Witness: Melba Martinez

Date: 2004-09-09

Proceedings held September 9, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Birgit Fladager; 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/MartinezMelba.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 Birgit Fladager

FLADAGER: Miss Martinez, do you live in the La Loma area of Modesto?

MARTINEZ: Yes, I do.

FLADAGER: How long have you lived in there?

MARTINEZ: About ten years now.

FLADAGER: Ten years? Do you have a dog?

MARTINEZ: Yes, I do.

FLADAGER: Did you have a dog back in December of 2002?

MARTINEZ: Yes, I did.

FLADAGER: One, or more than one dog?

MARTINEZ: More than one.

FLADAGER: And what kind of dogs were they?

MARTINEZ: Golden Retrievers.

FLADAGER: What where were names?

MARTINEZ: Ruby and Dodger.

FLADAGER: Do they look pretty similar to one another?

MARTINEZ: Yes, they do.

FLADAGER: And about the same age, or not so much?

MARTINEZ: About two years apart.

FLADAGER: Did you walk your dogs in the neighborhood where you lived?

MARTINEZ: Yes, I did.

FLADAGER: Would you walk them one at a time or together, or did,

MARTINEZ: One at a time.

FLADAGER: What time ordinarily would you go walking with your dog?

MARTINEZ: In the mornings, any time from 6:30 a.m., seven, eight, nine. It varied. It depended on how my back is. I have a bad back. So depended how I felt that morning. Usually in the

evening, though, I would walk. Mostly in the evening also.

FLADAGER: Mornings and evening?

MARTINEZ: Yes, correct.

FLADAGER: Have you take a look at what's been marked People's Number 231.

JUDGE: Did you mark that? What is that?

FLADAGER: It's a map. Did you have a chance to look at that?

MARTINEZ: Yes.

FLADAGER: Do you see an area highlighted on that map?

MARTINEZ: Yes.

FLADAGER: That indicate the route you normally travel?

MARTINEZ: Correct.

FLADAGER: Going to put it up here on the screen. This appears to be a pathway marked, highlighted in yellow. Some of it dotted line, some of it is a solid line. What's the difference in meaning in terms of the dotted line and solid line on the path that you might take?

MARTINEZ: Is there a difference?

FLADAGER: Is one an ordinary route, one an alternate route?

MARTINEZ: Yes. Well, usually I would go down Roble, west on Roble, and go down Santa Rosa, make a right on Santa Rosa, cross over Encina, go down Edgebrook, because it's like a hill that goes up. You get kind of a nice burn when you go up it backwards. And then right on the Covena, and then hit Encina, make a left, or I could keep going on Covena then hit Roble, and make a left, then go to my home. Yes.

FLADAGER: When you go on Edgebrook turn on Covena, would you go past the Peterson residence 236 (sic) Covena?

MARTINEZ: Yes.

FLADAGER: Could I have a picture of the dog marked?

JUDGE: 231A.

GERAGOS: 231 be the map?

JUDGE: 231A is a photograph of a dog. Your dogs' names are Ruby,

MARTINEZ: And Dodger.

JUDGE: Dodger, like the baseball team?

MARTINEZ: Correct.

FLADAGER: Can you tell me if this one is Ruby or Dodger?

MARTINEZ: I'm sorry. This is Ruby.

FLADAGER: Why is Ruby called Ruby?

MARTINEZ: Her color.

FLADAGER: She's red?

MARTINEZ: Yeah.

FLADAGER: There is a little girl there?

MARTINEZ: That's my granddaughter.

FLADAGER: All right. No further questions, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good morning.

MARTINEZ: Good morning.

GERAGOS: Miss Martinez, they interviewed you in March of this year?

MARTINEZ: Yes, sir.

GERAGOS: And specifically asked you if you were walking on December 24th?

MARTINEZ: Yes.

GERAGOS: You said that you, I think your answer was you were preparing for dinner for family at home. You don't remember if you did or didn't walk your dog?

MARTINEZ: I don't recall if I did or not.

GERAGOS: Okay. And you don't recall if you took an alternate route? If you did walk that day, you just don't have a memory of, is that correct?

MARTINEZ: I don't remember, sir.

GERAGOS: Okay. And how often would you walk after December of 2002?

MARTINEZ: Two to three times a week.

GERAGOS: Okay. And you would normally be home by what time when you would walk?

MARTINEZ: Well, depend. If I left at 6:30, I would be back by 7:30 or 8:00 o'clock.

GERAGOS: In the morning?

MARTINEZ: Yes, in the morning.

GERAGOS: And then that would be the latest?

MARTINEZ: Yes.

GERAGOS: Okay. And if you walked in the evening?

MARTINEZ: If I walked in the evening, I would leave about 5:30, about seven, 7:00 p.m.

GERAGOS: Do you let your dog off the leash when you walk your dog?

MARTINEZ: No, I don't. Never. I'm sorry. Sometimes in the front yard when I'm doing yard work and stuff, she'll just sit on the front porch with my other dog.

GERAGOS: I'm sorry, I didn't ask it correctly. Did you ever let your dog off the leash when you walk the dog?

MARTINEZ: No.

GERAGOS: And is it a fair statement that you are never walking the dog after 9:00 o'clock in the morning, at least until you take an evening walk?

MARTINEZ: I'm sorry, can you say that again?

GERAGOS: Your normal routine when you do walk the dog is to get up at 6:30 in the morning and walk the dog in the morning and be back at your house before 8:00 o'clock; is that correct?

MARTINEZ: Usually. Not always, though. Depend if, what was going on that morning. I mean I could, I have gone later. It always varied.

GERAGOS: Okay. And as you sit here right now, you don't recall where you walked on December 24th?

MARTINEZ: No, I don't.

GERAGOS: You don't recall if you walked on December 23rd?

MARTINEZ: No.

GERAGOS: Thank you. I have no further questions.

JUDGE: Did you walk both your dogs at the same time?

MARTINEZ: No, I don't. Just one at a time. They are too big. You can see, she's,

JUDGE: One at a time. You walk Ruby, then you walk Dodger?

MARTINEZ: Correct. One, I would take one the one day, and the other the next day.

JUDGE: Okay. Thank you. May this witness be excused?

DISTASO: Yes.

JUDGE: Okay. Thank you.