Witness: Margarita Nava

Date: 2004-06-02

Proceedings held June 2, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Recross – Mark Geragos; 2nd Redirect – Rick Distaso

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/Nava-Trial.htm

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Direct examination by Rick Distaso

DISTASO: Miss Nava, were you the housekeeper of Laci and Scott Peterson in their home at 523 Covena back in the year 2002?

NAVA: Yes.

DISTASO: And did you clean the Scott Peterson and Laci Peterson home on December 23rd of the year 2002?

NAVA: Yes.

DISTASO: And do you recognize the defendant Scott Peterson as he sits here in court today?

NAVA: Yes.

DISTASO: For the record, would you just state the color of the shirt that he's wearing?

GERAGOS: We got three blue shirts over here. Stipulate that Mr. Peterson -- this is Mr. Peterson.

JUDGE: Everybody has got a blue shirt. Record reflect that Mr. Geragos has stipulated that Mr. Peterson is, in fact, the person with whom the witness was employed, in fact. And that's her employer?

NAVA: Yes.

DISTASO: That's fine, your Honor. Thank you.

DISTASO: And on the 23rd of December, how many times had you cleaned Scott and Laci Peterson's home by the 23rd of December?

JUDGE: Excuse me. You mean from the very beginning when she got hired?

DISTASO: Yes.

JUDGE: Okay.

NAVA: That was the 4th time.

DISTASO: And so the 23rd was the 4th time, correct?

NAVA: Yes.

DISTASO: And what interval had you been scheduled to clean their home? How often did you clean their home?

NAVA: Twice. Twice a month.

DISTASO: And who hired you to clean their home?

NAVA: A friend of Laci recommended me.

DISTASO: Now, on the 23rd of December, can you just go through and tell the Court what you did on that particular day?

JUDGE: Be a little more specific.

DISTASO: I'll be.

JUDGE: She testifies what she had for breakfast.

DISTASO: That's right.

DISTASO: What time did you get to the house?

NAVA: At 8:30.

DISTASO: And how did you arrive at the Petersons home?

NAVA: In my car.

DISTASO: And when you got there at 8:30, who was home?

NAVA: Laci.

DISTASO: Was anybody else home?

NAVA: I don't remember.

DISTASO: And was Laci's dog present that day?

NAVA: Yes, outside.

DISTASO: Did the dog ever come into the house while you were there?

NAVA: Never.

DISTASO: When you let me ask you this. Had the dog ever been in the house while you were cleaning at any prior times you cleaned the house?

NAVA: Never.

DISTASO: When you got there, can you tell the Court what is it that you did when you went through and cleaned the Petersons' home? Just take the court through what you did when you would clean their house.

NAVA: I will arrive, greet them, and then grab my utensils, and start dusting and cleaning.

DISTASO: When you dusted, did you dust the entire house?

NAVA: Yes. Just the inside.

DISTASO: And then what did you do next? What did you clean next?

NAVA: The first thing I will clean will be the bathroom.

DISTASO: How many bathrooms were in that house?

NAVA: Two.

DISTASO: And what product did you use to clean the bathrooms?

INTERPRETER: I'm sorry, counsel, did you say house or bathroom?

DISTASO: The bathrooms. That's what I meant.

NAVA: I will use some that had some Clorox, and others that had Pine-Sol for the floor.

DISTASO: After cleaning the bathroom, then what did you do?

NAVA: Will clean the bedrooms.

DISTASO: After you did that, then what?

NAVA: First the bathroom, and the bedrooms, the hallway, the small one. And later on the dining room area where the large table is at. Then the living room, the one that faces the street, and last the kitchen.

DISTASO: After you finish cleaning these particular rooms, did you do anything to the floors?

NAVA: What do you mean? Like what?

DISTASO: Did you clean the floors?

NAVA: Yes.

DISTASO: How did you do that?

NAVA: The floors, water, Pine-Sol, and the mop.

DISTASO: Would you mop the entire house?

NAVA: Yes.

DISTASO: And did you do that on December 23rd?

NAVA: Yes.

DISTASO: After mopping the entire house, what did you do with the mop?

NAVA: There is a small door by the washer machine, and Laci told me to put it outside so it will dry out. And then later on the she will put it inside.

DISTASO: Is that what you did on the 23rd?

NAVA: Yes.

DISTASO: How many mops did you use?

NAVA: Just one.

DISTASO: And when you mopped the floors, did you use a bucket?

NAVA: Yes.

DISTASO: And you filled it with water?

NAVA: Yes.

DISTASO: Then added the Pine-Sol?

NAVA: Yes.

DISTASO: After mopping the floors, what did you do with the bucket?

NAVA: After I finish, I will place all the rags, the things that I cleaned with inside the bucket, and I will put the bucket on top of the washing machine, and Laci will clean them, wash them later on.

DISTASO: What color was the bucket?

NAVA: I think it was blue, like a dark blue.

DISTASO: After you mopped the floors, you dumped the water out, correct?

NAVA: Yes.

DISTASO: And then you said there were some rags, what did you use the rags for?

NAVA: The towels that I will use was to clean the windows, the bottom part of the floors, and the walls.

DISTASO: Was that inside the house or outside the house?

NAVA: Inside.

DISTASO: Did you ever clean the outside of the house, the outside window sills?

NAVA: That day I cleaned the door, the outside of the door, and another door that is near where orange tree is at.

DISTASO: And what did you use to clean the doors with? What kind of cloth?

NAVA: You know, the cloth ones.

DISTASO: What color were they?

NAVA: White.

DISTASO: After you finished cleaning these areas that you told us about, what did you do with the rags or cloths that you used to clean these areas?

NAVA: I placed them inside the bucket, and put it on top of the washing machine.

DISTASO: Where was the washing machine located in the house?

NAVA: The washing machine is near the living room where it faces the street, or where the television is at.

DISTASO: After you took the rags and put them in the bucket, put it on the washing machine, what did you do next?

NAVA: That was the last thing that I do when I'm finished cleaning the house.

DISTASO: And what time of day did you finish cleaning the house?

NAVA: 2:30.

DISTASO: Did you leave the house at 2:30?

NAVA: Yes.

DISTASO: When you got to the house at 8:30, you said Laci Peterson was home?

NAVA: Yes.

DISTASO: Did Laci Peterson go anywhere during the day while you were there at the house from 8:30 to 2:30? Did she go anywhere?

NAVA: Yes.

DISTASO: And do you know where she went? Where did she go?

NAVA: She didn't tell me where she was going, but she returned with four paper bags from the store.

DISTASO: And what was in the bags? Did you look in the bags at all?

NAVA: I cannot say, but what do you call there were groceries.

DISTASO: And do you know what time of day it was she went to go buy the groceries?

NAVA: I'm not too sure. But around eleven, more or less.

DISTASO: And do you know if she went anywhere else that day while you were home? I mean while you were at the house?

NAVA: Not that I know of.

DISTASO: While you were at the house, was Scott Peterson, the defendant, did he ever come home to the house?

NAVA: Yes.

DISTASO: And when did he come home to the house, what time?

NAVA: I'm not too sure. But I think around 10.

DISTASO: And did he stay at the house a long time?

NAVA: One minute or two.

DISTASO: Do you know what he did while he was at the house?

NAVA: No.

DISTASO: What was Laci Peterson, or let me ask you this: Did you see Laci Peterson while she was there at the house? Did you physically look at her and see her?

NAVA: Yes.

DISTASO: And what was she doing while you were there cleaning the house?

NAVA: That day?

DISTASO: Yes.

NAVA: Just saw that she was at the kitchen.

DISTASO: Did you observe her demeanor, how she was acting?

NAVA: The same as other times.

DISTASO: Did she seem tired at all to you?

NAVA: To my seeing it, yes.

DISTASO: And what did you see about her that made you think she was tired?

NAVA: She was walking slowly.

DISTASO: In some of the previous times that you had been at the house, not on the 23rd, but some of the times previous to that, had you seen Laci Peterson on some of those visits?

NAVA: All the time that I was there at her house she will open the door for me. She was there.

DISTASO: Did she, in the previous times you saw her, not just own the 23rd, did Laci Peterson also seem tired to you?

NAVA: A little bit.

DISTASO: And did you ever see her walking slowly on those previous times?

NAVA: Yes.

DISTASO: Did Laci ever tell you, or talk to you about feeling tired, or feeling uncomfortable due to her pregnancy?

NAVA: Yes.

DISTASO: What did she say about being tired?

NAVA: She just said she was heavy.

DISTASO: When you saw her on the 23rd, other than seeing her in the kitchen, what did she do during the day?

NAVA: I notice that around 11:30 or twelve she fixed something to eat for herself. And she sat a little by the sofa reading. She will always do that when she was eating and watching TV.

DISTASO: What did you see her doing from 8:30 to eleven?

NAVA: Only that. I was busy doing my cleaning.

DISTASO: Did she spend, did you see her sitting with her feet up, or anything like that?

NAVA: Yes, she would do that.

DISTASO: And did she do that on the 23rd?

NAVA: Yes.

DISTASO: When did you see her doing that?

NAVA: When she was eating and she sat at the sofa watching TV.

DISTASO: Did you see her, after she went to the store, did she return to the house?

NAVA: I didn't understand you very well.

DISTASO: You said she came back to the house with grocery bags, correct?

NAVA: Yes.

DISTASO: What did you see her doing next?

NAVA: I imagine that, well, she brought the grocery bags one-by-one from the car to the house, put it right there next to it. And then I helped her take it to the kitchen, I'm sorry, to put it on the table.

DISTASO: Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good afternoon.

NAVA: Good afternoon.

GERAGOS: You used to come to the house every other Monday?

NAVA: Yes.

GERAGOS: And would you drive there in your own car, right?

NAVA: Yes.

GERAGOS: Then when you arrived at the house, isn't it true that Laci would normally be wearing black pants and white shirt; is that true?

INTERPRETER: I'm sorry, counsel, black pant?

GERAGOS: Black pants and white shirt.

NAVA: Her clothing I don't remember.

GERAGOS: Do you remember testifying at the preliminary hearing in Modesto?

NAVA: Yes.

GERAGOS: I'm going to page 380, if it's with permission of the Court. I'll ask the interpreter, anything that could refresh your memory as to what she was wearing? And your answer was, the only thing that in my mind was that she almost always used to wear a black pair of pants and a white blouse.

NAVA: Yes, I do remember.

GERAGOS: Okay. And almost all four times that you advised at the house she was wearing that same outfit, right?

NAVA: I don't remember that well about the pants. I do recall that the shirt was a light color.

GERAGOS: Okay. Now, you did not do the laundry at the house. You didn't wash the clothes, correct?

NAVA: No.

GERAGOS: So what you would do is, you would clean up the house with these rags, correct?

NAVA: Yes.

GERAGOS: Then you would put the rags into the bucket?

NAVA: Yes.

GERAGOS: Put the bucket on top of the washing machine?

NAVA: Yes.

GERAGOS: Leaving them there, or with the rags inside the bucket for Laci to later on put in the washing machine and wash, correct?

NAVA: Yes.

GERAGOS: Then you would take the mop and put the mop outside to dry, correct?

NAVA: Yes.

GERAGOS: Okay. Now, the morning of the 23rd, Scott Peterson was not there when you arrived at 8:30, correct?

NAVA: That I don't remember.

GERAGOS: Now, did you just tell Mr. Distaso that you didn't remember him coming home until about 10:00 o'clock?

NAVA: Oh, yes.

GERAGOS: And you remember him being there for about a minute or two to pick up a panel, right?

NAVA: He came because he was there, and I told him that the Federal Express had come in and left an envelope. I do not think that he came just to get that.

GERAGOS: How long was he, when he you told him about that, how long had he been at the house?

INTERPRETER: I'm sorry, the interpreter would like to clarify. How long she had been at the house?

GERAGOS: How long he had been at the house.

NAVA: About one or two minutes.

GERAGOS: Okay. Is that about how long he stayed, just came, picked up the Federal Express, and left?

NAVA: Yes. He will always do that. Just come in and out.

GERAGOS: You didn't see him sitting down watching Martha Stewart on TV, did you?

NAVA: No.

GERAGOS: Okay. You didn't see anybody talking about meringue on the 23rd, did you?

NAVA: No.

GERAGOS: Okay. Now, when Laci left the house, she was wearing these black pants, correct?

NAVA: To be truthful, I don't remember that.

GERAGOS: Let me show you again page 381 of your testimony at the preliminary hearing. And I asked you, you described these pants that you saw as black stretch pants; isn't that correct? And your answer was: Well, I recall that I said that they were black, but I don't recall whether they were stretch or not, because I didn't get to see them. Does that refresh your memory as to what kind of pants she was wearing, what color?

NAVA: I'm not sure that day on the clothing.

GERAGOS: Okay. Didn't you testify at the preliminary hearing that she almost always wore the black pants with the white shirt every time you were there?

NAVA: Yes.

GERAGOS: Okay. Now, when she left to go to the market to get the groceries, when she came back, didn't you testify at the preliminary hearing that she carried in from the car two bags of groceries at a time?

NAVA: Yes.

GERAGOS: Okay. And then after she carried in two bags of groceries, she went back out to the car, she carried in two more bags of groceries, correct?

NAVA: Yes.

GERAGOS: Now, also that day there was jewelry that was out on top of the counter, isn't that correct?

NAVA: Yes.

GERAGOS: And do you remember what kind of jewelry she was wearing on that day on the 23rd?

NAVA: No.

GERAGOS: Okay. Now, there in the front portion of the house where the window face the street, Covena, there are some shades, correct? Or maybe

NAVA: Yes.

GERAGOS: Okay. Now, those were down when you came; isn't that correct?

NAVA: I don't remember.

GERAGOS: Okay. When you got there at 8:30, you had to pull them up in order to clean the window sill, isn't that correct?

NAVA: I will always do that.

GERAGOS: Right. Because they are usually down when you get there, correct?

NAVA: I imagine so.

GERAGOS: Well, let me show what you said at the preliminary hearing. I just dusted them. I rolled them up or pulled them up, and I cleaned the window. Question. So when you get there at 8:30, some time after 8:30, you had to pull them up in order to clean the window sills; is that correct? Answer. Yes. Is that still your testimony?

NAVA: You are saying that so fast, I didn't understand you.

GERAGOS: He's usually the one who tells me that.

GERAGOS: Now, let me ask you one more time. So when you were there at 8:30, some time after 8:30, you had to pull them up in order to clean the window sill; is that correct?

NAVA: That is what I'll do if I needed to clean the entire living room. But I will not do it at 8:30 right away.

GERAGOS: Okay. I said or some time after 8:30.

NAVA: Oh, okay.

GERAGOS: Okay. Now, when you arrived, all the times when you got there, Laci had already showered, she had changed, and she was well dressed when you arrived at 8:30, correct?

NAVA: Yes. She will always be beautiful.

GERAGOS: Okay. And would you tell me, they have a dog and a cat; is that correct?

NAVA: I didn't see the cat. The dog, yes.

GERAGOS: Was there a water bowl that you would fill up in the house?

NAVA: Yes, in the bathroom.

GERAGOS: In the bathroom, a small water bowl?

NAVA: Yes.

GERAGOS: And was there a dog bed in the bedroom?

NAVA: Yes.

GERAGOS: Okay. That leads you to believe that the animals came in and out of the house?

NAVA: I imagine so.

GERAGOS: Okay. Now, when you would arrive there, would the dog bark at you?

NAVA: Yes.

GERAGOS: And would he bark a long time, or just for a very short period of time?

NAVA: A little bit of time.

GERAGOS: Okay. And Laci was very happy about the baby and being pregnant, was she not?

NAVA: Yes.

GERAGOS: And Scott was very happy about the baby, was he not?

DISTASO: Objection, your Honor. Calls for hearsay.

JUDGE: Sustained. Well, that's sustained. Calls for opinion and conclusion. You should lay a foundation.

GERAGOS: I'll ask something else.

GERAGOS: The time when she would bring the bags in from the driveway, how long of a walk is that?

NAVA: It's not very long.

GERAGOS: You have to go out the door, through the gate, then around the front of the house to the driveway?

NAVA: Yes.

GERAGOS: Okay. Thank you. I have no further questions.

Redirect by Rick Distaso

DISTASO: Miss Nava, where did you put the, after you were done mopping the floors, which door did you put the mop outside of?

NAVA: A small door that was next to the washing machine.

DISTASO: And when Laci went out to her car to get the groceries, which door did she come back in?

NAVA: She returned by the door that goes out to the pool.

DISTASO: Is that the door nearest the kitchen?

NAVA: Yes.

JUDGE: Are you going to mark it?

GERAGOS: People's 3.

JUDGE: Are you going mark that whole book, or just the photograph?

DISTASO: We decided to just to mark the photographs for the time being. They are all marked in here, 1 through

JUDGE: Why don't we mark

DISTASO: 1 through 42.

JUDGE: We don't we mark the book. We are going to start new exhibits, right? It will be People's 1, 11 and we'll mark the photographs A, B, C, D. So the book will be People's 1.

DISTASO: That's fine, your Honor.

JUDGE: The book will be People's 1. Book of photographs.

DISTASO: Just for the record then, your Honor, the photograph I'm going to use right now, it's marked as People's 3. I'm going to change that actually to C, just so

JUDGE: So just show her then. How many photographs are there in there?

DISTASO: I'm sorry, I'm going to change it to A, B. I'm going to change it to B.

JUDGE: It's People's Number 1-B. People's 1 for the time being, A, B.

DISTASO: Let me show you

CLERK: That's not going to work. I guess it will work.

DISTASO: Miss Nava, let me show you People's 1, photograph B. And do you recognize this picture?

NAVA: Yes.

DISTASO: Whose house is that?

NAVA: Laci and Scott.

DISTASO: And this is the house that you used to clean when you were cleaning their house, correct?

NAVA: Yes.

DISTASO: You see the window coverings in the window of that picture?

NAVA: Yes.

DISTASO: When you were there on the 23rd, were the window coverings that are shown in this picture open or shut?

JUDGE: Or do you remember?

NAVA: I don't remember.

DISTASO: So just so we're clear, when you got to the house at 8:30, you don't remember whether these window coverings were up or down?

NAVA: I don't remember.

DISTASO: Okay. Do you want to use this?

GERAGOS: Yeah.

JUDGE: That's all the questions you have got, Mr. Distaso?

DISTASO: Let me run back to my notes real quick, judge.

JUDGE: Miss Nava, is that photograph a true and accurate representation of the house as you saw it on December 23rd?

NAVA: Yes.

JUDGE: Okay.

DISTASO: I don't have any further questions, your Honor.

Recross Examination by Mark Geragos

GERAGOS: I'm going to ask you one more time if you remember testifying at the preliminary hearing, correct?

NAVA: Yes.

GERAGOS: And I asked you, so when you got there at 8:30, some time after 8:30, you had to pull them up in order to clean the window sill; is that correct?

NAVA: Yes.

GERAGOS: And you answered yes, correct?

NAVA: Yes.

GERAGOS: Now, did you clean the Laci and Scott's bathroom that morning, that afternoon?

NAVA: I cleaned both of them.

GERAGOS: When you cleaned Laci's and Scott's bathroom, that's the back bathroom, right?

NAVA: The back one, which one is that?

GERAGOS: There are two bathrooms?

NAVA: Bathrooms, right. Yes.

GERAGOS: One that's in the front off of the front room?

NAVA: Yes.

GERAGOS: And then the one that's near the bedroom.

NAVA: Yes.

GERAGOS: When you would clean the bathroom, you would put everything that was out away, correct?

NAVA: There was nothing in disarray. There was never disarray.

GERAGOS: There was nothing out that you saw, right?

NAVA: No.

GERAGOS: Thank you. I have no further questions.

2nd Redirect Examination by Rick Distaso

DISTASO: Just so I'm clear, what do you mean there was nothing out? What does that mean?

NAVA: I imagine what he is trying to say, if I ever picked up like dirty clothing, glasses, things like that.

DISTASO: Okay. So in the bathroom, there were normal bathroom products that people have, correct?

NAVA: Yes.

DISTASO: So there were personal products for a woman in the bathroom?

NAVA: Yes.

DISTASO: And personal products for a man?

NAVA: Yes.

DISTASO: Now, Mr. Geragos just asked you about the window coverings when you cleaned the windowsills. Do you remember him just asking you that?

NAVA: Yes.

DISTASO: Do you remember, as you sit here today, if those if those window coverings

GERAGOS: Asked and answered.

DISTASO: Just following up on a question he asked.

JUDGE: Overruled, go ahead.

DISTASO: The ones he just asked you about the picture I showed you there, the window coverings, this is People's 1-B, these window coverings, do you remember if they were up or down that day?

NAVA: To be truthful, I don't remember.

JUDGE: That was the last answer she gave.

DISTASO: Thank you, your Honor. I don't have anything else.

JUDGE: Any recross on that issue?

GERAGOS: No, your Honor.

JUDGE: May this witness be excused, subject to recall?

GERAGOS: Yes.

JUDGE: Miss Nava, thank you very much. You may be excused.