Witness: Craig Grogan

Date: 2004-09-22

Proceedings held September 22, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Birgit Fladager (continued from previous day)

Day 3 of 8 for this witness

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

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September 22, 2004

FLADAGER: Detective Grogan, where we left off yesterday we were about to show a videotape and I am going to backtrack a little bit and just clear up a couple things. First of all, I'd like to take you back and we're going to talk about January 3rd and January 14th, two occasions where you had contact with Scott Peterson regarding Amber Frey. On January 3rd, do you remember that particular contact?

GROGAN: Yes.

FLADAGER: And on that particular day what contact did you have relative to Amber Frey?

GROGAN: I showed him the faxed photograph relating to that had been faxed to Modesto Police Department. It had his, his picture with Amber Frey in it.

FLADAGER: And the purpose of showing him that was what?

GROGAN: As an investigative technique.

FLADAGER: And to see how he'd react?

GROGAN: Yes, I wanted to see if he would tell me about Amber Frey at that point or not.

FLADAGER: Okay. And on January 14th, was that the date you indicated that you knew who Amber Frey was?

GROGAN: That's the day I told the defendant that, yes.

FLADAGER: Okay. And why is it that you told him that on January the 14th?

GROGAN: On January 14th, that was because of the information with the wiretap and the recordings and communications between Amber Frey and Jon Buehler and that information where we didn't know whether we had all of her conversations with him being recorded.

FLADAGER: Okay. So to clarify that rationale,

GERAGOS: Objection, leading.

JUDGE: Sustained.

FLADAGER: I believe you testified earlier something to that effect on January 3rd, so I'm just trying to clarify when that actually,

GERAGOS: Objection, leading.

JUDGE: Well, I think she's trying to clear up a question.

GERAGOS: I understand. She's testifying by doing it.

JUDGE: Go ahead. You can answer the question. But try not to ask leading questions.

FLADAGER: All right.

FLADAGER: Can you clarify, detective, the difference between the 3rd and the 14th.

GROGAN: Yes. I'm sorry, when I testified earlier I had the dates mixed up slightly and when I was talking about the 3rd previously I was thinking about the 14th.

FLADAGER: All right. Thank you. I'm going to ask you too about a shopping center at the intersection of McHenry Avenue an Briggsmore in Modesto. Are you familiar with McHenry Village Shopping Center?

GROGAN: Yes, ma'am.

FLADAGER: And do you know where Salon Salon hair salon is located?

GROGAN: I do.

FLADAGER: And where is that located?

GROGAN: It's located in McHenry Village.

FLADAGER: How about Edwards Jewelers?

GROGAN: Edwards Jewelers is also located in that same complex, yes.

FLADAGER: And the yoga shop that we've heard about earlier, the morning yoga?

GROGAN: That address is in the same complex, yes.

FLADAGER: And I think we have some evidence here I'd like you to take a look at.

JUDGE: Has it been marked already, Ms. Fladager?

FLADAGER: It has. Detective, I'm going to show you what has been marked as People's Exhibit 241. Will you go ahead and take a look at that envelope and tell us if you recognize what it is.

GROGAN: Yes.

FLADAGER: What is it?

GROGAN: It is a Modesto Police Department evidence envelope marked with evidence No. 43 A, debris from boat cover.

FLADAGER: And where did you get that?

GROGAN: I collected that at the Department of Justice Crime Lab in Ripon and it looks like on 12/10 of 2003.

FLADAGER: And is that something that you subsequently delivered to an expert in concrete?

GROGAN: Yes, and, actually, I, I received an envelope from Pin Kyo, which was sealed at the time I initialed that envelope which is inside this one, and then I put my own outer envelope over the top and put Modesto Police Department markings on it and then transported it.

GERAGOS: Could I, that was the answer to the second question? You didn't deliver it and then get it back from Pin Kyo.

GROGAN: No, I got it from Pin Kyo.

GERAGOS: And then delivered it?

GROGAN: And then I delivered it to Murphy's.

GERAGOS: Okay.

FLADAGER: Next, detective, I'm going to ask you take a look at what has been marked as 206B?

JUDGE: What's the number again?

FLADAGER: 206 B.

GERAGOS: 206 B.

JUDGE: 206 B.

FLADAGER: Detective, I'm going to ask you to take a look at that particular item and turn to, I believe it's page 31. There's a green post-it note marking it. Do you see that page?

GROGAN: Yes, ma'am.

FLADAGER: And there are a few numbers highlighted there, do you recognize whose number there that is highlighted?

GROGAN: Yes.

FLADAGER: Whose number is that?

JUDGE: Can we just identify what it is for the jury. This is the AT&T binders with the bill usage records.

FLADAGER: For Scott Peterson.

JUDGE: Right.

GROGAN: Yes, both of the highlighted numbers on page 31 are the cell phone number for Detective Allen Brocchini.

FLADAGER: Thank you.

FLADAGER: And, Your Honor, next I have a videotape that I don't think we've marked it.

JUDGE: Marked next in order.

FLADAGER: Yes, please. This is a search warrant videotape from February 18th.

JUDGE: All right. This will be marked 278.

GERAGOS: 278?

JUDGE: Yes, search warrant video from 2/18. Right?

FLADAGER: Yes. And, Your Honor, I'd ask to go ahead and play this videotape at this time.

JUDGE: Okay. If you lay a foundation. Have you looked at this, detective Grogan?

GROGAN: Yes, Your Honor.

JUDGE: Does it accurately represent the seen as you saw it on the 18th?

GROGAN: Yes.

JUDGE: Okay.

FLADAGER: What we will do to give the Court notice is that at one point there's a lengthy segment throughout the backyard showing various trees and we'll just fast forward through that particular section.

JUDGE: So the jury knows. Okay.

(Videotape played)

FLADAGER: And, Detective Grogan, if you could, as we change scenes, just indicate where we are at the house?

GROGAN: That is starting at the driveway area and leading through the north gate into the backyard. And to the right side of the screen is the shed where the blue tarp was found.

FLADAGER: And that was back in December?

GROGAN: Yes. Entering the door of the house through the sun room area be the dining room off to the left. And now going down the hallway it leads to the bedrooms in the location.

FLADAGER: The room that we're looking at right now, is there a difference in this room in February than there was in December?

GROGAN: Yes.

FLADAGER: What's that?

GROGAN: The bed that was in that room in December is not there any longer and it appears that a sofa that had been at the warehouse is now inside that room.

FLADAGER: At the time this video was taken has there been any searching done yet or is this the condition of the house upon entry?

GROGAN: This is the condition of the house on entry. The only searching that had been done at that point, if then, was possibly the two bags on the floor out in that sun room area that Mr. Peterson had packed to leave with that day.

FLADAGER: And are these books and photographs that we're looking at, the ones that you cataloged individually as part of your report?

GROGAN: Yes.

FLADAGER: The closet that we're looking in, is this still in this guest room area, study area?

GROGAN: Yes, it is. Okay. At this point we're stepping into the master bedroom of the home.

FLADAGER: And are we about to see drawers opened on a dresser?

GROGAN: Yes.

FLADAGER: Is there something you see, particular drawer, the top left drawer which is important to you?

GROGAN: Yes, that's the shirt that Amy Rocha had picked out as being most likely the one worn by Laci Peterson on December 23rd when she was at Salon Salon.

FLADAGER: And what was the condition of that? Were you present when the shirt was pulled out of the drawer?

GROGAN: Yes, Amy took it out, Amy took it out of the drawer and I remember the sleeves were turned inside out on it. This is a scarf in that picture of the lighter of the scarves that Amy also selected that day.

FLADAGER: Was there a pair of shoes in that general area that Amy collected?

GROGAN: Yes, a pair of black shoes. There's some tan pants that she looked at in that same closet that were hanging there as well, and I don't see them in the video right there.

GERAGOS: Did?

GROGAN: I did not see them just in that. Now walking into the nursery area.

FLADAGER: What's changed about the condition of this room on February 18th from when you saw it in December?

GROGAN: Those black chairs were inside there. It appears that the bedding right there, I believe that was on the bed had been in the neighboring bedroom on the 26th, 27th search warrants. It's on the floor.

JUDGE: By the "neighboring bedroom" do you mean the second bedroom?

GROGAN: Yes. It's like items are stored there.

FLADAGER: What are they looking into now?

GROGAN: It's a hall closet or storage area. Now stepping into the bathroom off the hallway. Okay. This is another closet. It has a crawl space at the bottom and it's at the end of the hallway nearest the dining room area. And this is the dining room. This appears to be the box spring and mattress behind it against the windows in the dining room. I assume that came out of the second bedroom.

FLADAGER: Is that one of the two bags we talked about yesterday?

GROGAN: Yes, ma'am. And this is the kitchen area.

FLADAGER: This is the family room sitting room area?

GROGAN: Yes.

FLADAGER: And is this the second bath?

GROGAN: Yes, it is.

FLADAGER: Do you notice anything about that shower head?

GROGAN: It doesn't appear that there is a shower head there. It looked to me like there was a threaded end with maybe some plumber's tape on it. We're back in that sun room area.

FLADAGER: And, then, Your Honor, Mr. Geragos asked that we not fast forward through this so we'll play this all the way through. Detective Grogan, just by way of reminder, did you ask that all these in the backyard be documented?

GROGAN: Yes, I asked that they be videotaped and photographed.

FLADAGER: Do your notes, detective, reveal how many trees that you saw something that there appeared to be scratches on?

GROGAN: Yes, they do, I believe there's four where I made observations there were scratches.

FLADAGER: And. Detective, as long as we are getting to the trees right now, let me just ask a couple questions. Were there some business documents and records that you found within the defendant's house during that search warrant?

GROGAN: I believe so, yes.

FLADAGER: And did you take them or did you make other arrangements for them?

GROGAN: There were some business cards and there were some records that Mr. Peterson was interested in keeping and so we made arrangements to photocopy those and he kept the originals and we've, we photographed the business cards so we wouldn't have to take those.

FLADAGER: At the conclusion of the search warrant when the Modesto Police Department was through inside, what steps were taken prior to leaving?

GROGAN: Well, when we were serving the search warrant, we had a number of people there. And at the later stage of the search warrant there was quite a bit of grass clippings and stuff that we tracked into the house, so we swept the floors and tried to vacuum up the mess we had made.

FLADAGER: Detective, as we're passing the jacuzzi,

JUDGE: I can barely hear you, Ms. Fladager.

FLADAGER: As we pass the jacuzzi here are we coming down to the last side of the yard?

GROGAN: I believe, yes.

FLADAGER: And, detective, let me ask you this, why did you think it was important to go ahead and videotape each and every one of these trees in the backyard?

GROGAN: That was something that the defendant had said and there was evidence there that showed that he was telling the truth on that; that those trees had been scratched by something.

FLADAGER: Any indication on any of these trees of chicken wire around them?

GROGAN: No.

FLADAGER: And, detective, we're just about done here, so just as a leadin, if you go ahead and turn to Bates stamp 533.

JUDGE: We'll admit 278 into evidence. (People's Exhibit 278, previously marked for identification, was admitted into evidence.)

FLADAGER: All right. Detective Grogan, you just talked about the search warrant that was conducted on February 18th and February 19th?

GROGAN: Yes.

FLADAGER: In that search warrant you talked about a tracker that was installed in the defendant's new truck; is that right?

GROGAN: Yes.

FLADAGER: On the very next day, Thursday, February 20th, did you get any indication as to whether the new tracker was working or not working?

GROGAN: The new tracker was not working.

FLADAGER: The tracker that had previously been installed by the San Diego Department of Justice when the car was at the Los Angeles Airport, was that tracker still working?

GROGAN: It was, yes.

FLADAGER: All right. On Friday, February 21st, did you take some steps again related again to the Laci info tip line that had been established outside of the police department? Bates stamp approximately 535.

GROGAN: Yes.

FLADAGER: And did you, who is it you contacted, if anyone?

GROGAN: I contacted Agent Ernie Limon and Agent Denise Felix of the Department of Justice in San Diego.

FLADAGER: And why did do you that?

GROGAN: I asked that a female make a phone call to the Laci info line and leave a tip from that area code and I wanted to see if that tip would later be forwarded to Modesto police.

FLADAGER: Let me just go ahead and ask you the question now, was that tip ever forwarded to the Modesto police?

GROGAN: No.

FLADAGER: Moving on to Saturday, February 22nd, did the tracker give you any indication as to where the defendant was on that day? Bates stamp No. 543.

GERAGOS: 543?

FLADAGER: Yes.

GERAGOS: Thank you.

GROGAN: Yes.

FLADAGER: Where was he?

GROGAN: The tracker showed that Scott Peterson was in the area of Lake Arrowhead.

FLADAGER: And later was he also in San Diego?

GROGAN: Yes.

FLADAGER: Did you get some results from information from the Department of Justice regarding testing of items that had been seized in the December search warrant?

GROGAN: Yes.

FLADAGER: And let me ask you specifically findings regarding the truck and the comforter.

GROGAN: Yes, there was results on blood samples from the comforter cover and from the blood and Scott Peterson's truck.

FLADAGER: And those came back as being Scott Peterson's?

GROGAN: Yes.

FLADAGER: All right. Moving on to Monday, February the 24th. Did you have a conversation with Jackie Peterson? Approximately 546 as a Bates stamp

GERAGOS: 546?

FLADAGER: Or shortly thereafter.

GROGAN: I believe it's going to be on 550. I'll look at it for a moment. Yes.

FLADAGER: What was the purpose of that phone conversation with Mrs. Peterson?

GROGAN: We spoke about tips from the Laci info line and I'd asked that we receive those tips, and that's about it there.

FLADAGER: All right. On that particular day did you have, did you do anything in relation to follow up about the Croton watch being placed on E-Bay back in December?

GROGAN: Yes.

FLADAGER: And what was that?

GROGAN: There was someone who had had bid on that watch when it was listed on E-Bay and I contacted him to see if he had purchased it and to ensure that the records were accurate; that it had not been sold.

FLADAGER: Moving on to February the 26th, did the tracker give you any indication as to where Scott Peterson was on that day? Bates stamp approximately 662.

GROGAN: I'm sorry, 662?

FLADAGER: Yes.

GROGAN: And your question was about tracking?

FLADAGER: Yes.

GROGAN: Yes, the tracking device was showing that Mr. Peterson was located somewhere near Lake Arrowhead.

FLADAGER: On this particular day did you have any contact with the Department of Justice relating to the hair that was found in the pliers?

GROGAN: Yes.

FLADAGER: Did you learn anything new during this conversation?

GROGAN: Yes, I learned a description of his examination of the hairs and also learned that mitochondrial DNA was possible on hair.

FLADAGER: Even without the root?

GROGAN: Correct.

FLADAGER: Let's move ahead to February the 28th. Are tips received by someone in your department? Approximately 680 as a Bates stamp.

GROGAN: I'm sorry, the date again.

FLADAGER: February the 28th.

GERAGOS: 680?

GROGAN: I'm sorry, I'm having a little trouble finding it.

GERAGOS: I don't either. I just skipped from February 26th to March 5th, basically.

FLADAGER: Well, let me ask this question which will probably clarify it. Did Captain Aja in your department receive some tips from the Laci Info Line?

GROGAN: Yes.

FLADAGER: And did you become aware of those?

GROGAN: Yes.

FLADAGER: Did you take a look at those?

GROGAN: I did.

FLADAGER: Can you give us a general description of the nature of the tips and the status of them when you received them?

GROGAN: There were several pages of tips. Some of them were duplicate pages and there was nothing of, of any real significant that I saw.

FLADAGER: Now did these originate from Jacki Peterson, do you know?

GROGAN: Yes.

FLADAGER: And did they come to you directly?

GROGAN: No, they were faxed to the captain's office and, actually, I'm not certain who sent them absolutely.

FLADAGER: All right. Moving on to March 3rd, did you have a conversation with Scott Peterson on that particular day? Bates stamp approximately 653.

GROGAN: Yes, I did.

FLADAGER: And did you get any information from him that you were particularly interested on that occasion?

GROGAN: Yes, I had heard some information that when the defendant and Laci Peterson were at California Adventure that Laci had been pushed in a wheelchair so I asked Scott about that and he said that was true.

FLADAGER: And the approximate time frame for when they were at the California Adventure Park, Disneyland?

GROGAN: That was sometime in November from memory.

FLADAGER: In 2002?

GROGAN: Yes.

FLADAGER: Moving on to March 5th. Was there a press conference that the Modesto Police Department had in conjunction with the Sund-Carrington Foundation? Bates stamp 684.

GROGAN: Yes.

FLADAGER: And what happened at this press conference on March 5th?

GERAGOS: Can I ask what Bates number stamp is. Is that 687?

GROGAN: I think it's 685.

GERAGOS: Thanks.

GROGAN: On that date we a reward was established for $50,000 for the recovery of Laci Peterson.

FLADAGER: Is this approximately three weeks after her due date?

GROGAN: Yes.

FLADAGER: On March 6th did you do additional follow-up investigation relating to the jewelry?

GROGAN: Yes.

FLADAGER: And can you tell us what that was that you did.

GROGAN: Well, I spoke with a CSO, Community Service Officer, that worked in our pawn detail and I provided with her with the information about the Croton watch and asked if she could run that through her system to see if anyone had pawned a watch like that, and I think I got some results at that point.

JUDGE: What were the results?

GROGAN: She told me that she did find one, one pawned, one pawn receipt for a Croton watch, but that the receipt didn't make any mention of diamonds in it and it said the watch was scratched, and it didn't appear consistent with what we were looking for.

FLADAGER: And for purposes of pawn shop receipts with valuable jewels, like diamonds, need be noted?

GROGAN: That was my understanding from her, yes.

FLADAGER: As part of your follow-up on jewelry on this particular day did you watch a videotape that we talked about previously that was recovered after the burglary by Kim McGregor?

GROGAN: Yes, I did.

FLADAGER: And what is it that you discovered when you watched that video?

GROGAN: Well, I watched it and it contains several, several different small clips in it throughout the video, including things like traffic patterns that appear in the neighborhood close by to where they reside. There's some driving in vehicles on Encina Avenue. There are some images of the defendant's truck with the flatbed trailer attached to it, some job site footage, it appears, and some, there's some other, like a, there appears to be a fishing trip that's videotaped. Additionally, there's, there's several photographs, there's several small segments at the end that show items that appear to be on E-Bay and appeared that the photos for E-Bay matched the videotape.

FLADAGER: And one of these items is the Croton watch?

GROGAN: Yes, one of the items is, yes.

FLADAGER: With diamonds around the face?

GROGAN: Yes.

FLADAGER: And based on you analysis of that videotape and watching it does it appear that's it's been videotaped for several minutes?

GROGAN: Yes.

FLADAGER: At different times?

GROGAN: Yes.

FLADAGER: Does the time ever change on the watch?

GROGAN: No.

FLADAGER: What conclusion did you draw from that?

GROGAN: That the watch was probably not functional; that the battery was dead, and there are several other watches that were also videotaped on that and many of them appeared to be working.

FLADAGER: Your Honor, I was going to show the videotape at this time, but what I think I'll do is ask a few more questions and we can come back to that in the morning.

FLADAGER: Detective, I'm going to jump ahead to March 19th. Bates stamp approximately 836.

GROGAN: 836?

FLADAGER: Yes. I'm going to ask you specifically about Michelle Buer.

GROGAN: Okay.

FLADAGER: Did you interview Michelle Buer on that day?

GROGAN: It appears so, yes.

FLADAGER: And where was she?

JUDGE: Would you spell the last name, please.

FLADAGER: B-U-E-R. Was she employed?

GROGAN: She's employed at Sweet Serenity Day Spa.

FLADAGER: Did you subsequently interview Michelle Buer on April 30th in preparation for trial?

GROGAN: I did.

FLADAGER: And that's Bates stamp 40490. Did you make any corrections based upon your second interview with Michelle Buer?

GROGAN: I did.

FLADAGER: And why was that?

GROGAN: Because I apparently misinterpreted something she said in the original report and when I met with her and had her review her report to see if it was accurate, she corrected it so I wrote a report correcting it.

FLADAGER: Okay. And what was the nature of the miscommunication or misperception?

GROGAN: Whether she was or was not at the volunteer center and what observations she would have made there.

FLADAGER: Let's move to April 4th, and that's Book 3. Book 3. Bates stamp 17509.

GERAGOS: Ms. Fladager, again.

FLADAGER: 17509.

GERAGOS: Thank you.

GROGAN: Okay

FLADAGER: Detective Grogan, on April 4th did you get some information relating to the defendant's vehicle and where it might be located and where the defendant might be located?

GROGAN: Yes.

FLADAGER: And what is it, how is it you get this information?

GROGAN: If I can read through this just for a moment, please.

FLADAGER: Sure.

GROGAN: On that particular day I received a faxed police report from the Berkeley Police Department and it was a report that had been completed by the defendant while in the City of Berkeley. He reported a vandalism on April 1st and there was some follow-up by the local agency there. Someone was detained, but not arrested.

FLADAGER: As a result of the police report that he filed, was information taken about the vehicle he was driving?

GROGAN: Yes.

FLADAGER: And did that caution you any concern?

GROGAN: Yes, he wasn't, he wasn't driving the vehicle that we installed the tracker in, he was driving another vehicle, a full size extra cab Ford truck.

FLADAGER: And did you determine who that vehicle was registered to?

GROGAN: Yes, it was registered to Lee Peterson.

FLADAGER: Did you attempt to locate where the vehicle with the tracker in it was located?

GROGAN: Not that I see right here, no.

JUDGE: Okay. Let's stop right there because I want to stay on the record after the jury goes. All right. Ladies and gentlemen of the jury, we'll take the evening recess. I've got to stay on the record. I've got some odds and ends to deal with. You don't have to be present for that. So remember you're not to discuss this case among yourselves or with any other person. You're not to form or express any opinion about this case. You're not to listen to, read or watch any media reports of this trial, nor discuss it with any representatives of the media or their agents. We'll be in recess until 9:00 o'clock tomorrow morning. We'll see you then.

(Jury excused for the evening)

JUDGE: All right. Let the record show that the jury's filed out for the evening. Is there any issue now about this tape that we're going to see tomorrow because,

GERAGOS: I've got the transcript. I told Ms. Fladager that I would review it tonight.

JUDGE: Okay. You'll review it tonight then you'll let me know tomorrow if you want me to review it if there's any 402 issues?

GERAGOS: Yes.

JUDGE: Okay. Then you'll let me know in the morning. And then I'll also rule on the admissibility of Officer Chris Bromas' testimony tomorrow, also. I've read the transcripts and I'll rule on it tomorrow morning. Okay. We'll be in recess until 9:00 o'clock tomorrow morning. Do you think you're going to finish at least on the direct examination of this witness tomorrow morning?

FLADAGER: Yes. Hopefully by lunch time.

JUDGE: By lunch time?

FLADAGER: Yeah. Hopefully.

JUDGE: Okay. We'll be in recess until 9:00 o'clock tomorrow morning.