Witness: Amber Frey

Date: 2004-08-23

Proceedings held August 23, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos

Day 6 of 7 for this witness

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

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August 23, 2004

Cross Examination by Mark Geragos

JUDGE: Okay. Ms. Frey, you want to resume the stand, please. All right. The record should reflect that Ms. Frey has resumed the stand. Ms. Frey is still under oath.

JUDGE: Go ahead, Mr. Geragos.

GERAGOS: No questions, your Honor.

A JUROR: What?

GERAGOS: Just kidding. Trying to lighten it up a little.

JUDGE: Go ahead.

GERAGOS: Thank you. That's okay? I can talk for ten minutes? Ms. Frey, the, the first time that you heard about my client Scott Peterson, is that from Shawn Sibley?

FREY: Yes.

GERAGOS: And was that before, do you remember the date?

FREY: That I first learned?

GERAGOS: When you first heard about him and talked about him.

FREY: I don't recall the exact date, no.

GERAGOS: Okay. How, the first time you actually laid eyes on him was November 20th, right?

FREY: Yes.

GERAGOS: And you talked, the first time you actually talked to him was November 19th?

FREY: I believe so, yes.

GERAGOS: Okay. And that's when he called you, he left a message, and then you called, I think you made two calls after that in return?

FREY: I believe so, yes.

GERAGOS: Okay. Now, the, how long had you before that, a week, two weeks, three weeks, how long had you had a consideration with Shawn Sibley about Scott Peterson?

FREY: I honestly don't remember the exact time frame. It was end of October, I believe, the first time I heard about him. Possibly beginning of November, in that time frame.

GERAGOS: And was that from Shawn Sibley?

FREY: Yes.

GERAGOS: Okay. And the first time, what did she tell you?

FREY: She said that she had met this man at a conference in Los Angeles, and she said that she spent, I don't know the time frame, but that they, the both of them had spoke and talked about somewhat intimate details about relationships, and that he was somebody that she felt for me, somebody she wanted to introduce to me, about this person and his character, that she had learned from him in their conversations.

GERAGOS: Is this, your relationship with Shawn at that point, at least, in 2, that's in 2002, was she your closest friend?

FREY: Yes.

GERAGOS: And you would, referred to yourself and her as best friends?

FREY: Yes.

GERAGOS: And had she fixed you up in the past prior to that?

FREY: No.

GERAGOS: And at this point when she told you about him, did she tell you that she was having ongoing conversations with him?

FREY: Yes.

GERAGOS: And she tell you that she was trying to get him to call you?

FREY: She was saying she had conversations, ongoing conversations on telephone, as well as e-mails, and that not necessarily always on the topic of me, but on some of those occasions, yes, that there was somebody that she wanted to introduce, or vice versa.

GERAGOS: Okay. Did you tell her it was okay, Give me, you can give him my number?

FREY: At one point there was, yes, I did.

GERAGOS: When was that?

FREY: I don't recall the exact date.

GERAGOS: Could that have been a week before, two weeks before, three weeks?

FREY: I believe it was closer to the time before he called.

GERAGOS: So at some time around the 19th of November?

FREY: No, there was, it was before the 19th that he first had called, but it was around the beginning of, maybe the second week or within that time frame that he first called me. But it was around then she said Can I, as far as giving him the number.

GERAGOS: Do I, do I understand correct that you're saying that he called, that the first time Scott called you was not the 19th?

FREY: Correct.

GERAGOS: When, when was the first time he called you?

FREY: I don't remember the exact date.

GERAGOS: Did, did you look, you gave your phone records over to the, gave them permission to go get the phone records, right?

FREY: Yes.

GERAGOS: And you've looked at the phone records, haven't you? Your phone records?

FREY: Yes.

GERAGOS: Okay. Have you seen, the first time, were you the first person who called? Or was he? Did he call you first or did you call him first?

FREY: To my recollection he called me first.

GERAGOS: Okay. When he called you first

FREY: Uh-huh.

GERAGOS: that was how long before the 19th?

FREY: Probably within a week time frame.

GERAGOS: Okay. So safe to say it was definitely in November?

FREY: Yes.

GERAGOS: Okay. Now, the first time that he calls you, he leaves a message, if I've got it right; you called back to at least two locations, right?

FREY: Yes.

GERAGOS: You've got two numbers? He leaves you two, is that right?

FREY: He left me one number, but he had called from another, which when I returned, before listening to the message, it was some answering service, and they couldn't direct the phone call because it was just an answering service.

GERAGOS: When you say he left you a number but he called from another, you, I think it was established you do not have a home phone, right?

FREY: I do not, correct.

GERAGOS: You operate on a cell phone?

FREY: Yes.

GERAGOS: Okay. I'm not going to ask you what cell tower or anything like that. The cell phone you use shows a number that pops up when somebody's calling, right?

FREY: Yes, correct.

GERAGOS: If it's not blocked, you can tell what number it is?

FREY: Correct.

GERAGOS: He calls, he says call me back at 209, whatever, and you call, you get a voice mail, right? When you call the number that he told you to call?

FREY: The one after, yes. After I had listened to the message, yes.

GERAGOS: Right. You do whatever, you call him back and then, because you couldn't get him there, you then call the number that popped up on your screen?

FREY: No, I had called that number first, before even checking my voice mails. I just had seen I had missed calls and didn't recognize it, so I called. I just redialed, or pressed the way the phone worked, that I could just scroll down and then press talk and it would call up the number that showed up.

GERAGOS: Okay.

FREY: So I called that before learning, or hearing the message and who it was from.

GERAGOS: You called that number

FREY: Uh-huh.

GERAGOS: he's not there, you listen to the message and you call back?

FREY: Yes.

GERAGOS: And then did you, how long before you reached him?

FREY: I don't remember the time frame.

GERAGOS: Was it that day? The 19th?

FREY: We finally spoke on the 19th, yes.

GERAGOS: Okay. And when you spoke on the 19th, did you suggest a spot to meet him at? A specific place? Did you say I'll meet you at the Elephant Bar, I'll meet you

FREY: I don't recall if it was exactly that time or, or not. If, if it was the first time we actually spoke, or if we talked another time. I really don't remember exactly

GERAGOS: Okay.

FREY: when we came up with that location.

GERAGOS: How long was that conversation, that first conversation?

FREY: Maybe ten to 15 minutes. I don't recall exactly. I'd have to see a phone record to, to know for sure.

GERAGOS: Okay. Is it a safe bet, that one was not taped, right? You did not

FREY: No, it was not taped.

GERAGOS: In that conversation, if I understand correct, the two of you just described each other, kind of a joking manner; is that right?

FREY: Yes. Yes.

GERAGOS: And as you describe each other, you then said, somebody made arrangements, you don't remember who, to go to meet down at the Elephant Bar?

FREY: Correct.

GERAGOS: Okay. And there was a specific time, I'll meet you there tomorrow at whatever time, right? 7:00 o'clock or –

FREY: 7:00, right.

GERAGOS: 7:00 o'clock. Now, at that point you had never met him before, right?

FREY: Correct.

GERAGOS: And you'd only heard about him from Shawn?

FREY: Correct.

GERAGOS: How many conversations do you think you had with Shawn about Scott Peterson prior to actually meeting Scott?

FREY: An approximation? Is that what you're asking?

GERAGOS: Yeah.

FREY: Maybe a handful of times.

GERAGOS: Okay. Less than five?

FREY: I don't know an exact, but

GERAGOS: Okay.

FREY: around there.

GERAGOS: And she had told you that she had met him one time down in LA or Orange County on a conference of something that she was on, correct?

FREY: It was I believe a weekend type or, it was more than one day.

GERAGOS: Okay. That was the only time that you were aware of that she had ever met him

FREY: Yes.

GERAGOS: in person, correct?

FREY: Yes.

GERAGOS: And based on, did she tell you what had happened at that conference? That they had stayed up all night and been drinking and things like that, talking about relationships?

FREY: Yes.

GERAGOS: Okay. So you knew that going into it that they had met at this conference, they had stayed up all night talking and drinking, and then she said Look, he sounds like a good guy, are you interested and you say yes, correct?

FREY: For the most part, yeah.

GERAGOS: Okay. Then when you meet him at 7:00 o'clock, on the 20th, at that point did you recognize him immediately from the description that he had given you over the phone?

FREY: I, I thought there was another gentleman that may have been him prior to him walking in the door, but when he approached the door, he was looking right at me, and at that point I assumed that it was him. And it was.

GERAGOS: Okay. And when you went there, you were at the, were you in the bar area or the dining area

FREY: Neither.

GERAGOS: or at the bar?

FREY: Neither.

GERAGOS: What, the reception, the front area?

FREY: The very, there's two glass doors or, there's like a little entrance, and on either side there's a little bench. I was in that area.

GERAGOS: What I would call a reception area?

FREY: The very, there's two glass doors or, there's like a little entrance, and on either side there's a little bench. I was in that area.

GERAGOS: What I would call a reception area?

(Noon recess>

GERAGOS: Good afternoon. When we broke for lunch, I was asking you some questions about the first time you met Scott. And prior to that you indicated to the jury that you had talked with Shawn Sibley, right?

FREY: Yes.

GERAGOS: Okay. And you talked the Shawn Sibley about what he had told her, and those kinds of things?

FREY: To some degree, yes.

GERAGOS: Did she tell you that, I think you had mentioned this morning that she e-mailed back and forth with him.

FREY: Yes.

GERAGOS: Did she tell you what his nickname was on the e-mail?

FREY: I don't recall, no.

GERAGOS: Did she, you of heard the letters "H.B."

FREY: I recall some talk about that.

GERAGOS: Was that prior to meeting Scott?

FREY: Yes.

GERAGOS: Okay. And do you remember what that talk was, what "H.B." stood for?

FREY: She didn't go in great detail of some of their conversations.

GERAGOS: Did she tell you that was, stood for "Horny Bastard"?

FREY: She may have.

GERAGOS: Okay. As you sit here today, do you remember if, before you met him the first time, if you knew whether he was e-mailing back and forth with your best friend, that he was labeling himself as "Horny Bastard"?

FREY: I don't recall exact conversations, or I don't know that.

GERAGOS: Okay. You don't know if that's what happened?

FREY: I don't know the content of their conversations, no.

GERAGOS: Do you know if she told you that, do you know if she told you that this guy is a really good guy, goes by the handle "H.B., Horny Bastard"?

FREY: I don't know the contents of their conversation. So –

GERAGOS: I'm not asking you for contents. She didn't show you the e-mails, right?

FREY: No.

GERAGOS: Did she ever say to you that he would go by the term, or the "H.B." for "Horny Bastard"?

FREY: Again, I don't know how the content of that conversation was, so I can't answer that. I'm sorry.

GERAGOS: But you had heard "H.B."

FREY: Yes.

GERAGOS: Okay. What about, did she tell you when she was down in Orange County, that he had said something to her, that they had a conversation about, how do you pick up girls, or something along those lines, or what should I write on my name tag to pick up girls?

FREY: No, I don't recall that.

GERAGOS: Shawn ever tell you that they said, she suggested writing, "I'm rich"?

FREY: I don't recall. I know there was some discussions, or her talking about it. But I really don't know the whole contents of their conversations.

GERAGOS: What about your part of that conversation? I know you don't know their content. What about you when you talked

to Shawn? Do you remember what you talked to Shawn about?

FREY: No. As far as in regards to "H.B.", not really, no, I don't.

GERAGOS: How about this thing with the name tag? Do you remember what you talked to Shawn about in regards to the name tag?

FREY: I don't believe I had any comments about it. I just, I really don't remember that that well. Sorry.

GERAGOS: But do you remember saying to Shawn, why do you want me to meet this guy if he calls himself "Horny Bastard"? Or why do you want me to meet this guy if he is, he is trying to pick up girls? Do you remember ever expressing that kind of concern to her?

FREY: No. Because our conversations, or the conversation I had with Shawn didn't really entail those details, in that, around, that you are speaking of.

GERAGOS: So Shawn did or didn't tell you about this stuff?

FREY: I vaguely recall her talking about it. But as far as the content in the conversation, I'm sorry, I don't.

GERAGOS: Well, when you say the content, you know the "H.B." rings a bell, right?

FREY: Yes.

GERAGOS: The name tag with "I'm rich" rings a bell, right?

FREY: Vaguely. But

GERAGOS: Did you ever ask her, I mean Shawn is protective of you?

FREY: Yes, un-hun.

GERAGOS: She is protective of you because she knows you have been hurt in the past, correct?

FREY: I would agree, yes.

GERAGOS: So she's looking out for you, right?

FREY: Yes.

GERAGOS: Okay. Did you ever go back to her, whether it was before you met Scott or after, and say, why didn't you tell me about this, or why would you fix him up with me if this guy is using H.B., or, how do I pick up girls, or anything like that?

FREY: Because other conversations that they had one-on-one was something that stood out to her about that he was looking for a soul mate. And she said that in their conversation, again I don't know the great depth of their conversation. But, to her, it was very significant that she felt that this was somebody that she would like to introduce to me, and that was looking for somebody to be with.

GERAGOS: Now, when you say in looking for a soul mate, and you, that didn't cause you any pause, that here is a guy looking for a soul mate; but, at the same time, is going by the handle "H.B."? Did that, did you say to yourself, wait a second here, this guy doesn't make a whole lot of sense?

FREY: No, I didn't.

GERAGOS: When you met him for the first time, it was at the Elephant Bar, correct?

FREY: Yes.

GERAGOS: And then he said, I want to go back to the hotel to shower and change; is that right?

FREY: He said that he had been working, and he hadn't had a chance yet to check in. And he needed to shower and change.

GERAGOS: You, did the two of have you a drink at the Elephant Bar?

FREY: No, we didn't stay.

GERAGOS: Then so you left as soon as you met him, identified who he was, then you two of you went back over to the hotel, correct?

FREY: I accompanied him to check in, yes.

GERAGOS: Okay. So you went over. And how far away was the hotel?

FREY: As far as timeframe, or distance?

GERAGOS: Distance. Either way. Takes you ten minutes?

FREY: Maybe ten, fifteen minutes.

GERAGOS: Okay. So you meet him, and then you go back, and you guys, he checks into his hotel room, right?

FREY: Yes.

GERAGOS: And then you go upstairs with him, and he decides he's going to take a shower, right?

FREY: Yes. He said he needed to freshen up. So, yes.

GERAGOS: So before he goes into the shower, he pulls out of his bag some champagne and strawberries?

FREY: Yes.

GERAGOS: You start drinking there; is that right?

FREY: Yes.

GERAGOS: Okay. And I would assume that you had, over the course of, how long were you guys at the hotel before you went back to dinner?

FREY: Approximately maybe forty-five minutes.

GERAGOS: Okay. Had you finished off the bottle of champagne?

FREY: No.

GERAGOS: Half the bottle of the champagne?

FREY: Maybe. I'm not for sure. But I don't believe we finished the whole champagne, or the bottle, no.

GERAGOS: He's got strawberries there, he's talking to you, and things are wonderful, right?

FREY: They were going well.

GERAGOS: Okay. Then you decided to go to this Japanese restaurant?

FREY: We had already decided on that, yes.

GERAGOS:. So when you get to the Japanese restaurant, that's about an hour after you have met him?

FREY: Somewhere around that time frame.

GERAGOS: And you proceed to you have more drinks there, correct?

FREY: Yes.

GERAGOS: How many more drinks do you think the two of you had there?

FREY: I don't know how many, per se, he had. I think he had consumed more than I did. But there was just, I believe one, I want to say he brought another bottle with him. I don't think it was something he ordered. I believe we finished that bottle between the two of us.

GERAGOS: Then when you left there, you went to another location, right?

FREY: Yes.

GERAGOS: And that was an another a bar?

FREY: Karaoke lounge.

GERAGOS: Okay. Did you continue to drink there as well?

FREY: Yes.

GERAGOS: Okay. And at that point, does he, does he look like he is feeling the effects of the alcohol?

FREY: You know, I really I don't know. I would say yes. I know I was.

GERAGOS: Okay. So at that point, did you, did I understand correctly, you closed down the karaoke bar?

FREY: Almost, but not quite. They hadn't closed yet.

GERAGOS: I think Mr. Harris was asking you, you go from there, and you stop at a store, then go back to the hotel?

FREY: Correct.

GERAGOS: Then when you stop at the store, he didn't, Mr. Harris didn't ask you, but you went back there, you bought some alcohol, right?

FREY: Yes.

GERAGOS: So you have been drinking, basically within forty-five minutes of seeing, meeting this guy, and straight through at the restaurant, at the bar, then when you finish and leave the bar, I assume when you say almost, close the door, that's about closing time, when you can't buy, or close to closing, when you can't buy alcohol any more?

FREY: Correct.

GERAGOS: Okay. So you stop, you buy what a bottle of gin at the store with the, Food Maxx, whatever it was?

FREY: I believe that's what it was. Bombay Sapphire.

GERAGOS: Bombay Gin and Tonic. You go back to the hotel, two of you start drinking some more?

FREY: I don't believe, he brought it up, but I don't believe, I don't think I consumed any from that at the time.

GERAGOS: You didn't drink any more at that point?

FREY: I don't believe I did, no.

GERAGOS: But he was, he stopped. He bought it. He was drinking, right?

FREY: I don't recall at that time what was consumed. I know we went there and got those items. But I don't think there was very much consumed.

GERAGOS: What time was that when you went to the Food Maxx? It was Food Maxx, right?

FREY: Un-hun.

GERAGOS: Do you recall, do you remember what time that was?

FREY: I want to stay probably close to two.

GERAGOS: Okay. Right before they start cutting off alcohol?

FREY:. Yes.

GERAGOS: And when you go to Food Maxx, he uses his credit card?

FREY: I don't remember.

GERAGOS: You described to the officers, when you finally met and talked to the officers, you told him that you had gone to Food Maxx, right?

FREY: Right.

GERAGOS: Told them that you, that it was your belief he had used a credit card at the Food Maxx, to let them go and see, if they look on the credit card receipts, to see if he had, correct? Isn't that what you –

FREY: I would have to see the document. I don't know what was recorded, and I don't recall if that's what I said.

GERAGOS: Now, the, as you go back to the hotel, by the way, that first evening, when you first started having dinner, would have been, what, within an hour and half of you, him meeting you?

FREY: That we were

GERAGOS: You hooked up at the Elephant Bar at 7:00 o'clock. You go to the hotel. You come back from the hotel to get something to eat?

FREY: Uh-huh.

GERAGOS: And then you are at this Japanese restaurant, right?

FREY: Yes.

GERAGOS: And that's the one that's called Edo-Ya?

FREY: Yes.

GERAGOS: That's on Shaw?

FREY: Yes.

GERAGOS: Okay. You are back there about 8:00 o'clock?

FREY: Somewhere in that timeframe, yes.

GERAGOS: During that time, conversation you had at the dinner, that's the conversation that he tells you he's going to be out of the country during the holidays, correct?

FREY: Yes.

GERAGOS: So within one hour of meeting you, he tells you this story, which you later learned to be a story, that he's going to be in Europe for the Christmas holidays, correct?

FREY: Business trip. He was going to be in Maine for the Christmas holiday.

GERAGOS: Okay. And where was he going to be at Thanksgiving?

FREY: In Alaska on a fishing trip.

GERAGOS: Okay. That was within one hour of meeting you?

FREY: No.

GERAGOS: He met you at 7:00 o'clock, you had dinner at eight. Some time between eight and when you went over to the Karaoke bar he told you this, right?

FREY: Yes.

GERAGOS: Within what period of time did he tell you that, where he was going to be for Thanksgiving and for Christmas and for after Christmas?

FREY: Somewhere in between eight and ten.

GERAGOS: Okay. So at the outside, at the longest, within three hours of meeting you for the first time, he told you that he was going to be in Alaska for Thanksgiving, right?

FREY: Yes.

GERAGOS: That he was going to be in Kennebunkport, Maine, for Christmas?

FREY: Yes.

GERAGOS: And that he was going to be in Europe in January?

FREY: Yes.

GERAGOS: That was not something that he told you later on after your second date or your third date, correct?

FREY: We talked

GERAGOS: The first time that he told you about it, you are absolutely sure, as you sit here, that the first time he told you that was that evening, the first time you met him, which was what, November 20th?

FREY: Yes.

GERAGOS: November 20th. I don't have my calendar front of me. But that's roughly a week before Thanksgiving in 2002, right?

FREY: I don't have a calendar either, so I don't know.

GERAGOS: Okay. You know that Thanksgiving is the end of November, right?

FREY: Usually it is, yes.

GERAGOS: Okay. And you know that within a couple of hours of you meeting him, he's telling you that he's not going to be in town the following week, correct?

FREY: Correct.

GERAGOS: Okay. And that he's going to be with his family, going to be doing some activity, right?

FREY: Yes.

GERAGOS: Okay. And he tells you that Kennebunkport, Maine, on this same the first date, is where he's going to be during the holidays, right?

FREY: Yes.

GERAGOS: And this Europe trip, did he mention the specific countries he was going to, on that first date?

FREY: I believe he ran them by me, yes.

GERAGOS: Okay. He told you Belgium, he told you Brussells, he told you, he ran through Paris, that he was going to do this trip that he had planned for January, correct?

FREY: Correct.

GERAGOS: Okay. And, at that point, you had not, at that point, you two ever, you had not become intimate, as Mr. Harris would say, correct, when he is telling you this?

FREY: Correct.

GERAGOS: You don't have sex or become intimate with him until later that evening, right?

FREY: Yes.

GERAGOS: And that's at some time after you leave the Food For Maxx, or whatever it is, Food Maxx, you buy the gin, you go back to the hotel room, right?

FREY: Yes.

GERAGOS: Now, if I understand correct, Shawn had Ayiana that evening; is that right?

FREY: Yes.

GERAGOS: And then you had to, she called you, or you called her in the morning?

FREY: I don't remember who called.

GERAGOS: You talked. She said, I got things to do, you got to pick up your daughter, correct?

FREY: Yes. That was something we had discussed before leaving that evening.

GERAGOS: When you talked to her the next morning, you didn't, before you left, you didn't know that you were going to spend the night with him, did you?

FREY: No, I didn't.

GERAGOS: Okay. So when you left, you didn't have plans with her to take care of Ayiana for the evening, right?

FREY: She was going to be staying the evening, yes.

GERAGOS: So she was going to sleep overnight just in case you didn't come home?

FREY: Just because the time frame. Didn't know when he was, I was going to be coming back. If it was late, she just ends up staying there instead of going home, because we lived a distance from each other.

GERAGOS: How far away do you live from her?

FREY: The drive, probably about a good twenty-five, thirty minute drive.

GERAGOS: Okay. From Madera to Fresno?

FREY: Yes.

GERAGOS: So she planned on spending the evening; is that correct? Or spending the night at your house?

FREY: I believe, from what I remember, that was the plan, that she was going to be there.

GERAGOS: You didn't tell her that you would be whom by 2:00 o'clock?

FREY: We didn't discuss a time.

GERAGOS: And in the morning, wasn't it her who called you and said, look, I got to get going get over here? Isn't that what actually happened?

FREY: She

GERAGOS: Didn't Shawn call you, said, "Please, get back here, I have got to go"?

FREY: Yes, I was aware of her time frame of her schedule for work the next day, yes.

GERAGOS: Now, the, when you went back to the hotel, I assume Scott was drinking the gin and whatever mixer he had; is that right?

FREY: I don't remember what was consumed when we got back.

GERAGOS: Okay. He looked like he was under the influence at that point to you? Did he look like he was, like he had caught a buzz on?

FREY: I know I did, so to really judge that for myself on somebody else, I don't know. You would have to ask him.

GERAGOS: You know you did?

FREY: I did, yes.

GERAGOS: Now, the next time that you talked to him would have been, he called you the next day at about 11:44. Is that, some time before noon. Is that what you told Mr. Harris on the 21st?

FREY: Yes.

GERAGOS: And then twice on the 22nd; is that right, of November?

FREY: Without seeing a phone record in front of me.

GERAGOS: Let me show you, see if this refreshes your recollection.

FREY: Okay.

GERAGOS: It's a chart prepared by Mr. Jacobson. Calls in red are by Scott Peterson. Calls in blue by you. This is for the month of November.

FREY: Okay.

GERAGOS: Does that refresh your recollection as to the basic phone pattern for November?

FREY: Yeah.

GERAGOS: So fair statement that you get these three phone calls made by you on the 19th. That's the day before you guys have met, right?

FREY: Yes.

GERAGOS: The ones we already discussed this morning. Then you talked to, or at least the last phone call made on the 20th. And that's when you saw Scott the first time?

FREY: Yes.

GERAGOS: Then the 21st there is a phone call. Did you actually talk to Scott on the 21st? That would have been after your first date.

FREY: I believe it was just a message that he left.

GERAGOS: So you didn't talk to him after this. You listened to the voicemail message; is that right?

FREY: Yes.

GERAGOS: Then on Friday the 22nd there is two phone calls. Did you talk him, to or did you just get messages?

FREY: I believe I talked to him.

GERAGOS: Approximately two, three, four minutes, something like that, or longer?

FREY: I don't think they were long conversations. Not that I can recall.

GERAGOS: And then not, you didn't talk to him on the 23rd, 20 right?

FREY: I'm just seeing it. From just seeing it, I don't. I know if I look at it I could say yes for sure.

GERAGOS: If we're assuming this is accurate?

FREY: Okay. Then if it's accurate, yes.

GERAGOS: You don't have any memory of talking to him on the 23rd, do you, as you sit here today?

FREY: No.

GERAGOS: Looks like you exchanged calls with him on the 24th; is that right?

FREY: Un-hun.

GERAGOS: That's a yes?

FREY: Yes.

GERAGOS: You have to say yes so he can take it down. Then the 25th, the 26th, the 27th, the 28th, the 29th, and the 30th no phone calls? That's your memory?

FREY: No, I believe there was a phone call somewhere between there. But it wasn't from his phone. It was from a pay phone.

GERAGOS: Okay. So the best of your memory, for that one, two, three, four, five, six days in November, including, I'll take you up to the first day of December. So for that seven days, for that week?

FREY: Un-hun.

GERAGOS: It does look like there is no phone calls between your phone and his phone, right?

FREY: It doesn't show that. But I know we spoke.

GERAGOS: Right. And you think that, your belief is that maybe it was a pay phone, correct?

FREY: Yes.

GERAGOS: So after this first date, there is approximately five calls, the two conversations, and then for a week there is one phone call from a pay phone, right?

FREY: One to two, possibly. Because I know we spoke closer to that Monday.

GERAGOS: Did you ever show the officer, you gave the officers your cell phone records, didn't you?

FREY: Yes.

GERAGOS: Okay. Did you ever point them to specific incoming calls and say, look, I think this is a call that I got from Scott?

FREY: No.

GERAGOS: Did they ever ask you to do that?

FREY: No.

GERAGOS: Now, the second time that you saw Scott was December what?

FREY: Second.

GERAGOS: Okay. And where was that?

FREY: At my home.

GERAGOS: He came over to the house?

FREY: Yes.

GERAGOS: Okay. And was that some time after 12:00 o'clock noon?

FREY: I believe so.

GERAGOS: Okay?

FREY: Yes.

GERAGOS: Was he the one who called you and said, look, I'm in the neighborhood, or something like that?

FREY: I don't recall how. I believe so, because he, I think he got lost as far as where my house was.

GERAGOS: I mean he had to call you up to know where, to find out if you were there, right?

FREY: Right.

GERAGOS: So he calls, and it appears that you were home when he called, right?

FREY: Yes.

GERAGOS: Because there is no exchange of calls, right?

FREY: Correct.

GERAGOS: And he stops by. Are you home alone?

FREY: Yes.

GERAGOS: And what do you guys do at that point once he comes over?

FREY: From what I remember, we visited a little while. He asked where the little one was.

GERAGOS: Did you tell him the little one was at school?

FREY: Yes.

GERAGOS: And did he stay at the house on the second? Did Scott stay at the house?

FREY: As far as the evening?

GERAGOS: Yeah.

FREY: Yes.

GERAGOS: Okay. And did he spend the night that night?

FREY: Yes.

GERAGOS: And you had sex that night with him?

FREY: Yes.

GERAGOS: Okay. And was that the evening that he went and picked up your daughter?

FREY: That him, that we went together and picked her up.

GERAGOS: Was that day?

FREY: Yes.

GERAGOS: Okay. Now, the, and he spent the night until the following morning?

FREY: Yes.

GERAGOS: Then he told you he had someplace to go, right?

FREY: Yes.

GERAGOS: Okay. Now, at that point when he left, was that in the morning of the third that he took off?

FREY: I don't remember when he left that day. I don't remember the time.

GERAGOS: Was it before your daughter got up?

FREY: I don't remember.

GERAGOS: Is there anything that would jog your memory as to what time he left on the morning of the third? Is it safe to say, I'll give, is it safe to say that if he calls you at 4:00 o'clock, that he had left before 4:00 o'clock?

FREY: Yeah. It was during the early part of the day. I know that much. I just don't remember.

GERAGOS: Before 10:00 o'clock in the morning?

FREY: Really, I don't know.

GERAGOS: Okay. So then you talked to him twice on the third, right, by phone?

FREY: I believe so.

GERAGOS: Okay. Does he come back on the third?

FREY: Yes.

GERAGOS: When he comes back on the third, does he spend the night again until the fourth?

FREY: Yes.

GERAGOS: Okay. And you have sex again?

FREY: Not that I recall.

GERAGOS: Isn't that the night that you had gone out to the Squaw's Leap?

FREY: On the 2nd?

GERAGOS: Right. Went out on the second to the Squaw's Leap. You had sex that evening?

FREY: Yes.

GERAGOS: He stays over until the third. He leaves, he comes back on the third. Does he spend the night?

FREY: Yes.

GERAGOS: Okay. And leaves on the 4th; is that right?

FREY: Yes.

GERAGOS: And at that point, on the 5th, you get one phone call from him; is that right?

FREY: Yes.

GERAGOS: The 6th, no phone calls?

FREY: I don't believe, I don't recall if we spoke. It doesn't show.

GERAGOS: Okay. Well, is the, you don't have any memory, as you sit here, of talking to him on the 6th, do you?

FREY: No.

GERAGOS: Okay. And then Saturday the 7th you called him, right? You talked to him on that day?

FREY: I don't remember specifically if we spoke, or if it was just message.

GERAGOS: It also looks like on the 8th you don't talk to him either; is that right? December 8th?

FREY:. You can show me again. I don't believe so. He said he was out at the Delta with some buddies on a boat.

GERAGOS: So at that point, you have had, he's spent the evening with you three times. He's made, to you, approximately, what, two, four, five, six, seven, eight, nine calls; is that right?

FREY: Not counting any from any other land line or pay phone, yes.

GERAGOS: And that's, you don't remember more than, as you sit here, one or possibly two, correct?

FREY: Correct.

GERAGOS: During that. So we have got nine or ten calls. And then the next thing that really happens is this December 9th event, right?

FREY: Yes.

GERAGOS: Okay. And that's where he comes over to your house. Calls you. He says he's got to tell you something, right?

FREY: Yes.

GERAGOS: Okay. Now, had you been suspicious of him before December 9th?

FREY: No.

GERAGOS: Okay. And December 9th had you, before December 9th did you talk to Shawn at all about Scott, about the fact that he is here again for a second date or third date?

FREY: I had seen her that Sunday, but we didn't talk about anything, or about anything specific.

GERAGOS: Where did you see her on, you are talking Sunday the 8th?

FREY: Yes.

GERAGOS: The day before he comes to you and tells you that his wife is lost, right?

FREY: Right.

GERAGOS: Okay. And she doesn't say to you that she's had a conversation with anybody, with this guy that was going to go get hired?

FREY: No, she didn't.

GERAGOS: Doesn't confide with you in the least?

FREY: No.

GERAGOS: If I understand correct, the first time you said that she confided in you was on 11th?

FREY: The 13th.

GERAGOS: The 13th. She tells you, look, I knew about it back on the 6th. And he told me don't say anything. So I didn't do it?

FREY: Correct.

GERAGOS: Did you get angry with her at all?

FREY: I was upset about the situation, that she had talked to him about it. And so I was upset, yes.

GERAGOS: Okay. Were you angry with her for the fact that she hadn't mentioned it to you?

FREY: The way she explained it to me I understood where she was at. I think she was really more upset at that point. Probably more upset at that point.

GERAGOS: Did she tell you that at that point, I guess we're fast forwarding to the 13th. Your testimony is the first time you talked to her about this is the 13th of December.

FREY: Correct.

GERAGOS: Does she tell you that she's gone and gone on line and hired an, or at least signed up for a Marriages-Dot-Com internet service of some kind to search for marriage certificates?

FREY: She said she mentioned that she was doing something on line, or that she was going to an, intent to do something of that sort. But she didn't say whether she went through with it or not.

GERAGOS: Okay. Did you ask her to tell you if she got any results? You are having this discussion. You are upset, obviously, right? I mean you are upset with her. You are upset with him. Here is somebody that, I assume at that point you have got some emotional investment in Scott; is that right? Is that correct?

FREY: You just

GERAGOS: I'm going to have you I'll break it down.

JUDGE: Got to say, that's

GERAGOS: At that point, on the 13th, you have got feelings for Scott; is that right?

FREY: Yes.

GERAGOS: Strong feelings?

FREY: I had feelings toward

GERAGOS: Obviously you gave him, at one point earlier in the month, you gave him a key to the apartment and told him to go pick up, that he could pick your kid. So I would assume you don't do that with just anybody.

FREY: No.

GERAGOS: Okay. So obviously you had some very strong affection for him at that point, correct?

FREY: Yes.

GERAGOS: Okay. And I would assume that when you are talking to your best friend Shawn Sibley, when you find out that she knew something that you didn't, and that she didn't tell you, that that upset you to some degree; isn't that a fair statement?

FREY: Yes.

GERAGOS: Okay. And when that upset you, and she, I assume, during that same conversation, had you, she tells you about this, whatever it is, Marriages-Dot-Com internet service, right?

FREY: I don't recall her saying Marriage-Dot-Com. I know she was saying that she was looking into some type of investigation, but I don't recall it, exactly what it was.

GERAGOS: Did she tell you that she had hired a private investigator?

FREY: The way I took it, that it was something she was going to do, but that she hadn't. So I, at that point I didn't know.

GERAGOS: Okay. When you say that it was something she was going to do, your understanding was she was going to hire a

private investigator. Wasn't that what she told you?

FREY: That was her mindset, yes.

GERAGOS: Okay. And when she is talking to you about it, you didn't think she was going to an internet service, or Marriages-Dot-Com. What she had told you was, I'm going to get to the bottom of this. I'm going to hire an investigator. Isn't that what she told you?

FREY: In those words?

GERAGOS: Well, is that the gist of what she told you?

FREY: She said that because she was the one that set me up, that if anything were to happen to me, she would feel responsible. So she was going to do what you mentioned, or, again, I don't recall how she worded it. That she was going to go as far as to using some type of service to find out about Scott Peterson.

GERAGOS: Now, at that point did you, you were friendly with a gentleman by the name of Richard Byrd, correct? Who is an acquaintance of, friend of yours?

FREY: Yes.

GERAGOS: He's a homicide detective in Fresno?

FREY: He wasn't at the time.

GERAGOS: What was he at the time?

FREY: I don't know his exact title. He's a police, a police officer. He would be in street clothes, so I don't know exactly what that title is, and –

GERAGOS: He would be in street clothes back then, in 2002?

FREY: Yes. But he wasn't a homicide detective at that time.

GERAGOS: He was not a homicide detective. He was some kind of an undercover, or a detective; is that your understanding?

FREY: Yes. And at times he would do different events where he was in uniform.

GERAGOS: Okay. That's when he was working special events stuff?

FREY: Yes.

GERAGOS: Okay. His roommate is a gentleman by the name of David Perez?

FREY: Yes.

GERAGOS: Also a law enforcement person?

FREY: Yes.

GERAGOS: Out of Sacramento?

FREY: Yes.

GERAGOS: You talked frequently to both of these guys during the month of December; isn't that correct?

FREY: No.

GERAGOS: You did not?

FREY: I spoke frequently with Richard Byrd, but not David Perez. Only on one occasion.

GERAGOS: Okay. Is it a fair statement, I'm not going to hand you all the phone records unless you want to go through them. If I told you that I had, looked to me like there were in excess of 50 to 75 calls from the time that you, in December and January, between you and Richard Byrd, would that be a fair estimate of how often you were talking to him?

FREY: You said without looking. I wouldn't know unless I saw a phone record.

GERAGOS: Okay. I have got a, what I believe are, does this look like these are your phone records? Take a look through there.

FREY: Printed differently. But, yes.

GERAGOS: I'm sorry?

FREY: It's printed different than the copies I see. But, as far as the layout. But I think that's just because they are copied.

GERAGOS: Then I'll ask you, do you see a phone number on there?

FREY: Un-hun.

GERAGOS: I assume that's your phone number, or was your phone number at the time?

FREY: Yes.

GERAGOS: Okay. You take a look at, I have done a spreadsheet here.

FREY: Okay.

GERAGOS: Can you take a look and tell me if it looks or appears accurate, that the spreadsheet corresponds to the calls that you made to Richard Byrd between November and February?

FREY: I think, I believe some of these were attempts, but not actual phone calls or connections when I actually spoke to him.

GERAGOS: I think you are probably right. I mean it looks like, to me, like, depending on how long the duration is, you could probably guess, if it's one minute, you probably didn't talk to him. If it's fourteen or 29 minutes, or 58 minutes, for instance, does that, the day you saw Shawn Sibley, the day before Scott came to your house on December 9th, you had a 58 minute phone call with Richard Byrd.

FREY: That is what it shows, yes.

GERAGOS: Is that correct? Is that, when you say that's what it shows; is that correct? That you talked, did you talk there about an hour with Richard Byrd that evening?

FREY: I don't recall content. But, yes.

GERAGOS: It looks to me like on December 8th you spoke to Richard in the morning at 10:50, for four minutes. Then looks like at 6:21 you spoke for one minute. That's probably leaving a message, correct?

FREY: I would say yeah.

GERAGOS: Okay. What time did you see Shawn Sibley that day?

FREY: I saw her in the afternoon time.

GERAGOS: So some time before that 6:21 call to Richard Byrd?

FREY: Uh-hun.

GERAGOS: That's yes?

FREY: Yes.

GERAGOS: And then looks like you finally got hold of Richard Byrd at 7:36?

FREY: Yes.

GERAGOS: You had a 14 minute conversation with him. Then at 8:55?

FREY: Yes.

GERAGOS: You have a close to an hour conversation with him?

FREY: Yes.

GERAGOS: Did you discuss Scott Peterson with him, on that conversation?

FREY: Probably.

GERAGOS: Okay. Did you ever tell him that he, tell him that you had any issues, or issues of, I think you called it issues of trust?

FREY: No, I don't believe so, no.

GERAGOS: Like to mark the what I have entitled Amber Frey's phone calls to Richard Byrd, which is a three –

JUDGE: Next in order.

GERAGOS: Three page document. Defendant's next in order.

JUDGE: That's D5N, like in Nancy.

GERAGOS: Now, the phone calls, I'll trade the one I gave you for the one that the clerk just marked, if I could.

FREY: Okay.

GERAGOS: The phone calls that you make to Richard Byrd, at any point did you tell him that you had suspicions about Scott Peterson?

FREY: You say at any point?

GERAGOS: Yes.

FREY: Before the 8th, or after?

GERAGOS: After the 8th? If I understand correct, your testimony is before the 8th you never told him.

FREY: Correct.

GERAGOS: Okay. After the 8th?

FREY: Yes.

GERAGOS: On December 21st, I'm pointing to D5N, did you have another phone call with him, 57 minute phone call?

FREY: Yes.

GERAGOS: Did you talk to him about Scott Peterson on that call?

FREY: Most likely.

GERAGOS: Did you tell him that you had your suspicions about Scott?

FREY: I believe Richard first brought up suspicions to me prior to me even saying anything to him.

GERAGOS: Do you remember when that was?

FREY: Probably within that week time frame.

GERAGOS:. Some time around the 21st? When you say that week time frame, what we were last talking about was the phone call on the 21st?

FREY: Un-hun.

GERAGOS: Once again almost an hour, 57 minutes, right?

FREY: Yes.

GERAGOS: That's at 9:15 at night, correct?

FREY: Yes.

GERAGOS: Now, I assume by that time you had gone through what Mr. Harris had led you through this date on the 11th and on the 15th?

FREY: 14th.

GERAGOS: 14th? And that's the one, this formal date?

FREY: Yes.

GERAGOS: Is it a fair statement that virtually every time that you had gone out with Scott Peterson, or you had, he had come over, that you guys had something to drink, alcoholic in nature?

FREY: No, I wouldn't say that's a fair statement.

GERAGOS: I'm going to show you this picture, I believe, on, while it's warming up. Is this something that you recognize?

FREY: Yes.

GERAGOS: Okay. What is that?

FREY: Scott Peterson blinking before a picture.

GERAGOS: Does he look to you to be like he is about pretty stone-cold sober right there?

FREY: No. He looks like he's ready to blink.

GERAGOS: Ready to blink.

JUDGE: Mr. Geragos, for the record, what is the number of that photograph?

GERAGOS: 193E, Judge.

FREY: No, I don't believe at that time we had opened anything up at that time.

GERAGOS: You hadn't opened anything up in terms of alcohol at that point?

FREY: Correct.

GERAGOS: Okay. Does the 193D, is this the same picture, just the one of these double pictures?

FREY: Yes.

GERAGOS: Okay. And it's your testimony that that evening, did you eventually have something to drink with him?

FREY: Yes.

GERAGOS:. Okay. How much would you say you guys had to drink that evening?

FREY: I think we didn't drink the same amount on any occasion.

GERAGOS: He drank a lot more than you, didn't he?

FREY: I would say so, yes.

GERAGOS: And you were, fair to say that when you guys would go drinking, you would catch a buzz, right?

FREY: When we would drink?

GERAGOS: Yes.

FREY: I recall two occasions, yes.

GERAGOS: Now, well, two out of four?

FREY: I believe it's more than four. But –

GERAGOS: Well, we had know the 20th. December 2nd, stays over to the third. Third stays over to the fourth. You guys didn't go out other than to Squaw's Leap, right, on that, on the second?

FREY: And to the Christmas tree.

GERAGOS: To get a Christmas tree. Who paid for the Christmas tree?

FREY: I did.

GERAGOS: And then you, the next time you went out was the 11th or the 13th. Which was it?

FREY: The 11th.

GERAGOS: Okay. And then go to the party together on the 13th?

FREY: Yes.

GERAGOS: Is that right?

FREY: No. 14th, not the 13th.

GERAGOS: On the 14th, that's this one, the –

FREY: Yes.

GERAGOS: Now, the picture on the, is this the picture, right? That's the party?

FREY: Yes.

GERAGOS: Okay. And on that, in that picture, appears everybody is drinking there as well; is that correct?

FREY: Yes.

GERAGOS: And I assume Scott was drinking, right?

FREY: I think he had a couple, or few beers.

GERAGOS: Okay. And didn't your friends and you get interviewed about that particular party, and didn't you say at least that he was drinking gin, and tequila, and as well?

FREY: No.

GERAGOS: Never told that either to Detective Buehler or Detective Brocchini?

FREY: No, I never indicated that.

GERAGOS: Now, when was the first time that detective Byrd

FREY: I don't recall the exact date. It was within, it was December 20th, in that timeframe. So it could have been the 21st is when we discussed.

GERAGOS: Did he tell you what he was going to do in order to, when you say in that timeframe we got this call lasts almost an hour. Three minutes shy of an hour on the 21st. Is that your best recollection, that's the day that you had, he had expressed some concerns to you?

FREY: Yes.

GERAGOS: Does he know Shawn Sibley?

FREY: They have met.

GERAGOS: Okay. Do they talk?

FREY: No.

GERAGOS: Now, when you expresses those concerns to you, what does he tell you he's going to do?

FREY: He didn't say. He didn't say he was going to do anything. He asked, how did he put it? "So when do you

want me to check this guy out for you?" Basically.

GERAGOS: What did you tell him?

FREY: He was more, I guess, persistent in feeling that there was something not right about things that had, that Scott had told me. The timeframe was just kind of somewhat waiting with his roommate, when he was going to be in town. That's when that was. It wasn't a specific date.

GERAGOS: Was his roommate going to do something in particular?

FREY: Just look up on his, on the internet on his computer.

GERAGOS: Was that internet, was that, isn't his roommate some kind of a law enforcement person?

FREY: Yes.

GERAGOS: You know he works in Sacramento, correct?

FREY: Yes.

GERAGOS: And wasn't his roommate, he was waiting for his roommate so his roommate could access a law enforcement computer; isn't that what he told you?

FREY: No.

GERAGOS: He didn't need his roommate to get on the internet, did he?

FREY: No.

GERAGOS: Okay. I mean anybody can get on the internet. You don't have to be a law enforcement type, right?

FREY: Right.

GERAGOS: So he told you he wanted his roommate to come back. He wanted his roommate to do it, correct?

FREY: Because that was his field. But not that he was using a computer that wasn't in his home.

GERAGOS: What do understand his roommate – this is David Perez, right?

FREY: Correct.

GERAGOS: What do you understand his roommate, his employer, who do you understand that to be?

FREY: Just that he was an investigator in Sacramento. I didn't know very much more extensive than that.

GERAGOS: Did he tell you for the Department of Justice?

FREY: I don't recall.

GERAGOS: Do you remember what type of an investigator he was?

FREY: Huh-uh, no.

GERAGOS: Okay. Now, at that point, you, on the 21st, you had not seen Scott for six, seven days?

FREY: Since the 15th.

GERAGOS: Okay. Then the 15th was the last time that you saw Scott, was that correct?

FREY: Yes.

GERAGOS: Okay. And on the 16th, and 17th, and the 18th,19th, 20th, 21st, you exchanged phone calls, right? Those are, that's Byrd's list. I'll show you this one.

FREY: Oh.

GERAGOS: If that helps. Once again, calls in blue are by you. Calls in red are by him?

FREY: Are these including attempts to call, or containing actual conversation?

GERAGOS: Every call.

FREY: Okay. But that hasn't been clarified to me.

GERAGOS: I'm clarifying it to you. It's every call that are listed, either from your cell or from his cell. Is that fairly accurate in terms of the number of calls going back and forth?

FREY: Yes. But unfortunately it doesn't show actual contacts or conversations.

GERAGOS: That one does. I'll mark that for you.

FREY: Okay.

GERAGOS: That one is your phone record?

FREY: My phone records. It only shows outgoing calls, but not incoming.

GERAGOS: You have got those marked as well. I will mark this next in order. And I'll put that.

JUDGE: D5O.

GERAGOS: Now, the phone calls

JUDGE: Excuse me, Mr. Geragos. How are you going to identify that?

GERAGOS: Amber Frey phone record.

JUDGE: Okay. Just so I'm right, the other one is phone calls by Amber Frey to Officer Byrd, just for phone numbers.

GERAGOS: That's correct. This is the, D5N is a list of phone calls with duration times, number of calls, and subscriber. This is, D5O is a list of her phone calls. And specifically this document are the phone calls that are made back and forth in red by Scott, in blue by you. Do you understand that?

FREY: No, I understand that.

GERAGOS: Okay. Now, is it a fair statement that you didn't see Scott, or he told you, on the 15th when he left, where did he tell you he was going?

FREY: On the 15th he had business he was going to be doing in Arizona or New Mexico.

GERAGOS: Okay. And told you that he was not going to be able to break away; isn't that correct, but he wasn't, didn't expect to see him for quite a while?

FREY: Correct.

GERAGOS: And, in fact, based on that conversation that you had, nothing had really changed from the first conversation on the first date from November 20th in terms of his schedule, right?

FREY: Correct.

GERAGOS: Okay. So if I understand correct, he's telling you on November 20th, I'm going away, I'm going to be away during these specific time periods, and nothing about that changed in terms of the time periods, or where he was going to be up until the time of the 15th, right?

FREY: Correct.

GERAGOS: And then, at that point, there is how many, I know there is, that there is what looks like about five, four, two, eight, two, and two, phone calls. How many conversations do you think you had with him after the 15th in that next week?

FREY: From the 15th to what day?

GERAGOS: From the 15th to, say, the 24th.

FREY: Actual conversations?

GERAGOS: Actual conversation, where not just leaving a voicemail, not playing phone tag, where you actually talked to him.

FREY: I mean if I were to have to guess, and what I recall, maybe three conversations.

GERAGOS: Okay. You had, it looks like from the calendar, I'll show you again, that he did not, that he did not call you, at least from his cell phone, on the 20th, right?

FREY: Correct.

GERAGOS: He did not call you from his cell phone on the 21st, right?

FREY: Okay.

GERAGOS: The 22nd, the 23rd, or the 24th; is that right?

FREY: It doesn't show that he called. Is that

GERAGOS: Now, if I remember correctly from when you were testifying on your direct, you, at some point, there was a phone call that was made from Sacramento from a pay phone; is that right?

FREY: Yes.

GERAGOS: That was on, your best memory is the 23rd?

FREY: Yes.

GERAGOS: Okay. So as far as your memory, as you sit here today, and assuming that Investigator Jacobson's chart is right, and going back and forth from the, from your phone to Scott's phone, back?

FREY: Uh-huh.

GERAGOS: As far as your memory, Scott never called you from his cell phone on the 20th, 21st, 22nd, 23rd or 24th; but you do have a memory of him calling you from a pay phone in the 916 area code on the 23rd?

FREY: Yes.

GERAGOS: And do you remember what approximately what time that was?

FREY: I believe it was in the evening. I don't know exactly what time it was.

GERAGOS: Okay. Now, did you then make a call back?

FREY: Yes.

GERAGOS: Okay. You called back to that pay phone?

FREY: Yes.

GERAGOS: Okay. And you had a conversation?

FREY: No.

GERAGOS: Do you know why it would have taken you three to five minutes on that call to the pay phone?

FREY: I don't recall.

GERAGOS: Then after you made that call, did you then call the Sacramento Airport?

FREY: Yes, I did.

GERAGOS: Okay. Did you have him paged?

FREY: Yes.

GERAGOS: Okay. And did you tell them why you were having him paged?

FREY: I don't recall if I told them or not.

GERAGOS: Okay. And did you get a response?

FREY: No.

GERAGOS: Okay. That was in, and that's once again on the 23rd. So he calls you from the pay phone. It's a very short

phone call, right, when he calls you?

FREY: I believe, from what I remember it was, yeah.

GERAGOS: Less than five minutes?

FREY: Maybe a little more. But it wasn't a long call.

GERAGOS: Then you called back on that pay phone number, whatever, on your cell phone?

FREY: Un-hun.

GERAGOS: Is that yes?

FREY: Yes.

GERAGOS: And then you called the airport to have him paged?

FREY: Yes.

GERAGOS: You don't speak to him on, you don't talk to him again on the 23rd, on the 23rd?

FREY: I don't recall. There is some dates that I don't recall exactly.

GERAGOS: Well, other than that, and I don't mean to interrupt you, but I have got the calendar here.

FREY: Okay.

GERAGOS: There is no phone calls from him the 20th through the 24th, at least on the cell phone. Based upon your testimony so far, your only memory is one phone call from a the pay phone on the 23rd, correct?

FREY: Yes.

GERAGOS: Okay. And then on Christmas day you leave a couple of messages for him, right?

FREY: Yes.

GERAGOS: Okay. And does, do you talk to him? Do you have a conversation?

FREY: Yes.

GERAGOS: How long was that?

FREY: I don't recall the first conversation or talk. In the earlier part of the day in the evening. In the evening. If I look at the phone records I'll remember, but –

GERAGOS: I'll show you which is easier for you to look at, if that refreshes your memory better.

FREY: Only things, they only show the outgoing, not in coming. These don't show the time. So probably to look on here, 25th is what you are asking me?

GERAGOS: I'm asking you, at some point did you, you know somebody by the name of Doug Sibley, right?

FREY: Yes.

GERAGOS: Doug Sibley is Shawn Sibley's uncle?

FREY: Yes.

GERAGOS: Also a friend of yours?

FREY: Yes.

GERAGOS: At some point do you have, do you call him and complain about Scott not calling you?

FREY: No. I was at their home that evening.

GERAGOS: What evening?

FREY: Well, the 25th.

GERAGOS: Christmas Day?

FREY: Yes.

GERAGOS: Okay. And Christmas Day do you say something to Doug Sibley?

FREY: Yes.

GERAGOS: What did you tell him?

FREY: That I hadn't heard from Scott yet. That he was going to be calling me later. And he said that he wanted to call and talk with him. And so I dialed his number, and gave him the phone. And at that point he went in the other room. And he left a message with Scott.

GERAGOS: Okay. So you complained to him on Christmas. And in the evening you go over there to Christmas dinner?

FREY: Yes.

GERAGOS: Okay. That you hadn't heard from Scott yet, right?

FREY: Again, he had said he was going to call me again that evening, and he hadn't yet.

GERAGOS: Okay. And then it was your understanding that he leaves and calls Scott, and leaves a message saying, look, if you tell a young lady you are going to call to her, you should call her, something to that effect?

FREY: Yes.

GERAGOS: Then the next day, the 26th, Mr. Harris had asked you about a number of phone calls.

FREY: Uh-huh.

GERAGOS: You made what appears –- if I'm right here, you made one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen phone calls.

FREY: Yes.

GERAGOS: So you called Scott on the 26th fourteen times?

FREY: Again, attempts or actual contact?

GERAGOS: You actually dialed the number fourteen times?

FREY: Yes.

GERAGOS: Now, if I understood correct, Mr. Harris said that, or had asked you why you were calling him. And I think you said because you got a present; is that right?

FREY: Yes.

GERAGOS: Okay. Is this the present?

FREY: So.

GERAGOS: Something like this?

FREY: Yes.

GERAGOS: Okay. Could I mark this box and contents as defense next in order.

JUDGE: D5P. Box and contents. This is the Christmas present.

FREY: Yes.

GERAGOS: This is the item. I guess you were shown the receipt. This is what he sent you. You had opened it up and seen this?

FREY: Yes.

GERAGOS: And so that's why you called him fourteen times because of this?

FREY: Yes.

GERAGOS: Now, did you reach him at one point?

FREY: Yes.

GERAGOS: Okay. When you reached him, did you thank him for the present?

FREY: Yes.

GERAGOS: And was the present, specifically when was it delivered to you, do you know?

FREY: My neighbor, my landlord received the package and brought it over to me, and it was on the 26th.

GERAGOS: What time was that?

FREY: I don't recall the time. I don't recall the time.

GERAGOS: Now, on the 24th you were with Richard Byrd, correct.

FREY: Yes.

GERAGOS: On the 24th you guys went to some Christmas Eve gathering, correct?

FREY: I went to a dinner at a friend's home.

GERAGOS: Okay. And that dinner that you went to with him, did you discuss Scott and his suspicions at that dinner?

FREY: I didn't talk with Richard that evening. It was, there was a lot of other family members there and other children. So, to my recollection, we didn't really talk about any of the suspicions.

GERAGOS: Okay. Now at some point after the 26th, within two days, you have a friend named Denise?

FREY: Yes.

GERAGOS: And did you go to Denise's house to search the internet?

FREY: I went to her in-laws.

GERAGOS: And is that where you searched the internet with Denise?

FREY: Yes.

GERAGOS: And the two of you were looking for Scott Peterson?

FREY: Yes.

GERAGOS:. And that was on December 28th in the evening?

FREY: Yes.

GERAGOS: And did you end up finding anything in regards to Scott Peterson on the internet on December 28th?

FREY: No.

GERAGOS: So you what did you do, a Google search for Scott Peterson on the 28th, and just came back with nothing?

FREY: There was, I don't know what Google, or what search engine that she used. There was numerous amounts of Scott Lee Petersons. We were looking in the Sacramento area, because that's where I was told he lived.

GERAGOS: Then the next day, on the 29th, you get a call, if I understand correctly, you get a call from Richard Byrd

out of the blue? You are at a party somewhere?

FREY: On the 29th I was over by his residence. And I had called, I had called and left a message. And before I was leaving the store that was just down the street from his home, he called me back and said he was home with his roommate.

GERAGOS: Okay. Now, so I understand correctly, on the 28th when you and Denise do this search, you go on the internet, you can't find anything. You get, there is too many Scott Petersons. Nothing hits, right?

FREY: Nothing hits.

GERAGOS: So you go on your way on the 28th. Nothing else happens. On the 29th, you are somewhere at a store near whether Richard Byrd lives?

FREY: Yes.

GERAGOS: Okay.

FREY: Okay.

GERAGOS: Richard Byrd happens to call you when you are at the store?

HARRIS: Objection. Misstates the testimony.

JUDGE: She said

GERAGOS: You called him, and you returned the call?

FREY: Yes.

GERAGOS: You weren't at a party?

FREY: No.

GERAGOS: You weren't up at some somebody's party somewhere where he called and said, I don't know if you want to hear this right now, spoil your evening, right?

FREY: No. I just, it was an, I believe that was Sunday. I just left church. And I went down to a Rite-Aid. And it was down the street from his home. I called, because I was close by his home.

GERAGOS: And then?

FREY: And he called me back.

GERAGOS: Okay. And he told you what?

FREY: Come over. He was home with his roommate.

GERAGOS: So he didn't tell you over the phone?

FREY: Tell me what?

GERAGOS: Did he tell you on the 29th that I think Scott Peterson is somehow related to Laci Peterson?

FREY: Not at that point. This was earlier in the day when this is taking place.

GERAGOS: What time was this?

FREY: In the afternoon.

GERAGOS: Okay. Now, and that's on the 29th of December?

FREY: Yes.

GERAGOS: Okay. And so his roommate David was home?

FREY: Yes.

GERAGOS: And when you go over, Dave is there?

FREY: Yes.

GERAGOS: And what do you tell them? Do you tell them that you have got these suspicions? Or does Byrd tell him that he's got this suspicion? How does it transpire?

FREY: Basically to that effect. He said tell me about, tell me about him. So I gave him information that I knew about him, as far as his name, his age, birth date, type of vehicle, that he was in the Rotary Club. He worked for TradeCorp. And said that he lived in Sacramento. That I knew he also went to school in San Luis Obispo. These were things that he took down in a notebook.

GERAGOS: Okay. Now, if I understand correctly on the 27th, you and Scott had talked, in fact, looks like there were four phone calls by you, and then three calls right in a row from him; is that right?

FREY: Yes.

GERAGOS: And on the 28th you had talked, you left two messages. He called you back; is that correct?

FREY: That's what it appears, yes.

GERAGOS: On the, on the 29th, 3:00 o'clock, 3:09, 3:10, you made two phone calls, right?

FREY: Yes.

GERAGOS: 6:10 he called you back. Looks like you must have got cut off or something. You called back twice, right?

FREY: Yes.

GERAGOS: Okay. Now, when you are doing that, when you are calling him on those days, on the 29th, are you telling Scott that you have got some suspicions, or anything about where he is?

FREY: On one of those calls, whether it was on the 29th I don't recall, yes, I did.

GERAGOS: Okay. And at that point, is that before or after you had met with Byrd and Perez?

FREY: Before.

GERAGOS: What time did you meet with Byrd and Perez?

FREY: It was about, it was in the afternoon time.

GERAGOS: Okay. Well, it first looks like you had a phone conversation with Scott at about 6:20; is that right?

FREY: He had called, yes.

GERAGOS: Okay. And the specific time when you actually got a call saying, questioning if Scott Peterson is related to Laci Peterson, was that when you were at Byrd's house?

FREY: No.

GERAGOS: Was that when you were at a party somewhere?

FREY: Yes.

GERAGOS: Who were you with at that party?

FREY: Shawn Sibley.

GERAGOS: Okay. Now, when you were, Shawn, did they tell you specifically, didn't you, didn't you use David Perez because you knew him to be on a task force in Sacramento?

FREY: No.

GERAGOS: Didn't you specifically say that he works in another task force in Sacramento that has a larger database?

FREY: Did I say that?

GERAGOS: Un-hun. I'm going to show you what's a transcript of your interview with Detective Buehler.

FREY: Okay.

GERAGOS: Would you read that to yourself?

JUDGE: Just to yourself.

GERAGOS: Read to it yourself.

JUDGE: See if that refreshes your recollection.

FREY: Okay. Continue.

GERAGOS: That's the portion I need you to read.

FREY: Just that portion. Okay.

GERAGOS: Isn't it the case that you specifically went over to Richard Byrd's, and because his friend David Perez works in a task force in Sacramento and had a larger database, isn't that what you told the police on the 30th?

HARRIS: Objection. Vague and compound. There is two parts to that. Whether that's what she told him, or if that's why they went to the house.

JUDGE: All right. I think the question was, is that what she told them.

GERAGOS: Is that what you told them on the 30th, is that what you told Modesto PD on the 30th, that you had gone over to your friend Richard Byrd, who is a police officer, and his friend David Perez works in another Task Force in Sacramento and has a larger database, and you started checking things, came up with a lot of stuff.

FREY: That's what I was told about David Perez from Richard Byrd.

JUDGE: I think the question was, that's what you told the Modesto Police Department?

FREY: If that's what in these records.

GERAGOS: This isn't a report. This is transcripts of what you said. I could play the tape. This is

FREY: Then yes.

GERAGOS: Is this a transcript of what you said?

FREY: Yes.

GERAGOS: Now, specifically, didn't the, didn't you say, tell him on that day, I can't find TradeCorp anywhere. And you said, I may be missing something. Maybe I'm missing something. Is that correct?

FREY: Yes.

GERAGOS: Okay. Didn't you tell them that you found several Scott Petersons in San Luis Obispo and Sacramento?

FREY: Yes.

GERAGOS: And those were the only ones you looked at. You couldn't find anything really, so you went home. And then after church you went over to Richard's house, right?

FREY: Yes.

GERAGOS: You started having him use his Sacramento Task Force database, correct?

FREY: No.

GERAGOS: That's what you told Modesto PD, correct?

FREY: That's what his profession or his line of work was. But we used a simple computer just in his home. So it wasn't a database.

GERAGOS: Where did you come up with, I think I'm quoting you directly here. I went over to my friend's, Richard Byrd, which is the police officer. And his friend David Perez works in another Task Force in Sacramento, has a larger database. He started checking things, came up with a lot of stuff.

FREY: Yes.

GERAGOS: Is that true?

FREY: What's true, or what I'm saying is, he wasn't in Sacramento. He was at his home. So he wasn't using the database from Sacramento or from his, whatever.

JUDGE: His job?

FREY: From his job is what I'm saying.

GERAGOS: Do you know if, wasn't it your understanding that what he was doing was checking into the Department of Justice database from his home computer?

FREY: No, no. That's not what

GERAGOS: Where did you come up with this larger database?

FREY: Because that's what I was told, that that was his job. But that's not what he was pulling from him.

He was pulling from a regular internet when I was there. What he did after I left, I don't know.

GERAGOS: Where did you come up with, I don't want to belabor, where did you come up with what you told the police?

HARRIS: Objection. Asked and answered.

JUDGE: I think so. But I don't think she's really answered it yet.

GERAGOS: She has not.

FREY: I don't know how to answer it, honestly, because

JUDGE: Okay. You don't know where he came up with the larger database.

GERAGOS: That's what I'm asking you.

FREY: I understand what you are saying. That's what I said .But what I'm saying is what he pulled it from was just his home.

GERAGOS: But you don't know that, because you weren't there. Isn't that what you are saying now?

FREY: Now, I wasn't there when he actually came up with anything, because I left their home.

GERAGOS: You told the police at the time

FREY: I understand.

GERAGOS: you went over there.

FREY: I understand that.

GERAGOS: Because he had actual, the access to this larger database, right?

FREY: Yes. But I don't know if he actually used it from there, or not. I can't speak for him. You would have to ask him.

GERAGOS: Okay. Now, and that's not what I'm after. I'm after what you were being told, what you said.

FREY: Okay.

GERAGOS: Do you understand that?

FREY: Okay.

GERAGOS: Okay. Now, specifically, on that, this be a good time to take a break?

JUDGE: All right. Take a recess until

GERAGOS: Until what?

JUDGE: Until 3:00 o'clock. We'll take the afternoon recess. Come back at 3:00 o'clock and pick up.

(recess>

GERAGOS: Now, the 29th, when you get this phone call, that's from Richard Byrd, correct?

FREY: Yes.

GERAGOS: And he tells you something to the effect that Scott Peterson is related to this woman who's missing, right?

FREY: Yes.

GERAGOS: And does he tell you who to call?

FREY: Yes.

GERAGOS: Tells you to call Al Brocchini?

FREY: He told me to call, he gave me a number. It was the Modesto hot line number. I don't recall exactly what it was called, but,

GERAGOS: Does he tell you a specific name to ask for?

FREY: I don't, I don't remember if that was given or not at that time.

GERAGOS: Okay. You do, you end up calling immediately, right?

FREY: Yes.

GERAGOS: Okay. You didn't call Scott?

FREY: No.

GERAGOS: Okay. At that point, prior to getting that, I assume you started to get suspicious at a certain point? You said around, what, the 21st?

JUDGE: 28th.

GERAGOS: 21st of December?

JUDGE: I think you she said the 28th. Was it the 28th you said you were getting suspicious? Was it sooner than that?

FREY: It was before that.

JUDGE: Okay. I'm sorry. Then I had the wrong date. What date was it?

FREY: I don't recall specifically the date. It was in that time frame of the week.

JUDGE: That week.

GERAGOS: We're talking, the time frame when had you that one call from Byrd, that lasted about an hour?

FREY: Correct. As far as talking about suspicions, yes.

GERAGOS: Right. So that happened prior to the 24th, correct?

FREY: Yes. My first indication of where I felt suspicious was when he gave me a P.O. Box number of Modesto, is when I, it really clicked for me that there was suspicions, even prior to Byrd seeing, giving his own suspicions.

GERAGOS: He got the P.O. Box on the 23rd, and that phone call of Byrd is on the 21st. So could you be collapsing the two of those? Because the

FREY: No, he, Richard, Richard Byrd had suspicions prior to even me having them. That just kind of set it in a little more to where it didn't sound right to me.

GERAGOS: Okay. So then you get the, you get the information. Did you ever confront or ask Scott about the P.O. Box?

FREY: I told him I didn't understand, and he explained it to me, and I still wasn't very clear about how that, how it was supposed to work.

GERAGOS: Okay. So then you, you get this call from Byrd. Byrd gives you a hot line number. You call the hot line, right?

FREY: Yes.

GERAGOS: Okay. And then sometime the next day you get a visit from two detectives, Buehler and Brocchini?

FREY: Correct.

GERAGOS: Okay. Where were you when they came?

FREY: My home in Madera.

GERAGOS: And Shawn Sibley was at your house?

FREY: Yes.

GERAGOS: Now, I assume Shawn Sibley was with you the night before when you got the phone call?

FREY: Yes.

GERAGOS: And so you discussed it immediately with her? What Richard had told you, Richard Byrd had told you?

FREY: After, no, not after Richard. After I got off the phone with the Modesto dispatcher, and after my initial shock, I was able to get out the gist of it, yes.

GERAGOS: So you, but wasn't Shawn with you when you did that? When you made the phone call?

FREY: She was in another room. I was in a room by myself when I made the call.

GERAGOS: Okay. When you were in the room by yourself, did you talk to him about, did you talk to the dispatcher and give them the information that you had?

FREY: Yes.

GERAGOS: And then did they give you another number to call back?

FREY: No.

GERAGOS: And you didn't hear anything, so you just called again in the morning?

FREY: Yes.

GERAGOS: And you called from a different house in the morning, right?

FREY: I called from

GERAGOS: The Sibleys'?

FREY: The Sibleys' home. I used their line.

GERAGOS: Right. That's why it doesn't show up on your phone?

FREY: Yes.

GERAGOS: So then you call that next morning. They show up and Shawn's at your house and Brocchini and Buehler show up; is that right?

FREY: Yes.

GERAGOS: Now, when Brocchini and Buehler show up, they're telling you, or they want to know what's going on and you want to give them the information, correct? You give them all kinds of information

FREY: Yes.

GERAGOS: in an interview, right?

FREY: Yes.

GERAGOS: And they interview Shawn Sibley in front of you, right? With you present?

FREY: Yes.

JUDGE: Can I just, this is on December 30th now, correct?

GERAGOS: This is on the 30th at approximately 11:00 o'clock in the morning, correct?

JUDGE: Okay.

GERAGOS: Is that right?

FREY: Yes.

GERAGOS: Now, when they come there, you recount a lot of the stuff that we've been talking about today, correct?

FREY: Yes.

GERAGOS: Do they tell you, they tell you certain things about how they believe he's a big suspect in the case, correct?

FREY: They said at that point yes, and that there was, that they were looking to eliminate as well.

GERAGOS: Well, they told you that they weren't releasing the fact that he was a big suspect? Isn't that what they said?

FREY: Without looking at their documents or what they had written down –

GERAGOS:. Uh-huh.

FREY: I, I'm, I'm sorry, can you ask me –

GERAGOS: Well, they told you when they came there –

FREY: Uh-huh.

GERAGOS: various, you told them your story; basically what you testified to here, correct?

FREY: Correct, yes.

GERAGOS: Okay. And they talked to you about the fact that they asked for, for instance, receipts or pictures, and you gave them the condoms; you had that, right?

FREY: Yes.

GERAGOS: You had condom wrappers or something like that you handed them; is that right?

FREY: Yes.

GERAGOS: You handed them the corks from the wine that you had saved, right?

FREY: Yes.

GERAGOS: You had handed them, did you hand them a soil sample of some kind from Ayiana's shoes?

FREY: I don't believe it was that first day, but, yes, they did take some sand from her shoes.

GERAGOS: Okay. And you told them about how he had cooked for you, or you had had him pick Ayiana up, correct?

FREY: Correct.

GERAGOS: Okay. They would make, Brocchini and Buehler would make cracks like You want to marry this guy, don't you, he's attractive to me, correct?

FREY: I believe they, they had made some remarks like that, yes.

GERAGOS: Okay. Because you're describing what he had done –

FREY: Right.

GERAGOS: and he's a nice guy?

FREY: Uh-huh.

GERAGOS: And they're saying Wow, you want to marry this guy, don't you, Brocchini says; and Buehler says Oh, he sounds attractive to me, right?

FREY: You stated it as for me that I wanted to marry this guy in the –

GERAGOS: I'll show you a page.

FREY: Yeah.

GERAGOS: This is the transcript once again.

FREY: Okay.

GERAGOS: Brocchini says: You want to marry this guy, don't you, Jon. And Buehler says: Oh, he sounds attractive to me.

FREY: That sounds

GERAGOS: Is that correct?

FREY: That sounds about right. To each other, yeah.

GERAGOS: Okay. And as they're joking about this, they're telling you that you've made their overtime worthwhile, correct?

FREY: They're telling me this?

GERAGOS: Yes.

FREY: Or this is in their statement?

GERAGOS: Yeah. They say: Thank you for coming forward, you've made all this overtime worthwhile?

FREY: I don't recall if they made that statement or not.

GERAGOS: Okay. Now, when you told them about all of this, one of the suggestions you had, you wanted to cooperate in any way to try to see if this was the, if he had anything to do with this, correct?

FREY: Yes.

GERAGOS: Okay. One of the, well, let me show you on page 33. Buehler tells you: Uh-huh, he's a big suspect? Isn't that what he tells you?

FREY: That's what's in his report.

GERAGOS: And Brocchini says: Well, the paper's not saying that. And Buehler says: That's true, we're not telling them that; right? Does that refresh your recollection as to them telling you that at that point, on the 30th, Scott's a big suspect, they're not letting anybody else know of that? Isn't that what they tell you? You have to –

FREY: That sounds familiar, yes.

GERAGOS: Okay. When you say it sounds familiar, that's what, they were in there; they were tape recording this, right?

FREY: Yes.

GERAGOS: Okay. When they tape recorded this, that was with your permission, correct?

FREY: My statement and Shawn's, yes.

GERAGOS: Now, you had told them about the fact that you had had sex with Scott on at least three occasions, right? Out of the four or five times, that you had had sex with him on at least three occasions, correct?

FREY: Yes.

GERAGOS: And one of the things that you told them is that on one of these days that you had had unprotected sex, meaning he didn't use a condom, right?

FREY: Yes.

GERAGOS: And so at that point did you tell them that, that you could basically use a ruse that you were pregnant and that that could be something that the officers could use? You could tell Scott, Look, you know, I haven't gotten my period, I'm pregnant, and see if that would elicit some information?

FREY: I didn't use the word "ruse." But that was the concept, or along the lines, yes.

GERAGOS: Yeah. Buehler was the one who said So you're suggesting we could probably use that as a ruse, or something like that, and you said yes, or yeah?

FREY: Uh-huh, yes.

GERAGOS: And that you thought that you definitely, you definitely thought that, that you could convince him of the fact that you were pregnant; is that correct?

FREY: That it was a possibility.

GERAGOS: Okay. And your idea was that if you could convince him of the fact that you were pregnant, that maybe that would kind of draw him out in some way, correct?

FREY: At that point I was willing or open to any

GERAGOS: To any kind of a ruse that you could

FREY: Well, in assisting the police. If that would help in any way, that that was something that I would be willing

GERAGOS: Okay.

FREY: to do.

GERAGOS: And that was your idea, right?

FREY: Yes.

GERAGOS: Okay. Did you come up with any other ideas as to how you could get this information out of him?

FREY: No, I don't recall any other, no.

GERAGOS: Okay. Well, the, specifically when you, when you, they asked you if you would tape record calls, you told them you would have no problem with that, right?

FREY: I don't recall the exact content, but I said that that would be something that I would be willing to do.

GERAGOS: Okay. Now, and you already had saved this voice mail message from the 16th, right?

FREY: It was still on my phone message, yes.

GERAGOS: So you gave them that as well, correct?

FREY: Yes.

GERAGOS: Now, the, specifically you told them that you would be willing to, well, let me, let me take it back a little. When you find this out, are you angry, are you mad? What's your, what's your state of mind at that point?

FREY: When I

GERAGOS: On the 30th when they come in there?

FREY: My state of mind, I was, I was in shock for some time.

GERAGOS: Okay. Now, while you were in shock, they told you to play along with so that you could tape this in the interim? Is that what the cops told you to do?

FREY: Yes.

GERAGOS:. Okay. So the first tapes that we heard here that went on the 26th, actually, I'm sorry, the 30th, 31st, 1st, 2nd, 3rd and 4th, all of those, those are while you're still in this state of shock and you're playing along with them; is that correct?

FREY: You asked my initial state of, state of mind.

GERAGOS: State of mind.

FREY: So my initial state of mind was I was in shock. When I met with Detective Buehler and Brocchini, I would still say I had, you know, I was still very much shaken up about the whole ordeal of what I had learned and what was taking place.

GERAGOS: Okay. Now, when you, when you start making these taped phone calls

FREY: Uh-huh.

GERAGOS: at that point you didn't know whether, had you even considered the fact that there was going to be a wiretap issued at that point?

FREY: No.

GERAGOS: One of the goals that you had, though, was to not let Scott know that you were recording him, correct?

FREY: Correct.

GERAGOS: And they would give you, when you were recording him, prior to January 6th, you were recording him and you were just playing along, right?

FREY: Basically.

GERAGOS: And you knew in your own mind you had been given a lot of information at that point by the officers and you had started, and from your friends as well, correct?

FREY: What do you mean by a lot of information?

GERAGOS: Had you talked to Richard Byrd in the interim, after you talked to the officers?

FREY: Not a great deal, but, yes, we spoke.

GERAGOS: Okay. And after the officers came on the 30th

FREY: Uh-huh.

GERAGOS: of December, you ended up calling Richard Byrd, you talked to him, I guess, on the 30th at 2:04 in the morning; is that correct?

FREY: Yes. That's when I first learned that, he told me to

GERAGOS: Okay?

FREY: If that was the time. I know it was early morning.

GERAGOS: Okay. And you talked to him again on the 30th, the 31st and the 1st, correct?

FREY: I, I would need to see that, if that's what's in front of you.

GERAGOS: Sure. In fact, on the 1st, in fact, you had a 26 minute phone call with him?

FREY: Okay.

GERAGOS: Did you discuss, did you discuss your cooperation with the police at that point?

FREY: I don't recall our conversations.

GERAGOS: You don't recall what you said to Richard Byrd?

FREY: No, I don't.

GERAGOS: Okay. Do you recall if you told him that at some point they wanted you to go up and have a, that they called a confrontation on January 6th?

FREY: I'm sorry, your, was your question did I tell him about that?

GERAGOS: Yeah. Did you tell him you were going to go up there on January 6th?

FREY: No, it wasn't something that was planned.

GERAGOS: It was what?

FREY: It was, it wasn't something that was planned through the police department that I come up on that date.

GERAGOS: Well, you called them on the 6th, right?

FREY:. I called who?

GERAGOS: The police on the 6th, correct? On January 6th?

FREY: My recollection, they had contacted me and wanted me to come up there that day.

GERAGOS: Okay. And you said you would?

FREY: Yes.

GERAGOS: Okay. And when you said you would go up there, did they tell you why they wanted you there?

FREY: Not until I was there.

GERAGOS: Okay. When you got

JUDGE: When you say "up there," you're talking about Modesto?

GERAGOS: Right.

GERAGOS: When you, when you got there to Modesto, you, they asked you if you, if you would come in so that they could monitor the calls, correct?

FREY: I don't recall. It, is it documented?

GERAGOS: Yes.

FREY: Okay.

GERAGOS: Read the yellow to yourself.

FREY: And who is this from? Okay. Detective

GERAGOS: Tell me when you're done reading it to yourself.

FREY: Okay.

GERAGOS: Did you finish reading it to yourself?

FREY: Yes.

GERAGOS: Okay. Now, they asked you to come up there so they could monitor the calls, correct?

FREY: Yes.

GERAGOS: And what they wanted to do when they monitored the calls is they wanted to be able to give you constant supervision as to what was going on; is that correct?

FREY: Yes.

GERAGOS: And they also wanted to give you constant suggestions as to what you should ask, right?

FREY: Yes.

GERAGOS: And there was a, who was present during this, the first confrontation call that you made, in the room with you?

FREY: Detective Jon Buehler and Sharon

GERAGOS: Hagan?

FREY: Hagan.

GERAGOS: Okay. From the Department of Justice?

FREY: Yes.

GERAGOS: Okay. Now, she would sit there and she would tell you, kind of whisper in your ear or tell you things that you should say, correct?

FREY: I believe most of it was on paper.

GERAGOS: Post-its?

FREY: It was, just paper, legal paper.

GERAGOS: Okay. Did they sit there and tell you Okay, I want you to ask these questions or want you to ask those questions and kind of feed you the questions, so to speak?

FREY: Yes.

GERAGOS: So when we were listening, the jury was listening to these tapes on the 6th and the 7th and the 8th, is that what was going on during that three day period of time? The 6th, 7th

FREY: Yes.

GERAGOS: and the 8th? What I'm getting at is before the 6th, before you confronted him

FREY: Uh-huh.

GERAGOS: so to speak, you were doing these phone calls and you're just playing along, right?

FREY: There were at times suggested conversations that Detective Jon Buehler would relate to me.

GERAGOS: Okay. When you're saying what he would relate to you

FREY: Uh-huh.

GERAGOS: so he's giving you suggestions as to what to ask, correct?

FREY: Yes.

GERAGOS: Okay. But he's not sitting with you at the time, is he?

FREY: No.

GERAGOS: Specifically, specifically, the only time, or the first time you had people specifically sitting with you was when you went up to Modesto PD and you used this ruse about Saki saying, Saki is your girlfriend, saying that she had a message for you, correct?

FREY: She had actually done that in fact.

GERAGOS: So that was actually true?

FREY: Yes. Not in the time frame. It had been a couple days prior, I believe, but that scenario actually did happen.

GERAGOS: Yeah, but that's, that was you, you were still using that as a ruse

FREY: Correct.

GERAGOS: to try to get him to tell you about Laci, correct?

FREY: Yes.

GERAGOS: And then the idea was to try to get him to admit something, to admit some involvement, correct? That he had something to do with Laci's disappearance?

FREY: I don't think I quite agree with your statement.

GERAGOS: Well, didn't you, didn't you ask him repeatedly, I mean you were here for most of this 11 hours of tapes –

FREY: Yes.

GERAGOS: that we did, weren't you?

FREY: Yes.

GERAGOS: Okay. During most of those 11 hours of tapes, didn't you go through and repeatedly ask him if he was involved, suggest that he was involved, basically accuse him of being involved?

FREY: I questioned him many times in different, in different ways, yes.

GERAGOS: Okay. And starting on the 6th, wasn't that as a result of the prompting that you were getting from Miss Hagan, Buehler, and who else was present?

FREY: That was it.

GERAGOS: Okay. Wasn't that from Hagan and Buehler?

FREY: Yes.

GERAGOS: Okay. And they were telling you what to say and how to say it; is that correct? By writing it down on pieces of paper?

FREY: They would have suggestions in front of me, yes.

GERAGOS: Okay. Some of those tapes, you've reviewed the tapes, correct?

FREY: Yes.

GERAGOS: Okay. Only a portion of the tapes that you recorded were played here in court, correct?

FREY: Correct.

GERAGOS: Have you listened to all of the tapes and read all of the transcripts?

FREY: Yes.

GERAGOS: There's a number of places in the transcripts of the tapes that weren't played here where you can actually hear Sharon Hagan's voice; isn't that correct? You can hear her say something, and then –

FREY: I don't recall that distinctly, but...

GERAGOS: Okay. There's a, when I show you a transcript and then you hear the ringing first, when you hear conversation before any, the ringing goes through, that's because you're taping, correct?

FREY: Yes.

GERAGOS: And you only learned after the fact that the, there was a wiretap, correct?

FREY: A wiretap on Scott Peterson's phone?

GERAGOS: Right.

FREY: Correct.

GERAGOS: You didn't know at the time that you were making these calls that there was a wiretap, right?

FREY: Correct.

GERAGOS: Okay. At the time that you were making these calls, you were led to believe by the police that you were the one who was doing the tape recording

FREY: Yes.

GERAGOS: correct?

FREY: Yes.

GERAGOS: And you did not at any point, or when was the first time that you found out there was actually a wiretap? That they were actually wiretapping Scott Peterson's phones?

FREY: It was some time, I want to say even after there was an arrest.

GERAGOS: After his arrest?

FREY: I believe so. I don't, I really don't recall the time I first learned of it, but it was sometime after.

GERAGOS: Okay. Now, were you aware, is there a point, and I'll come back to it in a second, in this kind of time line, if you break it down, there's your recorded calls where you're taping them off of your phone, where you had that Radio Shack attachment. That takes place first from December 30th through January 5th, where you're just playing along, right? That particular block of calls, where, you know, you're pretending like Yes, you're in Europe, I don't know anything about Laci, right?

FREY: Yes.

GERAGOS: And then after January, or January 6th through 8th, you're actually in the Modesto Police Department recording the calls with them, with Sharon Hagan and Buehler there, right?

FREY: Yes.

GERAGOS: After January 8th, did they tell you that, that they didn't want you to make any more calls?

FREY: They discussed how I felt about what I was doing and whether I wanted to continue, or how I felt about that as far as how, how I was holding up emotionally. That's what I recall from that.

GERAGOS: Did they tell you that you were supposed to tell them if you made any other calls?

FREY: I always kept contact with Detective Buehler when the

GERAGOS: Did you ever hide the calls from Buehler?

FREY: No, I did not.

GERAGOS: You've reviewed the reports in connection with this case?

FREY: What reports?

GERAGOS: Have you reviewed the reports

FREY: No, I haven't.

GERAGOS: in connection with yours?

FREY: No.

GERAGOS: Take a look at this.

HARRIS: Is this something that's supposed to refresh the witness's mind?

GERAGOS: Yes. 1671 Bates stamp.

HARRIS: Is this supposedly a statement she's made or a report that she's written?

GERAGOS: It's a statement that she's made and a conversation that she had with Detective Buehler on the 12th and the 13th of January, as reflected in a report by Detective Buehler on 1671 Bates stamp.

GERAGOS: Did you read that?

FREY: Yeah, I'm reading it. I'm just looking back as far as time frames. I don't understand what your point is.

GERAGOS: Okay. I'll ask you. Did you have a conversation with Scott Peterson sometime on the 12th of January? Actually, we heard it here in court. There was a conversation on the 12th of January, correct?

FREY: Yes.

GERAGOS: Okay. Did you tell, did you tell the police about that conversation?

FREY: Yes.

GERAGOS: Did you tape it?

FREY: Yes.

GERAGOS: Did you give the tape to the police?

FREY: Yes.

GERAGOS: At any point did you have a conversation with Detective Buehler, at 5:00 p.m. on the 12th, in which you stated that you had received no other calls from Peterson?

FREY: At that time I don't believe I had.

GERAGOS: Did you say earlier that same morning, at approximately 8:00, there had been a two minute message that you had left on Scott Peterson's cell phone? You left him one on his cell on the 13th, in the morning?

FREY: I may have. I don't

GERAGOS: Okay. Did you, in having a conversation, also on the 14th

FREY: Uh-huh.

GERAGOS: the next day, you talked to Buehler every day, correct?

FREY: For the most part I did.

GERAGOS: Okay. And did you have a conversation with Buehler on the 14th?

FREY: I would have to look at my phone records to say for sure if I did or not.

GERAGOS: Okay. And do you know the, do you know if on the, you want to do that right now?

FREY: Sure. My phone records don't indicate my incoming calls. Who they're from.

GERAGOS: Right. But they do indicate if you call

FREY: Yes. They do.

GERAGOS: Does it look like, starting on the 13th, you had a phone call at 3:50, 2:54 to the Modesto PD?

FREY: Uh-huh.

GERAGOS: Does it look like you had a phone call on the 14th to the Modesto PD?

FREY: Okay. Where was the other one? Is this the one you're indicating?

GERAGOS: Right here. Call number 798.

FREY: Is that, I, I don't, that number doesn't stand out as much as

GERAGOS: How about the previous ones?

FREY: This one I know is Jon Buehler's.

GERAGOS: Okay.

FREY: But this one, I, I, I don't recognize those just looking at them.

GERAGOS: Is there any reason why you can think of why you would not have told Detective Buehler about phone calls on the 12th or the 13th with Scott Peterson?

FREY: No.

GERAGOS: Did they ever tell you, meaning Buehler or Brocchini, that you couldn't talk to him and not report that back to Modesto PD?

FREY: Can you say

GERAGOS: Did they tell you, tell you Look, it's very important to the investigation that when you talk to him you tell us?

FREY: Yes.

GERAGOS: Did you know at some point that they were writing reports that indicated that they believed you were not giving over information

HARRIS: Objection.

GERAGOS: not talking about tapes?

HARRIS: Objection. Hearsay and speculation.

GERAGOS: Goes to her state of mind.

JUDGE: I think so. Overruled.

GERAGOS: Did you know that they were writing reports indicating that you were not turning over, or you were having conversations and that they were not being reported by you?

FREY: No, I don't know what the reports indicated. You'd have to ask them.

GERAGOS: But did they ever have a discussion with you in which they said specifically that, that you and, that you wouldn't readily admit to any unrecorded or unreported conversations? Did you have a discussion with Buehler on the 16th, for instance

FREY: Uh-huh.

GERAGOS: in which he says he spoke with you on Thursday, the 16th

FREY: Uh-huh.

GERAGOS: and that you would not readily admit any unrecorded or unreported conversations with Peterson?

FREY: I don't understand. I still am trying to understand how that question's being asked.

GERAGOS: I'm showing you 1689.

FREY: Uh-huh.

GERAGOS: Read that to yourself.

FREY: Okay.

GERAGOS: See if that, see if that helps.

FREY: I, I'm sorry, I still don't, I don't understand how it's being

JUDGE: I think

GERAGOS: I'll re-ask it.

JUDGE: I think what he's driving at is whether or not did Detective Buehler confront you on the 16th and say Look, you haven't been telling us

FREY: No.

JUDGE: about all these phone calls you've been making?

FREY: No.

JUDGE: He never did that?

FREY: No.

JUDGE: Go ahead.

GERAGOS: Did he ever, did he ever tell you or confront you with the fact that after, the supervised, controlled, monitored calls ended with the Modesto PD on the 8th, right?

FREY: Yes.

GERAGOS: Okay. Did he ever confront you after the 8th and say Are you recording or having conversations that you're not reporting?

FREY: I reported all conversations and recorded all conversations. At that particular time they asked if I had any to hand over, and I said not yet.

GERAGOS: Well, what is that when you say "not yet," did you have calls to turn over that you, that were in the process of being, of something done to them?

FREY: No. They were just still, I still had a tape that had some conversation, but as far as turning over at that point...they were aware of calls. I just, I, I don't, I

GERAGOS: Well, I'm going to specifically ask you. You go there for the 6th through the 8th?

FREY: Yes.

GERAGOS: Okay. You now know that they didn't have a wiretap operating during that time period, right?

FREY: Right.

GERAGOS: Okay. You now know, because you discussed it with them, that after the 8th they had a wiretap?

FREY: No, I was not aware of that.

GERAGOS: I thought you said you were aware of it after the arrest, that you now know that they had a wiretap after the 8th?

FREY: But you're asking me if I knew that they had a wiretap on the 8th.

GERAGOS: No, I'm saying that you now know sometime after the 8th. Understand what I'm saying? You and I can agree that up until the 8th there was no wiretap, okay? Is that your understanding as you sit here today?

FREY: As I sit here today. But at no time did I ever know that they were being wire taped, or wiretaps on his phone. I was never made aware of that.

GERAGOS: Is, so the first time you're aware of wiretaps is today when I'm talking about it?

FREY: No. After, I don't recall the specific time, but I believe it was after Peterson had been arrested that I heard that, that that, those were things going on. I didn't know that previously.

GERAGOS: Okay.

FREY: But I don't recall the exact date.

GERAGOS: And that's what I'm saying. I thought I understood you to say that before, that the first time you became aware of wiretaps was after the arrest in May, right?

FREY: Yes.

GERAGOS: Okay. So what I'm asking you now is are you aware that the detectives believed that you were not reporting calls because they compared the wiretap information with what you were telling them? Did they ever confront you with that?

FREY: No, they did not.

GERAGOS: In preparing for your testimony, you prepared for the testimony, correct?

FREY: Is that including going over transcripts and the audiotapes?

GERAGOS: Right.

FREY: Yes.

GERAGOS: I would assume, because you were asked this question

FREY: Uh-huh.

GERAGOS: that you listened to the tapes, right?

FREY: Yes.

GERAGOS: Besides listening to the tapes, you read the transcripts, right?

FREY: Yes.

GERAGOS: To see if what was said on the tapes jived with what was on the transcripts?

FREY: Yes.

GERAGOS: I assume you met with detectives about what you were going to testify to, correct? Did you, did they discuss This is where we're going, this is the kind of subjects we're going to hit on, this is the testimony?

JUDGE: I think you said "detectives."

FREY: No.

GERAGOS: Well, the detectives or the DA. Did you talk to, who did you prepare with before you testified?

FREY: I met with detective, or with Harris. And as far as the detectives, no, I don't know what's in their, in their testimonies or, or

GERAGOS: In their reports?

FREY: Notebooks or reports.

GERAGOS: Okay.

FREY: I don't know what that information is.

GERAGOS: Okay. So did you review any reports in connection with you? Did they hand you, you know, I've been showing you some of these reports.

FREY: Yeah.

GERAGOS: Is today the first time you've seen some of these reports that have to do with what you supposedly said or what you supposedly did?

FREY: The transcripts that I, or any type of documents that I went through, aside from the transcripts or my phone records, which again, only show my outgoing, not incoming; went over my testimony. As far as the one you showed me, I don't know if it was exact, if it was a final draft that I had reviewed, because this was several different ones.

GERAGOS: But wait, let me just break that down

FREY: Okay.

GERAGOS: so I understand it. We've I think established you listened to the tapes?

FREY: Yes.

GERAGOS: You reviewed the transcripts, right?

FREY: Yes.

GERAGOS: Okay. Now, separate and apart from the tapes and the transcripts

FREY: Yes.

GERAGOS: did you look at reports, like the ones I've been showing you?

FREY: I was not shown any other reports

GERAGOS: So no.

FREY: except for my first statement.

GERAGOS: Except for your first statement?

FREY: Yes.

GERAGOS: Which is the one that I showed you earlier today, the transcript

FREY: Yes. As well as listen to the audiotape from that.

GERAGOS: Okay. Was there ever a time during, after the monitored conversations at Modesto PD, which was from the 6th to the 8th, you on the same page there?

FREY: Uh-huh.

GERAGOS: Is there a time after that when you were having conversations with Scott Peterson and were not reporting that to the Modesto PD?

FREY: There was not a time that I didn't report.

GERAGOS: Did they ever ask you about conversations, or did you ever tell them that I, or deny that you were having?

FREY: No.

GERAGOS: Did you ever not turn over tapes to the Modesto PD, specifically either Buehler, Brocchini or Grogan? Did you ever not turn over tapes to the three of them at any point after the 8th?

FREY: I turned over every tape that I had recorded.

GERAGOS: Okay. Did you talk with, how often would you say you talked with Buehler?

FREY: I talked to him quite often. You know, I never kept accurate account or kept a log of how many times I spoke with him or he spoke with me. So I don't know how to answer that.

GERAGOS: Okay. Is it a fair statement that Buehler is the point person for you?

FREY: Yes.

GERAGOS: Okay. And that you spent most of your time talking with Detective Buehler?

FREY: Yes.

GERAGOS: Is it a fair statement that when you recorded tapes or you had conversations, that you would then call Buehler?

FREY: Yes.

GERAGOS: Okay. Specifically did you call Buehler, day or night, after you had had a conversation with Scott?

FREY: Yes.

GERAGOS: Okay. And specifically when you would do that, would you report to him virtually real time? I mean, what was the, what was kind of your, your marching orders, or what was your habit? Call Scott, or Scott calls you, have a conversation, attempt to tape it, correct?

FREY: Correct.

GERAGOS: After you attempted to tape it, did you then contact Buehler?

FREY: Sometimes it went both ways. Sometimes I would speak to Buehler before conversations, as well as after.

GERAGOS: Okay. In order to talk to him after, you would report what happened in the conversation, correct?

FREY: Usually, yes. Especially early on, in the first weeks.

GERAGOS: Okay. I'm sorry?

FREY: In the first week of our, of our conversations, when he was

GERAGOS: How about, did that change sometime after the controlled or monitored conversations between the 6th and the 8th?

FREY: The intensity for me and the emotions that I was going through during this time I would say changed a bit as far as the context in, in where I was emotionally. So they may have changed after, after the, the 8th.

GERAGOS: Well, I'm, I'm sorry if I misunderstood that. You said the intensity and the emotions, meaning you would not call MPD as often after the 8th?

FREY: I would say that would be fair to say, yeah, that, yes.

GERAGOS: Okay. Now, there's a number of calls, and I'd ask the court's indulgence for one second. <To Mr. Naljian> Are you ready to go on this? Now, January, go with the 9th, which is the first day after these monitored calls. Now, according to the records that I've got, does it appear, you call MPD in the morning; is that, is that a fair statement?

FREY: By looking at them, I don't, I don't know what I'm looking at.

GERAGOS: Okay.

FREY: It's not my, it's not a phone record, so...

GERAGOS: I'll show you. On the 9th, 8:55 a.m.

FREY: Okay.

GERAGOS: You called Modesto PD, right?

FREY: Detective Jon Buehler.

GERAGOS: Okay.

FREY: It shows five minutes.

GERAGOS: For a five minute phone call. So you would, you would guess that you definitely talked to him, correct?

FREY: I don't know.

GERAGOS: Well

FREY: I

GERAGOS: did you leave five minute voice mails?

FREY: I may have at times.

GERAGOS: Okay. Next one. 1:49 also?

FREY: Yes.

GERAGOS: Okay. Next. 3:26?

FREY: Four minutes.

GERAGOS: For four minutes. Next. 3:51. It's an incoming. You can't tell. All you know is that you got a call at 3:51, correct?

FREY: Correct.

GERAGOS: Your record doesn't show who was calling you, correct?

FREY: Correct.

GERAGOS: Okay. Next. Scott Peterson at 4:39?

FREY: You're saying I called Scott Peterson at 4:39?

GERAGOS: Did you, did you call? Or did you call Modesto PD?

FREY: At 4:39 it shows that that was Detective Jon Buehler's phone.

GERAGOS: Okay. Did you end up calling Scott Peterson?

FREY: That I could see?

GERAGOS: Yeah.

FREY: Not that I've seen so far.

GERAGOS: Okay. Next. <To Mr. Naljian> You can take that. Next. So that's the one you're talking about, 4:39 you called Modesto PD, right?

FREY: Yes.

GERAGOS: Okay. 6:34?

FREY: Six minutes with Detective Jon Buehler.

GERAGOS: Okay. Next. The 10th, same thing? Go up to the 10th. You called the volunteer center at 6:37 in the morning?

FREY: If that's what the number is to. I don't know.

GERAGOS: Who would you have been trying to talk to at the volunteer center on January 10th at 6:37 in the morning?

FREY: I don't recall.

GERAGOS: Isn't that where you would normally find Scott Peterson in the morning?

FREY: I don't know.

GERAGOS: At that point on the 10th, to the best of your knowledge, nobody else at the volunteer center knew about you, correct?

FREY: Correct.

GERAGOS: Okay. So is it a fair statement that if you're calling the volunteer center at 6:37 in the morning, you would have been looking for Scott Peterson?

FREY: You said would that be a fair statement? Is that what you said?

GERAGOS: <Nods head>

FREY: I really don't remember why I called that number.

GERAGOS: Next. 6:39. Same number.

FREY: 6:39. It's a different number. I don't know what number that is.

GERAGOS: Okay. If I were to tell you that's the volunteer center. You just don't know as you sit here?

FREY: I, I'm trying to remember. I didn't remember that I had called or why I had called there.

GERAGOS: Okay. Go to, Mr. Naljian, go to the 12th. Now, on the 12th, so you talked to, you have an incoming at 8:26.

FREY: Shows an incoming for two minutes.

GERAGOS: Okay. Then next. Modesto PD at 4:47; is that correct?

FREY: Yes.

GERAGOS: Okay. Next. You have an incoming at 6:02 on your bill, right.

FREY: Uh-huh.

GERAGOS: That's yes?

FREY: Yes.

GERAGOS: Okay. Next. An incoming at 7:16?

FREY: Yes.

GERAGOS: Okay. Next. 7:17, correct?

FREY: Yes.

GERAGOS: Next. You called Modesto PD 8:14? Or they call you? You have an incoming is what you showed.

FREY: Uh-huh.

GERAGOS: Is that yes?

FREY: I have an incoming, yes.

GERAGOS: Okay. Next. On the 13th. Show it again. Called Modesto PD at 2:53?

FREY: I don't, I don't recognize the number.

GERAGOS: It's a 209 number in Modesto?

FREY: Uh-huh.

GERAGOS: You don't recognize it as being Buehler's, though; is that correct?

FREY: No.

GERAGOS: Okay. Next. 2:54?

FREY: Yes.

GERAGOS: The very next call, that's Buehler's, correct?

FREY: Uh-huh.

GERAGOS: So there's one call that you make to a 572 number, and the next is to Buehler?

FREY: Yes.

GERAGOS: Next. You've got a 9:28 call, incoming?

FREY: A 9:28? I see a 9:29 outgoing, but an incoming I don't see.

GERAGOS: Okay. Did you talk to Scott Peterson on the 13th?

FREY: <No response>

GERAGOS: Show the next one. Go to the 14th. Did you call the volunteer center at 11:16 a.m.? Or is that Buehler?

FREY: No, I don't recognize the number.

GERAGOS: Okay. 521-1812? Am I saying that right?

FREY: Uh-huh.

GERAGOS: And you don't recognize that number, right?

FREY: Well, it's not Detective Buehler's, no.

GERAGOS: Okay. And next. 11:22. Do you know who that is?

FREY: It's a different number

GERAGOS: You don't recognize it?

FREY: than the one before. No.

GERAGOS: Okay. Next. 11:56, incoming. For how long?

FREY: 67.

GERAGOS: How long?

FREY: 67 minutes.

GERAGOS: Okay. Is it a pretty good guess that, if you're talking for 67 minutes, that was Scott?

FREY: It may have been.

GERAGOS: Okay. Now, if you're doing all this time period here

FREY: Uh-huh.

GERAGOS: you're still obviously calling Buehler, right?

FREY: Yes.

GERAGOS: And so that I understand correctly, when you're talking to Buehler, you're also talking to Scott during this time period, during those days that we just went through, after the 8th to the 14th?

FREY: There was no indication that I spoke to, to Scott. As far as on, on there, his phone numbers, the incomings, I don't know, I don't have those records in front of me. And what's showing up there, I don't know if they were, as far as if they were from Scott's phone, I don't know.

GERAGOS: The, specifically the 12th, we sat here and we listened, didn't you listen, as well, to a recorded phone call between you and Scott

FREY: I believe.

GERAGOS: on the 12th? Did you, you were the one, that would have been the 12th at 6:00 o'clock? Do you remember that?

FREY: 18:04. Okay.

GERAGOS: Okay. Now, what I'm asking you is did you at any point try to hide calls from the detectives?

FREY: No.

GERAGOS: Okay. You had another call on the 12th at 7:19, which is one of the other ones that we listened to as well, correct?

FREY: Uh-huh, yes.

GERAGOS: Okay. Can you think of any reason why the detectives would come, would write reports that you were not turning over phone calls? Is there any reason that you were not, that they would think that?

FREY: I'm sorry, you would have to ask them, because I turned over all phone calls.

GERAGOS: Okay.

FREY: And tape recordings.

GERAGOS: As you sit here

FREY: Uh-huh.

GERAGOS: you told them whenever they, whenever you talked to them, you would tell them about your calls, correct?

FREY: Yes.

GERAGOS: And when you had a call, you had nothing to hide; you would immediately phone them, right?

FREY: Correct.

GERAGOS: And if there was a question, you know, Have you talked to him, you would give them details like Look, he left me a message at this time, correct?

FREY: Yes.

GERAGOS: And He left a voice mail at this time, correct?

FREY: Yes.

GERAGOS: And He did a two minute phone call here, a one minute phone call here? You would give them all the information, correct?

FREY: Yes.

GERAGOS: There was never a time, as you sit here today, that you're aware of that you ever hid anything from any of these detectives? Meaning Buehler, Grogan or Hagan from the Department of Justice?

FREY: Correct.

GERAGOS: Okay. Now, the, you learned, and I'm going to go back to this again, about the wiretaps after he gets arrested, right?

FREY: I believe

GERAGOS: After Scott gets arrested?

FREY: Right.

GERAGOS: Now, anytime prior to you testifying for the last couple of weeks here, did anybody bring to your attention, any of these detectives, or the DA, or your lawyers, the fact that the officers had wiretap records which they believed conflicted with what you were telling them? Did anybody ever bring that to your attention?

FREY: No, I was not aware that there were wiretaps.

GERAGOS: You, I'm talking about since the arrest.

FREY: Uh-huh.

GERAGOS: Which was May of 2000, or April of 2003, between that date

FREY: Uh-huh.

GERAGOS: and 2003, and at you sit here in August of 2004, has anybody ever told you that the police believed that the wiretap records showed that phone calls were being made that you weren't reporting?

FREY: They indicated that I, there was a 94 percent recovery that I had intercepted or, or, I don't recall exactly how they worded it, but that there was probably only six minutes that the

intercept picked up that I didn't record, and it was more so like hello-type things like that.

GERAGOS: That's in terms of the start and the end of the call?

FREY: Correct.

GERAGOS: Okay.

FREY: Or like when

GERAGOS: Wait.

FREY: turning the tapes over.

GERAGOS: What I'm talking about, that's not what I'm talking about.

FREY: Okay.

GERAGOS: What I'm talking about is did anybody ever present to you Look, Amber, at this point there were calls, specifically in that week that I've just showed you, from the 8th to the 14th?

FREY: Uh-huh.

GERAGOS: And said Look, you were making calls, you weren't telling us about it, we've got wiretap records, the wiretap records show that when you said you weren't having contact, that, in fact, we know you were? Did anybody ever tell you that?

FREY: No.

GERAGOS: Okay. And did you at any point, I'm not accusing you of it, I'm asking you. The first question was did they tell you that. The second question is did you ever do that?

FREY: No.

GERAGOS: Did you ever make or receive calls from Scott Peterson that you didn't immediately tell the detectives about?

FREY: No.

GERAGOS: Okay. Is it a fair statement, we went through a number of these little PowerPoint squares. Isn't it a fair statement that if you had made a call, or Scott had made a call to you, and then you had talked to Detective Buehler, you weren't calling him to find out how the Giants were doing, you were calling him specifically to report on what Scott was either doing or saying; correct?

FREY: Not all the time. Those calls weren't always directed in that manner, no.

GERAGOS: Well, wouldn't you tell, would you always give him the information?

FREY: Yes.

GERAGOS: If, for instance, on the 9th you had talked to Scott in the morning, and on the 9th, in the afternoon, you talked to Buehler, wouldn't you tell Buehler that you talked to Scott that day?

FREY: Yes.

GERAGOS: Did you ever hide it from him?

FREY: No.

GERAGOS: And the same thing going forward. On the 10th if he had asked you, on the 12th, on the 14th, would you hide that information?

FREY: No.

GERAGOS: At any point did you ever hide any information after the 8th from Modesto PD?

FREY: No.

(Evening recess>