Witness: Jon Evers

Date: 2004-06-15

Proceedings held June 15, 2004

Called by: People (prosecution)

Phase: Guilt

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

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: I'm just going to go ahead and mark these next in order so we have them available.

JUDGE: Do you want to describe them for the record?

DISTASO: I will. The first one is Berkeley Marina receipt.

JUDGE: Berkeley Marina receipt that will be People's number 53.

DISTASO: And he then the next one is going to be a missing persons report.

JUDGE: Okay. That will be People's 54.

DISTASO: Finally, the last one, I'm just going to mark a diagram of the location of 1027 North Emerald in Modesto, the defendant's warehouse.

JUDGE: That will be 55.

GERAGOS: Is that up on the board?

JUDGE: It's already been marked. What's the address?

DISTASO: 1027 North Emerald.

JUDGE: 1027 North, is that the location of the warehouse?

DISTASO: Yes. Officer Evers, where are you currently assigned?

EVERS: Detective at Modesto Police Department.

DISTASO: Your current assignment is Detective Evers; is that correct?

EVERS: That's correct.

DISTASO: On December 24th of 2002, were you working in the Detective Division at that time?

EVERS: No, I was not.

DISTASO: What were you assigned to at that time?

EVERS: I was working patrol.

DISTASO: And were you assigned to go to the East La Loma Park area in regards to a missing persons investigation?

EVERS: Yes.

DISTASO: Did that involve Laci Peterson?

EVERS: Yes, it did.

DISTASO: Let just start at the beginning I'm going to go through this question-and-answer way. Just start at the beginning. You are on duty somewhere in the city, correct?

EVERS: That's correct.

DISTASO: And do you remember where you were?

EVERS: Yosemite Boulevard and like South Santa Cruz Avenue.

DISTASO: And you got the call to go to where?

EVERS: The call came out at 523 Covena. But the comments in the call were there was a missing lady down at the park, the East La Loma Park, or Dry Creek Park.

DISTASO: And did you go to that area?

EVERS: Yes.

DISTASO: And when you say the comments came out, just so the jury is clear, you have those little computer terminals in your vehicle?

EVERS: Yes.

DISTASO: And as the call's coming in, are you getting information on the Teletype there?

EVERS: Yes.

DISTASO: So you went down to East La Loma Park. Is that the area by the tennis courts?

EVERS: Yes.

DISTASO: The jury has seen a million pictures of that. We don't need to go through that.

EVERS: Okay.

DISTASO: You went down to the park. Where did you park?

EVERS: Across from the tennis courts, closer to the covered patio area, or picnic area.

DISTASO: And what happened next?

EVERS: Well, I saw a group of people down in the park, and I saw a smaller group closer to the parking lot wave me down.

DISTASO: You went over there?

EVERS: Yes.

DISTASO: Were you in a marked black and white unit?

EVERS: Yes, I was.

DISTASO: So they knew you were, were you in full uniform?

EVERS: Yes, I was.

DISTASO: So they knew you were a police officer, obviously?

EVERS: Yes.

DISTASO: What happened next?

EVERS: Well, there was, I met with this group. There was a lady who was very upset. She was hysterical. Crying. There was another lady that was standing next to her consoling her. There was maybe one or two other persons standing there. So I got out of my car and walked up to them.

DISTASO: Do you know, the woman who was very hysterical, was that Sharon Rocha?

EVERS: Yes, it was.

DISTASO: Go ahead. What happened next then? You walked up to the group?

EVERS: They were just saying that Laci was missing. They were very upset about it. And from behind them, a gentleman walked from behind this group with a dog on a leash.

DISTASO: And was that the defendant in this case, Scott Peterson?

EVERS: Yes.

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

EVERS: Yes, I do.

DISTASO: Do you, go ahead, what happened next?

EVERS: He walked up to me and said that his name was Scott Peterson, and that his wife, or he was the wife of Laci. She was missing.

DISTASO: Okay. He didn't tell you he was the wife, correct?

EVERS: No. I'm sorry.

DISTASO: Go ahead. Go ahead, tell me what happened.

EVERS: He said that Laci was his wife, and she was missing.

DISTASO: Okay. What happened next?

EVERS: Well, I pulled him to the side and, you know, basically just asked him what happened.

DISTASO: And before we go on to that, do you have the printout or Teletype in front of you about what time you arrived at the park?

EVERS: Yes, I do.

DISTASO: What time was that it you arrived there, do you remember?

EVERS: It was about eleven minutes after six.

DISTASO: Go ahead, what happened next?

EVERS: Well, in a nutshell, Scott told me that he had been fishing all day in the Bay Area. I asked him, well, when is the last time you saw your wife? He said this morning before he left, and that she was getting ready to walk the dog. And she generally walked, she went to the park, and that's where she was going. He said that when he got home, she wasn't there.

DISTASO: Now, when you were down there in the park, and you were getting this kind of initial statement, was that for the purpose of taking a detailed statement from him? Or was that just to get the general flavor about what was going on?

EVERS: Just to get a general flavor, trying to get like a timeframe of what we're talking about, how long she's been missing.

DISTASO: After you found out that, the last place that Scott Peterson had seen his wife, what did you decide to do?

EVERS: Well, go back to the house and make sure that she, in fact, was missing from the house and start the search from there, work outwards.

DISTASO: Why did you do that?

EVERS: Well, there was a couple of different reasons. First of all, I wanted to make sure that she wasn't in the house, and she just wasn't missed, or something. Also to do a complete, systematic search. Start where she was last seen, and work outwards.

DISTASO: And after, I forgot to ask you this. How long have you been a police officer in the State of California?

EVERS: About seventeen years.

DISTASO: That's currently, right?

EVERS: Yes.

DISTASO: So a year and half ago it would have been fifteen and half, sixteen years, something like that?

EVERS: Yes.

DISTASO: What happened next then? What's the next thing you did?

EVERS: We went back to the house.

DISTASO: And who you say "we", who is that "we"?

EVERS: There was two other officers and a sergeant that came to assist me on this call.

DISTASO: What were their names?

EVERS: Officer Letsinger, Officer Spurlock, and Sergeant Duerfeldt.

DISTASO: And so you go back to 523 Covena; is that right?

EVERS: That's correct.

DISTASO: To get back to 523 Covena, did you drive through the park to get back there?

EVERS: No.

DISTASO: So how did you, just briefly, can you tell us how you went back to the house?

EVERS: I just exit the park on Edgebrook, took a couple of side streets over to Covena.

DISTASO: And do you know, when you got to the house, did you see Scott Peterson there?

EVERS: Eventually.

DISTASO: When you first got to the house was he there?

EVERS: No.

DISTASO: Do you know, I mean, do you know how he got back to the house?

EVERS: No.

DISTASO: Okay. What time did you get back to the house? Was that on your printout as well?

EVERS: Yes.

DISTASO: And what time was that?

EVERS: About twenty-five minutes after six.

DISTASO: When we're talking about this printout, is that something that dispatch keeps as just kind of a running log? You are calling in about where you are, and what's going on?

EVERS: Yes, that's correct.

DISTASO: What happened next then? Did, you get back to the house, what happened?

EVERS: Well, I decided to do a quick sweep of the house, make sure there was, you know, she wasn't in there, or there was no evidence of something, or tried to determine, you know, the nature of the missing person.

DISTASO: Okay. What did you do?

EVERS: Officer Spurlock, Officer Letsinger, and myself went into the house, and basically cleared it, checked it room-to-room.

DISTASO: When you say clear the house, does that mean you looked in places where someone could, potentially could be?

EVERS: That's exactly correct.

DISTASO: If you look back at People's 38 right behind you, you don't need to get up, you can see it from there. Take this diagram. Can you just briefly walk the jury through where you went when you were in the house?

EVERS: When I went? Okay. This is the front of the house. This is the courtyard, courtroom. I came through the courtyard, through the front door. I stood right here. I stood right here, watched this hallway while Officer Spurlock and Officer Letsinger went this direction, and cleared this part of the house. When they were done, they came up. We then went up the hallway towards the rear of the house, looked in the bathroom, looked in the master bedroom, looked in this, in the second bedroom, and then the third bedroom, which was a nursery. Checked in there. Came back out, and then we got out here in the backyard, looked around this patio area, checked the pool, walked around the back, checked the spa, and came down the side of the house, and then checked around there. And then that was it.

DISTASO: Okay. And just, so, for reference, just because it's not on here, can you write "Fence" where this fenceline and this line is? Just write "Fence" and "Fence", so we know they are not interior walls, exterior walls? Okay, thanks. Okay, after clearing through the whole house what's the next thing you did?

EVERS: Well, I didn't see, you know, we didn't see any obvious evidence of a struggle or anything that happened inside the house. So just to make sure, since I didn't live there, we didn't live there, we had Scott Peterson, who did live there, come in with us. And we just did a walk-through room-to-room with him.

DISTASO: Before we get to that, did you take a more detailed statement from Mr. Peterson, other than that kind of initial figuring out what's going on, did you sit down at some point and ask him for a more detailed itinerary of what happened that day?

EVERS: Well, that was part of the walk-through. And first started in front of the house. And we just kind of talked as we went through the house. But, yes, I did.

DISTASO: Okay. Before we get there since, you know, I don't want to break it up too much, let's just go through what it was that he told you while you were kind of doing this walk-through about what was going on that morning. Just start from the beginning. What's the first thing he told you?

EVERS: Well, he said that morning him and Laci watched a show on TV. That was Martha Stewart. He decided that he was going to go fishing. And so he went to his, he went to his shop.

DISTASO: Let me stop you. Did he tell you what time it was that he left the residence to go to the shop?

EVERS: Yes. I was just going to get to that about 9:30 in the morning.

DISTASO: Okay. And, go ahead, what's the next thing he told you?

EVERS: He said he went to his shop. That's where his boat was at.

DISTASO: Did he tell you what his wife's plans were for that particular day?

EVERS: Yes. That she was going to walk the dog down to the park, do some shopping for some groceries, because they had a family dinner planned for that evening.

DISTASO: Okay. So he said he went to his shop, he said, to pick up his boat; is that right?

EVERS: That's correct.

DISTASO: And just for reference, we'll get to this in a minute, did you eventually go to the shop that night?

EVERS: Yes, I did.

DISTASO: People's 55. Do you recognize that is diagram of the shop? You can get up and look at it if you want to.

EVERS: Yes, I do recognize that.

DISTASO: And then, okay, what happened next. He went to the shop. Go on.

EVERS: Well, he said he picked up his boat and he headed off to the Bay Area. I asked him where did you go fishing in the Bay Area?

DISTASO: What did he say?

EVERS: He said he went to the Berkeley Marina.

DISTASO: All right. And did he say what time he got there?

EVERS: Just about noontime.

DISTASO: Did you press him for specific times? Or were you just kind of letting him give you the information?

EVERS: I just let him give me the information. I didn't press him for times.

DISTASO: What happened next?

EVERS: I asked him, well, who did you go fishing with? He said he went by himself. I asked him, how long were you fishing? And he said he fished for about two hours until it started getting rainy and cold, so he decided to come back.

DISTASO: All right. And did he tell you what he did when he decided to come back?

EVERS: Well, that he just loaded up his boat. He tried to call Laci a couple of times, once on her cell phone, once at home, on the way back.

DISTASO: Let me stop you there. Did he tell you when he tried to call her the first time?

EVERS: At the marina.

DISTASO: And did he tell you when he tried to call her the second time?

EVERS: When he was coming through Livermore.

DISTASO: All right. And did he say whether or not he was successful in getting ahold of her at all that day?

EVERS: He said that, no, he wasn't able to get hold of her.

DISTASO: Okay. And what happened next? What's the next thing he told you happened?

EVERS: Well, he went back to the shop, dropped his boat off. I asked him what time did you, and then he came home. And I asked him, "What time did you arrive back at your home?" He said about 4:30.

DISTASO: And what, okay, what's next? What's the next thing he told you?

EVERS: He said that, he said that Laci wasn't in the house. He figured that she was just out maybe doing some errands, or something. So he changed his clothes, and he put some clothes in the washer. He took a shower.

DISTASO: Let me stop you. Did he tell you, when he got home, did he notice anything about his dog?

EVERS: Yes, he did.

DISTASO: What did he tell you about that?

EVERS: He said that, he said that their dog was in the backyard, and the leash was still attached.

DISTASO: Did he say anything about the doors to the house being locked or unlocked?

EVERS: Yes, he did.

DISTASO: What did he say about that?

EVERS: He said the rear the rear French doors, or the doors that lead out to the patio, the backyard, which was French doors, were unlocked.

DISTASO: Okay. And can you show the jury, just point out those French doors if you see them there on the diagram that lead out there into the patio.

JUDGE: This is, use the pointer.

EVERS: Okay. Right here.

DISTASO: Okay. All right. What's the next thing he told you then?

EVERS: Well, basically he got, you know, couple of slices of pizza, he drank some milk. He then took a shower. After he was done with the shower, he started making some phone calls. And,

DISTASO: Did he tell you who he called?

EVERS: I think it was Sharon Rocha, Laci's mother.

DISTASO: And did he tell you what happened next?

EVERS: That was basically about it for the statement.

DISTASO: Okay. Okay. What's the next thing that happened? You said that the statement was going on while you were kind of doing the walk-through with him?

EVERS: Right.

DISTASO: Can you take the jury through what happened regarding that walk-through? Where did you go? You can use the pointer.

JUDGE: This is with Mr. Peterson now?

EVERS: Yes, your Honor.

DISTASO: Right.

EVERS: We came through the front door, kind of just walked into the dining room, looked around. I asked him, "Do you see anything out of place, anything that looks unusual?" He didn't see anything. Walked down the back hallway, looked in the bathroom. Same thing. "Do you see anything unusual, anything out of place?" No.

GERAGOS: Objection. Nonresponsive. Calls for narrative.

DISTASO: Just about to stop, judge.

JUDGE: Do it by question and answer. Overruled.

DISTASO: Okay. After the bathroom then, which room did you go to next? We'll do it room-by-room.

EVERS: Okay. Went to the master bedroom.

DISTASO: And did you do the same kind of thing? Look around, if anything looked like it's been out of place, or anything like that?

EVERS: Yes.

DISTASO: What did he say?

EVERS: No. Everything looked normal.

DISTASO: And you have been a police officer at this point for fifteen or sixteen years. Have you seen houses that have been burglarized or ransacked?

EVERS: Yes.

DISTASO: Did this house give any indication that that had occurred?

EVERS: No.

DISTASO: All right. So after you went to the master bedroom, what happened next?

EVERS: We went to this spare bedroom, or the second bedroom.

DISTASO: Okay. And same thing?

EVERS: Yes.

DISTASO: All right. What about the nursery?

EVERS: Same thing. Came into the nursery, looked around in there.

DISTASO: Okay. Same. And nothing really out of place. He didn't say anything was out of place?

EVERS: No.

DISTASO: In the master bedroom, well, actually let's keep going. Take us through the rest of the house. Where else did you go?

EVERS: We came out of the back bedrooms, down the hallway, through the sitting room, just looked around. Nothing missing. Came into the kitchen. And I opened up the refrigerator to see if there was any new food that she might have bought. And he said, no, that didn't look like there was anything new.

DISTASO: So you are the one that actually opened the refrigerator?

EVERS: Yes.

DISTASO: And he was standing there. You said, look, does it look like she's been to the grocery store, something of that nature?

EVERS: Yes.

DISTASO: All right. And he said no?

EVERS: Yes.

DISTASO: Okay. What happened next?

EVERS: Then we just came down into the living room, and kind of just same thing. Looked around. Nothing was out of place.

DISTASO: Did you see any white rags this on the washer and dryer?

EVERS: Yes.

DISTASO: And did you ask him about those?

EVERS: No.

DISTASO: Did you see a rug that was crumpled up against the doorway?

EVERS: Not at that time.

DISTASO: And let's go back to the master bedroom. At some point in this walk-through, did you ask Mr. Peterson, or did one of the officers ask Mr. Peterson about whether or not Laci's purse was there in the house?

EVERS: Yes.

DISTASO: And tell the jury what happened with that.

EVERS: Well, we wanted to find her purse to see if it was still there or not. Asked Scott, where does Laci usually keep her purse? He says usually either by the front door, or in the back bedroom.

DISTASO: Okay. And obviously wasn't by the front door?

EVERS: That's correct.

DISTASO: Okay. Where was it?

EVERS: It was in the master bedroom, in the master closet.

DISTASO: And were you present when Officer Spurlock went, put the purse on the bed and went through the items with Mr. Peterson?

EVERS: Yes.

DISTASO: What happened next then? Actually, let me stop you. Did Mr. Peterson, after looking at the items, said, yeah, her ID and money and keys and personal effects were present?

EVERS: Yes.

DISTASO: What happened next?

EVERS: Well, we put the purse back, and then we just came out back outside.

DISTASO: Did, when you were walking out with, after you were walking to back outside, did Officer Spurlock stop you and whisper some information to you?

EVERS: Yes.

DISTASO: What did he say if?

GERAGOS: Objection. Hearsay.

JUDGE: Explain his conduct?

DISTASO: That's right, your Honor. Later conduct when he talks to Detective Duerfeldt.

JUDGE: Not offered for the truth. To explain his subsequent conduct, whether it's reasonable or not. You can tell us what Officer Spurlock told you.

EVERS: Officer Spurlock told me that, that Scott was unable to tell him what kind of fish he was fishing for in the Bay Area, and what kind of bait he was using.

DISTASO: And did you, at that point, question Mr. Peterson about that?

EVERS: No.

DISTASO: Did you later, when Detective Brocchini showed up,

GERAGOS: I wonder why it was that we got that in for, if it wasn't for the truth of the matter? What did he do subsequent to that? That's what we want to, based on what information? There is a question about it. He said no.

DISTASO: I haven't got there yet.

JUDGE: I think it's premature, Mr. Geragos. Go ahead.

DISTASO: Did you later pass that information on to Detective Brocchini?

EVERS: Yes, I did.

DISTASO: What happened next then after,

GERAGOS: I would renew the objection again. There is no subsequent conduct. All he did is play telephone with the two officers. That isn't an exception to the hearsay rule.

JUDGE: If he calls up Brocchini, tells him about it, isn't that conduct on the part of this officer?

GERAGOS: No. All you are doing is getting it in for the truth of the matter.

JUDGE: No, I don't think so. Overruled. Go ahead.

DISTASO: At that point then, you said that Scott Peterson left the residence?

EVERS: Yes.

DISTASO: And then did, what did you and Officer Letsinger and Officer Spurlock do next?

EVERS: Well, we were still in the house. Sergeant Duerfeldt came in, and we just round-tabled what we had saw.

DISTASO: And did you tell him basically all the information you have just told us? Did you give that to Sergeant Duerfeldt?

EVERS: Plus a couple other additional things.

DISTASO: Okay. And what happened next?

EVERS: We then came out to the front of the house.

DISTASO: And, all right. You guys, all three came out, and what happened next?

EVERS: A decision was made to call out detectives.

DISTASO: Do you know who made that decision?

EVERS: Sergeant Duerfeldt.

DISTASO: And Sergeant Duerfeldt was the ranking officer at the scene at that time?

EVERS: Yes, he was.

DISTASO: And, okay, what happened next? What's the next thing that you personally did or saw?

EVERS: Well, while waiting for detectives, we are also waiting for the helicopter to arrive and search the park with a FLIR.

DISTASO: And what happened next then?

EVERS: Basically just hanging out in front of the house, because we had an order to get everyone out of the park, because the helicopter would be flying over with the FLIR. We needed to get everyone out of the park. And while we're waiting, Scott's father-in-law came walking up.

DISTASO: And on the 24th of December, do you know who that person is now, as you sit here today?

EVERS: Yes, I do.

DISTASO: Is that, who is that?

EVERS: Mr. Ron Grantski.

DISTASO: Do you see him in court here today?

EVERS: Yes, I do.

DISTASO: At the time you only knew him as Scott's father-in-law?

EVERS: Yes.

DISTASO: Before I go on to that, let me just ask you this question I forgot to ask you. Prior to this night, prior to December 24th, 2002, had you ever met the defendant in this case, Scott Peterson?

EVERS: No.

DISTASO: Did you even know he existed?

EVERS: No.

DISTASO: And what about Mr. Grantski?

EVERS: No.

DISTASO: Or Sharon Rocha?

EVERS: No.

DISTASO: So did you have any connection with any of these people at all prior to December 24th, 2002?

EVERS: No.

DISTASO: What, tell the jury what happened when Mr. Grantski came walking up to whoever? Just talk us through that, tell us what happened.

EVERS: He came walking up. He, then he said something about, you know, "Were you able to get your golf game in today?"

DISTASO: And who was present in this group when this was going on?

EVERS: Myself, Officer Spurlock, and Officer Letsinger.

DISTASO: What happened next? I'm sorry. Was the defendant present?

EVERS: I'm sorry, yes.

DISTASO: What happened next?

EVERS: Scott answered him.

DISTASO: And what did he say?

EVERS: If I could refresh my memory from my report.

DISTASO: Did you write a report about this incident so you could use it to refresh your memory later?

EVERS: Yes, I did.

DISTASO: And at the time you wrote the report, was the incident more fresh in your mind?

EVERS: Yes.

DISTASO: Okay. Go ahead look at it, read to yourself. Let me know when you are done.

EVERS: Okay.

DISTASO: What, as best as you can recall, what did the defendant say when he was asked about this golf game?

EVERS: Well, he hesitated in his response. And he said, "I didn't play golf today. It was too cold. I went fishing instead."

DISTASO: And did Mr. Grantski say anything in response to that?

EVERS: He said something like, "Boy, 9:30 or ten, that's kind of late to go fishing."

DISTASO: And did the defendant say anything in response to that? What did he do?

EVERS: From what I can remember, he didn't say anything. He just kind of turned and walked away.

DISTASO: What's the next thing that you did in this particular case?

EVERS: Well, probably wait until Detective Brocchini arrived.

DISTASO: And where were you doing that?

EVERS: Just in front of the house.

DISTASO: So while you were waiting for Detective Brocchini, nobody told you to go down and search the park, or anything like that?

EVERS: No.

DISTASO: And do you have any memory, as you sit here today, what time Detective Brocchini arrived?

EVERS: I think it was about 9:30.

DISTASO: And what happened next, then?

EVERS: Well, he arrived on scene, and I met with him along with Sergeant Duerfeldt.

DISTASO: Did you brief Detective Brocchini on the information you had learned so far?

EVERS: Yes.

DISTASO: And then did that include the information that Officer Spurlock told you?

EVERS: Yes.

DISTASO: As well as any of the other officers you had talked to?

EVERS: Yes.

DISTASO: Of the three of you, of officer, yourself, Evers, Letsinger and Spurlock, who was the one who basically was in charge or responsible for giving Detective Brocchini the rundown of what you had learned up to that point?

EVERS: That was me. I was the primary unit.

DISTASO: And what does that mean, "Primary Unit"?

EVERS: Well, I was responsible for handling the call. Because it was dispatched to me, I held the responsibility of handling that call.

DISTASO: And Officer Letsinger and Spurlock were assisting units?

EVERS: That's correct.

DISTASO: What happened next then? Brocchini comes, Detective Brocchini comes, you brief him on what happens, then what happened?

EVERS: We do a walk-through with just Brocchini.

DISTASO: And walk-through of what?

EVERS: The house.

DISTASO: And did you do basically the same thing that you had done before, you took defense Brocchini to each of the rooms, looked through each room, and,

EVERS: Yes. Pointing out different items, and stuff, yes.

DISTASO: And do you know which items it was that you pointed out to Detective Brocchini?

EVERS: Yes.

DISTASO: And go ahead and tell the jury about that.

EVERS: Well, in this courtyard, when we first entered, there was a bucket with two mops in there. In the front room, or then we went in the front room, went back into the master bedroom, showed him where the purse was hanging on the peg inside of the closet.

DISTASO: Let me stop you. When you showed him where the purse was, did either of you at that time touch the purse or look in the purse?

EVERS: No.

DISTASO: Okay. What happened next?

EVERS: Then went into the second bedroom. And in the closet there, there was two bags, like two duffle bags that had, looked like had been disturbed. Pointed those out to Detective Brocchini.

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

EVERS: Just came back down to the house or, you know, back towards the front of the house towards the sitting room, showed him where the towels were. These wet, white, terrycloth towels were on top of the washer.

DISTASO: What happened next?

EVERS: And that was basically it. Just --

DISTASO: And then did you and Detective Brocchini go out of the house?

EVERS: Yes.

DISTASO: Same way, through the front door, and then back through that courtyard gate?

EVERS: Yes.

DISTASO: What happened next, then?

EVERS: We met with Scott, who was standing in front, his front yard.

DISTASO: So Mr. Peterson was still, was he in the courtyard area, or was he in the front lawn area?

EVERS: He was in the driveway, over here somewhere.

DISTASO: Okay. And can you put on there, let me see if that has any, can you just write on there the lawn, lawn where, maybe like here, and then this is obviously the ne 9 driveway. So that's okay.

EVERS: Right.

DISTASO: Okay. So you met with Mr. Peterson. And what happened next?

EVERS: Well, Detective Brocchini, you know, introduced himself, and basically told him that he was going to investigate this from this point forward, and that he wanted, he wanted Mr. Peterson to accompany him inside the house and, you know, do a walk-through.

DISTASO: And when the detective arrives, at that point who takes responsibility for the investigation? You, as the patrol officer, or the detective?

EVERS: The detective.

DISTASO: Once the detective arrives, who, let me ask you this way. Once Detective Brocchini arrived, did you write the information that happened with Detective Brocchini in your report?

EVERS: No.

DISTASO: And why is that?

EVERS: He covers what he does, I covered what I did, and just not to mess up the investigation,

GERAGOS: May I have a moment with counsel?

JUDGE: Sure. (PAUSE IN PROCEEDINGS)

GERAGOS: Thank you, your Honor.

DISTASO: Okay. Officer Evers, you took, and at that point, then, did Detective Brocchini go back in the house with Scott Peterson?

EVERS: Yes.

DISTASO: Did you go with him?

EVERS: Yes, I did.

DISTASO: What happened next? Just take us through that. We can go room-by-room again if you want to. That seems to be the easiest.

EVERS: Okay. Well, basically same thing. Went through the front door, went back down the hallway to the master bedroom, went to where the purse was at. And Detective Brocchini, he picked up the purse, opened it, looked through it, and put it back, you know, he put it back on the peg.

DISTASO: When Detective Brocchini was looking through the purse, did he show any items to Mr. Peterson, do you remember?

EVERS: Yes.

DISTASO: And just asking, "Are these your wife's personal effects?"

EVERS: Yes.

DISTASO: And the defendant said that's her stuff, right?

EVERS: Exactly, yes.

DISTASO: What happened next?

EVERS: We went from, you know, the master bedroom, you know, to the second bedroom. And Detective Brocchini asked him about these bags that were in the closet.

DISTASO: Do you remember what the defendant said, if anything?

EVERS: He said, he said something like, well, he's just a slob. You know. Just they were just there because he was a slob.

DISTASO: Okay. What happened next then?

EVERS: Well, there was just more conversation between him and Brocchini.

DISTASO: I'm sorry. Let me stop you. Do you remember, off the top of your head, if you don't, I don't want you to guess. Do you remember what that conversation was about?

EVERS: About some weapons.e DISTASO: Okay. What happened next then?

EVERS: Walked into the nursery, looked, same thing. Looked around.

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

EVERS: We came out of the nursery, came down the hallway towards the dining room, towards the sitting room, kind of just looked around there, you know. Came into the kitchen, looked around there.

DISTASO: And let me stop you. When you went into the kitchen, you looked around, and did you ever go, before we move on to the house, I want to make sure I ask this. Did you ever go with Mr. Peterson out into the backyard and walk through the backyard with him?

EVERS: I don't remember.

DISTASO: What happened next then, go through the kitchen? You said you looked around the kitchen?

EVERS: Just looked around the kitchen. And Brocchini asked some questions. Came down into this living room area, went to the washer and dryer. Detective Brocchini, he asked about, you know, the clothes that were in the washer and the towels that were on top of the washer.

DISTASO: And what did the defendant say about those?

EVERS: He said that he had been fishing all day. He got wet, and he came home, and he took the towels that were in the washer, put them on top of the washer or the dryer, and he washed his set of clothes that he was wearing.

DISTASO: Did you see Detective Brocchini look into the washer to check for that?

EVERS: Yes.

DISTASO: Did you actually go over and look, yourself, into the washer?

EVERS: Yes.

DISTASO: Okay. And did you see some clothes in there?

EVERS: Yes.

DISTASO: All right. And did anybody ask Mr. Peterson, "Are those the clothes that you wore fishing today?"

EVERS: Yes.

DISTASO: And he said they were?

EVERS: Yes.

DISTASO: What happened next?

EVERS: Well, we're kind of in this, we're in this living room area. And, for the first time, I see this scrunched-up, or crumpled-up rug in front of this door. And it was pushed all the way against the door which leads into the back patio.

DISTASO: Do you remember, was the door open or closed?

EVERS: It was closed.

DISTASO: Okay. What happened next?

EVERS: I thought that was kind of odd, this was pushed up against the door. And Scott was standing close to me. And I said, "Hey, Scott, is that rug always like that?" And he said, "Oh, the cat and dog must have been playing in here."

DISTASO: Okay. And what happened next?

EVERS: Well, he took like one or two steps, Mr. Peterson. He took like the one or two steps forward, took his top of his foot, and he put it on the corner of the rug and tried to pull it out and straighten it out.

DISTASO: And what happened next then? Well, let me stop you there. Did you question him any more about that, or that was it?

EVERS: No, that was it.

DISTASO: Okay. What happened next?

EVERS: From what I can remember, there was conversation between Brocchini and Scott Peterson about going out to look at the cars. They he wanted to go and look inside the cars.

DISTASO: Who wanted to go look?

EVERS: Detective Brocchini.

DISTASO: Do you remember where that conversation was taking place?

EVERS: If I remember right, it was inside the house still.

DISTASO: What happened next then? You are still inside the house, right?

EVERS: We'll still inside the house. And we just came out to the front, and Detective Brocchini started looking through the cars that were there.

DISTASO: And do you remember, you see these cars parked on the picture here?

EVERS: Yes.

DISTASO: Do you remember which one Scott Peterson identifies as his car?

EVERS: Yes.

DISTASO: And it was a truck?

EVERS: Yes.

DISTASO: Can you just put "SP" for Scott Peterson's truck, where that is?

EVERS: Okay.

DISTASO: All right. And then do you remember what kind of car the other one was?

EVERS: Like a green Range Rover.

DISTASO: Did he identify whose that car was, who that car belonged to?

EVERS: Yes.

DISTASO: Who was that?

EVERS: His wife, Laci.

DISTASO: Just put "LP" for Laci Peterson for where that car is. Okay. And go ahead and have a seat. And what happened next?

EVERS: Well, Detective Brocchini was searching the cars.

DISTASO: Okay. And when that was going on, were you involved in searching the cars, or were you just hanging back, letting Detective Brocchini do his, do whatever he was doing?

EVERS: I was just hanging back and letting him do what he needed to do.

DISTASO: And who also was present when that was going on?

EVERS: Scott Peterson.

DISTASO: Okay. And what happened next? What's the next thing you saw, or which car he searched first?

EVERS: It was Laci's car.

DISTASO: Did you see him go inside and look through it?

EVERS: Yes.

DISTASO: What happened next?

EVERS: I asked, I had a just a quick conversation with Scott about where he went fishing today. He said Berkeley Marina.

DISTASO: Okay.

EVERS: And he said, in fact, I have a parking receipt, would you like to see it?

DISTASO: And what did you say?

EVERS: I said yes.

DISTASO: Okay. And did he go somewhere and get a parking receipt for you?

EVERS: Yes, he did.

DISTASO: Do you know where he went?

EVERS: Yes, I do.

DISTASO: Where was that?

EVERS: He opened up the, he opened up the door to his truck, and reached in, and pulled a receipt from the ashtray.

DISTASO: Okay. Let me show you what's been marked as People's 53. Do you recognize that item?

EVERS: Yes, I do.

DISTASO: And does it say on there what time the person, whoever got this receipt, bought the receipt?

GERAGOS: Objection. Document speaks for itself.

JUDGE: Well, he can read it off of there as well.

DISTASO: Is it on there?

EVERS: Yes.

DISTASO: Go ahead and read it.

EVERS: 12:54 p.m. December 24th.

DISTASO: And does it say when that parking receipt expires?

EVERS: Yes.

DISTASO: When was that?

EVERS: 11:59 p.m. Tuesday, December 24th, 02.

DISTASO: Okay. Detective Evers, what you were reading from was the time on here, which is right there?

EVERS: Yes.

DISTASO: Okay. And then the expired time is the bigger time; is that right?

EVERS: That's correct.

DISTASO: Let me see if, is there anything, the price was, says five dollars?

EVERS: Yes.

DISTASO: After he gave you that receipt, what happened next?

EVERS: I handed the receipt to Detective Brocchini.

DISTASO: And did he just take it then?

EVERS: Yes.

DISTASO: Okay. What happened next?

EVERS: Brocchini was still, you know, searching Mr. Peterson's truck.

DISTASO: And, again, were you involved, other than getting the receipt, were you involved in searching Mr. Peterson's truck?

EVERS: No.

DISTASO: What happened next?

EVERS: Well, when the search of the truck was done, Detective Brocchini asked Scott about going to his shop to go look at his boat.

DISTASO: And Mr. Peterson had already told you that's where he stores the boat?

EVERS: Yes.

DISTASO: Okay. What happened next?

EVERS: Well, I got, well, Detective Brocchini told me I need to go with him to Scott's work to, you know, to go look at the boat. I then got a phone call from records telling me about the missing person report needs to be turned in.

DISTASO: Let's go into that now. Your Honor, I don't know when the Court wants to take a break.

JUDGE: We'll go to 10:15.

DISTASO: Take a look at People's 54. Let me show Mr. Geragos, just so you will know.

GERAGOS: This is the two page,

DISTASO: Yeah.

GERAGOS: Thank you.

DISTASO: Let me show you what's been marked as People's 54. Do you recognize that document?

EVERS: Yes, I do.

DISTASO: And that's a copy of the missing persons report that you filled out that day?

EVERS: Yes, it is.

DISTASO: Okay. Okay. The information that's contained on there, who did you get that information from?

EVERS: From Mr. Scott Peterson.

DISTASO: Okay. And can you tell the jury what, why are these forms filled out? What's the purpose of them?

EVERS: That's how we document a missing person at the Modesto Police Department, which is also used to enter it into our computer system, the statewide CLETS system.

DISTASO: And what's that, what's the statewide CLETS e 17 system?

EVERS: Well, it's a database that law enforcement has access to, when you run someone's name, and they come back with wants or warrants, come back as missing person, or, there is the missing person component to it.

DISTASO: So it's, in a nutshell it's a statewide database where you put in information about certain individuals?

EVERS: Yes.

DISTASO: That way, I guess, missing persons case, somebody found, someone that matches the information on there, they would have this information, they could call you up and say, hey, we might have found the missing person?

EVERS: Yes.

DISTASO: Let's just go through it. Can you see it from back there?

EVERS: Yes, I can.

DISTASO: Okay. Has Laci's name on the front, correct?

EVERS: Right.

DISTASO: And date that she went missing?

EVERS: Right.

DISTASO: And you put 1804. What does 1804 mean?

EVERS: I think that was an error. And I think I looked at the wrong time to begin with on my screen. And that was the time I approximately talked to Scott originally.

DISTASO: Okay. That would have been down in the park?

EVERS: Yes.

DISTASO: I think you testified that your terminal said that you got to the park at 1811, which would have been 6:11. What's that, there is obviously a discrepancy. Can you explain that?

EVERS: Well, I would have to refer to the actual log, actual call log.

DISTASO: Did you have it in there?

EVERS: Yes, I do.

DISTASO: Go ahead.

EVERS: What, now, this printout of the call is the same printout that we have in our car. But we don't have printers in our car. So we have a screen. So what I think what I did was, I was filling out the report in my car. I get out, and I talked to Mr. Peterson. And I pulled up the first screen on my computer, and it had the on-scene time of 1802. I estimated, okay, maybe two minutes later I actually talked to Scott Peterson for the first time. So that's how I arrived at that 1804 hours.

DISTASO: Did Scott give, race, height, weight, where did that information come from?

EVERS: Scott.

DISTASO: Okay. And hair color, eyes, date of birth, age. And then let's go to here. What clothing description did Mr. Peterson give you that she was wearing?

EVERS: He told me that she was wearing a white, long-sleeved shirt and black pants.

DISTASO: And did Mr. Peterson tell you that, or as far as you could tell from this investigation, that he was the last person to have seen Laci that morning?

EVERS: Yes.

DISTASO: Then what jewelry did he say that Laci was wearing?

EVERS: He told me that she was wearing a diamond ring, diamond earrings, and a diamond necklace.

DISTASO: And he said she had a tattoo of a sunflower on her left ankle?

EVERS: Yes.

DISTASO: And a large scar on her torso?

EVERS: Yes.

DISTASO: Why do you ask for that information?

EVERS: Well, worst case scenario, if a body was to show up somewhere in the state, there is another way to identify the body.

DISTASO: And he gave you the location last seen, which was

8 their home at 523 Covena?

EVERS: Yes.

DISTASO: Probable destination Dry Creek Park. Was, that was the area you were at?

EVERS: Yes.

DISTASO: Mental condition, stable? And why do you ask that? Why is that on the form?

EVERS: Well, some people could be, we call it suicidal. So maybe she might have, or missing person might have gone somewhere and committed suicide.

DISTASO: Dentist. Defendant wasn't unable to remember at that time the dentist?

EVERS: That's correct. That's correct.

DISTASO: Mr. Peterson, of course, is her husband. His phone. And what's the narrative here, can you just take us through that?

EVERS: Just a brief little synopsis, I believe, that is entered into the database hit. And what it says is, RP, for reporting party, husband, left MP, which is the missing person, Laci Peterson, at home at 0930 hours, which is 9:30 in the morning, and went fishing. RP returned home at 1630, which is 4:30 in the afternoon, that's military time, and discovered eight-month pregnant wife, MP, was missing.

DISTASO: So RP return. That would be Scott Peterson. Eight month pregnant wife, MP. That's Laci Peterson?

EVERS: Yes.

DISTASO: All right. So after dispatch called you and said, you know, we need to get this information. And why did dispatch call you and say we want this form?

EVERS: Well, on an, on a missing person call, there is time requirements to get them entered into the system.

DISTASO: Do you know what those are, off the top of your head?

EVERS: I think it's four hours.

DISTASO: And do you know what time,

EVERS: From the date of report time I have reported.

DISTASO: So from the time somebody calls and reports a missing person, you are supposed to have them into the system within four hours?

EVERS: Yes.

DISTASO: Do you know what time it was that dispatch called you and said, hey, I need this information?

EVERS: I think it was pretty close to eleven that night.

DISTASO: So you were about an hour over what the protocol calls for?

EVERS: Yes.

DISTASO: What happened next? You got this thing in the system. You dealt with that. What happened next?

EVERS: I followed Detective Brocchini over to Scott's business over on Emerald.

DISTASO: Go ahead. Do you remember what the address was?

EVERS: Yes.

DISTASO: What was it?

EVERS: 1027 Emerald.

DISTASO: Okay. And would it, I mean you can look at the diagram, if that would refresh your memory.

EVERS: Yes.

DISTASO: Go ahead, give us the straight address.

EVERS: Straight address. Okay. 1027 North Emerald Avenue.

DISTASO: All right. And that is at some other location in Modesto, correct?

EVERS: Yes, it is.

DISTASO: And how did you get there?

EVERS: I drove my police car.

DISTASO: And how did Detective Brocchini get there?

EVERS: He drove his unmarked detective car.

DISTASO: And who was with Detective Brocchini?

EVERS: Mr. Peterson.

DISTASO: And the detective cars for your police department are unmarked units?

EVERS: Yes.

DISTASO: That's standard?

EVERS: Yes.

DISTASO: What happened, well, let's set this up a little bit more. You get to this location. Can you describe it for the jury, what type of establishment it is?

EVERS: It's a commercial district, with warehouses and businesses.

DISTASO: Would it be fair to describe it as kind of a strip industrial complex, like little bays and offices down the line?

EVERS: That's a real good description, yes.

DISTASO: And so you went to one, and what time of night, just roughly? You don't need to tell me exactly. Was this,

EVERS: I think it was a little after, well, about 11:15, 11:30, somewhere in there.

DISTASO: Do you remember, was there anybody else around?

EVERS: No.

DISTASO: Christmas Eve, eleven something o'clock, you get there. It was dark, obviously?

EVERS: Yes.

DISTASO: Were there lights on in the parking lot of this area?

EVERS: Yes.

DISTASO: Okay. What happened next?

EVERS: We went to Mr. Peterson's unit.

DISTASO: And, okay. Go ahead. Go ahead. You went to his unit. What happened next?

EVERS: Well, we got out of the cars, obviously, and we went into the office.

DISTASO: How did you get into the office portion of this building?

EVERS: Mr. Scott Peterson opened up the door with a key.

DISTASO: I'm sorry. I was going to ask you. Do you know if he used a key?

EVERS: Yes, he did.

DISTASO: And so can you tell me, how is it lined up? Mr. Peterson is at the door with the key?

EVERS: Un-hun.

DISTASO: And then where is Detective Brocchini?

EVERS: He's behind him.

DISTASO: And then you are behind them?

EVERS: Yes.

DISTASO: And what, the defendant was, how would you describe him at this point? Cooperative, uncooperative?

EVERS: He was cooperative.

DISTASO: He agreed to let you into the warehouse?

EVERS: Yes.

DISTASO: You said you went into the office portion. We go to People's 55 here. You can stand up. And do you see what would be designated the office portion?

EVERS: Yes, I do.

DISTASO: And why don't you take that pen, this one is good for writing, and just draw a line, put "Office".

EVERS: Okay.

DISTASO: You said you went in the door portion of the

[17 lines of missing text]

<recess>

DISTASO: Detective Evers, the, we were kind of just getting to when you went to the shop with the defendant and Detective Brocchini, and you were kind of labeling these things. Can you just finish up these labels so we know? Just write an arrow over here where the roll-up door is, and if you can just write an arrow over here for "boat." Everybody knows what we're talking about.

EVERS: Okay.

DISTASO: Okay. Thanks. So, now, you said that you had gone to the, gone to the office and Mr. Peterson had opened the door leading into the little office, correct?

EVERS: That's correct.

DISTASO: Okay. What happened next?

EVERS: Well, all three of us went into the office.

DISTASO: All right. And what happened when you got inside there?

EVERS: Detective Brocchini asked if there was any lights.

DISTASO: And what did the defendant say, if anything?

EVERS: He said that there was, like, no power to the business.

DISTASO: Okay. And did you, what were you using to see at that time?

EVERS: Flashlights.

DISTASO: Okay. Who had flashlights?

EVERS: Detective Brocchini and myself.

DISTASO: And what happened next?

EVERS: Well, I stayed close to the man door. Detective Brocchini was talking to Mr. Peterson, asking questions, looking around.

DISTASO: What happened next, I'm sorry, was that, that was in the office area?

EVERS: Yes, it was.

DISTASO: Okay. What happened next?

EVERS: There was a conversation about a fax.

JUDGE: About a what?

EVERS: A fax, your Honor.

JUDGE: Fax.

EVERS: Yes.

DISTASO: Okay. Go ahead.

EVERS: And then eventually the roll-up door was opened.

DISTASO: And do you know who opened that?

EVERS: You know, I do not know.

DISTASO: Okay. What happened next then?

EVERS: Well, the roll-up door was opened, Detective Brocchini, he moved his car and turned the headlights on to, to, you know, illuminate the inside of the warehouse.

DISTASO: So, so his lights, his, his car was, was facing the roll-up door with the headlights on, shining into the shop?

EVERS: Yes.

DISTASO: Okay. And where were you?

EVERS: I was outside the man door on the outside.

DISTASO: Okay. So you were kind of standing like over here somewhere?

EVERS: Yes.

DISTASO: And his car was facing in?

EVERS: Yes.

DISTASO: And what happened next?

EVERS: Well, I saw the boat. We saw the boat. And Detective Brocchini started looking around the boat, asking Mr. Peterson some questions.

DISTASO: Okay. And what was, where was Scott Peterson at this time?

EVERS: He was, he was inside the warehouse.

DISTASO: Okay. So Detective Brocchini and, and the defendant were inside this portion of the warehouse now?

EVERS: Yes.

DISTASO: And did you see him, you go up to the boat?

EVERS: Who?

DISTASO: Did you see Scott Peterson go up to the boat?

EVERS: Yes.

DISTASO: Okay. And did you see Detective Brocchini go up to the boat?

EVERS: Yes.

DISTASO: Okay. So they're both kind of looking in and Detective Brocchini is asking questions?

EVERS: Yes.

DISTASO: All right. And what kind of boat was it? I'm not asking you as a expert, but can you describe it for me?

EVERS: It was a 14 foot, you know, aluminum boat on a trailer.

DISTASO: And so it was parked on a trailer there in the warehouse?

EVERS: Yes.

DISTASO: And what happened next?

EVERS: Well, Detective Brocchini was asking some questions about some things inside the boat. Detective Brocchini, he took some pictures.

DISTASO: Okay. And when, did you pull up your car and face it into the shop, too?

EVERS: No.

DISTASO: Okay. What happened next?

EVERS: Well, we, we got done with the whole, the boat and the whole warehouse thing.

DISTASO: All right. So Detective Brocchini, just want to make sure I don't miss anything. He, he asked Scott Peterson some questions, or looked in the boat; you're standing outside the whole time?

EVERS: Yes.

DISTASO: Okay. And eventually, he takes some pictures, Detective Brocchini did?

EVERS: Yes.

DISTASO: And then they finish up with the boat and you all leave the warehouse?

EVERS: Yes.

DISTASO: Okay. So everybody goes out. And who shuts the roll-up door; do you know?

EVERS: I don't remember.

DISTASO: Okay. And do you remember how they came, everybody came out of the shop? Did they come out through the roll-up door?

EVERS: Yes.

DISTASO: And you remember that somebody shut it?

EVERS: Yes.

DISTASO: And then the man door leading into the office, was that, did somebody shut that door, too?

EVERS: Yes.

DISTASO: And what happened next?

EVERS: Detective Brocchini told me to go back to 523 Covena, back to the house and --

DISTASO: Okay.

EVERS: and check in with, with Officer Letsinger that was there.

DISTASO: Did you do that?

EVERS: Yes.

DISTASO: Okay. And where was Mr. Peterson at this time?

EVERS: Standing next to the unmarked detective car.

DISTASO: So they were, they were still at the shop?

EVERS: Yes.

DISTASO: At the shop Detective Brocchini says Hey, go back to 523 Covena, check in with Letsinger?

EVERS: Yes.

DISTASO: So you, you go ahead and get up and leave and do that?

EVERS: Yes, I do.

DISTASO: And then, and then what happened next?

EVERS: I went back to the 523 Covena street address and, let's see, Detective Brocchini, he wanted me to make sure that there was some items that were taken as evidence and make sure pictures were taken by the ID tech person.

DISTASO: Okay. Do you remember what items Detective Brocchini asked you to have the ID tech person take?

EVERS: Well, he, he just said Make sure that Doug Lovell takes the mop and bucket.

DISTASO: What happened next?

EVERS: Well, I went back, I went back over there to Covena.

DISTASO: Okay.

EVERS: To make sure that was done.

DISTASO: And after you did that, what's the next thing you did in this particular investigation?

EVERS: Went back to the police department, and I touched bases with Brocchini. I then went and grabbed something to eat real, real quick. I typed up my report, and then I was going to go and assist in the search.

DISTASO: Okay. Let me stop you there. So after you did these things, at the police station, did you go back somewhere to help in the search?

EVERS: Eventually, yes.

DISTASO: And do you remember when that was?

EVERS: I think it was about 3:00 in the morning.

DISTASO: Okay. Your, your report reads approximately 3:30. Would that be a, would that be a good estimate?

EVERS: Yes, it would.

DISTASO: And what happened when you got back to the house, you know, when you got back to this area, who talked to you?

EVERS: Sergeant Heller was organizing the search at that time. And he told me,

GERAGOS: Objection. Hearsay.

JUDGE: Well, again why is it being offered? Is it to explain his subsequent conduct?

DISTASO: Right. Actually, Judge. I can just kind of go right through it.

JUDGE: All right.

DISTASO: Sergeant, did Sergeant Heller give you some location to search?

EVERS: Yes.

DISTASO: Where was that?

EVERS: Moose Park.

DISTASO: Did you go ahead and search Moose Park?

EVERS: Yes, I did.

DISTASO: And where, just tell the jury where it was that you searched, you know, early in the morning there on the 25th?

EVERS: Moose Park is on the north side of the, of the creek, and I searched from the parking lot on the north side, the north bank, and went east as far as I could go, until the, until I couldn't go any further.

DISTASO: Okay. And is there some landmark there? You wrote a landmark there in your report. Do you want to take a look at it to see,

EVERS: Please, yes.

DISTASO: to see where you finished up?

GERAGOS: Referring to the December 24, 2002 report?

DISTASO: Yes, the last paragraph.

GERAGOS: Okay.

EVERS: Okay.

DISTASO: Where did you end up, you searched the north side of the park from Moose Park to about where?

EVERS: To the rear of the old Scenic Hospital.

DISTASO: And just so we kind of have it in our mind where this was, Covena would be, the Covena residence would be on the south side of the creek, correct?

EVERS: Yes.

DISTASO: Okay. So you searched the opposite side of the creek from Moose Park to roughly the rear of the old Scenic Hospital?

EVERS: Yes.

DISTASO: Along the creek bed?

EVERS: Yes.

DISTASO: Let me show you just a couple pictures that we went over yesterday regarding the, impact kind of with your testimony today. Let me show you some of those.

GERAGOS: Okay. Are you going to do it on here as well?

DISTASO: Yeah.

GERAGOS: Okay.

DISTASO: Take a look at, just take a look at People's EVERS: Is that a picture of the mop and bucket that you saw?

EVERS: Yes.

DISTASO: All right. And then I'm going to show them to you on the board in a minute. And is 37 DD, is that the rug that you were talking about that was straightened out?

EVERS: Yes.

DISTASO: And 37 CC, is that the rags?

EVERS: Yes.

DISTASO: All right. Let me show them to you just quickly on the screen. And this is 37 A; is that right?

EVERS: Yes.

DISTASO: Okay. So that's the mop and bucket you were telling us about?

EVERS: Yes.

DISTASO: And the, and the rug that you were talking about that you described on the diagram, was that the rug right here?

EVERS: Yes.

DISTASO: And when you said Scott Peterson pulled the rug out, is this the fashion that it ended up in?

EVERS: Yes.

DISTASO: And the rags on top of the washer and, that you saw, are these the rags right here?

EVERS: Yes.

DISTASO: And the rags were on top of, I think is that the washer right there?

EVERS: Yes, it is.

DISTASO: And you said Detective Brocchini looked inside the washer with Scott Peterson?

EVERS: Yes.

DISTASO: And how did they do that? Did they move the rags off the top, or did they just open it up and look in? Or how did that work?

EVERS: He opened it up and with the rags on top.

DISTASO: And looked inside there?

EVERS: Yes.

DISTASO: No further questions at this time, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good morning. Is it detective?

EVERS: Yes, it is.

GERAGOS: Good morning.

EVERS: Good morning.

GERAGOS: The, -- just a minute here. We've got kind of a tight, a tight fit. Okay. Now, these are the, do you have the exhibit book in front of you?

EVERS: Yes, I do.

GERAGOS: Okay. In the exhibit book, what exhibit number do we have up here on the screen? 37 something.

EVERS: 37 CC.

GERAGOS: Okay. Now, the first time that you saw these rags, did you, was that, see if I've got it right. You've been through this house three times; is that correct? That evening? Is that what you testified to? Once with Spurlock and Letsinger, once with Spurlock, Letsinger and Scott, and once with Brocchini and Scott?

EVERS: And once with Brocchini.

GERAGOS: Once with Brocchini. Is the once with Brocchini before Brocchini and Scott?

EVERS: Yes.

GERAGOS: Okay. So four times you were through the house?

EVERS: Yes.

GERAGOS: All four times did you see the, see the towels that are right here on the washer and dryer?

EVERS: No.

GERAGOS: Okay. When did you first see them?

EVERS: When I went through with Detective Brocchini.

GERAGOS: Okay. So when you went through with Spurlock and Letsinger, and that would have been some time between 6:30 and 7:00, you didn't see them then?

EVERS: Yes.

GERAGOS: That's correct?

EVERS: That's correct.

GERAGOS: Okay. And were you with them the whole time, you were, did you say you were the primary unit?

EVERS: Yes.

GERAGOS: Did I understand that correctly? The primary unit means out of the three of you, Letsinger, Spurlock and you, that you're the guy, at least at that point, that's in charge, correct?

EVERS: Yes.

GERAGOS: Okay. And when you went through with them, you didn't notice this with them the first time. Did you notice it the second time that you went through with Scott ne 22 Peterson?

EVERS: Um.

GERAGOS: I'm assuming not because you said the first time was with Brocchini?

EVERS: Yeah. No.

GERAGOS: Okay. So you didn't ask Scott, at least the second time when you, Letsinger and Spurlock went through, Why are these rags up there; is that right?

EVERS: That's correct.

GERAGOS: Okay. But when you went through with Brocchini, these rags were something that caught your attention as being somewhat suspicious, right?

EVERS: Yes.

GERAGOS: Okay. Did you later find out that the maid had used these rags the day before?

EVERS: I think overheard Mr. Peterson say something to that to Brocchini.

GERAGOS: Okay. And that these rags, in fact, he gave the name of Margarita Nava, the name of the maid, to Brocchini, didn't he?

EVERS: Yes, he did.

GERAGOS: Okay. And that was because, obviously, your collective, the collective group, you, Brocchini, Spurlock, Letsinger and yourself, thought Why are these rags up here, maybe he cleaned up a crime scene, right? That was going through your head, correct?

EVERS: Well, they were just wet rags on top of a washer. I didn't draw any conclusion at that time.

GERAGOS: Okay. Did you ever go and talk to Margarita Nava or find out that that's where she normally places the rags?

EVERS: No.

GERAGOS: Okay. Now, the, now, this rug, this is apparently not the way it was when you saw it the first time, correct?

EVERS: That's correct.

GERAGOS: Okay. And it's on the diagram right by the, what's marked as an unlocked door, correct?

EVERS: That's correct.

GERAGOS: Okay. And when it was like that, let's see, that would have been the time, not the, you didn't see it the first time you went in with Spurlock and Letsinger, right?

EVERS: No.

GERAGOS: You didn't notice it the second time you went in with Spurlock, Letsinger and Scott?

EVERS: No.

GERAGOS: But when you went in with Brocchini the third time you noticed it?

EVERS: No.

GERAGOS: So the fourth time with Brocchini you noticed it?

EVERS: Yes.

GERAGOS: And at that point you asked Scott It's all bunched up, and his response was?

EVERS: Said Oh, the cat and dog must have been playing here.

GERAGOS: Okay. You saw evidence that the cat and dog do go in and out of the house, correct?

EVERS: No.

GERAGOS: You didn't see a bed for the dog in the house?

EVERS: No.

GERAGOS: Did you see dishes for the cat in the house?

EVERS: I don't recall those.

GERAGOS: Okay. Now, when he, you say he took his toe and I assume stuck his foot out and moved the rug so that it wasn't crumpled. Did he do that right in front of you?

EVERS: Yes, he did.

GERAGOS: Okay. I mean he didn't say Hey, look over there, and then kind of move the rug, did he?

EVERS: No.

DISTASO: Objection. It's argumentative.

JUDGE: Overruled.

GERAGOS: Now, when he did that, and you came back and you collected, I'm going fast-forward, but there's all these other things that are happening, you go over to the warehouse, and come back to collect evidence, did you collect this rug?

EVERS: No.

GERAGOS: Because you didn't see any evidentiary value to it, did you?

EVERS: Not at that time.

GERAGOS: Okay. And do you know if it's ever been collected?

EVERS: I don't know.

GERAGOS: Do you know, did you see anything on this rug, I know it's, the picture's a little lightened, but did you see blood anywhere on it? Anywhere on this rug?

EVERS: No.

GERAGOS: Did you see fibers or anything anywhere on this rug?

EVERS: No.

GERAGOS: Did you see hairs or anything on that rug?

EVERS: No.

GERAGOS: Okay. Did you see anything that would indicate that that rug was an instrumentality in a homicide?

EVERS: At that time? Or another time?

GERAGOS: At that time when you went in there.

EVERS: No.

GERAGOS: Okay. And you didn't collect it, correct?

EVERS: I didn't, no.

GERAGOS: Well, you were the guy that was sent back to collect the evidence with Lovell by Brocchini, correct?

EVERS: No.

GERAGOS: Brocchini didn't say Go back and get evidence?

EVERS: No.

GERAGOS: Didn't tell Lovell what to do?

EVERS: No.

GERAGOS: So he never said that?

EVERS: No, he told me to go back to the house and make sure that what was told of them is done.

GERAGOS: What do you mean "what was told of them"?

EVERS: Well, it's my understanding that,

GERAGOS: I don't want your understanding. I just want what he told you to do.

EVERS: I just told you.

GERAGOS: He told you go back and make sure that what was told them is done?

EVERS: Well, he, he said make sure that they're done over there by taking the bucket and, you know, the photographs.

GERAGOS: Okay. Now, do you know where this location is right here that I've got in, up on the screen?

EVERS: Yes, I do.

GERAGOS: Do you know what that, is that the bathroom?

EVERS: Yes, it is.

GERAGOS: Is that connected to the master bedroom?

EVERS: No.

GERAGOS: Is it right next to it?

EVERS: Yes.

GERAGOS: Okay. Does that appear to you to be the bathroom that Laci Peterson would use?

DISTASO: Objection. Calls for speculation.

JUDGE: Sustained.

GERAGOS: Did you ask if that's Laci's bathroom?

EVERS: No.

GERAGOS: No? Well, did that appear, there's only two bathrooms in this house, right?

EVERS: Yes.

GERAGOS: The other bathroom's a small, what, half-bath that's towards the front of the house? Behind you --

EVERS: Yes.

GERAGOS: you can literally put your,

EVERS: That's correct.

GERAGOS: So it didn't appear to you that that's the bathroom that she's using, correct?

DISTASO: Objection. Calls for speculation.

JUDGE: Sustained.

GERAGOS: Well, did you ask Scott Peterson why is the curling iron up on the counter?

EVERS: I don't remember if I did.

GERAGOS: Okay. At that point did you know that she had been at the Salon Salon the night before?

EVERS: No.

GERAGOS: Did you know that her sister had been teaching her how to do a thing called the fun flip the night before?

EVERS: No.

GERAGOS: Okay. To which room is this?

EVERS: That's the master bedroom.

GERAGOS: Okay. Okay. Do you see that dark thing that's right there on the floor, right here?

EVERS: Yes.

GERAGOS: Do you know what that is?

EVERS: No.

GERAGOS: Would it shock you if I told you it was the bed for the dog?

DISTASO: Objection, your Honor. Calls for speculation.

JUDGE: Sustained.

GERAGOS: Okay.

GERAGOS: Did you inquire of anybody as to what this large black item is that's on the floor in the master bedroom?

EVERS: No.

GERAGOS: Okay. Is this the master bedroom also, another picture of it?

EVERS: Yes.

GERAGOS: Okay. Now, in that, could you point to the jury, for the jury where the bed is in the room on the diagram? In fact, if you could, could you draw it with the red pen, where the bed is situated in the master bedroom.

JUDGE: You know, Detective, I'm going to give you this. Got a little narrower point. Won't take as much space.

GERAGOS: And I've got up on the board, for the record, 37 I.

<early noon recess due to ill juror>

GERAGOS: Where we left off, not this court reporter, the other one is more friendly, was kind enough to give me the last question, which was you drawing where the bed was placed in the master bedroom; is that correct?

EVERS: That is correct.

GERAGOS: And if I can get to that. So in relationship to the closet, if I understand this correct, it faces just a little bit off center from where the closet is if you are lying down in the bed?

EVERS: From my memory, yes.

GERAGOS: Now, the, I think I established before the break, if I understand you correctly, that there were four times that you were in that house that evening; is that right? Go through them again: The Evers-Spurlock-Letsinger time, Evers-Spurlock-Letsinger-Peterson, Brocchini-Evers, Brocchini-Evers-and-Peterson. Does that do it in order correctly?

EVERS: The four walk-throughs?

GERAGOS: The four walk-throughs.

EVERS: Yes.

GERAGOS: Now, on time number one, it was a walk-through just to secure, and to see if there was anything in there; is that correct?

EVERS: Are we going, are we moving on to the new question? Because you asked me,

GERAGOS: First time were you in there.

EVERS: the total times I was inside the house.

GERAGOS: Yeah. I'm saying there is four times before you go to the warehouse, correct?

EVERS: There is also two additional times.

GERAGOS: Before you go to the warehouse?

EVERS: Yes.

GERAGOS: Okay. Let's explore that for a second. So is that after the last Brocchini-Peterson-Evers time, time number four, do you go in again after that?

EVERS: No.

GERAGOS: When was the other time?

EVERS: After I had done the walk-through with my partners, and were waiting for a detective to respond, and the phone rings on two occasions.

GERAGOS: Okay. When the phone rang, was that a phone inside the house?

EVERS: Yes.

GERAGOS: And you could hear that while you were outside?

EVERS: Yes.

GERAGOS: What did you do the first time?

EVERS: I escorted Mr. Peterson into the house where he answered the phone.

GERAGOS: Do you know who was calling?

EVERS: No.

GERAGOS: And then did you hear the conversation?

EVERS: No.

GERAGOS: And what did you do? Did you take him back out of the house?

EVERS: Yes. Hung up the phone, and we came back out of the house.

GERAGOS: Then the second time you went in the house was where, or in what order? The second time that we didn't talk about wasn't one of these four times?

EVERS: It was after the first phone call, I don't know, maybe ten minutes. Ten minutes later the phone rang again. I did the same thing, escorted Mr. Peterson into the house, where he answered the phone. He had a short conversation, and then I told him, well, you might as well take the phone with you. It was, it was one of those portable hand phones. He took it out with him.

GERAGOS: Did he do that?

EVERS: Yes, he did.

GERAGOS: Now, at some point, did you, I think you testified that you saw Brocchini and Scott Peterson doing something with the purse; is that correct?

EVERS: Yes.

GERAGOS: And what, let's just stick with the four times you did the walk-throughs. I'll, just for right now, for the jury and my sake, just forget about the two phone calls, because there was no walk-throughs on those, or anything else. Just answering the phone and bringing it out, right?

EVERS: That's correct, yes.

GERAGOS: Let's just talk about the four walk-throughs. That's all there was, correct?

EVERS: Yes.

GERAGOS: Now, which one of those walk-throughs is when you saw Brocchini with the purse? Not carrying the purse, or wearing the purse, but going through it.

EVERS: I believe it was the last one, when we had Scott with us.

GERAGOS: And were they in this room that we have got up here on the board, which is one of the 37 exhibits that shows the bed?

EVERS: Yes.

GERAGOS: And did they put the purse, or who put the purse on to the bed?

EVERS: I don't remember the purse ever being on the bed.

GERAGOS: Did they put items on to the bed?

EVERS: I don't remember any of the items being on the bed.

GERAGOS: Do you remember handling the items?

EVERS: Pardon me?

GERAGOS: Do you remember who handled the items?

EVERS: Detective Brocchini, if we're talking about the same,

GERAGOS: You saw this exercise with the purse to see what items were in there, with Detective Brocchini and Scott Peterson, right?

EVERS: I saw Brocchini open the purse, look inside the purse, kind of pick some things out, and put it back inside of the,

GERAGOS: Okay. And you heard Scott Peterson telling you things, didn't you, telling him things?

EVERS: Not that I can recall right now.

GERAGOS: Do you remember having Scott Peterson identifying certain things, or handling certain things, or Brocchini would hand him the item, he would tell Brocchini what it was?

DISTASO: Objection. That's compound.

JUDGE: It is. But I think he gets the picture. Did you remember whether or not Brocchini showed Scott Peterson any items from the purse and said, do you recognize this, do you know what this is?

EVERS: I remember Brocchini showing items to Mr. Peterson. I never saw Peterson handle any of the items inside the purse.

GERAGOS: Did you, do you have a memory of that, either way, as you sit here?

EVERS: Yes.

GERAGOS: Now, the, when you first walked in and you saw this picture right here, which is, I think, 37-A, which is the bucket and the two mops you noticed this on your first trip into the house?

EVERS: Yes.

GERAGOS: And that was with Spurlock and Letsinger?

EVERS: Yes.

GERAGOS: You did not notice any wetness; is that correct?

EVERS: No, I didn't.

GERAGOS: Okay. You looked for that; isn't that correct?

EVERS: No, I didn't.

GERAGOS: You didn't look for it?

EVERS: No.

GERAGOS: Did you notice, did you look to see the mop?

EVERS: Yes. As I walked, as I entered this courtyard, there is a sidewalk. I looked over to my right, saw a bucket with two mops, and I just kept right on walking.

GERAGOS: Say anything to Spurlock or Letsinger when you saw it?

EVERS: No, I don't think so.

GERAGOS: Okay. Is it a fair statement that you did not notice any water or wetness around the area where the bucket was when you arrived?

EVERS: I didn't closely examine.

GERAGOS: I'm asking, did you observe any wetness?

EVERS: No, I did not, Mr. Geragos.

GERAGOS: Now, the, did you, as you, did you go into that door that's being, that's shown in the picture there?

EVERS: No, I didn't.

GERAGOS: Okay. Where did you enter?

EVERS: The front door off of the dining room.

GERAGOS: Now, when you entered the house any place, was this floor that, I think we have got, this is 37-B, is that floor damp or wet?

EVERS: I didn't notice.

GERAGOS: There in 37-C, damp, wet?

EVERS: I don't know.

GERAGOS: I think any, through all these, you didn't notice any floors that are, that were damp or wet, did you?

EVERS: No, sir.

GERAGOS: You didn't notice or smell any disinfectant or bleach, did you?

EVERS: No, I didn't.

GERAGOS: Now, at what point did you say that you remember Ron Grantski walking up to Scott Peterson in the, at the house? Is that after the first time that you had gone in, after the second time, third or the fourth?

JUDGE: Or before all? Do you remember.

EVERS: It was after the first two times waiting for a detective to arrive.

GERAGOS: And when Ron Grantski came up and asked, he said, Scott was standing next to you; is that correct?

EVERS: Yes.

GERAGOS: He walked up and said he was Laci's stepfather, right?

EVERS: That's correct.

GERAGOS: And he asked Scott if he was able to go golfing that day?

EVERS: Yes. If he was able to get his golf game in.

GERAGOS: And Scott said it was too cold, and he went fishing; isn't that correct?

EVERS: Yes.

GERAGOS: Okay. And then Ron Grantski said, "Do you mean going fishing 9:30 or ten in the morning? Boy, that's late to go fishing." Is that what he said?

EVERS: Yes, that's what I remember.

GERAGOS: Okay. And when he said that, did Ron Grantski say, well, I'd been fishing the same day, what a coincidence?

EVERS: No.

GERAGOS: Did you know that Ron Grantski had been fishing virtually the exact same time?

EVERS: No.

GERAGOS: As you sit here today, is that the first time you ever heard that?

EVERS: I heard some sort of news report.

GERAGOS: Recently, during this trial?

EVERS: Yes.

GERAGOS: Prior to this trial, you were completely unaware that Ron Grantski had been fishing virtually the exact same time as Scott Peterson; is that correct?

EVERS: Yes.

GERAGOS: Is it a fair statement that, based upon the conversation that you heard between Ron Grantski and Scott Peterson, that that would have been surprising to you, based upon what you heard Ron Grantski saying; isn't that correct?

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

GERAGOS: Goes to the demeanor and the tone in which the questions were asked.

DISTASO: Actually goes to his state of mind, which isn't relevant.

JUDGE: I don't think so. Sustained.

GERAGOS: Did you believe that Ron Grantski was joking?

EVERS: No.

GERAGOS: You, I think on direct with Mr. Distaso, said that Brocchini, or that Scott was the one who volunteered he had a fishing receipt; isn't that correct? You said Scott volunteered it?

EVERS: Yes, he did.

GERAGOS: Do you remember testifying at the preliminary hearing?

EVERS: Yes.

GERAGOS: Do you remember being asked, were you present when, were you present when Detective Brocchini or yourself asked the defendant if he had any type of receipt or anything to show whether he had gone fishing that day?

DISTASO: What page is that?

GERAGOS: 482, line 18. Answer. Did the detective ask him that? Question. Yeah. Answer, by you. No, I asked him that. And what did he say? He said he had a parking receipt from the marina. Isn't that actually what happened, that you asked him, do you have any receipts or any proof that you had been fishing at the marina? Do you want me to show you? ne EVERS: Please, can I see the transcript?

GERAGOS: Sure. Page 482, starting at line 16. Does that refresh your recollection as to what actually happened, detective?

EVERS: Not really.

GERAGOS: Okay. Well, at the preliminary hearing, which was back in October, specifically you were you asked the question, was, did Brocchini or yourself ask the defendant if he had any type

of receipt or anything to show whether he had gone fishing that day? Answer. Did the detective ask him that? Question. Yeah. Answer. No. I asked him that. Question. And what did he say? Answer, by you. He said that he had a parking receipt from the marina. Question. And did he show you that? Answer. Yes, he did.

GERAGOS: Those were your, those were the questions and answers you were asked at the preliminary hearing by Mr. Distaso; isn't that correct? The prosecutor asked you those questions, right?

EVERS: I don't remember that particular question. I do remember,

GERAGOS: I'm asking you specifically about the preliminary hearing. As far as you remember, those are the questions and answers Mr. Distaso asked of you, and your answers, correct?

EVERS: Yes.

GERAGOS: Now, the, when you first went down to the area that was down in the park, is that the first place that you responded to? I think you said you got a dispatch. Did you go to the Covena address first? Did you go to the park first?

EVERS: I headed towards another address. I think it's Marklee. I never arrived there. And I did arrive at the park. So it would be my first location I did arrive at.

GERAGOS: Okay. And the Marklee address, do you understand that to be the Rocha or Grantski household?

EVERS: Yes.

GERAGOS: There had been a phone call from there, so you started to go in that direction; is that a fair statement?

EVERS: Yes.

GERAGOS: Then at some point you received some information, and changed course, and went over to the park; is that correct?

EVERS: Yes.

GERAGOS: And when you arrived at the park, you, first people you saw were Sharon Rocha, Scott Peterson, and some other family members, correct?

EVERS: I think I just saw a group of people.

GERAGOS: Do you remember that the first people you met up with were Scott Peterson, Laci's mother Sharon, a relative that was with Sharon, a female, that you don't know?

EVERS: Well, that was the first group. I mean that was the first people when I arrived at the park, yes.

GERAGOS: Okay. And when you first saw them, they were standing together, correct?

EVERS: I saw a group of people. And like I testified previously, Scott appeared from behind them. I don't know if he was standing in a group with them, or if he come walking up behind them.

GERAGOS: When you saw them, you saw that Laci's mom Sharon, you know who Sharon is; is that correct?

EVERS: Yes, I do.

GERAGOS: She was crying, and she was very, very upset, correct?

EVERS: That's correct.

GERAGOS: When so Scott, when he walked up, he appeared to be very upset; is that correct?

EVERS: That's correct.

GERAGOS: And the other family members, you described them as just concerned, correct?

EVERS: Yes.

GERAGOS: And you were the first officer who arrived there; is that correct?

EVERS: That is correct.

GERAGOS: Okay. And is it a fair statement that from how upset that Scott Peterson was, and how upset Sharon Rocha was, you got the immediate feeling that there was something very serious going on here, correct?

EVERS: That is correct.

GERAGOS: Okay. That's why you called for more patrol cars and a supervisor, correct?

EVERS: Yes.

GERAGOS: And one of the main factors involved in that was the fact that Scott Peterson was so upset, you perceived him to be, correct?

EVERS: I mean that is one of the factors. I wouldn't say it was the main factor. It was a factor.

GERAGOS: People were most upset, as you described previously, you testified to previously, were Scott Peterson and Sharon Rocha, correct?

EVERS: Right.

GERAGOS: You distinguished between Scott Peterson and Sharon Rocha and the rest of the family members in terms of how upset they were, correct?

EVERS: Right.

GERAGOS: Now, when you, did you then subsequently meet up with him at the house?

EVERS: Yes I did.

GERAGOS: You didn't drive him up, did you?

EVERS: No, I didn't.

GERAGOS: When you saw him, did he have the dog with him, golden retriever?

JUDGE: You mean in the park?

GERAGOS: In the park, first time you saw him.

EVERS: Yes, he did.

GERAGOS: Okay. And he was, the next time you saw him was up at the Covena house?

EVERS: Yes.

GERAGOS: And he was being very cooperative with you, wasn't they?

EVERS: Yes, he was.

GERAGOS: And at some point Letsinger and Duerfeldt and the other officer,

EVERS: Spurlock.

GERAGOS: Yeah, Spurlock, showed up as well, correct?

EVERS: Yes.

GERAGOS: Now, when they all showed up, Mr. Peterson, you asked for them, or you asked him, can we go into the house, correct? First time number, time number one?

EVERS: Yes.

GERAGOS: He said that's fine. How did you get in? Did he unlock the front door?

EVERS: I believe the front door was unlocked already.

GERAGOS: Did he direct you to where it was and tell you to go in?

EVERS: Yes.

GERAGOS: Okay. He didn't hesitate in any way about letting you go inside the house, did he?

EVERS: No.

GERAGOS: When he, when you came back out, and then the second time he went in, he was cooperative as well, was he not?

EVERS: Yes.

GERAGOS: And when he got the receipt, or when, when Brocchini came, which would have been the third time, Brocchini wanted to look inside of the truck, Scott got the keys and unlocked the truck; isn't that correct?

EVERS: Yes.

GERAGOS: Okay. Didn't resist that in any way, did he?

EVERS: No.

GERAGOS: Brocchini got, did Brocchini get any back in the back of the truck as well?

EVERS: Pardon me?

GERAGOS: Did he get into the back of the truck?

EVERS: Did he get into the back of the truck?

GERAGOS: Right.

EVERS: I never saw him get into the back of the truck.

GERAGOS: Do you know what kind of a truck it was?

EVERS: Is a Ford, tan Ford pickup truck.

GERAGOS: Like an F150?

EVERS: F150, yes.

GERAGOS: Were they parked where, see right behind you on People's 38, down in the driveway?

EVERS: Yes.

GERAGOS: Two cars there, two vehicles?

EVERS: Yes.

GERAGOS: Is that how they were parked that evening?

EVERS: No.

GERAGOS: Okay. How were they parked that evening?

EVERS: Scott Peterson's truck was backed into the driveway; but, it was in the same position, but backed in.

GERAGOS: Okay. Now, were the, did Scott have the keys to both vehicles on him when Brocchini came, or do you remember?

EVERS: I don't remember.

GERAGOS: Okay. But they wanted to get in, obviously Scott had to get the keys, or he had them on him; is that a fair statement?

EVERS: Yes.

GERAGOS: Okay. And he opened up both cars, both Laci's car and his truck, correct?

EVERS: Yes.

GERAGOS: Okay. And allowed Brocchini to go in and search both of those, correct?

EVERS: Yes.

GERAGOS: I have get to a picture which has been marked as Defense J. Is that how they looked that day? This was taken, I think, on the 26th, so I don't want to mislead you. But were they parked that way on the 24th?

EVERS: No, they weren't.

GERAGOS: How were they parked on the 24th?

EVERS: Like I stated, Laci's Land Rover was pulled in head-first, and Scott's pickup truck was backed in.

GERAGOS: Backed in. Okay. Now, the, does Defendant's J represent what the cars, the vehicles looked like, the best of your memory?

EVERS: Yes.

GERAGOS: Now, after the search of the truck, did you see Brocchini pull anything out of the truck?

EVERS: He was looking at a tarp that was in there that covered up some umbrellas. Scott opened up a, there was a toolbox.

GERAGOS: When you say there was a toolbox, if I understand correctly, it's larger than a toolbox isn't it?

EVERS: A carryall, I guess. I'm not sure what you call it.

GERAGOS: It's not drawn in here, is it?

EVERS: No.

GERAGOS: Green in color?

EVERS: We could use green.

GERAGOS: It is actually green in color.

EVERS: It is? I don't know. I don't remember that.

GERAGOS: Goes right in there, in this area here I'm coloring green?

EVERS: Well, it's in the photo, I believe, if I could see.

GERAGOS: Sure.

EVERS: Looks like a shade of green.

GERAGOS: Okay. And it's in the back of the truck itself?

EVERS: Yes.

GERAGOS: Okay. Now, is that something that looked to be locking of some kind?

EVERS: I think it was locking, yes.

GERAGOS: So did he have to also lock that item as well?

EVERS: Unlock it.

GERAGOS: Unlock that item as well?

EVERS: I think he did, yes.

GERAGOS: Okay. And he did that, was cooperative in doing that as well?

EVERS: Pardon me?

GERAGOS: He was cooperative in doing that as well. He didn't resist in any way?

EVERS: No.

GERAGOS: Now, at a certain point, did you see, go back to that same question, Brocchini take anything out of either the cab of the truck, or the bed of the truck?

EVERS: Take anything out?

GERAGOS: Take anything out. Did you see him pull anything out of there?

EVERS: Out of the cab, he was looking at an, I think a jacket that was inside the back behind the seat. In the bed, he was like picking up the tarp. In the toolbox, I think he was reaching there, looking around inside the big toolbox.

GERAGOS: Okay. Now, when he did that, was he physically inside of the truck, or was he leaning over the side of the truck in order to do that?

EVERS: I just remember him leaning over.

GERAGOS: Okay. Did you ever see him get inside the bed of the truck?

EVERS: No.

GERAGOS: Okay. Now, the, as he was going through there, did you see him pull a gun out of the truck?

EVERS: I think he did retrieve the handgun out of glove box of the pickup truck.

GERAGOS: Okay. Did you see him do that?

EVERS: Yes.

GERAGOS: And did he give that gun to you?

EVERS: Pardon me?

GERAGOS: Did he give it to you?

EVERS: No.

GERAGOS: Did he tell you at any point, Brocchini, I'm asking you, to go retrieve either the buckets, or the towels, or anything else?

EVERS: Did he tell me? No.

GERAGOS: Now, did you see Brocchini go inside the house. You did. You were with him alone at one point, just the two of you, correct?

EVERS: Yes.

GERAGOS: And then at some point he had a conversation with Scott, and asked Scott where the boat was, correct?

EVERS: Yes.

GERAGOS: Okay. Scott told him the boat was at the warehouse, right?

EVERS: I'm not sure if the conversation was inside the house or outside the house.

GERAGOS: Okay. Someplace on that diagram of People's 38, whether it was inside or outside, there was a conversation in which Scott said, "I keep my boat at the warehouse"?

EVERS: Yes.

GERAGOS: When you go over to the warehouse, is it a fair statement that you, as I understand it, you went separately from Brocchini and Mr. Peterson, correct? You were in a separate car?

EVERS: Yes.

GERAGOS: Okay. You guys parked in the parking lot that would be represented by someone to the right of the diagram, right?

EVERS: Yes.

GERAGOS: And where did you enter, through the main door?

EVERS: Through the man door to the, man door to the office.

GERAGOS: Is that also, as far as you can tell, the only door, the only standard-size door that enters this building?

EVERS: Yes.

GERAGOS: Okay. Now, there is some dimensions here. Did you draw this?

EVERS: No, I didn't.

GERAGOS: Is this, does this accurately represent the way that the warehouse looked when you got in there?

EVERS: Just what I viewed from the front. I can't say in the back.

GERAGOS: Okay. I assume somebody has already marked here that this is the boat, represents the boat. This is the trailer, and that there is a rollup door right here?

EVERS: Right.

GERAGOS: Now, that rollup door that's right there, was that locked?

EVERS: I believe it was, yes.

GERAGOS: Okay. Scott unlock it? So I mean Brocchini, you neither you nor Brocchini had a key for it, right. You haven't a key when you arrived?

EVERS: No. I'm not sure who rolled up the door. I assume it was Scott Peterson. But I'm not sure about that.

GERAGOS: Okay. And you assumed that because you had never been to this location before, right? You didn't have a key on you some master lock for all the strip malls in Modesto, did you?

EVERS: No.

GERAGOS: Okay. So when he rolls this up, there are some skylights in the warehouse portion; isn't that correct?

EVERS: I don't know.

GERAGOS: Okay. There is, is it a fair statement that this office looks to be some gray shading in here. Do you see that? Is there an office that's separate and apart from the warehouse itself?

EVERS: Yes.

GERAGOS: Okay. And you went into the office first, correct?

EVERS: That's correct.

GERAGOS: And you saw that there was a fax machine there, right?

EVERS: I did see a fax machine.

GERAGOS: You saw that there was a fax on the fax machine, right?

EVERS: No.

GERAGOS: There was some discussion between Brocchini and Scott about the fax, credibility?

EVERS: Yes.

GERAGOS: And Scott allowed him to pick up the fax and look at it. Did you see that?

EVERS: I don't remember who actually picked up the fax.

GERAGOS: But Scott didn't say, no, you can't look at it, did he?

EVERS: No.

GERAGOS: Okay. Fax machine appeared to be on, didn't it?

EVERS: There was nothing on in that office.

GERAGOS: Wasn't there, there was some document that had been faxed over the machine, correct? I mean that's why it was picked up, that's why was discussed because there was a document on the fax machine, correct?

EVERS: I don't know if the fax was actually on the fax machine, or if it was on the table. I don't know.

GERAGOS: Okay. Now, when the, when you entered the, or the rollup door went up, can you tell me, was the, was there enough room to drive either your patrol car, or Brocchini's patrol car into the warehouse?

EVERS: Like all the way, you mean, or what?

GERAGOS: Right. All the way. Could you drive it in all the way?

EVERS: No.

GERAGOS: And was the reason for that because the warehouse itself was pretty much jam-packed with stuff, with, the boat was fairly close to the rollup door?

EVERS: Yes.

GERAGOS: Do you understand what I'm,

EVERS: Yes.

GERAGOS: So the tip of this boat, once again, we're assuming that this was the boat that's right here that's identified, and this is rollup door, that there was maybe four or five feet between the rollup door and the tip of the boat?

EVERS: I don't know.

GERAGOS: You do know you couldn't drive in all the way, correct?

EVERS: Yes.

GERAGOS: Okay. Now, when you went in there, did you see, is it safe to say that you just stayed in the doorway, you didn't actually go inside?

EVERS: At what part?

GERAGOS: When you first opened up the man door?

EVERS: I stepped inside the office.

GERAGOS: You stepped inside. And then where did you, at some point Scott went into the warehouse portion?

EVERS: Well, to break up your question, to break up your question, I was just inside the doorway, inside the office.

GERAGOS: Right about here?

EVERS: No, no.

JUDGE: Why don't you let him,

GERAGOS: Show me where.

EVERS: Just right in this area right here.

GERAGOS: Okay. And did you see Scott and Brocchini, or Brocchini go into the warehouse itself?

EVERS: I don't remember.

GERAGOS: Do you remember what they did?

EVERS: Pardon me?

GERAGOS: Do you remember what they did?

EVERS: I remember the conversation about the lights, no electricity, conversation about the fax. That's basically about it.

GERAGOS: And you saw Brocchini holding the piece of paper; is that correct?

JUDGE: By the piece of paper, you mean,

GERAGOS: The fax.

EVERS: The fax.

GERAGOS: And did you see, was there some discussion about when the fax would have been received, East Coast time versus West Coast time?

EVERS: Yes.

GERAGOS: And do you remember that there was a conversation about, or an understanding that the fax was received that day, the 24th of December?

EVERS: Yes.

GERAGOS: Now, the total time that you were at the warehouse, did you see Brocchini, or Brocchini going into the warehouse himself to look around?

EVERS: No.

GERAGOS: You, did you see what he did when he was inside the warehouse?

EVERS: Looking at the boat.

GERAGOS: Okay. Did you see him look anywhere else?

EVERS: No.

GERAGOS: Okay. When he was looking at the boat, what was he doing? Did you see from where you were standing?

EVERS: He was looking over the side. He was looking at the fishing equipment, asking questions of Scott of the fishing equipment. Picked up the life preserver. I think he picked up a rope that was in there. Just asking questions about the fishing, his fishing stuff.

GERAGOS: Is it a fair statement that there was quite a bit of fishing equipment in the boat?

EVERS: I don't know how much equipment was in there.

GERAGOS: Did you look inside the boat?

EVERS: No.

GERAGOS: At no time when you were there on the 24th did you look inside the boat?

EVERS: No.

GERAGOS: And did you notice what they were talking about, a tackle box?

EVERS: Yes.

GERAGOS: Did he ask Scott to open up the tackle box?

EVERS: I don't remember.

GERAGOS: Did he ask him to show him the fishing poles? There was discussion about fishing poles?

EVERS: There was a discussion about fishing poles, yes.

GERAGOS: And how long were you there before Brocchini asked you to go back to Covena?

EVERS: Well, when Brocchini was done with what he needed to do, I think it was about 45 minutes, and then we all left together.

GERAGOS: So you left with him?

EVERS: Yes.

GERAGOS: And did you see him roll down the door?

EVERS: Brocchini?

GERAGOS: Yeah.

EVERS: I don't think so. I think was Scott. But I'm not sure.

GERAGOS: Did you hear Brocchini say, "I left something inside"?

EVERS: No.

GERAGOS: Did you see Brocchini send Scott back inside, because he had left something inside?

EVERS: I don't remember that.

GERAGOS: Okay. So best of your memory is, as you sit here today, as you are sitting there, Brocchini is looking in the boat, Scott is there answering questions; is that correct?

EVERS: That's correct.

GERAGOS: You were there for approximately 45 minutes?

EVERS: I think so, yes.

GERAGOS: And during that 45 minute period of time, after the questions were asked and everything else, Scott rolls down the door, and then leaves with Brocchini, and you leave at the same time; is that correct?

EVERS: Somebody rolls down the door.

GERAGOS: Somebody rolls down the door, the place is secured. The two of you leave together, correct?

EVERS: That's correct.

GERAGOS: Now, the District Attorney was asking you some questions about the missing persons report. Do you remember that?

EVERS: Yes.

GERAGOS: I'm not going to go over all the information on there. But I'll just ask you a couple of questions. Did Scott give you most, if not all, of that information?

EVERS: That's correct.

GERAGOS: Is there, for instance, the daytime phone and the reporting party, and all the address, and everything else, all came from Scott, correct?

EVERS: Probably not the age.

GERAGOS: You already had that? Didn't he give you the date of birth?

EVERS: Yes.

GERAGOS: Okay. And I assume Mr. Distaso was talking about that 1804 time. That was something you filled in. He didn't give you that; is that correct?

EVERS: That's correct.

GERAGOS: Now, anywhere on that missing persons report did you inquire of the anything about the OB-GYN, who her OB-GYN was?

EVERS: No, I didn't.

GERAGOS: At any time did you call the OB-GYN that evening?

EVERS: I did not, no.

GERAGOS: Did you have anybody do that?

EVERS: I think hospitals were called, yes.

GERAGOS: Hospitals were called; is that correct?

EVERS: Yes.

GERAGOS: And were you aware of Scott calling hospitals; is that correct?

EVERS: I'm not aware.

GERAGOS: Did you see him when he was using the phone?

EVERS: He used the phone several times that night.

GERAGOS: You weren't privy to the conversations?

EVERS: No.

GERAGOS: Now, you did a report in connection with this case; is that correct?

EVERS: That's correct.

GERAGOS: And in your report there was no mention of the rug, this rug incident, where he's moving the rug with his toe; is that correct?

EVERS: That's correct.

GERAGOS: And is it a fair statement that you didn't think that was important at the time, that's why you didn't put it in your report?

EVERS: Scott's explanation at the time sounded reasonable, so I believed him.

GERAGOS: Okay. And that was that the cat and dog must have been playing to have pushed it, correct?

EVERS: Yes.

GERAGOS: Now, the, by the way, the rug did not require a whole lot of force to move, did it, in the way you have described it? Somebody would just place the tip of their shoe opposite and you could move it; is that correct?

EVERS: It was on tile floor, so it appeared that it slid quite easy.

GERAGOS: Because tile, when you say it was on tile floor, that's a pretty slick surface; isn't that correct?

EVERS: It would appear to, yes.

GERAGOS: Now, the, taking up to the time that you were told by, at some point you were told by Brocchini to go back to see Lovell; is that correct? Go back to see the CSO?

EVERS: The ID Tech.

GERAGOS: ID Tech Lovell. His, I think his name is Lovell. When did you go do that?

EVERS: After we were done with the warehouse.

GERAGOS: Did he tell you where he was going, where Brocchini was going?

EVERS: He was going to go to the station and question Scott.

GERAGOS: Tape an interview with him; is that your understanding?

EVERS: He didn't tell me about the, if he was going to tape it or not. I assumed so.

GERAGOS: Okay. And he told you, and specifically what did he tell you to do back at the house?

EVERS: He told me to go back to the house on Covena and see where they are at, if Doug is done, you know, collecting evidence and pictures.

GERAGOS: Okay. And did you do that?

EVERS: Yes.

GERAGOS: And when you went back to the house, Doug is, I assume, Doug Lovell?

EVERS: Yes.

GERAGOS: When you saw, when you went back to the house, what had he collected? What had he collected?

EVERS: What I saw was the bucket and two mops. He had it in his hand.

GERAGOS: How about the, did you see him collect the white towels that were on the washer and dryer?

EVERS: No.

GERAGOS: Did you see him collect the rug,

EVERS: No.

GERAGOS: that we just talked about, the throw rug?

EVERS: No.

GERAGOS: Did you see him collect any other items?

EVERS: No.

GERAGOS: Okay. Did you see him do any kind of a Luminol test?

EVERS: No.

GERAGOS: Did you, were you aware if a Luminol test was done that evening?

EVERS: No.

GERAGOS: Who was there besides Lovell?

EVERS: Officer Letsinger.

GERAGOS: Was there anybody else besides Lovell and Letsinger in the house when you went back there?

EVERS: No.

GERAGOS: Where was Duerfeldt?

EVERS: I don't know. He could have been there. He was on scene somewhere, but I'm not sure.

GERAGOS: Could he have been outside?

EVERS: He might have been, yes.

GERAGOS: Okay. When you went back, how late did you stay inside the house, do you remember?

EVERS: I don't remember ever going back inside the house. Basically when I arrived, the ID Tech, Doug Lovell, was at the rear of the tech van holding the bucket, and they were done. Officer Letsinger and Lovell were done.

GERAGOS: You say holding the bucket, you mean the blue one that we have showed several times today?

EVERS: Yes.

GERAGOS: As they were showing, or as they were holding the bucket, did you ask them what else they had collected?

EVERS: No, I didn't.

GERAGOS: Did you ask them whether or not they had done any other kind of testing?

EVERS: No, I didn't.

GERAGOS: This is a slightly better, marked as Exhibit 29. That picture is a side view of both the boat and the truck itself?

EVERS: Yes.

GERAGOS: That pretty much how it looked that evening, other than the fact that you, when you saw it, it wasn't hooked up?

EVERS: Yes.

GERAGOS: I'm going to show you one other item. This has been marked as People's 7. Do you recognize that? I don't know if you can see it from here. Do you want to see the actual picture? It doesn't really reflect well up on the screen.

EVERS: I think that's the hamper that's in the master bedroom.

GERAGOS: Exactly. I think I already identified it as seven. Does that appear to be roughly how it looked when you were there that day?

EVERS: I don't remember specifically what clothes were in there. I do remember being a hamper in there, but I don't know specifically what type of clothes were in there.

GERAGOS: Okay. And the ID tech, that would be the person who would have been taking the pictures?

EVERS: Yes.

GERAGOS: That's their job? What was the, you then went down to the park; is that correct, after you after you closed up the residence, or after you left?

EVERS: After everything was done, yes.

GERAGOS: Okay. Then you went down to the park. Can you tell me who was with you?

EVERS: I don't remember.

GERAGOS: Did you see, did you see Duerfeldt down there?

EVERS: No.

GERAGOS: Just one other thing about the purse. I'm going to go back to that again. I'm sorry, I missed one question. I was asking you about whether or not Brocchini was handing things to Scott and asked him, "What's this?" Did you see that?

EVERS: Things handed to Scott?

GERAGOS: With the purse, holding them out to him and asking him, "What's this?"

EVERS: I saw him holding things up and showing it to him.

GERAGOS: Do you remember him handing things to him, Brocchini handing things to Scott?

EVERS: At that time I was looking around, not just staring at what Brocchini and Scott were doing. The times that I did turn and I watched them, I did not see Brocchini hand anything to him. However, I was looking at other things in the room.

GERAGOS: When you were asked about this at the preliminary hearing, you responded on page 709, I don't remember him handing anything to him. Question. May have? Answer. It's possible. Is that a fair statement of what you remember?

DISTASO: Objection. That calls for speculation here.

JUDGE: No, I think he's asking if he was asked that question, did he give those answers. Were you asked those questions, and did you give those answers at the preliminary hearing?

EVERS: Yes.

DISTASO: Actually I object again, move to strike, because it's improper impeachment. It's a speculative question asked at the prelim.

JUDGE: Then it should have been an objection at the preliminary hearing.

DISTASO: It's not proper to ask him about it now.

JUDGE: Overruled. Question was, was he asked those questions and did he give those answers. That's the only issue.

GERAGOS: And your answer was yes?

EVERS: The answer to,

GERAGOS: The answer to, were you asked those questions and did you give those answers?

EVERS: Yes.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Rick Distaso

DISTASO: Detective Evers, was the inside of the house, when you were in and out, you know, those four, whatever, six times, I guess, that night, was the inside of the house warmer than it was outside?

EVERS: Yes.

DISTASO: Did it seem like a normal -- you know, you have gone in from a cold night and walked into somebody's house, right?

EVERS: Yes.

DISTASO: Did it feel like the temperature was much more warmer inside than it was out?

EVERS: Yes.

DISTASO: And just so the diagram is clear on here, can you describe -- just write on here 12-24, and then just write "Backed In", so we remember that the truck wasn't parked like that.

EVERS: Okay.

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

Recross Examination by Mark Geragos

GERAGOS: There is a vacant house to the north of the Covena house that evening?

EVERS: Yes.

GERAGOS: Did you go inside that house?

EVERS: No.

GERAGOS: Did Scott tell you that the house was vacant?

JUDGE: If you recall.

EVERS: I don't recall that.

GERAGOS: Nothing further.

JUDGE: May the officer be excused?

GERAGOS: Yes.

DISTASO: Yes.