Witness: Amber Frey

Date: 2004-08-17

Proceedings held August 17, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris (continued from previous day)

Day 5 of 7 for this witness

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

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August 17, 2004

JUDGE: Just to keep you up to speed, we have maybe about two hours more tape, and then we'll get into testimony,

okay? So we're almost done going through the tapes. Mr. Harris, go ahead.

HARRIS: We're going to resume with 199 D.

JUDGE: Okay. This is dated January the 15, 2003, at 2147 hours, which is 9:47 p.m.

(199D played)

JUDGE: All right. We'll move in D, the 198/199 transcript and disc will be moved into evidence.

HARRIS: We're going to pass, pass out E.

GERAGOS: Which is 1/17 at 1716 hours?

JUDGE: This next one is dated January 17th at 1716 hours, which is 5:16 p.m.

(199E played)

HARRIS: Before we play F, we're going to recall Ms. Frey.

JUDGE: All right. Ms. Frey.

HARRIS: Miss Frey, before we get to the next phone call, which is on the 25th, I want to talk to you about January 24th, 2003.

JUDGE: Louder.

HARRIS: On January 24th, in the early morning, did you hear something on a radio station that kind of attracted your attention?

FREY: Yes, I received a phone call that morning.

HARRIS: And was there some mention about something involving this case going on on a radio station in Fresno?

FREY: Yes.

HARRIS: Did you listen to that broadcast?

FREY: Yes, I did.

HARRIS: And from what you were hearing on the broadcast, did it kind of indicate or talk about you?

FREY: Yes.

HARRIS: After this radio station broke this information about you, did you start receiving calls or visits or becoming deluged by the media?

FREY: At work, yes.

HARRIS: And did the media actually come to your office?

FREY: Yes.

HARRIS: To your place of work?

FREY: Yes.

HARRIS: Did you have to call the Modesto Police Department?

FREY: Yes.

HARRIS: And did somebody from the Modesto Police Department come down to pick you up?

FREY: Yes.

HARRIS: And did they drive you back to Modesto?

FREY: Yes.

HARRIS: Was it decided after you had asked the police department

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: After you had asked the police department to come and pick you up, did you go to Modesto with them?

FREY: Yes.

HARRIS: Did you talk to the detectives about the media having found out who you were?

FREY: Yes.

HARRIS: And did you decide to make some type of announcement that night?

FREY: Yes

HARRIS: On the 24th of January, did you give some kind of public statement?

FREY: Yes.

HARRIS: And did you indicate that you had a relationship with the defendant?

FREY: Yes.

HARRIS: As part of this public statement, is it

GERAGOS: Is it possible this can be done in a non-leading fashion?

JUDGE: Objection is leading. Sustained.

HARRIS: What did you say at the public statement?

FREY: I spoke of my relation to Scott, and I spoke of my hopes for Laci's safe return as well, and asked my friends and the media to basically leave me alone and not to involve with different transactions towards the media or with the media.

HARRIS: After you had made this public announcement, did you receive any more calls from the defendant?

FREY: Yes.

HARRIS: We would like to play F at this time. We would ask if she could resume her seat in the audience.

JUDGE: Ms. Frey, you can resume your seat in the audience. Before you do that, we will receive 198 E and 199 E in evidence.

HARRIS: Rather than pass it out, because it's so short, I'm just going to project it on the screen.

JUDGE: Ladies and gentlemen, this is just one page long so they're going to project it on the screen.

(199F played)

JUDGE: All right. We'll admit F, the tape and disc, same number.

HARRIS: And the next will be G.

JUDGE: This is the same date. Which is 1828 hours, which is 6:28 p.m., same date. Jenn, will pass out the transcripts.

(199G played)

JUDGE: I'll move G in, the tape and disc.

HARRIS: The next one will be H.

JUDGE: All right. This one is dated January 28th at 2:38 p.m.

(199H played)

<Morning recess>

HARRIS: Miss Frey. While Miss Frey is resuming the stand, like to have marked next in order –

JUDGE: It will be 200, the same – the transcripts; and 201, the CDs. 200 will be the transcripts. And can you tell me, is it A through what?

HARRIS: A through K.

JUDGE: And 201 will be the CDs, A through K. Just for your information, these are all very short. That's all of them. That's all the transcripts you are going to get. Again, you will see some editorializing in there by the transcriber. I'm going to ask you to ignore that, come to your own conclusions. Rather than redact them, ignore the comments of, the editorializing by the transcriber and trust your ears. Again, I told you before, this is only a guide to what was said. And the best evidence is, in fact, the tape itself, what you hear on the tape, not what the transcriber thought they said.

HARRIS: Miss Frey, let me show you what has been marked as 200. This is another binder with 20 transcripts. Again, did you review these transcripts, and does it bear your initials on here that you have reviewed these?

FREY: Yes.

HARRIS: And then also looking at what's been marked, these CDs, 201, again, you did review those CDs. Does it bear your initials on here that you have reviewed these particular CDs?

FREY: Yes.

HARRIS: The CDs are the recordings of the conversations you had with the defendant; the transcripts are the actual transcripts of these recordings?

FREY: Yes.

HARRIS: At this time we'd ask that Miss Frey be allowed to resume her seat in the audience.

JUDGE: Miss Frey, you can go back and sit.

HARRIS: These are short, so we'll play a series of them in order, starting with A.

(201A played)

JUDGE: This is the same date, six minutes later. The next one, February 7th. First one is February 7th, 2237 hours. The second one, which is B, February the 7th at 2243 hours.

(201B played)

HARRIS: Next one will be C.

JUDGE: This is dated February the 8th at an unknown time.

(201C played)

JUDGE: Mr. Harris, we'll admit 200A, B and C, 201A, B, C. That will be the transcripts and the disks.

<recess>

JUDGE: All right. Are you going to recall Ms. Frey? Or are you going to start on D?

HARRIS: We're going to play D.

JUDGE: Okay. This is D. This is February 8th, 2003, at an unknown time.

(200 D played)

JUDGE: Going to do E now?

HARRIS: Yes.

JUDGE: Okay. This is dated February 10th at 8:55 in the morning.

(200 E played)

HARRIS: Now, playing F.

JUDGE: All right. This is the same day at 9:30 in the morning.

(200 F played)

JUDGE: This is G now?

HARRIS: Yes.

JUDGE: Okay. This is the same day now, one minute later.

(200 G played)

HARRIS: Now, playing H.

JUDGE: Okay. This is the same day. One minute after noon time.

(200 H played)

HARRIS: I'm going to recall Ms. Frey.

JUDGE: Ms. Frey, you want to resume the stand, please.

HARRIS: Miss Frey, the last tapes we were playing were taking place on February 10th. Does that date have significance to you?

FREY: Yes.

HARRIS: What's the significance?

FREY: It's my birth date.

HARRIS: And in the tape we hear Mr. Peterson, the defendant, wishing you happy birthday. Were there any other conversations with the defendant that day that didn't get recorded?

FREY: Yes, I believe so.

HARRIS: And during that particular phone call did he tell you about anything or instruct you about anything?

FREY: Yes.

HARRIS: What did he instruct you about?

FREY: He told me to go to the parking lot at Valley Children's, and there was a lamp that there was, or a light post to find next to a tree with purple, I don't recall if he said purple flowers, but there was purple flowers, and that there would be a package there for me. And...

HARRIS: Did you go to that location at the hospital?

FREY: Yes.

HARRIS: And did you find something there?

FREY: Yes.

HARRIS: What was it that you found there?

FREY: It was a paper bag with gifts for me from, do you want to know the contents?

HARRIS: Do you remember what the contents were?

FREY: I believe so.

HARRIS: Now, the contents of this, did you, did you do something with them at some point?

FREY: I turned them over to Detective Jon Buehler.

HARRIS: That's the detective from the Modesto Police Department that you had been working with?

FREY: Yes.

HARRIS: And do you know if he photographed those particular items?

FREY: Yes.

HARRIS: If I could have marked as People's next in order, a series of photographs. I believe there are eight.

JUDGE: Okay. That will be 202. How many have you got?

HARRIS: I believe there's eight. Let me check.

JUDGE: A through H.

HARRIS: Yes. Eight.

HARRIS: Ms. Frey, let me show you the exhibits that were just marked as 202 and have you look at these photographs and see if you recognize them. Do you recognize those photographs?

FREY: Yes.

HARRIS: Do they accurately depict the items that you were just talking about, that were left for you?

FREY: All but the last two.

HARRIS: And the last two was something mailed to your office?

FREY: Yes.

HARRIS: And do the photographs depict something that was mailed to your office?

FREY: Yes.

HARRIS: Now, this package, did you collect the package and give that to the detective as well?

FREY: Yes.

HARRIS: Let me start by showing you what's been marked as 202 A. Can you describe for us what this is?

FREY: The contents in the, that were in the brown bag, although, except for the blue package and the Fed Ex.

HARRIS: And that's, you're referring to the Fed Ex package here?

FREY: Yes.

HARRIS: And the blue package there?

FREY: Yes.

HARRIS: Now, at the bottom of this particular photograph there's a Trader Joe's bag?

FREY: Yes.

HARRIS: Is that the bag that you found these items in?

FREY: Yes.

HARRIS: Looking at 202 B, what is this item?

FREY: A card. Or envelope with a card

HARRIS: And was this card inside this bag?

FREY: Yes.

HARRIS: With the other items?

FREY: Yes.

HARRIS: 202 C?

FREY: A necklace.

HARRIS: 202 D?

FREY: A CD.

HARRIS: And, again, both of those items were inside the bag?

FREY: Yes.

HARRIS: 202 E? What is this item?

FREY: Wildflower seed mix.

HARRIS: And was this item in the bag as well?

FREY: Yes.

HARRIS: And 202 F?

FREY: It was a silver box that the necklace

JUDGE: Ms. Frey, I can hardly hear you. Can you speak a little louder?

FREY: Yes, it was a silver box that the 1 necklace was in.

HARRIS: Now, you indicated that there was a package that came to your work address. Let me show you 202 G. Is this the label from that particular package?

FREY: Yes.

HARRIS: Does it indicate who it is being shipped by?

FREY: TradeCorp.

HARRIS: And it has a Modesto address?

FREY: Yes.

HARRIS: And did you open up that package?

FREY: Somebody next door had opened it prior to me opening it, by mistake.

HARRIS: Did you get the package back from them and look at the contents?

FREY: Yes.

HARRIS: Showing you 202 H, and was this what was with the Fed Ex package?

FREY: Yes.

HARRIS: And I don't know if you can read that from there, it's a little blurry, but what did the card say?

FREY: "For Amber's little one, happy birthday."

JUDGE: And, Ms. Frey, what's that?

FREY: Gift, the wrapping paper.

JUDGE: It was wrapping paper?

FREY: Yes.

HARRIS: What was inside the wrapping paper?

FREY: Some books and a little purse.

HARRIS: And those were for who?

FREY: Ayiana.

HARRIS: Now, the, who was it that told you to go to this particular location and recover the items that we were looking at in the photographs?

FREY: I'm sorry, did you say who?

HARRIS: Who.

FREY: Scott.

HARRIS: And when you followed his directions you, you ended up retrieving these items?

FREY: Yes.

HARRIS: Now, we heard some of the phone calls that were occurring during that day. Was there a problem with recording the phone call later on where he was giving you the directions?

FREY: Throughout the day I had several things going on, and I'm not sure if I, I don't believe I recorded or was able to do so on that day, with other things and events that were occurring.

HARRIS: And during this time period on that particular day, on February 10th, were you still having to take your cell phone, the radio, and this cable around with you to try and make these recordings?

FREY: Yes.

HARRIS: And just because of the events of the day, it wasn't, you don't recall being able to record –

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: Do you recall being able to record that particular call?

FREY: No.

HARRIS: Now, the items that we're talking about, you indicated that they were turned over to Detective Buehler?

FREY: Yes.

HARRIS: We would like to play the next tape at this time.

JUDGE: Okay. Then, Ms. Frey, you can step down.

HARRIS: Yes.

JUDGE: All right. This is dated February 13th at 2116 hours, which is 9:16 p.m.

(200 I played)

HARRIS: Playing J.

JUDGE: Okay. This is dated February 15th at 2:42 a.m.

(200 J played)

JUDGE: And this is K?

HARRIS: Yes.

JUDGE:: All right. This is February the 19th at 7:36 in the morning.

(200 K played)

JUDGE: Okay. We'll move in D, E, F, G, H, I, J, K, the transcripts and the discs that are so numbered. That's People's 200 and 201, all in evidence.

HARRIS: Miss Frey, the tape that we just listened to, was that the last recorded conversation that you did for the Modesto Police Department?

FREY: Yes.

HARRIS: And after that particular conversation had taken place, what did you do with the recording equipment?

FREY: I turned it over to Detective Jon Buehler.

HARRIS: And did Detective Buehler come and meet you?

FREY: Yes.

HARRIS: Did you turn over the recording equipment and any tapes that you had?

FREY: Yes.

HARRIS: Now, throughout the process, I want to go back through this a little bit. When you were doing these recordings, were you communicating with Detective Buehler during the months that we've been listening to these tapes?

FREY: Most of the time, yes.

HARRIS: So after calls would happen, would you report to him when these occurred?

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: Did you call the detective, or did he call you?

FREY: Yes.

HARRIS: Did you talk to him about these tapes?

FREY: Yes.

HARRIS: After you had talked to him, at some point would he come and pick them up?

FREY: Yes.

HARRIS: Now, the, these conversations, did they all take place at your house?

FREY: Not all of them.

HARRIS: You were telling us about some the other day that they were at the Modesto police, one of the police buildings there?

FREY: Yes.

HARRIS: Did you always have detectives with you when you were making these conversations, or having these conversations?

FREY: No. Only, only on those times in Modesto.

HARRIS: The times that you didn't have detectives there with you, was anybody helping you script these calls?

FREY: At times Jon would discuss different things with me that he thought maybe I could discuss with Scott, but as far as scripts, no.

HARRIS: For the most part were these just conversations that you were having with the defendant?

GERAGOS: Objection. Leading.

JUDGE: Overruled.

FREY: Repeat the question.

HARRIS: For the most part were these just conversations that you were having with the defendant?

FREY: Yes.

HARRIS: And we've heard in a number of the tapes that your daughter, we could hear her in the background?

FREY: Yes.

HARRIS: Were you, while you were having these conversations, still trying to live your life?

FREY: Yes.

HARRIS: The People have no other questions.