Witness: Mario Ruvalcaba

Date: 2004-10-04

Proceedings held October 4, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Mr. Ruvalcaba, where do you live? Don't tell me the address, just the city.

RUVALCABA: San Diego.

DISTASO: San Diego?

RUVALCABA: Yes.

DISTASO: And were you living there in April of 2003?

RUVALCABA: Yes.

DISTASO: And did you have a vehicle for sale?

RUVALCABA: Yes.

RUVALCABA: What kind of car was that?

RUVALCABA: It was a 1990 Saab, convertible.

JUDGE: 1997 Honda convertible?

RUVALCABA: 1990 Saab, S-A-A-B.

JUDGE: Oh, Saab.

RUVALCABA: Yes.

DISTASO: And did you list that for sale?

RUVALCABA: Yes.

DISTASO: Okay. Did, on April 11, did the defendant in this case, Scott Peterson, come and attempt to buy your car from you?

RUVALCABA: Yes.

DISTASO: Did he look the way he does as you see him sitting in court today?

RUVALCABA: Not at all.

DISTASO: Okay. Did he have different colored hair?

RUVALCABA: Yes.

DISTASO: And a goatee?

RUVALCABA: Yes.

DISTASO: Was his goatee a different color also?

RUVALCABA: Yes.

DISTASO: And do you remember if his eyebrows were the same color?

RUVALCABA: I don't remember that.

DISTASO: Okay. And was the sale of the car completed between yourself and Mr. Peterson?

RUVALCABA: Not, well, it was kind of like verbal agreement.

DISTASO: Yeah, let me stop you there.

RUVALCABA: Okay.

DISTASO: I'll just walk you through it. Did you actually end up transferring a car over to Mr. Peterson?

RUVALCABA: No, we didn't.

DISTASO: Okay. Did you and he negotiate some kind of deal?

RUVALCABA: Yes, we did.

DISTASO: All right. And did you agree on a selling price of the car?

RUVALCABA: Yes, we did.

DISTASO: And did you agree on when you would turn the car over to him?

RUVALCABA: Yes, we did.

DISTASO: And as part of that, on the 12th of, of April, 2003, did you fill out some paperwork regarding that particular sale?

RUVALCABA: Yeah. Actually he filled out half of it.

DISTASO: Okay.

RUVALCABA: And I filled out the other half.

JUDGE: Did this, did this take place at a used car lot? Or was this a private sale?

RUVALCABA: I work in a shop. A repair facility. Automotive facility. And that's where it took place.

JUDGE: Okay.

RUVALCABA: But it was my own personal vehicle.

JUDGE: So it was between you and the defendant?

RUVALCABA: Yes.

JUDGE: All right. Go ahead.

DISTASO: All right. And just everyone's probably wondering, why did the car not actually transfer hands to Mr. Peterson?

RUVALCABA: Well, because, because a lady from Vegas had called me and she wanted to see the vehicle. And when Scott told me that he wanted the car, I attempted to call the lady from Vegas, but I couldn't. So when we finally had a chance to talk to the lady from Vegas, she was halfway to San Diego and she begged me to hold the car for her. At least give her a chance to look at the car.

DISTASO: Okay. Let me just stop you there. So did you end up selling the car to her instead?

RUVALCABA: Yes.

DISTASO: Okay. Let me show you now, though, 286, People's 286. Is this the paperwork that you and, and Mr. Peterson filled out together?

RUVALCABA: Yes, it is.

DISTASO: And what's the title of that? What, what was the purpose of that?

RUVALCABA: This is a bill of sale. This is basically says that he bought the car and I sold to him. He can go to the DMV and register the car with this paper.

DISTASO: Okay. And you filled this out on April 12th of 2003?

RUVALCABA: Yes.

DISTASO: And what part did you fill out and what part did Mr. Peterson fill out?

RUVALCABA: He filled out the, everything but my name and my address.

DISTASO: You filled it out? Or he filled it out?

RUVALCABA: I filled out my name and my address, and he, he filled out the rest.

DISTASO: Okay. What name did he put down as the purchaser of the car?

RUVALCABA: Well, I didn't notice the name until he left, but he wrote Jacqueline Peterson.

DISTASO: Okay. And did he put some identifying information regarding a driver's license number?

RUVALCABA: No, he didn't.

DISTASO: Let me show you on this form. Where he put Jacqueline Peterson, is there also a signature?

RUVALCABA: Yes.

DISTASO: Okay. Is there a date?

RUVALCABA: Yes.

DISTASO: And is there a, a section that says driver's ID or dealer number?

RUVALCABA: Right, but I didn't see the license number. He filled that out, and I don't know where he got that from.

DISTASO: Okay. But he, he put this information down?

RUVALCABA: Yes.

DISTASO: You didn't put this down?

RUVALCABA: No.

DISTASO: Okay. Let me just put this on the screen real quick. Okay. When we, let's just go through this. The identifying information on the car up here. Who filled this out?

RUVALCABA: I think I did that.

DISTASO: Okay. And then who filled out,

RUVALCABA: He did that.

DISTASO: I'm sorry.

RUVALCABA: Mr. Peterson filled that out.

DISTASO: Filled out the print, the buyer's name?

RUVALCABA: Yes.

DISTASO: Okay. And the price was 2400; is that right?

RUVALCABA: Yes.

DISTASO: And then who put the odometer reading?

RUVALCABA: That I don't remember. The only thing I could be sure of is that he filled out his name and his signature and, well, it's been over a year, so I don't remember exactly.

DISTASO: Okay. And then who put the name, the name Jacqueline Peterson?

RUVALCABA: He did.

DISTASO: And then who signed the name Jacqueline Peterson?

RUVALCABA: He did.

DISTASO: Okay. And this other section over here, the date, who put that?

RUVALCABA: I don't remember about the date.

DISTASO: Okay. And then what about this ID number here, who filled that out?

RUVALCABA: I think he filled that out.

DISTASO: Okay. And then you signed here?

RUVALCABA: Yes.

DISTASO: And then is that your signature next to it?

RUVALCABA: Yes.

DISTASO: And then is this your identifying information, your driver's license?

RUVALCABA: That's my driver's license number.

DISTASO: Okay. And then this is your address and home; is that right?

RUVALCABA: That was when I, when that happened, yes.

DISTASO: Okay. Your Honor, just, just for the record, if we can do the same thing we've been doing with this when we enter into evidence,

JUDGE: But you only identified one page. You've got a couple others.

DISTASO: I'm going to go through the other ones, too, but I want to keep this witness's identifying information private.

GERAGOS: Fine.

JUDGE: All right. I'll order it be Xeroxed and substitute the copy for the original.

DISTASO: Okay.

DISTASO: And then let me show you the, the second page of this document. Is that just the back of the form?

RUVALCABA: Yes, it is.

DISTASO: Okay. And then finally, let me show you this last page. Transfer and release of liability. Who filled that particular document out?

RUVALCABA: He did. He did this.

DISTASO: Okay. And, again, this has, put this one up on the screen. This one has the vehicle identification, correct?

RUVALCABA: Yes.

DISTASO: And then Jacqueline Peterson?

RUVALCABA: Yes.

DISTASO: And then an address?

RUVALCABA: Yes.

DISTASO: And he filled that out?

RUVALCABA: Yes.

DISTASO: And then who put this identifying number here on this, over on this part of the form?

RUVALCABA: I don't know about that. I don't even know what that number is.

DISTASO: Okay.

RUVALCABA: Could be a driver's license number. I don't know.

DISTASO: Okay. You didn't fill that out?

RUVALCABA: No.

DISTASO: Okay. Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: How much did you sell the car for to the lady?

RUVALCABA: Actually I sold it for 2300. I sell it for less.

GERAGOS: Okay. And then did you ask him about why it was Jacqueline Peterson?

RUVALCABA: No, because he left before I noticed the name.

GERAGOS: Okay. Did you tell the cops that you thought maybe he was gay or a transsexual since he was from San Francisco?

DISTASO: Objection, your Honor. It's not relevant.

JUDGE: Sustained.

GERAGOS: And did you end up getting him, you had a deal, I guess, on the 11th; is that right?

RUVALCABA: Yes, we did.

GERAGOS: Okay. And then when you had the deal on the 11th, he needed a smog certificate?

RUVALCABA: Yes.

GERAGOS: And the car had been smogged two months ago?

RUVALCABA: Yes.

GERAGOS: And so you postponed, you said come back the following morning?

RUVALCABA: Yes.

GERAGOS: And then in the interim you sold it to the other lady?

RUVALCABA: Yes.

GERAGOS: Thank you. I have no further questions.

JUDGE: May Mr. Ruvalcaba be excused?

DISTASO: Yes, your Honor.

JUDGE: Mr. Ruvalcaba, thank you very much. You may be excused.