Witness: Craig Grogan

Date: 2004-09-29

Proceedings held September 29, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day); Redirect – Birgit Fladager

Day 7 of 8 for this witness

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

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September 29, 2004

GERAGOS: Judge, I just need to clear up one thing.

JUDGE: Go ahead.

GERAGOS: Clear up, correcting something from yesterday.

JUDGE: Go ahead. It will save some time

GERAGOS: Good morning, Detective. How are you? Good morning. The, yesterday when you were talking about the Harshman tip, the, specifically there was, we were talking about exactly where that was, and I think, you and I talked after the jury left yesterday and then again this morning?

GROGAN: Yes.

GERAGOS: I think you misspoke yesterday; is that correct?

GROGAN: Yes.

GERAGOS: Okay. So that the jury understands, this dot that you had referred to as 41 is not the Harshman tip, correct?

GROGAN: That’s correct.

GERAGOS: Okay. It's in that general area there, right?

GROGAN: Yes.

GERAGOS: Okay. And what we were just talking about, I don't know if all the jurors can see it or not, but there's, this is a park area right here, this white spot; is that correct?

GROGAN: Yes. It's a bank that goes down into the, into the Dry Creek area.

GERAGOS: Okay. So if the jurors can visualize some of those bigger maps that we had before that showed a park, that's this white area right in here?

GROGAN: Yes.

GERAGOS: Okay. And the part that we're talking about has been variously referred by a couple of names?

GROGAN: Yes.

GERAGOS: La Loma or Kewin and all the others?

GROGAN: (Nods)

GERAGOS: And so when you're talking about the Harshman tip, he lives, I think you indicated to me, somewhere in this area right here?

GROGAN: Yes.

GERAGOS: Okay. And what he told you was that he was driving along this route where my finger is?

GROGAN: Yes.

GERAGOS: Okay. And then as he was driving along here, the way he described it is when he had stopped at a stop sign, I guess there's kind of a T there, a T intersection there?

GROGAN: Yes. There's a street that runs north/south and intersects it on the north side.

GERAGOS: Okay. And when he looked over, what he saw was this van that he described to you as being an older van, correct?

GROGAN: Yes.

GERAGOS: An older meaning a, maybe 20 years old, something like that?

GROGAN: That sounds right.

GERAGOS: Okay. And that specifically what he saw is he saw a female with a male who was next to her, and it looked like she was squatting down by the fence?

GROGAN: That’s correct.

GERAGOS: Okay. And that this male was around her and he surmised that she was urinating; is that what he told you? Something like that?

GROGAN: He said it looked like that was a possibility, yes.

GERAGOS: Okay. And that when she was done, this male looked like he was kind of trying to take control of her to get her back to the van itself. I assume we're talking about right about here, right?

GROGAN: Yes. Right in that area. And he walked with her from the chain link fence back to the driver's side of the, of the van.

GERAGOS: Okay. And the chain link fence is the fence that's right up against the park, or bounds to the park?

GROGAN: Yes.

GERAGOS: Okay. And that what, and then he, what he described is that as she was getting into the van with this gentleman kind of with his arms around her, basically, or kind of shepherding her in? He used some term, didn't he? That she walked to the van with the male that he saw, and then he saw, he made some other observations, which was somebody from inside of the van reaching out and kind of pulling her in.

GROGAN: Yes. The, the male that was standing with her by the chain link was beside her. He walked with her to the, to the open door of the van, or the door opened on the van on the driver's side. He saw a male's hand reach out and take her hand and pull her, help to pull her into the, into the van, with the other male standing behind.

GERAGOS: In the van. Okay. Now, and then he said he was able, when it looked like she was up against the fence, to get a look at her face. That's what he had concentrated on; is that his statement to you?

GROGAN: Yes. That he had seen her face.

GERAGOS: Okay. And that he commented specifically that there was a look on her face? Do you remember? You've got the tip open to you, and I think your interview as well. How did he describe the look? Scared look on the face, I think is what you had said, at least in your notes.

GROGAN: Yes.

GERAGOS: Okay. And he, he described her as pregnant. He told you she looked like she was going to pee, the hands were on both, above the shoulders on the fence; is that right?

GROGAN: Yes.

GERAGOS: Okay. So if I understand, she was actually, if this was the fence, she was squatted down, and then the way he described is that the gentleman was up like this, around her like that?

GROGAN: Yes. That he had his hands against the fence, over the top of her.

GERAGOS: Okay. He said, so that I get this correct, he says that his wife had a relative in New York; is that right? I'm looking at the top of your notes, the handwritten notes. The wife had a relative in New York who she made contact with them, and then the wife told the friend in New York; he thinks that's why the New York PD called you?

GROGAN: Yes.

GERAGOS: Okay. The New York PD talked to her friend about it; is that right?

GROGAN: Yes, that's my understanding.

GERAGOS: Okay. So, so that we understand how it actually came e about, the first thing that you got was, the first thing that showed up was this call log on 12/28, correct? That you, to understand how this developed, you went back sometime during this trial to look back at some of the tips, correct?

GROGAN: Correct. To try to plot them, and Detective, or Investigator Bertalotto and I were doing that.

GERAGOS: Okay. When you went back, and yesterday I had asked you about this Thomas Harsh, and you said that you didn't think you had seen that before yesterday. Now, upon reflection, you think you might have?

GROGAN: Yes, I think so. I didn't realize his name was spelled different. I didn't, I didn't realize there was two tips, I guess.

GERAGOS: Okay. I'll just lead it through what the discovery shows, and we can try and reconstruct it. Basically, when you go back to plot this map, you take a look at the call sheet, and on the call sheet for 12/28 there's this entry for a Thomas Harsh, and that it says, reporting that three or four days ago he saw a pregnant lady being pushed into a van. The caller given to Detective Holmes; right?

GROGAN: Correct.

GERAGOS: Okay. And then we've got, what, the next sheet, which is the calls for Detective Holmes. I assume, if I understand correctly, you get a whole lot of calls that come in and then certain calls that sound interesting get pulled out and given to a detective, correct?

GROGAN: Correct.

GERAGOS: Okay. So the second page is Tom Harshman, this is one of the calls that's then put on this call sheet. Tom Harshman, gives his information. He was driving on scenic, and I don't want his phone number broadcast all over the place, but it says just east of Coffee, saw women, a woman being forced into a van, and, specifically, the van was an older white van, 80s, with three windows and a tan stripe on the side, right? And then described the victim as dark hair, red

shirt, black pants, and then it gives a description of a suspect that says white male, adult 40s, and a ball cap, right?

GROGAN: Correct.

GERAGOS: Okay. Now, apparently, as far as you can tell from, and I can tell from looking at the discovery, he was not contacted by Holmes, right?

GROGAN: I, I think he was. It looks like the first call is to the, to Pam Gallagher, and then he's called just moments later by Detective Holmes.

GERAGOS: Okay. And that would have been, okay. On 14791?

GROGAN: Yeah. Two pages away from the one that lists his name correctly.

GERAGOS: Okay. And then also it looks like later on you get a call, which was I think yesterday when we were talking about it, and that's when your Honor asked the question about 10:08, Judge, what we were referring to was this call from a New York PD detective had come in at 10:08 back on February 14th. The, later on when you talked to Harshman, he, when you interviewed him he said that what he saw was between 2:00 and 4:00 in the afternoon, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, this call comes in from a detective, and this is in February; and this, once again, is another one of your call sheets?

GROGAN: Yes.

GERAGOS: Okay. Now, the, specifically the, you, after you go back to plot these, you then, obviously this particular one deserves some follow-up; and you do that, correct?

GROGAN: Correct.

GERAGOS: Okay. And when you take a look at this, you're able to find him or locate where he is?

GROGAN: Yes. Eventually.

GERAGOS: Eventually locate him. It took you a little bit, I guess, to locate him because he was traveling around?

GROGAN: Yes.

GERAGOS: And it turns out that his wife was, apparently, also a witness to this. That's the woman who ended up having the friend in New York and that's why the detective called, at least as far as that's the story that was told to you?

GROGAN: Yes.

GERAGOS: Okay. Then at that point you go out and you interview him, and that was sometime, well, you tell me. Is that May 18th of this year?

GROGAN: Yes. I did a tape recorded interview with him by phone when he, when he responded to one of my messages.

GERAGOS: Okay.

GROGAN: He called me back here.

GERAGOS: Okay. Do, the, when, when you say "here," when you were here in the middle of this trial?

GROGAN: Yes, it was in, well, in May.

GERAGOS: Okay. Have you ever seen him in person or talked to him in person?

GROGAN: No.

GERAGOS: Okay. And so then you have a interview with him and he gives you the, basically what we had gone through just now in terms of his statement of what he saw, the time and everything else, correct?

GROGAN: Yes.

GERAGOS: Okay. And the interview with him in, takes place, you transcribe it and then provide it over so we have it and the prosecution has it at that point; is that correct?

GROGAN: Yes. There was an audiotape of that, of that interview that was provided to everyone.

GERAGOS: Okay. Now, I believe there was also some, he had said that he had gone to the command center also; is that correct?

GROGAN: Yes.

GERAGOS: Okay. Sometime during this trial there was some notes that were produced, which were not in discovery, from Sergeant Cloward, and it turned out in those notes that Sergeant Cloward had, in fact, had some kind of encounter with Mr. Harshman at the command post, that he showed up there as well, correct?

GROGAN: Someone at the command post did, yes.

GERAGOS: Okay. And that was not in the discovery, the "discovery" meaning any of these first 40,000 pages? That was something that was produced during the trial?

GROGAN: Correct.

GERAGOS: Okay. And so he had told you that, in his interview, that, because he had called and he hadn't gotten a call back, that he had gone down to the command post to try to alert the people to that tip as well?

GROGAN: Yes, he did say that.

GERAGOS: Okay. And then obviously that was corroborated once these notes came out during the trial itself, as Sergeant Cloward testified?

GROGAN: Yes. Once Sergeant Cloward showed up with his binders, they went through it looking for everything with Bates stamp numbers, and I think they found some documents they didn't have.

GERAGOS: And contained in those documents of Sergeant Cloward's was the contact that he had with Harshman?

GROGAN: Yes.

GERAGOS: Okay. Harshman was not somebody that I pointed you out to or the defense pointed you out to; that was something that you had discovered while you were going through and trying to plot this out and look through the tips for, to prepare the exhibits for trial, correct?

GROGAN: That’s correct. I think Detective, or Investigator Bertalotto found this originally, and I followed up on it.

GERAGOS: Okay. And that was in preparation for the trial, obviously?

GROGAN: Yes.

GERAGOS: Okay. Now, we talked about Homer Maldonado, we talked about Tom Harshman. There was also another van sighting, and that was by a Diane Jackson; is that correct?

GROGAN: Yes.

GERAGOS: Now, this is a, Diane Jackson, can you show where she lives on the map? If you want to step forward and show me.

JUDGE: You want him to show it on this one, Mr. Geragos?

GERAGOS: Yeah, I'd like to have him mark,

JUDGE: I think the jury can see.

GERAGOS: where she lives.

GERAGOS: And then I'm going to ask that you make a marking as to where she described the van as being.

GROGAN: Okay. I haven't talked to her. I can search on the computer and try to find her address, if you would like.

GERAGOS: Okay. You had put some of that information that Diane Jackson provided to you in your affidavits; isn't that correct? For search warrants?

GROGAN: I believe so, yes.

GERAGOS: Okay. So if you would do that so that we could show the jury exactly where she had spotted the van. Okay. Just point to that, roughly where it is on this map, if you can.

GROGAN: It's, it's a fairly long street through there, so I'd have to see where that hundred block is.

GERAGOS: Okay. Says Edgebrook right over here, does it not?

GROGAN: Yes. It is, but it runs off of that map, also.

GERAGOS: Okay.

GROGAN: Is there,

GERAGOS: Rather than delay it, I'll just, Edgebrook is here; and she lives somewhere on Edgebrook, 1400 block is what you, what your understanding is?

GROGAN: Well, from looking at that map, it looks like that's the 1100 block and maybe the 12. 13 might be the dead end above Pierre Park.

GERAGOS: Okay.

GROGAN: 14 may be,

GERAGOS: Over this way?

GROGAN: over above Whippoorwill.

GERAGOS: Okay. Now, she saw the, she saw the van, this is the Peterson house, correct?

GROGAN: Yes.

FLADAGER: Your Honor, at this point I would raise an objection. There was a prior court ruling about Ms. Jackson's testimony.

GERAGOS: Right, that it comes in.

FLADAGER: That it,

GERAGOS: That it comes in.

JUDGE: This is the one that I think I already ruled on her as,

GERAGOS: Right.

JUDGE: under, as it being Brady material?

GERAGOS: Yes.

FLADAGER: I think the ruling, though, was through the defense investigator.

GERAGOS: No, the ruling was not.

JUDGE: No, I think Mr., I think the ruling I made is that, since it was Brady material, it would have to come in. I thought it would be error to keep it out. So that was my ruling about three months ago. Do you remember that, Mr. Harris?

HARRIS: Both parts. And what counsel, what both counsel's indicated.

JUDGE: All right.

GERAGOS: Now, the, specifically the van, can you point to where the van was seen? Or, actually, draw it with a red dot, and if I can write, if I can borrow the court's red pen.

JUDGE: Yeah. You want the court's red pen again? I'll have to get more than one. I'll limit you, Mr. Geragos.

GERAGOS: Thank you.

GROGAN: Somewhere in that area

GERAGOS: Okay. I'm going to put a D 1 for that. And that was on Covena itself, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, the, specifically she had phoned in a call to the command center as well. And pointing you to 14765. And she said that on 12/24 at 11:40 she saw the van and a safe being removed from the house, correct?

FLADAGER: Your Honor, at this point, I hate to do this, but I'd ask to go side bar.

JUDGE: We can't have it side bar because we have to have it on the record. We have to go into chambers. If you want to come into chambers, we'll get this sorted out and do that now. I'm going to ask the jury to remain seated. You don't have to get up. This won't take very long. I think I've already ruled on this, in my recollection, back in the cobwebs of my mind. I think I already ruled on this, but I'll be glad to revisit it again so everybody's on the same page. So why don't we just go into chambers, and I'll entertain everything you've got to say; and (to the reporter) you bring in your, okay.

JUDGE: All right. Let the record show these proceedings are taking place in the courtroom. The defendant is present with counsel, and the jury is in the jury box, along with the alternates. Ladies and gentlemen, the court has made a ruling about the introduction of this evidence. The district attorney's requested me to remind you again that this evidence is being offered to explain the reasonableness of,

GERAGOS: Actually, this is not. Diane Jackson is for the truth, is what the court did indicate.

JUDGE: I don't think so.

GERAGOS: I think so

GERAGOS: Diane Jackson

JUDGE: No, no. We'll have to go back in there, because,

GERAGOS: Okay. Diane Jackson is for the truth.

JUDGE: No, I don't think so.

GERAGOS: Okay. We'll go back in?

JUDGE: Then we'll go back in because if it's for the truth, there's a real issue whether it's going to come in.

GERAGOS: Okay.

JUDGE: All right. We'll have to go back. We didn't decide that issue, okay

JUDGE: Ladies and gentlemen of the jury, I have to sort of, in order to put all this evidence we've been receiving the last couple days back into context. A lot of this information that the, Detective Grogan got on the tip line is not being offered for the truth, okay? It's being offered to explain the reasonableness of Detective Grogan's conduct; what did he do as a result of this information that he received, okay? With respect to the testimony, and it's going to come in now as it relates to Ms. Jackson, that is being offered for the truth, okay? A little different from the other, other stuff. You can give this evidence whatever weight you think it's entitled to. That's for you to decide. Whatever you want, but it's being offered for the truth; all right? That's the distinction between this tip line stuff, this is also tip line stuff, but this is a little different, okay? All right. Hope that explains it. Go ahead.

GERAGOS: Crystal clear.

JUDGE: Right

GERAGOS: Detective, specifically, once again, this is a sheet like what we had up before on Harshman's, correct?

GROGAN: Correct.

GERAGOS: Okay. And specifically it's a sheet that was phoned in at, looks like 4:10, looks like from Sergeant Ed Steele; is that right?

GROGAN: Yes.

GERAGOS: And who is he?

GROGAN: He's a sergeant with the Modesto Police Department. He was assigned to go –

JUDGE: Detective Grogan, you're talking away from the microphone. I'm not sure they can hear you.

GROGAN: Assigned to go to the volunteer center after it was opened at the hotel.

GERAGOS: Okay. And he talked to Diane Jackson, who, the woman that we had pointed out, lived on this Edgebrook Street in that La Loma neighborhood; is that correct?

GROGAN: I'm not sure if he talked to her directly when, when she called in, or if he received that information and then just passed it on.

GERAGOS: Okay. And then he said that, what was on the call sheet was that she witnessed a burglary on Covena, correct? 459 is a Penal Code Section for burglary?

GROGAN: Yes.

GERAGOS: On 12:24 at 11:40 a.m.?

GROGAN: That's what it says.

GERAGOS: Okay. And she said she saw the van and the safe being removed from the house, correct?

GROGAN: That's what it says.

GERAGOS: Okay. And then apparently they called Sergeant Zahr. Who is Sergeant Zahr?

GROGAN: Sergeant Zahr was my supervisor in this investigation.

GERAGOS: Okay. And then Sebron Banks?

GROGAN: Is a detective assigned to burglary.

GERAGOS: Okay. And to call Diane Jackson to tell them that they would contact her on Monday, correct?

GROGAN: Correct.

GERAGOS: Okay. Then apparently at about 6:30 to talk, detective, is it "Stow"?

GROGAN: Stough.

GERAGOS: Stough took follow-up information, said he would work the case?

GROGAN: Yes.

GERAGOS: Now, that provided, this witness statement by Diane Jackson provided the, some of the information that led to the flyer for the information leading to, a $1,000 reward leading to the burglary that took place at the Medinas'; is that correct?

GROGAN: Yes.

GERAGOS: Okay. Once again, the people who, as we indicated yesterday, you've never located a van that comports with what she saw; is that correct?

GROGAN: That’s correct.

GERAGOS: And specifically the description that Diane Jackson had given was also placed on the flyer of the people who were in that van, correct?

GROGAN: I think so, yes.

GERAGOS: Okay. I'll have to ask that Mr. Harris see if he can find the flyer that was marked as an exhibit. Now, specifically Diane Jackson was then interviewed by Detective, I keep misprouncing this, Stough?

GROGAN: Stough, yes.

GERAGOS: And then also, in addition to that, she gave this description, and I'm at 2091, your, you've got that up on your computer?

GROGAN: Yes.

GERAGOS: Okay. And Stough had gone out there, I guess, as it says from the tip line here, at 6:30 on the 27th?

GROGAN: Yes, it appears so.

GERAGOS: Okay. And she said that she was driving by 516 Covena. Now, 516 Covena is directly across the street from the Peterson house, correct?

GROGAN: Yes. It's, I don't think it's,

GERAGOS: The Medina, the Medina house, which is, I guess if I'm standing on the, on the driveway of the Peterson house and I'm looking across the street, it's going to be just at a slight angle right across the street?

GROGAN: I think if you were standing in the driveway you would see, yeah, the north, north property line of the Medina residence.

GERAGOS: Okay. That's 516 Covena, right?

GROGAN: Yes.

GERAGOS: Okay. And she said that as she drove by she saw three short of stature dark-skinned but not African American guys in the front yard of the residence, correct?

GROGAN: Yeah.

GERAGOS: And she stated as she drove by the guys turned and looked at her and that they were standing near a van; is that correct?

GROGAN: That's what it says, yes.

GERAGOS: And when asked to further describe them she said that's all she could remember and she wasn't thinking about that, until she called the police?

GROGAN: Correct.

GERAGOS: And asked if she was able to identify any of these subjects if she saw them again, she stated she didn't know but she doubted it, correct?

GROGAN: That's what it says, yes.

GERAGOS: Okay. And then your, she was asked if she saw them at the back of the van or the yard, and she said that the van was parked on the street in front of the house and not in the driveway, correct?

GROGAN: Correct.

GERAGOS: She stated that two of the individuals were standing at the back of the van, and one was standing in the front yard near the van, correct?

GROGAN: Correct.

GERAGOS: And she thought it was unusual because they looked, let's see, because they looked, or initially she thought that they were landscapers and that landscapers normally would continue working, correct?

GROGAN: Yes.

GERAGOS: But that they didn't and looked at the traffic going by, correct?

GROGAN: Correct.

GERAGOS: And that when she first saw the van, when she first stated that she had seen it, she first told the officers she believed the van was white, but, upon thinking about it, she thought it was darker than that, correct?

GROGAN: Correct.

GERAGOS: And then I guess at that point she said she thought it was darker, either a tan or a brown color, and stated it was an older van, it had a door, or both doors would open at the rear she didn't really remember, correct?

GROGAN: Correct.

GERAGOS: Okay. Now, the, specifically the reward poster was previously marked as Defendant's double N, and I think I've got all this up here. This, for the most part, for the most part the information on double N was taken from Diane Jackson's, or at least, I should say, the information that is, the information that's up here, 500 block of Covena, three dark-skinned males, not African American, short in stature, older model, full sized van, tan or light brown in color, one or two possibly two doors that open at the rear; all of that came from Diane Jackson, correct?

GROGAN: Yes.

GERAGOS: This information is what was stolen from the Medina residence as reported by Mrs. Medina or Mr. Medina?

GROGAN: Correct.

JUDGE: For the record, Ms. Medina has already testified.

She was witness number 21.

GERAGOS: Right.

GERAGOS: And then there was, somebody had gone back, I think it was also Detective Stough, to talk specifically with Susan Medina to see if she knew who that van could have been, correct?

FLADAGER: Bates stamp?

GERAGOS: Yeah, 2091 and 2092.

GROGAN: Yes.

GERAGOS: Okay. And she said that, that she did not, correct? She was specifically asked about a van. She said a similar description. She said no, she had had a crew, construction crew the year before, but that construction crew had used a truck. So she didn't, she didn't recognize that van or that description, and did not recognize the description, she described a full-sized pickup truck that had been there doing some work on her house, but nothing with a van, correct?

GROGAN: Yes.

GERAGOS: Okay. Without asking you to compare and take all the time, Defendant's Exhibit I is the Kemper Auto and Home policy that was marked before for the Medinas. This has much of the property that's listed in this reward document. You didn't list everything that was reported stolen; is that correct?

GROGAN: Yeah. Whoever took the initial report, I believe she filled out this with her insurance company –

GERAGOS: Okay.

GROGAN: as a separate thing.

GERAGOS: Now, the, there was also a interview with Kristen Reed; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And specifically,

JUDGE: Just for the record, now, this is not coming in for the truth, again. This is coming in to explain the reasonableness of the officer's conduct, okay?

GERAGOS: And Kristen Reed was interviewed by Detective Brocchini in September of 2000 and 3?

GROGAN: I don't know. I'm sorry.

GERAGOS: 39987. I've got it here if you just want to go through this.

And she had suggested that when she had come down the street, she also saw a van that was parked across the street; is that right? I'll lead you through it, if you want. She described, when she was talking to Brocchini, it wasn't a white car, I know it was a larger vehicle parked across the street, correct?

GROGAN: Correct.

GERAGOS: And then Brocchini asked her it could have been a truck, do you know whether it could have been a truck; she said no, it was a van, correct?

GROGAN: Yes.

GERAGOS: She said it was a larger type vehicle, it wasn't white, but I know for sure there was another vehicle on that street, correct?

GROGAN: Correct.

GERAGOS: And specifically she said it was older, it was either an older Chevy Astro or it was older like a Dodge brown van; it was one of those two, correct?

GROGAN: Yes.

GERAGOS: And she said Yeah, it was like a brown metallic for the Dodge, seemed like it was a Dodge kind of make; it was tapered up is how she described it, correct?

GROGAN: Yes, that's part of the description.

GERAGOS: Okay. Now, she, she had testified, or she had not testified, she had said, as long as I've got it I'll put it up here. On People's Exhibit 32. This, when I was asking you before about the Medinas, this is the Covena house here, or the Petersons', correct?

GROGAN: Yes.

GERAGOS: And this is a picture from the Medinas' residence, across the street, looking across the street at the Peterson house?

GROGAN: I believe so. Yes. It is slightly south of, of the Covena residence, so I, I think that's accurate.

GERAGOS: Okay. And Kristen Reed, when she was interviewed, she had also indicated that when she walked she always walked with McKenzi, correct?

GROGAN: I don't know.

GERAGOS: She had indicated that Laci had told her she had always walked with McKenzi, and she didn't let him off the leash, let her off the leash because she couldn't control McKenzi like Scott could?

GROGAN: Correct.

GERAGOS: Okay. Now, the, there was also a woman by the name of Victoria Pouches?

FLADAGER: Bates number on that?

GERAGOS: 2423.

GERAGOS: And this is the woman that was apparently contacted by Officer Beffa?

GROGAN: Yes, it, I'm sorry, can I see it? Yes.

GERAGOS: And this was the woman who on Christmas day said she was on East La Loma Park. That would be this park here?

GROGAN: Yes.

GERAGOS: Okay. And she says that she was in that park and she saw the dog barking like crazy, and she described it, and she said between 9:30 and 10:00 o'clock?

GROGAN: Yes.

GERAGOS: Okay. And at that point you had not put out any kind of a press advisory, correct? On the 25th? Do you know when the first, wasn't the first press advisory on the 26th, at Modesto PD?

GROGAN: Well, on the 25th, when I came in at 1:00 o'clock there had been some contact with the media by Detective Brocchini and members of the family.

And I don't recall exactly what they put out in that initial, I think it was a television broadcast.

GERAGOS: Okay. Did anybody ever follow-up with Victoria, pronounce the name as Pouches or "Pooches," P-O-U-C-H-E-S. Do you know if anybody ever followed up with her?

GROGAN: I don't think so, but I can run it and check.

GERAGOS: Okay. And the description was that the dog was on the north side of Dry Creek and was pacing back and forth, barking like crazy. It was a gold colored dog with a leash on, and she saw the dog was west of El Vista Bridge. Do you know where that is? Is it on this map here?

GROGAN: Yes.

GERAGOS: Can you point to where that, could you put, the judge gave you a different red pen. Would you use this red pen and show me where that is.

GROGAN: The park doesn't, doesn't appear in this, in this map. But this is El Vista Avenue.

GERAGOS: Okay.

GROGAN: And the park would be up in this are

GERAGOS: Okay. Do you want to mark just a –

JUDGE: Maybe just write "park" there.

GERAGOS: Right. And then put a stop, El Vista I assume carries straight up or, in that same direction?

GROGAN: Yes.

GERAGOS: Okay. Then just put a P slash, a P-1?

GROGAN: (Witness complies)

GERAGOS: Now, there were, there was also a, some investigation done recently regarding some other tips that came in this year; is that correct?

GROGAN: I'm, I'm sure there has been.

GERAGOS: Okay. The follow-up, who's in charge of the follow-up now in, is that still you, as the lead detective?

GROGAN: Yes. I would probably know about it. There are, there are tips that come in to Modesto Police Department that are probably assessed there as well.

GERAGOS: Okay. And the same as, as what we were speaking about before, that they get culled out and given to you, depending on what somebody thinks is important or not?

GROGAN: Well, not necessarily given to me. Through most of this process it's been where we had an investigator in place to review the tips, and he would give those to a sergeant, who would assign them to various detectives to follow-up. I wouldn't necessarily see them. I might be made aware of them.

GERAGOS: Okay. Now, yesterday I had asked you about some of the investigation that was done in regards to the vans, or a van and the sighting of the van. And in the course of this investigation, as we've gone through, there were a number of tips that had talked about a van being in the neighborhood at the time that Laci went missing, correct?

GROGAN: Yes. There's, there's some.

GERAGOS: Okay. And specifically there was investigation that was done to see if they could, you could locate the van that was seen in and around at the time Laci was discovered and reported missing, correct?

GROGAN: Yes.

GERAGOS: Okay. And the descriptions had been various, as we've indicated, from white or off-white to a tan to a dullish brown color, correct?

GROGAN: And, yes. I think there's blue in there, also.

GERAGOS: Okay. Now, at one point, the Modesto PD has a person that's a senior crime analyst named Carol Uyeda; is that correct?

GROGAN: Yes.

GERAGOS: And she was asked to research traffic collisions involving vans for approximately two months prior to Laci's disappearance, correct?

GROGAN: Yes, it appears so.

GERAGOS: Okay. And then there were a series of cases that were generated; looks like about nine, correct?

GROGAN: Yes.

GERAGOS: Okay. Some that you were able to get full information on in terms of a license plate; others it appears there was no further description, correct?

GROGAN: Correct.

GERAGOS: In fact, on the Friday before there was apparently a hit-and-run collision, a van at Yosemite and North Santa Cruz?

GROGAN: Yes.

GERAGOS: And that's in that neighborhood as well?

GROGAN: Yes. It's on that major street, Yosemite, that intersects with La Loma Avenue.

GERAGOS: Okay. And I indicated, or you had indicated yesterday that you were unable, at least, to locate, at least at this point, the, the vans that had been described or, through the tip sightings, correct?

GROGAN: Correct.

GERAGOS: Okay. Now, the, there was also, one of the other methods by which somebody would try to research what was going on was to run all of the various calls for service from Modesto, or to Modesto PD. And when I say calls for service, if somebody called the police, that's what you'd call a call for service, correct?

GROGAN: Yes.

GERAGOS: And there was at least, starting on the 10th of November, all of the calls for, basically that go in that immediate vicinity were called up; is that correct?

GROGAN: I don't know what the parameters were. That was done by Detective Buehler it looks like.

GERAGOS: Okay. Then I'll wait and ask him about the specifics of it. That was one of the methods by which to try and determine whether or not there was anything that was going on in that neighborhood?

GROGAN: Correct.

GERAGOS: Okay. And specifically the calls that were produced, at least 24 of them, for a period of time surrounding the time that Laci went missing?

GROGAN: Yes. He did complete a report documenting those.

GERAGOS: Then there were, also it looks like, was a, on the 26th of December there was a list of people that was compiled; is that correct? Of who were arrested in that park area and going from what you call the Yosemite Boulevard corridor to the downtown area?

GROGAN: This Bates stamp number 3254, I don't know, it doesn't even have the officer's name on it. I'm not sure who compiled that.

GERAGOS: Have you ever seen this?

GROGAN: No.

GERAGOS: Okay. Does it appear to be some kind of a document that was compiled showing the DMV records of all the people who were arrested and their rap sheets and/or DMV records who were arrested for a period, frequent contacts and persons who were arrested either in Kewin

Park, East La Loma Park, Moose Park, or the surrounding areas?

GROGAN: Yes, that's what it appears to be. I'm not sure who completed it or did the report or the analysis, however.

GERAGOS: Okay. But as far as you know, nobody ever, you didn't assign this to anybody to follow-up with these people?

GROGAN: Well, those, I don't know if that falls into that, the follow-up for that 290 list or not. ine GERAGOS: Now, on, Detective Ron Reed was a, I'm sorry, may I have a moment

GERAGOS: Now, Detective Reed was who?

GROGAN: Ron Reed?

GERAGOS: Yeah.

GROGAN: He was a detective at the at the time, and I think he was assigned in economic crimes. I'm not sure, I, I don't remember what his assignment was then.

GERAGOS: Do you have 3219 up on your computer? Bates number stamp.

GROGAN: 3219?

GERAGOS: Yeah. Page 3219. Detective, let me move to one other area. There's a Detective Reed also, you had people canvass the area; is that correct?

GROGAN: Covena Avenue?

GERAGOS: Right.

GROGAN: Yes. It was canvassed several times.

JUDGE: Mr. Geragos, don't get cozy because the jury won't be able to hear you.

GERAGOS: Okay, I was going to show him. This is taking too long, I think, to pull it up.

GROGAN: I'm on 3219.

GERAGOS: Now, he had made contact with a person by the name of Ikerd, I-K-E-R-D?

FLADAGER: Mr. Geragos, do you have a Bates stamp number?

GROGAN: 2425 A as in Adam.

GERAGOS: Okay. Now, this is, this is a person who said that a few weeks prior they had seen or heard Laci yelling at two women who were in front of the Peterson residence, telling them to stop fighting and that that kind of behavior wouldn't be tolerated in the neighborhood.

GROGAN: That's what it says.

GERAGOS: Okay. And the, did Ikerd, Ikerd was a neighbor on Covena?

GROGAN: You know, I'm sorry, I didn't look at her address.

GERAGOS: I didn't want to give it out.

GROGAN: So, Yes. She was contacted at her residence there.

GERAGOS: Okay. Now, the investigation at that point, early on, on the 26th, that's when you took over; is that correct? The 25th is actually when you took it over?

GROGAN: The 25th, yes, sir.

GERAGOS: Now, if I can move you back to the February date of the search warrant, there were a number of items that were taken out of the truck during the search warrant; is that correct?

GROGAN: I believe so, yes.

GERAGOS: Okay. And there was a report that was prepared that itemized that. And that's normally what you do when you search the vehicle is to itemize what's found in there?

GROGAN: Yes.

GERAGOS: Okay. One of those was, and I don't know if I've got it here.

Actually, I do. Are these the items that were, flip through the pictures, if you would. Are these the items that were taken out?

GROGAN: Is that this,

GERAGOS: Sure. I've got the list there. If you want to do them as we, the first item is listed as what?

GROGAN: A brown paper grocery bag containing 100 Laci Peterson missing, missing persons pins.

GERAGOS: Is that what it looked like?

GROGAN: Yes.

GERAGOS: And then a succession of other items that's listed, and I'm just going to ask you to take a look and tell me if this looks like it fits with the rest of those. And then I'll mark those all as one package, your Honor.

FLADAGER: Do you have a Bates stamp number?

GROGAN: 32260.

FLADAGER: Thank you.

GROGAN: I don't know what that is.

GERAGOS: These are the ones you recognize that are listed?

GROGAN: Yeah. There's shoes listed. I saw a picture there.

GERAGOS: Okay. Shoe holders maybe? Well, why don't I do it this way. Most of these, these pictures look like they're the pictures of items as they were pulled out of the truck and then placed on the ground and then photographed by somebody by the name of B Smith?

GROGAN: Yeah. Based on the, on the date on the photographs, it appears to be the case.

GERAGOS: Okay. I'll mark these as a group exhibit.

JUDGE: That will be Defendant's 7 S. And how many of those do you have, Mr. Geragos?

GERAGOS: I'll count them.

FLADAGER: Mr. Geragos?

GROGAN: Obviously, Mr. Geragos, I wasn't there, so I'm not certain if all those photographs were taken there or not.

JUDGE: Do you intend to mark all those? Or a select few?

GERAGOS: It's 25. I intend to mark them all just as one set, because it appears that it's a,

JUDGE: All right. 1 through 25

GERAGOS: Detective, there's also, next in order if I could, was a photo that I believe was also taken on the day of the search warrant. Do you recognize that?

GROGAN: Yes.

GERAGOS: Okay. And is that on February 18th?

GROGAN: Yes.

GERAGOS: Okay. And that's a picture of you and Scott Peterson?

GROGAN: That’s correct.

JUDGE: That's Defendant's 7 T

GERAGOS: And this is the 25.

JUDGE: You know, while she's marking those, the jury has been here over an hour. We better let them go. Take the morning recess. We have to switch reporters. Take the recess until five to 11:00 while she's marking those. Remember the admonition I've heretofore given you. See you at five to 11:00

JUDGE: All right. Let the record show the defendant is present with counsel. The jurors are in the jury box along with the alternates. I have had a request from the jury to pass on to counsel that standing up looking at the exhibits while they are projecting something on the screen, the jury can't see. So I'd ask you to bear that in mind. Okay? Go, ahead Mr. Geragos.

GERAGOS: Thank you, your Honor. Detective, I have got a couple of things that I want to talk to you about. The vandalism at the warehouse, Scott's warehouse, you were trying to determine the date yesterday. Got a Stanislaus County Sheriff's Office report. Would it help refresh your recollection as to when the warehouse was vandalized?

GROGAN: Looks like the report was completed February 8th. And it was vandalized somewhere between January 30th of 03 and February 8th of 03.

GERAGOS: Okay. It was discovered on the 8th, basically? Nobody had been there for a week?

GROGAN: Correct.

GERAGOS: Okay. And the items that were taken from the truck that we marked earlier, those 25, actually first, this was D7T, correct?

GROGAN: That's right.

JUDGE: That's D7T.

GERAGOS: That's you with my client, D7T, February 18th?

GROGAN: Yes.

GERAGOS: Then the items that were taken from the truck was this bag of "Laci Missing", buttons, correct?

GROGAN: Yes, I think that was listed.

GERAGOS: And then there was, JUDGE: What's the number of that one?

GERAGOS: That's D7S-25.

JUDGE: D7S-1 through 25,

GERAGOS: I'm going to mark,

JUDGE: That's number 25.

GERAGOS: Number 25. This is item 24.

GROGAN: There is some black shoes listed in the report.

GERAGOS: This is the one, you weren't sure of what that was?

GROGAN: Yeah, I don't. I don't know about that.

GERAGOS: 22, clothing was listed in the report?

GROGAN: I believe so.

GERAGOS: Okay. More miscellaneous clothing listed in the report? That's 21.

GROGAN: It's hard to say what, by miscellaneous clothing. The photographer and the date is consistent. I wasn't there when they searched the vehicle. However, it was searched at Modesto Police Department.

GERAGOS: Okay. B Smith and this marking on the bottom, that's consistent, that is somebody that's there, consistent with somebody who would have taken the pictures at the time?

GROGAN: One that's mentioned in that report, yes, sir.

GERAGOS: Okay. These items, pictures here as well?

GROGAN: Yes.

GERAGOS: That was 19. This is 18. Looks like this is a standard way that the Community Service Officers take the pictures is to lay all the clothing ne out and then photograph it?

GROGAN: Yes, it's not unusual.

GERAGOS: Okay, 17 and 16. This appears to be kind of a side view of all the clothing that they had taken close-ups of before?

GROGAN: Yes.

GERAGOS: 15, a backpack, sleeping bag, and some kind of gear, camping gear?

GROGAN: Appears so.

GERAGOS: 14 is this Laura Recovery Center manual; is that correct? CDs around it?

GROGAN: That's what the photo is.

GERAGOS: Okay. Once again, these also have this B Smith. 13 and 14 have B Smith and the numbers on them indicating that they are in, that they are a series that the Community Service Officer has taken photographs?

GROGAN: Yeah. I didn't look on that backpack, if it had a date on it or not.

GERAGOS: This one?

GROGAN: Yeah.

GERAGOS: Does this, does this look like, this item here next to this item here, which is B Smith, 22, look like the same item? Then looks again like you have got it right there on 16?

GROGAN: Yes, it appears so.

GERAGOS: Ones that are marked there, also this one doesn't have, looks like somebody took it out, put it up next to the truck that Scott had at that point?

GROGAN: Yes.

GERAGOS: That was 14, 13. Looks like, 10 looks like where all this stuff was in the truck?

GROGAN: I would be guessing. I assume that's what that photograph is, yes, if it's taken on that day.

GERAGOS: That's 9. 8. Is it standard procedure for the photo tech to, when they find the items, to photograph them where they are? That's 7. That's 7?

GROGAN: Yes.

GERAGOS: This is a truck, is this over at some impound place?

GROGAN: I think that's the shop attached to the Police Department, yes.

GERAGOS: Okay. And that's item number, picture number 5. And then, once again, picture 4 is another one over at the impound place?

GROGAN: Yes.

GERAGOS: Picture 3, you said you didn't know what that was?

GROGAN: I don't know.

GERAGOS: Picture 2. You don't know what that is. And 1 you don't know what that is?

GROGAN: Those appear to be child books. I don't know what's in the package that's wrapped there.

GERAGOS: Is it also a safe bet that if it's got that same number, I assume that's the Modesto case number, a date, B Smith, and then a number of the photos are randomly put on there?

GROGAN: Yes. That photo appeared consistent with the 2-18 date.

JUDGE: Is the prosecution objecting to the admission of these photographs?

FLADAGER: No.

JUDGE: Do you want to move those in, Mr. Geragos, get those off our plate?

GERAGOS: Yes.

JUDGE: D7S-1 through 25 will be admitted in evidence, take the same number

GERAGOS: Just to clean that up. You didn't compare every single photo, there is a laundry list from 1 through 7, and then A through O that lists, or a bunch of stuff, correct?

GROGAN: There is, yes, and it doesn't say miscellaneous clothes or something on that.

GERAGOS: Talks about gift wrapped presents containing three children's Easter books?

GROGAN: Yes.

GERAGOS: Now, and that was a report that was prepared by McGill, who was one of the officers there?

GROGAN: Yes.

GERAGOS: Specifically one of the reports that you had indicated that, with your, during your interview with Scott, I did tell you, actually I think it's your affidavit, that during your interview with him, he told you he was fishing for Sturgeon or Striper, and he was using freshwater lures, correct?

GROGAN: Yes.

GERAGOS: He told you he inadvertently left the salt water lures he had purchased for the trip in the truck, correct?

GROGAN: Yes. I don't know which search warrant that is.

GERAGOS: 22217 Bates number. That appears to be one of your search warrant affidavits?

GROGAN: Yes, I think.

GERAGOS: You have done extensive research in the background of Scott and Laci Peterson that revealed no evidence of prior domestic violence by either Stanislaus County or San Luis Obispo County, correct?

GROGAN: Correct.

GERAGOS: And those are the two counties where you, that you knew them to reside in during the time they were married?

GROGAN: Yes.

GERAGOS: Now, on the day that you executed the search warrant, Miss Fladager asked you this, but after you had been inside of the house, you vacuumed the floors of the home prior to leaving because grass clippings had been tracked into the house during the service of the warrant?

GROGAN: Correct.

GERAGOS: Okay. And one of the other things that you had asked for during the, one of the items that you had specifically asked to be analyzed was the vacuum debris. We went through that, correct? That was in the vacuum, not the vacuum that you had vacuumed up, but the vacuum at the house?

GROGAN: Correct. On the first search warrant we did have the vacuum and vacuum bag examined. And I think we used his vacuum on the next search warrant to clean up after ourselves at the house.

GERAGOS: Okay. Now, on January 6th you were advised that there was a search at Tulloch Lake; is that correct?

GROGAN: I'm sorry what date?

GERAGOS: January 6th.

GROGAN: Yes.

GERAGOS: Okay. Is Tulloch Lake on this map? When I say this map, I have got, holding People's 58.

GROGAN: It's not on that side, I don't think. No. No, sir.

GERAGOS: Okay. Where is Tulloch Lake?

GROGAN: It is, I would say, approximately 40 miles from Modesto into the foothills area east of Modesto, before you reach Jamestown and Sonor 500. You have taken dogs up there, correct, to Tulloch Lake?

GROGAN: Yes, they were there at one point.

GERAGOS: Okay. They alerted up there; isn't that correct?

GROGAN: A cadaver dog?

GERAGOS: Yes, at Tulloch Lake?

GROGAN: Yes.

GERAGOS: Okay. Now, specifically on January 6th when you were searching, Scott Peterson had telephoned the Chief's office. What's the name of the Chief of Police?

GROGAN: Roy Wasden.

GERAGOS: And Roy Wasden. Scott wanted to meet with him. The Chief was informed about that, correct?

FLADAGER: Mr. Geragos, could you give me a Bates stamp on that, please?

GERAGOS: 222.

GROGAN: Thank you. Yes.

GERAGOS: That's correct. He'd asked to meet with Chief Wasden. Chief Wasden said he couldn't meet with him that day?

GROGAN: Correct.

GERAGOS: Now, during the time that you interviewed Scott youtook some notes, correct? Some of the interviews I should say.

GROGAN: Yes.

GERAGOS: Now, on the interview that you did with he and Mansfield, that was on the 26th of December?

GROGAN: That was the 25th.

GERAGOS: 25th of December, okay. Now, he told you at that point that Laci would usually carry Mace with her; is that correct?

GROGAN: There is an indication Mace was usually in her purse. He bought it four or five years ago. ne GERAGOS: When you searched the purse, which has been marked as an exhibit, the purse is the way that it was found on that day the search warrant was served; is that correct?

GROGAN: Are you asking if it's the same way right now as it was then?

GERAGOS: Yes.

GROGAN: Well, it had been gone through by Chris Boyer during that process, whoever searched the purse to recover some of those articles.

GERAGOS: Anybody recover any of the Mace? Did you ever find any Mace?

GROGAN: No.

GERAGOS: Pepper spray, anything like that?

GROGAN: Not that anybody ever said to me, no.

GERAGOS: Okay. Specifically there was, looks like some pictures of the truck and some measurements; is that correct? That where somebody had obtained the pictures, and then done some measurements of them?

GROGAN: That's what this appears to be. This is Bates stamp number 33682. And I'm not sure who did this.

GERAGOS: Okay. Now, did you ever try to do an experiment if anybody could, mark these, I suppose, as next in order.

JUDGE: D7U. What are those, Mr. Geragos?

GERAGOS: It's a picture of, diagram of the truck with some measurements around it.

JUDGE: All right. Diagram of the truck with measurements.

This is the Dodge truck?

GERAGOS: Yes.

GROGAN: Are those Dodge Hendee?

GERAGOS: I believe these are the one that Dodge Hendee, prior to the truck being released he was asked, I guess, to document measurements and things of that nature; is that correct?

GROGAN: Yes, sir.

GERAGOS: Now, did anybody ever try on either one, either one of these pictures to attempt to open the tailgate when the boat was attached?

GROGAN: I don't know.

GERAGOS: All right. Do you know if it's even possible to open the tailgate when the boat and trailer was attached?

GROGAN: I'm sorry, I don't know.

GERAGOS: Same stipulation on this, because they are three-ring punched.

JUDGE: You have only one D7U?

GERAGOS: Yes.

JUDGE: You have no objection to that going in evidence?

FLADAGER: No.

JUDGE: D7U will go in evidence, have the same number.

GERAGOS: Also make a third part of that, which is a picture of the Game Fisher boat.

JUDGE: D7U. Mark it 1, 2, 3. The one he's Xeroxing now is number one. We'll make that number 1. Then there will be 2 and 3.

GERAGOS: That's another picture of the boat of his along with some measurements so you could show how high off the ground it was? Easy for me to say.

GROGAN: Yes.

GERAGOS: Okay. And specifically this picture is with the cover on it; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And the engine portion there as well, and then the trailer and hitch?

GROGAN: Yes.

GERAGOS: And measurements, once again, were done by Detective Hendee, is your understanding?

GROGAN: Yes.

JUDGE: That's 7U-2. We'll admit that also. Take the same number.

GERAGOS: Now, there was one of the warrants, actually, you know what the 72-hour reports are, the wiretaps?

GROGAN: Yes.

GERAGOS: Okay. And in one of those, on page ten, which would be the 72-hour report that's dated,

FLADAGER: Your Honor, I object to questions with this detective about this. This is Investigator Jacobson's reports. He did these. This detective had no knowledge of them.

GERAGOS: Before she testifies for him, I'd like to ask him the question.

JUDGE: What's the question, then we'll see?

GERAGOS: The question is, were you aware that, as of January 30th, the arrest of Scott Peterson was being planned?

JUDGE: Objection is overruled. You can answer that.

GROGAN: As of January 20th, no.

GERAGOS: Okay. And I asked you specifically, I'm sorry if I misspoke the date. I thought it was January 30th. As of January 30th, were you aware that there was a plan to arrest Scott Peterson?

GROGAN: No, there was not a plan to arrest him at that point.

GERAGOS: Okay. So was it a fair statement that the affidavit on the wiretapping, 72-hour report that says there was a plan to arrest Scott Peterson on January 30th is incorrect?

FLADAGER: Objection. Facts not in evidence and speculation.

GERAGOS: I'm asking him if that statement is incorrect.

JUDGE: Overruled.

GERAGOS: Is that incorrect?

JUDGE: Is the statement, not that it's a true statement. Based on your knowledge of your investigating the case.

GROGAN: Based on my knowledge of the case, there were points where we wanted to present this case to the District Attorney's office. And I don't think that you could say that an arrest was planned. You could not say that on that date.

GERAGOS: Okay. So that was incorrect. You also, I believe Miss Fladager asked you about an incident where Scott Peterson was in Berkeley in April 03; is that correct?

GROGAN: Yes.

GERAGOS: Okay. What that incident was, is that he had reported some kids who had tagged the, or were doing graffiti; isn't that correct?

GROGAN: That’s correct.

GERAGOS: Okay. And a police report was actually prepared in which Scott Peterson gave his name and all of his information, correct?

GROGAN: Yes.

GERAGOS: Okay. And that you obtained that police report, correct?

GROGAN: Yes.

GERAGOS: And it appeared that he had made certain statements to the officer and identified himself to the officer as of April 1st of 2003?

GROGAN: Yes.

GERAGOS: Okay. You got a copy of that report faxed to you, or asked that it be faxed to you, correct?

GROGAN: Yes, we got it somehow. There was a fax sheet I saw there.

GERAGOS: Okay. And it didn't appear that he was trying to hide from law enforcement at that point in April of 2003, did it?

GROGAN: No.

GERAGOS: And specifically there was a news release that was issued by the City of Modesto on 12-26; is that correct? That's what we'd talked about just a little bit.

GROGAN: There was a press conference that day.

GERAGOS: And you issued, not you, but there was, there were several news releases that were issued, one being Thursday December 26th?

GROGAN: Yes.

GERAGOS: Okay. And this is the news release. Do you recognize it to be the Modesto PD news release?

GROGAN: Yes.

GERAGOS: And, Bates stamp number 5036. How about this one, 5040? Do you recognize that as well?

GROGAN: Yes.

GERAGOS: Bates stamp 5042. Do you recognize that?

GROGAN: Yes.

GERAGOS: And Bates stamp 5032?

GROGAN: Yes.

GERAGOS: And Bates stamp 5034. These are all documents that relate to the press releases on Laci Peterson's case; is that correct?

GROGAN: Yes. And 5047. I don't know what, that appears to be an e-mail.

GERAGOS: Where it says news release at the top, does that mean it usually goes out?

GROGAN: Yes. Maybe a news release that came on somebody's e-mail and was printed out.

GERAGOS: Okay. And mark these documents, judge, as next in order. 1, 2, 3, 4, 5, 6.

JUDGE: All right. These will be Defendant's 7V-1 through 6. These are news releases from the Modesto Police Department?

GERAGOS: That's correct

GERAGOS: Yesterday you had indicated that, when I was talking about the Kim Fulbright demonstration in the toolbox, is this, I'm showing you 38276. Does this refresh your recollection as to whether or not you were present?

GROGAN: This is, I believe this is where she got into the boat and her photographs were taken. It's not when she entered the truck. That was at a different location.

GERAGOS: Did you at that point talk to, or had you talked to Dodge Hendee about the, specifically about doing a demonstration in the boat with a weighted object to see if the boat would flip when you tried to push it out?

GROGAN: Did I talk to Dodge Hendee about that?

GERAGOS: Yes.

GROGAN: That's possible. We have had discussions about that.

GERAGOS: You say "we". Did that include members of the DA's office?

FLADAGER: Objection. Relevance.

JUDGE: Pardon me?

FLADAGER: Objection. Relevance.

JUDGE: Overruled.

GROGAN: Yes. Early on, I think, in the investigation, and later.

GERAGOS: And a decision was made to not to try to attempt to push an, either a body or a weight out of the boat; isn't that correct?

GROGAN: That’s correct.

GERAGOS: Now, there is I think, been up here so long I almost forgot. We played a number of videos of various interviews that Scott Peterson did with news people, correct?

GROGAN: Yes.

GERAGOS: One of those was with Gloria Gomez; is that correct?

GROGAN: Yes.

GERAGOS: Gloria Gomez in that one, I believe, was the complete start-to-finish video; is that right? That you got the raw footage, for lack of a better word?

GROGAN: I believe so, yes.

GERAGOS: The way that you obtained that raw footage is that Gloria Gomez struck a deal with you; is that correct?

GROGAN: Yes. We were looking for raw footage of a video. And, yes, must be that one.

GERAGOS: Okay. I'm showing you a report that says Gloria agreed to allow us to review the footage if we agreed to the condition of filming us watching the footage, correct?

GROGAN: Yes.

GERAGOS: Footage we saw of Diane Sawyer was not raw footage, correct?

GROGAN: No, I don't think so.

GERAGOS: That was the, what was broadcast after it had been edited, or whatever else. You never saw, were unable to get what's called the raw line footage, meaning the uncut version, correct?

GROGAN: Yeah, I haven't seen it.

GERAGOS: And I assume that they never offered to make you a deal at ABC to have Diane Sawyer watch you watch the footage in trade for giving you the raw footage?

GROGAN: Nothing like that.

GERAGOS: Specifically there was an indication in one of your affidavits that Scott Peterson had whistled on January 11th. Do you remember that on a taped phone call?

GROGAN: Yes.

GERAGOS: Okay. And I suppose you thought there could be two interpretations to that, correct?

GROGAN: I guess it could be argued more than one way.

GERAGOS: There is also, on February 2nd in the wiretap, the HIDTA reports, that's what we called the wiretap logs, correct?

GROGAN: Yes.

GERAGOS: Okay. There is another occasion where he whistles; isn't that correct?

GROGAN: That's the first time I have seen it.

GERAGOS: Okay. You had never, at least at the time when you were preparing the affidavits and felt that the whistle was suspicious, you had not seen that he had, whether he had whistled on another occasion, had absolutely nothing to do with Laci or Laci being missing, or anything else, correct?

GROGAN: No, I hadn't read through all of these.

GERAGOS: We are now during, you had interviewed Brent Rocha; is that correct?

GROGAN: Yes, a few times.

GERAGOS: One of the times that you interviewed Brent Rocha early on, Brent had said he believed that Laci had voiced her opinion regarding a proposed street project in the area at a city council meeting, correct?

GROGAN: Yes.

GERAGOS: Okay. Now, he, so he knew about this fact that she was involved in this proposed street project, right?

GROGAN: Yes. I believe we were talking about the Encina project.

GERAGOS: He doubted it was likely that she would have been harmed for that, but thought that he wanted you to know that, correct?

GROGAN: Correct.

GERAGOS: And he specifically told you that he had never seen Scott or Laci in an argument, correct?

GROGAN: Correct.

GERAGOS: And neither of them had ever appeared angry or argued in front of him, and he said Scott did whatever Laci asked him to do; is that correct?

GROGAN: Yes, that's correct.

GERAGOS: Okay. And he said he believed Laci was somewhat frugal, but said they had been spending a lot of money to make their home nice since they moved into it, correct?

GROGAN: Yes.

GERAGOS: Okay. Let me show you another picture that, looks like Doug Lovell took on the 24th. I'm assuming this is the 24th, wouldn't you as well? Because it's got that telephone book that you and I talked about out there on the table?

GROGAN: Correct.

GERAGOS: Okay. Now, I'm pointing to an object right here. Do you know what that is that's on the counter?

GROGAN: This right here?

GERAGOS: Yes. See if I can zoom into it.

GROGAN: I'm sorry, I don't know.

GERAGOS: Okay.

JUDGE: Has that been marked?

GERAGOS: I'd like to mark that as defendant's next in order.

FLADAGER: Could I take a look at it?

GERAGOS: Sorry.

JUDGE: Defendant's 7W.

GERAGOS: The item that I'm asking you, that I was asking you about there is that right there. Do you know what that is?

GROGAN: Mr. Geragos, I don't know.

GERAGOS: And specifically at the time, some time in March, there was a discussion by you that if evidence recovered with the body had indicated that Scott Peterson was, in fact, a suspect in her death; is that correct, dealing with whether or not to notify the family. You wanted to make sure that the evidence recovered with the body indicated that Scott Peterson was, in fact, the suspect?

GROGAN: Let me try to figure out this context here.

GERAGOS: Sure.

FLADAGER: Do you have a Bates stamp number, please?

GROGAN: The number at the top is 710.

GERAGOS: 710.

GROGAN: I'm sorry, your question again?

GERAGOS: I was asking if one of your thoughts was, is that once, or if a body was recovered that one would need to examine the evidence that was with the body to determine whether, in fact, Scott Peterson was the suspect in her disappearance and death, correct?

GROGAN: Yes. If there is any evidence that could be recovered that would lead us to that conclusion rather quickly, such as anchors.

GERAGOS: Okay. Or, I assume, forensic evidence?

GROGAN: Mainly I think what I'm talking about in that report is the, I had made a sketch and gave some size parameters for the anchors, so that, at least the anchor that was at the, inside the boat, to determine if her body was recovered with anchors attached to it, we could see if those matched that size or not.

GERAGOS: Now, you had obtained, one of the 41 reasons that you had for suspecting basically Scott's involvement, one of those was the, one of those was a thirteen-dollar gas purchase; is that correct?

GROGAN: Yes.

GERAGOS: Okay. And that thirteen-dollar gas purchase, did you take a look to see what other kinds of purchases Scott Peterson made in terms of gas?

JUDGE: On what date?

GERAGOS: On any dates.

GERAGOS: I mean, you know, before, the month before, month after; months before, months after.

GROGAN: No.

GERAGOS: You had available to you in the discovery, and the search warrants, his records, his financial records, correct?

GROGAN: Yes.

GERAGOS: Okay. And I have got a bunch of blue Post-Its here which show with yellow highlights various purchases. And I, do you want to take a look at it at your leisure, in terms of this?

GROGAN: Okay. Okay. Okay.

GERAGOS: And this would be months, 2004,

JUDGE: I don't think the jury can hear you.

GERAGOS: I said months, 2004?

GROGAN: Year was 2002, and from February through September.

GERAGOS: September. Does it appear that there is, at least ten times at least, that there is gas purchases of thirteen dollars or less?

GROGAN: There is ten listed that you showed me highlighted. Some of them are stores. Most of them are gas stations. And doesn't say what the items purchased are. But you are correct in the amounts being somewhere in that range, yes.

GERAGOS: Most of them say either Union 76 or 71 Quick Stop Mart, things like that?

GROGAN: Correct.

GERAGOS: Okay. And Chevron or Shell. What's Sunrise Rock?

GROGAN: I'm not sure.

GERAGOS: And Griffin Shell. Another Quick Stop. That's a gas station in Modesto?

GROGAN: Yes, store, gas station.

GERAGOS: Okay. There was a list that you have got for the 41 reasons.

Is this the list that Miss Fladager was talking about?

GROGAN: Yes.

GERAGOS: Okay. Can I mark this as Defendant's next in order?

JUDGE: Defendant's 7X.

GERAGOS: Now, were you present when Brian Peterson testified?

GROGAN: No.

GERAGOS: Were you aware that one of the questions that was asked about him was how death could be produced with basically no trace evidence? How to produce death?

GROGAN: I'm sorry, I didn't understand your question.

GERAGOS: Well, was there some suspicion on your part at some point that Laci had either been smothered or asphyxiated?

GROGAN: That was considered as a possibility, yes.

GERAGOS: Did you collect the bed linens when you went in to search the house on the 26th of December?

GROGAN: We collected the duvet cover on the 26th and 27th search warrant. And we did not collect the bed linens, the sheets, at that point. We did collect them on the next search warrant.

GERAGOS: So you, they were collected on the search warrant on the 18th of February?

GROGAN: Yes.

GERAGOS: Okay. Were those ever sent to the California Department of Justice for testing?

GROGAN: I don't know.

GERAGOS: Is it a safe bet that, as the lead detective, if they had been sent and somebody found any evidence on the sheets or on the bed linens or anything else, that you would have been the first to know, or actually the second or third to know? I assume somebody would have called you pretty quickly if they had found any evidence on any of the bed linens or anything else, correct?

GROGAN: Correct.

GERAGOS: Okay. Specifically that theory was proposed or was bandied about once it became apparent that there was no other evidence in the house; isn't that correct? That there was no blood evidence recovered? There was no blood. I mean the FBI was brought in. The Luminol was done. There were things that people thought might be blood or something else; turned out it was not, correct?

GROGAN: Correct.

GERAGOS: Okay. Then there was the theory about drugs or poisons, correct?

GROGAN: Correct.

GERAGOS: Okay. That didn't pan out, correct?

GROGAN: Yes. There is no evidence of that.

GERAGOS: Okay. Then the theory was maybe she was asphyxiated or smothered, correct?

GROGAN: That's a possibility, yes.

GERAGOS: Okay. But you did have bed linens and sheets and other stuff.

And none of that, as far as you know, produced any evidence. And as you sit here, you don't even know if it was sent up to the Department of Justice to be tested, correct?

GROGAN: Yes. I don't know what the results of that were, if they were sent, at this point.

GERAGOS: Okay. Now, one of the other, judge, I have only got, believe it or not, just a couple more items. But I do want to talk to my client if I could. And I could wrap it up probably by 1:40 or 1:45, if that's acceptable.

JUDGE: You want to go to 1:45?

GERAGOS: No, I want to, Actually, do you mind? Do you want to skip lunch?

JUDGE: I going to let the jury have lunch. You can come back. And you are telling us you are going to finish at 1:45?

GERAGOS: You can just shut me down at 1:45.

JUDGE: I'll write that down.

GERAGOS: Okay.

JUDGE: Then we'll take the noon recess. We'll reconvene at 1:30. And then when Mr. Geragos is done, then Miss Fladager will take the witness back on.

DISTASO: Just somebody from the back. I do have a witness that I need to put on. And I was hoping we could put him right in between the redirect and the cross.

JUDGE: That's okay by me.

DISTASO: Okay.

JUDGE: You have somebody out there you want to put on?

GERAGOS: I told him that –

JUDGE: So between your cross and Miss Fladager's redirect we'll put another witness on. Who will that witness be?

DISTASO: Department of Justice Agent Ron Schweitzer. It will be fairly brief.

JUDGE: Ron Schweitzer. Is he on your list here? Okay. So we're going to squeeze somebody in between when he gets done and when she starts up again. Okay. Remember the admonition. We'll see you at 1:30.

JUDGE: All right. Let the record show the defendant's present with counsel, and the jury is in the jury box, along with the alternates. And go ahead, Mr. Geragos.

GERAGOS: Thanks, Judge. Detective, did you find that mention of where the corrected report is?

GROGAN: I'm sorry, I'm looking. I do have one of the reports up.

JUDGE: What's the number, Mr. Geragos?

GERAGOS: This one is D 6 W 1.

JUDGE: Defendant's 6 W 1. Car closeup, front seat, license number and notes.

GERAGOS: Right.

JUDGE: There's five photographs.

GERAGOS: Five?

JUDGE: Yes. Including notes, four photographs then there's some notes.

GERAGOS: Right. We sealed the, 3, 4 and 5.

JUDGE: 3, 4 and 5 are in evidence.

GERAGOS: Right.

JUDGE: All we have left now is 1 and 2.

CLERK: We sealed it already?

JUDGE: Yes. 1 and 2 is left.

CLERK: I have to go get it.

GERAGOS: Yeah, that's all right. I just need to get it out so I can show them to him so I can lay a foundation.

JUDGE: Okay. She's got it in evidence.

GERAGOS: Detective, while she's getting the other photographs, I asked you to take a look at something. Did you find it?

GROGAN: Yes.

GERAGOS: Specifically, not this yet. Specifically sometime, was it in May of 2000 and 3, after the arrest, was a request made of you to turn over the safe from the burglary at the Covena residence? The Medinas' house?

GROGAN: It was actually in July of 2003.

GERAGOS: Okay. Do you remember the date?

GROGAN: I received it on Friday, July 18th, 2003.

GERAGOS: Okay. And that was something that Mrs. Medina had filled out authorizing turning over the safe that was recovered from her burglary over to, to our office so that we could do some forensic testing on it?

GROGAN: That's right.

GERAGOS: Okay. Once that, once you received that, one of my investigators gave it over to you to, so you could release it. You did something in terms of asking that, before it gets released, that they do some forensic testing on that safe, correct?

GROGAN: Yes.

GERAGOS: You had requested they do latent prints, which means pull fingerprints off of the safe?

GROGAN: Yes.

GERAGOS: And whatever other testing? Was there some other testing you had asked for?

GROGAN: Correct.

GERAGOS: Okay. And then you were later told on what date that somebody had destroyed the safe?

GROGAN: I received your request on the, on July 18th. I contacted our technical service people on July 25th.

GERAGOS: July 25th?

GROGAN: July 25th.

GERAGOS: Was that when you made the request that somebody at technical services do the fingerprinting of the safe?

GROGAN: Correct.

GERAGOS: Okay.

GROGAN: And she, she got back to me the same day saying the safe had been destroyed as part of that burglary investigation.

GERAGOS: Okay. As part of the burglary investigation that took place, the burglary across the street at the Medina's house at 516 Covena?

GROGAN: Correct.

GERAGOS: Okay. Now, were you present on, on the date that Scott was arrested?

GROGAN: Yes.

GERAGOS: Okay. I've got five photos which have been previously marked D 6 W 1. Do you recognize the car?

GROGAN: Yes.

GERAGOS: Is it the car that he was driving?

GROGAN: Yes.

GERAGOS: Do you recognize the interior of the car, the way it was when it was photographed?

GROGAN: Yes, I believe so.

GERAGOS: Okay. And I've got D 6 W 3, another photograph taken by Brocchini of a notebook that was lying on the seat of the car?

GROGAN: Yes.

GERAGOS: There's a close-up of the notebook where it was lying on the seat of the car?

GROGAN: Yes.

GERAGOS: And this is part of the notebook that was recovered from the interior of the car?

GROGAN: Yes.

GERAGOS: Okay.

JUDGE: Okay. We might as well move in 1 and 2 now because they've been identified. 3, 4 and 5 are in evidence and sealed because they have the license plates of the undercover cars.

GERAGOS: Right. I believe I already passed these around to the jury, so they've already seen 4 and 5, so I'll just show briefly,

JUDGE: Want to publish 1 and 2?

GERAGOS: Yes. Publish 1 and 2.

GERAGOS: And, Detective, all of these items were recovered, those were the two that were under seal?

JUDGE: There's three under seal.

GERAGOS: Three under seal.

JUDGE: 1 and 2 are not.

GERAGOS: I'll just show this on the projector so we can all see.

GERAGOS: And, Detective, the item, just so I understand, when, when Mr. Peterson was pulled over, obviously he's in the driver's seat, correct?

GROGAN: Correct.

GERAGOS: And the notebook with the page that I just showed you was on the passenger's seat to his right?

GROGAN: In that photograph, yes, sir.

GERAGOS: Okay. And open to the page like it was in D 6 W 2?

GROGAN: It appears to be the same page, yes.

GERAGOS: Okay. And is that how the car was when you, when you arrived?

GROGAN: Yes. It was parked along that curb. That's consistent with that first photograph.

GERAGOS: This one? D 6 W 1?

GROGAN: Yes.

GERAGOS: Okay. And then somebody opened the door and then took that picture, the D 6 W 2?

GROGAN: Yes.

GERAGOS: There is the car where you stopped it, correct? I mean the door is opened, right?

GROGAN: Yes.

GERAGOS: Okay. A photo of the notebook that's sitting right there?

GROGAN: Yes. That's the notebook.

GERAGOS: Close-up of the notebook with those license plate numbers on it?

GROGAN: Yes.

GERAGOS: And then the two that are sealed have the specific, the close-up of the sheet itself, the ones I showed you?

JUDGE: 3, 4 and 5 are under seal, including the one you just showed.

GERAGOS: The one I just showed you, which is sealed, we put it under seal for the license plate numbers, but the ones that the jury already saw before are the, are the, that's a close-up of the notebook, correct?

GROGAN: Correct.

GERAGOS: And then this one is the note that was found in the notebook also?

GROGAN: Yes. That's a separate document from what's photoed.

GERAGOS: I have no further questions. And I want the record to reflect that it's 1:42.

Redirect Examination by Birgit Fladager

JUDGE: Ms. Fladager, I want to remind you to keep your voice up.

FLADAGER: I will give a try. Remind me with a note.

JUDGE: Okay.

FLADAGER: All right. Detective Grogan, I'd like to go back and ask a few questions talking about the defendant's level of cooperation and some of the statements that he made to you. Mr. Geragos asked you did the defendant volunteer all of this various pieces of information during the interview you had with him on December 25th. Would you characterize that as volunteered information?

GERAGOS: When?

FLADAGER: December 25th.

GERAGOS: Can the term "volunteered" or "voluntary" be,

JUDGE: Well, it could have been the result of a question he asked him, rather than him volunteering something. Go ahead.

FLADAGER: That's what I'm getting at.

JUDGE: Okay. Overruled. Go ahead.

FLADAGER: Detective Grogan?

GROGAN: Mostly a question and answer interview.

FLADAGER: All right. For example, there was a question didn't he volunteer that he had been doing research on the Internet regarding fishing, is that right? Do you remember that question?

GROGAN: I believe so, yes. There's, in one of my reports is documented that he volunteered some information.

FLADAGER: And do you recall whether or not, during the service of the search warrant at his shop on December 27th, that there was, in fact, a piece of paper found on his desk that was a printout from the Internet dealing with,

GERAGOS: Objection. It's leading.

JUDGE: No, I'll permit it. Overruled. Go ahead.

FLADAGER: Thank you. Piece of paper on his desk at the shop dealing with a research on the Internet on fishing?

GROGAN: I believe there was something like that, yes.

FLADAGER: During the time that you had these various contacts with the defendant that Mr. Geragos asked you about, did there come a time when the contacts essentially became the defendant simply wanting something from you?

GERAGOS: Be an objection. It's leading.

JUDGE: No, I'll let her, I'll let her. He can say no to that. That's capable of a yes or no answer. Overruled. You can answer.

FLADAGER: Go ahead.

GROGAN: I'm sorry, the question is?

JUDGE: Okay. You want to, want to state the question again?

FLADAGER: I will. I'll try and rephrase it a little bit. The nature of your contact with the defendant in the terms of his cooperation with you change?

GROGAN: Yes. We spoke many times. We did in some of our, our later conversations, dealt, some with return of property, return of records, return of his vehicle. That sort of thing.

FLADAGER: Did he ask you, did he make any inquiries of you, say, on a daily basis about the status of your investigation into his missing wife?

GROGAN: On a daily basis?

FLADAGER: Yes.

GROGAN: No.

FLADAGER: Did he make those kinds of inquiries of you on a weekly basis?

GROGAN: No.

FLADAGER: Would you say he made those inquiries of you on a monthly basis?

GROGAN: That's, that's possible, yes.

FLADAGER: At some point when you were doing the initial investigation, were you interested in taking a look at jewelry that was being held at Edwards Jewelers?

GROGAN: Yes.

FLADAGER: And is that jewelry that Laci had dropped off to have worked on?

GROGAN: Yes.

FLADAGER: And did you ask Ms. Sharon Rocha to retrieve that jewelry?

GROGAN: I, I believe I may have. We wanted to look at that, that jewelry, and I think what happened is I sent some people over to try to collect it and we couldn't get it, and there was some photos taken later, something, something like that.

FLADAGER: All right. Going back to the defendant's statement on December 25th, Mr. Geragos asked you when the defendant told you it was primarily to take the boat out and put it on the water, is that right?

GROGAN: Yes.

FLADAGER: And he said that he did that for an hour?

GROGAN: Yes.

FLADAGER: On Christmas Eve?

GROGAN: Yes.

FLADAGER: By himself?

GROGAN: Yes, ma'am.

FLADAGER: On a day that was too cold to golf?

GROGAN: Yes.

FLADAGER: 90 miles from home?

GROGAN: Yes.

FLADAGER: And this is a boat he had never put in the water before?

GERAGOS: Be an objection. It's leading. It's argumentative.

JUDGE: Well, that's a leading question. Sustained. Try not to ask leading so we can avoid all the objections. Had he ever told you that he had put the boat in the water before?

GROGAN: No. That it had been, he had started the motor dry once, I believe was his statement.

FLADAGER: Thank you. During the interview that you had with him, there was some conversation and Mr. Geragos asked you about him backing, backing the trailer down. Do you remember that?

GROGAN: During one of my conversations with the defendant?

FLADAGER: Yes.

GROGAN: Yes.

FLADAGER: And was that before or after he had talked to you about the fishing experience that he had in the Bay?

GROGAN: That was after.

FLADAGER: And did he put that in any kind of context for you?

GROGAN: Yes. That, just that he had talked about, we were going through it in a chronological order what had - - what had happened that day, and it was after the, after the fishing and before he had left the room, yeah.

FLADAGER: Okay. You had an opportunity, opportunity, did you not, to take a look at the videotaped interview that Detective Brocchini did of the defendant?

GROGAN: Yes.

FLADAGER: And during that interview did you observe the defendant make a telephone call to his wife's cell phone?

GROGAN: Yes.

FLADAGER: And are you familiar whether a password is required in order to access a cell phone message on someone else's cell phone?

GROGAN: Yes. I think you have to key in numbers on the phone to get access and to get the, the voice mails off.

FLADAGER: In that interview, I have two photographs I'd like People's next in order.

JUDGE: Okay. That will be People's 281 A and B. Mark them 21 A and B.

FLADAGER: Detective Grogan, I'm showing you what's been marked 281 A and B. Do you recognize what those are photographs of?

GROGAN: Yes.

JUDGE: Start with 281

GROGAN: 281 A is a photograph that's been printed out off of a video that, it appears to be at the Modesto Police Department interview room, and it's an interview between Detective Brocchini and the defendant on December 25th. In the early morning hours. The second photograph is essentially the same thing, except it's, same interview, just a slightly different time period in the interview. And it's 281 B.

FLADAGER: In those photographs, Detective, can you clearly see the clothing that the defendant is wearing?

GROGAN: Yes, pretty well.

FLADAGER: And is he wearing brown trousers and a blue shirt?

GROGAN: Yes.

FLADAGER: And a brown belt?

GROGAN: Yes.

FLADAGER: Showing you what's been marked People's Exhibit number 7, clothes in a hamper, do you see those items in that photograph?

GROGAN: Yes, they appear to be the same.

FLADAGER: When you interviewed the defendant on December 25th and he gave you the chronological rundown of what he had done that day when he came home from fishing, do you remember that?

GROGAN: Yes.

FLADAGER: In terms of the order of that, when was it he first noticed that the dog, McKenzi, was in the backyard with the leash still attached?

GROGAN: That's when he's on his way into the home.

FLADAGER: And the first thing he does when he gets in the home?

GROGAN: I'd need to look at my report to be sure.

JUDGE: Go ahead.

GROGAN: It appears he noticed the bucket and mops inside the door by the washer and dryer, and he, I have here that he routinely emptied those out for Laci.

FLADAGER: Did he,

GERAGOS: What page are you looking at?

GROGAN: 114.

GERAGOS: Thanks.

FLADAGER: And he gave you a series, series of events that he did inside the house, correct?

GROGAN: Yes.

FLADAGER: When in the series of events that he gave you did he check the phone machine for messages?

GROGAN: I think that is after he had eaten pizza, taken a shower, and started to wash his clothes. Then he checked the messages on the phone.

FLADAGER: I'm showing you what's been marked People's Exhibit 37 double C. Can you describe that photograph?

JUDGE: People's 37?

FLADAGER: 37 double C, taken December 24th by Officer Lovell.

GROGAN: Yes.

FLADAGER: What's in that photograph?

GROGAN: Appears to be the washer and dryer in the Peterson home, in that converted garage area.

FLADAGER: So putting on the screen 281 A that you described, is that the defendant?

GROGAN: Yes.

FLADAGER: Is he wearing brown pants and a blue shirt?

GROGAN: Yes.

FLADAGER: And this was taken in the early morning hours of December 25th?

GROGAN: Correct.

FLADAGER: Taking a look at People's Exhibit 7, do you see what appear to be the same brown pants and the same blue shirt?

GROGAN: Yes, they appear consistent with what's in the photograph, from the, from the interview.

FLADAGER: Showing you what is 37 double C, are those the dirty rags that you told us that appeared to be on the top of the washing machine?

GROGAN: Yes. That's something that I think he told Detective Brocchini.

FLADAGER: All right. During your interview with, with the defendant on December 25th, he told you about the maid that they had, is that right?

GROGAN: Yes.

FLADAGER: And did he tell you the schedule that she had for when she would come to the home to clean?

GROGAN: Yes. He said from about 9:30 in the morning until about 2:00 in the afternoon on Mondays.

FLADAGER: On December 26th, after you had secured the search warrant, you said you met the defendant at his home, is that right?

GROGAN: Yes.

FLADAGER: During the interview that you had with him, he said something to you that Mr. Geragos asked you about about the smell of Laci in the bed, do you remember that?

GROGAN: Yes. I think that's on a, a different day, however.

FLADAGER: Okay. Can you find that for us?

GROGAN: It's on page 140.

GERAGOS: Thank you.

GROGAN: And it's the, on the evening of the 26th.

JUDGE: It's what?

GROGAN: On the evening of the 26th.

JUDGE: This is an interview with the defendant?

GROGAN: Actually, it's a phone conversation.

JUDGE: It's a phone conversation. You had an interview with him on the 26th, and then he called you or you called him on the 26th?

GROGAN: An interview on the 25th and on the 26th, after we served the search warrant.

JUDGE: After the warrant?

GROGAN: Yes.

JUDGE: Did you call him? Or did he call you?

GROGAN: He called me.

JUDGE: Called you. Go ahead.

FLADAGER: During the course of that conversation, did you ask him the question that led to this response?

GROGAN: Yes, I did.

FLADAGER: What did you ask him?

GROGAN: I asked him if he had been able to get any sleep since this started, since Laci's disappearance.

FLADAGER: And his response?

GROGAN: He told me he didn't sleep well in a different bed, and at least, he at least at home had the, the comfort of the smell of Laci in their bed.

FLADAGER: Were you aware that he was talking to Amber Frey during this time period in December?

GROGAN: At that time I was not, no.

FLADAGER: Mr. Geragos asked you about Laci Peterson talking to a broker in San Luis Obispo, and that's Bates stamp 22376. Do you recall that?

GROGAN: Yes.

FLADAGER: And what was the time frame for that inquiry?

GROGAN: Since the, the inquiry that Laci made in San Luis Obispo, correct?

FLADAGER: Yes.

GROGAN: That was May 13th of 2002. It's, it's dated.

FLADAGER: And the price range of property that was being looked into was what?

GROGAN: The price range was 400 thousand to 600 thousand.

FLADAGER: Mr. Geragos also asked you a question about an interview with Rene Tomlinson that was done by Kevin Bertalotto, Bates stamp 10459. During, do you have that interview in front of you?

GROGAN: Yes.

FLADAGER: During that interview didn't Ms. Tomlinson indicate that Laci,

GERAGOS: Objection. Leading.

JUDGE: That's leading.

GERAGOS: All these questions are leading. I'm not objecting to every single one, but,

JUDGE: I understand, but you objected now, so I have to sustain the objection, okay?

FLADAGER: What, if anything, was said regarding Laci staying at home?

GROGAN: There's some indication that Laci planned to, to be a stay-at-home, mom and some information that Laci had said she was feeling tired or run down.

FLADAGER: Did she indicate whether she, was there any indication about whether she would be working or not?

GROGAN: It says that she wasn't planning on working after she had the baby.

FLADAGER: We're going to talk a little bit now about Laci walking. Specifically regarding the interview that Deputy Boyer had with her that you were present for.

GROGAN: Okay.

FLADAGER: And he made some inquiries about when Laci would walk, is that right?

GROGAN: Yes.

FLADAGER: Did you inquire of the defendant or did Boyer inquire of the defendant when it was that Laci last walked in the Dry Creek area? Third paragraph from the bottom on 136.

GROGAN: Yes.

FLADAGER: When was that?

GROGAN: He said it was Friday, to the best of, of his memory.

FLADAGER: Okay. And what did the defendant say about the very last time was that he had walked with his wife?

GROGAN: That he had last walked with her a week ago Monday, which I, I noted as December 16th in the report.

FLADAGER: Was that prior to the trip to Carmel?

GROGAN: Yes.

FLADAGER: You were asked some questions about an interview and Laci being pushed in a wheelchair at Disneyland? Do you remember that?

GROGAN: Yes.

FLADAGER: Did you ever have the opinion that Laci Peterson was incapable of walking?

GROGAN: No.

FLADAGER: Did you ever have the opinion that she couldn't walk?

GROGAN: No.

FLADAGER: Or that she wouldn't walk?

GROGAN: No.

FLADAGER: What were your thoughts about her walking or her taking walks in relation to this case and your investigation?

GROGAN: Just that the, the information we had from the, the records that she had with her doctor and, and in other family members or witnesses, there wasn't anyone, aside from the defendant, that said that she had walked recently that I'd seen.

FLADAGER: Okay. Now, you write fairly detailed reports, is that correct?

GROGAN: I try to.

FLADAGER: And take detailed notes as well?

GROGAN: I try to.

FLADAGER: When Chris Boyer was indicating the items that he were going, he was going to take as scent items, you indicated earlier that you were writing each of those items down, is that right?

GROGAN: Yeah, I think so.

FLADAGER: And the defendant was happy about that, or pleased in some fashion?

GROGAN: Yes. I don't know that I'd,

GERAGOS: I would object to the characterization. That is leading, argumentative.

JUDGE: It is leading, sustained.

FLADAGER: How was, describe the defendant's reaction to your writing down the various items that were being taken by Deputy Boyer.

GROGAN: I think, I don't know. The way that, that went was we had started to go through what items were going to be taken, and, and I was continuing to take notes. And he just, he looked at me and he said I want something to the effect he was glad that I was writing it down or I was keeping track of what was being taken.

FLADAGER: And at some point a receipt was mentioned, is that right?

GROGAN: Yes.

FLADAGER: And was one prepared?

GROGAN: Yes.

FLADAGER: During the course of that, did you observe the defendant's reaction to something being written on a table?

GROGAN: Yes. I saw that, to my memory Boyer was writing out a receipt on the table, and something was slid over for him to put under it.

FLADAGER: By the defendant?

GROGAN: Yes.

FLADAGER: Were you present or were you made aware of the defendant's reaction to Detective Brocchini opening the Land Rover door into his truck side?

GERAGOS: Objection. That's compound.

JUDGE: No, overruled.

GROGAN: I was not present. I was made aware of it.

FLADAGER: And what was it that you were made aware of?

GROGAN: That when Detective Brocchini was searching the defendant's truck on the evening of the 24th, he opened the door of the truck and that it swung out far enough that it struck the vehicle next to it, or was leaning against the vehicle next to it, and that the defendant asked him to put a glove or something between the door so that it wouldn't touch the other vehicle.

FLADAGER: And this is while his wife is freshly missing?

GERAGOS: Objection. Leading. Argumentative.

JUDGE: Well,

GERAGOS: Argumentative.

JUDGE: It's argumentative. Sustained. The jury can draw their own conclusions.

FLADAGER: This is the evening of the 24th?

GROGAN: Yes.

FLADAGER: On December 30th you interviewed Sharon Rocha and Ron Grantski, is that correct?

GROGAN: December 30th?

FLADAGER: Yes.

GROGAN: Yes.

FLADAGER: And we'll take a look at Bates stamp 164. Mr. Geragos asked you about what Sharon knew of Laci's plans for the day, is that correct?

GROGAN: Yes.

FLADAGER: And you detailed those on page 164?

GROGAN: Yes.

FLADAGER: And what were those?

GROGAN: I have here that Sharon told me that on the day of Laci's disappearance she planned to walk the dog and bake gingerbread cookies.

FLADAGER: Did you subsequently prepare a correction to that report?

GROGAN: Yes.

FLADAGER: Referring to Bates stamp 40508. And what was the correction?

GROGAN: After Sharon Rocha had read through some of the reports that, where I had detailed statements that she made, she made some corrections to the, to the statements, or added information. And on that she said that she only knew that information about Laci's plans when I asked her on the 30th, because that's what the defendant had told her on the evening of the 24th.

FLADAGER: You had an interview with the defendant that you tape recorded and you inquired about the jewelry that Laci had been wearing when he last saw her, correct?

GROGAN: Yes.

FLADAGER: Why is it that you tape recorded that interview?

GROGAN: Well, he, he had been interviewed by the first responding officers to complete the missing persons report. He completed the missing person report with Boyer. He had done an interview with myself and Agent Mansfield, but no one had anything on tape or documented on tape that would have his exact statement as to what he said she was wearing as far as jewelry.

FLADAGER: And during that interview that you had with him on December 30th, did he specify the exact jewelry that she was wearing when he last saw her the morning of Christmas Eve?

GROGAN: Yes. He made some, some comments about it, yes.

FLADAGER: Okay. If you need to pull that report, go ahead. I believe that was a December 30th. Page 167.

GERAGOS: On page two of eight of the transcript?

FLADAGER: No. In the report.

GERAGOS: In the report, not the transcript?

FLADAGER: Right.

GERAGOS: Can I just ask what Bates number.

FLADAGER: 167.

GERAGOS: 167?

GROGAN: He told me that she was wearing diamond earrings and that she had two diamondencrusted wrist watches, were gold, and that she was wearing one of them. And I think that's all that was discussed in that.

FLADAGER: These areas that we've talked about, the older, the screw-back diamond earrings, are those earrings that were reportedly inherited from the grandmother?

GERAGOS: Objection. Calls for speculation.

JUDGE: If he knows. Are they reported to be inherited from the grandmother?

GERAGOS: How could he possibly know what screw-back diamond earrings she was wearing?

JUDGE: That's not, that's not what she asked her. Not what she asked him. She asked him whether or not those diamonds were the ones that he found out were inherited from her grandmother. Right?

FLADAGER: Yes.

JUDGE: Yes. As a result of your investigation.

GROGAN: Through the investigation, the large screw-back diamond earrings were an inherited item. Those are the, the ones that are missing.

FLADAGER: I'm going to ask you a couple questions about the boat. Preface it with how long have you been a police officer again?

GROGAN: 18 years.

FLADAGER: And are you familiar with the laws as they relate to driving registered or unregistered vehicles on the highway?

GROGAN: Yes.

FLADAGER: If you drive a car with no current registration, can you be pulled over by the police?

GROGAN: Yes.

FLADAGER: If you drive a car and tow a boat with no current registration, can you be pulled over by the police?

GROGAN: Yes.

FLADAGER: Mr. Geragos asked you if you were able to determine where the second boat was, the other boat the defendant looked at and did not purchase, do you recall that?

GROGAN: Yes.

FLADAGER: And a follow-up investigation was done in regard to that boat, is that right?

GROGAN: That's correct.

FLADAGER: And was it determined that fairly, some repair work was needed on that boat?

GROGAN: Yes.

FLADAGER: Was that minor repair or major repair?

GROGAN: Based on the report, it was fairly minor repair.

FLADAGER: Whose responsibility is it to fill out a change of registration form when a vehicle is purchased?

GROGAN: The seller completes that form.

FLADAGER: How about the release of liability versus the registration? Can you give me the difference between the two?

GROGAN: Well, the release of liability is a document that's filled out by someone who sells a vehicle or a vessel, and, and it releases them from civil liability for the vehicle. They complete it, they send it in to the Department of Motor Vehicles, and that, then it's up to the person who has, has title or has purchased the, the vehicle or vessel to get it registered.

FLADAGER: So it's the buyer who has the duty to register?

GROGAN: Correct.

FLADAGER: When the defendant was talking to you about looking for this boat that he wanted to purchase, he mentioned to you about looking for, how, how did he look for it? What did he tell you?

GROGAN: I believe he said that he looked in the Modesto Bee online.

FLADAGER: Did he ever mention looking in the Fresno Bee online?

GROGAN: No.

FLADAGER: In December, the end of December, did you know what had happened to Laci Peterson?

GROGAN: No.

FLADAGER: Did you have pieces of information or items of physical evidence or circumstances that you were trying to put together?

GROGAN: Yes.

FLADAGER: How do you go about doing that?

GROGAN: Well, you start with the information that you have in an investigation, along with anything else evidencewise that supports, that tends to support something or tends to disprove it. And you work your way through that while interviewing people and seeing what makes sense and what doesn't.

FLADAGER: In hindsight do things tend to make more sense?

GROGAN: Certainly.

FLADAGER: For example, you talked about this idea that maybe chicken wire was somehow involved, do you remember that?

GROGAN: Yes.

FLADAGER: What was your thought process at the time?

GROGAN: Just the, the fact that it was in the truck and that he said it was new, 'he' being the defendant, and that it had the one wire that was loose and kind of hanging off, it wasn't wrapped tight, it looked like it had been released, I didn't know whether it had been used or not. It just didn't really match exactly with what he was saying. And then the fact that it's in the truck on December 24th, with all of the other things that were going on on that day.

FLADAGER: Mr. Geragos asked you about your theory as it related to the boat cover. Did you have some thoughts as to whether the boat cover had some kind of evidentiary value?

GROGAN: Yes.

FLADAGER: When did you begin to get that idea? And tell us why.

GROGAN: Well, when we served the search warrant on the 26th/27th, and we found it in the shed with the gas blower on top of it that was leaking, that seemed pretty odd.

FLADAGER: Why did that seem odd?

GROGAN: Well, it's not stored back with the boat. It was in fairly good condition, based on what the prior owner had said, and it was last in the truck on the evening of the, the 24th. Why it was moved out and put there and why it, why a leaf blower was on top of it seemed strange.

FLADAGER: Where was the boat cover found in relation to the blue tarp that was found at the house?

GROGAN: They were found in two different sheds on two different, two different ends of the property.

FLADAGER: Completely different sides of the house?

GROGAN: Yes.

FLADAGER: In the backyard?

GROGAN: Yes.

FLADAGER: Mr. Geragos asked you some questions about whether you thought she might be wrapped in it, do you recall that?

GROGAN: Yes.

FLADAGER: Was that a thought that you had?

GROGAN: Yes.

FLADAGER: In your experience as a police officer, have you been involved in the investigation of suffocation deaths?

GROGAN: Yes.

FLADAGER: Strangulation deaths?

GROGAN: Yes.

FLADAGER: Would you, necessarily, in your experience, expect to find blood or urine in a case where someone has been smothered or strangled?

GROGAN: Not necessarily.

FLADAGER: Were you trying to eliminate the defendant as a suspect in his wife's disappearance?

GROGAN: Yes.

FLADAGER: That was one of the goals?

GROGAN: Yes.

FLADAGER: At any time were you able to do that?

GROGAN: No, ma'am.

FLADAGER: Why not?

GROGAN: Because we continued to gather evidence, rather than the opposite.

FLADAGER: When you say you continued to, let me ask you this: When the defendant would talk to you and tell you things, could, did you eventually determine that some of those things just didn't add up?

GERAGOS: Objection. Leading. It's argumentative.

JUDGE: Overruled.

GROGAN: Yes.

FLADAGER: I want to talk about the cement. The defendant said he purchased cement to make this anchor, do you remember that?

GROGAN: Yes.

FLADAGER: What was it about that particular thing that he told you that didn't add up for you?

GROGAN: Well, the amount of concrete debris on top of the trailer. The rings on top of the trailer. Where, where - - where is the remainder of the concrete from the bag? Those are some of the reasons that it didn't add up.

FLADAGER: Now, the defendant did tell you that he made the anchor, the one anchor he talked about, in a plastic bucket, correct?

GROGAN: Yes, ma'am.

FLADAGER: Was a plastic bucket ever recovered at his shop that matched that anchor?

GROGAN: No.

FLADAGER: Did you find any other plastic buckets that matched the anchor?

GROGAN: No.

FLADAGER: Did you consider it a possibility that the defendant had lied to you about whether he actually went to the Berkeley Marina on December 24th?

GROGAN: Yes.

FLADAGER: Was that a factor in the searches that were ongoing in other bodies of water?

GROGAN: Yes.

FLADAGER: Why?

GROGAN: Well, there was a time period there from 8:30 p.m. on the 23rd, when Laci last spoke to her mother, and, by the defendant's statement, about 9:30 the next morning, that that was all open time period where we didn't know what was going on during that, that time. We considered the possibility, the possibility that something had happened to her late that night, that, that he had taken her somewhere or taken her body somewhere on the late evening, early morning hours of the, the 24th, and then used the fishing to Berkeley Marina as, as an alibi for what he was doing that morning.

FLADAGER: And that she might turn up someplace else?

GROGAN: Yes.

FLADAGER: Now, the 41 reasons that we talked about and that Mr. Geragos mentioned earlier, were those 41 reasons, let me ask it this way. Those were 41 reasons that what?

GROGAN: That we believed that Laci Peterson would be found in the San Francisco Bay and reasons why we should

GERAGOS: Did you press the silence button?

GROGAN: Why we should search, we should focus our search efforts on San Francisco Bay.

FLADAGER: And was that the San Francisco Bay as opposed to other bodies of water?

GROGAN: Yes.

FLADAGER: Lakes?

GROGAN: Yes.

FLADAGER: Reservoirs?

GROGAN: Yes.

FLADAGER: Canals?

GROGAN: Yes, ma'am.

FLADAGER: Rivers?

GROGAN: Yes.

FLADAGER: Mr. Geragos asked you about an e-mail that the defendant sent to Sharon Rocha. Do you remember that?

GROGAN: I think so.

FLADAGER: Bates stamp 409. Do you have that in front of you?

GROGAN: Yes.

FLADAGER: Now, that's associated with a flyer that's also attached there, which is Bates stamp 410, correct?

GROGAN: Yes.

FLADAGER: A flyer referencing a national Search for Laci Day to take place on Sunday, February 9th?

GROGAN: Correct.

FLADAGER: Would you read that e-mail for us.

GROGAN: Out loud?

FLADAGER: Yes, please.

GROGAN: It says: Mom, I have never taken the opportunity to apologize to either Ron or yourself for lying to you about my infidelity to Laci. I am truly sorry that I was not forthcoming with you immediately. I know that both our goals is to find Laci and Conner, I am hoping together we can do more than separate. I understand you are organizing a search this coming weekend, and you know that we are trying to put together a national search day this Sunday (I have attached the rough draft of the press release). I am wondering if you want to keep the two separate or try to combine them. Have you spoken with Sergeant Cloward, and, and has he given you an idea on where to search? I am hoping that any search is one that directs people's efforts towards finding her safely, targeting medical institutions, houses and the like, and the only possible end to this is them back in our arms. I received the change of address form for the fund and obviously will not contest this. I also received a message from detective Grogain (sic) regarding the lamps and photos, of course I am willing to share with you, correction, willing to share any photos with you, Laci loves her lamps and they should be in our home when we bring her home. For all of us, and more important for Laci we need to find her and bring her back

where she belongs, among us, we can do this if we can communicate and work together. Scott.

FLADAGER: Detective Grogan, do you remember when it was, approximately, that you first got word that the defendant was trying to sell the house?

GROGAN: I believe it was within about two to three weeks of Laci's disappearance.

FLADAGER: And was there, did you also learn of a request by the defendant of real estate agent Brian Ullrich to attempt to sell the house furnished?

GERAGOS: Misstates the evidence. It's Argain, not Ullrich. Ullrich is the insurance agent.

JUDGE: I think so. Rephrase it.

FLADAGER: Did you learn through the wiretap or through some other source that the defendant made an inquiry about selling the house furnished?

GROGAN: Yes, I'd heard that.

JUDGE: I'm going to take the afternoon recess, Ms. Fladager. Okay, ladies and gentlemen of the jury. We'll take the afternoon recess until 3:00 o'clock. Remember the admonition I've heretofore given you.

JUDGE: Let the record show the jury is in the jury box along with the alternates. The defendant is present with counsel. Miss Fladager.

FLADAGER: Thank you.

FLADAGER: Detective, going back to the February search warrant. At the conclusion of that warrant, or at some point during the service of that warrant, did you talk to the defendant about allowing Sharon Rocha into the house?

GROGAN: Yes.

FLADAGER: And what was his response? Bates stamp 529.

GROGAN: He told me that he wasn't going to allow permission for anyone to come into the home to look through items.

FLADAGER: Did you ask him if that specifically related to Sharon Rocha?

GROGAN: Yes.

FLADAGER: And what did he say?

GROGAN: He told me that he didn't want, told me that he would possibly meet with her in the future. But he didn't want her in the home on that day.

FLADAGER: And this is ten days after the e-mail you talked about, approximately?

GROGAN: I think that's correct, yes. Yes.

FLADAGER: During the course of the conversation that you had with him on February 18th, Mr. Geragos asked you about the defendant inquiring about the Longview, Washington, sighting. Do you remember that?

GROGAN: Yes.

FLADAGER: To your knowledge did the defendant go, ever go to the Modesto Police Department and ask to sit down and watch those tapes?

GROGAN: Not to my knowledge.

FLADAGER: In the course of your experience as a police officer, you told us you worked homicide cases, correct?

GROGAN: Yes, ma'am.

FLADAGER: And you worked missing persons cases?

GROGAN: Yes.

FLADAGER: Have you ever, in the your career, seen a response that you had at the Covena address on February 18th and 19th in any other missing person case?

GERAGOS: Objection. Vague as response to what?

JUDGE: Sustained. I don't know what you are talking about. Response to what?

FLADAGER: Media response.

JUDGE: Change it to that then.

FLADAGER: In terms of the media response to 523 Covena on February 18th and 19th, had you ever seen anything like that before in any other missing person case?

GROGAN: No.

FLADAGER: Mr. Geragos asked you a series of questions about an interview that you had with Ann Bird. Do you remember that?

GROGAN: Yes.

FLADAGER: She's a half sister of the defendant, is that correct?

GROGAN: I believe so, yes.

FLADAGER: And the various things that you were telling the jury, were those all things that Ann Bird said that the defendant told her?

GROGAN: I don't recall everything that I testified to in that, but the majority of it I believe were statements of Mr. Peterson to Miss Bird, yes.

FLADAGER: Did you put a lot of faith or weight in the various statements that Miss Bird was giving you?

GROGAN: No.

FLADAGER: Why not?

GROGAN: It was something that the defendant was telling her. And, you know, based on the information we had in the wiretaps it was clear that he didn't always tell everyone the truth.

FLADAGER: Did she tell you about a baby shower that was held for Laci down in Del Mar the day before Thanksgiving that year?

GROGAN: Did she say that?

FLADAGER: Yes. Bates stamp 36930.

GROGAN: Yes.

FLADAGER: And so the baby shower down there before Thanksgiving was the same time as the Disneyland trip that she had been talking to you about, is that right?

GROGAN: Yes.

FLADAGER: And for this Thanksgiving trip then, the defendant was in Disneyland and Del Mar, correct?

GERAGOS: There will be an objection. That's compound.

JUDGE: Sustained.

FLADAGER: Was the defendant down in Southern California during the Thanksgiving period?

GROGAN: Yes.

FLADAGER: Mr. Geragos showed you, it appears, some clips or transcripts of some interviews by family members of Laci shortly after her disappearance. Do you remember that?

GROGAN: Yes.

FLADAGER: And he asked you whether they made references to her in the past tense?

GROGAN: Yes.

FLADAGER: Could you, do you recall the context of any those particular statements as you sit here today?

GROGAN: You know, I don't remember. I'm sorry.

FLADAGER: Do you recall whether any of those that he showed you had a family member correcting themselves from past tense to present tense?

GROGAN: I didn't see that.

FLADAGER: When Mr. Geragos asked you about prior girlfriends that the defendant had had while he was married to Laci, and he asked you if the defendant said to those women, what the defendant said to those women, did he tell any of those women, any of those two women that he lost his wife?

GROGAN: No.

FLADAGER: I want to talk to you a little bit about this blouse. I'm going to show you what's been marked, again, People's Exhibit 7, and Defense Exhibit Quadruple Zero, which appears to be a black and white image closeup of the same photograph. I'm going to ask you if you would take a look at the sleeve portion of the blouse in those two photographs.

GROGAN: Okay.

FLADAGER: Do you see in the sleeve portion of the blouse an area where there is a hem?

GROGAN: Yes.

FLADAGER: And is it fairly obvious in the photograph where the hem is?

GROGAN: Yes, it appears to be.

FLADAGER: And have you take a look at People's Exhibit Number 10.

GROGAN: Okay.

FLADAGER: Have you had an opportunity to examine the hem?

GROGAN: Yes.

FLADAGER: What can you tell about the hem as it relates to the photographs that you have there?

GROGAN: It appears that the line in the photographs is fairly dark, and the stitching on the inside of that is black. It appears that the sleeve in these photos is likely inside out.

FLADAGER: Your Honor, I'd ask, if I could, to publish and pass to the jury the blouse and the photographs.

JUDGE: I think it's already in evidence. But if not, it's already been identified by Miss Rocha, and she's identified as that similar to the one the victim was wearing on the 23rd.

GERAGOS: I have no objection.

JUDGE: All right. There is no objection, so it can come in, publish it to the jury. Number 10 is in evidence.

FLADAGER: I'll pause for a minute to let them look at that.

JUDGE: Let them look at it. You gave them the photographs too?

FLADAGER: Yes, I did.

JUDGE: What are the numbers of the photographs?

FLADAGER: People's 7 and Defendant's Quadruple Zero, Quadruple O.

JUDGE: Do you have any objection to 7? That was identified by Miss Rocha as the blouse in the hamper. Do you have any objection, Mr. Geragos, just for the record?

GERAGOS: None.

JUDGE: All right. Number 7 can come in, take the same number. And what was the other number, Miss Fladager?

FLADAGER: People's Number 7.

GERAGOS: Quadruple O.

JUDGE: Quadruple O. That goes to the defense. Okay.

JUDGE: That's a photograph of the hamper with the clothes identified by Ducot. Go in evidence with the same number.

JUDGE: Go ahead, Miss Fladager.

FLADAGER: Detective Grogan, I'd like to ask you a couple of questions about recovery of the Target bag that Mr. Geragos asked you about. Did you have an opportunity to take a look at the diagrams that were prepared by Deputy Phillips in conjunction with his report?

GROGAN: Those are the ones that were shown on the screen?

FLADAGER: Yes.

GROGAN: Yes, I saw them in court. I don't know if I have them here.

FLADAGER: Going to refer you to Bates stamp 17053, which is the report itself. Did you have an opportunity to take a look at that?

GROGAN: I did look through this.

FLADAGER: Anywhere in that report does Deputy Phillips ever mention that he mentioned the smell of decomposition in that Target bag?

GROGAN: Not that I saw when I read it, no.

FLADAGER: In that report does he talk about running cadaver dogs by that bag and they don't hit on it?

GROGAN: Yes, there is mention of that.

FLADAGER: I'd like to show you next a photograph that's been marked as Defense Exhibit seven-zero, or 7O-2 and ask you if you remember looking at that photograph yesterday.

GROGAN: Yes.

FLADAGER: I'm going to put it up on the screen. Okay. At the bottom of the screen do you see some information, a date, perhaps some numbers, and a name, correct?

GROGAN: Yes.

FLADAGER: And the name down there is what?

GROGAN: Ducot.

FLADAGER: And she's one of your Community Service Officers, ID technicians?

GROGAN: Yes.

FLADAGER: And you indicated yesterday that she took that photograph, or you assumed she did, correct?

GROGAN: Yes.

FLADAGER: And is that because her name is at the bottom on this defense photograph?

GROGAN: Correct.

FLADAGER: And, in fact, do you see someone next to the truck in the upper left hand corner?

GROGAN: Yes.

FLADAGER: Who is that person?

GROGAN: That's Denise Ducot.

FLADAGER: So the name that's at the bottom of this defense exhibit is not,

GERAGOS: Wait a second. Defense exhibit? This was given to me by the prosecution. Is she trying to prove that,

JUDGE: The exhibit's marked,

GERAGOS: that is Rumpelstiltskin? I'll stipulate,

JUDGE: The exhibit's marked by the defense.

GERAGOS: It was given by them.

JUDGE: Do you want to move that into evidence?

GERAGOS: Yeah, I definitely want to move it into evidence. I'll move it in right now. I'll stipulate that they don't know what they are doing.

JUDGE: Grogan identified both of those yesterday, so we'll admit Defendant's 7O-1 and 2 into evidence, take the same number.

FLADAGER: Now, Detective Grogan, you weren't here earlier, I think, with some of the other witnesses. The numbers that are shown in some of these photographs that appear on the bottom of some of them, can you say whether or not, now that you have seen that photograph, they actually indicate who took the photograph, or the date of the photograph?

GERAGOS: You know, this is a dangerous road to go down, because they previously admitted maybe 50 of the prosecution exhibits based upon this is what the normal practice is. So are we going to now challenge every single exhibit we have had for two and half months?

JUDGE: Those are already,

GERAGOS: I believe he's now going to testify that the number on the bottom is meaningless.

JUDGE: Then it goes to the weight that the jury wants to put on it. If they come in evidence, it doesn't have to be the person who took the picture.

GERAGOS: Right.

JUDGE: Only somebody has to, I could even say that truthfully and accurately represents the scene as I saw it. You don't have to be the photographer.

FLADAGER: Correct.

JUDGE: If somebody testifies that, that's the way it looked, and that's a true and accurate representation of the way it looked on the day this event took place when he's observed the item, that lays the foundation. You don't need the photographer. I don't care whose name is on the bottom as long as the other part is identified. So you can go ahead and ask him anyway, but then the jury can put whatever weight they want.

FLADAGER: The only question I want to ask, Detective Grogan, is, as far as the numbers on the bottom, at least of that particular photograph, or the names associated with it, do you know, can you say that that's the person who took the photograph?

GROGAN: Clearly Denise Ducot didn't take that photograph. And the photographers really would be the people to try to identify them.

FLADAGER: As far as who took what photograph and when?

GROGAN: Correct.

FLADAGER: Thank you. Let's talk a little bit about the buoy that Mr. Geragos brought up the other day. And I'm going to direct you to Bates stamp 36381.

GROGAN: 36381?

FLADAGER: Yes. First page of the DOJ report.

GROGAN: Okay.

FLADAGER: All right. And in the summary portion of that particular report, is there information that led you to decide to check the buoys in the San Francisco Bay?

GERAGOS: Objection. Calls for speculation. It's vague and ambiguous.

JUDGE: He checked, he testified yesterday he checked buoy number four, not all the buoys.

FLADAGER: Let me ask the question another way. In the report that you have before you, Mr. Geragos asked you yesterday about you said there was some wood associated with some of the red paint that was found on the boat, correct?

GROGAN: Yes.

FLADAGER: And you made a comment that, looking at the notes of the criminalist might help, or that may also refer to the wood being present.

GERAGOS: He testified yesterday that the report said small piece of wood and some red specks. That's what he said.

JUDGE: He testified to that.

FLADAGER: And is there an indication there, as far as whether the wood was painted, or the wood was just in the red paint?

GERAGOS: Well, there is an objection. Now she's asking him to testify as to what the report says. He's not the person who prepared the report.

JUDGE: Again he considered it in his investigation. I'll permit it.

GROGAN: Well, this says that there is paint with a small piece of wood and some red specks.

FLADAGER: And is there an indication there as to the nature of the paint?

GROGAN: That it's an enamel paint, and listing some of the uses.

FLADAGER: And does it indicate that it contains lead?

GROGAN: Yes.

FLADAGER: And does it indicate that lead-based paint is still used for industrial, marine, and military uses?

GROGAN: Yes.

GERAGOS: How about maintenance, which it says in the report?

FLADAGER: Next, Detective Grogan, I'm going to, we're going to go back and talk about Mr. Harshman that we started out this morning talking about?

GROGAN: Yes, ma'am.

FLADAGER: Okay. Now this is the individual that Mr. Geragos asked you about a taped conversation that you had during, I guess in May of this year, is that correct?

GROGAN: Yes.

FLADAGER: And during the course of your followup investigation into Mr. Harshman's reported sighting, of seeing a man basically braced over a woman against a fence off of Scenic down by Claus, and then walking with her, or escorting her to the van, that whole series of events. Were you able to determine the day or the timeframe where he would have seen that?

GROGAN: It appears the date is December 28th, and some time between 2:00 and 4:00 p.m.

FLADAGER: And why is it you come to that conclusion?

GROGAN: Well, he said that his initial call into the Police Department was the same day that he made those observations. His call into the Police Department is on the 28th. Also, he said something initially. He estimated it was probably a week after she that she, being Laci Peterson, disappeared that he made these observations. And he said something about already seeing her in the media and there were flyers up. So clearly it wasn't the 24th.

FLADAGER: He reported seeing the flyers and the information in the media prior to actually seeing this event occur?

GROGAN: Correct.

FLADAGER: And in your investigation into Mr. Harshman, did you also review the daily log of contact at the Command Center that was provided by Sergeant Cloward?

GROGAN: Yes.

FLADAGER: And did you review the report from January 3rd, 2003, contacts from that day?

GROGAN: Yes, I have seen it.

FLADAGER: Specifically looking at the top of Bates stamp 41006.

GROGAN: I'm sorry just a moment

FLADAGER: And I have a copy I'd be happy to share with you if you can't find it.

GROGAN: That would help.

FLADAGER: Was there anything this that report, detective, which reaffirmed for you that this sighting, alleged sighting,

GERAGOS: Objection. Leading.

JUDGE: Well, I think it's, the way it's going is capable of a yes or no answer, so I'll permit it.

FLADAGER: Was there anything that report, detective, which confirmed for you that this sighting of Laci Peterson, in fact, occurred after December 24th, and was on or about December 28th?

GROGAN: Yes.

FLADAGER: What was that?

GROGAN: The log from the Command Post, which is dated January 3rd. When Mr. Harshman contacted somebody at the Command Post on that day, he said it was six days prior which, I believe, would be the 28th.

FLADAGER: 28th? Thank you. Next I have a couple of questions for you regarding Grace Wolf who we also talked about yesterday, or this morning. Do you have that information handy?

GROGAN: Okay.

FLADAGER: Detective Grogan, in her statement, let me go back. The first report she made to law enforcement about the sighting she thought she saw was when, to law enforcement?

GROGAN: Well, that was recently when we sent an investigator out to speak with her.

FLADAGER: So in December of 2002 she did not contact the Police Department?

GROGAN: No.

FLADAGER: And in January of 2003 she did not contact the Police Department?

GROGAN: No, ma'am.

FLADAGER: When she was finally interviewed either by the defense or by the Police Department, did she make a statement about when she had last seen the defendant walking with Laci, person she believed to be Laci?

GROGAN: And we're talking about her first interview that I have documented, which is a defense investigator's report?

FLADAGER: Do you have that?

GROGAN: I do have that. And you asked the time of day?

FLADAGER: The date when she said she saw the defendant Scott Peterson walking with Laci Peterson, she had contact withthem. And I refer you to the bottom of the last paragraph of the investigative report by Mr. Ermoian.

GROGAN: This must, yes, a subsequent report. I'm not seeing a date attached to it here. Let me see if it's in the report by,

FLADAGER: I have a report I can bring to you which might help.

GROGAN: Okay.

JUDGE: Maybe you ought to share it with Mr. Geragos.

GERAGOS: He has it there. He's got the same report. I looked at hers and looked at his.

GROGAN: Okay. I'm sorry, yes, it says the Sunday, prior to 12-24.

FLADAGER: Let's go back and talk about Mr. Freitas as well. Mr. Freitas who was driving the bread truck on Lola Loma Avenue.

GROGAN: Yes. Okay.

FLADAGER: Detective Grogan, do you remember the video that we showed the jury that showed the traffic within the La Loma neighborhood?

GROGAN: Yes, ma'am.

FLADAGER: And we saw traffic going up and down La Loma Avenue, is that right?

GROGAN: Yes.

FLADAGER: And the traffic as it headed into town at one point, did you, there was actually someone videotaping as a car was driving. Did it go up towards the round-about?

GROGAN: Yes.

FLADAGER: And is that just north of the bridge that, where La Loma crosses over the Dry Creek waterway?

GROGAN: Yes, ma'am.

FLADAGER: The traffic that runs through that area, are you familiar with it?

GROGAN: Yes.

FLADAGER: That is a fairly busy street?

GROGAN: Yes.

FLADAGER: The location of La Loma that Mr. Freitas indicated, about how far away would you say that is from the Covena address?

GROGAN: It would be an estimate. I would say maybe three quarters of a mile. I think it's the, it's about six blocks.

FLADAGER: From the Covena house to where Mr. Freitas indicated he thought he saw Laci Peterson?

GROGAN: Yes, ma'am.

FLADAGER: Let's talk a little bit about Homer Maldonado. Is he another person who claimed to have seen Laci Peterson?

GROGAN: Yes.

FLADAGER: And his claim was that he saw her up by a gas station by Covena and Camelia?

GROGAN: Miller and Camelia.

FLADAGER: In the various statements, let me back up. Did Mr. Maldonado give different statements on different days?

GROGAN: Yes.

FLADAGER: And initially did he give a description of the clothing that this woman was wearing?

GROGAN: In his initial tip, no.

FLADAGER: Did he later then call in again, or talk to someone else, and then say that she was wearing black pants?

GERAGOS: Objection. Leading.

JUDGE: Overruled.

GROGAN: Yes. In an interview with a defense investigator, he said that she was wearing dark pants and a light top. And it appears it was in an interview in January. I have seen the videotape of this as well.

FLADAGER: And the timeframe where he indicated he saw Laci Peterson was what?

GROGAN: In that report, or the initial tip?

FLADAGER: In the initial report.

GROGAN: In the initial tip it was 9:45 a.m. to 10:00 a.m.

FLADAGER: On the area that you have indicated for the jury earlier, correct?

GROGAN: Yes. One of the dots up there that's marked.

FLADAGER: And Grace Wolf indicated that she saw the person she thought was Laci Peterson on December 24th between 9:30 and 9:45?

GERAGOS: Objection. That misstates the evidence. And it's leading. And it's assuming facts not in evidence.

JUDGE: It's leading. I'll sustain the objection. What date, what time did Miss Wolf tell you that they saw Laci Peterson?

GROGAN: Sorry, your Honor. One moment. 9:30 and 9:45.

FLADAGER: And did Ms. Wolf put this person in black pants as well?

GROGAN: Yes.

FLADAGER: And Ms. Wolf indicated she saw this person at the intersection of Encina and Santa Barbara?

GROGAN: Yes.

FLADAGER: And approximately how far away is that from where Mr. Maldonado indicated that he saw the person he saw at 9:45, between 9:45 and 10?

GROGAN: Encina and Santa Barbar

FLADAGER: Where is that little one you put up, Mr. Geragos?

GERAGOS: You have the other one you marked.

JUDGE: I think the other one is more helpful to the jury, the one Mr. Geragos marked. She can project upthere, and I think it's, do you want to give her the number?

GERAGOS: She's got it.

JUDGE: I think it's there. That's much better.

FLADAGER: All right. I'm just going to point what.

JUDGE: M-1 is where Mr. Maldonado said he saw her. And,

FLADAGER: M-1 is Homer Maldonado.

GERAGOS: M-1 is Maldonado. F is Freitas, and W-1 is Wolf.

FLADAGER: Okay. Detective Grogan, on these particular sightings that we have been talking about, as well as the various other ones which are indicated on the diagram up there, do you consider any of these verifiable sightings?

GROGAN: No, ma'am.

FLADAGER: Of the ones that we are look at here on the screen, Homer Maldonado, Freitas, and Grace Wolf, given the timeframe of 10:08 to 10:18, would any of these work to be Laci Peterson?

GROGAN: No.

FLADAGER: With the distance between these locations and the Covena Avenue home, well, let me just ask it this way. Why wouldn't they work?

GROGAN: Well, none of them fall within that time range that I, that you just spoke of, 10:08 to 10:18. And they are spread out quite a distance away. La Loma Avenue, if you, when we watched the video the other day, starting from the house and driving over to La Loma, it takes a few minutes even to drive that. I didn't time it, but you watched it I think in real time at least once. It's a distance to walk.

FLADAGER: The various people who report seeing Laci Peterson, the majority of them and the folks we're talking about here specifically, put her in black pants?

GERAGOS: Be an objection. It's compound.

JUDGE: It's leading.

GERAGOS: It's leading.

JUDGE: What color description did the majority of the informants give you as far as what she was wearing?

GROGAN: I would say the majority match with black pants or white shirts, with the description that was released to the medi

FLADAGER: And of the people, talk about these folks here. Did any of them personally know Laci Peterson?

GROGAN: No.

FLADAGER: Is there any reason for you to think that any of these actually, and I'm referring to People's Exhibit 267.

JUDGE: The red dots.

FLADAGER: With the red dots and a few green dots, is there any reason to believe that any of those sightings are any more reliable than the dozens,

GERAGOS: Objection. Leading.

JUDGE: Overruled. He can answer yes or no.

FLADAGER: Is there any reason for you to believe that any of the sightings in that particular diagram within the City of Modesto are any more reliable or less reliable than the sightings in Exhibit 268B?

JUDGE: Which is, for the record?

FLADAGER: Which is for the sightings in the United States and various countries.

GROGAN: You know, the only factor that adds any additional credibility to those at all is that it's at least in her neighborhood.

GERAGOS: I would think so.

FLADAGER: Mr. Geragos also asked you about an interview with a woman named Kristin Reed. Do you remember that?

GROGAN: Yes.

FLADAGER: And do you have that report in front of you? Bates stamp 31183.

GROGAN: Yes.

FLADAGER: Does that relate to an interview with her which was conducted on September the 12th of 2003?

GROGAN: Yes, ma'am.

FLADAGER: And does Ms. Reed say anything there that gives you pause as the investigator in the case to really question her memory on this particular report? Referring specifically to the last paragraph on that page.

GROGAN: Yes, she does say that it could be the power of suggestion or something that I read when she's talking about her memory of the vehicle that she saw on the 24th.

FLADAGER: Mr. Geragos also asked you about a sighting by a woman named Victoria Pouches. And that's at 2426.

GROGAN: Okay.

FLADAGER: And did she give a timeframe for her reported sighting that Mr. Geragos described of the dog running loose?

GROGAN: Yes.

FLADAGER: And what was that?

GROGAN: Between 9:10 a.m. and 10:00 a.m.

FLADAGER: Did you have an interview with Sharon Rocha, I'm referring to Bates stamp 158, where you discussed whether Laci carried Mace or not?

GROGAN: Just one moment please. I found it. Just give me one moment to look through it. Yes, that's part of the December 30th interview, and we did discuss that.

FLADAGER: What was discussed specifically related to walking with or without Mace?

GROGAN: It said that, she said that Laci seemed to feel safe with the dog and did not carry OC spray or Mace.

FLADAGER: All right. Next I'm going to ask you about an interview Mr. Geragos referenced, statements by Diane Jackson. Do you remember that?

GROGAN: Yes, ma'am.

FLADAGER: And I'm going to refer you to a defense report. Do you have a copy of it? There is not a Bates number on it.

JUDGE: Remind the jury, this is the testimony that was off reports. A little different from the other.

GROGAN: All right, I have that report.

FLADAGER: What is the date of that interview?

GROGAN: I believe it's January 16th. Yes.

FLADAGER: The reports, in the course of that interview, is there any indication at all by Miss Jackson that she said she saw a safe?

GROGAN: No.

FLADAGER: Is there any indication at all in that interview that Ms. Jackson claimed to have witnessed a burglary?

GROGAN: No. It indicates that she made observations. And then she heard about the burglary and thought that the two individuals or these other vehicles and the burglary may be related.

FLADAGER: Is that because she saw a van?

GROGAN: Yes, it appears so.

FLADAGER: And that she saw three short, dark-skinned males by the van?

GROGAN: Yes.

FLADAGER: In the video that we saw of the traffic on Covena and on La Loma and Encina, do you recall seeing a number of different vans driving around in the traffic?

GROGAN: Yes, I think there is a few of them.

FLADAGER: I'm going to take you back real quick to that report with Ms. Reed, excuse me, Miss Jackson. What was the time of her reported sighting of these individuals by a van on Covena?

GROGAN: It's around 11:40 a.m., based on this report.

FLADAGER: On the 24th?

GROGAN: 11:40.

FLADAGER: During the search warrant of February 18th and 19th, and I'm going to refer you to Bates stamp 2159 and 2242.

GROGAN: Okay.

FLADAGER: Was there any linen, or specifically were there any pillow cases, anything reported to be missing or not present?

GROGAN: There is an indication here just of a pillow with no pillowcase.

FLADAGER: And there were several indications of pillows with pillowcases?

GROGAN: Yes.