Witness: Matthew Spurlock

Date: 2004-06-14

Proceedings held June 14, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect – Rick Distaso; Recross – 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: Officer, you work for the Modesto Police Department?

SPURLOCK: Correct.

DISTASO: And how long have you been a sworn peace officer in the State of California?

SPURLOCK: A little over three years.

DISTASO: Were you working as a Modesto police officer on December 24th of 2002?

SPURLOCK: I was.

DISTASO: Just briefly, what, what duties were you assigned to at that time? Not on that date.

SPURLOCK: I was assigned to patrol.

JUDGE: Officer Spurlock, can you pull the microphone down.

SPURLOCK: Yes, sir.

JUDGE: There you go. Go ahead.

DISTASO: And were you, as part of your patrol duties that evening, were you asked to assist Officer Evers in a missing persons investigation involving Laci Peterson?

SPURLOCK: I was.

DISTASO: Can you tell the jury, let's just start at the beginning. What happened? You're on duty somewhere in the city, correct?

SPURLOCK: Correct.

DISTASO: And what happened? You got a call?

SPURLOCK: I was dispatched to assist Officer Evers on a missing persons over in the Beat 42 area, which was on Covena.

DISTASO: Okay. And when you say "dispatched," does that mean that the dispatch center called you and said, Go to this location?

SPURLOCK: That's correct.

DISTASO: Okay. What happened, where did you first arrive on this call?

SPURLOCK: Initially I was dispatched to the 523 Covena address. At that point listening to radio traffic, it was unclear whether or not we were to go to the Marklee address or to the park, due to the fact there was multiple people.

GERAGOS: I'm sorry, the what address?

SPURLOCK: Marklee.

DISTASO: Go ahead. So,

SPURLOCK: So at that point, after hearing Officer Evers putting himself en route to the East La Loma Park area, I then assisted myself to go that direction.

DISTASO: Okay. Is that when you ended up going to East La Loma Park?

SPURLOCK: That's correct.

DISTASO: Is that the location here on People's 36 where the tennis courts are? You can come up, take a look at it right here.

SPURLOCK: Yes, sir.

DISTASO: Okay. Go ahead, have a seat. And after you got to the park, what happened next?

SPURLOCK: I went to the park after Officer Evers had already arrived, and there was a large group of people there. Officer Evers was speaking with some of them. I exited my patrol car and basically was officer, observing the crowd, so Officer Evers could do what he needed to do.

DISTASO: Okay. Let me stop you. Was Officer Evers kind of the point person for this, as far as contacting the family and talking to them?

SPURLOCK: Correct. He was the case officer.

DISTASO: Okay. And you were just assigned to assist?

SPURLOCK: That's correct.

DISTASO: Do you remember, or do you have the printout, at least, showing what time you got there to the park?

SPURLOCK: I do.

DISTASO: What time was that?

SPURLOCK: I think my printout showed around 1811 hours.

DISTASO: So that would be 6:11 p.m.?

SPURLOCK: 6:11.

DISTASO: All right. Do you remember was it light or dark?

SPURLOCK: Going, I think it was kind of dusk/dark, if I can remember correctly.

DISTASO: All right. And what happened next?

SPURLOCK: After Officer Evers had spoken with some people there at the park, the other personnel were coming up to myself, asking me What should we do, and I gave them a safety statement, that if they're going to be out in the park, they need to stay together so that we don't end up looking for someone else in the same night.

DISTASO: Okay.

SPURLOCK: Got back into my patrol car after that.

DISTASO: All right. Hold on. The people that were coming up to you, were those, like, family members? Civilians?

SPURLOCK: Family members, civilians. I assume people that were in the park to look for Mrs. Peterson.

DISTASO: Okay. What happened next? You said you got back in your car?

SPURLOCK: I got back in my car, and Officer Evers informed me that we were going to go over to the Covena address.

DISTASO: Did you go there?

SPURLOCK: We did.

DISTASO: All right. And roughly, or maybe your printout shows, what time did you arrive at 523 Covena?

SPURLOCK: I think my printout shows something along the lines of 1825 hours, which would be 6:25.

DISTASO: Okay. And what happened when you got there?

SPURLOCK: Upon arriving, myself, Officer Evers, and Officer Letsinger went into the house to do a security check, to make sure there was no one inside, to clear it.

DISTASO: Okay. Did you do that?

SPURLOCK: We did.

DISTASO: If you look at People's 38, is that a, do you recognize that as a schematic diagram of 523 Covena?

SPURLOCK: I do.

DISTASO: Can you just, you can use the pointer. Can you just show the jury where it was that you went in the house and what you did. Go ahead.

SPURLOCK: When we first got there, we came through the front portion,

JUDGE: Officer, you've got to keep your voice up so they can hear you.

SPURLOCK: Okay. As we went into the house, we entered through the courtyard, kind of a sidewalk here. As we entered through, I noticed that there was a bucket with two mops in it, and there was some moisture around the bucket, as if it had just been recently used and the moisture hadn't dried up yet. We continued on through, the door was unlocked. I noticed that most of the lights in the house were on. As we went inside to clear the house, I think Officer Evers kind of posted here (indicating) to keep security on the hallway. Myself and Officer Letsinger kind of went in this direction. As we were going through this direction, there's like a small, like, table or something sitting in this area here. I noticed there was a phone book. It was opened up to a color page. There was some pizza, looked like a vegetarian-type pizza, several pieces missing, an open bottle of Ranch sitting next to that. Continued on through the kitchen area and into the living room. Along the north wall here there's a door that opens up into the backyard area, side yard area. At the base of the door there's a rug. The rug appeared to be pushed up against the base. As we continued clearing, there's a washer/dryer type set up on the south corner, and on top of the washer and dryer were some what appeared to be balled-up white towels that were still wet, with a lot of sand and dirt within it. After clearing this area, we came back, cleared the rest of the bedrooms, one at a time, and then came back out. And Officer Evers at that time asked Mr. Peterson to do a walk-through with us.

DISTASO: Okay.

JUDGE: Go by question and answer now.

DISTASO: I will, your Honor.

JUDGE: Question and answer, please.

DISTASO: Let's, let me ask you before we go through the walk-through you did with Mr. Peterson, did you go into the backyard at all?

SPURLOCK: We did.

DISTASO: Go ahead, tell me. You went through where? What door did you go out of?

SPURLOCK: Sorry. We exited through the living room door and into the backyard.

DISTASO: Okay. Hold on a second. So you went, did you go underneath, like, a little patio area?

SPURLOCK: Yeah. Some kind of overhang-type structure here that we exited under, and,

DISTASO: All right. Let me have you just label this so it's clear for the jury. Let's just call that "patio."

SPURLOCK: Okay.

DISTASO: Can you just write on there where the patio was?

SPURLOCK: I believe the patio is going to be right in this area here.

DISTASO: Okay. And so you went, did you look through there?

SPURLOCK: We did.

DISTASO: There's an area marked "shed." Did you see, like, a little shed area?

SPURLOCK: There was an enclosure on this side. Had a small opening. I believe there was some blue tarp material and some other stuff, some tools, that kind of stuff,

DISTASO: Okay.

SPURLOCK: inside the shed area.

DISTASO: Did you look in there?

SPURLOCK: Yes.

DISTASO: Go ahead. Where is the next part of the backyard you went?

SPURLOCK: After clearing this area here, then we continued toward the pool direction. I cleared the pool, made sure there was nothing in the pool. And continued on to the backyard and turned left. As I turned left, in the corner of the yard there's a spa, and as you open the spa we knew it was operating because there was, it was quite cold that night and there was a large amount of steam that came out of the spa. Right here there's a small crawl space to the house, underneath the house, which had multiple webs going cross it, so obviously nothing was placed in there. No one was in there, due to the fact that the webbing was there.

DISTASO: When you say "webs" you mean like spider webs?

SPURLOCK: Spider webs.

DISTASO: Okay. Go ahead. Label on there the Jacuzzi. Just call it Jacuzzi or spa, whatever you want.

JUDGE: Why don't you write "spa." It's shorter.

SPURLOCK: Okay. There's a spa in the corner area of the yard, right there.

DISTASO: Okay. All right. You told us about the crawl space. Where did you go next in the backyard?

SPURLOCK: Continued clearing around to the other side of the yard. And, after doing so, came back, came back through a, kind of like French doors, I think it was, and on, on the steps here were a pair of shoes.

GERAGOS: Objection. It's non-responsive and calls for a narrative.

JUDGE: Narrative.

DISTASO: Yeah. Let me,

JUDGE: Go question and answer, otherwise we get objection after objection, so,

DISTASO: Right.

DISTASO: Okay. So, stop. You came back around by the pool?

SPURLOCK: Uh-huh.

DISTASO: Then you said you went in by which door?

SPURLOCK: These doors right here.

DISTASO: Okay. And then did you see anything on the door or near the door?

SPURLOCK: There were some shoes, two pairs of shoes, like I think tennis shoes, and maybe some sandals.

DISTASO: Okay. Can you just write that, just write "tennis shoes" and "sandals" right there. Okay. And then after you did that, you went back into the house?

SPURLOCK: Back into the house.

DISTASO: What happened next?

SPURLOCK: And that's when, then Officer Evers asked Scott to come back inside to do a walk-through with us.

DISTASO: When you say, when you say "Scott," are you talking about the defendant, Scott Peterson?

SPURLOCK: Mr. Peterson, correct.

DISTASO: Do you recognize him as he sits here in court today?

SPURLOCK: I do.

DISTASO: Prior to December 24th, 2002, had you had any contact at all with Mr. Peterson?

SPURLOCK: No, sir.

DISTASO: Did you know, by that I mean, I mean did you even know of his existence?

SPURLOCK: No, sir.

DISTASO: Okay. What happened next? You said you had a walk-through with Mr. Peterson?

SPURLOCK: Correct.

DISTASO: Take me, start at the very beginning. And I do have to kind of walk you through this. That's the way we kind of got to do it. So you went outside and got him. What happened next?

SPURLOCK: After coming inside, Officer Evers was the primary officer at this time. He was doing most of the talking with Mr. Peterson.

DISTASO: Uh-huh.

SPURLOCK: I believe he asked Mr. Peterson if he could locate for us Mrs. Peterson's purse, at which point he took us to the master bedroom, which is the bedroom that I'm pointing to, and to a closet. And inside the closet he pointed out Mrs. Peterson's purse, which was hanging on a type hanger.

DISTASO: Okay. Let me stop you. So after he pointed that out to you, what did you do next? What did you personally do?

SPURLOCK: After he pointed the purse out to me, I asked him would it be okay if I could retrieve the purse. Of course he said yes. And at that point I opened the purse and asked him if he could make sure, by me pointing out the items, if everything appeared to be in her purse, pulled out things like identification, some credit card stuff. And everything, he said, appeared to be there.

DISTASO: All right. And where did you, can you describe for the jury how you did that?

SPURLOCK: Sure.

DISTASO: Did you just pull it open or put it somewhere? Or what did you do?

SPURLOCK: There was a bed and I walked over to where the bed was located, and as I opened up the purse, kind of put the purse on the bed and kind of fumbled through, picking out certain items, IDs, stuff like that, and was showing them to Mr. Peterson. After showing them to Mr. Peterson and he confirming yes, that's her belongings and everything appeared to be there, I replaced the items back into the purse, and then I took the purse, after being pretty confident that everything was there, placed the purse back on the hanger where I retrieved it from.

DISTASO: Hold on one sec. Do you remember, you listed some items in your report, or money and keys. I think you said all pertinent information. Is that the stuff you're telling us about?

SPURLOCK: Yes, sir.

DISTASO: Okay. After, after you put that back on the hanger, what happened next?

SPURLOCK: After putting that back on the hanger, as we started to go through other rooms and, and make sure nothing else was there, I noticed in the, in the bedroom there there was a clothes hamper that was pretty full of clothing. And I asked Mr. Peterson what, if he had been working all day today, at which point I believe, if I can refer to my report?

DISTASO: Yeah. You can go ahead and have a seat again. That's fine.

SPURLOCK: I asked Mr. Peterson if,

DISTASO: Hold on a second. He just wants to see what report you're referring to.

SPURLOCK: Sure.

GERAGOS: Okay.

JUDGE: So you asked Mr. Peterson if he had been working that day?

SPURLOCK: Yes, sir. I asked Mr. Peterson if he had been working all day, and Mr. Peterson stated no, that he had gone fishing in the Bay.

DISTASO: Okay. And what did you, what's the next thing you asked him?

SPURLOCK: I asked Mr. Peterson if, if he could tell me roughly what time he went fishing. He really didn't give me a responsive time.

DISTASO: Okay.

SPURLOCK: Just kind of shuffled off the question. Didn't really answer.

DISTASO: Okay. What happened next?

SPURLOCK: I asked Mr. Peterson if, what, exactly what kind of fishing he was doing, what kind of fish he was fishing for today. And at that point there was a pause. He hesitated in answering me. He, he had this blank look on his face for a second or so, his eyes shifted a little bit and he kind of mumbled some stuff, but again blew off my question, didn't really give me an answer.

DISTASO: Okay. At that time, when he did that, did you press him real hard for it?

SPURLOCK: No. No.

DISTASO: All right.

SPURLOCK: Because, it could have been just a natural response to what everything was going on at the time.

DISTASO: Okay. Did you ask him anything else?

SPURLOCK: I did.

DISTASO: And what, what else did you ask him?

SPURLOCK: I then asked Mr. Peterson if he could maybe describe what he was using as far as bait or lure, and again I got the same, same type of response. Kind of the blank stare, shifting of the eye kind of thing. He just really couldn't give me an answer, again. And then something clicked, and he, he said I was using a silver lure, and he gave me a hand gesture of about seven to eight inches in length.

DISTASO: And did you, did you ask him anything else?

SPURLOCK: I did. He was wearing some clothing that was pretty light, and I knew it was cold outside because I was cold that night, or during that call. And I asked him if these were the clothes which he was wearing that he went fishing in, and he stated no, that he had changed. Assuming he changed, I thought Well, maybe he just put his clothes in the clothes hamper. So I asked him Did you place your clothes in the clothes hamper? And he stated No, I washed them.

DISTASO: And did you ask him to show you where they were, or anything of that nature?

SPURLOCK: I did not ask him to show me at that time. I assumed that they were still in the washer.

DISTASO: And did you ask him anything about his fishing gear, where he keeps his fishing stuff?

SPURLOCK: I did.

DISTASO: What did he say?

SPURLOCK: I asked Mr. Peterson that exact question, and he stated to me that he kept all his fishing gear at his storage facility for the company that he worked for.

DISTASO: As you were walking him through the house, were you asking him if anything looked like it was out of place?

SPURLOCK: I did.

DISTASO: And what did he say?

SPURLOCK: He stated that there was nothing appeared to be out of place.

DISTASO: And did you also, when you went through the house both times, did you also look through the house to see if something looked out of place to you?

SPURLOCK: I did.

DISTASO: Other than the things you've told us about, the rug and the rags and the bucket, did anything appear to be out of place?

SPURLOCK: No. Not really. I mean everything appeared normal. Nothing really shuffled or broken or the normal things you might see in an attack, or some type of situation like that.

DISTASO: Okay. What happened then? After you asked him about the fishing, and where did that conversation take place?

SPURLOCK: It kind of occurred from, from his bedroom, the master bedroom where the purse was located, kind of in a, a, a walking and talking type situation, from, from the other bedrooms and through the hallway to kind of the front entryway, where the kitchen front door was at.

DISTASO: Just if you could, we haven't labeled this. Can you label what you're calling the front door? If here's the courtyard where you walk through. Here's, use that.

SPURLOCK: This area right here is where I consider the front door area.

DISTASO: Okay. Okay. Go ahead, have a seat. After, after this conversation, then what happened next?

SPURLOCK: After the conversation we pretty much finished looking through the house, and Scott was asked to go outside at that time. And he walked from, from the sitting room area, front door area, through the front door, and not closing the door all the way. Kind of left, maybe, like a seven inch to five inch gap where the door was opened.

DISTASO: And what happened next?

SPURLOCK: I followed, loosely followed him at a distance, went to the front door. As he was stepping out of the front door and onto that sidewalk area, I heard what sounded like a cuss word, and if you want I can say it in court.

DISTASO: Go ahead.

SPURLOCK: Sounded like the word "fuck," and it came through what sounded like gritted teeth.

DISTASO: Okay. After you heard that, then I, I seen,

GERAGOS: Objection as to his conclusion that it came through gritted teeth.

JUDGE: Sustained. The jury can disregard, but the word "fuck" can remain.

DISTASO: Can, can you, I hate to put you on the spot at all, and tell me if you can't, but can you demonstrate, like, how it sounded?

SPURLOCK: I can.

DISTASO: Go ahead.

SPURLOCK: It sound something like "fuck." Kind of like that. It wasn't very clear, but it was obviously through what appeared to be through some type of frustration.

DISTASO: Okay. And did you see,

GERAGOS: Objection. Motion to strike as to,

JUDGE: Sustained. Calling for the defendant's state of mind.

GERAGOS: I also, I also want to be heard.

JUDGE: On what?

GERAGOS: Outside the presence.

JUDGE: On the word, on the epithet?

GERAGOS: No, on a discovery violation.

JUDGE: Oh, okay. Well, we'll have to excuse the jury then. Have to put you back into the jury room for a second.

<Jury exits courtroom>

JUDGE: All right. Let the record show the jury has filed out. Yes, Mr. Geragos.

GERAGOS: 1054 requires the government to, or the People to provide all statements by the defendant in discovery. There is nothing in discovery about either of these two statements. I'm asking the court to admonish the jury.

JUDGE: Which two statements? The word,

GERAGOS: The "fuck" and the throwing of the item down. That's required under the discovery code.

JUDGE: Yeah, you're supposed to give him 30 days.

GERAGOS: 30 days' notice. It's not in any, it's not in any report and it's all of a sudden fabricated and then told in this courtroom on the stand. I let it go once. It's now twice. I want an admonition to the jury to totally disregard it, to not only to view it with distrust, which is the specific jury instruction for any oral supposed statement, but I want them directed that the prosecution deliberately, that it was a deliberate violation of 1054 to, and they're to be admonished and to disregard it.

JUDGE: Yes?

DISTASO: Judge, there's no deliberate violation here. Every, they don't write every single thing that happened in their report. This is,

GERAGOS: This is a,

DISTASO: something that's told that's not in their reports,

JUDGE: Hold on. Let him finish.

DISTASO: It's not in the reports. The fact the defendant said a cuss word, that's not a, there's no discovery violation at all. It's not a statement of the defendant, just a word he said.

GERAGOS: It's not a statement of the defendant? It's a word he said? What, what universe are we in? That's what statements are.

DISTASO: The thing, Judge,

GERAGOS: They're, words that defendants say are statements?

DISTASO: he can talk,

GERAGOS: What kind of BS is this?

DISTASO: all day long. It's not in the report.

GERAGOS: It's,

DISTASO: That's a fact. There's nothing I can do about that.

GERAGOS: it's a discovery violation.

JUDGE: Wait, wait. You're both talking at the same time, and the court reporter can't write it down. Mr. Geragos, you have to wait until the district attorney finishes, and I'll hear what you've got to say. Go ahead.

DISTASO: It's not in the reports. I mean, that's true. It's something he remembered. There's other things, the clothing, that's not in the report that he remembers. I can't do anything about the fact that the officer remembers something that's not in the report.

JUDGE: Well, let me ask you this: Do you pre-try these officers?

DISTASO: No, your Honor.

JUDGE: That's part of the problem, then.

GERAGOS: Well, you expect me to believe that both these guys pop up with the same memory independently? And on the stand for the first time and he didn't know it? He just walked him right into the statement. He knew what was coming. I mean it's, it's beyond belief. First of all, the, I don't know what English school or what English language course Mr. Distaso took, but words spoken by the defendant are statements. That's clearly under 1054. He's now done it twice. I let it go the first time. I established it was not in any reports. The officer said it wasn't in

any of the reports. He just conceded it's not in any of the reports. It's nothing but just a cheap shot, another in a never-ending series of cheap shots in this prosecution.

DISTASO: It,

GERAGOS: And it's, and I, I want to finish, do you mind? And it is absolutely beyond, beyond dispute that under 1054 I'm entitled to that. And if they didn't pre-try them, they're negligent. If they did pre-try, then it's intentional. Either way, it's a violation.

DISTASO: Judge, I mean, this is ridiculous. I haven't got a stitch, I've gotten barely any discovery from this defense team. He, he brings stuff in on a witness that we had, Austin's jewelry, some receipts that I've never seen before at all. You know, we don't say a word about it, and now all of a sudden there's this huge discovery violation. That's ridiculous. He can cross-examine the officer. It's not in the report. That's a fact. The officer is going, is going to say it's not in the report.

JUDGE: All right. Before everybody, before everybody blows a gasket here, this is going to be the court's ruling. I'm going to let it stand. Mr. Geragos, you can go ahead and cross-examine him. You can go ahead and cross-examine him to, about the fact that that was not in his police report, the fact that he threw down the flashlight, that's what the other officer testified, that that was not in the police report. And these are things that come up, but, you know, if you pre-try these officers, sometimes they'll tell you what they're going to say, and then you could, you should disclose that to the defense. But I'm not going to go through that rigmarole and admonish them, because I don't think that's tantamount to a gross violation of 1054. But you can certainly cross-examine, Mr. Geragos, as you've done with the last officer, that it's not in the report, and so forth, okay? Bring in the jury back in.

DISTASO: Actually, your Honor, before we bring them in, let me just finish something up.

JUDGE: Okay.

DISTASO: Does the court, what does the court,

JUDGE: Hold on. What?

DISTASO: I just want to make sure, I want to be completely accurate here, I don't want to mislead the court in any way. I did talk to the officer this morning about that, and that, you know, about this statement, so I was aware of the statement.

JUDGE: Okay.

GERAGOS: You know,

DISTASO: No, no, no.

JUDGE: Wait, wait. Here we go.

DISTASO: No, hold on a second. When I'm talking about pre-try, I thought we were talking about at the prelim, or something like that. That's why,

GERAGOS: He has,

DISTASO: I stood up to make sure,

GERAGOS: He has a duty to turn that over.

JUDGE: Yeah. If, if the officer told you that this morning, Mr. Distaso, when you were pre-trying the officer, if there's something the officer is going to testify to that's in addition to what's in the police report, I think the spirit of 1054 requires that you disclose that information to the defense. That's why I asked you if you pre-try these officers. If the officer says Yeah, we were walking out, I heard him say this word, this four letter word, then I think you have an obligation to disclose that to the defense. And so I'm going to ask you to be a little more careful in the

future on something like that.

GERAGOS: I'm renewing my motion for an admonition. Short of an admonition, I'm moving for a mistrial. I do not believe that those, both officers said, hey, I don't need, I don't need laughter from the audience on that. I am moving for a mistrial on the basis that when you have statements about the defendant making cuss words, and the DA knew about it, his obligation is to tell me about it in advance. And I would like the court also to admonish people that if they're going to make comments from the peanut gallery, that the court can clear the courtroom at any time, if that's going to be the thing.

JUDGE: They always do that in the movies, you know, they pound the gavel, One more word, I'm going to clear the courtroom. We don't do that, normally do that. But I would ask the audience to keep their comments to themselves.

DISTASO: First of all,

JUDGE: Wait, can I, you know,

DISTASO: Go ahead.

JUDGE: let me just tell you now just my own viewpoint on this, Mr. Geragos. The word, use of the word "fuck" can be handled both ways. It could be beneficial to the defense.

GERAGOS: I understand.

JUDGE: It could be out of frustration because he had lost his wife and he didn't know what to do.

GERAGOS: I understand.

JUDGE: So,

GERAGOS: Why can't I have it prior to the witness?

JUDGE: I'm saying you should, but you didn't get it, right?

GERAGOS: Right, so why,

JUDGE: Okay. I already made my ruling. I don't want to revisit it again. I have given you the reason. I've admonished Mr. Distaso, told him that if he pre-tries the officer and if he says something that's over and above what's contained in the police report, he should disclose that information to you, okay?

GERAGOS: Prior to them being on the stand.

JUDGE: Yes. Absolutely.

DISTASO: Right.

JUDGE: Before they take the stand.

DISTASO: And, and, your Honor, I'll tell the court that, I mean I'll definitely do that. I didn't, I didn't think that this issue was all that big a deal, because I thought this court had the same, I thought the same thing.

JUDGE: Well,

DISTASO: But clearly I agree, I should have told Mr. Geragos, and from now,

JUDGE: Yeah.

DISTASO: on, if there's anything,

JUDGE: Please do. Please do, because we're going to get into this situation all the time. The discovery in this case is a constant source of irritation. There's all kinds of discovery in this case. And as I pointed out before, discovery's coming in here in, in fits and drabs, and you never know what's going to be coming up. So if you hear something from the officer before you put him on

the stand that you know about that's not contained in the report, you should let Mr. Geragos know it, for obvious reasons, so we don't run through this again. And, and the request for mistrial is denied. I don't believe that this violation, this alleged violation, goes, raises to such an extent that a mistrial should be declared, because this word that the defendant, the defendant's demeanor cuts both ways, so I don't think it's a big deal. All right. Bring the jury back

JUDGE: Okay. Do you remember your last question, Mr. Distaso?

DISTASO: I do, your Honor.

JUDGE: All right. Next question. The record should reflect the jury's back in the jury box. Go ahead.

DISTASO: Okay. After the, after the defendant said what you thought was a curse word, what happened next?

SPURLOCK: Immediately following the cuss word, he threw his flashlight to the ground, and then quickly retrieved the flashlight, and continued walking out the front gate of the courtyard area.

DISTASO: Okay. What happened next?

SPURLOCK: After that I was informed by Officer Evers that there was a vacant residence to the north at, I believe, 529 Covena. And was asked to go search that residence.

DISTASO: Okay. It's on the board there, you can see it, People's 38, says "vacant house." Can you just put the address above that?

JUDGE: Well, I think we know where the house is located.

DISTASO: Okay. So as long as,

JUDGE: The other officer testified it's the house next door. We know where it is.

DISTASO: That's fine.

DISTASO: What happened next? Did you search that house?

SPURLOCK: We did.

DISTASO: And did you find anything that led you to believe there were, had been anywhere, anything going on in that house?

SPURLOCK: No.

DISTASO: What happened next?

SPURLOCK: After searching that house, then I was asked to begin searching the East La Loma Park area.

DISTASO: Did you do that?

SPURLOCK: I did.

DISTASO: And who did you do that with?

SPURLOCK: Myself and Officer Letsinger.

DISTASO: And where did you go?

SPURLOCK: We went north to a side entrance of the park, very small entrance. From that entrance we went down the path and began our search of the wood line and park area westbound to the pump stations, maybe a quarter of a mile, or something like that. And in a zigzag type pattern, so if there was someone lying in the brush, hopefully we would pick something up. Continued our search all the way down to the pump house, and there were other officers that I believe were searching up to the pump house, and we kind of met and swung it

back east, searching along the creek bed and open field area along the park on the north side, all the way back up to, I believe, the bridge area.And then as we got up to the bridge area, I saw Mr. Peterson's father-in-law.

DISTASO: Okay. And did you guys have a conversation then?

SPURLOCK: I did.

DISTASO: And what happened next then?

SPURLOCK: I asked Mr.,

DISTASO: Well, did you, you guys had a conversation with his father-in-law?

SPURLOCK: I did.

DISTASO: Okay. Was the defendant present?

SPURLOCK: No, he wasn't.

DISTASO: Okay. Don't tell me about what you guys said. You had a conversation. What happened next?

SPURLOCK: After the conversation, I continued searching. My flashlight died, ran out of battery life. And I went back up to 523 Covena to retrieve another flashlight and to inform Officer Evers that at this point we had not found anything in the park as of yet.

DISTASO: And do you have any idea what time it was when you went back up to 523 Covena?

SPURLOCK: I do not.

DISTASO: Okay. What happened next?

SPURLOCK: After returning to get another flashlight, I was standing with Officer Evers and Mr. Peterson walked up, asking if, I think he was asking something of an update, what was going on. I believe Officer Evers said something to him. And then as we're still standing there, he's, he's about maybe five to seven feet from me, his father-in-law walks up to our group, and directly after walking up he, he asked Scott Peterson if, if I can refer to my report real quick?

DISTASO: Go ahead, if that helps refresh your memory.

SPURLOCK: Okay.

GERAGOS: May I approach?

JUDGE: When you say "father-in-law," are you talking about Mr. Grantski?

SPURLOCK: I'm sorry?

JUDGE: When you say "father-in-law," are you talking about Mr. Grantski?

SPURLOCK: Yes, sir.

JUDGE: Okay.

SPURLOCK: Right in this area, sir.

GERAGOS: Okay.

JUDGE: I assume you have this, Mr. Geragos.

GERAGOS: I do, but there's one problem, Judge. Under 771 I'm entitled to everything that's on there that I don't have.

SPURLOCK: Those are my notes that I wrote, sir.

GERAGOS: Right.

JUDGE: These are your own notes?

SPURLOCK: Yes, sir.

GERAGOS: Under 771 I'm entitled to that, so I'm going to ask after direct that I be given a copy of that.

JUDGE: We'll give you a copy. Go ahead, Mr. Distaso.

DISTASO: Okay. So you walk, I mean you're there and Mr. Grantski says something. What did he say?

GERAGOS: Well, there's, I want the record to reflect he's now looking down and appears to be reading the report. If he doesn't remember, the proper way to handle this is to ask him, for him to say I don't remember, can I refresh my recollection? It's not for him to read the report and then testify.

JUDGE: That's what you expect, but maybe that's not going to happen. Do you need to refresh your recollection?

SPURLOCK: Yes, sir. I asked,

JUDGE: Refresh your,

DISTASO: Go ahead, refresh,

JUDGE: your recollection,

DISTASO: you can read your report,

SPURLOCK: Thank you.

DISTASO: to refresh your recollection.

REPORTER: Excuse me. Please don't all talk at the same time.

SPURLOCK: Okay.

DISTASO: Go ahead.

SPURLOCK: The father-in-law had asked Mr. Peterson if,

GERAGOS: The record reflect that he's now just reading from his report.

SPURLOCK: He had,

JUDGE: Yeah.

DISTASO: Let me stop you,

SPURLOCK: Okay.

DISTASO: okay. Okay. Hold on a second. You can't, you can't read from your report.

SPURLOCK: Okay.

DISTASO: You can read it to refresh your memory, but then you got to testify from your memory.

SPURLOCK: Okay.

DISTASO: Go ahead.

SPURLOCK: The father-in-law walked up and asked Mr. Peterson if he had gone golfing as planned.

DISTASO: Okay. And what did the defendant say?

SPURLOCK: Again there was the natural type pause, the same thing that I had seen inside. And at that time Mr. Peterson answered No, I decided to go fishing, and that it was too cold to go golfing.

DISTASO: And did Mr. Grantski ask, did you hear Mr. Grantski ask Scott Peterson what time he left to go fishing?

SPURLOCK: Can I refer to my report?

DISTASO: Yeah. Go ahead.

SPURLOCK: Thank you.

DISTASO: Just tell me when you're done.

SPURLOCK: Okay. Okay.

DISTASO: Go ahead.

SPURLOCK: I believe he asked him when he had gone fishing, and the reply was between 10:00 and 10:30.

DISTASO: Okay. What's the next thing that happened?

SPURLOCK: Mr., the father-in-law kind of looked at myself and Mr. Peterson and kind of asked him a kind of a question Well, what were you fishing for at that time of the day, kind of question. And there was no response from Mr. Peterson. He just simply kind of walked off.

DISTASO: After that happened, what, what happened next?

SPURLOCK: After that I then continued my search back into the park with a K-9 officer and another officer.

DISTASO: And who was the K-9 officer?

SPURLOCK: It was Officer Gonzales.

DISTASO: Okay. And who was the other officer?

SPURLOCK: Can I refer to my report?

DISTASO: Go ahead.

SPURLOCK: Thanks. That was Officer Letsinger.

DISTASO: And where did you remain for the rest of your shift?

SPURLOCK: I continued searching the park. After searching the park for a number of hours, going through the creek, checking under logs and those types of things, then I started checking the local parks in the area.

DISTASO: And when did you, when were you relieved of your duties for that night of investigating this case?

SPURLOCK: I think I was relieved of duty I think around 0730 in the morning.

DISTASO: So that would be 7:30 on the 25th, Christmas day?

SPURLOCK: Yes, sir.

DISTASO: Did you do anything else, did you personally do anything else related to the investigation of Laci Peterson?

SPURLOCK: No, sir.

DISTASO: Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: May I have just a moment, your Honor?

JUDGE: Yes.

GERAGOS: The, can I have a copy of the notes that he's got?

JUDGE: Yes. You want to hand those over to Mr. Geragos so he can cross-examine with those.

GERAGOS: I'll turn your notes over so I can ask questions, and if you need to refer to your report, just tell me and you can do that.

SPURLOCK: Will do.

GERAGOS: Officer, you had used I think one of your reports, which I assume is the printout from dispatch, to try to determine what time you arrived, or what time you got a call on this case?

SPURLOCK: Yes, sir.

GERAGOS: What time was that?

SPURLOCK: I believe it was around 1750 something hours.

GERAGOS: 17,

SPURLOCK: I don't know. If you would like me to,

GERAGOS: Some time a little bit before 6:00 o'clock?

SPURLOCK: Yes, sir.

GERAGOS: And were you by yourself in a patrol car?

SPURLOCK: I was.

GERAGOS: Where was the first place that you went?

SPURLOCK: My first location was to respond to the location of 523 Covena.

GERAGOS: Okay. When you got to Covena, did you park and get out?

SPURLOCK: No.

GERAGOS: Did you just drive by?

SPURLOCK: I initially just stopped, and then heard the radio traffic, and then continued on to East La Loma Park.

GERAGOS: Okay. So fair statement that you were here at Covena and then went down which, which direction? Did you drive down to the park?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Would you show the jury exactly how you went?

SPURLOCK: I don't remember my exact direction, sir, other than it was eastbound towards East La Loma Park.

GERAGOS: So you got from here over to the parking lot, which is right here?

SPURLOCK: Yes, sir.

GERAGOS: Okay. When you got to the parking lot, did you see Byron Duerfeldt?

SPURLOCK: I think Sergeant Duerfeldt arrived sometime maybe after I did.

GERAGOS: Okay. When you got there who was there? Was anybody there?

SPURLOCK: Officer Evers and lots of citizens, and so forth.

GERAGOS: Did you see Scott Peterson?

SPURLOCK: Yes, I did.

GERAGOS: And he was there in the park?

SPURLOCK: Yes, sir.

GERAGOS: Was he searching?

SPURLOCK: Yes, sir.

GERAGOS: Did he have a flashlight?

SPURLOCK: I believe he did, yes, sir.

GERAGOS: Okay. And did you see the, a dog which you later learned was the Golden Retriever?

SPURLOCK: I don't remember a dog, sir.

GERAGOS: Okay. Did you see Sharon Rocha?

SPURLOCK: I saw many people. I didn't know anyone by name, sir.

GERAGOS: Did you know Scott Peterson, as you sit here today you have a memory of seeing Scott Peterson down there, searching with a flashlight, because you then saw him later up at the house?

SPURLOCK: Yes, sir. Correct.

GERAGOS: Okay. Now, when you went down there you talked to Evers. Evers had not been to the house, correct?

SPURLOCK: Correct.

GERAGOS: As far as you know?

SPURLOCK: As far as I knew.

GERAGOS: Okay. Shortly thereafter does Letsinger show up?

SPURLOCK: Yes, sir.

GERAGOS: And after that does Duerfeldt show up?

SPURLOCK: I don't know who showed up before who, but I know they were both at that location at some point in time.

GERAGOS: Okay. Now, at that point did you, did the three of you talk, Evers, Letsinger and yourself?

SPURLOCK: I wouldn't say we got together and spoke about anything specific. It was more we were assisting officers. Officer Evers had decided to make the first move to go to the 523 Covena to make sure that everything was okay there. And then we started our search from there, sir.

GERAGOS: When you arrived at the park, did it appear to you that there were, you indicated there were some civilians there?

SPURLOCK: Yes, sir.

GERAGOS: Approximately how many?

SPURLOCK: A lot.

GERAGOS: Okay. And people were somewhat frantic?

SPURLOCK: Yes.

GERAGOS: Okay.

SPURLOCK: Yes.

GERAGOS: Scott Peterson included?

SPURLOCK: Yes.

GERAGOS: Okay. And as they're searching, they're yelling for, the name "Laci," correct?

SPURLOCK: Yes, sir. Correct.

GERAGOS: And it's a chaotic scene out there, is that correct?

SPURLOCK: Yeah, it was.

GERAGOS: Okay. And the three of you talk, and then it's decided maybe we better start back at the residence?

SPURLOCK: Correct.

GERAGOS: Okay. At some point does Duerfeldt show up,

SPURLOCK: Yes.

GERAGOS: before you leave?

SPURLOCK: I believe so.

GERAGOS: Okay. Duerfeldt, you informed him of the same thing this, tell him There's a chaotic scene, let's go up start from the house? Somebody, somebody makes the decision to go back to the house?

SPURLOCK: Yes, sir. Yes, sir.

GERAGOS: Okay. At that point, I guess you had been a patrol officer now for three years, at that point you had been an officer for a year and a half?

SPURLOCK: Yes, sir.

GERAGOS: So you're not exactly running the show?

SPURLOCK: No.

GERAGOS: Okay. The, you go back up to the house. Who's the first one there?

SPURLOCK: We all pretty much arrived kind of at the same time.

GERAGOS: Okay. You all three park in front of the house?

SPURLOCK: I don't know if we parked directly in front of the house, but it was close.

GERAGOS: On the street?

SPURLOCK: Yes, sir.

GERAGOS: Okay. And so at that point there's a minimum of three, later four, patrol cars when Duerfeldt gets there?

SPURLOCK: Correct.

GERAGOS: Okay. Now, who, does somebody secure the location?

SPURLOCK: We automatically secured the location.

GERAGOS: How do you do that?

SPURLOCK: We went in and did the security check and then ensured that no one else entered.

GERAGOS: And your memory is is that it was you, Evers and Letsinger who went in and did that?

SPURLOCK: My memory says that, yeah, I believe we all went in and, and did what we had to do as far as security checking the residence, correct, yes, sir.

GERAGOS: While you were doing that, was Duerfeldt there?

SPURLOCK: I don't believe he was with us inside, sir, no.

GERAGOS: Okay. Was he outside?

SPURLOCK: I don't know.

GERAGOS: Okay. When you came outside, did you see Scott Peterson at that point?

SPURLOCK: After the security check, sir?

GERAGOS: After the security check. When I say "security check," let's just run through this. The, did you first do the perimeter of the house?

SPURLOCK: Interior first.

GERAGOS: Interior. Where did you enter from?

SPURLOCK: The front door.

GERAGOS: What did you classify, as what's marked here as the front door, that's what you classified it as?

SPURLOCK: Yes, sir.

GERAGOS: Okay. So you entered with Letsinger, and Spur, Letsinger, Spurlock and Evers, all three of you were in there?

SPURLOCK: Correct.

GERAGOS: The three of you walked through the house together, is that correct?

SPURLOCK: Yes.

GERAGOS: And how long did you spend in the house securing it?

SPURLOCK: I couldn't give you, I don't remember the exact time that it took to secure the house. I know it wasn't very fast due to the fact that we were checking to make sure no one was hiding, or things of that nature.

GERAGOS: Okay. Now, when you did that, is it a fair statement that there were certain things that you thought were out of the ordinary?

SPURLOCK: I'm sorry, say that again, sir.

GERAGOS: Were there certain things in the house that you thought were out of the ordinary?

SPURLOCK: I didn't see anything that, that made me believe that there was any kind of things out of the ordinary. It appeared to be a normal house.

GERAGOS: As far as you were concerned there was nothing suspicious inside of the house?

SPURLOCK: No.

GERAGOS: Is that correct?

SPURLOCK: That's correct.

GERAGOS: Okay. So as far as you were concerned it appeared that the house looked to be normal, there was nothing suspicious, and,

SPURLOCK: Nothing broken, nothing turned over, nothing showing signs of struggle. I mean there was a bunched up rug. There was a phone book open to a colored page. With some information on it.

GERAGOS: Did, did these mops cause you some concern?

SPURLOCK: They did.

GERAGOS: They did?

SPURLOCK: Not so much concern other than the fact that, that there was moisture around them, like they had been just recently used.

GERAGOS: Okay. Now, the floor itself, which is here, do you have the binder, by the way, you have Lovell's binder in front of you with the pictures, by any chance?

SPURLOCK: No, sir.

GERAGOS: Let me show you 37 B, which appears to be on the screen, correct?

SPURLOCK: Yes, sir.

GERAGOS: Okay. That's the location of the, looking down the hallway, as if you took a picture basically from the front door, correct? Looking down towards the master bedroom?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Those floors weren't wet, were they?

SPURLOCK: I don't remember if they were wet or not. They didn't stick out as being wet.

GERAGOS: Did, you didn't put anything in any report saying that they were wet?

SPURLOCK: No, sir.

GERAGOS: And you would have, as an ambitious young rookie officer, you would have noted that in your report, wouldn't you?

SPURLOCK: I don't know. Maybe, maybe not. I really don't know.

GERAGOS: Were these floors wet over here?

SPURLOCK: I don't know. I don't remember if any floors were wet, sir.

GERAGOS: Okay. I've got your report. There's nowhere in your report that says that any floors were wet, correct?

SPURLOCK: Correct.

GERAGOS: Now, the bathroom, again, I'm going to show you. Is this how the bathroom looked when you went in there?

SPURLOCK: I don't remember what the bathroom looked like when I was in there last, sir.

GERAGOS: Okay. Is that, does that, want to make sure we've got the right exhibit number. 37 D. Does that appear to be the same bathroom that's next to the master suite, or the master bedroom?

SPURLOCK: I would assume so, yes, sir.

GERAGOS: Okay. Is that the condition that you saw it in when you went through to secure the house?

SPURLOCK: It could be, sir. I didn't recognize anything out of the ordinary that would strike me as being funny in that area.

GERAGOS: Okay. Did you ask Mr. Peterson about the curling iron here?

SPURLOCK: I did not, sir.

GERAGOS: The straightener, whatever it is? Now, the, did you go inside of the nursery?

SPURLOCK: Yes, sir.

GERAGOS: Okay. What's the exhibit number on that?

SPURLOCK: 37 F, I believe.

GERAGOS: Okay. And is that pretty much how it looked to you?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Is this the bed that you sat down on in order to, or placed the purse on, and if you could find that picture and identify it for the record.

SPURLOCK: I believe it's 37 I.

GERAGOS: Okay. Is this the bed, if I were to tell you this is the bed in the master bedroom, would this be the bed and approximately right here in this area that looks a little bit depressed the area where you were dealing with the purse?

SPURLOCK: Actually would have been right toward the edge of the bed. I never sat down. It was just more or less something I could use to prop it up so I could use both hands to open up the purse.

GERAGOS: On this side of the bed?

SPURLOCK: I believe so, yes.

GERAGOS: Okay. And that's what exhibit?

SPURLOCK: 37 I.

GERAGOS: Okay. This is the closet?

SPURLOCK: Yes, sir.

GERAGOS: Did you open the doors?

SPURLOCK: I don't, I don't believe I opened the doors, sir. I don't remember.

GERAGOS: Did Mr. Peterson open the doors when he walked down there to show you where the purse was?

SPURLOCK: I don't remember, sir.

GERAGOS: Okay. And that's 37 J?

SPURLOCK: Yes, sir.

GERAGOS: Is this the closet, 37 K, where the purse was?

SPURLOCK: Yes, sir, I believe so.

GERAGOS: And is that the purse in 37 L?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Who took the purse off of this hook?

SPURLOCK: I did, sir.

GERAGOS: Okay. And you placed it, as we indicated before, on this bed, correct?

SPURLOCK: Yes, sir.

GERAGOS: And then the items were taken out and placed on the bed, correct?

SPURLOCK: Items were taken out and basically hand shown, as Is this the ID, is this her stuff.

GERAGOS: Okay.

SPURLOCK: And then placed back into the purse.

GERAGOS: Okay. When you did that, you did that on the bed?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Now, the, did you go inside the other closet? And what is this exhibit number?

SPURLOCK: 37 either O or zero. I'm not sure which.

GERAGOS: Okay. Does that look to you to be a closet with men's clothes in it?

SPURLOCK: Yes, sir.

GERAGOS: Okay. And this dining room area here, is this how the dining room table looked to you that evening?

SPURLOCK: Yes, sir.

GERAGOS: Okay. You didn't set the table, did you?

SPURLOCK: No, sir.

GERAGOS: Okay. It was set like that when you arrived and went through the house?

SPURLOCK: I believe everything was set in a Christmas-type fashion.

GERAGOS: Okay. The, and that in, just so that we're talking about the same room, that's in what is marked as the dining room on the schematic, on 38?

SPURLOCK: I believe so, sir.

GERAGOS: Got it. Now, the, is this the area where you said the phone book was open?

SPURLOCK: Yes, sir.

GERAGOS: And that's in the kitchen?

SPURLOCK: Kitchen area, yes, sir.

GERAGOS: Okay. Did you ask Mr. Peterson about this mug right here?

SPURLOCK: No, sir.

GERAGOS: No?

SPURLOCK: I don't believe so, sir.

GERAGOS: Okay. And this is a view looking from the hallway where the master bedroom is into the front of the house, isn't that correct? Again, this is the phone book that was on that counter?

SPURLOCK: Yes. It would be a little off to the north of the hallway I believe, actually.

GERAGOS: Okay. Looks like the phone book is here on the edge of the counter when we're looking here. And then as you go forward, it's still in the same spot, you just turned around, whoever took the picture turned around, is now taking a picture towards the front of the house?

SPURLOCK: Right.

GERAGOS: Got it. Now, after you went through the house, are these the, are these the towels that you talked about?

SPURLOCK: Yes, sir.

GERAGOS: Okay. You said they were, the dirt, is that where the cursor is, right here?

SPURLOCK: Correct. Dirt, like sand and dirt smear.

GERAGOS: And these were on top just like this?

SPURLOCK: Yes, sir. Pretty much just piled up, balled up.

GERAGOS: When you say "balled up," you mean in this fashion?

SPURLOCK: In that fashion.

GERAGOS: Piled up?

SPURLOCK: Yes, sir.

GERAGOS: They weren't rolled together in baseball fashion, or anything like that?

SPURLOCK: No, sir.

GERAGOS: Now, the rug, is that how the rug looked?

SPURLOCK: Yes. It was kind of bunched up. I don't, I just remember it being bunched. I don't know if it was bunched north, south, east or west. I just remember the rug was kind of out of position and bunched up.

GERAGOS: Okay. Was there anything on the rug that you could see? See any blood on the rug or anything whatsoever?

SPURLOCK: I don't see anything from here, sir.

GERAGOS: That evening did you look at it?

SPURLOCK: I looked at it.

GERAGOS: You didn't see anything that caught your attention, did you?

SPURLOCK: No, sir.

GERAGOS: Now, the, as you finished going through the house, you then, that was the first time, the three of you. Then you go outside and Scott Peterson is there?

SPURLOCK: We go out of the house, clear the backyard.

GERAGOS: Okay. The, when you say clear the backyard, you went through with Mr. Distaso. You went around, looked at the pool, looked at some crawl space, looked in the spa, is that basically around here?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Now, you wrote down that there was some tennis shoes and sandals that were by that door?

SPURLOCK: Yes, sir.

GERAGOS: Do you know what kind of shoes they were?

SPURLOCK: No, sir, I don't.

GERAGOS: Have you ever seen a picture of those, the shoes or the sandals? Has anybody ever showed you a picture?

SPURLOCK: I don't believe so, sir.

GERAGOS: Okay. You haven't seen anything in the book that we've been flipping through here that would show the pictures of the shoes or the sandals?

SPURLOCK: No, sir.

GERAGOS: Okay. The, did you, in one of the reports there was an indication that there was some window that was cracked open. Do you know where that was?

SPURLOCK: No, sir.

GERAGOS: Okay. Did you, did you personally see any window cracked open?

SPURLOCK: Not that I can recall, sir.

GERAGOS: Okay. Now, after you, if I've got it correct, the three of you go into the inside of the house first, and then you do the perimeter of the house, is that right?

SPURLOCK: Right.

GERAGOS: You don't take pictures. Lovell is not there yet, he's not taking pictures, correct?

SPURLOCK: Correct.

GERAGOS: At that point nobody other than officers are coming in and out of the house, right?

SPURLOCK: When you say "officers," who are you talking about, sir?

GERAGOS: Other than somebody who's with the Modesto PD, you're not letting civilians walk in and out of the house at this point, are you?

SPURLOCK: Correct. We're also not letting just any officers walk in or out either. We're kind of keeping it to us three.

GERAGOS: You're trying to secure the scene?

SPURLOCK: Yes, sir.

GERAGOS: If there's is a scene you want to make sure,

SPURLOCK: Correct.

GERAGOS: no evidence gets tampered with,

SPURLOCK: Right.

GERAGOS: right?

SPURLOCK: Right.

GERAGOS: Now, by the way, how did you get into the house?

SPURLOCK: Through the front door.

GERAGOS: And did Scott Peterson tell you you could go in through the front door?

SPURLOCK: I believe he gave consent to Officer Evers.

GERAGOS: Okay. Do you know was that done down in the park when you, if I understand it correctly, you drive to the house, you don't stop and get out, you then go to the park, you meet up at the parking lot with Evers, you see Scott Peterson who's frantically searching, something asked him if they've got permission to go to the house, he gives you guys permission to go to the house, and that's what you do?

SPURLOCK: Correct.

GERAGOS: Okay. After you've done what I've described, which is the interior and the exterior, or the perimeter, do you then come out this front door? How did you, where did you go from the perimeter?

SPURLOCK: Back through the front, front door and then that's when Officer Evers spoke with Mr. Peterson and brought him inside for the walk-through.

GERAGOS: Okay. Did Mr. Peterson say No, I'm not going to go through the walk-through?

SPURLOCK: I heard nothing of that nature.

GERAGOS: Okay. He was cooperative, was he not?

SPURLOCK: Yes, sir.

GERAGOS: Did he appear to be upset to you?

SPURLOCK: Yes. I would say so.

GERAGOS: Okay. Now, when you saw him go through the house, where was the first spot that you went to? Was it o the purse?

SPURLOCK: Yes. I believe we were trying to determine, Officer Evers was trying to determine if, in fact, her purse was missing or not. So I believe our first location was into the bedroom, the master bedroom.

GERAGOS: Okay. And in the master bedroom, when you went through there, he identified what the various items were in the purse as you held them out, correct?

SPURLOCK: Correct.

GERAGOS: And did he say That's Laci's wallet, that's Laci's keys, that's her, there's no money missing, things of that nature?

SPURLOCK: Right, sir.

GERAGOS: One of the things you were looking to determine is if there had been a potential robbery, or something like that, correct?

SPURLOCK: Correct.

GERAGOS: Or burglary. And you were, and he was cooperative in terms of being able to give you that information?

SPURLOCK: Yes, sir.

GERAGOS: Okay. As you were doing that, where was, was Evers there?

SPURLOCK: They were, yes, I believe they were close by.

GERAGOS: How about Letsinger?

SPURLOCK: I believe he was also close by.

GERAGOS: Okay. Now, in the, when you came in and you said that, I'm going to jump back for a second.

SPURLOCK: Okay.

GERAGOS: I missed a couple things. There was, when you came in you noticed some items that were in the house, and I think one of those was this phone book. And then you said there was, I think, a box of pizza? Where, do you see that in any of these pictures?

SPURLOCK: I don't see it in that picture, sir.

GERAGOS: How about in this one?

SPURLOCK: No.

GERAGOS: Okay. That one?

SPURLOCK: No.

GERAGOS: Those are all the pictures we've got of the kitchen. You don't see it anywhere, do you?

SPURLOCK: No, sir.

GERAGOS: Did, none of, and if I've got it correct, you saw that when just the three of you went in the first time, correct?

SPURLOCK: Correct.

GERAGOS: That's the way your report is written, correct?

SPURLOCK: Uh-huh.

GERAGOS: Now, the, you noticed that there was a fresh, and you described it as vegetarian-type pizza and an open container of Ranch. Do you see that open container of Ranch anywhere in any of these pictures?

SPURLOCK: No, sir.

GERAGOS: Okay. And it's fair to say that you, between the time that you made the first observation, observations, and, nobody was allowed in except certain specified officers, and Mr. Peterson in the company of those officers?

SPURLOCK: Correct, sir.

GERAGOS: Okay. Now, the, the bunched up rug, was that, you, I think your testimony was is you don't know if it was against the door, away from the door, which direction it was heading, is that fair?

SPURLOCK: Right. It was bunched up.

GERAGOS: Just bunched up somewhere near the door that leads out onto the patio?

SPURLOCK: Correct.

GERAGOS: Okay. Now, you did say that you noticed that there were tennis shoes right out that door, is that right?

SPURLOCK: No. Tennis shoes were, want me to point on this?

GERAGOS: Sure. Point to where they are.

SPURLOCK: I saw some shoes and I think some sandals on this ledge right here in front of the door.

GERAGOS: Okay.

SPURLOCK: Which is a different door from this one.

GERAGOS: And which door was that? Is that the French doors?

SPURLOCK: Yes, sir.

GERAGOS: Okay. And did you, did you take a look at those shoes, or the sandals?

SPURLOCK: I just made a mental note that they were there.

GERAGOS: Okay. Now, the, when you took Scott, I'm going to jump back to where we were before, into the back bedroom and you're going through the purse items, did you ask him to take a walk through the house as well?

SPURLOCK: Yes, sir.

GERAGOS: And you, you, Evers, and Letsinger accompanied him the whole time, is that correct?

SPURLOCK: That's correct. Actually, Officer Evers is, he was the one in control of the asking him that, of Mr. Peterson.

GERAGOS: Okay. The, now, when did these questions, exactly where in the house did these questions take place about where he was that day?

SPURLOCK: While we were walking from room to room, I was walking with Mr. Peterson, asking him those questions.

GERAGOS: And you were doing the questioning?

SPURLOCK: Yes, at that time.

GERAGOS: Okay. And as you questioned him, the, specifically he told you that he had left to go fishing sometime between 10:00 and 10:30, is that correct?

SPURLOCK: Correct.

GERAGOS: You didn't ask him from where he had left to go fishing, did you?

SPURLOCK: No, sir, I don't believe I did.

GERAGOS: Okay. You didn't ask him if he left from the warehouse or from the house?

SPURLOCK: No, sir.

GERAGOS: Okay. Now, if I understood correctly also, you asked him specifically what, if he had been working all day, and he said he had gone fishing, right?

SPURLOCK: Correct.

GERAGOS: Okay. And then you asked him roughly, and this is your words, right? "Roughly" what time he left to go fishing, and he said earlier this morning, is that right?

SPURLOCK: Yeah. He didn't give me a quick time statement about when he left or wherefrom he left.

GERAGOS: Okay. And he answered your question, right?

SPURLOCK: Yes, sir.

GERAGOS: Okay. And you didn't ask him when he said roughly, when you said "earlier this morning," you didn't ask him what time, did you?

SPURLOCK: Can I refer to my report?

GERAGOS: Sure.

SPURLOCK: Correct. It's not in there.

GERAGOS: Okay. And then you asked him what he had gone fishing for, and he was just kind of looking, as you said, it wasn't clicking?

SPURLOCK: Right.

GERAGOS: Okay.

SPURLOCK: It was, simply appeared to be a change in his thought process, to me.

GERAGOS: Okay. And he was still, in your opinion, upset, was he not?

SPURLOCK: He had calmed down some since.

GERAGOS: Okay. But he had been upset, isn't that correct?

SPURLOCK: He was previously.

GERAGOS: Yes. And he was, and here you're going through his wife's things and trying to identify where and what's happened to his wife, correct?

SPURLOCK: Correct.

GERAGOS: Okay. He had been cooperative in telling you that he had been fishing, correct?

SPURLOCK: Correct.

GERAGOS: Okay. And then you asked him, you started to ask him about what kind of bait. Do you fish?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Bait is different than a lure, isn't it?

SPURLOCK: Correct.

GERAGOS: To a fisherman?

SPURLOCK: Live versus lure.

GERAGOS: Live versus?

SPURLOCK: A lure.

GERAGOS: A lure. Okay. And he just told you and specifically said some type of silver lure, right?

SPURLOCK: He started stammering with his words, started mumbling, really not giving me a good answer what he was fishing with.

GERAGOS: And you said, I believe, when Mr. Distaso was asking you questions, that it could have been a natural response to everything that was going on?

SPURLOCK: Sure could have.

GERAGOS: Okay. When you say "Sure could have," you mean that, you know, you're changing subjects from Laci to where he was and he's upset and it could have been just a natural response, correct?

SPURLOCK: Could have been.

GERAGOS: Okay. And when he, when you get that information, you're walking out, correct? Or he starts to walk out?

SPURLOCK: Can you be more specific? I don't,

GERAGOS: I'm sorry, that was not artfully asked. You're in the master bedroom, you're leaving and going room to room at that point, correct?

SPURLOCK: Correct.

GERAGOS: As you're leaving to go room to room, this conversation is taking place as you're walking?

SPURLOCK: Correct.

line GERAGOS: Okay. And so as the two of you are walking and he's looking around to see if anything is out of place is when this conversation is taking place, is that correct?

SPURLOCK: He would pause to answer my questions and face me.

GERAGOS: Okay.

SPURLOCK: So he wasn't, if you're asking me was he walking and talking at the same time, no.

GERAGOS: Okay.

SPURLOCK: He was stationary, standing in front of me.

GERAGOS: Okay. When I asked you before, I thought I understood you to say you guys were going through this area here in the house as you were having this conversation?

SPURLOCK: Right. Walking, going from room to room, we would stop, speak, he would answer, and then we would continue. That kind of,

GERAGOS: So this was not as if you're sitting at a desk or over at that dining room table having an interrogation?

SPURLOCK: No, sir.

GERAGOS: Okay. It's as you've asked him to come into the house to see if anything is moving or Evers, anything is missing, right?

SPURLOCK: Right.

GERAGOS: Okay. He's answering those questions, he's also focused on looking around the house to see if anything's missing, because that's what you've asked him to do?

SPURLOCK: Right. The way it occurred is kind of like Officer Evers asked him Well, can you see if there's anything missing in the room or anything that looks obviously wrong. He would go do what he had to do, No, everything looks fine. There was kind of a natural pause as we were walking from point A to point B to point C. And that's when I would ask him, you know, those questions, and he would stop, speak with an answer, and then we would continue on. So it was

kind of fluid.

GERAGOS: Thank you. Is this a good time to take the lunch break?

<Noon recess>

GERAGOS: Last thing where we left, I think your answer was, is, there was kind of a natural pause as we were walking from point A to point B to point C. Then I would ask those questions, and we would stop, speak, and answer. Then we would continue on, so it was kind of fluid. Do you remember that?

SPURLOCK: Yes, sir.

GERAGOS: I assume that's as you are walking through the house, through here, and,

SPURLOCK: Yes, sir.

GERAGOS: Into looking at the rooms like that, is that correct?

SPURLOCK: That's correct.

GERAGOS: Okay. Now, from what door, if you know, did Scott Peterson exit?

SPURLOCK: The front door.

GERAGOS: It would have been right here?

SPURLOCK: Yes, sir.

GERAGOS: Then you testified today I think for the first time, it's not in your reports anywhere, that at some point you heard him say something, or you, this was a display of emotion?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Was his back to you?

SPURLOCK: The door was kind of open. I was kind of off to the side. My head was kind of, my body was kind of looking out. It was open enough where I could see out, and his back was,

GERAGOS: Was he as far away from as I am to you right now?

SPURLOCK: I think a little closer, actually.

GERAGOS: Okay. Tell me when to stop.

SPURLOCK: I think it's about maybe that table's edge.

GERAGOS: Right here?

SPURLOCK: Yes, sir.

JUDGE: Approximately fourteen feet to counsel table. About ten feet.

GERAGOS: Closer to six or seven.

JUDGE: I'll take your estimate.

GERAGOS: Okay. His back is to you as he's going out the door?

JUDGE: What could you,

SPURLOCK: I had said about ten feet.

GERAGOS: He is sucking up. So half way between the two. Is his back to you?

SPURLOCK: Partly sir, yes.

GERAGOS: And as he is walking out you hear him, or you see him, or hear him, which is first?

SPURLOCK: Actually, I can't, I wouldn't say I could e 8 actually see directly him, is what actually is back being kind of toward her, away from me. I do hear the, what sounded like the cuss word

through what sounds like gritted teeth.

GERAGOS: See any burned chicken anywhere when that happened?

SPURLOCK: No, no burned chicken. And then I see his arm go down, and then he quickly goes down, picks up, and keeps walking.

GERAGOS: Okay. Did you see the, you didn't write any of this in any report, did you?

SPURLOCK: No, sir.

GERAGOS: Did you, was Letsinger there with you?

SPURLOCK: I don't know where the position of Letsinger was, sir.

GERAGOS: So that I can, or the jury, forget about me, he's coming out this door where I'm pointing to, right?

SPURLOCK: Correct.

GERAGOS: This front door?

SPURLOCK: Yes, sir.

GERAGOS: There was nobody between you and him?

SPURLOCK: No, sir.

GERAGOS: Okay. You don't where Letsinger was?

SPURLOCK: I do not.

GERAGOS: Last you saw he was somewhere back in here behind you, right?

SPURLOCK: Somewhere to my back. I don't know how close he was.

GERAGOS: Is it a fair statement that as you are walking out, you, some of the discussion that you heard about, or as you are walking through the house, Letsinger was not walking with you and Mr. Peterson as you are having the discussion about fishing, right?

SPURLOCK: He's not standing directly next to me, no. But he's probably within earshot, yes.

GERAGOS: But you think you hear him as he is waking out say, "Fuck" under his breath, is that correct?

SPURLOCK: Not under his breath. More like gritted teeth. That's the best example I can give you.

GERAGOS: You didn't think that was important enough to put into your report though, is that correct?

SPURLOCK: No, not at the time. Primary report just helps me recollect on the occasion at the time.

GERAGOS: First time that you told somebody about this was when?

SPURLOCK: That night.

GERAGOS: That night who did you tell?

SPURLOCK: I informed I think Officer Evers, and I believe Sergeant Duerfeldt.

GERAGOS: Did you, did you look at their reports?

SPURLOCK: I briefly looked at their reports.

GERAGOS: Not in any of their reports, is it?

SPURLOCK: I'd have to read the reports word-for-word. I do not know.

GERAGOS: Do you have them with you?

SPURLOCK: I think I might have them here.

GERAGOS: Can you point to any place in any of their reports, in your reports where this incident is mentioned?

SPURLOCK: Is it okay to the refer to the report, sir?

GERAGOS: Sure.

JUDGE: Can we take it on gospel that they are not in there?

GERAGOS: I can guarantee they are not anywhere in the report.

DISTASO: I'll stipulate to it.

JUDGE: Rather than this officer read ten minutes of his report, is there a stipulation they are not in those reports, that was not included?

GERAGOS: Is it also a fair statement that the next time you mentioned this to anybody was to Mr. Distaso when you were talking to him before you testified?

SPURLOCK: That's correct.

GERAGOS: When was that?

SPURLOCK: Within a couple of days ago, maybe. I don't remember when we last talked.

GERAGOS: When?

SPURLOCK: Maybe two days, something, when I first got here.

GERAGOS: Was that last week?

SPURLOCK: No, sir.

GERAGOS: Over the weekend?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Now, you didn't know what he was cussing or throwing the flashlight down for, did you?

SPURLOCK: No, sir. I mean there was nothing, he didn't bump anything, if that's what you are asking, what you are asking me, or push him, or anything like that.

GERAGOS: Your flashlight had lost the battery? Hadn't the battery had gone out on it?

SPURLOCK: Not at that time.

GERAGOS: Later that evening?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Did you get mad and throw it down?

SPURLOCK: No, sir.

GERAGOS: Do you have any idea whether or not he was upset because he had been in the house, and Laci is missing? Do you think, or do you know if that's why he was upset?

DISTASO: Objection. Calls for speculation.

JUDGE: Sustained.

GERAGOS: You don't know why he was upset, do you?

SPURLOCK: No.

GERAGOS: You have any idea as you sit here?

SPURLOCK: I have an assumption.

GERAGOS: But you don't know?

SPURLOCK: Not for a fact, no.

GERAGOS: Now, after, by the way, how did you know to search the house next door, that it was vacant? Peterson told you, didn't he?

SPURLOCK: I don't know who did, sir, to be honest with you. It was brought to our attention that the house might be vacant, so we searched the house.

GERAGOS: Letsinger didn't know the house was vacant, is that right?

SPURLOCK: I do not know. You would have to ask him.

GERAGOS: You didn't know the house was vacant?

SPURLOCK: Not until it was brought to my attention.

GERAGOS: He was, he didn't bring it to your attention, did he?

SPURLOCK: I don't recall.

GERAGOS: Duerfeldt wasn't inside the house, right?

SPURLOCK: Right.

GERAGOS: Other than Scott Peterson, there is nobody else that would have told you have the house next door is vacant?

SPURLOCK: Could have been a neighbor. I'm not sure.

GERAGOS: Well, was there a neighbor inside the house?

SPURLOCK: No.

GERAGOS: When you came outside, was Scott, did you follow Scott outside the house?

SPURLOCK: No. I went back into the house after closing the door.

GERAGOS: So you closed the front door?

SPURLOCK: Yes.

GERAGOS: You conferenced with the other two officers that were with you?

SPURLOCK: Yes, sir.

GERAGOS: At that point, did you guys go outside and actually talk to Duerfeldt at any time?

SPURLOCK: Yes, sir.

GERAGOS: After you conferenced with Duerfeldt, you went next door to the vacant house?

SPURLOCK: Yes, sir.

GERAGOS: Greg Reed was already in the house?

SPURLOCK: I believe so, yes, sir.

GERAGOS: The owner of the house?

SPURLOCK: I think his mother was the owner. I think she's passed away, or something. I'm not sure.

GERAGOS: Appeared to be the guy who was in control of the house?

SPURLOCK: Correct.

GERAGOS: After that where did you go next?

SPURLOCK: After searching that house, I was then asked to go to the park. And I started searching the park.

GERAGOS: Okay. Now, when you searched the park, were you directed to specific areas to search?

SPURLOCK: I was told to start at the path, work my way west, and work myself down to the pump house, and then come back.

GERAGOS: Okay. People's 33 is a plot map of the Covena location. Do you recognize that?

JUDGE: You can lead him through it, Mr. Geragos. In the interest of time, you can show him the,

GERAGOS: See where it says 523, Peterson house?

SPURLOCK: I do.

GERAGOS: This is Covena?

SPURLOCK: Yes.

GERAGOS: Edgebrook?

SPURLOCK: Yes.

GERAGOS: End of Covena?

SPURLOCK: Right.

GERAGOS: There is a path leads right to the park?

SPURLOCK: Right.

GERAGOS: Right down there? When you left the house, did you go down this path?

SPURLOCK: Yes.

GERAGOS: Okay. And that was with who?

SPURLOCK: Officer Letsinger.

GERAGOS: Okay. The two of you went down here, quite a bit of vegetation on side, isn't there?

SPURLOCK: I believe there was a, yeah, there was vegetation on a fence. We also were checking, there is some vegetation up, I think, in front of 536.

GERAGOS: Right here?

SPURLOCK: We started our search from 523, and just started canvassing each side of the road we went down.

GERAGOS: You were just going down this, kind of back and e 13 forth?

SPURLOCK: Toward the park, correct.

GERAGOS: Toward the park, go down the trail?

SPURLOCK: Correct.

GERAGOS: You go into the park?

SPURLOCK: Correct.

GERAGOS: You go to the left?

SPURLOCK: Correct.

GERAGOS: Toward the footbridge that's over here on this side?

SPURLOCK: Actually towards the pump house.

GERAGOS: The pump house which is next to, how far away is that from the restrooms?

SPURLOCK: I don't know exact distance, sir. It's a good distance.

GERAGOS: Quarter of a mile, less?

SPURLOCK: Maybe a quarter mile or less.

GERAGOS: Maybe a quarter of mile. So you guys go searching in this direction. At that point, what time is it?

SPURLOCK: I don't know the exact time at that point, sir.

GERAGOS: Has Brocchini showed up? You go down the trail, did you see Brocchini?

SPURLOCK: I don't remember.

GERAGOS: Okay. Now, the, how long did you spend in the park?

SPURLOCK: A long time. Until I searched the parts of the park, other parts, until daybreak. Seven, 7:30.

GERAGOS: Did I miss a portion of what happened here? Did I skip over the portion about Ron Grantski and Scott? Did that happen some time when you left the house and before you went into the park?

SPURLOCK: No. That was after I came back. My flashlight had died. The FLIR was on scene. I came back up out of the park to get another flashlight.

GERAGOS: Let me take you through step-by-step. You leave, Scott has left the house. When you left to go down into the park, did you ever see Scott?

SPURLOCK: What is your question, sir?

GERAGOS: You had left the house, you heard him say, "Fuck", and throw the flashlight down to the ground, right?

SPURLOCK: Right.

GERAGOS: Then you closed the door, you have a conference with your two officers?

SPURLOCK: Right.

GERAGOS: Go outside and talk to Duerfeldt?

SPURLOCK: Right.

GERAGOS: You then, if I understand correctly, search the house next door, right?

SPURLOCK: Correct.

line GERAGOS: Okay. Was Scott with you when you went next door?

SPURLOCK: No.

GERAGOS: Did you see where he went?

SPURLOCK: No.

GERAGOS: Then after that, you start going back and forth along this, towards the path, right?

SPURLOCK: Correct.

GERAGOS: Okay. Then to make this a, try and cut this short. You went down to the footbridge.

SPURLOCK: To the pump house.

GERAGOS: On your way down to the pump house, your flashlight dies at some point?

SPURLOCK: Correct.

GERAGOS: You come back up to get another flashlight?

SPURLOCK: We make our turn, we start coming back along the creek, going through the creek, along the edge of the creek, make it past the footbridge to the footbridge, I see the father-in-law at the footbridge. We have a discussion. We have a discussion. After the discussion, my light dies. The FLIR is en route. I come back to get another flashlight.

GERAGOS: Where is Scott Peterson when you first see him?

SPURLOCK: I believe this all happened at 523 Covena.

GERAGOS: At that point you see Ron Grantski approach, right?

SPURLOCK: Correct.

GERAGOS: Now, when Ron Grantski approached, you said that he had specifically asked Scott if he had gone golfing?

SPURLOCK: Can I refer to my report so that I'm absolutely correct?

GERAGOS: Sure. I believe that's Bates stamp 105640. Do you have that in front of you? You have got it as a, does that refresh your recollection by reading your report?

SPURLOCK: Yes, sir.

GERAGOS: Okay. Now, he asked if he had gone golfing, right?

SPURLOCK: Correct.

GERAGOS: That, was this in front of you?

SPURLOCK: Correct.

GERAGOS: And Scott, let's see. The way it actually happened, the way you wrote it was, Grantski says, "Where have you been this morning?" And then without allowing Scott to answer, asked him again if he had gone golfing as planned, correct?

SPURLOCK: Correct, I believe.

GERAGOS: Rapid fire questions, so he didn't have a chance to answer?

SPURLOCK: Right. Just kind of right after the other.

GERAGOS: Okay. And Scott then quickly stated that he had gone fishing due to the fact that it was too cold to go golfing, correct?

SPURLOCK: Correct.

GERAGOS: And Grantski then asked Scott what time he left to go fishing, and Scott stated somewhere around 10 to 10:30, correct?

SPURLOCK: Correct.

GERAGOS: And then Grantski says, let's see, asked him what he was fishing for at that time of the morning, is that your testimony?

SPURLOCK: Kind of an open, not directly directed, but kind of like, what are you fishing for at that time of morning?

GERAGOS: Like he never expected anybody would be fishing at that time of the morning on the day before Christmas?

DISTASO: Objection. Calls for speculation.

JUDGE: Sustained.

GERAGOS: Was Grantski joking when he said it?

SPURLOCK: No, I don't think he was joking.

GERAGOS: He did seem to be serious, right?

SPURLOCK: Seemed to be, yes.

GERAGOS: And Scott basically got a little miffed and walked off, right?

DISTASO: Objection. Calls for speculation.

GERAGOS: That's what he testified on direct.

JUDGE: I think he can answer that.

SPURLOCK: I remember, at that moment, I remember Scott walked off.

GERAGOS: Just turned on his heels and walked away?

SPURLOCK: Kind of just, there was that pause again, then just kind of shoved it off, walked away.

GERAGOS: Did, at any time did Ron Grantski tell you he had been fishing that day?

SPURLOCK: I don't believe so.

GERAGOS: Did he tell you that at the exact tame time that Scott Peterson was fishing, he was fishing somewhere that day?

DISTASO: Objection. Been asked and answered.

JUDGE: It's the same,

GERAGOS: Not of this witness.

JUDGE: But I mean he's already said he didn't tell him that he was fishing.

GERAGOS: At any time did he tell you that he had been fishing?

DISTASO: That's what's been asked and answered.

GERAGOS: At any time.

JUDGE: All right. At any time did Mr. Grantski at any time tell you that he had been fishing that day?

SPURLOCK: No, sir.

GERAGOS: Now, you then go down to the park. When you are in the park, you are searching until 7:30, correct?

SPURLOCK: Roughly, yes.

GERAGOS: You run into any witnesses or any people who were, who have sightings of certain things that they want to tell you?

SPURLOCK: No, sir.

GERAGOS: Do you see any search party coming out there at around 6:00 o'clock in the morning?

SPURLOCK: I know there is other officers showing up arriving on scene. I know the helicopter was circling around. I was busy looking, searching trying to find Laci.

GERAGOS: Okay. Did you talk or interact with any of the other search party that arrived, making an assumption, here because we got some other testimony. But did you see other officers arrive some time after six in the morning?

SPURLOCK: Probably around 6:00 o'clock in the morning, sir, I was probably knee deep in water down in the middle of the creek. And the party was up above me. We were kind of just going through searching for logs, maybe seeing if maybe she fell off and, you know, that kind of thing. I didn't really see a whole lot of people until after I had come up out of the park, then I actually

went over was checking other parks. So, no.

GERAGOS: Did you see the fire department?

SPURLOCK: No.

GERAGOS: Did you see kind of a search and rescue teams with Zodiac-style craft?

SPURLOCK: I believe that came after I left the park.

GERAGOS: You left the park at approximately 7:30?

SPURLOCK: I don't know when I left the park, sir. I know that I was relieved of duty about 7:30. I know that I was over at the Tuolumne River Regional Park, which is some distance from there I don't remember exactly what time I left the park. I continued searching until I went home.

GERAGOS: That same day you said you were at the Tuolumne Regional Park. How far away is that?

SPURLOCK: Pretty good distance. We finished our watch. I don't know how far.

GERAGOS: What time were you over there?

SPURLOCK: Can I refer to, find it here somewhere. Excuse me. About 6:50 I think was the time it was.

GERAGOS: Can you give me a rough estimate how far away that is? What's labeled there as Thousand Oaks Park?

SPURLOCK: Maybe three or four miles, maybe.

GERAGOS: Did you walk there, or did you drive?

SPURLOCK: Drive.

GERAGOS: How long did you spend there searching?

SPURLOCK: Not long. I don't know how exactly long it was. But I know from that time until about 7:30 I was relieved.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Rick Distaso

DISTASO: Officer Spurlock, when you were having this conversation with Scott Peterson about the fishing, Mr. Geragos asked you a bunch questions about that. Well, let's start back in the park. You said when you saw Scott Peterson can you describe exactly what his demeanor was? I think the question was that was asked, you saw a bunch of family members and Scott Peterson frantically searching, that kind of thing. But I just want to focus on what you saw Scott Peterson, did you see, did you personally see Scott Peterson running around searching the park?

SPURLOCK: No, I did not.

DISTASO: What, just tell us exactly what you saw, just him, doing?

SPURLOCK: I saw Mr. Peterson. He seemed concerned. He had a look of concern on his face. I think he maybe even had some tears in his eyes. But as far as a frantic behavior, I wouldn't claim. Just frantic concern.

DISTASO: You saw him concerned at the park. That's how you would describe it?

SPURLOCK: Yes, sir.

DISTASO: All right. And then back at the house, when you were doing the walk-through in the house, how would you describe his behavior, initially?

SPURLOCK: Initially at the house, or compared to the park?

DISTASO: Initially at the house before you started asking about the fishing. So you get to the house. And can you kind of compare his behavior there at the house with what you saw at the park?

SPURLOCK: He was calmer at the house than he was at the park. He seemed to gain his composure, as far as teary-eyed affect. Calmer.

DISTASO: And then when you were asking questions about the items in Laci Peterson's purse, was he able to answer your questions?

SPURLOCK: Very fluidly, without any hang-ups whatsoever.

DISTASO: It wasn't like he is, like, you know, crying and sobbing, and barely getting the stuff out?

SPURLOCK: No, sir.

DISTASO: All right. All right. Then did you notice any change in his demeanor from how he was initially at the house, what you just described, to when you started asking the questions about the fishing?

SPURLOCK: Yes, I did. Like I said, his behavior changed a little bit. As far as his characteristics, he became what appeared to me as being nervous after I asked the questions. A little fidgety.

GERAGOS: Objection. Motion to strike. Speculation.

JUDGE: I'll let the answer stand. Overruled. Go ahead.

SPURLOCK: Just appeared more nervous and more standoffish. He became a little more quick with me, if that makes sense.

DISTASO: Yeah. Quick in his answers to you?

SPURLOCK: Not so much, willing to maybe to have a conversation with me as freely as we were before, as best I can describe it.

DISTASO: Okay. And then when you were asking these questions about the fishing, do you remember exactly, when you asked him what were you fishing for, do you remember what his exact response was?

SPURLOCK: I don't remember the exact response. I remember that there was an unnatural pause, and I remember his,

GERAGOS: Motion to strike. Motion to strike, unnatural pause. Argumentative.

JUDGE: I think unnatural pause is argumentative. You can describe what he did and didn't do?

DISTASO: We'll do that.

DISTASO: Just describe, don't editorialize, just describe exactly what he did?

SPURLOCK: There was a pause in his answer. His eyes went mid-level to my body, kind of searched back and forth, and then there was the answers after the fact.

DISTASO: Did he ever answer regarding the type of fish, or what he was fishing for? Did he ever give you an answer to that?

SPURLOCK: No.

DISTASO: When you talked about, let's leave the house now. When you went to the park, you were searching the park area, just so the jury is clear, there is two footbridges in this park, correct, do you know, in 02, or not?

GERAGOS: Well, objection. Assumes fact not in evidence.

JUDGE: He's asking him now if he knows if there is two or not. Do you know whether or not? First of all, do you know how many footbridges there are in this park?

SPURLOCK: I know of two footbridges. The one they have is in, near Moose Park. The other one is in La Loma Park area.

DISTASO: And when you were talking about meeting Mr. Grantski on the footbridge, and that he kind of, which footbridge were you talking, footbridge were you talking about?

SPURLOCK: The East La Loma Park area.

DISTASO: Let me see if Moose Park is on here. This is People's 36. You can come up for here for a second. There is a Moose parking lot. Is that where you know Moose Park to be?

SPURLOCK: Correct.

DISTASO: And this park is kind of a Dry Creek Park Complex broken up in these little parks, is that correct?

SPURLOCK: Yes.

DISTASO: Then the footbridge, do you see a footbridge over Scenic?

SPURLOCK: I do.

DISTASO: Is that the footbridge that you had the discussion on with Mr. Grantski?

SPURLOCK: Yes, sir.

DISTASO: That's the one that's closest to the Covena trail?

SPURLOCK: Yes, sir.

DISTASO: Make sure we have the right footbridge. The trail, did you ever go up and down that trail at the end of Covena?

SPURLOCK: Yes, sir.

DISTASO: Do you know if you can drive a car down that trail?

SPURLOCK: I do not believe you can.

DISTASO: And let me, one final question. Did you ever, what you have told us so far, that's all you did in this particular case, is that right?

SPURLOCK: That's correct, sir.

DISTASO: You weren't involved in any of the other additional searches or anything else for Laci Peterson?

SPURLOCK: No, sir.

DISTASO: So did you ever go out to the Berkeley Marina as part of this case?

SPURLOCK: No, sir.

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

Recross Examination by Mark Geragos

GERAGOS: You can certainly drive a car down into the park, can't you?

SPURLOCK: Yes, sir.

GERAGOS: And you can certainly drive a car out of the park, can't you?

SPURLOCK: Yes. From the parking lot at East La Loma.

GERAGOS: And, in fact, that's why they have a parking lot, so cars can go in and out of the park, is that right?

SPURLOCK: That's correct.

GERAGOS: You noticed there was a laundry basket in the house on Covena when you went in there, and when you secured the first, when you went back there with Scott, correct?

SPURLOCK: Correct.

JUDGE: Could I, is it talking about just, is it a hamper or laundry basket?

GERAGOS: You used both. You don't use the term hamper in your report, correct?

SPURLOCK: No.

GERAGOS: You call it a laundry basket?

SPURLOCK: I would assume so. There was clothing piled on it. I assumed it was a basket. I don't know what it was.

JUDGE: Plastic, we're talking about the same thing?

GERAGOS: Looked to you like a wooden, or two pieces of wood that kind of crossed, with a bag that was placed between it, and then you put the clothes inside of the bag?

SPURLOCK: Really couldn't, sir, I couldn't see the structure part of it. All I could he see was the clothing piled on top of it.

GERAGOS: Where was that located?

SPURLOCK: I believe it was in the corner of the room, sir.

GERAGOS: In the master bedroom?

SPURLOCK: Yes, sir.

GERAGOS: Okay. And it looked to you to be full of clothes, right?

SPURLOCK: Yes, sir.

GERAGOS: Did you go through and take a look at what clothes were in that basket or, slash, hamper?

SPURLOCK: I don't believe so, sir, no.

GERAGOS: Did you, when you were looking for items, look to see if anything at all of Laci's was in that hamper, or basket?

SPURLOCK: I don't think I did, sir.

GERAGOS: Did you see anybody, did you see Evers do it?

SPURLOCK: I don't think I saw anyone at that point, no.

GERAGOS: That would include Evers, Letsinger, Duerfeldt, Brocchini? You didn't see anybody go through that hamper?

SPURLOCK: Not that I can remember. It's possible, but not that I can remember.

GERAGOS: Is it a fair statement that that hamper, to the best of your knowledge, after you went inside that location, that nobody was in there fooling around with the hamper after you secured the premises?

SPURLOCK: My assumption would be, no, there was no one fooling around with anything, sir.

GERAGOS: May I have just one moment?

JUDGE: Yes.

GERAGOS: Thank you. I have no further questions.

JUDGE: This witness may be excused?

DISTASO: Yes, he can be excused.

JUDGE: Officer, you can be excused.