Witness: Craig Grogan

Date: 2004-09-28

Proceedings held September 28, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day)

Day 6 of 8 for this witness

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

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

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September 28, 2004

JUDGE: All right. This is the case of People vs. Scott Peterson. Let the record show the defendant's present with counsel, and the jury is in the jury box, along with the alternates. Go ahead, Mr. Geragos.

GERAGOS: Thank you, your Honor.

GERAGOS: Detective, when we ended yesterday I was showing you that picture. Apparently the judge has got more leisure time than me because he recognized it as Pebble Beach. (Laughter)

GERAGOS: Looks like you –

JUDGE: Go ahead.

GERAGOS: I'll pay for it later, won't I. Did you ask Scott specifically on 12, you prepared a report on 12/28, correct?

GROGAN: Yes, that's the date on the report.

GERAGOS: Okay. And specifically he had, you had asked him what he had done the previous, I guess during that month, kind of a run down of where he had been, where he had gone; or, actually, looks like during the whole year; is that correct?

GROGAN: Yeah, I think we were talking about trips in general.

GERAGOS: Okay. And he told you that he and Laci had gone on a recent trip to Carmel and met his parents there where they stayed in a motel?

GROGAN: Yes.

GERAGOS: Okay. Then it appears also that during the February 20, or the February 18th and 19th search warrant, that you picked up or a phone bill was seized with long distance calls for the month of December from the Covena Avenue address? And I'm looking at 1391 of the Bates stamp.

GROGAN: It's Detective Brocchini's report, and it is dated 2/18, and yes.

GERAGOS: And it shows a call to the Normandy Inn in Carmel?

GROGAN: Yes. On 12/19.

GERAGOS: Okay. Have you, I talked to you, obviously, this morning, and you've indicated you haven't, you haven't been to Carmel, and I assume you hadn't sent anybody out there; correct?

GROGAN: No.

GERAGOS: Have you done any investigation to see approximately how far away that Normandy Inn is from the beach itself?

GROGAN: No.

GERAGOS: And specifically have you done any, I assume the answer is no, but you haven't done any investigation to see what kind of a grade that is, or hill, to get from the Normandy Inn in Carmel down to the beach where that picture was taken that was marked yesterday?

GROGAN: No, I haven't.

GERAGOS: Specifically when you talked to Scott on, I assume this was one of the early conversations, and you asked him where he had been, he told you about the Carmel trip; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And in August he said he had gone to San Luis Obispo to a place called The Cliffs?

GROGAN: Correct.

GERAGOS: And then he said that he and Laci had been in Hawaii with Aaron and Freidi, Heidi Fritz sometime in May of 2000 and 2?

GROGAN: Yes.

GERAGOS: And he said he had been out to Cairo in February for one and a half weeks?

GROGAN: Yes.

GERAGOS: And Brussels, Belgium in June for one and a half weeks?

GROGAN: Yes.

GERAGOS: And southern Spain in October for one and a half weeks?

GROGAN: Correct.

GERAGOS: Okay. And that was all part of, what he explained it as part of his corporate meetings in connection with TradeCorp?

GROGAN: Yes.

GERAGOS: And specifically did you, somebody at some point started talking to his employer at TradeCorp, Nuno I think his name was?

GROGAN: Nuno, I think so.

GERAGOS: Okay.

GROGAN: Yes.

GERAGOS: Did anybody confirm whether or not, in fact, with him Scott had been to those various countries during those time periods?

GROGAN: I don't know. Possibly.

GERAGOS: Okay. You don't have any information that what he told you about those countries was untrue, do you?

GROGAN: No.

GERAGOS: Okay. And on the 26th you seized Mr. Peterson's passport, did you not?

GROGAN: Yes.

GERAGOS: Okay. Did you, do you know if anybody compared the passport with the locations to see if, in fact, he had been those specific spots?

GROGAN: I know I've seen it at one point or another, and I don't recall what's, what's inside.

GERAGOS: Okay. Now, there was a number of items that were seized, and you talked a little bit about theories that the prosecutor or that the police had. One of the theories was at some point that maybe Laci Peterson had been drugged; isn't that correct?

GROGAN: Yes. We looked into that.

GERAGOS: Okay. And specifically the working theory was is that that would explain why there were no signs of a struggle or anything else, correct?

GROGAN: Correct.

GERAGOS: Okay. And specifically items were seized in connection with that, and specifically a mortar and a pestle that was seized on February 18th from the Peterson home by virtue of a search warrant?

GROGAN: Yes.

GERAGOS: Okay. And this mortar and a pestle was something, I guess, commonly used to do some kind of a, well, basically what you wanted to do is you seized it with the idea that you would have it tested to see if there was any remnants of any kind of drug, correct?

GROGAN: Correct.

GERAGOS: Okay. And you specifically received back a report from a criminalist, Christine Schneider, regarding a mortar and pestle sometime in April of 2000 and 3?

GROGAN: I don't know.

GERAGOS: Okay. I'll show you what's been Bates number stamped 17525.

And looks like one of your reports that's dated 4/10 of oh three?

GROGAN: That’s correct.

GERAGOS: Okay. And the report that you got back on testing for the mortar and pestle was negative for any kind of controlled substance?

GROGAN: That’s correct.

GERAGOS: Okay. And specifically there was also at some point a theory that, I guess the fairest way to put it was there was a, you discussed with a Detective Phil Owen, he's also a Modesto PD detective that was part of the core unit; is that correct?

GROGAN: Yes, sir.

GERAGOS: Okay. And you and Detective Owen discussed the possibility of the boat, aluminum boat, being tied to something in the Bay to steady it for the possibility of a body dump; is that correct?

GROGAN: That's something that we had looked at, yes.

GERAGOS: Okay. And that was specifically because the idea had occurred that if, well, specifically the worry was that if the body, if, in fact, this theory that Laci had been in this boat and then was dumped out of the boat, the theory was that the boat would flip over; isn't that correct?

GROGAN: Well, what we were looking at was to see if there was any evidence on the boat that could tell us if it was tied up or not and give us a location to search for Laci's body.

GERAGOS: Okay. Specifically, and referring to, I don't have a Bates number stamp, but it look like a February 3rd of 03 report prepared by you, you suggested areas by buoys be searched as that would provide an area for both cover and to tie off the boat and avoid flipping the boat when putting the body over the side; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And specifically one of your concerns was that, if your theory was true as to what happened here, that if the boat was not tied up, that when pushing the body out of the boat the boat would flip, correct?

GROGAN: We considered that as a possibility. One of the, what we learned, though, is depending on the conditions out there, if you tie a boat to one of the buoys, it could actually make the situation more dangerous, depending on the, on the waves and the currents at the time.

GERAGOS: Okay. So your concern, so either way, either tying it to a buoy or if the body is pushed out of a boat, either way it's dangerous and you run the risk of flipping over the boat, correct?

GROGAN: Depending on the conditions out there, we were told by, you know, the experts in the Bay that that may not be a safe thing to do, tying it to one of the buoys, depending on what the tides and the currents and the wave action was.

GERAGOS: Okay. And specifically what you did is you went back and had somebody, I assume it was Detective Owen, take a look at the boat to see if there were any kind of paint transfers, correct?

GROGAN: Yes.

GERAGOS: Okay. And they found something that looked like some small, some sort of paint transfer; is that right?

GROGAN: Yes. He found some red paint on the side of the boat and in some of the threads of the screws on one side where the fishing pole holder was located.

GERAGOS: Okay. And then specifically samples of that red paint were taken, correct?

GROGAN: Yes.

GERAGOS: Okay. And then that was sent to the Department of Justice, correct?

GROGAN: Yes.

GERAGOS: Okay. And the Department of Justice came back, and then there was a sample of paint from the buoy that was also selected; is that correct?

GROGAN: Yes. One of the buoys.

GERAGOS: Right. And then the comparison was done; and the result was it was not the same, correct?

GROGAN: Correct.

GERAGOS: Okay. And specifically there was, and I had pointed out to you in some of the pictures at the preliminary hearing that there was a red dolly that was on the side of the boat of the Modesto PD storage area; do you remember that?

GROGAN: Can I see this? Yes. There is, there is a dolly in that photograph.

GERAGOS: Okay. I'd like to mark this as defendant's next in order.

FLADAGER: Mr. Geragos?

JUDGE: That will be –

GERAGOS: It's a photograph of the interior of the boat once it's been impounded at the –

JUDGE: Defendant's 7 J. Are you going to lay a foundation with him?

GERAGOS: Sure. V Holmes is Veronica Holmes, who is a community service officer?

GROGAN: Yes.

GERAGOS: Okay. And she's the person, one of the two people, I guess, she and Miss Ducot, who take the pictures of the evidence?

GROGAN: There's actually several more, but she did take a lot of photographs in this case.

GERAGOS: Okay. Does this appear to be the boat that was seized by virtue of the search warrant on the 26th or the 27th?

GROGAN: Yes.

GERAGOS: Okay. And this appears to be in the Modesto PD, is this over at that one-story property?

GROGAN: Well, that's what I was looking at in the photograph, and there's a lot of stuff in the background. I'm not certain where this boat was on December 30th, if it was, what facility it was stored in.

GERAGOS: It was in police, it was in a police –

GROGAN: It was in –

GERAGOS: impound somewhere, right?

GROGAN: Yes, it was in our, in our custody on December 30th.

GERAGOS: Okay. And specifically the, kind of hard to see here. You lose a little bit of a color, but this is the red dolly right here?

GROGAN: Yes, it appears to be.

GERAGOS: Okay. Did anybody ever check to see if the red dolly or the paint from the red dolly matched the paint transfer on the boat?

GROGAN: No, we didn't. But there was also some, some wood attached to some of the paint on that, so the dolly didn't necessarily make sense with, with that.

GERAGOS: Well, the buoy came back negative, correct?

GROGAN: Correct.

GERAGOS: Okay. And did somebody try to rule out the fact that the red dolly that's right next to the boat here could have been the object that, when somebody was backing in to the storage area there, that scraped against the boat?

GROGAN: We didn't try to do that because of the exam that came back that said that there was wood attached to one of the, the paint flakes. So it appeared that the paint was on something that had a wood background, at least on part of it.

GERAGOS: Okay. The, specifically the DOJ report didn't say that, did it?

GROGAN: I don't know if it did or not. I remember talking to Sarah Yoshida about it at some point.

GERAGOS: Okay. Looks like Sarah did the report, and she had said that there was no red paint consistent with the paint from the buoy, correct?

GROGAN: Correct.

GERAGOS: And she said no red paint smears were observed on the fishing pole holder, correct?

GROGAN: That's what it says, yes.

GERAGOS: Okay. And the red specks from two of the paint transfer samples were a different shade from the paint sample from the buoy, correct?

GROGAN: Yes.

GERAGOS: And the red substance from one of the paint transfer samples was translucent while the paint sample from the buoy was opaque, correct?

GROGAN: Correct.

GERAGOS: Okay. And the red specks from the paint transfer sample were too small for a color comparison, correct?

GROGAN: Correct.

GERAGOS: Okay. And it doesn't indicate anywhere in her report that there was anything about wood, does it?

GROGAN: Not in this report that I, that I see. I do remember that, however.

GERAGOS: Okay. She says the paint transfer sample consisting of a small piece of wood and some red specks, however, right?

GROGAN: Yes.

GERAGOS: Okay. And then the other paint transfer sample consisting of a white substance, red specks and a translucent, correct?

GROGAN: Yes.

GERAGOS: Okay. Do you know which side of the boat that the paint transfer was taken from?

GROGAN: I believe it was the left side of the boat, which I think is they call the port side.

GERAGOS: Okay. Is that the side that's closest to where the dolly is?

GROGAN: I think it would be the opposite side.

GERAGOS: And you're basing that on what?

GROGAN: My memory of it.

GERAGOS: Okay. Now, the, did you, the buoy that you had taken a paint transfer sample from, where was that?

GROGAN: That's in the San Francisco Bay, buoy number four, up in the area of Brooks Island. Specifically, other than that I really couldn't tell you, I don't think.

GERAGOS: Okay. Now, you had also had discussions with a, somebody, a Paul, is it Andrieu from the United States Coast Guard?

GROGAN: I did?

GERAGOS: No, I'm asking. Did you have somebody go have discussions with him to try to follow-up on the painting of the buoys?

GROGAN: Yes. I think someone followed-up to see what type of paint they used on the buoys.

GERAGOS: Okay. And they got that information, would that have been Detective Hendee?

GROGAN: I'm not sure.

GERAGOS: Okay. I'm going to show you a, two page reports. 21691 and 21692.

FLADAGER: Your Honor, at this point I'll interpose an objection. If we can have a foundation that the information Mr. Geragos is soliciting is, in fact, information that the detective was

aware of and relied on in the course of his investigation. Otherwise, it's just hearsay.

GERAGOS: I'd be happy to ask the witness.

JUDGE: Yeah, would you, otherwise it's not relevant. He doesn't know.

GERAGOS: Sure. I'm going to ask him.

GROGAN: (Witness reading)

GERAGOS: Just ask you, at the beginning it appears that you had a discussion, according to Detective Hendee, with him about these buoys; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And you asked him to go out and find out if there was any kind of paint schedule or maintenance schedule; is that a fair statement?

GROGAN: Yes.

GERAGOS: Okay. Did he come back and report to you anything that he had found out?

FLADAGER: Mr. Geragos, do you have a Bates stamp number?

GERAGOS: Yeah. 21691 and 2.

FLADAGER: 216?

GROGAN: 691.

GERAGOS: 691.

FLADAGER: Thank you.

GERAGOS: If you don't remember, it's okay. I'm just asking you if you remember, based on you telling him or having had the discussion, whether or not there was any report that was then made back to you.

GROGAN: I know that the information that he got was forwarded to the Department of Justice lab and that the paint from the buoys did not, did not match the paint off of the boat.

GERAGOS: Okay.

GROGAN: That I can, that I can say.

GERAGOS: So your, your memory of it is that the paint, your memory, as you sit here you don't have a specific memory of your discussion with Dodge Hendee, but you do know that you remember, at least, this theory that it had been tied to a buoy; and following up on it in terms of the paint transfers is that the paint didn't match?

GROGAN: That’s correct.

GERAGOS: Okay. I'm going to show you a picture which was taken, I think, by Veronica Holmes. Looks like it's a, February 5th?

JUDGE: Has that been previously marked?

GERAGOS: No. Does this look like a picture of the same boat?

GROGAN: Yes.

GERAGOS: Does that look, is there somebody there that's looking at one of the paint transfers?

GROGAN: Well, that's Detective Skultety.

GERAGOS: Is he, is that the area from where, from which the paint transfer was taken?

JUDGE: If you know, Detective.

GROGAN: I really don't know. I didn't collect that sample.

GERAGOS: If that is the area from which the paint sample was taken, it would appear that the paint sample was, in fact, right over by the red dolly; isn't it?

FLADAGER: Objection, speculation.

GERAGOS: I'm asking him. He testified on his own about a specific side of the boat.

JUDGE: But he doesn't know, so I'm going to sustain the objection.

GERAGOS: All right.

GROGAN: I'm sorry, I said that from memory and maybe I shouldn't have.

GERAGOS: Okay. You said what from memory?

GROGAN: When I was talking about what side it was collected on. You should probably talk to Detective Owen or Detective Skultety to be sure.

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

JUDGE: Yeah, but there's no foundation for its admissibility.

GERAGOS: I'll have Skultety back.

JUDGE: This is a photograph of the boat?

GERAGOS: Yes, it's a photograph of the boat – You do recognize Detective Skultety looking at the boat?

GROGAN: Yes.

GERAGOS: Okay. And this is Skultety that's right here?

GROGAN: Yes.

GERAGOS: Okay. Once again, this is, the boat is, I assume these numbers on the bottom, that's for the date that the picture was taken and then who took it?

GROGAN: Yes. It should be February 5th, 2003.

GERAGOS: Okay. And you can see where the, can you see where the blue seat is in the back and the red and white seat is in the front?

GROGAN: I'm sorry, I see the red and white seat in the front, and I missed the beginning of your sentence.

GERAGOS: See the blue seat there?

GROGAN: Yes.

GERAGOS: Okay. Let me show you, JUDGE: Just for the record, Mr. Geragos, that's Defendant's 7 K, the one we just marked, the one with Skultety.

GERAGOS: Yes. 7 K. You lose a little bit of the resolution. You see the blue seat in the back here, and then the seat here?

GROGAN: Yes.

GERAGOS: Okay. And in looking at these, does that give you an indication as to which side of the boat Detective Skultety is looking at in D 7 J?

GROGAN: Yeah. He would be looking at, in, in that photograph he's looking at something on the right side of the boat.

GERAGOS: Meaning the side that's closest to the red dolly, correct?

GROGAN: Yes.

GERAGOS: Okay. So if we're looking right here, Skultety is looking on the right side of the boat, and that's D 7 K, and if we're looking right here, this is the right side of the boat, correct?

GROGAN: Yes.

GERAGOS: And then I'm going to show you a report of yours that's a, looks like February 4th of oh three. Would you take a look at that and refresh your recollection on that. February 4th would have been the day before, at least, the date on that picture?

GROGAN: That’s correct.

GERAGOS: Okay.

GROGAN: And I was wrong when I testified earlier. It is, the sample was taken off of the right, or starboard, side of the boat.

GERAGOS: Okay. That's the sample, the side of the boat that's closest to that red dolly on this, on the picture that I was just showing you? Correct?

GROGAN: Yes.

GERAGOS: Okay. And you specifically had gone to the location; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And the location, you had had a conversation the previous evening with Detective Owen and Skultety; is that right?

GROGAN: I don't know.

GERAGOS: I'll stand up there with you.

FLADAGER: Mr. Geragos, do you have a Bates stamp number?

GERAGOS: Can you read that? Is that 405?

GROGAN: I think so. 405.

GERAGOS: Looks like 405, but it's got 333 on top in handwriting, and it's page one of three. Looks like you had a conversation the day before you wrote this report with Owen and Skultety, correct?

GROGAN: Yes.

GERAGOS: And you, and then you walked down to the shop where the boat was secured, correct?

GROGAN: Yes.

GERAGOS: Okay. And that's that shop that's in the picture right here where Skultety is taking, or looking at this sample; is that right?

GROGAN: Yes. That's the, that's the shop at the new police building. I did walk, walk in there when they were doing this, and I talked to them just for a few minutes, but they were doing the evidence collection. I was in and out of there briefly.

GERAGOS: Okay.

JUDGE: Well, does that photograph accurately represent the way the boat looked on the day you were there?

GERAGOS: You want me to bring it up here so you can see it closer?

JUDGE: Or whatever. You –

GERAGOS: I mean if that's, you identified that as the shop in the new police building, correct?

GROGAN: That’s correct, yes.

GERAGOS: Okay. Is that how the boat looked on that, on the day that you went down there?

GROGAN: I, I remember the defendant's truck was parked in there by the boat somewhere, and –

GERAGOS: Okay.

GROGAN: i thought that it was backed in, but,

JUDGE: You can't be sure.

GROGAN: I can't be sure. I'm not sure where the photo is taken from. Which, which side. And the truck's not there to, really, help orient me in the photograph.

GERAGOS: Detective Owen showed you the red paint transfer, correct?

GROGAN: Yes.

GERAGOS: And you wrote a report that said it was found on the starboard, or the right side, of the boat, correct?

GROGAN: That’s correct.

GERAGOS: And that it was on the upper outer edge of the boat, correct?

GROGAN: That’s correct.

GERAGOS: Okay. And specifically there's another picture here that I've got. Does this picture look like what was shown to you by Detective Skultety?

GROGAN: Yes.

GERAGOS: Okay. And does this picture represent what was shown to you by Detective Skultety?

GROGAN: Yes.

GERAGOS: Okay. May I mark these as next in order?

JUDGE: That will be Defendant's 7 L. How many have you got, Mr. Geragos?

GERAGOS: Two.

JUDGE: 1 and 2

GERAGOS: Okay. And showing what's been marked as D 7 K 2, this is the red paint transfer right here?

GROGAN: Yes.

GERAGOS: Okay. This is, I'm sorry, did I –

CLERK: It should be L, I'm sorry.

JUDGE: 7 L 1 and 2.

GERAGOS: Should I just redo it?

CLERK: Sorry about that.

GERAGOS: That's okay. We've got D 7 L 1. This is a longer, I should say more expansive view of the side of the boat; is that correct?

GROGAN: Yes.

GERAGOS: And that's the way it looked when Detective Skultety showed it to you?

GROGAN: Yes.

GERAGOS: Okay. And then I've got D 7 L 2. And this is a closeup of the paint transfer sample as you saw it? It accurately reflects the way that it looked that day?

GROGAN: Yes.

GERAGOS: Okay. Now, the, specifically in February, that same day that you, based on that conversation, and based on the fact that you saw that red paint transfer, isn't it a fair statement that the areas around the buoys in the Bay became a priority in the search?

GROGAN: Between the time that we found the paint on the boat and we had results back from what, what was going to be tested on the paint, the buoys did become a priority, yes.

GERAGOS: Okay. The buoys became a priority then?

GROGAN: Yes.

GERAGOS: And specifically the results came back from the Department of Justice in, was that in July?

GROGAN: I'm sorry, I don't remember.

GERAGOS: Okay. You're talking about the Sarah Yoshida report, correct?

Does that look like the Sarah Yoshida report that's dated July 28th of oh three?

GROGAN: Correct.

GERAGOS: Okay. So based on the fact that you found this red paint transfer on the boat, that became on that day, which was the 4th of February, correct?

GROGAN:Well, whenever I think the next searches would have been done.

GERAGOS: Okay. I'm just saying it started off with this. February 4th is the date that you discovered this; this is the day that you changed the priorities for the search areas to become around the buoy areas, right?

GROGAN: That’s correct.

GERAGOS: Okay. And it became, and it remained that way until Sarah Yoshida came back and said that, in July, that the paint didn't matter, or it didn't match?

GROGAN: Well, I probably shouldn't say that because they would have, they would have used the side-scan sonar to try to clear underneath the buoys, around the buoys. And if they were confident that they had done all they could with that, then they would move on to something else.

GERAGOS: Okay. Now, specifically there was another, there was a blue tarp that was recovered from the Bay at some point; is that correct?

GROGAN: Yes.

GERAGOS: Okay. Do you remember when that was?

GROGAN:I do not.

GERAGOS: It was sometime prior to March 3rd of 2003, correct? Because the, it was submitted, the tarp was submitted to DOJ in March?

FLADAGER: And, your Honor, again, I just interpose another objection. Unless there's a foundation this detective knew about this, relied on this.

GERAGOS: That's why I specifically asked him if he knew it was a blue tarp.

JUDGE: He's reading it now. Okay.

GROGAN: What, what I can see from what I'm just looking at right here, Mr. Geragos, is this, this report was submitted after we, we obtained hair samples from McKenzie in the 2/18 search warrant, and I think the tarp was at the lab long before that, but I don't recall the date we sent it.

GERAGOS: Okay. The blue tarp was found sometime after December and sometime before March, correct?

GROGAN: Yes.

GERAGOS: And this is a tarp that was just found in the Bay, was your understanding, correct?

GROGAN: Yes. It was found somewhere near the Berkeley Marina.

GERAGOS: Okay. And so one of the things that was suggested to be done is that there was dog hairs on the tarp; is that correct?

GROGAN: There were, there was dog and cat hairs on the tarp, yes.

GERAGOS: Okay. So when you did the search warrant on February 18th, one of the things or requests that you had asked the judge for was the ability to take some hair samples from McKenzie; is that right?

GROGAN: Yes.

GERAGOS: And in taking the hair samples from McKenzie, you could then, actually, that would, I suppose, limit the, or the area, the time period when this blue tarp was found; because you knew that you had some animal hairs on this tarp in February, right?

FLADAGER: Objection. Compound, speculative, and lack of foundation.

GERAGOS: I'll rephrase it.

JUDGE: Rephrase it. I'll sustain the objection.

GERAGOS: You knew at the time you requested the search warrant that you had the tarp, right?

GROGAN: Yes.

GERAGOS: And that's the reason you requested the samples of hairs from McKenzi?

GROGAN: Yes. I think the tarp itself had already been examined, because we certainly wouldn't know whether it was dog or cat hairs on it without it going to a lab. And once it was examined, then we decided that we wanted to include McKenzi's hair as part of the 2/18 search warrant so it could be compared with the hairs that were on the tarp.

GERAGOS: Okay. And then the, specifically the hairs were compared, McKenzi's hairs, with the hairs on the tarp, and McKenzi was excluded as being the dog that had shed its hair on this tarp, correct?

GROGAN: That’s correct.

GERAGOS: Okay. Now, the boat cover, and I asked you yesterday specifically, the boat cover you were told about, or Scott had told you where he had put it; isn't that correct? When you had a conversation with him?

GROGAN: Where he put it when?

GERAGOS: After he got back from the marina.

GROGAN: No.

GERAGOS: Okay. You located the boat cover, correct?

GROGAN: It was, it was located during the search warrant, yes, sir.

GERAGOS: Okay. And you wanted that tested because you had a theory that the boat cover may have been used to wrap a body; is that correct?

GROGAN: That was one, one thing we looked at.

GERAGOS: Okay. And that's, you also submitted that to the Department of Justice to follow-up on that theory, correct?

GROGAN: Yes.

GERAGOS: Okay. And you're aware that, when the boat cover was examined, that there was no blood, urine, feces or any other tissue that was found on the boat cover as well?

FLADAGER: And, your Honor, if I might. This evidence already came in through one of the criminalists, obviously for the truth of the matter asserted, so could we have a reminder that much of this hearsay is not offered for the truth?

GERAGOS: Well, I guess now if there's a, speaking, speaking objection.

JUDGE: Yeah, it's a speaking objection. The question is, pending is whether or not he was aware that there was, that it came out negative, right?

GERAGOS: Yes.

JUDGE: And if he considered this in his investigation. And he can testify to it. Okay. Were you made aware, Detective Grogan, that, during your investigation that the boat cover came out negative for any blood?

GERAGOS: Tissue, feces.

JUDGE: Anything like that? Were you made aware of that fact?

GROGAN: I learned that at some point, your Honor, yes.

GERAGOS: Okay. And at that point the, you had also submitted, I believe, on, on the, at the time of the original search warrant the, another tarp that was found at the house, or at the shop; is that correct?

GROGAN: You're referring to the blue tarp?

GERAGOS: Yes.

GROGAN: I'm not sure.

GERAGOS: Okay. As you sit here today, you don't remember if that's one of the things that you had requested that the Department of Justice examine as well?

GROGAN: I think so, but,

GERAGOS: Okay.

GROGAN: You know,

GERAGOS: Now, specifically you're aware that there was a sighting, or a purported sighting, of Laci Peterson in Longview, Washington; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And specifically were you aware that there's been some slides or evidence presented to the jury about what Scott did or didn't do about trying to view those tapes?

GROGAN: Am I aware of slides that the jury has seen about it?

GERAGOS: Yes.

GROGAN: I have not, I was not here when that testimony came in, no, sir.

GERAGOS: Okay. Now, you did discuss with Scott this sighting in Longview, Washington; isn't that correct?

GROGAN: Yes.

GERAGOS: And specifically Scott had told you that, or you told Scott you wanted him to come down to the police department sometime in February, about the 19th, so that you could talk to him or have an interview; is that correct? 442 in handwritten on the top.

FLADAGER: 442.

GERAGOS: 442 handwritten. In a 2/19/03 report, yellow highlighted.

GROGAN: Yes. We discussed Longview, Washington there.

GERAGOS: Okay. Specifically you had called him, this would have been the day either, while the search warrant was being executed; is that correct? Approximately that time period?

GROGAN: Yes. I believe that was on, on 2/18 when we first started to serve the search warrant.

GERAGOS: Okay. And at that point, when you asked him to come and sit down for an interview, he told you, you asked him would he be willing to do that interview, and he told you No, I'm not going to, correct?

GROGAN: 442?

GERAGOS: 442 in the handwritten, and it says page five of twelve?

GROGAN: Thank you.

GERAGOS: And in a 2/19, oh three. Yeah. That's it.

GROGAN: Yeah. I asked him if he wanted to, to come in for an interview, and he said he did not. Or would not.

GERAGOS: And he said, you asked him why, correct?

GROGAN: Yes.

GERAGOS: And he told you because you have not, "you" meaning the police department is what you interpreted, had not treated him fairly?

GROGAN: Yes.

GERAGOS: And you asked him why, and he told you that you had been wasting time investigating him rather than following up leads on the case? Is that what he told you?

GROGAN: That’s what he said.

GERAGOS: Okay. And then he went into questioning you about the Longview, Washington sighting of Laci, correct?

GROGAN: That’s correct.

GERAGOS: And he told you that he wanted to know if you had the tapes, "you" meaning the police department, right? That's what you understood?

GROGAN: Yes.

GERAGOS: Okay. He wanted to know if Modesto PD had the tapes, and you told him they were either booked in evidence in Longview, Washington, or had been forwarded to the police, Modesto police, correct?

GROGAN: Correct.

GERAGOS: Okay. And then you told him someone had viewed the tapes and the witness involved had failed a voice stress analysis and left the interview, correct?

GROGAN: That’s what I told him.

GERAGOS: And you also told him that the Longview, Washington detectives had viewed the tapes and did not see Laci on them, correct?

GROGAN: Yes.

GERAGOS: Scott told you that he believed he should have been allowed to view the tapes because he was a member of her family and he would be able to recognize her, right?

GROGAN: Yes. Yes.

GERAGOS: And you, you told him that there were no images that were brought to your attention as being even questionable as to whether they were Laci Peterson or not, correct?

GROGAN: Correct.

GERAGOS: Okay. And he told you that he had not been fairly treated by Modesto PD, right?

GROGAN: That's what he said.

GERAGOS: And he gave examples of the release of his boat and truck photos, correct?

GROGAN: Yes.

GERAGOS: And he said why were you, basically why were you releasing those to the media after you had already found witnesses who verified he was at the marina, correct?

GROGAN: That's what he said.

GROGAN: Yes.

GERAGOS: Okay. And that was in regards to what we had discussed yesterday, that at some point in the first week of January that specifically there were photos that were released and a story that was printed in the Modesto Bee seeking witnesses to verify the story, correct?

GROGAN: That's correct.

GERAGOS: And at some point the Modesto PD released the pictures of his truck and his boat, correct?

GROGAN: Yes, we did.

GERAGOS: And he expressed to you that he felt that that was done after you had already located witnesses who had confirmed he had been at the marina, correct?

GROGAN: That's what he said.

GERAGOS: Okay. Now, that news release actually was a, something that was put together by the police department, the press information officer?

GROGAN: Yes.

GERAGOS: Okay. And what I'm showing you, does this appear to be the very same news release produced through discovery to me?

GROGAN: Yeah. Bates stamp number 5053.

GERAGOS: I'd like to mark this as next in order. I would stipulate that we can use a copy of it, because it's one of the three-whole punch.

JUDGE: Defendant's 7 M.. Do you accept the stipulation, Ms. Fladager?

FLADAGER: Yes.

JUDGE: That we can use a copy?

FLADAGER: Yes.

JUDGE: This is Defendant's 7 M. What's the date of that press release?

GERAGOS: January 2nd.

JUDGE: Okay

GERAGOS: Do you know who would have, would have put this out, this would have been Detective Ridenour?

GROGAN: Yes.

GERAGOS: Okay. And then the idea the police are trying to corroborate Scott's trip to the Berkeley area, correct?

GROGAN: Yes.

GERAGOS: Okay. And the, at this point, January 2nd, it was approximately, you think that's accurate, 1100 tips since Christmas day?

GROGAN: I assume it is, yes.

GERAGOS: Okay. Now, on, was that discussion that you had with Scott, was that on the phone? Or was it in person, the one that we've just been going over?

GROGAN: The February 18th discussion?

GERAGOS: The one that you, that we just discussed, that we just went over?

GROGAN: About Longview, Washington.

GERAGOS: About Longview, Washington?

GROGAN: That was in person, and it was I think in front of his home, 523 North Covena.

GERAGOS: Did you have a tape recording device with you at that time?

GROGAN: I did.

GERAGOS: Okay. Did that device not work for some reason?

GROGAN: It did work. What I'd done is I ran a recorder, I put it inside my jacket pocket, and from that there was a wire that ran down to the microphone that I clipped into my watch, and I tried to record some of the conversations that we had. Mainly I wanted to get if, if there was anything that we ended up discussing that day.

GERAGOS: And did you, were you able to capture anything?

GROGAN: Yes.

GERAGOS: Specifically at some point you had talked to a Dr. Boyd Stephens; is that correct? Referring to 17448.

GROGAN: Yes, I did talk to him.

GERAGOS: And who did you know Dr. Boyd Stephens to be?

GROGAN: He's the medical examiner for the City and County of San Francisco.

GERAGOS: Okay. And you, he told you that he had examined numerous bodies from San Francisco Bay during the years he had been employed as the medical examiner, correct? 17448.

GROGAN: Yes, sir.

GERAGOS: Okay. And he told you that he also took part in some studies in the 70s regarding decomposition of bodies in the Bay, correct?

GROGAN: Yes.

GERAGOS: Okay. He said the reason that they never published that study was because the San Francisco Bay is such a unique system?

GROGAN: That’s what he said.

GERAGOS: Okay. And I assume that the reason, and you put it in your report, that the reason that you asked Dr. Stephens about this is that you had a, once again, theories about Laci Peterson and being put in the Bay; is that correct?

GROGAN: Yeah. The reason I contacted Dr. Stephens is because I was told that he, he had done this research in the Bay, he was an expert on the Bay, and I wanted to give the search teams an idea of exactly what they could expect to be looking for after this much time had gone by.

GERAGOS: Okay. You specifically described Laci's weight to him as being about a hundred and sixty pounds, correct?

GROGAN: Yes.

GERAGOS: And you suggested that she may be possibly wrapped in plastic and chicken wire?

GROGAN: Yes.

GERAGOS: And this was on April 2nd, was the, yes, April 2nd about 2:00 o'clock; is that right?

GROGAN: Yes, sir.

GERAGOS: Okay. And you said that she likely would have been put in the water somewhere near the Richmond Turning Basin; is that correct?

GROGAN: Yes.

GERAGOS: And the conditions on that date was the southbound water flow of about four knots, correct?

GROGAN: Yes.

GERAGOS: And he specifically told you that in his opinion 30 pounds would not likely be enough to cause a female of that weight, especially wrapped in plastic, causing additional buoyancy from air trapped in the plastic, immediately to go to the bottom, correct?

GROGAN: That’s what he said.

GERAGOS: And he told you that the victim would likely have traveled with the currents for a considerable distance before any exposed weights would catch something on the bottom or the currents would allow the object to stay in one place long enough for weights to begin to sink in the mud, correct?

GROGAN: That’s what he said.

GERAGOS: Okay. He also told you if the body was wrapped in plastic and if it had made it to deeper waters, that it was possible the body would still be in a pristine condition, correct?

GROGAN: Yes.

GERAGOS: Okay. And he explained that the pressures that come with depth in the water also aid in holding the body together and that the cold water associated with depth reduced the bacterial effects of decomposition, right?

GROGAN: Yes.

GERAGOS: Okay. He also told you that he did not believe that a weighted, wrapped body would be covered in mud, right? 17450.

GROGAN: Yes.

GERAGOS: And he also said that the, it would likely be floating off the bottom of the Bay due to gases and air trapped in the plastic, right?

GROGAN: Yes.

GERAGOS: And he said that a non-wrapped body would be skeletal remains that are disarticulated and likely covered in mud, meaning buried in mud at that point, correct?

GROGAN: Yes.

GERAGOS: Okay. He told you he was aware of cases of bodies that,

JUDGE: I think that's an earthquake. Maybe we should take a recess. Let's take a recess until everything settles down. We'll just take a short recess. Give you your morning recess right now. Remember the admonition

JUDGE: All right. This is People versus Scott Peterson. Let the record show the defendant is present with counsel. These proceedings are taking place out of the presence of the jury. During the recess I was advised by the prosecutor that the witnesses they intended to call tomorrow they are not going to call until Monday. So I'll let the jury know that when they come in, okay? So they can expect that we are going to finish with Grogan before we go on to something else. Right? Do you want to bring the jury in?

JUDGE: All right, before we go on the record, I want to bring you up to date again about scheduling. There has been a change. So tomorrow the three witnesses that were going to be called out of order will not be called tomorrow. They are going to be called on Monday. So we're going to go ahead and finish with Detective Grogan, and then we'll have some other witness after that. Okay, we'll go back on the record. Mr. Geragos, go ahead. The defendant is present with counsel. And the jury is in the jury box along with the alternates. Go ahead.

GERAGOS: Thank you. Detective, you still have 17450?

GROGAN: Yes.

GERAGOS: And when, Doctor Stephens specifically told you that they he knew of cases where bodies would travel a distance of five miles; isn't that correct?

GROGAN: Yes, in The Bay.

GERAGOS: In The Bay, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, this conversation you had with Doctor Stephens on April 2nd, you still, even though you had the information back about the chicken wire, you were still talking about the chicken wire with him at that point; isn't that correct?

GROGAN: Yes. To give him, basically we talked about the various options. Plastic wrap. We talked about the chicken wire. And I think he made comments on whether an unclothed body, what would happen.

GERAGOS: Okay. And, specifically, on, by April 2nd, as we went over yesterday, you had already received back all the information that you and I went over the first day we talked, which was that Home Depot or Lowes only cut it in 25 and 50 foot lengths, correct?

GROGAN: I think it only comes in 25 or 50 foot lengths from Home Depot, yes, sir.

GERAGOS: Okay. And the fact that you had tested the wire cutters and the pliers, and that they came back negative, correct?

GROGAN: The ones we tested came back negative, yes, sir.

GERAGOS: And the fact that the chicken wire was, in fact, 24 feet six inches, correct?

GROGAN: Yes.

GERAGOS: And the fact that you actually saw a cat scratching the trees, correct?

GROGAN: Yes.

GERAGOS: All of that information was known to you by the 2nd when you talked to Doctor Stephens, correct?

GROGAN: Correct.

GERAGOS: Now, specifically going forward to the time when the, at the marina when the bodies were recovered, actually, let me go back to the December date. There were two K-9 search teams that were up at the marina; isn't that correct? On December 28th. I'm specifically referring to 2654. Maybe I'll speed it along, because you may not remember this. Do you know the a gentleman by the name of, have you been made aware of somebody from Alameda County Sheriff by the name of Ron Seitz, a dog handler?

GROGAN: The name is familiar. I have never met him.

GERAGOS: Did anybody alert to you the fact that Ron Seitz was up there at the same time as Eloise Anderson?

GROGAN: I don't know.

GERAGOS: Okay. So as you sit here today, if I hadn't been showing you somebody else's report, you don't have any memory of whether or not Ron Seitz or his dog had searched at the marina on the 28th. Is that unknown to you as you sit here today?

GROGAN: I know there were searches done that day, I know. And I wasn't present for any of them.

GERAGOS: Are you aware of any of the information that Ron Seitz, through his dog T-e-g-o, T-e-q-o-n, had elicited from being up at the marina on the 28th?

GROGAN: No. I can look that up.

GERAGOS: Okay. I think it would be met with an objection, if you don't, if you don't remember it at the time somebody telling you about it. As part of your investigation, do you remember at the time anybody telling you that Ron Seitz had been up there with his dog and had found no scent? Does that ring a bell?

GROGAN: No, sir.

GERAGOS: Okay. Now, specifically when the, when Conner was found, you received a phone call on the morning of April 14th; is that correct?

JUDGE: While he's looking that up, since we left, took the recess because there was an earthquake, we better put something in the record, just so, in case you didn't know, the bailiff got it up on the internet. It was a 5.9 earthquake in Monterey County, apparently, and right on the San Andreas fault. Everything is back to normal. Here we are again. Go ahead, Mr. Geragos.

GERAGOS: Thank you. Did you get a call, or did you talk to an officer by the name of Villalobos?

GROGAN: Villalobos? Yes, I did.

GERAGOS: Okay. And what's your Bates number stamp on that?

GROGAN: 17528.

GERAGOS: Now, when you talked to, you talked to Villalobos, what day was that?

GROGAN: It was April 14th of 2003.

GERAGOS: And he called you, or you called him, do you remember? Doesn't matter.

GROGAN: He called me. But I believe it's based on a message I left him earlier that morning.

GERAGOS: Okay.

JUDGE: And he specifically told you that they had recovered a male fetus; is that correct?

GROGAN: Yes.

GERAGOS: And that the baby was recovered at 4:30 on Sunday the 13th, right?

GROGAN: Correct.

GERAGOS: Okay. He told you that he had heard from detectives, the detectives attending the autopsy that there was some evidence that the child may have been born alive, correct?

GROGAN: Yes.

GERAGOS: And he also told you that there was no umbilical cord attached, correct?

GROGAN: That’s correct.

GERAGOS: And, specifically, you also then went on to talk to Doctor Peterson. I think you testified to that in the direct. Miss Fladager was asking you questions, correct?

GROGAN: Yes.

GERAGOS: Okay. Okay. And Doctor Peterson and you had a conversation after he had examined the baby as well and done the autopsy, right?

GROGAN: Yes.

GERAGOS: And he was unable to state for certain, this is what he told you, whether or not the umbilical cord had been tied at one point along the ragged end of the umbilical cord, correct?

GROGAN: Yes.

GERAGOS: And he also told you that he just was uncertain as to whether or not the umbilical cord had been tied along the ragged end, or whether it had come off as part of the decomposition, right?

GROGAN: That’s correct.

GERAGOS: Okay. And he also told you that he was, he could not say for certain whether the child had been stillborn, or had gone through a birthing process, correct?

GROGAN: That’s correct.

GERAGOS: Okay. And he said that the lungs were small and wet, and there was no determination if the child had ever taken a, breath that he couldn't make that determination, correct?

GROGAN: That’s correct.

GERAGOS: And that there was no animal activity to speak of, which he considered odd; isn't that right?

GROGAN: Yes, that's correct.

GERAGOS: And he also said that he believed that the baby fell within a nine-month-old infant range?

GROGAN: That’s what he said.

GERAGOS: And that if you wanted to say that it was seven and half months old, it would be a somewhat large baby, correct?

GROGAN: Yes.

GERAGOS: Okay. And during that conversation, that's when you became suspicious, or at least considered the possibility that that could have been Conner, correct?

GROGAN: Yes. I believe this conversation took place after Laci's body was recovered. So, yes.

GERAGOS: Okay. Now, the, one of the next things that you did after talking with Villalobos and Peterson is, at some point, you went up to the marina; is that correct?

GROGAN: Are you asking if I went up there anywhere around this time period? I don't believe I did.

GERAGOS: Okay. Did you, were you following up on what was found alongside the shore?

GROGAN: No, I didn't go to the recovery site for either of the bodies.

GERAGOS: I'm going to direct your attention to 17539. Do you have that in front of you? Bates number stamp.

GROGAN: 17539?

GERAGOS: That’s correct.

GROGAN: Okay.

GERAGOS: Okay. Now, specifically at about 1:00 o'clock you met with Detective Brocchini, right?

JUDGE: What date would this be, Mr. Geragos?

GERAGOS: I assume that this is also on the 14th; is that correct?

JUDGE: Well, trouble is that he got the phone call at 4:30.

GERAGOS: Let's say April 15th. Does it look like it's April 15th at 1:00 o'clock? So is that accurate? You got April 15 on the bottom of the report.

GROGAN: Yes, that's correct. It's the 15th of April.

JUDGE: So it's the next day.

GERAGOS: Okay. Now, the next day you were informed at some point that a Target bag had been found near the location, correct?

GROGAN: Yes.

GERAGOS: And that's what's been previously marked as the D5C series, these pictures here; is that correct?

GROGAN: Yes, looks like the same bag.

GERAGOS: Okay. And one of the things that you did was ask that Detective Brocchini do some follow-up, right?

GROGAN: Correct.

GERAGOS: Okay. And specifically the report, you asked that Detective Brocchini, you asked Detective Brocchini if that plastic could, in any way, be linked to Scott Peterson or the bodies, correct?

GROGAN: Correct.

GERAGOS: And you wanted to find that out, if it was more likely trash from the bay, right?

GROGAN: Correct.

GERAGOS: Now, at that point, now, at that point, let's see. Recently, within the last six weeks, you were present with me upstairs in the conference room of the DA's office here, correct?

GROGAN: Yes.

GERAGOS: Okay. And we were present to interview two officers who were scheduled here to testify, correct?

GROGAN: That’s correct.

GERAGOS: And those were, those officers were Officer Frazer, who has testified, right?

GROGAN: Yes.

GERAGOS: And then an Officer Phillips, correct?

GROGAN: Correct.

FLADAGER: Your Honor, at this point I'd object to activities which occurred during the course of the trial. It is not relevant to the course of his investigation.

JUDGE: It would be a prior inconsistent statement. I think that's why it's coming in.

GERAGOS: Of course. Now, Officer Frazer and Officer Phillips were interviewed by myself, correct?

GROGAN: Yes.

GERAGOS: And that was specifically because when Phillips and Frazer came here, Phillips and Frazer.

FLADAGER: Your Honor, at this point I object. One of these officers has not testified. It would not be a prior inconsistent. I think that's –

JUDGE: Wait a minute. Only person who testified was Frazer. If I understand what he told you upstairs, what he testified to here might be an inconsistent statement, but for the jury to determine.

FLADAGER: Only as to Frazer.

JUDGE: Only as to Frazer. He's the only one who testified.

GERAGOS: Now, Officer Frazer, specifically when we were upstairs, and I asked him if he had smelled the decomposition in the bag, this Target bag, said that he had, didn't he?

GROGAN: Officer Phillips made a comment. Officer Frazer said that it smelled like something that came out of The Bay, is what I remember.

GERAGOS: So what you remember Officer Phillips saying is that it was decomposition, the smell of decomposition, just like what the body of Laci Peterson smelled like, correct?

FLADAGER: Objection. Hearsay.

JUDGE: Sustained. The jury can disregard it.

GERAGOS: Well, judge, could I be heard on this? It's a little bit more complicated than what she is saying. I don't mind just stepping in brief –

JUDGE: No, it has to be on the record, Mr. Geragos.

GERAGOS: I understand. But the problem is, is that, well, I'll get at it from another angle.

JUDGE: Try it some other way.

GERAGOS: Specifically did anybody tell you that Officer Phillips or Officer Frazer had made the observation at the time this bag was recovered that it smelled like the smell of decomposition, that was the same as Laci? Were you ever told that on April 15 or 16th?

GROGAN: I never heard that until this trial had started.

GERAGOS: Okay. And you never heard that until you were up in the conference room, correct?

FLADAGER: Objection. Hearsay.

GERAGOS: I take that back. You heard it the day before when you were prepping the witnesses, correct?

FLADAGER: Objection. Hearsay. The witness is not here.

GERAGOS: It's not hearsay.

JUDGE: They have been excused subject to recall. This is Frazer. If you can confine your comments to Frazer.

GERAGOS: I can't, in one sense. It will become apparent, judge. Frazer and Phillips were in together at the Coroner's Office. That is what Frazer told you, correct?

GROGAN: They were both at the Coroner's facility that day, yes.

GERAGOS: Okay. And Frazer says Phillips made the statement about this decomposition in front of two Modesto, Modesto PD detectives, correct?

FLADAGER: Objection. Hearsay.

GERAGOS: Goes to what Frazer testified to.

JUDGE: What Frazer, I'll allow that.

GERAGOS: Frazer said when that statement was made it was in front of two Modesto PD detectives, correct?

GROGAN: I don't recall that he said that, no, sir.

GERAGOS: Do you recall that they identified that both Frazer and Phillips identified two detectives from Modesto PD, Dodge Hendee and one other detective?

GROGAN: Yes. That there was two detectives from Modesto Police Department present at the Coroner's facility on that day when the item, when all of this was brought in.

GERAGOS: When you say when all of this was brought in, those were the two, Phillips and Frazer, as far as you know, were the two officers that found the bag, that were there documenting the scene from East Bay Regional Park, correct?

GROGAN: I believe that Ian Frazer was not the person who found the bag.

GERAGOS: Okay. Do you believe that Frazer, I mean that Phillips was?

GROGAN: That was my understanding.

GERAGOS: Okay. And you have interviewed Phillips, have you not? That you were present when –

GROGAN: I was only present when you talked to him, sir.

GERAGOS: When I was there interviewing Phillips, you were there present in your capacity as the investigating officer, correct?

GROGAN: Correct.

GERAGOS: When I was interviewing Phillips he made the statement,

FLADAGER: Objection. Hearsay.

GERAGOS: I don't believe that, for the investigator.

JUDGE: No, I'll let him answer this. Go ahead.

GERAGOS: When I asked Phillips about this bag, specifically he said this bag had the same smell of decomposition that Laci Peterson did; isn't that what he said?

GROGAN: And I'm sorry, Phillips or Frazer?

GERAGOS: Phillips.

GROGAN: Phillips said that, yes, sir.

GERAGOS: Phillips said that, he remarked on that out loud at the time that he was there at Contra Costa on the 14th and 15th?

GROGAN: I think he said that he made a comment about it, yes.

GERAGOS: And he says that there were two Modesto PD detectives present, correct?

GROGAN: That's what he said.

GERAGOS: Is there anywhere in any report, that you are aware of, any mention of the fact that Officer Phillips had said that the bag, the Target bag had the same smell of decomposition that Laci Peterson did?

GROGAN: No, I'm not aware of that appearing in my report.

GERAGOS: Now, specifically you did, however, instruct Brocchini to go out and see if he could do any, or in any way link Scott Peterson to the Target bag; isn't that correct?

GROGAN: Yes. It was two-fold. To see if there was any connection between the defendant and the bag, to see if that came from The Bay, or where the Target bag could have come from.

GERAGOS: Okay. One of the other things that you did, or that you set out to do, was to take samples of the duct tape here that was removed from the bag, that was around this bag, and compare it to the duct tape, duct tape that was relating to Scott Peterson, correct?

GROGAN: Yes, that was done.

GERAGOS: Okay. And that was also to try to establish a link between this bag and Scott Peterson, correct?

GROGAN: Yes. We had those samples. We wanted to do a comparison to see whether there was any match or no match.

GERAGOS: Okay. One of the other things that you had Detective Brocchini do is to see if that bag had been shipped to Modesto to see if you could link the bag to Scott Peterson, correct?

GROGAN: Yes, where those bags are used, what they are for. Any information we could get on the bag.

GERAGOS: Okay. And when you came up empty on Scott Peterson at that point, is it a fair statement that the bag was no longer pursued?

GROGAN: It was sent to the Department of Justice for the examination there, and there was never anything that linked that bag to the bodies.

GERAGOS: Well, that was before you knew about Officer Phillips' testimony, correct? Or Officer Phillips' statement, right?

GROGAN: Yes.

GERAGOS: Okay. Now that you know about Officer Phillips' statement, the bag was then re-sent up to Department of Justice at my request, correct?

GROGAN: I believe so, yes.

GERAGOS: Okay. And that's because Officer Phillips, Officer Phillips' observation as the person that who found the bags, he was also there, he was the investigator for East Bay Regional, correct?

GROGAN: Officer Phillips, or –

GERAGOS: Officer Phillips was there with Frazer. Officer Phillips is the one who prepared the report, correct? Prepared a report in regards to what he found; is that correct?

GROGAN: I believe he did. I have not seen his report.

GERAGOS: Okay. Now, do you know approximately how far away this bag was from the body of Laci Peterson?

GROGAN: My understanding is it was several hundred yards. But I would be guessing.

GERAGOS: That was found on the same day; is that correct?

GROGAN: Yes.

GERAGOS: And, obviously, from the investigative standpoint, one of the things that piqued somebody's curiosity, I assume yours, was the fact that the duct tape, you had a bag, and it was wrapped, and it appeared that, depending on the angle of it, that a body could have been wrapped in this bag; isn't that correct?

GROGAN: Well, we had to look at it to try to determine whether that was how it got there, if it was connected to the bodies. We did have duct tape for comparison, so we had that done, and we had an examination done of the bag.

GERAGOS: Okay. Now, the, specifically the only thing that was tested on this bag back in May was the duct tape; isn't that correct? There was no request for the bag to be checked for tissue, or blood, or anything else when you first sent it to Department of Justice, isn't that right?

GROGAN: I don't know.

GERAGOS: Okay. Isn't it your understanding that the only time anybody sent this bag up to be examined for tissue, blood, or anything else, was during this trial, after Officer Phillips made the observation, or has made the statement that he had previously told the people from Modesto PD, or in the presence of the people from Modesto PD, that the bag had this smell?

FLADAGER: Objection. Compound.

JUDGE: I'll permit him to answer it. Can you answer that? Do you understand the question?

GROGAN: I think so, your Honor. The bag was sent initially for comparison with the duct tape on Laci Peterson's body and other duct tape recovered in the case for examination. And the information that we got back was that there was nothing that linked that bag to the bodies. Now, I don't know what the extent of the criminalist's examination was, exactly.

GERAGOS: Well, when you say the first criminalist's report doesn't mention anything about, or, it was comparison of duck tape only, wasn't it?

GROGAN: I'm not sure. Do you have that document?

GERAGOS: I'm looking for it right now. If I can't lay my hands on it, I'll come back to it. The specific time, or you know for a fact that during this trial we sent it back up there to see if there remained any fingerprints on it, for example, correct?

GROGAN: Yes, it was sent back. I know it was sent back to the lab again to be examined after that statement was made by that officer.

GERAGOS: That was specifically to see if, you know, year and half later we could find some fingerprints on the duct tape, correct?

GROGAN: I think that's one of the things that was asked to be done.

GERAGOS: Okay. And are you aware that it becomes demonstrably harder to find fingerprints on something –

FLADAGER: Objection. Speculation.

JUDGE: Well, he's not a fingerprint man. Sustained.

GERAGOS: Well, the, you had testified yesterday that the decision was made not to take fingerprints at the house, correct, at Covena Avenue?

GROGAN: Yes, that we, there was no specific item that we could say had been touched by anyone that we could process for fingerprints.

GERAGOS: Well, nobody, there was an open door, French doors, correct, that were reportedly unlocked?

GROGAN: And an unlocked door that was closed, yes, sir.

GERAGOS: Did anybody, and I think I know the answer to this. Nobody suggested, or nobody did put powder on that door to see if there was a handprint on that door, or fingerprints on that door?

GROGAN: No. There's been a number of people in and out of there since December 24th prior to the service of our search warrant.

GERAGOS: Okay. And nobody did it, well, there are ways that you are aware of where you find people who are in the location, you get their exemplars, you give those to the fingerprint person so that he can eliminate them, correct?

GROGAN: That’s something that can be done, yes, sir.

GERAGOS: So there is nothing that stops the police from taking fingerprints on that door, taking fingerprints from the gate that leads into the driveway, correct?

GROGAN: I don't know that you could recover fingerprints from wood.

GERAGOS: Handle?

GROGAN: Possibly.

GERAGOS: From the handle. There is a possibility you could get a thumb or fingerprint of there, correct?

GROGAN: Possibly.

GERAGOS: Okay. And specifically I'm going to show you two pictures. Can you tell me if you are familiar with these?

GROGAN: I don't know that I have seen this one before. This is a photograph of the FBI Evidence Response Team. Would have been on the evening of the 26th.

GERAGOS: Okay. Does this, I'd like to mark this next in order. Does that accurately –

JUDGE: D7N-1 and 2

GERAGOS: Does that accurately reflect, one, kind of the way they were dressed and, two, the location itself?

GROGAN: Yes.

GERAGOS: Okay. And specifically you had called in the FBI, or had called in Terry Scott to give some assistance, or somebody on the team to?

GROGAN: Yes, we made arrangements for them to respond.

GERAGOS: And, specifically, is this photo, which is D7N-1, can you tell the jury specifically what that is?

GROGAN: I think that's the French doors to the home.

GERAGOS: The ones that were apparently open?

GROGAN: Yes.

GERAGOS: Unlocked?

GROGAN: Yes.

GERAGOS: And does it appear that what the, what they are doing there is some kind of a scientific testing is going on there?

GROGAN: Well –

FLADAGER: Speculation. Lack of foundation.

JUDGE: If he was there. If he knows. Do you know what they were doing?

GROGAN: I was not inside the home when they were doing the examination on the 26th.

JUDGE: So you don't know what they are doing?

GROGAN: I can guess if you would like, your Honor.

JUDGE: I don't want you to do that. Objection sustained.

GERAGOS: Did you ask them there to just kind of come through and just put on hairnets for no reason?

GROGAN: No. They were part of the processing. Exactly what they are doing in that photograph, however, what's going on in their mind right there on –

GERAGOS: Do you know if there is a reason that you called the FBI over there, was it specific, or specific task?

GROGAN: Blood evidence, yes, sir.

GERAGOS: Okay. And I assume that the Modesto PD has the capability for doing fingerprint tests, correct?

GROGAN: Yes.

GERAGOS: Okay. And, in fact, at some point the Modesto PD later did some fingerprint testing in that house, didn't they?

GROGAN: Yes.

GERAGOS: And that was after the house was burglarized, right?

GROGAN: Correct. We had a point of entry with a broken glass. We knew where the suspects had been in the home we fingerprinted.

GERAGOS: Okay. And so you were able to take that door and do fingerprints two months later, three months later?

GROGAN: Not that same door, no. The entry was made on the burglary at a different location.

GERAGOS: So that you tested a different location than this door; is that correct?

GROGAN: Yes.

GERAGOS: Okay. Now, at some point did you seize the leash which had been used to walk or attached to McKenzie?

GROGAN: Yes. That was taken in the first search warrant, I believe.

GERAGOS: And was there anything specifically done to that, in testing, requested specifically of the leash?

GROGAN: I know it was sent, I believe it was sent to the lab. And I'm not sure exactly what testing was done.

GERAGOS: All right. Now, specifically on the report that was requested for the Target bag, the fact that the only items that were tested as of August of 2003 were the duct tape associated with the plastic tarp?

FLADAGER: Objection. Lack of foundation or knowledge.

JUDGE: Well, if he knows.

GERAGOS: I'm asking if he knows.

JUDGE: He's the investigating officer.

GROGAN: I would probably have to review the criminalist's notes to find out exactly what she did with the bag, and/or, you know, she could be asked exactly what she did. Often they do a lot of examination, and they reduce that to a very small report. And they have lengthy notes that go with it.

GERAGOS: Is there anything that you are aware of in the August, 2003, report that was done by the criminalist, other than you examined the duct tape and compared it with duct tape associated with Scott Peterson?

FLADAGER: Objection. Same one. Lack of foundation.

GERAGOS: I'm asking if he knows.

JUDGE: If he knows. Do you know anything about,

GERAGOS: Do you know if anything else was done besides comparing duct tape with the bag with duct tape associated with Scott Peterson?

GROGAN: With regard to that bag?

GERAGOS: Yes?

GROGAN: I don't know. You would have to ask the criminalist.

GERAGOS: Okay. Did you ask the criminalist at the time?

GROGAN: I had many meetings with the DOJ lab personnel as to, we had so many items of evidence in this case, what we could do, how best to use the their resources. I can't say for sure that we discussed this.

GERAGOS: Okay. Now, when the bodies were recovered, there were other items that were found in the immediate area; isn't that correct? For instance, there was a, did you review what else was found?

GROGAN: In whose report?

GERAGOS: In the East Bay Regional reports.

GROGAN: I have read the reports at one point. I don't recall, I don't recall the entire report or what else was there.

GERAGOS: Okay. Were you aware that there was, I'll ask Mr. Harris if you can grab the item marked when Detective Frazer testified, which is the schematic of the area. Were you aware that there was also a tarp that is found, a black tarp?

JUDGE: There is, I think narrow it down. There was two different –

GERAGOS: I'll pull it out and show him the schematic. Were you aware of anything else that was found on the shoreline on that day?

GROGAN: Not that I can recall.

GERAGOS: Are you, were you aware of a piece of brown fabric that was recovered just east of Laci Peterson?

GROGAN: I don't recall that.

GERAGOS: Okay. How about strips of elastic that were recovered from the rip-rap near her?

GROGAN: I don't recall that.

GERAGOS: Okay. How about the a pair of panties that were recovered just north?

JUDGE: You are talking about Laci Peterson's body now?

GERAGOS: Yes.

GROGAN: No, I don't remember that at all.

GERAGOS: I'm going to show you what's the East Bay Regional Park Police Department property and evidence report. Have you ever reviewed, and this is 17142 and 17143. Have you ever reviewed that?

GROGAN: I don't believe so.

GERAGOS: Okay. This is apparently, do you recognize what this is?

GROGAN: It's a property and evidence report from the East Bay Regional Park Police.

GERAGOS: Okay. This appear to be all the items that they recovered at the time?

FLADAGER: Your Honor, I'd object. Lack of foundation by this witness.

GERAGOS: I'm asking him if he knows.

JUDGE: If he knows. If he doesn't, he can say, "I don't know."

GERAGOS: Right. Did you ever review the report from East Bay Regional to see what it is they recovered about and around the body?

GROGAN: I know I have read the reports. I don't recall the specific pages that you are hand go me.

GERAGOS: Okay. How about the items that are listed on the pages? Do you recall any of those? There is numerous items: Clothing items, pieces of fabric, elastic, any of those. Or did you do anything with those, that you are aware of?

GROGAN: There is four items here the appear to be photographs or video or CDs, and I really can't speak to those, whoever recovered this.

JUDGE: That report doesn't refresh your recollection at all?

GROGAN: No, your Honor.

GERAGOS: Okay. So it a fair statement, as you sit here today you have got no memory as to whether or not anything was done forensically with any of these reports?

GROGAN: I don't know that.

GERAGOS: Forensically with any of those items that were recovered?

GROGAN: Not that I know of.

GERAGOS: Okay. I'm going to show you what was previously marked as D6T-1. Do you know what this is? Do you know what this is?

GROGAN: I believe that's a sketch of the Point Isabel recovery site for Laci Peterson.

GERAGOS: And could you see where there has been marked out a black plastic tarp that he portrays in the rip-rap there?

GROGAN: Yes.

GERAGOS: Do you know if anything was done forensically with the black plastic tarp?

GROGAN: I don't know.

GERAGOS: I'm going to show you another schematic which shows that same area. You recognize this?

JUDGE: You can lead him since it's cross examination. You can lead him. What does it represent?

GERAGOS: Specifically this is one of the schematics that was done by Frazer, which shows items where Laci Peterson was found, storm drain there. The previous picture would have shown the black tarp right here. Then shows some fabric items. Do you see that?

GROGAN: Yeah, I see what you are pointing at.

GERAGOS: Do you know if you ever sent any of these fabric items, or the black plastic tarp that was found, what looks like, at least from, if I show you this like there, if this is where the recovery of Laci was right there, and black plastic tarp that was found right here, do you know if anybody did anything forensically, did you order them to do anything forensically to examine that black plastic tarp to see if it had any connection?

GROGAN: I don't recall. I may have, I may not have.

GERAGOS: Okay. As you sit here you don't have any memory of doing it; is that correct?

GROGAN: That’s correct.

GERAGOS: Now, you had, how soon after the conversation with Villalobos did you obtain an arrest warrant for Scott Peterson in this case? Conversation with Villalobos was, the first one was on the 14th?

GROGAN: I talked to him on the 14th. And I believe I prepared an arrest warrant on the 17th.

GERAGOS: It was signed by you on April 17th, correct?

GROGAN: Yes.

GERAGOS: Okay. And is it a fair statement that there was absolutely no forensic testing that had been done whatsoever on any of the items, whether it's the black tarp, whether it's the fabric, whether it was the Target bag, whether it was Laci, whether it was on the duct tape that was on her, whether it was on Conner, whether it was on the twine, that no forensic testing had been done at the time that you went to get the arrest warrant.

GROGAN: Correct. Beyond the autopsies themselves.

GERAGOS: Okay. Now, the, specifically, going to point you back to the pictures and ask if you have been to a reenactment of the, you had somebody do a reenactment of taking a DA investigator and putting her into a toolbox in the back of the truck; is that correct?

GROGAN: Did I have that done?

GERAGOS: Did you have it done, or were you aware of it done?

GROGAN: I was aware of it.

GERAGOS: Specifically I'm going to show you a picture that's already been marked as D6M-6. Can you tell me what that box is right there in that picture?

GROGAN: I believe that is a cardboard box that contains rain gauges.

GERAGOS: And rain gauges are a product that Scott Peterson, it's your understanding, as the investigator, Scott Peterson had purchased from an outfit line that does business at the warehouse in that same area there?

GROGAN: Yes.

GERAGOS: Okay. Now, was that box not inside of the toolbox when the car or the truck was impounded?

GROGAN: You know, I didn't search the cars on the 26th, 27th, or any of the other subsequent searches.

GERAGOS: Okay. When the truck is found, the truck is impounded, I'm showing you People's 116A. Does that appear to be what was inside, how the truck was? I'm also going to show you D6X-1 and D6X-2.

GROGAN: When were these photographs taken?

GERAGOS: The truck was impounded on the 26th of December, correct?

GROGAN: Yes.

GERAGOS: Okay. And in those pictures, in the bottom of those pictures, are chicken wire and a claw hammer, correct?

GROGAN: It's not a claw hammer. But I don't know what to call it either. It's some sort of a gardening tool.

GERAGOS: Okay. Isn't this how the truck looked when it was seized by Modesto PD?

GROGAN: I believe so, yes.

GERAGOS: Okay. And is it a fair statement that this is the chicken wire that we have talked about ad nauseam in this case?

GROGAN: That’s it, yes.

GERAGOS: And then this is the, whatever we want to call it, some kind of a tool. And then I assume that when you talked about the samples that were recovered from the bed of the truck, that's what we're talking about there in the back of the truck, right?

GROGAN: I assume so, yes.

GERAGOS: And I'm, I have got another picture, which is D6X-1, which looks like it's taken from over the side of the truck this time with the tailgate up, correct?

GROGAN: Yes.

GERAGOS: And in none of these pictures, I'll just show you D6X-2, in none of these pictures do we see the brown box, right?

GROGAN: No, I don't see it.

GERAGOS: Okay. D6M-6 is was on December 30th. And we don't see the chicken wire in there, nor do we see the tool, right?

GROGAN: That’s correct. I don't see them in that photo.

GERAGOS: And that's in 03, right? Is that roughly the time that that demonstration was done by the woman who was pregnant and was working at the time for the DA's office?

GROGAN: In December of 03?

GERAGOS: Yes. Right about the time that there was a court order ordering the truck to be returned, and demonstration was going to be done prior to the truck being returned?

GROGAN: Yes. That wasn't December of 03 that we returned the truck.

GERAGOS: Okay. Now, I'm going to ask you again, was the reason that the box was here was because, between December 26th when the truck was seized and it had no box in it, and just the chicken wire and the tool, and back on the, back on the 30th of 03, we have, all of a sudden got the box with the rain gauges. Is that, the reason for that because when you wanted to do the demonstration, somebody had to pull the box out that was in the toolbox?

GROGAN: That’s possible, sir. I wasn't there for that.

GERAGOS: Okay. I'm going to ask you, didn't the Modesto PD itemize what was found when they went through the toolbox?

GROGAN: Through the toolbox specifically?

GERAGOS: Yes. Through this box right here, the Greenlee toolbox in the back of the truck.

GROGAN: I don't know if they itemized that separately. Whoever did that search could probably answer that question.

GERAGOS: Okay. I'm going to show you People's Exhibit 255. Do you recognize those pictures?

JUDGE: Just so the jury knows, that's, 255 has been identified as the contents of the toolbox, foundation laid by Pin Kyo.

GROGAN: And 12-18 is the date. That is the date of the photographs.

GERAGOS: Yes. 12-18 of 03?

GROGAN: Okay. I think this is probably the first time I have seen these. But it appeared to be Pin Kyo's initials on them.

GERAGOS: Okay. Well, is it a fair assumption that what happened here is that when you wanted to do this demonstration, that somebody had to remove the box which was inside of the toolbox. And can you tell me if there is any report that mentions the fact that that toolbox was in there?

FLADAGER: Objection. Speculation. Lack of foundation.

GERAGOS: I'll ask him. Can you find any report which –

JUDGE: Sustained. It's sustained, your objection, for the record. Go ahead.

FLADAGER: Thank you.

GERAGOS: Is there any report that itemizes the presence of that cardboard box filled with rain gauges?

GROGAN: I can look for it, sir; but it's probably going to take a while.

GERAGOS: Okay. You can do that over the lunch hour.

GROGAN: Sure.

GERAGOS: Okay. I'd ask you specifically if that was in the green toolbox, that the, that this box was in there, was inside of here. Is it a fair statement that you couldn't have, that you couldn't get anything else inside of that toolbox, let alone a body?

JUDGE: Wait. You said get anything else?

GERAGOS: You couldn't place anything else, if that brown cardboard box was actually inside of the green toolbox, was it a fair statement that you couldn't get much else in there?

GROGAN: I would have to see a photograph of the box inside the box probably to answer your question. It looks fairly large, and you may be correct.

GERAGOS: Isn't it also a reasonable assumption that one of the reasons that this box is tore up like this is because there is an inner tray in the green toolbox, and when you put the green toolbox down that it ends up ripping or jamming down the cardboard box?

FLADAGER: Objection. Speculation.

JUDGE: Sustained. I'll sustain the objection.

GERAGOS: You are an investigator, right? You are from Modesto PD, right?

GROGAN: Yes, sir.

GERAGOS: Okay. Now, if this box was inside, the brown box, the rain gauge box is inside of the green toolbox, you wouldn't be able to fit a body in there, would you?

FLADAGER: Objection. Speculation. Lack of foundation.

JUDGE: Overruled. It's a hypothetical question. If that box was in the toolbox, do you think you would be able to stick a body in there?

GROGAN: And I guess the only way I could answer that, I'm not sure. If we put the box in, the cardboard box in the Greenlee box, and we take a look at it, I could answer your question. It does look like a fairly large box. It's –

GERAGOS: Could you tell me where that box is right now, the rain gauge box?

JUDGE: You mean today?

GERAGOS: Today.

GROGAN: I assume it's in evidence.

GERAGOS: Are you going to check that out over the lunch hour as well?

GROGAN: Yes, I can.

GERAGOS: Okay. And can you tell me, is it standard practice when an e automobile or a vehicle is impounded, and you find it in one condition, is it a standard practice to just take some other piece of evidence and put it into the box itself, like this, in the back of the truck like that? Can you think of any reason, I'll ask you this way. Can you think of any reason that, if the truck was found like this, that if that brown box was not in the toolbox, can you think of any reason why somebody would put it into the bed of the toolbox?

GROGAN: Well, like you spoke about before, if they were doing that examination, and they wanted to put someone inside there, that might be a reason why this was taken out. That, I don't know if there was other items taken out and photographed. I'm just not familiar enough with this whole thing, not being there, to answer your question.

GERAGOS: Okay. Is it, if you were to see the picture of the demonstration that was done in this case, which was marked as 106P, would that help you determine whether or not that body could get in there along with the brown box?

GROGAN: Say from looking at that, it would be unlikely.

GERAGOS: Okay. So it's, is it a fair statement that if that brown box had been in there, the only way that this demonstration that is represented by 106P could have worked was to take out the brown box, correct? You said unlikely?

GROGAN: Based on what I see in that photographs, I would say it's unlikely that box would fit in here inside the Greenlee box along with her.

GERAGOS: When this demonstration was done were you consulted?

GROGAN: I knew that we were going to return the vehicle, and that we sent it up to Department of Justice for one last go-through before we returned it. We took the items off of it, like the inner door panel where the blood was found, and we retained those. And we ordered another door panel to replace it.

GERAGOS: Okay. I'm going to show you some pictures that were taken on 12, purport to be taken on 12-27-02. Once again, I asked you before, generally, if there is a code down below, you have got a name of Ducot. That would be Denise Ducot?

GROGAN: Yes.

GERAGOS: Okay. And then inside of the Greenlee container on 12-27 of 02 what do we find?

GROGAN: That cardboard box, the same one that's in that photograph, and it's inside the Greenlee toolbox and photographed on 12-27 by Denise Ducot.

GERAGOS: And, okay. That accurately would represent how the Greenlee box looked on the 27th when the truck was impounded, correct?

GROGAN: Yes, I believe so.

GERAGOS: You wouldn't have her go and pull a box and then put it into Greenlee, right?

GROGAN: I don't think that would happen, no.

JUDGE: What's the date of that photograph?

GERAGOS: 12-27-02, photos of the,

JUDGE: How many you got there?

GERAGOS: Two.

JUDGE: All right. Be D7O-1 and D7O-2.

GERAGOS: When the truck was impounded, this appears to be a picture taken on the 27th by Denise Ducot, is that, is this also in one of those Modesto Police evidence areas?

GROGAN: Yes.

GERAGOS: You see that right there, what does that appear to be?

GROGAN: That appeared to be the edge of possibly that cardboard box.

GERAGOS: Okay. And then does it appear here once again that the cardboard box was originally, when the truck was seized, inside of the toolbox?

GROGAN: Yeah. Based on the dates on the photographs. I would say that's a fact, yes, sir.

GERAGOS: Does it also appear that when the truck, so if I understand correctly, the truck was seized, that's how it looks. The cardboard box is inside of the toolbox. It's then removed, correct? Somebody takes it out, and then it's photographed as if basically it was never in there, correct? And then you do a demonstration where the cardboard box is nowhere to be seen. You didn't do it, but somebody did, correct?

GROGAN: Yes. All of those things happened. Pin Kyo's photographs would have been from one of her examinations, whenever her examination was.

GERAGOS: Okay. Now, these rain gauges we don't have. And you are going to look to see whether this box is in evidence over the lunch hour.

Specifically the way you learned about the rain gauges in this box was, you talked to a woman by the name of Rosemary Ruiz, correct?

GROGAN: Yes.

GERAGOS: Rosemary Ruiz runs a place, works at a place called Adventures in Advertising, correct?

GROGAN: Correct.

GERAGOS: And what these rain gauges are, are some kind of a give-away item, promotional item that have TradeCorp, TradeCorp printed on them, correct?

GROGAN: Yes.

GERAGOS: So that when, presumably when somebody goes around from place-to-place, they can pass them out as a promotional item?

GROGAN: That’s correct.

GERAGOS: Okay. And that would explain why you find these in the toolbox in the back of the truck that he's using in connection with the business of TradeCorp?

GROGAN: I guess you could assume that he would keep them there, yes.

GERAGOS: Okay. Now, specifically they told you that, let's see. This business was owned by Peggy O'Donnell; is that right? Adventures in Advertising?

GROGAN: Yes.

GERAGOS: And you had specifically gone some time, looks like December 19th of 03, the day after Pin Kyo took these pictures, right? She took them on the, you identified December 18th?

GROGAN: Yes. That's what it looks like up in the upper right corner.

GERAGOS: Okay. And you went out to talk to Peggy O'Donnell on the 19th of December, correct?

GROGAN: That sounds right.

GERAGOS: Okay. And you confirmed that Scott was a customer of the business and had ordered 500 rain gauges as a give-away gift on, some time in the previous month or two; is that right?

GROGAN: Yeah. I don't recall the date. But he did, I recall he made an order, and I believe it's five hundred.

GERAGOS: Okay. Now, Miss Fladager had asked you on direct specifically about was giving you those questions about who knew about the boat, kind of one the things that raised your suspicion. And you said, well, the, I think, if I remember your testimony, that specifically only Scott and possibly Laci knew about the boat; is that correct?

GROGAN: Yes.

GERAGOS: And what did you base the fact that Laci knew about the boat on, evidence?

GROGAN: Based on his statement, and because Rosemary Ruiz said that Laci Peterson had been over in the industrial complex, and had come into her unit and used her rest room.

GERAGOS: And that was when?

GROGAN: December 20th.

GERAGOS: That would have been the Friday before, Friday before Laci disappeared, correct?

GROGAN: Correct.

GERAGOS: And so when you made the statement that potentially Laci knew about the boat, it was based on your interview that Laci had been there and had used the bathroom at this place, this Adventures in Advertising?

GROGAN: Correct.

GERAGOS: Now, that information, you interviewed Rosemary Ruiz December 22nd of 03; is that correct? I have got35667. Looks like, you can tell me whether one of these is a typo or not. I just don't know. There is a 3-23-2003, but it shows a 12-22-03 report.

GROGAN: I think that should be December 23rd.

GERAGOS: 23rd. That's a typo on the report, so I should ignore that. So you talked to her approximately on what day?

GROGAN: That’s December 23rd, 2003.

GERAGOS: So this would have been a year and three days after Laci had disappeared, correct, roughly?

GROGAN: Year and three days?

GERAGOS: Right. Roughly a year later.

GROGAN: Roughly a year later.

GERAGOS: Okay. And that specifically when you interviewed her, that's when you received the information, or you got the information that Laci had been in that complex on the Friday before, correct?

GROGAN: Well, there was, that information came in on December, right around December 30th initially through a canvass done by Detective Dennis Holmes. And he completed a report on that.

GERAGOS: He didn't talk to Rosemary Ruiz, though, did he?

GROGAN: Not Rosemary Ruiz. Just Peggy O'Donnell.

GERAGOS: And then about a year later you talked to Rosemary Ruiz who was, as I understand it was an employee for Peggy O'Donnell, correct?

GROGAN: Yes.

GERAGOS: Okay. And Rosemary Ruiz was able to pin down, I guess both she and Peggy O'Donnell were able to pin down the date that Laci had been at the warehouse, because that was Rosemary Ruiz's last day. That is what I understand, correct?

GROGAN: I think so, I'm sorry, the Bates stamp number again.

GERAGOS: The Bates stamps, 35667.

GROGAN: Okay. I'm sorry, your question?

GERAGOS: I was asking was that specifically they were able to pin down the day as the 20th, because that was Rosemary Ruiz's last day working there.

I'm looking amount 35669. It's the last sentence of the third paragraph down.

GROGAN: Yes, that's correct.

GERAGOS: Okay. Then specifically Rosemary was told about this, and Peggy O'Donnell, who is the one who actually let Laci use the rest room, correct?

GROGAN: That’s correct.

GERAGOS: Okay. And that comported with what Scott had told you in his interview, that Laci had been over at the warehouse, he thought, on the previous Friday, correct?

GROGAN: Yes. He said in one interview that it was on the previous Friday. And I think Laci Peterson, later on he gave a date range when I talked to him about when she might have been there.

GERAGOS: And specifically that interview that he gave you, we talked about it yesterday, was early on in the first week that Laci was missing, correct?

GROGAN: Yes. I'm not sure of the dates, which came, and which came first.

GERAGOS: Okay. And he, you had specifically asked him, and I'm showing you once again the December, your December 30th report, which has got 96 on the top. You had asked Scott if Laci knew about the boat purchase. He said that she did, correct?

GROGAN: Yes.

GERAGOS: And Scott told you that Laci had been to his warehouse previously to meet him for lunch, and he believed she was at the warehouse on Friday before her disappearance?

GROGAN: Yes.

GERAGOS: Okay. And he said that she had came, but he could not recall the reason why, can't recall if they had had lunch together that day, correct?

GROGAN: Right.

GERAGOS: Okay. He did not, Scott didn't direct you, he didn't say, oh, by the way, check with, you know, Adventures in Advertising, she used the bathroom over there, or anything like that, correct?

GROGAN: No.

GERAGOS: Okay. That you found that information out as you indicated through, number one, through Officer Holmes who, did a canvass of the warehouse area, right?

GROGAN: Yes, he did.

GERAGOS: And then, subsequent to that, you went back a year later and interviewed obviously after Scott had been arrested, after the preliminary hearing you interviewed both Rosemary Ruiz and Peggy O'Donnell, right?

GROGAN: Yes.

GERAGOS: And when you interviewed them, you were able to corroborate, albeit a year later, specifically the date, what Scott had told you was true, that Laci had been to the warehouse and apparently had used the bathroom over at Adventures in Advertising?

GROGAN: Yes. His dates are consistent with what they were saying.

GERAGOS: Now, the –

JUDGE: Are you leaving that subject?

GERAGOS: Yes.

JUDGE: We're going to take the noon recess. All right, ladies and gentlemen of the jury, we'll take the noon recess. Remember the admonition I have heretofore given. We'll pick up where we left off at 1:30. Have a nice lunch.

<lunch recess>

JUDGE: All right. This is the case of People vs. Scott Peterson. Let the record show the defendant's present with counsel and the jury is in the jury box, along with the alternates. Go ahead, Mr. Geragos.

GERAGOS: Thanks, Judge.

GERAGOS: The, I had asked you before the break if you were going to take a look at searching for anything regarding the brown box that was in the back. Did you do that?

GROGAN: Yes, sir.

GERAGOS: Okay. And what did you find?

GROGAN: I found that the box is not, was not booked into evidence, and I did a search on the computer, a keyword search for cardboard box, and though there's several mentions, I don't see that box mentioned in any of them.

GERAGOS: Okay. Is it a fair statement that out of this, I assume the keyword search is like mine: You can search basically all the of the printed documents out of the 42,000 pages, with the exception of the ones that are handwritten?

GROGAN: Yes. As long as you spell it right and you use the right, if you, you have to search specifically for the word, and the spelling has to be correct, and, and it does not search any handwritten documents.

GERAGOS: Okay. Now, specifically does the, normally when you take any kind of, take in any kind of evidence, you fill out an evidence receipt, correct?

GROGAN: Yes, sir.

GERAGOS: And Modesto's got a specific form that does that, right?

GROGAN: Yes.

GERAGOS: And as far as you could tell it's not listed on any of those forms; is that correct?

GROGAN: That’s correct.

GERAGOS: Okay. And as far as you know, in, the laundry list of items that were in that green box when the truck was seized is not listed there as well, correct?

GROGAN: No, it's not, to my knowledge.

GERAGOS: Okay. And in addition to that, I believe Detective Brocchini had itemized what he saw in that box on the 24th, correct?

GROGAN: I, I think you're correct.

GERAGOS: Okay. And as far as you know it's not listed in that report either, correct?

GROGAN: You know, I didn't read that report, but it's not listed by "cardboard box" in that report, or I would have found it.

GERAGOS: Okay. Is it also a fair statement that in the, whoever was the crime scene manager on the 26th or the 27th, when the truck was impounded, also did not put anything about it in their reports? Otherwise it would have popped up when you did the search?

GROGAN: If I used the correct word, yes, sir.

GERAGOS: Okay. And as far as you know here, other than, if I tell you that I got it back when the truck came back, and that's why I knew it was in the truck, other than me telling you that, you have no way of tracing where that box was? Certainly it's not in any of the reports, correct?

GROGAN: It doesn't appear to be.

GERAGOS: Okay. And so, just so that I'm clear, all these pictures I've been showing you of the truck, for that period of a year when it was in police custody, there's nobody who's, as far as you know, breaking into the impound and putting the box in the truck or anything like that, correct?

GROGAN: No, not as far as I know.

GERAGOS: Okay. Now, specifically the collection of the concrete sample, we talked about that a little bit yesterday; do you remember? The one from the house?

GROGAN: Yes.

GERAGOS: Which was done after the search warrant?

GROGAN: Yes. We still had the home secured, but I think most of the search warrant personnel had left. There was a police officer there, I think, still on scene, securing the house.

GERAGOS: Okay. Now, as far as you know, all of the photos so far that we've seen over these four or five months that we've been here, there's usually a evidence placard that is placed down where something is taken up, correct?

GROGAN: Generally, yes.

GERAGOS: Okay. Now, are you aware of any picture that shows the area where the cement sample was taken from?

GROGAN: I think there is two photographs taken by Detective Brocchini on the night he recovered that.

GERAGOS: Okay. And are you aware of, I'm going to show you a photograph. Is this one of those photographs? Or does it look like the same area that the photograph was taken in?

GROGAN: Yeah, it looks like the same are

GERAGOS: Okay. That would be the north side of the driveway, next to the house that Greg Reed's grandmother owned?

GROGAN: Yes, sir.

GERAGOS: And mark this as defendant's next in order.

JUDGE: Defendant's next in order would be D 7 P.

GERAGOS: Are you aware that any photograph, anywhere, any photograph anywhere that's got an evidence placard, one of those little numbers that shows where this was collected from?

GROGAN: No.

GERAGOS: Okay. And as far as you know that's because it doesn't e exist, correct?

GROGAN: That’s correct. Those placards are kept in the, in the evidence truck that is brought out when we're serving a search warrant, so I don't think that Detective Brocchini would have had anything like that when he went out there.

GERAGOS: Okay. Sometimes they do makeshift, however. I think Dodge Hendee testified when he got into triple figures he would take two and put them together, correct?

GROGAN: As far as the placards, yes. Those are the same placards that were, I think that came out of the truck that Dodge Hendee used.

GERAGOS: Okay. And as far as you know there was no picture that showed with a marking specifically where this sample was taken from, correct?

GROGAN: Correct.

GERAGOS: As far as you know the, there was no note that specified exactly where, and no report that specified exactly where the area was that the cement was taken from, correct?

GROGAN: I don't know what Detective Brocchini wrote in his report, if, if he was very specific about that or just, he generalized where it came from.

GERAGOS: Okay. Now, the, in addition to that, the, there was a number of, some issue at some point about whether or not Brocchini had talked to a judge, a Judge Began, about a smell of bleach in the house; are you aware of that?

GROGAN: Yes.

GERAGOS: Okay. Are you aware that Brocchini was asked specifically if he remembered talking to Judge Began about the Peterson investigation?

FLADAGER: Your Honor, I object on, as to hearsay and relevance and foundation.

GERAGOS: Goes to reasonableness of the investigation.

FLADAGER: Not if he didn't rely on it.

JUDGE: I'm sorry, what?

FLADAGER: Not if he didn't rely on it.

GERAGOS: How would I know until I ask him?

JUDGE: He's got to ask him if he knows about it first. If he says no, then that's the answer.

GERAGOS: I think I, didn't I just ask you if you aware of that and you said yes?

JUDGE: Yeah, but he didn't answer it.

GERAGOS: I would ask that the previous question and answer, that were asked and answered, be read back, the ones where he answered the question, if I could.

JUDGE: Well, I have it here. The question was: Are you aware that Brocchini was asked specifically if he remembered talking to Judge Began about this, the Peterson investigation, and then there was an objection.

GERAGOS: The one before that? Didn't, he didn't answer yes to that?

JUDGE: Well, it's off the, it's off of the computer now.

GERAGOS: Okay. I ask,

JUDGE: Why don't you, she can either bring it up or you can rephrase it.

GERAGOS: I'll just ask it. Are you aware that Brocchini had been asked if he remembered talking to Judge Began about bleach and bleach smell?

GROGAN: Asked when, sir?

GERAGOS: Sometime after this investigation started, December of 2003?

GROGAN: By someone in, in our investigation?

GERAGOS: Well, was there an investigation done that you're aware regarding that?

GROGAN: I think that that was followed up on by the district attorney's office.

GERAGOS: Okay. What was followed up on?

GROGAN: The statement made by the judge and whatever follow-up was done from that.

GERAGOS: Okay. The statement made by the judge was that she remembered, Judge Began is a she, correct?

GROGAN: Yes.

GERAGOS: In which she remembered that Brocchini had told her in December of 2000 and 2 that he had smelled an odor of bleach at the house; isn't that correct?

GROGAN: I've heard, I've heard something to that effect, yes.

GERAGOS: Okay.

GROGAN: I haven't seen her report.

GERAGOS: Okay. And that was specifically as to whether or not that was something, the investigation as to whether or not that was something that Brocchini had made up; isn't that correct?

GROGAN: The investigation was, I, to determine if that, if that's what she heard, if it was exculpatory and if it needed to be turned over, I believe.

GERAGOS: Okay. And the, did you follow that to determine whether or not that, that actually had happened, as the lead investigator?

GROGAN: I know it was investigated by a DA investigator, not myself.

GERAGOS: Okay. Shares your last name, Bill Grogan?

GROGAN: Bill Grogan.

GERAGOS: Any relation?

GROGAN: No.

GERAGOS: Okay. And when he followed up on it, did you get a report back on this investigation?

GROGAN: I haven't seen one, no.

GERAGOS: Okay. Specifically, do you know who Judge Began is?

GROGAN: Yes.

GERAGOS: And specifically you're aware that nowhere in the reports, and there are no witness statements, that there was ever any smell of bleach in the house other than this statement that Judge Began had made that she heard it from Brocchini, correct?

GROGAN: Yes. I, I don't, I've not heard that in any police report anywhere.

GERAGOS: Okay. And you haven't, besides police reports, you certainly haven't interviewed any witness about it or made, you would have made a report if you had; isn't that correct?

GROGAN: I'm sorry, the question again?

GERAGOS: I said you haven't interviewed, you said it wasn't in any police report. What I'm asking you is, beyond, that no witness ever said that? No police witness, no civilian witness, correct?

GROGAN: Not to my knowledge, no.

GERAGOS: And if you had, that would have been a significant issue suggesting cleanup, or something like that, that would have been placed in a report, correct?

GROGAN: Yeah, it likely would have been written in a report.

GERAGOS: Okay. Now, specifically early on in this case you also, there was an investigation of Kim McGregor; is that correct?

GROGAN: Yes.

GERAGOS: And Kim McGregor is somebody who lived around the corner from the Petersons?

GROGAN: Yes.

GERAGOS: Okay. And she's the person that we talked about that had broken into the Peterson house at some point?

GROGAN: Yes. Sometime in January.

GERAGOS: Okay. And then did you send somebody over to do the investigation on this?

JUDGE: Over to Covena?

GERAGOS: Over to Covena.

GROGAN: Did I? No, I was aware of it. I think I was contacted at home when it happened, and there was a follow-up done by a burglary detective, and they were assisted by Detective Brocchini.

GERAGOS: Okay. Now, have you reviewed, well, you interviewed her at least once, or more than once; is that correct?

GROGAN: Yes. I interviewed her for a few moments at the conclusion of someone else's interview.

GERAGOS: Okay. And initially she's the one who reported or said that she had discovered the break-in, correct?

GROGAN: I'm sorry, that she discovered the break-in?

GERAGOS: That she discovered the break-in.

GROGAN: I don't know.

GERAGOS: Okay. Well, there was a police report, do you know who Banks is?

GROGAN: Yes.

GERAGOS: Okay. You had done an interview because you wanted to see if there was any relationship between McGregor and Laci's disappearance, correct?

GROGAN: Yes, I wanted to meet her.

GERAGOS: Okay. And specifically there was a voice message that she had left telling Scott Peterson that she had come to the residence to walk the dog and found that the doors were open; isn't that correct?

GROGAN: Yes. That's what that says.

GERAGOS: Okay. Now, specifically, when the burglary happened, Christmas presents had been gone through; is that correct? That was the initial report?

Somebody had opened up the Christmas presents?

GROGAN: I do recall that.

GERAGOS: Okay. There was a, numerous items of clothing that were taken from the house; isn't that correct?

GROGAN: Yes.

GERAGOS: Okay. And that was both men's and women's clothing, correct?

GROGAN: I think so, yes.

GERAGOS: Okay. The, specifically there is a, well, after, I think the very next day somebody had gone to a dumpster of some kind, or waste container, and found a bunch of property; isn't that right?

GROGAN: Yes. This is Detective Banks's report, 21950; is that right?

GERAGOS: Okay. And specifically contained in that, the items that were stolen from the house were women's thong underwear, correct?

GROGAN: Yeah. I think these are the, these are the items that were recovered in the dumpster or in someone's trash can that Kim McGregor had taken them to.

GERAGOS: Okay. Initially, as I understand it, her first story was that she had gotten to the house to walk the dog and then all of a sudden discovered this break-in, correct?

GROGAN: Yeah. Based on the last thing I read, it appears to be the case.

GERAGOS: She then changed her story the second time around, correct? And admitted to taking some clothes, getting drunk and taking some clothes, right?

GROGAN: Correct.

GERAGOS: Okay. And directed the police to where the clothes were, right?

GROGAN: Correct.

GERAGOS: And one of the items that was recovered was women's stretch pants, black, and with the make of GAP; is that right?

GROGAN: That’s correct.

GERAGOS: And women's underwear, and then men's jackets, things like that?

GROGAN: Yes.

GERAGOS: Okay. Fleece pullovers, sweat shirts, assorted, at least, what, thirteen, or twelve different items of clothing?

GROGAN: Yes.

GERAGOS: Okay. At that point she specifically had directed, that was after she was confronted with this. She confesses, but she basically says that she only took the clothes; that was your understanding, correct?

GROGAN: I'm not sure what, what her first statement was.

GERAGOS: Okay. The second statement is taken by Detective Brocchini; is that right?

GROGAN: I don't, I don't know who talked to her first.

GERAGOS: Okay. There was, we've had Amie Krigbaum here. Was she the person that reported seeing somebody break into the house, as far as you're aware?

GROGAN: I know it was reported by a neighbor, and based on that description they ended up talking to Kim McGregor. And I don't recall who it was that made that observation.

GERAGOS: Okay. Is it a fair statement that, after being confronted, that McGregor then said that she had stolen, admitted to stealing some jackets but had already thrown them away?

FLADAGER: Your Honor, I would object at this point. It appears to be something that the detective does not have personal knowledge of. He's simply reading another officer's report.

JUDGE: Well, he can use it to refresh his recollection. If he says I don't remember whether it was taken or not, he can use, you can use anything to refresh his recollection, but he has to say first that he doesn't remember.

GERAGOS: Do you have, I'll ask you to read it and see if that refreshes your recollection. Do you have a memory of what she had initially told Brocchini?

GROGAN: What, I was briefed on this investigation after, after it occurred and after her arrest. But as far as reading through all the documents on it, I, I, I'm not as familiar with it as maybe some other witnesses might have been. Detective Brocchini obviously knows more about it than I do, or Detective Banks.

JUDGE: So reading that doesn't refresh your recollection, Detective Grogan?

GROGAN: I have a very, very limited knowledge about it, your Honor, I'm sorry.

JUDGE: Okay. We'll sustain the objection.

GERAGOS: I'm going to ask you specifically, there was, one of the things that had piqued your curiosity, or your suspicion, when you went in in February for that search warrant was that, the item that we had that we were showing the jury yesterday, the maternity blouse had been turned inside out. Do you remember that?

GROGAN: That it had been turned inside out? Or when we –

GERAGOS: The sleeves?

GROGAN: When we found it in February?

GERAGOS: In February. That the sleeves had been inside out?

GROGAN: Yes.

GERAGOS: Okay. Now, you didn't, you were aware at the time that, between the first search warrant in December and the second search warrant in February, that there had been a burglary at the house? At least one, correct?

GROGAN: Yes.

GERAGOS: Okay. We had, there was also, and you're chuckling; I think because you also know that there was at least an attempted break-in again on February 9th, or thereabouts, when the alarm code went off as well, correct?

GROGAN: There was one other incident at the house that was followed up on also. I'm not sure of the date.

GERAGOS: And that would be yet another burglary that happened with a woman who had gone into the house looking for souvenirs or something, correct?

GROGAN: Correct.

GERAGOS: Okay. I'm talking about, I'm specifically talking about the time between December 26th and February 18th. As you're aware, the burglary that we're talking about happened between those two dates, correct?

GROGAN: Yeah. The, the search, between the search warrants on 12/26, 12/27 and the February search warrants, Kim McGregor did enter the home sometime in mid January.

GERAGOS: Okay. That, and took, and clothing was taken. That's what the majority of the items were, at least initially, that were taken out of that house were men's and women's clothing, right?

GROGAN: Yes, there were some items.

GERAGOS: Including, as I indicated, the black stretch pants and women's underwear, right?

GROGAN: Yes.

GERAGOS: Okay. Now, at some point you get involved in this, in, and actually do a report, and I believe that it's, I don't have a Bates number stamp, but 239 handwritten, page one of five, and it's a 1/21 oh three report; is that correct?

GROGAN: Yes, this is January 20th, and I was first made aware of it on the 19th.

GROGAN: That’s the day that it took place? Or it was reported?

GROGAN: The day that it was reported.

GERAGOS: Okay.

GROGAN: And then on the 20th I was briefed that Miss McGregor had been identified as the responsible party in that.

GERAGOS: Okay. Now, at that point when she was identified as the responsible party, had you, did you get involved well, you got involved to a certain extent, correct?

GROGAN: To, to a certain extent.

GERAGOS: Okay. You wanted to, obviously you had some degree of concern about why she's breaking into the house, why she's taking clothes, correct?

GROGAN: Well, she, she had certainly brought some attention to herself, and we needed to do an investigation.

GERAGOS: Okay. She then told you that she had had, or that she was under psychiatric care; is that right?

GROGAN: Yes.

GERAGOS: Okay. And that she had tried to go back to work in November but the doctor recommended that she stop working in December; is that right?

GROGAN: I don't know. Is that from one of my reports?

GERAGOS: It is. It's that same report, page three of four, and it's, the bottom says 1/22 of oh three.

FLADAGER: Page 313.

GROGAN: Thank you. And I'm sorry, your question again.

GERAGOS: I was going to ask you. She said that she had been, she had been under treatment for psychiatric problems, correct?

GROGAN: Yes.

GERAGOS: Okay. And what you learned was, is that she, you had asked her about a recent alcohol consumption; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And that she said she had not started drinking again until the night before this incident?

GROGAN: Yes. January 18th, at the bottom of the page? Is that what you're referring to?

GROGAN: That’s what I'm referring to. On the next page she said she denied drinking any alcohol on Christmastime at the time that Laci Peterson had disappeared, correct?

GROGAN: Correct.

GERAGOS: Then she told you that she was taking all of her medications in Christmas of 2002 and she had no lapses around that time, correct?

GROGAN: Correct.

GERAGOS: And she denied having any violent incidents in her past, correct? The third sentence from the bottom of the page. Page four of four.

GROGAN: Yes, that's correct.

GERAGOS: Okay. And she also signed a consent form so you could go take a look at her psychiatric records, correct?

GROGAN: She did.

GERAGOS: Then on the next page, one of four that I've got, at least the 1/23 report, on the 22nd you spoke with Doug Ridenour, who is the public information officer, correct? Under the heading Camcorder slash Video.

GROGAN: Thank you. Yes.

GERAGOS: Okay. This is the very next day after she had already stated that the only things she took were clothes. You then get a call, Ridenour says somebody from a place called MOAB, Meal on a Bun, restaurant had called and said that he found evidence that he believed was connected to the Laci Peterson case, correct?

GROGAN: Yes.

GERAGOS: And he said it was in a 55 gallon drum containing grease that they kept in the rear of the restaurant, right?

GROGAN: Yes.

GERAGOS: Now, where is this restaurant, College Avenue, in Modesto? I mean I've got, we've got a map there of the City of Modesto. Can you tell, or point to the jury specifically where that is?

JUDGE: If you want to use the pointer, Detective Grogan.

Why don't you use the pointer, because that's easier for the jury to see. First show the Covena residence for the jury so they can see.

GROGAN: Okay. The Covena residence is 523, and it's the blue dot. And I believe this restaurant is at College Avenue and about Roseburg.

GERAGOS: Okay. Now, the, somebody, somebody, or Ridenour went out and met with the witness to get this Camcorder and eight millimeter videotape, correct?

GROGAN: Yes, he did.

GERAGOS: Okay. And I assume from, the jury understands that the videotape that we saw the other day here that was kind of, that was played that had Scott and Laci on it and that had the traffic video on it, that's the same videotape that was recovered out of this grease barrel at Meal on a Bun, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, that also, and you described it, the video, because you viewed it, correct?

GROGAN: Yes.

GERAGOS: Okay. And it had all the things that I just described and that we just said, saw, correct?

GROGAN: Yes.

GERAGOS: Okay. Specifically the, how far away is that camcorder, where it was found at Meal on a Bun, from where the clothes were found?

GROGAN: I, I don't know. Do you have a report with an address for where those clothes were found?

GERAGOS: Sure. The intersection of is it Bowen, B-O-W-E-N, and Enslen, E-N-S-L-E-N.

GROGAN: This is, this is Bowen Avenue. And I'm not sure where Enslen crosses it through here, but it's between Kelly and McHenry.

GERAGOS: Okay. Now, at that point did you ask to do some further, or did you want further investigation done as to Kim McGregor and what was going on with her?

GROGAN: Yeah. I think I spoke to someone about the videotape and asked them to find out what the story was with that.

GERAGOS: Okay. Then you did a draft press release, I guess, that Wednesday; is that correct?

GROGAN: That’s correct.

GERAGOS: Okay. And that was to quell what you termed media rumors, incorrect rumors going on about the burglary in the media?

GROGAN: Correct.

GERAGOS: Okay. And then on January 29th you received a call from Larry Suter; is that correct? 131, page one of three.

GROGAN: Page 380?

GERAGOS: Yeah.

GROGAN: Okay.

GERAGOS: And Larry Suter was her psychiatrist and told you that at that point she had withdrawn her consent for the release of psychiatric records?

GROGAN: Correct.

GERAGOS: Okay. And specifically you had indicated that you discussed the subpoena and a court order process for obtaining those records; is that, was that right?

GROGAN: Yes.

GERAGOS: Okay. Did you ever obtain those records?

GROGAN: I don't think we did, no.

GERAGOS: Okay. Now, specifically when she said that she, where she was on December 23rd and 24th, did you ever inquire as to where her, what her alibi was, where she was?

GROGAN: I think I was told that she had some corroborative witnesses to say where she was during at least portions of that time.

GERAGOS: Okay. Is it your understanding that at one point that she had given false information to the investigators about where she was on the 23rd and the 24th?

GROGAN: Is it my understanding that she did?

GERAGOS: Yes. That she had given false information.

GROGAN: I think there was, and I'd have to look at the report, but if, my understanding is she was trying to figure out which day she did which thing, and I don't know that I can say that she was lying or if she just couldn't remember exactly where she was.

GERAGOS: Okay. Did she lie to you about the criminal record?

GROGAN: About her criminal record?

GERAGOS: Right. She denied that she had any violent incidents in the past. And did you later find out that that was not true?

GROGAN: I, I don't know. If you have a document showing –

GERAGOS: I was going to ask –

GROGAN: something.

GERAGOS: specifically during this trial, at some point when she was scheduled to be a witness, wasn't there some records that were produced showing that she did, in fact, have a past criminal record? For the first time during this trial that was discovered?

GROGAN: Her, yes, her criminal history was discovered. I don't know if there's anything, I don't recall if there's anything violent on there.

GERAGOS: Fighting or challenging to fight in a public place?

GROGAN: Yeah. There's a docket for a misdemeanor challenging to fight.

GERAGOS: Okay. And specifically at the time when she denied when she had any kind of a violent past, the, this was unavailable to you; is that correct?

GROGAN: Her criminal history, no, that could have been run.

GERAGOS: Okay. At the time you didn't have it; is that correct?

GROGAN: I didn't have it right at that moment, no.

GERAGOS: Okay. You were also, you also received a call in July of oh three from a witness who you knew from a prior case; is that right? A Sharon Aikers?

GROGAN: Yes.

GERAGOS: Okay. And Sharon Aikers called to tell you that she knew Kim McGregor, and you knew who Kim McGregor was?

GROGAN: Yes.

GERAGOS: And that when Kim begins drinking she starts to act crazy? Is that what she told you?

GROGAN: Something like that.

GERAGOS: Show you what's Bates stamped 30874. Does that refresh your recollection as to the information you received in July of oh three?

GROGAN: Yes.

GERAGOS: Okay. You later learned that she, in fact, had started drinking and had been drinking the night before Laci disappeared; isn't that correct? She had denied drinking until January 18th. Wasn't it a fact that she had, that you later discovered, or one of the investigators later discovered that she lied about that and that she had been drinking the night before?

GROGAN: I don't know.

GERAGOS: Who was in charge of running down Kim McGregor and whether or not Kim McGregor was involved in this case at all?

GROGAN: Well, the burglary aspect was handled by Detective Banks, and he and Detective Brocchini worked together on the, on the aspect of clearing her out in this investigation.

GERAGOS: Okay. Wasn't one of the things that, that Brocchini finally do, or did you ever review what Brocchini did in regards to this investigation?

GROGAN: I have not read all the documents on that, no.

GERAGOS: Okay. Was there any concern on your part, at least one of the things that I had mentioned to you before is that clothing was in different spots in the house when you executed the second search warrant, correct?

GROGAN: That they had moved? The items had been moved?

GERAGOS: Items had been moved, correct.

GROGAN: Yes.

GERAGOS: And you knew that Kim McGregor at least had admitted to being in the house between the time of the first search warrant and the second search warrant, correct?

GROGAN: Correct.

GERAGOS: Okay. You had suspicion that the movement of the clothes may have had something to do with Scott Peterson, correct?

GROGAN: Yes. We wanted to find out what, how those clothes had got moved.

GERAGOS: Okay. And then, but you did not, as far as you can tell, interview Kim McGregor as to whether she was one of the ones who had moved these clothes around when she had burglarized the house, did you?

GROGAN: I think she was talked to about what she took out of the house, and I, I think that she was talked to about that.

GERAGOS: Okay. Well, one of the things that she was talked to is that she first said that she had taken only clothes, correct? That was your understanding?

GROGAN: I think that's what you showed me a moment ago.

GERAGOS: Right. And then she, and then you found the camcorder, which had this tape in it, and then she copped out to that, correct?

GROGAN: Right.

GERAGOS: And then she at that point said That's all I took, nothing else; right?

GROGAN: I think, I don't know, does it say that?

GERAGOS: I'll ask you to take a look at Brocchini's report of 1/19 and see if that refreshes your recollection as to the permutations on her story.

GROGAN: Okay.

GERAGOS: Does that refresh your recollection as to the various changes in the story?

GROGAN: Yes.

GERAGOS: Okay. First she said, as I understand it, that she only took some, well, the first thing she said is she discovered, discovered the burglary, right?

GROGAN: Yes.

GERAGOS: Then she admitted that she was the one who was, that had actually done the burglary, right?

GROGAN: Correct.

GERAGOS: Then clothes were found and she admitted to the clothes, correct?

GROGAN: I think she admitted to the burglary and then led the detectives to the clothes.

GERAGOS: Okay. And then at that point denied taking anything else, correct? That's your understanding of what happened?

GROGAN: Yes.

GERAGOS: And then at the Meal on a Bun you find this tape, and then she admits that she took the camcorder, correct?

GROGAN: Correct.

GERAGOS: And then you, after that she's confronted again, and she admits that, in addition, she took Laci Peterson's social security card, ne correct?

GROGAN: Correct.

GERAGOS: Okay. And then she gave a, several different stories as to where she was on the 23rd and the 24th, correct?

GROGAN: I'm not sure where her statements about the 23rd, 24th came in.

I don't think I've seen those yet.

GERAGOS: Okay. And then at some point you get a call and the release of information for her psychiatric records is revoked, and you discuss with the doctor either getting a search warrant or subpoena; but as far as you know nobody followed up on that, correct?

GROGAN: Correct.

GERAGOS: All right. Now, did you discover at some point that, in fact, that she had been drinking? Contrary to what she told you or told the detectives on the 23rd, the night of the 23rd?

GROGAN: I'm, I'm not familiar with that part of the investigation.

Sorry.

GERAGOS: That would have been Detective Brocchini?

GROGAN: Yes, sir.

GERAGOS: Okay. As far as you know she lives, what, approximately two doors, or three doors up and two doors over from the Peterson residence on Covena?

GROGAN: Yeah. She lives on Encina, not too far from the Covena. I've not been to her home.

GERAGOS: About 75 yards away, basically? Two houses up, two houses over?

GROGAN: It would be hard to make an estimate. That's possible.

GERAGOS: Okay.

GROGAN: Having not been there.

GERAGOS: Okay. And then specifically she's called, she was at the volunteer center almost immediately on the, or she was at the house on the 24th; is that correct? You do some investigation and determine that she, in fact, was over at the Peterson's house on the 24th?

GROGAN: I believe that she was there that evening after someone doing the neighborhood canvass had contacted her at her home. I think she went back over there with some coffee, or something like that.

GERAGOS: Okay. And then it was your understanding she was daily at the volunteer center after that? Or on numerous occasions at the volunteer center?

GROGAN: I, yes. I believe that's where she met the defendant.

GERAGOS: Okay. She said that she was familiar with Laci Peterson before, didn't know her but had seen her before the 24th?

GROGAN: My understanding of that is that they had sat next to one another one time somewhere.

GERAGOS: Okay. Now, I'm going to direct your attention, you've got that, what is that marked? As People's what up there? 228?

GROGAN: 267, I believe.

GERAGOS: The, that's the list of sightings. Did you help put that together?

GROGAN: Yes.

GERAGOS: Okay. And how did you determine what sightings would go on that map?

GROGAN: Well, Detective, or Investigator Kevin Bertalotto went through the sight, or through the tips and tried to cull out the tips that had to do with sightings. The ones that had enough information that we could plot them, we plotted.

GERAGOS: Okay. Was one of those sightings by a woman named Grace Wolf?

And I believe, you have the, have the, there's an index to these, I take it? You've got –

GROGAN: Yes.

GERAGOS: Okay. Number four on that chart, I can't see it from here, but I assume those little dots have numbers on them?

GROGAN: Yes, they do.

GERAGOS: Okay. Number four is right here where I've got my pen?

GROGAN: That’s number 9.

GERAGOS: Oh, I can't see. There's number 4. Okay. Where, where is the house?

GROGAN: Right there.

GERAGOS: Okay. So how far away would you say number 4 is from the house?

Two blocks?

GROGAN: Roughly two blocks, yes.

GERAGOS: Okay. Now, Grace Wolf was interviewed; is that correct?

GROGAN: She was interviewed recently.

GERAGOS: Okay. And she specifically, and she was also, did my, did my office provide you with a video interview of her also?

GROGAN: Yes.

GERAGOS: And specifically she was interviewed on that she had seen, I wish I had, you don't have this on a smaller version that I can blow up, do you?

GROGAN: Well, the attachment right there, that was done on a computer, but it's really difficult to tell what's going on by looking at that. So I put it on this other map, the old-fashioned way.

GERAGOS: Okay. She said that sometime between 9:00 and 10:00 on the 24th, closer to 9:30 than to 9:00, that she had seen Laci Peterson; is that correct?

GROGAN: I have, well, she never contacted the Modesto Police Department. What I have is a report from one of your investigators to go from, and what's on the video from that interview.

GERAGOS: You also sent out, after, at some point during the trial you, the DA's office sent out somebody to interview her also, correct?

GROGAN: Yes.

GERAGOS: And she specifically said that she had left her home before 9:00 o'clock to drive her son to a location in Modesto, correct?

GROGAN: Are you looking at the DA's office report?

GERAGOS: I'm looking at the DA's office reports. There's a report that somebody had gone to talk to her; is that correct? Once again, Bill Grogan, no relation?

GROGAN: Correct.

GERAGOS: Okay. And how, one more time. You've got 4 there and then the house 52, got 523 on the blue dot, correct?

GROGAN: Correct.

GERAGOS: Okay. Do you have that in front of you?

GROGAN: Yes.

GERAGOS: Okay. Now, she said that she had seen, she had made a sighting of Laci between 9:00 and 10:00 o'clock, closer to 9:30, correct?

GROGAN: Correct.

GERAGOS: She also said that the previous Sunday she had seen, she was working in her yard, right? Last paragraph, page four.

GROGAN: Yes.

GERAGOS: Okay. And that on that previous Sunday, when she was working in her yard, she saw the same lady and dog accompanied by a white male, and they walked by her residence sometime between, what is that, 3:30 and 4:00 o'clock, and that the woman was wearing the same black pants and blue nylon jacket, correct?

GROGAN: I'm sorry, I'm not seeing the clothing description here.

GERAGOS: Okay. The woman was wearing the same black pants and blue nylon jacket and the man was holding the dog's leash; is that correct?

GROGAN: Yes.

GERAGOS: She exchanged hellos with the couple. The couple was walking south, on the west side of Phoenix Avenue; they were holding hands and they seemed very happy, correct?

GROGAN: Correct.

GERAGOS: Okay. She said she saw them again walking past her house, southbound, on the west side of Phoenix in November before Thanksgiving, correct?

GROGAN: Correct.

GERAGOS: And she said at that point her granddaughter was with her in the front yard and the granddaughter told the couple that she liked their dog, right?

GROGAN: Right.

GERAGOS: She said after the 24th, when she had looked at the photos of Scott and Laci in the paper and on television, she was convinced that the couple that walked by in November and December were the same, correct?

GROGAN: That's what she said.

GERAGOS: Okay. Now, one of the things that the Investigator Grogan did, DA Investigator Grogan, is he went over to this woman, Dempewolf, who was also pregnant and walking in the area, correct?

GROGAN: Yes.

GERAGOS: Okay. And he interviewed Dempewolf, right?

GROGAN: Yes.

GERAGOS: To see if maybe Dempewolf, he interviewed Dempewolf to see what her knowledge was regarding Grace Wolf, right?

GROGAN: Yes.

GERAGOS: And he did that in August, last month?

GROGAN: Yes, sir.

GERAGOS: And specifically what he wanted to know is whether or not she had walked during the months of November and December, and whether her husband would take walks with her and her dog, right?

GROGAN: Correct.

GERAGOS: And specifically she didn't remember ever talking to a young girl on Phoenix Avenue; they showed a picture of Grace Wolf, they had one of the driver's license photos of Grace Wolf, showed that to the woman, said Did you ever talk to her, and she said no, correct?

GROGAN: That's correct.

GERAGOS: Okay. Now, in addition to Grace Wolf there was the gentleman that we talked about yesterday; he was Tony Freitas, right?

GROGAN: Correct.

GERAGOS: Okay. Now, Tony Freitas, as I understand, had called in early on. Is that what your testimony was yesterday?

GROGAN: I think it was somewhere around December 30th.

GERAGOS: Okay. And then he was interviewed. Was that also by Grogan?

DA Investigator Grogan?

GROGAN: Yes.

GERAGOS: And that was July 29th, during this trial, the DA investigator went out there and he met with Tony Freitas, who said that he was a truck driver for Orowheat, right?

GROGAN: Yes.

GERAGOS: And he said that his route takes him in the mornings from Perko's restaurant on Yosemite, can you show the jury where that would be? If you're going from Perko's on Yosemite to Denny's Restaurant on Downey and McHenry?

GROGAN: Perko's on Yosemite?

GERAGOS: Perko's on Yosemite to Denny's on Downey and McHenry?

GROGAN: Okay.

GERAGOS: He's driving toward town on La Loma? On La Loma?

GROGAN: This is El Vista Avenue. Slightly east of that, between there and Riverside, would be the, the restaurant, first restaurant you mentioned, I believe.

GERAGOS: Okay.

GROGAN: Perko's.

GERAGOS: Now, if you were to take that and go towards the park located on La Loma and Santa Barbara

GROGAN: That would be he traveled down Yosemite, this is La Loma Avenue, and it comes across this way, and that's where it intersects the park.

GERAGOS: Did you put a dot there for that particular sighting?

GROGAN: I'm sure I did.

GERAGOS: Looks like number 10?

GROGAN: Number 10's right there.

GERAGOS: Okay. Now, that, when he called in, his description was jacket and pants of an unknown color, because he wasn't asked for that description, right? Nobody asked him for a description; is that right?

GROGAN: I don't know. Let me look here.

GERAGOS: According to your, you've got this legend that you use.

That's the information that's on there. Is that accurate?

GROGAN: It should be, yes.

GERAGOS: Okay. And it states on there that the jacket and the pants were an unknown color, and he was not asked either of them, correct?

GROGAN: Correct.

GERAGOS: Okay. And he says that as he approached there's a small triangular, triangle of a grassy park located at La Loma and Santa Barbara, right?

GROGAN: Yes.

GERAGOS: And he saw a woman walking her dog, right?

GROGAN: Yes.

GERAGOS: And she was wearing light-colored pants, a dark-colored jacket or pullover sweater, correct?

GROGAN: Correct.

GERAGOS: And he could not see a blouse or the type of shoes that she was wearing. He said the dog was reddish brown in color and the dog appeared to be pulling the woman; is that right?

GROGAN: That’s what he said.

GERAGOS: Okay. He also said that he looked to his right and noticed two dirty-looking males in the park; is that right?

GROGAN: Yes.

GERAGOS: Okay. One sitting on a bus bench, the other squatting next to the bench; is that right?

GROGAN: Yes.

GERAGOS: And that both were dirty and their clothing ragged and they did not appear to fit in the neighborhood; is that right?

GROGAN: Correct.

GERAGOS: Okay. Now, Tony said that he spoke to a female at the police department, right? Last sentence, or next to the last sentence on the next page.

GROGAN: Yes.

GERAGOS: And the female told him that a detective would call at a later date; and a detective never called him, correct?

GROGAN: Yes.

JUDGE: Okay. With that we'll take the afternoon recess.

The jury has been here an hour. Ladies and gentlemen of the jury, we'll take a recess until 3:15. Remember the admonition I've heretofore given.

JUDGE: All right. Let the record show the jury is present in the jury box, along with the alternates. The defendant is present with counsel. Mr. Geragos, I just want to clear something up for the jury's edification. I'll ask Detective Grogan. As I understand it, all of those red dots, Detective Grogan, are all sightings on December the 24th?

GROGAN: Yes, your Honor.

JUDGE: The green ones are within a range like the 23rd, 25th, 26th, 27th?

GROGAN: Yes, those are date range.

JUDGE: Just wanted to make sure. That is sort of unclear whether Mr. Freitas, I know he reported on the 30th.

GERAGOS: I was going to have him make it a little easier. I have got what appears to be a, let me just show it to the detective. Is that about the same area where most of those red dots are?

GROGAN: Yes, I'd say so.

GERAGOS: Okay.

JUDGE: Do you want these all marked?

GERAGOS: No. What I was going to do is, for the ones that I'm specifically going through, maybe he could just put a little X on here, if that's okay with the Court.

JUDGE: Okay. Do you want to mark that map next in order?

GERAGOS: Yes, I could.

JUDGE: That would be D7

GERAGOS: Detective, could I ask you to, you just set down on that document. Could you write, just put a little, got a pen there?

JUDGE: Can I make a suggestion? We have him mark the residence in some color like green or purple so there is some reference to where these other places are.

GERAGOS: I was picking up my –

JUDGE: I don't know if yellow is going to show up on there.

GERAGOS: I don't know. I was going to see if we could get a couple different colors. Do you want to do the same that you have got over here, and do the house as blue?

JUDGE: Can you put the house in there, Detective Grogan?

CLERK: Has that already been marked as exhibit?

JUDGE: Does that have any ink in it? I don't see it if it's purple.

DISTASO: Right there, judge.

JUDGE: Is that it there?

GERAGOS: That's it right there next to the "22".

JUDGE: All right.

GERAGOS: Make sense?

JUDGE: If it's right by the 22.

GERAGOS: Yes, exactly.

GERAGOS: Then can you mark where the Grace Wolf was as well. This is it right here, judge.

JUDGE: I got that figured out. Can you mark the other ones in red, Detective Grogan, so we can –

GERAGOS: I gave him the, I gave him the red pen?

GROGAN: Yes.

JUDGE: You are going to mark the Wolf one first. I assume you are going to mark the Freitas one second.

GERAGOS: That's correct.

GROGAN: Might be quicker to check here.

JUDGE: Do you want to take that with you? Take it with you.

GERAGOS: For Grace Wolf, do you want me to give it the specifics that she says in?

GROGAN: I think I can use this.

GERAGOS: Okay. Santa Barbara and Santa Cruz. She is heading eastbound on Encina.

GROGAN: Okay.

GERAGOS: Okay? And then Freitas has that triangle that is shown, triangular park area that's there on that map?

GROGAN: Yes.

GERAGOS: Okay. South side of La Loma

GROGAN: I think it could be the north side. It would be the north side.

GERAGOS: Put that back up there for a second so the jury cansee it. Now, specifically, the, straighten that up just a little bit. And this first one, which is Encina and Santa Barbara, who is that?

GROGAN: That’s Grace Wolf.

GERAGOS: And then this right here, this is La Loma, correct?

GROGAN: Yes.

GERAGOS: Okay. And specifically the on the La Loma, this, the triangular area where I have got my finger, that's a grass area that's kind of a little mini park that's there?

GROGAN: Yes.

GERAGOS: And this area here, the house is right here, the other park is right up in there?

GROGAN: Correct.

GERAGOS: Now, specifically the, I'm going to ask you about, I'm going to start with, back with Freitas for a second. When Freitas calls in, you know, you said it was on December 30th?

GROGAN: I think that report –

GERAGOS: Why don't you sit back up there so they can hear you. I'm specifically referring to 14818.

JUDGE: Mr. Geragos, so we can keep those red dots –

GERAGOS: I'm going to put something next to them.

JUDGE: I'm going to give you this red pen. Put W-1 and F-1 next to them. I think the red pen, you can see better. Put, you know, F-1 for Freitas and W-1 for Wolf right next –

GROGAN: I'm sorry, Mr. Geragos, you wanted me to look up on Freitas.

GERAGOS: 14818. I want to go through, he had originally called in. He's on with, so the jury understands, you have got these sheets that are tip sheets, correct?

GROGAN: Correct.

GERAGOS: Like I'm holding up. The tip sheets are whoever is taking the calls or a particular day types in the tips as they are getting the information from the person, correct?

GROGAN: Yes.

GERAGOS: Okay. So Freitas calls. Freitas calls up. He's on the tip sheet. Gives his phone number. Says he saw Laci on December 24th at about 10:00 o'clock on La Loma, correct?

GROGAN: Yes.

GERAGOS: And he says that there were two guys across the street from her, one was Hispanic, the other African-American, sitting at the bus stop, right?

GROGAN: Right.

GERAGOS: And whoever is taking this down, I assume they got some instructions to try to take it down verbatim as to what people are telling them, right?

GROGAN: I assume so, yes.

GERAGOS: Okay. So he says they look like low-life people, and Yosemite to stoplight, triangular park there, right?

GROGAN: Yes.

GERAGOS: He says Laci was on the south side of the street, on the street, on the walk, walking the dog in a northwest direction going towards town on La Loma, correct?

GROGAN: Correct.

GERAGOS: Okay. So going towards town. Those of us who don't live there, right along this way?

GROGAN: Yes. That would take you to the downtown area of Modesto.

GERAGOS: Okay. And on the south, I mean the north side here? Is that the north side?

GROGAN: That is the north side, yes.

GERAGOS: Okay. And he says that he stopped at the stoplight. There is a stop light there, right?

GROGAN: I think there is a stoplight at Haddon and La Loma

GERAGOS: Okay. And at the one guy was sitting on the bus bench, the other was sitting on the grass. And he specifically says their clothes were really ragged, right? Is that right?

GROGAN: Yes.

GERAGOS: Okay. Now, and I know I have asked you this twice. But just to make sure there is, somebody culls out these tips and forwards them on to the investigators if they think they are worthwhile, right?

GROGAN: Correct. The way it was established, we had an investigator going through the tips. And he would give them to a sergeant who would he assign them out to investigators to follow up on.

GERAGOS: Okay. Then I think you said yesterday that sightings were not the top priority at that point; is that a fair statement?

GROGAN: Early on when those items were coming in they were followed up on pretty quickly. And as there became so many of them coming in, they became less of a priority.

GERAGOS: Okay. But, early on, this is, we're still talking December, it still is not a top priority; is that correct?

GROGAN: By December 30th?

GERAGOS: Yes.

GROGAN: I think we'd had quite a few at that point.

GERAGOS: Now, specifically the next within a day or two, you then get a tip from a Homer Maldonado; is that correct? That's on January 1st? I'm looking at 14865.

GROGAN: Okay.

GERAGOS: Okay. Now, the, he specifically saw I'm going to ask you to step down again just to make a little dot on here. He and his wife, they phone in. Get their phone number. They say between 9:45 and 10:00 o'clock he and his wife got gas on Miller Avenue, correct?

GROGAN: Correct.

GERAGOS: Okay. And Miller Avenue is right here; is that right?

GROGAN: That’s correct.

GERAGOS: Okay. Gas station is where right where my pen is?

GROGAN: No.

GERAGOS: Back?

GROGAN: It is at about Camelia, right about there.

GERAGOS: Right there. Okay so he is at the gas station on Camelia right here; is that fair?

GROGAN: Yes.

JUDGE: Why don't you mark that M-1 for Maldonado.

GERAGOS: And this right here is Covena, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, he says in his tip that they got gas right there, and that he said there was a tan van at the gas station, correct? The van had one occupant in it. The van was tan with yellow somewhere around it. He said he noticed a pregnant woman walking her dog near the corner of Miller and La Loma, right?

GROGAN: Yes.

GERAGOS: Okay. And Miller and La Loma would be right about there; is that correct?

GROGAN: Yeah. A little bit further up. There you go.

GERAGOS: Right there?

GROGAN: One block more, block up.

GERAGOS: This is La Loma?

GROGAN: That’s La Loma. Miller.

GERAGOS: Borrow your pen. That's Miller right there. So this would be Miller and La Loma on my pen.

GROGAN: No. Miller is east-west.

GERAGOS: Isn't this Miller right here?

GROGAN: Yes.

GERAGOS: That is La Loma right there. Miller and La Loma?

GROGAN: Yes.

GERAGOS: Okay. Then he said that he noticed a pregnant woman walking her dog near the corner. He said it appeared the dog was pulling her. His wife had commented that the she hoped the woman didn't fall down. The dog had long hair and was blonde in color; is that correct?

GROGAN: Yes.

GERAGOS: Okay. Now, specifically he was, looks like on the tip sheet, at least, his was referred to a Detective Stough; is that right?

GROGAN: Yes, Stough it's pronounced.

GERAGOS: Is it Stough, S-t-o-u-g-h?

GROGAN: Yes.

GERAGOS: Do you have any indication that he contacted Mr. Maldonado? And can I show this? When you are saying that, if somebody is notified, they just put it right there below the tip, right? Like I have got right there.

GROGAN: Yes.

GERAGOS: Now, I don't see anywhere where Detective Stough, or Detective Stough talked to Mr. Maldonado. Are you aware of that?

GROGAN: I don't think he did.

GERAGOS: Okay. Now, Maldonado was then interviewed by, and you have received, I assume you saw this, a report by Gary Ermoian, who is an investigator, the same investigator that Scott had hired?

GROGAN: Yes, he was.

GERAGOS: Okay. And this was a report where Mr. Ermoian on January 10th made contact with Homer and Helen Maldonado, correct?

GROGAN: Well, I don't know. I don't know when your investigator completed the report.

GERAGOS: Okay. I have got a report that's dated 1-10-2003. Did you get, that's the same one, correct?

GROGAN: Correct.

GERAGOS: Okay. Now, you reviewed that report which says Homer said he was at the USA Mini Mart gas station, right, near the corner, he calls it the corner of Covena and Miller, right?

GROGAN: That’s what he says.

GERAGOS: Okay.

GROGAN: I have seen the videotape interview.

GERAGOS: So he's got himself placed right there. Do you know where the gas station is? The could it be right there, Covena and Miller?

GROGAN: No. I believe it's, well, yeah, it's a little, it's on the corner of that Camelia and Miller. And it would be to the bottom left hand side of that corner, right about where the "C" is on Camelia

GERAGOS: Okay. Now, the, specifically he gave, for the most part, the same statement to Mr. Ermoian that he had told the officers, that he had seen her and the dog, described her. Said that she was located about the second house from the corner of Miller; is that right? That she was on the west side of the street. The way he describes it is, he's driving west on Miller past Covena. So that would be west on Miller. Past Covena would be right there, correct?

GROGAN: Correct.

GERAGOS: And he says that he observed this beautiful young woman he described as very pregnant, with a Golden Retriever dog, right?

GROGAN: Yes.

GERAGOS: And that he commented to his wife that it looked, something, I hope she doesn't fall, because she is having some trouble with the dog. Right?

GROGAN: Correct.

GERAGOS: Okay. Now, as he is driving in this direction, he says that he described the woman as being dressed in dark pants and light top, that she had dark hair, right?

GROGAN: Dark pants a light top. Dark hair, yes.

GERAGOS: And he had seen photographs of Laci Peterson, and he is sure the person he saw with the dog was Laci, right?

GROGAN: That’s what's what the report says, yes.

GERAGOS: He also said that he continued to drive. And he recalled looking in his rearview mirror to see if she crossed over Miller. And that he did not see her cross over Miller, right?

GROGAN: Right.

GERAGOS: Now, he then described where he went from there. That he went over to a co-worker's home on Grape. Is that a street in Modesto?

GROGAN: I'm not familiar with it. It might be.

GERAGOS: He dropped off a Christmas gift. Then he says he and his wife went to Save Mart, and then to Longs, right?

GROGAN: That’s what it says.

GERAGOS: Okay. Now, he actually provided, and I provided a copy to you, his receipts from Save Mart and Longs. You have got them right there, correct?

GROGAN: Yes.

GERAGOS: Okay. And this receipt I'd like to marked as defendant's flex in order.

JUDGE: Defendant's 7R. Receipts from Save Mart and Longs show that on December 24th at 11:33 he was in the Save Mart, correct?

GROGAN: Yes.

GERAGOS: And that would be specifically, right there, correct? And then,

GROGAN: Yes.

GERAGOS: went over to Longs. And he provided a receipt that showed a 12:06. Right there. He was over at Longs Drug Store, correct?

GROGAN: Yes.

GERAGOS: And he said that they were in the Save Mart for quite a while, because the store was extremely busy due to it being the day before Christmas; is that correct?

GROGAN: Yes. That's what this says.

GERAGOS: He also says he phoned the Modesto Police Department on January 1st, which would comport with this tip sheet, correct? The tip sheet I have got shows, 14865, shows on the head, calls for 1-1-03, right?

GROGAN: I'm sorry, I'm not keeping up with you here.

GERAGOS: I'm going to show you the tip sheet, which was marked 14865, Homer Maldonado, says January 1st on this tip sheet is when he called him, right?

GROGAN: Yes.

GERAGOS: Now, this tip sheet, the defense didn't have this obviously at that point. This wasn't public record of any kind, right? You know no discovery was provided in this case until after the arrest, which was in May. And, obviously, if this interview took place in January, Mr. Ermoian didn't have access to the tip sheet, right?

FLADAGER: Objection. Compound question.

JUDGE: Sustained.

GERAGOS: This tip sheet is something maintained by Modesto PD?

GROGAN: This is something that we were given after the preliminary hearing around December of 2003.

GERAGOS: Okay. So you didn't even have it before December of 2003, right?

GROGAN: This report from Gary Ermoian, no.

GERAGOS: I'm telling you, the tip sheet itself where Homer Maldonado is on there saying he called, that you got a record showing he called in on January 1st?

GROGAN: Yeah, we had that record.

GERAGOS: Okay. Now, specifically Homer Maldonado said, when he telephoned the police on January 1st, he said he didn't receive a call back. So then he went to the Command Post to report the matter, correct?

GROGAN: That’s what it says.

GERAGOS: And he said that he then told the same story to the Police Chaplain; is that right?

GROGAN: Yes.

GERAGOS: Okay. Now, on June 14th of 2003, this was an interview that was also done with a Cathy Albert; is that correct? Did you get a copy of that?

GROGAN: And this is a sighting?

GERAGOS: This is somebody who works at that same gas station, that USA Gas Station that's on Miller that we just showed. Were you provided that?

GROGAN: I don't know that I have seen that.

GERAGOS: Okay. Did you, did you do anything in order to confirm whether or not there was, well, I'll ask you this first. Did you do anything to determine whether or not the Save Mart receipt and the Longs Drug receipts where legitimate?

GROGAN: No.

GERAGOS: Okay. You don't have anything to suspect that they are not legitimate, do you?

GROGAN: Not based on what I see, no.

GERAGOS: It would seem to corroborate, at least, that the timeframe that Mr. Maldonado says he was in the area, would it not?

FLADAGER: Objection. Speculation.

GERAGOS: I'm asking for investigative expertise.

JUDGE: Overruled.

GERAGOS: Tends to corroborate his story that he was in the neighborhood, and that is where he had gone, and a timeline, doesn't it?

GROGAN: Well, Oakdale Road is in a different direction than the direction he said he was traveling.

GERAGOS: How about Grape? Where is Grape?

GROGAN: I don't know.

GERAGOS: Did you do anything to follow up on this that you are aware of?

GROGAN: No.

GERAGOS: Now, did you do anything to follow up, to go to the USA Gas Station to talk to the woman Cathy Albert who was there?

GROGAN: I didn't. I don't know if Detective Stough did or not.

GERAGOS: Okay. Are you aware whether or not she had seen this, a similar van to the one that was described by Mr. Maldonado?

GROGAN: I don't know.

GERAGOS: You know that there was an issue of a van spotted in that neighborhood at roughly that same time by at least three witnesses, correct?

GROGAN: I know that there are some sightings of a van on Covena Avenue, yes.

GERAGOS: Some sightings of the van on Covena were on 12-24; is that correct?

GROGAN: That they were supposed to have seen it?

GERAGOS: Yes.

GROGAN: Yes.

GERAGOS: Okay. And at least three separate witnesses, correct? Three that see it on Covena?

GROGAN: Yes.

GERAGOS: Right? Now, specifically there was a flyer that was put out at one point for information leading to finding or locating that van and three gentlemen who were associated with it, correct?

GROGAN: Correct.

GERAGOS: Okay. And as far as you know, as you sit here today, that van has never been identified; is that correct?

GROGAN: That’s correct.

GERAGOS: Okay. Certainly not for lack of trying. Attempted to try to find the van; isn't that correct?

GROGAN: That’s correct.

GERAGOS: Okay. You have done, I believe you have run various, have you gone through various investigative techniques in order to try and find this brown van, or it's been variously described as kind of not quite white, a little bit darker, or tan; isn't that correct?

FLADAGER: Objection, your Honor, as to the form of the question. Assumes the fact that it is the same van. There has been no evidence of which van we're talking about, when or where.

JUDGE: I think he's asking for the description of the van that he was trying to track down. And did you get a description of the van? Was it, what was the color description that you finally determined it to be?

GROGAN: Described as white, as white, possibly brown. And another witness described a van as blue, I think.

GERAGOS: As what?

GROGAN: As blue in color.

GERAGOS: Now, this van was what you were looking for, one of the things that was done was attempt to check records in Modesto for any vans that had been in an accident, or had been ticketed in the month prior; is that correct?

GROGAN: That may have been done. That was, Detective Stough was working on that, I believe.

GERAGOS: Was there also some work done in terms of vans that had been stolen within that one week period of time? Would that also have been Detective Stough?

GROGAN: I believe so.

GERAGOS: Okay. Did you follow up, or did you keep, as the lead detective, was that something that you followed up on?

GROGAN: That’s something that I talked to him about. And I know that we made some efforts to try to locate that van, or figure out what people were seeing.

GERAGOS: Okay. And, in addition to that, the van that Homer Maldonado had described at the USA Mini Mart was an older, dull, brownish-yellow van.

That's what he described it as, is it not, when he was interviewed by, he was finally interviewed in July of this year, correct? By I'm looking at 41913.

GROGAN: I'm sorry. Yes, that's what he said in that interview.

GERAGOS: Okay. And that interview was with one of the DA investigators that had gone out. That was, as far as you know, the first time that Mr. Maldonado was interviewed by somebody from either Modesto, or by the somebody representing the prosecution?

GROGAN: Yes.

GERAGOS: Okay. And he specifically said that when they went, they went, or they were at the USA Mini Mart gasoline station, right?

GROGAN: Okay. You are on 41913, correct?

GERAGOS: Uh-huh, 41913.

GROGAN: Okay.

GERAGOS: He noticed the, noticed the van there, correct? And he described it as an older, dull, brownish-yellow van parked at the island across from his vehicle, right?

GROGAN: Yes. Said he was at the gas station and he saw that vehicle.

GERAGOS: Okay. Now, the, one of the other witnesses that you contacted at some point, somebody by the name of Tom Harshman; is that correct?

GROGAN: Yes.

GERAGOS: You contacted Tom Harshman when?

GROGAN: I think I have got that listed.

GERAGOS: I show 4527. Looks like Tuesday, May 18th, 2004.

FLADAGER: Given the date of it, I would object. It's not related to the scope of this detective's investigation at that time.

GERAGOS: Clearly is, because Mr. Harshman phoned in on December,

JUDGE: I can't hear you.

GERAGOS: Mr. Harshman phoned in on December 28th.

JUDGE: Did he talk to Grogan?

GERAGOS: He talked to Detective Grogan on May 18th of this year.

JUDGE: All right. Overruled.

GERAGOS: Is that correct? He phoned in to the police on May or, on December 28th; isn't that correct?

GROGAN: Yes.

GERAGOS: Okay. Now, when he phoned in on December 28th, the message said, I'm at 14791. He gave his address and phone number, right?

GROGAN: Yes.

GERAGOS: And he said he was driving on Scenic just east of Coffee, he saw a woman being forced into a van, correct?

GROGAN: Yes.

GERAGOS: A van was an older white van with three windows and a tan stripe on the side, approximately a foot wide, right?

GROGAN: Yes.

GERAGOS: He described the woman, the victim as dark hair, red shirt, black pants, and a white, with suspect, white male, forties, ball cap?

GROGAN: Yes.

GERAGOS: Okay. Now, that call came in at 6 [lost text]. That’s at least what was, actually this looks like calls that were referred to a detective; is that right?

GROGAN: I think on the 28th the way the system worked is, we had a detective on 24-hours-a-day. And they were present to take the calls and type the information.

GERAGOS: Okay. Now, specifically there was, on February 14th of 03 there was a New York detective who called in and said that a woman fitting the description of Laci and a van had seen

her being forced into a van; is that correct?

GROGAN: That he was passing on that information, yes.

GERAGOS: Okay.

GROGAN: Second or third hand.

GERAGOS: New York City police detective who was saying, look, we have got a witness. I have talked to this woman. She hasn't been contacted. Basically it's Tom and Elizabeth Harshman, right?

GROGAN: Correct.

GERAGOS: And they have witnessed the incident, and don't know if they have called Modesto PD yet or not, correct?

GROGAN: Correct.

GERAGOS: Okay.

JUDGE: Does he say what time of the day that was?

GERAGOS: This was at 10:08?

GROGAN: That would be 10:08 a.m.

GERAGOS: So, at this point, Mr. Harshman has called on the 28th at 6:50 said he saw a woman being forced into a van, gave a description of the van. Then approximately two months later a New York City police detective says, I have talked to, presumably, Harshman's wife who may have witnessed the incident, correct?

GROGAN: Yes. He got the information from a friend of Miss Harshman's, Mr. Harshman's wife, I believe.

GERAGOS: Okay. And specifically you contacted him on May 18th, 2004, correct?

GROGAN: Yes.

GERAGOS: And he, when you contacted him, he told you that the same day he called into the police department. You put it down at 12:28, right?

GROGAN: Yes, based on that tip.

GERAGOS: I don't think you ever saw this. I'm just going to show this to you. When I went through the tip lines, at 14789, it looks like somebody called in, but the name that was written down was Thomas Harsh. Do you see that?

GROGAN: I see it.

GERAGOS: Okay. You hadn't seen that before right now, had you?

GROGAN: No.

GERAGOS: Okay. It says, reporting that three or four days ago he saw a pregnant lady being pushed into a van. Caller given to Detective Holmes. You were not aware that Harsh had indicated that it was three or four days prior to the 28th when he had actually phoned in; isn't that correct?

GROGAN: No, I don't think so.

GERAGOS: Okay. This is the first time that you have seen that, because when the caller, whoever took down the information, they just wrote Harsh as opposed to Harshman, correct?

GROGAN: Correct.

GERAGOS: Okay. And he said that he, specifically, on the same day that he had called in, he had seen a van parked on the south side of Scenic, west of Claus, which he described as a 70s, American-made model, beige in color, correct?

GROGAN: Is that the tip that you are reading from top?

GERAGOS: No. I'm at 4527.

GROGAN: Yes.

GERAGOS: Okay. Now, can you show the jury, is it on this where, I do not have a map that's got space where Scenic, and Scenic Drive west of Claus Road is? Is it on this map here? Do you have –

GROGAN: It's not on that map.

GERAGOS: Where would that be on this map?

GROGAN: It's right here.

GERAGOS: Right here. Does that count as Harshman, 41?

GROGAN: Yes.

GERAGOS: Okay. Now –

JUDGE: So, wait a minute. So this witness puts Laci Peterson or dark-haired woman way over there?

FLADAGER: At 10:08, judge.

JUDGE: A.m.

GERAGOS: That was a phone call.

JUDGE: What I want to know is, what time did he see this incident? Because Maldonado has got her over here at M-1.

GERAGOS: He has got, Maldonado has got her there at 10:00 o'clock.

JUDGE: I know between 9:45 and ten. I'm just curious what time Harshman,

GERAGOS: What time did Harshman tell you that he saw it?

GROGAN: One moment, please. He said that he saw this on December 28th between 2:00 and 4:00 p.m.

GERAGOS: You put down December 28th because you put on the same date he called in to Modesto PD, correct?

GROGAN: Yes. He said it was the same day. There was other factors that went into that as well.

GERAGOS: And he had said, and as I indicated, when he first called in, you were unaware of this. His name was captured as Harsh, as opposed to Harshman, correct?

GROGAN: Yes. Based on the tip that you just showed me, if the phone numbers match.

GERAGOS: That says given to Detective Holmes. That's specifically who the tip was given to, correct? To Detective Holmes?

GROGAN: Yes. That's his report from December 28th. And the tip, I think the Harshman tip is, or the Harsh tip –

GERAGOS: The Harsh tip.

GROGAN: Is from the 28th also.

GERAGOS: It says three or four days ago is when he saw this, correct?

GROGAN: Right.

GERAGOS: Okay. Now, specifically he describes this female as having a, he describes the van as being extended higher than normal, correct?

GROGAN: Yes. The top of the van had a fiberglass top that raises it up over the standard height.

GERAGOS: Okay. And he describes one of the people as being thirties, tall, thin with a ponytail, three-to-four-day growth of beard, dirty blonde to gray hair, scrubby looking?

GROGAN: Yes.

GERAGOS: Okay. Says the female was squatting with her back against the chainlink fence, correct? And described her as might have been urinating?

GROGAN: Yes.

GERAGOS: And said that she had a scared look on her face when he looked in her direction?

GROGAN: That’s correct.

GERAGOS: Saw the female walk to the driver's side of the van with the male subject, right?

GROGAN: Yes.

GERAGOS: And a second male reached out the open driver's door with his hand and held the female's hand, pulling her into the van at the driver's door, correct?

GROGAN: Yes.

GERAGOS: He said he was traveling at about twenty miles an hour when he drove past them, right?

GROGAN: Yes.

GERAGOS: And it looked to him like the female may have needed assistance, line and he thought the male was trying to stay close by her, trying to control her, right?

GROGAN: Yes.

GERAGOS: He said that she was pregnant. She was wearing a red shirt and black pants, correct? Top of 4528.

GROGAN: Pregnant, wearing a red shirt and black pants, yes.

GERAGOS: Okay. And he had described himself as a reserve police officer for the Martinez Police Department back in the early 70s, correct?

GROGAN: Yes.

JUDGE: With that, Mr. Geragos, we'll take our afternoon recess. Ladies and gentlemen of the jury, we'll take the recess. Remember, you are not to discuss this case among yourselves or with any other person, or form on express any opinion about the case. You are not to listen to, read, or watch any media reports of this trial, or discuss it with any representatives of the media or their agents. Be in recess then until tomorrow morning, same time, 9:00 o'clock. And we'll pick up right where we left off. See you then.