Witness: Tim Helton

Date: 2004-06-16

Proceedings held June 16, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso

Day 1 of 2 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: And, Sergeant Helton, you're a sergeant with the Modesto Police Department?

HELTON: I am.

DISTASO: And just briefly, what are your current duties?

HELTON: I'm currently assigned to the Stanislaus Drug Enforcement Agency, and also the supervisor of our equestrian unit.

DISTASO: And the equestrian unit is the horse unit for the Modesto Police Department?

HELTON: Yes, it is.

DISTASO: Okay. Back on December 24th of 2002, what unit were you assigned to?

HELTON: At that point in time I was assigned to our tactical patrol unit, and also as a supervisor for the equestrian unit.

DISTASO: So you were one of the, you were one of Sergeant Cloward's counterparts?

HELTON: I was.

DISTASO: And were you also tasked to assist or be kind of part of the search process for Laci Peterson?

HELTON: I was.

DISTASO: We've heard from Sergeant Cloward, pretty much all day, kind of this global perspective of the search effort that took place. Can you tell the jury just some specific items that you were involved with on specifically, let's talk about the equestrian unit first. Did you send horse teams out in certain locations?

HELTON: I did. Christmas morning. Starting Christmas morning.

DISTASO: Okay. Just where did you send them?

HELTON: We started off originally in the, the park area, the Thousand Oaks or East La Loma Park area, and specifically in the area just off the footpath or the roadway and footpath from Covena Avenue to Thousand Oaks Park.

DISTASO: And did, did you ever expand the effort with horses to the outlying areas in the county?

HELTON: We did.

DISTASO: And what, just give me some example of where you sent them.

HELTON: We spent two days in the East La Loma/Thousand Oaks area, Kewin Park, and extended as far east as Claus Road. In fact, a little beyond that. From there we followed the creek and the river system out to Beard Brook Park.

COURT REPORTER: Could you spell that.

HELTON: B-E-A-R-D B-R-O-O-K, Beard Brook Park, Children's Park, the river bottom, and all the subsequent parks that follow that river.

DISTASO: And expanding beyond that, did you send horse or foot patrol teams out into the outlying foothill area?

HELTON: To the foothill area, no. To the area to the west, Mapes Ranch and the San Joaquin Wildlife Reserve we did, yes.

DISTASO: What, besides the equestrian unit, what other parts of the search process were you involved with?

HELTON: Well, in Sergeant Cloward's absence I was actually in charge of the search efforts. During the time that Sergeant Cloward and I were both there, he was the lead as far as the search, and I assisted him.

DISTASO: Okay. And as part of the assisting, did you go with teams to certain areas wherever he would kind of designate teams needed to go?

HELTON: Teams or officers or my other equestrian members, yes.

DISTASO: And Sergeant Cloward testified that on some days he was, he stayed home, for whatever reason; and on those days did you assume command of the incident trailer down in the park?

HELTON: I did.

DISTASO: Okay. And so the daily logs and whatnot from that time, you would have, you would task somebody to kind of keep that information?

HELTON: I did.

DISTASO: The, would you also be involved with, as specific information would come in, or specific tips would come in, were you involved with sending teams out to deal with that information?

HELTON: I did.

DISTASO: And can you give the jury just some examples of tips that came in and what day they came in and what you did in response to that?

HELTON: Certainly. Probably the first incident that we actually responded to, or that I directed response to, in fact, I happened to be the one that responded, was some organs and unidentified remains that were found in the Foxgrove area of Stanislaus County.

DISTASO: Okay. And where, just so we have some clue as to where that is, here's People's 58. This is just a map of Modesto and its vicinity. Let me see if there's one. There's no county map, but basically where would that, to give the jury some sense of direction, where would this Foxgrove area be?

HELTON: Foxgrove would be approximately eight miles east of Modesto.

DISTASO: You can use the pointer.

HELTON: Following Yosemite Boulevard out to an area called Geer Road and Yosemite.

DISTASO: So you just basically went out this direction, it's out here somewhere?

HELTON: It is.

DISTASO: And that's part of the Tuolumne River system, right?

HELTON: Yes, it is.

DISTASO: Okay. You said there was some organs that were found. And what, what did you do?

HELTON: We actually contacted the Deputy Coroner, Rex Cline, who responded and identified that they were in fact animal organs.

DISTASO: And then, and that was, somebody called that tip in? They found this and your team got sent out there to deal with it?

HELTON: That's correct.

DISTASO: Okay. What's another example?

HELTON: Another example would have been on January 2nd.

GERAGOS: May I ask what Bates number stamp you are referring to?

DISTASO: Hold on one second.

JUDGE: So he can follow the discovery.

DISTASO: This way he can follow it. Just give him that number down there.

HELTON: 2389.

GERAGOS: Thank you.

DISTASO: Go ahead.

HELTON: On January 2nd I was contacted by Detective Brocchini, and during the course of his research had found an attempt burglary that had occurred in the area of 500 Covena, in that general area, and asked to have officers follow up on it.

DISTASO: Okay. Did you send teams out to deal with that?

HELTON: I had two officers looking. I had Detective Banks and Officer Mears, who was assigned to our tactical team, look into it.

DISTASO: And what's another example?

HELTON: Another example would have been a subject that I was familiar with in that area, who had been involved in burglaries and different things and actually lived just a couple of blocks from the Peterson home by the time of Christopher Barrett. Followed up on him and found out that he had been in custody in Jamestown at the time of the incident.

DISTASO: All right. And are these kind of representative examples, these aren't isolated examples, correct?

HELTON: No.

DISTASO: So these are just kind of representative samples of the information that was coming in that you or your teams were dealing with?

HELTON: That's correct.

DISTASO: Did you have another example?

HELTON: We had a phone call from a local defense attorney on January 2nd who walks his dog in the area of Orange Blossom Road, which is in eastern Stanislaus County, and had found like a latex glove or what he described as a dish washing glove and had the odor of something dead in the area, and sent two officers out to that area to check.

DISTASO: Okay. Were they able to find anything of evidentiary value?

HELTON: No, they were not.

DISTASO: And just so we have an idea where that is, that's, that would be kind of the northeastern part of, if this is the county here, here is Modesto, it would be kind of up in this area here?

HELTON: That's correct.

DISTASO: Okay. And can you give me another example, if you have one?

HELTON: Again on January 2nd we had a call from Covanta, it's C-O-V-A-N-T-A, Waste Management, and during the course, they have an incinerator in western Stanislaus County. During the course of their business had a rib cage and a heart, which they believed to be human at first, that had been caught in the machinery. We dispatched a deputy out there, and in turn the Deputy Coroner looked at it and determined that it was animal remains.

DISTASO: And this area that we're dealing, well, since we're here in the Bay area now and it's not quite as agriculture as the Central Valley, there's a lot of cattle up in the Central Valley?

HELTON: Yes, there are.

DISTASO: And there's a lot of open range land?

HELTON: Correct.

DISTASO: As well as wild populations of deer and other kinds of animals?

HELTON: That's correct.

DISTASO: So these kinds of things that you're describing, somebody slaughters a cow or something of that nature, it's not that really unusual in this part of the world, this part of the state I mean?

HELTON: No, it's not.

DISTASO: The, did you have any tips that came in that your team was aware of where somebody said they actually saw Laci Peterson?

HELTON: Had one in particular, yes.

DISTASO: And can you describe for the jury what that was all about?

HELTON: On January 10th, and it be number 3021, had a teletype from CHP, from an anonymous citizen, who stated that Laci was in the Tracy area and gave a vague description of a road on the outlying area of Tracy, as well as a description of two houses, and that she said that she was there and being abused.

DISTASO: And what day did that come in?

HELTON: It was January 10th.

DISTASO: Okay. And Tracy is, I guess you go along 120 and 205 from Modesto is what, maybe 30 or 40 miles west of Modesto?

HELTON: Probably 40 miles. In excess of 40 miles.

DISTASO: Okay. And did you send a team up there to deal with that?

HELTON: I did I sent Officer Beffa and Officer Locke immediately up there.

DISTASO: And did they investigate that incident?

HELTON: They did. They met with a Deputy Mears from the Alameda County, excuse me, San Joaquin County Sheriff's Department, who took the lead on following up on that information,

GERAGOS: Be an objection. It calls for hearsay, on the same grounds.

JUDGE: He just said they took the lead, he's not saying what they determined. Overruled. Go ahead.

DISTASO: Okay. Go ahead. You took the lead, and he was also involved in this investigation?

HELTON: That's correct.

DISTASO: And did they spend some time up there investigating this?

HELTON: Three days.

DISTASO: And did they report back to you that anything about that tip was substantiated?

GERAGOS: Objection. Calls for speculation and hearsay.

JUDGE: Overruled.

HELTON: There was no findings. They had searched five residences and could develop no leads.

DISTASO: Regarding the searches, you were involved in other searches, also; is that right? Besides just sending teams out, you yourself went out and did particular searching?

HELTON: I did.

DISTASO: And some of the searches at, I think at Tulloch Lake and some of the water searches you were personally involved with?

HELTON: Tulloch Lake specifically.

DISTASO: Can you just describe for the jury what happened, just give them a brief rundown of what you were doing.

HELTON: We had gone up there with the Calaveras and Tuolumne County dive teams at the O'Brynes Bridge at the entrance to Poker Flat at Tulloch Lake where they were conducting dives for approximately three days.

DISTASO: And you were present during that operation?

HELTON: Two of the three days, yes.

DISTASO: Did you send, did you also send teams out to, were you involved in sending any of the dog teams out to do searches?

HELTON: I helped to coordinate those, yes.

DISTASO: And were you also involved in sending teams or units out to contact some of the 290 registrants that you had a list for?

HELTON: We did.

DISTASO: What days did you participate in, in this particular investigation? From when to when?

HELTON: There were scattered days off amongst my duty days at that time, but consistently, for the most part, between December 25th and January 10th.

GERAGOS: I'm sorry, I missed the first date.

JUDGE: January, December 25th to January 10th.

GERAGOS: Thank you.

DISTASO: That was all I have.