Witness: Pin Kyo

Date: 2004-09-14

Proceedings held September 14, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris (continued from previous day); Cross – Mark Geragos; Redirect – David Harris; Recross – Mark Geragos; 2nd Redirect – David Harris; 2nd Recross – Mark Geragos

Day 2 of 2 for this witness

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

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September 14, 2004

JUDGE: Okay. Mr. Harris, do you remember where you left off with Ms. Kyo?

HARRIS: Yes.

JUDGE: Okay. Go ahead.

HARRIS: Ms. Kyo, yesterday we were talking -- we were going through and looking at the photographs of the items that you received from Mr. Nelson at the Contra Costa crime lab. I want to go back to those particular items. We were looking at the photographs of the clothing that was recovered from Laci's body, and I want to talked about the trace evidence examination that you did of that particular clothing. Can you describe for the jury what it was that you found on the clothing.

KYO: On the victim's bras I found that there was fatty tissues, decomposed tissues inside the cup of the bra, and also like white tissue deposit on the outside, the edge on it.

HARRIS: What general -- I mean we can see from the photographs, but from your examination as you were trying to untangle them, what was the general state of the clothing?

KYO: The bra is in good shape. So it is all intact and there's no rip or tear, but there's a cut done by the autopsy -- at the autopsy.

HARRIS: Is it kind of a standard practice at the autopsy for the pathologist to cut off the clothing from the victims?

KYO: To get it out of -- from the body, that's correct.

HARRIS: And the -- we saw on this clothing that there seemed to be other things besides this -- the fatty tissue, the decomposition tissue that you were talking about. You were describing in some of the photographs there was something like sea life. Did you examine what this was, the sea life?

KYO: It's like barnacles you will see on ships. It just grow on whatever that is in the water. It's -- it's found on victim's pants.

JUDGE: Barnacles on the victim's pants?

KYO: Pants.

HARRIS: Now, when you say they were barnacles, did you count them? Or can you give us a range how many there were?

KYO: There were quite a lot. I didn't really count them. I just photographed it.

HARRIS: So that's –

KYO: That’s correct.

HARRIS: And besides the -- the general examination that you looked at and photographed, document like you've been going through yesterday, do you also test these items of clothes for any type of chemical evidence or biological evidence?

KYO: On the victim pants there's some stain, almost like a pinkish stain color on the front zipper area, so I try to test it using the LMG, which is a presumptive test for blood. And they are negative on presumptive test for blood.

HARRIS: So, again, even though there were staining on an item, chemical tests indicate it was negative for the presence of blood?

KYO: That’s correct.

HARRIS: One of the other items that you received from Mr. Nelson in Contra Costa, was that the duct tape that was removed from the pants at the autopsy?

KYO: That’s correct.

HARRIS: If I can have marked a series of photographs next in order.

JUDGE: Okay. This will be number 250. People's 250. How many photographs have you got there, Mr. Harris?

HARRIS: I'm trying to count them. Fourteen photographs.

JUDGE: Okay. That will be A through N. [People's 250 A-N sealed as part of the autopsy photos]

HARRIS: Ms. Kyo, I can present to you what's been marked as People's 250 A through N, have you look at these photographs, see if you recognize what's depicted in them.

KYO: I recognize these as the series of photograph I have taken of the item 1 dash 5, duct tape collected from the victim body.

HARRIS: And these items, does this depict different views of the duct tape removed from Ms. Peterson's body and packaging that you received from Contra Costa County?

KYO: That’s correct.

HARRIS: And what's depicted in the photographs, is it accurately depicted by the photographs?

KYO: It does.

HARRIS: Starting with 250 A, can you describe for us what this is?

KYO: This is a container that piece of duct tape that is submitted to us for examination. And this is a back part of it where he says will be the other side. And you can see some of the barnacles adhere on to it. And this is the ruler that I placed on to the photograph.

HARRIS: Okay. You talk about being on the other side. Show you 250 B. Is this basically the same photograph but the duct tape has been turned over to show the adhesive side?

KYO: That’s correct. This is the same item on the other side of the duct tape.

HARRIS: And then did you take a series of close up photographs of the tape?

KYO: Yes.

HARRIS: All right. Showing you 250 C, does this show us the close-up of the adhesive side to the left side of the duct tape as it was in the previous photograph, 250 B?

KYO: That’s correct.

HARRIS: And what are -- what are these kind of round things that we see on the duct tape here?

KYO: These are the barnacles that is adhere and growing on the duct tape.

HARRIS: Moving to 250 D, is this just moving from the left to the right on this particular piece of duct tape?

KYO: That’s correct.

HARRIS: And this is more towards the center of the duct tape at this point in time?

KYO: That’s correct.

HARRIS: And again, do we see those same kind of round structures?

KYO: That’s correct.

HARRIS: And those are those barnacles that you were describing?

KYO: That’s correct. And also in this photograph I noted that there are a mass of tangle -- tangled mass of fibers and tissues here.

HARRIS: Going to 250 E, can you see what you were just pointing out to the left on the tape in this photograph?

KYO: That's the same tangle mass of fibers and tissues from previous photograph, and then that's moving to the right of the duct tape.

HARRIS: Now, in this particular photograph, we see that there -- they appear to be strings or threads, some kind of grid pattern. What is it that's depicted in that photograph?

KYO: Duct tape is made of backing, which is this gray color of material, and these gauze-looking materials called scrim. And the fibers going along the length is called yarn threads. And going –

GERAGOS: I'm sorry, called?

KYO: Yarn, Y-A-R-N. Let me give you correct definition, as a wrap yarn, that W-R-A-P, yarn, Y-A-R-N.

GERAGOS: Thank you.

KYO: That's go parallel to the length of the duct tape. And fill yarns are the one that going the width of the duct tape.

HARRIS: Going to the next photograph, 250 F, does this move all the way to the right end of that piece of duct tape with the adhesive side -- adhesive side exposed?

KYO: This is the very right end of the duct tape. And I found there are tissue adhere to the duct tape, and also a corner of the duct tape is being fold over.

HARRIS: There's a few more photographs of that side. Looking at 250 G, is that basically the same photograph, now with a scale there?

KYO: That’s correct.

HARRIS: This scale, it appears to be that it's a millimeter scale?

KYO: That's right.

HARRIS: And the width of the tape is approximately five millimeters?

KYO: That’s correct.

HARRIS: Showing you more close up, 250 H, is this depicting that tissue that you were describing adhered to the duct tape?

KYO: That’s correct.

HARRIS: 250 I, is that the -- an even more close-up view?

KYO: That’s correct.

HARRIS: And then you -- did you turn the duct tape over and repeat the process?

KYO: Yes, I did.

HARRIS: All right. Looking at 250 J, is this the backing side that's not -- so we don't see the adhesive side of the duct tape at this time?

KYO: That’s correct.

HARRIS: And moving along the length of the duct tape, again, 250 K, is this more towards the middle?

KYO: That’s correct.

HARRIS: 250 L?

KYO: Another backing of the duct tape.

HARRIS: And looking at this, do we see even on the -- so this would be -- in non-technical terms, this would be the shiny side of the duct tape?

KYO: That's right. The non-adhesive part of the duct tape.

HARRIS: And do we see barnacles on this non-adhesive side of the duct tape as well?

KYO: Yes. These are the barnacles growing on the duct tape.

HARRIS: 250 M, straightened it a little bit?

KYO: That would be the other end of the duct tape, on the shiny side.

HARRIS: And to the far right of the photograph, far right of the duct tape, as well in the upper corner, is that a large barnacle, would you say?

KYO: That's -- that's a barnacle over here also.

HARRIS: And 250 N, is this a closeup of the shiny side of the folded corner edge, with the scale?

KYO: Yes.

HARRIS: Now, you were telling us about these -- the different threads that the -- the weave, the gauze, as you described it, on the backing of the duct tape. You were describing the different components of duct tape. Is there a way that, when you look at duct tape and you kind of figure out what width it is, the -- and the thread count, that you can make comparisons to other pieces of duct tape?

KYO: Yes. Duct tape, depending on the manufacturer, they have different type of backing, different type of adhesive, different type of the scrim or the threads make -- looking material. So when I look at this piece of duct tape, I counted how many, like, length-wise there was wrap yarn and along the width of the duct tape. And for this particular duct tape I counted there are 38 threads across the width.

HARRIS: Now, as part of the package of -- or the number of packages that you received from Contra Costa, did you also receive one that had kind of a big plastic bag with a TARGET logo on it?

KYO: Yes.

HARRIS: And did it also have some duct tape associated with it?

KYO: Yes.

HARRIS: If I can have two photographs marked next in order.

JUDGE: You want them separate or –

HARRIS: They can be together.

JUDGE: All right. This will be 2 -- 251 A and B.

HARRIS: Showing you 251 A and B, ask if you recognize what's depicted in those photographs.

KYO: I recognize these as a photograph I've taken of item number 1 dash 11.

GERAGOS: 1 dash?

KYO: 11.

HARRIS: And what's depicted in these photographs, these are accurate representations of the item that you observed when you did the analysis?

KYO: That’s correct.

HARRIS: Showing you 251 A, so we know what we're talking about, this is the TARGET bag that we're referring to?

KYO: That’s correct.

HARRIS: And in the back of the bag, do we see the box that it came out of?

KYO: That’s correct.

HARRIS: To the bottom left portion, going towards the middle of the photograph, do we see some of the duct tape that was associated with the bag?

KYO: Yes.

HARRIS: And then showing you 251 B, is this a photograph of some of the duct tape?

KYO: Let me -- let me back up a little bit. The TARGET item is the item 1 dash 10. And this one here is item 1 dash 11. That's another series of duct tape that is submitted. So there are two different items.

HARRIS: Just so we go back through that. In the previous photograph, 251 A, we see the TARGET bag that has duct tape with it?

KYO: Right.

HARRIS: Did you also see other duct tape that was, according to documentation, with that bag, but it was packaged separately?

KYO: That’s correct.

HARRIS: And that particular -- what we're looking at in the photograph here, 251 B, that was given the number of 1 dash 11?

KYO: That's right. They come in separate packaging.

HARRIS: So the TARGET bag and the duct tape that was still stuck to the TARGET bag, that's 1 dash 10?

KYO: 10, that's correct.

HARRIS: When -- when you received the TARGET bag, did you make kind of -- any observations like you were describing for us yesterday what you do, generalized description, smell or anything like that?

KYO: I didn't really make a notation at the beginning of the smell for the bag, but I was given a second examination with this articles and I noticed that there's no -- while I didn't smell any rotting tissue smells, it just smell like normal item that come out of the oceans.

HARRIS: Now, when you -- did you look at this duct tape as well?

KYO: I also take a look at these items of duct tape, item 1 dash 11.

HARRIS: And also the duct tape on 1 dash 10?

KYO: That’s correct.

HARRIS: Did you find any barnacles on the duct tape on 1 dash 10 or 1 dash 11?

KYO: No, I didn't see any barnacle growing on these duct tape.

HARRIS: Did you find any of that tissue or fat or decomposition type of material on either the bag in 1 dash 10, or the duct tape associated with 1 dash 10 or 1 dash 11?

KYO: No, I didn't find them.

HARRIS: Did you also look at the thread counts at all?

KYO: Yes, I did. I look at the yarn count, and on item 1 dash 10, the duct tape has a thread count of 44.

HARRIS: And that's different than what was on the victim's body?

KYO: That’s correct. On the victim body the thread count was 38.

HARRIS: Did you also look at 1 dash 11?

KYO: Yes, I did. Item one dash 11 contained three pieces of duct tape, and this is one of the piece of duct tape. I also did the thread counts on those. And they vary from -- the item 1 dash 11 thread count vary from 40 and 42. Two of them counted at 42 and one of them at 40. But on item 40, some of the threads on the edges are missing. I didn't count them. The one on the duct tape has 40.

HARRIS: So the items in 1 dash 10 and 1 dash 11, the duct tape items from those two items did not match the thread counts from the duct tape associated with the victim's body?

KYO: That’s correct.

HARRIS: Now, on the -- in your examination of looking at the duct tape that was on the victim's body, did you notice that there was any type of -- besides the barnacles, fatty tissue and decomposition material that you described -- any other trace type of evidence?

KYO: Can you repeat which item we talking about?

HARRIS: On the victim's item -- I believe it's 1 dash 5?

KYO: Okay. When I was taking a look at the duct tape on the victim, I look for the hairs that adhere to the duct tape. I found some hairs and fibers, collected it and hand it over to Rod Oswalt, one of the criminalists at our laboratory.

HARRIS: So whatever trace evidence you found on the 1 dash 5, that was the tape from the victim's body, that was given to Mr. Oswalt?

KYO: That’s correct.

HARRIS: Now, did you -- at some point in time did you look at these particular items, specifically the TARGET bag, or the -- the items associated, clothing items associated with the victim's body, to see if there was any generalized smell with it?

KYO: Yes. I was asked to see whether there's -- on the TARGET bag, whether I smell rotting tissues.

HARRIS: And did you?

KYO: And I didn't smell any such smell.

HARRIS: Did you -- was there a smell associated with the victim's clothing?

KYO: Yes. I smell tissue, decomposing tissue smells on the victim clothing. And also the duct tape.

HARRIS: Now, as also part of request number 15, did you receive a -- a blouse to look at as well?

KYO: Yes.

HARRIS: If I can have marked next in order.

JUDGE: 252.

HARRIS: Starting -- if I can show you that particular photograph, 252, do you recognize what's depicted in that?

KYO: Yes, I recognize it as a photograph I have taken of item 218 dash 40, a black and tan maternity blouse.

HARRIS: And you indicated you took this photograph?

KYO: That’s correct.

HARRIS: And does this photograph accurately depict that blouse, 218 dash 40?

KYO: Yes.

HARRIS: What type of examination did you conduct on this particular blouse?

KYO: I just generally screened, take a look at for bloodstain, any bloodstain, any tears, and also looking for fibers and trace evidence.

HARRIS: And when you went -- so kind of the same generalized process that you've gone through that you have described for us in these other items?

KYO: That’s correct.

HARRIS: What did you find during your examination of this item?

KYO: It has a -- a smell. I call it perfume smell, but it's probably like linen spray, or something like that. It could be that, too. I smell that on this particular piece of clothing article. And there's no tears or bloodstains observed on the clothing article. And I look for fibers inside the blouse here on the bottom edge area, and I found very fine pieces of clear fibers, blue fiber, green fibers, off-white fibers, so that's where I documented it. And also some light brown hair, possibly an animal hair. So I observed that.

HARRIS: And, again, as part of the process as you observe these things, do you collect them and preserve them for someone to do some comparisons?

KYO: For item 218 dash 40, let me refer to my report.

GERAGOS: Can I ask what page you're looking at?

JUDGE: Ms. Kyo, do you have a Bates stamp number? The Bates stamp number for Mr. Geragos?

HARRIS: 26065. The first page of the report.

KYO: I'm looking at report page five.

HARRIS: And that would be 26069.

KYO: In this particular -- in this particular case, it doesn't -- I didn't -- I observed them, I collected it, but I return the -- whatever I collected with the evidence. I did not say that, but it's with the evidence, if you want to take a look at it in the later time.

HARRIS: Going to page 101 of your notes.

KYO: Correct, okay.

HARRIS: Did you -- when you were talking about collecting it, did you also document it by photographing under a stereoscope those particular fibers or possible hairs?

KYO: Yes, I did.

HARRIS: And were you also provided with carpet samples going -- starting at 102 of your -- your report?

KYO: Correct. I was given the carpet sample from the house, victim's house. And I compared the fibers and see whether is possibly come from the carpet fibers.

HARRIS: And your results were?

KYO: Most likely no, because of the color, the kind of threads that I found on the clothing.

HARRIS: Let me just go through this process a little bit. You talked about you see them, you collect them, you put them under a stereoscope. And so this is a magnifying glasses, or as you described yesterday, a magnifier with two eye pieces. Does it also give you kind of an enlarged view and a very good line color view of these particular hairs and fibers?

KYO: Yes.

HARRIS: And then you compared that to the carpet samples the police department had provided to you?

KYO: That’s correct.

HARRIS: And when you -- you make that comparison yourself, it doesn't appear you have a match because there's color differences?

KYO: That’s correct.

HARRIS: And then you preserve those particular items for later examination?

KYO: The fibers from the clothing articles?

HARRIS: Yes.

KYO: They are repackaged with the item. And –

HARRIS: When you say repackaged, just so that we're clear about this, do you stick them back on the blouse?

KYO: It's -- it's -- it's in a separate fold -- folded package, but is -- is go back in the item that come with it. So it's with the item.

HARRIS: Okay.

KYO: It's not sticking back on the clothing, no.

HARRIS: Okay. Just want to be clear about that.

KYO: Right.

HARRIS: So you -- you do the comparison, you repackage it, and you return it to the police department with the original item?

KYO: That’s correct.

HARRIS: Okay. Did you receive another request -- moving on to request number 20; for counsel that would be 2685 -- looks like 59. Have you -- just giving you a chance to get to your -- your report. In this particular item -- or this particular item that you were asked to look at, did the Modesto Police Department give you an item that was marked as R-I-C-H dash 1 that stood for

Richmond 1?

KYO: This particular item, I went to the Richmond Police Department and collected it myself.

HARRIS: So you actually went to Richmond?

KYO: Right.

HARRIS: And picked it up?

KYO: And I received this item from Jeff Soler of the Richmond Police Department.

HARRIS: And that was a detective that had some evidence in this particular case?

KYO: That's correct.

HARRIS: Now, this particular item, did you receive it from him and -- in the original condition that he had collected it?

KYO: Yes.

HARRIS: If I can have marked next a series of photographs.

JUDGE: 253.

HARRIS: There's nine photographs.

JUDGE: A through I

HARRIS: Ms. Kyo, let me present to you 253 A through I, see if you recognize what's depicted in these photographs.

KYO: I recognize these as a series of photograph I have taken of item Rich 1.

HARRIS: And these photographs, do they accurately depict the items that are present in the photographs?

KYO: Yes.

HARRIS: And these are the items that you examined?

KYO: Yes.

HARRIS: Starting with 253 A, if you can describe for us what this is.

KYO: This manila envelope and the piece of paper with item number attached to that, that's the -- that's the kind of packaging -- a packaging that I got from Richmond PD, and inside this package I take out this plastic bag containing this twine-like material.

HARRIS: 253 B, is this just the back side of the same packages?

KYO: That’s correct.

HARRIS: 253 C?

KYO: This is a close-up of the material inside the plastic bag.

HARRIS: Did you remove the -- you described it as a twine-like material. Did you remove that from the plastic bag?

KYO: Yes.

HARRIS: Showing you 253 D.

KYO: And this is a photograph of the twine-like material, plastic material after I remove from the Ziploc bag.

HARRIS: And at the bottom do we see your handwriting identifying this particular item?

KYO: That’s correct. This is the item, Rich 1. My case number, the day that I examine, with my initials.

HARRIS: And looking to the left of that particular item, is there some kind of place where the -- appears to be some type of overlap or curling of the material towards the end of the left?

KYO: It's almost like a bow-like knot, but it's the very loose knot, not a very tight knot.

HARRIS: Showing you -- did you take a close-up photograph of that?

KYO: Yes, I did.

HARRIS: Looking at 253 E.

KYO: As you can see it's look like a bow, but the way it tie is very loosely tied.

HARRIS: And did you take that knot out or the bow out at some point in time?

KYO: Yes.

HARRIS: Did you have any difficulty with it?

KYO: No difficulty with that.

HARRIS: Did you also try to see what the width of this type of material was?

KYO: Yes.

HARRIS: Showing you 250 F (sic).

KYO: The twine-like material, when I peeled it and stretch it out, this is a photograph of that material over here, and it's approximately six inch wide.

HARRIS: Showing you 250 G (sic), does this show the left end of that material in the photographs after you've taken the bow out?

KYO: That’s correct. And you can see there's a -- a knot. This is a very tight overhand knot that's left after the bow is taken out.

HARRIS: And that particular knot, did it have anything to do with that bow?

KYO: No.

HARRIS: Did you ever try to or attempt to take or take that knot out of the twine?

KYO: I didn't try to unknot that one because pretty tight.

HARRIS: It was pretty tight?

KYO: Right.

HARRIS: Showing you 250 H (sic), is this the material to the -- towards the middle section of that?

KYO: That’s correct.

HARRIS: And then 250 I (sic), this goes back to that knot that you were describing for us?

KYO: That’s correct. And there are other insects, bugs in the bag also. So I just take a photograph of that also.

HARRIS: Now, that particular knot, you were saying that was pretty tight. Could you tell the distinct difference in that knot and that bow that you had seen, that you had taken out?

KYO: Correct. This knot has overhand, taut, very taut. The other one you can really see where -- where the tying part is very loosely placed together.

HARRIS: Did you try to figure out what this material was?

KYO: I give a piece of material from this plastic to Sarah Yoshida, a criminalist at our laboratory, and she examine this piece of material to the fully at length.

HARRIS: And after that -- Miss Yoshida had done the machine or the kind of chemical test of this to find out that it was the polyethylene, did you do some Internet research to try and figure out what that particular item was used for?

KYO: I -- because this look like a film type of material, so I type in polyethylene film and its use in packaging industry, but the way is I found this piece of material is twine-like material. So when I put in polyethylene twine, and through the Internet search polyethylene seine twine, and the Internet polyethylene seine, S-E-I-N (sic) twine, that is used in the fishing industry.

HARRIS: Now, when you looked at this particular piece of item, Rich dash 1, did you also do the -- besides the photograph, the documentation that way, did you do the same generalized exam that you've described for us before?

KYO: Yes.

HARRIS: And can you describe for us what, if anything, you found?

KYO: I -- well, when I was examining this particular piece of plastic twine-like material, I have -- I smelled that it's a musty smell. It's not like ocean smell, it's a little bit more mustier, muggier smell, and let's see...

GERAGOS: May I ask what page you're refreshing your recollection with?

KYO: I -- okay, I'm looking at page number three on my notes.

HARRIS: So that would be Bates stamp 25877.

KYO: And I stated that it's -- I observed bugs, insects, algaes and dirt debris. And I didn't observe any hair-like fibers with this particular item.

HARRIS: Did you happen to find any barnacles with this item?

KYO: I didn't -- I didn't note that I found barnacles on this item.

HARRIS: Okay. Moving onto your next request, number 21 -- actually, before we move on, so I'm clear about that, you didn't find any hairs or fibers or barnacles or items at all on this particular item that we're looking at, Rich dash 1?

KYO: That’s correct.

HARRIS: So moving on to 21, were you again given a package of material from another police agency, the East Bay Regional Park District, to look at in request number 21?

KYO: I'm sorry, could I go back to previous statement when you talk about I didn't find any hairs, fibers?

HARRIS: Yes.

KYO: I didn't find any hair-like fibers. That's where -- the way I noted it in my notes. So, anyway.

HARRIS: All right. If you can explain, what does that mean, hair-like fibers?

KYO: Hair-like fibers, meaning when you look at under stereoscope you see structures look like hair.

HARRIS: So you didn't see anything like that?

KYO: That's -- that's correct.

HARRIS: So to my question, I guess I should be more precise, you didn't find any hair-like structures, barnacles, on that particular item?

KYO: That’s correct.

HARRIS: So on 21, did you receive an item from the East Bay Regional Park District with the number of 819 dash 30?

KYO: Yes, I did.

HARRIS: Give me a second so I can...

GERAGOS: Request number 21?

HARRIS: Yes. 31434 –

GERAGOS: Thanks.

HARRIS: -- Bates number.

HARRIS: And this particular item, did it appear to be a number of items in a bag?

KYO: Right. Item 819 dash...okay.

GERAGOS: Talking about 819 dash 30?

HARRIS: Yes. Perhaps it will be easier if I can have some photographs marked next in order.

JUDGE: 254.

HARRIS: I think there's five.

JUDGE: A through E.

HARRIS: Yes, there's five photographs.

HARRIS: Ms. Kyo, if I can have you look at 254 A through E, have you look at these and see if you recognize what's depicted in these photographs.

KYO: I recognize photograph I have taken of 819 dash 30.

HARRIS: And these photographs accurately depict the items that were present during your examination?

KYO: Yes.

HARRIS: Starting with 254 A, if you can describe for us what we see here.

KYO: I receive a -- a brown paper bag containing white paper wrap, pieces of plastic, containing material.

HARRIS: And did you -- in the middle there's the items in the white paper wrap. Did you remove that and photograph that?

KYO: Yes.

HARRIS: Showing you 254 B, can you describe for us what that is?

KYO: This is a debris that come from the Bay, and it's a -- the pieces of plastic twine-like -- and then plastic tying material and other debris on it, and I take another photograph of this.

HARRIS: Let me move forward then. 254 C, is this a close-up of some of the items that your -- with that ruler label that we've been talking about?

KYO: That’s correct. And in this particular, it's a close-up , and there's some -- some hairs, fiber-like debris among this pile of junk.

HARRIS: And did you start trying to sort some of this out and photograph that?

KYO: Yes.

HARRIS: Showing you 254 D.

KYO: In this pile of the debris I found purple gloves, packaging, plastics –

HARRIS: Let me go back through this. You said purple gloves. Can you point out on this photograph, if it's visible. Up there at the top? And you said you found some packaging?

KYO: Packaging plastics, like food packaging.

HARRIS: Now, that appears to have some type of label, almost like it's some -- a label or container for a drink?

KYO: Right. It's on here is Brisk.

HARRIS: So the -- I believe it's an -- a type of iced tea?

KYO: That's -- that's what I would think, yes.

HARRIS: Okay.

KYO: And these half-inch green ties and quarter-inch yellow ties, as well as these yellow caution tape. This is issue -- like you see the end over here, or is reverse side of the yellow caution tape.

HARRIS: Now, the yellow caution tape, that's something that you see at a construction site or crime scene, that yellow banner that goes across someplace?

KYO: I also see with the kind of area, that's correct.

HARRIS: What else did you find in this pile?

KYO: At the -- at the bottom area over here there's kind of like a piece of green glove, and –

HARRIS: Some other type of glove?

KYO: Yes. And this is -- you might not be able to tell, but it's a dirty, but it's a socks. This is a tag, plastic tag, and with a loop of string around it. As well as this whole plastic, long piece of plastic. It's about -- in my measurement is about 17 inch wide piece of plastic. And it's look -- there's whole bunch of those in this junk.

HARRIS: Let me go ahead and put up 254 E. That piece of plastic that you're talking about, is that a more close-up photograph of it?

KYO: Can you go back to the other one?

HARRIS: Showing 254 D.

KYO: This is a piece of plastic. There's a lot of it, and there's a separate piece of plastic that I pulled it out because that's -- this is over here. The one that I'm talking about, the separate piece of plastic that's smaller as far as the -- the way it's -- the width, so I'm just going to spread it out and see what's the width of it. So that's the next photograph.

HARRIS: Okay. The small piece of plastic above the placard in 254 D, you spread that out, and that would be this photograph 254 E?

KYO: That’s correct.

HARRIS: All right. Let me go back to the previous photograph, 254 D. There's also an item up here. This item right here. What's that particular item?

KYO: It's a piece of twig.

HARRIS: Some type of stick or wood material?

KYO: Stick, yes, that's right.

HARRIS: Now, the plastic material that we see in those two photographs, the big one that's up there in 254 D and the one that you opened up in 254 E, did you have a piece of that also tested by Miss Yoshida?

KYO: We did not test -- well, Sarah Yoshida didn't test this big white piece of material, but she tested this smaller piece of plastic because it's -- appearance-wise and width-wise is similar to

piece of plastic that I examine previously.

HARRIS: In your previous request, the one that was associated with the victim, Conner Peterson, from Richmond 1?

KYO: Right. From my request number 20. So Sarah Yoshida did the analysis of this material, and she found that this is chemically similar to the one that is on Conner's.

HARRIS: Now, the -- this particular bag of items that's depicted in the photographs 254 A through E, when you received these, these were all together?

KYO: Yes.

HARRIS: Do they all appear to be in kind of the same general dirty condition?

KYO: That’s correct.

HARRIS: I want to go back to one of the requests that you were talking about yesterday, and that's one of the first requests we did involving the boat cover. Was there a second exam done of the boat cover to see if there was any -- you've already told us about looking at it for bloodstains -- to see if there was any kind of biological stain associated with that, such as urine or feces?

KYO: Yes. I'm aware of a request that submitted to our laboratory to examine for urines and feces.

HARRIS: And that tested negative?

KYO: That’s correct. I did not perform that particular test, but the criminalist, Nancy Seger -- do you want me to spell it out? N-A-N-C-Y, S-E-G-E-R, Seger.

HARRIS: And the boat cover that we're talking about, again, that's the one that had that gasoline smell when you examined it?

KYO: That’s correct.

HARRIS: I have no further questions at this time.

Cross Examination by Mark Geragos

JUDGE: Mr. Geragos, prepared to proceed?

GERAGOS: May I have just a moment, your Honor?

JUDGE: Yeah.

GERAGOS: I've got a number of reports, and I want to get the exhibits as well.

GERAGOS: I'm going to show you a series of pictures, and I believe all of these refer to your report that is dated January 21st of 1003 (sic), which is your request number -- what Mr. Harris was calling your request number 1.

KYO: Okay.

GERAGOS: Can you take a look at those pictures and tell me if those appear to be the items that you tested?

KYO: I will have to refer to my photographs.

GERAGOS: Okay. Is it easier for you to do that as opposed to these? These are the pictures of where these items were taken from in the house.

KYO: I wasn't there –

GERAGOS: I understand.

KYO: to collect it, so I will have to refer to it to make sure they are the item.

GERAGOS: Okay. The first one is a picture of a knife.

HARRIS: Is that page 11 of her notes?

GERAGOS: I thought it was.

KYO: 11?

GERAGOS: She's got it in a different order on here.

KYO: Thank you. That's correct.

GERAGOS: Okay. And now, this -- I've got a series of pictures, here, Judge, that I should probably just mark them. One, two, three, four, five, six, seven, eight, nine, ten. A through I?

JUDGE: No, this would be -- well, these are Defendant's Exhibit D 6 G.

GERAGOS: Okay.

JUDGE: And it's K 1 through 10.

CLERK: Should be D 6 L.

JUDGE: D 6 L, 1 through 10.

DISTASO: Okay. The first one which I just pointed you to, which is on page 11 of your notes, as Mr. Harris indicated, is a pocket knife; is that correct?

KYO: That’s correct.

GERAGOS: And you were given a task to deal with this pocket knife, correct?

KYO: That’s correct.

GERAGOS: Okay. What were you asked to do?

KYO: I was asked to examine this knife for blood.

GERAGOS: Okay. And what was the results of that examination?

KYO: I did not find blood on this knife.

GERAGOS: Did you find any tissue? Did you find anything on that knife whatsoever?

KYO: No.

GERAGOS: Okay. Now, that knife you examined and you've got four different pictures of it in your notes; is that correct?

KYO: That’s correct.

GERAGOS: Okay. You did a sample or a measurement of it, correct?

KYO: That’s correct.

GERAGOS: Okay. There was a number of spots on there -- this page I've gotten, I've already previously indicated and worked out with Mr. Harris that if we borrow her original that we'll substitute it.

JUDGE: All right. Does it have -- okay, you're pulling it out of her notes?

KYO: I'm sorry, are you going to keep it?

GERAGOS: I'll make a color copy. We'll substitute that.

JUDGE: They'll get that back to you.

KYO: Oh, thank you.

GERAGOS: Now, this knife, you had a number of different spots on here; and you tested all of these spots, correct?

KYO: Yes.

GERAGOS: If there's a negative, that means that you had something, you thought that there might be something there at all these spots, and the negative means nothing -- negative for blood, correct?

KYO: That’s correct.

GERAGOS: Okay. Now, the -- I guess I should make these -- this series that I'm going to do with her, and I don't know how many we'll end up pulling out of here, but D 6 M?

JUDGE: This will be -- the next would be D 6 M.

GERAGOS: Okay.

JUDGE: D M.

DISTASO: Actually –

JUDGE: Defendant's 6 D M.

HARRIS: -- I would make a suggestion. Since it relates to one of the photographs that he's going to mark, that we mark it as a subset of whichever photograph that is.

GERAGOS: I don't think that's a good idea only because she's got different ones. I'd rather do it this way, if we could.

JUDGE: All right.

GERAGOS: And I'll just put these separately –

KYO: Okay.

GERAGOS: I'll color copy them and get them back to you.

KYO: All right.

GERAGOS: Okay. That's D 6 M

GERAGOS: All right. The next item that you were given to test is what? Out of this group? We went over yesterday -- I'll just skip through it. We went through the mop –

KYO: Right.

GERAGOS: with the sponge on it. You tested that for blood. It was negative, correct?

KYO: That’s correct.

GERAGOS: Okay. And then this close-up photo, you also took a look at the -- and this was marked as 239 B, and specifically you were looking here for any sign of blood or debris or tissue or anything like that, correct?

KYO: That’s correct.

GERAGOS: Okay. Because you would expect that, if this mop were used to clean up some blood or some kind of a crime scene, that you would have some evidence that you would find on the sponge, because the sponge would absorb that, correct? That's why you were looking on it –

KYO: That’s correct –

GERAGOS: you were –

KYO: but depending on the concentration, or the amount of that blood, or whatever that's –

GERAGOS: Correct.

KYO: that I'm looking for, right, so…

GERAGOS: You found absolutely nothing?

KYO: No.

GERAGOS: Okay. Then you did -- the other item you were given, which was 239 C, this is a mop, a string -- what you called a string mop; is that correct?

KYO: Yes.

GERAGOS: Now, the string mop that you were given, also you were looking to see whether or not there was any signs of blood or tissue or anything else on there, correct?

KYO: That’s correct.

GERAGOS: And there was absolutely nothing on there, right?

KYO: That’s correct.

GERAGOS: Okay. In fact, the only thing that you noticed about that is that it was a relatively clean string mop, right?

KYO: That’s right.

GERAGOS: Didn't appear that dirty? It was a pretty clean mop?

KYO: That’s right.

GERAGOS: You were also given this bucket, which was marked as 239 D. 239 D is a bucket. And inside this bucket, what did you find?

KYO: I didn't find any blood.

GERAGOS: No blood, no tissue, nothing. You did find what looked to be detergent, correct?

KYO: That’s correct.

GERAGOS: And one would suppose that if you've got a couple of mops that smell like detergent and you've got a bucket that's got the remnants of detergent, that it looks like maybe the mop was used to mop the floor?

KYO: That’s correct.

GERAGOS: Okay. The -- you were given this boat cover; is that correct? And is this -- if I understand correctly, did you lay it out the way -- so that the -- is this the engine cover portion that you were talking about yesterday?

KYO: Yes.

GERAGOS: Okay. Now, you did a little diagram, didn't you?

KYO: Right.

GERAGOS: Okay. Do you have that handy? That's the next thing that I'm going to rip out of there.

HARRIS: Page 24.

GERAGOS: Now, this diagram is of the -- basically you took that and then you sketched it? You took 230 -- what is it, 240, you sketched it and you came up with this, correct?

KYO: Right.

GERAGOS: Okay. And then this is what I just referred to as that motor cover, or engine cover?

KYO: That’s correct.

GERAGOS: Okay. All of these are spots that you tested on the boat cover, correct?

KYO: That’s right.

GERAGOS: Okay. And all of the negatives in parentheses means you tested that; it was a spot, it was brown or it was red or it was some discoloration, you tested it and it was negative for blood?

KYO: That’s correct.

GERAGOS: Okay. Now, you also said that you found something that looked like chunks of concrete; is that right?

KYO: That’s correct.

GERAGOS: Okay. And yesterday there was marked -- is that this item of debris taken from the boat cover?

KYO: Yes.

GERAGOS: Okay. And that's placed in one envelope, and then there's another envelope, and then we open up this other envelope and there's yet another envelope. Could you open that so that the jury can see what these chunks of concrete look like?

HARRIS: You have to open it. Another bindle.

GERAGOS: There's probably another envelope inside of that envelope.

KYO: It's a bindle.

GERAGOS: Okay.

KYO: Of debris.

GERAGOS: Okay.

KYO: I don't want to open it up. It might fall out.

GERAGOS: Okay. I'll open it up. I believe that I can do it on here so the jury can see what is it we're talking about?

JUDGE: You're not going to take it out of the plastic baggie?

GERAGOS: No, I'm not. I'm just going to hold it like this. This is what we're talking about, correct?

KYO: That’s correct.

GERAGOS: Okay. Could I just show this to the jury? If I could? And I'll try not –

JUDGE: Yes, you can walk right by, and we'll admit it in evidence. All right. 240 E is admitted into evidence. Take the same number

GERAGOS: Now, this is what was called the chunks of concrete? Is that right? Is that what you labeled it as?

KYO: That’s correct.

GERAGOS: Okay. Now, these chunks of concrete that came from the boat cover, I'm going to show you one other item that's previously been marked -- you have the smaller bindle up there? The smaller envelope?

KYO: When I was examining these pieces of article, I look at it under stereoscope, and so it look like chunk of concrete.

GERAGOS: It looked like a chunk of concrete. When you look at it in real life it doesn't really look like a chunk, does it? It looks like -- let me show you something that's been previously marked as People's 72. Now that's a chunk of concrete. Take a look at –

KYO: That depends on definition of "chunk."

GERAGOS: Right. You and I have different definitions of "chunk."

KYO: Right. When you look at it microscopically, that's a chunk.

GERAGOS: Can you take a look at what's in the bottom of this bag? What does that look like?

KYO: It's a –

GERAGOS: Chunk of concrete.

KYO: It's a -- more finer fibers, chunk of concrete.

GERAGOS: Right. Does it look like maybe it came off of the bottom of this thing?

KYO: I wouldn't know.

GERAGOS: Okay. Can I show this to the jury as well?

JUDGE: Yes.

GERAGOS: The interior of the bag, so that they can see?

JUDGE: What's that number, Mr. Geragos.

JUDGE: I think it's -- I've got it right there. 72.

HARRIS: The sticker is on the anchor end.

JUDGE: 72. I've got to go back to my old list there. 72.

JUDGE: That's already in evidence.

GERAGOS: Does it look to you like the same kind of little chunks of concrete could have come -- that were on the boat cover could have come right off of here? Does that look like it's a pretty good -- pretty good forensic match?

KYO: The -- what I -- what I examine is the pieces that come out of the tarp, the boat cover, so –

GERAGOS: Right.

KYO: that's what I found.

GERAGOS: Right. And I'm asking you does it look like that cement dust was roughly about the same kind of dust that you get in the plastic bag that we -- that I just showed you?

KYO: It does not appear to be.

GERAGOS: It doesn't appear to be the same?

KYO: The same.

GERAGOS: Do you want to take a look and compare? Do you have any expertise in comparing cement?

KYO: Just visual.

JUDGE: You don't have to be an expert to just look at it.

GERAGOS: Yeah.

KYO: Just visually.

GERAGOS: You want to take a look at it and tell me if it looks similar? Take a look at that. You're going to tell me that doesn't look virtually the same?

KYO: It has some similarity to it.

GERAGOS: It's got a lot of similarity to it, doesn't it?

KYO: (No response)

GERAGOS: Now, the -- the cement, the cement residue you found on the boat cover, is that -- I assume when you laid out the boat cover, you laid it out on some kind of a butcher block paper; is that right?

KYO: That’s correct.

GERAGOS: Okay. And then you -- when you do that, lay it out on a cement -- butcher block type paper, after you do that, I assume you take the butcher block paper and fold it over and try and collect the debris; is that right?

KYO: That's -- that's right.

GERAGOS: Okay. And so the debris that you put into the bindle, that's a remnant of your examination of the boat cover, right?

KYO: That’s right.

GERAGOS: Okay. So when -- you could shake off the boat cover -- not shake it off, but when you fold it back up and put it into whatever evidence box or envelope that you're going to use, the remnants of it goes into that bindle, and that's what we've got right here in this People's number 241, correct?

KYO: That’s correct.

GERAGOS: Now, the -- were you also given a pair of work boots -- this will be the next marked in order, which is the schematic of your -- of the boat cover with the markings on it.

JUDGE: All right. This is the 6, 6 D M, right?

GERAGOS: Right.

GERAGOS: Now, this –

JUDGE: Wait. You're losing me here, Mr. Geragos.

GERAGOS: I'm sorry, Judge.

JUDGE: I'm trying to keep track of these exhibits.

GERAGOS: I believe it's the D 6 M.

JUDGE: Was the knife that you took out of her -- photograph of the knife you took out of her notes.

GERAGOS: Right. So why don't we make that 1 is the knife. We'll make this 2? Is that okay?

CLERK: The boat cover?

GERAGOS: Yeah.

JUDGE: Okay. Let's make the knife will be M, and then we'll make it M 1.

GERAGOS: All right. Make that M 2.

GERAGOS: Now, were you given these particular shoes and asked to do something with them?

KYO: I was asked to examine it for blood.

GERAGOS: Okay. And do you have some -- do you have a worksheet there that you used? Okay. Now, these shoes, these are the shoes, I'll tell you right now, that were photographed over at the house. And then they were given to you. Looks to be the same shoes right here, correct?

KYO: That’s correct.

GERAGOS: Okay. And you went and took various areas of the shoes, once again the same thing, correct?

KYO: That’s right.

GERAGOS: You tested all of these various spots on the shoes?

KYO: That’s right.

GERAGOS: Okay. And all these little negative signs, once again, that was that LMG test, and they all came back negative. So on the shoes that were seized, that was also -- all of them were tested, and how many -- approximately how many spots did you test?

KYO: Several.

GERAGOS: Looks like one, two -- one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five; is that about right?

KYO: About right.

GERAGOS: Okay. And all 35 -- 35 for 35 negative for blood, correct?

KYO: Negative for presumptive test for blood.

GERAGOS: Okay. So you didn't find anything on there, right?

KYO: Right.

GERAGOS: Okay. Then one of the next things that you were giving --

JUDGE: Mr. Geragos, I got -- I got to stop you here for just a second because you're losing us here.

GERAGOS: Okay.

JUDGE: Because you're whipping those things out of her notebook.

GERAGOS: Okay.

JUDGE: Defendant's 6 D M is the knife.

GERAGOS: Yeah.

JUDGE: Photographs of the knife.

GERAGOS: Yeah, you made that M 1.

JUDGE: No, M 1 is the boat cover.

GERAGOS: Okay.

JUDGE: M 2 is the photograph of the shoes.

GERAGOS: Okay.

JUDGE: And then M 3 is the shoes close up that you just pointed out.

GERAGOS: Okay, are we all on the same page here? No, we're not, because we already marked -- we marked the shoes as D 6 L dash 2. And then hers I wanted to mark, if I could, as D 6 M -- what would it be?

CLERK: 2.

GERAGOS: 2.

JUDGE: All right. D 6 L dash 2 are the photograph of the shoes?

GERAGOS: Right. That's up on the board.

JUDGE: All right. And what's 1 then?

GERAGOS: And 1 -- 1 is the boat -- well, D 6 M is the knife. D 6 M 1 is the boat cover.

JUDGE: Right, I got that.

GERAGOS: All right. D 6 M dash 2 would be her --

JUDGE: Close-up of the shoes, right.

GERAGOS: Right. Her close-up of the shoes.

JUDGE: All right.

GERAGOS: Now, there -- one of the other things that you were given was this item right here; is that correct?

KYO: That’s right.

GERAGOS: Okay. And you were also asked to do some kind of a test on this as well; is that right?

KYO: That is correct.

GERAGOS: And you have -- I'm going to pull it out again. Judge, if I can mark -- 612.

JUDGE: Okay. That's D G L 3, right?

GERAGOS: Yes. That's D G L 3, and I'm going to ask to mark this as -- 614.

CLERK: It's 6.

GERAGOS: D 6, I'm sorry.

CLERK: Not G.

JUDGE: I mean D -- D 6 L 3.

GERAGOS: Right. And then I'm going to ask to mark this as –

CLERK: Wait a minute.

GERAGOS: All right. D 6 M dash 3.

JUDGE: All right.

GERAGOS: And D 6 M dash 3 is your photograph of the shoes, those shoes that I just showed that were taken from the house; is that correct?

KYO: That’s right.

GERAGOS: Okay. Once again, the same spots were all tested. Any place there's one of these little negative signs, correct?

KYO: That’s right.

GERAGOS: Okay. And the -- you swabbed all of them, correct? Tested all of them with the LMG test?

KYO: Yes, I did.

GERAGOS: Okay. And when you tested them with the LMG test in all those spots, they were all negative, correct?

KYO: That’s correct.

GERAGOS: Okay. Now, the specific -- let's see, one of the next things you tested was what was marked as 240 C. What is that? Is that the boat cover just spread out flat?

KYO: Right.

GERAGOS: Okay. Now, you said it smelled like gasoline; is that right?

KYO: That’s right.

GERAGOS: Okay. Did you -- when you did the test, did you test or see any specific area that looked to you like it was discolored with gasoline or anything else?

KYO: I just tested general area.

GERAGOS: Okay. Once again negative, correct?

KYO: That’s correct.

GERAGOS: Okay.

JUDGE: Why don't we take the morning recess now.

GERAGOS: Sure.

JUDGE: Ladies and gentlemen of the jury, we'll take a recess until five minutes to 11:00. Remember the admonition I've heretofore given you. You may step down.

JUDGE: All right. This is People versus Scott Peterson. Let the record show the defendant is present with counsel. The jury is in the jury box, along with the alternates. Is it starting with F?

HARRIS: Yes.

JUDGE: Four items were mismarked.

GERAGOS: Shall I wait for Marilyn?

JUDGE: Right. She's got to keep track. All right, for the record, inadvertently on People's Number 253F, G, H, I were inadvertently marked 250. Should have been 253F, G, H, and I. We have corrected that. I just wanted to correct that for the record. The last one for the defense was Defendant's 6M-1, 2 and 3. okay? So we're on the same page.

GERAGOS: The next one that I'm going to show, there was an item that was -- that I have marked as D6L-8.

JUDGE: D6L-8.

GERAGOS: D6L-8.

JUDGE: What is that? Pair of pants?

GERAGOS: A pair of pants. This was item number 46 taken out of the house.

GERAGOS: And then you received item number 46 to test, correct?

KYO: That’s correct.

GERAGOS: And what I'm holding in my hand are the sheet with the picture of item number 46 that's up there, correct?

KYO: That’s correct.

GERAGOS: I'd like to, judge, just so that there is some comity, to it put it as D6M dash 8, if I could.

JUDGE: D6M dash 8. Is that going to screw you up?

CLERK: We don't have 4, 5, 6, or 7.

GERAGOS: I'm back filling on that if I can. I'm going to go along with, so they match up.

JUDGE: Wait a minute. What are you marking as D6 --

GERAGOS: D6M dash 8 is her analysis.

JUDGE: Her analysis.

GERAGOS: This is your analysis of these jeans that were seized from the house, correct?

KYO: That’s right.

GERAGOS: Okay what. You did is, you checked out on the blue jeans, various stains that were on the front, because you can see pockets there, correct?

KYO: That’s right.

GERAGOS: And all of those came back negative for blood, correct?

KYO: That’s right.

GERAGOS: Then you flipped them over; is that right?

KYO: Yes.

GERAGOS: And you got a marking here, looks like from the waist and down to right here, there is no blood like stains, correct?

KYO: Right.

GERAGOS: And then there is a couple of stains, looks like four of them town towards the bottom.

KYO: Yes.

GERAGOS: Those are all negative, right?

KYO: That’s correct.

GERAGOS: Okay. And in the pocket you found a couple of business cards for the Modesto PD; is that correct?

KYO: Yes.

GERAGOS: Now, the next item that you tested was this -- was D6L-10, which was item -- item number 52. And that was another pair of jeans that was seized from the house; is that right?

KYO: Right.

GERAGOS: Now, this is her analysis, judge, D6L-10, which is item number 52. I'd like to mark this is D6M dash 10.

JUDGE: Okay. We're going to skip nine?

GERAGOS: Right.

GERAGOS: You did the same thing here, you laid them out, and you went inside -- looks like about 12 there and about four here on the reverse side. All negative for blood, right?

KYO: That’s correct.

GERAGOS: And you went inside the back pockets, correct?

KYO: Yes.

GERAGOS: And you went inside the front pockets?

KYO: That’s correct.

GERAGOS: And you went inside the seams as well?

KYO: That’s right.

5GERAGOS: And you found no blood whatsoever, correct?

KYO: Right.

GERAGOS: Now, the next thing that I think that you tested was a container; is that right? A Simple Green container that was given to you?

KYO: Simple Green container.

GERAGOS: Do you have that there? Take both of these. Take all three. Now, this is a container that was seized by the police. They also asked you to go through this container as well; is that right?

KYO: That’s right.

GERAGOS: This -- you were told that this was taken or found in the truck; is that right?

KYO: I don't recall that. But if you say that is –

GERAGOS: This is a three-page document. I don't have a corresponding so I can backfill with the numbers. It's 9. D6M-9. Will that work?

JUDGE: Okay. D6M-9, group exhibit, three --

DISTASO: Group exhibit.

GERAGOS: Group exhibit, three pages.

JUDGE: All right.

GERAGOS: Now, this is a container that you have got a measurement here. That's kind of tough to tell. Can you tell the jury approximately how tall this is, this bucket?

KYO: It's approximately seven inch.

GERAGOS: Seven inch. And this was -- there was some brown stains or water spots that were observed; is that correct?

KYO: Right.

GERAGOS: Okay. And this -- it says on the front of it that it's a -- looks like a safety towel, a cleaning or scrub -- scrub type towel that you pull the towels out, you can wipe your hands with; is that correct?

KYO: I believe that's what it's used for.

GERAGOS: And so I guess the thought was, if somebody was going to clean up, and they had some tissue or blood on it, this would be a good item to test, because if you picked it up, and you had blood on your hands, in order to clean it off, you could test and see if there is blood on the outside; is that correct?

HARRIS: Objection. Speculation and compound.

JUDGE: Sustained.

GERAGOS: Okay. Did you test all these points, again all these areas?

KYO: I did.

GERAGOS: You did?

KYO: I did.

GERAGOS: Okay. It was negative?

KYO: Negative for presumptive test for blood.

GERAGOS: You did all -- both sides of it, correct?

KYO: Yes.

GERAGOS: You did the top, the bottom?

KYO: That’s right.

GERAGOS: You also -- looks like unsnapped the lid, right, and there is two spots there? Those were both negative; is that correct?

KYO: That’s correct.

GERAGOS: You tested even the liquid that was around there as well; is that right?

KYO: That’s right.

GERAGOS: And basically there was absolutely nothing to with blood connected to this, correct?

KYO: I did not find any presumptive test positive blood?

GERAGOS: That's nine. Now, the next thing you tested in that group -- this is all January 21st; is that right?

KYO: Can you give me item number?

GERAGOS: The item number -- request number was Number 1. It looks to me like these were all of -- well, one of the things that you did collect was on the blue tarp. You looked at the blue tarp, you found some debris on it; is that correct. I'm looking at 23423.

HARRIS: Page one of her notes.

KYO: Okay.

GERAGOS: Okay. Now, on the blue tarp you found a couple of things; is that right?

KYO: That’s correct.

GERAGOS: Okay. You found two long, light blonde hairs; is that right?

KYO: Right.

GERAGOS: And some other possible animal hairs?

KYO: Right.

GERAGOS: Okay. Did anybody ever have you compare those light blonde hairs with anybody?

KYO: I do not. If anything, it would be Rod Oswalt. But I'm not sure whether there was request that was requested, or whether that was done.

GERAGOS: Okay.

KYO: So you will have to refer to his notes.

GERAGOS: Because he's the hair analyst?

KYO: That’s correct.

GERAGOS: How long were the light blonde hairs?

KYO: I just generally stated light, long blonde hair. I did not measure exact measurements. But I collected it. So if they are being tested further, they will have all the information from the evidence.

GERAGOS: You have got a picture of exactly how you did that. Could I take that out as well? I'll mark that as next in order. I've got previously marked D6L dash 5. This is item number 41 that was taken from the house. Does that have -- is that item number 41 as you have it?

KYO: That’s right.

JUDGE: That is the blue tarp?

GERAGOS: That's the blue tarp recovered from the house. And on this -- I'm going to mark this, if I could, judge, this will be D6M-5.

JUDGE: Five.

GERAGOS: Okay

JUDGE: Analysis of the tarp?

GERAGOS: Yeah, analysis.

GERAGOS: Now, if I understand correct, you have got two areas that were tested, and they were negative for blood; is that correct?

KYO: That’s right.

GERAGOS: Okay. And the one thing you did collect is a fine, long, light blonde hair that was right here?

KYO: That’s right.

GERAGOS: And this is the other area that was negative for blood?

KYO: That’s right.

GERAGOS: So here and here. Both were two stains. They were negative. Then you had two long, fine, light blonde hairs and short possible animal hairs, right?

KYO: Right.

GERAGOS: But no blood, no tissue, nothing of any moment, correct?

KYO: That’s right.

GERAGOS: Now, in addition to that, Mr. Harris was asking you about the vacuum. Do you remember that? The Dirt Devil?

KYO: Yes.

GERAGOS: The Dirt Devil. In the Dirt Devil, specifically I'll get to that in a minute. That was a different report, wasn't it?

KYO: Uh-huh.

GERAGOS: Not done on the 21st?

KYO: That’s right.

GERAGOS: I don't want to mess around with that. You also were given some swabs that were specifically identified to you as a swab that was taken from the steering wheel of the truck; is that right?

KYO: If you could give me item number.

GERAGOS: Looks like items number 1-F, and 1-HH, and 1-MM.

KYO: I am told that it was from the pickup truck.

GERAGOS: Okay. And you were told specifically that no blood -- your conclusion was no blood was detected on the steering wheel swab, correct?

KYO: That’s right.

GERAGOS: You also had some swabs that were associated with the house door. And that was item 24-B through E?

KYO: B through E?

GERAGOS: Right.

KYO: Right.

GERAGOS: How many swabs were those?

KYO: B, C, D, E. Four swabs.

GERAGOS: Those four swabs were identified as coming from the door of the house on Covena; is that right? That's what you understand it to be. Somebody had swabbed the spots that were suspicious at Covena?

KYO: In my note I have nine swabs associated with the house door.

GERAGOS: With the house door?

KYO: Yes. I'm not sure.

GERAGOS: Let me show you why I think that it was four. Well, maybe it is nine. You have nine total that are taken from the house?

KYO: B through E, and G, H, J -- and G through L.

GERAGOS: So there were nine total swabs that were taken from the house on Covena. And there was no blood on any of them; is that correct?

KYO: That's correct.

GERAGOS: Then there was -- let's see. There were -- it says no blood was detected on the steering wheel -- the steering wheel swab and six other swabs associated with the pickup truck; is that right?

KYO: That’s correct.

GERAGOS: And no blood was detected on the two swabs associated with the warehouse; is that right?

KYO: That’s right.

GERAGOS: Okay. So I assume you get the swabs -- we have heard twenty times in this case, you have got this little cotton Q-Tip type things that somebody -- one of the officers swabs on the door or on some other suspicious spot?

KYO: Stain area. They will swab that.

GERAGOS: They give it back, and give it back to you. You will test it?

KYO: That’s right.

GERAGOS: None were on the pickup. On the ones that were given to you, none were on the steering wheel, none were on -- none of the house door, none door -- one, two given for the warehouse. Those were negative for blood. You were given two from the Land Rover car, truck –

HARRIS: I have to object as counsel's recitation. That misstates her testimony. She testified yesterday about, there were some items from the pickup truck that did test positive.

GERAGOS: I'm going to get to that. I'm. Just going over her report. This is what she is testified to.

JUDGE: Overruled. Go ahead.

GERAGOS: Now, you had two swabs that were associated with the Land Rover, correct?

KYO: That’s right.

GERAGOS: They were negative for blood?

KYO: Yes.

GERAGOS: So that we understand then, the pocket knife was negative. We already went through that. Then you did a water sample; is that correct?

KYO: That’s correct.

GERAGOS: Do you know where the water sample was taken from?

KYO: I believe it was -- let me refer to my notes.

GERAGOS: Okay. I'm looking at page 33. Is that the water sample you are talking about?

KYO: I just received it as a specimen containing sample, water sample.

GERAGOS: Water sample. They didn't tell you if it came from the boat, or where it came from; is that correct?

KYO: Not to my recollection on my note.

GERAGOS: Okay. And did you test that for blood?

KYO: That’s right.

GERAGOS: And came back negative?

KYO: That’s right.

GERAGOS: Okay. Then you received an item number 48; is that correct?

KYO: Yes.

GERAGOS: Okay. And item number 48 you identified as a leash; is that right?

KYO: That’s right.

JUDGE: Just for the record, Mr. Geragos, what number is that?

GERAGOS: That's marked as D6L dash 9.

JUDGE: Dash 9.

GERAGOS: Okay. You tested that, right?

KYO: That’s correct.

GERAGOS: And that came back negative?

KYO: Was there a question?

GERAGOS: I said did that come back negative?

KYO: Yes. It tested negative for blood.

GERAGOS: Okay. Now, on the 21st, did you also -- is that the day that you -- I believe it was -- where you did the swabs from the comforter cover and from the pickup truck; is that right? Which are separate and apart from the other swabs that you were talking about. I'm looking to the first paragraph of your report.

KYO: Okay.

GERAGOS: Looks like, as we indicated, you had six swabs associated with the pickup truck and the steering wheel. Those were negative?

KYO: Uh-huh.

GERAGOS: There were four stains on the comforter cover that we saw yesterday that presumptively tested positive for blood?

KYO: That’s right.

GERAGOS: And four swabs from the pickup truck that tested presumptively positive for blood?

KYO: That’s right.

GERAGOS: Now, if I understand correct then, the gentleman who is waiting out in the wings here, Mr. Hudlow, he's the person that you then sent those presumptive samples over to to do further analysis to see if it's Scott Peterson's blood or not, correct?

KYO: That’s right.

GERAGOS: Okay. Now, these samples of the -- we saw the comforter yesterday. For instance, how large would you say that those little stains were?

KYO: Those are very small. Let me refer to my notes and see what's the measurements. Approximately three millimeter by three millimeter.

GERAGOS: Okay. I'm going to pull this one out. I promise I'll given it back to you this afternoon. Now, this is the way that you tested those little spots; is that correct? Or the way you

photographed it?

KYO: That’s correct.

GERAGOS: Okay. When we're looking at this –

JUDGE: Can I have that number, Mr. Geragos?

GERAGOS: Ask this be marked as -- I can backfill with this 7.

JUDGE: 7 is available.

GERAGOS: D6M-7.

GERAGOS: Now, the first thing is, you testified yesterday these are not the stains. These are the Post-Its, right?

KYO: That’s right.

GERAGOS: Okay. If you -- reason we put the Post-Its on there, if you photographed it, you would not be able to see them; is that right?

KYO: That’s right.

GERAGOS: In fact, here, in this one here, the close-up, that's what we're talking about right there; is that right?

KYO: That’s right.

GERAGOS: Okay. And then on these, that's one of the others right there?

KYO: That’s right.

GERAGOS: Okay. And this one also?

KYO: Yes.

GERAGOS: Okay. Now -- and then the fourth one is right there; is that right? Are you able to tell how old those are?

KYO: No.

GERAGOS: Are you able to tell how much blood actually caused that stain, for instance, that's up here? Right here? It is a very small amount of blood, isn't it?

KYO: That would be a very small amount of blood.

GERAGOS: Extremely small, isn't it?

KYO: Depending on when you say how extreme that is.

GERAGOS: Well, the -- I have got it blown up here. This is incredibly large compared to the way that you are looking at it on the actual item; isn't that right?

KYO: That’s correct.

GERAGOS: When you are looking at it, it's virtually almost undetectable except to your trained eye?

KYO: You can see it.

GERAGOS: Okay. Do you have that with you? By the way, do you have the cuttings?

KYO: No, I don't.

GERAGOS: Do you know where the cuttings are?

KYO: I believe it was stored in our laboratory. But –

GERAGOS: Now, the -- specifically the other items that you looked at on the 21st, that pretty much comprises everything that you looked at; is that correct?

KYO: That’s right.

GERAGOS: Okay. You did -- well, let me see. Looks like the water standard sample and the possible blood sample also that you tested came from Laci Peterson's Land Rover; is that right? I'm looking at page two of your report.

KYO: 38 -- page 38, you say?

GERAGOS: No. Page two.

KYO: Page two.

GERAGOS: Actually page three of three -- sorry -- of this report. Is this -- does it look to you like you got a portion of a roof liner from the Land Rover?

KYO: Un-hum.

GERAGOS: Is that yes?

KYO: Yes.

GERAGOS: And cargo cover from the Land Rover?

KYO: I tested that.

GERAGOS: Yes. All those came back negative for blood; is that correct?

KYO: That’s correct.

GERAGOS: Now, the next testing that you did was on what day, do you remember?

KYO: Are you asking for the next report?

GERAGOS: Yes. The next report I assume would be connected to the next submission of items to you.

KYO: Request Number 4?

GERAGOS: Right. That would be -- that's the Dirt Devil. And that was on –

KYO: That’s right. The vacuum.

GERAGOS: March 10th?

KYO: It was submitted on January 23rd. And are you asking when I began testing those items?

GERAGOS: Yes. When did you end up testing it?

KYO: On February 5th.

GERAGOS: When you tested these on February 5th, some of the items –

KYO: I'm sorry. Could I go back to the vacuum, the Dirt Devil? The vacuum was tested on the February 4th.

GERAGOS: Okay. When you receive these -- let's see. You were also given on that day a blue tarp from the Bay; is that right? Item Request Number 4.

KYO: That’s right. The items I received, I generally get these items from a property controller who handled all the evidence. I received several items on March 10th -- I mean February 10th, 2003.

GERAGOS: Okay. Now, if I understand correctly, you were -- then there was a blue tarp that you were given. And you were also -- as you testified yesterday, you had some debris from the Dirt Devil vacuum; is that right?

KYO: That’s correct.

GERAGOS: Okay. And you zipped or cut open the vacuum cleaner bag; is that right?

KYO: That’s correct.

GERAGOS: Okay. And you took out the contents, or a portion of the contents of the vacuum cleaner bag, right?

KYO: That’s correct.

GERAGOS: And the reason you did that is you got it marked here looks like 216C. Now, one of the things that you were supposed to take a look at, or you were asked to take a look at, is to see whether or not there was any piece of blue tarp that was observed in the vacuum debris and Dirt Devil vacuum; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And your conclusion was, is that there were no pieces of blue tarp observed in the vacuum debris and Dirt Devil vacuum, correct?

KYO: That’s right.

GERAGOS: Okay. Now, you were also given on that day some –

JUDGE: Mr. Geragos I think you identified it as 216C. I think it's 246C.

GERAGOS: I am sorry. You are correct. 246C.

JUDGE: Okay.

GERAGOS: And that's -- what you did is, you took out this contents here; is that right, somewhere in there?

KYO: I take out the contents directly across from the opening of the bag, which is above here, about there. And I also look at the other contents also.

GERAGOS: I have got 246E. Yesterday there was a mention of this blue -- you compared this blue to the tarp, you concluded that they were not related, correct?

KYO: That’s right.

GERAGOS: Okay. Now, the -- what you did find was, in this debris here, and this debris here, was Christmas tree type debris; is that correct?

KYO: That’s right. One of them debris that I can identify is Christmas tree debris.

GERAGOS: You found hair, fibers, pieces of grass, red confetti-like material, one live flea, dirt and debris; is that right?

KYO: That’s right.

GERAGOS: Now, the next report that you were then given, or one that I have got, I have got Request Number 8. Do you have that?

KYO: Yes.

GERAGOS: Request Number 8. This is a series of items that were apparently seized from the house pursuant to the search warrant and given to you some time after the search warrant, some time after February 28th, but before March 13th; is that right?

KYO: Could you repeat that question again?

GERAGOS: Sure. These items here, which is marked as 247A -- and then if you take a look on the brown bag there, you can see that it was seized during the search warrant 2-18-03 at the time item number 218-45 -- that's how you mark it?

KYO: That's not my marking. But the bottom with my initial.

GERAGOS: When you received the items, do you have them with the identification number 218-45?

KYO: That’s correct.

GERAGOS: Now, you tested all of those. Those were negative for blood, correct?

KYO: That’s correct.

GERAGOS: Now, there was, on this item, which was 247B tested these as well, correct?

KYO: That’s right.

GERAGOS: Okay. Now, these appear to be -- you said there was some men's pajamas; is that correct?

KYO: Yes.

GERAGOS: Okay. And then these were the Polo socks you talked about yesterday?

KYO: That’s correct.

GERAGOS: Okay. And do you know what size those Polo socks were?

KYO: Those are small enough for a female size.

GERAGOS: Okay. And did you make a note of that?

KYO: I have a photograph of it with a ruler.

GERAGOS: With a ruler as to what the size was?

KYO: That’s right.

GERAGOS: Now, the -- specifically you tested those. And I think yesterday you said that they tested positive on a presumptive test; but then later you did a species test, and -- for horse, cow, pig, something else, and it came back negative for all that, correct?

KYO: That’s right.

GERAGOS: And human, I assume, correct?

KYO: All negative for all those specie.

GERAGOS: For all species. So -- and that is not completely unusual that you would get presumptive test for blood, sometimes, because the presumptive test is over inclusive, correct?

KYO: That's right.

GERAGOS: Okay. So that's why you do the second species test to determine whether or not you are getting a false positive; is that right?

KYO: You are testing sometimes for blood. You might not be testing for human blood. We do testing mainly for human blood.

GERAGOS: Did you test for dog blood?

KYO: Right.

GERAGOS: Did you –

KYO: I test that blood to see if it is dog blood. But it's not dog blood. But there are other bloods, other animal exists that has blood on it also.

GERAGOS: Okay. Now, you also tested the -- if I understand right, this purse that's here; is that right?

KYO: Yes.

GERAGOS: And that purse, there was no blood on that, correct? Looking at the first page of Request Number 8.

KYO: Right.

GERAGOS: Okay. And you also tested the novel. There was no blood on that, correct?

KYO: That’s correct.

GERAGOS: Okay. You were also -- the beige jacket, there was no blood on that; is that correct?

KYO: That’s right.

GERAGOS: Okay. You also did this shirt that was on this previous exhibit, which was 247B. Not the pajamas, but the shirt itself. There was no blood on that; is that correct?

KYO: That’s right.

GERAGOS: Okay. And you also tested -- looks like there was an orange and brown powder and dark brown pieces from an interior closet door; is that correct? I'm looking at the third paragraph of your first page of your report.

KYO: That’s correct.

GERAGOS: You tested those, and they weren't blood right?

KYO: That’s right.

GERAGOS: You were given another swab from the master bedroom door of the house, correct?

KYO: That’s correct.

GERAGOS: And that was a swab that was taken once again on February 18th. That's why it's got that 218 marking?

KYO: That's why I believe they mark it that way.

GERAGOS: No blood was detected on the master bedroom door, correct?

KYO: That’s correct.

GERAGOS: Okay. Then you were given a camouflage jacket and folding knife and a book; is that right?

KYO: That’s right.

GERAGOS: Okay.

HARRIS: I'm sorry, did counsel say "book"?

GERAGOS: Hook. I'm sorry. Camouflage jacket, a folding knife, and a hook; is that right?

KYO: With a hook, that's correct.

GERAGOS: That was marked as 219 dash 79, which, under Modesto, was seized on February the 19th?

KYO: I presume that's the way they mark it.

GERAGOS: You tested the camouflage jacket, folding knife, and the hook, and you found that there was no blood, correct?

KYO: That’s right.

GERAGOS: Now, you were also given some more clothing to test that was marked under 219-85, 86, and 87 and 88 and 89, 90 and 92, correct?

KYO: That’s right.

GERAGOS: You were given a pair of jeans, a yellow t-shirt, a white "Vegas Vacation" t-shirt, a blue t-shirt, a gray sweatshirt, a white "Cal Poly" t-shirt, and a yellow jacket, correct?

KYO: That’s right.

GERAGOS: No blood on any of them?

KYO: No blood on any of them.

GERAGOS: You were then, I assume, given some -- looked like there was some towels, and a there was some pillows and some pillow shams; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And that was given over to -- I assume was given to Ron Osterlund; is that correct?

KYO: No.

GERAGOS: He gave it to you guys?

KYO: Yes. He brought it over.

GERAGOS: Did you test those?

KYO: No, I didn't.

GERAGOS: Okay. And you didn't see anything that looked like it was worth testing; is that correct?

KYO: We decided at that time we're not going to test them. So I didn't see the particular items.

GERAGOS: So you were given basically what was described as a white towel; a pillow, no case; a white standard pillow; and another pillow with sham, and a green cloth or wrap around dress; correct?

KYO: That’s correct.

GERAGOS: And no testing was done on that?

KYO: Yes.

GERAGOS: You were also given a paper bag containing a white shirt, and you tested all of those items; is that right? The white ones we just went over, the socks, and the shirt?

KYO: Item 218 dash 31, that's correct.

GERAGOS: Okay. Then you were also given -- let's see. It looks like somebody submitted some paint chips, red paint chips, and some paint transfers on a boat fishing pole holder; is that correct?

KYO: Yes. They were being submitted to the laboratory.

GERAGOS: Did you compare those?

KYO: I didn't do anything with them. I did not compare.

GERAGOS: You personally did not do anything?

KYO: No.

GERAGOS: Now, the next request that was made of you, was that Request Number 8?

JUDGE: Was that Request Number 8?

GERAGOS: What was the next request?

KYO: 15.

GERAGOS: 15?

JUDGE: 15 was the next one.

GERAGOS: Now, on Request Number 15, this was -- these are the items that you received from Contra Costa, some of these items?

KYO: Some of these items are from Contra Costa

GERAGOS: Okay. Now, you told Mr. Harris that you compared some duct tape; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And then you specifically collected from the duct tape that was associated with Laci's remains, six short, fine hairs; is that correct?

KYO: That's how I noted it, right.

GERAGOS: Did you end up determining later on what the hairs were, or did you give that to –

KYO: Rod Oswalt.

GERAGOS: Rod Oswalt to do the -- we have already heard from him. So then the other testing that you did on that particular day was in regards to the maternity blouse; is that right?

KYO: That’s right.

GERAGOS: And you looked at that to see if there was any blood on it; is that correct?

KYO: That’s correct.

GERAGOS: And/or any tearing?

KYO: That’s correct.

GERAGOS: There was no tearing, no blood; is that correct?

KYO: That’s correct. Also to look for fibers.

GERAGOS: Look for fibers. And the fibers that you found, if I understand correctly on those maternity samples, were compared with ones from the house, correct?

KYO: That’s right.

GERAGOS: And did you find any similar fibers?

KYO: I found some fiber that's cotton. That's a pretty common one. So I generally said no.

GERAGOS: You generally said no?

KYO: What did I say here in the report?

GERAGOS: You had written down that whitish and bluish color fibers were associated with the blouse, and that samples of the carpet samples from Laci's home were examined, a general color, that you did find some whitish and greenish fibers. You found some whitish fibers, and you found some carpet samples that consisted of orange fibers; is that correct?

KYO: That’s correct.

GERAGOS: Okay. Now, the -- on this particular day, did you also -- looks like there was some more evidence that was submitted to you; is that correct? Submitted to the lab on February 28th.

KYO: Right.

GERAGOS: Okay. Now, specifically you were given hair fiber from an umbrella, a pair of orange work gloves, red rope from a boat, camo jacket, hair fiber, yellow glove with blue dots, fiber from a paddle, vacuum debris from Scott Peterson's pickup bed, vacuum debris from Scott Peterson's pickup, tape, and vacuum debris from a boat; is that right?

KYO: That’s right.

GERAGOS: Okay. Now, did you do a comparison of those items, or an examination of those items?

KYO: Under this particular request -- these items were not under the Request Number 15. These items were not inventoried or examined.

GERAGOS: The next request that you had was Number 20; is that correct?

KYO: That’s right.

GERAGOS: Now, Number 20 was the black -- or not the black -- the plastic twine that was around Conner's neck; is that correct?

KYO: That’s right.

GERAGOS: When you observed this first, it had on it a knot in a bow; is that correct? When you first examined -- for instance, what was marked as 233 is that knot that was right there. Was that the observable?

KYO: It was among the bow. So it's wrapped up underneath, you know, the bow. So I didn't see that particular knot.

GERAGOS: That's what I was getting to. The knot itself was actually that's 253I. That knot was actually right in there; is that correct? In the picture marked as 253D, the bow on the twine that was around the baby's neck and shoulder had a knot underneath it; is that correct? What you described as a hard or a tight knot? Let me show you another picture, see if you can see it. See 253E? Isn't this the knot what you described as very tight knot, right there?

KYO: There is a loose bow-like knot. But within that particular line string there is a tied knot.

GERAGOS: That's what I'm asking you. Is the tight knot in this area here? Or is it on -- because I don't see it when you have got this out here. This is before you untied it?

KYO: That’s right.

GERAGOS: So before you untied this bow, you took a picture of it, right?

KYO: That’s right.

GERAGOS: Okay. And before you untied the bow, you could not see this, correct?

KYO: That’s right.

GERAGOS: Once you untied the bow, what you saw untied -- this is the close-up. This is the length version, the one you untied it and, lo and behold, you have the tight knot, correct?

KYO: Yes.

GERAGOS: Now, that twine is approximately how long, do you know?

KYO: The whole thing has about 50 -- let me refer to my note.

GERAGOS: Sure.

KYO: I believe -- I state in my note, I stated it's approximately 50 inches long twine.

GERAGOS: And so that I understand 254D -- 254D, by the way, do you know when this was picked up? Look like 8-19?

KYO: That’s correct.

GERAGOS: On August 19th; is that right? Now, this right here, how wide is that?

KYO: That's approximately 17 inches.

GERAGOS: Okay. And is this the area that you said that you -- that you kind of laid out? If I understand correctly, I thought you said you -- is that -- you took this particular spot right there, and that you separated that, and that that was 17 inches.

KYO: This one here is one whole piece jumbled up. That particular piece I spread it out, and it is 17 inches.

GERAGOS: Got it. Now, did you test -- did you do any testing on this here?

KYO: No.

GERAGOS: Did you test to see if there was -- if there was LMG test, either positive or negative, for blood?

KYO: I just documented as a photograph. And that's the end of the examination for that particular piece.

GERAGOS: Did anybody try to do anything with the glove that was here, or the glove that was here?

KYO: No.

GERAGOS: Now, the -- specifically the twine, as you saw it here, that also you found to be positive in the -- or found it on the internet to coincide with the packaging industry; is that correct?

KYO: That’s correct.

GERAGOS: And also said the fishing industry; is that right?

KYO: Yes.

GERAGOS: Okay. Now, the next thing that you got was -- well, did you do some spectrograph type testing on the plastic?

KYO: No.

GERAGOS: Do you have Sarah Yoshida do that?

KYO: That’s correct.

GERAGOS: Did you attach that to your report?

KYO: That’s correct.

GERAGOS: And did you examine what she did?

KYO: I did not examine what she did. She was the expert, and she is qualified to do that kind of examination. So that's –

GERAGOS: Okay.

KYO: I just take her report and put it in my notes.

GERAGOS: Okay. Now, is the evidence package that you were given, did you specifically -- the one that contained these items here -- I know you said you documented. I just want to make sure I understand correctly. Did you ever do any testing on these items whatsoever, other than the spectrograph testing for what it was?

KYO: The particular item that I noted is the item, this item over here. When I spread it out, it has the same width as the one that's found on Conner's neck.

GERAGOS: Okay.

KYO: So then that particular item was examined by Sarah Yoshido.

GERAGOS: So when you say you spread it out, that's not the way -- at least the condition that you found either this item here, or the one that was around the baby's neck, correct? You found it as a twine, as opposed to that?

KYO: In this -- in this photograph, that's how I found it when I take it apart from this whole mess of junk.

GERAGOS: Okay. And what I'm asking you is, did anybody do any LMG test on any of these items?

KYO: No.

GERAGOS: Okay. Now, you were also given a -- so I -- you were given a white glove also? Strike that. That didn't come back. The next item that you received in connection with this would have been -- you did a further test. That would have been item or Request Number 25; is that correct? This was in December of this last year. That was the steering wheel swab associated with Scott Peterson's pickup truck.

KYO: That’s correct.

GERAGOS: Okay. And as we already discussed, that came back negative for blood; is that correct?

KYO: That’s correct.

GERAGOS: And the next that you got was at some time Request Number 26. Number 26 also was December of 03; is that right? Do you have that one? Now, specifically that was the Ford pickup truck that was associated with Scott. You went through, and you -- also in December of 03 you were asked to examine the inside of the green toolbox on the bed of the pickup truck; is that correct?

KYO: I examined the truck, the whole –

GERAGOS: You examined the entire truck?

KYO: Entire truck.

GERAGOS: That truck, it was your understanding that truck had been in police custody at that point for almost exactly a year, correct? The car was -- if I told you the car was seized by search warrant on December 26th, when you examined it, it was December 14th of the following year, right?

KYO: That's about right.

GERAGOS: Okay. And the first thing you did was go through the entire car or entire truck?

KYO: That’s correct.

GERAGOS: And you went inside that green toolbox; is that right?

KYO: I examined the green toolbox.

GERAGOS: Did you make some markings -- did you do a photo with some markings for the toolbox?

KYO: I took photographs of the green toolbox.

GERAGOS: Okay. Do you have one of those?

KYO: Can you give me a moment, let me go and look through it?

GERAGOS: Now, when you examined the green toolbox, you had to remove a number of items from it; is that correct? You didn't, but somebody who was there did?

KYO: We removed the items inside the green toolbox.

GERAGOS: Okay. Was -- there were there quite a few items inside the toolbox?

KYO: Yes.

GERAGOS: And you removed all of those until you got it basically empty of anything that was in it; is that right?

KYO: I just removed the items that is removable. Dirt, debris, just leave it in there.

GERAGOS: Do you want to mark that is next in order?

JUDGE: Well, we have 4 and 6 available.

GERAGOS: Actually got six. Do you want it to be 4? I don't have a six. She's got –

CLERK: Not yet.

JUDGE: You are making it as 4. This is the toolbox analysis

GERAGOS: I'm going to show you something. Did you -- by the way, was this box on this -- this is a different -- you have a different picture. Was that box in the toolbox when you saw it?

KYO: That’s correct.

GERAGOS: And going to mark this as D6M-6.

JUDGE: All right.

JUDGE: What's the -- photograph of the toolbox.

GERAGOS: Yeah. It's a photograph of the back of the bed of the truck.

JUDGE: Photo of the back of the bed of the truck. Okay.

GERAGOS: So the toolbox has the box in it. The box is removed. And then you get what is viewed right here. These are yours, correct?

KYO: This is my notes.

GERAGOS: Right. Now, specifically you look all the way -- you notate where there was an upper compartment and lower compartment. Green toolbox. The stain on the floor. Stain here. Green toolbox with the red arrows pointing to various stains, correct?

KYO: That’s correct.

GERAGOS: All tested negative for blood, correct?

KYO: That’s right.

GERAGOS: Then you went around to the bed of the truck -- of the pickup, and specifically you were also looking for any tissue-like debris; is that correct?

KYO: Blood or tissue-like debris.

GERAGOS: Blood or tissue-like debris?

KYO: Yes. Mainly for bloodstains.

GERAGOS: Okay. And you detected no -- other than the swab on the -- that was taken from those -- the very small swab on the inside of the driver's side door, that was the only swab that you -- that area is the only area where there was any presumptive positive for blood, correct?

KYO: That’s right.

GERAGOS: You searched the rest of that entire truck, looking specifically for any other areas which could have some blood-like or tissue-like substance, correct?

KYO: That’s right.

GERAGOS: There were a number of areas that you identified as being potential stains or blood-like substances; isn't that correct?

KYO: That’s right.

GERAGOS: Okay. Do you have -- did you make some notes as to those areas that you tested?

KYO: I did sketches. Do you want to take all this?

GERAGOS: Let me just ask you if I, could approximately how many different areas did you look at -- did you test for blood?

KYO: Approximately nine are

GERAGOS: And all -- other than the inside door panel by the area where you have got like a pocket in the door, other than that, there was no presumptive positive for blood, correct?

KYO: That’s correct.

GERAGOS: And there was absolutely no blood in the green toolbox, or in the bed of the truck, correct?

KYO: That’s right.

GERAGOS: You also -- you also looked for tissue. You did not observe any tissue-like debris inside the truck, correct? Middle of your second page of your report. Just one sentence. I did not observe any tissue-like debris inside the truck.

KYO: That’s correct.

GERAGOS: Okay. You also did a presumptive test for blood on the stain on the tailgate of the truck, correct?

KYO: That’s right.

GERAGOS: You did not detect any blood on the tailgate?

KYO: That’s right.

GERAGOS: You did not observe blood-like stains on the exposed bed of the truck after you removed the green toolbox; is that right?

KYO: That’s right.

GERAGOS: In the upper compartment of the toolbox, there were bottles, containers, plastic flags, tape, a tube, tools, paper, all in the upper toolbox, correct?

KYO: That’s right.

GERAGOS: Okay. Main compartment had boots, shoes, jumper cable, a pair of stained work gloves, a pair of pliers, a box labeled, "Tow Truck in a Box". And you took presumptive tests for blood -- for blood on some of these items, didn't you?

KYO: That’s right.

GERAGOS: Okay. Specifically you performed a presumptive test for blood on the work gloves that were inside of the toolbox, correct?

KYO: That’s right.

GERAGOS: Came back negative.

KYO: That's what I stated.

GERAGOS: You also found a pliers inside of the toolbox, which you also tested for blood, right?

KYO: That’s right.

GERAGOS: Came back negative.

KYO: Yes.

GERAGOS: And you also did not observe any other stains that looked like blood to you in the upper compartment; is that right?

KYO: That’s correct.

GERAGOS: Of the green toolbox. And then there were three areas that you got up here on the inside of the main compartment you tested. Those were all negative or blood; is that right? Is that correct?

KYO: That’s right.

GERAGOS: Now, you also went, and after -- somebody removed the toolbox for you, correct? I'm looking at page three, the end of the second paragraph of your report. Toolbox was removed from the truck?

KYO: That’s correct.

GERAGOS: Okay. After it was removed from the truck, you then looked at the front end of the truck, because at that point you couldn't get to it when the toolbox is there, correct?

KYO: That’s right.

GERAGOS: And you didn't observe any blood-like stains whatsoever on the front end of the truck, right?

KYO: That’s right.

GERAGOS: You didn't observe any tissue-like debris on the truck bed, or inside of the toolbox at all, correct?

KYO: That’s right.

GERAGOS: Okay. Then at that point, you removed -- let's see you had -- somebody found a seven-inch-long brown hair in the floor, or on the floor of this toolbox; is that correct? Somewhere in there?

KYO: That’s right.

GERAGOS: And who was that that located it?

KYO: We -- I located it.

GERAGOS: You located it?

KYO: Right.

GERAGOS: What did you do with that?

KYO: I packaged it and collected it.

GERAGOS: You collected it. And then at some point did they ask you to give a sample of your hair?

KYO: That’s right.

GERAGOS: Okay. Then the next request that you were asked to do was a Request 21? Was it Request 21?

JUDGE: If you are going to get into a new subject, it's five to, let's take the recess. Ladies and gentlemen of the jury, we're going to get into another part of this. We'll take the noon recess. Remember the admonition I have heretofore given you. We'll reconvene at 1.

GERAGOS: Okay?

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. And go ahead, Mr. Geragos.

GERAGOS: Thank you, your Honor. Good afternoon.

KYO: Good afternoon.

GERAGOS: There was I believe another -- let's see, there was a test or an examination of the boat in this case, sometime also in December of 2003; is that correct?

KYO: Let me get a different binder.

GERAGOS: And I think -- it doesn't have a request number on it, though.

HARRIS: Be request 33.

GERAGOS: This one.

KYO: Request 33. It's in different binder, so...

GERAGOS: Okay. Now, this request was for you to go through the aluminum boat; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And when you went through the aluminum boat, excuse me for turning, but -- you have a picture there? Okay.

KYO: Do you want to –

GERAGOS: Yeah, I'm going to take a couple of these, if I could.

KYO: Is it that one?

GERAGOS: Let me see which one's best. Yeah, that's probably best. The jury has already seen the boat. You placed some items, some little stickers inside of the boat; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And the stickers specifically -- I'm going to ask the court to mark this next in order.

JUDGE: That will be –

GERAGOS: The same thing that I promised before, we'll make a color copy of this.

JUDGE: Marilyn, I have defendant's 6 N; is that right?

GERAGOS: 6 M.

JUDGE: N. Like in –

GERAGOS: I was going to do it sequentially, Judge. She's got it pre-done.

JUDGE: Want to make it M 10?

CLERK: Yeah.

JUDGE: Or 11, I mean. We've got M 11.

GERAGOS: 11.

JUDGE: Want to make it M 11?

GERAGOS: Yes.

JUDGE: Okay.

GERAGOS: Now, this is the interior of two shots of the boat itself; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And when you did this examination, was that in December of last year? Or January?

KYO: It's on December 30th, 03.

GERAGOS: Okay. And specifically what you were told is -- detective Skultety gave you some information; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And he told you that he thought that -- it was his theory that the boat had been used to -- to dispose of Laci Peterson in the Bay, correct?

KYO: That’s correct.

GERAGOS: Okay. And he wanted you to take a look through and see if there were anything -- was anything in there, either blood or tissue or anything else, correct?

KYO: That’s correct.

GERAGOS: Okay. And it was your understanding that the boat had been in police custody continuously since the time that they executed the search warrant on December 27th at the warehouse; is that correct?

KYO: That’s correct.

GERAGOS: So it had been there for a year, basically, in police custody when you got to take a look at it?

KYO: That’s right.

GERAGOS: And when we went down and took a look at the view of the boat, we saw a bunch of little stickers here inside the boat. Did you place those there?

KYO: Yes, I did.

GERAGOS: And when you placed those there, is that because you saw something that looked like a stain or a discoloration or something of that sort?

KYO: That’s right.

GERAGOS: Okay. And specifically how many of those did you test?

KYO: There are quite a few, quite a lot. I don't know exact number, but...

GERAGOS: Okay. You marked up, it looks like -- you took some -- some swabs, correct? Looks like one –

KYO: I tested them, and I collected some of the stains. Because they are tested positive for presumptive test for blood.

GERAGOS: Right. So you had five stains on the boat that tested positive in a presumptive test; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And then you did something later on on those five tests, correct?

KYO: I just collected it. I didn't do any further, my part.

GERAGOS: Somebody else do some species testing later on?

KYO: No.

GERAGOS: There was some testing –

KYO: DNA testing was done on some of the stains.

GERAGOS: And they didn't come back as anything related to humans; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And did anybody test them to see if it was fish blood?

KYO: On this particular case we didn't.

GERAGOS: Okay. The -- specifically the other items, the five stains -- so the five stains were eliminated. Then were the other stains that you had marked, those also came back -- the ones that didn't react positive and then later were negated, the other stains that were tested were negative on the presumptive test for blood; is that correct?

KYO: I'm not understanding your question. Can you –

GERAGOS: You had more than five stains that you had identified, it looks like to me, correct?

KYO: There are several stains that I tested. Five of them come out positive for presumptive test for blood.

GERAGOS: Right. The rest of them came back negative?

KYO: That’s correct.

GERAGOS: The five that came out positive, they later did testing and it turned out it wasn't human blood?

KYO: That’s correct.

GERAGOS: Okay. So out of all the stains that are marked there, even though five are initially positive, those came back negative after a further test was done, correct? Negative in the sense that it wasn't human blood?

KYO: That’s right.

GERAGOS: Okay. And if rest of arrows that's up there, without going through every single one of them that you've identified here, those were -- other than the five that subsequently became negative for human blood, the rest were negative on the presumptive test?

KYO: That’s correct.

GERAGOS: Okay. Now, you also looked for tissue; is that correct?

KYO: I just looked for different debris.

GERAGOS: Okay. You didn't find anything of any -- of any evidentiary value; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And then you measured the boat, basically; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And after you collected all of the swabs, you took these photographs, and then you measured and did all the dimensions; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And specifically the -- the tests that you did, or the collection that was done, did you vacuum the boat again at that point for debris?

KYO: No.

GERAGOS: You were told that the -- the boat had already been vacuumed by Modesto PD for debris prior to your examination, correct?

KYO: That's my understanding.

GERAGOS: Okay. That's what Detective Skultety told you?

KYO: That's my understanding.

GERAGOS: Okay. And, as far as you know, that there was nothing that was found inside of that boat either on the prior collection or on your examination that had any evidentiary value; is that correct?

KYO: That’s right.

GERAGOS: Okay. Now, the -- you said there was several other requests, and I don't want to get into the ones that had nothing to do with this. Were there any other requests that we haven't talked about, other than the Polo socks we talked about, which wasn't yours; is that correct? And then this request is -- what's the number?

KYO: 36.

GERAGOS: And this specifically was what item?

KYO: Item number 219 dash 82.

GERAGOS: Okay. And that was a wire cutter; is that correct?

KYO: It's a blue handled wire cutter.

GERAGOS: Okay. And you were told to test -- and that

KYO: once again, was Modesto PD's way of saying We collected this on February 19th.

GERAGOS: So on the second search warrant they found another wire cutter, they gave that to you, had you test it, and it came back?

KYO: No blood was detected.

GERAGOS: Okay. Then the next one related to this case? That's one we've already done. We've already gone through that on there. No, that's the other. And that's related to that. So, no, that doesn't. The last thing that you tested was the -- of the TARGET products bag?

KYO: That’s right.

GERAGOS: You actually tested that twice; is that right?

KYO: That’s right. This is the second testing.

GERAGOS: Now, the first time that you tested that bag, you had no information, no information was given to you that it was related in any way to Laci Peterson's remains; is that correct?

KYO: It was submitted together with all the other evidence.

GERAGOS: Okay. The second time it was submitted was on what date?

KYO: On August 4, 4th, 2004.

GERAGOS: Okay. When it was submitted on August 4th, that was just last month; is that correct?

KYO: That’s correct.

GERAGOS: Okay. And when it was submitted to you at that point, that was the testing you were talking about with Mr. Harris?

KYO: That’s right.

GERAGOS: Okay. And specifically where Mr. Harris was asking you about the smell on the TARGET products bag, that was the examination that you did on August 4th of this year?

KYO: The smell I had smelled before, but I didn't really note it, but this time I did.

GERAGOS: Last time you tested it. When you examined it the first time -- the first time, that was when?

KYO: That's I think request number 15, correct?

GERAGOS: Yes.

JUDGE: Ms. Kyo, let me ask you, because I'm not sure, the TARGET bag was submitted with a lot of this other evidence the very first time. As I understand it, you didn't examine it the first time?

KYO: I examined the duct tape.

JUDGE: The first time?

KYO: The first time.

JUDGE: Okay.

GERAGOS: You say -- that's a great question. My understanding was, as well, that you examined the duct tape to compare it with the duct tape on the remains of Laci; is that correct?

KYO: That’s correct.

GERAGOS: Okay.

KYO: And then –

GERAGOS: The second time that it was submitted to you, which was last month, you examined the bag itself and did a visual examination of the bag itself?

KYO: That's the request that I received, that's correct.

GERAGOS: Okay. And that's when you made a notation in your report, in August of 2004, that there was no smell of decomposition?

KYO: That’s correct.

GERAGOS: Okay. There was no -- the first time you examined it, the tape that was associated with the bag, you made no notation of the fact that there was no smell; is that correct? From where you –

KYO: I did not noted the smells of the bag, but if I would smell something funny about that bag, I would have put in some notes on that.

GERAGOS: Okay. You didn't write anything –

KYO: No.

GERAGOS: on there did you –

KYO: No.

GERAGOS: the first time?

KYO: No.

GERAGOS: Is it -- the first time, is it a fair statement that your focus was on the duct tape that was on the bag?

KYO: That’s correct.

GERAGOS: The second time, last month, your focus was on the bag?

KYO: That’s correct.

GERAGOS: Okay. And the -- specifically the TARGET products plastic bag, when you examined it the second time, the -- the report that you prepared was dated August 17th, just a couple of

weeks ago; is that correct?

KYO: I'm sorry, can you repeat that again?

GERAGOS: The report that you prepared, which I show as request number 44.

KYO: Uh-huh.

GERAGOS: That was prepared on August 17th of this year, just a couple of weeks ago?

KYO: That’s right.

GERAGOS: Okay. And, specifically, the bag you examined was the one that was put up this morning, this bag?

KYO: That’s right.

GERAGOS: And when you examined it in -- a couple of weeks ago, what you found were that duct tape that's there, that's in the picture, that was also on the bag; is that correct?

KYO: That’s correct.

GERAGOS: And the duct tape appeared to you to have residue, green, light gray stains that looked like the duct tape had been placed on the bag and, when the tape was removed, that the printing that we see there, the TARGET printing, had come off partially on the adhesive?

KYO: That’s correct.

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

Redirect Examination by David Harris

JUDGE: Any redirect, Mr. Harris?

HARRIS: Yes.

HARRIS: Ms. Kyo, if you could look at your report number 15, you were asked if you were looking at just the -- concentrating on the duct tape associated with that TARGET bag that we're looking at right there. Did you indicate in your notes that you did notice that there was a transfer of the blue ink from the bag to the duct tape? I'll help you out. Go to page 15 -- 16 of your notes.

KYO: Yes, I noted in my note on when I was examining the first time of this TARGET product plastic bag with the duct tape, that I -- I observe blue paint and adhesive transfer between the plastic and the duct tape.

HARRIS: And going to page 21 of your notes in the same report, when you were looking at some of these -- looking at the 1 dash 10, the other piece of duct tape associated with this particular item, did you indicate in your notes, and also photograph, that there were other things associated with the bag, such as shells, white foam, belly of an insect, seaweed?

KYO: Yes, I did.

HARRIS: So as part of this documentation process, with this bag, way back when you first did this, you went through that same generalized process of looking at everything?

KYO: That’s correct.

HARRIS: So you may not have been looking or doing a specific request to look at the bag for a particular reason, but you still went through the process of documenting it and photographing it as you've described to us repeatedly?

KYO: That’s correct.

HARRIS: Okay. Now, I want to go back to your report number 26. Counsel was showing you a photograph of a cardboard box that was in the photograph in the back of the defendant's truck

bed. I'll try to find that again.

JUDGE: That's 6. 6 M 6.

HARRIS: Is it in this pile?

HARRIS: Now, that particular box -- while I'm looking for that, the one that we're talking about, is counsel -- it was in the back of the pickup truck, pickup truck bed, and counsel asked you if it was in that green box, I believe. I wasn't clear about that, that's why I want to go back and talk to you about that. Did you document through photographs, when you processed the truck, in report number 26, what was in that green toolbox in the back?

KYO: I did.

HARRIS: And did you also photograph, even before you got into the truck, what was in the truck bed itself?

KYO: I did.

HARRIS: And looking at page 15 of your notes, do you have a photograph that shows that cardboard box?

KYO: Yes.

HARRIS: And where does it show -- when you first observed that cardboard box, where did you first observe it?

KYO: It's observed on the truck bed next to the green toolbox.

HARRIS: Okay. When you say "next to," was it inside of the toolbox?

KYO: No. It's outside the toolbox. It's in the truck bed.

HARRIS: Now, as part of the process, again, of going through and documenting what we're talking about with that particular truck, did you also write in your notes kind of an inventory list of all of the items that were in that toolbox?

KYO: Yes, I did. And I also photographed item they're taking out of the toolbox.

HARRIS: And do you have -- I guess just to speed it up, do you have a particular page that shows a photograph of all of the items that you removed? I believe it's either page 47 or page 51.

KYO: It's -- it's on page 47 I have a photograph of items inside the toolbox. And on page 51 I have items that I remove from the toolbox.

HARRIS: The ones on page 47 is when you're looking into the toolbox?

KYO: That’s correct.

HARRIS: As you first observed it?

KYO: Yes.

HARRIS: What I'd like to do is if I can do the same thing counsel's doing.

JUDGE: Sure.

HARRIS: Take page 47.

JUDGE: Mark it as 255?

HARRIS: Yes, please.

JUDGE: All right. 255 will be the contents of the toolbox from the pickup truck.

HARRIS: And these, again, just for the record, these are photographs that I'm getting from your folder that you took?

KYO: Yes.

HARRIS: And they accurately depict the toolbox that we're talking about?

KYO: Yes.

HARRIS: So this particular toolbox here, so we see these notes here again, we start at the top where we have your case information, on these pages. Is that page 47 of your notes, your case information, your date and your initials?

KYO: That is correct.

HARRIS: And as you've documented it, you start with opening the lid of the toolbox?

KYO: That’s correct.

HARRIS: And you described in the middle photograph that there's a lid of the green toolbox and items in the upper compartment?

KYO: That's right.

HARRIS: And that's this photograph here in the middle?

KYO: That’s correct.

HARRIS: And then you took a photograph looking down into the toolbox?

KYO: That’s correct.

HARRIS: So when you were asked about the numerous items that were in the toolbox, this is a photograph of those numerous items as you observed it?

KYO: That's right.

HARRIS: And looking at this particular photograph here, the bottom of this item, do we see in the top of this photograph that upper tray that is in the middle photograph as well?

KYO: I'm sorry? What you say?

HARRIS: Let me try that one again. In the bottom photograph on this particular exhibit, do you see across the top of the photograph some items? Is that the items that's in the upper tray compartment that's in the middle photograph as well?

KYO: That's right.

HARRIS: So when those items are inside the toolbox, they're actually not down at the bottom of the toolbox?

KYO: That's right.

HARRIS: Now, going to your report number 25, just kind of doing this in reverse order, you were asked about item 1 F.

KYO: Yes.

HARRIS: And that item 1 F was one of the swabs that Detective Hendee had submitted originally that you had originally tested from the pickup truck, but for some reason it did not get tested during that first request?

KYO: I believe that's what happened.

GERAGOS: What Bates number or report are you on?

HARRIS: Without the notes would be 33761.

GERAGOS: 33761.

HARRIS: Or, with the notes, 33618.

HARRIS: And counsel asked you about this. This was tested at a later date and this was negative?

KYO: That’s correct.

HARRIS: I want to go back to –

KYO: Actually, could I correct that? Item 1 F was originally tested the first time around, but I did not put it in the report.

HARRIS: So you had to write a subsequent report –

KYO: That's right.

HARRIS: to document? Okay. Going to your request number 21. Now, you were asked about this bag of all these different items that have been described, and just to go through this, the information that you have of where these particular items come from, that would usually come from the packaging?

KYO: That’s correct.

HARRIS: So it's documented by however an officer or a detective writes something down, and that's how you document things in your report?

KYO: That’s correct.

HARRIS: And as you open these things up, if there was something that attracted your attention, either visually or you touch it or you smell it, would you document that in your report?

KYO: Yes.

HARRIS: And looking at your page 11, did you indicate if there was anything in terms of a smell with this particular item?

JUDGE: What item are you talking about? You identified it but didn't tell us what it was.

KYO: I -- on the page 11 of the -- my notes for request number 21.

JUDGE: What is number 21? What is the item?

KYO: That is the item number 819 dash 30, plastic --

JUDGE: What is it?

KYO: It's a plastic and other debris from Point Isabel.

JUDGE: Okay. All right.

HARRIS: So that's that big pile of stuff that you had to go through and dissect?

KYO: Yes.

HARRIS: And did it smell like something to you?

KYO: I noted that it has like a ocean-like smell.

HARRIS: Okay. You were also asked, going back to your request number 4 -- if I'm jumping too fast on the requests, just let me know.

KYO: Okay.

HARRIS: You were asked by counsel about the blue tarp and the comparisons with the blue in the Dirt Devil in that particular request. The blue tarp, I want to go through and make sure that we're clear about this. That particular blue tarp, that was ID or exhibit number, whatever the assigned number for the lab there was, of P O dash 1?

KYO: Okay.

HARRIS: Is that correct?

KYO: That’s correct.

HARRIS: Okay.

KYO: That's the blue tarp from the Bay.

HARRIS: And that particular tarp was not the same tarp that we've seen in the other photographs that was recovered from the defendant's house?

KYO: That’s correct.

HARRIS: So when we're talking about that, we're not talking about the same tarp?

KYO: The photograph Mr. Geragos shown on the screen is different blue tarp from the -- the item P O dash 1.

HARRIS: Now, that particular tarp, did -- was it a new tarp?

KYO: It's -- it's a seem to be a lot of wear and tear and peels on that blue tarp.

HARRIS: And did you describe that as basically being one dried old blue tarp with peels and unravels?

KYO: Is it my note? Or is it...

HARRIS: If you look at page 13.

KYO: Uh-huh.

HARRIS: About the fourth line down.

KYO: Okay. Yes. I stated that it's a one dried old blue tarp with blue plastic peels and unravels, weaves.

HARRIS: And there was one other thing that you were asked, and I just want to make sure that we're clear about that. Now, you did the Dirt Devil vacuuming that you described for us when we had all the pictures up there. That was item 27 and subparts as you opened it up and you described for us yesterday about giving the different numbers. Now, there was a separate vacuuming, which is item number 14. That was something different than what you were describing for us yesterday?

KYO: Item number 14 is a separate item. It's vacuum debris from the living room and the laundry room.

HARRIS: So that was some vacuuming in a smaller container that you received from the police department?

KYO: That’s correct.

HARRIS: It was not -- so again, not to be confused, it wasn't the vacuum or the bag inside of the vacuum?

KYO: No, it's a separate vacuum debris.

HARRIS: So when counsel was asking you about something and there was a description about one live flea, is that from that vacuuming? Or from the vacuum cleaner bag?

KYO: I didn't catch...

HARRIS: When counsel with was asking you the question about going through a list of the different items, including one live flea, was that from item 14 or item 27?

KYO: Let me review the note.

HARRIS: If it would help, I can refer you to your summary on page one of two.

JUDGE: Well, I'll let you -- I'll let you lead her.

HARRIS: Okay.

JUDGE: Just to get this -- go ahead.

HARRIS: Going through this, looking at your summary, does it say that hairs, fibers, piece of grass, dried leaves, red confetti-like material, one live flea, dirt debris observed in the vacuum debris, collected off the living room floor and the laundry?

KYO: That’s correct.

HARRIS: And that's item No. 14?

KYO: That’s correct.

HARRIS: All right. Now, going back to a couple of these things, counsel showed you a number of photographs of the pocket knife, the Simple Green containers, the clothing. Anything that had a stain on it, did you test it to see if those stains could possibly be blood?

KYO: Yes, I did.

HARRIS: Regardless of where those stains were, that's just kind of the standard practice?

KYO: That's right.

HARRIS: And last, the item that we were talking about, 1 dash 5, which is the duct tape that came from Laci's body, when you were done going through and doing your trace evidence examination, did you submit that off to be fingerprinted?

KYO: Yes, I did.

HARRIS: And then after that to go off to DNA to be DNA tested?

KYO: Yes. It was -- it was -- DNA tests was done on the duct tape.

HARRIS: And was that done back at the Ripon lab by Mr. Hudlow?

KYO: That’s correct.

HARRIS: The People have no other questions.

Recross Examination by Mark Geragos

JUDGE: Mr. Geragos, any re-cross?

GERAGOS: Yes, just briefly.

GERAGOS: The -- do you have in your report number -- request number 25, can you pull out page 46 and page 45?

KYO: Number 26?

GERAGOS: Yes.

KYO: Which page is that?

GERAGOS: 45 and 46.

KYO: (Pages handed to Mr. Geragos)

GERAGOS: Now, page 45 and 46 are pictures you took; is that correct?

KYO: That’s right.

GERAGOS: Okay.

JUDGE: Mr. Geragos –

GERAGOS: Now, I'm going to show you what's been previously marked as People's Exhibit 116 This is a picture that's been testified to was taken of my client's truck on the date of the search warrant back in December of 2002, okay? Do you see the -- the rain gauge box in there?

KYO: Yes.

GERAGOS: Where? Oh, the Greenlee box. The Greenlee box.

KYO: The Green, right.

GERAGOS: Okay. I'm going to show you the picture on your page 45. Where does that box right there come from?

KYO: I wouldn't know. It was –

GERAGOS: Somebody –

KYO: in the truck.

GERAGOS: Yeah, it was in the truck. And then the next picture you took, page 46, it's not in the truck. Is that because somebody took that box out of the green toolbox, put it into the bed, you then photographed it, and then they took it away because that box -- the cardboard box was inside of the toolbox? Isn't that how -- how it got there? You didn't -- certainly didn't bring the cardboard box and put it in the bed of the truck when you first started taking pictures on page 45, did you?

JUDGE: Mr. Geragos, that's two questions.

GERAGOS: Okay. You didn't bring the box there, correct?

KYO: That’s correct.

GERAGOS: Okay. Did you see where the box came from?

KYO: In my original photograph, if you look at page number 15.

GERAGOS: Do you have page 15 there?

KYO: Yes.

GERAGOS: Okay. And when you arrived, that's how it looked, isn't it?

KYO: That’s correct.

GERAGOS: Page 15. The box was there, the toolbox was there; and on the day that the search warrant was executed, there was no box in the back, correct?

KYO: That's what that particular photograph shows.

GERAGOS: Right. And that's on 12/26. When you arrive there was a box in the back. When you arrived the police were already there, correct?

KYO: They brought this particular truck to our facility.

GERAGOS: Okay. And then you take this picture, and you take this picture with the boxes. And I should probably mark these for the record, your Honor.

JUDGE: Yes. I think so.

GERAGOS: And then the last picture where there's no box, correct?

KYO: Right.

GERAGOS: Okay.

KYO: That's -- the last picture is when we remove the item from the bed -- the box was removed.

GERAGOS: The box was removed. And so somebody drove that truck there. And when you first saw it, there was a box in the back, correct?

KYO: That’s right.

GERAGOS: Okay. I'm going to -- if I could, Judge, her page 15, her page 45 and her page 46.

JUDGE: You've got three?

GERAGOS: D 6 M 12. Want to just do it as –

JUDGE: 12 A, B and C? 12 A, B and C. 6 M 12 A, B and C. These are photos of the bed of the truck showing the cardboard box, and one no cardboard box.

GERAGOS: Then the other –

KYO: Could I add something to that?

GERAGOS: Sure.

KYO: Okay. In the particular photograph what I'm seeing -- I'm not seeing one corner of the truck, so I'm not sure -- I'm not seeing that box on that particular photograph.

GERAGOS: Let me show you from the other angle. And I'll mark this as next in order.

JUDGE: 13.

GERAGOS: Do you see it in this one?

KYO: No.

GERAGOS: Okay. So does that settle that?

KYO: Yes.

GERAGOS: Thank you. I would like to mark this as next in order.

JUDGE: It's 13.

KYO: Thank you.

GERAGOS: You're welcome. Thank you.

GERAGOS: The other area I was going to ask you was on the...could I have just one moment, your Honor?

JUDGE: Yeah.

GERAGOS: You had indicated -- Mr. Harris just asked you, your request number 44, do you have that?

KYO: Yes.

GERAGOS: Okay. Page four of your notes.

KYO: Page four.

GERAGOS: The -- the inspection of the -- this is the inspection of the TARGET products bag; is that correct?

KYO: That’s right.

GERAGOS: And in there on the first line you say there was shrimp-like crustaceans on the bag; is that correct?

KYO: That’s right.

GERAGOS: Okay. And then -- then it says: Debris fallen off of the tarp. Is that what we were talking about before where you put a white butcher block out paper and then there's debris that falls off? Or did you just observe it on the tarp itself?

KYO: That's what I observed from the debris that fall off from the --

GERAGOS: Okay.

KYO: TARGET bag.

GERAGOS: And then specifically on page 21, did you make a notation that you found on there also some short, fine hairs?

KYO: Page 21.

GERAGOS: Of your notes. Is that –

KYO: Off my notes is for –

GERAGOS: Is that item one ten?

KYO: For item number 1 dash 5.

GERAGOS: 1 dash 5. Which is what?

KYO: The duct tape from the victim body.

GERAGOS: Is that right? One ten? Page 21?

KYO: This is page 21. Page 28. This is a previous -- you showing me a previous examination notes, and this is –

GERAGOS: Well, I'm referring to this right here.

KYO: Okay.

GERAGOS: It says –

KYO: Okay, page 28.

GERAGOS: Does that say item 1 dash 10, which you know to be what? This is item 1 dash 10. So the jury knows, that's the duct tape; is that correct?

KYO: That’s correct.

GERAGOS: That's the duct tape from the TARGET bag; is that correct?

KYO: That’s correct.

GERAGOS: And on that duct tape there were short, fine hairs; is that correct?

KYO: That’s correct.

GERAGOS: Thank you. I have no further –

JUDGE: That's the duct tape from the TARGET –

GERAGOS: From the TARGET --

KYO: Wait. This is the debris that fallen off from the bag, the TARGET bag. And that one is packaged away. So when I examining second time around, I'm not looking at that particular debris.

GERAGOS: Okay. And what I'm asking you is on the duct tape, when you examined it, you saw that there were hairs on there; is that correct? Short, fine hairs?

KYO: This is not on the duct tape.

GERAGOS: What is it on?

KYO: This is on the TARGET bag.

GERAGOS: On the TARGET bag itself there is short, fine hairs?

KYO: That’s correct.

GERAGOS: That's correct. And did you save those hairs?

KYO: That would be in that particular item with -- together with the TARGET bag.

GERGAOS: And that's what I'm asking. Did you save that as trace evidence?

KYO: No, I didn't.

GERAGOS: What did you do with that?

KYO: It's still in the item. Together with the item.

GERAGOS: Okay. Thank you. I have nothing further.

2nd redirect Examination by David Harris

JUDGE: Any re-redirect?

HARRIS: Yes, just on that particular point. Just to clear something up.

HARRIS: Ms. Kyo, just so that we're clear about that, that last particular request, number 44, did you include all of your notes from the previous requests when you previously looked at the TARGET bag, which is your request number 15?

KYO: On this particular...

HARRIS: On request number 44, do you have your -- did you attach notes from your previous examination?

KYO: Yes, I did.

HARRIS: Okay. So when we're talking about the notes on there, can you go back to the page that you were just showing to counsel? Okay. What I want to do is just clear -- clear this up. This particular page which we're looking at right there, which has at the top right corner "page 21" and then directly underneath there, is there a box that's written beneath that?

KYO: Yes.

HARRIS: And what's written in that box?

KYO: That is a particular date and page number associated with the request number 44.

HARRIS: Okay. So when we're -- we're looking at that particular page, that was page 21 of the original request?

KYO: That’s correct.

HARRIS: And then you wrote the little box, kind of green box there, wrote some information, and that's page 28 of the new request?

KYO: That’s correct.

HARRIS: So those two photographs there of the TARGET bag and the duct tape associated with the TARGET bag, 1-10, those are the photographs and the notes from the original request back in May?

KYO: That’s correct.

HARRIS: So when you're talking about the items that -- the things that are there, those are the things that you observed and documented and recovered as part of your examination back in May?

KYO: That’s correct.

HARRIS: The People have no other questions.

2nd Recross Examination by Mark Geragos

JUDGE: Anything about --

GERAGOS: That was May of 2003, right?

KYO: That's correct.

GERAGOS: And it was never -- as far as you know it was never tested, the hairs nor anything else? They were never tested? They weren't --

KYO: No.

GERAGOS: sent to Rod Oswalt?

KYO: No.

GERAGOS: Thank you. Can I have just one moment?

JUDGE: Yes.

GERAGOS: I have no further questions.

JUDGE: Can Miss Kyo be excused, subject to recall?

GERAGOS: Yes.

HARRIS: No objection.

JUDGE: Ms. Kyo, thank you very much for your time.