Witness: Fred Eachus

Date: 2004-06-03

Proceedings held June 3, 2004

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: Mr. Eachus, where are you employed?

EACHUS: I work for Trader Joe's company.

DISTASO: And how long have you worked for Trader Joe's?

EACHUS: Approximately eleven years.

DISTASO: In December of 2002, specifically on December 23rd of 2002, were you employed at the Trader Joe's, Modesto, California?

EACHUS: Yes, I was.

DISTASO: What were your duties there?

EACHUS: I was the manager of that store, overseeing about 35 employees. All duties.

DISTASO: Okay. As part of your duties as the manager, were you familiar with the way that purchases are made and the records that are kept in that regard?

EACHUS: Yes.

DISTASO: Let me show you, there is a document in front of you. Can you tell me just what it's marked as? It's on the back.

EACHUS: People's Exhibit Number 2.

DISTASO: Okay. On People's Exhibit Number 2

JUDGE: Is that supposed to be 2, or is this a preliminary hearing number?

DISTASO: No, this is the correct court number right now, judge.

JUDGE: I want you to mark any exhibit in my presence so I can keep track of them.

DISTASO: I'm sorry. I marked a number this morning.

JUDGE: So this is People's Number 2?

DISTASO: Yes. It's a purchase record from Laci Peterson on the 23rd.

JUDGE: All right.

DISTASO: Mr. Eachus, can you just explain quickly for the jury

GERAGOS: I think, I just think for the record, probably cleaner, instead of a purchase record from Laci Peterson, should probably be a Trader Joe's receipt, I think is more accurate, is it not?

DISTASO: We can call it either one.

JUDGE: Okay. Put down purchase record of Trader Joe's. That's People's Number 2. Go ahead. Do you recognize it, Mr. Eachus?

EACHUS: Yes, I do.

JUDGE: All right.

DISTASO: Can you go back and explain that, just for the jury, what you are looking at?

EACHUS: I'm just looking at a copy of a receipt. When people purchase products they are scanned. It's a computerized system, so there is a screen that they sign, and then hit the button, accept signature. Then it captures their signature. I'm looking at a copy of everything that was purchased with Laci Peterson's signature at the bottom.

DISTASO: Okay. And can you tell me how many items were purchased that day?

EACHUS: Let's see here. 24 is what it says here.

DISTASO: And was that a purchase record or a receipt for purchases made on December 23rd?

EACHUS: Yes. December 23rd at 10:06 a.m. is what it states here.

DISTASO: Okay. Let me, I'm going to throw it on the document camera. You can, just so the jury can see it real quick, and then you can just talk us through the purchases briefly. I don't know if you can see that. Can you see that from there, Mr. Eachus?

EACHUS: I can see it from

DISTASO: I'm just going, might be better if you just read it, all right?

EACHUS: I think that

DISTASO: I just have you do that. Just go ahead, if you could, just reed the items that were purchased on the 23rd.

EACHUS: Items that were purchased Grand Marnier liquor, stuffed salmon, heavy cream, large Grade A eggs, Applewood bacon, raw shrimp, organic chicken soup, oatmeal flakes Barbara's Cinnamon Puffins Cereal, maple syrup, Profiterolles Desert, apple strudel, and then three grocery items. And then the total is $98.19 on Visa.

DISTASO: Okay. Thank you, your Honor. I don't have any further questions.

Cross Examination by Mark Geragos

GERAGOS: The receipt that you have there, is that the one that the customer is given?

EACHUS: Well, they are given a receipt very similar to this. The computer spits out two receipts, one that we keep that has their signature captured. The other one is given to the customer.

GERAGOS: When you say it has their signature captured, you mean like that?

EACHUS: Yes. At the bottom that's what is signed on the computer, the little computer screen.

GERAGOS: The one that we have got up on the screen there, is the one that's given to the customer an absolute duplicate of that, or is it

EACHUS: They are actually given a copy of one that doesn't have the signature. The company keeps the one that has the signature on it.

GERAGOS: Okay. If I can just go through the well for a second here. What I'm asking again, does the customer get one that's cut off right here, and that looks identical to this?

EACHUS: Identical to that. At the bottom it will say customer copy.

GERAGOS: Now the time that's on there, the 10:06, do you know how the time is calculated?

EACHUS: It's calculated off the computer system.

GERAGOS: You don't have any knowledge of that?

EACHUS: No, I don't.

GERAGOS: Okay. And do you have any knowledge of when bread gets delivered on a regular basis? Do you know what particular store this was?

EACHUS: Yes. This was a store I manage, the Modesto store.

GERAGOS: Okay. Do you know on Christmas Eve day, which would be the 24th, do you get a bread delivery on that morning?

EACHUS: Yes, we do.

GERAGOS: Okay. And when you get a bread delivery, do you get an -- is there something called an -- excuse me if I mispronounce it, but a Chahlah bread?

EACHUS: Chahlah bread.

GERAGOS: How do you spell that?

EACHUS: C-h-a-h-l-a-h.

GERAGOS: Okay. If that bread had been delivered on the 24th?

EACHUS: Would that bread have been delivered on the 24th?

GERAGOS: Yes.

EACHUS: It may have been. It all depends if we ordered it to come in that day. We have capability to order bread every day. Whether someone specifically ordered for that day I couldn't tell you right now.

GERAGOS: Is that a seasonal bread, that particular bread?

EACHUS: It's a bread that we carry all year round. It sells better in certain days than others.

GERAGOS: Safe to say it sells better on the day before Christmas and maybe right before Easter? Safe bet? Is that a yes?

EACHUS: Yes.

GERAGOS: I have one last question. Just a personal question. What did you guys ever do with those old turkey pepperoni sticks?

EACHUS: Like so many things, discontinued due to slow sales. Not enough people liked it.

GERAGOS: Okay. Not bringing it back any time soon?

EACHUS: Not any time soon.

JUDGE: Is this witness to be excused subject to recall?

DISTASO: Yes.

JUDGE: Okay, Mr. Eachus, thank you very much.