Witness: John Edward Peterson

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Called by: Defense

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Examinations: Direct – Pat Harris

Day 1 of 1 for this witness

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Direct Examination by Pat Harris

HARRIS: Good afternoon, John.

PETERSON: Good afternoon.

HARRIS: As you know, we have been going through different members of the family, different friends, so we have had, a lot of the background has already been introduced to the jury. To get a sense of timing and where everyone is, I want to do that just very briefly with you. Sort of talk about some of the timing things. And then what I think I would just like to have you share some stories. We'll talk about different things, your relationship with Scott. You, as far as you and this family, your mother, excuse me. Jackie is your mother, right?

PETERSON: Yes.

HARRIS: Now, Lee married Jackie. How old were you at the time?

PETERSON: I was five.

HARRIS: Were you happy about that marriage?

PETERSON: Definitely. I remember telling my mom I'm happy we're married.

HARRIS: At that point you went to live with Lee, right?

PETERSON: Right.

HARRIS: And you left, excuse me, lived with Lee and Jackie then until you left the house at 17 or 18?

PETERSON: Yes.

HARRIS: How old were you when Scott was actually born?

PETERSON: I was six years old when Scott was born.

HARRIS: Now, based on the marriage between Lee and Jackie you also developed some whole family?

PETERSON: Yes.

HARRIS: So there were Susan, Mark, and Joe as well?

PETERSON: Yes.

HARRIS: And did you have opportunities to see them?

PETERSON: Yeah, definitely. We spent a lot of time together.

HARRIS: They would come over on weekends?

PETERSON: Come over on weekends.

HARRIS: Any other times?

PETERSON: Sure. Every, all summer long they would be over a lot of the time. Took a lot of family vacations and trips together.

HARRIS: When Scott comes along, at that point, excuse me, get some water. Scott comes along, you say you are about six, six and half years?

PETERSON: Six years old.

HARRIS: What are your first memories?

PETERSON: First memory is was Scott in the hospital. He was sick. We weren't allowed to visit him, so my dad took us in the back of the hospital, and we took turns being lifted over the cinder block wall to peek in at Scott. My mom would wave. Hold him up for us all to see.

HARRIS: Were you excited about having a baby brother?

PETERSON: Definitely very happy. Couldn't wait to have new playmate to teach everything I knew.

HARRIS: What kind of things did you teach?

PETERSON: All kind of things. Taught him how to ride a bike. Taught him how to build forts. Everything a big brother shouldn't teach a little brother I taught him.

HARRIS: Were you close to him?

PETERSON: Definitely.

HARRIS: There has been a lot different testimony about the fact that Scott was not the person who loses his temper very often, gets angry. You do have a memory of his losing temper, is that correct? Story about that?

PETERSON: Actually I only have really one memory seeing him lose his temper. I think he may have been about four years old. My dad spanked him for something, and he cried, and he went into the room. And about five seconds later the door opened, and he came running down the hall, and he had his fingers on his head like this, his head down, and he hit my dad right in the stomach. We just all laughed. Heard about that for a long time. And last time I ever seen him lose his temper in any way, if you could call it losing your temper. If you could call that.

HARRIS: We talked about things a big brother would do. One of those things was riding a bicycle, did you say?

PETERSON: Yeah. He got a brand new BMX Pro Thunder that he got for Christmas. Nice shiny little tassels and everything. He wouldn't ride it. Didn't have much interest in riding it. One day my mom was at garage sale. She brought home a, like a little mini bike. It's like a mini bike. It was a bicycle. It was made up to look like a motorcycle. He was so he excited he couldn't wait to ride it. And so I took him out on the street, and I held it, and I ran behind him as he pedaled for about a half hour then finally he was pedaling I let him go. Made about 20 yards, and I followed him. Scott, Scott, you are riding. When he turned around, of course he crashed. After that he was up on that bike. We would always go bike riding and BMX riding together.

HARRIS: You say you helped him build forts. What would you do as far as playing in the backyard, so forth?

PETERSON: Well, we had lived in a nice area, had a lot of hills behind it, and boulders, and bushes. We made forts back there. And actually Scott was the first member of my club. So I

would always start a club, and I would include him in this and his friends. I would make Scott the Lieutenant, and I would be President. His friends would be Sergeants or Privates. During the week if I got in trouble for whatever reason, teasing or he told on me, I would demote him to Private, threaten to kick him out of the club or tear up his ID card.

HARRIS: You actually made ID cards for him?

PETERSON: Yeah. With a typewriter. Make ID cards and tinfoil badges.

HARRIS: Now, if I understand it right, John, you heard, I'm sure, ad nauseam a lot of talk about golf.

PETERSON: Definitely.

HARRIS: You are the one member of the family that they have not hooked into it?

PETERSON: Not really hooked into it, no. I'll hit balls at the driving range. But golf is never my forte. Played a lot of football, and like to surf. Live in San Diego, so the surfing is always good.

HARRIS: You were aware obviously that Scott enjoyed playing golf?

PETERSON: Definitely.

HARRIS: And I believe there was a mention, someone mentioned earlier, maybe you can kind of expound on it, that he actually had a business in the garage?

PETERSON: Remember him tinkering around with golf clubs all the time. I think he was, he was putting some together and making them shafts, and the heads, and putting the handles on them. Little mail order deal. He was always up to something.

HARRIS: Also you recall the time where he was working at the golf course as well?

PETERSON: Yeah.

HARRIS: Picking up balls and retrieving some?

PETERSON: He had a job at an early age. He was a hang-out at the golf course. And he started working there. They had him driving up the little car that picks up all the golf balls on the driving range, and working at the club house.

HARRIS: I assume, as a big brother, having a big brother of my own, you weren't above teasing him some?

PETERSON: Definitely. My best teasing on Scott. I used to plan on it. One time I made these huge, huge paw prints in the backyard with a shovel. And then I broke the trees, and I took Scott back there like we just discovered these paw prints, and told him there is this giant squirrel living back there, and I just saw a piece of it. And he spent a couple of days in the summer hunting for that giant squirrel.

HARRIS: He didn't want to go in the backyard after that?

PETERSON: What's that?

HARRIS: Did he, he didn't want to go in the backyard after that?

PETERSON: Not without a stick or something.

HARRIS: You also had mentioned that even at an early age Scott seemed sort of mature?

PETERSON: Yeah. I you to say he was like a six-year-old in a four-year-old's body. He liked to emulate my father. He would wear the same khaki pants and golf shirt. Usually they were almost dressed the same color and everything. A little miniature dad. He was also mature and knew what he was going to do.

HARRIS: You have mentioned the story about when he lost his temper and was charging. You said later on you couldn't remember ever losing his temper. You told me sort of the way you handle things story about you, and piggy banks was kind of an example of that?

PETERSON: One day he came home early and I was stealing his money out of his piggy bank. And he caught me. And all he had to say was, "John, what are you doing?" And that was enough to, I think that is the last time I ever did that.

HARRIS: As things, as you got older, I assume you moved out of the house you said, what, 17, 18, something like that?

PETERSON: 17.

HARRIS: Scott would have been, what, about 13 or so?

PETERSON: About 12, 13.

HARRIS: You eventually, over the years you have seen him grow into manhood?

PETERSON: Yes.

HARRIS: Watched his life progress?

PETERSON: Yes, definitely.

HARRIS: You obviously saw him go on to college, get married, so forth.

PETERSON: Yes.

HARRIS: What memories, when you look back on your childhood, you look back on those times at home, what kind of memories do you have about Scott? What kind of things do you think about when you think about those times?

PETERSON: I have fond memories of summertime spent together in the woods, and hiking, and exploring things, and biking, going to the beach. He's my little brother.

HARRIS: Is he a good little brother?

PETERSON: Definitely. Great little brother.

HARRIS: Did he follow you around?

PETERSON: Yes, he followed me around.

HARRIS: Did he want to do things you were doing?

PETERSON: Yeah a lot of the time, sure.

HARRIS: I know that eventually you got married, correct?

PETERSON: Yes.

HARRIS: What's yours wife's name?

PETERSON: My wife's name is Alison.

HARRIS: And when you got married, was Scott part of the wedding?

PETERSON: Scott was the best man at my wedding. He gave a great stirring speech. Always a great speech giver. Always gracious host. Scott found out that there was a gap between my wedding and my honeymoon. We were just going to go to Vegas, but we weren't going until the next day. So he asked where we were going. I said we're going home. And before I knew it, he got called himself, got us a room at the Hyatt Islandia hotel in San Diego. Before we took off we invited him over, we had drinks and celebrated it.

HARRIS: He also was there for the birth of your daughter, is that right?

PETERSON: Definitely. My daughter was born, he drove down from Morro Bay, and he brought by Winnie the Pooh, which had some significance for our family. We had a picture of Scott when he was a baby on the sofa, and he was sitting next to a Winnie the Pooh. They were almost exactly the same size. And so kind of his gift to me to bring me that Winnie the Pooh. He also brought a camera to take the picture, and a nice Cuban cigar also.

HARRIS: Was it sort of like Scott to make sure that the gifts he gave were very personalized?

PETERSON: Definitely. I think he put a lot of thought into everything he did, and lot of thought into everyone he knew.

HARRIS: Like to mark these pictures, judge. I believe there is nine of them.

JUDGE: How many you got?

HARRIS: Yes, nine.

JUDGE: Defendant's 9K, nine pictures. 9K, nine pictures.

HARRIS: You have two daughters, is that correct?

PETERSON: Yes, two daughters.

HARRIS: What are their ages?

PETERSON: I have an 18-month-old, and an eight-year-old.

HARRIS: What's the eight-year-old's name?

PETERSON: Eight-year-old is Christine.

HARRIS: And the 18 months?

PETERSON: Katy.

HARRIS: You also remember growing up, I think you told me about Scott's love of fishing?

PETERSON: Yeah.

HARRIS: He would go fishing frequently as a child?

PETERSON: We went, in Poway we went fishing a lot in Poway Lake.

HARRIS: You went with him a lot?

PETERSON: I went a lot, yeah.

HARRIS: Would he often go fishing with his mother as well?

PETERSON: I'm sorry?

HARRIS: Would he also go fishing with your mother as well?

PETERSON: Yes, she was the first one to take us fishing, I think. We would always con her into taking us for a couple of hours.

HARRIS: There was a, there was some discussion about, there has been some discussion about Scott and his jobs and his work ethic. What do you think that work ethic came from?

PETERSON: I know it came from my dad.

HARRIS: Why do you say you know it came from your dad?

PETERSON: I think my dad told us at an early age that anything that's given to you is not as valuable as something you earn, and taught us to work hard for, and we did. And Scott always had two or three jobs as teenager. He always worked hard for everything he got.

HARRIS: Was that something that's the always kind of resonated through your family?

PETERSON: Definitely.

HARRIS: Just want to show you series of pictures. If you just kind of give a short description what's going on here. That is an early picture of you guys?

PETERSON: Yeah, definitely. Definitely.

HARRIS: How old do you go you were there?

PETERSON: I would have to guess around eight.

HARRIS: So that would be Scott at around two, three, something like that?

PETERSON: Three, yeah.

HARRIS: That's just a family photo?

PETERSON: Yes.

HARRIS: D9K-2. What's going on? It's a little dark.

PETERSON: You can't see it very well, but that is our dog Hagen has some sunglasses on his eyes.

HARRIS: What kind of much dog is that?

PETERSON: Scottish Terrier.

HARRIS: With was his name?

PETERSON: Hagen.

HARRIS: He was named after?

PETERSON: Named after Walter Hagen, the golfer.

HARRIS: That's, you got sunglasses on him, is that correct?

PETERSON: Got sunglasses on him.

HARRIS: Were you sort of the one in the family who was usually known for pulling pranks?

PETERSON: Yes, definitely.

HARRIS: What's going on there?

PETERSON: Giving him a horsey ride.

HARRIS: How old is, that also looks like you are about, what, seven or eight or nine?

PETERSON: Yes, I would say so.

HARRIS: Would you and Scott often play together, those kind of things?

PETERSON: Oh, yeah. We're brothers.

HARRIS: Looks like a Halloween picture.

PETERSON: Halloween picture.

HARRIS: What's going on there?

PETERSON: Test out my scariest masks on Scott. Usually I could sneak up on him and tap him on the shoulder. That one is not too scary there. In later years.

HARRIS: D9K-5. What is that a picture of?

PETERSON: Me and my State Trooper outfit. I loved that thing.

HARRIS: And he's, looks like, again, he's two or three, something like that?

PETERSON: Around there.

HARRIS: Lot of pictures are when the two of you are younger. Here is one where you were a little older. What's going on there?

PETERSON: That picture maybe taking a break at Disneyland, looks like.

HARRIS: Would you do a lot of outings together, take him along a lot of times with you?

PETERSON: Oh, yeah. Always go bicycle around the neighborhood, hiking through the woods with our friends, camp, family vacations.

HARRIS: Kind of good kid brother, didn't complain too much?

PETERSON: What's that?

HARRIS: He was a good kid brother, didn't complain too much?

PETERSON: Oh, yeah. He was a great kid brother. Hardly ever told on me.

HARRIS: Is this later on? What's going on here?

PETERSON: That's at my wedding. That's,

HARRIS: You mentioned Scott was the best man at the wedding?

PETERSON: He was best man. Gave a good speech.

HARRIS: Now, this is you, right?

PETERSON: That's me.

HARRIS: D9K-8. What's going on here?

PETERSON: I think that's at the reception, actually, maybe outside.

HARRIS: Where did you get married?

PETERSON: Where?

HARRIS: Yes.

PETERSON: Ocean Beach, California. Close to my house.

HARRIS: And, lastly, D9K-9. You mentioned a reference to the present.

PETERSON: Yeah.

HARRIS: Brought down from Morro Bay?

PETERSON: There is Winnie the Pooh he brought. There is my daughter Christine.

HARRIS: Again, why was that significant?

PETERSON: Well, it was one our favorite family photos of Scott sitting next to that Winnie the Pooh on the couch there, about the same size.

HARRIS: John, you have obviously heard us talking about the question as to why we are here, dealing with the decision the jury has to make. We have asked a lot of people about the effect it would have on them to see Scott put to death. How would it affect you?

PETERSON: I can't even imagine. I would be devastated. I can't even imagine. I would be wrecked. My little brother, I love him. I love him.

HARRIS: How about the effect it would have on your parents?

PETERSON: I don't even want to go there.

HARRIS: Fair enough. Thank you, John.