Witness: Randy Bolinger

Date: 2004-09-01

Proceedings held September 1, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect; Recross

Day 1 of 1 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/Bolinger.htm

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Direct Examination by Rick Distaso

DISTASO: Officer Bolinger, you are a Modesto Police Officer?

BOLINGER: Yes, sir.

DISTASO: And what unit are you assigned to?

BOLINGER: I am currently assigned to patrol.

DISTASO: Back in January of 2003 were you assigned to the Modesto Narcotics Task Force?

BOLINGER: Yes, sir.

DISTASO: And that's a city drug unit for Modesto police?

BOLINGER: That’s correct.

DISTASO: And were you involved in the surveillance of a Mr. Peterson that took place from January 3rd to January 11th?

BOLINGER: Yes, I was actually only involved from January 3rd to the morning of January 9th.

DISTASO: And you were working the night shift?

BOLINGER: Yes, sir.

DISTASO: What I really only want to talk to you about one kind of small little issue. Regarding the pole camera that was put up, Officer Bettis talked about it a little bit, but did you record any of the, any of the tapes from that surveillance?

BOLINGER: Yes, sir, I did.

DISTASO: And during the nighttime what was the visibility through the pole camera on the Peterson home?

BOLINGER: It was pretty poor.

DISTASO: And why was that?

BOLINGER: Darkness, and then later, later into the evening it also got foggy.

DISTASO: And when did you first record some information?

BOLINGER: On January 3rd at about 1822, 622 hours in the evening.

DISTASO: And could you, and then when did you next, let's just go through it. When do you first record the information?

BOLINGER: The tapes were 90-minute tapes so I did about an hour-and-a-half on that tape and then maybe another hour-and-a-half or so on that tape.

DISTASO: Did you go back and review those tapes at some point?

BOLINGER: Yes.

DISTASO: Was there anything on those tapes that you felt had any significance to the investigation?

BOLINGER: No, sir.

DISTASO: And why was that?

BOLINGER: Again, it was extremely dark. You could see people maybe sometimes leaving or vehicles arriving or leaving, but nothing that you could really see clearly or nothing that I really found too important, I guess.

DISTASO: And then what did you do with the tapes after you recorded them?

BOLINGER: I left them in the, the receiving end of the pole camera is like in a suitcase and it has a little TV screen and then a place where you can put in the tapes. I just left the tapes inside that suitcase.

DISTASO: To your knowledge did Agent Perry eventually return all that to the drug enforcement unit?

BOLINGER: Yes, sir.

DISTASO: And in your notes here, when you put "monitored surveillance equipment," what does that mean?

BOLINGER: I was the one that actually physically had the receiving end, again, the suitcase that has the camera or the camera part of it that you would view and that's what I was watching.

DISTASO: Okay. So you would just kind of look through the little TV screen and watch whatever the camera was seeing?

BOLINGER: That’s correct.

DISTASO: At what hours were you involved in the surveillance, what was your night shift?

BOLINGER: Roughly from 5:30 in the evening till 5:30 in the morning, sometimes a little before, sometimes a little bit later, but basically a 12-hour shift from 5:30 in the evening till 5:30 in the morning.

DISTASO: On January 6th did you go to the Enterprise Rent-A-Car lot?

BOLINGER: Yes, sir.

DISTASO: And did you pick up the car that Mr. Peterson had rented,

BOLINGER: Yes, sir.

DISTASO: on that day? And just tell me, what was the license plate of that?

BOLINGER: It was a, it was 4ZKD188.

DISTASO: And what kind of car was it?

BOLINGER: It was a four-door Honda Civic.

JUDGE: Red?

BOLINGER: Yes, sir.

DISTASO: That's all I have, Your Honor.

Cross Examination by Mark Geragos

GERAGOS: Officer Bolinger, the tapes of this unit that was installed, was that installed on the 3rd of January?

BOLINGER: To my knowledge, yes.

GERAGOS: And were you responsible for this unit in any way?

BOLINGER: To which unit?

GERAGOS: Mr. Distaso was asking you about this surveillance camera, the pole camera?

BOLINGER: Yes, sir.

GERAGOS: And I'm not talking about the one that's on the pole itself, but I'm talking about there's a remote unit, correct?

BOLINGER: Yes.

GERAGOS: And that remote unit, who was in charge of assigning that out or having that being monitored?

BOLINGER: I was given the monitoring device by Detective Rudy Skultety.

GERAGOS: When were you given that device?

BOLINGER: On the 3rd.

GERAGOS: What were you told to do with that?

BOLINGER: To go to the area of the residence on Covena and to use it, basically, it was used as a tool due to the extra,

GERAGOS: I wasn't going to ask you what it was used for, just what did he tell you to do,

BOLINGER: Oh, I'm sorry.

GERAGOS: then I'll get to what to do. What did he tell you to do with that?

BOLINGER: It was used as a tool basically to see if somebody was coming or going from the residence, Mr. Peterson was coming or going from the residence, Mr. Peterson was coming or going from the residence. Basically, it was a surveillance tool.

GERAGOS: Okay. If I understand correct, is it a fair statement you were told, look, we've installed this camera across the street, that way we don't have to post, you know, people there and you can be in a remote location?

BOLINGER: That’s correct.

GERAGOS: It was your understanding that was done because of a, kind of the media presence that was taking place on the street there?

BOLINGER: Yes.

GERAGOS: Okay. Would you see, would you be able to see media and other people even at night on that camera coming by the house?

BOLINGER: It would be possible, yes.

GERAGOS: At night when you would surveil, I guess remotely, would you see cars come by, slow down in front of the house, things like that?

BOLINGER: Well, actually, sometimes I would radio to the other officers if I saw some people at the house I would radio to other officers and they would drive by to see maybe exactly what was going on, so there were cars slowing. I can't remember any,

JUDGE: I think he's referring to like gawkers, people that drive by, look at the house, keep going, did you see anybody like that?

BOLINGER: Not that I can recall.

GERAGOS: Actually, maybe was it you guys, the other undercover cars keep driving by the house slowly?

BOLINGER: That could be possible, yes.

GERAGOS: Okay. So maybe it was, you guys were the lookie-loos. Does the, starting on the 3rd at least, do you know how many different cars were involved in this surveillance at night?

BOLINGER: There were several. I don't know specifically.

GERAGOS: More than two?

BOLINGER: Yes, sir.

GERAGOS: Okay. More than four?

BOLINGER: Yes, sir.

GERAGOS: As many as six cars or seven cars in regards to surveillance of Mr. Peterson?

BOLINGER: Again, I don't know the specific numbers, but probably, yes.

GERAGOS: Okay. One of the other officers who just preceded you up here estimated that there was approximately 15 officers at least at the beginning, would that be a fair estimate?

BOLINGER: I don't know. There could have been.

GERAGOS: Okay. And who was, you have some kind of a command structure, right?

BOLINGER: Yes, sir.

GERAGOS: Modesto P.D.? Who was in charge, Skultety was leading the unit, who was in charge of maintaining this surveillance?

BOLINGER: I was currently working under Lieutenant Tim David. I don't know if he was physically out there, but he would have been my acting supervisor at the time.

GERAGOS: Okay. And would this be something where you would take a certain shift each night and you would be in charge of the surveillance?

BOLINGER: Yes, sir.

GERAGOS: Okay. And would you deploy and decide how to deploy people to surveil the house or keep an eye on Mr. Peterson?

BOLINGER: I personally would not. My main role was to watch the pole camera during the evening hours. If there was any movement or if somebody left, then I would radio to those officers and they would begin surveillance.

GERAGOS: Okay. Now is the, was your shift during that period of time that Mr. Distaso asked you, you said, what, the 3rd through the 9th, is that right?

BOLINGER: Yes, sir, to the morning of the 9th, yes.

GERAGOS: To the morning of the 9th. Are you the night shift basically?

BOLINGER: Yes.

GERAGOS: In the morning you would give this unit to the day shift?

BOLINGER: Yes, sir.

GERAGOS: And who is your counterpart as the day shift?

BOLINGER: Mark Weiglein, I turned it over to him for a few days, and then, first few days, and then on the last, on the morning of the 7th I was relieved by Agent Pooley and on the morning of the 8th by Agent Chris Perry.

GERAGOS: Okay. And so you would just hand off the portable unit at the end of your shift to the day shift, the day shift, when they're done they hand it off to the night shift?

BOLINGER: That’s correct.

GERAGOS: And these are two 12-hour shifts that are flip-flopping basically keeping him under 24-hour surveillance, correct?

BOLINGER: That’s correct.

GERAGOS: Okay. The unit itself is always monitored by a partner team of investigators?

BOLINGER: Not always, no.

GERAGOS: At least one person is supposed to have at least possession of that unit at all times during this period of time?

BOLINGER: Yes, sir.

GERAGOS: Okay. And the, whether it's you or Mr. David or Mr. Weiglein or Mr. Pooley, one of the four of you is handing that thing off or supervising the handing off, is that correct?

BOLINGER: I'm sorry, I didn't understand that question.

GERAGOS: The unit itself, from the night shift to the day shift, so you get complete 24-hour coverage of Scott Peterson at his house?

BOLINGER: Well, we don't get of Mr. Peterson the whole time, but basically that unit is passed back and forth. Again, sometimes late at night once it got foggy and dark, then I even shut it off during those hours because I was unable to see anything anyways so I would shut it off late in the evening.

GERAGOS: Do you know how long the pole camera was up and running, installed on the 3rd? Do you know when it was taken down?

BOLINGER: No, sir, I don't.

GERAGOS: Do you know if it was still up in August of last year?

BOLINGER: I have no idea

GERAGOS: Thank you. I have no further questions.

Redirect Examination

DISTASO: Officer Bolinger, you were on the night shift, and counsel asked you about gawkers or people, you know, going by or whatever, did you observe any of that?

BOLINGER: Not that I can recall offhand. I mean, there was other vehicles driving down the street, but I can't remember anything specific.

DISTASO: I mean, if you, if something of note it would have happened, would you have put it in your notes?

BOLINGER: Yes, sir.

DISTASO: For example, like on the 4th, your notes are Peterson's back at the house, monitored surveillance equipment, then you have no entries at all until you were relieved the next morning. What does that mean, what does that tell you?

BOLINGER: Either nothing happened or really of importance to note.

DISTASO: It looked like on the 5th, 1900, it looks like that's when, or 7:00 o'clock on the 5th, it looks like that's when you started monitoring the surveillance equipment?

BOLINGER: Yes, sir.

DISTASO: And that's the pole camera we're talking about?

BOLINGER: Yes, sir.

DISTASO: And 10:15 you did note that the Ford Explorer left the house?

BOLINGER: Yes, sir.

DISTASO: And what entries do you have between 10:15 and 5:30 when you were relieved?

BOLINGER: None.

DISTASO: So it appears that nothing really of any significance occurred?

BOLINGER: That’s correct.

DISTASO: On the 6th it looks like you started monitoring the house at 6:30?

BOLINGER: Yes, sir.

DISTASO: And then what's your next entry until you're relieved by Investigator Weiglein?

BOLINGER: 0530 hours I was relieved by Weiglein.

DISTASO: So, again, there's nothing else that happened on that night?

BOLINGER: That’s correct.

DISTASO: On the 7th it looks like you started monitoring at 6:00 o'clock again?

BOLINGER: Yes, sir.

DISTASO: And you do have two entries, 9:35, what happened?

BOLINGER: Mr. Peterson's parents arrived in a pickup.

DISTASO: And then what time did they leave?

BOLINGER: Approximately 2151 hours.

DISTASO: Okay. You noted that?

BOLINGER: Yes, sir.

DISTASO: And you have no other entries until you are relieved by Detective Pooley?

BOLINGER: Yes, sir.

DISTASO: And then on the 8th it looks like pretty much the whole evening nothing occurred that you felt needed to be noted?

BOLINGER: That’s correct.

DISTASO: If cars had driven up and stopped and people had gotten out and, you know, done something, would you have noted that in your report?

BOLINGER: If it was, obviously, if there was cars coming and going I would radio out to some of the other officers that could drive by that could take a better look so they might have, so that might have occurred, and I believe it did occur, actually, and they would document what type of vehicle or something in their notes.

DISTASO: All right. So then the other officers would document what that was?

BOLINGER: Yes, sir.

DISTASO: Nothing further.

Recross Examination

GERAGOS: I was just going to ask the same question he asked, you weren't going to put that down, you were just there as a monitor to then radio to the other guys to follow up on it, and that did happen on occasion during that four days, right?

BOLINGER: Yes, sir.

GERAGOS: Thank you. And you didn't record those transmissions, did you?

BOLINGER: No, sir.

GERAGOS: And that you didn't feel like it was your task, you were just there to monitor it and then relay the information and have the other guys do something with it?

BOLINGER: That’s correct.

GERAGOS: No further questions.