**Witness: Steven P. Jacobson**

Date: 2004-08-30

Proceedings held August 30, 2004

Called by: People (prosecution)

Phase: Guilt

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

Day 4 of 4 for this witness

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

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August 30, 2004

GERAGOS: Are you all set?

JACOBSON: Ready.

GERAGOS: Good. The first thing I was going to do is the, when you were here last week there was a snippet of a call from Brent Rocha; is that correct?

JACOBSON: Yes, sir, there was.

GERAGOS: Okay. Now, if I remember correctly, that call was on January the 16th; is that right?

JACOBSON: That sounds about the correct date, yes, sir.

GERAGOS: Okay. And so that we can kind of set the stage for this, you, I'm sure everybody remembers that you started this either late morning, early morning hours on the 11th, but at least on the 11th and late on the 10th, the wiretaps themselves?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now, at that point there was, as far as you're aware, there was, the Rocha family was still supportive of Mr. Peterson; is that correct?

JACOBSON: To, to what point did you say?

GERAGOS: On the 11th, as of the 11th?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now, on the, is it your understanding, from listening to the calls and from talking to investigators, that they had met with the Rocha family on the 15th: Is that correct? Of January?

JACOBSON: On the 15th? I'm not sure of the exact date, but they had met with them I think during that week.

GERAGOS: Okay. And then that's when they, without asking what it was, they had, they had gone to the family, they had told them some information, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. And you knew that to be the case, based upon listening to these tapes, roughly, that that happened somewhere around the evening of the 15th, right?

JACOBSON: Around in that period of time, yes, sir.

GERAGOS: Okay. Now, the 16th is one of a couple of calls that Brent Rocha has with my client, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. And if we've got the transcripts, I'll ask that that,

JUDGE: Okay. We've got the transcripts of this phone call, and we're going to play that for you in just a second. We have some copies for the media?

CLERK: No.

JUDGE: You didn't make any copies for,

CLERK: They came from,

JUDGE: I got one.

CLERK: Okay.

JUDGE: I thought Raffi said you made 25.

NALJIAN: There's plenty of copies.

GERAGOS: What are you looking for, Judge?

JUDGE: Rocha's phone calls.

GERAGOS: They're passing it out.

JUDGE: I said have we got copies for the media.

GERAGOS: I don't know how many. I thought you made 25.

JUDGE: He said he made a lot of copies.

GERAGOS: While they're...have you got a couple left over?

JUDGE: None for the media?

GERAGOS: They can take my copy. I've got two over here.

JUDGE: Okay. You got an extra one. Okay. We got five copies. That's all they printed up for the media, so you'll have to share out there. Maybe, maybe you'll put it up on the wall, too. You can check it out there.

GERAGOS: I can actually do that, if you want.

JUDGE: Why don't you do both.

GERAGOS: Then I have to grab one of my copies back.

JUDGE: We'll mark this, mark this as the,

GERAGOS: I saw Mr. Cardoza had one, so I grabbed it away from him.

JUDGE: We'll mark the Brent Rocha transcript D 5 V. 1 is the transcript and 2 will be the disc, and we'll move those into evidence at this time so they can be played to the jury. And here it is. I'll give, you can use mine and put that part of the record. ***

(Defendant's Exhibits D 5 V 1 and 2 marked for identification and received in evidence)

GERAGOS: If it's okay, Judge, I'll put it up here and flip the pages as it goes through.

JUDGE: Sure. Okay.

GERAGOS: Investigator, I asked you this already, we heard a snippet of this last week, correct?

JACOBSON: Yes, sir, you did.

GERAGOS: This is basically from start to finish the whole call; is that right?

JACOBSON: What you're going to play?

GERAGOS: Yes. What we're going to play.

JACOBSON: Can you ask me that after you're done playing it?

GERAGOS: I can do that, sure.

JUDGE: Well, I can indicate for the record it is the whole call.

GERAGOS: So I don't need to ask you.

JACOBSON: Okay. (Exhibit D 5 2 played)

GERAGOS: Investigator Jacobson, I was asking you just in terms of, I guess you're probably the person who is most knowledgeable from the prosecution side as to what transpired in the wiretaps from the 11th to the 4th of February, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. So you have the situation where we, obviously the jury and we just heard the tape with Brent Rocha. And that was on the 16th at approximately what time?

JACOBSON: That portion of the call you just played?

GERAGOS: Right.

JACOBSON: Was at 1:46 p.m. on the 16th.

GERAGOS: There had been a previous call between my client and Mr. Rocha that day, correct?

JACOBSON: I believe so, yes, sir.

GERAGOS: Okay. And obviously the release of the information to the family was causing problems at that point between my client and the Rocha family, correct?

JACOBSON: It's,

DISTASO: Objection, your Honor. Going beyond the scope of the 356 issue.

JUDGE: I don't think so. You heard the tapes. Overruled.

GERAGOS: Was that a correct statement?

JACOBSON: It was my understanding, based on what I was intercepting, that there were some problems between Mr. Scott Peterson and the Rocha family, yes.

GERAGOS: Okay. One of the things that was talked about there on the tape between Brent and Scott was the fact that the volunteer center had been closed?

JACOBSON: Yes, sir.

GERAGOS: You knew that to be the case; isn't that correct?

JACOBSON: Yes, sir.

GERAGOS: As soon as the Modesto PD had given this information to the Rocha family, that set in, as far as you know, a series of events that led to the volunteer center in Modesto being shut down, right?

JACOBSON: I believe it was information provided by the police department as well as information from the media that prompted the volunteer center closing.

GERAGOS: Okay. And it was done within hours, correct, of this information?

JACOBSON: My understanding, yes, sir.

GERAGOS: Okay. Now, on the 16th, this then caused a whole series or a flurry of calls, looking through the wiretap; is that correct?

JACOBSON: Yes, sir. There was quite a bit of activity on the 16th.

GERAGOS: Okay. There was a, numerous calls by, to Sharon Rocha, correct? Where Scott had called Sharon Rocha?

JACOBSON: Yes, sir.

GERAGOS: Okay. Then there was a call at 11:21 to Terri, you have identified as a 969 number?

JACOBSON: Yes.

GERAGOS: And who did you know Terri to be?

JACOBSON: Terri Western, I believe, sir.

GERAGOS: Okay. And that was a call, that's one of the calls you're basing the information on that the, the center was closed based upon listening to that phone call; is that correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. From there there were some phone calls to, some more phone calls to Brent and assorted media phone calls; is that correct?

JACOBSON: Yes, sir.

GERAGOS: And then a series of phone calls with Brent again, the one that we just listened to, right?

JACOBSON: Yes, sir.

GERAGOS: And then there were, there was one at 1:46, looks like 1:46 two, of them?

JACOBSON: Actually it's one call, the same.

GERAGOS: Okay. Then the, looks like after that there were a number of calls to Brent, to Sharon, to Brent again, all on the 16th; is that right?

JACOBSON: It appears that way, yes, sir.

GERAGOS: Okay. Now, the calls that went back and forth, or actually went from Scott calling the Rochas and then the finding out of the volunteer center, at some point after that were you aware that Amber Frey held a press conference about eight days later?

JACOBSON: Yes, sir, I am.

GERAGOS: Okay. Now, in the interim, the, if I understand correctly, the Modesto PD goes to the Rochas on the 15th in anticipation of an Enquirer article that's coming out on the 16th, correct?

JACOBSON: I believe it was around that period of time.

GERAGOS: The Enquirer article hits, and shortly thereafter there's a number of calls with the mainstream media calling up and wanting to get comments and things of that nature?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now, during that period of time the, the reporters, flipping through your, your HIDTA log, there's a number of calls, repeated calls, from people like Ted Rowlands, correct?

JACOBSON: Yes, sir.

GERAGOS: From Gloria Gomez, I believe on the previous page?

JACOBSON: Yes, sir.

GERAGOS: There was numerous calls from the Michael Reel and some of the other, CBS, and then there was ABC Kimmie Culp, and just a series of phone calls with all people who wanted interviews, correct?

JACOBSON: Yes, sir.

GERAGOS: Or comments?

JACOBSON: Comments, yes, sir.

GERAGOS: This was going on at this point, for instance, on the 17th, there's a, just a succession of calls. Some of them you're able to capture, some you're not; is that correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now, then at the same time there are some calls between Scott and, looks like a 351 number area code. Do you know what that is?

JACOBSON: What page are you on, sir?

GERAGOS: I'm on page, I've got it as page 15.

JACOBSON: Okay.

GERAGOS: Looks like the 1:17 call at 5:14?

JACOBSON: Right. I see that.

GERAGOS: Is that business related, as far as you can tell?

JACOBSON: I believe so.

GERAGOS: Okay. When I say business related, it appears to you, from listening to these calls, that in addition to the volunteer center being shut down, all of this publicity about Amber Frey coming out, the Rochas basically at that point turning on, on Scott in terms of their support, that he's also trying to maintain his business; is that your,

DISTASO: Objection, your Honor. The whole preamble up to Scott trying to maintain his business I object to. It's just argumentative.

GERAGOS: I don't believe that it is.

JUDGE: I don't think so. Overruled.

GERAGOS: And he's still trying to conduct business; is that correct?

JACOBSON: Yes, sir, he is.

GERAGOS: Okay. Now, these calls that are coming in., and it's tough to see, but on the 17th, when you've got those calls to Eric that appear to be the business-related calls?

JACOBSON: Those incoming calls from Eric, and then the last one here at 7:38 on page 15?

GERAGOS: Yes.

JACOBSON: 7:38:25 a.m.

GERAGOS: So you can get kind of a feel for what the pattern is, he's got an incoming call related to business, and at the same, same, right after that he's got two successive calls to Ted Rowlands, right?

JACOBSON: Yes, sir.

GERAGOS: Then within a very short period of time, like within that 15 minute span, he's got two more incoming calls from Nuno, who is related to his business; is that correct?

JACOBSON: Yes, sir.

GERAGOS: Then you've got one, two, three, four phone calls from Ted Rowlands, right?

JACOBSON: Yes, sir.

GERAGOS: Then you've got these Joan Faria calls; is that correct?

JACOBSON: Yes, sir.

GERAGOS: And she generally is calling regarding the command center or the volunteer center?

JACOBSON: She provides him with information.

GERAGOS: Okay.

JACOBSON: Such as that, yes.

GERAGOS: Then as she calls at 7:21, bam, you got two more calls from Ted Rowlands, correct?

JACOBSON: Yes, sir.

GERAGOS: Then his boss, or he calls, trying to call Nuno regarding his business; is that correct?

JACOBSON: Yes. He's checking his voice mail messages.

GERAGOS: Right. And then tries to call successfully both Nuno and Eric regarding business; is that correct?

JACOBSON: Yes, sir.

GERAGOS: Then we've got his parents calling, and then two more phone calls from Ted Rowlands down there, looks like at 8:20?

JACOBSON: Yes, sir.

GERAGOS: Okay. He's got his lawyer calling him, Kirk McAllister, correct?

JACOBSON: Yes, sir.

GERAGOS: And then a lengthy call with Joan Faria on the, looks like about 8:34?

JACOBSON: Yes, sir, you're correct.

GERAGOS: Okay. Then he's got his friends, a couple of friends calling still, correct?

JACOBSON: Yes, sir.

GERAGOS: And that would be Aaron and Heidi Fritz, right?

JACOBSON: Yes, sir.

GERAGOS: And then the Richardsons?

JACOBSON: Yes, sir.

GERAGOS: And all of this is still on the 17th; is that correct?

JACOBSON: Yes, sir, it is.

GERAGOS: As that's happening, he's, now, it looks like the, that there's two entries for the Carol & Anne Sund Memorial Foundation, but I think those are, are those two calls? Or one call?

JACOBSON: I think it's one call, sir.

GERAGOS: Okay. And you know the Carol & Anne Sund Memorial Foundation to be a group for missing persons work that, is it based out of Modesto, or Stanislaus County?

JACOBSON: I believe so, yes, sir.

GERAGOS: Okay. And Kim Peterson, no relation, is somebody who is an executive director or has a position there?

JACOBSON: Yes, sir.

GERAGOS: And Scott is attempting, it's an outgoing call, him attempting to call that foundation, correct?

JACOBSON: Yes, it is.

GERAGOS: Okay. There was some question, some of the earlier calls, as to whether or not they were the ones who made the official pronouncement to close the center, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now, after that he's, while he's making that call at 8:56, at the same time there's two more incoming calls from Ted Rowlands, correct?

JACOBSON: Yes, sir, there are.

GERAGOS: And then it looks like there's a bunch of audio disabled prior call. What does that mean?

JACOBSON: Basically the machine was turned off. Captured the data, did not capture the audio related to those calls.

GERAGOS: So that's what we were telling the jury on Thursday about there's a series where you get the call data but you don't have the audio?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now, there's a number of calls that go throughout that evening, and, in fact, literally around the clock, up through, looks like to what time? Up until 11:00 o'clock? Or is it, what time do the calls stop on the 17th? Looks like 10:43? Or is that the next morning?

JACOBSON: On the 17th?

GERAGOS: Yeah. What's the latest calls on the 17th? Do you see why I'm perplexed? Because it looks like you're running through, got two a.m.s that reflect,

JACOBSON: Well, it appears near midnight, about 11:00 o'clock p.m., 11:18 p.m. I think is on page 20, if you're looking.

GERAGOS: Okay. Do you have an estimate as to how many calls on the 17th? Are you able to do a rough estimate as to how many calls there are?

JACOBSON: I think we just flipped through several pages of them. There's quite a few calls.

GERAGOS: I show, if it starts on page 15 and goes through page 20, roughly somewhere in the neighborhood of about a hundred to a hundred and fifty calls?

JACOBSON: I would say that would be a close guess.

GERAGOS: Okay. There's a number of, on the 17th of incoming calls from Karen Brown of NBC, from Michael Reel, from Ted Rowlands, just repeatedly over and over and over again, correct? Jodi Hernandez of ABC? I'm looking at page 18.

JACOBSON: Yes, sir, there's quite a bit of activity.

GERAGOS: Okay. Now, going forward from then, from the 18th, moving up to the 24th, there continues to be a lot of activity from the news media regarding Scott doing an interview of some kind; is that correct?

JACOBSON: I would say it's a fair statement, yes, sir.

GERAGOS: Okay. Now, on the, roughly when we get to the 24th, you know that to be the day that Miss Frey does her press conference; is that correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. And is it also a fair statement that, after the press conference that she does at the Modesto Police Department, that at that point, well, actually before we get there, there's also a period of time right after this volunteer center is shut down that the burglary take place at Scott's house, correct? On Covena? And there's calls that reflect or exchange about that?

JACOBSON: Yes, sir, there are calls that reflect that.

GERAGOS: Okay. And the house gets burglarized, and he reports it at one point with a 911 call, looks like on the 19th at 7:44? I'm on page 26. I think. It's about the,

JACOBSON: I see that call at 7:44 p.m. on the 19th, yes, sir.

GERAGOS: Okay. And he's saying someone had broken into his house and then the line cut off. You couldn't hear the rest of it; is that correct?

JACOBSON: That's correct, yes, sir.

GERAGOS: Okay. And then there's some other calls, including a call from Detective Brocchini, the very last call on that page, regarding a Kim McGregor; is that right?

JACOBSON: Yes, sir.

GERAGOS: Now, it looks like he's come back and he's discovered that his house has been burglarized. He doesn't know by who, correct?

JACOBSON: At this time he does not know.

GERAGOS: Okay. And at the same time he's receiving calls from Kim McGregor, right?

JACOBSON: Yes, sir, he is.

GERAGOS: Okay. Most of those we don't have the audio on? At least that succession of calls, no separate calls down there?

JACOBSON: I see you're referring to 1:52 p.m. through 1:59?

GERAGOS: Exactly.

JACOBSON: Exactly, yes, sir.

GERAGOS: So we don't know what's being said there, but we do know at the bottom of the page he checks and there's a voice mail from Grogan regarding McGregor, correct?

JACOBSON: You see at 1:59 there's audio.

GERAGOS: The Modesto PD?

JACOBSON: No, the one at 1:59 where he actually does talk with Ms. McGregor.

GERAGOS: Right.

JACOBSON: So they actually do converse, so I was able to determine the nature of that conversation as it relates to that burglary.

GERAGOS: Got it. So that would have been at approximately a little bit before 2:00 o'clock on the 20th, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. And then, so the house has burglarized, the, the police have called, or at least notified him of that. At that point he's made the statement, look, he just doesn't, doesn't want to deal with it, something to that effect, correct? The burglary itself and pressing charges?

JACOBSON: Yeah, he did not want to press charges.

GERAGOS: He just wanted,

JACOBSON: Wanted, basically, it left.

GERAGOS: Okay. Now, on the 24th, there's the press conference, and that was at Modesto PD, correct?

JACOBSON: Yes, sir.

GERAGOS: And that's where Amber Frey comes forward and makes the statement to the media and she's in the, if I understand correctly, she was in the company of is it Lieutenant Aja from Modesto PD?

JACOBSON: I don't know who she was in the company of, sir. I saw her like the rest of the folks here in the courtroom.

GERAGOS: Okay. When you,

JACOBSON: On TV.

GERAGOS: Okay. Now, after that, that creates even more, if you could get more, but it creates a flurry of activity on the phone, incoming from the media, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. And with this idea to do some kind of an interview; is that right?

JACOBSON: Yes, sir.

GERAGOS: Okay. And this story then at that point becomes even more heated up, at least from listening to the wiretaps and the number of calls that are coming in, correct?

JACOBSON: Did it, are you asking me if it changed the amount of calls, both incoming and outgoing?

GERAGOS: I'm asking did it seem to increase the number of calls?

JACOBSON: I would say that activity increased it, yes.

GERAGOS: Okay. Now, at some point there was a, I'm going to jump farther ahead. There was a tape that you had played with Mr. Distaso last week where my client's saying Fuck off, Rita, or something like that. Do you remember that call?

JACOBSON: I remember that call, yes, sir.

GERAGOS: Is it a fair statement that the media calls that are coming in are talking about Amber, talking about Scott, and accusations are flying, basically; and is that a fair statement based on the wiretap that you're, that you're monitoring?

JACOBSON: I would say a fair statement would be that the media, as well as most of us, just wanted to know what the deal was between him and Amber and if he was going to be forthcoming about it, or the deception behind it. They wanted clarification. They just basically wanted to hear his side of the story.

GERAGOS: Right. And you knew he was talking to his lawyer then, right?

JACOBSON: I do know that he was talking with his lawyer, yes, sir.

GERAGOS: Now, you also know that on February 9th there was a recorded phone conversation between Amber and Scott, correct?

JACOBSON: Yes, sir, I do.

GERAGOS: Okay. And we have that, I'll put it up on here.

JUDGE: We should have enough of those. I just want to point something out to the jury. When you look at the cover page it says one of 21? 21 pages? You're only going to hear the first four because I've ruled the remainder is not relevant for the purposes it's being offered, okay? So you're only going to hear the first four pages. And we have transcripts for everybody, don't we?

And for the media. So if you can pass those out.

CLERK: Mark it?

JUDGE: It will be, let me get to the defense exhibits now. D 5 W. That will be the 2/16, I beg your pardon. The 2/9 Amber Frey conversation. And that will be D 5 W 1 and the disc will be D 5 W 2, and since it's going to be played for the jury, we'll move it into evidence now.

GERAGOS: Can Mr. Naljian hit it?

JUDGE: Pardon me?

GERAGOS: Can he play it?

JUDGE: Yeah. Has the jury and everybody got it? Yeah. Go ahead, play it.

(Exhibit D 5 W 2 played)

GERAGOS: Investigator, there's another tape that was recorded on the 16th of February between Amber Frey and Scott Peterson at approximately 1903 hours, correct? And this one is just a four page. Judge, can we go right into that as well?

JUDGE: All right. D 5 X. That's the 2/16/03 tape at 7:19:03 hours.

JACOBSON: Yes. You're correct.

JUDGE: And the disc is 2. They will also be admitted. Take the same numbers.

(Exhibit D 5 X 2 played)

<recess>

GERAGOS: The, jumping back we have the Amber Frey press conference on the 24th, then there's a series of phone calls pressing Scott to come out and do something on the media, correct, after the 24th?

JACOBSON: You're referring,

GERAGOS: After the 24th.

JACOBSON: After the 24th. Are you referring to a specific call or a series of calls?

GERAGOS: Series of calls. There's a series of calls that take place after the 24th, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. And then Scott at some point agrees and does an interview or three interviews; is that correct,

JACOBSON: Yes.

GERAGOS: based on the phone calls? Three interviews with Diane Sawyer, Gloria Gomez and Ted Rowlands; is that correct?

JACOBSON: Yes, sir.

GERAGOS: After that and after the Diane Sawyer interview is aired, there's some phone calls between Scott Peterson and Kimmie Culp, who's the producer for Diane Sawyer; correct?

JACOBSON: Yes, sir.

GERAGOS: Then there's there phone calls between Scott Peterson and Detective Grogan is picked up on the wire tap; correct?

JACOBSON: Yes, sir.

GERAGOS: You know Detective Grogan, one of the core, so-called core detectives in this case?

JACOBSON: I know him to be the lead detective in this case, yes, sir.

GERAGOS: Do you know the date, I'm flipping through here, do you know the date that he talks to Grogan?

JACOBSON: I know the dates every time he's talked to him. Are you referring to one in specific?

GERAGOS: After the Diane Sawyer interview?

JACOBSON: There was a couple after that interview.

GERAGOS: I've got one here, it looks like 1/29. I'm on page 60.

JACOBSON: Are you referring to the 6:54 call there at the bottom of the page?

GERAGOS: Yes.

JACOBSON: Yes, sir, I see it.

GERAGOS: Okay. He has a conversation, it's Grogan calls, there's incoming from Grogan to Scott, is that correct, that's an incoming from Grogan to Scott, correct?

JACOBSON: Yes, sir, it is.

GERAGOS: Okay. Now, in addition to that there was a previous call with Mike Richardson right before then; is that right?

JACOBSON: Yes, sir.

GERAGOS: Now, the call with Richardson, with Mike Richardson, you knew him to be one of Scott's friends?

JACOBSON: Yes, sir, it sounded as if he was.

GERAGOS: Okay. And then earlier about, before the Grogan call, about 20 minutes before that there was a call between, I think it's Faria is that correct?

JACOBSON: Are you referring to Joan Faria?

GERAGOS: Faria. That's 1/29 at 6:28?

JACOBSON: Which call are you referring to, the 6:19 p.m.?

GERAGOS: 1/29,

JACOBSON: Yes.

GERAGOS: at 6:28?

JACOBSON: Oh, I see that, yes, sir.

GERAGOS: An incoming call.

JACOBSON: Yes, sir.

GERAGOS: Okay. And there she's talking about how people are criticizing him for going out in the media instead of looking for his wife; is that correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. Your understanding is that there was to be the first of those interviews had broadcast earlier on that day based upon the calls that were coming in?

JACOBSON: Which interview, the Diane Sawyer interview?

GERAGOS: Yes.

JACOBSON: Was it the 29th or the first one was the 28th?

GERAGOS: 28th and 29th.

JACOBSON: I think 28th and 29th. I think it was broken up on two separate days.

GERAGOS: Right. There was also an interview that was broadcast, at least based on the phone records, at 6:00 o'clock with Rowlands, and then 6:00 o'clock with Gloria Gomez. They're both broadcast the same day?

JACOBSON: Yes, sir.

GERAGOS: And these calls came in shortly thereafter, correct?

JACOBSON: Yes, sir.

GERAGOS: Now, the, and that was, as you indicated, the 29th. After that there's a call on the 29th at 10:26 p.m., correct? I'm --

JACOBSON: Yes, sir, there is.

GERAGOS: I'm on page 62. That's an incoming call from Kimberly Culp, right?

JACOBSON: Yes, sir.

GERAGOS: And talking about there's an ongoing discussion that's going on, but that's another call that you were able to capture, correct?

JACOBSON: Yes, sir.

GERAGOS: Now, there's a series of calls on the 29th starting at about 10:27 going all the way through the evening into the a.m., correct?

JACOBSON: Yes, sir.

GERAGOS: Now, the, most of those were either incomplete or there was some malfunction; is that right?

JACOBSON: There was, those were not true calls being made. There was incomplete data being sent, yes, sir.

GERAGOS: There's, it looks like, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 calls, is there, in the period of about two hours?

JACOBSON: It appears that way, yes, sir.

GERAGOS: Okay. Kimmie Culp, Gary Aroyan, who you knew to be a private investigator at that point working on behalf of Mr. Peterson?

JACOBSON: On the 29th?

GERAGOS: Of January.

JACOBSON: I believe so. I think it was about the 29th or the 30th around that period of time.

GERAGOS: Okay. And there was calls, more media calls, Jodie Hernandez, Larry King, Gloria Gomez, Larry King, the Modesto Bee, Kimmie Culp, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. None of those, none of those were able to be captured, correct?

JACOBSON: No, sir.

GERAGOS: Okay. Then the, going into the next day we have the same thing in terms of the media, more media calls and more family calls interspersed with calls to his business, correct?

JACOBSON: Yes, sir.

GERAGOS: Or regards to his business?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now, the, we already talked last week about the chain of events surrounding the Longview, Washington. There was, however, I believe I had you play for the jury on Thursday of last week a, the call where, and I'm on page 74, are you there?

JACOBSON: I am now. Go ahead.

GERAGOS: Okay. On page 74, February 3rd, first there was the Longview P.D. call to detective Jacobs, correct?

JACOBSON: Yes, sir.

GERAGOS: Then we played the one to the Modesto Police Department, that was the very next call that was captured, right?

JACOBSON: Yes, sir.

GERAGOS: Now later in that day, about 20 minutes later, there were two calls made to Lieutenant Aja, A-j-a?

JACOBSON: Yes, sir.

GERAGOS: First one got a busy signal, right?

JACOBSON: Yes, sir.

GERAGOS: Second one it looks like no conversation?

JACOBSON: Yes, sir.

GERAGOS: Okay. Then it looks like a third call about nine minutes later, correct?

JACOBSON: Yes, sir.

GERAGOS: This is where Scott is calling Aja and, once again, asking to look at the tapes for Longview Washington, correct?

JACOBSON: Yes, sir.

GERAGOS: And he apologizes to Aja about saying he wouldn't trust anyone else but he says for his own peace of mind he basically wants to view him himself, correct?

JACOBSON: Yes, sir.

GERAGOS: And there's also some talk where he's saying he's hoping that the Modesto Police Department is doing everything they could, but he thought in his mind that they have two critical leads, correct?

JACOBSON: That's what he said, yes, sir.

GERAGOS: And then I guess you have the same similar problem here that you had on the earlier Longview, Washington, call, another caller is coming in so you lose the call that he's being made with, Lieutenant Aja?

JACOBSON: Yes, sir.

GERAGOS: Okay. And that's, that last call to Aja is at 3:30 on February 3rd, right?

JACOBSON: Yes, sir.

GERAGOS: And the wire tap goes off, last call captured February 4th at, it looks like 3:00 p.m.?

JACOBSON: Yes, sir.

GERAGOS: The following day. So less than 24 hours later it's gone, right?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now on that last day in the last hour the calls that you actually intercepted, it looks like two incoming from Michael Real, right?

JACOBSON: Yes, sir.

GERAGOS: Two incoming from Gloria Gomez?

JACOBSON: Yes, sir.

GERAGOS: Four from Ted Rowlands?

JACOBSON: Yes, sir.

GERAGOS: Two from Karen Brown?

JACOBSON: Yes, sir.

GERAGOS: And then a call from Argain and a call from Scott's sister?

JACOBSON: Yes, sir.

GERAGOS: Can I have just one second, Your Honor?

JUDGE: Yeah.

GERAGOS:

GERAGOS: I didn't ask you, for those of us who don't live or work in Modesto, Investigator, can you tell me how far away Keyes Road is from the Covena address?

JACOBSON: I'd probably say anywhere from 10 to 15 miles.

GERAGOS: Can you tell me how far away 3900 Oak Flat Road South I-5 and Newman is from the Covena address?

JACOBSON: Probably say in between 15 and 20 miles.

GERAGOS: How about Austin Road in Manteca?

JACOBSON: That probably be around 20 miles.

GERAGOS: Okay. And, Thank you. I have no further questions.

**Redirect Examination by Rick Distaso**

DISTASO: Investigator Jacobson, let's just work backwards kind of quickly. The last thing that counsel asked you about was a call from the defendant to a Lieutenant Aja where he said he was talking to him something about we have two critical leads, to keep searching or something of that nature?

JACOBSON: Yes, sir.

DISTASO: And that was on February 3rd?

JACOBSON: Yes, sir.

DISTASO: During that time frame did Amber Frey continue to record conversations she had with the defendant during those two weeks?

JACOBSON: Yes, sir.

DISTASO: And, in fact, the two calls that we heard this afternoon were on the 9th of February and the 16th of February were both calls recorded by Amber Frey?

JACOBSON: Yes, sir.

DISTASO: The call we played the other day with Rita Crosby, leave a message, and the defendant says, fuck you, Rita, that was on the 31st?

JACOBSON: Of January, yes, sir.

DISTASO: So that was nine or ten days prior to these calls we heard with Amber Frey?

JACOBSON: On the first one, yes, and even longer for the second one.

DISTASO: Seventeen days or 16 days, whatever for the second one?

JACOBSON: Yes, sir.

DISTASO: The, counsel gives you this long litany of media calls, is it a fair statement that the majority of those calls were calls to voicemail?

JACOBSON: Yes, sir.

DISTASO: So the media would call, call and leave a message on the defendant's voice mail, he'd call them back or not?

JACOBSON: Or they'd hang up when they received his voice mail, yes.

DISTASO: And were there a number of times when the defendant called media representatives back?

JACOBSON: Yes, sir.

DISTASO: So you would hear a message, call them back and talk to them about whatever?

JACOBSON: Yes, sir.

DISTASO: The, other than the media just calling to want to talk to the defendant about Amber Frey --

GERAGOS: Objection, leading.

JUDGE: Sustained.

DISTASO:

DISTASO: Were there calls from the media that dealt with subjects other than Amber Frey?

JACOBSON: Yes, sir.

DISTASO: Like what?

JACOBSON: Well, you might not believe it, but some of these people out in the media at least appeared concerned for his well being.

DISTASO: And so they'd ask him how he was doing?

JACOBSON: Yes.

DISTASO: Were there any media calls where people would ask and say can we do something to keep the word out or get Laci's picture out, something of that nature?

JACOBSON: Yes, sir.

DISTASO: So when we went through all of these media calls, every media person that called the defendant, was every call just a hounding about Amber Frey?

JACOBSON: No, sir.

DISTASO: There were calls where people were calling and asking about Amber Frey?

JACOBSON: Yes, sir.

DISTASO: So we kind of have a mix of --

GERAGOS: Objection, leading.

JUDGE: Sustained.

DISTASO: I'll just leave it with that. Let me ask you this, way back when we started cross-examination, I guess last week, Mr. Geragos asked you about your initial, you're very first initial contact with the defendant in this case, do you remember that?

JACOBSON: I believe he said what brought me into this investigation at the earliest point, something similar to that, yes, sir.

DISTASO: Okay. Your first official involvement was what, official involvement from the police agencies?

JACOBSON: My first official involvement was when members of Modesto Police Department contacted me and asked if I would help in the investigation.

DISTASO: All right. And that was to try to get a wire tap up and running?

JACOBSON: Yes, sir.

DISTASO: And your involvement here was, we've heard over days now, was pretty much the wire tap and the phones, right?

JACOBSON: Yes, sir.

DISTASO: You didn't do, or I'm trying to just speed this along so we're not here for days?

GERAGOS: Objection, leading.

DISTASO: All I'm trying to do,

JUDGE: Go ahead.

DISTASO: Speed it along a little bit.

JUDGE: Go ahead.

DISTASO: You didn't actually go out and interview witnesses and do all that kind of thing, you were doing the phones?

JACOBSON: Yes, sir, I was.

DISTASO: When, all right. That was your official involvement. Now prior to them coming and asking you about the wire tap, you said there was some other contact you had with the defendant, or at least something like that; is that right?

JACOBSON: Yes, sir.

DISTASO: Okay. Let's go through that in a little bit more detail.

20 What is the very first time that you heard from either the defendant or some contact with him?

JACOBSON: As I stated on Christmas, I received a phone call at my house from a number that came back to Mr. Peterson at his home residence on Covena. That was on Christmas morning.

DISTASO: Okay. Did you actually speak to the defendant?

JACOBSON: I didn't. I was outside doing a roof addition and I was on the roof at the time and my wife came outside and asked me if I recognized --

GERAGOS: Objection.

JACOBSON: His name and phone number.

GERAGOS: Withdrawn.

JUDGE: All right.

DISTASO: So you came in, and do you have some kind of caller I.D. or something on your phone?

JACOBSON: I do.

DISTASO: You came in, took look at it, was any message left on your phone?

JACOBSON: I didn't come inside, sir, my wife,

DISTASO: Came out and got you?

JACOBSON: Came outside and asked me if I knew a Scott Peterson at 524-2049 and I said I didn't.

DISTASO: You said what?

JACOBSON: I said I didn't know the gentleman.

DISTASO: And is this, this is on your home number?

JACOBSON: This is on my home phone number, yes.

DISTASO: And your home phone number, don't tell me what it is, but is your home number available in the phone book or anything like that?

JACOBSON: I wouldn't tell you my home phone number, but if I had it available, otherwise the media be calling me.

DISTASO: The, after, so do people, you live in a small, one of the smaller towns in the county, correct?

JACOBSON: I'm proud of my small town, yes, sir.

DISTASO: And in your area where you are people know you're a police officer?

JACOBSON: Yes, sir, they do.

DISTASO: And so do you occasionally get calls from people who just kind of looking for help or what?

JACOBSON: Get frustrated with the system, quite often, yes, sir, they call.

DISTASO: So you get this call from someone, a number you don't recognize; is that right?

JACOBSON: Yes, sir.

DISTASO: And what did you do?

JACOBSON: Well, I finished my add-on, and then I spent Christmas with my family over her family's.

DISTASO: Right. Well, I'm talking about the phone. Did you call the defendant's home phone back?

JACOBSON: I did.

DISTASO: Okay. Did you ever speak directly to the defendant?

JACOBSON: No, I spoke to his mother.

DISTASO: Okay. And did you tell her that, you know, you had gotten this call,

GERAGOS: Objection, leading.

JUDGE: Leading question. Why don't you ask him what did he ask her.

DISTASO: Okay.

DISTASO: What did you ask her?

JACOBSON: I basically told her who I was. And I said that, I gave her some phone numbers and I asked her if somebody had called me from the house because I just watched the 10:00 o'clock news.

DISTASO: So you heard what was going on?

JACOBSON: So I heard what was going on and I asked if I could help.

DISTASO: Okay. And did you give her your home phone number?

JACOBSON: I gave it to her again, yes.

DISTASO: And did you also give the defendant's mother your, some other contact numbers for you?

JACOBSON: Yes, I did.

DISTASO: Okay. And did you ever receive another call back from either the defendant or the Petersons?

JACOBSON: No, sir.

DISTASO: Prior to that did you know Scott Peterson?

JACOBSON: I didn't know him, no, sir.

DISTASO: Did you even know he existed?

JACOBSON: No, sir.

DISTASO: I mean, so you never worked a case against him, you had no contact with him at all?

JACOBSON: No, sir, I didn't not to my knowledge.

DISTASO: Mr. Geragos asked you some questions about your, the initial affidavit you wrote for the wire tap. When, what day did you write the affidavit?

JACOBSON: I started writing it, I believe, on about January 9th and went through into January 10th.

DISTASO: Okay. And the affidavit is lengthy; is that right?

JACOBSON: Yes, sir, it is.

DISTASO: And the Judge knows, he read it?

JACOBSON: Yes, sir.

JUDGE: I did.

DISTASO: When you write these affidavits, this was on January 9th and it kind of went into the 10th, right?

JACOBSON: Yes, sir.

DISTASO: It included a portion of possible co-conspirators?

JACOBSON: Yes, sir.

DISTASO: At the time you were writing this affidavit, as a police officer, were you interested in finding out everyone who might be involved in this case?

JACOBSON: Of course, yes, sir.

DISTASO: Was that at all unusual or out of the ordinary for you to include that information in your affidavit?

JACOBSON: No, sir.

DISTASO: Now regarding Amber Frey, at the time you wrote the affidavit, did you know Ms. Frey?

JACOBSON: I didn't know her personally, no, sir.

DISTASO: Did you have any knowledge as to whether or not she would be a reliable person in recording phone calls with the defendant?

JACOBSON: I was told that she was recording conversations with her and Mr. Peterson.

DISTASO: Did, have you since gone back, you know, as, after the wire tap was over, at some point did you compare her recordings that she actually physically recorded versus the ones that you picked up on the wire tap?

JACOBSON: Yes, sir, I did.

DISTASO: And was her recording accurate?

JACOBSON: She did a really good job, yes, sir.

DISTASO: Now, there was some confusion that counsel asked you about regarding some calls that Ms. Frey recorded on January 12th, do you remember that series of questions?

JACOBSON: I do, yes, sir.

DISTASO: At the time on January 12th and I guess into the 13th, what was law enforcement's belief about whether or not Ms. Frey had actually recorded those calls on the 12th?

GERAGOS: Objection as to what law enforcement's belief is.

JUDGE: Law enforcement's,

DISTASO: That's fine.

DISTASO: What was your understanding at the time on the 12th?

JACOBSON: On the 12th or the morning of the 13th?

DISTASO: Morning. Yeah.

JACOBSON: When I talked to Detective Buehler.

DISTASO: Right.

JACOBSON: It was my belief and the belief of the other detectives that were there that it was possible that Ms. Frey was deceiving us in her recordings; that perhaps she was recording or she was talking with Scott and not turning over those recordings to law enforcement.

DISTASO: Did you subsequently go back, when you went in and kind of married all this stuff up, did you actually, did you find those recordings from the 12th that you thought might not, that she might not have been telling you about?

JACOBSON: Yes, sir.

DISTASO: So she actually, there actually were recordings from those calls that were turned into law enforcement?

JACOBSON: Yes, sir.

DISTASO: So your belief at that time was maybe she was being --

GERAGOS: Objection, leading.

JUDGE: Sustained.

DISTASO:

DISTASO: So your belief at the time was incorrect?

JACOBSON: Yes, it was.

DISTASO: And when I say "your belief at the time," I'm talking about your belief as to Amber Frey and this call on the 12th?

GERAGOS: Objection, leading.

JUDGE: These are all leading questions.

DISTASO: All right.

JUDGE: The jury's heard what he said.

DISTASO: I know, Judge. That's fine, Judge. I'll withdraw it.

DISTASO: Just a couple more questions, Investigator Jacobson. Counsel asked about you these call to Longview, Washington, and he asked you if you called up to Longview, Washington. And did you call the police force up there?

JACOBSON: I did.

DISTASO: And did you ask them about these, did you ask them if they had received calls from Mr. Peterson?

JACOBSON: I did.

DISTASO: And were you --

GERAGOS: Objection.

DISTASO: satisfied by speaking with him them as to the accuracy of the information contained in your wire tap records?

GERAGOS: Objection, hearsay.

JUDGE: Not what they said. This is state of mind. Overruled.

JACOBSON: Yes, I was satisfied that their information corroborated on the wire intercept.

DISTASO: And, finally, Mr. Geragos asked you some questions, or we went over some of the months and the actual minutes for each call on each month, do you remember that?

JACOBSON: I do.

DISTASO: Let's see if I can get to these.

GERAGOS: Are those the ones you marked?

DISTASO: Yes. I put them in here.

GERAGOS: Okay.

DISTASO: For the record, Your Honor, the original calendar is marked F 1 and I just marked these F 1 A.

JUDGE: These are the ones we substituted this morning, including this morning?

DISTASO: We included. So F 1 A, and then F 2 A, all the way to F 4 A.

JUDGE: What is the main number?

DISTASO: 207.

JUDGE: 207. I think it should be G because F, the F series in 207 has to do with those tapes from the media.

DISTASO: That's not what I have.

GERAGOS: I thought F was the, wasn't F the calendar itself?

JUDGE: 207. 207.

DISTASO: No, that was E, Your Honor. I'm sorry. That was E.

GERAGOS: I think F are the original calendars. If I understand correctly, what you're doing is you're just marking those has a subset of those?

DISTASO: That's right.

JUDGE: The E series I ruled as inadmissible.

DISTASO: Right.

JUDGE: Then we have F 1 through 5. These are part of F 1 through 5 now, so it's F 1 and 1 A, F 2 and 2 A, is that what we're doing?

DISTASO: It's just like the Judge said, 207 F 1 A instead of just F 1.

GERAGOS: Okay.

JUDGE: All right.

DISTASO: Just so we can put these up here quickly.

JUDGE: You got that, Marilyn? I don't want my clerk to be confused now. It's F 1 A and F 2 A.

JUDGE: All right.

DISTASO: And, Investigator Jacobson, this is the one from November where you talked about the length of the calls between each party in the month of November, correct?

JACOBSON: Yes, sir.

DISTASO: And it looks like all the calls total of about 56 minutes?

JACOBSON: Yes, sir, approximately, yes.

DISTASO: And then December, we went over that. Okay. It looks like the calls there totaled up to about 471 minutes. You put approximately eight hours. You must have multiplied it out?

JACOBSON: Yes, sir.

DISTASO: Okay. And then in January you put the calls per minute, I mean, the minutes by each call, and in January there was 958 minutes?

JACOBSON: Yes, sir.

DISTASO: So about 16 hours, I guess, right?

JACOBSON: Yes, sir.

DISTASO: And, then, finally, in February you went through and put the minutes. Okay. It came up to 368 minutes or roughly six hours?

JACOBSON: Yes, sir.

DISTASO: Nothing further, Your Honor.

**Recross Examination by Mark Geragos**

GERAGOS: Investigator Jacobson, Mr. Distaso was asking you about this phone call on the 25th?

JACOBSON: Yes, sir.

GERAGOS: And he said did you have any prior contact with Mr. Peterson?

JACOBSON: Yes, sir.

GERAGOS: That was true, you didn't have any prior contact with Mr. Peterson, you did have prior contact with somebody who was connected with this case, didn't you?

JACOBSON: The Rocha family, yes, sir.

GERAGOS: Right. So you, is it a stretch to, well, let me identify. Roben Rocha, you knew who she was, correct?

JACOBSON: Yes, sir.

GERAGOS: You knew her before December 25th?

JACOBSON: Yes, sir.

GERAGOS: Okay. And how did you know her?

JACOBSON: She's friends of the family and she was a neighbor.

GERAGOS: Right. Of you?

JACOBSON: Yes, sir.

GERAGOS: Okay. Is it a stretch to believe that that's who was calling you on the 25th from the Peterson's house on Christmas day?

JACOBSON: Well, I've asked around and I guess that's going to remain a mystery then because she told me that she had and I talked to the Rocha family and they said they don't know how somebody got my phone number.

GERAGOS: So the Rocha family, Robin Rocha knows your phone number?

JACOBSON: Yes, she does.

GERAGOS: She had your phone number before the 25th?

JACOBSON: Yes, sir.

GERAGOS: And she's a neighbor of yours?

JACOBSON: She was, yes, sir.

GERAGOS: She was for a period of time, correct?

JACOBSON: Yes, sir.

GERAGOS: A friend of your family, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. And you've asked them, but nobody's copping up to having called you?

JACOBSON: Nobody said that they've given my phone number to anybody else who had called me on that day from that house.

GERAGOS: Well, you got a call from the Peterson house. It was on Christmas. And the only person that you knew prior to Christmas was your neighbor for a number of years, Robin Rocha?

JACOBSON: Yes, sir.

GERAGOS: Now the next thing that you said was about the affidavit. I think he just asked you about, correct?

JACOBSON: He did, yes, sir.

GERAGOS: Now, the affidavit, if I stand correctly, you put in there that you were suspicious of Amber Frey as a possible co-conspirator, correct?

JACOBSON: I was suspicious of her level of cooperation and involvement in the case.

GERAGOS: And we went over this last week, that was on the 10th, correct?

DISTASO: That affidavit was signed on the 10th by the judge, right?

JACOBSON: Yes, sir.

GERAGOS: Okay. So when you filed your affidavit under penalty of perjury, you did that obviously on the 10th or before?

JACOBSON: Yes, sir.

GERAGOS: Based on information that you had garnered obviously on the 10th or before?

JACOBSON: Yes, sir.

GERAGOS: As of the 13th you met with, and we went through this, the seven of you together who actually went to the Stanislaus County DEA Office and listened to some tapes, correct?

JACOBSON: Yes, sir.

GERAGOS: And it was the collective wisdom of those assembled that she was not being cooperative; is that correct?

JACOBSON: That was our belief, yes, sir.

GERAGOS: Your belief changed on August 17th when I went outside and asked you or asked Detective Buehler to please show me what call that was, and you were standing there, correct?

JACOBSON: I wasn't standing there, but the question that you posed to him got back to me and I got to the bottom of it.

GERAGOS: Right. Because I had indicated that it did not appear that what you guys thought was happening had actually happened, correct, that there was not a missing call, right?

JACOBSON: Yes, sir.

GERAGOS: And that happened during trial two weeks ago?

JACOBSON: Yes, sir.

GERAGOS: Okay. Now the, he asked you, Mr. Distaso asked you about the calls to Longview, Washington. And I had asked you last week about the home phone records. Did you go back and take a look to see if you could find the home phone records?

JACOBSON: I have the home phone records, and I believe the Court does, too.

GERAGOS: What number is that?

JACOBSON: I never saw any Longview calls from the home or the business that I recall.

GERAGOS: Did you ever, can you tell me which number --

JACOBSON: The home phone number was SBC (209) 524-2049.

GERAGOS: Okay. Is that one of these?

JACOBSON: It's not one of these that you've handed me.

GERAGOS: Okay. I've got, I believe there were five binders total of phone records.

JACOBSON: Okay.

GERAGOS: And it wouldn't be the transcripts and it wouldn't be the cell site conversion charts?

JACOBSON: No, sir.

GERAGOS: To the best of your knowledge have you ever seen, do you think you've seen the home phone records?

JACOBSON: Yes, sir.

GERAGOS: Okay. Can you, when you step down after I'm done with you today, can you provide Mr. Distaso with where in the discovery the Bates, you know, we've got these binders back here, correct, for the discovery, can you provide him with the Bates number stamp for the home phone

records? The home phone records, other than the ones that I subpoenaed myself for December 23th to 25th, okay?

JACOBSON: I know he has a binder.

GERAGOS: Okay.

JACOBSON: So you probably ask him.

GERAGOS: Well, I'm asking you because you obviously would have seen them, correct?

JACOBSON: Yes, sir.

GERAGOS: Okay. And I'm talking about the records that you obtained via subpoena or search warrant, right?

JACOBSON: Yes, sir.

GERAGOS: I'm not talking about a bill, a phone bill that was picked up during the search warrant,

JACOBSON: Right.

GERAGOS: I'm talking about records that were subpoenaed, understood?

JACOBSON: Yes, sir.

GERAGOS: Then the last thing that you had mentioned, well, I guess it wasn't the last thing. You said there was some people from the media who were calling to see how he was doing, right?

JACOBSON: Yes, sir.

GERAGOS: Would it usually be in conjunction with him asking if he would go on air with them and do an interview?

JACOBSON: Well, it would all depend.

GERAGOS: Well, there was specifically one person who threatened basically to blackmail him if he didn't go on air with them, isn't that true, on the 29th of January?

JACOBSON: Are you referring to the Dan Abrams and Sandy Rivera phone call?

GERAGOS: Absolutely. You and I are on the same page with that.

JACOBSON: I wouldn't say threatening, but they used a strong-arm tactic, so to speak.

GERAGOS: Yeah, they were using a strong-arm tactic saying if you don't do an interview with us, we're going to go on the air and say you weren't cooperative, correct?

JACOBSON: Well, there was a little bit of history behind that call and the wiretap leading up to that point. It kind of explains it more, if the members of the jury were allowed to hear all that.

GERAGOS: Well, if we could, we would. But I'm asking you, is there a strong-arm tactic being used in your opinion?

JACOBSON: Yeah, I believe that, I think they might have went a little too far, but I could see their understanding of where it was and the fact that they felt he backed out of an interview.

GERAGOS: And they, and they, and he said, I'm not going to, his response back was, I'm not going to be blackmailed into this; is that correct?

JACOBSON: I believe he said that, those exact words.

GERAGOS: There's a number of calls. You said that they were incoming to voicemail; is that correct?

JACOBSON: Yes, sir.

GERAGOS: In fact, they were so often incoming to voicemail it caused you to lose phone calls that you were trying to intercept; isn't that right?

JACOBSON: Yes, sir.

GERAGOS: And was quite annoying to you just as it was on work on the wiretap, wasn't it?

JACOBSON: Well, yes, it was annoying, but I know they had a job to do, too.

GERAGOS: Right. And that job was to continuously phone in and try to get an interview or get some comment in that, isn't that correct, isn't that what you understood that to be?

JACOBSON: Well, I think they were all curious, like we all are today, what the real truth is.

GERAGOS: Right. And, unfortunately, that can change depending on what facts you give, can't they?

JACOBSON: Well, um,

GERAGOS: No further questions.

JUDGE: So that's your answer?

JACOBSON: You know what, Judge, I'm not going to discuss the truth in the courtroom because this all happened.

JUDGE: You can't give your opinions. Any more questions?

DISTASO: No more questions based on that.

JUDGE: Do you want him ordered back if you think since he discovered these other phone calls? We're going to excuse you with the usual admonition. Okay. Thank you.