Witness: Henry Dodge Hendee

Date: 2004-07-14

Proceedings held July 14, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris (continued from previous day); Cross – Mark Geragos

Day 2 of 4 for this witness

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

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July 14, 2004

HARRIS: Detective Hendee, when we left off yesterday, we were talking about some of the bay searches. You were talking about this REMUS, the acronym for whatever that particular item was?

HENDEE: Yes.

HARRIS: And I wanted to go back and finish up with that particular area. What were the dates that you were doing REMUS searches in the bay?

HENDEE: July 7th through 13th. I believe were, the exact dates, I could check my book.

HARRIS: Again, if you were to look at your report, would that help refresh your recollection?

HENDEE: Yes. I believe July 6th was logistic day, getting set up. We started on the 7th. Let me double check. Yes. Actually,

GERAGOS: What Bates stamped page?

HENDEE: 38383.

JUDGE: What were the dates again?

HENDEE: July 6th through the 13th. Six being a logistic day or set up day. The 7th we actually started.

HARRIS: So on the 7th you start doing these searches with this REMUS vehicle?

HENDEE: That's correct.

HARRIS: And how many actual days of searching in that time period occurred?

HENDEE: Seven days.

HARRIS: Now, of the seven days that you were searching with the REMUS vehicle, you were telling us how that worked yesterday. To go through this now, how big of an area were you trying to search with this REMUS vehicle over that seven-day period?

HENDEE: I believe the search pattern that we were hoping to accomplish with REMUS was about one and one eighth of a mile or so, east-to-west. And north-to-south, about one and a half miles, or so, approximately.

HARRIS: And over that seven-day period of time, did you complete that particular grid?

HENDEE: No, we weren't able to complete the whole thing.

HARRIS: How much, in seven days with that particular vehicle as you described yesterday, how much of that did you get to finish? How much did,

HENDEE: Approximately 75 to 80 percent of it was complete.

HARRIS: Now, you mentioned yesterday that there were prior searches. The ones that you were describing where the boats were affected by the wind and the waves. How much of an area was being searched for those prior searches?

HENDEE: About a mile and a quarter across, and, east-to-west; and then about a mile and three quarters south is what we had hoped to accomplish.

HARRIS: Of that particular grid, how much actually was accomplished?

HENDEE: About the same. 75 percent, 80 percent, maybe.

HARRIS: And how long did that search effort go on for?

HENDEE: That started on May 16th and finished on May 23rd.

HARRIS: Was the 16th kind of a logistics day? Was that actually,

HENDEE: I think we actually started searching on the 16th.

HARRIS: Now, I want to return a little bit back to the searches of the house. You had told us yesterday about doing the forensic, just kind of focus you where I want to be talking, about on 12-26 doing the search warrant at the Covena house. And that was somewhat of a forensic search. When you were describing for us yesterday about the foot coverings, I think they you called them booties?

HENDEE: Yes.

HARRIS: Wearing gloves. Sometimes you wear hairnets?

HENDEE: Correct.

HARRIS: Hairnets, those I don't want to make light of this. But something like you might see somebody in a cafeteria would wear, something like doctors would wear?

HENDEE: Correct.

HARRIS: When you went back the following day on the 27th, were you required to wear the hair coverings?

HENDEE: No.

HARRIS: You were done with the forensic search from the night before?

HENDEE: That's correct.

HARRIS: Now, when you were doing the, on the 27th you were doing the search warrant at the warehouse. About to say shop, at the warehouse. You have looked at some photographs already of paperwork that was on the desk. From what you recall, was the majority of the financial paperwork, or large portion of the financial paperwork from the warehouse office area collected on that date?

HENDEE: I believe it was.

HARRIS: And after it was collected, went through this process that we went over at length yesterday, it's booked into evidence and preserved?

HENDEE: Correct.

HARRIS: To your understanding was that evidence at a later point in time pulled out and copied to give to an auditor?

HENDEE: Yes, it was.

HARRIS: You were also asked about, you were telling us about some pants that were found. Can I have two photographs marked before I move on?

JUDGE: Next in order.

HARRIS: If I can have them separate numbers.

JUDGE: 132 and 133.

JUDGE: While he's doing that, the fact I'm giving you that time off, don't worry, because we're ahead of schedule. So we're not, it's not going to postpone things for a terribly long period of time. But we are doing very well keeping up on track, just so you know.

HARRIS: Detective, I'm going to present to you 132 and 133. We'll start with 132. Do you recognize that?

HENDEE: Yes.

HARRIS: And can you describe for us what that is?

HENDEE: Talking about 132?

HARRIS: Yes.

JUDGE: 132.

HENDEE: We're talking about a metal plate that's riveted to the inside of the boat. And on it it shows the U.S. Coast Guard maximum capacities for the boat. This was on the inside of Scott Peterson's boat.

HARRIS: Now, you talked about the boat. Keep going back and looking at the boat. At a later point in time, was a close up of that particular placard or plate photographed inside of the boat at one of these later examinations?

HENDEE: Yes, it was.

HARRIS: Go ahead and put that up. Now, this particular plate in 132, this was in the back of the defendant's boat?

HENDEE: That's correct.

HARRIS: And as you were describing, it basically says what the Coast Guard maximum capacities are?

HENDEE: That is correct.

HARRIS: Has a weight rating and equipment rating?

HENDEE: Four persons, or 500 pounds.

HARRIS: Did you also see where it says Sears Roebuck and Company, towards the middle?

HENDEE: Yes.

HARRIS: Now, the other photograph that you have up in front of you, just to go where I was going. On the 27th at the house, you had been describing a bag with some black pants in it?

HENDEE: Yes correct.

HARRIS: Was, were those items recovered?

HENDEE: Yes. Yes, they were.

HARRIS: Were they photographed in place before they were recovered?

HENDEE: Yes, they were.

HARRIS: Looking at that particular photograph, do you recognize it?

HENDEE: Yes, I do.

HARRIS: In both of these photographs, do they accurately depict what's exhibited in those photographs, 132 and 133?

HENDEE: Yes, they do.

HARRIS: In the photograph, let me go ahead and put this up on 133 while I'm doing that. Is there a cardboard bag in one of these brown paper bags that you have been describing, visible in the photograph?

HENDEE: Yes.

HARRIS: Do you recognize the writing on there?

HENDEE: That's my writing.

HARRIS: So this bag, the white bag has the pants inside of it that we're looking at?

HENDEE: Yes, it does.

HARRIS: And that was assigned then a number?

HENDEE: It was at the time I filled out the bags. I didn't know which item number it was going to get. The bags were filled out before the placard was put up there.

HARRIS: All right. Now, you had talked to us about on the 27th, that at some point in time you finished up with your searches at the house?

HENDEE: Yes.

HARRIS: And you were waiting for other members of the search warrant team that were going to go with you over to the warehouse?

HENDEE: That's correct.

HARRIS: And while you were waiting, do you, what do you do?

HENDEE: I'm just waiting around for an assignment to determine when we're done here, waiting for the rest of the team members to finish their assignments so that we can leave from there. At that point we're going to go get a break, take a bite to eat. Then we're going to reconvene over at the warehouse. So I'm kind of waiting around for everyone to kind of finish their assignments so we could all leave together.

HARRIS: Now, the, you described for us yet all the different areas that you searched. Depicted in the diagram, it's not up in front of you right now. But in that diagram, there was a second room some people have described as a guest room or spare bedroom. Did you ultimately end up in there, talking to some of the members of your team?

HENDEE: Yes, I did.

HARRIS: Were they done searching that room?

HENDEE: To my knowledge, yes, they were all done.

HARRIS: And kind of standing around with them at that point in time?

HENDEE: Just sitting around checking out paperwork, waiting for Detective Skultety to give us the word that we could go.

HARRIS: Kind of boring at that point in time?

GERAGOS: Objection. Leading.

JUDGE: He can answer yes or no.

HENDEE: Well, I don't know if you could see say it's boring. Nothing to do. So you are just kind of standing around waiting for an assignment, you know. We had another search warrant to do afterwards, and we didn't know how long that was going to last. And it had been a long night. Everybody was tired. Some people were away from their homes for Christmas.

GERAGOS: Objection. Non-responsive.

JUDGE: Sustained.

GERAGOS: Motion to strike the last part.

JUDGE: Yes. The question was, kind of boring.

HENDEE: All right, it was,

GERAGOS: Which I believe you said could be answered yes or no.

JUDGE: Yeah, that's right. And he said yes.

HARRIS: While you are standing around with these other individuals, are these members of your team that you are going to take with you over to the warehouse?

HENDEE: Yes, they are.

HARRIS: Do you kind of assess what's going on with them?

HENDEE: Kind of. Yes, I do.

HARRIS: Do you do something at that point in time to kind of lighten up the moment?

HENDEE: I did.

HARRIS: What was that?

HENDEE: There was an olive leaf crown or wrap that I had found in that room. And just being silly, being stupid, I put it on and tried to get a laugh to keep kind of keep everybody going, and put it on. And that was it. I just put it on, just to try to keep everybody's moods. Everybody got a little chuckle out of it. That was it.

HARRIS: In fact, did somebody take a picture of it?

HENDEE: Yes.

HARRIS: If I could have this marked as People's next in order.

JUDGE: This is a photo of the olive leaf crown? I assume it has some relevance later?

HARRIS: Potentially.

GERAGOS: What number?

JUDGE: 134.

HARRIS: Detective, showing you 134. Is that you in that photograph?

HENDEE: I would love to say no, but it is.

HARRIS: All right. Does that show you with that kind of Halloween headpiece on?

HENDEE: Yes, it does.

HARRIS: All right. Now, were you assigned at some later point in time, not dealing with that photograph any more. Were you assigned at later point in time to take some pictures, yourself?

HENDEE: Yes, I was.

HARRIS: Was that on April 14th of 2003?

HENDEE: Yes, it was.

HARRIS: Were was it that you went to take this photograph?

HENDEE: We went to the recovery site where Laci was recovered.

HARRIS: On April 14th did you find out that a body had washed ashore some place?

HENDEE: Yes, we did.

HARRIS: And did you to go that location?

HENDEE: Yes, I did.

HARRIS: Where was it exactly you went?

HENDEE: Point Isabel on the Richmond coastline.

HARRIS: When you went there was it Modesto PD's investigation, or was the some other agency's investigation?

HENDEE: It was East Bay Regional Park Police's investigation. To my understanding they provided a helicopter for us to fly out so we could just observe.

HARRIS: And did you go as this observer?

HENDEE: Yes, I did.

HARRIS: When you went as an observer, were you aware that either East Bay, or Richmond, or Contra Costa County Sheriff's Office were kind of conducting an investigation at that time?

HENDEE: Yes, they were.

HARRIS: Did you also take some photographs at that point in time?

HENDEE: They were kind enough to allow us to take photographs, as well as video.

HARRIS: The photographs that you took, did you actually go to the location where the remains were found?

HENDEE: Yes, I did.

HARRIS: And did you look at the remains?

HENDEE: Yes, I did.

HARRIS: Were the remains of that particular individual intact?

HENDEE: No.

HARRIS: Was the scene photographed, either by other agencies, or by yourself and other agencies?

HENDEE: It was photographed by other agencies and myself, yes.

HARRIS: Like to show you some photographs, have you look at these while I have another photograph marked.

JUDGE: These have been previously marked?

HARRIS: Yes. Next photograph I'd like to have marked.

JUDGE: 135.

HARRIS: Detective, I'm going to show you now what's been marked as 135, ask if you recognize that one as well.

HENDEE: Yes, I do.

HARRIS: Let me go ahead and, the photograph 135, does that accurately depict the area that you observed on April 14th of 2003?

HENDEE: Yes, it does. It was a photograph I took while in the helicopter.

HARRIS: Let's put that up on the screen here. Showing this photograph here, looking to the left side of that, does that have a digital display that says April 14th, 2003?

HENDEE: Yes, it does.

HARRIS: The photographs that you took were with the digital camera that put that on the print?

HENDEE: That is correct.

HARRIS: In this particular photograph, just highlight it up there. Do you see two individuals standing here to the left center of the photograph?

HENDEE: Yes, I do.

HARRIS: And do you see the yellow tarp that's here towards the upper center portion of the photograph?

HENDEE: Yes, I do.

HARRIS: And you indicated you took this photograph. What were you depicting in this photograph?

HENDEE: The location,

GERAGOS: Objection. Document speaks for itself.

JUDGE: You can, overruled. Go ahead.

HENDEE: While trying to show the overall area in which the body washed ashore.

HARRIS: Now, the two individuals that are standing there, are they in line with the body at that point in time?

GERAGOS: Objection. Speculation. Vague.

JUDGE: What do you mean in line with the body? Sustained.

HARRIS: Just point out to you, is this approximately where the body was at?

HENDEE: That white little spot is the body.

HARRIS: Putting up 103-B, which has previously been marked. Do you recognize this scene?

HENDEE: Yes, I do.

HARRIS: And, again, you were describing that white area. Is that where the remains were at?

HENDEE: That's correct.

HARRIS: Showing you 103-A. Is this another one of the photographs that you took?

HENDEE: Yes, it is.

HARRIS: Now, in this particular photograph, it does appear that April 14th, 2003, bearing that April 14th, 2003, digital label that we were referring to?

HENDEE: Yes, it does.

HARRIS: You can, we can see toward the bottom that yellow tarp again?

HENDEE: Correct.

HARRIS: We can see two individuals that are standing down near the bottom of that photograph?

HENDEE: That is correct.

HARRIS: Now, in this area, so when somebody looks at other photographs, they can orient themselves. Above on the flat area above where the breakers are at, was there a large puddle that was over here to the left lower portion?

HENDEE: Yes, there was.

HARRIS: And the body was found, again, there is this green kind of hill with some type of cut out there, another green hill?

GERAGOS: Objection. Leading.

JUDGE: I think it's preliminary. Overruled.

HARRIS: You see the areas that I'm referring to on the photograph?

HENDEE: Yes, I do.

HARRIS: And the body was to the left of those two kind of green hills?

HENDEE: To the left?

HARRIS: If you are on the water looking towards the shore. So in this particular photograph, the body is down here?

HENDEE: Correct.

HARRIS: They would be, if you are standing on the shore, it's almost in line with those two people standing?

HENDEE: It's a little bit above them. So if you came, if those two people walked straight across the bottom of that picture, then go up just a little bit, that's where the body is.

HARRIS: Going to show you what was marked as number 52. Did you go up and actually look at the remains closely?

HENDEE: Yes, I did.

HARRIS: Did you notice if there was any tags or identifying marks on, back up for a second. Was the body clothed?

HENDEE: Partially.

HARRIS: The partial clothing that was there, did you look at it?

HENDEE: Yes, I did.

HARRIS: Did you scan it for, see if there was any labels or tags?

HENDEE: All I did was take photographs of the tabs. I did not remove the clothing, did not handle it. Just took pictures of the tabs like that.

HARRIS: Now, looking at this particular item, does this photograph represent the tag as you saw sit on that body on April 14th?

HENDEE: Yes, it does.

HARRIS: And it has a Motherhood Maternity label on it?

HENDEE: Yes, it does.

HARRIS: And a particular style or brand number on it?

HENDEE: It does. Has size small on it as well.

HARRIS: Show it to you. You can see it, not have to look across the room. Do you see a highlighted portion on there?

HENDEE: Yes, I do.

HARRIS: That highlighted portion that was there, the photograph wasn't originally highlighted. That's been added. Does that show that particular number on there?

HENDEE: Yes, it does.

HARRIS: And that particular, in that particular photograph, is that an accurate photograph of the tag and partial clothing and portion of the body as you saw it on April 14th, 2003?

HENDEE: Yes, it is. It's not a picture I took myself, but it's the same.

HARRIS: It's the same as, close to one that you took, and it's the same as what you saw?

GERAGOS: Objection. Motion to strike.

HENDEE: That's correct.

GERAGOS: Motion to strike. No foundation.

JUDGE: I can't hear.

GERAGOS: I said motion to strike. There is no foundation. If it's not the picture he took. I thought that's the whole basis for this.

JUDGE: He doesn't have to take the picture. That's not the only, all he has to testify is it truly and accurately represents the scene as he saw sit on the day in question. You have got the foundation. Is that the question?

HARRIS: That's the question I asked him. He said yes.

JUDGE: That picture truly and accurately reflects what he just showed you, number 52, the remains as you saw them?

GERAGOS: That's not the one that he's talking about, Judge. It's the one that's in front of him, 52.

JUDGE: That's 52. Didn't I say 52? He's pointing over there, but I said 52. Just want to see if you are paying attention.

GERAGOS: Thank you.

JUDGE: Does that truly and accurately represent the scene as you saw it on the day when you were there on the 14th?

HENDEE: Accurately represents the body condition and the tag.

JUDGE: Okay. Go ahead.

HARRIS: Thank you.

HARRIS: Now, detective, this particular body was recovered on April 14th of 2003, subsequently identified. And you were describing for us all of these searches that were occurring after that. Why were you out in the bay continuing the search?

HENDEE: Because the body had not been found intact. We were still looking for body parts as well as any evidence associated with the body.

HARRIS: People have no other questions.

Cross Examination by Mark Geragos

JUDGE: Okay, Mr. Geragos.

GERAGOS: Thank you, your Honor. The searches that you did after April 14th, how many?

HENDEE: On April 14th?

GERAGOS: Un-hun.

HENDEE: Where I'm actually out on boats, or organizing them?

GERAGOS: No. Just how many searches were done on and after April 14th?

JUDGE: Do you know how many searches of the bay were done?

GERAGOS: I think you said yesterday, when he was asking you questions, you said you did, you were involved in 22 searches, right?

HENDEE: Yes.

GERAGOS: Okay. Now, out of those 22 searches, that was just the ones that you were involved in, right?

HENDEE: Actually I was involved in a total of 28 searches total.

GERAGOS: Okay. So you were involved in 28. What were the 22 that you referred to yesterday?

HENDEE: 22 I was actually on the water.

GERAGOS: Okay. So as far as you know, you were out there 28 times, correct?

HENDEE: 28 Searches I was involved in one way or another as a coordinator, setting it up. On a couple of days I did not go to the bay. But there were other detectives going as a result of my coordinating their being there.

GERAGOS: How many times, see if we can get on the same page. How many times did you physically go out to the bay?

HENDEE: I believe 24 total days I went out to the bay during search operations.

GERAGOS: How many of those after April 14th?

HENDEE: All but two.

GERAGOS: So that means 22?

HENDEE: 22 all together.

GERAGOS: So you said 22 yesterday. That refers to the number of times you went out to the bay after April 14th; is that right?

HENDEE: Let me think about this. I want to make sure I get it right.

GERAGOS: Do you have any paperwork that might reflect a summary?

HENDEE: I'd have to go through a series. If you would like, I would.

GERAGOS: Okay. Why don't we start off with, I have got Bates numbered, looks like 31316. This is a Proposed Surveys area, correct?

HENDEE: Yes.

GERAGOS: When you did at that proposed survey area, what, at that point, how soon, or on what date was that?

HENDEE: May I refer to my report?

GERAGOS: Sure. Just tell me what Bates stamp you are referring to.

HENDEE: Sure. I'll say you are, what was the question?

GERAGOS: What date did you start the proposed survey?

HENDEE: We started planning it on June 23rd, 2003.

GERAGOS: Now, it looks like, I'm going to put the page I showed you just a minute ago, which was Bates stamped 31316, there is,

JUDGE: Detective Hendee, is your pointer there?

HENDEE: Yes, somewhere.

GERAGOS: It's hanging up there.

JUDGE: Hanging up on the board.

GERAGOS: This is the proposed survey area, correct?

HENDEE: Correct.

GERAGOS: Okay. Now, if we're looking at what's been marked as People's 109, can you show the jury roughly, why don't you use the red pen, if you can, to show the jury what that bordered area is for the proposed survey on People's 109? And that looks like a rectangle; is that correct?

HENDEE: Yes.

GERAGOS: Okay. Then when you are starting, just so that they know, this where you are starting is Brooks Island, correct?

HENDEE: Correct.

GERAGOS: Okay. And that was jutting out there. Just go out there on the upper left. That is a white portion, looks like a parallelogram inside of the rectangle. That's Brooks Island as represented on the proposed survey area?

HENDEE: That's correct.

GERAGOS: Okay. That's where you are going to start drawing, you are going to draw down in a rectangular fashion to hit this area down right here? Not hit it, but at least come down roughly to this area?

HENDEE: Yes.

GERAGOS: Okay. What is this area, by the way?

HENDEE: This is Cesar Chavez Park.

GERAGOS: What how about this up here?

HENDEE: I don't know what they call that. Point Isabel is the top part.

GERAGOS: I think it's, Point Isabel the little darkened area, is just kind of a, says here fowl area. And do you know roughly what the dimensions are? For instance, you just went, you drew the top right there.

HENDEE: Right.

GERAGOS: I'm pointing to, I don't want to get in the way of the jury. Just move just this way. This portion right here which looks like it starts, at least in the map to the left of Brooks Island, cuts across the edge of Brooks Island; is that correct?

HENDEE: This is an approximation of what we had asked them to do.

GERAGOS: Okay. But at least the document that's being projected, maybe I should just mark that for the record, if I could, as defendant next in order.

JUDGE: Defendant's next in order.

CLERK: Triple K.

JUDGE: Triple K.

GERAGOS: We're going to mark it as triple L, judge. Diagram

Marked as Exhibit KKK For identification.

JUDGE: What happened to triple K?

GERAGOS: It's coming. If I could, I'd just, we'll do the same stipulation that that page can be copied, and just lower half so,

HARRIS: That's fine.

JUDGE: This is the survey area on a certain date, Mr. Geragos?

GERAGOS: This is the proposed survey area.

GERAGOS: Officer Hendee, that was proposed for after April 14th, correct? Some time after April 14th?

HENDEE: Yes.

GERAGOS: Prior to the eight-day operation that you talked about, or is it after that?

HENDEE: This is after. After we had done that.

GERAGOS: Now, this document which we have marked,

HENDEE: Do you want me to finish this, sir?

GERAGOS: Yes, please. Who prepared the one that says "Figure A" on it?

HENDEE: Eric Gifford from Hydroid Inc.

GERAGOS: What is Hydroid Inc.?

HENDEE: It's the company that manufactures the REMUS device.

GERAGOS: Okay. Now, when you went to the, you contacted Hydroid; is that correct?

HENDEE: Yes, I did.

GERAGOS: Okay. So that I have got the series of events that took place, after April 14th you do an eight-day operation roughly in May, correct?

HENDEE: That's correct.

GERAGOS: Okay. And there are a number of targets that are identified or dived on during that eight days; is that correct?

HENDEE: That is correct.

GERAGOS: Okay. We'll go back and deal with that in a little while, because we have got another exhibit. At some point you don't find anything of any evidentiary value during that eight days, correct? Related to this case.

HENDEE: To my knowledge, no, we did not.

GERAGOS: Okay. Now, after that you decide to contact this Hydroid, H-y-d-r-o-i-d, Company based out of where, Maryland?

HENDEE: I believe they are Massachusetts.

GERAGOS: Out of Massachusetts?

HENDEE: East Falmouth, Massachusetts.

GERAGOS: When you talked to them, you have a proposal, or you want them to come up with some kind of a proposal to do a survey of a specific area of the bay that you have here in this rectangle that's also pictured up on the screen in triple L, right?

HENDEE: That's correct.

GERAGOS: Okay. Now, the area that you picked was picked based upon some documentation or information that you retrieved from the U.S. Geological Survey?

HENDEE: That's correct.

GERAGOS: And you also consulted with some other experts; isn't that correct?

HENDEE: Yes.

GERAGOS: Okay. And the experts gave you an opinion, and I think that you had answered to Mr. Harris on direct that they gave you certain probabilities based upon your belief that the bodies had been left at Brooks Island, and where they would, from where they floated to, based upon this theory that this would be the prime area to search to find either, under your narrative, anchors, or weights, or anything, other parts of the remains; is that a fairly accurate statement?

HENDEE: No, that's not accurate. I never said where I thought the bodies were dropped or dumped. I had no idea.

GERAGOS: At this point you already knew where the bodies were?

HENDEE: We know where they washed ashore. You said Brooks Island.

GERAGOS: Why did you just, you just picked Brooks Island out of nowhere?

HENDEE: No.

GERAGOS: You picked Brooks Island, didn't you, because that's where Scott Peterson had said he had been?

HENDEE: Exactly. That was part of the formula. That was part of the thinking. But I never said the bodies, we believed the bodies were dumped there and they washed that way.

GERAGOS: Well, you had a theory that involved the fact that Scott Peterson said he was at Brooks Island, right?

HENDEE: Right.

GERAGOS: That's why we have Brooks Island on both of these diagrams, right?

HENDEE: Correct.

GERAGOS: Wasn't because anybody else had told you Brooks Island independently, correct?

HENDEE: No.

GERAGOS: Okay. And based upon this Brooks Island statement that Scott Peterson made, and based upon where the bodies washed ashore, which was here as marked in 99, correct?

HENDEE: Yes.

GERAGOS: Okay. And that would be, 99 is reflected where on this square?

HENDEE: Okay. Laci washes ashore right here.

GERAGOS: Put that a little mark with an "L".

JUDGE: Put it "L". Put it L-1.

GERAGOS: Going to put L. C, L.

JUDGE: L, and then C for Conner?

GERAGOS: Right.

GERAGOS: Okay. Now, that information was given to Hydroid, or was given to the U.S. Geological people, or to the other expert, actually, that's compound. That information was clearly given to somebody that you, that was consulted by Modesto PD, right?

HENDEE: Yes.

GERAGOS: Then based upon, I'm sure I don't want to get into it. But I'm sure they are going to call another witness, we'll talk about it. But based upon that information, Brooks Island and the very least, I don't know what else, but where Laci and Conner were discovered, this was given to

you as the area that would be most likely that you would find evidence related to the remains, or the disposal of the body, correct?

HENDEE: Correct. We were actually seeking something more defined than that entire box. We had asked for a narrower area so we could concentrate on the FBI divers. So we were asking for something much smaller than that large box.

GERAGOS: Well, you had specifically some areas that ended up ultimately getting searched; isn't that correct?

HENDEE: Yes, absolutely.

GERAGOS: Do you have an, I think I have got, tell me if I'm correct, is 31349, you actually, in your Bates stamp, you have a Bates stamp, don't you?

HENDEE: Yes.

GERAGOS: 31349 actually is what ended up getting searched?

HENDEE: Yes, it is.

GERAGOS: Then that's, I'm going to fold it over, obviously. But this is roughly the, out of the seven days that you had this REMUS device out, this is what was surveyed, correct?

HENDEE: Correct.

GERAGOS: Okay. And that would have been, let's see. The total duration was 37, is it 37 hours, 18 minutes, and three seconds?

HENDEE: If that's what it says, sir.

GERAGOS: The total distance traveled was how far?

GERAGOS: Triple M. Diagram

HENDEE: 156.63 nautical miles.

GERAGOS: On the top of this, which is the area here that ended up getting searched, correct?

HENDEE: That is correct.

GERAGOS: Can you see all the way out there?

HENDEE: Yes.

GERAGOS: The areas that were searched, looks like you have a series of geometric areas looks like three, four, five, six, seven, eight, nine of them total?

HENDEE: Yes.

GERAGOS: Okay. Now, all of them look like they are on right angles, basically. Is that,

HENDEE: Yes.

GERAGOS: Is that what actually was plotted out by the GPS coordinates?

HENDEE: Yes.

GERAGOS: So if I understand correctly, what we have on, you had a, with the previous rectangle you marked on there, it was up here, roughly comes along like this and down, and over, right?

HENDEE: The proposed, you can actually see the dots. It goes out to the east. Those dots go all the way to that tip. No, keep going further out.

GERAGOS: There?

HENDEE: That was an ambitious project.

GERAGOS: You exceeded the dots on this side, right?

HENDEE: Because it was too shallow on the other side, so we adjusted.

GERAGOS: Now, this area, when you talked about the 75 to 80 percent of the proposed area that's up there. When you are answering Mr. Harris's question, that's what you are referring to?

HENDEE: That's a guesstimate on my part, approximately 75, 80 percent, I would say.

GERAGOS: Now, this area right in here which says too shallow at low tide, that gets as low has one foot deep, doesn't it?

HARRIS: Objection. Compound. And misstates his testimony.

JUDGE: This is cross examination. Overruled. You can answer.

GERAGOS: Gets as low as one foot, doesn't it?

HENDEE: I believe it get very shallow. I don't know if it's one foot.

GERAGOS: You can literally walk all the way out into this number two area, right?

HENDEE: I don't know.

GERAGOS: At low tide?

HENDEE: I don't know. When you get out there, it's a huge area, so I don't know how far you could actually walk. But I know up close to the shore you can walk for a considerable length of period.

GERAGOS: I think yesterday you indicated to Mr. Harris that you can go out what distance?

HENDEE: You could go a hundred maybe 200 feet, for sure.

GERAGOS: For sure?

HENDEE: On some occasions, yes, when the tide is low.

GERAGOS: Now, this area here that I'm pointing to shows over that 37 hours, with the REMUS it covered this, I assume this is 156 nautical miles?

HENDEE: Doesn't go there. It goes back and forth.

GERAGOS: That's what I mean. It contains within here the area that's covered is by this the REMUS device is 156.63 nautical miles?

HENDEE: That's what Eric Gifford is reporting, yes.

GERAGOS: And the number of side scan files, a file would be the picture that is taken; isn't that correct?

HENDEE: Correct.

GERAGOS: For lack of a, that may not be the, it's the image that is taken of the bottom of the bay floor, correct?

HENDEE: Correct.

GERAGOS: And the total number of map locations, what did that mean?

HENDEE: Those are the number of potential targets that he saw in reviewing those 3,835 files that he thought might be worth diving on.

GERAGOS: Now, when they came up with that, these are called target locations?

HENDEE: Yes.

GERAGOS: Okay. What I'm showing you, it's Bates numbered stamp 31359. 31350 is the target locations that they came up with? Can we mark this next in order?

JUDGE: Triple N. Diagram

GERAGOS: Same agreement we had last time.

HARRIS: Counsel, just want the diagram portion of it, and not any,

JUDGE: Not the rest. Just the diagram.

GERAGOS: Now, so when we have, within this area that I'm pointing to up on the screen, if they have the REMUS device, I'll show the jury in a second, you can explain to them exactly what it looks like, because we have a picture. In fact, you could turn to it in the Bates. But they then identified these locations as potential targets of interest to dive on, correct?

HENDEE: Correct.

GERAGOS: Now, the potential target of interest, when they finished with doing this, were you part of, by the way, were you part of this, what do you call it, matching operation?

HENDEE: No.

GERAGOS: So you weren't part of it?

HENDEE: Hydroid Inc. did that.

GERAGOS: So if I understand correct, they were hired, they bring out the device. You have the input. The experts have the input, and whoever else is consulted. But the brain trust comes together finds this area, tells Hydroid, look, this is what we want you to do, take images of the bay floor. Find, get whatever it is and report back to us, correct?

HENDEE: Correct.

GERAGOS: They were told specifically what you were looking for, weren't they?

HENDEE: Yes.

GERAGOS: Okay.

HENDEE: I mean,

GERAGOS: That's, they come up with targets of interest, right?

HENDEE: We didn't show them a picture of specific item, but we gave them a description of what we were looking for.

GERAGOS: What was that description?

HENDEE: Obviously body parts, a head, arms, fingers, legs, or feet; and items that we thought that might be down there with the body.

GERAGOS: Okay. One of those that you thought might be down there with the body was this?

HENDEE: Exactly.

GERAGOS: Okay? And you thought that there was going to be four more of these, or something that looked like this down there, correct?

HENDEE: We thought that was a possibility.

JUDGE: Identify what "this" is.

GERAGOS: This is, thanks, judge. This is People's 72. That's the cement anchor with rebar.

GERAGOS: So you specifically, I assume, you showed them that, or showed them a picture of that; is that correct?

HENDEE: No, we did not, to my knowledge. We did not show them.

GERAGOS: Did you describe it to them?

HENDEE: Pretty much. We just basically told them we were looking for a weight about that size. Specifically didn't want to show any pictures of the weight out, because we didn't want other ones appearing in other places.

GERAGOS: Somebody planting them there?

HENDEE: Exactly.

GERAGOS: But you did tell them what you were looking for, that it was small weights of some kind, please go over there see if you can find targets of interest that would generally match one of the laundry list of items that you gave; is that correct?

HENDEE: Correct.

GERAGOS: Okay. Now, do you know when it is that Hydroid actually did this mapping? If you have to refer to your report, let me know.

HENDEE: The dates?

GERAGOS: The dates at the,

HENDEE: The day they were actually out there going back and forth?

GERAGOS: Yeah.

HENDEE: July.

GERAGOS: Start July 27th is when they gave you the proposal, isn't that correct? Or is that when they did the completed project?

HENDEE: That's the completed. July 6th he flew out. July 7th we started. We finished on July 13th.

GERAGOS: Okay. Now, the, did you, I know I asked you if you were out with them. Did you actually go, at any one point, at any point while they were mapping this?

HENDEE: While the device was out there?

GERAGOS: Yes.

HENDEE: Yes, I was out there.

GERAGOS: And did they have divide this up into what they called missions?

HENDEE: Correct.

GERAGOS: Okay. What was Mission One? Need to put the previous diagram back up on the screen? Is it easier to look right here?

HENDEE: Right.

GERAGOS: And then, for the record, that's triple M that I put back up. Mission one is what?

HENDEE: Mission one was an area that, first of all, on the first day of the operation, we weren't able to do a whole lot due to the fact that when the device is sent out to the west coast, east coast airmailed out, and you have to discharge the batteries down to 20 percent. So we had to charge them in the morning. So that meant they weren't going to be fully charged. We were going to have a smaller operation the very first day. So on that particular day, very first operation with the small area, it was, in fact, the area that we had projected right there.

GERAGOS: Which one is that?

HENDEE: Small little box right there.

GERAGOS: This one?

HENDEE: Yes.

GERAGOS: Right there?

HENDEE: That was, I believe, the area which we had designated as the FBI box, the box that we thought might be the highest probability area.

GERAGOS: Okay.

HENDEE: Based on Doctor Jennings' formula.

GERAGOS: That's the one that's got the increased shading around it?

HENDEE: I don't know if it's, I can't read it. It's the small little box that you have an arrow line coming over.

GERAGOS: Okay. And the reason that that was considered the highest probability area was because somebody had done an analysis. Get into that later with the expert. All you know is, when you were given this information, you were told start right in here, correct?

HENDEE: Well,

GERAGOS: Because you wanted, if I understand correctly, you had an FBI dive team. The FBI dive team could cover areas that others may not. So you wanted to go to the highest probability area and put the FBI specialized dive team there, because they were the most skilled, for lack of a better,

HENDEE: I wouldn't say that. They had made offer, and they were very good. What you are talking about, though, is the May operation when the FBI guys come out. I was not note on this operation.

GERAGOS: How did this ultimately go, this step right there?

HENDEE: Well, the FBI team searched part of that. We also had Side Scan Sonar operators go over there. REMUS did it later in July.

GERAGOS: Now, on Mission One, which is this area here, how long did that take for them to accomplish that?

HENDEE: Three hours and 25 minutes and 47 seconds.

GERAGOS: In made had area on 31317, Mission One area?

GERAGOS: Mark this as next in order triple,

JUDGE: Triple O. Diagram

GERAGOS: That's the first area that they went, and they mapped out, right? I assume that's kind of a lighter area right there?

HENDEE: Yes.

GERAGOS: Yes?

HENDEE: Yes.

GERAGOS: Okay. Now, they did that, they were out there for approximately three hours, 25 minutes, and change?

HENDEE: Yes.

GERAGOS: Okay. And they took 346 side scan images of that entire bay floor, correct?

HENDEE: That's what it says.

GERAGOS: Okay, now, they had approximately in there 41 potential target locations?

HENDEE: Objects that he felt would be worth diving on.

GERAGOS: Worth diving on. And they took that area right there is about 14 total miles, nautical miles, correct? From that point to that point, that point to that point, when you are going back and forth all the way down.

HENDEE: Correct. When you are traversing that area, apparently took 14.54 nautical miles.

GERAGOS: So that we all understand, when they are traversing this, what they are actually doing is going down on one side, and as far as you know, the REMUS device actually will take images so that they mapped the entire bottom of the bay floor that it covers; isn't that correct?

HENDEE: Correct.

GERAGOS: Then the machine, as far as you understand, can piece together each of those little images so that you get a mosaic, that when you look at it all together, I suppose if they could do, that if you had a large enough screen, you could see, you would have a map of the entire area here; isn't that correct?

HENDEE: I don't know if they have that equipment. But if you could put it all together, you would he have a mosaic. Problem with that, though, is, it covers a hundred fifty percent coverage area. So you would have to put one picture on top of the other a little bit, because that's what you are getting, a hundred fifty percent coverage.

GERAGOS: So that we understand, and when you say a hundred fifty coverage area, you have got the coordinates here, right? What I'm pointing to. There is four of them; is that correct?

HENDEE: Correct.

GERAGOS: Now, out of those four coordinates, you say a hundred fifty percent coverage area. Do you mean that it goes a little over fifty percent this way? Do you mean as they are going up and down, that they are actually kind of slopping over into the next area that they are going to cover?

HENDEE: It spans a little bit of the next area so that you are actually, you are not missing any areas. You are going up. You are turning. It comes back down, and it's covering part of what it had just seen the last lap.

GERAGOS: Not only are you not missing any areas, you are covering the same square twice.

HENDEE: Right, yes.

GERAGOS: Because every time you go down one row, we come back the next row, you are covering half of what you just filmed, right?

HENDEE: Would I guess.

GERAGOS: Now, as they do that, they are marking these locations, what you call the target locations. And that's done also by GPS coordinates, correct?

HENDEE: Yes, sir, I believe so.

GERAGOS: Now, the GPS coordinates, I'm sure they are going to put on GPS experts, so I won't get into it. But basically,

HENDEE: Thank you.

GERAGOS: there is a device. With that device, you can pinpoint with some degree of accuracy where some object was, based on the longitude and latitude previously notated, correct?

HENDEE: Correct.

GERAGOS: So if you see something, whether it's a tea bottle, you don't know what you, at least can say, okay, that's it, 122 west longitude by 53.8, for instance, then you come back to that location, pick up whatever it is you saw on the film, correct?

HENDEE: If you can find it.

GERAGOS: And the targets that they came up with, they would then list; isn't that correct?

HENDEE: Yes.

GERAGOS: And that's at 31320.

HENDEE: This is one that's still on the board. That's what it is.

GERAGOS: Mark this next in order. You can give him copies. Diagram

Marked as Exhibit PPP for identification.

GERAGOS: You have this laundry list there, and the second page contains three more, right?

HENDEE: Yes.

GERAGOS: What I was just talking about, this longitude and latitude, and the, that it also has a file number so you can go to the specific location, you can type in on the monitor what the file number is, and that will give you some quadrants on the floor of the bay, correct?

HENDEE: I would guess that's how it works for them. I don't know. As to internal computer workings, I don't know how they would do that.

GERAGOS: Then I don't want you to guess on that. What I'm asking you is, that when you go back out later on, and you are in quadrant number, or this area number one, okay?

HENDEE: Correct.

GERAGOS: If you have a target location, you are not just diving in the blind, right? You have the coordinates, right?

HENDEE: Correct.

GERAGOS: The reason you have that coordinates, you can say here is my latitude, here is my longitude, here is the file number. I'll call that up, and you then got an, obviously an image that corresponds to something on the computer that's been saved in a file, right?

HENDEE: Yes. But we don't get pictures. We went out there to recover these objects. We brought with us pictures of the image, but we didn't have that, whatever you had at the time. That was not accessible to us.

GERAGOS: You had the actual, obviously you didn't need the, what I hold, these, just a summary of what is produced, correct?

HENDEE: But I mean I had that available when I went out.

GERAGOS: But if you wanted to, you could have accessed that. But there was really no reason to, right?

HENDEE: What I'm saying, the file number is on a specific computer. We couldn't access that because we did not have a way to do that out there in the water. We have did have the longitude and latitude. We did have the image pictures out there with us.

GERAGOS: Okay. And then what you would do is, when you would go out there, you would take the images, and for right here where we have we have got Mission One, which is this area, then the targets would come up. This is next in order. You can do a copy. Diagram

JUDGE: Triple Q.

GERAGOS: They would then produce the next item, which is this right here; is that correct?

HENDEE: I'm sorry, sir?

GERAGOS: These are the Mission One, which is labeled as the Mission One, Filtered Target Map Locations. Do you know what that is? You have one of those?

HENDEE: Yes, I have that, yes.

GERAGOS: Okay. Now, this is just a closeup view of that small area that was on the previous exhibit, correct?

HENDEE: Correct.

GERAGOS: Okay. And in there, as this REMUS device is going back and forth, all the way through here, just for whatever period of time it takes, four hours, five hours, whatever it takes, it takes these pictures, a series of images, correct?

HENDEE: Yes.

GERAGOS: The areas that you, that come down, while it does that, there is an operator that looks on to the image, right?

HENDEE: Yes.

GERAGOS: And if the operator sees something that looks like hey could be a cement anchor, it could be, you know, a rope, it could be this, it could be that, they can identify it. They will just mark it. And then, as they say, they filter out the specific targets that have the highest probability of something that will be evidence in this case, right?

HENDEE: The only thing, so we're clear, they don't actually search these images live. It's downloaded on to the REMUS, downloaded later. Views it on a computer in the motel room, or later back in,

GERAGOS: Which is the difference, if I understand correctly, between this device and the Side Scan Sonar, correct?

HENDEE: Yes.

GERAGOS: Side Scan Sonar, when you are doing that in real time, that's being dragged behind the boat, somebody is looking at the images, you can then actually stop, as you are right there, and somebody can go and dive, or you motion over to the dive team to come down, correct?

HENDEE: Not quite that easy. But, yes, I can.

GERAGOS: In sum and substance that's what you were doing out there, wasn't it?

HENDEE: It's not that simple to just can't stop and find that spot again. It takes time.

GERAGOS: What was going on here with the targeting is, you literally were trying to map the entire floor of this rectangle of the bay, correct?

HENDEE: Absolutely.

GERAGOS: And the reason you were doing that is that you believe that the probability was that, if something transpired at Brooks Island, and where the remains were, that this was the highest probability area where you would find evidence, correct?

HARRIS: Objection. Compound. And misstates his testimony.

JUDGE: I think he can answer that. Is that right?

HENDEE: I'd really like to hear it back again.

JUDGE: Mr. Geragos, you are,

GERAGOS: I'll re-ask it.

GERAGOS: They then go and do this, if I understand correctly, the same thing for all the other squares, right?

HENDEE: Yes, sir.

GERAGOS: The squares that are up there. You have got Mission Two. And I, won't hopefully won't belabor it. But that that's the same. I'll mark that as next in order, the Mission Two survey area.

JUDGE: Triple R. Diagram

GERAGOS: It's the same thing there; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Coordinates, there is that little X, X, X, and X; is that right? Do I have,

HENDEE: I think probably too large there.

GERAGOS: More like that?

HENDEE: Yeah.

GERAGOS: So they do the same thing there. They are out there for, this one takes them about five and half hours because it's larger, correct?

HENDEE: Yes. Five hours twenty minutes.

GERAGOS: And it covers about 22 miles back and forth, back and forth, right?

HENDEE: Correct.

GERAGOS: And the area covered, they actually in this case, on Mission Two, they actually kind of diagrammed it out, measured it out, didn't they?

HENDEE: I guess they did, yes.

GERAGOS: They show that it was 1347 meters in one direction, right?

HENDEE: Yes.

GERAGOS: By 725 meters in another direction?

HENDEE: Correct.

GERAGOS: It took them 72 rows going back and forth with a ten and a half meter line spacing; is that right?

HENDEE: It says 10, comma, 30 meter line spacing. I guess that's, I don't know if it's 10 and half or 10.3.

GERAGOS: They get somewhat in the neighborhood of 548 images, which gives them the bottom of the bay for this Mission Two, correct?

HENDEE: 548 side scan.

GERAGOS: Side scan files?

HENDEE: Files.

GERAGOS: Out of that, they get another 30 targets, correct?

HENDEE: Potential target to dive on, yes.

GERAGOS: I'll show you what these are here and the map, target and the map?

HENDEE: Yes.

GERAGOS: Okay. Mark these as next in order.

GERAGOS: They came up with 32 potential targets on this?

JUDGE: Triple S. Diagram

HENDEE: I think 30. Let's see, 30.

GERAGOS: So out of these 30, for Mission Two, they are all listed once again here, and then on the second page, correct?

HENDEE: Yes, sir. Well, I'm, let me see that again, please, sir.

GERAGOS: Do you want to see it again?

HENDEE: What's on the second page you said?

GERAGOS: This is the second page. The first page from here is both the targets and the map positions, right?

HENDEE: Yes.

GERAGOS: Okay. And then all of these little numbers correspond to the target of something that's on the bay floor, right? That's been identified a possible target of interest, right?

HENDEE: Possible.

JUDGE: Is that right?

HENDEE: Yes.

JUDGE: I didn't hear the answer. You know what? I think it's time to take the afternoon recess, ladies and gentlemen. We'll give you the afternoon recess. Remember the admonition I have heretofore given you. Take a recess until five minutes to three. (RECESS)

JUDGE: This is People vs. Peterson. The record should reflect the defendant is present with counsel. And the jury is in the jury box, along with the alternates. Go ahead, Mr. Geragos.

GERAGOS: Thank you. The next one was obviously Mission 3, correct?

HENDEE: Yes, sir.

GERAGOS: Mission 3 has the, those coordinates over the left; is that right? Right here?

HENDEE: Yes, sir.

GERAGOS: Okay. And there were 37 potential targets; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Judge, I think I'm going to mark all of these as just one exhibit. The Mission 3.

JUDGE: You want to make it as a group exhibit?

GERAGOS: Yeah, I'll make it a group exhibit.

JUDGE: TTT 1, 2 and 3.

GERAGOS: Yeah.

JUDGE: Got three sheets of paper? How many?

GERAGOS: Got one, two, three, four, five.

JUDGE: All right.

GERAGOS: This is the Mission 3 area, correct?

HENDEE: Yes, sir.

GERAGOS: The second page is the times, what time they started, took about six and a half hours, and it covers 25 nautical miles, correct?

HENDEE: Yes, sir.

GERAGOS: And area covered is self-explanatory. 668 actual side-scan files, right?

HENDEE: Yes, sir.

GERAGOS: And when they say number of map locations, that just means there's 37 locations that it's hardest to dive on, right?

HENDEE: Yes, sir.

GERAGOS: And that would be the next page, which was Bates number 31328, right?

HENDEE: The map, yes. 31328.ine GERAGOS: Once again, that's a, all that is is that area there, which has now been blown up with the areas, the 37 targeted areas, correct?

HENDEE: Yes, sir.

GERAGOS: The last two pages on Mission 3 are these right here, which list the longitude and latitude and the file number, correct?

HENDEE: Yes, sir.

JUDGE: That's TTT 1 through 5.

GERAGOS: Thanks.

GERAGOS: Now, I would assume, rather than go through all of these and show them on the board, is it a fair statement that if you went through all the rest of what your Bates numbered, I'll do it, I'll just do it quickly. Mission 4 you have the area, right?

HENDEE: Yes, sir.

GERAGOS: And it shows specifically what was covered, right?

HENDEE: Yes.

GERAGOS: How many different targets, right?

HENDEE: Yes.

GERAGOS: Then what they produce is another little map that shows those specific targets, right?

HENDEE: Yes, sir.

GERAGOS: Then they list, so you can find them, the targets themselves, right?

HENDEE: Yes, sir.

GERAGOS: Mission 5, same thing? That's the location?

HENDEE: Yes.

HARRIS: Since we're displaying these, I assume we're going to mark?

GERAGOS: I'll mark them as one,

JUDGE: Want to mark,

GERAGOS: one fell swoop.

GERAGOS: Same thing here, that you have the start time, the mission duration, the miles, the area scanned, right?

HENDEE: Yes.

GERAGOS: And they do the same thing with Mission 5. They blow it up so that you have the specific locations, right?

HENDEE: Yes.

GERAGOS: Okay. They list it again so when you go out with your dive team you can find those locations?

HENDEE: Yes.

GERAGOS: Same thing for 6, that's the area. All the pertinent information. All the targets. I have the map target locations? And in this case, in 6, they actually came up with 46 different locations to dive on, right?

HENDEE: Yes.

GERAGOS: Okay.

HENDEE: Oh, I'm sorry. Hold on. 54, I think.

GERAGOS: Did they come up with 54?

HENDEE: Another page.

GERAGOS: Yes, they did. 54 total, correct?

HENDEE: Yes.

GERAGOS: Now, on Mission 6, take a look at 31344. Were you out there that day?

HENDEE: I was out there. I don't know if I was on the boat or on shore, but I'll check.

GERAGOS: They had to, they claim they had to do this twice on that day, correct? It says in parentheses --

HENDEE: Yes.

GERAGOS: they had to issue what's called an abort command was sent to the vehicle returning it to the launch location, correct?

HENDEE: Correct.

GERAGOS: The reason for that was because the tide was too low at 8:41 in the morning; is that correct?

HENDEE: That's correct.

GERAGOS: Now, when the tide is too low, now we're in Mission 6; this is the target location, right? For Mission 6?

HENDEE: That's a closeup, yes.

GERAGOS: Okay. That's a closeup. Let's see what I've got. Mission, this is Mission 6 right over here, right?

HENDEE: Yes, sir.

GERAGOS: Now, that's Brooks Island, right?

HENDEE: Yes, it is.

GERAGOS: And over here is the location where Laci was found, correct?

HENDEE: Yes, sir.

GERAGOS: Up here is where Conner was found, off of the map?

HENDEE: Yes.

GERAGOS: Between Brooks Island and where Laci's remains were found, which is right about where the tip of my finger is, this is the, the area for target 6, Mission 6?

HENDEE: That's the area, yes, sir.

GERAGOS: Okay. Now, the tide is too low. That looks to me like it's roughly, that's at 8:41 in the morning. Looks to me like it's roughly the area that covers one-third of the way out from, on the, actually less than that. About one-sixth of the way out there and about one-third of the way out from Brooks Island; is that right?

HENDEE: I'm sorry. Say that again, sir.

GERAGOS: Well, you've got an area there that clearly is a lot farther away from Brooks Island than what we had discussed before, the, as what you called, a very shallow area. You had indicated before on 109, at least, and one of the previous maps, that you've got shallow, or it was shallow around the edges of Brooks Island, and then to some degree you had indicated with Mr. Harris yesterday that around this area in here it was shallow, by Cesar Chavez Park; is that correct?

HENDEE: Yes. You were just pointing to Point Isabel, but it's shallow along the shoreline everywhere.

GERAGOS: Well, isn't it true that the, the Bay, at low tide that you can actually, that at times it will get so low that you could actually, I don't know if anybody would ever want to do it, but you could actually walk from Brooks Island to shore?

HENDEE: I don't know if you could or not.

GERAGOS: Well, it gets as low as a foot and a half in that Bay, doesn't it?

HENDEE: I don't know if it gets that low, sir.

GERAGOS: Well, have you ever been out there or been told that you can't go out there in any kind of a boat at certain times during the day at low tide because you just get stuck because it's so low in the water?

HENDEE: I know that was a concern. I did go out in that area in a boat once, but I know that was definitely a concern.

GERAGOS: Okay. Now, when you say a concern, no matter what kind of a boat you may have, if it's low tide, the water is so shallow that the boat could actually get stuck in the sand; isn't that correct?

HENDEE: It's possible, if the tide, if it was that low, if the tide was that low.

GERAGOS: Okay. You've actually gone up in the, I think into the helicopter over this, haven't you?

HENDEE: Yes, I have.

GERAGOS: Okay. Now, when you went up in the helicopter over that area, was that so that you could, was that at low tide, by the way?

HENDEE: Yes.

GERAGOS: Okay. And at low tide, how low did you get in the helicopter? How close to the water?

HENDEE: 500 feet? I don't really know for sure. I think we were probably about 500 feet above the water.

GERAGOS: Doing an eyeball check?

HENDEE: Yes.

GERAGOS: Okay. And how many times would you say you did that?

HENDEE: Twice.

GERAGOS: What days?

HENDEE: Well, the first day was when Laci was found.

GERAGOS: Okay.

HENDEE: On the 14th. And the second day, I'd have to check my report.

GERAGOS: You need to refresh your recollection?

HENDEE: Monday, May 5th.

GERAGOS: Monday, May 5th?

HENDEE: Bate number 21785.

GERAGOS: All right. Now, the, on Mission 6, which is the one we had up there, there was a second launch after the tide went back up; isn't that correct?

HENDEE: Yes.

GERAGOS: Okay. And once the tide went back up, obviously the water got higher so that this, you called it a torpedo-like device, correct?

HENDEE: Yeah.

GERAGOS: So that that could then have enough room to actually navigate through the water and be able to take pictures without dragging itself into the silt or the sand, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Is it a fair statement that, if the tide was low enough, that there wasn't enough space for this torpedo-like device to actually, it was not enough water for it to float along and actually take a picture of the Bay floor?

HENDEE: I don't know. I'm sure that it could possibly happen. I don't think that they put REMUS in anywhere that they thought, based on the tide, it would be three feet or less. Because I think it operates about three feet off the bottom of the floor. So they tried, based on the tide and what the, what they estimated the water depth to be, to try and put the objects in shallow water on days where there would be a lot of water.

GERAGOS: Well, when you say three feet, it needs, has a camera on this thing, has some kind of an imaging system, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. If the device is flat against the sand, or the bottom of the Bay floor, the imaging device is not going to work, correct?

HENDEE: Correct.

GERAGOS: Okay. The reason that they had to issue what they called the abort command on the REMUS on the 6th is because the nose of the device kept hitting the bottom of the Bay floor, correct?

HENDEE: No, I don't believe, I don't believe,

GERAGOS: Dragging its nose, isn't that what it says? Do you want to read the report?

HENDEE: Maybe... I don't, maybe.

GERAGOS: You see 31, look at 31344.

HENDEE: Yes.

GERAGOS: Okay. Do you see where it says the tide was too low at this hour of the day?

HENDEE: Yes.

GERAGOS: And the vehicle was turned around too early, using an automatic minimum depth turn-around? Do you know what that was?

HENDEE: You've, it was described.

GERAGOS: Isn't that specifically when the vehicle, when the tide gets too low, when it's below the three feet mark, that the vehicle will automatically, or the device, this REMUS device, automatically shuts down and turns around because it, if there's not enough space for the imaging device to photograph?

HENDEE: Yes. It,

GERAGOS: So it will --

JUDGE: Let him finish his answer.

GERAGOS: Sure.

HENDEE: When that happens, as I understand it, the images are not, you cannot get a good, clear signal on shore. He will also press a manual abort, and then the device turns around in response to one of the buoys, the tracking buoys. Automatically goes there.

GERAGOS: Just so we're labeling up on, when you say the tracking buoys, there's buoys that are placed out on either side of the perimeter, correct?

HENDEE: Yes, sir. Two buoys.

GERAGOS: The buoys send a signal back and forth, correct?

HENDEE: Yes.

GERAGOS: Okay. So if the water is too low, it's below this three feet mark minimum that it needs, the radio signal that is sent back and forth will automatically set off an alarm, if you will, an internal alarm that tells the, the device you can't do it anymore, correct? It will turn around and come back, basically?

HENDEE: Yeah. I believe so.

GERAGOS: Okay. Now, the Mission 7 was the, would have been the same location that was on the original map, correct? The original one that I put up there? Looks --

HENDEE: Yes.

GERAGOS: Right here, this is directly below, if you will, I guess two areas below Brooks Island?

HENDEE: Yes, sir.

GERAGOS: Okay. And there were 24 targets that were identified there?

HENDEE: On Mission 7?

GERAGOS: Yeah.

HENDEE: Maybe I'm missing something here.

GERAGOS: How many do you have for Mission 7?

HENDEE: Two Mission 7 parameters.

GERAGOS: Two filtered. I'm sorry. 32 were images; is that correct?

HENDEE: Two.

GERAGOS: 32 number images? 277 side-scan files?

HENDEE: Right.

GERAGOS: Okay. So total number of, and, Marilyn, I'll put this in order. Total number of, of targeted locations that you then, after this REMUS device went and mapped the floor, were how many?

HENDEE: 223.

GERAGOS: Okay. Now, if I understand correctly --

JUDGE: Mr. Geragos, let me interrupt. You just gave the clerk something.

GERAGOS: Yeah, that's what I'm going to mark as an exhibit.

JUDGE: Is that four, five, six?

GERAGOS: It's a number of pages. I was going to put them in order and then --

JUDGE: Just so I know and keep track up here.

GERAGOS: Yeah, it is four, five, six and seven.

JUDGE: Four, five, six and seven. Mark them as a group exhibit?

GERAGOS: Yes.

JUDGE: UUU.

GERAGOS: The, so you do the search in May, the same day recovery operation; there's no evidence that's recovered. You then, not you, but collectively this outfit, Hydroid, is hired, they do a mapping of the Bay floor for this high probability area; correct?

HENDEE: Yes. For the high probability area and then the surrounding area.

GERAGOS: And then surrounding area. So it's actually larger than the high probability?

HENDEE: Yes.

GERAGOS: How far is the, in each direction from the high probability area? High probability area would be that little square --

HENDEE: Yeah.

GERAGOS: right here? Is that roughly where it was? Want to draw that in there?

HENDEE: It would be a guesstimate, but I'll do it.

GERAGOS: Sure.

HENDEE: Right in here.

GERAGOS: Okay. So the high probability area is this little square. And that's where the experts concluded that if there was going to be any evidence, that's the most likely spot for it to have been, correct?

HENDEE: That was the, the best guess or best high probability area, yes.

GERAGOS: Well, it wasn't a guess. You were using the experts, weren't you?

HENDEE: Yes.

GERAGOS: Okay. And then you went outside of that area, so that we understand, what this square that surrounds it, roughly what you've drawn, correct?

HENDEE: Right.

GERAGOS: Now, the dive operation, after they produce that, you get that map sometime in July, correct?

HENDEE: Yes, I believe so.

GERAGOS: And then you start a dive operation, correct?

HENDEE: Yes.

GERAGOS: And what, what was that organized for? What date? Did it start on September 11th?

HENDEE: I think on July 9th, the first date we discussed the recovery operation with Contra Costa, and then we, we asked them about if they would be willing to perform this function for us, and they had agreed to do that. And then the actual operation of the recovery starts, and I'll find that for you here.

GERAGOS: You received all of these, I guess a total of twelve CDs that have all the images on them, correct?

HENDEE: Yes.

GERAGOS: You got those in August, correct? August 11th if you're looking at 31355 of your Bates stamp, if that refreshes your recollection of the time.

HENDEE: Looks like I'm organizationally impaired, but that's okay.

GERAGOS: Let me show you something, see if it helps you.

HENDEE: Okay.

GERAGOS: Right here says you received the copies of twelve CDs, August 11th.

HENDEE: Yes.

GERAGOS: Okay. And then on August 25th, August 25th of oh three, did you do something with those?

HENDEE: Yes, I did.

GERAGOS: What did you do with it?

HENDEE: I sent John DeMille of Marine Sonic Technologies a copy of the CDs so that he could review them.

GERAGOS: Okay. Who is John DeMille?

HENDEE: John DeMille works for Marine Sonic Technologies.

GERAGOS: What is Marine Sonic Technologies?

HENDEE: They're the company that actually makes the side-scan sonar devices that was utilized in the REMUS device, and in the, all of the law enforcement and civilians that were assisting us in May, they're using the Marine Sonic product.

GERAGOS: Okay. Is it a fair statement that this is a, this is a gentleman who is considered to be an expert in the field?

HENDEE: I would say so, yes, sir.

GERAGOS: Okay. Is it also a fair statement that in all of the dives that had been done previously to REMUS mapping the Bay, that, for the most part, side-scan sonar was utilized either by law enforcement or civilian volunteers?

HENDEE: Prior to REMUS?

GERAGOS: Prior to REMUS.

HENDEE: Yes.

GERAGOS: Prior to REMUS how many times would you say there had been side-scan sonar units out in the Bay? That you were connected with, obviously.

HENDEE: Ten before and one after.

GERAGOS: Ten?

HENDEE: Ten operations, without checking my reports.

GERAGOS: Right.

HENDEE: Ten I believe is the answer, and one after REMUS. One operation after.

GERAGOS: Now, on those ten operations, when you went out with the side-scan sonars, there were numerous boats, as we've heard from some of the other witnesses who were on the boats, there were numerous boats that would go out; isn't that correct?

HENDEE: Yes, sir.

GERAGOS: And when the boats would go out, they would generally search about this, or they would pretty much search the same surveyed, REMUS-surveyed area, wouldn't they?

HENDEE: Well, for the most part they were operating within that large box, but they, obviously when they were doing their daily searches, they were doing a much smaller area.

GERAGOS: That's what I mean. But over the course of the ten times you were out there, they were going into this area that you've marked with the box, correct? On specific perimeter or specific areas that were set up with the perimeter for that, whatever day it was?

HENDEE: Right. We didn't go that far east on the May operation, but for the most part they were out in that area. But we didn't go that far east.

GERAGOS: And the side-scan sonar units would be on, generally there would be a minimum of three boats that would be equipped with the side-scan sonar?

HENDEE: As many as we could get out there on a given day, we were putting them in the water.

GERAGOS: Okay. And then there would be dive teams generally on other boats?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, once REMUS did this mapping, that, all of those images were then downloaded onto CDs, correct?

HENDEE: Yes.

GERAGOS: Those were the 12 CDs that you got on August 11th, correct?

HENDEE: Yes, sir.

GERAGOS: Now, on August 25th, as you indicated, you sent a copy of those CDs, you burned a copy, you sent them to this guy at Marine Sonic, correct?

HENDEE: Yes, sir.

GERAGOS: And you wanted him, did you give him instructions as to what you wanted?

HENDEE: To review the images, see if he saw any,

GERAGOS: Okay.

HENDEE: targets worth diving on, or if he agreed with Eric's opinions as to what targets to dive on.

GERAGOS: And Eric was?

HENDEE: Eric Gifford from Hydroid.

GERAGOS: From Hydroid, right?

HENDEE: Yes, sir.

GERAGOS: So you had Eric Gifford from Hydroid who did his analysis, correct?

HENDEE: Yes, sir.

GERAGOS: He produced these 221 some-odd filtered targets on the complete mapping of the Bay, right?

HENDEE: Yes, sir.

GERAGOS: Then you double-checked that, because you had the images now at this point, correct?

HENDEE: Yes, sir.

GERAGOS: In August you went to another expert, who is the gentleman from the Marine Sonic, right?

HENDEE: Yes, sir.

GERAGOS: Now, did you then give him similar instructions to those that you had given Eric Gifford at Hydroid in terms of telling him roughly what you were looking for and what kind of images you wanted to find?

HENDEE: Yes. He already knew because he was out during the May operation. He was actually on the boats out there, so he knew what we were looking for. He's actually the one that put us in touch with Eric Gifford.

GERAGOS: Okay. So then you have an operation that starts in September, correct?

HENDEE: I believe so, yes, sir.

GERAGOS: And I keep referring to September 11th, and I think that was because one of the previous Modesto officers had testified that was the first day that he had, Armendariz, I believe, had testified that he was out there on September 11th with you; is that correct?

HENDEE: Yes, sir. September 11th.

GERAGOS: I'm looking at 33653.

HENDEE: Yes, sir. 33651 is what I'm looking at.

GERAGOS: Okay.

HENDEE: But that's the date, yes.

GERAGOS: Now, the, at that point, on September 11th, you're then armed with the 12 CDs, the targeted locations, the opinion of Eric Gifford, the opinion, I assume, of Mr. DeMille?

HENDEE: Yes, sir.

GERAGOS: Okay. And who was the person who ended up digesting all of this information in terms of specifically saying Okay, we're going to go to some targets, we're going to go to other targets? Who kind of prioritized that?

HENDEE: That was Sergeant Christianson with the Stanislaus County, excuse me, the Contra Costa County Sheriff's Department.

GERAGOS: Okay. Did you help coordinate this operation?

HENDEE: I had met with him, as I said, on I believe July 9th and asked him if he could do it. We were extremely impressed with Contra Costa. We felt that they were very capable of doing this. They had the resources. They had done this work, so we asked them if they would be willing to run this, more or less, operation for us. Knowing their personnel, knowing how they operate, if they could perform this function for us. And they agreed to do so.

GERAGOS: Okay. Now, the, there's a list on 33653, correct?

HENDEE: Yes, sir.

GERAGOS: Now, is, does that accurately summarize the days that you went out or that there, at least that law enforcement went out to do a search of the Bay?

HENDEE: Yes.

GERAGOS: So, and on each of those occasions was there at least one representative from the Modesto Police Department?

HENDEE: On each boat, yes.

GERAGOS: On each boat, correct?

HENDEE: On each dive boat we had at least one officer out there from MPD.

GERAGOS: Okay. There, the dates included twice, it looks like, on September 11th, right?

HENDEE: Yes, sir.

GERAGOS: Twice on September 12th?

HENDEE: Correct.

GERAGOS: Twice on September 18th?

HENDEE: Yes.

GERAGOS: Once on September 19th?

HENDEE: Yes.

GERAGOS: Three times on September 20th?

HENDEE: Well, there was only two boats on that date. On, on that date Detective Al Brocchini went to the shore, because they were having, like, a National Shore clean-up effort. And so he went out there to review.

GERAGOS: Supervise if anybody found anything on the shore?

HENDEE: Yes.

GERAGOS: Okay. September 25th you were out there again?

HENDEE: Yes.

GERAGOS: October 3rd twice?

HENDEE: October there were two officers, yes.

GERAGOS: Okay. And you were one of them, were you not?

HENDEE: Yes, sir.

GERAGOS: Okay. Saturday, October 4th, twice?

HENDEE: Yes.

GERAGOS: Friday, October 17th, twice?

HENDEE: Yes.

GERAGOS: For September 11th the indication is that the search process on that day, and on most of the sites, yielded nothing; is that correct?

HENDEE: That we felt was evidence in the case, yes.

GERAGOS: Right. I mean you would find targets, but sometimes it would be fish, sometimes it would be mud piles, sometimes it would just be, looks like balled-up fishing line, a stick, a bottle, two pipes; is that correct?

HENDEE: Yes, sir.

GERAGOS: Now, on the 12th, is it fair to say that the, roughly the same results in terms of the search process on this and most of the sites throughout the operation yielded nothing?

HENDEE: To my knowledge they yielded nothing --

GERAGOS: Okay.

HENDEE: that was of value to this case.

GERAGOS: On September 12th you actually found a backhoe, a large three foot by two foot wide backhoe; is that correct?

HENDEE: Yes, sir.

GERAGOS: Backhoe scoop? Okay. And that was too heavy and large to bring up, but you did find a stick and a post in asphalt; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. And the 25th you found a sunken boat; is that correct?

HENDEE: Yes.

GERAGOS: Found a wide tire, right?

HENDEE: Yes.

GERAGOS: A large battery?

HENDEE: Yes, sir.

GERAGOS: A wood spike and a wooden stick?

HENDEE: Yes, sir.

GERAGOS: Okay. And on the 3rd you got one item, and it was an old, described as a ratty trap?

HENDEE: A what?

GERAGOS: It says "trap." That's not correct, is it? Some kind of a tarp? Somebody typed it up, maybe it's just a typo, as a ratty trap, but you meant a tarp, didn't you?

HENDEE: Where do you see that? Yes.

GERAGOS: Okay. And that was,

HENDEE: Well, no. Ratty, ratty meaning it was all torn, ratted up.

GERAGOS: Right. It wasn't a trap; it was a tarp?

HENDEE: It was a tarp; I'm sorry.

GERAGOS: Okay. Based on the condition, it was believed to have been under the water for a number of years, correct?

HENDEE: Considerable long time, yes.

GERAGOS: Okay. Now, have you, so that basically covers the number of dives and on the targets of interest; isn't that correct? That had been identified by these people?

HENDEE: That was the targets that were identified by me when I was out there. Now,

GERAGOS: Right. There was other,

HENDEE: Yeah.

GERAGOS: So I understand it, there's other supplemental reports --

HENDEE: Right.

GERAGOS: for the other officers that detail what they did on their particular boat?

HENDEE: Yes, sir.

GERAGOS: Do I have that right? You were tasked with, I love it when we say 'tasked with,' but you were, your responsibility was you were supposed to go out on whatever boats you were

doing; whatever you found you would document, right?

HENDEE: Yes, sir.

GERAGOS: Okay. Whoever was on the other boats would document whatever they found, correct?

HENDEE: Yes, sir.

GERAGOS: Now, have you been out in the Bay, let's see, it looks like from your reports that that operation involved REMUS and the targets, that the last time you were involved with that, and specifically diving on targets, not you personally but others, was on October 17th; is that right?

HENDEE: Yes, with the exception of one other time we went out, to my knowledge. Or at least I was involved in.

GERAGOS: And when, when was the one other time?

HENDEE: In April of this year, I believe.

GERAGOS: Okay. That's what I was going to get to.

HENDEE: Okay.

GERAGOS: The, by October 17th, pretty much all of the operation had taken place in regards to REMUS that you were aware of?

HENDEE: Yes.

GERAGOS: Your boats, the other Modesto PD officers that are listed here, correct?

HENDEE: Right.

GERAGOS: Okay. Is it fair that Armendariz was one, right?

HENDEE: Yes, sir.

GERAGOS: You were on a number of the boats, right?

HENDEE: Yes.

GERAGOS: Phil Owen was on?

HENDEE: Yes, sir.

GERAGOS: Ruskamp?

HENDEE: Yes, sir.

GERAGOS: Al Brocchini was, he was on the shore, doing shore patrol?

HENDEE: Correct.

GERAGOS: Coyle?

HENDEE: Yes.

GERAGOS: Eichbaum?

HENDEE: Yes.

GERAGOS: "Stow"?

HENDEE: "Stou."

GERAGOS: Stough?

HENDEE: Yes.

GERAGOS: And Veronica Holmes; is that correct?

HENDEE: Yes.

GERAGOS: And Dave Hawn. Those are the Modesto PD people who were involved in the searches of the Bay connected to REMUS, correct?

HENDEE: Yes.

GERAGOS: As far as you know, there was nothing of any evidentiary value as a result of that series of dives that was recovered; is that correct?

HENDEE: To my knowledge, yes.

GERAGOS: Okay. Now, April of this year, that whole operation ended from, took place or elapsed between September and October of last year, correct?

HENDEE: Yes, sir.

GERAGOS: April of this year you went back out again?

HENDEE: Yes.

GERAGOS: While we were here in jury selection, you were out in the Bay?

HENDEE: Yes, sir.

GERAGOS: Okay. And who did you go out with then?

HENDEE: Santa Clara County Sheriff's Department.

GERAGOS: Okay. What area did you cover then? Is it still within this box?

HENDEE: Yes, sir.

GERAGOS: Okay. And do you have a report on that? Did you do a report?

HENDEE: Yes, I did.

GERAGOS: Would you refer me to the Bates number?

HENDEE: Bates number 40035 and 40036.

GERAGOS: You cover a target area that was about, was this, did you go back out to this high probability area, basically?

HENDEE: Pretty much we tried to go to the same area.

GERAGOS: Okay. You listed that as about 700 meters by 700 meters; is that right? Or am I reading that wrong?

HENDEE: No, that's what I have down there.

GERAGOS: So this little box here that's within the larger box is about 700 by 700 meters; is that correct?

HENDEE: I'm not sure that that box up there, the FBI box is exactly the same, but this was the area that they were hoping to cover on this particular operation.

GERAGOS: Okay.

HENDEE: It's very close to that area.

GERAGOS: And on that day, what you did, about three months ago, roughly, 90 days ago?

HENDEE: Approximately.

GERAGOS: Something like that. You did, I guess, two dives; is that right?

HENDEE: Yes.

GERAGOS: Okay. Now, that was based on some side-scan operators, Mr. Trimble and is it Nives?

HENDEE: Yes.

GERAGOS: "Knives"?

HENDEE: "Knives."

GERAGOS: Is it "Knives"? Okay. They located a couple of images they wanted to dive on; is that correct?

HENDEE: Yes.

GERAGOS: Okay. And what was brought up was a six-inch broken one-inch by one-inch wooden stick?

HENDEE: Yes.

GERAGOS: Okay. That, you put that in the dumpster. It obviously had no value, correct?

HENDEE: Yes.

GERAGOS: Okay. And that was basically all that was found on that day as well?

HENDEE: Yes.

GERAGOS: Okay. The, was that the last dive that was done based upon the REMUS imaging of the bottom of the Bay floor?

HENDEE: Yes. That wasn't even done with REMUS. That was done separately. Had nothing to do with REMUS, really.

GERAGOS: Okay. I wanted to ask you that. Was the two side-scan operators, Nives and the other gentleman, Trimble, have they gone back there with the side-scan sonar again?

HENDEE: Since?

GERAGOS: No. REMUS stops, REMUS maps it in July, correct?

HENDEE: Correct.

GERAGOS: Then based on that mapping in July, you go and dive on this thing in September, October?

HENDEE: Right.

GERAGOS: Okay. Then you find nothing. Somebody makes a decision to go back out there in April, correct?

HENDEE: Just for one day.

GERAGOS: Right. Two dives, one day in April of this year?

HENDEE: Yes.

GERAGOS: Was that based upon what REMUS had mapped? Or did somebody else go out and do a side-scan again in what's called the high probability area?

HENDEE: No, it was just basically, if we were going to go anywhere, we were going to go back to that high probability area. So that's where we focused on.

GERAGOS: Okay.

HENDEE: That's where we chose to go.

GERAGOS: And when you went out in April, the two gentlemen, Trimble and Nives or "Knives," took their side-scan sonar device; is that correct?

HENDEE: Yes.

GERAGOS: Okay. And is that, and that device then showed two other targets of interest, for lack of a better term?

HENDEE: Yes, sir.

GERAGOS: And they dived on it; you get zip, basically?

HENDEE: Yes.

GERAGOS: Okay. Now, is that FBI high probability area, for the 700 by 700 meter, is that in the region 6 or the Mission area 6 right there?

HENDEE: I don't believe so.

GERAGOS: Do you know which mission area it's in?

HENDEE: I'm sorry, I'm looking for that image you showed earlier. I don't know if you still have it.

GERAGOS: I've,

HENDEE: The little box in,

GERAGOS: Yeah, I've got a copy. It's on 31349.

HENDEE: Okay. It's inside,

GERAGOS: The reason I ask is there's a little what appears to be a marking there. Is that to represent that it's really in the corner? Or do you know? And so the jury can see what I'm talking about --

HENDEE: I don't,

GERAGOS: let me just show it. In the, in the drawing there's a little line right here. And my question is does that mean that this box that's right here, this high probability area, is it really right here? And then that line indicates that it's been, to some degree, because it's much smaller, 700 meters by 700 meters, that they're just trying to do an inset? Or do you just not know?

HENDEE: My best recollection is that it's exactly where it was, and that the line, it kind of indicates where the device might have traversed from a GPS positioning buoy, is my best recollection.

GERAGOS: Okay. And then as long as we've got it up here, this is the area that you called 6, right?

HENDEE: Yes, sir.

GERAGOS: 6 is the one where it got so low that the REMUS ended up stopping the mission, correct?

HENDEE: Yes, sir.

GERAGOS: Now, the, that takes us, I think, post-recovery. How about prior to that? Were you involved, I think we've established that you were out 22 times, if I've got it right, roughly, after April of 2000 and 3, correct?

HENDEE: After April, yes. I believe it's 22, I think. 21, 22.

GERAGOS: Okay. Prior to April, when was the first time that you were out there connected with any kind of a search operation?

HENDEE: I believe it was February 2nd.

GERAGOS: Okay. Now, do you have, and you prepared a report in connection with that?

HENDEE: Yes, I did.

GERAGOS: Going to refer to that page. I think Mr. Harris had you there yesterday. I believe it's 2232. Correct me if I'm wrong.

HENDEE: Yes.

GERAGOS: Okay. Now, the, this is before you've ever done REMUS, or any of that --

HENDEE: Correct.

GERAGOS: stuff, right? This is when, and you're out there in the Bay, presumably because that's where Scott Peterson said he was. You had, you and Modesto PD had focused their attention on Scott Peterson, correct?

HENDEE: I mean, obviously he was a suspect.

GERAGOS: Obviously. You were not issuing search warrants, not impounding the car, not taking evidence, unless you suspected him of something, correct?

HENDEE: Correct.

GERAGOS: You suspected him. He told you that he was out in the Bay. He had described Brooks Island, correct? Or what you thought was Brooks Island?

HENDEE: Well, he didn't do it to me, but he did it to somebody.

GERAGOS: Well, and I assume Al Brocchini is somebody you know?

HENDEE: Yes.

GERAGOS: And he had described to Detective Brocchini that he was, that he saw an island that had a bunch of trash and a no-landing sign, and based upon, within a couple of days detectives had gone out there, pretty much convinced themselves that that was Brooks Island, right?

HENDEE: That he was talking about?

GERAGOS: Yeah.

HENDEE: I have been given that impression that that's what they figured it out.

GERAGOS: Okay. So in February you go up there and you decide, or somebody decides that they're going to do a search operation up in the Bay, correct?

HENDEE: Yes.

GERAGOS: Okay. Now, were you in charge of that operation?

HENDEE: Back right off the bat?

GERAGOS: Well, my understanding Cloward has been in here?

HENDEE: Yes.

GERAGOS: The two of you jointly were in charge of going through the Bay; is that correct?

HENDEE: Well, no, he was in charge of that at that time and I just went out there as support personnel that day and the following visit, on the 9th. I was just there to be on a boat in case evidence was recovered.

GERAGOS: Okay. Now, at that point the number of agencies that were involved, the San Francisco police dive team was involved; is that correct?

HENDEE: I believe so.

GERAGOS: Okay. And the best as you know on the 2nd, when you went out there, there was going to be a sonar search of both the Berkeley Bay and the San Francisco Bay; is that correct? I mean are there two locations that you refer to? One is the San Francisco Bay, one is the Berkeley Bay?

HENDEE: I don't know. I don't know.

GERAGOS: You write it as that way. Is there a reason, is there a reason you're writing it that way?

HENDEE: I, I think I just basically put that because that's, well, this is all the San Francisco Bay, but we're focusing on Berkeley. So, in that area.

GERAGOS: Okay. When you go out there on the 2nd, can you show the jury where, the area that you're searching or the sonar is being used on?

HENDEE: What we do is we got on a boat and we kind of did two tracks in this area, to finish up an area that had been started the day before.

GERAGOS: Okay. And that's on the 2nd?

HENDEE: That would be on the 1st, I believe. I did, I did mine on the 2nd.

GERAGOS: You're there on the 2nd?

HENDEE: Right.

GERAGOS: Okay. Your understanding is that the day before the San Francisco police dive team is out there, correct?

HENDEE: Well, and the side-scan sonar operators as well.

GERAGOS: Okay. So they drag a number of areas also within this rectangle, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, when they did that, you launched off of what, the area that I had been pointing at?

HENDEE: We launched out of the Berkeley Marina.

GERAGOS: Okay. And when you launched out of the Berkeley Marina, approximately what time was it? It shows here about, that you met, you and Cloward met about 8:00 in the morning; is that right?

HENDEE: Yes, sir.

GERAGOS: And you met over at the Naval base; is that right?

HENDEE: Yes.

GERAGOS: Okay. Now, you understood that the San Mateo water rescue team had already been out there searching the bottom of the Bay, right?

HENDEE: Yes.

GERAGOS: Okay. And now in addition to the San Mateo dive team, or the search, you also had the San Francisco dive team joining as well, correct?

HENDEE: To do any diving.

GERAGOS: Okay.

HENDEE: If we found anything on the San Mateo boat.

GERAGOS: So you move these, you go back and forth on these two tracks; is that correct?

HENDEE: Two trips up and down, if I recall right. And then we moved to a different area.

GERAGOS: And as, they're doing the same thing you described before. They're scanning on the boat, back and forth, the bottom of the floor, right?

HENDEE: Yes, sir.

GERAGOS: And they find an object. And then somebody gets called over to dive. That's the day before. You're told Hey, we got an object, it looks like something of interest, correct?

HENDEE: I don't know for sure what happened the day before.

GERAGOS: Okay. But there was an unknown object that was spotted and marked the day before, meaning they throw one of these anchors in that floats with a buoy connected to it?

HENDEE: If I may read the report, just to make sure.

GERAGOS: Sure. I assume you're reading 2232?

HENDEE: Yes.

GERAGOS: Do you need to do that to refresh your recollection?

HENDEE: Yes, please. Okay.

GERAGOS: Okay. Does that refresh your recollection?

HENDEE: Yes. We were on the track, we got interrupted to go out to scan an area where the dive team was presently diving on, looking for an object I think they found the day before.

GERAGOS: Okay. And when they find an object that they think they found the day before, they mark it somehow, correct?

HENDEE: Yes.

GERAGOS: And the way they mark it is they take some kind of a buoy device that has an anchor that they can drop, correct?

HENDEE: Again, I don't know what they used on that particular day because I wasn't there, but,

GERAGOS: Generally that's what they do?

HENDEE: In past operations that's how they do it.

GERAGOS: And when you go back and you dive, what do they find?

HENDEE: They found a pier piling, partially buried in the sand.

GERAGOS: So kind of a piece of wood that's round and partially buried, large enough to be spotted on the sonar, correct?

HENDEE: Yes. Apparently so.

GERAGOS: Okay. Now, at some point you said the water was too shallow to traverse; is that correct? The search was unable to progress all the way to the south shoreline. Can you show the jury where the south shoreline line 8 is near Fleming Point?

HENDEE: Okay. Fleming Point is right here. After we had done these two tracks right here, we moved over and tried to do an area in here. And it was just too shallow at that point.

GERAGOS: Okay. Now, when you say too shallow, we're talking less than two feet? Less than three feet?

HENDEE: I don't know. It was just too shallow for the boat operator to feel comfortable being in there.

GERAGOS: Okay. Now, the, you then did some, or you noted on that day that the first search, the water average depth was between twelve and sixteen feet, correct?

HENDEE: Yes.

GERAGOS: 2233?

HENDEE: Yes.

GERAGOS: Okay.

HENDEE: That would be in the first section that we did.

GERAGOS: Right. And you did that, you found even in that twelve to sixteen feet area you were able to locate this particular object of interest and then determine that it was a pier piling, correct?

HENDEE: Yes.

GERAGOS: All right.

HENDEE: I don't know what the depth was where they found the piling. That twelve to sixteen is the track mark we were making the 1st and 2nd. I'm not exactly sure where the piling was that they found. What the actual depth was there, I don't know.

GERAGOS: Okay. Now, there was also a some, and I'm referring you to 2234?

HENDEE: Yes, sir.

GERAGOS: You continue, it says on Sunday at 8:00 in the morning. Would this have been the following weekend?

HENDEE: Yes.

GERAGOS: The weekend of February 9th?

HENDEE: Yes.

GERAGOS: Okay. And at that point you and Owen and Cloward met again with the San Mateo water rescue team?

HENDEE: Yes.

GERAGOS: And the San Francisco police marine unit; is that right?

HENDEE: Yes.

GERAGOS: Okay. And you met them over at Treasure Island?

HENDEE: Yes, sir.

GERAGOS: The Navy base, right?

HENDEE: Yes, sir.

GERAGOS: And once again you were going to do a sonar search of the bottom of the Bay?

HENDEE: Yes, sir.

GERAGOS: And on that day you had four different boats; is that right?

HENDEE: Yes.

GERAGOS: Now, the, you and Owen rode out on the San Mateo boat, correct?

HENDEE: Yes, sir.

GERAGOS: And you went out to a buoy that was number four; is that right?

HENDEE: Yes.

GERAGOS: You identify as buoy number four. Where is that on this map, People's 109?

HENDEE: Approximately somewhere in this area right here.

GERAGOS: Could you mark that with the red pen again? You call that buoy number four, right?

JUDGE: Just put a four there.

GERAGOS: Just put a four there. Or B-4.

JUDGE: B-4.

HENDEE: (Witness complies)

GERAGOS: Now, there was an object that had been spotted the day before, correct?

HENDEE: Yes, I believe so.

GERAGOS: And divers responded, right?

HENDEE: I believe so, yes.

GERAGOS: Found a metal girder, correct?

HENDEE: Yes.

GERAGOS: Okay. And then, again, they found the, the sonar found another object after that and divers went down again, and this was over at the base of buoy number six. Can you put that down where that was? Is that somewhere fairly close to buoy number four?

JUDGE: Where you locate it, mark it B-6.

HENDEE: (Witness complied)

GERAGOS: It turned out when the divers went down there that what they spotted turned out to be the chain for the buoy?

HENDEE: Yes.

GERAGOS: Okay. And then while the divers, the San Francisco divers are over at buoy number four, then the, or buoy number six, they go, the San Mateo boat go over and back to buoy number four? You guys are bouncing back and forth, I guess, between the boats, these boats are bouncing back and forth between various areas outside of this rectangle here and over in this area of the Bay, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. You find, you find a pier piling at one, you find a buoy chain at the other, and you go back to buoy number four and then you go down and find a crab trap, right?

HENDEE: I don't know. I'd have to look.

GERAGOS: Last two words on 2234?

HENDEE: Yes.

GERAGOS: Okay. So apparently the sonar was sophisticated enough that it could locate this crab trap, the divers went down, and they did find what turned out to be a broken crab trap?

HENDEE: I believe so.

GERAGOS: Okay. Now, at about 11:30 on that same day you also had a private boat out in this search area, correct?

HENDEE: Yes, sir.

GERAGOS: And that was with two citizens that had a 20 foot fishing boat; is that right?

HENDEE: Yes, sir.

GERAGOS: They also had, on their fishing boat, side-scan sonar and water recovery equipment, correct?

HENDEE: Yes.

GERAGOS: The information you received is that this private citizen had participated in a number of water searches with the San Francisco police marine unit and the San Mateo water rescue unit, which are the same two units you guys were out there with?

HENDEE: Yes, sir.

GERAGOS: Now, you joined that boat, this private fishing boat that had the side-scan sonar and the water recovery stuff, correct?

HENDEE: Yes, sir.

GERAGOS: Now, once again, you worked around that area that was buoy four and six, correct?

HENDEE: For a short period of time we were there.

GERAGOS: Then you went in a counter-clockwise close to the shoreline search all the way around Brooks Island; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. We can't see it too well on here, but is it fair to say this buoy four and buoy six are in this, just a straight line towards the tip of Brooks Island?

HENDEE: Yes, sir.

GERAGOS: Okay. And it looks like it's a very short distance, relatively speaking, between Brooks Island and the other area right there; is that correct? The other piece of land that's jutting out?

HENDEE: Well, it's, it's a large area, but it looks small on the map.

GERAGOS: Well, and then you did a counter-clockwise move --

HENDEE: Yes.

GERAGOS: around Brooks Island on the shoreline, correct?

HENDEE: Yes.

GERAGOS: Okay. Now, as you did that, you noted that the water around Brooks Island is extremely shallow and quite often the boat couldn't get closer than a hundred to hundred fifty yards off shore, correct?

HENDEE: Yes, sir.

GERAGOS: And that is because the water surrounding Brooks Island is three feet or less at that time of the day, even at high tide; isn't that correct?

HENDEE: I don't know if it's high tide, but at that time of day it was three feet or less.

GERAGOS: Okay. Now, you found a number of objects that were revealed on the side-scan sonar, right? Revealed several underwater objects?

HENDEE: Yes.

GERAGOS: Okay. Now, what they would do is with this particular boat, when they would find an object, then you would make a couple of passes around it, view it from a number of angles, and you could eliminate, basically, if it wasn't something of interest, right?

HENDEE: Yes. But this particular operation showed me just how difficult it was, because once they thought they saw something, they have to make many, many passes back and forth looking for it, and sometimes they never found what they thought.

GERAGOS: Part of that was because of the nature of the boat that they were in; isn't that correct? Because it was a 20 foot fishing boat as opposed to something you could maneuver better than that? Wasn't that part of the problem with that particular operation?

HENDEE: I don't know if it was the boat, because you're looking at side-scan sonar images and the imagery is the same.

GERAGOS: Well, you went over out over these areas, after you went out on the 9th, you went counter-clockwise around Brooks Island, you then search over in this B-4, B-6 area, correct?

HENDEE: Well, we did that first.

GERAGOS: Right. First; then go over counter-clockwise?

HENDEE: Yes.

GERAGOS: Then you bring over the San Mateo boat? Isn't that called in as well?

HENDEE: After we, we called them in where, when?

GERAGOS: The areas, you outlined on a map the areas that you searched that day, correct?

HENDEE: Well, the San Mateo boat was doing their own thing at that time.

GERAGOS: The area is outlined in blue on your map where San Mateo is, correct?

HENDEE: Way down here at the bottom. I don't have blue. I have a black and white copy, but...

GERAGOS: Right over in this area right here?

HENDEE: Yes.

GERAGOS: Okay. So you want to draw that in where the San Mateo boat had searched as well? And that was in an area that was a rectangle that was on the map, at least to the left of the South Hamilton Shoal?

HENDEE: Right. But, again, I was not on this boat.

GERAGOS: You did map it out, didn't you?

HENDEE: Yes.

GERAGOS: That was an area that was searched on February 9th, correct?

HENDEE: As far as I understand, yes.

GERAGOS: And as far as you know there was absolutely nothing that was found of any evidentiary value, correct?

HENDEE: That is correct.

JUDGE: I think with this we'll take the evening recess.

GERAGOS: Sure.

HENDEE: Trying to get this right. Right here.

GERAGOS: And did you just put S M for San Mateo? That's where you were at?

HENDEE: Yes.

JUDGE: Okay. With that, ladies and gentlemen, remember you don't have to be here tomorrow afternoon. Just tomorrow morning.