Witness: Philip Williams

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos; Redirect – David Harris

Day 1 of 1 for this witness

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Direct Examination by David Harris

HARRIS: Mr. Williams, who are you employed by?

WILLIAMS: Mother's Work Incorporated.

HARRIS: Do they own some commonly known businesses in the maternity field?

WILLIAMS: Yes.

HARRIS: And could you tell the jury what businesses that is?

WILLIAMS: It's Motherhood Maternity, My Maternity, and A Pea In The Pod.

HARRIS: What is your assignment or title with Mother's Work?

WILLIAMS: I'm National Loss Prevention Manager.

HARRIS: So you work at corporate headquarters, and oversee all of the stores, specifically referring to Motherhood Maternity?

WILLIAMS: Yes.

HARRIS: I want to direct your attention back to 2003, and ask, in your capacity with Motherhood, I'll just refer to as Motherhood Maternity, in your capacity with Motherhood Maternity, were you contacted by the Modesto Police Department?

WILLIAMS: Yes, I was.

HARRIS: Did they ask you to assist them in trying to identify either purchases or product that related to Laci Peterson?

WILLIAMS: Yes.

HARRIS: And the person that contacted you, was that Detective Phil Owens?

WILLIAMS: That's correct.

HARRIS: Based on the information that Detective Owens started talking to you about, were you looking at a particular tag number or product line?

WILLIAMS: Yes. I was looking for a pair of Motherhood pants.

HARRIS: And were these pants identified as being Motherhood pants?

WILLIAMS: From what I can recollect, I was just given the style number. And I believe, yes, they were identified as Motherhood pants. And he had attempted to give me a style number to

identify them.

HARRIS: Let me take you through that particular process. When you were talking with Detective Owens, I didn't want to say something bad, but did it sound like he knew much about maternity clothes?

WILLIAMS: No, he didn't.

HARRIS: Okay. So he's trying to describe a pair of pants to you. And do you suggest to him there is a way to identify them?

WILLIAMS: Yes. There are ways to identify the actual garment. There is sewn-in labels, things like that.

HARRIS: Did you refer him to a label to look to see if there was a number on that particular label?

WILLIAMS: Yes, I did.

HARRIS: And was he able to give you a number?

WILLIAMS: Yes, he was.

HARRIS: From that particular number that he gave you off of this label, were you able to identify which particular garment that was?

WILLIAMS: Yes, I was able to go into our computer system and enter that number and identify the garment.

HARRIS: And what garment was it that you were identifying with that particular number?

WILLIAMS: It was a pair of tan cropped pants.

HARRIS: And what is the number, if you can explain that to the jury what that means for that particular outfit.

WILLIAMS: The number?

HARRIS: Do you know the number for what we are writing,

WILLIAMS: By heart?

JUDGE: Can you get a little closer to the microphone?

WILLIAMS: I don't believe so, by memory, that number?

HARRIS: I won't put you on the spot with memory. Was there some documentation provided by Motherhood to the Modesto Police Department?

WILLIAMS: Yes.

HARRIS: If you were to look at that, would that help assist you?

WILLIAMS: Oh, definitely, yes.

HARRIS: Let me show a report that's part of Detective Owens' report. Appears to be Bates page 24018.

JUDGE: Just look it at it for yourself, see if it refreshes your recollection.

HARRIS: Having looked at the documentation that you provided to the Modesto Police Department, does that help you remember what that number was?

WILLIAMS: Yes.

HARRIS: What was the number?

WILLIAMS: It's 90360-24-S, for small.

HARRIS: I want to go through this. So you, were you the one that told the detective which number to look for?

WILLIAMS: I told him to,

GERAGOS: Could the witness just tell me what number is on the top of the page you are reading from?

WILLIAMS: On the top of the page that I was reading from?

GERAGOS: Bates stamp on the top or bottom of the page.

DISTASO: Top shore 22816, page two of five.

JUDGE: Page two of five.

GERAGOS: That's what you are reading from?

WILLIAMS: I have located the number that we have been talking about on that page.

GERAGOS: Got it.

JUDGE: Go ahead to the next question.

HARRIS: Can you explain to the jury what that particular number means?

WILLIAMS: Each garment is assigned a style and color code, and that represents the garment in our inventory.

HARRIS: And when you say that garment, so this is a pair of pants that we're talking about?

WILLIAMS: Correct.

HARRIS: You indicated that the end of that number there is kind of a dash, and it was a 24?

WILLIAMS: Correct. That's the color code of the garment.

HARRIS: And what number does that particular color code refer to?

WILLIAMS: I believe 24 stands for tan.

HARRIS: Then you say looked like another dash and an S?

WILLIAMS: Correct.

HARRIS: What would that stand for?

WILLIAMS: That indicates the size of the garment.

HARRIS: Based on the information that the detective gave you, that number, you were able to go in your computer and figure out which pair of pants you are talking about?

WILLIAMS: Yes.

HARRIS: From that, did you then send photographs of that particular document to the detective?

WILLIAMS: Yes, I did.

HARRIS: Like to show you what's been marked, still being marked, it looks like.

JUDGE: People's next in order, that will be number 39. Mark each piece separately, 39 to 52, then I can,

HARRIS: Start with the preliminaries. Let me show you what's been marked People's Number 39 for identification. Do you recognize that particular photograph?

WILLIAMS: Yes. That's the style of the pair of pants we have been talking about.

HARRIS: And the photographs that we're referring to, these were pictures that were available, that the corporate office had, of shots from models, or from your catalog that you sent to the detective?

WILLIAMS: Yes. We also use it on our internet website.

HARRIS: Does People's 39 depict the photograph that you sent to him?

WILLIAMS: Yes.

HARRIS: Showing you People's Number 40. Is this a close-up version with a different model but of the same pair of pants?

WILLIAMS: Yes.

HARRIS: Showing you People's Number 41, is that the, more of the full-size version of that particular pair of pants on a different model?

WILLIAMS: That's correct.

HARRIS: Now, when you sent the detective those particular photographs, did he also ask you whether you could send him a copy of the actual pair of pants?

WILLIAMS: I believe, yes, he did.

HARRIS: And were you able to locate the identical kind of pair of pants in inventory with Motherhood Maternity?

WILLIAMS: I was able, we had two pairs of the pants left in our inventory in the entire company, and I located two pair of,

HARRIS: Were they of the same size?

WILLIAMS: No, they were not the same size. They were the same base style number and color code.

HARRIS: Now, in terms of that, let's just make sure we're clear about that. If it's the same base information, if it's just different size, so the same model number would have the same color, if it's got that same 24 code, it would be just a small, medium, or a large?

WILLIAMS: Correct.

HARRIS: And let me show you at this point in time what's been marked as People's Number 11. I'll open this up for you. Does this appear to be the pair of pants that you sent, had sent to the detective?

WILLIAMS: Yes. Yes, it is.

HARRIS: And that is, if you look at that, we can go to the back side of those particular pair of pants. I don't want to make you model them here. If we can hold up the pants so we can see the label.

WILLIAMS: The inside label?

HARRIS: Yes. Now, on the inside label that we are looking at, besides the tags, is there something that identifies this as a Motherhood Maternity product?

WILLIAMS: Our, besides our price tags? I mean,

HARRIS: Let me,

JUDGE: Other than the price tags.

GERAGOS: I'll stipulate it says "Motherhood".

HARRIS: That's what I was asking you.

WILLIAMS: Okay.

HARRIS: In other words, can you identify that pair of pants as coming from your establishment because of the label on the back?

WILLIAMS: Oh, definitely.

JUDGE: Says Motherhood, you guys make it?

WILLIAMS: I was referring to the label as a tag. So that's the way I think. Go ahead.

HARRIS: To go through this, with regards to the products specifically that you have there in your hand from People's Number 11, there is a big tag, and the tag actually says "Motherhood" on it, correct?

WILLIAMS: Correct.

HARRIS: Then there is a smaller tag directly underneath that, that's also sewn into the garment. And is that the one that has that garment code that you were describing?

WILLIAMS: Yes, it does.

HARRIS: And you were looking at that. Does that have the same nine, starting with nine, that digit number that you were telling us about?

WILLIAMS: It's the same code.

HARRIS: The only difference between that particular garment is that it's an, I believe that one is a large instead of the small. But the detective was asking you about,

WILLIAMS: It's a large, correct.

HARRIS: You can go ahead and put that back in, People's Number 11 into the box. Now, after you had provided this information and sent that pair of pants to the detective, did he ask more specific questions about whether your company had any records specifically relating to Laci Peterson?

WILLIAMS: He wanted to know if we had any purchase history for Laci.

HARRIS: And did you have a search conducted to see if you did?

WILLIAMS: I contacted our computer department.

HARRIS: That's kind of like where all the data is stored?

WILLIAMS: Correct.

HARRIS: Were you, were you able to obtain information, pass it on to the Modesto Police Department?

WILLIAMS: Yes, I was. We were able to pull up her purchase information.

HARRIS: And, again, looking at the document that you have before you, is that the information that you sent to the Modesto Police Department?

WILLIAMS: Yes, it is.

HARRIS: Does it show how many purchases that Laci Peterson made?

WILLIAMS: It does show.

HARRIS: How many purchases did she make?

WILLIAMS: She shows two separate purchases.

HARRIS: Let's talk about the first one. From the information that you sent to the Modesto Police Department, could you tell when the first purchase was, by Laci Peterson was?

WILLIAMS: It was August 30th of 2002.

HARRIS: And does it show how many, or what kind of articles are purchased there?

WILLIAMS: It shows six items being purchased.

HARRIS: Going through this, this information, is this somewhat like a receipt that you sent to the Modesto Police Department?

WILLIAMS: Correct.

HARRIS: Would there be information identifying what store the purchase occurred at?

WILLIAMS: Yes, there is.

HARRIS: Does that tell you what store?

WILLIAMS: At the top of the information it does give me a store, customer number, and I can identify the store by based on that number.

HARRIS: What store was the purchase made at?

WILLIAMS: Store number 326, Motherhood in Modesto.

HARRIS: Is there like an employee number or a sales person that rings it up?

WILLIAMS: Yes.

HARRIS: Does it show pretty much the date and time that this transaction takes place?

WILLIAMS: Yes.

HARRIS: And when was that?

WILLIAMS: Transaction occurred on August 30th of 02 at 2:49 p.m. Employee number 44748 was the employee number key in the register.

HARRIS: Now, you are talking about keying into the register, so when a customer comes up, presents whatever items they want to purchase to the sales clerk, the sales clerk manually enters the information? Do she just scan it?

WILLIAMS: Their employee number they have to enter. The garments they scan based upon bar code tickets.

HARRIS: So if a garment is scanned, does it then show up on that receipt?

WILLIAMS: Yes.

HARRIS: The six items that you are talking about with that particular purchase, what were the items that were purchased by Laci Peterson on that date?

WILLIAMS: We have an Embellished Silk Chantung Red Pants, Cropped, a Silk Chantung Embroidered Dark Red Shell, Short-Sleeved, a black and tan blouse, three quarter, with a bell sleeve. We have a cropped, cuffed rayon-nylon stone pant. We have a blouse, V-neck ruffle, georgette, tan and pink, and a blouse with a flutter sleeve, georgette, red and cream.

HARRIS: And based on what's on that particular receipt, were you able to identify those documents for the Modesto Police Department?

WILLIAMS: Yes.

HARRIS: And did you also send them photographs of all of those particular items?

WILLIAMS: Yes.

HARRIS: Like to go through and show these particular items at this point in time.

JUDGE: Mr. Geragos, have you seen these?

GERAGOS: I didn't realize he had marked them. If I could just take a brief look and write down.

HARRIS: While is doing that, let's go on to something else, starting with the,

JUDGE: That's number what, 39?

HARRIS: Showing you People's Number 39. If we could get the middle light. Do you see what's been marked as People's Number 39 that's up there at this point in time?

WILLIAMS: I do see it.

HARRIS: Is that the tan pair of pants, or khaki pair of pants that you were talking about?

WILLIAMS: Yes.

HARRIS: Now that I have these others back, let's go through and show these to you. You could go ahead and look at this first set of photographs right there. Let me know when you are done looking at them.

WILLIAMS: Okay.

HARRIS: Mr. Williams, what I'd like to do is go through those with you. What's the first photograph that you have?

WILLIAMS: First photograph I have is of the silk Chantung outfit.

HARRIS: All right. And do you recognize that as being a copy of the photographs that you sent to the Modesto Police Department.

JUDGE: What's the number of that so I can keep track?

HARRIS: It would be People's Number 42.

JUDGE: All right.

HARRIS: Do you recognize People's Number 43 to be a close-up of that?

WILLIAMS: Correct.

HARRIS: Showing you People's Number 44. Does that appear to be a photograph that you sent to the Modesto Police Department?

WILLIAMS: Yes.

HARRIS: Showing you what's been marked as People's Number 45. Does that appear to be the same blouse?

WILLIAMS: Yes.

HARRIS: Showing you People's Number 46. Does that appear to be a copy of the photograph that you sent to the Modesto Police Department?

WILLIAMS: Yes, it is.

HARRIS: And showing you People's Number 47, does that appear to be the same blouse?

WILLIAMS: Yes.

HARRIS: Showing you People's Number 48. Does that appear to be a copy of the photograph that you sent to the Modesto Police Department?

WILLIAMS: Yes, it is.

HARRIS: And People's Number 49, does this appear to be a close-up of the blouse that was depicted in number 48?

WILLIAMS: Yes, it is.

HARRIS: Then, last, People's Number 50. Does this appear to be the same blouse?

WILLIAMS: Yes.

HARRIS: All right. Let's put this up on the overhead. We'll talk about this. Looking at People's Number 42, so when you were describing on the receipt a particular item, you were saying a beaded something or other, if I recall correctly?

WILLIAMS: Embellished.

HARRIS: Embellished. Is this the blouse that you are referring to?

WILLIAMS: Yes.

HARRIS: Also depicted in this particular photograph, are there a pair of pants?

WILLIAMS: Yes, there are.

HARRIS: Is this kind of a matching outfit?

WILLIAMS: Yes, they are coordinates.

HARRIS: And this top and these pants, do they appear to be one of the items or outfits that were purchased by Laci Peterson?

WILLIAMS: Yes.

HARRIS: That shows up on that receipt that you provided to the Modesto Police Department?

WILLIAMS: Both items appear on the receipt.

HARRIS: Like to show you People's Number 14. If you would look at this. Does this appear to be the outfit in People's Number 14?

WILLIAMS: Yes.

HARRIS: That's the outfit that we're referring to there?

WILLIAMS: Yes.

HARRIS: Now, you, when you were talking about this particular outfit, you were saying that it's embellished. What part of this outfit are you referring to?

WILLIAMS: The lower portion of the top, and the lower portion of the pants have beading, black beading.

HARRIS: And do you know, I don't know if it's on the top of your head, or from experience, off the receipt what the material is made of?

WILLIAMS: I believe it's a silk Chantung material.

HARRIS: And is this an unusual item for your store? Or is it something you carry all the time?

WILLIAMS: It's something we carry all the time. It's a special occasion item.

HARRIS: Moving on to People's Number 44. Can you describe for us what particular item? That one is on the receipt?

WILLIAMS: That is three-quarter bell sleeve blouse, black and tan.

HARRIS: And what's being shown there, that's an accurate photograph of the particular item?

WILLIAMS: Yes.

HARRIS: Showing you People's Number 45, kind of hard to see in the blowup. Does that appear to be the same outfit?

WILLIAMS: Yes.

HARRIS: Show you people's number 10. Bring this up to you, have you look at this particular garment. Do you see a Motherhood tag on this particular garment?

WILLIAMS: I do.

HARRIS: From looking at that particular garment, does that appear to be the same item that's shown on the purchase receipt by Laci Peterson?

WILLIAMS: Yes, it is.

HARRIS: Showing you next in order People's Number 46, can you describe for us what that is?

WILLIAMS: It's a ruffle, V-neck, tan and pink blouse.

HARRIS: And is that depicted on the receipt, Laci Peterson's purchase?

WILLIAMS: It is, yes.

HARRIS: Showing you People's Number 47 again. Does that appear to be the same blouse?

WILLIAMS: Yes.

HARRIS: Showing you People's Number 48. Can you describe for us what that is?

WILLIAMS: That is a red and cream flutter sleeve blouse.

HARRIS: Is that depicted on the receipt that Laci Peterson purchased?

WILLIAMS: Yes, it is.

HARRIS: And look at the next on there, Number 49, is that just a blowup of the material?

WILLIAMS: That's a close-up.

HARRIS: Just so we all understand, why was it that you include this particular photograph that you sent to the police department? Or why does a company keep something like this?

WILLIAMS: For example, in our catalogs, or ordering on the internet, if an item comes in more than one color, we want to show a representation of the pattern of the color so the consumer can make a decision what color they would like to purchase.

HARRIS: When the police department were asking for whatever you had, you sent them whatever you had?

WILLIAMS: Right.

HARRIS: Look at People's Number 50. Does that appear to be the same outfit?

WILLIAMS: It's the same blouse.

HARRIS: Same blouse. Now, the items that we have gone through, is that all of the items that were purchased on that particular receipt by Laci Peterson?

WILLIAMS: Did we show the pants?

HARRIS: Did you, what was that?

WILLIAMS: We showed the pants.

HARRIS: Let me go back through that then so we are clear. Besides the tops that have been shown, the earlier pictures of the photographs of the pants, and the pants in people's number, box that you took out showed the tag?

WILLIAMS: Correct.

HARRIS: Is that all of the items that were purchased on that particular receipt?

WILLIAMS: Yes.

HARRIS: Now, sometimes the term has been used khaki, or stone, or tan. Is that pretty much the same color to those pants that we're talking about?

WILLIAMS: Yes.

HARRIS: Used interchangeably?

WILLIAMS: Yes, it is.

HARRIS: But for corporation-wise it's that 24 code number?

WILLIAMS: Correct.

HARRIS: I'm going to show you two more photographs. Start with, which has been marked as People's Number 51, and then People's Number 52, and ask you if you recognize those particular tags in those photographs?

WILLIAMS: Those are tags from our manufacturing.

HARRIS: And if you look at them, can you see where the Motherhood label is at in those photographs?

WILLIAMS: Yes, I can.

HARRIS: And when you are referring to the tag, is that the Motherhood label tag, or is it that garment tag that's underneath?

WILLIAMS: There is a garment tag underneath.

HARRIS: Is there a number on there of those, in both of those photographs that matches that number that was on the purchase by Laci Peterson?

WILLIAMS: Yes, there is.

HARRIS: And in one of the photographs, is it highlighted so it's a little bit easier to read?

WILLIAMS: Yes, it is.

HARRIS: And what are the numbers on there?

WILLIAMS: It's 90360-24.

JUDGE: Was that also purchased on August 30th?

WILLIAMS: Yes.

HARRIS: See in the highlight, the one shows up.

HARRIS: Here, looking at now, that is a close-up of the tag, and that tag is from those tan or khaki pants that we have been referring to?

WILLIAMS: Yes.

HARRIS: Now, on the documentation that you sent to the Modesto Police Department, was there also a second purchase?

WILLIAMS: Yes, there was.

HARRIS: And what date was that purchase?

WILLIAMS: That was on September 28th of 02.

HARRIS: What was purchased by Miss Peterson on that date?

WILLIAMS: It shows one bra.

HARRIS: Going back to the first purchase, you talked about six items. Now put up on the board. When all of those items were, what was the total purchase price?

WILLIAMS: The total purchase amount was $198.55.

HARRIS: The second purchase, what was the purchase price?

WILLIAMS: Total purchase was $17.18.

HARRIS: Now, the records that we have been talking about, and the records that you sent to the Modesto Police Department, does Motherhood or Mother's Work keep them in the regular course of their business?

WILLIAMS: Yes, we do.

HARRIS: And do you keep them accurate to make sure you don't lose things, or that you get paid?

WILLIAMS: Definitely.

HARRIS: And are the transactions recorded out at about the time that they happen?

WILLIAMS: Yes. At the time that they happen.

Cross Examination by Mark Geragos

GERAGOS: This is, good afternoon.

WILLIAMS: Good afternoon.

GERAGOS: This is the, what was previously marked as People's,

JUDGE: 39.

GERAGOS: 39. I have a cropped, I'm learning this stuff, by the way. I'm getting a fashion education. What's this right here?

WILLIAMS: That's a cuff.

GERAGOS: Okay. Have anything to do with being cropped?

WILLIAMS: The crop is the length of the pant.

GERAGOS: Okay. And what's this? That line down there?

WILLIAMS: That's a seam.

GERAGOS: Okay. Is there something you call it? A pin tuck or something?

WILLIAMS: A pin tuck, correct.

GERAGOS: Is that what it is?

WILLIAMS: Yes.

GERAGOS: Okay. So that's the item that corresponds to the style number on the People's 51 and 52 that they just showed up there that had the highlights, is that right?

WILLIAMS: Yes.

GERAGOS: Okay. So if you were to have that, I'm not going to put it up there again, but if you took that label, that would correspond to this pair of pants that's up here in front of the jury, correct?

WILLIAMS: Correct.

GERAGOS: And that pair of pants is specifically designed so that it has this cuff, right?

WILLIAMS: Correct.

GERAGOS: And this pin tuck, which comes down the front of the pants, right?

WILLIAMS: Correct.

GERAGOS: Okay. And that's, you know that for a fact because that's what the style number refers to on the label, right?

WILLIAMS: Correct.

GERAGOS: Okay. Now, if I were to show you this pair of pants, which is People's number 6, that's not the same pair of pants, is it?

WILLIAMS: It doesn't look like it.

GERAGOS: Okay. Let me show the jury. That doesn't look like the same pair of pants, does it? Is what you just testified to.

WILLIAMS: No, it doesn't look like it's the same pair of pants.

GERAGOS: And show you this pair of pants. Can you tell, this is in People's 5.

WILLIAMS: It doesn't look like it, but it's very hard to tell.

GERAGOS: People's 5, doesn't look like it why? Because of the color?

WILLIAMS: The color.

GERAGOS: And the, you don't see a pin tuck?

WILLIAMS: Correct.

GERAGOS: Or a crop or a cuff?

WILLIAMS: I don't see the cuff.

GERAGOS: Don't see the cuff. It's pretty noticeable, this cuff, isn't it?

WILLIAMS: Yes.

GERAGOS: Now, I'm going to show you what's been marked as People's 15 A, B and C. And does 15 A look like the pair of pants?

WILLIAMS: Definitely not.

GERAGOS: Definitely not?

WILLIAMS: Yes.

GERAGOS: 15 B?

WILLIAMS: Does not look like the pair of pants.

GERAGOS: 15 C?

WILLIAMS: I believe that is the pair of pants.

GERAGOS: Exactly. So let's just show the jury again. 15 A, one more time, definitely not the pair of pants, right?

WILLIAMS: Correct.

GERAGOS: 15 B, definitely not the pair of pants?

WILLIAMS: Correct.

GERAGOS: 15 C, definitely the pair of pants, right?

WILLIAMS: That is the pair of pants.

GERAGOS: I'm going to show you 44. Is that what you sent to them?

WILLIAMS: Yes.

GERAGOS: Okay. The Modesto PD?

WILLIAMS: Yes.

GERAGOS: And that, I take it, is this blouse here that's marked as People's 10?

WILLIAMS: That is that blouse.

GERAGOS: Okay. And that blouse is shown with what?

WILLIAMS: It's shown with a pair of black pants.

GERAGOS: You mean when you buy this blouse you can actually wear it with other colored pants than the ones you buy it with?

WILLIAMS: Yes.

GERAGOS: There's no rule?

WILLIAMS: There's no rule.

GERAGOS: Okay. I'd show you the other pictures of the other designs of these other stuff, I have no idea why they've been introduced. So we'll skip those. And let me show you, is this, which is marked as 41, do you see that?

WILLIAMS: Yes.

GERAGOS: That's the same pair of pants?

WILLIAMS: Yes. That's a different image of the pants.

GERAGOS: Okay. Now, the pants here, these pants, you're showing them with what color top?

WILLIAMS: Appears to be a white top.

GERAGOS: And in this picture what color top?

WILLIAMS: A black top.

GERAGOS: So you can actually mix and match?

WILLIAMS: Yes.

GERAGOS: There's no rule against that?

WILLIAMS: No.

GERAGOS: And the, you said, I think, on the style number there is a 24, is that correct?

WILLIAMS: Correct.

GERAGOS: Is that right?

WILLIAMS: Correct.

GERAGOS: Now, you said that was tan, am I right?

WILLIAMS: Yes.

GERAGOS: I've got a couple of reports where 24 indicates stone. Is there a difference between stone and tan?

WILLIAMS: Depends how the merchant sets up that style.

GERAGOS: Okay. Is it, because on my report here, and I'm referring to 22817, it looks like whenever you've got a 25 that refers to tan and when you've got a 24 that refers to stone. Am I just reading too much into that?

WILLIAMS: I would have to have the chart of our color codes to determine that.

GERAGOS: I've got your panel styles. Will that work?

WILLIAMS: If it shows color codes it might.

GERAGOS: I don't know, you tell me?

WILLIAMS: No, it doesn't.

GERAGOS: Do you have, do you have the chart with you?

WILLIAMS: I don't have the chart with me.

GERAGOS: When the officer came and asked you to take a look at these things, did he bother to ask you to get your, the color chart so that you can compare and see whether 24 was stone or tan?

WILLIAMS: I was not asked for a color chart.

GERAGOS: So as we sit here today, after all of this fashion lecture, or expertise that we've gained, we still didn't know, unless we have the color chart, whether 24 stands for stone or tan, correct? Without the color chart?

WILLIAMS: Well, according to description of the item, based upon the style, the color code refers to stone.

GERAGOS: Refers to stone?

WILLIAMS: Correct.

GERAGOS: Not to tan. Stone is lighter than tan, correct?

WILLIAMS: It's, it's a shade of tan.

GERAGOS: Is it lighter in color?

WILLIAMS: I, I don't know.

GERAGOS: So, without the color chart, we just, we don't know whether it's stone, you're assuming now that it's not tan but stone, and we don't know whether it's lighter than tan because we don't have the color chart, correct?

WILLIAMS: Correct. The color chart doesn't really give you colors. It gives you words and how they correspond to the numbers. It doesn't give you an actual color swatch.

GERAGOS: Okay. So we not only don't have the color chart to know whether 24 is stone or tan, we don't have the swatches to know whether or not it's lighter or darker than tan, is that a fair statement?

WILLIAMS: I'd have to ask you to repeat that.

GERAGOS: Well, we don't know, you think now the 24 refers to stone, correct?

WILLIAMS: I know that 24 refers to a variation of the color tan, which stone is a variation of the color tan.

GERAGOS: And we know that, at least from the report you're looking at in front of you, 25 appears to correspond to a color called tan, right?

WILLIAMS: Not necessarily.

GERAGOS: You've just two times there's a 25 and two times there's tan?

WILLIAMS: It could, 25 could also mean that that item is a multi-colored item.

GERAGOS: Well, but we don't know because we don't have the chart, right?

WILLIAMS: I don't have the chart.

GERAGOS: So we're just, you and I are just guessing here because neither of us have got the chart. We're just trying to figure out when it says 60 it seems to be red, right? When it says 25 it appears to be tan. When it's 24 it appears to be stone. I'm just, I'm just going by what the numbers are and what the colors are.

WILLIAMS: I'd have to have the chart in front of me.

GERAGOS: And we don't, right?

WILLIAMS: Correct.

GERAGOS: And we don't have the color swatches, so we don't know whether these, what your store calls stone is lighter or darker than what your store, or what the manufacturer calls tan, is that a fair statement?

WILLIAMS: Yes.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by David Harris

HARRIS: Mr. Williams, looking at the receipt that you have up there, the information that you provided to the Modesto Police Department, does it specifically state that the item that we're talking about, this pair of pants, is stone?

WILLIAMS: Yes.

HARRIS: So when it's programmed into, into your company's computer, regardless of what the manufacturer might think, your company refers to it as stone?

GERAGOS: Objection. It calls for speculation and there's no foundation and it's compound. Asking for what the manufacturer's doing and what the retailer is doing?

JUDGE: Well, you've got to lay a foundation, see if he knows that.

HARRIS: From looking at that receipt, does your company refer to that particular item as stone?

WILLIAMS: Yes.

HARRIS: And that particular code number for that particular pair of pants is 24?

WILLIAMS: Yes.

HARRIS: And then you are asked about 25 referring to tan, and you were looking at the receipt. The two items on the receipts that have 25, are both of those multi-colored tops that you have already shown to the jury?

WILLIAMS: Yes, they are.

HARRIS: And just to make sure that we're clear about this: Regardless of whether it's tan or khaki or stone, none of those are black, are they?

WILLIAMS: They're not black.

HARRIS: And, in fact, the code number for black for your company is what?

WILLIAMS: I believe it's 01.

HARRIS: Thank you. I have no other questions.

GERAGOS: No further questions.

JUDGE: May this witness be excused?

GERAGOS: Yes.

JUDGE: Okay. Mr. Williams, thank you very much.