Witness: Brent Rocha

Date: 2004-06-08

Proceedings held June 8, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos; Redirect – David Harris; Recross – Mark Geragos

Day 1 of 1 for this witness

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Direct Examination by David Harris

HARRIS: Mr. Rocha, what is your relationship with the victim in this case, Laci Peterson?

ROCHA: Laci's my sister.

HARRIS: And I'd like to show you what's been marked as People's No. 14 for identification. Do you recognize who's depicted in this photograph?

ROCHA: Yes. That's Laci.

HARRIS: I want to go through a little bit of just the family history. Did you grow up with Laci?

ROCHA: In my younger years we raised in the same household and later I moved with my father.

HARRIS: And your father's name is?

ROCHA: Dennis Rocha

HARRIS: And do you and Laci share the same mother?

ROCHA: Yes.

HARRIS: And that's who?

ROCHA: Sharon Rocha

HARRIS: At some point in time, let me back up for a second. Who is older, you or Laci?

ROCHA: I'm older by four years.

HARRIS: And at some point in time did your parents get divorced and you and Laci kind of went to two separate families?

ROCHA: Actually, both of us went with my mother at that time.

HARRIS: That's Sharon?

ROCHA: Yes.

HARRIS: And then you were saying at some later point in time you said you went to live with your father. When was that?

ROCHA: I was about nine or ten years old.

HARRIS: And Laci would have been around four or five?

ROCHA: Four or five.

HARRIS: And did you continue to see her even though you went to live with your dad at different points in time during the year?

ROCHA: Yes, there was weekend visitation, so we were either one weekend at my mom's or one weekend at my father's, so we would still see each other.

HARRIS: And did this continue throughout your life until the point in time that Laci kind of grew up and went to college?

ROCHA: For the most part. There were times where it didn't happen every other weekend, but it was on a regular basis.

HARRIS: Okay. At some point in time we're talking about this did you go off to college as well?

ROCHA: Yes, I did.

HARRIS: And what school did you go to?

ROCHA: Well, I started in San Diego.

HARRIS: Were you aware if Laci went to college as well?

ROCHA: Hm-hmm. Yes.

HARRIS: Where did Laci go to college?

ROCHA: San Luis Obispo, Cal Poly.

HARRIS: Now, since you were older than her did you graduate before she did?

ROCHA: Yes, I did.

HARRIS: And after you graduated, at some point in time did you ever happen to go visit her when she was at college?

ROCHA: Yes, several times.

HARRIS: Where was it that you would go?

ROCHA: Well, generally I'd go stay the weekend at her house down there. She lived at a few different places in San Luis throughout her college years so I've been to all the different places she lived.

HARRIS: During that time period that you go to visit her did you ever become aware of the fact that she had become involved with or started to date somebody by the name of Scott Peterson?

ROCHA: Yes.

HARRIS: And the person that we're referring to as Scott Peterson do you see that person here in room today?

ROCHA: Yes.

HARRIS: Could you point to that person, describe something that he's wearing.

ROCHA: He's wearing a tan blazer.

JUDGE: The record will reflect he's identified the defendant.

HARRIS: During the time that you would go down and visit Laci, did this relationship between your sister and the defendant blossom into something other than just them dating?

ROCHA: Yes.

HARRIS: Did they eventually get married?

ROCHA: Yes, they did.

HARRIS: Even after they got married did you still continue to go down and visit your sister?

ROCHA: Yes.

HARRIS: When you would go down to visit with your sister would you stay with them still after she got married to the defendant?

ROCHA: Yes.

HARRIS: What would you guys do when you go down to visit?

ROCHA: Oh, we've done a lot of different things. I mean, we'd go to farmers' markets. We'd go out to dinner. We'd go, we'd go wine tasting. Go to a variety of different things. Go to the movies.

HARRIS: When you're saying that "we," would that mean Laci, the defendant, and yourself?

ROCHA: Yes.

HARRIS: Are you about the same age as the defendant?

ROCHA: Approximately. A couple years older. Maybe a year older.

HARRIS: During this time period did you also get to know the defendant when you were down visiting your sister as well?

ROCHA: Yes, I did.

HARRIS: As you progressed through this getting to know the defendant, so to speak, did you become aware if he was in college or not?

ROCHA: Yes.

HARRIS: And can you explain that to the jury.

ROCHA: I was always aware that he was attending Cal Poly.

HARRIS: Did he graduate from Cal Poly?

ROCHA: Yes, he did.

HARRIS: After the defendant graduated from Cal Poly, what did he and Laci do?

ROCHA: Well, at that time Laci was living in Prunedale, I believe. She moved back to San Luis and they decided to open a business together. I believe Scott sold a business that his parents gave him, a packaging business, and they rolled that money into a restaurant.

HARRIS: Let me back up for a second. You're saying that Scott had a business prior to the business that he got with Laci?

ROCHA: When I first met Scott, I, think he was probably 24 or I was about 24 as well, 25. He was attending college and he was running a packaging business.

HARRIS: When you say "packaging," what do you mean by that?

ROCHA: Well, I believe they contracted with local people who needed shipping to be like, for example, there was a company down there that produced hot sauces or something like that. They shipped them out to customers so they would use his company to actually to put their product into packages for shipping purposes.

HARRIS: Now, you said at some point in time that the defendant sells that business and opens up another business with Laci?

ROCHA: Yes.

HARRIS: What business was that that they opened up?

ROCHA: "The Shack."

HARRIS: Can you tell us about that.

ROCHA: Well, it was more of a beer and burger place for college students. I mean, I believe started it from scratch. It wasn't an existing place they bought. All new equipment. Everything in there were new cash registers, refrigerators, stoves, that kind of stuff.

HARRIS: Did it look like the defendant, since it was his money that he got from his parents at a previous business that was sold and rolled into this new business, did it look like there was a substantial amount of money that was sunk into this business?

ROCHA: Oh, I would say well over $50,000, maybe upwards of a hundred. I don't know the dollar figures, but, you know, restaurant equipment can be expensive. It was all new, new operation.

HARRIS: As this was progressing did, was it just the defendant running The Shack or did your sister also get involved in it?

ROCHA: Oh, they both worked in The Shack.

HARRIS: What would they do, if you could tell us.

ROCHA: Well, I wasn't there day to day, but Laci, I know she had a lot to do the decorating and kind of setting up the atmosphere and kind of working in the kitchen from what I understood. Scott flipped burgers and the only reason I really knew that is because he said he didn't want to flip burgers for the rest of his life, so I believe that's one of the reasons why they decided to sell the business.

HARRIS: Now during the time period that they had this business, was he still a student or had he graduated at that point?

ROCHA: I believe he graduated, but he still had contacts with a fraternity down there that he was in. I think he was in a fraternity after he graduated, so a lot of those fraternity members would attend or would go to The Shack.

HARRIS: Do you happen to know what degree he had?

ROCHA: I think it was ag business.

HARRIS: When you say "ag business," that's like agriculture?

ROCHA: Agriculture, yeah.

HARRIS: You also mentioned that you only knew Scott was flipping burgers because he made a statement to you about that?

ROCHA: Correct.

HARRIS: What was the statement that he made?

ROCHA: Well, it was just along the lines that he didn't want to be flipping burgers for the rest of his life, so that's why they were going to sell the place.

HARRIS: Did he talk to you about whether this was hard work or not?

ROCHA: No, no, I don't think he ever mentioned it was hard, but I think it became maybe something he wasn't interested in doing anymore.

HARRIS: So after you have this conversation with him where he says he doesn't want to flip burgers for the rest of his life, did you become aware of him interviewing for jobs up in Northern California?

ROCHA: Yes.

HARRIS: Did he interview for a job up in Sacramento?

ROCHA: Yes, he did.

HARRIS: And did you become aware of that particular job interview up in that location?

ROCHA: I'm sorry?

HARRIS: Did you become aware of that job interview up in that location?

ROCHA: Yes.

HARRIS: Now, do you have a connection to the Sacramento area?

ROCHA: I live in Sacramento area

HARRIS: All right. Again, for geographic purposes, Sacramento is north of Modesto?

ROCHA: Yes.

HARRIS: What's the approximate distance?

ROCHA: Sixty, seventy-five miles.

HARRIS: Did he, when the defendant started to look for this job did you know, or had this interview, did you know what type of job it was for?

ROCHA: It was an agricultural-type sales position.

HARRIS: Something in the field that he graduated from?

ROCHA: Right. Yes.

HARRIS: And you also mentioned that it was sales. Did you become aware that the defendant was interested in getting some type of sales position?

ROCHA: Not particularly. I think he was looking at any position he could obtain at that time.

HARRIS: Was he successful in getting the job up in Sacramento?

ROCHA: I don't believe so because they didn't end up moving up to Sacramento, they later moved to Modesto.

HARRIS: So after that particular interview, the defendant lands in Modesto?

ROCHA: Yes.

HARRIS: Now when you say "they," are you talking about the defendant and your sister?

ROCHA: Correct.

HARRIS: So do you remember the approximate time that ultimately the defendant and your sister end up moving back to Modesto?

ROCHA: Well, I think it was in the summer, but around 2000 is what I recall, I mean, give or take.

HARRIS: And during this time period were you always living up in Sacramento?

ROCHA: Yes.

HARRIS: Did you have daily contact with them or is it something that you had a little bit more infrequent contact?

ROCHA: It was more infrequent because of the distance.

HARRIS: And when they moved back to Modesto were, you aware of what their housing situation was at first?

ROCHA: I, no, not particularly.

HARRIS: Do you know if they were renting or if they owned their home?

ROCHA: Well, I knew, yes, they were renting, I had been there a couple different times, but I didn't know they stayed with my parents for a couple weeks, I didn't know that.

HARRIS: All right. So as it progresses, they come back to Modesto, they're renting, you visited that particular place, did you become aware that they were attempting to or had bought a new house, or not a new house, but bought a house in Modesto?

ROCHA: Yes, they were, I believe they were working out a deal with his parents where they could get some money for the down payment to purchase the house.

HARRIS: And when you say "they were working out a deal with his parents," who are you referring to?

ROCHA: Scott.

HARRIS: So Scott gotten some money from his parents for a down payment?

ROCHA: Correct.

HARRIS: And were they able to get this money and buy this house?

ROCHA: Yes, they were.

HARRIS: The house that we're talking about, is that the Covena residence?

ROCHA: Yes.

HARRIS: After this deal goes through did you ever go down and visit Scott and Laci at this house?

ROCHA: Oh, yes, several times.

HARRIS: So when you go down to visit them were you aware of the layout of the house or what they might have in and around the house?

ROCHA: Yes.

HARRIS: Did they happen to have a dog?

ROCHA: Yes.

HARRIS: What's the dog's name?

ROCHA: McKenzi.

HARRIS: Can you tell us a little bit about McKenzi.

ROCHA: He's a golden lab retriever. He was always kind of a hyper dog, but when I was always come around he would kind of bark at first until, you know, Laci would say, "Oh, it's okay, McKenzie." But he pretty playful, but for the most part he was kind of protective when he first saw me.

HARRIS: When he was barking, now some dogs just bark because they're afraid of their own shadows and some dogs bark for other reasons. Can you describe for us what you meant when he was barking?

GERAGOS: Objection, calls for speculation. There's no foundation. Vague.

JUDGE: Yeah, you can't break open a dog's mind. I don't know what he was doing why he was barking. All dogs bark, so I'll sustain the objection.

HARRIS: Let me try in a different way

HARRIS: Did you view this barking as being aggressive?

GERAGOS: Objection, irrelevant, calls for speculation.

JUDGE: Overruled. You can answer that.

HARRIS: Were you afraid of the dog?

JUDGE: Physically or mentally?

ROCHA: I wasn't afraid of the dog because I met the dog previously, but it was an aggressive stance; like, hey, you're kind of a stranger, I don't know you.

GERAGOS: Motion to strike the last part as to what the dog thought.

JUDGE: No, but that's an observation, that's an observation of the witness and,

GERAGOS: Of the witness projecting as to what the dog thought?

JUDGE: Correct. I'll let it stand.

HARRIS: Now, during this time that you told us you had gotten to know the defendant did you get to know the defendant's hobbies or his lifestyle, his enjoyments?

ROCHA: Yes.

HARRIS: And what seemed to be his most favorite pastime?

ROCHA: Golf definitely.

HARRIS: When you say "golf definitely," can you explain that for us.

ROCHA: Well, I mean, even the first time I met him we went to the farmers market down in San Luis and the first thing he did, well, not the first thing he did, but we stopped in I believe it was a Copeland's and he was hitting balls off in the indoor driving range. Visited him down at Morrow Bay where he worked at a golf course. I mean, that was his primary hobby. That's what he liked to do.

HARRIS: When Scott talked about things what did he talk about most?

ROCHA: I wouldn't say he was always talking about golf.

GERAGOS: Objection, vague as to time.

JUDGE: Sustained.

HARRIS: Talking about the, focusing end, after they come back to Modesto, we're talking about Scott's hobbies or his pastimes, did he talk to you about golf on a regular basis?

ROCHA: I wouldn't say on a regular basis, but often.

HARRIS: Did he try to get you to go golfing with him?

ROCHA: Yes.

HARRIS: Did you ever go golfing with him?

ROCHA: Yes.

HARRIS: About how many times if you remember?

ROCHA: About four or five times.

HARRIS: And that's in a two-year time period that they were back in Modesto?

ROCHA: Yes. Well, not all within the two-year time period. One time it was in Sacramento, which happened previously so, but the other two or three times was in the two-year time period.

HARRIS: Now during the same, let's talk about the entire time period. Did he ever try to get you to go fishing with him?

ROCHA: No.

HARRIS: Did Scott ever talk about hunting with his family?

ROCHA: Yes.

HARRIS: Particularly his dad?

ROCHA: Yes.

HARRIS: And did he talk about that as often as he talked about golf?

ROCHA: Not as often, but he did mention it.

HARRIS: And when he talked about the hunting with his dad did he ever mention that he also went fishing with his dad?

ROCHA: No.

HARRIS: So did he ever talk about fishing with you at all?

ROCHA: Nothing about fishing.

HARRIS: Now at some point in time due to your age and the relationship that you developed with the defendant, did you talk about, you know, husbandhood, parenthood, those type of things that maybe guys sometimes do?

ROCHA: There were times he's asked, you know, how I was doing. Actually, we were golfing one time and I think I was expecting my first son. It was pretty informal, nothing significant. And then there was other times we talked about certain events if we were, for example, at his house one time we talked, we were in his pool and he was talking about him becoming a father shortly, and so we had discussions about that.

HARRIS: Let me back up for a second and we'll come back to that in a second. When you said that you were expecting your first child, at some point in time after the defendant had been married to Laci did you start a relationship that ultimately ended in you getting married?

ROCHA: Yes.

HARRIS: And your wife's name is?

ROCHA: Rose Rocha

HARRIS: And do you have any children?

ROCHA: Yes, I do.

HARRIS: What are their approximate ages?

ROCHA: One and three.

HARRIS: So, try this again. During the time that your wife was pregnant did you have contact with the defendant and Laci?

ROCHA: Yes.

HARRIS: And so they were aware as your wife kind of progressed through her pregnancy?

ROCHA: Yes.

HARRIS: And all of the things that come with that?

ROCHA: In general terms, yes.

HARRIS: From what you could tell, did your wife and Laci talk about this pregnancy, Rose's pregnancy?

ROCHA: On occasion, yes, they did.

HARRIS: Now, you mentioned that there was a point in time when I think you said you were expecting or something was occurring that you had a conversation with Scott. I want to go back to that. What did the defendant tell you during that particular conversation?

ROCHA: We were in the pool at my, at their house in Modesto at the Covena house and Rose and Amy and Laci were on one end of the pool with my son and me and Scott were on the other end of the pool and we were just kind of talking about life, we were just talking about, you know, not only him being a parent, but just in general how he wasn't doing good at his job and kind of had a lot going on, he's turning 30, and he was going to be a father.

HARRIS: Was he the one that specifically said he wasn't doing good in his job?

ROCHA: Yes.

HARRIS: And was he the one who said he was turning 30?

ROCHA: Yes.

HARRIS: Do you recall in terms of the relationship of his birthday to Laci's pregnancy?

ROCHA: No.

HARRIS: Do you know what the defendant's birth date is?

ROCHA: I don't.

HARRIS: He has this discussion with you, what was his demeanor when he was saying these things to you?

ROCHA: His demeanor, he was down, kind of quiet. He was talking about how he was trying to interview new associates at his business and hoping they would be better sales people than he would be. That was the gist of the conversation.

HARRIS: Now you, during the time period that the defendant was married to your sister, did you become aware of how, try this again. Talking about Modesto, I'll be more specific. We're up in Modesto. They now have their house on Covena Did you go into the house?

ROCHA: Yes.

HARRIS: Did you see how Laci furnished the house?

ROCHA: Yes.

HARRIS: Would you say that, could you describe for us the types of things that Laci bought.

JUDGE: Furniture or what?

HARRIS: Furniture or otherwise.

ROCHA: She had a nice household that she put together very neatly and creatively. She was a pretty creative person. It wasn't all brand new stuff. They had moved a lot of the stuff from their previous homes. But she, you know, she had, what I thought was good style and pretty up with the trends, that type of decorative style.

HARRIS: Do you happen to know what your sister's degree was from college?

ROCHA: Ornamental horticulture.

HARRIS: During the time that we're talking about in Modesto when they buy the house and these things are going on, had you just recently finished being a college student so to speak?

ROCHA: Yes.

HARRIS: Did you ever think about how these things were being paid for?

ROCHA: Yes.

HARRIS: And why is that?

ROCHA: Well, sometimes my wife and I after visiting Laci were, like, how do they afford to do all these things, you know, get a new pool. I mean, we were scraping to save up for our house and

they were able to get into it pretty easily. New cars, not brand new, but fairly new, nicer cars. They had nice things. I mean, for example, like his bar was stocked with all the premium

liquors, and which costs a lot of money when you're in college. So things that I noticed.

HARRIS: Now to move into a little bit of a different area here. I want to talk about your grandmother and your grandfather. During this same period of time did one of your grandmothers pass away?

ROCHA: Yes.

HARRIS: At the time that we're talking about in Modesto?

ROCHA: Yes.

HARRIS: And which grandmother was that?

ROCHA: It was on my father's side.

HARRIS: It was on Dennis's side?

ROCHA: Yes.

HARRIS: So that would be Laci's grandmother as well?

ROCHA: Yes.

HARRIS: Did your grandmother and grandfather have some kind of business or land holdings that was part of her estate?

ROCHA: They had a family business at one time which was a dairy farm.

HARRIS: All right. So just to go through this, this estate that we're talking about that started out as a dairy farm up in the central valley?

ROCHA: Yes.

HARRIS: Was it, if you can tell us, a big farm, a small farm?

ROCHA: It was probably considered a small family farm.

HARRIS: And when your grandmother passes away, what happens?

ROCHA: Well, at that point in time they already were semi-retired where they moved to another location, already sold the ranch, and so they had their estate set up so if something should happen to either one of them, the other person could be taken care of. So that happened and my grandfather was not real cognizant at the time, so I became a trustee and looked after his, his needs.

HARRIS: Were you the stole trustee?

ROCHA: No, I was co-trustee.

HARRIS: And who was the other co-trustee?

ROCHA: Robin Rocha

HARRIS: As part of your grandmother's estate did some money or property basically pass into trust to help take care of your grandfather?

ROCHA: Yes, everything was set up in trust for, for his needs.

HARRIS: Also as part of her passing was there some kind of conveyance or some type of mechanism set up so that the property did come to the children or to the grandchildren?

ROCHA: The way it was set up was at the time of both of their passing, then there was a bequest that was given to the grandchildren, which was their home.

HARRIS: And that was a house that was going to be put up for sale?

ROCHA: Yes.

HARRIS: When was it put up for sale?

ROCHA: I believe in November or December of 2002.

HARRIS: So shortly before Laci went missing?

ROCHA: Yes.

HARRIS: Now your grandfather was living in the house, but because of his health needs he had to be placed someplace prior to that?

ROCHA: In October of 2002 we moved him to a skilled nursing facility.

HARRIS: And after he moves, the trustees at that point this time felt it was best to sell the property?

ROCHA: Yes, to help preserve the assets, to help cover the costs of the skilled nursing facility we were going to sell the home.

HARRIS: Was there also some, from your grandmother's side of the estate, was there also some jewelry that was passed on?

ROCHA: Yes.

HARRIS: And was it one piece of jewelry, multiple pieces of jewelry?

ROCHA: There was several pieces of jewelry.

HARRIS: Did you have much interest in the jewelry?

ROCHA: No.

HARRIS: Did you help the co-trustee give that to Laci?

ROCHA: Yes.

HARRIS: And was there a number of watches and earrings and things of that nature?

ROCHA: Yes.

HARRIS: After, just to go through this real quickly, after your grandmother dies, did you actually collect those items and place them someplace?

ROCHA: We placed them in a security box at a bank because we had an in-home caregiver for my grandfather for a couple years. Someone who take out to clean the place we thought it would be safer just to place those things in a security deposit box.

HARRIS: Did you go get those items from the safe deposit box?

ROCHA: No, I asked Robin, the co-trustee to go get them and give them to Laci.

HARRIS: And was that done as far as you're aware?

ROCHA: Yes.

HARRIS: So at some point in time the jewelry is passed down from your grandmother to Laci and Amy, was it your understanding that they were going to kind of go through and see if there was anything that they liked?

ROCHA: Yes.

HARRIS: And do you know when about what time period that happened?

ROCHA: It was at the time period when we moved my grandfather out of the house because the timing of this whole event is that, well, we're going to start distributing some of assets that are

in the house so let's just kind of settle everything right now. So it was October/November, around that time frame.

HARRIS: Of 2002?

ROCHA: Yes.

HARRIS: After the stuff goes to Laci and Amy, did you actually get something back from them at that point in time?

ROCHA: Yes.

HARRIS: Can you tell us what that was?

ROCHA: I got in a pair of earrings and two men's watches.

HARRIS: And the earrings, did you give them or pass some on to someone?

ROCHA: Yeah, I had my wife hold them. The reason we wanted the earrings was in case if we ever have a daughter we'd have something of my grandmother's to give her.

HARRIS: All right. Now during the time period, let me ask another question of foundation. Was your grandfather's house actually sold, your grandfather's house?

ROCHA: Yes, it was.

HARRIS: And what was the value it was sold for?

ROCHA: I believe around 485,000.

HARRIS: Now after the house was sold, was this money eventually going to be distributed to the grandchildren?

ROCHA: There was talk about possibly distributing it to the grandchildren. There was provisions in the trust that said no one would get anything until they were at least 30 years of old. I've also consulted with an attorney, an accountant and a financial advisor as to whether we should retain that money for my grandfather's needs.

HARRIS: So during this time period that we're talking about then, October/November of 2002, shortly before Laci goes missing, did you ever have conversations with the defendant about any of the plans to keep this money from the beneficiaries?

ROCHA: No.

HARRIS: Now the three individuals that were the grandchildren, they are?

ROCHA: Myself, Laci and Amy Rocha

HARRIS: I want to move forward in time. Well, let me ask one additional question. The jewelry that you got back from Laci and Amy that was for you and for Rose or for your ultimate granddaughter, did the police at any point in time come to ask and see those and kind of make an accounting of all of your grandmother's jewelry?

ROCHA: Yes, they did.

HARRIS: And did you provide all of that to the detective from the Modesto Police Department?

ROCHA: Yes, I did.

HARRIS: Now, let me ask you about that real quick kind of on a completely different subject. Did you talk to somebody from Modesto Police Department a number of times?

ROCHA: Yes, several.

HARRIS: And when you would talk to somebody, as far as you were aware, they would write a report about what you told them?

ROCHA: Yes.

HARRIS: And after they wrote these reports did they ever give you copies of these reports to look at them to see if they were accurate?

ROCHA: Yes.

HARRIS: And since you're telling them something and they're kind of writing it down did you find mistakes and ask them to correct them?

ROCHA: A couple.

HARRIS: And as far as you're aware did the representatives from Modesto Police Department make those corrections and changes that you asked them to?

ROCHA: Yes, they did.

HARRIS: Okay. Moving toward in time, December 24th, 2002. Did you receive a phone call sometime in the evening about something involving your sister?

ROCHA: Yes.

HARRIS: Tell us what happened.

ROCHA: My wife and I were returning from church, I think it was around 7:00 and we went from 6:00 to 7:00. So we stopped by our place. We were going to go to other family members houses. We stopped by to get hors d'oeuvres and whatnot that we were bringing and there was four or five messages on my machine. And, you know, that's pretty odd. And while I was there, before I got a chance to play the messages, Ron called and he said Laci was missing and, you know, I immediately come down there right away. So I,

HARRIS: Did Ron seem pretty frantic when he was talking to you?

ROCHA: Extremely frantic. I knew it was very serious.

HARRIS: So you get this call from Ron, what do you do then?

ROCHA: I gathered some, I changed my clothes, I got some heavy jackets and flashlights, some gloves and got in the truck and left.

HARRIS: Where did you go?

ROCHA: Straight to Scott and Laci's house.

HARRIS: When you get to the scene do you remember what time it was?

ROCHA: 8:30.

HARRIS: So you get there about 8:30 on Christmas Eve?

ROCHA: Hm-hmm.

HARRIS: Can you describe for us what was going on at the defendant's house?

ROCHA: It was, it was pretty surreal. When I got there there was a chopper overhead so his light was shinning down. They were already starting to do the infrared search in the park. There was probably 40-plus people out front in the front, front yard. My mom was screaming. Officers were there. They already had the house taped off. It was somewhat chaotic. It was very chaotic.

HARRIS: Now you're talking about your mom screaming, was she yelling at someone or just,

ROCHA: Just crying, kind of hysterical.

HARRIS: Did you happen to see the defendant at that time?

ROCHA: Yes, he was in his driveway.

HARRIS: What was he doing?

ROCHA: From my perception of Scott that evening was that he was just kind of starring straight ahead and not looking at anyone, just kind of like in outer space, just kind of looking and not really making eye contact with anyone and not really, he was just kind of by himself.

HARRIS: Did you see members of the family try to approach him?

ROCHA: Well, I tried to approach him and it was always just kind of, I don't know, it was just really a tense situation at that moment. And I don't remember, we didn't even talk. It was just like we had no conversation. I don't recall other people trying to actually approach him.

HARRIS: Now when you say it was tense, I just want to go back through this. Up until, until the moment that you see the defendant in his driveway and approach him were you on good terms with him?

ROCHA: Oh, absolutely.

HARRIS: And it was a relationship of kind of like, like you said, like-age men kind of talking about wives and fatherhood and bad things at work?

ROCHA: We had a great relationship.

HARRIS: So you walked up to him and you said it was tense.

ROCHA: There was pressure on the situation. I mean, there was a lot going on, there was a lot happening, so it was just, I don't know really how to describe it, but just, you know, stressful.

HARRIS: Did he do anything to relieve that stress at that time?

ROCHA: No.

GERAGOS: Objection, calls for speculation.

JUDGE: Sustained.

GERAGOS: Vague.

JUDGE: Sustained.

HARRIS: As the seen evolves at his house at this point in time did you become aware that members from the Modesto Police Department were there and some detective was telling you guys basically to go home?

ROCHA: Yes.

HARRIS: And do you remember about when that was?

ROCHA: I'm thinking it was around 11:30 we left Laci and Scott's house.

HARRIS: And this is after the park had been searched and this helicopter was flying overhead?

ROCHA: Yes.

HARRIS: And they basically told you to go home until the morning?

ROCHA: Yes.

HARRIS: When the police department advised you to go home, at this point in time you've already told us about having flashlights, was it fairly dark outside?

ROCHA: Yes.

HARRIS: It's 11:30 on Christmas Eve so it's nighttime?

ROCHA: Yes.

HARRIS: Was it also cold?

ROCHA: Very cold. It was really cold.

HARRIS: So they advised you to go home. Do you and your mother and your side of the family attempt to get the defendant to do anything at that time?

ROCHA: Not at that time, but at some point in the night I asked Scott if he wanted to come over at the house, at my mom's house, or if he wanted me to stay there that night.

HARRIS: What did he respond?

ROCHA: He said no.

HARRIS: So he didn't want you to go to his house and he didn't want you to come over to your mom's house?

ROCHA: Correct. And he also responded kind of like in a shocked way, "Oh, you're saying the night down here," like because he was surprised I wasn't going back up to Sacramento.

HARRIS: After he says, no, don't come over to his house and he's not coming over to Sharon's house,

GERAGOS: Objection, misstates the evidence.

JUDGE: The testimony was he asked if he would like to come over to their house or he volunteered to stay at his house and he said no, that was the testimony. Okay.

HARRIS: After he makes that statement where do you go?

ROCHA: Well, we went back to my mom's house. Well, first of all, Amy left her keys in someone's jacket. It was really cold. Everyone was sharing jackets that night. So somehow her keys got in someone else's jacket which got taken over to my mom's house. I took her over to my mom's house to retrieve her keys. We stayed there for probably about an hour and I eventually brought Amy back to get her car at Laci's house.

HARRIS: And just so we're clear about this, it's been described that your mom's house, and that's Sharon's Rocha, her house is a short distance away, is that an accurate statement?

ROCHA: Yes.

HARRIS: And you said that Amy's car was parked over at the defendant's and Laci's house?

ROCHA: Yes.

HARRIS: Was it parked out in the street, parked in the driveway?

ROCHA: It was on the side of the street near where the vacant house was right next

door.

HARRIS: And that's on Covena?

ROCHA: Yes.

HARRIS: Did you take Amy back to her car, do you remember about time this was?

ROCHA: This was about 2:00 a.m.

HARRIS: When you get back at 2:00 a.m., do you do anything at that point in time?

ROCHA: Well, we kind of stayed out front for a little bit. The crime scene truck or van was still there, kind of waited around and kind of, our stepbrother was there and his girlfriend and we kind of just talked for about 15 or 20 minutes, determined what we were going to do the next day. Then I left and went back to my mom's house.

HARRIS: Did you try to find the defendant at that point in time?

ROCHA: He wasn't there.

HARRIS: He wasn't at the house?

ROCHA: According to the, whoever was processing the crime scene, they said Scott

did not return.

HARRIS: Did you, did you stay there or did you go back to your mom's house?

ROCHA: I went back to my mom's.

HARRIS: What did you try to do?

ROCHA: Well, we kind of all sat on the couch that night and Ron was in the front room, my mom and myself. I don't know, we were just talking, trying to lay down. Obviously, we couldn't sleep. So eventually I went back out later that night, about 3:00 in the morning, just went driving around near the house.

HARRIS: Did you try and make contact with the defendant at that time?

ROCHA: Well, all the lights were off so it didn't look like he was home or if he was sleeping or there was really no one around. No, I didn't stop by or try to make a phone call or anything like that.

HARRIS: Now, you said before that there was some Modesto Police Department van that was in front of the property when you took Amy back. Was that van still there when you went back at 3:00?

ROCHA: No.

HARRIS: So there was no lights on and there was no police presence at that time?

ROCHA: Correct.

HARRIS: Throughout the night until the next morning did you ever again attempt to contact the defendant or go into the house or knock at the house or whatever?

ROCHA: I called the defendant, but I didn't go back to the house. The next time I went to the house was about 7:30 in the morning.

HARRIS: And you said that you called him, when was that?

ROCHA: I think I called him probably about 7:00 as soon as it started getting light. Said we're coming over, you know, go search the park.

HARRIS: Did you go over?

ROCHA: Yes.

HARRIS: To the house?

ROCHA: Yes.

HARRIS: Tell us what happened when you get to the house. Now it's the morning of the 25th.

ROCHA: Yes. Scott opens the door, says come in. He was just getting out of the shower. He still had a towel wrapped around him. I waited for him to get dressed. He had, when I showed up there the night before it was dark. I had no idea where this park was even at. So he was getting dressed, getting ready to go, got McKenzie on a leash and we were going to start searching the park.

HARRIS: When you, let me back up just to make sure. So he comes to the door, could you tell that he just took a shower?

ROCHA: Yes, he was in a towel and his hair was wet.

HARRIS: When you got to the house did you walk over to the house or did you drive over to his house on the 25th?

ROCHA: I drove over to his house.

HARRIS: And what type of vehicle, was this your truck that truck that you were talking about?

ROCHA: Yes.

HARRIS: Where did you park your truck?

ROCHA: I parked my truck kind of on the street, but it blocked his driveway.

HARRIS: Was his vehicle and Laci's vehicle still in the driveway when you got there on the morning of the 25th?

ROCHA: Yes.

HARRIS: Would you have been able to get either of those two vehicles out of the driveway where you had parked?

ROCHA: No, we would not.

HARRIS: So Scott comes out, he gets McKenzi, and the two of you go where?

ROCHA: We start heading for the park.

HARRIS: Which park are we talking about?

ROCHA: East La Loma park or I think that's the name of it.

HARRIS: How does he take you into the park?

ROCHA: Well, he actually doesn't. We get separated at some point and me and Ron end up heading down into the park. And I believe he's, Scott's with my mom, so he kind of, I think he helps my mom over to the neighbor's house and so he actually didn't walk down into the park with me.

HARRIS: All right. Did you go down in the park?

ROCHA: Yes.

HARRIS: At some point in time when you're walking down into the park does Ron come to get your keys so that Scott can get his truck to go to the shop?

ROCHA: Scott, yes.

HARRIS: And about what was that?

ROCHA: I would say it had to be right around 8:00 because I know I started heading down into the park and all the patrol officers were starting to line up and start talking, figure out what they were going to do, and they were all showing up right around 8:00 o'clock.

HARRIS: Did the defendant tell you why it was he wanted to go to the warehouse the morning of the 25th?

ROCHA: He said he wanted to go get tape to hang up posters, fliers.

HARRIS: Did he tell you what kind of tape he wanted to go get at the warehouse?

ROCHA: No, he did not say.

HARRIS: Did he come back with some tape?

ROCHA: Yes, he did.

HARRIS: And did you see him use that tape thereafter?

ROCHA: We both used it. We walked around the neighborhood together, just Scott and I, hanging the fliers with duct tape.

HARRIS: So this is kind of that silver-gray tape that you pull apart?

ROCHA: Yes.

HARRIS: When he comes back with the duct tape, about how much time had elapsed from when he said he was leaving to the go to the warehouse until he comes back with the duct tape?

ROCHA: Well, I remember time frame because I was coming up from the park after searching it and I was down there for a couple hours, so it was about two hours where he was going.

HARRIS: Did you ever go to the warehouse from his house?

ROCHA: No.

HARRIS: So you don't know the approximate distance?

ROCHA: Well, I do roughly, but not because I've been there previously.

HARRIS: Do you know the general location where the warehouse was at?

ROCHA: Yes.

HARRIS: What's the approximate distance from the warehouse general location to the house of the defendant?

ROCHA: It be a guesstimate, I would say ten miles.

HARRIS: When you were done putting up these posters with the duct tape with the defendant, did you have some kind of appointment or time that you and the defendant had to be back at the house that morning, the 25th?

ROCHA: Well, it wasn't really an appointment, but I knew the media was coming out and they were going to be out for the 12:00 o'clock shoot, so we were trying to -- well, it wasn't that we were trying to get back in time, we just happened to be hanging fliers and we ran out of fliers so we headed back to the house.

HARRIS: And what time did you get back to the house with the defendant?

ROCHA: Well, I know it was before noon I would say somewhere between 11:30 and 12:00, probably around 11:30. And, like I said, the only reason I know that time frame is because that's when we first did our first interviews.

HARRIS: And let's go through this. So you come back up from the park, you're with the defendant?

ROCHA: Yeah. Sorry?

HARRIS: When you come back up from the park are you with the defendant?

ROCHA: Well, we came back from the neighborhood from hanging fliers, that's when we came back to the house at about 11:30.

HARRIS: All right. So when you arrive back at the house at 11:30 time period, you're with the defendant?

ROCHA: Yes.

HARRIS: Do you see any media presence at that point in time?

ROCHA: Yes.

HARRIS: And did you want to talk to the media at that point in time?

ROCHA: Yes. Well, not me in particular, I was saying, hey, what should we do. We need to get the message out and figure out what we're going to do. And Scott said he didn't want to talk to the media, the only people he wanted to talk was my mom or myself.

HARRIS: Did he give you a reason why he didn't want to talk to the media on the morning of the 25th?

ROCHA: No. No.

HARRIS: What did he do after he made this statement about not wanting to talk to the media?

ROCHA: He stayed in the house. I went out in front and -, with Laci, two of Laci's friends because my mom couldn't do it, she didn't want to talk. And we brought the dog, dog out of the backyard so everyone could see what the dog looked like and try to get the word out that Laci was missing.

HARRIS: Now, your mom's condition, was she in the, was she capable of talking to the media at that time?

ROCHA: No.

HARRIS: Did Scott seem to be upset and incapable of talking to the media?

ROCHA: No.

HARRIS: Now, maybe we can guess shy or something, he doesn't want to talk to the media so let me ask about you that. Do you have any experience with Scott getting up in front of a video camera and talking before?

ROCHA: Yes.

HARRIS: Can you tell us about that.

ROCHA: Well, I mean there's one time in particular at my wedding, Rose and I's, our wedding, where he kind of took the microphone for, like, ten minutes and gave a long speech and kind of had no problem, absolutely no problem getting up

and talking in front of a large group of people.

HARRIS: So you talked to the media on the morning of the 25th going into the afternoon of the 25th?

ROCHA: Yes.

HARRIS: Did the defendant during that time period ever come outside and even pose for the cameras?

ROCHA: No.

HARRIS: After this happened did you start to ask the defendant to do some things, say, for example, search for maybe to see if any of Laci's clothes were missing?

ROCHA: Just started to question, hey, what was she wearing, you know, the last time you saw her, all that kind of stuff, are those clothes there, that kind of stuff. I asked him about that a few times about that.

HARRIS: Did he ever do it as far as you know?

ROCHA: He didn't seem too interested in pursuing that, checking into that. So, no, and he didn't do. He never let me know. I don't know if he did it, and he didn't tell me, but I'm not aware if he did it.

HARRIS: Did you ask him that repeatedly?

ROCHA: On more than one occasion, yes.

HARRIS: And in any of those times that you asked him the second or third, or whatever time it was, did he say, oh, yeah, I did it, or respond to you?

ROCHA: No.

HARRIS: Moving toward in time a little bit. Was there a point where the, I believe it's the Sund/Carrington Foundation that got involved?

ROCHA: Yes.

HARRIS: And was it arranged, I don't know if it's by them, but an association with them, some type of vigil that was going to happen on 12/31?

ROCHA: Yes.

HARRIS: So on New Year's Eve?

ROCHA: Yes.

HARRIS: Did you go to the vigil?

ROCHA: Yes, I did.

HARRIS: Where did the vigil take place?

ROCHA: In the park.

HARRIS: And that's the Covena Park that we've been talking about?

ROCHA: Yes.

HARRIS: Now is this park, from your experience, in the area kind of a big park?

ROCHA: Yes, it is.

HARRIS: And at different parts in this big park does it have different names for different parts of the park?

ROCHA: I believe so.

HARRIS: Where exactly was it that you had the vigil, if you know?

ROCHA: I believe it's considered East La Loma Park.

JUDGE: East La Loma?

ROCHA: East La Loma, I'm not certain on the name, we just referred to it as the tennis courts. That's in the area where the tennis courts are.

HARRIS: When the vigil started to take place, was there someplace or platform in which the family was supposed to go up and sit?

ROCHA: There was a large trailer or kind of like a diesel trailer. We kind of had chairs up there and a microphone.

HARRIS: Did the family go up there?

ROCHA: Yes.

HARRIS: Was there anybody absence?

ROCHA: Scott was not there.

HARRIS: Did you try to find Scott at the vigil?

ROCHA: Several people tried to find him, but they could not locate him.

HARRIS: Did you ever talk to him on the phone during before or during the vigil?

ROCHA: When I was up on the stage, he called me. I believe, he called me. I don't think I called him. And he says, well, if people are looking for me I'm going to watch the vigil from down here with my friends.

HARRIS: Did he ever go up on the stage?

ROCHA: No.

HARRIS: I'd like to have marked next in order three photographs which I've shown to counsel.

JUDGE: Mark them as 24A, B and C?

HARRIS: Yes.

JUDGE: It be 24A, B and C.

GERAGOS: 24A, B and C?

JUDGE: Right.

HARRIS: Well, the Clerk's already prepared for 24, 25 and 26. I can

do it that.

JUDGE: Do you want to do that? Overruled. I've been overruled. 24, 25 and 26. That's all right.

JUDGE: These are all photos of the park?

HARRIS: Yes. Well, two photos of the vigil and the third is a poster of people at the vigil.

JUDGE: All right.

HARRIS: Mr. Rocha, I'm going to show you these three photographs and ask you to look at those real briefly.

ROCHA: (Witness complies.) Okay.

HARRIS: Have you had a chance to look at them now?

ROCHA: Yes.

HARRIS: Do you recognize what's depicted in those photographs?

ROCHA: That was the night of the vigil.

HARRIS: So 24, 25, that's kind of a shot from back behind the crowd looking up to the stage area?

ROCHA: Yes.

HARRIS: And the last one, I believe that's 26, that's a close-up view of some of the people that were there?

ROCHA: Yes.

HARRIS: And 26, People's No. 26, that be a close-up that includes your mother?

ROCHA: Yes, it does.

HARRIS: Let me put these up on the screen and have you talk about what's here.

JUDGE: Do those photos appear as they did that night?

ROCHA: Yes, they do.

HARRIS: Mr. Rocha, starting with what's marked as No. 24, can you describe for the jury what's being depicted in this particular photograph?

ROCHA: Well, where the blue tent is, that's the stage and can you see the podium up there. I see my dad on the left-hand side and Amy, myself, my mom and Jackie and Lee. So they had chairs for all of us up behind the podium.

HARRIS: Now let me back up and go through this. The person that you are saying is Jackie, who is that?

ROCHA: Scott's mother.

HARRIS: And the person that you're saying is Lee, who is that?

ROCHA: Scott's father.

HARRIS: And this was, was this somewhat representative of that photograph representative of the crowd that was out there that night?

ROCHA: Well, yes, it was a larger crowd, but much larger than that, but it was crowded like that and everyone was grouped together.

HARRIS: Going to the next photograph, and if you can describe for us what's depicted in People's No. 25.

ROCHA: I believe that's Jackie Peterson speaking at the podium.

HARRIS: And to the right, let me just go through this. At the bottom center of the photograph there's a podium that's depicted there and there's a subject standing at that podium?

ROCHA: Yes.

HARRIS: And that's who you're describing as Jackie Peterson?

ROCHA: Yes.

HARRIS: And almost directly behind her and to the right of that photograph is an empty chair?

ROCHA: Yes.

HARRIS: Do you see that?

ROCHA: Yes.

HARRIS: To the right of that there's an individual and it appears to be some type of jacket that's dark in color with lighter particular sleeves?

ROCHA: Yes.

HARRIS: Is that Lee Peterson?

ROCHA: Yes.

HARRIS: Showing you the next photograph in People's No. 26. Can you describe for us what that is.

ROCHA: Well, there's a picture of my mom and her friend Sandy, and I don't recall the names of the other individuals there, but that was some time later that night during the vigil.

HARRIS: Okay. Just to go through this, to the right side of this particular photograph is the individual you're referring to as Sandy?

ROCHA: Yes.

HARRIS: And do you know her last name?

ROCHA: Rickard.

HARRIS: And to her left the second person from the right of the photograph, who is that?

ROCHA: That's my mother, Sharon Rocha

HARRIS: Now behind them, it's not very clear from the photograph, is there a big poster that was out there?

ROCHA: Yes.

HARRIS: And what was depicted in the poster?

ROCHA: A couple pictures of Laci. And you can see her name there, Laci Peterson is missing, and how much the reward was and there was a bunch of candles underneath that banner there.

HARRIS: Was there a pretty big media turnout at this particular vigil?

ROCHA: Yes.

HARRIS: And was, I can't say at what extend of the families were there, but was it broadcast or put out to the media that was there that was a reward being offered in the case?

ROCHA: Yes.

HARRIS: And what was the reward that was being told to the media?

ROCHA: At that time I believe it was 500,000.

HARRIS: So there was a 500,000 reward being offered for the information for the return of Laci Peterson?

ROCHA: Yes.

HARRIS: You can go ahead and resume the lights.

JUDGE: Okay.

HARRIS: In and around this time period that we're talking about with the vigil, did there also become a time where the police would set up a command center or command post or the that families had set up some command post?

ROCHA: Yes.

HARRIS: Can you tell us a little bit about that.

ROCHA: The police command post was down in the park. The volunteer effort got so large that we were advised we might want to move. The command post was originally going to be at the house at the house on Covena, but it would be disruptive to the neighbors so we found another location to accommodate everyone that was more suitable for our needs.

HARRIS: When we talk about the command post or command center, those are actually two different things?

ROCHA: Yes.

HARRIS: So to make sure that we are using the same terms, the command post or command center, let's use that for the police. They set that up in the park?

ROCHA: Yes.

HARRIS: And they were coordinating, from what you could tell, search efforts from either volunteers or professionals?

ROCHA: Yes.

HARRIS: Now the other center, was this a volunteer center that was being set up or maintained or run by families and Sund/Carrington?

ROCHA: Yes.

HARRIS: Where did that end up being set up at?

ROCHA: At the Red Lyon Hotel.

HARRIS: And, again, graphically is the Red Lyon Hotel next to the park?

ROCHA: No.

HARRIS: Is it some distance away?

ROCHA: Yes.

HARRIS: This park, is it a few miles from downtown?

ROCHA: Yes.

HARRIS: Is the Red Lyon Hotel in the downtown area?

ROCHA: No, it's not.

HARRIS: All right. So it's even further than the downtown area?

ROCHA: Yeah, it's along a freeway so it's probably 10, 15 miles from downtown. Maybe 10.

HARRIS: After the visitor center or the volunteer center gets set up, do you start or do you continue to have conversations with the defendant?

ROCHA: Yes.

HARRIS: And at some point in time do you talk to him about or does he tell you something about him observing people following him?

ROCHA: Yeah, it's probably a day or two after we got the command center set up, so it was probably maybe the 27th, 28th, around that time period he said the media were following him and the police were following him.

HARRIS: Did he tell you why it was that he thought the police were following him?

ROCHA: Well, I said, "How do you know who's following you?" You know, "How do you know it's the media or how do you know it's the police?" Well, I know it's the police because they have dark-tinted windows and they're driving Dodge Intrepids or Chrysler cars.

HARRIS: And this was around the 27th that he was making this statement to you?

ROCHA: Well, actually, he didn't say Dodge Intrepids, he said Dodge or Chrysler cars. That was his statement. He didn't say Intrepids. Yes, it was around that time period.

HARRIS: After that particular conversation was there a later point in time where you would continue to have phone calls or phone conversations with the defendant?

ROCHA: Yes.

HARRIS: And after some events had unfolded and everybody seemed to become aware of an individual by the name of Amber Frey, did you have a phone call or phone conversation with the defendant about his mistress, Amber Frey?

ROCHA: Yes.

HARRIS: I want to talk to you about that now. When you became aware of the existence of Amber Frey and the defendant's relationship with her, did you did you call him or did he call you during that conversation, did you express some concern that maybe she being involved?

ROCHA: Yes.

HARRIS: Can you tell us about that and what he responded.

JUDGE: First of all, did you call him or did he call you?

ROCHA: I called him first because the information came out in the National Enquirer. I said, "Scott did you see this article?" He said, "No." He goes, "Hold on. Let me go get it." And then so he called me back after he went to the store to try to find it.

HARRIS: Did he ever admit to you about having a relationship with Amber Frey?

ROCHA: At first when I asked him that day he denied it, but then after he admitted it, yes.

HARRIS: So at some later point in time?

ROCHA: Yeah, in that same conversation.

HARRIS: When he admitted to you about having this relationship with Amber Frey, did you express some concern about her?

ROCHA: Well, I was just trying to get more information about what was going on. Scott, how do you know she has nothing to do with it, you know.

HARRIS: What did he respond?

ROCHA: He said no, no, way, she couldn't have anything to do with it. She wouldn't do it. She didn't even know Laci existed.

HARRIS: So after he explained to you that Amber didn't know that Laci existed, did you continue the conversation about that or did it kind of end at that point in time?

ROCHA: Well, no, we continued because I was still questioning him. I'm all, "How do you mean that she didn't know that she existed," and we were talking a little bit. And he said, Well, she didn't know anything about Laci. I told her that Laci, I told her about when Laci went missing, so that was like the first time Amber even knew Laci existed.

HARRIS: The defendant was relating to you that he had called Amber and told Amber when Laci disappeared?

ROCHA: Yes.

HARRIS: During another one of these conversations, did you, did you again somewhat, I don't want to say be confrontational, discuss with him information that you were starting to learn?

ROCHA: Yes.

HARRIS: Did you ever talk to him and kind of ask him about some concrete or cement that was at his shop?

ROCHA: Yeah, again, it was in one of those articles. They talked about cement anchors. I said, Well, what's the deal with that. Because this, this is the first I've heard of it. He said, Oh, yeah, the police asked me about it. I said, I'm all, Oh, they already asked you about this stuff? He said, Yeah, and I told them, you know, I used it to make anchors. And I think his response was

to me, I go, There was only one anchor? He said, Well, I used the rest of the cement for my driveway.

HARRIS: Now, going back to the Amber Frey conversation, he, from what you were saying, he told you, now it's not true, then he admitted that he did. Were you also present when there was some discussion about a photograph with him and Amber Frey?

ROCHA: Yes.

HARRIS: And can you tell us about that, what happened there.

ROCHA: Well, that night the families got together for a dinner and he was saying . . .

JUDGE: The same night you talked about the anchor and so forth?

ROCHA: The anchor didn't come out until about January, whenever it came out in that article.

JUDGE: So this dinner was earlier?

ROCHA: Earlier, like maybe the first part of January.

JUDGE: Okay.

ROCHA: The police showed me a picture of me and another girl. It looked real, but -- and he said it was amazing, it really looked like him. You know, that some, someone out there is just sending these pictures in of him and another girl.

HARRIS: And so that was what the defendant said to you at that dinner?

ROCHA: That's one of the things he said.

HARRIS: Now the police department at some point in time, you know, they came and they talked to you. You've already told us about the report. Did they ask you where you were on the 23rd and 24th?

ROCHA: Yes.

HARRIS: And did you provide them the information of your employer

ROCHA: Yes.

HARRIS: and are you aware that they went and talked to them?

ROCHA: Yes.

HARRIS: Did they also ask you to go out and show them locations where Scott had been using that duct tape?

ROCHA: Yes.

HARRIS: On the 25th?

ROCHA: Yes, they did.

HARRIS: And to the best of your recollection did you go back and try and find the places where Scott had put up that duct tape on the 25th?

ROCHA: Yes.

HARRIS: No other questions.

Cross Examination by Mark Geragos

GERAGOS: I know it's early, but I've got to set up a tape and some other stuff. Can we take the recess and come back at 1:30?

JUDGE: You're sure generous with the Judge and jury's time. Don't you have any questions you can ask this gentleman before we break for lunch?

GERAGOS: I have. I've got plenty of questions.

JUDGE: Can you start so we can use up some of the time?

GERAGOS: Sure.

GERAGOS: Can you tell me, Mr. Rocha, the relationship?

JUDGE: Then we'll take a break when you've got to put up the stuff.

GERAGOS: I'll tell you what, I'll just keep talking.

JUDGE: Okay. You're good at talking.

GERAGOS: The relationship you had with Scott, when was the first time that you met him?

ROCHA: The first time was probably '95, roughly.

GERAGOS: And that was before you were married, right?

ROCHA: Yes, it was.

GERAGOS: Okay. Let me go back to this estate. You are the executor of the estate?

ROCHA: Trustee.

GERAGOS: Trustee of the estate. Who else is the trustee?

ROCHA: Robin Rocha, who is an aunt.

GERAGOS: Okay. How is she related specifically to you?

ROCHA: My dad's sister.

GERAGOS: Okay. Dennis's sister Robin?

ROCHA: Yes.

GERAGOS: Okay. And the estate has got, whatever the report said, in 1999 the total estate value was $2,367,935; is that right?

ROCHA: Yes.

GERAGOS: And that was back in '99?

ROCHA: Yes.

GERAGOS: Okay. In 2002, what was the value of the estate, the October/November after the sale for 485,000?

ROCHA: Approximately the same.

GERAGOS: Okay. So basically your grandfather was using the proceeds of the interest or whatever dividends or anything else to live off of?

ROCHA: Yes.

GERAGOS: Okay. So the principal balance was about 2,300,000 was remaining the same whatever it generated was being used for him?

ROCHA: For the most part. It didn't quite balance out that way, but it was close to it.

GERAGOS: Okay. Is it a fair statement -- by the way, you're a lawyer, aren't you?

ROCHA: No.

GERAGOS: You work for the Department of Justice?

ROCHA: Yes.

GERAGOS: What do you do for then?

ROCHA: I'm an analyst.

GERAGOS: Okay. And how long have you worked for the California Department of Justice?

ROCHA: Approximately three years.

GERAGOS: Okay. Now, as the executor do you have a familiarity?

JUDGE: Trustee.

GERAGOS: Trustee, I'm sorry. As trustee of the estate do you have a familiarity with the terms of the trust?

ROCHA: Yes.

GERAGOS: Are the terms of the trust that basically the estate's pretty much intact until such time as your grandfather passes away?

ROCHA: Absolutely, yes.

GERAGOS: And when your grandfather passes away, the terms of the trust are that the three grandchildren, which would be you, Amy and Laci, would then inherit three parts, roughly. It would be divided up three ways?

ROCHA: Only with regards to the house, everything else was still being held in another trust.

GERAGOS: Okay. I'll separate it out, if I can. In regards to the house, the selling of the house, the 485 was to be divvied up, if you will, three ways, you were to get a third of the 485, a third of the 485 would go to Amy, a third would go to Laci?

ROCHA: Yes.

GERAGOS: If something happened to one of the three of you, all that would do is increase the share to the other two, correct?

ROCHA: Yes.

GERAGOS: Okay. So if something happened to Laci, Scott was not going to get one-third of 485, correct?

ROCHA: Well, if you have children, then it would go to their children but . . .

GERAGOS: Right. So if Laci had gone one for two more months, eight more weeks, and had delivered Conner and then something had happened to Laci, then Conner would have been the beneficiary of whatever one-third of 485 is?

ROCHA: Yes.

GERAGOS: So roughly 160 in change?

ROCHA: Yes.

GERAGOS: Okay. If something happens to Laci and Conner, then that 160,000, and that would have gone to Laci and Conner, gets split up in half, 80 would go to you and 80 goes to Amy?

ROCHA: Yes.

GERAGOS: Okay. So as far as you can tell, there's absolutely no financial motive for Scott Peterson to do anything to Laci or to Conner, especially in that eight-week period of time; isn't that correct?

ROCHA: No, not with regards to our family finances.

GERAGOS: With regards to your, that's what I'm talking about.

ROCHA: It wouldn't be a financial motive. My grandfather was still living. To our knowledge nothing was going to happen anytime soon. I mean he just passed away but

GERAGOS: When did he pass away?

ROCHA: Last December.

GERAGOS: Of 2003?

ROCHA: Yes.

GERAGOS: Okay. And he was in a pretty bad way back in back in 2002, that's why he was put into an assisted living facility, right?

ROCHA: Yes.

GERAGOS: He was not, one of the reasons that you're aware of that Laci went back to Modesto or moved back to Modesto is because she was close to her grandfather and grandmother. Your grandmother was still alive at the time, correct?

ROCHA: Yes, well

GERAGOS: When they first moved to Modesto wasn't your grandmother still alive?

ROCHA: I believe so. Actually, no.

GERAGOS: When did your grandmother

ROCHA: She passed away in '99 so

GERAGOS: Okay. Is that one of the reasons, when she passed away, that your grandfather was alone that Laci wanted to be closer to your grandfather?

ROCHA: Well, I think it was the family in general. She just moved away and she wanted to be closer to all of us.

GERAGOS: Now back to what I was asking you, from a financial standpoint in regards to the house and the trust, there was absolutely no motivation for Scott Peterson to see Laci and

Conner to have anything happen to them?

ROCHA: Correct.

GERAGOS: Isn't that correct?

ROCHA: Yes.

GERAGOS: Okay. Now, the remainder of the estate, how was that held?

ROCHA: In trust.

GERAGOS: And who's -- are you also the trustee of that? You said it was a separate trust?

ROCHA: Yes.

GERAGOS: You're also trustee there?

ROCHA: Yes.

GERAGOS: Okay. How did that trust work?

ROCHA: It's a trust set up for the -- for my father, myself Laci, and Amy.

GERAGOS: Okay.

ROCHA: Family trust.

GERAGOS: In that family trust, does that take care of, it did take care of your grandfather until he passed away, I take it; is that correct?

ROCHA: Right.

GERAGOS: So whatever income it generated before the principal would go to your grandfather?

ROCHA: Well, whatever he needed he got.

GERAGOS: Okay. Then whatever additional income, did that also go to your father Dennis?

ROCHA: No, it went to a trust.

GERAGOS: So did your father take any of the money out of the trust to live on?

ROCHA: No.

GERAGOS: Okay. So now that you're grandfather has passed away, where does that money go?

ROCHA: Well, it's in a partnership right now.

GERAGOS: And who's the partnership it's in?

ROCHA: Well, it's myself and my aunt, we're the general partners.

GERAGOS: Okay. And as the general partners who are the beneficiaries of that trust now?

ROCHA: Okay. Well, 50 percent is Robin Rocha and 50 percent is Dennis Rocha family trust.

GERAGOS: And who are the beneficiaries of the Dennis Rocha family trust?

ROCHA: That would be Laci, Amy and myself.

GERAGOS: And because Laci and Conner obviously did not survive, the only beneficiaries of the Dennis Rocha family trust right now are you and Amy?

ROCHA: Yes.

GERAGOS: So there was also, for that separate trust, that's got 2,300,000 in change in it, there's absolutely no benefit to Scott Peterson, isn't that correct, if something happened to Laci Peterson?

ROCHA: Yes, that's correct.

GERAGOS: In fact, if Laci Peterson or Conner Peterson had been born alive, that would have changed the whole configuration of the beneficiaries; isn't that correct?

ROCHA: Yes.

GERAGOS: If Conner Peterson would had been born alive, then Scott Peterson would have financially benefited; isn't that correct?

ROCHA: Well --

GERAGOS: To the extent that he was the guardian of Conner Peterson?

ROCHA: Only for my grandfather's house was the only thing that was going to be distributed. Everything else was held in trust where the family basically was providing for my father's care until he passes. So nothing is going to anyone for quite some time.

GERAGOS: Well, there was 160 --

ROCHA: That is the only part that could be distributed.

GERAGOS: The 160,000, if Conner had been born at eight weeks, Scott would have and Laci and Conner would have had 160 in change less whatever the real estate commission is?

ROCHA: Exactly. It's really 140 or something like that.

GERAGOS: And certainly if they're alive they would have been able to enhance their lifestyle with $160,000, wouldn't they?

ROCHA: When she turned 30 years old.

GERAGOS: Okay. And she what, 24 months shy of that?

ROCHA: Yeah, she was 27 at the time.

GERAGOS: Now, Mr. Harris was asking you about their lifestyle and how they were living, Scott and Laci?

ROCHA: Yes.

GERAGOS: Were you aware that things like the barbecue that they had in their backyard?

ROCHA: Yes.

GERAGOS: Were you aware of the pool?

ROCHA: Yes.

GERAGOS: Were you aware of the jacuzzi?

ROCHA: Yes.

GERAGOS: Were you aware that Scott is the one that put in the jacuzzi?

ROCHA: No.

GERAGOS: Were you aware that he supervised, he didn't put in the pool, but supervised and negotiated the pool and putting in the pool?

ROCHA: My understanding was they had a contractor come out and do the pool for them.

GERAGOS: And he was one who supervised that and did some of the negotiating, were you aware of that?

ROCHA: I wasn't aware of that.

GERAGOS: Were you aware that the barbecue was put in by Scott with his own hands and own labor?

ROCHA: Yes, I was aware of that.

GERAGOS: Okay. And he cemented the barbecue. You've seen the barbecue, haven't you?

ROCHA: Yes, I did.

GERAGOS: Okay. The barbecue appears that somebody had to use bricks and mortar in order to put it together, right?

ROCHA: You know, I don't recall the foundation of the barbecue, I just remember it being somewhat wood and tile. That's pretty much what I remember.

GERAGOS: Do you recall there's cement work in the backyard?

ROCHA: Yes, there's cement work in the backyard.

GERAGOS: Do you recall that there's -- when is the first time that you ever went over to the Covena house?

ROCHA: Well, it was before they had the pool when there was a Jacuzzi that was there previously from the previous owners.

GERAGOS: Right, and that was redone, wasn't it?

ROCHA: Yes, it was removed. I don't know if he got rid of it or what happened to it.

GERAGOS: Was it your understanding that Scott got rid of it and he himself went and reconstructed the new one?

ROCHA: I don't know if he reconstructed the new one or what happened to the other one.

GERAGOS: When you first saw the house, when they first purchased it, do you remember what year that was? 2000?

ROCHA: I can't recall right offhand. It be around 2000.

GERAGOS: Roughly, I'm not going to hold you to the month or anything else. When they first moved there they had a rental house, correct?

ROCHA: Yes.

GERAGOS: Had you ever been to the rental house?

ROCHA: A couple times.

GERAGOS: Was that also in Modesto?

ROCHA: Yes, it was.

GERAGOS: Then they moved or they buy, as you had indicated before, they buy a house with the help of Jackie and Lee, right?

ROCHA: Yes.

GERAGOS: And Laci was the one who wanted to move to Modesto, right?

ROCHA: I think it was a mutual decision and I think eventually they would have stayed a few years and they also talked about moving back to the coast.

GERAGOS: Okay. Well, as far as you know, Scott didn't have anything that was linking him to Modesto, did you?

ROCHA: No.

GERAGOS: Other than indulging Laci and wanting to do what Laci wanted to do, there was no reason for him, as far as you knew, out of the entire central valley to pick beautiful, scenic Modesto as a place that he wanted to live?

ROCHA: Yeah, he probably didn't want to go there except that Laci wanted to go there.

GERAGOS: So they then move to Modesto. He arranges with his parents to give them a down payment?

ROCHA: Yes.

GERAGOS: That was your understanding?

ROCHA: Yes.

GERAGOS: And they get the down payment, they purchase this house, it was fair to say when, you saw when it was first purchased, this would have aptly been called a shack?

ROCHA: No, it was a pretty nice house. I mean --

GERAGOS: It was a fixer-upper?

ROCHA: It was already fixed up. I mean, all they had to do was throw some paint on there. And, I mean, they fixed up the backward with a new pool and that kind of stuff, but otherwise it was fine.

GERAGOS: Put in a new pool, a Jacuzzi, and a barbecue in the back?

ROCHA: Yeah.

GERAGOS: They redid the floors on the interior?

ROCHA: Well, maybe carpet, but I know the tile floor was already there and the

wood floor.

GERAGOS: The wood floor they redid; isn't that correct?

ROCHA: I don't know if they re-sanded it down or whatnot.

GERAGOS: Okay. How about the bathrooms, do you know if they redid the bathrooms?

ROCHA: Yeah, Scott was working on the bathroom. It wasn't like a complete remodel, but I know there was one time the shower was plugged up or something.

GERAGOS: Scott would be the one who would do that work?

ROCHA: Yes.

GERAGOS: He was very handy with that kind of stuff, wasn't he?

ROCHA: Yes.

GERAGOS: Now, as they were fixing this house up, what was Laci doing, was she working?

ROCHA: You mean?

GERAGOS: Working outside the house before she was pregnant.

ROCHA: With place of employment?

GERAGOS: Yes, with place of employment.

ROCHA: Yes, she was a substitute teacher.

GERAGOS: Okay. And where was she substituting?

ROCHA: In the school district there in Modesto.

GERAGOS: Okay. When they moved back were you dating Rose at that point, your wife?

ROCHA: I was married.

GERAGOS: You were married?

ROCHA: Yes.

GERAGOS: What year did you get married?

ROCHA: '98.

GERAGOS: And when did you have your first child?

ROCHA: 2001.

GERAGOS: Now, the --

JUDGE: Are you going to go on to a new subject now?

GERAGOS: I was going to.

JUDGE: All right. I think the jurors are ready. All right. Ladies and gentlemen of the jury, we'll take the noon recess. Remember the admonition that I have heretofore given you: You're not to discuss this case amongst yourselves or with any other person or form or express any opinion about this case or cover any media reports of this trial. We'll reconvene at 1:30. Okay.

JUDGE: All right. This is the case of People vs. Scott Peterson. Let the record show the defendant is present with counsel, and the jury is in the jury box, along with the alternates.

Are you all hooked up, Mr. Geragos?

GERAGOS: We are, your Honor.

JUDGE: All right. Go ahead.

GERAGOS: Thank you.

GERAGOS: Good afternoon. Is it a fair statement that your sister was trying to have a family?

ROCHA: Yes.

GERAGOS: And she had been trying to have a baby for quite a while was your understanding in talking with her, right?

ROCHA: Yes.

GERAGOS: And also fair to say that she was very excited about the kid?

ROCHA: Yes.

GERAGOS: Okay. And Scott was as well?

ROCHA: Yes.

GERAGOS: When he talked about -- when you talked to him, he would express the fact that he's -- I mean he's a goal-oriented person; you heard that description earlier today. You would agreed with that, right?

ROCHA: Yes.

GERAGOS: And is -- one of his goals was to have a child and a family?

ROCHA: Yes.

GERAGOS: You were interviewed on January 4th by Detective Craig Grogan; do you remember that?

ROCHA: Yes, I do.

GERAGOS: And specifically at that point the police were asking you about Scott and whether or not -- specifically Grogan asked you do you believe that Scott could hurt Laci, and your answer was no; isn't that correct?

ROCHA: That sounds correct.

GERAGOS: And you described, she's going to hook me up in a second, I think. Want me to put it on? Specifically they asked -- Grogan asked you about the relationship, what you observed about

the relationship between Scott and Laci. And specifically you said that it was a: Great relationship, very positive, happy, you know whatever Laci asked for Scott did, she appreciated him and I

think he appreciated her. Is that a fair statement of

ROCHA: Yes, it is.

GERAGOS: Okay. They asked you about Laci's spending habits, and you said you didn't know other than in general, you don't know what level she would spend at; isn't that correct?

ROCHA: That's correct, yeah.

GERAGOS: And you described her as being somewhat frugal with her money?

ROCHA: Yes.

GERAGOS: Careful?

ROCHA: Yes.

GERAGOS: Okay. The, they asked you who you thought might be involved in the case, Grogan did, and you talked about Laci's ex-boyfriend, a gentleman by the name of

ROCHA: Kent.

GERAGOS: -- Kent?

ROCHA: Gaines.

GERAGOS: And they asked you -- asked you specifically why you thought he might be involved. And what did you tell them; do you remember?

HARRIS: Objection, your Honor. This is irrelevant.

GERAGOS: Goes to his state of mind, obviously.

HARRIS: His state of mind as to somebody else.

JUDGE: Yeah, I'm going to sustain the objection.

GERAGOS: Okay.

GERAGOS: Now, the -- this relationship with Kent that Laci had was an abusive relationship, wasn't it?

ROCHA: From what I've heard. I didn't see any myself.

GERAGOS: Okay. Now, you had on the -- prior to the 24th, when you got the phone call, you and your wife, Rose, and the kids were coming back from church?

ROCHA: Yes.

GERAGOS: Okay. And that was in -- somewhere in the Sacramento vicinity?

ROCHA: Yes.

GERAGOS: And you got the phone call and you immediately left them at home --

ROCHA: Uh-huh.

GERAGOS: -- I take it, in Sacramento?

ROCHA: Yes.

GERAGOS: Made the drive, which the last time I took it is, what, about an hour and change from Sacramento to Modesto?

ROCHA: Well, I live in Elk Grove, so it's an hour because it's further south from Sacramento.

GERAGOS: And as you made -- made that drive by yourself to go down to the -- to go straight to the house, I guess, Scott and Laci's house?

ROCHA: Yes.

GERAGOS: Now, when you got there, did you go -- you parked the car at the Covena location?

ROCHA: Yes.

GERAGOS: And at that point were there already a lot of people there?

ROCHA: Yes.

GERAGOS: And it was -- I think, accurately, you described it as a chaotic situation?

ROCHA: Yes.

GERAGOS: And there were police there?

ROCHA: Yes.

GERAGOS: There were probably, what, 50, 60 people milling about in addition to police?

ROCHA: I would guess around 40 plus.

GERAGOS: 40 plus?

ROCHA: I don't know if it was as high as 60.

GERAGOS: Had the police cordoned it off when you got there, the house, with the yellow police tape?

ROCHA: Yes.

GERAGOS: Okay.

ROCHA: I believe so.

GERAGOS: And when you arrived, the -- you saw your mom hysterical; is that correct?

ROCHA: Yes.

GERAGOS: Okay. And to the point where people had to physically hold her up; isn't that a fair statement?

ROCHA: Yes.

GERAGOS: Okay. Because she was pretty much collapsing to the ground; she was, just as you would expect, a mess at that point?

ROCHA: Yes.

GERAGOS: Was she in the street area? Or on the front yard area? Do you remember exactly where Sharon was?

ROCHA: She was in the front yard area, and then at some point someone let my mom go into their car. So she could stay warmer and kind of calm down.

GERAGOS: Okay. And sit her down, because obviously she was having trouble standing?

ROCHA: Yes.

GERAGOS: Okay. The -- and did you ever see her anywhere near where you first saw Scott?

ROCHA: Well, my mom sat down in the car just for a few minutes, then she was all over the place. I mean talking to a lot of different people, investigators, Scott; so was she in that area? Yes, at different times.

GERAGOS: Okay. Now, when you saw Scott, you described him as being in -- kind of in outer space, in a daze; is that correct?

ROCHA: Yes.

GERAGOS: And did you see him with the officers as well when you saw him? Did he appear to be with the officers going in and out of the house? Or where was he?

ROCHA: I did not -- well, when I saw him he was already out front, and he was out front for a while. At some point in time they did ask him to go into the house.

GERAGOS: Okay. And you described him as looking in -- like he was in outer space, dazed; he wasn't focused, is that a fair statement?

ROCHA: Yes.

GERAGOS: Okay. Now, at that point did you yourself leave -- I mean was everybody just kind of milling about in the street there in front of the house at Covena?

ROCHA: Yes.

GERAGOS: And would this have been roughly 8:30 or so?

ROCHA: 8:30 all the way up until 11:30.

GERAGOS: About 11:00 o'clock or 11:30?

ROCHA: Yeah, 11:30.

GERAGOS: At some point you saw Scott leave with Detective Brocchini?

ROCHA: I don't recall seeing him leave with Brocchini.

GERAGOS: At some point somebody told you he was --

ROCHA: Yes.

GERAGOS: -- not there anymore?

ROCHA: Yes.

GERAGOS: And you were also told at some point to just go home, basically?

ROCHA: Yes.

GERAGOS: Okay. Now, when you were told to go home, Scott was not there at the Covena house, correct?

ROCHA: Correct.

GERAGOS: And, as far as you know, when everybody left the house and it was cordoned off, there was still a police technician and some other police personnel there at the house and they told everybody to leave?

ROCHA: Yes.

GERAGOS: Okay. Then at approximately -- let's see, you got back over to the house. Then you called back to the house? You got to your mom's house?

ROCHA: Went to my mom's house.

GERAGOS: Then you called Covena?

ROCHA: No, we drove back later.

GERAGOS: To get Amy's car?

ROCHA: Yes, to drop Amy off.

GERAGOS: And at that point the police are still there?

ROCHA: Yes.

GERAGOS: And that's at 2:30 in the morning?

ROCHA: About 2:00 o'clock.

GERAGOS: About 2:00 o'clock?

ROCHA: 2:00 to 2:30.

GERAGOS: I think in the one of the reports it says 2:30?

ROCHA: Yeah.

GERAGOS: Were you just estimating at that point?

ROCHA: Well, yeah, I mean --

GERAGOS: Time -- time --

ROCHA: -- estimating a time frame, yes.

GERAGOS: Okay. Fair enough. Obviously you were in somewhat of a state of shock as well, I would imagine, that evening?

ROCHA: Yes.

GERAGOS: The -- when you come back, you see the police personnel; you did not see Scott there?

ROCHA: He was not there.

GERAGOS: Okay. And -- or they told you he was not there?

ROCHA: Correct.

GERAGOS: They didn't let you inside the house?

ROCHA: Well, they didn't let me inside the house, but I was waiting -- I thought he needed a ride from the police station.

That's why I was hanging around, I was going to go pick him up.

GERAGOS: Okay. At that point then you go back to Sharon's house?

ROCHA: Yes.

GERAGOS: And you call at some point later on?

ROCHA: Yes.

GERAGOS: You call the Covena house?

ROCHA: No, I called Scott's cell phone.

GERAGOS: You called Scott's cell, asked him if he wants to come over, and that's when we got into that discussion the judge was saying; he just said no; you want me to come over, and he just said no?

ROCHA: Yes.

GERAGOS: Now, at that point were you aware that the police were looking at Scott as a suspect? Did you yourself know that at that point?

ROCHA: I did not know that.

GERAGOS: Okay. At that point -- how long was it before you became aware that the police were looking at Scott as a suspect? What day would you say that was?

ROCHA: Aware by who? By the public or by the police themselves?

GERAGOS: The first time you heard it anywhere, that it became apparent to you that they were focused on Scott?

ROCHA: One of the volunteers mentioned it to me the next day.

GERAGOS: The 25th, Christmas?

ROCHA: Yeah. He thought the police might be looking into him.

GERAGOS: Okay.

ROCHA: But whether that was -- that was, you know, legitimate, I don't know.

GERAGOS: Okay. I'm just asking when you first heard it from your state of mind.

ROCHA: Yeah.

GERAGOS: Now, the next day there was some discussion about you and Scott putting up fliers?

ROCHA: Yes.

GERAGOS: Do you remember that?

ROCHA: Yes.

GERAGOS: And at some point did you try to put up the fliers but they weren't staying up because you didn't have the right kind of tape or something?

ROCHA: No, the tape he had was the duct tape. What was hard was holding the tape and trying to tape a flier, doing it both in your hands when you have a stack of fliers. So what we ended up doing was doing it together. I would end up tearing the tape and he would put the flier up, or he would tear the tape and I would put the flier up and tape it.

GERAGOS: Okay. Now, you recall him going over to the shop, you thought to get some tape to do the fliers, at around 8:30 or 9:00,

ROCHA: Yes.

GERAGOS: is that accurate? And that's, and you remember that because there was, you had to move your truck because it was blocking his truck in the driveway?

ROCHA: Right.

GERAGOS: Okay. Then the next time you saw him was around what time?

ROCHA: I would say about 10:30 when I was coming back from the park.

GERAGOS: Okay. And -- one of the things that I -- there's one report that looks like it was written by Grogan, supplemental report, in June where it says 10:30, and there's another report where it says -- I'll show you that, and this looks like it was written earlier than that, that says you didn't see him again until noon.

ROCHA: Let's see. Scott --

GERAGOS: I've yellow highlighted both for you. 21895 is the one, and 21 -- looks like what is that, 970?

ROCHA: You're asking me?

GERAGOS: Yes. Did you tell them that you didn't know Scott's whereabouts between 9:00 and noon?

ROCHA: No, I did not tell them. I haven't read the whole paragraph, I was just reading that one sentence.

GERAGOS: Yeah, that's the only focus --

ROCHA: Okay.

GERAGOS: -- because that's what I was asking about.

ROCHA: Okay.

GERAGOS: Because the other one shows: Brent Rocha -- I'm sorry -- told me that he and Scott began walking from 523 Covena,

REPORTER: Excuse me, Counsel. Slow down. "began walking --"

GERAGOS: Brent told me that he and Scott began walking from Covena on Christmas day, 12-25-02, at approximately 10:30.

ROCHA: That would be the more accurate statement --

GERAGOS: Okay. So --

ROCHA: -- than 10:30.

GERAGOS: So the statement that says you didn't know where he was from 9:00 to 12:00 is not accurate?

ROCHA: That's not accurate.

GERAGOS: Okay. Now --

ROCHA: I didn't know where he was from, say, 8:30 to 10:30, but I knew where he was at around 10:30.

GERAGOS: Did you -- was Nate there?

ROCHA: Not that morning.

GERAGOS: You didn't see Nate?

ROCHA: Not that morning.

GERAGOS: Okay. When did you see Nate?

ROCHA: Well, I dropped him off at 2:00 o'clock. Was Amy and Nathan.

GERAGOS: Okay. Nathan -- let's go through this one more time. Nathan is your stepbrother?

ROCHA: Yes.

GERAGOS: Okay. And related to you exactly how?

ROCHA: It's Amy's half brother. They share the same mother.

GERAGOS: Okay. And Nathan was there on the 24th?

ROCHA: Yes.

GERAGOS: You dropped him at Sharon's house on the morning of the 25th, at 2:00 in the morning?

ROCHA: Well, we all went to my mom's.

GERAGOS: Okay.

ROCHA: Then we went back to Laci's and Scott's at 2:00 in the morning, because Amy -- I believe he came with Amy, and then her keys were gone, so...

GERAGOS: Okay. Now, the -- you just mentioned that there was a volunteer who had told you that -- or indicated that Scott, the police were looking at Scott. At a certain point you started hearing other stuff. I talked about the January 4th interview with Grogan, and you at that point made the statement, said -- we've gone over it, correct?

ROCHA: Yes.

GERAGOS: Then approximately the 14th or the 15th there was news about a National Enquirer article coming out with pictures of Amber, correct?

ROCHA: I don't know -- I don't recall if there were news about that article coming out.

GERAGOS: Okay.

ROCHA: But the article came out at some point in time around that time period.

GERAGOS: Okay. Were you aware that the police had gone to talk with Sharon and Ron in advance of that article and showed them the pictures?

ROCHA: Yes, I believe I was aware.

GERAGOS: Okay. Were you there?

ROCHA: Well, I was there at one time when they came, but not the first time.

GERAGOS: Okay. Do you remember if that was within a day of the first time they came?

ROCHA: I think so, yes.

GERAGOS: Okay. And I think the report suggests, correct me if I'm wrong, they came in the afternoon or early evening the first time and then came back the following morning?

ROCHA: I think I was there that next morning.

GERAGOS: The next morning. And at that point there was a number of things, the pictures the police talked about, the life insurance policy they talked about, and they talked about forensic evidence; isn't that correct?

ROCHA: I don't recall forensic evidence, but I believe the pictures were discussed, and possibly life insurance might have been discussed.

GERAGOS: You were given a tape recorder to record conversations, right?

ROCHA: Yes.

GERAGOS: Okay. One of those conversations took place on the 17th. You're talking to Scott. Let me see if this refreshes your recollection: Yeah. But they got a lot of forensic stuff so I don't know -- I don't know the details. And then Scott says: There's nothing to have.

ROCHA: Yes. I did not get that from the police. I came up with that myself through -- hearing through news reports and whatnot.

GERAGOS: That there was a lot of forensic stuff?

ROCHA: Yes. I just kept hearing that there was blood spots found, and whatnot.

GERAGOS: Okay. Now, there was also -- you had a discussion with him that same day about his conversation with Sharon on the 16th. Do you remember that?

ROCHA: Can you run that by me again one more time?

GERAGOS: The -- after the police went to Sharon and showed her the pictures, Sharon was obviously very upset, correct?

ROCHA: Yes.

GERAGOS: Okay. She called up Scott immediately, or very shortly thereafter. Is that -- were you aware of that?

ROCHA: I was aware that she probably called him. I don't know if it was immediately after or when -- what the time frame was.

GERAGOS: Very short period of time?

ROCHA: Possible.

GERAGOS: Okay. After that conversation, Scott -- you were with Scott, weren't you? Or talked to Scott?

ROCHA: I -- I talked to Scott.

GERAGOS: And he was crying, wasn't he?

ROCHA: Well, over the phone?

GERAGOS: Yeah.

ROCHA: Yeah. I didn't see him crying.

GERAGOS: But you heard it?

ROCHA: If it was -- if it was him really crying, yes.

GERAGOS: Well, you called up -- I think I've got it right here. Let me play it. Can you -- I'm going to borrow somebody who can actually operate this thing.

JUDGE: Does the prosecution have the stuff in front of them? The phone conversation?

HARRIS: I'll find out in a moment.

JUDGE: All right.

(Tape played)

GERAGOS: Is that your voice?

ROCHA: You know, I couldn't even tell. Can you play it longer?

GERAGOS: Put the microphone by that.

(Tape played)

GERAGOS: Is that you?

ROCHA: I -- I believe so.

GERAGOS: Okay.

ROCHA: Sounds a little different, but...yeah.

GERAGOS: I told somebody else the fidelity on this is not the greatest.

ROCHA: Yeah.

GERAGOS: The -- if I understand correctly it was: Hello, Mom, yeah, it's Brent, Hi, Brent, you just made Scott cry. Is that what you remember the -- the conversation being?

ROCHA: I don't recall. I couldn't even pick that up, really, right there.

GERAGOS: Now, the -- you talked to Scott after that; isn't that correct?

ROCHA: Yes.

GERAGOS: All right. And Scott told you that it's hard to talk to her, meaning Sharon, because all she -- she knows -- she thinks I did something to Laci?

ROCHA: Sounds very familiar, yes.

GERAGOS: Okay. And then you told Scott She didn't, she didn't think you did until a couple of days ago, until this article came out and she met with the police? Do you remember saying that?

ROCHA: Sounds familiar, yes.

GERAGOS: And Scott said My God, and you said She was standing by you, you heard her in the media she was still supporting you a hundred percent, and then all of a sudden she just took a 90 degree turn. Is that what you told him?

ROCHA: Yes. It sounds -- sounds about right.

GERAGOS: Okay. Now, you also -- when you were phoning him on the 17th, you tape recorded that phone call; is that correct?

ROCHA: Yes.

GERAGOS: And the police had given you the tape recording device in order to do that, right?

ROCHA: Yes. Yes.

GERAGOS: And you figured you would talk to him and see what he would say and confront him with things, correct?

ROCHA: Yes.

GERAGOS: You said -- you asked him about some of it, and he said All this blood and life insurance stuff, and you said Yeah, and he said I mean none it is true. Isn't that what he told you?

ROCHA: I believe so.

GERAGOS: Okay. You told him Um, you know, I just want my sister back. And he said I do, too; I want Laci and my baby back. Is that what he told you?

ROCHA: Yes.

GERAGOS: Okay. There was another point in which they're talking about the center being shut down because when that article came out, when the police talked to Sharon and Ron, then the decision was made to shut down the center, correct?

ROCHA: I -- I'm not aware of who shut down that center, but it was right around that time frame and --

GERAGOS: Okay.

ROCHA: -- I'm sure some of those.

GERAGOS: And you confronted Scott and he said I mean I understand your suspicion but, you know, I understand your suspicion of me, but, hey, we got to keep the center open, we got to find her, the only thing important to me right now? Is that what he told you?

ROCHA: Sounds familiar, yes.

GERAGOS: Okay. There was a conversation that you had also on the 16th. Do you have -- I guess when the police gave you the tape recording -- maybe they did, maybe they didn't, or maybe it might have been picked up on the wiretap -- you had a phone conversation with Scott?

ROCHA: Yes.

GERAGOS: At one point you asked him I'm just trying to understand, my point of view is your motive, like when you were happy to have this baby coming. And he answered Oh, absolutely, Conner, come on, you know that, and you said Okay. Is that accurate?

ROCHA: Yes.

GERAGOS: He also said I mean that would be wonderful, in reference to having them back?

ROCHA: Yes.

GERAGOS: He also told you that, you know, Laci and I are happy together. Did he tell you that?

ROCHA: He mentioned that, yes.

GERAGOS: Okay. And he told you that he was thinking about what kind of father he was going to be and he was crying and he said he was going to be great; isn't that what he told you?

ROCHA: That's what he was saying.

GERAGOS: Okay. Now, you discussed the media and why he would talk or not talk to the media By the -- on the 25th, as you indicated, the volunteers were already kind of chatting about it. By the 26th the media was encamped all the way around the Covena house; isn't that correct?

ROCHA: In the front.

GERAGOS: Right. And -- so that the jurors can see, the block -- it's -- there's kind of a short block in there, right where I'm pointing, before you get to Encina, correct?

ROCHA: Uh-huh, yes.

GERAGOS: And then in that block, all the satellite trucks and reporters were camped out; isn't that correct? And around through that corner?

ROCHA: On the 26th I -- I don't know if it was -- they had satellite trucks out there, but there were a lot of media

GERAGOS: In excess of 50?

ROCHA: That soon after? I don't believe so.

GERAGOS: When the search warrant was executed, that was on the 26th. Do you remember -- were you over there on the 26th when the search warrant was actually executed?

ROCHA: No, I wasn't.

GERAGOS: Do you remember the next time after the search warrant was executed when you went over there?

ROCHA: No, I don't recall.

GERAGOS: Okay. Would it have been the 27th or the 28th? I'm not going to pin you down to the exact time, but --

ROCHA: I think by that time we moved on to the Red Lion at that time.

GERAGOS: Okay. Did you ever go back to the house?

ROCHA: Yes.

GERAGOS: Okay. When you went back to the house at some point that week, prior to the vigil, which was on the 31st?

ROCHA: Yes.

GERAGOS: Okay. So between the 24th and the 31st, there was a steady escalation of interest and media interest, correct?

ROCHA: That's the way I remember it. On the 26th I don't think it was that big with the satellite trucks. It was slowly getting to that point. Or quickly getting.

GERAGOS: Quickly.

ROCHA: Maybe not by that time on the 26th.

GERAGOS: By the -- is it a fair statement that by the 28th or 29th it became kind of a feeding frenzy out there?

ROCHA: Yes. Yes.

GERAGOS: And at that point everybody was talking about Scott as a suspect; isn't that correct? Or a lot of people were?

ROCHA: No, I didn't -- I didn't hear a lot of people talking about him as a suspect.

GERAGOS: Were you watching any of the media at that point?

ROCHA: Yes.

GERAGOS: Okay. Were you watching people talking about the -- the story and they didn't believe that he was fishing?

ROCHA: Yes.

GERAGOS: Okay. And that they thought his story was suspicious, that he had been fishing?

ROCHA: Yes.

GERAGOS: Okay. The -- were you -- at that point did you do any media outreach at all?

ROCHA: Yes.

GERAGOS: Okay. And were you being questioned about Scott?

ROCHA: No. I don't believe I was at that point. I mean I was soon after, but not right in that initial beginning.

GERAGOS: When do you think the first time was you were being questioned about Scott?

ROCHA: I -- I don't recall directly questioned. I mean there were times where we did shows with the Petersons, and that was within the first week or so, and I don't think anyone really confronted us with -- with that issue.

GERAGOS: Okay. Now, the -- his response would be when -- when people would say do media, that it wasn't about him, it was about finding Laci; isn't that correct?

ROCHA: Sounds very familiar, yes.

GERAGOS: Okay. And that was kind of his mantra --

ROCHA: Yes.

GERAGOS: -- wasn't it? That he would repeatedly say I don't want the focus on me, I want the focus on finding Laci?

ROCHA: Yes.

GERAGOS: He was out there that you saw, because you went with him, going all over, putting up fliers, correct?

ROCHA: I only went with him one time, and he was walking the neighborhood.

GERAGOS: Okay. And that was in the neighborhood around the Covena house?

ROCHA: Yes.

GERAGOS: Okay. Did you go with him -- did you go to the volunteer center?

ROCHA: Yes. Every day.

GERAGOS: Okay. Was -- did he go into the volunteer center in the mornings?

ROCHA: Just in the mornings is when I usually ran into him.

GERAGOS: Go in the mornings, opened up the volunteer center, correct?

ROCHA: Well, I don't think it was only him opening it up. There was a lot of people participating --

GERAGOS: Okay.

ROCHA: -- and getting it going.

GERAGOS: And do you know what he was doing in the afternoons?

ROCHA: I heard a lot of different things, including golf and --

GERAGOS: You heard a lot of things --

ROCHA: -- working out at the Country Club --

GERAGOS: Well, you heard --

ROCHA: -- posting fliers and doing that stuff, too.

GERAGOS: Right. You found a box of items at some point, turned it over to the police; do you remember that?

ROCHA: Yes.

GERAGOS: Okay. In that box of items you -- where did you find that box?

ROCHA: Are you talking about the kit I had put together for the searches?

GERAGOS: You transported a box to the Modesto -- Let's see. You said?

(Showing a document to the witness)

ROCHA: Yeah. All that stuff. Okay.

GERAGOS: Yeah.

ROCHA: Yes.

GERAGOS: Does that refresh your recollection?

ROCHA: Yes.

GERAGOS: Okay. What was that box?

ROCHA: Well, in the month of February we started conducting searches at different -- in different locations, and I had a box with highlighters and maps and pins and flyers, so when the volunteers came to the searches we could give them an area to go search, a map of the area

GERAGOS: Okay. What were the areas that were searched?

ROCHA: Well, there was off Highway 132 was one area Lake Don Pedro.

GERAGOS: And Tulloch Lake was one, right?

ROCHA: I don't think so. No, we didn't search Lake Tulloch. No, we had maps of them, but we did not search that. It wasn't actual --

GERAGOS: You didn't personally go to them?

ROCHA: Right.

GERAGOS: You had maps of the Modesto Reservoir?

ROCHA: We had maps of these places.

GERAGOS: Maps of Turlock Reservoir?

ROCHA: Yes.

GERAGOS: And Woodward Reservoir. And then I don't know how to pronounce that.

ROCHA: New Melones.

GERAGOS: New Melones. So those were maps of locations to go search, correct?

ROCHA: No, I think those were -- we were thinking of areas to go search, but we did not actually search those areas.

GERAGOS: Okay. Were you aware --

ROCHA: Some of them we did.

GERAGOS: Were you aware of Scott going to these various places, some of these and other places to actually search and --

ROCHA: He was not to be found at that point in time. Not in February.

GERAGOS: I'm not talking about February. I'm talking about in December and January.

ROCHA: Oh, was that where he went?

GERAGOS: Yes.

ROCHA: No, I was not.

GERAGOS: Now, were you aware of when he would go out and put up fliers, other than the one time?

ROCHA: Oh, yes. I was told he went out and to churches or to other places and put fliers up.

GERAGOS: Neonatal clinics to do posters of what she looked like and alert --

ROCHA: I did know about that, yeah.

GERAGOS: Okay. Now, you told Scott on the 16th, in one of these recorded conversations, You know, Scott, this, referring to photos of Amber, are going to hit you hard. The article is not very positive. Do you remember saying that?

ROCHA: Yes.

GERAGOS: And he said, You know, I can take the hits, you know, if we can get her back. Do you remember him saying that?

ROCHA: Yes.

GERAGOS: And then the -- he called you also on the 16th, in a phone call to you, and was crying when he called you and said I don't know why I'm calling you, but I just got off the phone with Mom and Ron?

ROCHA: Uh-huh, yes.

GERAGOS: And, Wow, I can't lose any more of my family here, you know. Do you remember him telling you that?

ROCHA: Yes.

GERAGOS: And saying I want Laci and my baby, Conner, you know.

ROCHA: Uh-huh.

GERAGOS: Did he tell you that?

ROCHA: Yes.

GERAGOS: At one point on the 18th it looks like you had a phone call, and you asked him about What's this story about double indemnity or the life insurance if someone is killed by homicide; is that accurate?

ROCHA: Yes, that's accurate.

GERAGOS: Accurate that you asked him that?

ROCHA: Yes.

GERAGOS: Do you know where you had heard that information?

ROCHA: I believe it was a media report.

GERAGOS: A media --

ROCHA: Media report.

GERAGOS: Modesto Bee, probably? Do you remember --

ROCHA: I don't recall --

GERAGOS: -- a headline story on the 15th or 16th in the Modesto Bee about that?

ROCHA: I think it was the Enquirer, but I don't recall.

GERAGOS: And Scott's answer is I don't know, life insurance, we got it two years ago when we bought the house. Do you remember him telling you that?

ROCHA: Yes.

GERAGOS: And you said Okay. And he said We sat down with the financial planner. It's one of those full life things, you know, where you pay the premium and it has a benefit of 250 but what it really is is a retirement and savings vehicle? Do you remember him telling you that?

ROCHA: Yes.

GERAGOS: And he said -- further went on to say You know at the end when you start getting old, you start pulling money out. You said Okay. He said, You know, and again I'll show you the date we started it, it wasn't as reported this summer when Laci got pregnant. I told you that that story is just plain flat-out false. Right?

ROCHA: Yes. Well, the part about the timing, right?

GERAGOS: Right. The timing --

ROCHA: Yes.

GERAGOS: -- about somehow you had taken this out recently and there was going to be a financial benefit to him by Laci or Conner dying. He also went on further to tell you that they cashed out the retirement savings to buy the house, So we had to get a new retirement deal, so that was the deal that Prudential put them in. Do you remember him telling you that?

ROCHA: Yes.

GERAGOS: And he told you the FBI served a warrant on that stuff a couple of weeks ago so they know the truth?

ROCHA: That's what he said.

GERAGOS: Okay. The cops also asked you if you had ever seen Scott and Laci in an argument, and you said neither of them had ever appeared angry in front of you and Scott did whatever Laci asked him to do?

ROCHA: That was my statement, yes.

GERAGOS: Okay. Then there was another statement by Grogan on January 28th, I've yellow highlighted it. Can you read that silently, to yourself?

ROCHA: Sure.

GERAGOS: Is it a fair statement that the way it's written is not accurate?

ROCHA: It's fairly accurate, but the timing, there might be a few --

GERAGOS: It was an hour at least -- so the jury knows what we're talking about, it's yet another description of what happened on Christmas morning, correct?

ROCHA: Yes.

GERAGOS: And in this version it says that you went back to the house at approximately 11:00 and you weren't certain if Scott was there at that time; is that --

ROCHA: Yeah. I think I went back at 10:30, and I know we went through the whole neighborhood and were back by noon, so I'm thinking I probably did say 11:00 at the time, but

looking back on it, it was probably closer to 10:30.

GERAGOS: So would this -- what was most accurate, the January 28th interview with Grogan where you said you came back at 11:00, you didn't know where Scott was? The one that says you didn't know where Scott was from 9:00 to 12:00? Or the one that says he came back at 10:30 and you did fliers with him from 10:30 on?

ROCHA: The 10:30 one is the accurate one. That's the one -- you showed me that one earlier, so you're just showing me that one again.

GERAGOS: Right. No, this one is actually different. There's three versions.

ROCHA: Oh, is it? Well, it looks very similar to something you showed me earlier.

GERAGOS: Okay. Let me show you -- let me show you the three.

ROCHA: Okay. I can tell you the 10:30 one is more accurate. If it was 11:00, then we went through that neighborhood pretty quickly.

GERAGOS: We've got what I count as three different versions.

ROCHA: Okay.

GERAGOS: The first is -- and this is at 21970 where it says Scott Peterson's whereabouts are unaccounted for between 9:00 and noon. That's not accurate, correct?

ROCHA: I don't recall -- no. From maybe like 8:30 to 9:00 to like 10:30, give or take a half hour. That's where his whereabouts were unknown.

GERAGOS: Okay. Then the second, in terms of time, is this one, which is the 1-28-03 --

ROCHA: Okay.

GERAGOS: -- Grogan report. This one says: Brent walked down to the park at 7:30, Scott was still at the house. When he came back -- when Brent came back at approximately 11:00, he was not certain if Scott was there at that time.

ROCHA: No, I recall as I was coming out it looked like Scott was just coming in also. He was getting out of his truck, but I wasn't certain if he was already there and was going back to his truck or he was just getting there, because he was coming out with the duct tape.

GERAGOS: You see where it says Brent remembered seeing Scott somewhere around noon at the house? Did you ever say that?

ROCHA: That is correct, I did see him around noon at the house.

GERAGOS: Okay. And then the last version is a Skultety June of 03 report that says Brent Rocha told me he and Scott were walking from Covena at approximately 10:30, they would hang posters?

ROCHA: Yes, that's consistent with --

GERAGOS: Okay.

ROCHA: -- 10:30.

GERAGOS: And that -- so what's the most accurate? The fact that you didn't see him until around noon? Or that you had been with him at 10:30?

ROCHA: Well, I was with him from 10:30 until noon, so I did see him at noon also.

GERAGOS: Did you tell the cops that you hadn't seen him until noon?

ROCHA: No.

GERAGOS: So the first two reports are inaccurate?

HARRIS: Objection. That misstates the report and the witness's

testimony.

GERAGOS: That's exactly what the report said.

JUDGE: The jury has heard what's in the reports, so the jury can decide for

themselves.

ROCHA: I believe it says from 9:00 to noon, not from --

GERAGOS: Right. That's inaccurate, right?

ROCHA: Yeah, because I saw him at 10:30, or thereabouts, give or take a half hour.

GERAGOS: And when you said you came back at 11:00 you were not certain if he was there, that's not true because you were with him from 10:30 to noon, correct? The second version?

ROCHA: Well, the way it's written, does it mean he was already there at the house? Or he was not there at all?

GERAGOS: Weren't you -- didn't you -- if I understand correctly, didn't you say that from 10:30 'til noon the two of you were together?

ROCHA: Well, yes. About 10:30 to 11:30 I would say because we came back and did the media interviews by noon, 12:00 o'clock.

GERAGOS: Okay. So when they say that you didn't know where he was at 11:00 o'clock, that's not true?

ROCHA: That wouldn't be accurate, I guess.

GERAGOS: Right. That wouldn't be accurate?

ROCHA: Yes.

GERAGOS: Okay. Now, the -- you also told the police on January 5th that you didn't think Scott was capable of harming Laci, correct?

ROCHA: Yes.

GERAGOS: That you believe they both had a good relationship?

ROCHA: I thought so.

GERAGOS: Okay. And that you said that neither you nor Laci had a particularly good relationship with Ron; is that what you told them?

ROCHA: Not a close relationship.

GERAGOS: Not a close relationship?

ROCHA: Yes.

GERAGOS: So the -- have you ever been fishing with Ron?

ROCHA: No.

GERAGOS: Has he ever invited you fishing?

ROCHA: Yes. Several times.

GERAGOS: Would you turn him down?

ROCHA: Yes.

GERAGOS: The -- how long has Ron been with -- Ron's been with your mom for virtually your -- all except for three or four years of your life?

ROCHA: Yes.

GERAGOS: The vigil, with Scott -- I think you said you got a cell phone call --

ROCHA: Yes.

GERAGOS: -- from Scott?

ROCHA: Yes.

GERAGOS: Scott was in the audience; is that correct?

ROCHA: Yes.

GERAGOS: And this is on the 31st. Did you see who he was with? Did you see him with his nieces.

ROCHA: No, I couldn't find him.

GERAGOS: Okay. Did you ask him when he called, Where are you?

ROCHA: No, I didn't have much time to talk. I was --

GERAGOS: On the stage?

ROCHA: Yes.

GERAGOS: Did he tell you that it wasn't about him, that it was about finding Laci?

ROCHA: No.

GERAGOS: But that was something that he had repeatedly told you in the past?

ROCHA: On other occasions, yes.

GERAGOS: Thank you. I have no further questions at this time.

Redirect Examination by David Harris

JUDGE:: Mr. Harris any redirect?

HARRIS: Yes. I'll wait for Mr. Geragos to be

JUDGE:: Okay

HARRIS: Mr. Rocha, let me just go back through this somewhat, I guess, in reverse order. You were asked about whether you went fishing with Ron. Now, Ron was kind of like Laci's step dad, almost?

ROCHA: Yes.

HARRIS: But not yours?

ROCHA: Oh, I would say he was mine. He's took (sic) me to ball games and other sporting events, took me hunting before. So, I mean, there's other things we've done before.

HARRIS: So when, when you were asked about the descriptive word that the police wrote in the report about having a relationship with Ron, did you have a bad relationship with him?

ROCHA: No, it's just not particularly close because I live a ways away and started my own family. It's not like I really have time to leave home and go fishing, so

HARRIS: So the characterization that you had, can't have a close, or didn't have a good relationship with him, let's just make sure that that's clear. Are you saying that you had problems with Ron?

ROCHA: No.

HARRIS: Would you say that this, there was a typical relationship when you go and visit your mother that's remarried or is with someone else at a later point in time in your life?

ROCHA: Yes. There was no arguments or, I mean, of course, there's always something, something about someone you're not going to like, there's those issues, so it's not like you don't like someone, but it was pretty typical, other than that.

HARRIS: Okay. So with the, contrasting that with the defendant, Scott, Ron was just Laci's kind of step dad, as far as the defendant was concerned?

GERAGOS: Objection. Calls for, vague and calls for two different states of mind.

JUDGE:: Yeah. I think you're asking him to tell us what his state of mind was. Sustained.

HARRIS: All right. Let me just go back through that a little bit. At some point in time in your growing up process, your father and your mother get divorced?

ROCHA: Yes.

HARRIS: And your mother gets into a long-term relationship with Mr. Grantski?

ROCHA: Yes.

HARRIS: So when Scott comes into this particular relationship, your mom and Ron had been together for a long period of time?

ROCHA: Yes.

HARRIS: And they acted and were for all practical purposes kind of like a loving, married couple?

ROCHA: Yes.

HARRIS: So that's what Scott came into, that relationship. And he didn't really have much dealing with your father, Dennis Rocha?

ROCHA: Yes.

HARRIS: Now, going back through some of these statements that, you were asked certain questions, like were you aware that Scott went and did searches at these particular places. And your response was you don't know. Let's just clear this up. Do you know if he did it? Or do you just not know that he did do it?

ROCHA: I do not know either way. I mean I was told a lot of things that ended up not being accurate, so I don't know.

HARRIS: So at this point in time you can't tell the jury that he ever did any of these things that you were being asked about; is that correct?

ROCHA: I can't say for certain, no. I don't have first-hand knowledge of that.

HARRIS: So you don't know and can't tell them, can't provide that information that he ever might have gone to some neonatal place?

ROCHA: No. The only time I ever seen (sic) him go somewhere was with me and him walking the neighborhood to, we were just talking about handing out fliers and that type of stuff. That's the only time I saw him.

HARRIS: And when you were asked about him doing all these searches and all these other places, again, you don't know if, in fact, he ever did any of those searches?

ROCHA: No, I don't.

HARRIS: Now, with regards to the searches, did you act as a coordinator for a number of these searches?

ROCHA: I tried, yeah.

HARRIS: And so when we're talking about that, you would go to someplace and put maps together?

ROCHA: Yes.

HARRIS: Get all the volunteers together, kind of tell them how to go about doing searches?

ROCHA: Yes.

HARRIS: And go walking trails, walking fields, doing all of that?

ROCHA: Yes.

HARRIS: And you did that yourself?

ROCHA: With the assistance of many other people, but I tried to coordinate it, yes.

HARRIS: And of those searches that you did, did the defendant ever do them with you?

ROCHA: No.

HARRIS: So he was never there in all of the searches that you did, beating the bushes, walking the trails or doing anything?

ROCHA: No.

HARRIS: You were asked about the search warrant on the 26th. Were you there when the search warrant was served?

ROCHA: I don't believe so.

HARRIS: So you couldn't tell us at this point in time when it was served or,

ROCHA: No.

HARRIS:, where or anything? All right. You were asked about a number of phone calls and some of the statements in that. Let me just go through this real quickly. About the defendant being goal oriented, and that was actually, try this again. The goal oriented was from the interview with Detective Grogan. As you were going through that interview, do you recall telling Detective Grogan that you knew about Laci's goals, but when you were asked specifically about the defendant's goals you really had to think what his goals were?

ROCHA: Yes. I don't recall ever mentioning any of his goals.

HARRIS: But the only goals you could say was that Laci wanted a family?

ROCHA: Yes.

HARRIS: And Scott basically agreed?

ROCHA: Yes.

HARRIS: From your knowledge of the relationship between your sister and the defendant, would that be a fair statement about pretty much how everything operated in their, their relationship?

ROCHA: It would be fair. I can't say it happened all the time, you know, but he usually did go along with what she asked or wanted or, he was flexible with regards to that.

HARRIS: And even if he didn't necessarily, let me back up. You were asked another question about whether you had ever heard the defendant and your sister argue.

ROCHA: Yes.

HARRIS: Had you seen the defendant kind of complain or grumble about some of the things that Laci wanted him to do?

ROCHA: Well, yes. It's not like it was this perfect relationship that sometimes everyone is making this seem to be. There was times that they got frustrated with each other, and I had seen

that, but not, like, arguing and slamming doors and things like that. Not like that whatsoever.

HARRIS: In the times that you saw the defendant get frustrated with your sister, he would still go ahead and do it, even if he didn't necessarily want to?

ROCHA: Yes.

HARRIS: Getting into the, some of those particular statements, the phone calls that you were being asked about, a lot of these things were things that the defendant was just telling you at this point in time; isn't that right?

ROCHA: Exactly.

HARRIS: And you were asked about one particular one, about the life insurance and the affair. And the defendant told you during that phone call that none of that was true,

ROCHA: Correct.

HARRIS:, that's what you were asked about? Well, do you now know that, in fact, he did have life insurance,

ROCHA: Yes.

HARRIS:, on your sister? And do you now know the fact that he actually had an affair?

ROCHA: Yes.

HARRIS: So when he told you that that was not true,

GERAGOS: There's no place in there where he says that. That's a bald-faced representation,

JUDGE:: The jury's heard the testimony of the witness. You can finish the question. The jury's heard the evidence. Go ahead, you can finish the question.

HARRIS: So the fact that he said that those things were not true, you now know that to not be an accurate statement on his part?

GERAGOS: Objection. Vague and unintelligible.

ROCHA: Yes.

JUDGE:: Overruled.

ROCHA: Yes.

HARRIS: You were asked a question about, he didn't go into it too far so I'll be brief, too, about this individual Kent Gaines, and,

GERAGOS: There's an objection, because when I wanted to get into it he objected and you sustained.

JUDGE:: I haven't heard the question yet, Mr. Geragos. You did ask some questions and then when you went into it deeper he objected to it. So I haven't heard your question. Finish your question, then I'll entertain the objection. What's your question?

HARRIS: Did you talk to Detective Grogan about Kent Gaines?

ROCHA: Yes.

HARRIS: Did you tell him that he was a boyfriend of Laci's from high school?

ROCHA: Yes.

HARRIS: And that he had not been seen in some seven and a half years?

ROCHA: Yes.

GERAGOS: I would raise the same objection. He's now raised the very issues that I wanted to get into,

JUDGE: Well, I'll sustain the objection. The jury is to disregard as,

GERAGOS: Motion to strike.

JUDGE: being irrelevant. The jury can disregard.

HARRIS: You were asked about one of the interviews where the defendant was said to have been wanting a family. And were you aware when the defendant was making these statements to you that he was also making statements to Amber Frey that the only family that he wanted was her and her child?

ROCHA: No.

HARRIS: Were you aware that the defendant had a boat?

ROCHA: No.

HARRIS: So you had never seen it, obviously, if you weren't aware of it?

ROCHA: Never seen it. I wasn't aware of it.

HARRIS: Hadn't been to the shop, never been in the boat?

ROCHA: Never been to the shop, never been in the boat.

HARRIS: You were asked some, some questions about financial stuff, and I want to go through this. The defendant in that particular statement, the statement talking about the insurance and about it being a rollover, do you know if that money the defendant was talking about, cashing out their retirement, was used as a down payment? Or do you believe that the money was given by the defendant's parents as a down payment for the house?

ROCHA: I,

GERAGOS: Objection. It's vague. It's compound.

JUDGE: It's speculation. He doesn't know. That's sheer speculation. Were you told that his parents had provided a down payment on the house?

ROCHA: Yes.

JUDGE: And was that contradictory to what you were told by the defendant?

ROCHA: Yes.

JUDGE: Next question.

HARRIS: During one of the, you were asked about the defendant building a pool, and it was corrected to say he didn't build it but he did, I guess the contracting of the pool company that came in. Were you aware that there was a problem that developed during that process?

ROCHA: Yes.

HARRIS: And that the defendant got in a dispute with that particular contractor?

ROCHA: Yes.

HARRIS: Now, going back to the very first few questions when GERAGOS was talking to you about the trust and, and the kind of financial motive, and you had said not with regards to the trust. So as you understand it from what the defendant has told you, he did have life insurance on your sister?

ROCHA: Yes.

HARRIS: And with regards to the trust, getting back to that particular area, him not having a financial motive for your sister's, what potentially could have been her inheritance, that's based on the assumption that he knew what the trust document said; is that a fair statement?

ROCHA: Yes.

HARRIS: And you were asked by Geragos if you're a lawyer. You're not a lawyer, but have you actually gone to law school?

ROCHA: Yes.

HARRIS: And did you know all the details of the trust?

ROCHA: No.

HARRIS: I have no other questions.

Recross Examination by Mark Geragos

JUDGE: Mr. Geragos, any re-cross?

GERAGOS: Yeah, I've got a question

GERAGOS: He, you asked him specifically about this double indemnity for life insurance, right?

ROCHA: Yes.

GERAGOS: You used that term?

ROCHA: Yes.

GERAGOS: And he explained exactly what the insurance vehicle was, that it was a retirement vehicle, right?

ROCHA: Yes.

GERAGOS: And he told you that it had not been taken out at the time that she got pregnant, right?

ROCHA: Yes.

GERAGOS: Okay. Now, have you ever heard of anybody borrowing money from their parents and casing in their retirement at the same time to combine to buy a house? Are those two things mutually exclusively?

ROCHA: No, that could be done.

GERAGOS: Okay. Do you know if that's what they did?

ROCHA: I don't know. I, well, I knew the Petersons gave them 40,000. That's exactly what the 20% down payment was, so

GERAGOS: Do you know if they, do you know if they paid back the Petersons for the retirement?

ROCHA: I don't know.

GERAGOS: Do you know if they used the retirement savings to go in there?

ROCHA: No.

GERAGOS: Do you know if, in fact, have the police ever told you that they've gone and interviewed the people who put together the retirement plan and that they know all of this information? Did they ever tell you that?

ROCHA: No.

GERAGOS: No. They just, the police led you to believe or led the media to believe that he had just taken out this,

HARRIS: Objection. Argumentative.

GERAGOS:, insurance recently?

HARRIS: Objection.

JUDGE: Sustained. Argumentative.

GERAGOS: Now, the statements about Scott and Laci, you said they didn't have the idyllic relationship that everybody's portrayed it to be.

ROCHA: Yes.

GERAGOS: They were human, right?

ROCHA: Exactly.

GERAGOS: Okay. And it wasn't, it wasn't Saint Laci and it certainly wasn't Saint Scott, right?

ROCHA: Yes.

GERAGOS: But they, you never saw him get even remotely violent with her, correct?

ROCHA: As in physical?

GERAGOS: Physical.

ROCHA: No. Never.

GERAGOS: You never saw him raise a hand to her, did you?

ROCHA: No.

GERAGOS: You never saw him do anything but protect her, did you?

ROCHA: Well,

GERAGOS: I mean did he ever do anything that you saw that you would recognize as being harmful to her?

ROCHA: Not physically.

GERAGOS: Okay. And did the, did the two of them, how much time did you spend with the two of them after they moved to Modesto?

ROCHA: I wouldn't say, it's still an hour distance, so we were in different cities, so it's not like I'm there, but I would say at least once a month I would run into her. Maybe once every two months.

GERAGOS: Okay.

ROCHA: Yeah.

GERAGOS: And you had discussed, Laci had just inherited a whole lot of jewelry the month before she disappeared; isn't that correct?

ROCHA: Well, I wouldn't say it's a whole lot. I think that's another thing that's getting kind of blown out of proportion here.

GERAGOS: It was more than 50 thousand dollars, wasn't it?

ROCHA: I wouldn't think so.

GERAGOS: Have you seen the appraisals?

ROCHA: Yeah, but, you know, when you buy a piece of jewelry, some of those things are older and they're always appraised for a lot more than they're worth, so I think the figures are being distorted.

GERAGOS: What would you think the figures are?

ROCHA: I would say in the $20,000 range.

GERAGOS: Do you know that the appraisals are, total close to a hundred thousand?

ROCHA: Yeah, but actual value, from what Laci was telling me, was half what they were appraised at.

GERAGOS: When she went to the pawn shops to try and get rid of it?

ROCHA: No. The jewelry shops where my grandmother purchased all the jewelry.

GERAGOS: That's the same shop that did the appraisals, right?

ROCHA: Yes.

GERAGOS: So they're saying they appraised it at one value but it's only worth 20 cents on the dollar?

ROCHA: Well, when you go to sell it it's not quite worth as much.

GERAGOS: That's the old story in the world of jewelry, but the fact of the matter is this stuff was valued in the estate, and you were trustee of the estate, and it was appraised and insured for upwards of a hundred thousand, was it not?

ROCHA: It was not insured.

GERAGOS: The appraisals were not used for insurance purposes?

ROCHA: We did not insure that jewelry.

GERAGOS: That jewelry was never insured by your grandmother?

ROCHA: I can't say by her, but when I was in control of the estate, it wasn't worth enough for me to insure it.

GERAGOS: Okay. When your grandmother had it, and that was up until the time that she died, obviously?

ROCHA: Yes.

GERAGOS: Did she have appraisals for it to be insured?

ROCHA: I don't know.

GERAGOS: Okay. Were there appraisals that, had you looked at the appraisals for the jewelry?

ROCHA: I did see some appraisals.

GERAGOS: Okay. Do you know how much of the jewelry Laci sold?

ROCHA: No, I don't.

GERAGOS: Do you know how many items of jewelry it was?

ROCHA: I mean I can guesstimate.

GERAGOS: What,

ROCHA: Probably about 25, 30.

GERAGOS: Okay. Was she wearing those items, some of those items?

ROCHA: I don't know from first-hand knowledge.

GERAGOS: Okay. Thank you. I have no further questions.

JUDGE: May this witness be excused?

HARRIS: No objection.

JUDGE: Okay. You can be excused.

ROCHA: Thank you.