Witness: Brian Cardwell

Date: 2004-09-02

Proceedings held September 2, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Agent Cardwell, you work for the Department of Justice?

CARDWELL: Yes, I do.

DISTASO: And were you part of the surveillance of Mr. Peterson from January, it started on January 3rd, but from January 3rd to January 11th, 2003?

CARDWELL: Yes, I participated in that surveillance.

DISTASO: What days were you part of that surveillance?

CARDWELL: I'd have to refer to my notes, but I think it was the 3rd, 5th and 6th.

JUDGE: You can check your notes.

DISTASO: Yeah, I was, I was going to say if you need to check your notes, because were you also present on the 9th.

CARDWELL: Yes, I was on the 9th, too.

JUDGE: So the 3rd, 5th, 6th and the 9th?

CARDWELL:: 6th and 9th, yes.

JUDGE: Those four days. All right. Go ahead.

DISTASO: I'm only going to ask you about a couple just brief areas. On the 9th, were you part of the surveillance that followed Mr. Peterson, January 9th, to the Berkeley Marina?

CARDWELL: Yes, I was.

DISTASO: And what, how long total was Mr., do the notes reflect was Mr. Peterson at the marina on the 9th?

CARDWELL: Approximately six to ten minutes.

DISTASO: Okay. After leaving the marina, did you follow Mr. Peterson as he kind of traveled down south to Bakersfield?

CARDWELL: Yes, I did.

DISTASO: On the highway, Highway 5, I-5, did, well, just describe for me what happened. You're driving down Highway I-5, correct?

CARDWELL: Yeah. We're driving down 580, which merged into Interstate 5, and I believe Mr. Peterson took the Wesley off ramp and acquired gas at the Chevron.

DISTASO: Okay. Then go ahead. Did you get back on the freeway?

CARDWELL: Yes. Southbound Interstate 5.

DISTASO: And followed him where?

CARDWELL: Mr. Peterson took the Newman off ramp, went across the freeway, and me and another agent followed at a distance. And approximately a quarter mile to a half mile off the off ramp, Mr. Peterson passed us going back towards the freeway.

DISTASO: Okay. So he had gotten off, went down about a quarter or half mile, turned around, got back on the freeway?

CARDWELL: Yes, sir.

DISTASO: Did, did it appear he made any stops or, or did anything in that period of time?

CARDWELL: Not that I saw.

DISTASO: When you got, after doing that, did you continue following him?

CARDWELL: Me and the other agent held back, and other agents followed him on the freeway.

DISTASO: This surveillance, just so the jury is clear, is this, we've heard there's usually around five or six cars or so that are involved?

CARDWELL: Yes, sir.

DISTASO: Is this, like, five or six cars in one big chain following Mr. Peterson wherever he goes?

CARDWELL: No. Typically there will be one car that will keep observation on the person we're watching. Especially on the freeway and light traffic, especially like on Interstate 5. Other individuals, other agents, will hold off upwards of a quarter of a mile to a half mile away.

DISTASO: And how do you keep in contact with each other?

CARDWELL: Radio communication.

DISTASO: If, when you, did you follow him then all the way to Bakersfield?

CARDWELL: Yes. That was the day we went to Bakersfield.

DISTASO: Okay. Did you personally observe, I can't remember if you did or not. Did you personally observe Mr. Peterson pull off the freeway and go to a location called the Medeiros Reservoir?

CARDWELL: Not at that time. I was playing catch up.

DISTASO: Okay. So you were somewhere in the back?

CARDWELL: Yes, I was pretty far away at that time.

DISTASO: All right. Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: The day that he asked you, that Mr. Distaso asked you about the, getting off the off ramp and then you kind of lost sight of where he went?

CARDWELL: Newman, the Newman exit?

GERAGOS: The Newman exit.

CARDWELL: Yes, he was out of my sight for a brief, brief moment.

GERAGOS: Okay. Did you see a large greenhouse company there?

CARDWELL: You know, there was, on the right-hand side of that street there was a, there was some kind of structure out in the middle of nowhere.

GERAGOS: Yeah. Do you know if that greenhouse company was somebody he was attempting to do business with in connection with his TradeCorp business?

CARDWELL: No, sir, I don't.

GERAGOS: Okay. And then was that before or after he went to the reservoir?

CARDWELL: He went, he got off Newman before he went to the reservoir.

GERAGOS: Okay. So if I've got, if I understand correctly, and I think Mr. Distaso did me a favor and had somebody print up a color map, does this, it's got no markings on it, but can you tell is this roughly the direction that you were following, and that's the reservoir, if I tell you that's the reservoir right there and,

CARDWELL: Fore Bay.

GERAGOS: the little green hook is where he went, is, that Newman off ramp is somewhere in there?

CARDWELL: Yeah. Without it being identified, it would have to be somewhere,

GERAGOS: Okay.

CARDWELL: north of the reservoir.

GERAGOS: If I could mark this as next in order, Judge.

DISTASO: Judge, I'll stipulate. I mean we can look at this, but I'll stipulate the Newman exit is north of this location.

JUDGE: All right.

GERAGOS: Just so, the Berkeley Marina is up here. The Newman exit is somewhere,

JUDGE: D 5 Z.

GERAGOS: here. And then the reservoir right here.

GERAGOS: Is that pretty much your, your understanding of the stops that he made on the way down?

CARDWELL: Yes, sir.

JUDGE: Can you spell the name of the reservoir for me, Mr. Geragos? Or Mr., Mr. Distaso?

DISTASO: It's, yeah, hold on a sec, Judge. It's in the report.

CARDWELL: I can do that for you.

JUDGE: Okay. The witness can do it, he said.

CARDWELL: It's the Medeiros Reservoir. That's M-E-D,

JUDGE: Okay.

CARDWELL: E-I-R-O-S. Medeiros Reservoir.

JUDGE: Okay. Just the way it sounds. Okay. Thank you.

DISTASO: And I don't have any follow-up, Judge.

JUDGE: Okay. We'll take judicial notice of the map, go in the record, go into evidence. Are you done with the witness?

GERAGOS: Yes, I am.

JUDGE: May the witness be excused?

DISTASO: Yes.

GERAGOS: Yes.

JUDGE: All right. Thanks, Officer. You are excused.