Witness: Aaron Fritz

Date: 2004-10-04

Proceedings held October 4, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Pat Harris

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Mr. Fritz, don't tell me where. You live here in the local area?

FRITZ: Yes, I do.

DISTASO: And does the complex that you live in have a pool?

FRITZ: Yes.

DISTASO: And does it have a hot tub?

FRITZ: Yes.

DISTASO: To your knowledge, has Mr. Peterson, the defendant in this case, ever been in your pool or your hot tub?

FRITZ: I don't recall, no.

DISTASO: You don't recall, or no?

FRITZ: To my knowledge he has not been in the pool or hot tub.

DISTASO: And only have one more question for you. Did, let me ask you this first. Do you know Mr. Peterson?

FRITZ: Yes, I do.

DISTASO: How long have you known him for?

FRITZ: Since I was a freshman in high school. So that was

DISTASO: That's fine. Since your high school days?

FRITZ: Since high school.

DISTASO: And, and during, prior to Amber Frey being made public and coming out in the media, had Mr. Peterson ever talked to you about her?

FRITZ: No.

DISTASO: Nothing further, your Honor.

JUDGE: Just one question. I assume you were living in the same place in April of 2003 where the pool was.

FRITZ: I'm actually living in different place now, but I was referring to the time,

JUDGE: That's what's not clear. So where you were living in April of 2003, that place had a pool?

FRITZ: That's correct.

JUDGE: And that's the one, as far as your recollection is, that the defendant was never in that pool.

FRITZ: Correct.

JUDGE: Okay.

Cross Examination by Pat Harris

HARRIS: Good afternoon, Mr. Fritz. You do have a pool, a hot tub, correct?

FRITZ: Yes, I do.

JUDGE: Presently? So we can get this straight.

FRITZ: For clarity, in both places I have a pool and hot tub.

HARRIS: Either place?

FRITZ: Yes.

HARRIS: You and I talked about a week ago, right?

FRITZ: That's correct.

HARRIS: And you had told me that at that time that, in fact, Scott had stayed at your, is it a condo? I believe it's condo or townhouse. What was it at that time?

FRITZ: Yes, a townhouse.

HARRIS: Townhouse. And he had stayed there, on at least a couple of occasions he had stayed there when you weren't there; is that right?

FRITZ: I believe just one time when I was not there.

HARRIS: And I think you told me at that time you have no idea whether he used the pool or hot tub or what, when you weren't there.

FRITZ: That's correct.

HARRIS: Do you know the date of that?

FRITZ: Excuse me?

HARRIS: Do you know the date of that time?

FRITZ: I don't recall what date.

HARRIS: You told this to a couple of detectives. You have had interviews with two separate Modesto Police Department detectives; is that right?

FRITZ: Yes, that's correct.

HARRIS: One of them named Brocchini?

FRITZ: Yes.

HARRIS: One of them named Grogan. Does that ring a bell?

FRITZ: Yes.

HARRIS: Do you have having an initial conversation with Detective Brocchini around January 26th of 2003?

DISTASO: Your Honor, these, I will object. Mr. Fritz is local, so I will object to beyond the scope of direct for this witness.

HARRIS: Well, your Honor, two things. First of all, the statements he's making were from interviews that he was asking, were from interviews with Brocchini and Grogan. I think they are open. Secondly, I think just,

JUDGE: Well, as long as we understand what Brocchini and what Grogan told him is going to be hearsay.

HARRIS: There is, look, for purposes of what we're asking here, I'm going to ask him questions about what he told Detective Brocchini.

JUDGE: And in the interest of saving this man another trip, I'll let you take him on, as long as we don't get into what the police told him what, his conduct is not an issue.

HARRIS: Thank you, judge.

JUDGE: All right.

HARRIS: You did talk to Detective Brocchini.

FRITZ: I did. I don't recall what date that was.

HARRIS: Okay. Do you recall it being around Super Bowl Sunday? Does that ring a bell?

FRITZ: No, I'm sorry, I don't recall.

HARRIS: Okay. Does that refresh your recollection?

FRITZ: Yeah.

HARRIS: Was around late January?

FRITZ: Yes.

HARRIS: Is that your first conversation with the detective?

FRITZ: I don't know if that was the first conversation or not. We had a number of discussions whereby he had called.

HARRIS: How many discussions do you think you had with Detective Brocchini?

FRITZ: Somewhere probably between six and eight discussions.

HARRIS: Between six and eight?

FRITZ: That would be my estimate. I can't recall exactly the number. But we spoke on several occasions.

HARRIS: Did these discussions take place over a period up until his arrest, until Scott's arrest?

FRITZ: No. They, I know they were fairly early in the process. The later one was actually with Detective Grogan. I only spoke with Detective Brocchini in the early part of all this, January, February timeframe.

HARRIS: Based on that, your Honor, I'm actually going to have to recall. I need to check some possible reports. So we'll recall him.

JUDGE: Do you want to recall him as your witness?

HARRIS: Yes.

JUDGE: Mr. Fritz, we are going to let you go. You are going to be subject to recall. The defense wants to recall you as part their case. We'll excuse you now, but you will have to return when they call you back. You can be excused.