Witness: Alonzo Chess

Date: 2004-07-07

Proceedings held July 7, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Pat Harris; Redirect – Rick Distaso; Recross – Pat Harris

Day 1 of 1 for this witness

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

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

Page/line: not available (source HTML has no page or line markers)

Text below is verbatim from the source page for this date only.

Direct Examination by Rick Distaso

DISTASO: Mr. Chess, where do you work?

CHESS: For the City of Berkeley at the Berkeley Marina.

DISTASO: And how long have you worked there?

CHESS: Be 19 years come July 17.

DISTASO: Okay. Let me show you these photos marked 106 A through 106 E, and then let me know if you recognize what all those photos depict. You can look through them just one at a time to yourself. Do you recognize that?

CHESS: Yes.

DISTASO: Okay. And you can go ahead, just flip through them real quick. Do all of these pictures represent the Berkeley Marina?

CHESS: Yes.

DISTASO: Okay. And they're, they're pictures of various parts of the marina; is that right?

CHESS: Yes.

DISTASO: And let me show you 106A on the screen here. Do you recognize 106A as an overview of the Berkeley Marina?

CHESS: Yes.

DISTASO: And what, what are your duties there at the marina? What is it that you do?

CHESS: Maintain the landscape in those areas, picking up litter, mowing lawns, trimming the trees.

DISTASO: Okay. And so I think you, are you the landscape supervisor?

CHESS: Yes.

DISTASO: Okay. So when we see the vegetation in the various parts there of the marina, you and your crew is responsible for maintaining that?

CHESS: Yes.

DISTASO: Were you working on December 24th, 2002?

CHESS: Yes.

DISTASO: And what hours did you work on that day?

CHESS: It would have been 6:30 a.m. to 3:00 p.m.

DISTASO: Is that your normal shift?

CHESS: Yes.

DISTASO: What, where do you normally work?

CHESS: We have a set routine, so each morning we police or cruise through the entire marina to start our morning shift off. And then we'll do a basic crew assignment on whatever area that we had planned for that day.

DISTASO: Okay. And so the entire, let me use the laser pointer here. The entire marina complex, you and your crew kind of, I mean, maintain or deal with?

CHESS: Yes. Kind of like a horseshoe. We'll go around that whole area.

DISTASO: The, on that particular day, well, let me ask you this, mostly you work outdoors?

CHESS: Yes.

DISTASO: You have a truck and drive to various areas?

CHESS: Yes.

DISTASO: On that day on the 24th, were you working outdoors that day?

CHESS: Yes.

DISTASO: And where in the marina did you go during the day, your shift? You can use in laser pointer, hit the button there and just show the jury just kind of the areas that you were working at.

CHESS: Our headquarters or shop area is like, our yard is like right in there. And the first duties of the day, we generally start off patrolling or policing for litter, broken lamps and things from winter damage, storm damage. And we patrolled through this area here and come back around and circle all the way back around, hope I'm not moving too fast, back down Spinnaker Way, coming down to the circle, policing in that area, litter, coming back through the boat launch parking lot and the front, and also around at the boat launch and back through and kind of come on back through. And that's our general first deal in the morning, and then back to the yard.

DISTASO: Okay. And did you do that on that particular day? Did you make that general trip?

CHESS: Yes.

DISTASO: And do you do that kind of patrol through the marina throughout the day?

CHESS: Particularly in the wintertime, so, it's more slower work for landscape, so at that time we would be coming back and forth quite a bit.

DISTASO: And the boat launch area, can you point that out?

CHESS: Let's see, this would be probably the parking lot here, and then right in that area there, I believe. Yes.

JUDGE: There's two ramps?

CHESS: Yeah. Right in there. One of them is the boat launch.

DISTASO: The, is that the only area in the marina where, like, the public can go and pay a launch fee and then launch a boat?

CHESS: Yes.

DISTASO: The, on that particular day, on the 24th, what was the weather like?

CHESS: Kind of cold, maybe a little windy. Ten miles an hour wind, that would be my guess. I thought maybe it rained the day before, so it could have been a little damp and cold conditions. Kind of, kind of nasty early, and a lot of times we get three different weather patterns in one day. You know, get cold wind, and in the afternoon the sun may break out, and later on it will get back cold again and windy.

DISTASO: And that's kind of a typical later December weather pattern then?

CHESS: Yes.

DISTASO: Okay. The, on, on that day, on, on that day in particular, what was the people traffic at the marina? I mean how busy was it?

CHESS: It wasn't that busy at all. That time of the year, it's Christmas just about, so it wasn't very many people around. Just a few.

DISTASO: Okay. When you, did you drive through the boat launch area?

CHESS: Yes. Yes.

DISTASO: Did you see any boats or trailers or trucks there of people who had launched their boats that day?

CHESS: Maybe one or two, or a few.

DISTASO: Is, was, is this time of year at the marina a busy time of year? Or not busy time?

CHESS: Not so busy.

DISTASO: No further questions, your Honor.

Cross Examination by Pat Harris

HARRIS: Good morning, Mr. Chess.

CHESS: Good morning.

HARRIS: You mentioned, if I'm correct, that the office you actually, I guess, report to in the morning or you check out of is, is there, somewhere around right in here; is that about right?

CHESS: Right in, yeah, about right in there somewhere.

HARRIS: And that is where, where you work the mornings?

CHESS: Yes.

HARRIS: Get started? Do you recognize a brochure from the office?

CHESS: Yes.

HARRIS: You've seen that brochure before?

CHESS: Yes.

HARRIS: That's the brochure that they hand out at the office for information as far as the marina goes?

CHESS: Yes.

HARRIS: In the brochure it mentions that the Berkeley Marina, the marina that we're looking at in the picture, is the largest marina in Northern California. Is that your understanding as well?

DISTASO: Objection, your Honor. Lack of foundation.

JUDGE: Overruled.

CHESS: For my information, I think it's one of the largest.

HARRIS: Okay. The brochure in fact says that it is the largest. Is that, is that your understanding?

CHESS: Well, I've been to the marina in Berkeley, but I haven't been to all the marinas.

HARRIS: Well, you did mention that, as a matter of fact, I think Mr. Distaso said to you that this was the, I may have this question wrong but, this was the only marina you can launch a boat on in the Bay?

CHESS: No.

DISTASO: Objection, your Honor.

JUDGE: No, he didn't. He, he qualified it. He did not ask, ask that question, I don't believe. He asked if that was the only place you could launch at the Berkeley Marina.

HARRIS: At the Berkeley Marina. It's, I'm sorry. I wanted to make sure I got that right.

HARRIS: So this is the only place in the Berkeley Marina that you can launch; is that correct?

JUDGE: The two ramps.

CHESS: Right. Those ramps there, that's the Berkeley Marina boat launch for, the public launch is located.

HARRIS: But, in fact, this is not the only place you can launch in the Bay, is it?

CHESS: For the public.

JUDGE: If you know.

CHESS: As far as I know for the public, that is correct.

HARRIS: Okay. So there are other marinas or they're all private is what you're,

CHESS: No.

HARRIS: Okay. I asked that question poorly. There are other marinas in the Bay, correct?

CHESS: There's Emeryville, there's Richmond.

HARRIS: So you're aware of several?

CHESS: Only one at the Berkeley Marina.

HARRIS: Right. But you're aware in the Bay that there are other marinas?

CHESS: Richmond, Emeryville, yes.

HARRIS: Okay. In fact, have that marked as defendant's next.

JUDGE: That will be Triple B.

HARRIS: In fact, your office also hands out a list of all the other marinas in the Bay, 34 other marinas. Do you recognize that document that your office hands out?

CHESS: I recognize Bay area marinas listing, and it lists quite a few.

HARRIS: Mentions some of the ones you mentioned. Mentions the Emeryville one. I think the Richmond as well. The Richmond Muni, which I assume would be Richmond Municipal. So those would be some of the ones that you recall as well?

CHESS: Yes.

HARRIS: The day that you were working, the 24th of December, you recall during that day that you specifically went to this area, you have a specific memory of going to that area that day?

CHESS: Yes.

JUDGE: When you say "that" area.

HARRIS: The area, let me clarify that.

HARRIS: The area around the boat launch?

CHESS: Yes.

HARRIS: Okay. You go there and have been going there every day for, I believe you testified you've been working there about 19 years. So this is a place you go to pretty frequently, yes?

CHESS: Yes.

HARRIS: You're very familiar with this area?

CHESS: Yes.

HARRIS: And one of the things you're familiar with is the boat launch where you actually put your boat into the water and go down a ramp, correct?

CHESS: Yes.

HARRIS: Okay. And on both sides, before you go down the ramp, there are boats on both sides, correct?

CHESS: Yes.

HARRIS: There are boats in slips all throughout the area, right?

CHESS: Yes.

HARRIS: And you're aware that in these, on these boats, a number of people live full time on these boats, don't they?

CHESS: There are people who live on those boats. I wouldn't know specifying which ones, though.

HARRIS: They're called, if I've got the phrase wrong, live-aboards or live-aboards, I'm not sure?

CHESS: Live-aboards.

HARRIS: And those refer to people who actually live on the boat 24 hours a day; it's their home?

CHESS: Correct.

HARRIS: And the Berkeley Marina, in fact, there are approximately a thousand, a little over a thousand slips for people to park their boats; is that correct?

CHESS: Yeah, I would say, yeah. I'm not a marina attendant, but I, you know, count and looking at the numbers, yeah.

HARRIS: Okay. The area where you launched the boats, where you're going down, the ramp itself goes down from a level of up down into the actual water; is that correct?

CHESS: Correct.

HARRIS: And as you're standing on the top of the boat ramp you can actually look down into the boats and into the boats that are being launched, can't you?

CHESS: Considering the tide, yes.

HARRIS: And as a matter of fact, people drive into that parking lot fairly frequently, drive through that parking lot; is that right?

CHESS: Correct.

HARRIS: And the people who even walk, there's a park nearby that people walk quite frequently, and they also walk through that area frequently, don't they?

CHESS: Correct.

HARRIS: In fact, as you stand above the boat ramp where the boat's being launched, there is a fairly regular amount of traffic that goes by there on a regular basis, isn't there?

CHESS: Correct.

HARRIS: And you add that to the fact that on these boats there are people living on the boats and there's quite a bit of traffic from them walking back and forth on the boat slips, correct?

CHESS: It could be, correct.

HARRIS: Okay.

CHESS: Uh-huh.

HARRIS: And the boat slips are also elevated above the water, aren't they?

CHESS: Yes.

HARRIS: So anyone who is walking along one of those boat slips as a boat passes by could easily look down into the water and see what's in the boat, couldn't they?

DISTASO: Objection. It's argumentative. Calls for speculation.

JUDGE: Sustained. Sustained.

HARRIS: The body, as you go out the boat ramp, as you've launched and you go out into the Bay, are you familiar that there is a fuel lock right here?

CHESS: At one time there was a, I think they rebuilt it, and I guess it still exists there. I know they did some redesigning.

HARRIS: And is that the area where, if you want to get fuel, any boats that want to get fueled, that's the one area they can stop and get fuel?

CHESS: I believe so.

HARRIS: That's on the way out also, so any boats want fuel in the Bay comes to this fuel lock if they want to pick up fuel, correct?

CHESS: I would guess so.

JUDGE: All right, Mr. Harris, I hate to interrupt your cross, but I better give the jury a break. Ladies and gentlemen of the jury, we're going to take the morning recess. Take a recess until five minutes to 11:00. Remember the admonition I've heretofore given you. Okay.

<Recess>

HARRIS: I believe, Mr. Chess, we discussing is the boat launching ramp, the traffic, and so forth, that goes by. I want to go through just to make sure I understand the process, not being a boat person. If you take your boat, you got it on, you are hooked up to your truck. You back it back down into the launch area one of the ramps. Is that the general procedure? Here, you come in. Here we got the boat ramps. We come in, you come in, you back the truck down with the boat into the water. Is that the general procedure?

CHESS: Yes.

HARRIS: Once you have got the boat in the water, you unhook it from the trailer, correct? Then you take the vehicle and you go park it; is that right?

CHESS: Yes.

HARRIS: You don't just leave the vehicle sitting there.

CHESS: Correct.

HARRIS: Now, as I understand the marina, if you have got a trailer, the place you come and park the trailer is this parking lot right here; is that right?

CHESS: You can park there, or you can park just raise your, right about in that area there. There is a berm where you can park up against in that area too.

HARRIS: You can park here, or you can park here?

CHESS: Yes. The first early group of people probably would park in the front, and the second group would park,

HARRIS: Either way?

CHESS: Either way.

HARRIS: In either case, wherever you park, when you are parking you are actually tying up the boat and leaving the boat there; is that right?

CHESS: Correct.

HARRIS: Then you drive off and either you are parking here, depending on availability, or you are parking in this parking lot. During that time the boat is just sitting in the water; is that correct?

CHESS: Correct.

HARRIS: You also, as your part of your duties, do you deal with Cesar Chavez Park?

CHESS: Yes.

HARRIS: So you are also the supervisor over that area as well?

CHESS: Correct.

HARRIS: What is Cesar Chavez Park?

CHESS: Just a wide open grassy area that was once a. Dump but now they have paved it, or laid it out to be. Turf and so it's just an open, hilly, grass area.

HARRIS: When you say an open and hilly, there are no trees there?

CHESS: There is tree lines located in certain areas. But there is no trees in the middle of the turf areas. And they have a native hill section.

HARRIS: Mark this next in line. BBB?

CLERK: CCC.

JUDGE: That would be CCC.

HARRIS: Mr. Chess, I just want to show you what's been marked Defendant's CCC. It's a map of the Berkeley Marina. Specifically referring to this area.

CHESS: Un-hun.

HARRIS: First of all, on this map, excuse me, on this picture, would this area be the area you are talking about, the beginning of Cesar Chavez Park right in here?

CHESS: Correct.

HARRIS: So if I've got my bearings straight, the boat ramp would be right here; is that right? And the boats, you go along this marina, and then come out about right here; is that right?

CHESS: Correct.

HARRIS: Into the Bay?

CHESS: Correct.

HARRIS: This would be Cesar Chavez Park; is that right?

CHESS: That's correct. However the those green spots do illustrate trees aren't in the park.

HARRIS: The trees are no longer there?

CHESS: They never were. Never were.

HARRIS: So essentially just a wide open area.

CHESS: Where it says Cesar Chavez Park, where, that's wide open. And then south of that down there, where the next section.

HARRIS: This section?

CHESS: The trees aren't there.

HARRIS: Trees aren't there either?

CHESS: No, they are not.

HARRIS: Terrific. This area, including this path, this is a path; is that correct?

CHESS: Correct.

HARRIS: And this area right through here, specifically I'm pointing to, this is an area that's frequented by people jogging, walking, and walking their dogs, correct?

CHESS: Creek.

HARRIS: And it's very heavily trafficked, isn't it?

CHESS: At times, yes, correct.

HARRIS: There are a lot of people who come out here and play Frisbee? Just walk up and down the area; is that right?

CHESS: That would be the primary area.

HARRIS: And the people walking in this area, walk on this pathway and in the park here, this area of the park, specifically have a wide open view of the Bay, don't they?

CHESS: Yes.

HARRIS: And, in fact, this area is up, I'll say, about ten feet above the level of the water; is that about right?

CHESS: Depending on the tide.

HARRIS: So you have a very clear sort of view off into the the Bay; is that right?

CHESS: Correct.

HARRIS: Now, this, what is this right here?

CHESS: It says "Main Channel" there, but it kind of breaks the waves, the current from coming in.

HARRIS: Boat can't get through that, can it?

CHESS: Underneath, either at the top of it or underneath. Either route.

HARRIS: Pretty much, if you are coming out of the marina, you want to go north, you pretty much have to go around here, don't you?

CHESS: Just like the trees, that channel thing is a little off target. It's not quite center.

HARRIS: This channel is right down here, right?

CHESS: It would be more to your left.

HARRIS: It's a little down here?

CHESS: Yes, correct.

HARRIS: But the breakers are out here?

CHESS: That's what I'm talking about, the breaker.

HARRIS: It's a little further down?

CHESS: Yes, it is farther down. That's kind of a drawing.

HARRIS: But it's still going to be north where you have to go around it to get, for example, if you want to get over to Brooks Island?

CHESS: No.

HARRIS: Do you know what Point Isabel, this area?

CHESS: Vaguely.

HARRIS: If you want get up there, you have to go around there, wouldn't you?

CHESS: You can go underneath that, that way.

HARRIS: Through there?

CHESS: Yes, un-hun.

HARRIS: As you go around here, you are fairly close to the shore?

CHESS: Closer.

HARRIS: I think when Mr. Distaso was asking questions, he asked you about the weather patterns in the area. And if I understood your answer, you said he, well, at least ask it that way. Is it a fair statement that the weather patterns in the Bay are pretty unpredictable?

CHESS: Yeah. At the marina, particularly, you can come and say that we get three seasons in one day.

HARRIS: You can literally be in one area of the marina, and weather be one thing, and ten minutes later it's something else.

CHESS: Ten minutes later it could be something else.

HARRIS: And, in fact, in various parts of the marina, the weather, as it comes in can be, for example, a mile north the weather could be very different than what it is a mile south?

CHESS: Well, the marina is not, it's a big place, you know. When, if it's cloudy at one end, it's generally cloudy, or going to be cloudy in 30 seconds or so.

HARRIS: But it's definitely fairly predictable, the weather conditions throughout the Bay, throughout the area, change on a fairly regular basis?

CHESS: Yeah.

HARRIS: I don't have anything else.

Redirect Examination by Rick Distaso

DISTASO: Mr. Chess, did it rain at the marina on the 24th?

CHESS: Maybe a drizzle early. I'm not totally, can't recall if it rained. But I think it just kind of drizzled a mist. The day before it did rain some.

DISTASO: So rained on the 23rd. And then your memory right now is that there was some drizzle in the morning, I mean something early on the 24th?

CHESS: Yes.

DISTASO: Okay. And the, let's take a look at the boat launch ramps, 106B. Is this a picture of the boat launch ramps from the water looking towards them?

CHESS: Yes.

DISTASO: When you were talking about, you have to tie your boat up, I think that somebody said there is two boat launch ramps. There is actually three. There is this one right to the right left, I mean, see what I'm pointing at?

CHESS: Yes, I do.

DISTASO: There is a ramp there?

CHESS: Yes.

DISTASO: And then there is the one down the center, right?

CHESS: Yes.

DISTASO: And then there is the one over there on the far right side.

CHESS: Okay.

DISTASO: And when you are talking about cars parking the trailers in this front parking lot, you can see in this picture there is cars parked there with trailers, right?

CHESS: Correct.

DISTASO: And then looks like somebody either just launched a boat, or going to pick a boat up. They have it down here, on here, parked in the water?

CHESS: Yes.

DISTASO: That's how they, you can tie up right there at the dock when you go put your car away?

CHESS: Yes.

DISTASO: Mr. Harris asked you a bunch of questions about people using the marina and the Cesar Chavez Park. He asked you generally, there is a place where people play Frisbee, and they walk around, do that kind of thing, correct?

CHESS: Correct.

DISTASO: On December 24th was were there a lot of people in the marina?

CHESS: No.

DISTASO: I mean did you see anybody in the park playing Frisbee, or walking around on the paths?

CHESS: No Frisbee. Maybe walking, but no Frisbee.

DISTASO: And right now, you know, it's the middle of July, or, I guess, the beginning of July. It's nice weather. Are people out in the park using the marina?

CHESS: Yes.

DISTASO: Is it different between the summertime use of the marina and the wintertime use?

CHESS: Yes.

DISTASO: And what about on December 24th, Christmas Eve, is that, you know, one of your slower days there at the marina?

CHESS: Yes.

DISTASO: Nothing further, your Honor.

Recross Examination by Pat Harris

HARRIS: December 24th, was access to the park closed?

CHESS: No.

HARRIS: Anyone can go in all day long if they wanted to?

CHESS: Yes.

HARRIS: In fact, you testified that a few people were there; is that correct?

CHESS: Yes.

HARRIS: So it wasn't vacant, park wasn't vacant?

CHESS: No.

HARRIS: Just weren't people playing Frisbee?

CHESS: Wasn't that many people at all.

HARRIS: But there were some?

CHESS: We have our regulars.

HARRIS: That's all.

JUDGE: May Mr. Chess be excused?

DISTASO: Yes, your Honor.

JUDGE: Mr. Chess, thank you very much. You are excused.