Witness: Joan Pernicano

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Called by: Defense

Phase: Penalty

Examinations: Direct – Pat Harris

Day 1 of 1 for this witness

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Direct Examination by Pat Harris

HARRIS: Good morning.

PERNICANO: Good morning.

HARRIS: Thanks for coming. And I know that we're going to talk about you're a friend of Jackie's so we're going to talk about some of that. But I wanted to sort of set the background a little bit as to your relationship to both Jackie and then later Scott. So, first of all, where do you live now?

PERNICANO: I live in San Diego.

HARRIS: Is there a particular area of San Diego you live in?

PERNICANO: It's called Scripps Ranch.

HARRIS: Where is that in relationship to the city?

PERNICANO: In the northern, a lot of people know where Scripps Ranch is since the fires, we lot over 300 homes, so it's off of 15 and near the marine base.

HARRIS: Okay. And how long have you lived there?

PERNICANO: My husband and I have lived there for almost, let's see, think about this, 33 years, actually. Thirty-three years this last month.

HARRIS: Okay. So since, what, '71?

PERNICANO: '71, yes.

HARRIS: At some point while you were living there did the Peterson family move into the neighborhood?

PERNICANO: They did, right below my home.

HARRIS: Okay. So you were able to throw stones essentially?

PERNICANO: I can go out my bedroom and look down at the home they used to live in.

HARRIS: Okay. And approximately how long did they live there?

PERNICANO: They were there I think about five years. I think somewhere around five years.

HARRIS: Do you remember the time frame what years they were there approximately?

PERNICANO: I believe it was around '75. We moved in in '71. They used to be models below us and so it was after, you know, they sold out the track and then they moved into one of the houses

below us.

HARRIS: So you think it was around from like '75 to '80?

PERNICANO: Right, '75 to '80, right around that time.

HARRIS: And that would have put Scott somewhere between the ages of about three to about eight or nine, right around that area, is that about right, is that your memory?

PERNICANO: Yes.

HARRIS: How did you end up meeting the Peterson family?

PERNICANO: Jackie was the cub scout den mother and so that's how, you know, my son joined the cub scouts and that's how I met her.

HARRIS: Now what's your son's name?

PERNICANO: Andrew.

HARRIS: And was Andrew approximately the same age as Scott?

PERNICANO: He's a little bit younger and Scott's, Scott's birthday is October and my son's birthday is April.

HARRIS: They were in the same cub scout group together?

PERNICANO: Yes. Yes.

HARRIS: And you would go with Jackie in some kind of, I don't know what the term for it is these days, do they call it den mother or something?

PERNICANO: Yes. She was a den mother.

HARRIS: So you would go to her house?

PERNICANO: Yes, I would help, I would help her. Sometimes I would help her or sometimes I would just take my son down there.

HARRIS: Did you end up developing a friendship with Jackie?

PERNICANO: Oh, yes, almost instantly.

HARRIS: Why is that?

PERNICANO: To know Jackie is to love Jackie. She, she is such a giving, loving person and gregarious, outstanding, there's just instant rapport. And plus we discovered that we both had attended the same Catholic girls high school in San Diego. Our brothers both went to the Catholic boys school. The people that we knew, there were a lot of similarities. We both were starting out businesses, we had fledgling businesses, big families.

HARRIS: What business were you starting out?

PERNICANO: We have a restaurant.

HARRIS: Do you still have the restaurant?

PERNICANO: Yes, we do.

HARRIS: What's the name of that?

PERNICANO: Pernicano's. Not very original.

HARRIS: As you, as the years went on did you maintain that friendship with Jackie?

PERNICANO: Yes, something, actually Andrew taught me when he was in high school is that we have a lot of acquaintances in our life time, but we have only a handful of friends and I'm lucky to count Jackie as a friend.

HARRIS: During the time that you were living there, that you were living in Scripps Ranch and that the Peterson's were also living there, did you have a chance to go to their house?

PERNICANO: Yes.

HARRIS: On those occasions did you have a chance to see Jackie and Lee interact?

PERNICANO: Yes.

HARRIS: What would you, how would you characterize their relationship?

PERNICANO: Calm, easy going. It was very different than in my home. My home was a little chaotic and very boisterous, whereas Jackie's was more even, more organized. They, everybody got along.

HARRIS: Did they seem to have a loving relationship?

PERNICANO: Yes, definitely.

HARRIS: Did you get to know Lee, also?

PERNICANO: Yes.

HARRIS: And how would you describe Lee in your words?

PERNICANO: Well, Lee and my husband are very similar in that they are, they're quiet, they're, they're a little more introverted, whereas Jackie and I are very extroverted.

HARRIS: The period that you lived there, did you also get to know Scott?

PERNICANO: Yes.

HARRIS: And when you first, sort of first impressions of Scott as a child, what were they?

PERNICANO: Very even, calm, very different from my son who was very rambunctious. A child who was there, but not, you know, going crazy running around, just on the quiet side. Let me think how else to, as I said, very opposite from my son who was very boisterous and noisy.

HARRIS: Did he seem to have a good relationship with his parents?

PERNICANO: Oh, excellent. Excellent. I think that's one of the things that struck me. I was always in awe of the family because Scott spent as much time with his dad as he did with his mom. If he wasn't with his mom he was with his dad.

HARRIS: Is that unusual to you?

PERNICANO: Well, in my family, yes, because in the restaurant business you work 7/24 and my husband was gone most of the time and so my husband didn't, and in old school you didn't spend a lot of time with your children, whereas Lee spent a lot of time with the kids. He did a lot of things with the children. He balanced the work with the recreation.

HARRIS: What kinds of things did you notice he was doing with his children?

PERNICANO: They would, every year they would go pheasant hunting. He would take the boys, all of the boys and they would go pheasant hunting. That was one. Golfing, lots and lots of golfing. Whenever I would talk to Jackie during the afternoon, after school and during the summer Lee and Scott or Lee and the boys would be out golfing.

HARRIS: You mentioned that as time went on they moved?

PERNICANO: Yes.

HARRIS: Did you stay in contact?

PERNICANO: Yes.

HARRIS: How would you stay in contact?

PERNICANO: Phone calls and we shared the same dentist who's in the same complex as our business. And so when Jackie would come into town to the dentist she would always call and we would get together and have lunch at my restaurant.

HARRIS: And during that time period as you kept up as your relationship continued, well, let me ask you the question, did your friendship continue?

PERNICANO: Yes.

HARRIS: Has it continued to this day?

PERNICANO: Yes, that's why I'm here.

HARRIS: And do you talk to Jackie on a frequent basis?

PERNICANO: At times, yes, and at times, no, because our lives in some ways did parallel, we had large families, we had fledgling businesses. We were both very busy. She was working on, she was getting, you know, her education, I was working on my education at different times.

HARRIS: Hm-hmm.

PERNICANO: And so we didn't always have the time to connect, but it didn't matter because when you have a true friend, if you haven't even seen them for maybe a year and you sit down with them it was like it was yesterday. And there's no, well, you haven't called me or, you know, why haven't you come over. There's none of that.

HARRIS: When you were around the family when you had a chance to see sort of interaction, you mentioned to me that you would see Scott you have a typical Scott look?

PERNICANO: Yes.

HARRIS: What does that mean?

PERNICANO: A little play of a smile. Just the beginning of a smile. Just it was there ready to burst out. And he's, he's the kind of person that there's no in between. There's the little smile and then there's the big smile. But always very pleasant. Always had a very calm and pleasant demeanor, respectful of his mom when we were around, whereas my son, as I said, rambunctious, impulsive and run out and, you know, Mom, Mom, Mom. Scott was never that way. I was always impressed. Scott would always wait until there was a break or, excuse me, Mom, take care of whatever he had to take care of and then he was off.

HARRIS: Now he also, did Scott also do things with your son Andrew?

PERNICANO: Yes.

HARRIS: What would they do?

PERNICANO: They would occasionally go fishing. They both had a passion for fishing. And we have, we have Miramar Lake. It's a reservoir, so it's a perfect area for kids who like to fish. Plus we have another place called Hendrix Pond. The kids would either go to Hendrix Pond or go to Miramar Lake. In those days it was perfectly safe to let your kids go, you know, over to the lake or over to the pond. You didn't have to worry about them. You could either drop them off. There are boats to rent. There still are. You could leave them there for an hour or two and, you know, and not worry and just go out and fish.

HARRIS: You talked about the relationship with Lee that you saw Lee spend a lot of time with Scott. Would you characterize their relationship as being close?

PERNICANO: Very close.

HARRIS: How would you see that?

PERNICANO: Just in the fact that the kids were either working with their parents or they were doing something fun with the parents. It was, it was one of the other. You did, a lot of families

you would see, well, the men, well, hey, I need some time off. I need a day off, or I need to do this or that. And that wasn't the way it was in their family. It was always a family thing, whether it was working or recreation, the family was pretty much always together.

HARRIS: Later on as Scott got older do you recall a conversation where Jackie called you and said that Scott has asked basically to make it on his own now?

PERNICANO: Yes. Yes, one of the times that we had gotten together it was right after that he was, they were in San Luis Obispo, actually, they were living in Morro Bay and Scott had come home one day and he just told his parents, you know, that's it. I'm on my own. You don't have to worry about me. I will take care of myself. I will pay my own bills. I'm not going to be dependent on you anymore. I'm big enough to care for myself. And he went to work at the cafe in San Luis Obispo and Jackie saying, oh, he does so well. He gets all these huge tips. People just love him. He's very solicitous.

HARRIS: Joan, I know that most of the time that your, you actually saw Scott it was at the age of three, eight, three, nine and your friendship continued with Jackie over the years. And you mentioned that Jackie is essentially the reason you're here because you feel so strongly about her as a friend, is that right?

PERNICANO: And for Scott, too. Because, again, I can't reconcile the accusations with the person that I've known. It just doesn't, it just doesn't go together.

HARRIS: Well, I want to ask you about Jackie and obviously you've had conversations with her both once Scott was arrested and since the time of the conviction. I'd like you, if you could, to just tell the jury what being a close friend of Jackie, what do you, what effect do you think would have on Jackie?

PERNICANO: You know, I have thought about this and I can't even words and clichés, they're not strong enough to tell you how I feel or how I know what this will do to her. I'm really concerned about her health. I've watched her health deteriorate. I've known Jackie, as I said, for over 25 years and, you know, it's been a slow progression. But now with this last two years the stress, and as a mother and a grandmother, as a friend to her, you know, I can't, I can't, I try, try to put myself in, in the position and can't. I can't. Maybe it's defense, my defense. I can't even get there. It's so horrendous to me and I'm concerned for her health.

HARRIS: Thank you, Joan. That's all I have.