Witness: Sylvester Goosby

Date: 2004-07-07

Proceedings held July 7, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Pat Harris; Redirect – Rick Distaso; Recross – Pat Harris

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. Goosby, where do you work?

GOOSBY: Berkeley Marina for the City of Berkeley.

DISTASO: How long have you worked for them?

GOOSBY: Going on sixteen years now. Fifteen years.

DISTASO: There is a picture on the screen, People's 106A. Do you recognize that as an overview of the Berkeley Marina?

GOOSBY: Yes, sir.

DISTASO: And were you working on December 24th, 2002?

GOOSBY: Yes.

DISTASO: What hours did you work there?

GOOSBY: From 7:00 a.m. to 3:30 p.m.

DISTASO: That's your normal shift?

GOOSBY: Yes, it is.

DISTASO: What are your normal duties there at the marina?

GOOSBY: Mainly trashing and debris pickup, cleaning up around the parking lots, servicing the rest room.

DISTASO: General maintenance there at the marina?

GOOSBY: Yes.

DISTASO: On the 24th of December, 2002, let me ask you this. Is that, was that a busy day at the marina?

GOOSBY: No.

DISTASO: Have you worked Christmas Eve in the past?

GOOSBY: Yes, I have.

DISTASO: And is that typically a busy time at the marina?

GOOSBY: It's pretty slow around that time.

DISTASO: And was December 24th, 2002, a pretty slow day there?

GOOSBY: Pretty slow. Just like during the, it's wintertime. It's real chilly and cold. Hardly any activity.

DISTASO: Let me ask you if you could take that laser pointer, and just push the little red button. If you could just show the jury just what your basic route was, or what your duties were throughout the day on the 24th. Just where did you start and where did you go? There you go. You got it.

GOOSBY: To be honest with you, I serviced the whole marina, the entire marina, so pretty much all over the place.

DISTASO: Okay. So it's kind of a horseshoe. So you pretty much just kind of made a route all the way around?

GOOSBY: Yes, sir.

DISTASO: During that time, you can put that down. That's okay. During that time, did you go through the boat launch ramp area?

GOOSBY: Yes, I did.

DISTASO: What was the traffic or the use there at the boat launch ramp area that you saw?

GOOSBY: I didn't see any.

DISTASO: And I take it from what you are telling me, you didn't spend your entire day there at the boat launch area?

GOOSBY: No.

DISTASO: Would you just kind of go through and then do what you had to do, and move on in?

GOOSBY: Mainly, yes.

DISTASO: There is some bathrooms, let me grab that laser pointer back from you real quick. There is some bathrooms down there by the boat launch area. I think they are right about over here; is that right?

GOOSBY: Yes, sir.

DISTASO: And did you go in and check those bathrooms throughout the day?

GOOSBY: Yes, I did.

DISTASO: And so that was the area that you were kind of working on?

GOOSBY: Yes.

DISTASO: How many times do you think you went down to the boat launch area on that day?

GOOSBY: I know approximately around three times is all I can think of.

DISTASO: Those three times throughout the day, you said you didn't see any activity there?

GOOSBY: Not each time I went by.

DISTASO: And what was the weather on that day? You said it was cold. Can you describe it any more?

GOOSBY: Gray, drizzly. Just, just a nasty day.

DISTASO: Is that the normal weather that you see in the latter part of December in working there at the marina?

GOOSBY: A lot of times, yes.

DISTASO: Nothing further, your Honor.

Cross Examination by Pat Harris

HARRIS: Mr., is it, good morning, Mr. Goosby?

GOOSBY: Goosby.

JUDGE: Goosby.

HARRIS: Do you recall at some point a police officer, Modesto Police coming over to interview you?

GOOSBY: I really don't remember, to be honest with you. No, sir.

HARRIS: You were aware, shortly after Christmas of 2002, 2003, excuse me, the media showed up at the Berkeley Marina, did they not?

GOOSBY: Yes, sir.

HARRIS: They showed up in quite a few numbers, didn't they?

GOOSBY: Yes.

HARRIS: Do you recall if that was the day after Christmas?

GOOSBY: The day, I really don't recall that.

HARRIS: You don't recall?

GOOSBY: No.

HARRIS: Do you recall knowing why the media was there?

GOOSBY: That was, there was rumors, other than, you know, at the bait shop, all around the marina. I have no idea.

HARRIS: Shortly after media showed up, does that refresh your recollection that someone came and interviewed you while the media was there, someone from the police department?

GOOSBY: So many people came up to me, sir, I can't really recall, to be honest with you.

HARRIS: So you don't recall specifically law enforcement personnel interviewing you?

GOOSBY: No. Not off the bat I don't, sir.

HARRIS: Okay. When you drove around that day on your regular rounds, do you recall what time of day you were passing the parking area that was discussed?

GOOSBY: Well, what I generally do is, I always make a round when I first get to work around the entire marina to do a complete check to see what's going on.

HARRIS: And sorry to interrupt you. If I understand from your work schedule, you get to work about seven in the morning; is that correct?

GOOSBY: Yes, sir.

HARRIS: Your first cycle is about seven in the morning?

GOOSBY: It can be seven, 6:45, depending when I'm ready to go.

HARRIS: And when is your second one?

GOOSBY: It depends what's going on, because I do help the Community Service Workers at the marina. If someone is coming in late, I might break off and go see what's going on with them. But it's usually three times day: Morning time, before lunch, and towards the end of the day.

HARRIS: The end of your day is when?

GOOSBY: 3:30, sir.

HARRIS: Now, you were asked specifically about the number of people that you saw, or the activity, I believe it was the way it was phrased, the activity at the boat ramp. And you testified, if I recall, you testified you didn't see any activity at the boat ramp; is that correct?

GOOSBY: That particular day I didn't notice that much. Not the times that I was there, no.

HARRIS: Okay. And when you say activity, do you mean people, I think the question was phrased, such as people putting their boats into the water at that point?

GOOSBY: Yes.

HARRIS: But did you, in fact, I believe, tell that you did, in fact, see vehicles there; is that correct?

GOOSBY: People drive in and out of the marina all the time, sir. I really don't know.

HARRIS: So on that specific day, you don't have any recollection whether people were driving in and out?

GOOSBY: Well, a lot of people just drive through and keep going. We have a lot of joggers and walkers, people enjoying the park.

HARRIS: Even during the winter season people still come to the park, don't they?

GOOSBY: Oh, yes, sir.

HARRIS: In fact, during the day you will see quite a few people walk their dogs, and just walking?

GOOSBY: Yes.

HARRIS: And that's any day. You can go any day of the year?

GOOSBY: Any day of the year you will see them there.

HARRIS: But you, I just want to make sure I'm clear on it, what your answer was, to Mr. Distaso was, when you are saying activity, you just didn't actually see anybody putting a boat in the water?

GOOSBY: No, sir.

HARRIS: How long have you worked at the marina?

GOOSBY: Fifteen years.

HARRIS: So you are familiar with the boat launch area quite a bit?

GOOSBY: A little bit, yes.

HARRIS: Are you familiar with, that boats that are at the slips at the marina, that there are a number of people actually live on those boats?

GOOSBY: Yes.

HARRIS: And they live there literally 24 hours a day, seven days a week?

GOOSBY: They do have live-aboards, yes.

HARRIS: And that at any particular time during the day, you refer to them as live-aboards, right?

GOOSBY: Yes.

HARRIS: At any particular time of the day, these people could be walking around, getting out of their boats; is that correct?

GOOSBY: Yes.

HARRIS: You have seen that, right?

GOOSBY: Yes.

HARRIS: And, in fact, these people, for example, do you know exactly if each one of these slips is referred to by an alphabetical number?

GOOSBY: Yes, they are.

HARRIS: And do you know what these slips are referred to as?

GOOSBY: That's like A, B, C.

HARRIS: This would be A, B, C, this area?

GOOSBY: Yes.

HARRIS: If people from A, B, C, want to come out of their boats and go to their cars or go to wherever they want to go, they have to come down this area, right?

GOOSBY: Yes, sir.

HARRIS: And their cars are all through here, right?

GOOSBY: Generally, yes.

HARRIS: And if people from this area over here want to get to their cars, they have to come out this way, correct?

GOOSBY: From that area?

HARRIS: Yes. From this area here, they come this way, right?

GOOSBY: Yes. I'm quite sure they could, yes.

HARRIS: There are people walking, live-aboards, walk on and off their boats all day long; is that a fair statement?

GOOSBY: Yes.

HARRIS: Do you, do you, by the way, are you familiar with the Berkeley Police Department at the marina?

GOOSBY: We have had several officers come in. It's their beat, so I know the ones that come in, who is going to be the beat officer for that year, or for that while, yes.

HARRIS: Are you familiar with, do they have a boat there, Berkeley Police Department?

GOOSBY: They have one now, yes, sir.

HARRIS: Do you know if, at that time if they, well, I'll ask the question. You don't know where?

GOOSBY: I really don't know. I don't know if it was there or not. I don't know.

HARRIS: Fair enough.

GOOSBY: I can't say that.

HARRIS: When you make your rounds, are you by yourself?

GOOSBY: Generally, yes.

HARRIS: You sometimes go with someone else?

GOOSBY: If it is, it's one of the workers who I'm showing or guiding their duties I want them to perform that day.

HARRIS: Do you remember on the 24th, you were by yourself on,

GOOSBY: I'm quite sure I was.

HARRIS: You were?

GOOSBY: I am.

HARRIS: Do you remember what color truck you were driving?

GOOSBY: A white truck.

HARRIS: Is this one that's issued by the marina?

GOOSBY: The city, yes.

HARRIS: I don't have anything else.

Redirect Examination by Rick Distaso

DISTASO: Mr. Goosby, counsel asked you a bunch of kind of general questions that people could do this, people could walk here, people could walk there. I'm only concerned, all, I want you to specify, on December 24th, 2002, that was a slow day at the marina, correct?

GOOSBY: It was. It was.

DISTASO: And as far as people, you know, running around and doing whatever, you didn't see a lot of that activity on the 24th?

GOOSBY: No, I didn't.

DISTASO: Where, on this overhead, do you know where the live-aboard folks actually are?

GOOSBY: Really don't, sir.

DISTASO: So counsel kept talking about these boats. But do you know if these boats the live-aboards?

GOOSBY: I really can't speculate on that. That's not my area.

DISTASO: Somewhere in the marina people do live on their boats?

GOOSBY: Yes. That's only because it's public knowledge. We all know that.

DISTASO: And do you know, this area over here, do you know if that's a sailing school over here? I think it's this section right here.

GOOSBY: That's,

DISTASO: Do you know what that is?

GOOSBY: That's an Olympic Sailing Club, these vessels. Also there is a private dock right there, I'm quite sure.

DISTASO: So you don't know if there is any live-aboards in this section?

GOOSBY: We don't have anything to do with that.

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

Recross Examination by Pat Harris

HARRIS: He asked you about the activity in the area. How long a day do you have? How many hours do you work per day?

GOOSBY: Eight hours, sir.

HARRIS: And during that eight hours, the area you actually spend at the parking area there, how much would you estimate that to be?

GOOSBY: In that one specific area?

HARRIS: Right.

GOOSBY: A lot of times we concentrate on the south side of the marina, first thing. And we spend an average of maybe two, two and a half hours on the north side of the marina.

HARRIS: So the north side, total two to two and half hours?

GOOSBY: That includes Cesar Chavez Park, the dock area.

HARRIS: Actual parking area there by the boat launch. How many minutes do you think you spend a day there?

GOOSBY: We just walk through, make a quick sweep, check the rest room. Maybe fifteen, twenty minutes.

HARRIS: Total during the day?

GOOSBY: Possibly.

HARRIS: That's all I have.

DISTASO: Nothing further.

JUDGE: Okay, Mr. Goosby, thank you for your time, sir.