Witness: Kevin Bertalotto

Date: 2004-10-21

Proceedings held October 21, 2004

Called by: Defense

Phase: Guilt

Examinations: Direct – Mark Geragos (continued from previous day); Cross – Rick Distaso; Redirect – Mark Geragos; Recross; 2nd Redirect

Day 2 of 2 for this witness

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

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October 21, 2004

GERAGOS: Good morning.

BERTALOTTO: Good morning.

GERAGOS: You interviewed Ron Grantski on October 13th of 2003?

BERTALOTTO: I did.

GERAGOS: Okay. And when you interviewed Ron Grantski on that date, he told you specifically about the conversation he had with Scott on the, when was it, the 25th? Or the 26th of the December?

BERTALOTTO: Well, you're asking the question. I'm not sure what date.

GERAGOS: Second page of your interview, which was 27,

BERTALOTTO: Okay.

GERAGOS: 158. And he said that he initiated the story by telling Scott Your fishing story sounds fishy, something doesn't sound right, do you have a girlfriend, right?

BERTALOTTO: He said that.

GERAGOS: Okay. He said Scott said No, I don't, and then he said I'll never bring it up again?

BERTALOTTO: That's what he told me.

GERAGOS: And then Scott turned around, walked away, and said I'm going to go search, right?

BERTALOTTO: That's what Mr. Grantski told me.

GERAGOS: He also told you that when he called in to report Laci missing, that her husband Scott had been golfing, is that correct?

BERTALOTTO: That's what he, I guess, told the 911 operator.

GERAGOS: Have you ever reviewed, did you based on that go back and look at the 911 tape?

BERTALOTTO: I didn't myself.

GERAGOS: Or listen to the 911 tape?

JUDGE: Mr. Geragos, you're going really fast. You're stepping on his answers. Slow down a little bit.

GERAGOS: Did you ever go, I promised I was going to get this in five minutes.

JUDGE: I know, but it's making it a nightmare for the reporter.

GERAGOS: Okay. She's never been shy about telling me to slow down.

REPORTER: I was just about to.

GERAGOS: See? Grantski, Mr. Grantski told you that he, when he called in on the 911 call, that he said Laci was, Scott had been golfing, correct?

BERTALOTTO: That's what he told me.

GERAGOS: And he believed that Sharon had told him that, correct?

BERTALOTTO: He said that he thought he had gotten that information from Sharon prior to making the call.

GERAGOS: Okay. But not from Scott?

BERTALOTTO: No.

GERAGOS: Okay. Moving on to a different subject. The, you interviewed the Medinas, is that correct?

BERTALOTTO: Yes. On the 30th of December, 2002.

GERAGOS: Okay. And specifically one of the areas that you asked them about was whether or not they had ever seen Laci walking in the neighborhood?

BERTALOTTO: Yes.

GERAGOS: And Susan Medina, I guess you interviewed both Susan and Rudy?

BERTALOTTO: Yes. Separately. They were not present with each other when I interviewed them.

GERAGOS: Susan said she had seen Laci walking, she couldn't remember anything specific?

BERTALOTTO: That's correct.

GERAGOS: And you asked her if she walked with her dog and Susan said she thought she saw her walking with the dog but she didn't pay any attention to the dates?

BERTALOTTO: That's what she told me.

GERAGOS: And Rudy, when you asked him, specifically said that he saw her walk her dog and sometimes saw Scott walk with her?

BERTALOTTO: That's what Rudy told me.

GERAGOS: Okay. You, is it basically they knew them as neighbors but didn't really talk to them that much until about December 10th when Susan had had a flat tire and Scott had given her some assistance, is that,

BERTALOTTO: That's the information that I had gleaned from both Susan and Rudy Medina.

GERAGOS: Now, moving over to Karen Servas, you also did some investigation on Karen Servas, is that correct?

BERTALOTTO: Yes.

GERAGOS: Now, she called you up sometime during this trial, about June 18th, is that correct?

BERTALOTTO: I'm set. Go ahead.

GERAGOS: Okay. And she told you that she went and got her ATM record from Bank of America?

BERTALOTTO: Yes, she told me she made several requests for ATM transactions from the Bank of America and she just received it in her mail.

GERAGOS: Okay. And she told you that the ATM transactions showed that she completed it at 10:53 on 12/24, correct?

BERTALOTTO: Yes, that's what she told me.

GERAGOS: Did you ever receive that from her?

BERTALOTTO: I didn't receive it. I told her to hold on to it, it may be required later.

GERAGOS: Okay. Now, specifically did you ask her what location, what Bank of America it was from?

BERTALOTTO: No.

GERAGOS: Did you do anything, did anybody that you were aware of do anything to follow-up on that transaction?

BERTALOTTO: I know later I believe it was collected.

GERAGOS: Are you sure about that?

BERTALOTTO: Or a copy of it was taken. Maybe, maybe not the original, maybe the copy.

GERAGOS: Do you have that?

BERTALOTTO: I don't have it, and I'm not the one that collected it. And I, I do believe that she told one of the initial interviewers of her what Bank of America she went to, but I'm not aware where that bank is.

GERAGOS: You had previously talked to her before, right?

BERTALOTTO: Yes.

GERAGOS: Okay. And that was she had, you spoke with her on the phone in December of 2003? And that's page 31585.

BERTALOTTO: Got it.

GERAGOS: She told you that she had a concern regarding her testimony at the preliminary hearing?

BERTALOTTO: Yes.

GERAGOS: She said that in her, both her statement and in her testimony she had left her home on 12/24 at 5:05 in order to go to Ripon, is that correct?

BERTALOTTO: That's what she told me.

GERAGOS: She also told you now that it's getting near Christmastime that she's noticed it's getting dark before 5:00 and that's caused her to reflect more closely on the time she left her house on that evening, correct?

BERTALOTTO: That's what she said.

GERAGOS: And she said she's sure she could see a package in the mailbox, the Petersons' mailbox as she's leaving to go to Ripon, correct?

BERTALOTTO: That's what we had said.

GERAGOS: She said as dark as it is as 5:00 o'clock she said she doesn't think she could see the package, and she doesn't remember it being that dark when she left, correct?

BERTALOTTO: Yes.

GERAGOS: Judge, I would ask you to instruct the jury that, for this particular statement, that this is a prior inconsistent statement.

JUDGE: There's a jury instruction that comes in. I can, I can instruct the jury now, but the jury instruction is right here.

GERAGOS: That would be great.

DISTASO: My objection to that, your Honor, is this is actually consistent with her testimony in this trial.

JUDGE: Well, the jury instruction is consistent or inconsistent, and that's for the jury to decide. This is one of the jury instructions you're going to get. This relates to this particular testimony now. This has to do with prior consistent or inconsistent statements. Evidence that at some other time a witness made a statement or statements that are inconsistent or consistent with his or her testimony in this trial may be considered by you not only for the purpose of testing the credibility of the witness, but also as evidence of the truth of the facts as stated by the witness on that former occasion. And you'll hear that again. Maybe you don't understand it now, but you'll have it, get it again when you have to deliberate, okay?

GERAGOS: She then told you that she had now, after she rethought about this, that she was now wanting to change her statement from 5:00 o'clock to 5:05 to 4:05, is that correct?

BERTALOTTO: Yes. That was based on her checking her PDA.

GERAGOS: Okay.

BERTALOTTO: Notebook.

GERAGOS: And that was specifically a follow-up interview that she had with you, did you initiate that with her?

BERTALOTTO: No. She contacted me.

GERAGOS: Okay. And moving over to the statement, you also interviewed Amy Rocha, is that correct?

BERTALOTTO: Yes, I did.

GERAGOS: Okay. She told you that, when she was cutting Scott's hair on the 23rd, that Laci called and ordered pizza that they were going to go pick up on the way home, correct?

BERTALOTTO: On 12/23/02, right when she was cutting Scott's hair. I just wanted to get the date straight.

GERAGOS: 12/23/02, talking about the day before Laci went missing?

BERTALOTTO: Correct.

GERAGOS: She said Laci called, ordered pizza that were going to go pick up on the way home, Scott asked Amy if she they wanted to come over to eat the pizza at their house, is that correct?

BERTALOTTO: That's correct. That's what Amy told me.

GERAGOS: And what did Amy say?

BERTALOTTO: That Scott invited her over for pizza, she had a friend at her house from out of town, and that she declined the invitation.

GERAGOS: Okay.

DISTASO: Your Honor, I hate to be technical, but I'm going to be, for the record. The, that was, again, offered solely for what this officer's doing as hearsay. It's not even,

JUDGE: Reasonableness of his conduct. I just told the jury when we started.

DISTASO: Right. Then he switched gears and now we're switching back.

JUDGE: Right. Now, we're switching back. It's not being offered for the truth. Go ahead.

GERAGOS: You also interviewed or did an investigation in conjunction, or, actually, in connection with Steve Jacobson, right?

BERTALOTTO: Yes.

GERAGOS: Okay. Now, this was specifically because you wanted to find out about a phone call that was made from, apparently to the, Mr. Jacobson's residence, correct?

BERTALOTTO: Yes, sir.

GERAGOS: Okay. And specifically you had a phone call with Investigator Jacobson? I'm looking at 1995.

BERTALOTTO: I'm not sure that was a question.

GERAGOS: Did you have a phone call with him?

BERTALOTTO: Yes, I did.

GERAGOS: Okay. During that phone call did you ask him how he was connected with Scott Peterson?

BERTALOTTO: Yes, I did.

GERAGOS: He told you that he didn't know him, wouldn't know him if he saw him, right?

BERTALOTTO: That's true.

GERAGOS: Okay. Did he tell you that after that he had learned that, since the initial phone call, that Laci Peterson was formerly Laci Rocha and her family was from Oakdale?

BERTALOTTO: Oakdale area, yes.

GERAGOS: Did he tell you Laci had a sister named Marie Rocha who had a saddle stolen approximately two years ago?

BERTALOTTO: Yes. He believed Marie Rocha at that time was Laci's sister.

GERAGOS: Okay. And during that time her saddle was stolen she had gotten his phone number from somebody she knew and called him to help with recovering the saddle?

BERTALOTTO: That's correct.

GERAGOS: Okay. And you thought that maybe it was possible, since Marie's sister Laci was missing, that she had called Jacobson?

BERTALOTTO: Well, that she had not called Jacobson, that possibly she had given Jacobson's number to Scott and Scott had called.

GERAGOS: And you said that that's the only connection that Jacobson could make to the ongoing situation or investigation, correct?

BERTALOTTO: Yeah. That interview I had with Steve Jacobson was on January 2nd, 2003, shortly, just over a week after Laci had been gone.

GERAGOS: Right.

BERTALOTTO: And at that time, that's the only connection that he could think of that he would have with Scott Peterson.

GERAGOS: Okay. Were you in court when he testified in this case?

BERTALOTTO: I was in and out, you know, doing things.

GERAGOS: Did you hear his testimony that one of the Rochas was a very good friend of his?

BERTALOTTO: I never heard that. I never knew that.

GERAGOS: Did he ever tell you that?

BERTALOTTO: No.

GERAGOS: Did he tell you that they were a neighbor? Lived next to his farm?

BERTALOTTO: Well, I didn't know that.

GERAGOS: He never told you that in your interview, did he?

BERTALOTTO: No.

GERAGOS: Okay. Then, specifically, as, you also and lastly did an interview with Judge Cordova?

BERTALOTTO: Yes, I did.

GERAGOS: Okay. This was specifically in June of 2003, is that right?

BERTALOTTO: Yes, sir.

GERAGOS: He told you that he had noticed a pair of platform thong-type shoes in the front yard of the residence at the corner of Edgebrook and north Covena, correct?

BERTALOTTO: On 12/26 02, two days after Laci was missing, he noticed a pair of thongs.

GERAGOS: Did it look like, maybe I'm misreading it.

BERTALOTTO: I'm right here. Noticed the shoes in the front yard later.

GERAGOS: Okay. Didn't he tell you that on Christmas day he was walking on Edgebrook at the intersection and he noticed the shoes?

BERTALOTTO: Yes.

GERAGOS: Okay. And then he said that, he described them, correct?

BERTALOTTO: He described them to me.

GERAGOS: Okay. And he said that at the time he was with a person by the name of Sebron Banks, is that correct?

BERTALOTTO: That's what he told me.

GERAGOS: And is that a detective?

BERTALOTTO: Sebron Banks is now a detective with the Modesto Police Department. I don't know if he was at that time.

GERAGOS: Okay. And he specifically pointed out these shoes to Detective Banks, is that what he told you?

BERTALOTTO: That's what he told me.

GERAGOS: And he said Detective Banks did not collect the shoes?

BERTALOTTO: That's also what he told me.

GERAGOS: He said he noticed them again in the front yard two days later, meaning two days after she went missing, on the 26th?

BERTALOTTO: Right. One day after he had initially saw them missing, correct.

GERAGOS: Okay.

BERTALOTTO: Or I mean he saw them there.

GERAGOS: Okay. And then did he say, did he say that he had also mentioned the, those shoes that he had seen on Christmas morning and the fact that the police department had not collected them?

BERTALOTTO: That's what he told me.

GERAGOS: Okay. You wrote in your report that he did not believe the shoes had anything to do with Laci Peterson's disappearance, is that correct?

BERTALOTTO: That's what I wrote in my report.

GERAGOS: Okay. You understand that I provided you with an interview of him, is that correct? Have you seen that?

BERTALOTTO: A what?

GERAGOS: An interview with him? Have you seen my investigator's interview with Judge Cordova?

BERTALOTTO: No, I have not.

GERAGOS: Okay. As you sit here today, you're saying that he told you he did not believe the shoes had anything to do with the disappearance of Laci Peterson?

BERTALOTTO: That's what he told me and that's what I wrote in my report.

GERAGOS: Thank you. I have no further questions.

Cross Examination by Rick Distaso

DISTASO: Investigator Bertalotto, when you talked to Investigator Jacobson, he, I'm not really sure where we're going with this I guess his, his testimony was, I'm looking for the transcript. And, you know, the, so the Rocha family, Robin Rocha, knows your phone number, and he says yes, she does, and then a friend of the family, correct; and then he kind of went through that a little bit. When you talked to Investigator Jacobson, did you go into great detail of what his relationship was with Robin Rocha?

BERTALOTTO: No. I think that was the first time, or maybe very little contact prior to that. Didn't sound like they were close friends.

DISTASO: And then when, when you talked to him, Investigator Jacobson told you that the Rocha family was from the Oakdale area. Oakdale and Stanislaus County is a fairly small town; is that right?

BERTALOTTO: It's a rural town. There's Oakdale, Escalon, Riverbank, I mean

DISTASO: And people know each other in the town; is that right?

BERTALOTTO: Yes.

DISTASO: So if you were from that area and you grew up there, it's not unusual at all to know other people from this town, correct?

BERTALOTTO: That's correct. I live in Oakdale. I mean, I see people all the time there.

DISTASO: Right. And there's people that have been there their whole life and there's families that have been there their whole lives running ranches and doing that kind of thing, right?

BERTALOTTO: Sure.

DISTASO: So the fact that Investigator Jacobson knew Robin Rocha and was involved in getting her saddle back, or at least assisting in that, as a police officer that lives in that area, is not an unusual event; is that right?

BERTALOTTO: I don't think it's unusual.

DISTASO: The, Karen Servas, when you spoke to her, just so we're clear on the times, when she called you back to talk about what she said at the prelim, she had said at the prelim that she left her home on the 24th to go to Ripon at 5:00 p.m., is that right? That's what she testified to at the prelim?

BERTALOTTO: Yes.

DISTASO: And so this time that she was talking about didn't have anything to do with the time when she found the dog, or anything of that nature?

BERTALOTTO: No. This is 5:00 p.m., later in the afternoon.

DISTASO: Right.

BERTALOTTO: I think it was 5:05 she testified to.

DISTASO: So this was at the end of the day?

BERTALOTTO: Correct.

DISTASO: And then she said, upon further reflection she said, you know, I think I actually left my house at the end of the day, at 4:05 p.m.? That's what she told you, right?

BERTALOTTO: That's what she was telling me.

DISTASO: Right. And the reason she called you is because she wanted to make sure that her testimony and her times regarding this particular day were completely accurate; is that right?

BERTALOTTO: Yes. She's, seems to be a very precise woman, and she just wanted to make sure she was accurate.

DISTASO: The, regarding the, when she called you about the ATM bank records that, when she went to the bank at 10:53, she was calling to tell you that those records, I mean that those records confirmed her testimony here in this trial, correct?

GERAGOS: Where is that in the report?

BERTALOTTO: I don't know if she's,

GERAGOS: There's an objection. Assumes facts not in evidence. It's certainly not in the police report.

JUDGE: Well, this, this is cross. I'm going to let him ask the question. If he knows the answer Overruled.

DISTASO: Well, let me ask you this, let me just phrase it this way I'll withdraw that question, Judge.

JUDGE: Well, I already ruled on it, so you don't have to.

DISTASO: All right. I'll withdraw it anyway and start over.

JUDGE: Okay. I'll deem it withdrawn.

DISTASO: The, she was calling again to confirm her times and her testimony regarding this particular case, right?

GERAGOS: Objection. It calls for speculation and it assumes facts not in evidence.

JUDGE: I think so. You're trying to ask him to read her mind.

DISTASO: Oh, okay.

DISTASO: She was calling to give you further information regarding her times that morning?

BERTALOTTO: That's correct.

DISTASO: Now, when you spoke to the Medinas back on December 30th of 2000 and 2, they told you that on December 24th of 2002, the day we're talking about, they left their house around 10:30 in the morning?

BERTALOTTO: Both of them, Rudy and Susan, both said that to me.

DISTASO: And regarding the walking, when they saw Laci walking, did you ask them the time frames that they had seen her walking? Or did they give you any information regarding the time frame? And by that I mean did they

JUDGE: That's three questions.

DISTASO: Okay.

JUDGE: All right.

DISTASO: Did they give you any information regarding what, when they saw her walking?

BERTALOTTO: No.

DISTASO: Did you follow-up and ask him those particular questions?

BERTALOTTO: No, I didn't.

DISTASO: Yesterday Mr. Geragos asked you about a tip that was called in. Let me just ask you about this. When we say tips, are all these 10,000 things that came in, were they all helpful to the investigation?

BERTALOTTO: No.

DISTASO: In fact, I tabbed a number of them here that are from people suggesting we contact a pet psychic. Do you remember reading some of those?

BERTALOTTO: Yeah, there were several of those.

DISTASO: Okay. So those types of tips were not particularly helpful; is that right?

BERTALOTTO: There was a lot of just communiqués, suggestions, armchair investigators, psychic stuff. I mean, frankly, there was a lot of wasted paper.

DISTASO: A lot of people just called in to give their opinion on the case?

GERAGOS: Objection.

BERTALOTTO: Sure.

GERAGOS: Calls for speculation.

JUDGE: Overruled. He can testify if they'd given their opinions Would they just give you their opinion of who was responsible, things like that?

BERTALOTTO: Yes.

JUDGE: Go ahead.

DISTASO: Let me ask you this about this one tip that was called in from Mr. Clark. Mr. Clark called in, Mr. Clark called in on April 23rd of 2004; is that correct?

BERTALOTTO: He actually called in on the 21st, and then I did the personal contact on the 23rd.

DISTASO: Okay. Then you called him up?

BERTALOTTO: Yes.

DISTASO: And, and he said that he had read in the Modesto Bee that prosecutors intended to present evidence that Laci was not walking her dog, right?

BERTALOTTO: That's what he said.

DISTASO: So he got some information from the Modesto Bee and decided to call in to law enforcement?

BERTALOTTO: Yes.

DISTASO: And then you took the call and you talked to him. Did, did he tell you that he had some personal relationship with Laci Peterson?

BERTALOTTO: No.

DISTASO: In a sense, by that I mean did he say he was a friend of hers?

BERTALOTTO: No.

DISTASO: Or that he had, you know, been her pool man or done construction on her house or had any kind of connection to her at all?

BERTALOTTO: No, sir.

DISTASO: Did he say he had ever spoken to her?

BERTALOTTO: No.

DISTASO: Now, you met him at his residence on the 23rd in person, is that right?

BERTALOTTO: That's true.

DISTASO: And he said he could recall the dates when he supposedly saw Laci Peterson walking by the dates that he became sober; is that right?

BERTALOTTO: Well, that's what he told me.

DISTASO: And he said he had a substance abuse problem and he had been arrested for his third drunk driving?

BERTALOTTO: That's what he told me.

DISTASO: Okay. And he said that during the time periods between August 12th and September 30th he was in a residential recovery program?

BERTALOTTO: He told me that.

DISTASO: For substance abuse, right?

BERTALOTTO: Correct.

DISTASO: And then after leaving that he went to another program for substance abuse, to kind of help him, I guess, get back on his feet?

BERTALOTTO: Yes.

DISTASO: And then he began working in construction it looks like sometime on the 15th of October?

BERTALOTTO: Yes. He went to work for Carl Williams on the 15th of October. That's 2002.

DISTASO: Okay. He said he also worked with another guy named Richie who he said also saw Laci, right?

BERTALOTTO: That's what he told me.

DISTASO: Was he ever, was he able to give you any identifying information regarding Richie other than his first name?

BERTALOTTO: No. Well, who her step, her stepfather was and biological mother was.

DISTASO: Okay. Could he even give you Richie's last name?

BERTALOTTO: He couldn't do that.

DISTASO: Now, you said at the end of the page there he doesn't want to be a witness or be fronted to the media, he's trying to straighten out his life; right?

BERTALOTTO: That's what he told me.

DISTASO: Doesn't need the complications. And then he also said he still wears an ankle bracelet and is on house arrest from his last drunk driving conviction, correct?

BERTALOTTO: That's what he told me.

DISTASO: He said that one of the times when he said that he saw Laci Peterson walking her dog she was with another woman who was walking her own dog, right? And where I'm looking, just to orient you, is kind of the middle of page two.

BERTALOTTO: Thank you.

DISTASO: He said that there was one time when Laci was walking her dog with another woman who was walking her own dog?

BERTALOTTO: Yes.

DISTASO: Okay. And he also said that, he described this other woman as heavy-set, taller than Laci, with blond hair?

BERTALOTTO: That's his description.

DISTASO: Okay. And this other woman had a dog that also appeared to be a Golden Retriever mix?

BERTALOTTO: That's what he described the dog as.

DISTASO: And he said that this walk that he had observed these two people was on Encina Avenue?

BERTALOTTO: That's what he told me, yes.

DISTASO: I don't have anything further, your Honor.

Redirect Examination by Mark Geragos

GERAGOS: Did you ever follow-up on this Richie that he told you about?

BERTALOTTO: I made some phone calls to try to reach Sandra Williams. I guess she works at T and T Realty. I left messages, and I don't recall ever getting a call back.

GERAGOS: Does that mean, as far as you know, nobody ever, nobody ever did anything to go out there, check it out?

BERTALOTTO: No.

GERAGOS: Okay. As far as you know, is there something about the guy, have you ever known anybody who has had a substance abuse problem?

BERTALOTTO: Yes.

GERAGOS: Okay. Have you ever known that they carry chips and they seem to know how many days that they've been sober?

BERTALOTTO: I don't know about that.

GERAGOS: Do you know, you're not aware of people, when they get sober, that they mark it in terms of the days or years and they tend to know how many days they've been sober?

BERTALOTTO: No, I don't know that.

GERAGOS: You've never heard that?

BERTALOTTO: No.

GERAGOS: Okay. Is there anything particular about somebody having a drunk driving conviction that, that reduces the credibility of their testimony?

BERTALOTTO: I don't believe so.

GERAGOS: Okay.

BERTALOTTO: I don't know.

GERAGOS: Last time I checked I think both the president and vice president of the United States have drunk driving convictions?

DISTASO: Objection, your Honor.

GERAGOS: Actually, that does impede their testimony.

JUDGE: That's irrelevant. The jury can disregard. No politics in the courtroom, Mr. Geragos.

BERTALOTTO: I don't know if his conviction was just alcohol related or multi-toxicity. I don't know. I didn't question into that.

GERAGOS: Okay.

BERTALOTTO: So I don't know.

GERAGOS: So as far as we know, it's just kind of sliming him, basically?

DISTASO: Objection, your Honor.

JUDGE: Argumentative.

GERAGOS: Okay. The,

JUDGE: The fact that somebody has a substance abuse problem may affect his ability to recall the events.

GERAGOS: Right. The fact that they're sober, though, would,

JUDGE: That would, too, but that's for the jury to decide. Next question.

GERAGOS: You interviewed Sharon Rocha, correct?

BERTALOTTO: Yes.

GERAGOS: Okay. And, specifically, do you have 27155?

BERTALOTTO: Let me see if I have it in this binder.

GERAGOS: If you don't, I've got it here and I'll bring it up.

BERTALOTTO: Okay.

GERAGOS: Okay. She told you that, when Scott called her on the 24th of December, that she had just gotten home and he didn't say where he had been, correct? And she assumed he had been golfing because that would be who normal for him, correct?

BERTALOTTO: That's what she had told me, and that's what I wrote in my report.

GERAGOS: Okay. And then the, specifically, on the other interview that Mr. Distaso was asking you about, Jacobson, when you talked to Steve Jacobson, did he ever tell you that they were friends of the family, the Rochas were friends of the family, neighbors of his?

BERTALOTTO: He didn't tell me that. I was not aware of that.

GERAGOS: Thank you. I have no further questions.

Recross Examination (in lieu of calling him back for Rebuttal Case)

DISTASO: Your Honor, can I ask this officer maybe three questions beyond the scope that will keep me from having to recall him in rebuttal?

JUDGE: Yeah, I'm going to let you do that.

DISTASO: Thank you. Investigator Bertalotto, were you present at the autopsy of Laci Peterson?

BERTALOTTO: Yes, I was.

DISTASO: Were there any short, stocky MPD officers or detectives present there during that autopsy?

GERAGOS: Well, I hate to be, short and stocky describes a number of MPD detectives.

DISTASO: Well, that, that's exactly it. He knows, that's the point.

BERTALOTTO: Well, I know who was there.

DISTASO: That's the point.

JUDGE: You can ask him who was there.

DISTASO: All right. Let me just ask you this way. Was Detective Brocchini present at the autopsy?

BERTALOTTO: No, he wasn't.

DISTASO: Was, was detective, and that would probably fit his description, correct?

BERTALOTTO: It's in the ballpark.

GERAGOS: I don't know about stocky.

DISTASO: All right. And was Detective Grogan present at the autopsy?

BERTALOTTO: No, Detective Grogan was not present at the autopsy.

DISTASO: Okay. What MPD personnel were present, you were present, correct?

BERTALOTTO: Myself. I was with the DA's office. It was Dodge Hendee, a detective, Phil Owen, a detective, Sergeant Al Carter, who is a sergeant in charge of the Crimes Against Persons Unit for the Modesto Police Department, Captain Aja. I believe that was it.

DISTASO: That was all I had, Judge.

2nd Redirect Examination

GERAGOS: Hendee was there, correct?

BERTALOTTO: Yes, sir.

GERAGOS: Hendee was there with Owens, correct?

BERTALOTTO: Yes, sir.

GERAGOS: And did you ever talk with Officer Phillips? The gentleman who testified here yesterday?

BERTALOTTO: Yeah. I've seen him around. Casual conversation. I've never, I don't believe, interviewed him.

GERAGOS: Did you ask him if he thought it was Owens and Hendee that he talked to?

BERTALOTTO: No, I never asked him that.

GERAGOS: How tall is Hendee?

BERTALOTTO: Probably five eleven.

GERAGOS: How tall are you?

BERTALOTTO: Six one. I'm shrinking.

GERAGOS: Aren't we all. Did you ever look in his reports or see if the people that he referred to were Owens and Hendee?

BERTALOTTO: Whose report?

GERAGOS: Phillips.

BERTALOTTO: No, sir.

GERAGOS: Thank you. I have no further questions.

JUDGE: May Officer Bertalotto be excused?

DISTASO: Yes.

BERTALOTTO: Thank you, your Honor.

JUDGE: Thank you very much, Investigator Bertalotto.