Witness: Adam McGill

Date: 2004-07-12

Proceedings held July 12, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect – Rick Distaso

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Sergeant McGill, are you a Sergeant with the Modesto Police Department?

McGILL: Yes.

DISTASO: And how long have you been a police officer in the State of California?

McGILL: Just over twelve years.

DISTASO: Were you involved in the service of a search warrant at 523 Covena on December 26th and 27th of 2002?

McGILL: Yes, I was.

DISTASO: That's in the City of Modesto?

McGILL: Yes, it was.

DISTASO: What was your primary duty in the service of the search warrant?

McGILL: My duty was to, along with an identification technician, was, together with the ID person as she videotaped the exterior of the residence, checking things such as windows, doors, locking mechanisms, any evidence of tampering, those types of things.

DISTASO: While you were doing that, did you kind of narrate along a little bit?

McGILL: I did more so in the beginning. And I think I stopped doing that at some point.

DISTASO: Your Honor, I don't know that, this is the search warrant video here, which is forty-five minutes. Do you want to just go through it here?

JUDGE: Let me ask him a couple of questions. Detective McGill, have you reviewed this, the video of the search warrant?

McGILL: Yes.

JUDGE: Does it accurately and truly represent the scene as you saw it on the day the search warrant was executed?

McGILL: Yes, sir, it does.

JUDGE: Okay. So that lays a foundation. Takes forty-five minutes. Let's, do you want to show the whole thing?

DISTASO: I think I kind of want to show the whole thing through so, I don't know if the Court wants to take a quick break for the jury.

JUDGE: Let's do it now. Have you seen this?

GERAGOS: But I was going to inquire as to if they are going to play the sound, because I believe that's hearsay, and testify here today. But the sound has, Mr. Distaso as characterizing it narrating during the thing I think is objectionable.

JUDGE: Right. He can narrate it as he's looking. He can ask him questions as he is looking at it. If you just turn the sound off.

DISTASO: Only thing I want to do, Judge, is the dog's barking like crazy on there. Actually want to have the jury hear that. I'm going to hit the mute button. When comes to the point, I'll ask the detective about it. I'll play just that portion.

JUDGE: What he is showing you, we're going to mark as an exhibit. We're going to show the exhibit.

REPORTER: What kind of record do you want me to make?

GERAGOS: And they want you to write down or to report whatever he,

JUDGE: You can't, as a video, I don't think you can do that.

GERAGOS: You can write the dog is barking like crazy.

JUDGE: I don't think you can write that down.

DISTASO: Just hear sounds is about all.

JUDGE: Do you want to mark this next in order, Mr. Distaso?

DISTASO: I do, your Honor. It's already in the computer. I'll just, we'll mark it next in order.

JUDGE: Let's mark it next in order so we don't lose track of it. This will be 110. This is the video of the search conducted on the, the date again?

DISTASO: On the 26th and 27th. This video is on the 26th.

JUDGE: All right. This is 12-26 search of the Covena address.

DISTASO: Mike, can you get the lights for us? <VIDEO PLAYED>

DISTASO: Okay, detective, obviously this is just a, proceeding up to the gate on the front of the residence.

McGILL: Yes.

DISTASO: If you would, if you could just kind of, you can sit down when you do it. Just kind of orient us on People's 38 what we're looking at.

McGILL: The gate that's already come off of the screen was this area here to the courtyard to the front of the house. And we're now moving in a counterclockwise direction across the front of the house this way here.

DISTASO: Now, we are looking back towards the driveway?

McGILL: We actually have moved to the south of the gate back here. The camera is pointed in this direction showing the cars all the way to the driveway. These are the windows here.

DISTASO: The windows that we're looking at now, did you go around the house and look for signs of forced entry, that type of thing?

McGILL: Yes, I did.

DISTASO: Did you check all the windows all the way around?

McGILL: Yes.

DISTASO: So when we see these close-ups of the windows, that's what you are doing?

McGILL: I looked much closer. I didn't rely on the camera to do it. I did it personally. But that's what she's trying to show with the camera, yes.

DISTASO: Did you see any sign of forced entry or anything like that through any of the windows or doors in the house?

McGILL: No.

DISTASO: And why were you looking into the flowerbeds, that kind of thing in front of the windows there?

McGILL: We looked in all the flowerbeds around the house. I was looking particularly for the ones where there was dirt or soil visible to see if any of it was disturbed, damaged, that would suggest someone had recently stood in the, or, you know, walked in front in the flowerbeds.

DISTASO: The house have an alarm system, is that right?

McGILL: Yes.

DISTASO: Again, I don't think I asked you this. Just for the record, this was on the 26th of December, 2002?

McGILL: Yes, it was.

DISTASO: All right. The time 7:59, that's the correct time?

McGILL: I don't know if it's exactly correct, but it's very close, within a few minutes. I couldn't say for sure today if it was right on the dot.

DISTASO: But it was some time, seven or 8:00 o'clock when this took place?

McGILL: Very close to that time.

DISTASO: Now we're coming around to the driveway area. That room we are looking at right there, that's kind of the converted garage area?

McGILL: Yes. We're looking actually along this way. Outside of the fireplace. You are seeing the shot was straight down this wall. These are the two cars that are pictured here in this diagram.

DISTASO: The cars can drive pretty much all the way up to the end of the gate there?

McGILL: Yes. There is a stack of bricks at some point, I believe it's between the two vehicles, but there is room to both sides of the stack to do so.

DISTASO: We'll see that in a minute, right?

McGILL: Yes, sir.

DISTASO: Okay. The Community Service Officer that was shooting the video while you were walking around with it?

McGILL: Denise Ducot.

DISTASO: This is the defendant's pickup truck, right?

McGILL: Yes.

DISTASO: This fence that we are looking at here, that's the fence that leads up against the house on the other side?

McGILL: Correct. It would be this. As you can see, this is a shrubbery. There is a fence actually inside those shrubs. It's grown over the fence.

DISTASO: In the back of the pickup, this was that roll of chicken wire, and looks like a little trowel or something?

McGILL: Yes.

DISTASO: What was the purpose of filming inside the cars?

McGILL: I don't know if there was a specific purpose. I don't recall discussing it. Just shooting pretty much everything that was outside of the house.

DISTASO: Again, you are doing the same thing, looking for footprints or disturbed dirt, anything like that?

McGILL: Correct.

DISTASO: This is a corner. Can you show the jury just where we are on the screen there?

McGILL: In this area here.

DISTASO: In that corner before you go into the backyard?

McGILL: Correct. Part of what we looking for there on the trees, I recall, is also to see if there was any broken boards as if somebody had climbed over, or tree limbs recently broken off, those types of things.

JUDGE: Detective, are you, would you identify the exhibit you are referring to by the number, please?

DISTASO: People's 38, judge.

JUDGE: Just so the record shows.

DISTASO: That's the defendant dog, right?

McGILL: Yes.

DISTASO: The dog pretty much barked at you off and on until you went in the backyard?

McGILL: We are here. So as we approach the front of the vehicles and the gate is when dog started barking. And it continued to bark until we had been inside with it for a few moments.

DISTASO: The gate opens outward?

McGILL: Yes. Just like on the diagram.

DISTASO: That's the dog. We're looking at the dog right now, right?

McGILL: Yes. That's him or her. I don't know. Male or female.

DISTASO: Those patio type umbrellas, they were leaning against the fence like that when you saw them?

McGILL: Yes.

DISTASO: Do you know how big those were, tall?

McGILL: I didn't handle them, and,

DISTASO: Did you measure them?

McGILL: No, I don't recall.

DISTASO: We're looking at now, that's a shed there up against the kind of the far end of the carport, or, not carport, but overhang?

McGILL: Yes. This shed here.

DISTASO: Labeled on People's 38 there, labeled,

McGILL: Yes.

DISTASO: All right. This door here, this leads straight into that converted garage room?

McGILL: Yes.

DISTASO: So it's right behind the gate, and then heads straight into the house there?

McGILL: Correct.

DISTASO: In People's 38, I think it's labeled, "Living Room"?

McGILL: It says unlocked. Yes, the room itself is labeled "Living Room". And where the door is, it says, "Unlocked Door".

DISTASO: Okay. Where are we looking now? Just on the diagram, if you can show.

McGILL: Looking at these double doors here that are labeled, well, there is, it say tennis shoes.

DISTASO: Okay.

McGILL: Just outside.

DISTASO: This is the barbecue?

McGILL: Yes.

DISTASO: That cover that's on the barbecue, was that, you didn't put it there, right?

McGILL: No.

DISTASO: Now, going back around the fence area of the house. Can you show the jury where we're at on People's 38?

McGILL: We are moving along this area here.

DISTASO: And are you doing the same thing you told us about earlier, checking the ground, the fence for any signs of forced entry, or an intruder, or something?

McGILL: Correct.

DISTASO: You didn't find anything, correct?

McGILL: Correct.

DISTASO: This back fence area, where is this on People's 38?

McGILL: We're along the pool area, back in this area here.

DISTASO: Along the back edge of the pool?

McGILL: Yes.

DISTASO: Now, looks like we are looking back towards the house.

McGILL: Correct. You were just looking over this area, and the back where the pool equipment is.

DISTASO: Obviously looking inside the pool also. Is that kind of standard practice when you are filming these videos, to check the bottom of the pool?

McGILL: Sure.

DISTASO: Here you are obviously doing the same thing, right, checking the windows?

McGILL: Yes.

DISTASO: This is looking back towards the patrol area again?

McGILL: Correct. Looking back towards the gate area, across the patio this direction.

DISTASO: This window is looking into, what, the spare bedroom?

McGILL: Yes.

DISTASO: What is it labeled on,

McGILL: Labeled second bedroom. You are looking in this window here.

DISTASO: What portion of the yard are you in now?

McGILL: We're in the back flowerbed along this fence line here.

DISTASO: And what are you looking for?

McGILL: Same thing. Any signs of plants disturbed, turned over dirt, damage to the fence.

DISTASO: That's the hot tub right there in the left hand corner?

McGILL: Correct. Right here on the diagram.

DISTASO: Where are we going to now?

McGILL: We're at this corner of the house here. And we're starting to move this direction on the diagram. We're still in the back, though, now. The crawl space in the back of the house, around this area.

DISTASO: What portion of the house are we in right now?

McGILL: We're along the side of the house here.

DISTASO: The doors those French doors that we have kind of been looking at?

McGILL: They are right here.

DISTASO: Those go into the dining room?

McGILL: Correct.

DISTASO: We're working around the corner from the doors, correct?

McGILL: Yes. This corner.

DISTASO: There is a small kind of a storage shed back there?

McGILL: Yes. It's right here.

DISTASO: Again, you are doing the same thing with the fences there?

McGILL: Yes.

DISTASO: Is there a gate that separates this little back storage area from the front courtyard?

McGILL: Yes.

DISTASO: Where is that?

McGILL: Right here.

DISTASO: Do you know if that gate can be opened or closed?

McGILL: It could not the day we were there. We had to go back around to get back into the courtyard to finish the video.

DISTASO: That's the gate we're looking at?

McGILL: Yes.

DISTASO: Pause it here for a second. Did you find the boat cover there in the shed on 26th?

McGILL: Yes.

DISTASO: And it was in the location we see it now?

McGILL: Yes. In this shed right here.

DISTASO: Can you take a, just take a, there should be a red marker there. There is on that end. Yeah. Just take that marker and write, just draw a line out there and put, "Boat Cover, Shed, 12-26-02."

<recess>

DISTASO: Sergeant McGill, before we left off you were talking about the boat cover that was found in that shed. When you, when you opened the door to this shed, did you know, did you smell anything?

McGILL: Yes.

DISTASO: What was that?

McGILL: Gasoline.

DISTASO: And, I mean, was it an obvious, I mean how, how would you characterize it? A light smell, a heavy smell?

McGILL: It was heavy. As soon as you opened the door it was very distinct.

DISTASO: Okay. And inside this shed there was the boat cover and some lawn type equipment?

McGILL: Yes.

DISTASO: It's a, keep going through this video. Here's the boat cover still, correct?

McGILL: Yes.

DISTASO: And it looks like it's underneath a gas leaf blower?

McGILL: Yes.

DISTASO: And here you're just showing the gate that was shut?

McGILL: Correct.

DISTASO: And you said you have to walk back around the house to go back around to the front. Is that what you're doing now?

McGILL: Yes. We're walking back to the court, we're headed to the courtyard, where we haven't videoed yet. <Dog barking on videotape>

DISTASO: Is that your police evidence truck out in front?

McGILL: Yes.

DISTASO: And this is looking through the gate into the front courtyard?

McGILL: Correct. Through this gate here.

DISTASO: That gate that we're looking at now, that's the gate that's shut that we were just seeing on the other side?

McGILL: Correct. We were just on the other side of the gate that wouldn't open.

DISTASO: Is this the front door area?

McGILL: Yes.

DISTASO: Now, you were responsible for the video of the outside of the house, correct?

McGILL: Yes.

DISTASO: And did CSO Ducot do the videotaping?

McGILL: Yes.

DISTASO: We're about to get to the inside of the house. Did, did somebody else switch off the video camera?

McGILL: Yes.

DISTASO: Who was that?

McGILL: Doug Lovell. L-O-V-E-L-L. He took over the videotape.

DISTASO: The inside?

McGILL: Correct.

DISTASO: And did you actually, were you responsible for walking through and doing the inside of the video, of the house?

McGILL: No.

DISTASO: Were you ever inside the house during the search warrant?

McGILL: Yes.

DISTASO: Okay. Rather than switching off witnesses, I'm just going to have you narrate the inside portion as well.

McGILL: Okay.

DISTASO: While we're looking at this, let me just ask you a couple of questions. There were some of the, some of the windows around the back side of the house. Looked like the screens were bent, and I think on one of the doors there was some chips or something, chipped paint at the bottom. Did any of that information, did you see anything in that that led you to believe that there was any forced entry into this house?

McGILL: No.

DISTASO: The screens that were bent back, were there any pry marks on the screens that you saw?

McGILL: No.

DISTASO: And did the windows look like they had been forced open in any fashion?

McGILL: No.

DISTASO: What about the doors?

McGILL: No, not at all.

DISTASO: This door here is where on People's 38?

McGILL: Well, I was tracking this along when we were doing the questions, but just watching a little bit longer, I believe it's going to be the door here. Leads into the living room area.

DISTASO: From the courtyard into the living room?

McGILL: Yes. <Someone speaking on the videotape>

DISTASO: And this is where it switches to the interior of the house, correct?

McGILL: Correct.

DISTASO: And it switches personnel?

McGILL: Correct.

DISTASO: All right. Do you know who that person is?

McGILL: That's Detective Rudy Skultety.

DISTASO: Again, they're doing the same thing on the inside, checking the doors and windows, checking for signs of forced entry?

McGILL: Yeah.

DISTASO: Is that standard in these kinds of videos?

McGILL: Sure.

DISTASO: Where are we now in the house?

McGILL: We're in the dining area. You look where the liquor bottles were in this area here, by this double set of doors.

DISTASO: Okay. Those are the doors we're looking at right now?

McGILL: Yes.

DISTASO: This is looking back towards the kitchen and the front door?

McGILL: Yes.

DISTASO: Okay. And where are we going now?

McGILL: Going down the hallway towards the back of the house, towards the master and the second bedroom.

DISTASO: This is, like, the main bathroom of the house?

McGILL: Yes. This bathroom right here.

DISTASO: What bedroom is this?

McGILL: We're in the master.

DISTASO: And what bedroom is this?

McGILL: It's labeled here as second bedroom.

DISTASO: And this is going into the nursery?

McGILL: Yes.

DISTASO: And where is this little room?

McGILL: This is labeled sitting room here, this area.

DISTASO: The room right off the kitchen?

McGILL: Yes.

DISTASO: This is obviously the kitchen?

McGILL: Yes.

DISTASO: And the kitchen looks into that little living room area, correct?

McGILL: Correct.

DISTASO: And this door we're looking at right now, that's the door that leads straight out to the patio area by the gate, correct?

McGILL: Yes, it is. <End of video>

DISTASO: Your Honor, that's it. We can turn the lights back on.

JUDGE: Okay.

DISTASO: And I don't have any further questions.

Cross Examination by Mark Geragos

GERAGOS: Sergeant, the, good morning.

McGILL: Good morning.

GERAGOS: The time when you arrived there you thought was some time between 7:00 and 8:00?

McGILL: I do know the exact time I arrived was 7:35 p.m.

GERAGOS: I would ask, if I can, if you're referring to a report, could you tell me what the Bates number stamp is on to the lower right?

McGILL: Lower right you said. That would be 2101.

GERAGOS: Okay. When you arrived, who was there?

McGILL: Certainly I know Rudy Skultety was there.

GERAGOS: That's a, Rudy Skultety is a detective with Modesto PD?

McGILL: Yes, he is. Denise Ducot, who filmed the video. I recall Sergeant Lucian Thomas being there.

GERAGOS: How about people in the house?

McGILL: When I arrived?

GERAGOS: Yeah. Was Mr. Peterson, you know who Mr. Peterson is? Scott Peterson?

McGILL: Yes, I do.

GERAGOS: Was he there when you arrived?

McGILL: I don't remember.

GERAGOS: Was, do you know who Jackie and Lee Peterson are?

McGILL: Yes.

GERAGOS: Were they there when you arrived?

McGILL: I don't believe so.

GERAGOS: Now, when you arrived, the, who was in charge?

McGILL: Well, Detective Skultety was appointed what's called the crime scene manager, so he was responsible for assigning all of the tasks to the different personnel for the service of the search warrant. Sergeant Lucian Thomas was present, was the overall scene supervisor.

GERAGOS: Okay. And was either Brocchini there or Grogan there during the execution of the search warrant?

McGILL: I don't know if they were there when I arrived, but they, they did not stay, that I recall.

GERAGOS: They did what?

McGILL: They did not stay, that I recall. I don't remember seeing them frequently around. They may have been in and out, but I don't remember.

GERAGOS: You were involved in this case early on, is that correct?

McGILL: I believe the 26th is when I started, correct.

GERAGOS: Okay. At about 10:00 o'clock on the 26th you phoned Detective Grogan, is that correct?

DISTASO: Objection, your Honor. Goes beyond the scope of direct.

GERAGOS: Well, I could recall all of these officers, if we're going to do that. I would prefer to try to speed this along if we can.

JUDGE: Okay. Well, how far off field are you going to go? It is beyond the scope,

GERAGOS: It is.

JUDGE: of the search warrant. Go ahead. Where are we going with this?

GERAGOS: He was assigned two discrete areas, one was for the 290 registrants, the other was for City of Modesto parks personnel and people who had seen Laci in the park.

DISTASO: And I object, your Honor. That's beyond the scope of direct examination.

JUDGE: It is. Okay, I have to sustain the objection.

GERAGOS: Okay. Then I'll just ask that I recall him during the defense case.

JUDGE: Okay.

DISTASO: That's fine.

JUDGE: I'll order him back, if you want me to do that.

GERAGOS: We'll see if we can sit here until October of next year.

DISTASO: Your Honor, I object to that.

JUDGE: No comments. The jury can forget about those comments.

GERAGOS: When you arrived on the 26th, were you, what was your mandate, so to speak?

McGILL: At the search warrant?

GERAGOS: Yes. At the search warrant.

McGILL: My job was to do the video, as we saw, walk with Denise Ducot, examine the exterior of the house and ensure that she videotaped the area.

GERAGOS: Okay. Now, when you arrived there, had anybody given you any instructions as to what you were looking for, or anything specifically?

McGILL: Just the general discussion we would at any crime scene such as this, that we were looking for signs of tampering, forced entry. Recent, you know, disturbances in flower beds, those types of things. Anything that would suggest anything out of the ordinary.

GERAGOS: Okay. Which,

JUDGE: What's the number, Mr. Geragos?

GERAGOS: Do you recognize, that's People's 7, your Honor.

JUDGE: Okay.

GERAGOS: People's 7, which I've got up on the screen, do you recognize that?

McGILL: Not particularly, no.

GERAGOS: Okay. When you were just narrating the video, I don't want to go through and play the entire thing again, you went through what you considered to be the, what you called and what I think is marked on People's 38 as the master bedroom?

McGILL: Correct.

GERAGOS: Do you remember that?

McGILL: Yes, sir.

GERAGOS: Do you remember seeing the hamper in the master bedroom?

McGILL: Yes, I do.

GERAGOS: Okay. Do you remember seeing a hamper like that with a item that appears to be in the hamper on the 26th, like that? Do you remember seeing this item here hanging out of the hamper (indicating)?

McGILL: I don't specifically recall that, no.

GERAGOS: Do you remember, when looking in the hamper itself, whether there, did anybody go through, by the way, that you're aware of, and check whether any of the clothing that was in the hamper, specifically this shirt, the pants, other pants that are over there, any of the other items, anybody go through and itemize what was in the hamper?

McGILL: I have no idea. I didn't do that. I don't know if someone else did.

GERAGOS: Okay. You were involved in another search on February 18th, is that correct?

McGILL: Yes.

GERAGOS: On February 18th there was also a search of this same location, right?

McGILL: Yes, sir.

GERAGOS: Okay. February 18th you went through and you went into Scott Peterson's truck, correct?

McGILL: Yes.

GERAGOS: Itemized a number of items that were inside of the truck?

McGILL: Yes, I did.

GERAGOS: Okay. And that included, do you have your report on that in front of you?

McGILL: Yes, I do.

GERAGOS: Okay. When you went in on the 18th, is it fair to say that you found a backpack with clothing in the truck itself?

McGILL: Yes. Let me find...

GERAGOS: When you find it, just tell me what the Bates number stamp is.

McGILL: Here it is. Well, it's a little illegible. The lower right number is 30, looks like 259.

GERAGOS: You found a black and green colored backpack, right?

McGILL: Yes, sir.

GERAGOS: There was a sleeping bag attached?

McGILL: Yes, sir.

GERAGOS: And this was on February 18th?

McGILL: That's correct.

GERAGOS: Inside of that sleeping, or inside of the backpack, I should say, there was a black men's suit, two ties, blue jeans, dress shirts, assorted dress shirts, casual pants, men's pants, dress shoes, shorts, flannel shirt, black leather belt, deck-type shoes, flip-flop shoes, three men's pullover shirts, miscellaneous men's socks and underwear?

McGILL: Yes, sir.

GERAGOS: Is that accurate?

McGILL: Yes, sir, it is.

GERAGOS: Okay. Now, the, on the 26th were you assigned to search the house for evidence?

McGILL: No, sir, I wasn't.

GERAGOS: Did you, in fact, search the house for evidence?

McGILL: No, sir.

GERAGOS: Did you ever go to, did you assist or watch as anybody searched the house for evidence?

McGILL: I would say it's fair to say that I walked through and watched. I don't recall doing any specific searching on the 26th at all.

GERAGOS: Okay. Now, on the 26th, that morning, had you also been given a, copies of bulletins from the Department of Justice for sexual-habit offenders?

DISTASO: Objection, your Honor. It's beyond the scope of direct.

JUDGE: I think so, Mr. Geragos. There would be a continuing objection. We were talking about the search warrant, so I'll sustain the objection.

GERAGOS: Okay. Did you have a binder with you when you went to execute the search warrant? A binder that had been given to you by the Department of Justice?

McGILL: No, sir.

GERAGOS: What did you do with that?

McGILL: I was never given a binder by the Department of Justice.

GERAGOS: You were never given, do you know specifically why somebody would say the binder was given to Detective Adam McGill for further follow-up?

DISTASO: Objection. It assumes facts not in evidence, and it's beyond the scope of direct.

JUDGE: And it's argumentative. Sustained.

GERAGOS: Okay.

GERAGOS: Were you given a binder?

McGILL: I was given a binder, yes, sir.

GERAGOS: Okay. Was that a binder that was provided by the Department of Justice?

DISTASO: It's the same objection, Judge.

JUDGE: The question is who provided it, without going into the details. Was it provided by the Department of Justice, as far as you know?

McGILL: No, sir, it was not.

JUDGE: Okay. Next question.

GERAGOS: Okay. Who provided it to you.

McGILL: Community Service Officer Veronica Holmes prepared the binder and provided it to me.

GERAGOS: Okay. Now, on the 26th, when you went into the house itself, or, actually, first you started off searching the outside of the house, is that correct?

McGILL: Yes, sir.

GERAGOS: Okay. Now, we didn't see it here, but I believe there are some pictures of you going into or underneath the house, is that correct?

McGILL: On what date?

GERAGOS: You tell me.

McGILL: Okay.

GERAGOS: Did you ever search underneath the house?

McGILL: Yes, sir, I did.

GERAGOS: Okay. Are these pictures of you searching underneath the house?

McGILL: Yes, sir.

GERAGOS: Are you familiar with all of those?

McGILL: Yes. I remember this.

GERAGOS: Okay. Now, was that on the first search or the second search?

McGILL: The second search. I believe it was February 19th.

GERAGOS: Okay. And specifically, I want to mark these, if I could, as defendant's next in order.

JUDGE: Defendant's next in order will be Triple H.

GERAGOS: Triple H 1 through 5.

JUDGE: There's five of them?

GERAGOS: Yes.

JUDGE: 1 through 5.

GERAGOS: Now, when you went underneath the house, were you looking for evidence connected to this case?

McGILL: Yes.

GERAGOS: Okay. And is it fair to say that you found no dirt that had been recently disturbed, no footprints, no evidence connected to this case, other than an old, rusty pair of wire cutters?

McGILL: That's correct.

GERAGOS: Okay. And did you take pictures, at least one picture underneath?

McGILL: Yeah. We tried. I don't know that, if I ever saw the outcome of that, but

GERAGOS: This picture is one of you going underneath the house, is that correct?

McGILL: Yes.

GERAGOS: That's the crawl space there?

McGILL: Yes, sir.

GERAGOS: Okay. Now, the, the area that you took the pictures of, would that be this area right here? Is that it?

McGILL: Yes.

GERAGOS: Okay. And there was, not to belabor it, but there was nothing of any evidentiary value under the house, right?

McGILL: Other than, as you described, the rusty pair of pliers. I don't know if they have any value.

GERAGOS: Okay. Now, you also on the 26th were assigned to interview witnesses regarding the park, is that correct?

DISTASO: Objection, your Honor. It's the same objection as before.

JUDGE: Sustained.

GERAGOS: Do you have information, when you went to execute this search warrant, that there were witnesses who had seen Laci in the park?

DISTASO: Objection. It's the same objection.

GERAGOS: I'm asking if he had the information when he executed the search warrant.

JUDGE: Yeah, you can answer that question. But without going into what he heard about because it's got nothing to do with this issue here. So you can answer that question just yes or no.

McGILL: I had no information that someone had saw Laci.

GERAGOS: You had information somebody had seen the dog in the park with a pregnant woman?

McGILL: Saw a dog with a pregnant woman, yes, sir.

GERAGOS: The dog barking like crazy?

DISTASO: Objection, your Honor. It's going to,

JUDGE: Sustained.

DISTASO: It's going to the,

GERAGOS: Specifically Mr. Distaso asked you if a dog was barking when you got there, is that correct?

McGILL: Yeah. I believe he did ask me that.

GERAGOS: Okay. In fact, the only thing we heard on the tape was the dog barking, right?

McGILL: That's correct.

GERAGOS: Okay. You had information that there's, somebody in the park had seen the dog off the leash, or with the leash on it, without somebody, barking like crazy in the park,

DISTASO: Objection.

GERAGOS: isn't that correct?

DISTASO: Your Honor, this goes beyond the scope.

GERAGOS: He brought it up when he,

DISTASO: No.

JUDGE: Wait. First of all, we don't know who the dog was. We don't know if that was McKenzie or what dog it is.

GERAGOS: Well, I'm going to ask him.

JUDGE: There was a dog barking in the park, so we don't know what dog it is. To me it's beyond the scope of direct. I'm going to sustain the objection.

GERAGOS: What color is McKenzie?

McGILL: Like a rust color, I guess.

GERAGOS: Gold color?

McGILL: Typical Golden Retriever looking color.

GERAGOS: Okay. And when you got there, was it fair to say that the dog was barking?

McGILL: At the search warrant?

GERAGOS: Yes.

McGILL: Yes, when we approached the gate the dog began to bark.

GERAGOS: Okay. Now, did the dog attack you?

McGILL: No.

GERAGOS: When you walked into the back, did the dog bite you?

McGILL: No, sir.

GERAGOS: Did you see the dog approach anybody and bite anybody?

McGILL: No, sir.

GERAGOS: Okay. Do you have a portion of your report where you refer to the dog's behavior? And I'm specifically referring you to Bates number 2101.

McGILL: Yes, sir.

GERAGOS: Okay. Didn't you specifically say that there was a large Golden Retriever dog in the backyard that barked loudly on your initial entry into the yard?

McGILL: Yes, sir, I did.

GERAGOS: Okay. Didn't you say the dog was not physically aggressive?

McGILL: Yes.

GERAGOS: Is that what you wrote?

McGILL: That's what I wrote.

GERAGOS: Didn't you say the dog calmed, or, in essence, the dog calmed, the dog calmed down after you had been in its presence for a few minutes?

McGILL: Yes, sir.

GERAGOS: You also say the dog would occasionally bark when other officers were near the gate or when there were sudden noises in the carport area?

McGILL: That's correct.

GERAGOS: Okay. Is it fair to say that the, dog as you indicated, was not aggressive at all?

McGILL: Correct. I did not believe he was aggressive.

GERAGOS: Right. When we saw it in the video here, it looked like, when it was barking, its tail was wagging pretty much, wasn't it?

McGILL: I don't remember seeing that one way or the other.

GERAGOS: Okay. You don't remember, but it certainly did not come up to you and attack you in any way, shape or form?

McGILL: No, it didn't.

GERAGOS: Okay. Now, did you at any point on the 26th see a leash for the dog?

McGILL: Not that I remember.

GERAGOS: Did you, were you looking for a leash so that somebody could test that leash to see if there was any forensic or trace evidence connected with that leash?

McGILL: No, I wasn't.

GERAGOS: Well, when you were there, you're, if I understand correctly, you were there to film the outside of the house, right?

McGILL: Yes, sir.

GERAGOS: Okay. You were to look to see if there was any forced entry, is that right?

McGILL: Yes, sir.

GERAGOS: You're filming the flower beds, you're filming the, the windows along here, everything else. I assume so that you can try and see if somebody broke in, is that right?

McGILL: That's correct, sir.

GERAGOS: Okay. And later you go inside, correct?

McGILL: Yes.

GERAGOS: Okay. So that I understand, when you first get there, the way this video is played is exactly in the chronological order that you and whoever the camera person was actually approached the house, right?

McGILL: That's correct.

GERAGOS: Okay. Now, how long were you there? You got there at roughly whatever the time was. You said between 7:00 and 8:00. How long did you say?

JUDGE: I believe he said 7:35.

McGILL: Yeah, I arrived at 7:35. I did not note the time I had left the house. I believe I was there either to the end of the search warrant, or very close to it.

GERAGOS: Now, the FBI was present, FBI personnel, isn't that correct?

McGILL: Yes.

GERAGOS: Okay. Now, the FBI personnel, as far as you know, were there because they were called in to determine, because they had the equipment or the manpower to determine whether or not there was any blood evidence that could be spotted in the house, is that your understanding?

McGILL: Yes, it is.

GERAGOS: Okay. And in line with that, did you observe, you said you were there for the entire search warrant, did you observe what they did?

McGILL: I was in and out. I didn't stand and watch them, you know, for any long period of time. I did not see any particulars of what they were doing.

GERAGOS: Did you notice if the, if they had access to the inside of the house?

McGILL: I do recall seeing them inside the house.

GERAGOS: Okay. When they were inside the house, by the way, were most people who were inside of the house required to wear some kind of either a hairnet or foot, foot covers?

McGILL: Correct.

GERAGOS: And why was that?

McGILL: That's typical for, at any potential crime scene for the, the hopes is to prevent any transferring of evidence, anything of that kind of nature.

GERAGOS: Okay. Now, when that, when that crime, I take it that what you did is, the house was secured at 7:35 when you were taking that photo. I didn't see anybody inside of the house, correct? Other than you and the reflection of whoever had the camera?

McGILL: Correct.

GERAGOS: Okay. So everybody was made to leave, right?

McGILL: Well, they were outside waiting out front. This is the first thing we did was the video of the outside.

GERAGOS: Okay. You weren't allowing anybody to go in and out of the house?

McGILL: I wasn't, I wasn't. I was walking around the house.

GERAGOS: Did you see anybody who was a non law enforcement personnel come into that house during the entire execution of the search warrant?

McGILL: No.

GERAGOS: Okay. And the reason for that is that you are trying to, you're considering that a crime scene, isn't that correct?

McGILL: Yes.

GERAGOS: Okay. And in considering it a crime scene, you don't want somebody coming in or out of the house that's going to disturb it in any way or bring any kind of trace evidence into the house, correct?

McGILL: That's correct.

GERAGOS: While you're in the house, or any other personnel, who do you remember, besides the FBI personnel, by the way, how many of them were there?

McGILL: I have no idea.

GERAGOS: Okay. How many Modesto PD forensic technicians were there?

McGILL: We don't have anybody by that title. I don't, so I'm not clear.

GERAGOS: What is Lovell? What is Lovell's title?

McGILL: Identification Technician.

GERAGOS: Okay. Does he deal with, with taking pictures of evidence or,

McGILL: Correct.

GERAGOS: taking pictures of crime scenes and preserving that?

McGILL: Yes, sir.

GERAGOS: Okay. Is there somebody else from the Modesto PD who is also there with the search warrant in order to try to collect evidence?

McGILL: Denise Ducot, who did the video with me as well, they're both identification technicians.

GERAGOS: Was there anybody else there? For instance, Rudy Skultety? Do you know who he is?

McGILL: Yes, sir.

GERAGOS: All right. We already decided that he's a detective for the Modesto PD, correct?

McGILL: Yes, sir.

GERAGOS: And he was in there, correct?

McGILL: Yes.

GERAGOS: Looking for evidence?

McGILL: He was the crime scene manager. I don't know if he actually did any searching himself or not.

GERAGOS: Okay. Now, after going through there, did you see anybody find any kind of evidence which was seized?

McGILL: Yeah. I believe we seized items on that date.

GERAGOS: Okay. Do you know what items were seized or roughly the quantity of items that were seized?

McGILL: No, sir. I didn't have any part in that.

GERAGOS: Do you know if there were clothing, if there was clothing that was taken out? This is on the 26th. I'm not talking about February 18th. We'll get to that in a minute. line 5 On the 26th and the 27th, I assume this search lasted, you shut off the house, cars were impounded.

McGILL: I don't remember if cars were taken on that date or not. I didn't have any part in that, if they were.

GERAGOS: You were involved in taking the cars on the 18th of February, is that correct?

McGILL: Yes, sir.

GERAGOS: Okay. On the 26th, as far as you know, were the cars searched?

McGILL: Yes, I do recall seeing someone searching them.

GERAGOS: Okay. Now, on the, and I'm still referring to the 26th, was there a, how many total people from Modesto PD do you remember being present at the search location?

McGILL: I have, I really have no idea exactly how many. The only names, people that I can clearly recall are the ones I've already given you. But I'm certain there were others there, but I just don't remember who they were.

GERAGOS: Okay. Let me show you something and see if this refreshes your recollection as to whether or not any of the cars were taken. And this is 2273. Would you read the first line of that. Silently to yourself. See if that refreshes your recollection as to whether or not the Land Rover and the, and/or the Dakota truck were taken.

McGILL: Okay. I've read this.

GERAGOS: Okay. Does that refresh your recollection?

McGILL: Yes, I do recall that Rick House was responsible for searching the Land Rover.

GERAGOS: Okay. And do you also recall that the Land Rover was towed from the location?

McGILL: That I don't recall.

GERAGOS: Okay. Now, you had mentioned CSO Holmes earlier when I was asking you about the binder. Who is CSO Holmes?

McGILL: She at the time was assigned to the investigations bureau, and her responsibility was the registering and maintenance of all sex offenders in the city.

GERAGOS: Okay. Was she at the location? Did she come out ne 17 to the location?

McGILL: I believe she was there, yes.

GERAGOS: Okay. And that would be on the date of the search warrant being executed, the first one, December 26th and 27th?

McGILL: Yes.

GERAGOS: Okay. And the, specifically when the, when was the search warrant team, if you will, when did they actually leave the location?

McGILL: For the night?

GERAGOS: Yes. For the night.

McGILL: That's what I spoke of earlier. I did not note the time that I left or the time the search warrant ended in my report. And I don't recall it myself.

GERAGOS: Is it a fair statement that you, that you left for the night and then returned the next day?

McGILL: I did not return on this one. I don't recall, but I had something else planned or scheduled that day, but I did not go back the following day, on the 26th, to serve the search warrant.

GERAGOS: Okay. Did you go over to the, the warehouse on that date?

McGILL: No. I've never been to the warehouse.

GERAGOS: Okay. Now, when you, after you did the interior portion of the filming, what did you do after that?

McGILL: I had no other responsibilities. I do know that I did go in the house, looked around a little bit. I don't recall doing any specific searching. That's why I, when I mentioned that I may not have stayed to the end, I'm just not comfortable enough to say, I may have left soon after. I may not have stayed the entire search warrant, but I did not do anything else that I particularly recall that night.

GERAGOS: Do you remember Scott Peterson coming by there and asking for some items so that he could spend the night somewhere else?

McGILL: I do recall at some point. Whether that was the 26th search warrant or the February 18th, I would have to review someone else's report likely to help me with that. But I do remember at some point that did occur.

GERAGOS: Okay. Now, on the 18th when you went there to do the search warrant, do you remember the trucks being, the truck, the subsequent truck and a, being impounded on that day?

McGILL: Yes, sir.

GERAGOS: Okay. What truck was that?

McGILL: That was a, a different truck that, that was the 2002 Dodge Dakota.

GERAGOS: Okay. So the, as far as you know, the first truck of his and Laci's were both searched and probably impounded? Is that your understanding of what happened on the 26th?

McGILL: I believe so.

GERAGOS: Okay. He goes out at some point and gets another truck, and on February 18th that truck is now towed away, and you were involved in that, correct?

McGILL: Yeah. Actually, I don't think we towed it, but we took it. I drove it from the house to the police department.

GERAGOS: Okay. And that's where that car was searched for evidence as well, correct?

McGILL: Yes, sir.

GERAGOS: And contained within the car were a number of items and we've just listed in the backpack. There was also Laci Peterson missing persons flyers, is that correct?

McGILL: I do recall seeing, seeing those in the vehicle, yes.

GERAGOS: Okay. Do you remember where in the vehicle they were?

McGILL: I don't. I, I could look at my report, if you'd like.

GERAGOS: Sure.

McGILL: I don't remember that.

GERAGOS: If you could refresh your recollection, that would be great. Just tell me which box you're looking at. Or which Bates number stamp.

McGILL: It's not in my report. So I'm looking at Detective Brocchini's now.

GERAGOS: What Bates, Bate number stamp?

McGILL: Looks like it's 1349, but I haven't found it yet.

GERAGOS: Okay. Listed seven through 25.

McGILL: For some reason I, my report goes seven to 14 and stops. So I don't see it here. If it's on the second page, I don't have that.

GERAGOS: Okay. The, what, but you do, as you sit here, remember when you executed the search warrant that there were Laci Peterson missing person flyers inside of truck, is that correct?

McGILL: It sounds very familiar. And I think if it wasn't a flyer, it was certainly some buttons, or, it may have actually been buttons, like you would pin on your, your shirt, or something.

GERAGOS: Okay. Now, the, on the 18th, who was the crime scene manager for the execution of that warrant?

McGILL: I believe that was, that was Detective Skultety as well.

GERAGOS: Okay. And was Grogan, or were Grogan and Brocchini present on that day as well?

McGILL: They went prior to us, I believe, and met with Mr. Peterson, and then the search warrant team arrived. I believe they left for a while, but they did return at some point.

GERAGOS: Okay. The, the, do you remember the names of the FBI personnel who were present on that first search?

McGILL: Did you say their names?

GERAGOS: The names of the FBI personnel.

McGILL: I have no idea.

GERAGOS: Thank you. I have no further questions of this witness.

Redirect Examination by Rick Distaso

DISTASO: When, when was the Dakota released back to the defendant on the 2-18 search warrant?

McGILL: That day.

DISTASO: And then when was Laci's Land Rover released back to the defendant after the 26th/27th search warrant in December?

McGILL: That I don't know.

DISTASO: You weren't responsible for seizing either of those vehicles?

McGILL: The Dodge Dakota,

GERAGOS: Objection. Misstates the evidence.

DISTASO: You weren't responsible for, for taking or searching the Land Rover or the pickup truck on the 26th or the 27th of December?

McGILL: No, sir. That was Rick House.

DISTASO: Counsel asked you just about the dog's behavior. And what we saw on the video, that was what the dog's behavior was, correct?

McGILL: Correct.

DISTASO: Okay. Nothing further, Judge.

JUDGE: Mr. Geragos, any other questions?

GERAGOS: Nothing.

JUDGE: Okay. May Detective McGill be excused?

GERAGOS: Subject to recall.

JUDGE: Obviously,

GERAGOS: On recall.

JUDGE: subject to recall. Is there a date you want me to order him back?

GERAGOS: Well, I would, my hope,

JUDGE: You sort of need a crystal ball.

GERAGOS: Yes. My hope would be the week of August 30th.

DISTASO: Judge, he'll be available to return. It's not a problem.

JUDGE: I'll just ask Mr. Distaso to make him available at your request, okay?

GERAGOS: Thank you.

DISTASO: That's fine.

JUDGE: All right. He'll do that. All right. Thank you.