Witness: Jordan Visola-Prescott

Date: 2004-09-08

Proceedings held September 8, 2004

Called by: People (prosecution)

Phase: Guilt

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

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/Visola.htm

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Direct Examination by Rick Distaso

DISTASO: Ms. Visola, do you live -- don't tell me the address, but do you live on Covena Avenue in Modesto?

VISOLA: Yes, I do.

DISTASO: And how long have you lived there?

VISOLA: About 11 years.

DISTASO: Okay. So you were living there back in December of 2000 and 2?

VISOLA: Yes, I was.

DISTASO: And were you pregnant?

VISOLA: Yes.

DISTASO: How far along were you on December 24th, 2002?

VISOLA: About four and a half months pregnant. With twins.

DISTASO: Okay. You had twins?

VISOLA: Yes.

DISTASO: Were you larger than most women at four and a half months?

VISOLA: I ran about two to two and a half months larger in size.

DISTASO: Okay. Is that due to the twins?

VISOLA: Yes.

DISTASO: And during the month of December, the -- like the week before Christmastime, would you go for walks around your neighborhood?

VISOLA: Yes.

DISTASO: And would you walk your dog?

VISOLA: Yes.

DISTASO: What kind of dog is it?

VISOLA: A Border Collie/Lab mix.

DISTASO: Okay. It's not a Golden Retriever?

VISOLA: No.

DISTASO: And you have another child?

VISOLA: Yes.

DISTASO: When you would go on your walks, would you -- who would you normally go with?

VISOLA: My dog and my daughter. I would pull her behind me in a wagon.

DISTASO: And during the time that you -- there at your house on Covena Avenue, you know, would you do like everybody does, would you go out, you know, be out in the neighborhood on the street, that kind of thing?

VISOLA: Yes.

GERAGOS: Objection. Leading assumes facts not in evidence.

JUDGE: It is leading. Sustained.

DISTASO: Okay. And when were your twins born?

VISOLA: In May, on May 9th.

DISTASO: Of 2003?

VISOLA: Yeah. Yes.

DISTASO: Okay. On December 24th of 2002, did you go for a walk that day?

VISOLA: I -- I don't think so, but I can't say with certainty.

DISTASO: The week -- in the days preceding that, had you been out walking in the neighborhood?

VISOLA: I would say yes, definitely. I walked very regularly.

DISTASO: Let me show you some pictures. This is People's 224. The first picture, do you recognize this first picture?

VISOLA: Yes, it's of...

DISTASO: Go ahead.

VISOLA: Oh, I'm sorry. Myself and my husband, in our kitchen.

DISTASO: Okay. What day was that taken?

VISOLA: Christmas.

DISTASO: All right. December 25th of 2002?

VISOLA: Yes, I'm sorry.

DISTASO: All right. And then this next picture, when was that one taken?

VISOLA: This was taken in January of 2000 and 3.

DISTASO: Okay.

GERAGOS: I object -- is that the --

JUDGE: This is B. He's showing her B now. I thought you were objecting to C. He's showing her B.

GERAGOS: Okay.

DISTASO: No, he's not -- he's objecting to B.

JUDGE: I thought you said the third one?

DISTASO: Well, hold -- hold on a sec, your Honor.

JUDGE: What's the basis for the objection to B then?

GERAGOS: We have a picture of her on December 25th. That would seem to be the only relevant picture. She just testified it was Christmas day that that picture was taken. We're talking about -- even though it's a very pretty picture in January and she looked lovely, it is irrelevant to this case.

JUDGE: The way she looked on or about Christmastime may be relevant.

GERAGOS: Yeah, but she looks -- trust me, she grew a little bit by January.

DISTASO: My -- my argument is --

JUDGE: The objection's overruled. You can show her.

JUDGE: What's the name of your dog?

VISOLA: Bronte.

JUDGE: Bronte? Like the authors?

VISOLA: Yes.

DISTASO: And I didn't show you a -- 224 B. Let me finish with these, and then we'll show them to the jury real quick. This last picture that was taken -- I mean this next picture, C. Is that a picture of you and your dog?

VISOLA: Yes, it is.

DISTASO: Okay. And this one was taken on June 11, 2003?

VISOLA: Yes.

DISTASO: Okay. The clothes that you're wearing, what are those clothes?

VISOLA: These clothes were clothes that I frequently walked in.

DISTASO: Okay. And did -- did a detective come and talk to you?

VISOLA: Yes.

DISTASO: And did he ask you to -- if you could put on the clothes that you normally walked in?

VISOLA: Yes.

DISTASO: So that's why that picture was taken?

VISOLA: Yes.

DISTASO: And that's a picture of your dog?

VISOLA: Yes.

DISTASO: Okay.

JUDGE: May I see it?

DISTASO: Yeah.

JUDGE: This is B, C and D. What happened to A?

DISTASO: A is the very first one.

JUDGE: The little one here?

DISTASO: Uh-huh.

JUDGE: Okay.

DISTASO: And finally, let me show you D. Is this a -- are you -- you just tell me, what is that a map of, and what does that little route depict?

VISOLA: This is the area that I frequently walked.

DISTASO: Okay. And was that the area that you would frequently walk in December of 2000 and 2?

VISOLA: Yes.

DISTASO: Let me show these to the jury. This first picture is the picture from Christmastime; is that right?

VISOLA: Yes.

DISTASO: Okay.

VISOLA: Yes.

DISTASO: And this next picture is the January 2003?

VISOLA: Yes.

DISTASO: Okay. And that's a picture of you and your dog?

VISOLA: Yes.

DISTASO: And that's the same dog that you would walk in December of 2002?

VISOLA: Yes.

DISTASO: And finally, the -- the map area where -- where you would walk, if this is the -- the Dry Creek Park area, does this -- the colored blocks show the neighborhood area where you would -- where you would walk?

VISOLA: Yes.

DISTASO: And does that include Covena Avenue, the street that you lived on?

VISOLA: Yeah. Yeah.

DISTASO: Okay. No further questions.

Cross Examination by Mark Geragos

GERAGOS: Good afternoon. Your -- your hair's shorter today than it was back in Christmastime; is that true? 2002?

VISOLA: Yes. This is right.

GERAGOS: Okay. And is this picture right here, this is the one that I guess would most accurately represent how you

looked December 24th? This was taken the next day, right?

VISOLA: Uh-huh, yeah.

GERAGOS: And I assume, am I right that by the time this picture was taken you were a little bit bigger?

VISOLA: A little bit.

GERAGOS: Okay. And the dog, your dog right there, the dog look like that back in December? Say the 24th of 2000 and 2, is that what your dog looked like?

VISOLA: Very close.

GERAGOS: Okay. Did your dog during the summertime start to look like that?

VISOLA: No. (Laughter)

GERAGOS: The -- the other thing that you just kind of mentioned in passing, you were interviewed at some point in the -- where was it, looks like June of 2000 and 3?

VISOLA: Yes.

GERAGOS: Okay. When you were interviewed, you told them that two weeks before Christmas you made a purchase, right? A red wagon?

VISOLA: Yes.

GERAGOS: One of those red wagon Flyers?

VISOLA: Yes.

GERAGOS: And you bought that specifically because you had your daughter -- was it a two year old, three year old?

VISOLA: She was two at the time, yes.

GERAGOS: Okay. So that if you took a walk during that time of the year, meaning Christmas, 24, that you would always be pulling the red wagon with your daughter, correct?

VISOLA: Correct.

GERAGOS: And you told the police that, right?

VISOLA: Yes.

GERAGOS: And you also told the police that you were 99 percent certain that you had not walked on Christmas Eve day, correct?

VISOLA: Correct.

GERAGOS: And you knew that because you had gone to Target that day and you were busy with guests who were coming into your home on Christmas day?

VISOLA: Correct.

GERAGOS: And is it fair to say that if you did walk anytime that week, you always had the wagon with you and you weren't going into the park with the wagon?

VISOLA: Correct.

GERAGOS: And the reason you didn't go -- and the only time that you would walk was just to appease your daughter because she just got the new wagon, right?

VISOLA: It was for exercise because I was pregnant.

GERAGOS: You weren't going into the park; basically you take her on the street with the red wagon?

VISOLA: Correct. This is correct.

GERAGOS: Thank you. I have no more questions.

Redirect Examination by Rick Distaso

DISTASO: Did -- are you familiar at all with the trail at the end of Covena?

VISOLA: Yes.

DISTASO: And when you were pregnant and walking around the neighborhood at this time, was that a trail that you were able to negotiate?

VISOLA: No, it was very unsteady. The ground is mottled (sic) and I would not -- it was steep and sandy and dusty and uneven. I would not have gone down that way.

DISTASO: It's not -- it's not a paved area --

VISOLA: No, it's dirt.

DISTASO: Okay. So when you would do your walking, it was in the neighborhood area?

VISOLA: Yes.

DISTASO: Nothing further.

Recross Examination by Mark Geragos

GERAGOS: The -- I think you also told the police that you couldn't recall if you walked on the 23rd either, correct?

VISOLA: I guess -- yeah, if I...I walked a lot during that time, but I don't...

GERAGOS: That path at the end of Covena that you're talking about, people do go up and down that path, don't they?

VISOLA: Yes.

GERAGOS: Every day, don't they?

VISOLA: I would assume. I didn't, but...

GERAGOS: But others did?

VISOLA: I would assume, yes.

GERAGOS: Thank you. I have no further questions.