Witness: Carl Jensen

Date: 2004-10-18

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Called by: Defense

Phase: Guilt

Examinations: Direct – Mark Geragos; Cross – David Harris; Redirect – Mark Geragos; Recross – David Harris; 2nd Redirect – Mark Geragos; 2nd Recross – David Harris

Day 1 of 1 for this witness

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

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Direct Examination by Mark Geragos

GERAGOS: Mr. Jensen, good morning.

JENSEN: Good morning.

GERAGOS: You are an investigator for my office; is that correct?

JENSEN: That's correct.

GERAGOS: Okay. And to lead you through just a little bit of your background. How long have you been in law enforcement?

JENSEN: I was in law enforcement for about 14 years. 13, 14 years.

GERAGOS: Okay. Who employed you from 1979 to 1983?

JENSEN: U.S. Naval Investigative Service.

GERAGOS: What did you do for the U.S. Naval Investigative Service?

JENSEN: Criminal investigator.

GERAGOS: Okay. What did that involve?

JENSEN: Criminal investigations, felony investigations for the Department of Navy. I was assigned to a Marine Corps Air Station in El Toro and in Naples, Italy, for a while.

GERAGOS: From 1983 to 1988 what did you do?

JENSEN: 1983 to 1988, I worked for Visa International. And I worked in the Risk Management Security Division doing world-wide investigations on counterfeit cards and Visa Travelers Checks.

GERAGOS: When you left Visa from 1988 to 1995, who employed you?

JENSEN: I worked for the FBI.

GERAGOS: As what?

JENSEN: Special agent.

GERAGOS: Okay. What were your duties when you worked for the FBI?

JENSEN: I worked in an area called Foreign Counterintelligence.

GERAGOS: And did you leave the FBI at some point?

JENSEN: Yes, I did.

GERAGOS: Was that retirement?

JENSEN: Medical retirement.

GERAGOS: And you have been a private investigator for the last five years; is that correct?

JENSEN: Correct.

GERAGOS: And in that employment, I asked you to do a number of tasks; isn't that correct?

JENSEN: That's correct.

JUDGE: Mr. Geragos, your voice is sort of petering out. Can you keep your voice up?

GERAGOS: I'll keep it up, judge.

GERAGOS: One of the things that I asked you to do was to go down to Carmel; is that correct?

JENSEN: Correct.

GERAGOS: Now, when you went down to Carmel, specifically you were told that there was a location in Carmel that, hotel where they had stayed a week previous to her going missing; is that correct?

JENSEN: Right.

GERAGOS: Do you remember what the name of that place was?

JENSEN: Normandy Inn.

GERAGOS: Now, when you went to the Normandy Inn, you also were asked to go and see, in fact, how far it was, and where the Normandy Inn was in relation to the beach; is that correct?

JENSEN: Correct.

GERAGOS: Tell me what the results of that were.

JENSEN: I measured the, from the front steps of the Normandy Inn down to the end of the parking lot just before you enter the sand area of the beach, that would be going west, down Ocean Avenue. That distance was 1,419 feet. If you were to continue down to the water, right to the edge of the water, I could not use my measuring, it's a wheel, to go down there. But add another about 120, 125 yards. Maybe 150 yards.

GERAGOS: Is there any portion from the Normandy Inn down to the beach a steep grade?

JENSEN: It's all a grade going down. I can't tell you the percent grade. But once you get to the end of the parking lot and enter the sand area, levels off a little, and then it goes steeply down to the waterfront.

GERAGOS: Okay. How about the hotel itself? Were you able to take pictures of the hotel and what it looked like there? Did you take picture of the Normandy Inn?

JENSEN: Yes, I did.

GERAGOS: Is it a fair statement, to get up into the rooms there is a number of stairs and stairwells that you have to navigate?

JENSEN: Yes.

GERAGOS: Okay. And, in addition to that, getting to the beach and back, did you actually take that walk?

JENSEN: I did.

GERAGOS: How long of a walk was that?

JENSEN: Time wise I would have to look at the video. I don't recall. Twenty minutes. Fifteen minutes, twenty minutes down, I believe. Maybe less.

GERAGOS: That was you walking. Were you walking fast, slow? What were you doing?

JENSEN: My normal pace, which is,

GERAGOS: Were you also aware of a shopping mall near the location by the Camel location?

JENSEN: Yes, I am.

GERAGOS: Did you actually go and make a trip, a walk to that mall as well?

JENSEN: I did. I walked from the front steps of the Normandy Inn up to Sax at the mall.

GERAGOS: Is that even a farther walk from the Normandy Inn than the beach is?

JENSEN: I don't, yes, it is.

GERAGOS: Approximately how far is that?

JENSEN: I did not measure that one. But it's, I would say, close to three quarters of a mile.

GERAGOS: Okay. One way or round trip?

JENSEN: I'm sorry?

GERAGOS: One way or round trip?

JENSEN: One way.

GERAGOS: Okay. So obviously about a mile and a half round trip, if you are going to walk from the Normandy Inn to Sax, and back?

JENSEN: Yes.

GERAGOS: Now, in addition to that, you also did some investigation about the Yoga Center; is that correct? In Modesto?

JENSEN: Correct.

GERAGOS: And previous the jury, previously the jury has seen a video. I'm not going to show it again. But you filmed a video of the Yoga Center; is that correct?

JENSEN: Correct.

GERAGOS: I'm going to mark,

JUDGE: I don't know if we previously marked it or not. If we didn't, we have got the CD.

GERAGOS: When you, this, is this the videotape that you originally took?

JENSEN: Could I see it?

GERAGOS: Sure.

JENSEN: See if it's the same label. Yes.

JUDGE: It's been marked D7E. Defendant's 7E.

GERAGOS: And was the, were you the one who actually took that videotape?

JENSEN: Yes.

GERAGOS: And specifically did you investigate to determine that there was only one way up to the Yoga Center back in December of 2002?

JENSEN: Yes.

GERAGOS: And when you did that, did the film that you took, walking up the stairs and coming back down, was that an accurate representation of what the Yoga Center looked like?

JENSEN: Yes.

GERAGOS: Now, in addition to that, the, you have been, at some point, asked to go out to the location of 523 Covena; is that correct?

JENSEN: Correct.

GERAGOS: And there is a series of pictures that you took over there specifically for an area next to the driveway; is that correct?

JENSEN: Correct.

GERAGOS: And that was something that was identified to you; is that right?

JENSEN: Yes, it was.

GERAGOS: And I'm going to show you some pictures. They have already been marked D6J-1, J-2, J-3, J-4, and D6P. Do those pictures look familiar to you?

JENSEN: Yes, they do.

GERAGOS: Can you tell the jury what they are? I'm going to put up on the ELMO.

JUDGE: Is it true they accurately represent the scene as you saw it, Mr. Jensen, where you took these photographs?

JENSEN: Yes.

JUDGE: All right. And how many have you got there, Mr. Geragos?

GERAGOS: These were already marked. These are D-1 that I identified.

JUDGE: Have already been marked?

GERAGOS: Already marked. I'm going to mark some new ones. These have already been marked.

JUDGE: New ones. When you get to the new ones we'll mark them.

GERAGOS: I assume, if I can put these out here. You took these so that somebody could get an idea as to where specifically this area was in the yard; is that correct?

JENSEN: Okay. On the,

JUDGE: Just a second. Mr. Geragos, for the record, you are showing them Defendant's Exhibit D6J-1 through what?

GERAGOS: Looks like 1 2 3 and 4. I have got 3, but I'll show that on the next. And D6P.

GERAGOS: Now, specifically I assume that you are looking, this is the Covena house standing over by Karen Servas's yard; is that correct?

JENSEN: Correct.

GERAGOS: Then this is a closer up view of the area right next to the fence, that would be bordering what was, at the time, Greg Reed's grandparents' house; is that correct?

JENSEN: That's correct.

GERAGOS: And then these are two views of the area right next to the driveway which would be where this gray car is parked; is that correct?

JENSEN: Right.

GERAGOS: Okay. Now, what you did here, when you went there, that was pointed that area, pointed out to, in January of this year; is that correct?

JENSEN: That's correct.

GERAGOS: When it was pointed out in January of this year, did it look substantially the same as when you went out to, I assume you went back out in September of this year?

JENSEN: That's correct.

GERAGOS: Does D7P, is that also another picture of that area?

JENSEN: Yes, it is.

GERAGOS: Looks substantially the same, both in January and in September when you were out there?

JENSEN: I recognize the area as far as in the dirt. I can't tell from here and from that photo about the concrete that's in the ground.

GERAGOS: Okay. Now, when you went out there, did you do something with the concrete in September?

JENSEN: I did.

GERAGOS: Okay. I have got, judge, a book. Rather than to pull all of them out, I'd just like to mark the book with the pictures, then I'll just flip it. I think there is a hundred four pictures.

JUDGE: Hundred four pictures. All right, that will be Defendant's 8H. Consists of a hundred four pictures. I assume you have shared these with the prosecution?

GERAGOS: I have.

GERAGOS: I'm going to show you this. You took these pictures on September 14th?

JENSEN: Correct.

GERAGOS: Is that correct? This is that same area that we just saw from the other photos?

JENSEN: Yes.

GERAGOS: And this is, I assume, the cement area?

JENSEN: It's the concrete area, yes.

GERAGOS: Concrete. I have been told I'm supposed to say that. You marked it here. What did you do? Looks like little flags?

JENSEN: Yes.

GERAGOS: Okay. And you were measuring that area as well?

JENSEN: That's correct.

GERAGOS: As you did that, why is it that you were doing this?

JENSEN: It establishes, in terms of doing a small crime scene, or even a large crime scene, when you identified a piece of evidence, you label it, label the piece of evidence. If it's appropriate to measure it, you measure it to establish its reliability, its credibility as it relates to the crime scene.

GERAGOS: Okay.

JENSEN: Removes all doubt as to where that item of evidence was taken.

GERAGOS: Okay. Now, and that's specifically what you did here. So that when we put this into evidence, we can see what it is you are pulling up; is that correct?

JENSEN: That's correct.

GERAGOS: So if we go through just briefly here, these pictures, you memorialize the pieces as you are pulling them up; is that correct?

JENSEN: Yes.

GERAGOS: And so we can then see specifically what the items were, and then,

JENSEN: Yes.

GERAGOS: Then the items you then picked up, did you then do something with them, the actual cement or concrete?

JENSEN: Yes.

GERAGOS: Called concrete?

JENSEN: Concrete.

GERAGOS: Okay. What did you do with them?

JENSEN: I packaged them up. They were labeled 1 through, I believe, 11, and then shipped to Mr. Steve Gebler. They were wrapped in bubble wrap and taped up, put into boxes and mailed to his office.

GERAGOS: Okay. Now, the, does this appear to be, you looked at this prior to coming to court today, right?

JENSEN: That's correct.

GERAGOS: Does this appear to be the concrete that you picked up from the side of the driveway?

JENSEN: Yes.

JUDGE: Mark that next in order?

GERAGOS: Yes, I would.

JUDGE: Defendant's 8I.

GERAGOS: Could I keep it all in box?

JUDGE: Concrete in box from driveway recovered by Mr. Jensen. Box with Concrete Pieces marked as Exhibit D8I for identification.

GERAGOS: When you picked these items up, you picked these items up, did you, as we saw from the pictures that you took, I assume you packaged them to send them to Mr. Gebler for testing; is that correct?

JENSEN: Correct.

GERAGOS: And when you did that, what day was that?

JENSEN: I don't remember the exact date that I shipped them.

GERAGOS: Did you go back out there with Mr. Gebler at some point?

JENSEN: Around the 27th of September.

GERAGOS: Of September?

JENSEN: Yes.

GERAGOS: When you did that, were you, did you also retrieve some more samples of this concrete?

JENSEN: I did not. Mr. Gebler took samples at that time.

GERAGOS: Okay. What, can you describe to the jury, I know that the pictures are there. But does it appear that there is some gravel in this area?

JENSEN: That whole area is, and the other thing I did was draw a sketch of the area, and with some measurements on the sketch.

GERAGOS: Do you have that with you?

JENSEN: I do not have it with me.

GERAGOS: Okay.

JENSEN: I think that's been submitted.

GERAGOS: Okay. And can you describe to the jury what that area looks like?

JENSEN: The area is, it's in the northwest section of Mr. Peterson's driveway, in the corner, northwest corner. Right in the corner is a tree. From that tree to a brick pillar, it's eight feet. It's eight feet from the outer perimeter of the tree to the west end, west side of the brick pillar. So you got an area eight feet by approximately 27 inches.

GERAGOS: Okay. And is there gravel in that area?

JENSEN: Yes, there is gravel scattered throughout that area.

GERAGOS: Okay. Is this gravel also in other areas of the yard?

JENSEN: Not that I could see. Not in that immediate area. I didn't check other areas.

GERAGOS: Okay. And when you went out there with Mr. Gebler, how long would you say the two of you were out there?

JENSEN: An hour. 45 minutes to an hour.

GERAGOS: I assume somebody was taking pictures on that occasion as well?

JENSEN: Mr. Gebler.

GERAGOS: And did he, the portions that he picked up, was that from the same immediate area that you picked up the portions that I have shown you there?

JENSEN: Yes.

GERAGOS: Thank you. I have no further questions.

Cross Examination by David Harris

HARRIS: Yes. Mr. Jensen, did you write a report about your activities in this?

JENSEN: Regarding the concrete, yes.

HARRIS: How many reports did you write?

JENSEN: Two. I believe two.

HARRIS: Regarding the concrete?

JENSEN: Yes.

HARRIS: Okay. Let's go through and talk about that. You were saying something about when you were doing a crime scene you document everything that you do; is that correct? Is that what you are saying?

JENSEN: Yes.

HARRIS: And in this particular case, first thing you do is, you go out to the house, you look at it, right?

JENSEN: Right.

HARRIS: You were advised that you were told to go look at that particular location in January of 2004?

JENSEN: When I first came on to the case, Mr. Harris, Pat Harris took me out there and showed me in the house. And at that time I was, the concrete that was in the ground there was pointed out to me.

HARRIS: So in January of 2004 you were aware that there was an issue about the concrete that was in that dirt area between the Petersons' house and what used to be the Reeds' house?

JENSEN: It was pointed out to me. The exact particulars at that time were not told to me.

HARRIS: Now, you have been mentioning something about how this is concrete instead of cement, and counsel was correcting himself because of that. Do you have any experience with concrete?

JENSEN: Just personal experience.

HARRIS: And that would be, you mix it up, making it yourself?

JENSEN: Correct.

HARRIS: And when you are done, cleaning off your tools and putting things away?

JENSEN: Right.

HARRIS: All right. And when you go out to the house January of 2004, you look at it. You are telling us that in January of 2004 it looks exactly the same as when you go back in September of 2004.

JENSEN: That is, as far as I can tell, right, there is quite a bit of debris there. I couldn't tell that there was any change in the integrity of the piece of concrete, no.

HARRIS: Okay. You are saying no change in the integrity. Let's talk about when you collected this. You first go out there, and you start collecting concrete from this location when?

JENSEN: September the 14th at 8:00 o'clock at night.

HARRIS: So you go out in the darkness, and you start collecting samples?

JENSEN: Well, Mr. Peterson has, Scott Peterson has floodlights out there, so the area was quite well lit up. There is floodlights right there in the corner.

HARRIS: Okay. The question was, you went out there at night to collect samples?

JENSEN: Right.

HARRIS: You go out there at night to collect samples. And in this particular date there was a concrete expert that was working for the defense at that point in time, wasn't there?

JENSEN: No, he was not.

HARRIS: You go out and you start collecting samples, and you are going to give them to who if there is no concrete expert?

JENSEN: I collected one sample that night. Okay? And the other sample was collected on the 16th. Another portion of it was collected on the 16th.

HARRIS: How many samples were collected on the 14th?

JENSEN: One.

HARRIS: Do you want to look at your report down at the bottom where it says a total of five samples of gravel were taken?

JENSEN: Okay. I'm talking about the actual concrete. You are referring to some gravels that I picked up that were along the north edge of the concrete. In my just gross examination of that, in looking at it, just appeared to be gravel, so I did collect the gravels.

HARRIS: You go out in the dark on the 14th. You collect gravel. And you are going to send those to who, since there is no concrete,

JENSEN: Did not send those to him.

HARRIS: Who were you going to send them to?

JENSEN: We brought those, if we were doing our own examination to see if the small sample that I took from that irregular shaped piece had pea gravel in it. It was, so we were testing it for that. But we did not send that off to Mr. Gebler.

HARRIS: So you collected samples from the scene on the 14th, and you didn't give them to your expert when you came back?

JENSEN: Not that sample.

HARRIS: You were looking at those samples to see if it had pea gravel; but you said that this is gravel, that wasn't, it wasn't concrete?

JENSEN: No, that's not what I said. What I said, because it was, you have got a concrete piece out there, and all throughout that dirt you have three quarter, what I would call three quarter inch gravel. I can say that, based on my own experience using that, it had three quarter I gravel that came up to that. So I collected three samples and put them in three small vials, of the three quarter inch, with some little pea gravel in it, I'm sure. I collected those. But those were not submitted, mailed off to Mr. Gebler.

HARRIS: So you go back on the 16th. Did you have an expert to, do you have an expert on concrete to send the samples to?

JENSEN: I do not know if Mr. Gebler was contracted or not by the 27th. He was when I went out with him.

HARRIS: Did you go back on the 16th with a shovel?

JENSEN: Correct.

HARRIS: And do you remember in the video actually shoving the shovel into the concrete, having to jump up and down on it to try and get it out of the ground?

JENSEN: I was inserting the shovel between the concrete and the driveway to remove it, that's correct.

HARRIS: So you remember jumping up and down on the shovel to try to and get it to come out of the ground?

JENSEN: Yes.

HARRIS: So this wasn't a piece of concrete that was laying loose on the surface, was it?

JENSEN: Well, the on the surface of the ground? I'm not sure what you mean by that.

HARRIS: Well, when you are using a shovel, and you have to force it between something, and you have to jump up and down on it to pry it up out of the ground, which is a sample you have in your box there, would you say that that's something that you could have just picked up off of the dirt there?

JENSEN: Well, there are parts of it that can be picked up. But where it was right to the edge of the concrete, no. The ne 12 ground is very hard there. Concrete is hard. And it took some doing to remove that. Once it separated a little bit, it came up very easily.

HARRIS: You mean once it broke away from the driveway?

JENSEN: I can't say that the two were the same, if that's what you are, they are two distinct things that we're talking about here.

HARRIS: Let's go through this. You have a number of samples here in your box, right?

JENSEN: Right.

HARRIS: And how many of these samples did you send to your concrete expert?

JENSEN: I believe there were eleven.

HARRIS: Eleven samples. Of those eleven samples, how many of them were tested by your concrete expert?

JENSEN: He would have to testify to what he, how many of those eleven samples he looked at. I do not know.

HARRIS: Okay. So you collect these samples on the 16th. You don't even have an expert to send them to. You box them up. At some point in time, you ship them off to somebody, right?

JENSEN: Again, I do not know if they had a concrete expert at that point.

HARRIS: So it was just on your own initiative?

JENSEN: No. No.

HARRIS: You go out there to collect these samples?

JENSEN: No. I was asked to go out by Mr. Geragos and Mr. Harris to collect it.

HARRIS: And this time when you go back on the 16th, you do it during the daytime, don't you?

JENSEN: That's correct.

HARRIS: This time go out, back out during the daytime, you set up a video camera, and you run this video camera for about fifty plus minutes?

JENSEN: Correct.

HARRIS: So it takes you fifty minutes to get these samples out of the ground?

JENSEN: It takes fifty minutes to do, to remove, those to photograph. Took a hundred four photos of that. So it takes a lot of time to do it correctly.

HARRIS: And to dig them up out of the ground?

JENSEN: That's the time that it took, yeah.

HARRIS: You talk about the hundred four photographs. Did you take photographs back on the 14th?

JENSEN: Yes.

HARRIS: You took photographs of the samples?

JENSEN: Yes.

HARRIS: So you don't send those to your expert. You send those from the 16th to your expert; is that correct?

JENSEN: On the 16th.

HARRIS: You go back again on the 28th; is that right?

JENSEN: 27th.

HARRIS: 27th. Go back. So you go back on 27th with Mr. Gebler.

JENSEN: Correct.

HARRIS: And Mr. Gebler is the concrete expert?

JENSEN: Yes.

HARRIS: Now, when you were there at that point in time, was there anything different from when you had been there on the 16th to the 27th?

JENSEN: Well, the concrete that I had removed wasn't there. The area appeared to be the same other than that. The concrete was gone that I had personally picked up. But I'd only taken the a portion of it.

HARRIS: Only a portion. So he is able to find more concrete over by the fence posts with the fence that goes to the neighbor's yard, right?

JENSEN: Well, it's in the dirt. I can't say where he collected it. You are going to have to ask him. Because he was doing his crime scene at that time.

HARRIS: When you see him collect samples on that particular day, so there is more concrete there on that particular day?

JENSEN: That's correct.

HARRIS: And there is concrete right up to the fence of the neighbor's property, right?

JENSEN: There is some right at the edge of the fence.

HARRIS: And when you looked under that, what's just on the other side of that fence?

JENSEN: I know what you are referring to. And there is not, on the other side is a sidewalk, but it's about eight to twelve inches away from the fence I believe.

HARRIS: And it slopes down from that sidewalk toward the fence, doesn't it?

JENSEN: I don't think so.

HARRIS: And there is a hole right underneath where the fence is at, and that's where one of these concrete samples came from, isn't it?

JENSEN: No, I can't say that. I'm not sure what you are referring to.

HARRIS: Well, were you aware that the next door neighbor in 2004 poured that sidewalk, put in a new concrete sidewalk?

JENSEN: No, I'm not aware of that.

HARRIS: Were you aware that they put in new concrete footings for the house in 2004?

JENSEN: I saw that they were digging footings, but I haven't seen that they used any concrete, or had finished it when I was out there talking to the neighbor.

HARRIS: Were you aware that they put in a new pool, an in-ground pool?

JENSEN: Yes.

HARRIS: Were you aware that, because the property line between the old Reed house and the Peterson property is so small, they couldn't get a Bobcat through there, so they had to use the Peterson driveway to truck all of their materials through, to go back and put these items in? Were you aware of that?

JENSEN: I'm aware, after talking to Vladimir they told me they were simply going to drive a Bobcat across Mr. Peterson's, Scott Peterson's driveway, through the fence area, remove a section of the fence by the swimming pool to dig the swimming pool.

HARRIS: They did that, didn't they?

JENSEN: I wasn't there, but there was indications that they had done some work. They did, I did see the fence removed. I saw quite a bit of mud, dirt on the driveway from obviously moving the dirt from where they dug the swimming pool.

HARRIS: Didn't, you are indicating the neighbor's name is Vladimir. Didn't he also tell you they put in a new driveway?

JENSEN: That I don't know. He did not, we didn't get into any of that.

HARRIS: So you are aware, at least, that it was their intent, if not they had already done, to put in a lot of concrete work in the house next door?

JENSEN: I knew they were putting in a swimming pool, and I knew eventually, based on seeing the footings dug, that eventually they would be.

HARRIS: Now, you talked about before in your own concrete experience, did you ever put in a sidewalk?

JENSEN: Yes.

HARRIS: So when you put in a sidewalk, you have a frame, right?

JENSEN: Right.

HARRIS: You pour your concrete in it? What's that step that you do, the screening?

JENSEN: Screeding. Which part? I don't know.

HARRIS: When you pour it there, don't you take some type of leveling device, like a two-by-four, scrape it across the top?

JENSEN: Right.

HARRIS: And all the, what's called the waste screed, it falls outside to the edge of that?

JENSEN: Okay, right.

HARRIS: In that short distance next to the sidewalk, going toward the fence, would be where some of these samples were collected?

JENSEN: On the other side is a sidewalk, and it's bordered with a fence that the boards go down into the ground.

HARRIS: And when you are, certain types of sidewalks, when you deal with them, don't you hose them off for your finish?

JENSEN: Depends on,

GERAGOS: No foundation. Objection.

JENSEN: I can't,

JUDGE: He's testified he's done a sidewalk. Overruled. Go ahead.

HARRIS: You are not familiar with that?

JENSEN: I'm not familiar with hosing off. I have never done any where I've hosed off a sidewalk. If you are talking about getting a particular type of finish, I haven't done that.

HARRIS: All right. Now, you have talked about this Carmel trip, and I just want to go through that a little bit as well. You said that it was a certain number of feet from the hotel to the parking lot; is that correct?

JENSEN: To the west edge of the parking lot.

HARRIS: One of the things counsel also asked you, there is a number of sidewalks, or a number of steps or stairs inside the hotel?

JENSEN: Right.

HARRIS: Just so we're clear about this. This is not, let's get the picture in our mind what we're talking about. This is an old-fashioned kind of hotel where there is a courtyard in the middle

where you drive your car into, right?

JENSEN: Right.

HARRIS: And then you have lower level rooms, and you have upper level rooms, right?

JENSEN: Correct.

HARRIS: If you go to an upper level room, you walk from the courtyard, from your car, up the steps the upper level room, right?

JENSEN: Right.

HARRIS: If you are in a lower level room, you walk right into the room.

JENSEN: There are some steps that lead to the lower level rooms from that courtyard.

HARRIS: But you can park your car right next to your room, right?

JENSEN: Depend if there is a parking place available. Depend on where your room is in that.

HARRIS: Did you find parking when were you there?

JENSEN: No, I didn't park there.

HARRIS: You didn't park in the parking lot?

JENSEN: No.

HARRIS: You took a picture of the parking lot?

JENSEN: Right.

HARRIS: So you can park your car there if you are a guest, right?

JENSEN: Right.

HARRIS: And you don't have to pay for it. It's part of being there, part of your room?

JENSEN: Right.

HARRIS: Now, so you leave the parking lot, you walk down this hill you described to us, and you get to another parking lot, right?

JENSEN: Correct.

HARRIS: And that parking lot is right on the edge of the beach?

JENSEN: No, it's not right on the edge of the beach.

HARRIS: You step off the parking lot, what do you step on to?

JENSEN: You have to walk from your car to the edge, and then there is a flat area of sandy area. But the beach is way down below. You have got a hundred, a hundred twenty-five yards more to go to the edge of the beach.

HARRIS: So,

JENSEN: To the water.

HARRIS: So you weren't there when this trip took place with the Petersons, were you?

JENSEN: No.

HARRIS: So you don't know if they drove their car from the hotel down to the parking lot, do you?

JENSEN: No.

HARRIS: You talked about going from this hotel to this other shopping center. In fact, you have, you videotaped this entire experiment as well, didn't you?

JENSEN: Right.

HARRIS: You videotaped going down to the beach. You took pictures with your camera, your video camera on the tripod even, right?

JENSEN: Right.

HARRIS: You pick up the camera, you walk back up the hill. You took some video around the hotel, then you take this walk through Carmel going to this particular this shop there. I think you said it was Sax, right?

JENSEN: Correct.

HARRIS: There aren't any parking spaces by Sax?

JENSEN: I believe you can park on Ocean Avenue and some of the other streets parallelling that, and in the area.

HARRIS: So there is nothing in what you saw, in fact, you have to stop, sometimes, your video to let traffic go by, right?

JENSEN: At the streets, yes.

HARRIS: So there is nothing in Carmel that prevents people from parking near shops, or restaurants, or hotels, is there?

JENSEN: No, not at all.

HARRIS: Now, these photographs that you were being shown, these ones that D6P, J-1 J-2 and J-3. I don't know where they went to. Let me ask you about those. D6P. Start with that one. When was that one taken?

JENSEN: I can't tell when I took this one.

HARRIS: Does it look like nighttime to you?

JENSEN: I simply can't tell. Does have a darker edge around here, but it's used with a flash camera, with a flash.

HARRIS: Let's look at D6J-1. Show you pretty much the same location. Do you see that, does this, in that photograph? You do see shadows in there, don't you?

JENSEN: Right.

HARRIS: If there is shadows, that would tell you, one, it's daytime, right?

JENSEN: Right.

HARRIS: We know if that picture is daytime, when was it that that picture was taken?

JENSEN: There one here?

HARRIS: Yes. D6J-1.

JENSEN: This was taken July 29th.

HARRIS: And you are using the same camera in that picture that you used when you took the other pictures on the 14th, right?

JENSEN: No. Some of them were taken with different cameras. Different digital cameras.

HARRIS: And these digital cameras always use a flash?

JENSEN: They have a flash, right.

HARRIS: So both of your digital cameras that you used to take these pictures would use a flash if it was in shade, right?

JENSEN: Sometimes it pops up, sometimes it doesn't.

HARRIS: So what, your best recollection at this point in time, you can't tell us when these photographs were taken, except for maybe the daytime picture, right?

JENSEN: I'm not sure when this one was taken.

HARRIS: You are referring to D6I, D6P?

JENSEN: Right.

HARRIS: Now, these other pictures, D6J-2 and D6J-4, you can tell those are taken in the daytime, correct?

JENSEN: Correct.

HARRIS: As you can see that it's light in those photographs, can't you?

JENSEN: Right.

HARRIS: So you were talking about how you are documenting the scene. Isn't it important for you to be able to tell when you take the photographs?

JENSEN: Yes.

HARRIS: And that's something that you can't do, can you?

JENSEN: I can do with these. I can't say positively the date that I took that one. These were taken July 29th.

HARRIS: Now, this picture here, D7P, that's not a photograph you took, is it?

JENSEN: I don't believe so. I'm not familiar with that.

HARRIS: Does it look like the same location?

JENSEN: Yes.

HARRIS: All right. Put this up on the screen. That's the same location, or appears to be to you. You were describing things for us. I'm going to go through this. You did a diagram, didn't you?

JENSEN: Yes.

HARRIS: And so the diagram would give us all the measurements and show us where all these different locations are, right?

JENSEN: Ones that I, of the concrete that I was examining and collecting.

HARRIS: Okay. And that would be on what date?

JENSEN: The diagram was done on September 16th, from that.

HARRIS: It wasn't the nighttime one?

JENSEN: No.

HARRIS: Was the time when you went out there without any concrete expert and pulled up that box full of stuff?

JENSEN: Right.

HARRIS: That you have to use the shovel to get out of the ground?

JENSEN: Correct.

HARRIS: Now, looking at this particular photograph up here, same general area, what's the distance between this bush on the right side of the photograph and the tree in that picture?

JENSEN: Well, in back of the, I'm assuming that it's still there, but that bush covers the brick pillar.

HARRIS: Mr. Jensen, I want to, I don't want you to assume anything. I want you to testify what you know from being there at that location. If the bush is right there on the right side of the photograph, what's the distance to that tree?

JENSEN: From the bush I can't say, because I took it from the west edge of the brick pillar to the east end inside of that tree. It's eight feet.

HARRIS: To the brick pillar?

JENSEN: Yes.

HARRIS: So this photograph right here, what we're talking about is at least an eight-foot segment in the dirt from what we can't see from the brick pillar all the way over to that tree right?

JENSEN: Eight feet, correct.

HARRIS: And how deep is that going from the driveway back to the fence?

JENSEN: 27 inches. Approximately, it varies, depending on where you take that measurement.

HARRIS: Now, in your, to go through this process, you know it's 27 inches, because you took a tape measure, you laid it on the ground, took a picture of it, right?

JENSEN: Correct.

HARRIS: And you started over here on the right side where that brick pillar is at, correct?

JENSEN: Correct.

HARRIS: And what's right next to the brick pillar?

JENSEN: I'm sorry.

HARRIS: What's right next to that brick pillar?

JENSEN: From this photo?

HARRIS: I'm asking you what's next,

JUDGE: From your memory.

JENSEN: There is two fence poses.

HARRIS: And those fence posts go to what?

JENSEN: I'm sorry?

HARRIS: Those fence posts go to what?

JENSEN: The fence.

HARRIS: And they hold up?

JENSEN: The fence.

HARRIS: Okay. Did you check to see what those fence posts were in the ground with?

JENSEN: Well, there is some concrete.

HARRIS: Oh. How long has that fence been there?

JENSEN: I have no idea.

HARRIS: So we talked about the sidewalk to the neighbor, we know that the fence post is in there with concrete, right?

JENSEN: Right.

HARRIS: Did you take a sample of the fence post?

JENSEN: No.

HARRIS: So none of that concrete was ever sampled by you?

JENSEN: No.

HARRIS: Did you ever see Mr. Gebler take a sample of that?

JENSEN: No.

HARRIS: Because we have heard lots of questions about that before, about whether Brocchini's sample is the same as that fence post. You didn't take a sample of it, did you?

JENSEN: No.

JUDGE: What is that?

BAILIFF: That's the alarm system.

JUDGE: What is it, Jenne?

BAILIFF: It alarm to 2-J, judge.

JUDGE: We have no control over that interruption, unfortunately.

HARRIS: Now, when you, you said that you collected these samples, the ones that we have from the box, and you send them to Mr. Gebler. Do they come back in the same condition?

JENSEN: No. There is changes to it, because he's done an analysis on it. So there is some changes based on what their analysis is.

HARRIS: You know that he's done an analysis because you read his report, right?

JENSEN: I have seen his report, yes.

HARRIS: When you saw his report, you saw that he took one sample and kind of did something to it, cut it, epoxied it. He did that with another sample as well where he epoxied it, right?

JENSEN: I believe that's something like that. Yeah, I'm not, don't fully understand that, but that's --

HARRIS: So he tested two or three of them. And you sent how many again?

JENSEN: Eleven.

HARRIS: He didn't test the rest of them?

GERAGOS: Be an objection as to what?

JENSEN: I have no idea.

GERAGOS: There is no foundation.

JUDGE: Not so sure he knows what he did.

GERAGOS: The other witness is here, he can cross examine him.

JUDGE: Of course.

HARRIS: Did you look at your samples when you got them back?

JENSEN: No, I have not.

HARRIS: So when counsel was showing these to you, do you know that these are the same samples?

JENSEN: We haven't gone through every one. I do recognize this one right here. I'd have to look at the others. I'm sure I can make that determination.

HARRIS: Anything different about them?

JENSEN: At this point, after sending something out for a laboratory analysis, it's going to be difficult for me to take a look at this and say that they are exactly in the same condition that when I shipped it, because they have made, they have done their tests on it. So I think that's something that Mr. Gebler is going to have to testify to, in terms of what they did.

HARRIS: When you collect it and you document it, you photograph it, you can look at it and see if it came back in the same condition, can't you?

JENSEN: I'm sure I can. But, like I said, they have done analysis on it. And I don't know exactly what those analyses are. If it is still in the same, exact integrity as to when I shipped it, exact shape, I can't say that.

HARRIS: Does it appear that some of them are a little more broken than when you sent them?

JENSEN: I'm going to have you unpackage all these and take a look at it. If you want me to testify to that, I can't do that looking through bags.

HARRIS: So that's not something that you looked at before. You didn't examine the contents of your exhibits before you testified?

JENSEN: I can testify to what I shipped back, and the integrity of those pieces based on what I shipped. Once something has gone to the lab and part of it has been used for an analysis, we're going to have to undo these to do that. I have not taken those all out of the bags prior to coming here this morning, no.

HARRIS: Now, when you took these samples, did you weigh them?

JENSEN: I weighed the overall sample. The large portion, I weighed it. I believe it was like 23 pounds, 22 pounds.

HARRIS: Now, to go through that just so that we're clear. This large sample, you gave it what particular number?

JENSEN: Well, the large sample that I, the portion that I sent back to Mr. Gebler was in the eleven pieces. So,

HARRIS: To go through this, this big piece that you take the shovel and you have to dig out of the ground, when you are done doing that, it breaks into eleven separate pieces?

JENSEN: Correct. Very brittle.

HARRIS: So you take those eleven separate pieces, and you put them in a container, trying to put the mosaic back together to make it look like how you collected it; is that a fair statement?

JENSEN: Reconstruct it, correct.

HARRIS: So you take this reconstructed piece of the concrete that's broke when you pry it out of the ground, put it in the container, shipped it off to the concrete expert, right?

JENSEN: Correct. They were labeled, photographed.

HARRIS: Each one of those items was given a specific number?

JENSEN: Correct.

HARRIS: The first number was,

JENSEN: Number one.

HARRIS: But one through eleven. But what was the, was it called A, B, C? How did you designate one from any other one sample?

GERAGOS: Objection. Vague.

JUDGE: I'm not so sure I understand the question. Were there other samples that were broken off, and other samples of concrete?

JENSEN: I sent one portion back to him, and they were each, it was reconstructed and overall photograph was taken it, and every one labeled one through eleven.

JUDGE: So you went one through four, five, six, et cetera, ad seriatim, through eleven?

HARRIS: What did you label the other samples that you collected?

JENSEN: I'm not sure that is the sample.

HARRIS: I'm asking, what did you label the other samples that you collected?

GERAGOS: There is an objection. I believe it assumed facts not in evidence.

JUDGE: Overruled, I think I'm going to sustain the objection, unless you lay a foundation that he did mark the other samples. Did you mark the other samples you collected?

JENSEN: You are talking about on the 14th then in the evening?

HARRIS: No. I'm talking, I'll go back through this with you. Those items in the box, were those all just strictly that one through eleven?

JENSEN: Yes.

HARRIS: You didn't collect anything else that day?

JENSEN: No.

HARRIS: So those one through eleven, you didn't collect soil samples?

JENSEN: No.

HARRIS: You didn't collect pieces of gravel?

JENSEN: No.

HARRIS: You didn't collect loose debris?

JENSEN: No.

HARRIS: You didn't collect any other pieces of concrete?

JENSEN: No.

HARRIS: So the only items that you collected on that day of concrete were those items one through eleven?

JENSEN: Correct.

HARRIS: Those are shipped back marked as one through eleven?

JENSEN: Correct.

HARRIS: When you were collecting these items, did you just use your hands?

JENSEN: I used a shovel, yes. And we saw in the video, I used my hands. I had gloves on. I believe that's it.

HARRIS: So the only sample that you collected for the, that was sent back to the laboratory to be tested was a sample that you had to use a shovel to get out of the ground, right?

JENSEN: I believe that's correct.

HARRIS: If I may have a moment.

JUDGE: Sure.

HARRIS: People have no other questions.

Redirect Examination by Mark Geragos

GERAGOS: He asked you about that trip to Carmel. Did you see people walk from the hotel area over to the Sax?

JENSEN: Yes.

GERAGOS: Okay. Turned out that there is a lot of people there in Carmel that walk, going back and forth?

JENSEN: Yes.

GERAGOS: Lots of people walk from the hotel to the beach?

JENSEN: Yes.

GERAGOS: Is there any way that you can drive a car on to the beach?

JENSEN: No.

GERAGOS: Now, Mr. Harris asked you about this neighbor and the fence. Do you remember that?

JENSEN: Yes.

GERAGOS: Okay. Got a picture here. Is that where the fence was, where the neighbor went through?

JENSEN: Yes, it is.

GERAGOS: Mark that as defense next in order.

JUDGE: That would be Defendant's 8J.

GERAGOS: That's nowhere near the area where the concrete sample was taken, is it?

JENSEN: Not at all.

GERAGOS: In fact, that's the infamous barbecue, the burned chicken barbecue, isn't it?

JENSEN: Yes, sir.

GERAGOS: Tell me something. Is that burned chicken barbecue, does that have a top on it that you can slam down, that's on a hinge?

JENSEN: No.

GERAGOS: Is that a basically a rain cover that's on top of it?

JENSEN: Yes, it is.

GERAGOS: Okay. And is that rain cover, if you slammed, can you slam it down?

JENSEN: There is no hinges on it, so I don't know how you would slam it down.

GERAGOS: Now, this area here that's on this photo where the neighbor tore the fence down, this is the backyard, isn't it?

JENSEN: Yes, it is.

GERAGOS: Okay. And the photo, and the area where the cement is is in the front yard, isn't it?

JENSEN: Yes, it is.

GERAGOS: Okay. So when Mr. Harris is asking you about, these questions about couldn't the fence have been taken down, has absolutely nothing to do with this fence. This fence wasn't taken down by the neighbor was it?

JENSEN: No.

GERAGOS: Okay. It appears that the fence goes all the way down to the ground; isn't that correct?

JENSEN: That's correct.

GERAGOS: Okay. Is there any indication whatsoever that there was any, if, you took a hundred four pictures, right?

JENSEN: Right.

GERAGOS: And when you took those pictures, you put a label on them that said what day you took the pictures, right?

JENSEN: Right.

GERAGOS: You put it right there so that anybody who wants to know, could open the book and see that they were taken on 9-14, correct?

JENSEN: On 9-14. And then the others were on 9-6.

GERAGOS: Was Mr. Harris was asking you about the cement sidewalk. This is the driveway on the Petersons' house, right?

JENSEN: Correct.

GERAGOS: This is the fence that goes over on the Reeds' house, right?

JENSEN: Correct.

GERAGOS: Okay. Were you aware of any way that when you are screening concrete on the, along the fence on the Reed side, it's going to jump right over and go next to the concrete next, the concrete in the driveway here of the Petersons? Wouldn't you expect to screen it off on the sidewalk, that the cement would be over here where my finger is?

JENSEN: That's correct.

GERAGOS: Okay. And wouldn't you expect that if somebody poured cement here, because their trashcan is over here, that that would make sense, they could step on this without getting into the mud?

JENSEN: That's a possibility, yes.

GERAGOS: Okay. These two fence posts, that are, the two fence posts that are in the picture, you saw those, correct?

JENSEN: Yes.

GERAGOS: That's the pillar that's next to the fence post?

JENSEN: Yes.

GERAGOS: And you put the little flags in there so that anybody who wants to look can see what the outer reaches of the cement was; is that correct?

JENSEN: I'm not sure I understand what you mean by the --

GERAGOS: Why did you put the little flags in there?

JENSEN: I was collecting gravels from that area.

GERAGOS: Okay. Now, when you were collecting it and doing this, Mr. Harris kept asking you if you used a shovel. Do you remember that?

JENSEN: Yes.

GERAGOS: Okay. And is that so that you could get the most of this piece of cement up, or what?

JENSEN: If I had tried, which actually on the 14th I tried to lift it and I couldn't do it, the piece broke off. And that's what, on the 14th, you are looking at those photos. And I collected a sample from a piece that broke off. That's why I went back on the 16th. I went back with a shovel, a flat-edge shovel to insert down so I could try to remove that whole thing in one piece. Problem was, it was very, very brittle.

GERAGOS: Okay.

JUDGE: And so your goal was to try to lift it all up in one single piece?

JENSEN: Correct.

GERAGOS: When you did that, it broke up into eleven pieces that you then packaged up eleven pieces and sent back to CTL; is that correct?

JENSEN: Correct.

GERAGOS: I have no further questions.

Recross Examination by David Harris

HARRIS: Counsel was just asking you about this fence, about this fence, saying there is nothing to do with the driveway portion. Did they have to take off that gate right there by the trashcans to go through to get to that hole in the fence?

JENSEN: Right by the trashcan that was taken, my understanding from, the portion that was taken off was over to the left to the house, at the house.

HARRIS: So they took that fence where we have seen the picture, you have been here in court for a long period of time. We're looking at the, from the driveway, looking to the end of the driveway towards the backyard. That whole section of fence had to be removed?

JENSEN: No.

HARRIS: Which part of the fence?

JENSEN: My understanding was that it was a section right where the gate was, and to the left of the gate and to the house.

HARRIS: And then they put a whole pile of dirt in the driveway too, right?

JENSEN: I don't know about that.

HARRIS: So you weren't aware of when they were stacking concrete in the driveway?

GERAGOS: Be an objection. Assumes facts not in evidence.

JUDGE: Sustained.

GERAGOS: There is no proffer,

JENSEN: I don't know.

JUDGE: He doesn't know. Sustained.

HARRIS: You don't know when they did, when they cleaned their tools off, do you?

JENSEN: No.

HARRIS: When you clean off your tools, what you do, because the concrete paste sticks to everything, correct?

JENSEN: Yes.

HARRIS: It's been mixed, you have to get a hose, and you have to start squirting that off, and it leaves that paste when you squirt it off, doesn't it?

JENSEN: I'm not sure what you mean by paste. If you are talking about literally concrete, I don't know.

HARRIS: Where you have done it before, you cleaned off your tools, doesn't it leave gray material all over your tools?

JENSEN: Sure.

HARRIS: You have to hose that down so it doesn't permanently stick to it?

JENSEN: Right.

HARRIS: And when you hose that down, it kind of puddles up around places, doesn't it?

JENSEN: It can.

HARRIS: Well, in your experience that's what you have seen.

JENSEN: It can, or it can soak into the ground. It can just sit there.

HARRIS: So counsel was asking you about this sidewalk which is right next to the fence. Didn't you state in your report, if you have look under the fence you see the sidewalk?

JENSEN: I know what section what you are talking about in that report. When I made that observation, that was a gross examination. When I went out there with Mr. Gebler, I was completely wrong on that observation. That was not concrete at all. You can't see under that there because of that.

HARRIS: Okay. So you make an observation, you write in your report, you write in there you can see under the fence, you can see the sidewalk, right?

JENSEN: No, that's not the way it's worded. I didn't say you could see under the fence. There is no way to see under the fence. What I said, I believe, without looking at my report right now, is that I thought there had been some concrete would be in that. But I'm wrong on that. There is no concrete from the neighbor's sidewalk.

HARRIS: So in your lay experience, but your experience with concrete, you see something up against that fence that you thought was from the neighbor's sidewalk?

JENSEN: I thought at the time, and I was wrong on that. What I was looking at could have been some type of crystallization in the soil, maybe salt crystals. It definitely wasn't concrete. I was completely wrong in that observation.

HARRIS: That's when your expert came out and told you these things?

JENSEN: No. I made that observation when I was out there. He didn't have to tell me. I was clearly wrong on that, on that observation.

HARRIS: So you made the observation on the 14th, then you go back and change your observation on the 16th?

JENSEN: No. All I'm saying is, is that I made that observation, I thought I was correct on that. And when I was out there on the 27th with Mr. Gebler, looked at it again, and I was wrong.

HARRIS: These photographs, these photographs that counsel was showing some out of this book, after looking at that, does that tell you when that other photograph was taken?

JENSEN: I believe that this was taken on the 14th at night.

HARRIS: All right. So looking at that book does help refresh your recollection as to that?

JENSEN: Yes, it does.

HARRIS: And these, counsel was asking you that anybody could look at these photographs, and they can figure these things out for themselves. Do you remember that question?

JENSEN: That anybody can?

HARRIS: Un-hun.

JENSEN: I don't remember that question.

HARRIS: Okay. Do you remember that you didn't turn those over to the prosecution until last week?

GERAGOS: There is an objection. They were turned over the minute we designated the witness. He knows that.

JUDGE: That may be; but that's okay. He can answer that. Overruled.

JENSEN: If they were turned over last week, that's when they were turned over.

HARRIS: People have no over questions.

2nd redirect Examination by Mark Geragos

GERAGOS: The reason that you know that the fence was taken down is because Vladimir, the next door neighbor, told you, right?

JENSEN: That's correct.

GERAGOS: And he told you that they went in through the driveway, and that they didn't have cement anywhere on the driveway, correct?

JENSEN: That's my understanding.

GERAGOS: Right. And he told you that the cement that was used was used in the backyard, not on the driveway, correct?

JENSEN: Correct.

GERAGOS: Okay. And, in fact, one of those pictures that we have shown the jury, which shows a gray Fiero, do you remember that gray Fiero that's parked there?

JENSEN: Yes.

GERAGOS: Parked right in front of that area?

JENSEN: Pretty much, yes.

GERAGOS: That's Vladimir's car, right?

JENSEN: Correct.

GERAGOS: And he just parks it in that driveway right there, right?

JENSEN: He did.

GERAGOS: And the Bobcat, he told you, went on the other side of the Fiero through the fence that's closest to the house, correct?

JENSEN: Correct.

GERAGOS: It had nothing no go with this area, correct?

JENSEN: Correct.

GERAGOS: Vladimir doesn't have any idea, he's never indicated that that cement that's found next to the driveway, that Scott Peterson told the police is where he put it, Vladimir said that,

HARRIS: Objection. Hearsay.

JUDGE: Sustained. It's hearsay.

GERAGOS: Because they told you that that cement came from the fence, that story that the DA just makes up now because they know that theory has gone kaput?

HARRIS: Objection. Argumentative.

JUDGE: Argumentative. This will be the last shot.

HARRIS: That's fine.

2nd recross Examination by David Harris

HARRIS: Why don't you look at these photographs here. Does this appear to be the 523 Covena house?

JENSEN: Yes.

HARRIS: This photograph right there, is that the Medina Mercedes Benz?

JENSEN: Could be.

HARRIS: And looking at that picture right there, does that appear to be a closer-up picture?

JENSEN: Yes.

HARRIS. Do you see to the side of that Mercedes Benz there is the silver vehicle that you are talking about from Vladimir?

JENSEN: It could be. I see something here, but I don't know what, if his car, I know his car was parked there.

HARRIS: Look right there by the gate of this particular driveway. Do you see that particular item sitting there in that photograph?

JENSEN: I see something.

HARRIS: Right. Let's go to the next page. Do you see that particular photograph?

JENSEN: Yes.

HARRIS: What is that?

JENSEN: Concrete mix.

HARRIS: Concrete mix in the driveway of the Peterson house?

JENSEN: Okay.

HARRIS: If I can have these marked.

JUDGE: If you want to have marked next in order, I can.

HARRIS: Yes.

JUDGE: Let me find where we are. 295.

HARRIS: If I can have those marked. There is two photographs on each page. If we can have them marked as A, B and C.

JUDGE: Right. Okay. You say there is two photographs on each page?

HARRIS: Two photographs on each page.

JUDGE: And how many pages?

HARRIS: Three pages.

JUDGE: 295A through F.

HARRIS: You recognize those photographs as being from the Covena property, don't you?

JENSEN: Yes.

HARRIS: And the last two photographs, that clearly show the concrete bag sitting right by the gate, doesn't it?

JENSEN: By the gate, yes.

HARRIS: People have no other questions.

GERAGOS: Is that anywhere near the drive.

JUDGE: Mr. Geragos, I said this is the last go-around.

GERAGOS: That's fine.

JUDGE: There will be no more questions. Mr. Jensen, you can be excused. Thank you.