Witness: Craig Grogan

Date: 2004-09-23

Proceedings held September 23, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Birgit Fladager (continued from previous day); Cross – Mark Geragos

Day 4 of 8 for this witness

Court: San Mateo County Superior Court, Redwood City (People v. Scott Peterson)

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September 23, 2004

JUDGE: All right. This is People versus Scott Peterson. Let the record show the defendant is present with counsel. And these proceedings are taking place out of the presence of the jury. Last week we had a 402 hearing with respect to the testimony of Officer Buelna. The Court had indicated a ruling, and then the court decided, after hearing further argument, the Court would reserve a ruling until I read the testimony of Pin Kyo and the testimony of Sarah Yoshida. What the subject matter of the dispute is the People's 254A through E. In reading Pin Kyo's testimony on Page 17091, she describes the contents of the exhibit that was presented to her. She describes pieces of plastic, et al. And on page 17092, Line 4, she indicates that the debris came from the Bay. At page 17093 she identifies a long piece of plastic.

Then she examined it and sent it on to Sarah Yoshida for analysis. On page 17095, Lines 9 and 10, Pin Kyo testified that they were, the piece of plastic that was in 254A through E was chemically similar to that the found on Conner.

She doesn't say in her testimony where the 254E was recovered or what date it was recovered. The Court read Sarah Yoshida's testimony. At page 16449, starting at Line 6, she describes testing this material. She described the material, you will all recall, as Polyethylene. At page 16455, at Line 14, it appears to be similar in its chemical properties. She also doesn't say where the debris was recovered. She apparently doesn't know. In the examination of Miss Yoshida, Mr. Harris refers to 819-30. That is a sample from 254, our number 254A through E. And Rich-1 is the piece of plastic that was recovered around Conner's neck. At page 16261, Line 19, she says it has a similar chemical composition. Now, the Court after reviewing that, there was a 1054 issue. I don't believe there is a violation of 1054. That information about Pin Kyo's testimony and Yoshida's testimony was in the hands of the defense, and the subject was properly pursued on cross-examination. Now, the fact that these particular samples were gathered in June, which is a few months after the discovery of the bodies, goes to the weight rather than the admissibility. So we all we would have is this 254. Nobody would know where it came in. And I think it's important for the jury to know that they can put whatever weight they want on the fact that this material was recovered in June, months after the bodies were found. So the Court will permit the testimony of Officer Buelna after reviewing the evidence of Pin Kyo and Sarah Yoshida. The Court, I'm accepting the proffer of the prosecution that the witness is going to say she recovered this particular material, and I think it was June 1st or June the, 2.

GERAGOS: June 21st.

JUDGE: June 21st. Okay. All right. So the Court will permit that evidence. Are we ready to go?

FLADAGER: We are.

JUDGE: Do you want to bring in the jury?

JUDGE: All right. Let the record show the jury is present in the jury, box along the alternates. And the defendant is present with counsel. And, Miss Fladager, you know whether you left off. You can pick up there. Good morning, everybody.

FLADAGER: Detective Grogan, before we actually show the videotape that we talked about yesterday from the camcorder that was recovered let me ask you a couple more questions about that. Have you had a chance to review that a couple of times?

GROGAN: Yes.

FLADAGER: Did you request one of the clerks from the Modesto Police Department to prepare a transcript of that?

GROGAN: Yes, I did.

FLADAGER: Is there a lot, or not so much, in the way of actual voices that you can hear on this tape?

GROGAN: There is not a lot in comparison to how long the tape is.

FLADAGER: And in terms of when there are voices on the tape, are they easy to hear or not so easy to hear?

GROGAN: Sometimes they are difficult to hear.

FLADAGER: Have you noticed that there is a time date stamp that appears to sort of, that appears to be on and changes around quite a bit?

GROGAN: Yes.

FLADAGER: Can you describe for the jury a little bit what to expect before they see it?

GROGAN: There is several different clips throughout the video. It's not one continuous video with the time and date stamp on it. So you have to watch that at the bottom corner of the videotape. And we really don't know whether the time and date stamp is correct or not. On a couple of them you can tell because of other things in the photograph. But, for instance, there is one portion of it where you can hear someone talking on the radio, and the time they say on the radio is not the same time that appears on the camera. So it's, on the date stamp, it's hard to rely on those times. We're not suggesting that we know that those are accurate.

FLADAGER: Before we show the video, let me also ask this question. What is the first image that we're going to see on the video?

GROGAN: The first image is Laci Peterson.

FLADAGER: All right, your Honor, I have transcripts here.

JUDGE: This is not, is this the tape that's been already been reviewed by both sides, and everything?

GERAGOS: Yes, your Honor. There was some changes made.

JUDGE: All right. Miss Fladager, this will be 279.

FLADAGER: Yes, please.

JUDGE: Next in order. Can you just describe it for the record so I can write it here?

FLADAGER: This is a DVD of a camcorder video.

JUDGE: Of?

FLADAGER: Video from the camcorder that's stolen from the Covena residence.

JUDGE: By Miss McGregor?

FLADAGER: Yes.

JUDGE: And you have, okay. Okay. 279A will be the transcripts, and 279B will be the videotape.

GERAGOS: 279A and B.

JUDGE: Yes. I want to remind you again, ladies and gentlemen of the jury, that this is just a guide to help you. The best evidence is what you actually see and hear on the video.

FLADAGER: And by way of warning, Detective Grogan, is this a rather lengthy videotape?

GROGAN: Yes. I think it's around fifty minutes long.

JUDGE: Fifty minutes. Okay.

FLADAGER: At some point we'll fast forward it to get through it a little faster.

JUDGE: Yes. Who is going to start the video? You are. Okay.

(RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Just ask you real quickly, Detective Grogan, there was a truck and a flatbed trailer attached in that scene. Do you recognize that truck and trailer?

GROGAN: Yes.

FLADAGER: Who does that belong to?

GROGAN: That belongs to Scott Peterson.

FLADAGER: Is that the flatbed trailer that was found in the shop during the search warrant?

GROGAN: Yes, I believe so.

FLADAGER: Thank you.

(RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Detective Grogan, we saw a scene that had a time date stamp of January 03. What was the approximate date that this video camcorder was stolen from the Covena Avenue address?

GROGAN: I believe it was around January 18th.

FLADAGER: Thank you.

(RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Detective Grogan, do you recognize the two individuals in this scene?

GROGAN: Yes.

FLADAGER: And who are they?

GROGAN: That is Amy Rocha and Lee Peterson.

(RECORDING EXHIBIT 279B PLAYED)

FLADAGER: We're going to fast forward a little bit now.

(RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Detective Grogan, do you recognize the intersection that's depicted on the screen?

GROGAN: Yes. I believe that's the Buena Vista and La Loma intersection in the City of Modesto. Not far from the Peterson home.

FLADAGER: This is part of what we call the La Loma neighborhood, La Loma area?

GROGAN: Yes.

FLADAGER: All right.

(RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Detective Grogan, can you tell us what street we're on at this point?

GROGAN: I believe at that point it's Encina. Buena Vista Avenue turns into Encina as you travel eastbound.

FLADAGER: And we are coming up to a park that will be on the right-hand side?

GROGAN: Yes.

FLADAGER: What park is that?

GROGAN: That's Kewin Park, which is part of the Dry Creek Park. And this is La Loma and Buena Vista. This is what's referred to as the La Loma Bridge.

FLADAGER: Are we coming up to the round about?

GROGAN: Yes.

FLADAGER: Detective Grogan, we just saw a scene. Was that from the interior of the Covena residence?

GROGAN: Yes.

FLADAGER: Are you able to see the board on the wall?

GROGAN: You know, I'm sorry, I missed it. Yes. It appears to say "Happy Anniversary".

(RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Detective, we are looking at La Loma Avenue?

GROGAN: We are. I'm not certain where the, whoever is filming this is standing. But that appears to be La Loma (RECORDING EXHIBIT 279B PLAYED) And right here we're starting from the east end of Encina Avenue by the school, and we're going to be coming up on Covena Avenue. It's a little green belt here off to the right that's called Pierre Park. And the next intersection is Covena Avenue. The Peterson home would be off to the right if you turn at this intersection, and within that block. And continuing down Encina, which will turn into Buena Vista and run into La Loma.

FLADAGER: You previously talked about a park being off to the right-hand side of the road. Are we coming up to that same park you mentioned?

GROGAN: That's Kewin Park again. And this is the intersection of Buena Vista and La Loma. Looks like we're doing the same thing again. Starting at the school, the dead end of Encina, and driving all the way through to La Loma.

FLADAGER: All right. Now, which direction are we going?

GROGAN: Now we're on La Loma headed eastbound. This is the La Loma Bridge. And this is Buena Vista where we're turning.

FLADAGER: This is the reverse direction of what we have already seen?

GROGAN: Correct.

FLADAGER: And you can let us know when we are approaching that intersection again. (RECORDING EXHIBIT 279B PLAYED)

GROGAN: Okay. I believe this is going to be the intersection of Covena right now.

FLADAGER: So at this particular intersection, what you described as Pierre Park is off to the left top corner of the screen?

GROGAN: Yes, ma'am.

FLADAGER: If you were to go the Peterson home, would you turn left right here?

GROGAN: Yes.

FLADAGER: And about how far up is the house?

GROGAN: It's a few houses up on the left hand side.

FLADAGER: All right. (RECORDING EXHIBIT 279B PLAYED) Is this some sort of orchard off to the left?

GROGAN: I believe that's olives.

FLADAGER: And on the, on the right-hand side?

GROGAN: This is the school. This is the end of Encina Avenue. When they are talking about the Encina, that project is to continue that road through there, or where that field was, and connect it with another neighborhood on the other side.

FLADAGER: Do you recognize any of the individuals in the scene, in this scene?

GROGAN: Yes. That's Lee Peterson so the right-hand side. The other adult male is Joe Peterson.

(RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Detective Grogan, is that the pool at the Covena address?

GROGAN: It appears to be, yes. (RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Detective Grogan, the location that's depicted in this particular scene where we are looking at some golf clubs, can you tell where that's filmed?

GROGAN: I believe it's the warehouse at 1027 Emerald Avenue.

FLADAGER: Thank you. (RECORDING EXHIBIT 279B PLAYED) Detective Grogan, taking a look at what's on the screen right now. Can you tell us what that is?

GROGAN: Yes. That's the Croton watch.

FLADAGER: And is this the same image that you eventually found on Ebay?

GROGAN: Yes. (RECORDING EXHIBIT 279B PLAYED)

FLADAGER: Is this additional footage of that same watch?

GROGAN: Yes. It's been filmed three times at this point.

FLADAGER: And there is a Mickey Mouse watch that we have talked about before?

GROGAN: Yes. That was sold on Ebay. These other watches that we're seeing were also listed. (RECORDING EXHIBIT 279B PLAYED)

JUDGE: We'll admit 279A and B, take the same numbers.

FLADAGER: All right, Detective Grogan, the number of those items that we saw at the end, golf clubs, metal rack.

JUDGE: Watches.

FLADAGER: The watches.

FLADAGER: Were those items that eventually we saw were listed on Ebay?

GROGAN: Yes.

FLADAGER: And of all the various watches, necklaces, or bracelets, earrings that you saw in that videotape, to your knowledge were all of those recovered except for one item?

GROGAN: The Croton watch was not recovered. Some of the chains may have sold on Ebay. Certainly the Mickey Mouse watch sold on Ebay.

FLADAGER: There was one image on the screen very briefly that was in a bathroom, appeared to be like a house, a bathroom in a house on November 20th. Did you see that image?

GROGAN: Yes.

FLADAGER: On that particular day, on the real November 20th kind of day, did you have information as to where Scott Peterson was on that day?

GROGAN: Yes.

FLADAGER: And where was that?

GROGAN: He was with Amber Frey on a date, and at the Radisson Hotel, I believe.

FLADAGER: And were the various locations where Amber reported them to be followed up on by detectives?

GROGAN: Yes.

FLADAGER: All right. What I'd like to do now is move up to April the 8th. On that particular day did you make an inquiry to the FBI Violent Criminal Apprehension Program?

GROGAN: I did.

FLADAGER: Can you tell the jury why that was done?

GROGAN: Well, at that point, we were still expanding the investigation. VICAP is a recourse that we can use for a national database of homicide cases that are unsolved or that have been solved. It's a voluntary program where police departments submit homicide cases, whether they are solved or unsolved. It basically is used to track serial crimes.

FLADAGER: In relation to this case, why is it that you were going to that resource?

GROGAN: The information that I submitted was to look to see if there was any patterns regarding pregnant females and homicide cases, serial cases involving pregnant females. I wanted to lock into any possibilities in that regard.

FLADAGER: Did you also make similar inquiries throughout the local area in California?

GROGAN: Yes.

FLADAGER: Why, ultimately why is it that you were doing that?

GROGAN: Well, at that point we had been searching for Laci Peterson for quite a bit of time, and come to the realization that there was a possibility we would not recover her body, especially due to the environment of the San Francisco Bay. And I began to look at this case as a no-body homicide case.

FLADAGER: What does that mean when you refer to something as a no-body homicide case?

GROGAN: That means the prosecution of a homicide without a body.

FLADAGER: Is there something about that that makes a case –

GERAGOS: Be an objection as it's a legal conclusion. It's also speculation.

JUDGE: It is a legal conclusion. If you want to ask from his point of view.

FLADAGER: From your point of view, detective, does that impact what you need to do in your investigation?

GROGAN: Yes.

FLADAGER: In what way?

GROGAN: Well, first off, you have to prove that a homicide occurred. And without having a body to do that from, it's difficult to do. So that's one of the challenges of it. The other is that you need to look at every possibility that there is, whether she's still voluntarily missing, anything that may have happened to her.

FLADAGER: As part of that, then, did you, were there other people investigated as potential suspects throughout this case?

GROGAN: Yes.

FLADAGER: How is it that you identified specific people to conduct investigations on?

GROGAN: Well, I, there was a combination of what came in on the tip line, a combination of what items should be done based on the preliminary information that we had in the investigation, looking for motive, people that had a connection with Laci Peterson, and did potentially have a motive to harm her. So it was a combination of all of those things, plus what we sent out to VICAP. We were looking for more people to try and follow up on.

FLADAGER: Some of the initial people that you talked to us about that you conducted these investigations on, were they family members?

GROGAN: Yes.

FLADAGER: Did Amber Frey also get investigated?

GROGAN: She was.

FLADAGER: Some of the tips that you received that led you to investigate particular people, did some of those include self-reporting, or people indicating that they are saying they killed Laci Peterson?

GROGAN: Yes.

FLADAGER: Did you follow up on those people?

GROGAN: Yes.

FLADAGER: And can you give us an example of where one of them was actually located?

GROGAN: One of them was located in a mental hospital on the East Coast.

FLADAGER: Other folks that you followed up on, did you check out alibis for them?

GROGAN: Yes.

FLADAGER: And the other investigated persons that you followed up on, can you tell us a little bit about those investigations?

GROGAN: Well, we looked at alibi information, and we looked to determine if we could show any connection to Laci Peterson, the Peterson family. The first step would be to try to show there is some connection to the victim. And we were unable to find any that had that link.

FLADAGER: Let's jump forward to April 14th, Monday. Did you get some information at about 8:00 o'clock in the morning relating to this case? Bates stamp 17527.

GROGAN: Yes.

FLADAGER: What happened at 8:00 o'clock in the morning on April 14th?

GROGAN: I was notified by one of the police clerks that the body of a fetus of unknown gender had been recovered in the San Francisco Bay.

GERAGOS: Judge, I assume multiple levels of hearsay are okay in terms of a reasonableness of the investigation?

JUDGE: Yeah, I would think so.

GERAGOS: Okay.

JUDGE: Just what information you received. How did he act on it.

FLADAGER: What did you do as a result of that particular information?

GROGAN: Well, I took that information. I contacted, or left a message with the Richmond Police Department, with the detective handling that, and left a voicemail message there, left my call back number. And then I had to go to court that morning.

FLADAGER: Was that to testify in a case unrelated to this?

GROGAN: Yes.

FLADAGER: Did you receive additional information at about 1:00 o'clock that afternoon?

GROGAN: Yes.

FLADAGER: And what was that information?

GROGAN: I received some information that East Bay Regional Park Police had recovered the body of an adult female in their jurisdiction off of Point Isabel.

FLADAGER: When you received that information, did that lead you to take any particular steps?

GROGAN: Yes.

FLADAGER: Can you tell us what those were?

GROGAN: I spoke to a member of that police department, East Bay Regional Park Police. I was given some initial information from them. And then I returned to the police department after our conversation and notified some of the people I work with there.

FLADAGER: Was there a plan already in place for members of the Modesto Police Department in the event that Laci and Conner's remains were to be discovered?

GROGAN: There were.

FLADAGER: And did you implement that plan at this time?

GROGAN: Yes.

FLADAGER: What was that plan?

GROGAN: The plan was that certain members of the investigative team would go to that location, and that I would try to locate Mr. Peterson.

FLADAGER: And the members that you indicated, who were these people and where the they go?

GROGAN: I believe, if I can look for a minute.

FLADAGER: Should be about 17529.

GROGAN: Detective Don Hendee, Detective Phil Owen, and Sergeant Al Carter responded to the location where the female's body was recovered.

FLADAGER: Was the plan for them to attend an autopsy, if one were to occur that afternoon or evening?

GROGAN: Yes.

FLADAGER: What were you doing to attempt to locate the defendant?

GROGAN: I was in contact with members of the California Department of Justice in the San Diego area, and I sent them to residences at that location to try to find where Mr. Peterson might be. I also sent some officers to addresses in the Central California area from Modesto Police Department to try to locate him.

FLADAGER: Did anyone report finding the defendant's truck on that particular day?

GERAGOS: Could I ask what Bates number stamp, your Honor?

GROGAN: I believe it is 17532, bottom of the page.

GERAGOS: Thank you.

GROGAN: And, yes, it was found at an address in San Diego.

FLADAGER: Was the defendant present at that location?

GROGAN: Well, not that could be established at that point, no.

FLADAGER: All right. At this particular time was there media interest being generated?

GROGAN: Yes. Intense.

FLADAGER: Did you have a conversation with Doctor Peterson that afternoon?

GROGAN: Yes, I did.

FLADAGER: What was the purpose of that conversation? Bates stamp 17530.

GROGAN: I asked him some questions about the recovery of the fetus and his autopsy of that.

FLADAGER: So that autopsy had already occurred?

GROGAN: That had occurred, yes, earlier that day.

FLADAGER: On the fetus?

GROGAN: Yes.

FLADAGER: On the next?

GROGAN: And next I asked him if he would also do the autopsy of the adult female who was later identified as Laci Peterson.

FLADAGER: Why did you want that to happen?

GROGAN: Because I wanted the same pathologist to do the examination for both.

FLADAGER: All right. Did he indicate he would do that?

GROGAN: Yes.

FLADAGER: And did members of the police department attend that autopsy?

GROGAN: Yes.

FLADAGER: Did you have any plans, or did, excuse me. Was DNA discussed at that particular day?

GROGAN: I'm sorry, I didn't hear your question.

FLADAGER: Was DNA analysis discussed that day?

GROGAN: Yes, it was.

FLADAGER: And how did that come up, and why?

GROGAN: It appeared to be the only means that we would have to positively identify the bodies.

FLADAGER: And did you discuss that with a particular agency?

GROGAN: Yes.

FLADAGER: And what agency was that?

GROGAN: With the Department of Justice.

FLADAGER: In an effort to try and locate the defendant, did you consider any other investigative tools?

GROGAN: Yes.

FLADAGER: And was one of those tools to wire reinstate the wiretap?

GROGAN: Yes, it was.

FLADAGER: On Monday, April 14th, did you receive any phone calls from the defendant?

GROGAN: No.

FLADAGER: Moving to Tuesday, April 15th.

GROGAN: Okay.

FLADAGER: Did you have any concerns about the media interest in the case at that particular time?

GROGAN: Yes.

FLADAGER: Was there a discussion ongoing about the possibility of DNA in the media?

GROGAN: Yes.

FLADAGER: Did you have any idea at that time when the police department e would be getting results from the Department of Justice about the DNA?

GROGAN: If I can have one moment, please. (PAUSE IN PROCEEDINGS)? Yes, there was. At the time, there was, the information we had was that extraction of DNA had to occur, and it depended on whether that they had a viable sample or not. And so that time period was kind of variable.

FLADAGER: Did you take any steps through your Chief of Police to have an impact on the testing, or when the testing would be announced?

GROGAN: Yes.

FLADAGER: What was that?

GROGAN: Well, I asked that any information that was released to the media be extended to the outermost limit of what was possible so that we would have time to find Mr. Peterson before DNA results were completed.

FLADAGER: Why did you want to that?

GROGAN: I wanted the time to find him and to set a surveillance team in place.

FLADAGER: On April 15th did you take additional, or did you make additional assignments to the other detectives for investigation?

GROGAN On the 15th?

FLADAGER: Yes.

GROGAN: Well, the wiretap was being put in place. There was also some information about duct tape on the body. And I sent some officers to do some follow-up in regards to that. And I asked one of the detectives to try and follow up on the clothing tags that were recovered with Laci Peterson's body, to find out exactly what type of clothing that was.

FLADAGER: All right. Did you ask for any follow-up in relation to what's been described as a Target, plastic, sort of Target bag that was found in the general area that day?

GROGAN: Yes.

FLADAGER: And what did you ask to be done with that?

GROGAN: I wanted to find out where that bag came from, and if we could track anything based on the information that was on the bag.

FLADAGER: Did you know whether that had anything to do with Laci Peterson's body?

GROGAN: I did not.

FLADAGER: And were you trying to verify, rule it in, or rule it out?

GROGAN: Yes.

FLADAGER: Were you involved in a jury trial still on Tuesday, April 15th?

GROGAN: Yes.

FLADAGER: Wednesday, April the 16th. At this point is the defendant located?

GROGAN: Yes.

FLADAGER: How is it that the defendant is found on this particular day?

GROGAN: Through the wiretap we could track that Mr. Peterson had checked his voicemail on his cell phone from a phone number, from a certain phone number. And then we used that phone number to try to establish an address that went with the phone number. And we sent officers to that location.

FLADAGER: Did you receive information at that point regarding the defendant's physical appearance?

GROGAN: Yes.

FLADAGER: And did that cause you some concern?

GROGAN: Yes.

FLADAGER: Why?

GROGAN: Well, I was told that his hair color had been changed.

FLADAGER: Did you receive some information about surveillance attempts?

GROGAN: Yes.

FLADAGER: Did that information cause you some concern?

GROGAN: Yes.

FLADAGER: Why?

GROGAN: The surveillance units that we had in place, Mr. Peterson walked up on them and was writing down license plate numbers their vehicles to their vehicles.

FLADAGER: At some point was there concern that he was –

GERAGOS: Objection. Leading.

JUDGE: Sustained.

FLADAGER: We'll rephrase. Was he ever seen on that morning?

GROGAN: Yes.

FLADAGER: And what were the circumstances there?

GROGAN: After he had written down –

GERAGOS: There will be an objection. If the, if he's testifying this was not observed personally by him. I know what the background of this is, and it's hearsay upon hearsay. If he wants to testify as to the hearsay upon hearsay, I would, that's fine, but not –

JUDGE: I can't tell what's hearsay on hearsay on the manner which the question is being asked. Is this going to be, is this information that he received from other law enforcement authorities?

FLADAGER: It is.

JUDGE: And then he acted upon this information?

FLADAGER: Yes.

JUDGE: I'll overrule the objection.

FLADAGER: What information did you receive?

GROGAN: That Mr. Peterson had left that address on a motorcycle shortly after writing down some of the license plate numbers, maybe I need to correct that. There was, what I was told is someone wearing the same or similar clothing to what Mr. Peterson was wearing was seen leaving the area wearing a helmet, that they couldn't see his face, traveling at a high rate of speed on a motorcycle, and they lost him.

FLADAGER: On Wednesday, April 16th, did you receive any information about a pending press conference by the Department of Justice?

GROGAN: Yes.

FLADAGER: And was that related to, was that at least purported to relate to DNA analysis by the Department of Justice?

GROGAN: Yes.

FLADAGER: What did you do as a result of that information?

GROGAN: I contacted the lab and asked for at least a 48-hour period to try to locate Mr. Peterson before the results were made public.

FLADAGER: Did you get any indication whether that request would be granted?

GROGAN: Yes, that's the information I received.

FLADAGER: During that phone conversation, did you also learn that, in fact, DNA had been, had now been extracted fromthe samples? Approximately 17544.

GROGAN: Then, yes, later that day I did get information that DNA had been extracted.

FLADAGER: Shortly after you learned that information, did you learn that information from another source?

GROGAN: Yes.

FLADAGER: What source was that?

GROGAN: It was reported in the media

FLADAGER: How long after your learning of it was it reported in the media?

GROGAN: Within a few moments.

FLADAGER: Let's move on to Thursday, April the 17th. Were you working on an arrest warrant affidavit?

GROGAN: Yes.

FLADAGER: Was it your intention to get an arrest warrant for the defendant in this case?

GROGAN: Yes, ma'am.

FLADAGER: In addition to what you have already told us about, was there, in addition, was there any information that you had now learned this week which caused you to decide to pursue that arrest warrant at this time?

GROGAN: Well, obviously the recovery of the bodies in the same location where Mr. Peterson was during the time period she disappeared, the fact that the clothing didn't match what he had described her wearing, led me to believe that an arrest was appropriate.

FLADAGER: And when you say the clothing didn't match, what do you mean by that?

GROGAN: Well, Mr. Peterson had told us that she was wearing black pants when he last saw her. And the clothing from Laci's body showed she was wearing a light-colored pant.

FLADAGER: Did you receive any information related to the autopsy that also figured into this decision?

GROGAN: Well, it appeared, based on the information I had, that Conner's condition was consistent with him being in utero until shortly before the bodies were recovered.

FLADAGER: Did you receive any indication from the autopsy as to whether Laci Peterson had given birth, or whether there was some other force at work?

GROGAN: Yes. There was no indication that she had given birth.

FLADAGER: And the condition of her body, what did that indicate to you?

GROGAN: Well, the decomposition was, fell within the range of her being put into the San Francisco Bay within the time period shortly after she disappeared.

FLADAGER: Did you get the search warrant signed on Thursday?

JUDGE: Thursday being the 17th?

FLADAGER: The 17th. Excuse me. I mean arrest warrant. I said search warrant.

GROGAN: Yes.

FLADAGER: Did you make the decision to head down to San Diego?

GROGAN: Yes, I did.

FLADAGER: Did you have any guidance from your Chief of Police as you are heading down to San Diego with your arrest warrant?

GROGAN: Yes.

FLADAGER: What is that?

GROGAN: He told me that he wanted surveillance in place, and that he didn't want Mr. Peterson to be able to get away, if he was trying to flee, and that we should serve the warrant if it appeared that that was going to happen.

FLADAGER: Was there anything else that you were waiting for prior to serving the arrest warrant?

GROGAN: We were waiting for DNA results.

FLADAGER: What time did you arrive in San Diego?

GROGAN: I think that was around 4:00 o'clock in the morning on April 18th.

FLADAGER: Who went down to San Diego with you?

GROGAN: Detective John Buehler, Sergeant Alan Carter, and Detective Al Brocchini.

FLADAGER: When you got down to San Diego in the morning, what did you all do?

GROGAN: We met with the supervisor of the surveillance team that was in place down there, and we rented a few hotel rooms and tried to get some sleep.

FLADAGER: What happened about 7:00 o'clock the next morning?

GROGAN: We were called by the surveillance team and were told that Mr. Peterson had left the home. They were surveilling. And that they had lost him briefly that morning already. But they picked him up and they were following him.

FLADAGER: Was there what car was he reported to be driving?

GROGAN: A red Mercedes Benz.

FLADAGER: Did this have, do you have any prior knowledge of the defendant being associated with a red Mercedes Benz?

GROGAN: No.

FLADAGER: Going back to the media, was there anything being reported in the media that caused you concern?

GROGAN: Yes. The time period that the DNA results would be completed was being reported or speculated on in the media. And it was also being reported that an arrest was going to be made that day.

FLADAGER: Of the defendant?

GROGAN: Yes.

FLADAGER: Were you getting any reports about, or, excuse me, from the surveillance team?

GROGAN: Yes.

FLADAGER: And throughout that morning what kind of reports were you receiving?

GROGAN: I was told that he drove out of San Diego into Orange County, into the lower portion of Los Angeles County, and then returned down to the San Diego area again. That he was aware he was being surveilled, and it appeared that he was taunting the people that were surveilling him. And that his driving was very erratic.

FLADAGER: Did you make a decision to go ahead and arrest the defendant prior to the DNA results being made known?

GROGAN: I did.

FLADAGER: Why did you do that?

GROGAN: Because we had lost him at that point twice on that day. And as part of the surveillance, that he was picked up after the second time and someone found him. There had already been some driving that was reckless. And I was told that one of the agents nearly got into an accident. I had an arrest warrant for him, and I didn't think that continuing with what we were doing until the DNA results came in was the safest course for anybody involved.

FLADAGER: Anybody involved, meaning what?

GROGAN: The public, the officers involved in the surveillance, and Mr. Peterson.

FLADAGER: Did you eventually get notification that the defendant had, in fact, been arrested by the Department of Justice surveillance team?

GROGAN: I did.

FLADAGER: Did you respond to that the location?

GROGAN: Yes, ma'am.

FLADAGER: Did you notify the defendant of anything?

GROGAN: I told him that he was under arrest for murder, yes.

FLADAGER: I already asked you this for Monday April 14th. Let me ask you, for Thursday the 15th, did the defendant ever call you on your cell phone?

GROGAN: No.

FLADAGER: Or your work phone?

GROGAN: No.

FLADAGER: How about Wednesday, April the 16th?

GROGAN: No.

FLADAGER: Thursday, April the 17th?

GROGAN: No.

FLADAGER: During this week time period, how would you characterize the media coverage of the body recovery and the pending DNA results?

GROGAN: It was very intense.

FLADAGER: At the time the defendant was arrested, was he wearing a wedding ring?

GROGAN: No.

FLADAGER: After the defendant was arrested, was there some processing that needed to be done in San Diego county?

GROGAN: Yes.

FLADAGER: And, after that, you begin to transport him back up to Shasta County?

GROGAN: Yes.

FLADAGER: During the course of that whole procedure, did you eventually get notified of the DNA results?

GROGAN: Yes, I did.

FLADAGER: Who notified you of those results?

GROGAN: I was told, I believe, by my supervisor, Sergeant Mike Zahr.

FLADAGER: And how, after you were notified of the DNA result, did you hear the results in another way?

GROGAN: Not personally, no.

FLADAGER: Were you surprised that they were reported in a different way?

GROGAN: Yes.

FLADAGER: What was that?

GROGAN: I was advised that shortly after I was notified, a press conference released that same information.

GERAGOS: I'm sorry?

JUDGE: That the press conference released that information?

GERAGOS: The press, in a press conference.

JUDGE: At a press conference?

GROGAN: Yes. There was a press conference that released that same information.

GERAGOS: By Modesto PD?

GROGAN: Not by Modesto Police Department, initially.

FLADAGER: Who was it released by?

GROGAN: By the Department of Justice.

FLADAGER: After you got the DNA results, was another request made of you?

GROGAN: Yes.

FLADAGER: What was that?

GROGAN: I was asked on behalf of the Contra Costa County Coroner's Office to make death notification due to the fact that Mr. Peterson was next of kin for Laci and Conner Peterson.

FLADAGER: Did you do that?

GROGAN: Yes.

FLADAGER: What was the defendant's reaction when you notified –

GERAGOS: There is an objection to that. I just –

FLADAGER: Let me rephrase the question. I think it will be fine. Can you describe his physical reaction when you gave that notification?

GROGAN: Yes. He and I were seated beside each other in the back of a car being driven by Detective Buehler. I gave him that information. He was wearing a pair of sunglasses. And he removed his sunglasses. I saw that he lowered his head, and a tear came out of his right eye, which is the only side of him I could see. And that he wiped his left side of his face. I couldn't see that, but he did wipe it with his hand.

FLADAGER: When you got back to Modesto, had you made arrangements to book the defendant?

GROGAN: While en route, I made a phone call to try to make arrangements for that.

FLADAGER: What kind of arrangements were you trying to make?

GROGAN: Trying to make arrangements to go to a second facility that the ine Sheriff's Department had to book him there, to try the avoid the media event.

FLADAGER: And was that plan set in place?

GROGAN: Yes.

FLADAGER: At some point after that you were advised the plan had changed?

GROGAN: Yes.

FLADAGER: Were you told why the plan had changed?

GROGAN: I was told that my supervisor had been in contact with someone from the Sheriff's Department that advised that we needed to book him in the downtown facility.

FLADAGER: And did you do that?

GROGAN: Yes.

FLADAGER: Your Honor, would this be good time for the morning break?

JUDGE: Okay. If you want to go now, all right. We'll take the morning break. We'll reconvene at ten minutes to eleven. Remember the admonition I have heretofore given. All right. Let the record show the defendant's present with counsel, the jury's in the jury box, along with the alternates.

And, Ms. Fladager, go ahead.

FLADAGER: Your Honor, I have a DVD that I'd like marked People's next in order.

JUDGE: Next in order, that will be 280. And there, I assume there's no transcript of that one?

FLADAGER: Correct. No transcript.

JUDGE: No transcript. All right.

JUDGE: And you're going to lay a foundation with Grogan?

FLADAGER: I will.

FLADAGER: Detective Grogan, have you watched a DVD, sort of aerial version view of the Modesto, California, and moving over to the Bay Area covering the Berkeley Marina and the two recovery sites for Laci and Conner Peterson as well as Brooks Island?

GROGAN: Yes.

FLADAGER: And does that video also show the tracking that was the GPS trackers, is that outlined on, in the vicinity of the Berkeley Marina?

GROGAN: Yes.

FLADAGER: And also in the vicinity of the Golden Gate Fields Race Track?

GROGAN: Yes.

FLADAGER: Does that video accurately represent the locations as they are relative to each other of the recovery sites and the Berkeley Marina?

GROGAN: Yes.

FLADAGER: All right. I'd like to play that now.

JUDGE: All right.

FLADAGER: Detective Grogan, the image that we're looking at on the screen right now, is that the Berkeley Marina?

GROGAN: Yes.

FLADAGER: And the markings on that, do those represent the tracking, GPS tracking areas?

GROGAN: It's an overlay of some of the GPS tracks, yes.

FLADAGER: Detective Grogan, do you recognize that parking area there in the Berkeley Marina?

GROGAN: Yes, it's where the boat ramp is located.

FLADAGER: Okay. And, Detective Grogan, in relation to the Golden Gate Fields Race Track, is that what we're looking at right now?

GROGAN: Yes.

FLADAGER: Detective Grogan, the area that we're looking at here, what is this?

GROGAN: It's the location, it's the bulk mail center and then the coastline along where Laci Peterson's body was recovered.

FLADAGER: Can you still see the Berkeley Marina back there with the tracks around it?

GROGAN: Yes.

FLADAGER: Detective Grogan, is this the area where Conner was recovered?

GROGAN: Yes, that's the Richmond Marsh area.

FLADAGER: And I'm going to approach the screen with a pointer. Detective Grogan, there is an area here, is that a beach area?

GROGAN: Yes.

FLADAGER: And then to the left of that on the screen there's an area with a straight edge, sort of a jetty, is this the area that you're calling as the Richmond Marsh area?

GROGAN: Yes, there's some breakers right there where it makes kind of a 90-degree angle and Conner's recovery site's within that square-looking are

FLADAGER: Detective Grogan, what we see here at the bottom of the screen that is sort of in the shape of a stingray, what is that?

GROGAN: That's Brooks Island.

FLADAGER: And to the right side of the screen where there appear to be yellow markings, what is this?

GROGAN: That's the Berkeley Marina.

FLADAGER: All right. Detective Grogan, does this image represent the Brooks Island recovery site, Laci recovery site and the Berkeley Marina as they are in relation to each other in the bay?

GROGAN: Yes.

JUDGE: All right. We'll admit 280. Takes the same number.

FLADAGER: All right. Detective Grogan, I'd like to take you back to December 24th one more time. The sightings of Laci Peterson on December 24th that are indicated on that particular diagram, which is People's Exhibit 267, you indicated earlier that you had ruled out essentially in your mind ruled out those as being viable of Laci's sightings, correct?

GROGAN: That's correct.

FLADAGER: Now is there a time frame that was available for Laci Peterson to be out walking, according to the defendant's statements and physical evidence and phone records on December 24th?

GROGAN: Yes.

FLADAGER: What was that time frame?

GROGAN: From approximately 10:08 to 10:18.

FLADAGER: And on either end of those time frames prior to 10:08 subsequent to 10:18 are there factors that would indicate she could not have been out walking?

GROGAN On these sightings in particular?

FLADAGER: No, just in general.

GROGAN: In general. Well, there is the information that we had from her medical records that said that she was supposed to walk later in the day, that she had been getting nauseous, and then those reports to the doctor stopped, so you can read maybe something into that. The fact that cuts down some on the time line is she is, she's supposed to be in the house in a pair of black pants and a white shirt and mopping the floor when he leaves at 10:08, and so for in order for her to, to go for a walk, she would need to, based on the defendant's statement and the clothing, she would have to change her clothes, put on her shoes and socks, put the leash on the dog and then leave the house.

FLADAGER: And at 10:18 end of time period, the end of that time frame what, what caused that 10:18 time frame?

GROGAN: That's when Karen Servas finds McKenzie with his leash attached in the street one house south of 523 Covena Avenue.

FLADAGER: Now, the sightings that are on the board there from December 24th, are there a few of them that occur or appear to occur between the time frame of, let me back up. Are there a few of them that actually cover the time period of 10:08 to 10:18?

GROGAN: There are a few of them that are in that time period, yes.

FLADAGER: And of those particular sightings do a number of those people report there Laci sightings as being someone in black pants?

GROGAN: I'm sorry, the question again.

FLADAGER: The question is, of those that we're talking about, do a number of those Laci Peterson sightings indicate she's wearing black pants?

GROGAN: Yes.

FLADAGER: Is that consistent with the information that has been put out by the police department?

GROGAN: That's consistent with what we were told and what was released to the media early on as a description for Mrs. Peterson, yes.

FLADAGER: And that was the description provided by the defendant?

GROGAN: Yes.

FLADAGER: Of those Laci Peterson sightings that might fall or cover in some way that 10:08 to 10:18 time period, did their physical location, any of them, make them unlikely?

GROGAN: Yes.

FLADAGER: Why?

GROGAN: Well, looking at No. 18, which is 10:00 a.m. to noon on the 24th, she's in the north part of town and actually additional follow-up on that showed it to be someone else.

FLADAGER: How about No. 58, physical location-wise.

GROGAN: Physical location-wise, No. 58 is also north of, JUDGE: Why don't you show us 58 on the board so the jury knows what you're talking about using the pointer.

GROGAN: Yes, Your Honor.

JUDGE: Thank you.

GROGAN: This is No. 58 up here and, actually, it's off of the map a little bit. To include it on the map, I just put the description. It's about one mile north of this point on the map.

FLADAGER: The majority of the red dots that we see there on the map, do they fall outside of the 10:08 to 10:18 time frame?

GROGAN: The majority of them, yes.

FLADAGER: All right. Detective Grogan, we're going to take a look at a bunch more sightings. This has already been marked People's 268 B.

JUDGE: Maybe, Detective Grogan, you can use the pointer to show, you can show the jury.

FLADAGER: Detective Grogan, would you please explain for the jury what it is we have on this particular exhibit.

GROGAN: This exhibit contains all of the other Laci Peterson sightings that are not on December 24th that are nationwide, worldwide. And the other two maps that are behind that are the 24 sightings in California and Modesto. So this is throughout the investigation that these are all the number of times that Laci Peterson was seen excluding what's already mentioned on the other maps.

FLADAGER: Do people claim to have seen Laci Peterson in a good majority of the states?

GROGAN: I believe 26 of the states.

FLADAGER: And what other countries was Laci Peterson reported to have been seen in?

GROGAN: Canada, France, Italy, and the Virgin Islands at St. Martin.

FLADAGER: Taking a look at the sighting from Italy, what is the date that sighting was reported?

GROGAN: That was March 9th of 2003.

FLADAGER: Now, given the fact we have or the Modesto Police department received reports from all of these people reporting to see Laci Peterson in a variety of locations at a variety of times, did you put any faith and credence in any of these reports?

GROGAN: No.

FLADAGER: Were attempts made to follow up on those that seemed the most reasonable or likely possibilities?

GROGAN: Yes.

FLADAGER: Do you know approximately, I may have asked you this already, but approximately how many sightings we have documented on this particular chart?

GROGAN: There's 193 on this chart. And I should also include that there are additional sightings that are not listed. These are the ones that had adequate information for us to chart.

FLADAGER: And when you say "adequate information," what do you mean by that?

GROGAN: Dates, times, locations enough to fill out this information.

FLADAGER: All right. Detective Grogan, after the defendant's arrest in April of 2002, in the past 17 months have you continued to work on this case?

GROGAN: Yes.

FLADAGER: Has it pretty much been a full-time job?

GROGAN: Yes, ma'am.

FLADAGER: Perhaps more than a full-time job?

GROGAN: Yes.

FLADAGER: What is it that you've been doing the last 17 months since Scott Peterson's arrest to work on this particular case?

GERAGOS: Be an objection, relevance.

JUDGE: I think so. Sustained. He's been arrested. We're here. Go ahead.

FLADAGER: Has there been follow-up investigation done?

GROGAN: Yes.

FLADAGER: And what generated the follow-up investigation?

GROGAN: The tips that we had received already, tips that we continued to receive, and then follow-up that needed to be done to complete the investigation, re-interview of witnesses because there, there were over 400 people listed as witnesses initially in this case and some of them were only contacted early on and had to be re-contacted later, and by that time of course they maybe made more observations, had more information to provide.

FLADAGER: As part of the, once the defendant was arrested did the focus of what you needed to do change in any way?

GERAGOS: Objection, relevance.

JUDGE: Yeah, I think so. It's all post- arrest. Sustained. I will sustain the objection.

FLADAGER: All right. In preparing for trial, detective, did you take the time to try and review all of your notes, reports, that type of thing?

GROGAN: Yes.

FLADAGER: And in doing so did you find that there were occasions where reports were missing or couldn't be located?

GROGAN: Yes.

FLADAGER: Could you give us some examples of that.

GROGAN: One example in preparing for the preliminary hearing I noticed that I collected a DNA sample from Dennis Rocha and I had not included that in a report so I needed to, once I found it, I documented it in a separate report.

FLADAGER: Now, and you had actually collected the DNA sample to be submitted to the lab?

GROGAN: Yes.

FLADAGER: And it has just not been reduced to writing to a report?

GROGAN: Correct.

FLADAGER: Okay. Do you have any other examples?

GROGAN: I went through dictation tapes and discovered that there were four reports listed on dictation tapes that had been transcribed, apparently. I don't know if they were forwarded to me for correction or and I corrected them and I didn't get them back or if I never got them, but those reports were, once I found them, they were, we transcribed them and they were corrected and submitted.

FLADAGER: Okay. And one of those reports that related to a witness who recently testified?

GROGAN: Yes. Mr. Lee.

FLADAGER: Any other examples you can think of?

GROGAN: Yes.

FLADAGER: Go ahead.

GROGAN: I did remove some information from a report at one point to be followed up on at a later time and I determined that that information didn't make it into a report. I corrected it, completed a report and forwarded it.

FLADAGER: Okay. And that information, was that placed on a lead sheet?

GROGAN: Yes.

FLADAGER: And that was for the follow-up?

GROGAN: Yes.

FLADAGER: And was it followed up on?

GROGAN: Yes.

FLADAGER: Once the case got filed, did that affect your work load?

GERAGOS: Objection, it's post-arrest.

JUDGE: I think so. Sustained.

FLADAGER: Let me ask you about this, detective, as far as once we moved over here did you continue to interview witnesses?

GERAGOS: Objection, relevance.

JUDGE: Overruled.

GROGAN: Yes.

FLADAGER: And why is that?

GROGAN: Because there was additional information that came in, there were witnesses that had not been spoken to until or since very early on in the investigation, witnesses that had additional information that needed to be documented.

FLADAGER: And did you do that?

GROGAN: Yes, myself and others.

FLADAGER: Was there anything about this particular case, Detective Grogan, that made it different in terms of the investigation from any other homicide case that you've worked on before?

GERAGOS: Objection, relevance.

JUDGE: Sustained.

FLADAGER: All right. I have no further questions for Detective Grogan.

Cross Examination by Mark Geragos

GERAGOS: Good morning, detective.

GROGAN: Good morning.

GERAGOS: As I understand it when you testified is that you were called out on this case on the 25th, correct?

GROGAN: Yes.

GERAGOS: Okay. And we've heard it a couple of times, but basically there's kind of a rotation that Modesto, for the homicide detectives; is that correct?

GROGAN: Yes, sir.

GERAGOS: And Brocchini's out there the night before, correct?

GROGAN: That’s correct, sir.

GERAGOS: Okay. The first thing that happens, and we've heard testimony and I know you've been in and out of the courtroom so some of this you've heard, some of this you may not have, but I assume you're aware Evers is out there virtually as a patrolman, he was there on the 24th almost immediately after getting the call; isn't that correct?

GROGAN: Yes.

GERAGOS: Okay. And when arrives, he immediately is told by Scott e Peterson that he, that Scott had been fishing in the bay at about that morning, correct?

GROGAN: Yes, I don't know about immediately, I know he's told that at some point.

GERAGOS: Okay. He also, and I'll show you the reports as we're going so you don't have to go through all of your binders, but he's also immediately at the same time that he's interviewed, Scott Peterson also tells him about the his work address on Emerald, correct?

GROGAN: Yes.

GERAGOS: Okay. And the fact that Scott had left that morning and had gone over to pick up the 12-foot boat, correct?

GROGAN: Yes, I believe so.

GERAGOS: Okay. Now, the, and Scott had told Evers, when I'm showing you a report, you've reviewed virtually all of these reports in these binders that are behind us, correct?

GROGAN: I have not reviewed all of those reports, no, sir.

GERAGOS: Okay. But the large majority of them, is that a fair statement, especially if they have to do with the investigation and the initial kinds of reports that were made?

GROGAN: I have reviewed a number of the key reports in this. I have not had time to read every report in every binder.

GERAGOS: Okay. It's a fair statement that Scott is the, as soon as Evers gets there, and Evers is a patrol officer, he's not a detective or something like that, correct?

GROGAN: At that time, no.

GERAGOS: Okay. He may have been promoted since, but at the time he was a patrol officer, right?

GROGAN: Correct.

GERAGOS: And Scott gives him basically, runs down the fact that he, that his wife Laci had told him that she was going to be taking the dog for a walk in the park; that she told him she was going to the grocery store to pick up groceries and that he was, he had gone to his work, TradeCorp, said where that was, gave an address; that he was going to pick up his 12-foot aluminum boat, fair statement?

GROGAN: Well, I prefer to look at the report because I've heard so many versions of different statements that I, I can't say which is which.

GERAGOS: Okay. And then Scott also told Evers that he had arrived at the Marina about noon; he launched the boat; he fished for about two hours by himself until it started to get, rained. Correct?

GROGAN: That’s correct.

GERAGOS: He also told Evers he loaded the boat in the trailer, drove home; he attempted to telephone home to his eight-month pregnant wife for the first time via cell phone, correct?

GROGAN: Yes.

GERAGOS: And he was unsuccessful getting a hold of her and thought that she was just shopping, correct?

GROGAN: That's what it says, yes.

GERAGOS: Okay. And he tried one more time calling his wife when he was driving through Livermore, but he was also unsuccessful, correct?

GROGAN: Yes.

GERAGOS: And when he arrived home he saw the golden retriever in the backyard with the leash dragging on the ground?

GROGAN: That’s correct.

GERAGOS: The rear door is unlocked, his wife's vehicle's is parked in the driveway?

GROGAN: Yes.

GERAGOS: And that he thought Laci must have been at her mother's house, correct?

GROGAN: That’s correct.

GERAGOS: Okay. Now, specifically on the 24th he also said or told Evers, maybe I'll just hang it here.

GROGAN: Well, I believe I may have that.

GERAGOS: The only reason I'm not giving you Bates numbers is at least on my copy I don't have it. It's just 12/24 report by Evers.

GROGAN: Okay.

GERAGOS: And he told Evers also that he called his mother-in-law, found out Laci was not there, he became concerned and started to call her friends, right?

GROGAN: Yes.

GERAGOS: And none of the friends had heard from Laci all day long?

GROGAN: That’s correct.

GERAGOS: Okay. He knew that she had mentioned that she'd be taking a walk at Dry Creek Park with McKenzie and he surmised that maybe something had happened to her, correct?

GROGAN: That’s correct.

GERAGOS: And then he called family members and additional family members, right?

GROGAN: Yes.

GERAGOS: Now Letsinger, Spurlock, Duerfeldt and Evers then respond to the house, right, set up a command post?

GROGAN: Yes.

GERAGOS: Okay. Then they enter the residence and they confirm that she wasn't there, correct?

GROGAN: Yes, sir.

GERAGOS: Okay. And at that point that's, that's what he tells Evers on the 24th, and that's, at least on the interview it says that Evers upon his arrival at 1755 he met with certain family members and friends, including the husband. 1755 would have been just five minutes before 6:00?

GROGAN: Yes.

GERAGOS: Now one of the things that was done almost immediately was, by the police at least, is Evers, Spurlock, Letsinger, they come into the house, correct, at least based upon what you've been told subsequently?

GROGAN: Based upon what I've been told they did a walk-through of the home, yes.

GERAGOS: Okay. And they didn't discover any evidence of forced entry, nothing out of the ordinary, correct?

GROGAN: Well, I think they made some observations that they later told to Detective Brocchini.

GERAGOS: Right. And that's exactly where I'm headed. One of the observations was that they saw some towels on the washer and the dryer, right?

GROGAN: Right.

GERAGOS: Okay. And they saw a mop, correct?

GROGAN: Right.

GERAGOS: Okay. And so they surmised that a cleanup had taken place; isn't that a fair statement?

GROGAN: Well, I think there was some information about the mop bucket being poured out and they considered that as a possibility.

GERAGOS: Well, I mean, that was one of the things that had peaked their curiosity as patrolmen that are there, is that a fair statement?

GROGAN: Yes.

GERAGOS: Okay. The mop had peaked their curiosity, the fact that there was some rags on the washer and dryer peaked their curiosity, and the fact that he had said he had gone fishing that morning had peaked their curiosity, correct?

GROGAN: Well, I don't know which of the officers would have said that, and I don't want to attribute it to all of them necessarily if that's not true but –

GERAGOS: Well, it's a fair statement that the caucus, at least as you're aware, the officers all got together and shared at some point Duerfeldt, Evers, and you've heard them testify, they got together, caucused, and they came to a kind of general consensus, isn't that a fairly accurate rendition of what transpired?

GROGAN: Yeah, I think the overall circumstances they discussed they decided that it would be appropriate to call out a detective.

GERAGOS: Okay. And one of the other things that peaked their, at least it's in the report, and I'll show you the second page, is that Scott had walked up to Spurlock and Evers and asked about the progress of the helicopter search, and at that point somebody who is known as the father-in-law of Scott, who you now know as Ron Grantski, had asked Scott if he was able to get in a game of golfing, and Scott replied, I didn't play golf today, it was too cold, I went fishing, correct?

GROGAN: Yes.

GERAGOS: And that they put down, in the report at least, that they perceived Ron Grantski to seem puzzled and responded, 9:30 or 10:00 in the morning is way too late for fishing and that Scott should have gone earlier, correct?

GROGAN: Yes, that's what it says.

GERAGOS: And the next thing in the report says that they, at some point after that Brocchini shows up, right?

GROGAN: He showed up later that evening, yes.

GERAGOS: Okay. Now, we have also heard from Greg Reed that, at least, and you know who Greg Reed is, he's one of the witnesses who was brought here by the prosecution, correct?

GROGAN: I have met him, yes, sir.

GERAGOS: And he testified by 7:00 o'clock he was next door at the house immediately north of Covena, is that correct, that's your memory of what transpired of what he's testifying to?

GROGAN: You know, I wasn't in here when he testified, but I know that he did at some point that evening unlock the house and let officers search next door.

GERAGOS: Okay. And you've heard his testimony or seen his report where he indicates at that point, 7:00 o'clock, within an hour one of the officers indicates they already know what happened and who did it?

GROGAN: No, I haven't seen the report that, that, well, I'd have to look at his report to see specifically what time. I think that's part of your question.

GERAGOS: Sure. Let's just say that Greg Reed, that he came there, assume for the sake of argument, that he came there that evening within about an hour of Spurlock, Evers and Duerfeldt getting there. So, if you assume that, you're familiar with the fact that he says one of the officers at that point made the comment that they already knew what happened and who did

it. Is that a fairly good, you're aware of that?

GROGAN: Well, I'd like to look at that report.

GERAGOS: Okay. Now when, one of the other things that the officers thought was suspicious at the time, it hasn't been testified to, but I think it's in some of your reports and I think you followed up on it, was they saw a phone book open in the house; isn't that correct?

GROGAN: That’s correct.

GERAGOS: Okay. And they thought that that was suspicious because the phone book was open and it was to an ad for an attorney; is that right?

GROGAN: That’s correct.

GERAGOS: Okay. And that's one of the things that kind of peaked these officers curiosity, thought that was odd, wife's missing, why is there a phone number open for an attorney, right?

GROGAN: That was something that was mentioned, yes, sir.

GERAGOS: Okay. In a couple of reports. You did some investigation on that, didn't you?

GROGAN: I did.

GERAGOS: Okay. And what you did is you found that phone book, correct?

GROGAN: Yes.

GERAGOS: And you opened it a couple of times and determined that the reason that it would be is because the attorney's ad is on a thicker piece of cardboard paper in the middle of the phone book, right?

GROGAN: Yes, I saw that the phone book would easily open to that page.

GERAGOS: Okay. And so at that point you realized that for whatever concern that was Scott had indicated, at least in subsequent interviews, and we'll get to that, that he had opened the phone book to make some calls, correct?

GROGAN: Yeah, there was some indication that he was going to make some calls that night. I don't know who opened the phone book.

GERAGOS: Okay. But your, you did it, I think you put in one of your reports and I'll get it if you want me to, but I think you said you demonstrated this yourself at least numerous times and that every time you did the phone book opened to the same ad for this attorney?

GROGAN: Yeah, I did write a report on that. I don't know if it was every time, but I agree with you that it would open very easily to that page.

GERAGOS: Now, that, that was done approximately when, when did you figure out that that kind of suspicion ended up not being something that should have been acted on?

GROGAN: I don't know. I have to look that up.

GERAGOS: I'll show you. I just found it. It looks like sometime in March you removed the phone book from the property room; is that right? Can you take a look at that. I've got a yellow highlighter. And I'll just ask you about this. That's all you have to read to refresh your recollection.

GROGAN: Yes.

GERAGOS: Okay. Does that refresh your recollection?

GROGAN: Yes.

GERAGOS: Okay. And basically what you did is sometime in March, by the way, either in one of the search warrants someone had seized this phone book, correct?

GROGAN: Yes.

GERAGOS: And so you went in March, as part of the investigation that was ongoing, to determine, you pulled it out of the property room that we have talked about before, to determine what was going on with this phone book, correct?

GROGAN: Correct.

GERAGOS: Okay. And you put in here that that location of the phone book, I don't have Bates stamp on this thing, was a natural place for the phone book to open and that you were able to close the book and reopen it to that page three times in succession by running your thumb along the edge of the phone book pages; is that correct?

GROGAN: Yes, something very, very similar to that at least. Three times in succession, yes, it says that.

GERAGOS: Okay. Now one of the other things that was suspicious to the officers early on, and before you even got there, was the fact that in the back of the, in the back of the truck there was a roll of chicken wire, we've heard a lot about this chicken wire; isn't that correct?

GROGAN: Yes, sir.

GERAGOS: Okay. And specifically you asked Scott about the chicken wire in the truck; isn't that correct?

GROGAN: I did.

GERAGOS: Okay. And he specifically told you, and I'm looking at your 12, and I'm just going to come up and do the effects it will save a lot of time if I do it this way. You specifically asked Scott why he had the chicken wire in the truck, correct?

GROGAN: I did.

GERAGOS: Okay. And he told you, and this is sometime, I think we played yesterday a December 30th interview, correct? Do you remember hearing that interview? You had tape recorded an interview with him?

GROGAN: Yeah, we played two tapes from December 30th and I think that is the transcript from later of the two.

GERAGOS: Okay. And he told you that he had, that had he trees or that the trees in the back that the cats scratch and that he planned on in the future encircling the base of those trees with the chicken wire to prevent that from happening, correct?

GROGAN: Yes, that's part of what he said.

GERAGOS: Okay. And he said he bought the chicken wire at Home Depot and he said it was approximately two weeks ago, right?

GROGAN: Yes.

GERAGOS: Okay. And then he said he had the wire that had been sitting on the cart there in his office until he decided to bring it home and he told you that he had not yet used the wire, right?

GROGAN: Yes, he said he hadn't used it yet.

GERAGOS: Okay. Now, based upon that you told Detective Reed to go do some investigation; isn't that right?

GROGAN: Yes.

GERAGOS: Okay. And Detective Reed obviously is another detective of Modesto P.D.?

GROGAN: Yes.

GERAGOS: So on January 3rd you requested that he go to Home Depot and Lowe's in Modesto and you gave him a number of items and to kind of follow up on. One of them was the chicken wire, correct? I think you gave him the tubs, you gave him that, and you gave him some of the chicken wire, right?

GROGAN: Yes, sir, that's one of the items.

GERAGOS: Okay. During that interviewing he went to both Lowe's and to Home Depot and interviewed the people who work there, correct? 2439 if it helps. 2439.

GROGAN: Yes.

GERAGOS: Okay. And he told you that both stores said that they cut the chicken wire ahead of time in 25 and 50-foot lengths, correct?

GROGAN: Yes.

GERAGOS: Okay. Then Detective Reed went back and he measured, kind of pulled out the chicken wire, right, and measured it?

GROGAN: Yes.

GERAGOS: Okay. And he was able to stretch the wire out to how, how long?

GROGAN: Twenty-four feet, twenty-four-and-a-half feet.

GERAGOS: It pulled very taut, right?

GROGAN: Correct.

GERAGOS: And he also indicated in his report that the cutting that, there was no set pliers at either place or cutter at either place. I'll walk back up, I'm sorry. There was no set handle or tool that was used that generally had one clipper to cut, but others might have been used, correct, that was what Mr. Emmond said?

GROGAN: I'm sorry, can I see that other page.

GERAGOS: Sure.

GROGAN: Yes, that's what the manager of Lowe's was saying.

GERAGOS: Okay. Now, specifically there was never, and at that point it appeared at least that the chicken wire was 24 feet, six inches, they sell it in 25 or 50-foot lengths. Scott said that he had at that point bought it because he was going to encircle the trees in the back. And you get involved I guess at least in February when you're doing the search warrant and you go into the backyard, correct?

GROGAN: Yes.

GERAGOS: And yesterday we saw that in fact the, specifically the trees had scratch marks on them, correct?

GROGAN: I noticed there was four of the trees had scratch marks, yes, sir.

GERAGOS: Okay. And specifically even while you were there, you were there for two days, February 18th and February 19th. On the second day, besides noticing the scratch marks the first day, the second day you actually saw a cat scratching on one of the trees, correct?

GROGAN: That’s correct.

GERAGOS: Okay. At that point it kind of just put a hat on the suspicions about the chicken wire, didn't it?

GROGAN: Well, there was still probably more questions I could ask about the chicken wire and that's, there's a long piece of wire attached to it that seemed kind of unusual, the fact that it was

kind of loose in the truck and not, and not attached seemed possibly unusual.

GERAGOS: Well, but you then, you still took that chicken wire and then you had seized two different instruments. And we've got them marked here in evidence. One is a pliers that's found on the boat and it's got a cutting edge to it, right?

GROGAN: Yes.

GERAGOS: And the other is another cutter or type of pliers that was seized on February 18th during that search warrant, right?

GROGAN: I think we sent, and this is only from memory, we sent a pair of pliers, the pliers, 144 A, and I'm sorry, 144.

GERAGOS: Right.

GROGAN: We sent another pair of pliers or cutters that were in that fishing tackle box, and then we sent one pair of pliers seized from the Peterson residence, and I don't remember which search warrant those were seized in.

GERAGOS: Okay. But we've heard all of those things came back negative. But the tools that were all seized and the chicken wire had no connection, correct?

GROGAN: No, the ones that we sent did not match cut marks for the chicken wire, that's correct.

GERAGOS: And then did you ever ask, did you take the chicken wire over to either Lowe's or Home Depot and specifically ask whether or not the wire and the cuttings of the wire looked like something they would do?

GROGAN: No, I did not. I asked Detective Reed to follow up on that, and I'm not completely familiar with his report but –

GERAGOS: Specifically Ms., you remember Ms. Fladager asking you on direct, you know, you bought chicken wire a couple of times, right?

GROGAN: I have, yes.

GERAGOS: And she asked you, did it look like the edge was cut irregularly or something and you said, well, maybe, but you never actually took the chicken wire over to Home Depot or Reed that you know of and said, is this how you cut it, did you?

GROGAN: I don't know if he took it there or not. I believe he may have taken photographs, but I'm not certain of that even.

GERAGOS: Still in February, however, it was still this working theory that as of February 13th that Laci Peterson had been possibly wrapped in chicken wire, and that was something that information that was given to a Dr. Ralph Cheng; isn't that correct?

GROGAN: Yes, it appears to be accurate.

GERAGOS: Okay. That was one of the two possible theories. It was either four anchors at eight pounds each or wrapped in chicken wire or some form of plastic wrap, correct?

GROGAN: Yes.

GERAGOS: And Ralph Cheng is somebody who was hired or was retained or contacted by the prosecution in terms of trying to figure out where a body, if it was placed in the bay would be in the bay, correct?

GROGAN: He was contacted by Modesto Police Department, yes.

GERAGOS: Okay. Now, specifically the other thing you had that I remember specifically is you had indicated to, let's see if I've got a picture of it. This is the picture I believe that reflects what

you're talking about, isn't it?

GROGAN: Yes.

GERAGOS: Okay. And then this picture would show this claw hammer item?

GROGAN: Yes.

GERAGOS: Okay. Can I have these as defense marked next in order.

FLADAGER: Mr. Geragos, can I take a look at those.

GERAGOS: Sure.

JUDGE: Defendant's 6X 1 and 2, photos of chicken wire in the bed of the truck.

GERAGOS: Detective, these two photos that were just marked D 6X 1 and 2 this is the back of the truck as it looked on the 24th or the 26th; is that right?

GROGAN: I've seen the photos before and I would be guessing to tell you exactly which date they were taken.

GERAGOS: Okay. Is it a fair statement that this was the 24th, 26th, 27th, whatever day, or you impounded the truck also on the 26th, right?

GROGAN: On the 26th, yes, sir.

GERAGOS: Okay. So sometime after the 24th this photo was taken, correct?

GROGAN: Yes.

GERAGOS: Okay. And this is that claw hammer that we're talking about, and this is the twenty-four-foot six-inch when whole taut role of chicken wire, right?

GROGAN: Yes.

GERAGOS: And I assume that this is the wire that caused you some, still causes you some pause?

GROGAN: Yes.

GERAGOS: Okay. Now, specifically the fact of the matter is, as you sit here, though, today, there is absolutely no evidence whatsoever if you fast forward to the recovery of Laci Peterson's body the chicken wire had anything to do with anything, correct?

GROGAN: Well, there's no evidence that chicken wire was attached to her body that we had recovered, that's correct.

GERAGOS: And one of the other things that specifically the, I think Ms. Fladager had asked you about also yesterday was the cement and the mess on the trailer; isn't that correct?

GROGAN: Yes.

GERAGOS: Okay. Now, the, specifically the mess on the trailer you said looked like it had, it was too much for one anchor or something like that; is that correct?

GROGAN: Yeah, let's see, I think I said it seemed like a rather large mess for making one anchor.

GERAGOS: Okay. You were aware, and I assume this is the, this is what was previously marked as Defendant's O, is this how the trailer looked with the placards are on it?

GROGAN: Yes, I believe I've seen that photo before.

GERAGOS: Okay. And were you present, you've walked with this gentleman who was here, the concrete, the petographer or concrete man?

GROGAN: Yes.

GERAGOS: And specifically remember all that testimony, all that testimony about fence post concrete and all of that?

GROGAN: I was not here for that portion of the testimony. I really don't know anything about the concrete versus the post mix.

GERAGOS: Well, he, you went to him specifically, you were the person who was kind of his contact, right?

GROGAN: Yes.

GERAGOS: And you went to him to have him analyze these samples of concrete that you had collected, correct?

GROGAN: I, yes, I spoke to him about testing those items and I delivered those items to him.

GERAGOS: Now, when you contacted him about testing those items, as I understand on the 30th when you talked to Scott, and once again we heard the testimony here, Scott told you that he had made that anchor with a plastic bucket, correct?

GROGAN: That’s correct.

GERAGOS: Okay. And he told you that that plastic bucket was something that he had purchased when he was at Home Depot, correct?

GROGAN: Yes.

GERAGOS: And you went to Home Depot and he testified at least that he thought that maybe you called him from there, did you actually call him from the Home Depot?

GROGAN: Robert O'Neill?

GERAGOS: Yes.

GROGAN: Yeah, I did.

GERAGOS: Okay. And Scott told you that he had bought this little plastic painters bucket or something that he called little painters bucket, and you found it, and I'm not going to pull it out again, but once you bought that, correct?

GROGAN: Yes.

GERAGOS: Okay. And you did that because you had been in Modesto P.D. and basically Dodge Hendee I guess had been, Hendee and Brocchini, when they looked at this picture had come to the conclusion that the anchor had been made and formed in this particular pitcher, right?

GROGAN: We were under that impression.

GERAGOS: Okay. And that had been the working impression for going on almost a year until O'Neill was hired; is that correct?

GROGAN: That’s correct.

GERAGOS: Okay. And then somebody came up with the investigative idea to collect some of these samples, sample from this trailer here, correct? Somebody had taken a sample from somewhere here, correct?

GROGAN: Detective Hendee collected some samples. I can't tell you from where exactly.

GERAGOS: And somebody had taken a sample from the plastic pitcher and actually sent him the plastic pitcher, right?

GROGAN: Yes.

GERAGOS: And somebody had collected, and we think it's Brocchini, had collected some evidence from near the driveway, right?

GROGAN: Yes.

GERAGOS: Okay. And then there was a comparison done of all of this stuff, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, O'Neill's testimony is that the, that some of the stuff that was near the, that was recorded to have been collected near the driveway had some larger aggregate, are you aware of that that was his finding?

GROGAN: Yes.

GERAGOS: Now, he also said that that was consistent with fence post concrete, are you aware of his testimony about that?

HARRIS: Objection, that misstates the testimony.

GERAGOS: He said it was consistent with fence concrete.

JUDGE: Remember he said you have to back up one of rigging mix trucks and pour it for the fence posts?

GERAGOS: Right before, right before he wouldn't take me up on my bet you couldn't get it at Lowe's or Home Depot.

GERAGOS: When you seized, when you seized such a search warrant from Scott Peterson, didn't you pick up this Lowe's receipt? It's the one that we copied last Friday, you and I, or last Thursday, you and I, and I wrote on the back of it so we'd know where it came from. Evidence Item 109 1 of 2?

GROGAN: It does look like something I've seen in the reports here.

GERAGOS: Okay. Now this would appear to be a Lowe's receipt, and I'm going to mark this as defense next in order for fence post QuikRete when Scott Peterson is at Lowe's on November 1st with; isn't that correct?

GROGAN: The date is November 1st. It is Lowe's.

GERAGOS: So it would appear that our lengthy petographer is wrong when he says you have to back up the truck because Scott Peterson was apparently able to buy –

JUDGE: Argumentative.

FLADAGER: Yes.

GERAGOS: Thank you.

JUDGE: For the record it's Defendant's 61.

GERAGOS: 61. I said 109, it was 108 1 of 2.

JUDGE: What is the date on that receipt again?

GERAGOS: November 1st.

JUDGE: November 1st.

GERAGOS: And this shows Scott Peterson had actually gone in there and returned some fence QuikRete post mix and it looks like getting some kind of credit, correct? Did you ever tell the petographer that in fact Scott Peterson had purchased at some point in November QuikRete post mix or before November?

GROGAN: No, I didn't tell him that and –

GERAGOS: Could I ask you one other question?

GROGAN: Yes.

GERAGOS: Do you remember a gentleman by the name of Doug Phelps? Doug Phelps called into the tip line and said he was a competitor of Scott Peterson. And Doug Phelps said he had been in the shop, Scott Peterson's shop. And Doug Phelps said that he noticed that there were four-by-four fence posts and bags of what I would assume is concrete on this trailer back in the month of September? Did you ever, did you ever let the petographer know that maybe one of the reasons that there was a mess there or that the reason he's find fence post concrete is because Scott Peterson's doing fence post concrete work?

GROGAN: No.

GERAGOS: Okay. You know yesterday when we saw that videotape of the search in your search warrant it looked to me in the back of the house, and that was February 18th, that some of those fence posts looked like they had been installed within the last couple of months, did you make that same observation?

GROGAN: You know I can't say I did. I didn't notice that, Mr. Geragos.

GERAGOS: You did notice, and I'll pull it out if you want me to, you did notice there was a stack of bricks in the driveway right adjacent to the area where supposedly the concrete was; isn't that correct?

GROGAN: There's, there was a stack of bricks and I believe at that time it was at the end of the driveway and my understanding there were other cement or concrete was recovered was off to the right of that.

GERAGOS: Okay. I'm going to show you what's been previously marked as, and feel free to correct me, Quadruple C-6.

GROGAN: Yes.

GERAGOS: This was a picture that we previously entered into evidence.

It looses a little resolution, but if I can see correctly, this is the edge of the bricks right here, this stack of bricks; is that right?

GROGAN: Yes.

GERAGOS: And supposedly the cement that's recovered is someplace over here right next to the defense posts?

GROGAN: Yes.

GERAGOS: Okay. Now, specifically did anybody ever have Mr. O'Neill, the cement man, let me show you this.

JUDGE: I think Mr. O'Neill would take umbrage with that. He's the concrete man.

GERAGOS: I stand corrected.

GERAGOS: These photos look similar to you that the one that were taken on February 18th?

GROGAN: Yes.

GERAGOS: Okay. And do those, I'm going to put them up on the board.

GROGAN: That's the date that's on the bottom of them with Denise Ducot, 2/18 or 2/19 with a case number.

GERAGOS: I assume that she, that plugs in, I have been operating with this assumption, a digital camera. She's got a way that she sets it for the particular day and then the case number so that when it prints up you've got some way to identify when it was taken?

GROGAN: Yes.

GERAGOS: I'm going to show you what was previously marked as Quadruple C. When you were there did you notice whether these fence boards here along the side of the house that goes, and this runs along, by the way, this fence runs along the side of the house and goes directly right passed the area where you pick up or where the concrete was supposed to pick up, doesn't it, and that's the far side of the house, if we look at it right here, right over here, this is the same property line that's running right here; is that correct?

GROGAN: I believe so, yes.

GERAGOS: Okay. And now I'm going to show you what's been marked as Quadruple C4. That brick work that was there, did anybody take any sample of that brick work that you're aware of?

GROGAN: No.

GERAGOS: And then I've got another Quadruple C5, it doesn't quite come out as vivid on the screen as it is in the picture, but and I'll' bring it up to show you, but this work here, right here, did that appear to you to be fairly recent when you executed the search warrant on February 18th?

GROGAN: It, from the color of the boards they appear to be fairly recent, at least some of them in the back there.

GERAGOS: And that would seem to coincide with the report that was prepared in regards to Mr. Phelps, one of Mr. Peterson's competitors who said he saw fence boards, he saw bags of concrete on the trailer at the shop in September, correct?

GROGAN: Yes.

GERAGOS: Okay. Now –

JUDGE: Mr. Geragos, I think we'll stop right there.

GERAGOS: Okay.

JUDGE: All right. Ladies and gentlemen of the jury, we'll take the noon recess. Remember the admonition I have heretofore given you. We'll reconvene at 1:30. We'll pick up with the cross-examination of this witness

JUDGE: All right. Let the record show the defendant is present with counsel. The jury is in the jury box along with the alternates.

Go ahead, Mr. Geragos.

GERAGOS: Thanks, judge.

GERAGOS: Detective, when we left off we were talking about fence post concrete. I have got something here which I want to mark as defendant's next in order.

JUDGE: You don't expect my clerk to schlep that around?

GERAGOS: I'll schlep it around.

JUDGE: All right.

GERAGOS: Correct legal term for it.

JUDGE: All right. Defendant's 6Z. Looks like a sack of, it's going to say cement or concrete. All right.

GERAGOS: Says concrete. Says fence post concrete.

JUDGE: All right.

GERAGOS: While she is marking that.

GERAGOS: Detective, I have got here what appears to be a fence post concrete, I went over to Home Depot myself and bought it after the expert testified. You have been to Home Depot, correct?

GROGAN: Yes, sir.

GERAGOS: I'm going to show you a receipt from Home Depot, which looks like post concrete. See a date on there? Hope there is. September 15th of 04, 7:10 p.m.

GROGAN: Yes.

GERAGOS: Okay.

GROGAN: At the San Mateo Home Depot.

GERAGOS: Right. It appear to you that you can buy fence post concrete at the Home Depot. I will have marked the receipt as defendant's next in order. Then I, also at the break I asked to you take a look at 4422 and 4464, Bates number stamps. Documents 1 and 2.

JUDGE: Do you want to mark the receipt separately?

GERAGOS: We can make it ZA and B.

JUDGE: That will be 1 and 2. 1 will be the sack of concrete, Z2 will be the receipt. Counsel have any objection if we just keep that sack in the courtroom so she doesn't have to carry it back?

GERAGOS: No objection.

JUDGE: Marilyn, you can just keep the sack of concrete.

GERAGOS: I don't mind. At some point I can just take a picture of it then enter the picture.

JUDGE: Whatever. It's too heavy to carry for the clerk.

GERAGOS: Tell me about it. The two documents that I just showed, where were those obtained?

GROGAN: I don't know. They have Bates stamp numbers attached to them at the bottom, so they are in discovery somewhere. And I don't know exactly where.

GERAGOS: If you were to punch up on your computer roughly that area, would that tell you which one of those documents that was, that were seized that you got these from?

GROGAN: Yes, I think so.

GERAGOS: Okay. I'm going to mark these two pages next?

JUDGE: That will be Defendant's 7A. Do you want to mark them separately, Mr. Geragos? 7A-1 and 2.

GERAGOS: Sure 1 and 2, sure. If Miss Fladager is kind enough, I'm going to make a copy of these. These are the only one –

JUDGE: Stipulation we can substitute the copies for the originals?

FLADAGER: Yes.

GERAGOS: Yes.

GERAGOS: And while you are looking for those, can I ask you a question, detective?

GROGAN: Yes.

GERAGOS: Okay. I have also got a report from Greg Reed, looks like, who was talked to by Al Brocchini. Greg Reed is the gentleman who testified here, grandmother owned the house immediately next door to Covena?

GROGAN: That’s correct.

GERAGOS: Okay. Does it appear that Greg Reed had informed Detective Brocchini that my client was doing some cement work in the yard?

GROGAN: Yes. In October of 2002.

GERAGOS: Okay. And Greg Reed at that point, as far as you know, was the person whose, at least when we are looking at the exhibit, we are looking at these two exhibits here, the first is quadruple C2, Greg Reed's grandmother's house, when she was alive, and the house that he inherited is this house here where my hand is; is that correct?

GROGAN: That's correct.

GERAGOS: And that also, once again, if I show you quadruple C5, this fence, this fence post here, and then this house right here, that's the Greg Reed house, correct? Greg Reed's grandmother's house?

GROGAN: Yes, I believe so.

GERAGOS: The angle that this picture is, is actually kind of next to the corner of the house that's Karen Servas's, correct?

GROGAN: Yes.

GERAGOS: And then this would be the house which Greg Reed took the officers into, and the fence posts along the border between Mr. Peterson's and Laci Peterson's house, and Greg Reed's grandmother's house, correct?

GROGAN: Yes, I believe so.

GERAGOS: Okay. And were you able to find 4422 and 64 in there?

JUDGE: Mr. Geragos, can we, just for the record, would you identify what we finally marked as 7A-1?

GERAGOS: Yes.

JUDGE: And 7A-2. And 7A-2.

GERAGOS: While you are looking for that, I'm going to publish, if I could, to the jury. Looks like one appears to be a pile of documents, Power Desk documents that shows September 13th, 2000, a fence, and entered in right there in the Microsoft document?

FLADAGER: I might interject. Did you say December 13th?

GERAGOS: September. September.

GERAGOS: Then the other another document I believe was seized. It is showing concrete, 60 pound bags, fence boards, stringers, ledgers, lag bolts T-nails, and everything else. A total on those. Both come out of the discovery that is assembled by the Modesto PD and turned over to the DA's Office and provided to my office, correct?

GROGAN: Yes.

GERAGOS: Were you able to locate where those documents specifically came from?

GROGAN: I can say that they are in with other documents for TradeCorp.

GERAGOS: Okay. Would that most probably, I'm not going to, you executed, obviously, the search warrant to both the house and at the warehouse on the 26th. And, just guessing by the Bates-numbered stamps, it's in the 4000 series, your guess is that probably would be items that were taken during the first search warrant in December?

GROGAN: I think that would be accurate, yes.

GERAGOS: Now, going to the –

GROGAN: However, I don't know if they were taken off the computer, or these were printed off of the computer, or if they were documents in the office.

GERAGOS: Is it a fair statement that when the police went in, there was, when the police went in, there were documents the jury has seen on the tables, or on the desks, as well as the computers were seized, correct?

GROGAN: That’s correct.

GERAGOS: And then when the documents are produced, at least from Modesto PD, the DA's Office, and ultimately to my office, they are marked with these Bates number stamps, correct?

GROGAN: That’s correct.

GERAGOS: And sometimes what will happen. And I don't know if it happened here. For instance, if you gave the computer to Lydell Wall, or to his predecessor who retired, may print out a whole series of documents, those get Bates numbered stamps. Then somebody may also just pick up a bunch of files off the desk, and do the same things, Bates number stamped. And sometimes it takes a little while for either you or me to figure out whether they came from the computer or off the desk. You know. Obviously was seized by the police department; is that right?

GROGAN: Yes. It's in discovery. It's part of this case.

GERAGOS: Okay. Now, also, I'm going to go back to the initial investigation. One of the things that was done early on is, looks like you had specifically, you learned early on from Scott that they had lived in San Luis Obispo, so you sent out teletypes over to San Luis Obispo; is that correct?

GROGAN: Yes. For contacts for both Scott and Laci Peterson. I did that, yes.

GERAGOS: Came back there was no record are wants or warrants on either one of them, correct?

GROGAN: No contacts, other than one of them, and I didn't really see which, was listed as a contact person for a large company, I believe for The Shack. That's what I remember.

GERAGOS: Okay. And also one of the things that was done early on is to determine whether Scott had any juvenile record or any major incidents, other than traffic citations, correct?

GROGAN: I'm not sure. This has no Bates stamp. Has no Bates stamp number on it. I'm not sure what interview we're talking about here. It looks to me like possibly a page two of an interview. And that is what somebody told me.

GERAGOS: So you had an interview with someone. Would that have been law enforcement?

GROGAN: I don't think so.

GERAGOS: Okay. And you had the interview, indicated that he had no juvenile record, was never involved in any major incidents involving law enforcement, aside from traffic citations; is that correct?

GROGAN: Yes. And I want to say that that was an interview with –

GERAGOS: Lee and Jackie?

GROGAN: Yes.

GERAGOS: And would that also would have been in December, I'm assuming, if the report on the bottom has a 1-1-03 on it. So it would have been prior to the 31st, or the 31st, on or before?

GROGAN: I'm sorry the date on the bottom is 1-1-03?

GERAGOS: 01-01-2003.

GROGAN: Yes. So that's probably, I think I interviewed them prior to that date.

GERAGOS: Now, the, specifically you had mentioned before that Terry Scott had gone out. And Terry Scott is an FBI agent, correct?

GROGAN: Yes.

GERAGOS: Miss Fladager had asked you about several things involving Terry Scott. The jury heard months ago he was the Resident Agent in Modesto for the FBI?

GROGAN: Yes.

GERAGOS: And one of the 90 agencies I think that was involved with this was the FBI, correct?

GROGAN: Yes.

GERAGOS: And you had asked at some point for his assistance in checking out Scott's history in San Luis Obispo, correct?

GROGAN: Yes.

GERAGOS: And the FBI, then you met with him, I guess, approximately two months later; is that right? Some time in February of 03? Pointing you to the yellow highlighted portion.

GROGAN: Yes. That's one of my reports. It is dated in February. And I don't see a Bates stamp.

GERAGOS: Yes it's for the, it's a February 13th report, of 03?

GROGAN: Correct.

GERAGOS: And Terry Scott reported back to you that the FBI, he briefed you on a trip that the FBI had done into San Luis Obispo; is that correct?

GROGAN: Yes, I think he made that trip.

GERAGOS: Okay. And he had talked to many people in the area, correct?

GROGAN: Yes.

GERAGOS: And he said that many people in the area where very supportive of Scott Peterson, correct?

GROGAN: The people that he contacted, yes.

GERAGOS: He said one individual had commented that Scott was not treated well by Laci, but that all of the people were very supportive of Scott; is that correct?

GROGAN: That’s correct.

GERAGOS: Now, one of the other things that was done early on, and the jury has seen it, and I assume you have seen it as well, was the interview by Detective Brocchini that took place, would have been early morning hours of Christmas morning; is that correct?

GROGAN: Yes.

GERAGOS: Now, you reviewed that interview; is that correct?

GROGAN: I have seen that tape on at least a couple of occasions.

GERAGOS: Okay. Now, is it a fair statement that at that point, and I'm talking about obviously when Brocchini interviews Scott, you have not been called yet, right? That's in the morning of the 25th. You get called later on in the morning?

GROGAN: That’s correct.

GERAGOS: Okay. And one of the things that's determined is you want to try to confirm his alibi, correct?

GROGAN: Yes.

GERAGOS: Okay. Is it a fair statement that law enforcement, meaning you, did not, or wanted some kind of, I don't want to say dubious or suspicious, but you wanted to either confirm or try to eliminate or prove that he didn't go to the marina; is that right?

GROGAN: Yes, we wanted to know where he was during that time period.

GERAGOS: Okay. And so you asked him. You wanted to know what kind of proof that he had to show that he had been at the marina when he says he was at the marina; is that correct?

GROGAN: I think, yes.

GERAGOS: Now, specifically that did not happen right away. You still, I think you testified on direct, even into January there was a belief by law enforcement that maybe he, Scott Peterson, had not been to the marina that day; isn't that correct?

GROGAN: Well, that was considered a possibility early on. And we did try to, through phone records and many other means, determine if what he said was accurate.

GERAGOS: Okay. One of the things that you did was to put out a story to the, I don't know a story, but there was a press release where the police were seeking to verify the trip story by Scott Peterson; is that correct? I'm showing, so the record will indicate, looks like a January 3rd Modesto Bee article?

GROGAN: Yes. I have never read this before, so if you can give me a moment.

GERAGOS: Sure.

GROGAN: Okay.

GERAGOS: Is that a, that's an article from the Modesto Bee on the third of January?

GROGAN: Yes, sir.

GERAGOS: Okay. And I'd like to mark this as defendant's next in order.

JUDGE: Okay. That would be 7, defendant's7B. Date of the article, Mr. Geragos?

GERAGOS: It's a Modesto Bee January 3rd article entitled, "Police Seeking to Verify Trip Story".

JUDGE: Okay

GERAGOS: Now, the, this, by the way, is something that came out of the discovery, is it not?

GROGAN: It appeared to have a Bates stamp number, yes.

GERAGOS: I was going to say Marylin just put the exhibit sticker over it.

GERAGOS: Okay. So it was a Bates number stamp in the right there?

GROGAN: Yes.

GERAGOS: So it was known by the police, at least, obviously to you as the lead detective, that was known publicly that you were putting it out there, this, that you were looking –

FLADAGER: Objection. Not only compound, many different people.

JUDGE: Rephrase it.

GERAGOS: I'll rephrase it.

GERAGOS: You wanted to verify the story, correct?

GROGAN: That’s correct.

GERAGOS: And one of the ways to verify the story was to determine if there were any witnesses at the marina, correct?

GROGAN: Yes.

GERAGOS: You have had many interviews with Scott Peterson, or telephone calls with Scott Peterson, correct?

GROGAN: Yes.

GERAGOS: And he told you in one of those interviews that he, in fact, had, somebody had seen him specifically backing the boat up in on the launch ramp, correct?

GROGAN: Trying to think if that's in both statements he gave to me and to Detective Brocchini, or which statement that actually comes out of. He did make that statement to someone, yes.

GERAGOS: Okay. So at least to one or another police officer, he had told either you or Brocchini, and I have got tons of interviews here, I'm going to try to get through this quickly. He had told somebody, either you or Brocchini, look, somebody saw me backing my boat up. And he described what happened, didn't he? Either you or Brocchini?

GROGAN: Yes.

GERAGOS: And the way he described it is, is when he was backing the boat down the launch ramp, that he actually kind of backed into either the pier or one of the pylons; is that right?

GROGAN: That sounds correct, yes.

GERAGOS: And that he said that the person who watched him, saw him do this, actually started laughing at him, correct?

GROGAN: Yes.

GERAGOS: Okay. Also, specifically you became aware, I think at some point, that not only was he trying to find that witness, but that he had a private investigator who was trying to find those witnesses up at the marina, correct?

GROGAN: I heard that at some point, yes.

GERAGOS: And I believe I don't have, I apologize, I don't have, as you know, there is a ton of paperwork here. But I believe how you determined that is on the approximately January 7th you had sent somebody up to talk to the Harbor Master at Berkeley Marina, correct?

GROGAN: My recall on that is it was earlier than that.

GERAGOS: Some time the first week of January?

GROGAN: I think that Detective Armendariz went there. And it may have been in late December.

GERAGOS: Okay. And the reason for that was to determine, see if they could find either the person who saw Scott Peterson backing the boat up into the boat dock there, and/or he also mentioned that, Scott also mentioned that he had seen some city workers, Berkeley, City of Berkeley workers that day; isn't that correct?

FLADAGER: Objection. Compound again.

GERAGOS: I'll break it down.

JUDGE: Okay.

GERAGOS: Didn't he also tell you, either you or Brocchini or Mansfield, that he had also seen some city workers there that day, as to try to verify his alibi as to where he was?

GROGAN: That sounds familiar, Mr. Geragos. But I don't know that I can say that for sure without looking at it somewhere.

GERAGOS: Okay. My recall of at least of the discovery is that,

FLADAGER: Objection as to counsel's recall of the discovery.

GERAGOS: I'm just trying to refresh his recollection.

FLADAGER: The record will –

GERAGOS: We'll do it as a leading question then. Specifically when you sent Detective Armendariz –

GROGAN: Armendariz.

GERAGOS: Armendariz up to Berkeley to talk to the Harbor Master, the Harbor Master gave the Detective Gary Ermoian's name as this guy has been over there asking about employees, didn't he?

GROGAN: That may be true, but I don't recall that, sir.

GERAGOS: Now, specifically the January 5th trip to the marina that has been talked about, you are aware of that trip, the one that Scott took up there?

GROGAN: I'm sorry, which date.

GERAGOS: Was there a January 5th trip? 5th or 6th?

GROGAN: Yes.

GERAGOS: The 5th, 6th, 9th were three days when Scott, I believe it's been testified to here, had gone up to the Berkeley Marina. And you have seen, for instance, the GPS tracks Miss Fladager showed today, correct?

GROGAN: Yes.

GERAGOS: Okay. Is there anything about those GPS tracks that's inconsistent with somebody who is driving through that area looking for these witnesses?

GROGAN: Well, I would think if he was going there to look for someone to verify that he was there, that he may stop and make contact with one of the offices, the Harbor Master's office, someone, rather than drive through.

GERAGOS: Then I was asking you, that's why I specifically asked you, were you aware that on January 7th I believe that the Harbor Master says that the private investigator hired by Mr. Peterson had already been there asking about these witnesses.

GROGAN: If you have a report you could refer me to, I can probably answer your question, sir. But there is dates. And who that statement came from, or where it came from, is very difficult for me to answer.

GERAGOS: Okay. Well, there was also search operations going on in the Bay on the 9th; is that correct? January 9th.

GROGAN: Yes.

GERAGOS: January 9th there was also an article in the Modesto Bee, I have got it marked over in an exhibit, "Divers Going Back to the Bay", correct? Do you remember that?

GROGAN: Yes, there was some media coverage of some searches that were being done during that time period.

GERAGOS: Did you go up there when the searches were being done?

GROGAN: No.

GERAGOS: Was it reported to you that there was a great deal of media involvement or interest in this case whenever they would go out to the Berkeley Marina?

GROGAN: I remember that there was on the 11th a very large media presence. What was there on the 9th, I don't know.

GERAGOS: Okay. Now, specifically going back to Brocchini's interview on the 25th, Mr. Peterson went willingly with Detective Brocchini, correct?

GROGAN: We're talking about leaving his home and going to the warehouse?

GERAGOS: Yes.

GROGAN: Yes.

GERAGOS: And he then submitted to the interview at the police station, correct?

GROGAN: Yes.

GERAGOS: And then at least, as the jury and I saw, we saw together, that he took what's called a gunshot residue test. Did you see that?

GROGAN: Yes.

GERAGOS: The gunshot residue test is where they pull out the, it is kind of a jar, and they sponge the area of your hands, correct?

GROGAN: Yes.

GERAGOS: And that was done presumably because there was a gun found in the glove compartment, correct?

GROGAN: Yes.

GERAGOS: Isn't it true that the Modesto PD, Department of Justice, that nobody ever tested the gunshot residue test?

GROGAN: That’s correct.

GERAGOS: Okay. As we sit here today, that gunshot residue test that was taken from Mr. Peterson on the early morning hours of the December 25th of the year 2002 remains in the Modesto PD evidence room or property room?

GROGAN: It's still in evidence, yes.

GERAGOS: And nobody has ever, to this day, done the testing on that, correct?

GROGAN: That’s correct. And I can explain why.

GERAGOS: Is that, I would like you to. I'll ask you in a second. Are you going to say that because he had said that he took a shower, that you did not believe that you would find anything?

GROGAN: Yes. It was the combination of he said that he had been out on the water that day, that he got wet while he was out there. He said that he had taken a shower and changed clothes. And so the gunshot residue test is not something that stays with you through a shower. It needs to be done relatively soon to the time that you fire a weapon.

GERAGOS: Okay. Did anybody consider doing it, just to be on the safe side, to see?

GROGAN: We could have done that, and it was not done.

GERAGOS: Okay. Now, specifically, did you ever talk to anybody that, did anybody ever make the decision, say whatever happened to that, you call it a GSR test, correct?

GROGAN: Correct.

GERAGOS: Anybody ever say, "Hey, why don't we run the GSR test?"

GROGAN: I think we had discussed that and decided not to do that.

GERAGOS: Now, the, specifically I'm going to show you the Detective Brocchini report 12-25. There is a yellow highlight there. Read that and refresh your recollection. It's page –

GROGAN: There is no Bates stamp on the document. But page nine of 12 of a report dated twelve-25 by Detective Brocchini says –

GERAGOS: Just read it to yourself, we'll ask you about it, see if it refreshes your recollection.

GROGAN: Okay.

GERAGOS: Okay. Does that refresh your recollection as to whether Scott immediately told Detective Brocchini on the 25th that he had a hard time backing his boat down the boat ramp, and said there was some maintenance men near the boat ramp that were getting a good laugh at him backing up?

GROGAN: Yes, that's what that report says.

GERAGOS: Okay. And he also vividly described exactly where he went that first evening with Detective Brocchini, correct?

GROGAN: I'm sorry, where he went at the Berkeley Marina?

GERAGOS: Yes.

GROGAN: He described an island and where, in the area that he fished, I believe.

GERAGOS: And, in fact, the, specifically it looks like in one of the notes, is that of your interview, that your handwriting?

GROGAN: Yes.

GERAGOS: And that would be Bates number stamp 24 thousand 60 –

GROGAN: 24068.

GERAGOS: Does that refresh your recollection that he also told you the same thing?

GROGAN: Yes.

GERAGOS: And that, namely, he told you that he had trouble backing up the trailer after he hooked up; is that correct?

GROGAN: Can I see it again? Says trouble backing the trailer, period, after hooked up 14, 15 hours.

GERAGOS: I'm going to show you another report that was by Detective Owen dated January 6th of 03. Can you read that paragraph to yourself, see if that refreshes your recollection?

FLADAGER: Could I have a Bates stamp number on that?

GROGAN: 1854. I don't see a date.

GERAGOS: Would it be fair to say, if the report is, let's see. Let me just get 1823, and I'll tell you if I can find the date. The report is dated January 6th, correct?

GROGAN: The report at the bottom of the pages has that date on it. I don't know when the officer did that interview.

GERAGOS: Okay. When, the officer was Detective Owen; is that correct?

GROGAN: Yes.

GERAGOS: Okay. When he said specifically, he said, specifically this officer, that he had gone to the Berkeley Marina, that would have been at your direction, correct?

GROGAN: Yes, I think so. I know I sent Detective Armendariz out there. And I believe Phil Owen was sent at a subsequent time.

GERAGOS: Show you 1822 and 1823. And I believe your memory is correct, you sent Armendariz, it looks like, and myself, meaning Owen, then the same day?

GROGAN: I'm sorry. Just a moment.

GERAGOS: Sure.

GROGAN: Yes, sir, this report appears to be dealing with all their activities on January 6th.

GERAGOS: And specifically two detectives that you sent up to the Berkeley Marina met with the Harbor Master. The Harbor Master told them that a private investigator that worked for Scott Peterson had been there inquiring specifically to, actually been at the office that same day that the detectives had, correct, at 10:30 in the morning?

GROGAN: Yeah, I think so.

GERAGOS: And that the specifically the private investigator was asking about the two witnesses that had watched Peterson attempt to pull his boat out of the water. However, he was fishtailing his truck, correct?

GROGAN: Yes.

GERAGOS: And that the, according to the investigator, the two witnesses were laughing at his attempt to get the boat out, correct?

GROGAN: Yes.

GERAGOS: And that they wanted to know who the witnesses might be. She said she had taken the private investigator's card; however, she didn't have it at that time, correct?

GROGAN: That’s correct.

GERAGOS: And that would have been on the 6th. So appears, at that point, that that would have been consistent with both Scott Peterson, with Scott Peterson attempting to find these two witnesses who worked in the maintenance yard at Berkeley Marina, who could witness and confirm for the police that he had been there that day.

FLADAGER: Objection. Compound. Calls for speculation.

JUDGE: Sustained.

GERAGOS: Does that, is that consistent with trying to verify the story?

FLADAGER: Objection. Speculation.

JUDGE: I'll let him answer it.

GROGAN: I'm sorry.

GERAGOS: Is the fact that the investigator was there consistent with trying to find the two witnesses who can verify his presence there on the 24th?

GROGAN: That's a possibility, sir.

GERAGOS: Now, specifically, and specifically you had sent two officers up there to do the very same thing, correct?

GROGAN: I did. I don't know what the timing is on the track that, where Mr. Peterson had gone there that day. I don't know what time he was there exactly.

GERAGOS: Okay. And, specifically, at the time of this gunshot residue test that was taken, Scott Peterson had shown Detective Brocchini that he had a small cut on his right index middle knuckle; is that correct?

GROGAN: That’s correct.

GERAGOS: And that he did not note any other injuries on Mr. Peterson; is that correct?

GROGAN: That’s correct.

GERAGOS: And at the conclusion of that interview, that your information that Scott went home. Now, in that interview it appears that Detective Brocchini had already elicited the information, or knew the information, from being at the house that evening, that Scott Peterson had taken a shower; isn't that correct? Is that what Mr. Peterson told him?

GROGAN: Yes.

GERAGOS: Okay. Yet Detective Brocchini still asked to do, and did perform, a gunshot residue test; is that correct?

GROGAN: That’s correct.

GERAGOS: Now, the next day, about six hours, seven hours later, what time did, what time did you and Mansfield show up to interview him?

GROGAN: I showed up about 1:00 o'clock on the 25th.

GERAGOS: Okay. And then specifically you and Officer Mansfield said that, or told him that you needed to familiarize yourself with the case. You introduced yourself as the lead investigator, basically; is that correct?

GROGAN: Yes, sir.

GERAGOS: And you told Scott specifically that he did not have to participate in the interview, and he was free to leave; but that you would appreciate if he would assist in the investigation, correct?

GROGAN: That's all correct.

GERAGOS: Okay. And he said he would stay, and he wanted to help, right?

GROGAN: Yes.

GERAGOS: Okay. Now, at that point you introduced, was it Detective Buehler? Do I pronounce that right, Buehler?

GROGAN: Detective Buehler was already there that day.

GERAGOS: And specifically when you introduced him, was Mr. Mansfield from the Department of Justice there?

GROGAN: What I recall is, I had a conversation with Mr. Peterson, and that he left with Detective Buehler and Agent Mansfield. And I don't know if they were both standing next to me when I talked to him, or if it was just John Buehler.

GERAGOS: You gave him, at that point you gave him your card and your cell phone number, right?

GROGAN: I know I did at some point that day.

GERAGOS: I'll just show you. It's not a big deal. But you had mentioned before that he was calling your cell phone. And I'm assuming that when you gave him the card, you wrote the cell phone number on your card. Doesn't have your cell phone number on it, does it?

GROGAN: No, it doesn't.

GERAGOS: That's because you don't want everybody calling your cell phone, right?

GROGAN: Right.

GERAGOS: You asked him, you gave, you wrote on the card your cell phone number, and that was, you gave it to him the first time you introduced yourself, right?

GROGAN: That’s correct.

GERAGOS: That was at the police station?

GROGAN: Yes.

GERAGOS: Okay. And then specifically you had started to ask him about all the relationships of Scott to his family, Laci to her family, correct?

GROGAN: Yes.

GERAGOS: And you specifically wanted him to, you wanted to lead him through kind of that history. And he gave you basically who was who in the family, right?

FLADAGER: Are you looking at your Page 3 of 10 of your 12-28-02?

GROGAN: Bates stamp number one 11.

GERAGOS: Okay. Then he went through, we have heard this ad nauseam here. But he told you basically that he was employed by TradeCorp, correct?

GROGAN: Yes.

GERAGOS: And he says that, he told you that he's got clients all over the California area, correct?

GROGAN: Yes.

GERAGOS: Told you he was a manager with the company. He didn't tell you, he said he, specifically he was employed by them. He didn't own the company, right?

GROGAN: That’s correct. He said he was a manager.

GERAGOS: Okay. And he told you he generally leaves for work at about 9:30 in the morning. His hours are flexible, and they vary, correct?

GROGAN: Yes.

GERAGOS: And he said he selected the Modesto area to set up his office due to the fact that Laci's family lived there, correct?

GROGAN: Yes.

GERAGOS: And then he told you, he went through and described exactly what he had done that next, or you had asked him again, what did you do on Saturday? And he told you that his parents had purchased a membership for him at the country club, right, in December, December 1st?

GROGAN: Yes.

GERAGOS: And that he and Laci had worked in the yard on Saturday, that he had played 18 holes of golf, right?

GROGAN: Yes.

GERAGOS: He told you on Sunday that he recalled watching the Charger football game on Sunday morning; is that correct? Bottom of the page.

GROGAN: Yes.

GERAGOS: He told you specifically that he had worked on the nursery later in the afternoon; isn't that correct?

GROGAN: Yes.

GERAGOS: Okay. And then he told you about going to meet Laci at the OB-GYN appointment, correct?

GROGAN: That’s correct.

GERAGOS: He specifically remembered that the heart rate for the baby was a 150 beats per minute, right?

GROGAN: Yes, sir.

GERAGOS: And that he remembered, or that they knew it was a boy, because Laci couldn't wait.

GROGAN: That’s correct.

GERAGOS: Okay. Specifically were you also present during an interview that same day, or the next day, with a Mr. Boyer from Contra Costa?

GROGAN: On the following day, on the 26th, at 523 Covena, yes.

GERAGOS: And when you met with Mr. Boyer, did he do an interview?

GROGAN: He completed a missing persons report, yes.

GERAGOS: Okay. And during that interview, did Scott tell him, in your presence, that he, that Laci did sometimes walk the residential streets in the neighborhood?

GROGAN: Not that I recall.

GERAGOS: Show you what is –

GROGAN: That's my report. I don't see a Bates stamp number on it.

GERAGOS: Looks like an, I don't know. Is that the date or not? 12-

JUDGE: Does it refresh your recollection.

GERAGOS: Does it refresh your recollection?

GROGAN: What I recall of that is, I asked Mr. Peterson if Laci walked in the residential area around there, if he knew the route that she walked in that area. And he said no.

GERAGOS: Okay. And he did tell you, or tell Boyer in your presence on the 26th, that Laci did sometimes walk the residential streets in the neighborhood, but she didn't venture far from the home, right? Correct? You wrote that in your report, right?

GROGAN: Yes.

GERAGOS: Okay. And you also wrote in the report Laci had no particular route around the neighborhood, and typically left through the French doors that led her to the backyard?

GROGAN: Yes, I think that's accurate.

GERAGOS: Okay. And that specifically Chris Boyer asked, when was the last time, prior to Tuesday, that Laci went for a walk. And Scott answered specifically last Sunday around the neighborhood, and last Friday in the park. Is that correct? Bates stamp 2915.

GROGAN: Yes.

GERAGOS: Chris Boyer specifically asked, when was the last time prior to Tuesday, which would have been, Tuesday was the 23rd, at that point what he was referring to, correct?

GROGAN: Yes.

GERAGOS: Monday was the 22nd, Sunday the 21st. Do I have that right? Monday is the 23rd?

GROGAN: Monday is the 23rd.

GERAGOS: Tuesday is the 24th?

GROGAN: Tuesday is the 24th.

GERAGOS: 24th. And so when Chris Boyer specifically asked when was the last time prior to the 24th that Laci went for a walk, Scott? Last Sunday around the neighborhood, and last Friday in the park. Is that correct?

GROGAN: That's what that report reads, yes, sir.

GERAGOS: And that report is Chris Boyer's attempt to do a verbatim transcript of his conversation with Mr. Peterson, correct?

GROGAN: That’s correct.

FLADAGER: Objection. Speculation.

JUDGE: I'll let the answer stand. Can I just ask one question?

GERAGOS: Sure.

JUDGE: My understanding, we were supposed to have to stop around 3:30.

GERAGOS: I'm just –

JUDGE: I'm going to ask the jury if they would like to go to the, instead of the 2:30 recess, go to 3:00 o'clock, and let you go until three. Would you like –

GERAGOS: I see bouncing heads.

JUDGE: We'll go through until three. We are going to have to, he has other material he has to bring in for the cross. So we'll, what we'll do, if you don't mind, well just forego your 2:30, recess and we'll go to three. Is that all right?

GERAGOS: Thank you.

GERAGOS: Now, when Captain Boyer, was it Captain Boyer?

GROGAN: Yes.

GERAGOS: Okay. When he asked that, I'll get to it probably in the next twenty minutes. But, quickly, when he asked that, and said Scott answered that she walked around the neighborhood, doesn't that give you, didn't that give you some concern about the eliminating the sightings?

GROGAN: Well, there was a specific route that Scott was aware of that she took, and that was down into the park and traveling eastbound through the park, and then back to the home. And then there was no specific information on where she walked in the neighborhood.

GERAGOS: Okay. But one of the bases, if I understand correctly, one of the ways that you eliminated some of these sightings was if they weren't in the park; isn't that correct? On a number of these sightings that are here on People's 267, didn't he eliminate because they weren't in the park?

GROGAN: Yes. Some of them, yes.

GERAGOS: You did have information obviously, as of the 26th, one, the Chris Boyer interview that Scott had said that Laci, as recently has Sunday, had walked in the neighborhood, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, specifically, he also told you, and this would have been also on the 25th when you were talking to Mansfield, he's the one who specifically told you this would have been before the search warrant, correct? When you talked to him with Mansfield, you were at the police station?

GROGAN: That’s correct.

GERAGOS: Okay. And he specifically told you that he decided to go fishing at the Berkeley Marina, right? And that he had advised you that he had researched on the internet about fishing in the area, correct?

GROGAN: Yes.

GERAGOS: Okay. So when you seized the computer the next day, would have been actually would have been two days later. You froze the location that evening, right?

GROGAN: Right.

GERAGOS: When you froze the location, the person who had given you the information about the internet research on fishing in the Bay was Scott Peterson, correct?

GROGAN: That’s correct.

GERAGOS: Okay. That wasn't something that you just stumbled on to. I mean you had that information. And I assume one of the reasons that you wanted the computer is to see whether or not he, in fact, had researched for fishing on the internet, right?

GROGAN: We were trying to verify anything that we could in that statement.

GERAGOS: He also gave a specific description, actually he told you that recently they had sold jewelry on Ebay, correct? It would have been the same page, last paragraph.

GROGAN: Yes, I have information here he volunteered that information.

GERAGOS: Right. You didn't, when you, this was the first time you talked to him, right? In the same conversation when you introduced yourself upstairs, you had given description to Miss Fladager about, you didn't have, only had that one children's video room, and you didn't want to do it in there. You went to another conference room. Is that the, am I on the same page with you?

GROGAN: Same interview?

GERAGOS: Same interview.

GROGAN: Yes.

GERAGOS: In that same interview, he's the one that brought up the fact that they had sold some jewelry on Ebay?

GROGAN: Yes.

GERAGOS: And he's the one who brought up that she had recently received her grandmother's inheritance?

GROGAN: Yes.

GERAGOS: And he's the one who told you, additionally, that one of her rings was at a jewelry store in McHenry Village. She was having work done on it as part of her Christmas gift, correct?

GROGAN: Yes.

GERAGOS: You didn't have that information from anybody else at that point on December 25th; is that correct?

GROGAN: Not at that point, no.

GERAGOS: Okay. But you later, obviously we have seen it ad nauseam in this trial. You later determined that, yes, he'd been on the internet researching, correct?

GROGAN: Yes.

GERAGOS: You later determined that, yes, they had sold jewelry on Ebay, correct? Or at least the Mickey Mouse watch and some of those chains?

GROGAN: Yes.

GERAGOS: And you later determined that one of her rings was at the jewelry store in McHenry Village, she was having work done on it, correct?

GROGAN: Yes.

GERAGOS: And that she wanted it done by Christmas, but the store said that they weren't going to get it done in time, correct? You don't have to look that up. If you don't remember, that's fine.

GROGAN: I don't remember.

GERAGOS: At some point you went over and you did check up on the jewelry at McHenry Village, correct?

GROGAN: Yes.

GERAGOS: When you checked with the jeweler at McHenry Village, at some point did that jewelry get collected, somebody take that jewelry away?

GROGAN: The rings that she had left there?

GERAGOS: Yeah.

GROGAN: Yes.

GERAGOS: I'm going to show you, specifically I have got a copy of the Edwards Jewelry items. Looks like on January 4th all the jewelry was picked up; is that right?

GROGAN: Yes.

GERAGOS: And who picked it up?

GROGAN: Sharon Roch

GERAGOS: Did Scott Peterson, the best of your knowledge, any time between December 25th and January 4th when Sharon Rocha picked up the jewelry, did he ever express any interest whatsoever in getting that jewelry, to you?

GROGAN: That he wanted to get it from Sharon, is that your question?

GERAGOS: Yes. Did he ever say, give me this jewelry, or have her get it to me?

GROGAN: No.

GERAGOS: I'm going to mark, what I showed you was, I assume, a front and back copy of an envelope from the jewelry store?

GROGAN: Yes.

GERAGOS: And that's got what purports to be Sharon Rocha's signature on there with a date of January 4th?

GROGAN: That's what I saw, yes.

GERAGOS: Mark that is defendant's next in order.

JUDGE: Defendant's 7C.

GERAGOS: Now, the –

FLADAGER: Mr. Geragos, could I look at that?

GERAGOS: Yeah.

GERAGOS: Specifically you also asked Scott on the 25th, the same interview, if Laci had ever gone fishing with him, correct?

GROGAN: Yes.

GERAGOS: And he told you that he taken Laci on a catamaran, the boat had flipped over, and she said she wouldn't go on a boat with him after that; isn't that right?

GROGAN: That’s correct.

GERAGOS: Okay. He told you he'd never used the twelve foot aluminum boat, and that two days earlier he had gone to Big 5 Sporting Goods and had obtained a two-day license, and some fishing lures, correct?

GROGAN: Yes.

GERAGOS: And that he planned to fish for Sturgeon and Striper in the bay, correct?

GROGAN: Yes.

GERAGOS: And that he had last fished on a trip to Alaska. He enjoyed fishing and hunting. Is that correct?

GROGAN: Yes.

GERAGOS: And that he said that Laci normally walked the dog in the morning after the frost; is that correct?

GROGAN: Yes.

GERAGOS: And he also said that she walked him in the Dry Creek area off Covena Avenue, the north end, right?

GROGAN: Yes.

GERAGOS: And the dog always went with her?

GROGAN: Well, it doesn't say that exact quote. But it's talking about walking the dog. So I assume that's what we're, that she has to have the dog with her.

GERAGOS: You described how he had gone directly to his office and checked his e-mail on the computer; is that right? He's describing to you what he was doing that day, right?

FLADAGER: Could I ask which day?

GERAGOS: He's describing to you on the 25th what he did the day before, right?

GROGAN: Yes.

GERAGOS: And said he sent an e-mail to his employer, right? Second paragraph, under 1027 Emerald Avenue.

GROGAN: That’s correct.

GERAGOS: And he, and, in fact, you did see an e-mail to the employer was found on his computer, correct, wishing his employer a Merry Christmas?

GROGAN: I am not seeing that in specifics.

GERAGOS: Okay. He told you that he would put together a mortiser, this woodworking tool, correct?

GROGAN: Yes.

GERAGOS: He cleaned up his office, and he unloaded tools from his toolbox, and left after 11:00 o'clock, correct?

GROGAN: That’s correct.

GERAGOS: Okay. And he specifically told you exactly how he drove to the marina, correct? Told up the highways that he took?

GROGAN: That’s correct.

GERAGOS: Told you specifically where there was a traffic slowdown, at what interchanges, right?

GROGAN: Yes.

GERAGOS: Told you that he put five bucks into what he described as an Iron Ranger, right?

GROGAN: Yes.

GERAGOS: Told you that he had two fishing rods with him, right?

GROGAN: Yes.

GERAGOS: And that he had a tackle box with no ice chest, right?

GROGAN: Correct.

GERAGOS: That he primarily went to try out the boat, right?

GROGAN: Yes.

GERAGOS: And that he drove the boat from the marina toward the island, stayed in the water about an hour, had no problems with the boat, never anchored it, and trolled using the heavier of the two poles, right?

GROGAN: Yes.

GERAGOS: The weather conditions were worse, he was getting wet, decided to return, correct?

GROGAN: Yes.

GERAGOS: And that's when he said he had that difficulty backing up the trailer on to the dock with the trailer, and he saw people laughing at him, right?

GROGAN: Yes.

GERAGOS: Now, he also told that he when he left the area he called his wife at about 2:15, right?

GROGAN: Yes.

GERAGOS: Now, that's the message the jury has heard where he says, "Honey, I'm leaving Berkeley now," correct? Or, "Sweetie, I'm leaving Berkeley"?

GROGAN: I don't know whether the jury has heard it. But that is the content of that message, yes.

GERAGOS: Okay. You have heard the message that's on the message machine that was played at approximately 2:15. He said something like, "Sweetie, I'm leaving Berkeley now"?

GROGAN: Correct.

GERAGOS: And specifically he also told you that he hit traffic delays, and he stopped at the Chevron station and used his ATM, right?

GROGAN: Yes.

GERAGOS: That he did not have a receipt for the ATM machine, right?

GROGAN: Right.

GERAGOS: Okay. And you wanted him to get one, right?

GROGAN: Yes, I asked him for that.

GERAGOS: You wanted him to prove that he had, in fact, made this trip, right?

GROGAN: Yeah, I don't know that that came up in this interview. I asked him, probably asked him if he had that receipt with him or not.

GERAGOS: You had another interview later where he had volunteered to give you the debit card number, or give you the debit card statement off the internet. You could check to see if he had been there, correct?

GROGAN: Correct.

GERAGOS: And, specifically, he wrote it down for you and gave it to you?

GROGAN: Yes. That is a note he gave to me.

GERAGOS: Okay. Then mark this as next in order. It's Bates number 189.

JUDGE: Defendant's 7D. And that's what?

GERAGOS: It's a one-page note that has my client's handwriting.

JUDGE: Indicating credit card number?

GERAGOS: Indicating a debit card number, and amount, and a location

GERAGOS: Is that correct?

GROGAN: It's not my handwriting, so I assume it's his.

GERAGOS: This is one of the 41 reasons that you suspected that Laci Peterson was in the Bay, isn't it?

GROGAN: That he made.

GERAGOS: That item that he gave you, the thirteen dollars for gas?

GROGAN: Not so much the item, but the fact that he stopped.

GERAGOS: To get gas. And he got thirteen dollars and eight cents?

GROGAN: Yes.

GERAGOS: You specifically had asked for that receipt, wasn't that correct? To prove that he had, in fact, stopped to get gas?

GROGAN: Yes.

GERAGOS: Okay. Now, he also told you that he then went to Emerald Avenue, which is the workshop. He disconnected the boat, left immediately, spending only about five minutes at the warehouse, right?

GROGAN: Sorry. That was a little too fast for me.

GERAGOS: Said he disconnected the boat, left immediately. He only spent about five minutes at the warehouse?

GROGAN: Yes.

GERAGOS: He told you, went on to say that Laci routinely mopped the kitchen in the morning, and he usually took the water out for her, is that correct?

GROGAN: Yes.

GERAGOS: And specifically he said that he had removed his clothing which was wet from the fishing trip and put it directly into the washing machine and started the wash cycle, correct?

GROGAN: Yes.

GERAGOS: Now, that was one of the things, the facts that he had put his clothes into the washing machine, that had caused, by the way I'm just going to show it so the jury can see it. This is the item that we just marked. This is one of the 41 reasons, at least the fact that stopped to get gas, even though he didn't retain the receipt, right?

GROGAN: That’s correct.

JUDGE: Can I interrupt. And that was presented to you by the defendant?

GROGAN: Yes, your Honor, it was. And it was, I believe that was on January 2nd that he gave me that.

JUDGE: At least he gave it to you. All right.

GERAGOS: Okay. And then specifically he told you that he had removed his clothing, put it in the washing machine, started the wash cycle, correct?

GROGAN: Yes.

GERAGOS: And he said that he went directly to the shower. When he finished it, he listened to the telephone messages, right?

GROGAN: Yes.

GERAGOS: Okay. He said there was the one from him, and one from Ron, Ron Grantski, right?

GROGAN: That’s correct.

GERAGOS: Okay. And one from Ron asking Laci to bring whipped cream to the holiday celebration, right?

GROGAN: Yes.

GERAGOS: And then you asked specifically to Scott, why did he wash his clothes upon entering the home, right?

GROGAN: Yes.

GERAGOS: And he told you he washes his own clothing two to three times a week. Why?

GROGAN: He told me that because of the work he does, he gets some of the products on his clothing. He doesn't want to put his clothing in with other clothing in the hamper, and so he would wash it as soon as he came home.

GERAGOS: He also told you since his clothes were wet with salt water, he decided to do the same thing with those clothes, correct?

GROGAN: Correct.

GERAGOS: And then, and then he told you that he and Laci had a good relationship. Next page, top.

GROGAN: Yes.

GERAGOS: Okay. And he specifically told you that they didn't yell at each other. There had never been any violent encounter, right?

GROGAN: Yes.

GERAGOS: Okay. Now, he told you also on that day that he had a life insurance policy that, what he described as a Whole Life plan?

GROGAN: Yes.

GERAGOS: And he told you that Laci had a policy as well, right?

GROGAN: Yes.

GERAGOS: And he said that a friend of his sold him the policy. He couldn't recall the amount, but he gave you the name of the person, Brian Ullrich, right?

GROGAN: Yes.

GERAGOS: And he also told you his phone number, and he gave the phone number for Brian Ullrich?

GROGAN: Yes.

GERAGOS: Ullrich?

GROGAN: Yes.

GERAGOS: He told you that Laci and he had just gone on a trip to Carmel?

GROGAN: That’s correct.

GERAGOS: Okay. And he had gone, and they had been to Hawaii earlier in the year in May; is that correct?

GROGAN: Yes, sir.

GERAGOS: No specific, do you know specifically what week in May that they went to Hawaii was?

GROGAN: Not from this report, I don't.

GERAGOS: Okay. You would be able to find that out through the credit card statements, I assume?

GROGAN: I don't believe, I don't know if we have records going back that far.

GERAGOS: Okay. He told you that he had recently been out of the country, right?

GROGAN: Yes.

GERAGOS: Told you he had been in Cairo in February for one and half weeks, Brussels in June for one and a half weeks, Southern Spain in October for one and half weeks, all in connection with his travel, right?

GROGAN: Yes.

GERAGOS: Okay. And specifically, also, listed out his monthly debts. And Agent Mansfield testified to this. He was the one who was really getting into that; is that correct?

GROGAN: Yes. His nose on that is better than mine.

GERAGOS: Okay. And then you asked, Scott also volunteered about what kind of guns he had; is that correct?

GROGAN: Yes.

GERAGOS: And he told you specifically about the .22 caliber, which apparently had already been collected by Brocchini, right?

GROGAN: Yes.

GERAGOS: Told you about one, two, three, four, five, six other guns?

GROGAN: Seven.

GERAGOS: Seven other guns? And he told you about the maid; is that correct?

GROGAN: That’s correct.

GERAGOS: Okay. Told you about who the poolman was, right?

GROGAN: Yes.

GERAGOS: Okay. And he told you that he had never been in a physical fight or altercation in his life; is that correct?

GROGAN: Yes, sir.

GERAGOS: And then part of the, were you, by the way, you have done a pretty extensive investigation on Scott Peterson, wouldn't you say?

GROGAN: Yes, I'd have to say that.

GERAGOS: Okay. Did you ever find anybody whose ever had a fistfight or physical altercation with Scott Peterson?

GROGAN: No.

GERAGOS: And he also said he's got no criminal history, either as an adult or a juvenile, correct?

GROGAN: That’s correct.

GERAGOS: Okay. Do you have anything out of the 40,000 pages, anywhere that indicates anything other than that?

GROGAN: No.

GERAGOS: Specifically you asked him what he thought had happened to Laci; is that right?

GROGAN: Yes.

GERAGOS: And the first thing that he told you is that he thought maybe she had been assaulted in the park by a transient, correct?

GROGAN: Yes, sir.

GERAGOS: And he believed that possibly her jewelry was a motive, right?

GROGAN: Yes.

GERAGOS: And he told you when he walked with his wife, which was about half the time, he saw transients sleeping in the park frequently, right?

GROGAN: Yes.

GERAGOS: And he said he would confront them and ask them to move on; threaten to call the police if they didn't, right?

GROGAN: Yes.

GERAGOS: And he said Laci would do this also, but he was unsure if Laci would do it if she were by herself, right?

GROGAN: That’s correct.

GERAGOS: Now, also told you about his future plans. And he said that he and Laci planned to move to San Luis Obispo, right?

GROGAN: Yes.

GERAGOS: And he said they were going to do that when his son was old enough to start school, right?

GROGAN: Yes.

GERAGOS: Now, you actually, there was some investigation that was done that indicated that actually Laci Peterson had called a real estate broker in San Luis Obispo before she went missing, correct?

GROGAN: I don't know that.

GERAGOS: All right. I'll pull that up and give you a report later on.

GROGAN: Okay.

GERAGOS: And you asked Scott about her current physical condition, correct?

GROGAN: Yes.

GERAGOS: And he said that she was fine. She only took prenatal pills, and no medical problems, no history of mental illness, correct?

GROGAN: Correct.

GERAGOS: Okay. Some time that same day, did Brocchini go to the house and also meet up with Scott?

GROGAN: On the –

GERAGOS: 25th.

GROGAN: 25th? Yes, that would have been in the morning prior to this interview.

GERAGOS: And when Brocchini went over there do you meet up with him? Met up with Scott?

GROGAN: Yes.

GERAGOS: Okay. And Scott at that point had informed Detective Brocchini that they had already printed up thousands of flyers, and they were organizing a search; is that correct?

GROGAN: I'm sorry, sir, can I look at that?

GERAGOS: Sure.

GROGAN: Just this section?

GERAGOS: Right.

GROGAN: Yes.

GERAGOS: Okay. Now, there was, at that point Scott Peterson had cooperated fully with both you and with Detective Brocchini; is that right?

GROGAN: Yes.

GERAGOS: Okay. And on the 26th, Scott Peterson, at about eight in the morning called you on your cellular phone, correct?

GROGAN: On the next morning?

GERAGOS: On the next morning. Did he call you at eight in the morning on the 26th?

GROGAN: Yes, that's correct.

GERAGOS: Okay. And he said that, already on the morning of the 26th at eight in the morning, that there were already news crews that were at his home; is that right?

GROGAN: Yes.

GERAGOS: And that they were already requesting that a statement be released by members of the family, and Scott Peterson said he was going to work with the press, right?

GROGAN: Yes.

GERAGOS: And he said, however, the news crews were requesting member of the police department respond to be interview as well; is that right?

FLADAGER: Just want to object. I don't know that we have a foundation that any of this is something that Detective Grogan knew, as to opposed to something that was in another report.

GERAGOS: This is Detective Grogan's report. I'll show him, see if, it's Detective Grogan's report.

GERAGOS: This is a phone call you had with Scott Peterson, correct?

JUDGE: Is there a Bates stamp on that?

GERAGOS: My first thousand pages aren't Bated.

FLADAGER: Page 128.

GROGAN: Yes.

GERAGOS: Okay. And specifically he wanted somebody from the police department, or you explained to him that Modesto PD had a Press Information Officer, PIO?

GROGAN: Right.

GERAGOS: That you were going to arrange for a statement, but you couldn't do it. You wanted to work leads in the case, correct?

GROGAN: Correct.

GERAGOS: Then at about that, that was in the morning, at 8:00 o'clock in the morning the day after Christmas, right?

GROGAN: Yes.

GERAGOS: And then on that same day at about 4:10, you received a call on your cellular phone from Scott Peterson, correct?

GROGAN: Yes.

GERAGOS: Okay. And that was, were you there with Detective Brocchini?

GROGAN: Yes.

GERAGOS: Okay. And had the search warrants already started?

GROGAN: No. We were going over there to meet with him and serve the search warrant.

GERAGOS: Had you gone to, had he gone to his warehouse?

GROGAN: I'm sorry, had he gone to the –

GERAGOS: What was the reason he was calling you, do you remember?

GROGAN: Yes, he had gone to the warehouse that afternoon and had met with two officers that were over there.

GERAGOS: Freezing the location?

GROGAN: Right.

GERAGOS: Okay. And he called up to tell Brocchini, look, you didn't have to get a search warrant, I would have consented. Isn't that correct? Isn't that what he told you and Detective Brocchini, that he would have consented to the search of the warehouse had we asked or agreed to speak with us after the press briefing regarding the search?

GROGAN: That’s correct.

GERAGOS: Okay. Then so, if I understand correctly, you are in Judge Ashley's chambers on, is this a different matter?

GROGAN: No.

GERAGOS: You are getting the search warrant signed?

GROGAN: Correct.

GERAGOS: And he goes to his warehouse. You got two officers that have frozen the warehouse, correct?

GROGAN: Right.

GERAGOS: He can't get in. They tell him we're waiting on a warrant, basically, is what your understanding was, right?

GROGAN: Yes, sir.

GERAGOS: Then he calls you and, or he calls you and Brocchini, and you tell him, and he says, look, you didn't need to get a warrant. I would have just let you get in, correct?

GROGAN: Yes.

JUDGE: Mr. Geragos, this might be a good place to stop.

GERAGOS: Sure.

JUDGE: I'm going to, after I excuse the jury, there is a few little bookkeeping things. I'm going to ask the audience remain seated.

I'm going let you go now. And remember the admonition, not no discuss this case among yourselves, or with any other person, or form or express any opinion about this case. You are not to listen to, read, or watch any media reports of this trial, or discuss it in any way with any representatives of the media or their agents. Have a nice weekend. We'll see you Monday morning at 9:00 o'clock. We are still on track to finish the prosecution case, today, I have been advised next week. Okay?