Witness: Thomas Chaplin

Date: 2004-09-02

Proceedings held September 2, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Agent Chaplin, you work for the Department of Justice?

CHAPLIN: Yes, sir.

DISTASO: And you were involved in the surveillance of Mr. Peterson?

CHAPLIN: Yes, sir.

DISTASO: The, during the time the Department of Justice was involved in this, were you the supervisor who was in charge of, at least in charge of the teams that you were working with?

CHAPLIN: I was in charge on two occasions, and assisted on another.

DISTASO: Okay. The, I only really want to ask you about one particular, or a couple particular areas. You're the one who actually followed Mr. Peterson into the Medeiros Reservoir complex?

CHAPLIN: Correct.

DISTASO: Let me show you a map that I think we had marked. Defendant's D 5, says Z?

CLERK: Z.

JUDGE: D 5 Z.

DISTASO: And this is a map of the tracking unit that was in the car. Does that accurately show where the defendant went when he went into the Medeiros Reservoir area?

JUDGE: What are you referring to?

DISTASO: Oh, I'm sorry. Yeah, I should point it out to you.

DISTASO: This little area right here.

CHAPLIN: I could only see the vehicle to a certain point, but it did go in that direction when I lost sight of it.

DISTASO: Okay. And how long was Mr. Peterson actually in this Medeiros Reservoir area?

CHAPLIN: Just a couple of minutes.

DISTASO: And then he turned and came out?

CHAPLIN: Yes.

DISTASO: And then did agents continue to follow him basically in the direction that we see the little green, or green line going there?

CHAPLIN: Yes.

DISTASO: Were you involved also in the surveillance on the, on the 11th?

CHAPLIN: Yes, sir.

DISTASO: And was that when the surveillance ended for Mr. Peterson?

CHAPLIN: Yes.

DISTASO: As far as the Department of Justice was concerned?

CHAPLIN: Yes.

DISTASO: Okay. Can you just tell, just tell me what happened to end this surveillance in the morning on the 11th.

CHAPLIN: Mr. Peterson had gotten on southbound 99 and pulled over to the side of the freeway, west shoulder, and I noticed as I passed that another special agent had started to pull over, too. I got on the radio and advised for no one else to stop. I was then informed that Mr. Peterson had pulled up next to one of the special agents, Tera Faris, off of Kansas Avenue, at which point I advised that we were going to code four, end the surveillance at that moment.

DISTASO: Okay. Code four means end the surveillance?

CHAPLIN: Correct.

DISTASO: And is that because, why did you do that at that point? What was your reason?

CHAPLIN: Well, the, we were operating under a "lose it before you burn it" capacity, where you don't want to let, in this case Mr. Peterson know that the police were following him. At that point it had essentially been burned, and I didn't want any other agents following.

DISTASO: Okay. The, when we're talking about the surveillance, some of the agents kind of described it, but can you describe how does it work? Just briefly.

CHAPLIN: Just briefly, you have a team of law enforcement agents that drive around in unmarked police vehicles and who will follow a target or a suspect, and you follow in an effort that the person does not know he's being followed.

DISTASO: Okay. And, and so is there this long line of cars behind the person?

CHAPLIN: No, there shouldn't be a long line.

DISTASO: So what's the way it should work?

CHAPLIN: Depending on where you're at, for example, if you're on city streets, you want to have a person behind to call directions, and then subsequent agents would, you know, take turns with the subject that we're being, is being followed. On a freeway you might have a law enforcement officer or, behind the person at a great distance for, you know, a great length of time, depending on how traffic is. You just try to blend with the traffic and not, not be seen very often.

DISTASO: Okay. The, this last morning, on the 11th, what time was it that Mr. Peterson got on to 99?

CHAPLIN: May I refer to my notes?

DISTASO: Yeah, you, go ahead.

GERAGOS: What page number?

DISTASO: Hold on one second. 1491.

GERAGOS: Thanks.

DISTASO: His page 21.

GERAGOS: Okay.

CHAPLIN: It was approximately 8:15.

DISTASO: And what car was Mr. Peterson driving at the time?

CHAPLIN: Again, may I refer to my notes?

DISTASO: Go ahead, yeah.

CHAPLIN: It was a silver four-door Saturn.

DISTASO: And so he got onto southbound 99. Do you know which, where he got on, what street?

CHAPLIN: I'm not exactly sure what the street is, is named.

DISTASO: Okay. And then how far did he go before he pulled over to the shoulder?

CHAPLIN: A very short distance. I would say a quarter to a half mile.

DISTASO: And he pulled over to the shoulder on the freeway?

CHAPLIN: That's correct.

DISTASO: And how long did he sit on the side of the shoulder there?

CHAPLIN: A matter of moments.

DISTASO: And then you said that you went past?

CHAPLIN: Correct.

DISTASO: And another agent had started to pull over behind him?

CHAPLIN: That's correct.

DISTASO: And you told him not to?

CHAPLIN: That's correct.

DISTASO: Okay. And then at that point Mr. Peterson went and, to another location with another agent, is that right?

CHAPLIN: Yes, sir.

DISTASO: Nothing further.

Cross Examination by Mark Geragos

GERAGOS: The, what were the cars that, the first agent that he pulled up next to was in an unmarked car, correct?

CHAPLIN: Yes.

GERAGOS: And that was a Mustang?

CHAPLIN: Yes, it was.

GERAGOS: And the second agent that pulled up was in an SUV?

CHAPLIN: I'm not sure what second agent you're talking about.

GERAGOS: Did you say that there was a second car that pulled up? Did I understand correctly what Mr. Distaso just asked you?

CHAPLIN: When Mr. Peterson had pulled along the west curb line of southbound 99, another agent had started to pull in behind him.

GERAGOS: That's what I'm referring to. So the other agent was driving what? Is that an SUV style car, a Dakota or something like that?

CHAPLIN: No, I don't, I don't believe so.

GERAGOS: Do you know what it was?

CHAPLIN: I believe it was a, a sedan. Unknown make or model.

GERAGOS: Okay. You knew on the 11th, at least beginning on the 11th that there was a wiretap in this case?

CHAPLIN: Yes, sir.

GERAGOS: Okay. Do you know if anybody ever intercepted on the wiretap the fact that Mr. Peterson thought that that Mustang was an investigator from the National Enquirer?

CHAPLIN: I've never heard that information.

GERAGOS: Okay. Did you buy, did anybody, who was your point person at the Modesto PD for this investigation?

CHAPLIN: Initially it was Detective Brocchini. During the surveillance Detective Perry, Detective Chris Perry was our primary contact. He was the liaison between anybody involved with the wiretap or any other monitoring device.

GERAGOS: Okay. Did you fill out a report that described the car that this, who was the first agent that had pulled over? That was a female agent?

CHAPLIN: Special Agent Jack Hagan began to pull over on the side of the freeway, but then continued on when I instructed him to do so.

GERAGOS: Okay. Who was the first agent that had pulled, pulled over?

CHAPLIN: I just want to make sure we're talking about the same thing.

JUDGE: I think you got, the defendant pulled over, the other, he was about to pull over, he called that person off. Then the defendant left, then he pulled alongside Miss Faris.

CHAPLIN: That's correct. That was in back of a business on Kansas Avenue.

GERAGOS: Right. Miss Faris is driving the Mustang, correct?

CHAPLIN: That's correct.

GERAGOS: The other agent is driving, you think, a sedan, is that correct?

CHAPLIN: That's correct.

GERAGOS: Did you tell, did you give that information to anybody at Modesto PD, the description of the two cars when you thought that, I think this description you used was the lose it or, before you burn it,

CHAPLIN: Correct.

GERAGOS: is that correct? Did you tell them, Look, we think he made this particular car, this Mustang?

CHAPLIN: No.

GERAGOS: Okay. Did anybody ask you why you pulled off the surveillance from Modesto?

CHAPLIN: No.

GERAGOS: Who was in charge of the surveillance from the Department of Justice?

CHAPLIN: On that surveillance I was.

GERAGOS: Okay. Who was in charge of deploying the Department of Justice's surveillance?

CHAPLIN: Early on on January 3rd I was contacted by a Sharon Pagaling Hagan who was, who was the special agent supervisor, who was the acting special agent in charge, and she asked me if I could put a surveillance team together. Initially I was responsible for setting up the

surveillance. Subsequent teams followed with different acting supervisors.

GERAGOS: Did you ever convey any of this information to Ms., to Sharon Hagan about the Mustang and the other car?

CHAPLIN: I don't recall that I told her specifically which car. I know that she was told that morning about what had happened.

GERAGOS: Okay. Did you write a report in connection with this?

CHAPLIN: Yes, I did.

GERAGOS: Okay. Do you have that report with you?

CHAPLIN: Yes, sir.

GERAGOS: Is that, could you tell me anywhere in your report does it mention the fact of what kind of a car it was?

CHAPLIN: No, it does not.

GERAGOS: Okay. There's a reason for that, correct?

CHAPLIN: Yes, sir.

GERAGOS: Okay. You don't want pesky defense lawyers getting the, the cars, makes and models of these confidential cars, correct?

CHAPLIN: More so suspects involved in an activity.

GERAGOS: Okay. Is it a fair statement however, that the, that there was no way that you wanted to let Mr. Peterson know that this was law enforcement, correct?

CHAPLIN: That is correct.

GERAGOS: Okay. The whole, when Mr. Distaso asked you about this "lose it or burn it," the whole, you're, the whole rationale behind that is that you do not want the person who is being followed to think this is law enforcement, because then that would tip them off, so to speak, correct?

CHAPLIN: That is correct.

GERAGOS: Okay. So it would, it's entirely possible that he, if he spotted this car, that you wouldn't have, there's nothing on the car itself that would indicate that this is something from the Department of Justice, right?

CHAPLIN: That's correct.

GERAGOS: Okay. You purposefully, I assume, try to pick cars that don't look like undercover cop cars, right?

CHAPLIN: Yes.

GERAGOS: And the reason for that is that most people, just whether they've watched TV or not can usually figure out if it looks like a Queen Victoria, or something like that, that that tends to be a car that's used for undercover purposes, right?

CHAPLIN: Yes, sir.

GERAGOS: Okay. So you pick cars and you pick people who do the surveillance who are not going to be kind of a bright neon sign saying I'm an undercover cop following you, correct?

CHAPLIN: That's correct.

GERAGOS: Thank you. I have no further questions.

DISTASO: No further questions.

JUDGE: Okay, Officer. You are excused.

GERAGOS: Could I just talk, ask one question of this officer before I excuse him?

JUDGE:: Yes.

GERAGOS: I've got a couple more questions.

JUDGE: Why don't you come back, Officer Chaplin.

GERAGOS: Officer, I'm sorry. The, you had, you were part of the surveillance that went down to Bakersfield?

CHAPLIN: Yes, sir.

GERAGOS: Okay. And then at one point there was a, I guess you're all in radio contact, basically, the surveillance units, correct?

CHAPLIN: Correct.

GERAGOS: Okay. And the radio units reported at one point that, that Mr. Peterson had circled in a Sears parking lot, correct?

CHAPLIN: Yes, sir.

GERAGOS: Okay. I'm going to show you what's Bates numbered stamped 21415. Does that appear to be a receipt from Sears on January 9th in Bakersfield?

CHAPLIN: Yes, sir.

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

DISTASO: I'm going to object, your Honor, as lack of foundation. It speaks for itself.

JUDGE: Well, he's identified, he's identified it as a receipt from Sears in Bakersfield.

GERAGOS: On January 9th. And the question is nowhere in the reports, that I've seen at least, correct me if I'm wrong, I know there's reports that he's gone into parking lots and there's a suggestion, you know, that he's circling around, but do you see anywhere in the reports that any officer reported that he actually went into Sears and bought something?

CHAPLIN: No.

GERAGOS: Thank you. I have no further questions.

JUDGE: And he's only marking it at this time.

DISTASO: Yeah, I have no problem with that.

JUDGE: Okay. Okay, Officer, you can go.