Witness: William Austin

Date: 2004-06-09

Proceedings held June 9, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos; Redirect – Dave Harris; Recross – Mark Geragos; 2nd Redirect – Dave Harris

Day 1 of 1 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/Austin.htm

Page/line: not available (source HTML has no page or line markers)

Text below is verbatim from the source page for this date only.

Direct Examination by David Harris

HARRIS: People call Bill Austin.

JUDGE: Bill Austin.

DISTASO: Your Honor, I'm going to step out for just a moment. Mr. Harris is going to do this witness.

JUDGE: Okay.

GERAGOS: Is this my copy?

HARRIS: It can be.

CLERK: Raise your right hand. Do you solemnly state that the evidence you shall give in this matter shall be the truth, the whole truth and nothing but the truth, so help you God?

AUSTIN: I do.

CLERK: Be seated.

AUSTIN: Thank you.

CLERK: State and spell your name for the record.

AUSTIN: William Austin.

JUDGE: Why don't you spell it, Mr. Austin.

AUSTIN: A-U-S-T-I-N.

CLERK: First name?

CLERK: William.

JUDGE: Common spelling. Okay. Go ahead.

HARRIS: Thank you.

HARRIS:. Mr. Austin, are you the owner of Austin's Patio Furniture store in Modesto?

AUSTIN: Yes, I am.

HARRIS: That's in Stanislaus County?

AUSTIN: Yes, sir.

HARRIS: Just to go through this a little bit, is Austin's Patio Furniture pretty much what it says, a patio furniture store?

AUSTIN: Patio furniture in the summer, Christmas decorations in the winter.

HARRIS: And the Christmas decorations that you're talking about, is it called Austin's Christmas Store?

AUSTIN: Austin's Christmas Shop.

HARRIS: Christmas Shop?

AUSTIN: Uh-huh.

HARRIS: When you do this, do you do it out of the same building? Or do you set up a different building?

AUSTIN: Same building.

HARRIS: I want to take you back to December 24th, 2002. Were you -- or Austin's operating that Christmas shop back then?

AUSTIN: Yes.

HARRIS: Can you tell the jury a little bit about how that Christmas shop is set up?

AUSTIN: Basically we empty our store. We have 6500 square feet of nothing but Christmas decorations.

HARRIS: And when you do that, do you have a particular cash register that you set up for the Christmas shop?

AUSTIN: Yes, we do.

HARRIS: And how many -- is that the only register in the Christmas shop?

AUSTIN: We actually run three registers, but that's our primary register.

HARRIS: The one for the Christmas shop?

AUSTIN: Yes.

HARRIS: All right. And after you get this going, does it stay open until the end of the holidays, basically?

AUSTIN: Yeah. We'll run through the middle of January.

HARRIS: Then at some point in time -- let me just show you what's been marked as People's number 28. Were you shown a receipt by a detective from the Modesto Police Department? Give you a chance to look at that.

AUSTIN: Yes, sir.

HARRIS: Can you recognize, looking at People's number 28, that particular receipt that was shown to you by the detective?

AUSTIN: Yes.

HARRIS: Can you tell the jury what that receipt is?

AUSTIN: It's a receipt from our Christmas shop from the 24th, late morning, 10:34 a.m. according to the time clock.

HARRIS: All right. I want to go through that a little bit.

AUSTIN: Uh-huh.

HARRIS: You're the owner of the store?

AUSTIN: Yes, sir.

HARRIS: And as part of being the owner of the store, you're responsible for the operations and how things work?

AUSTIN: Yes, sir.

HARRIS: And the register that you're talking about, that primary register, did that receipt come from that primary register for the Christmas shop?

AUSTIN: Yes, sir.

HARRIS: Do you make sure that the time is set on those registers?

AUSTIN: Yeah. We program the register at the start of the season. It's part of the programming procedure. Date and time has to be accurate.

HARRIS: How is that done?

AUSTIN: The young gentleman that sets them up goes to the phone line, picks up the time off the phone and coordinates that with the register.

GERAGOS: Be an objection. Hearsay. Motion to strike.

JUDGE: I think he's talking about his custom and practice. So, overruled.

HARRIS:. From your personal experience, do you confirm at some point in time that they're using it or checking it later that the time is accurate?

AUSTIN: Yes.

HARRIS: And from looking at that receipt, was that an accurate time on that receipt?

AUSTIN: Yes, sir.

HARRIS: As part of the practice in your particular store, when a customer comes in and buys something, is that transaction run up on these registers?

AUSTIN: Uh-huh.

HARRIS: Is that a yes?

AUSTIN: Yes. I'm sorry.

HARRIS: And is it given to the customer?

AUSTIN: Yes, sir.

HARRIS: And it reflects the time of the purchase?

AUSTIN: Yes, sir.

HARRIS: I have no other questions.

Cross Examination by Mark Geragos

JUDGE: Mr. Geragos.

GERAGOS: Mr. Austin, you don't set up the -- program the machine, do you?

AUSTIN: I didn't program this one, no.

GERAGOS: It's a gentleman by the name of Jared Jensen is the one who did it?

AUSTIN: Yes, sir.

GERAGOS: Jared Jensen is an employee of yours?

AUSTIN: Yes, he is.

GERAGOS: There's actually four cash registers in the store on December 24th of 2002, correct?

AUSTIN: No, sir.

GERAGOS: You had,

AUSTIN: Three.

GERAGOS: Three, you had four cash registers. One that was computerized, three that were standard; is that correct?

AUSTIN: There's three cash registers at that time. Two were standard and one is computerized.

GERAGOS: The computerized cash register would have been attended to by Mr. Jensen?

AUSTIN: Yes.

GERAGOS: And he's the one who would have set up that cash register back in 2002; is that correct?

AUSTIN: That's correct.

GERAGOS: Okay. You did not set it up?

AUSTIN: No, I did not.

GERAGOS: Do you recognize my Mr. Jensen over here, can you stand up for a second, Paul? Do you recognize him?

AUSTIN: Yes, sir.

GERAGOS: Okay. He's talked to you and been in your store?

AUSTIN: Yes.

GERAGOS: Okay. Did he make, or have somebody ring up two no-sales receipts while you were there?

AUSTIN: Yes.

GERAGOS: Those two no-sales receipts, just show you, are these, do those look familiar?

AUSTIN: Yes.

GERAGOS: Mark this as a defense.

JUDGE: Want this as a Defense Exhibit.

GERAGOS: Defense Exhibit.

JUDGE: All right. That will be Defense H. No-sale receipts from Austin's

GERAGOS: Defense H?

JUDGE: Right.

GERAGOS: Now, these two receipts, you see the one says 1:35 and the other says 2:26? Do you see that?

AUSTIN: Yes, sir.

GERAGOS: Okay. Isn't it true that those two, even though they show approximately being 50 minutes apart, or 49 minutes apart, were actually run up just ten minutes apart?

AUSTIN: I have no recollection of how far apart those were rung up.

GERAGOS: Isn't that what Mr. Jensen was doing is to check the accuracy of the machine and see if it self-programs?

AUSTIN: I don't know how close together those were rung up.

GERAGOS: Okay. Now, the, who changes the time on the, on the Christmas register? Is that also Mr. Jared Jensen?

AUSTIN: It doesn't get changed.

GERAGOS: Okay. So he's the one who programs it initially; is that correct?

AUSTIN: Yes.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Dave Harris

JUDGE: May this witness be excused?

HARRIS: No, I have some questions.

JUDGE: Okay.

HARRIS: Mr. Austin, just so we're clear about this, the date, you were asked about the time on these particular exhibits.

AUSTIN: Uh-huh.

HARRIS: I'll let you look at it. This was done in 2004; is that correct?

AUSTIN: Yes.

HARRIS: And that was done in January?

AUSTIN: Oh, according to this one was on the 14th, one was on the 20th.

HARRIS: Of January of 2004?

AUSTIN: Yes.

HARRIS: So that would have been some time after the Christmas season?

AUSTIN: Yes.

HARRIS: Some time a long time after the 2002 Christmas season?

AUSTIN: Two years.

HARRIS: Now, it says on those receipts something about Happy Holidays?

AUSTIN: Right.

HARRIS: Now, those particular registers, when the holiday shops are, it's done, you close up for the season, do you put those registers out of service or commission?

AUSTIN: Out of service.

HARRIS: So they sit and they kind of wait until the next holiday season to be used again?

AUSTIN: That's correct.

HARRIS: So this defense investigator came in asked you to pull these out of storage, turn them on and check them in 2004 to see if it was accurate back in 2002?

AUSTIN: Yes, sir.

HARRIS: I have no other questions.

Recross Examination by Mark Geragos

GERAGOS: And apparently it wasn't accurate in 2004, was it?

AUSTIN: I don't know why it wouldn't be.

GERAGOS: Well, because if it was ten minutes apart and it shows different dates and different times, that would be a pretty good indication that that wasn't accurate, wouldn't it?

AUSTIN: I couldn't tell you if these were done on the same day, sir.

GERAGOS: Didn't you just testify that he did it ten minutes apart on the same day in front of you? You didn't say ten minutes apart, but you did say you did it, he did it in front of you?

AUSTIN: According to this it was done on two different days.

GERAGOS: Do you remember,

AUSTIN: I didn't look at that part.

GERAGOS: Okay. But did you run two receipts for him on the same day?

AUSTIN: I can't tell you if I did or not.

GERAGOS: Well, when I asked you before, I asked you about it and you said that you did. Do you remember testifying to that about five minutes ago?

AUSTIN: I also didn't look at the dates on these two receipts

GERAGOS: Okay. How many times have you talked to the investigator?

AUSTIN: A couple of occasions.

GERAGOS: And you ran the receipts for him on one occasion; isn't that correct?

AUSTIN: Excuse me?

GERAGOS: You ran the receipts for him on one occasion; is that correct?

AUSTIN: That's what I recall.

GERAGOS: Right. Same day?

AUSTIN: As far as I can recall, yes.

GERAGOS: Thank you. No further questions.

2nd redirect Examination by Dave Harris

HARRIS: Just briefly. Mr. Austin, just so we're clear, at the start of the Christmas season is when this person calls up the phone company, puts in the correct time as part of the start-up process?

AUSTIN. Yes.

HARRIS: Nothing else.

JUDGE: Mr. Geragos, anything?

GERAGOS: No.

JUDGE: Okay. Mr. Austin, thank you very much. You can be excused.

AUSTIN: Thank you.