Witness: Shawn Sibley

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Called by: People (prosecution)

Phase: Guilt

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

HARRIS: Miss Sibley, I want to direct you back in time back to October of 2002 and ask if you happened to be at, acronym, the CAPCA conference?

SIBLEY: Yes.

HARRIS: Do you know what that is, what that stands for?

SIBLEY: California Association of Pest Control Advisers.

HARRIS: And in this particular conference, is it somewhat an agricultural-related type of conference?

SIBLEY: Yes.

HARRIS: Were you there for business reasons?

SIBLEY: Yes.

HARRIS: Did you, during the time that you were there at this particular conference, did you know other people or individuals that were also there?

SIBLEY: Yes.

HARRIS: And I want to talk about the first day of this particular conference. Some time at the end of that day, did you end up going out and trying to meet some people that you knew?

SIBLEY: Yeah.

HARRIS: Can you tell us about where you were going, or where you ended up?

SIBLEY: It wasn't the first day that I met Scott. It was the second day that I met Scott. The first night I just went out with friends after the conference, and went out for dinner, had drinks, that kind of thing.

HARRIS: Let's back up. You said the first time that you met Scott. The Scott you are referring to, is that Scott Peterson, the defendant in this case?

SIBLEY: Yes.

HARRIS: And you met him for the first time at that conference?

SIBLEY: Yes.

HARRIS: Tell us about how it was that you first met him at that conference.

SIBLEY: It was the second night of the conference, at the Monday night, it was a Monday night football social at the conference. Standing around talking with some friends. Scott was in the group of people I was standing around talking to. As I was introduced to him or, I don't if we met somehow in the group of people. And I said that I did research work. And he said that he may have some business for my company and so.

JUDGE: Let me interrupt, okay? Do it by question and answer. Miss Sibley, can you get a little closer to the microphone? I'm not sure the jury can hear you. Go by question and answer.

HARRIS: Okay. This was some Monday night function that was taking place after the conference?

SIBLEY: Yes.

HARRIS: You also said that you were there with some friends?

SIBLEY: Yes.

HARRIS: Could you tell us who it was in terms of your friends that were there?

SIBLEY: Everybody was there. I mean it's a large conference. There is thousands of people, a couple thousand people there. So I was just standing around talking to Dave, who I had met earlier through my friend Tony.

HARRIS: Let me just go through this. This is David Fernandez?

SIBLEY: Yes.

HARRIS: And did Mr. Fernandez have a friend with him by the name of Eric Olsen?

SIBLEY: Yes.

HARRIS: Did you meet Mr. Olsen that night?

SIBLEY: Yes.

HARRIS: When you met, so you are there, you are talking with Mr. Fernandez. You meet Mr. Olsen. Is that about the same time that you met the defendant Mr. Peterson?

SIBLEY: Yes.

HARRIS: The other friend that you mentioned, Tony, did Tony kind of disappear, you ended up being stuck, not stuck, but you ended up being with these other individuals?

SIBLEY: Yes. At the time there was other people there talking with us. My friend Ed was over there talking with us. There was some other guys from other companies, you know. It's a social. So it's, people are standing around talking. Some people come up, other people leave. I mean we're standing around in groups of people talking. I mean I don't know who all was there. I'm kind of bad with names, so I don't remember the names of the people who were there. I mean I recognize,

GERAGOS: Objection. Non-responsive.

JUDGE: Let's start a question, please.

SIBLEY: Sorry.

HARRIS: What the judge is trying to indicate is, I have to ask you a question, we'll try to deal with that. And if it is too long, then I'll have to come back and cover other things. I'll try and keep them simple for you, and so we can get in that question answer format. When you were standing there with this group, did the conversation turn to food at some point in time?

SIBLEY: Yes, because I was hungry. There was nothing there for me to eat. It was a Monday Night Football social. It's sponsored by some, one of the sponsors of the conference, and they just had hot dogs. And I'm a vegetarian, so I was starving.

HARRIS: Cut you off and move on to the next question. Did a group of you then leave from that particular place and go someplace to eat?

SIBLEY: Yes. Eric, Dave, and I, and Scott.

HARRIS: Do you remember where you went to?

SIBLEY: We went to the House of Blues.

HARRIS: Where was this particular conference at?

SIBLEY: Disneyland Hotel in Anaheim.

HARRIS: And House of Blues, is that nearby?

SIBLEY: It's on the Disneyland strip there. It's all like a walking strip.

HARRIS: Did you walk over to the restaurant?

SIBLEY: Yes.

HARRIS: When you walk over to the restaurant, it's just your group, and you leave behind a bigger gathering that was behind?

SIBLEY: Yes.

HARRIS: When, when you sat down, actually had dinner?

SIBLEY: Yes.

HARRIS: Do you start talking to any of the individuals that are there?

SIBLEY: Yes.

HARRIS: You end up talking to the defendant?

SIBLEY: Yes.

HARRIS: Tell us about the conversation that you had with him.

SIBLEY: We talked about a little bit of everything. We talked about business. We talked about everything all evening long. It was a long evening. Dinner and drinks. Talked about my fiancé a lot.

HARRIS: Let me interrupt you there. At that time were you e 4 engaged?

SIBLEY: Yes.

HARRIS: And were you telling the group that you were engaged?

SIBLEY: Yes.

HARRIS: Did you, or did other members of that group, Mr. Fernandez, Mr. Olsen, Mr. Peterson, indicate if they were married or not?

SIBLEY: Scott acted like he wasn't married, because he asked me if, actually, on our way over to dinner he was asking me what he could put on his nametag to attract women to him that night.

HARRIS: Let me interrupt you there. Nametag. At the conference were you wearing nametags?

SIBLEY: Yeah.

HARRIS: And so as you are walking from this gathering to dinner, does he still have his nametag on?

SIBLEY: Yes.

HARRIS: And a conversation comes up that, what does the defendant say about the nametag?

SIBLEY: He said, because it's in a little plastic sliding, and it's a paper, so you can slide out the paper. He said what could he write on the back of the nametag that could attract a woman to him that night. And so then when we got to the dinner table, I wrote on the back of it, "I'm rich." And he didn't really like that. I said, well, it's something that could attract a woman to you tonight if you want.

JUDGE: Next question.

HARRIS: Why was it that you wrote, "I'm rich" on the back of his name tag?

SIBLEY: He had been talking about owning two homes, and being successful. Talking a lot about having a lot of money. Owning, you know, launching this company.

HARRIS: When he's talking about that, he never mentioned that he was married?

SIBLEY: No. No.

HARRIS: You mentioned that you were talking throughout the evening about being engaged. At some point in time did the defendant start asking you or talking to you about that engagement?

SIBLEY: Yes.

HARRIS: What did he start to say?

SIBLEY: Well, because I was saying that I was engaged, and he is like, Well, do you have a wedding date? And I said, No, not yet. And, you know, the guys kind of harassed me about that. Kind of used to that. I just kind of blew it off.

HARRIS: Did he keep going further and become more personal?

SIBLEY: Yes.

HARRIS: How was it that he became more personal?

SIBLEY: I don't know. Just conversations. Kind of joking around about different stuff. I mean sometimes, at one point like we brought up the topic of about vegetarian, my being a vegetarian at dinner came up. The guys were all harassing me. And Scott said during college he had became a vegetarian for I think was like six months, or six weeks, something like that, for some girl. And I said that's pretty stupid to change your way of life for a girl. And he said, "Well, it's great sex." And then later on that night he brought up, it was like a constant thing with him, just, we would be talking about something else, and he would bring up sex. And,

JUDGE: Let's do question and answer.

HARRIS: You say became a constant thing that he would start bringing up sex. Was he just talking generally about it? Or did he start asking you questions about sex?

GERAGOS: Objection relevance, 352.

JUDGE: Overruled.

HARRIS: You can answer the question.

SIBLEY: He did ask me, you know, my sexual preferences for sexual positions at one point in the evening, but it was kind of joking. So I don't know.

HARRIS: And this was the first night that you had ever met him?

SIBLEY: Yes.

HARRIS: Did you, while this was going on, did you continue to also talk about your fiancé?

SIBLEY: Yes.

HARRIS: And so as that would occur, did the conversation kind of switch to something about relationships?

SIBLEY: Yeah. I was talking about how my fiancé is my soul mate. And Scott told me that, he said that at one point in his life he had found a woman that he thought was his soul mate, but then he lost her. And he asked me, did that mean I thought that this was going to mean that he was going the to spend the rest of his life alone. I told him, I said, No, I don't believe that. I believe there is a thousand people out there in this world who can be your soul mate, but because of circumstances, or whatever, you are not going to meet all thousand of those people. And, you know, you may, they may already have someone else, or whatever. But, you know,

HARRIS: You can always tell when the judge turns his head, I need to ask another question. You are having this conversation talking about soul mates. Is it, the defendant that says he's lost his soul mate?

SIBLEY: Yes.

HARRIS: Then you were explaining the rest of that conversation.

SIBLEY: Yes.

HARRIS: When you have this soul mate conversation, does he indicate what he's attempting to do about finding another soul mate?

SIBLEY: He was talking about, he said that he had dated, had a lot of one-night-stands, and he was sick of having one-night-stands. And he was sick of, seemed like all the women he met were just these bimbos with no brains. And he was really interested in finding someone who had intelligence, and didn't I have any single friends, I could hook him up with. That,

HARRIS: Stop you there. So during that conversation, he asked you if you have any single friends?

SIBLEY: Yes.

HARRIS: Does he indicate why he wanted to know if you have single friends?

SIBLEY: Because he hasn't been successful in finding anyone for himself. And he wants to have a long-term relationship with someone, is what he was saying.

HARRIS: Now, here is the first time that you are meeting him, and he's going through all these things that you are talking about. How did you feel or think about this when he's asking to find somebody to have a serious relationship?

SIBLEY: Well, at first I was kind of like, well, I don't really have anybody to hook you up with. But then as the night went on, and we got to know each other more, I began to think that he was serious about really wanting to meet someone. And so I told him, I said I have a friend that is single, but she's, I told him I said she's been through a lot of bad relationships. So if you are not serious about having a long-term meaningful relationship, then, you know, I don't want to hook you up with her. But if you are, then I would be willing to introduce you to her.

HARRIS: Did he respond?

SIBLEY: He was very interested in meeting her. And but then his, you know, his first question was, "Is she intelligent?" And I said, "You know, there is different levels of intelligence. I think she is intelligent." And then he said, "What did she look like?" And I said, "I think he's pretty. Some people think she is too thin." He said, "I like thin women."

HARRIS: Now, when you are having these conversations was this all during dinner, or after dinner? Did you end up someplace else?

SIBLEY: After dinner we, like Dave left, and then Scott got up to go to the rest room and, or I mean Eric got up to go to the rest room, and like never came back. So we waited around for like 45 minutes. He never came back. So then we went to see if the sushi place was open, because I was still hungry. They went, so we went back to the bar at the Disneyland Hotel, and we sat

down there with, we ran into one of other people.

GERAGOS: Objection. Non-responsive.

JUDGE: Question and answer. You have to just answer the question. Go into long narrative, then we get a lot of objections. You are not answering the question.

SIBLEY: Sorry.

JUDGE: In other words, don't volunteer things. Just answer what the District Attorney asks. Go ahead.

HARRIS: Did you end up talking to the defendant for a long time that night?

SIBLEY: Yes.

HARRIS: So you were saying that you became convinced that he was looking for a serious relationship?

SIBLEY: Yes.

HARRIS: You started talking with this friend of yours? What was the name of that friend that you were talking about?

SIBLEY: Amber Frey.

HARRIS: As you started to describe Miss Frey to the defendant, were you having this discussion about the intelligence, and her being thin, did he indicate that he was looking for a serious relationship, and he was interested in meeting her?

SIBLEY: Yes.

GERAGOS: Objection. Leading.

JUDGE: But she's answered the question already.

HARRIS: Did you tell him that, her name that night?

SIBLEY: I don't know if I told him her last name. I told him her name was Amber, yes.

HARRIS: Did you, did you continue to talk about Amber during the course of that conversation?

SIBLEY: Yes.

HARRIS: Did you describe Amber, and things that had happened in her life?

SIBLEY: Somewhat.

HARRIS: How did the defendant respond to this?

SIBLEY: He seemed fine with that.

HARRIS: Seemed very interested in her?

SIBLEY: Yes.

GERAGOS: Objection. Leading.

JUDGE: Sustained.

GERAGOS: Motion to strike.

JUDGE: She didn't answer, answer may be stricken.

HARRIS: What was the defendant's attitude,

GERAGOS: Objection. Calls for speculation.

JUDGE: Sustained.

HARRIS: Did the defendant indicate he was interested in meeting Amber?

SIBLEY: He said he wanted to meet Amber.

HARRIS: At some point in time this conversation ended?

SIBLEY: Yes.

HARRIS: And did you ever talk to the defendant again about either Amber, or anything else after that?

SIBLEY: Yes.

HARRIS: Now, you had mentioned earlier in your testimony that when you first met him he was talking about having your business do some research for his company?

SIBLEY: Right.

HARRIS: Did you talk to him about business at that point in time, some future point in time?

SIBLEY: Yes.

HARRIS: How was this done?

SIBLEY: Phone calls and e-mails.

HARRIS: When you would call, would, when someone would call, would it be you calling him, or him calling you?

SIBLEY: Both.

HARRIS: When you would talk, was it strictly business?

SIBLEY: No. In fact, the first time I called him, I left him a business message on his phone. And he called me back, and was kind of offended by the message I left him. He is like, "What's up with that?" He said, "What, we're not friends any more?" Because he said, you know, he always wanted to talk personal first, and then we could talk business.

HARRIS: The e-mails, did you sends him e-mails, or did he send you e-mails?

SIBLEY: Both.

HARRIS: When you would send these e-mails, either him to you or you to him, was there also personal things that took place in those?

SIBLEY: Yes.

HARRIS: Like to have marked next in order, I'm going to show to counsel.

JUDGE: That's People's 94.

HARRIS: Yes. Document

JUDGE: All right, been shown to counsel.

HARRIS: Miss Sibley, I'm going to show you what's been marked Number 94. Have you look at that for a second. Have you had a chance to look at that?

SIBLEY: Un-hun.

HARRIS: Does that appear to be something that was, that came off of a computer that includes an e-mail that you had sent to the defendant?

SIBLEY: Yes.

HARRIS: In that particular e-mail, what was the nature of that e-mail?

SIBLEY: It was about our conversation we had had where we were discussing some business and some personal.

HARRIS: What's personal that was being discussed?

SIBLEY: He had gone to, he had told me he had been, gone to, I think, Mammoth skiing, and said that he was going to be looking for some snow bunnies up there. And I had invited him to come over to dinner. And he had missed dinner, because he said he was going skiing instead. So I just told him about the dinner that he missed.

HARRIS: Now, the top of the header indicates that it's coming from you, but there is initials at the bottom of that e-mail. What are those initials?

SIBLEY: I say, "See you later H.B."

HARRIS: What did the "H.B." stand for?

SIBLEY: Horny Bastard.

HARRIS: How did that come about?

SIBLEY: In a phone conversation one time, Scott said that he said he was thinking about having "Horny Bastard" put on his business cards. And I said that probably wouldn't be a good idea, seeing most of the people in their business are men, they might get the wrong impression, think that he was hitting on them.

HARRIS: Now, had he shown you business cards at some point in time during the time that you had met him?

SIBLEY: Yes. Gave me two business cards, his current business card, and another card which he said he was a company in Europe he had owned and sold.

HARRIS: On those, obviously since you were talking to him on the phone, you got his phone number. The phone numbers on the business cards, were they correct phone numbers?

SIBLEY: The current one that was a current business card was, yes.

HARRIS: He gives you the number, you look at it, you call him, that gets through to him?

SIBLEY: Yes.

HARRIS: Do you remember that particular phone number?

SIBLEY: No. But I have it in my purse with me.

HARRIS: You still have the defendant's business card?

SIBLEY: Yes.

HARRIS: If you would look at that, would it refresh your recollection what his phone number was?

SIBLEY: His mobile number, which was the one that you could reach him at most of the time, was 209-505-0337. And his office number was 209-578-0334.

HARRIS: During the course of time that you are talking about, this is over a, let me strike that. At some point in time, did you, in fact, set the defendant and Amber Frey up?

SIBLEY: Yes.

HARRIS: Were you aware of when they had their first date?

SIBLEY: Yes.

HARRIS: Had some time elapsed from when you had first met him until the defendant and Miss Frey had their first date?

SIBLEY: Yes.

HARRIS: Had you talked to him about that, about this dating occurring with Miss Frey?

SIBLEY: Yes.

HARRIS: How was it that you were aware of when the defendant and Miss Frey had their first date?

SIBLEY: I babysat her daughter.

HARRIS: So Miss Frey had a daughter?

SIBLEY: Yes.

HARRIS: You babysat. Do you remember when that date was?

SIBLEY: No, I don't remember the date of the date.

HARRIS: The date occurs, were you aware that the defendant had shown up?

SIBLEY: Yes.

HARRIS: And Miss Frey goes out. Does she come back that night?

SIBLEY: No. The next morning I had to call her and say, line 22 You need to get home, because I got to be at to work, and you need to come home and get your kid, because I got to be, I'm going to be late to work otherwise.

HARRIS: At some point in time, moving forward a little bit further around December 6th, did you know the previous gentleman that just testified, Mr. Almasri?

SIBLEY: Yes.

HARRIS: Everybody calls him Mike?

SIBLEY: Yes.

HARRIS: At some point in time around that date, December 6th, did Mike mention something that he knew a Scott Peterson from Modesto that was married?

SIBLEY: Yes.

HARRIS: Did that cause you to think something at that point in time?

SIBLEY: Oh, yeah. I freaked.

HARRIS: Why did you freak?

SIBLEY: Because I had set him up with Amber, and I figured there is not two Scott Petersons with Trade Corp. Too small a world for that.

HARRIS: What did you do?

SIBLEY: I immediately went outside and called Scott, and said, "I heard that you are married and, you know, what in the hell is up with this?" And he said he kept denying it. And I said, You "know, if I find you are lying to me, I'm going to --" excuse my language, but I said, "I'm going to kick the shit out of you." I was extremely upset. And he kept denying it. So I got off the phone with him, and then I called --

HARRIS: Let me stop you there. So you call, after hearing this from Mr. Almasri, you called the defendant, talked to him in person?

SIBLEY: Yes.

HARRIS: And on the phone have a conversation with him?

SIBLEY: Yes.

HARRIS: He denies that he's married?

SIBLEY: Yes.

HARRIS: What's the next thing that you do?

SIBLEY: I go inside, and I find Eric's business card from the conference and,

HARRIS: Eric Olsen?

SIBLEY: Yes.

HARRIS: You call Mr. Olsen?

SIBLEY: Yes.

HARRIS: Do you ask him anything?

SIBLEY: Yes. I asked him if Scott was married.

HARRIS: Mr. Olsen tell you anything?

GERAGOS: Objection. Calls for hearsay.

JUDGE: Sustained.

HARRIS: Without getting into anything what he said, did he give you any information?

SIBLEY: No.

HARRIS: After you talked to the defendant, he denied that he's married, you talked to Mr. Olsen, did somebody call you? Did you get a phone call?

SIBLEY: Yes. Scott calls me about an hour later.

HARRIS: This is, again, still on December 6th?

JUDGE: What was the date again?

HARRIS: This is December 6th?

SIBLEY: Yes.

HARRIS: Do you answer the phone?

SIBLEY: No.

HARRIS: What happens?

SIBLEY: It goes through to my voicemail. And I then I call my voicemail and listen to it, and he's sobbing on my voicemail saying that, "I'm sorry I lied to you earlier. I had been married. It's just too painful for me to talk about. Call me back."

HARRIS: So he's crying on your voicemail?

SIBLEY: Yes.

HARRIS: Do you call him back?

SIBLEY: Yes, I call him back. And I, but he doesn't answer. So I tell to him call me on my house phone. And he then he called me on my house phone.

HARRIS: So you, by now you are now at your home?

SIBLEY: Yes.

HARRIS: Does the defendant call you at your house?

SIBLEY: Yes.

HARRIS: And do you actually have a conversation with him at that point in time?

SIBLEY: Yes.

HARRIS: Tell us about that conversation.

SIBLEY: Scott's just sobbing hysterically. And he says, "I'm so sorry I lied to you earlier. I had been married. I lost my wife. It's too painful for me to talk about. Please just give me the

opportunity to tell Amber in person. I'm going to be in town on Monday. Please don't tell her. This wasn't, just please let me have the chance to tell her myself." And he's just begging me this whole time. And I said, I said, "Scott, I don't care if you are widowed, or you are divorced. All I care about is are you currently married right now?" And he said, "No, absolutely not."

HARRIS: Stop you again there. So during this conversation, he tells you that he's lost his wife?

SIBLEY: Yes.

HARRIS: And he asked for time for him to tell Amber?

SIBLEY: Yes.

HARRIS: Do you give him that time?

SIBLEY: Yes. But I tell him that if he does not tell her by Monday that I'm telling her.

HARRIS: And that Monday would be December 9th?

SIBLEY: Yes.

HARRIS: Do you kind of give him any conditions, does he have to communicate back with you?

SIBLEY: Yes, I tell him that as soon as he tells Amber he has to tell me.

HARRIS: When he was talking to you on the phone, was he still crying?

SIBLEY: Yes. Sounded like it. I mean it was a phone call. I couldn't see tears, but it sounded --

HARRIS: Did he still sound as upset as when he left that voicemail?

SIBLEY: Yes.

HARRIS: Sobbing?

SIBLEY: Sobbing hysterically, yes.

HARRIS: So you give him the time to talk to Amber?

SIBLEY: Yes.

HARRIS: Does he ever communicate back with you that he's talked to Amber?

SIBLEY: Yes. That Monday about, I don't know, I don't remember the time exactly. It was around 2:30, 3:00 o'clock in the afternoon.

HARRIS: Does he call you or come by?

SIBLEY: He called me at work on my cell phone.

HARRIS: What does he say?

SIBLEY: He said that he talked to Amber, and that she knew everything, and that she didn't know that I had found out. And he asked me not to tell her that I had found out. I and I told him that so long as she doesn't ask me I won't tell her. But if she asks me, I'm not going to lie to her, because I won't be put in that position to lie to my best friend. And I said if she doesn't ask me, I won't tell her. But if she ask me, I'll tell her. And he said that she was, he couldn't believe how great she was. That she chose to forgive him. And she was just an excellent person, and so understanding. And I say said, Yes, she is.

HARRIS: Do you see him within a few days after that?

SIBLEY: Yeah. I think it was that Wednesday at my fiancé’s birthday party.

HARRIS: So that would be around December 11th?

SIBLEY: Yes.

HARRIS: The defendant comes down to the Fresno area for this birthday party?

SIBLEY: Yes.

HARRIS: Does he come with anyone?

SIBLEY: Came with Amber and her daughter, Iayana.

HARRIS: All three of them together to this party?

SIBLEY: Yes.

HARRIS: Do you know if there were any photographs taken at that party?

SIBLEY: Yes, there were.

HARRIS: Like to have marked People's next in order. It's already been shown to counsel.

JUDGE: 95. Photograph

JUDGE: Is there just one photograph?

HARRIS: Yes.

HARRIS: Miss Sibley, I'm going to show you what's just been marked as People's Number 95, and ask, do you recognize that?

SIBLEY: Yes.

HARRIS: Is that a photograph from the birthday party?

SIBLEY: Yes.

HARRIS: I'm going to go ahead, put this up on the projector. It's an accurate depiction, what's shown in the photograph?

SIBLEY: Yes.

HARRIS: And the photograph that we're looking at up there, People's Number 95, there is a gentleman that's kind of looking directly at the camera towards the center. That's your fiancé, or was your fiancé?

SIBLEY: No.

HARRIS: Some other individual that was there?

SIBLEY: Yes.

HARRIS: Now, directly next to that person, there is someone sitting holding a beer. Who is that individual?

SIBLEY: That's Scott.

HARRIS: And there is a woman that's standing next to him, appears to be showing him something. Who is that?

SIBLEY: That's Amber.

HARRIS: Now, after you have had these initial conversations with the defendant, and he's talked to you about Amber, was there ever a time where you had a discussion with him where he was talking about looking for someone to spend, or Amber was looking for someone to spend her life with?

SIBLEY: Yes.

HARRIS: And what was the defendant's response?

SIBLEY: That that's what he was looking for.

HARRIS: Now, after this transpired, where you found out that he had lost his wife when he called you, were you a little suspicious of the defendant at that time?

SIBLEY: Yes. A lot suspicious.

HARRIS: Did you ever communicate that to Amber?

SIBLEY: That the following Friday, I had a massage from her, and she asked me if I,

GERAGOS: Objection. Hearsay.

HARRIS: Without getting into what she said.

JUDGE: Sustained.

HARRIS: Did you ever tell her?

SIBLEY: Yes.

HARRIS: Moving again forward in time, to around the 29th of December, were you attending another birthday party?

SIBLEY: Yes.

HARRIS: Did someone pass on some information to you and Amber at that particular birthday party?

SIBLEY: Yes.

HARRIS: And at that party is that when you found out that Laci Peterson was missing?

SIBLEY: That's the, yes.

HARRIS: After you and Amber find out that Laci Peterson is missing, what do you do?

SIBLEY: Well, once we found out that Scott was connected to the missing Modesto woman, then Amber immediately called the police hotline that evening, or that the morning, I think, of the 30th. It was late that night.

HARRIS: Let's go back. So you are at this party.

SIBLEY: Yeah. It may have been the a.m. by the time we found out. It might have been the 30th.

HARRIS: And within a very short period of time after getting that information, you are aware that Miss Frey calls the Modesto Police Department hotline?

SIBLEY: Yes.

HARRIS: And did anybody from the Modesto Police Department contact you?

SIBLEY: Then the next morning they still hadn't contacted us, so she called the hotline again. And someone, I guess one of the detectives was standing behind the person taking the call. So they picked up the phone, and they came immediately to come meet with us.

HARRIS: You say immediately. Is that within just a few hours?

SIBLEY: Within like an hour and a half, yes.

HARRIS: And did you talk to the detectives?

SIBLEY: Yes.

HARRIS: Pass on the information you are just talking about?

SIBLEY: Yes.

HARRIS: People have no other questions.

Cross Examination by Mark Geragos

GERAGOS: Good morning. How are you?

SIBLEY: Okay.

GERAGOS: Good. The date, or the birthday party that you were at on the 29th, whose house was that?

SIBLEY: My uncle's.

GERAGOS: Okay. And who was there?

SIBLEY: A lot of people.

GERAGOS: Okay. Were there thousands there, or hundreds?

SIBLEY: No. Probably about thirty people.

GERAGOS: Okay. And Amber was with who? Who did she go with to that birthday party?

SIBLEY: No one.

GERAGOS: Okay. Was there a Doctor David Markovich there?

SIBLEY: No.

GERAGOS: He wasn't there. Do you know who that is?

SIBLEY: Yes.

GERAGOS: Okay. Who is he?

SIBLEY: He is Doctor Dave. He's a chiropractor.

GERAGOS: Okay. Is he a friend of Amber's?

SIBLEY: Yes.

GERAGOS: Okay. And was there a Harold Jackson there? Do you know a Harold Jackson, or Harold Brooks?

SIBLEY: I don't know a Harold Jackson.

GERAGOS: Okay. Now, when you called, do you know, on the 29th, who, don't tell me what was said, but who was it that gave you this information, or gave Amber the information about Laci?

SIBLEY: I don't know.

GERAGOS: So you were just at the party. What actually transpired?

SIBLEY: Amber received a phone call from someone who told her that the Scott was connected to the missing, that Scott was the husband of the missing Modesto woman.

GERAGOS: So it wasn't, maybe I misunderstood. It wasn't any information that she got at the party?

SIBLEY: No. No. It was a phone call she received at the party.

GERAGOS: So she gets a phone call from someone. Do you know if it was from a Richard Byrd?

SIBLEY: I don't know who she received the phone call from.

GERAGOS: Do you know who Richard birth is?

SIBLEY: No.

GERAGOS: Where were you on the 24th of December, do you

5 remember, of that year, 2002?

HARRIS: Objection. Relevance.

JUDGE: Overruled.

GERAGOS: Do you remember where you were on December 24th?

SIBLEY: That's Christmas Eve.

GERAGOS: Christmas Eve?

SIBLEY: I don't remember.

GERAGOS: Were you with Amber?

SIBLEY: I think I was, did we have to work Christmas Eve? I think he was probably working Christmas Eve.

GERAGOS: Okay. Did you remember if you saw Amber on Christmas eve?

SIBLEY: I don't remember if I did or not. It's been a long time ago.

GERAGOS: I'll ask you again,

SIBLEY: I may have, I may not.

GERAGOS: do you know who Richard Byrd is?

HARRIS: Objection. Asked and answered.

JUDGE: Sustained. She said no.

GERAGOS: The first time that you met Scott, was it a hotel in Orange County?

SIBLEY: At a conference, yes.

GERAGOS: And at this conference it's a conference center attached to a hotel, right?

SIBLEY: Yes.

GERAGOS: Now, at this conference center, what was the date, do you remember?

SIBLEY: I believe it was the 24th of October.

GERAGOS: Of October. And that evening you first had dinner. And there was these other two guys with Scott; is that correct?

SIBLEY: Yes.

GERAGOS: And you told, did you tell anybody that you were single that evening?

SIBLEY: No.

GERAGOS: Okay. And was, who was the person you knew was this Dave gentleman?

SIBLEY: Yes.

GERAGOS: Was Dave trying to fix you up with somebody, with Eric, or somebody?

SIBLEY: I don't know.

GERAGOS: Did he mention something about, that I want you to meet Eric?

SIBLEY: No.

GERAGOS: Then when you had dinner, and you were having this discussion that you said was getting personal, were you engaging in the discussion as well?

SIBLEY: Yes.

GERAGOS: Okay. So it was a two-sided discussion?

SIBLEY: Yes.

GERAGOS: Okay. I assume that discussion lasted, sounds like dinner started what time?

SIBLEY: I think we left the social probably around 7:00, 8:00 o'clock.

GERAGOS: And that's the, wherever this Monday Night Football thing was?

SIBLEY: Yes.

GERAGOS: Then you go to dinner, right?

SIBLEY: Right.

GERAGOS: Then you and Scott are talking at dinner, and then Eric eventually disappears?

SIBLEY: Un-hun.

GERAGOS: And then it's just you and Scott?

SIBLEY: Right.

GERAGOS: Then you and Scott continue talking for a while?

SIBLEY: Right.

GERAGOS: Then you go up to the room, but you are sharing a room with somebody, right?

SIBLEY: We didn't go up to the room.

GERAGOS: You went up to the hallway outside of the room?

SIBLEY: Right.

GERAGOS: When I say go up to the room, you went upstairs, right?

SIBLEY: Right.

GERAGOS: When you go upstairs, was somebody in the room, so you guys don't go inside the room?

SIBLEY: Right.

GERAGOS: You guys sit inside of the hallway there and chatting it up until 3:30 in the morning?

SIBLEY: Yes.

GERAGOS: Talked about a lot of things?

SIBLEY: Yes.

GERAGOS: Had you guys been drinking?

SIBLEY: Yes.

GERAGOS: Okay. Is it unusual at conferences for people to drink and say stupid things?

SIBLEY: No.

GERAGOS: Okay. Generally when they go to conferences, by the way, have you ever gotten, been drunk, or drinking with married men who say stupid things?

HARRIS: Objection. Relevance.

GERAGOS: Relevance? That's the whole thing.

JUDGE: I think seems, overruled. You can answer that.

GERAGOS: Have you ever known, I'll ask it a different way. Have you ever known married men to act idiotic at these conferences that you have attended?

SIBLEY: Yes. But I have never known a married man to lie to me about them being married.

GERAGOS: Really?

SIBLEY: Really.

GERAGOS: You never had a married man lie to you about being married?

SIBLEY: Really.

GERAGOS: Then is that because you have never caught him when he was lying to you, or just because,

SIBLEY: I don't know.

HARRIS: Objection. Argumentative.

JUDGE: We're going a little far afield. We're not getting into the morals of married men, Mr. Geragos.

GERAGOS: You have been married how long, judge?

JUDGE: Almost 40 years.

GERAGOS: I'm going to add to the witness list your wife.

GERAGOS: Now, as you are talking there, and are talking to until 3:30 in the morning, is that the last time you physically saw Scott Peterson?

SIBLEY: No.

GERAGOS: Okay. The, when was the next time you saw him?

SIBLEY: The next morning at the conference.

GERAGOS: Okay. Then after that would have been what the 25th?

SIBLEY: Yes.

GERAGOS: Okay. So you meet him on the 24th. You are talking to him into the early morning hours of the 25th, right?

SIBLEY: Yes.

GERAGOS: You see him later on that morning?

SIBLEY: Yes.

GERAGOS: At that point, you don't talk to him again for how long? What's the next time you either talk to him on the phone, see him, send an e-mail, have any kind of contact?

SIBLEY: I'm not sure. It may have been a couple of days, may have been a week. I know I was anxious to find out about the protocols for my work, because he said he had some work for our company. So I was anxious to follow up with that.

GERAGOS: Okay. When you say,

SIBLEY: It wasn't long after the conference. It may have been two days. It may have been a week after the conference.

GERAGOS: Okay. Did you send him an e-mail at some point?

SIBLEY: Yes.

GERAGOS: Okay. Do you remember what date that was?

SIBLEY: We sent a few e-mails. I don't remember the dates of all the e-mails.

GERAGOS: Did you tell him, "So what's up? Any exciting plans for the weekend?" Do you remember an e-mail that said that?

SIBLEY: Probably.

GERAGOS: "When are you going to make your --" then says, "LFNF date with Amber?" Do you remember that?

SIBLEY: Yes.

GERAGOS: Okay. "You told me before that you come to Fresno any time. Are you chickening out?"

SIBLEY: Yes.

GERAGOS: You said that?

SIBLEY: Yes.

GERAGOS: Then, "What's your opinion researchers becoming salesmen?" Correct?

SIBLEY: Un-hun.

GERAGOS: "We're all about ready to jump ship here if the micromanaging doesn't back off some time"?

SIBLEY: Yes.

GERAGOS: Okay. So I assume, I'm going to show you what I got here. Does that look familiar to you?

SIBLEY: Yes.

GERAGOS: What is that?

SIBLEY: An e-mail sent to Scott.

GERAGOS: And that was sent by you?

SIBLEY: Yes.

GERAGOS: Do you have any idea, I'm not sure that I do either, what date that was?

SIBLEY: No.

GERAGOS: Okay. Now, would that have been some time after the conference?

SIBLEY: Yes.

GERAGOS: Is it fairly obvious, based upon the, "Are you chickening out?" comment, that he had not met Amber at that point?

SIBLEY: Correct.

GERAGOS: Okay. Can I mark this as defense next in order?

JUDGE: Okay. That's number UU. Document

Marked as Exhibit UU for identification.

GERAGOS: Now, it appears, correct me if I'm wrong, this is an e-mail that you sent to Scott, right?

SIBLEY: Yes.

HARRIS: Bates stamp on that?

GERAGOS: It says 37044. If I could have just one moment.

GERAGOS: Now, this e-mail would have been some time between October 25th, and when was the first time that you babysat?

SIBLEY: I do not remember the first time. I don't remember it now.

GERAGOS: Is it fair to say that you started off your e-mail with personal stuff?

SIBLEY: Yes.

GERAGOS: Okay. And then you went into business stuff?

SIBLEY: Yes.

GERAGOS: Okay. Now, the specific, the specific conversation that you were saying was, "Are you chickening out?" You wanted him to meet Amber, right?

SIBLEY: Yes.

GERAGOS: Okay. And you knew, and you had told him that Amber had been hurt before by other married men, stuff like that, correct?

SIBLEY: Not with other married men.

GERAGOS: You knew that to be true, right?

SIBLEY: Not about other married men. I was talking about Iayana's father, and another time about Josh, who ruined her credit. That was a big,

GERAGOS: Did she have other problems?

SIBLEY: She just had bad dating experiences, in general, yeah.

GERAGOS: That involved married men, correct?

SIBLEY: At one point, yes.

GERAGOS: And so she had had these bad dating experiences with married men, you didn't want to be part of that again, right?

SIBLEY: Right.

GERAGOS: So, now, you said, I think Mr. Harris asked you at some point you became suspicious; is that correct?

SIBLEY: Yes.

GERAGOS: That's when you talked to this Mike Almasri; is that right?

SIBLEY: No. I wasn't suspicious until Mike told me.

GERAGOS: That's what, I mean that's when you became suspicious?

SIBLEY: Yeah.

GERAGOS: Now, did you do anything, I mean did you talk to anybody, did you talk to a private investigator? Did you talk to anybody about doing anything?

SIBLEY: I went after, after Scott told me, no, he wasn't married, and then Eric wouldn't tell me anything, I went home, and I ordered online, an investigative kit of finding out if people were married. And I was going online and searching all the counties to see if, looking for marriage licenses. Because I still didn't believe that Scott was telling me the truth.

GERAGOS: Okay. So even though he had told you this, you didn't believe him, correct?

SIBLEY: Correct.

GERAGOS: You went home. And when you say you went online, was that by yourself? Or did you do this with Amber? What did you do?

SIBLEY: No. By myself.

GERAGOS: And did you have to pay for this service?

SIBLEY: Yes.

GERAGOS: And this was a service that apparently, even though no married man's lied to you, apparently this is a service out there that will detect if married men are lying?

HARRIS: Objection. Argumentative.

JUDGE: Sustained.

GERAGOS: What kind of service is this?

SIBLEY: It allows you to search for marriage certificates in any county in California, or any city records.

GERAGOS: Did you punch in Scott Peterson,

SIBLEY: I started the search in Sacramento, because he had told me he owned a home in Sacramento.

GERAGOS: You knew that Trade Corp was where?

SIBLEY: Modesto.

GERAGOS: You knew that Modesto was in what county?

SIBLEY: I don't know the county Modesto is in, actually. So I was doing Modesto next.

GERAGOS: Did you do Modesto?

SIBLEY: No. Because Scott had called me before I got to Modesto.

GERAGOS: Okay. Now, did you pay for this, you did pay for the service, right?

SIBLEY: Yes.

GERAGOS: Did you get some results?

SIBLEY: No.

GERAGOS: Does it spit out results when you punch in, you punch in Scott Peterson, you do on the fields, so to speak?

SIBLEY: On certain counties, you can. Certain counties you can get the results. Other counties you have to like mail away for your results. So,

GERAGOS: Did you get results?

SIBLEY: In Sacramento it said it came up as having no marriage certificates for a Scott Peterson.

GERAGOS: Did any county come up with a marriage certificate for Scott Peterson?

SIBLEY: I didn't continue after that. I got Scott's call.

GERAGOS: Do you remember how much you paid for this service?

SIBLEY: I think I paid like thirty bucks.

GERAGOS: You never finished it?

SIBLEY: No.

GERAGOS: Okay. So at some point after Scott called you, now, you, if I understand correctly, you did this service some time between his first call and his second call?

SIBLEY: Yes.

GERAGOS: Okay. Did you tell the police that you had done that?

SIBLEY: Yes.

GERAGOS: Do you remember who you told that to?

SIBLEY: John and Al.

GERAGOS: John and Al. Buehler and Brocchini?

SIBLEY: Yes.

GERAGOS: And was that, when did you tell them that?

SIBLEY: On the interview.

GERAGOS: The very first one?

SIBLEY: Yes.

GERAGOS: Now, at the time that you told them that, did they ask to see where the search items were?

SIBLEY: No.

GERAGOS: Did they ask to check the computer for what you had done?

SIBLEY: No.

GERAGOS: You told them you had been at a computer?

SIBLEY: Yes.

GERAGOS: You told them you are looking because you were suspicious after Almasri told you this?

SIBLEY: Yes.

GERAGOS: Did you do anything also after you did this WWW-Are-You-Married-Dot-Com, or whatever it was?

SIBLEY: No.

GERAGOS: Did you hire an investigator?

SIBLEY: No.

GERAGOS: Do you know if Amber did?

SIBLEY: I don't know.

GERAGOS: Okay. Did you ever talk to her about it?

SIBLEY: About what?

GERAGOS: About after the night you said that Scott called on the 9th. Mr. Harris was asking about that, right?

SIBLEY: Yes.

GERAGOS: And Scott called you, and Amber is your best friend?

SIBLEY: Yes.

GERAGOS: You have known her how long?

SIBLEY: Eight years.

GERAGOS: Okay. Now, after Scott, you called Scott. Scott tells you, "Don't tell her, I'll tell her," right?

SIBLEY: Yes.

GERAGOS: Okay. Then you don't tell her?

SIBLEY: I don't tell her.

GERAGOS: Okay. Then Scott calls her and says the same thing he told you, basically?

SIBLEY: He didn't call her. He showed up in person.

GERAGOS: Okay. Were you there?

SIBLEY: No.

GERAGOS: So just tell me, if you can, our rules are that only what you know from first hand.

SIBLEY: Okay.

GERAGOS: You find out that she's talked with Scott?

SIBLEY: Yes.

GERAGOS: Correct?

SIBLEY: Yes.

GERAGOS: Do you tell her that you knew on the 6th?

SIBLEY: Yes.

GERAGOS: And when do you tell her that?

SIBLEY: On the, let's see, I think the 13th or 14th. It would have been that Friday.

GERAGOS: Okay. Was that before the party?

SIBLEY: After the party.

GERAGOS: This after this party, which was People's 95?

SIBLEY: Yes.

GERAGOS: Okay. Did you take this picture in People's 95?

SIBLEY: I don't know if I did or not.

GERAGOS: Okay. And do you know who the kid is in the picture?

SIBLEY: I'm have not sure from that angle.

GERAGOS: Okay. Now, also Mr. Harris was asking you about a business card. You pulled it out of your wallet. Do you have it there?

SIBLEY: I have both business cards he gave me.

GERAGOS: Okay. Now, did you give these to the detectives on the day that they came,

SIBLEY: No.

GERAGOS: to see? Did they ask for them?

SIBLEY: They asked for a faxed copy of them.

GERAGOS: Okay. So you faxed them a copy, and then you saved them in your wallet since then?

SIBLEY: I left them, actually, they were at my work. That's why I didn't give them to the detectives when they came to interview me, because I wasn't at work.

GERAGOS: You had never given them to them in the year and half since then?

SIBLEY: Right.

GERAGOS: Now, when did you tell Amber that you had had a discussion with Scott?

SIBLEY: I just told you that.

GERAGOS: The 13th or 14th. Where?

SIBLEY: At her office during a massage.

GERAGOS: Okay. And when you told her that, did you tell her that you still had suspicions?

SIBLEY: Yes.

GERAGOS: Okay. Did you tell her that you had done this computer search?

SIBLEY: Yes.

GERAGOS: Did she ask for the results?

SIBLEY: No.

GERAGOS: Did she tell you that she had hired a PI?

SIBLEY: No.

GERAGOS: Did you do anything else between the day that you went on the computer, and the 29th when you say she got this phone call, to follow up on Scott Peterson being married?

SIBLEY: No, I did not.

GERAGOS: Okay. When is the first time that you heard about Laci Peterson going missing?

SIBLEY: I heard about a missing pregnant woman on the news, but I didn't hear her name a, couple days after Christmas. I hadn't heard her name until after we found out about Scott.

GERAGOS: After she got the phone call at this party?

SIBLEY: Exactly.

GERAGOS: Okay.

SIBLEY: We hadn't heard the Peterson name at all.

GERAGOS: I have no further questions.

Redirect Examination by David Harris

HARRIS: Miss Sibley, you were asked about whether the defendant called, or showed up, or whatever it was, to talk to Amber on December 9th. You weren't there. Haven't you already told us that the defendant called you back after he had talked to Amber?

SIBLEY: Yes.

HARRIS: And he told you that he came down and saw her in person?

SIBLEY: Yes.

HARRIS: That's how you knew about that?

SIBLEY: Yes.

HARRIS: With regards to the search, you started searching Sacramento

SIBLEY: Uh-huh.

HARRIS: on this computer database program?

SIBLEY: Yes.

HARRIS: And before you had to go any further, the defendant called you back?

SIBLEY: Yes.

HARRIS: And admitted that he had lied to you?

SIBLEY: Yes.

HARRIS: The last thing. About those business cards that you had up there

SIBLEY: Yes.

HARRIS: Just so we're all clear about this, when you were talking to those two detectives that came down the first day, spent an hour and half, I believe you said. Did you tell them about the cards?

SIBLEY: Yes.

HARRIS: Did you have them with you at that time?

SIBLEY: No.

HARRIS: So they then asked when you get back to work can you just fax copies of them?

SIBLEY: Yes.

HARRIS: Did you do that?

SIBLEY: Yes.

HARRIS: So the first time you went back to work, you faxed them, they had them since then?

SIBLEY: Yes.

HARRIS: No other questions.

Recross Examination by Mark Geragos

GERAGOS: How about an -- I'd ask you about a Harold Jackson. Famous Jackson? Do you know that name?

SIBLEY: Oh, Famous. Yes, I know Famous Jackson.

GERAGOS: Who is Famous Jackson?

SIBLEY: Friend of the family.

GERAGOS: What does he do?

HARRIS: Relevance.

JUDGE: Whose family, your family?

SIBLEY: My family. I think he's a friend of Amber's too. He's kind of, I think he is an art dealer.

GERAGOS: Art dealer. Okay. Thank you.

SIBLEY: I'm not positive on that, though.

HARRIS: I have no questions based on that.

JUDGE: All right. May this witness be excused?

HARRIS: No objection.

JUDGE: Mr. Geragos, may this witness be excused?

GERAGOS: Yes, your Honor. Subject to recall.

JUDGE: Yes, naturally. Miss Sibley, thank you very much.