

LIMON: Yes. At that particular time the surveillance team had lost Mr. Peterson.

DISTASO: And how long was he lost for at that part of the morning?

LIMON: Approximately ten to 15 minutes.

DISTASO: And this is getting towards the end of the surveillance right before he was arrested, correct?

LIMON: That's correct.

DISTASO: And after ten or 15 minutes did you find him again?

LIMON: Yes, I did.

DISTASO: And where did you find him?

LIMON: Again, I found him going southbound on El Camino Real when I was going northbound on El Camino Real.

DISTASO: And were you able to pull around and get back behind him?

LIMON: Yes.

DISTASO: What happened next then? Where did you follow him to?

LIMON: I started going, let's see, southbound on El Camino Real. I made a U-turn, actually, because I was going northbound. Made a U-turn, verified that it was the vehicle, because it had passed me so quickly. The only thing that got my attention was real quickly it going by, the color of the vehicle. So I first approached it to verify that Mr. Peterson was in the vehicle and it was the same license plate. I did do that. As I was approaching him, at a higher rate of speed, he pulled over from the number one lane, which would be the left lane of the two lanes, and pulled over all the way to the right lane and almost came to a complete stop.

DISTASO: Okay. What did you do then?

LIMON: I basically stood right behind him. I wasn't going to lose him this time.

DISTASO: Okay. And did he start traveling again?

LIMON: Yes. He then proceeded to continue southbound on El Camino Real.

DISTASO: Okay. Where did he go to?

LIMON: He eventually went west on Carmel Valley Road, and then eventually hit Torrey Pines Road, where he went southbound.

DISTASO: And were you in contact while this was going on with the Modesto police detectives?

LIMON: Yes, I was. I was in radio contact with not only them, but some of the rest of the surveillance team.

DISTASO: Okay. And did somebody from the Modesto Police Department make the decision to have you guys go ahead and stop Mr. Peterson?

LIMON: Yes, they did.

DISTASO: And did you do that?

LIMON: Yes, I did.

DISTASO: And at what location were you at when you did that?

LIMON: The location was around North Torrey Pines Road and a street called Callan, C-A-L-L-A-N, Street in the Torrey Pines Golf Course.

DISTASO: Okay. Were you actually at the Torrey Pines Golf Course?

LIMON: I wasn't on the golf course itself. You have to make that right into Callan to get to the golf course.

DISTASO: I guess what I'm getting at, were you in the parking lot of the golf course or on the road leading to the golf course? I'm not familiar,

LIMON: Yeah, it's a road leading to the golf course. And I would say it's approximately 200 yards away from the golf course.

DISTASO: And at that point you stopped Mr. Peterson?

LIMON: Yes.

DISTASO: Were you in a marked or unmarked car?

LIMON: I was in an unmarked vehicle.

DISTASO: Okay. Did it have police lights, though?

LIMON: Yes.

DISTASO: And you turned those on?

LIMON: Yes. And I also momentarily initiated the siren of the vehicle.

DISTASO: Okay. And did Mr. Peterson pull over?

LIMON: Yes, he did.

DISTASO: Okay. Did he do that immediately?

LIMON: Yes, he did.

DISTASO: Okay. And what happened next?

LIMON: I also had another cover unit come behind me, and then we proceeded to conduct felony traffic hot stop on Mr. Peterson.

DISTASO: Okay. And that, in non-police talk that means you arrested Mr. Peterson?

LIMON: Yes.

DISTASO: Okay. And did that pretty much end your involvement in this particular surveillance and arrest of Mr. Peterson?

LIMON: Yes. That was the end of my participation and our department's participation in the surveillance of Mr. Peterson.

DISTASO: Thank you, your Honor. Nothing further.

Cross Examination by Mark Geragos

GERAGOS: Good afternoon. Were you the supervisor of the surveillance?

LIMON: Yes, I was.

GERAGOS: I'm going to show you D 6 W 4 and D 6 W 5. Are these the cars that were being used in the surveillance?

LIMON: There is a few of them that I do recognize. I do recognize my vehicle. That's actually in here.

GERAGOS: Okay. How about these? D 6 W dash 5; do you recognize those?

LIMON: This exhibit that I'm looking at has some license plates. Quite frankly, I don't know the license plates of the vehicles. The vehicles that are described, our department does have these type of vehicles.

GERAGOS: Okay. And is it a fair statement, you described before this counter-surveillance, you said to avoid or detect law enforcement. Is it a fair statement that you never identified yourself as law enforcement until you effected the traffic stop at Torrey Pines?

LIMON: Yeah, that's correct.

GERAGOS: And until that time, everybody in your squad or this task force or in this unit was all undercover, correct?

LIMON: That's correct.

GERAGOS: And all of the cars that were being used were all vehicles that were not identified as law enforcement, correct?

LIMON: That's correct.

GERAGOS: And all of the surveillance that was done for whatever number of days was designed so that you would not reveal yourself as law enforcement, correct?

LIMON: That's correct.

GERAGOS: And when you did identify yourself as law enforcement, the first time, that was when you were on this road that approached Torrey Pines?

LIMON: Yes, after I initiated my red and blue lights and made the traffic stop. That's the first time that he would have had an indication that we were the police.

GERAGOS: Okay. And that's when he immediately pulled over to the -- was that to the curb?

LIMON: Yes, he pulled over to the curb.

GERAGOS: And when he pulled over to the curb, did you immediately approach the car?

LIMON: Not immediately. He was first ordered out of the car.

GERAGOS: And did he get out of the car?

LIMON: Yes, he did.

GERAGOS: Okay. Did he try to run away?

LIMON: No, he did not.

GERAGOS: When he got out of the car, did you tell him to put his hands up?

LIMON: I actually didn't do the orders of Mr. Peterson, because there's a backup officer that was closer to his door that actually did the commands.

GERAGOS: Okay. Did you at some point execute a search warrant at a house in regards to a dog in San Diego?

LIMON: Yes, we did.

GERAGOS: Okay. Five officers from the Department of Justice go over there to pluck hairs out of a Golden Retriever?

LIMON: Yes, we did.

GERAGOS: Okay. And the hairs that you plucked out of the Golden Retriever, was that in January?

LIMON: I believe that was February the 11th or 19th. I'd have to refer to my reports.

GERAGOS: Okay. And when you did that, you had a warrant, you went to a location in San Diego to find this Golden Retriever, and then you plucked out some of its hairs from its -- its back and its belly and sides?

LIMON: Yes. Again, I didn't personally do that. I was a supervisor at the scene, and hairs from different parts of that Golden Retriever were removed.

GERAGOS: When you were supervising the dog having its hairs plucked out, where was the -- was the dog in the backyard?

LIMON: Yes, it was.

GERAGOS: And was it on a leash?

LIMON: Yes, it was.

GERAGOS: And while you were plucking it out, did it bite anybody?

LIMON: No, it did not.

GERAGOS: And when you were plucking the hairs out, did it bark at you? Or bark at any of the officers?

LIMON: I don't recall, but I don't think so.

GERAGOS: Thank you. I have no further questions.

JUDGE: Any other questions?

DISTASO: Hold on. Just give me one second, your Honor.

JUDGE: Are we going to find out who this dog was?

GERAGOS: Was the dog's name McKenzie?

LIMON: That's what we knew the dog by, yes.

GERAGOS: Did you know that dog to have at one time been owned by Scott and Laci Peterson?

LIMON: That's what I was told, yes.

GERAGOS: Did you have a search warrant that was given to you from Modesto PD to go pluck hairs of this dog?

LIMON: Yes, we did have a search warrant to do just that.

GERAGOS: Did you go to his brother's house to do that, in San Diego?

LIMON: Yes.

GERAGOS: Thank you.

DISTASO: I have nothing further, your Honor.