Witness: Mark Weiglein

Date: 2004-09-02

Proceedings held September 2, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos; Redirect – Rick Distaso; 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 2, 2004

Cross Examination by Mark Geragos

GERAGOS: Good morning, Officer. How are you?

WEIGLEIN: Fine. Thank you.

GERAGOS: I'm going to direct your attention back to January the 4th. And you had testified yesterday on direct you were part of this surveillance team, is that correct?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. And you have, I was just checking with you, you've got your reports there so I can hopefully get through this pretty quickly, just pointing to specific days and times.

WEIGLEIN: Yes, sir.

GERAGOS: On the 4th, you were following Mr. Peterson and you would start your surveillance at about what, 4:30 in the morning?

WEIGLEIN: Yes, that's correct.

GERAGOS: Okay. 7:45 you learned that he was in the command post at the Red Lion, what we call the volunteer center, correct?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. At 11:05, I guess there were a number of vehicles that were on the surveillance, is that correct?

WEIGLEIN: There were anywhere between four to six vehicles at any given time.

GERAGOS: Okay. At about 11:05 it was determined that Scott Peterson was still at the Red Lion, so the cars, whatever cars were on the house were pulled off and all those cars went to the Red Lion?

WEIGLEIN: I believe I was still at the residence until you'll notice at 1310 hours I indicate I'm leaving the surveillance residence to join up with the mobile surveillance. So I was still at the residence. I was not at the Red Lion.

GERAGOS: Okay. When they say surveillance has been broken off of his residence at Covena and all surveillance units are at the Red Lion at 11:05, that did not include you, I take it?

WEIGLEIN: That did not include me. I was still at the residence.

GERAGOS: Okay. On everybody but your surveillance team goes over to the command center. He's there, he's been there looks like, what, about, has been there almost, what, five and a half hours on the 4th? From 7:45?

WEIGLEIN: 0745 until,

GERAGOS: About 1:00 o'clock?

WEIGLEIN: Yes, correct.

GERAGOS: Okay. And at 1:00 o'clock he came back to the house, ran in, got a bag and got into his vehicle, correct?

WEIGLEIN: Yes, sir.

GERAGOS: At about ten after 1:00 you said that you saw him go downtown, is that correct?

WEIGLEIN: Yes, sir.

GERAGOS: And that's, he was between 11th and 12th and it says J and K, correct?

WEIGLEIN: That is correct.

GERAGOS: There's a place there called the Pacific Center, is that right?

WEIGLEIN: Yes, sir.

GERAGOS: And he was, took a flyer to what was described as the Pacific Center, is that right?

WEIGLEIN: Yes.

GERAGOS: Is there a Dittos in there, or something like that, over in that Pacific Center?

WEIGLEIN: No, sir.

GERAGOS: Okay. The, is the Pacific Center a place where businesses are, rent office space, do you know?

WEIGLEIN: I believe that is his prior attorney's office.

GERAGOS: Okay. So Mr. McAllister's office is there on, between 11th and 12th and J and K?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. Now, at about the Wells Fargo Bank parking lot is there also, next to Mr. McAllister's office?

WEIGLEIN: Yes, they share the common alley there.

GERAGOS: Okay. Now, at about 2:00 o'clock, let's see, it looks like after leaving that building, that Pacific Center building, he went down a street called Maze, which is one of those main thoroughfares that intersects with 99?

WEIGLEIN: Also known as Highway 132.

GERAGOS: Okay. As he was going down Maze, he got out of his vehicle and posted some signs, missing persons signs there at an overpass?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. And then about ten minutes later there was, he was approaching, I guess if you keep going, Highway 33, you get towards Tracy?

WEIGLEIN: Yes.

GERAGOS: And then he put some posters there?

WEIGLEIN: Correct.

GERAGOS: Okay. And that's at a interchange between what, 33 and what's the other intersection? Would it be Maze or 132 and 33?

WEIGLEIN: No, I believe it was, let me indicate in my report here, just to refresh my memory.

GERAGOS: Sure.

WEIGLEIN: I believe that was the Kasson Road overpass, right under the 1410 hours just prior to that.

GERAGOS: Oh, okay. I got it.

WEIGLEIN: Passing the river near Kasson Road.

GERAGOS: Okay. And he's placing these posters up at that location, is that correct?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. A couple minutes later he stops again and he's at an intersection near is it Koster Road.

WEIGLEIN: Yes, sir.

GERAGOS: Puts up some more posters there?

WEIGLEIN: I believe he only put up one poster at, each time he stopped.

GERAGOS: Okay. Then looks like a couple minutes later he takes the on ramp to I-5 off of Highway 33?

WEIGLEIN: Correct.

GERAGOS: And then it looks like at some point within the next couple of minutes he pulls over to the side on the on ramp and he puts up more signs?

WEIGLEIN: Right near the top of the on ramp, yes, sir.

GERAGOS: Okay. And there he was putting up multiple signs, it looks like, at least from the notes?

WEIGLEIN: I believe he put up two signs at that location.

GERAGOS: Okay. Now, he then goes, or is, let's see. Looks like at 2:30 he keeps going down this road. Then we go by fast-forward to what, about 3:00 o'clock he's back at the Red Lion?

WEIGLEIN: Yes. At exactly 3:00 o'clock he took the Briggsmore off ramp, and at 3:03 he pulled into the Red Lion lot.

GERAGOS: Okay. Now, still on the 4th, he then heads over to, looks like at about 4:05 to the First Assembly of God business that was on Button Road?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. And then it looks like he meets with somebody there, just north of the church. 1606?

WEIGLEIN: That's correct.

GERAGOS: Looks like somebody he was meeting that previously had been at the volunteer center?

WEIGLEIN: I believe so.

GERAGOS: Okay. And then at about 4:18, let's see, he's over again by that Button Road area, is that correct?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. And looks like at about 4:30 he went over and was, and now at this point, at 4:30, did he have other people with him?

WEIGLEIN: I believe so.

GERAGOS: Okay. And it looks like he went to a specific subdivision. Where was that located?

WEIGLEIN: That was located north of Highway 120 in the City of Manteca.

GERAGOS: Okay. And there were three people with him?

WEIGLEIN: I believe two others.

GERAGOS: Two others. So three total?

WEIGLEIN: Yes, sir.

GERAGOS: And they go into a construction yard, is that correct?

WEIGLEIN: Yes, sir.

GERAGOS: And they were all three out walking and picking up wood material, looking underneath things, is that correct?

WEIGLEIN: That's correct.

GERAGOS: Looking around the back of some homes that were under construction?

WEIGLEIN: Yes, sir.

GERAGOS: And then you guys were, at least whoever put in the notes did not appear to know what they were doing, correct?

WEIGLEIN: That is correct.

GERAGOS: Okay. Did you ever go back to take a look to see if that location was one of the locations, are you familiar with the tip line in this case? That there was a number?

WEIGLEIN: I know that there was one established, but I had no access to it.

GERAGOS: Did anybody that you're aware of ever go and see or coordinate or cross-check, if you will, that location to see if that had anything to do with a tip that had come in as to where Laci Peterson might be?

WEIGLEIN: That is unknown if anybody cross-correlated that information.

GERAGOS: Okay.

WEIGLEIN: I personally did not.

GERAGOS: At the time, I'm asking because it's in the notes, somebody comments, "What do you think they're doing?" "I don't know." But they were clearly looking through this area and looking around in this area, isn't that correct?

WEIGLEIN: That is correct.

GERAGOS: Okay. Now, at 5:00 o'clock, looks like about 5:02 he was back at the Red Lion?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. And it looks like the next day, on January 5th, you see him going to the Red Lion again first thing in the morning at 7:44? I'm on page,

WEIGLEIN: Yes, that's correct.

GERAGOS: Okay. Then at 9:43 you see him in Moose Park, and he's taking things out of the back seat, and it looks like they're affixing flyers to the surrounding neighborhood, is that right?

WEIGLEIN: Yes.

GERAGOS: And we had one other officer that testified already that there was a series of stops that he made at basically all of the churches that were in service that morning, or that Sunday, is that correct?

WEIGLEIN: Yes, that is correct.

GERAGOS: Okay. And that was this Orangeburg Baptist Church, correct?

WEIGLEIN: Yes?

GERAGOS: Friendly Church of the Nazarene?

WEIGLEIN: Yes.

GERAGOS: Okay. He also, it looks like, stopped at a, or the school at Kingdom Hall? Is that at about 10:04?

WEIGLEIN: That's correct.

GERAGOS: And then the Sherwood Bible Church, right?

WEIGLEIN: Yes.

GERAGOS: And the Orthodox Mission Church?

WEIGLEIN: Yes.

GERAGOS: Okay. And then from there they went past Tully Road, looks like at 10:28, to another complex on the corner of Sherwood, is that right?

WEIGLEIN: That's correct.

GERAGOS: And there was another church there. You didn't name it, but there's a church at that location, 10:28?

WEIGLEIN: I indicated he went behind the Sherwin Williams paint store. I'm not familiar if there's a store or a church back in that parking lot. If there is, I'm not familiar with it.

GERAGOS: So on the notes, about four lines from the bottom of that paragraph: Subjects exited the church on the far south end of Sherwood near Briggsmore?

WEIGLEIN: Yes. That's not, I thought we were still talking about Woodrow Avenue.

GERAGOS: Okay.

WEIGLEIN: Sherwood and Briggsmore is a totally different location.

GERAGOS: Okay. Then went over back to a church at 10:58 on the northwest corner of Orangeburg and College?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. At 11:03 he was over on Rumble and went to the church on the corner of Rumble and Prescott?

WEIGLEIN: Yes.

GERAGOS: Okay. 11:25 a church on the north side of California Street, which somebody identified they thought as the Seventh Day Adventists?

WEIGLEIN: Correct.

GERAGOS: Now, on the 6th, the same thing: He starts the day at the Red Lion, the volunteer center?

WEIGLEIN: Yes, sir.

GERAGOS: Okay. And on the 7th, the same thing, at the Red Lion?

WEIGLEIN: Correct.

GERAGOS: Okay. Stays there on the 7th for approximately four and a half hours? Looks like 7:26 to 12:09? Or does he leave there earlier than that?

WEIGLEIN: No, I believe he stayed there the entire time.

GERAGOS: Okay. So about four and a half hours that day?

WEIGLEIN: Yes.

GERAGOS: And then on the 8th, you came on later on the 8th, I take it? You weren't on the first thing in the morning shift?

WEIGLEIN: Right. I had another assignment that morning.

GERAGOS: Okay. So when you came on at 2:56 he was at the Red Lion, at 2:56, you had come on earlier, but he went back to the Red Lion a little bit before 3:00?

WEIGLEIN: Correct. I came on at 1:00 o'clock in the afternoon, and at 1456 hours, which would be 2:56 in the afternoon, Mr. Peterson was at the Red Lion.

GERAGOS: Okay. And then he runs various places around Modesto and went back to the Red Lion at about 5:17?

WEIGLEIN: Yes, sir.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Rick Distaso

DISTASO: Officer Weiglein, why wouldn't, I don't know if this was clear yesterday, so I just want to clear it up for myself. The tracking unit that you installed in the Dakota on the 27th, that was one of the rented vehicles, is that right.

WEIGLEIN: Yes, sir, that's correct.

DISTASO: And can you just describe this, This is a little bit beyond the cross, your Honor, but I just didn't ask him.

JUDGE: I'll let you go into it, see,

DISTASO: Okay. Thanks.

DISTASO: The, can you describe what the traffic was around Mr. Peterson's house during the day, since you were on the day shift?

WEIGLEIN: It was light. At that time there was no abnormal amounts of traffic.

DISTASO: The, did you see, what was the, I mean this is a residential neighborhood, correct?

WEIGLEIN: Yes, sir.

DISTASO: This is kind of your normal middleclass residential neighborhood in Modesto?

WEIGLEIN: Yes, sir.

DISTASO: Okay. And what was the foot traffic? You know, people walking to and from the neighborhood. Was it consistent with that of a normal middleclass neighborhood in Modesto?

WEIGLEIN: I would say so, yes.

DISTASO: Okay. And the, what about the vehicle traffic, people driving by?

WEIGLEIN: Nothing more than what you would usually see in a, any average neighborhood during the day.

DISTASO: So did you see media personnel, you know, kind of throughout this week that you were doing this surveillance?

WEIGLEIN: Maybe one or two of the large satellite trucks would drive by, come and go throughout the day, but nothing that was posted up or current.

DISTASO: Okay. So during the week that you were there, at that time there wasn't like this, this big media presence there where people were set up all the time, or anything like that?

WEIGLEIN: Correct.

DISTASO: It wasn't like, you know, when you come into the courthouse here and see,

GERAGOS: Objection. Leading.

JUDGE: Sustained.

DISTASO: Well, I, I believe he described it well enough. I'm done, Judge.

Recross Examination by Mark Geragos

GERAGOS: Officer, have you read the other surveillance reports of the other officers?

WEIGLEIN: No, sir, I have not.

GERAGOS: Okay. Would it surprise you to find the other officers have described the media presence both at the Red Lion and at the house?

WEIGLEIN: I'm sorry, what? I'm sorry, I didn't hear you.

GERAGOS: Would it surprise you if the other officers have described the media presence both at the Red Lion volunteer center and at the house?

WEIGLEIN: Would it surprise me if they described it?

GERAGOS: Yes. If they had observed that.

WEIGLEIN: That would no surprise me, no.

GERAGOS: Thank you. I have no further questions.

JUDGE: May this witness be excused?

GERAGOS: Yes.

DISTASO: Yes.

JUDGE: Thank you, Officer.