Witness: David Fernandez

Date: 2004-06-29

Proceedings held June 29, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Pat Harris; Redirect – David Harris; Recross – Pat Harris

Day 1 of 1 for this witness

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

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Direct Examination by David Harris

D. HARRIS: Mr. Fernandez, witness that just left here, Eric Olsen, do you know him?

FERNANDEZ: Yes.

D. HARRIS: I want to direct your attention back to October 13th of 2002. Did you meet him at a CAPCA conference?

FERNANDEZ: Yes, I did.

D. HARRIS: Where was that?

FERNANDEZ: Disneyland.

D. HARRIS: So that would be down in Anaheim?

FERNANDEZ: Yes.

D. HARRIS: When had you prearranged to meet him down at the conference at some point in time?

FERNANDEZ: Yes, I did.

D. HARRIS: And on the first day of that conference, did you end up, or arrangements, or kind of just ending up together going out to dinner that night?

FERNANDEZ: That was on Monday night, I believe.

D. HARRIS: Is that the first day of the conference?

FERNANDEZ: No, it's not.

D. HARRIS: Second, third day. What do you remember?

FERNANDEZ: Second day.

D. HARRIS: And so that Monday night, did you guys end up some place, you and Mr. Olsen?

FERNANDEZ: It was the first day, because Sunday we were supposed to arrive. So I was mistaken. Monday is the first day of the conference, yes. So it was first night, yes.

D. HARRIS: And did you arrange to meet up with Mr. Olsen?

FERNANDEZ: Yes.

D. HARRIS: Do you know what business he was there with?

FERNANDEZ: Trade Corp.

D. HARRIS: Did you know Mr. Olsen prior to that particular conference back in October of 02?

FERNANDEZ: Yes. He worked with me at Britz fertilizers as a Pest Control Adviser.

D. HARRIS: When you guys get together, you were saying you were at this restaurant at Disneyland, were you joined by any other people?

FERNANDEZ: Shawn and Scott.

D. HARRIS: The person you are identifying as Shawn, did you know that person prior to that time?

FERNANDEZ: Just that evening I got to know her, yes.

D. HARRIS: That would be Shawn Sibley?

FERNANDEZ: Yes.

D. HARRIS: And the person that you were referring to as Scott, who was that?

FERNANDEZ: Scott Peterson.

D. HARRIS: You are looking over across the room. You are referring to the defendant Scott Peterson?

FERNANDEZ: Yes.

D. HARRIS: Had you known him prior to that meeting?

FERNANDEZ: I met him earlier in the day, but through Eric, yes.

D. HARRIS: That would be at the booth for Trade Corp?

FERNANDEZ: I think outside.

D. HARRIS: When you kind of get together at dinner, was Shawn Sibley introduced to Scott?

FERNANDEZ: I introduced Shawn to Eric Olsen, and then I think Eric, Scott went to go talk to Eric, and that's when he got introduced to Shawn.

D. HARRIS: So the defendant got introduced to Shawn. That was the first time they had met?

FERNANDEZ: That I don't know. I believe so.

D. HARRIS: There were introductions going around?

FERNANDEZ: Yes exactly. Everybody was getting to know each other, yes.

D. HARRIS: During the time that you were there, were you aware if the defendant was married or not?

FERNANDEZ: No, I did not know.

D. HARRIS: And were you aware if Shawn Sibley was married or not, or engaged?

FERNANDEZ: We found out at dinnertime. She told us she was engaged, yes.

D. HARRIS: She told you she was engaged?

FERNANDEZ: Yes.

D. HARRIS: During the time that the, did the conversation turn to anything that somewhat bothered you?

FERNANDEZ: Well, Shawn and Scott were having a conversation together. They were talking about possibly doing some business together through her research business. And eventually I guess, you know, Scott started talking a little bit more, and more personal matters with Shawn. And he was interested in her relationship, because she had told him that she was engaged. And

so he kept on asking questions pertaining to that.

D. HARRIS: Did it,

FERNANDEZ: Personal questions.

D. HARRIS: Did it progress to even more personal after that?

FERNANDEZ: Yes.

D. HARRIS: How so?

FERNANDEZ: Well, you know, it just got more and more personal. I guess he was trying to figure out if, how committed she is, she was in her relationship with her fiancé.

D. HARRIS: And while you were sitting there with this going on, did this make you feel any particular way?

FERNANDEZ: Well, you know, I just didn't belong there. So I finished eating as quick as I could, and I took off.

D. HARRIS: Based on the conversation?

FERNANDEZ: I was somewhat uncomfortable. But, yeah.

D. HARRIS: Then you left?

FERNANDEZ: Yes.

D. HARRIS: People have no other questions.

Cross Examination by Pat Harris

P. HARRIS: Mr. Fernandez, during the course of the evening, the conversation that was going on between Miss Sibley and Mr. Peterson, was it solely coming from Mr. Peterson's direction?

FERNANDEZ: Personal questions, yes.

P. HARRIS: The Miss Sibley was not discussing the sexual nature of things, was she?

FERNANDEZ: Not really. I don't think so.

P. HARRIS: Just Scott?

FERNANDEZ: Well, they were talking about not just sexual nature, but other things, personal things. She was discussing her personal things, yes.

P. HARRIS: I have nothing further.

Redirect Examination by David Harris

D. HARRIS: Mr. Fernandez, you mentioned that sexual nature. Do you specifically recall that the defendant asked Shawn Sibley what her favorite sexual position was?

FERNANDEZ: Yes, I do recall that.

D. HARRIS: Nothing further.

Recross Examination by Pat Harris

P. HARRIS: Do you recall she not only answered, but she gave a very graphic description? Gave a very graphic description?

FERNANDEZ: To tell you the truth, I don't think she did.

P. HARRIS: You don't recall that?

FERNANDEZ: I don't recall that, no. No, I listened to that. It wasn't none of my business anyway being there at any time listening to that.

P. HARRIS: That's all I have.