Witness: James Richard Eichbaum

Date: 2004-07-21

Proceedings held July 21, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos

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/Eichbaum.htm

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Direct Examination by David Harris

HARRIS: Sir, can you tell us what your occupation is?

EICHBAUM: I'm a detective with the Modesto Police Department.

HARRIS: How long have you been employed by the Modesto Police Department?

EICHBAUM: Just over nine years.

HARRIS: I want to direct your attention back to February of 2003. Were you working in your capacity on February 18th and 19th as a police officer?

EICHBAUM: Yes, I was.

HARRIS: On those particular dates did you assist in the service of a search warrant at 523 Covena?

EICHBAUM: Yes, I did.

HARRIS: And we've heard some of this before, but just to go through it: Was the scene manager at that particular time Detective Skultety?

EICHBAUM: Correct.

HARRIS: And did he give you an assignment as to what you were supposed to do on the 18th and 19th at that search warrant?

EICHBAUM: Yes, he did.

HARRIS: Were you assigned to, to go into a particular room and search?

EICHBAUM: Yes. I was assigned to go into a baby's room to search a closet, and also to search a bedroom. It wasn't really a bedroom at the time. It was more like an office, but the closet in there as well.

HARRIS: I want you to look, if you can, to your left, somewhat behind you, to People's number 38. Do you recognize that as being a diagram or schematic of the general location of 523 Covena?

EICHBAUM: Yes.

HARRIS: Now, you said a baby's room. Do you see towards the middle of that diagram there's a square box and says "nursery" in it?

EICHBAUM: Yes. That was the room.

HARRIS: That's the room that you're referring to?

EICHBAUM: Correct.

HARRIS: Above that is another box that represents a room that says "second bedroom"?

EICHBAUM: Yes.

HARRIS: And does that represent that room that you said wasn't really a bedroom, it was more of an office at that time?

EICHBAUM: Yes.

HARRIS: I want to go through the nursery aspect. You said that you were assigned to, to look in the closet. Did you look in the closet on both the 18th and the 19th?

EICHBAUM: Yes, I did.

HARRIS: And did you search in there?

EICHBAUM: Yes. I looked through the closet for any items of interest, unusual items, but I found some clothing, duffel bag, other items in there.

HARRIS: Do you know if photographs were taken?

EICHBAUM: Yes, they were.

HARRIS: And did you actually have some, pull some of those photographs?

EICHBAUM: Yes, I had reviewed them.

HARRIS: If I could have marked as People's next in order two photographs.

JUDGE: 155 A and B.

HARRIS: Detective, let me show you these two photographs now, 155 A and B. Ask you to look at them, see if you recognize them.

EICHBAUM: Yes, I do.

HARRIS: And do these photographs depict the closet during the times of the searches on the 18th and the 19th?

EICHBAUM: Yes.

HARRIS: And does it accurately depict the closet as you observed them on those dates?

EICHBAUM: Yes, it does.

HARRIS: Let me go ahead and get those back from you, put them up. Putting up what's been marked as 155A, can you describe for us what that is.

EICHBAUM: That's the closet on the floor. I remember there was a large duffel bag and the garments hanging on the, in the closet, and there was some bags on top of the closet.

HARRIS: Now, the next one, 155D, does this one have a digital time on it, or date and time?

EICHBAUM: Yes, it does.

HARRIS: And that would be what's on there?

EICHBAUM: 19th signifying the 19th day, being February, just after 12:00. Noon.

HARRIS: Now, you mentioned that you, when you were searching the, this, that you found this duffel bag. Did you look inside of it?

EICHBAUM: Yes, I did.

HARRIS: And what, if anything, did you find in this?

EICHBAUM: It contained some looked like rugged camping-gear type items.

HARRIS: When you say kind of rugged camping gear, can you describe for us what that is?

EICHBAUM: I remember there were some heavy boots in there, heavy almost like flannel-type jacket, real heavy, and a tow cable.

HARRIS: A tow cable?

EICHBAUM: Yeah. It was like a green, looked like a heavy tow cable wrapped in green.

HARRIS: What is a tow cable?

EICHBAUM: Tow cable to connect a vehicle to something that would be towed.

HARRIS: Now, when you were looking at this, did it look like it had been used at all recently?

EICHBAUM: Everything appeared to be, in my opinion, old. Like it hadn't been used for a while.

HARRIS: Why do you say that?

EICHBAUM: Dirty, dusty, nothing was clean.

HARRIS: That's that duffel bag that you were referring to?

EICHBAUM: Correct.

HARRIS: Now, you, were you also assigned to participate or assist someone in documenting clothing that was in the house?

EICHBAUM: Yes, I did.

HARRIS: Can you describe for us what was going on.

EICHBAUM: I was also assigned to assist Detective House and Detective Hawn in documenting clothing items by taking photos.

HARRIS: And you would actually take the photographs?

EICHBAUM: No, Detective Hawn was taking photos as Detective House and I presented the clothing to be photographed.

HARRIS: When you say presented the clothing, what do you mean?

EICHBAUM: I was laying it out on the bed to, one or two articles at a time to be photoed.

HARRIS: The process of doing this, would you, where were you get these clothing items from?

EICHBAUM: Mainly from the master bedroom closet. We were photographing all the clothing there. Also an armoire, and any other clothing we could find in the master bedroom.

HARRIS: So if you find, you see an item, you take it out, it's presented and photographed?

EICHBAUM: Correct.

HARRIS: Was this done with every piece of clothing that wasn't collected?

EICHBAUM: Correct.

HARRIS: I want to move forward in time. Did you participate in Bay searches at a later point in time, specifically in October?

EICHBAUM: Yes, I did.

HARRIS: I want to ask you about that. Were you assigned to a particular boat?

EICHBAUM: Yes, I was.

HARRIS: Were you one of the divers?

EICHBAUM: No, I wasn't.

HARRIS: So you were assigned to the boat. Did your boat have divers on it?

EICHBAUM: Yes, it did.

HARRIS: At the time you were going out there with the divers on the boat, did you have particular GPS coordinates that you were supposed to go and try and find something that had been seen?

EICHBAUM: Yes. We were given specific coordinates of locations of interest to dive on for that day.

HARRIS: Did you go to those locations with the boat?

EICHBAUM: Yes, we did.

HARRIS: Did the divers go into the water?

EICHBAUM: Yes, they did.

HARRIS: How many locations did the divers go into the water for?

EICHBAUM: There were several. I would have to refer to my report for exactly how many.

HARRIS: Did you write a report or a log based on your activities?

EICHBAUM: Yes, I did.

HARRIS: If you were to look at that, would that help refresh your recollection as to the specific numbers?

EICHBAUM: Yes, it would.

HARRIS: If you would go ahead and look at your report.

GERAGOS: Just tell me which Bates number stamp page you're looking at.

EICHBAUM: Sure. The bottom Bates stamp appears to be 31, either 389 or 889.

HARRIS: Mine appears to be 389.

GERAGOS: 389.

HARRIS: Have you had a chance to look at that for the numbers now?

EICHBAUM: Yes.

HARRIS: How many times did the divers go down?

EICHBAUM: Ten times.

HARRIS: So they're going down ten times to find specific targets with particular GPS coordinates?

EICHBAUM: That's correct.

HARRIS: How many times did the divers come up with anything?

EICHBAUM: They found, on two dives they found items, one they were able to retrieve, the other they were, they were, they weren't able to retrieve it.

HARRIS: So two times out of ten?

EICHBAUM: Yes.

HARRIS: The People have no other questions.

Cross Examination by Mark Geragos

GERAGOS: The, let me show you what's on the bottom Bates stamped, look like 31387, 31386. Are these, first of all, those look like your reports; is that correct?

EICHBAUM: Yes, that's correct.

GERAGOS: Okay. And are those three of the items that you found, or that the divers found and brought up and that you photographed and documented?

EICHBAUM: Yes.

GERAGOS: Okay. I'm going to ask, Judge, that I mark these as next in order, but I, I'm going to also ask that I fold them over and copy them, since they've got the usual,

JUDGE: Okay. Let me see.

GERAGOS: The first one is a,

JUDGE: It's going to be Quadruple Y.

GERAGOS: Quadruple Y.

JUDGE: Yeah. You've got two, Mr. Geragos?

GERAGOS: Yeah, I've got two.

JUDGE: YYYY 1 and 2.

GERAGOS: The first one is this item that was in, this tire; is that correct?

EICHBAUM: Yes.

GERAGOS: And that was in, one of these coordinates that you had?

EICHBAUM: Yes, it was one of the coordinates.

GERAGOS: Okay. So you went down there and you found, it says GPS point C 9. The jury and I have been through this ad nauseam, but there was grids you would go to, you would dive, they would find a target, and this is what they found and they pulled it up, correct?

EICHBAUM: Yes, that's what the divers found.

GERAGOS: Okay. Then you went to GPS target, and this is on YYYY 2, you went here and you found, once again, in D 26, another tire?

EICHBAUM: Yes.

GERAGOS: Okay. That was the same thing: Went to the location and had a target and went down and they found it?

EICHBAUM: Correct.

GERAGOS: Also. On that day they went to D 27, which was the grid right next door; is that correct?

EICHBAUM: I'd have to check reports, but most likely.

GERAGOS: Okay. And here they found a genuine Pabst beer can, correct?

EICHBAUM: Correct.

GERAGOS: And they brought that up?

EICHBAUM: Yes.

GERAGOS: And is that a ruler that's right there?

EICHBAUM: That's correct.

GERAGOS: So this beer can is a standard size twelve-ounce beer can that was on the floor of the Bay that the side-scan sonar had seen that the diver went down and was able to pick up?

EICHBAUM: That's what the diver found, but not necessarily what the sonar would have seen.

GERAGOS: You don't know what the sonar had seen?

EICHBAUM: Correct.

GERAGOS: Okay. Would you say that the side, or that that beer can was approximately the same size as People's number 72?

EICHBAUM: Probably the same height.

GERAGOS: Probably not as big, correct?

EICHBAUM: Correct.

GERAGOS: Now, these clothing items that were marked as 155, no, did you seize those?

EICHBAUM: Negative.

GERAGOS: You just took a photo?

EICHBAUM: Yes.

GERAGOS: Did you go and take a look and see whose clothing they might be?

EICHBAUM: Appeared to be some men's clothing and some other, baby's clothing on top and a duffel bag on the bottom. Obviously looked like a man's items.

GERAGOS: Did you see what this was in here?

EICHBAUM: I can't recall what it is.

GERAGOS: Okay. And that's when I, when I'm referring to is, looks like there's a bag of some kind with some clothing in it?

EICHBAUM: I can't tell from there, no.

GERAGOS: Okay. If I give you the picture, would that refresh your recollection as to what the item was on the floor there?

EICHBAUM: It might.

GERAGOS: Okay. I'll show you at the same time 150, the other 155.

EICHBAUM: Okay. I'm not sure. I can't quite make it out.

GERAGOS: Okay. Is it a fair statement that it looks like somebody had gone through the clothing that was there, because here's one picture and you don't see any orange item on it, correct?

EICHBAUM: Correct.

GERAGOS: Here's another picture and you see an orange item on top of it, correct?

EICHBAUM: Correct. I believe the orange item was a shirt, was originally in the duffel bag.

GERAGOS: Okay. And it looks to me like somebody had gone through this item right here, the suit bag, is that correct?

EICHBAUM: Correct. Initially they were on the left side of the closet.

GERAGOS: Okay. Here it looks to be right next to the shirts, and here it looks like somebody has at least moved it or done something to it, correct?

EICHBAUM: Correct.

GERAGOS: Okay. But you didn't make any notations as to what the items were as far as you know?

EICHBAUM: No.

GERAGOS: How many times did you go out in the Bay and do searches?

EICHBAUM: Several days.

GERAGOS: Fair to say you didn't find anything of any evidentiary value in the Bay?

EICHBAUM: Correct.

GERAGOS: I have no further questions.

JUDGE: May this witness be excused?

HARRIS: No other questions.

JUDGE: Okay. Detective, thank you.

EICHBAUM: Thank you.

JUDGE: Thank you very much.