Witness: John Latham

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Called by: Defense

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Examinations: Direct – Pat Harris

Day 1 of 1 for this witness

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Direct Examination by Pat Harris

HARRIS: Good morning, Mr. Latham. Some background. I just want to go through sort of your connection with the Peterson family, with Scott. So, first of all, you are Jackie Peterson's older brother, is that right?

LATHAM: That's correct.

HARRIS: Would you tell the jury a little bit about, you had how many brothers and sisters?

LATHAM: Well, I have one sister and two brothers. And I'm the oldest of the four of us.

HARRIS: And who is the next in line?

LATHAM: Next in line is my brother Patrick, who is 13 months younger, then my sister, and then our baby brother. Not baby any more, but the young one.

HARRIS: So it's you, then there is Patrick, then there is Jackie, and then there is Bob, is that right?

LATHAM: That's correct.

HARRIS: And Jackie is how much younger than you?

LATHAM: I guess five years. She tells us the same age, I think, for many years. Somewhere in that area.

HARRIS: Where did you, where were you born?

LATHAM: I was born in San Diego, California.

HARRIS: At a very early age was there a tragedy in your family?

LATHAM: I would say there was a tragedy in our family.

HARRIS: What happened?

LATHAM: Our father was, he was murdered in a robbery when I was five.

HARRIS: Your father own his own business?

LATHAM: He did.

HARRIS: He was robbed and killed?

LATHAM: He was robbed at his own business place. And I was the oldest of the four of us.

HARRIS: How old were you when he was murdered?

LATHAM: I was five.

HARRIS: How old was Jackie at the time?

LATHAM: She would have been very young. Younger than I by five years. I guess she was a baby.

HARRIS: After your father was murdered, your mother, well, let me ask you this. Your mother had a medical condition, is that right?

LATHAM: She developed a medical condition I think from the stress of my father's death.

HARRIS: What was that medical condition?

LATHAM: It was it's a fairly rare skin disease called Scleroderma, where your skin deteriorates, becomes brittle, and cracks. She just progressively got worse then until she passed away from that disease.

HARRIS: For most of, after your father died, for most of her life was she bedridden?

LATHAM: She was.

HARRIS: At that point, or at some point because of her situation, were you put into an orphanage?

LATHAM: We were. My mother tried to take care of us initially after my father's death, and she couldn't do that with four of us, and work, and try to make things happen, as best I recall. Certain things I do remember about that time of my life, but there is other things that, you know, that I don't. But she eventually put us in this orphanage with the Catholic sisters at Nazareth House in San Diego at the mission there.

HARRIS: And you stayed there until you were how old?

LATHAM: Well, it was a school that started at I think K, I remember young kids there. May be not kindergarten, but the 8th grade was the highest grade there. From there you had to go to school. Went to high school.

HARRIS: Now, you have had sort of an interesting life. What did you do after you got out of high school?

LATHAM: Well, when I got out of high school, I started working for the City of San Diego, Aquatics Division. We grew up near the beach, and we were around the water all the time. So it was a good job. I did all kinds of jobs. I think all of our family worked at early age and developed, you know, good work ethics and habits. So I worked for the city Aquatic Division. Gradually became a lifeguard there and a full time lifeguard while I was going to City College, after I completed high school.

HARRIS: Did you then move on to Colorado?

LATHAM: I did.

HARRIS: What did you do there?

LATHAM: I got a real interest in skiing, and so I left the area that I was living in and moved to Colorado. And from that point got drafted into the military, spent two years in the military.

HARRIS: What did you do in the military?

LATHAM: I was in a Special Forces group. That's what I was in.

HARRIS: After you got out of the military, I know you spent some time at Cape Canaveral, Florida.

LATHAM: I did. When I got out of the military, I had a clearance that allowed me to easily work on the Saturn, the Apollo project, which was the first moon shot thing at that time. So I was

fortunate to work at Cape Canaveral. And I spent a year and half working at Cape Canaveral and down range in the Bahamas.

HARRIS: I know at some point after that you migrated to Alaska, is that right?

LATHAM: After a year and half of working there, I had the opportunity to go to Alaska and go hunting there. And hunting was always a passion to me. Something that I developed an interest in pretty much on my own in high school. And so there was an opportunity, and I made enough money I could do something like that, so I did that.

HARRIS: How old were you at the time?

LATHAM: Well, I was, I'd say I was early twenties. 23, 24.

HARRIS: You there today, is that right?

LATHAM: That's correct. I live there as we speak.

HARRIS: Stayed there ever since?

LATHAM: Yes.

HARRIS: What is it you do in Alaska?

LATHAM: We have a bed and breakfast, guiding business, my wife and I and our family. I say our family. Our girls. They have always worked with us and for us. We guide big game hunting. We guide fishing in the summer time. We operate it as a B and B in the wintertime.

HARRIS: What's the name of the town?

LATHAM: Name of the town is Yakutat, Alaska.

HARRIS: What part of Alaska is that?

LATHAM: It's in southeastern. Almost exactly between Juneau and Cordova.

HARRIS: You mentioned children. How many children do you have?

LATHAM: I had four children.

HARRIS: And what are their names?

LATHAM: Well, I have three now. I lost, we lost a boy 23 years old.

HARRIS: What are the names of the three that are living?

LATHAM: The three that are, one of them is with us here. Rachel, Anna and Jennifer. Three girls.

HARRIS: At some point you made a decision while your children were in junior high to move them back to California, is that true?

LATHAM: That's correct. We live in a small village. It's a native, primarily native village. It is a secluded place with no road system to it. And the school system, as good as it is, was limited. And we wanted our children to have a little more in education, hoping to go on to college, so we brought them down and gave them the opportunity, which was an opportunity and decision on their part to attend school in San Luis Obispo.

HARRIS: Where exactly did you move them?

LATHAM: Well, we moved to Morro Bay. We rented a place there in the wintertime, but we still had to maintain our business and try to keep that going. So we would come down with them in the wintertime. And eventually we started coming back down, spending several months in the winter, which is our off season.

HARRIS: When they weren't living with you, where did they, excuse me, let me start at the beginning. Rachel is the oldest, right?

LATHAM: Rachel is the youngest.

HARRIS: Youngest. Where did Rachel live while she was in San Luis Obispo?

LATHAM: She lived with Lee and Jackie part of that time, and part of the school years.

HARRIS: Your relationship with Jackie, when you were growing up you were separated for a good part of that time, is that right?

LATHAM: We had a scattered childhood just because of the timing of ages were different. I graduated, went on to high school. She was still at the school orphanage there, and so we weren't very, very close. In some ways we just kind of pursued our own things. And we all worked at different jobs and things. And it was later on, as we started having families, that we renewed, like I think it was very common things for many people to do. You, as you get older you have family, you tend to get back together, when you weren't so close when you were younger.

HARRIS: Was Jackie instrumental trying to bring family back together?

LATHAM: She is probably the heartbeat of our family.

HARRIS: You, by the time you had left your daughter Rachel to live with her, you had reconnected, more or less?

LATHAM: That's correct. Because of Jackie, she contacted everybody. She's always been the mover and the shaker in the family, if you will, to try to get reunions together and get everybody. And always extended herself to everything, along with Lee. But she's the one that would do the calling, and you bring this, and you bring that.

HARRIS: I think you told me she never misses a birthday. She always sends a card, that thing kind of thing?

LATHAM: She never missed mine or my wife's or my daughters'.

HARRIS: The time that she spent with your daughter while she was in Morro Bay, you had the chance to be able to spend time with Jackie also because you would come down and visit, is that right?

LATHAM: That's correct.

HARRIS: And the more you got to sort of reconnect with your sister, what did you find out about her as far as her being a person, what kind of person she was?

LATHAM: Well, she's a sweetheart. She has been a sweetheart to our family. I have never, she is one of those rare people that rarely says a bad thing about anybody, even if she doesn't like them. She is stoic about things and thinks about things. She is absolutely delightful. She would do anything for anybody. I mean someone on the street would have as good a dinner at her house as I would, probably.

HARRIS: When you say she's stoic, is that somewhat of a family trait from your side of the family?

LATHAM: Well, I have seen that in her. I have seen it in myself. Although we do get emotional at times. We have had a lot of things happen in our lives, and you move on. You try to sort it out. And I would say she's not a whiner or, a whiner or a crier.

HARRIS: As you reconnected with Jackie, you also came to know her son Scott, is that right?

LATHAM: That's true.

HARRIS: How would you, what would be the opportunity that you would have to see Scott? I know you weren't, you were in Alaska most of the time?

LATHAM: Correct. So my time spent with Scott is not as much as other parts of the family because of where we lived. But I would see Scott. I have known Scott since he was born, and

their whole family, as much as we could get together we would. Ten, fifteen years ago, our biggest time spent together was probably they would make, try to make annual trips to Alaska with all of the family, all of the boys. And this would be, usually be over Thanksgiving where we would have a chance to catch up on things for the whole year, that kind of thing. And, quite frankly, up to that point, not a lot of us had a lot of money. Costs a lot of money to go take the whole family back and forth. We were all working. All of their kids were working. Would spent part of their money to get up there, help themselves get up there. And we would have just a really nice week bird shooting, generally. And then I would see Scott when I was there, when I was in San Luis Obispo. As I said, one of our daughters, the oldest one, when she started school in San Luis Obispo, she was a year ahead of the other one, so one was in grade school in Los Osos, which is very near San Luis Obispo.

JUDGE: Go back to question and answer.

HARRIS: You were actually, when your daughter Rachel moved to San Luis Obispo, that was the time period that Scott was actually going to school there, is that right?

LATHAM: That's correct.

HARRIS: So you had a chance, when you were coming to visit, a little more chance to interact with Scott at that time as well?

LATHAM: I did.

HARRIS: You told me last night how there was a problem with interacting, because he was, well, what was he generally doing?

LATHAM: He was usually working usually a couple of jobs, and he was, we would get together for dinner. We, where he worked, we would go there for dinner. We were there. He would come to our house on a regular basis. Take the girls places. Help out in that capacity when we were here.

HARRIS: When you watched the relationship between Scott and his mother, what comments come to mind?

LATHAM: Well, it's a very loving family as far as I'm concerned. He loves his mother, loves his father. I think we have close-knit families. We didn't have a lot of family when we were young, so I think maybe that's part of it. But they have been very close. And he's always been very respectful to me. I have heard this said several times before, but I have never seen any disrespect of any kind or arrogance from Scott.

HARRIS: You said he would come up, they would come up for these trips to Alaska to see you when he was a young boy. Did he get teased a lot by his brothers?

LATHAM: They would put it on him. He took it pretty well. He participated and did his share of loading, unloading, all the things you do when you are having fun. A certain lot of work there involved.

HARRIS: Always going to work?

LATHAM: He was always in there.

HARRIS: You mentioned to me as we were coming to court today something that had come to mind about your wife, when your wife. Did you have the opportunity to meet Laci?

LATHAM: We knew Laci, yes. We had dinner with Scott and Laci several occasions, as always, when we were down here. Laci was never at our home. She never came to Alaska. But we would see her on a pretty regular basis. She was in and out of my sister's house, out of Jackie's house all the time. They were very close.

HARRIS: When you say they were very close, did Jackie treat her as almost like a daughter?

LATHAM: Exactly like a daughter.

HARRIS: I was mentioning, you had mentioned about a story of Laci and Scott involving your wife having to go to the hospital. Could you tell us about that?

LATHAM: Well, it's just one of those things that I think most family members would do. But my wife was here alone. I was following her, coming down here taking care of things for a couple weeks in Alaska. And she ended up having to go to the emergency room. Jackie and Lee were gone. They tried to call them, and Scott got the call, came over with Laci and took her to the emergency room in Morro Bay or Los Osos. I'm not sure which hospital she went to. And then he took Laci home, then came back and spent hours, several hours with her, gave her a ride. Ended up she didn't, ended up not staying there.

HARRIS: From what you had seen, did that generally fit Scott's personality, the type of person that he was?

LATHAM: He was always helpful.

HARRIS: You have been sitting here in the courtroom today. You have obviously heard us talk about why we're here. And I'll ask you the question as well. Do you feel, do you feel like Scott should be given life in prison as opposed to the death penalty?

LATHAM: I do.

HARRIS: Why?

LATHAM: I just feel that this young man, I will, for one, I don't believe he's guilty. I know he's guilty by trial, but in my heart cannot believe that. I have known this guy. I have known his family. I just can't believe that. And I would not like to see him die. Would tear our family apart.

HARRIS: Thank you. I appreciate that. That's all I have.