## Witness: Henry Dodge Hendee

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Day 1 of 4 for this witness

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### Direct Examination by David Harris

CLERK: Be seated. State and spell your name for the record.

HENDEE: Henry Dodge Hendee. H-e-n-d-e-e.

HARRIS: Sir, can you tell us what your occupation is?

HENDEE: I'm a detective with the Modesto Police Department.

HARRIS: And how long have you been employed by the Modesto Police Department?

HENDEE: Since October of 1987.

HARRIS: And how long have you been a detective?

HENDEE: Since December of 1993. And employed with another agency five and a half years before joining Modesto Police Department.

HARRIS: I want to take you back to December of 2002. Were you assigned as a detective at that point in time?

HENDEE: Yes, I was.

HARRIS: Were you working in capacity as a detective on December 26th of 2002?

HENDEE: Yes, I was.

HARRIS: Were you on duty that date, or off duty?

HENDEE: Actually I was on vacation that day.

HARRIS: You were on vacation. At some point in time did you get a call saying, guess what, your vacation is cancelled?

HENDEE: Pretty much so, yes.

HARRIS: Do you remember where you were at when you got this call?

HENDEE: I was at home. It was about 4:30 in the afternoon on December 26th.

HARRIS: So you get this call. Your vacation gets cancelled. Do you have to go someplace?

HENDEE: Yes, I did.

HARRIS: Where do you go?

HENDEE: I was called down to the Modesto Police Department to participate in a search warrant.

HARRIS: Did you go?

HENDEE: Yes, I did.

HARRIS: When you go to participate in a search warrant, you get called in like this, were you the case agent or crime scene, or scene manager, or, some people have described this.

HENDEE: I was appointed a search warrant team leader for the warehouse.

HARRIS: Was this on the 26th, or a later point in time?

HENDEE: At the 26th.

HARRIS: So when you first meet, let's go through this. You get called, you go to the Modesto Police Department. Did you have any idea of what it was that was occurring at that point in time until you got to the police department?

HENDEE: I kind of had a feeling it was regarding this case, because it had hit the news.

GERAGOS: Objection. Calls for speculation. Irrelevant.

JUDGE: I'll let, you can answer that question.

HENDEE: I had a feeling it was regarding this case.

HARRIS: You get to the Modesto Police Department. Do you talk to the detectives that had, since you were on vacation, had been assigned or had been working this case?

HENDEE: No. We just sat in the meeting room waiting for a briefing to take place.

HARRIS: I'm sorry?

HENDEE: I just sat in a meeting room waiting for a briefing.

HARRIS: The briefing, is that a standard process before search warrant, where the people who have the search warrant,

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: What is the search warrant briefing?

HENDEE: Well, basically have a case agent. They come in and they tell you what the case is about. They tell you that they have had to go get a search warrant. And then they are going to tell you what kinds of things you are going to be looking for. The sergeant in charge, or the case detective, makes appointments. He will make someone in charge of the scene.

HARRIS: And at this point in time that's when you were talking about getting your assignment?

HENDEE: Yes. Detective Skultety was assigned to be the Search Warrant Team Leader for the house. I was assigned to be the Search Warrant Team Leader for the warehouse.

HARRIS: After you received this briefing, or, let me back up. Did you receive a briefing in this particular case?

HENDEE: Yes, we did.

HARRIS: You received this briefing. Do you go someplace at that point in time?

HENDEE: Yes, we do.

HARRIS: Where do you go?

HENDEE: We went out to the house at 523 Covena Avenue after the briefing was over.

HARRIS: When you say "we", just so we're clear about that, who are you talking about?

HENDEE: All the members of the search warrant team.

HARRIS: Do you remember who was there?

HENDEE: Yeah. There were quite a few people. Detective Skultety was there. Members of the FBI Emergency Response Forensic Evidence Team. Myself. Identification Technician Denise Ducot. I think Ray Coyle, Darren Ruskamp, Doug Lovell, Adam McGill, just to name a few.

HARRIS: Were you responsible for documenting, on that particular search documenting all the people that were there?

HENDEE: No.

HARRIS: That would be up to the crime scene, or Scene Manager?

HENDEE: Correct.

HARRIS: For the search warrant at the house, who was that person?

HENDEE: Detective Skultety.

HARRIS: Since you were given the assignment to be the Scene Manager for the warehouse, let's just go through this a little bit. As the Scene Manager, applying that to Detective Skultety, what does the Scene Manager do?

HENDEE: He's in charge of the processing of the scene. So he makes the decision basically what kind of work is going to be done at the scene, who is going to do the work, what order it's going to be done. He makes sure that the evidence that he wanted collected gets collected, packaged and processed. He's kind of responsible to make sure that the chain of custody is handled from the point that the evidence is found to the point it gets booked into evidence at the Modesto Police Department.

HARRIS: Is the Scene Manager the one that assigns people to do certain things?

HENDEE: Yes, he is.

HARRIS: And were you assigned something by Detective Skultety on the 26th?

HENDEE: Yes, I was.

HARRIS: What were you assigned?

HENDEE: Myself and Detective Darren Ruskamp were assigned to search the baby's room specifically at that time for forensic evidence, due to the lateness of the hour that the warrant was starting.

HARRIS: Do you remember what time it was that you started serving the search warrant on the 26th?

HENDEE: It was close to 9:00 p.m. Right about nine. I mean it started earlier. But before we were allowed in, they had videotaped and photographed.

HARRIS: And, again, that's standard process to videotape and photograph before you go in?

HENDEE: Yes, it is.

HARRIS: So a videotape and photographing, and then individuals go in to search?

HENDEE: Yes, we do.

HARRIS: That's when you were, and the other detective was assigned?

HENDEE: Yes.

HARRIS: Who was that detective again?

HENDEE: Detective Darren Ruskamp.

HARRIS: What was your assignment? What did you do?

HENDEE: We were assigned to look for forensic evidence in the baby's room we went in together as a team. We searched the room. We searched the ceiling. We searched the walls. We search the floor. Looked at the bottoms of furniture looking for any possible evidence connected to, for example, bodily fluids, blood, anything that was out of the ordinary that might indicate that there had been a crime that had happened there.

HARRIS: Now, in terms of documentation, photographing do you do that at that time?

HENDEE: No, I do not.

HARRIS: To your knowledge had that particular room been photographed before you went?

HENDEE: Yes, it had.

HARRIS: Is it also, if something is found let's go through this. As one of these people that are doing the searching, are you responsible for collecting everything, or is that something that the Scene Manager is responsible for?

HENDEE: I'm not responsible for collecting it unless he directs me to do it. Basically what we do is, we find things. We don't know if it's pertinent, or we'll present it to the Scene Manager. He'll make a decision whether it's to be collected. He may personally collect it. He may assign us to that. He may say, would you prepare my packaging materials for me, but he may collect it later. Basically up to the Scene Manager, what he's particularly doing at the time.

HARRIS: You say that you may not know what's important. Are you advised as part of the briefing what is being sought in the warrant?

HENDEE: Yes.

HARRIS: You are told to search things that you are looking for?

HENDEE: Certain things, you know, what you are looking for. Other things you may find along the way which you are not sure if they have any evidentiary value. You point it out to him. He makes the decision.

HARRIS: So as go through the process of doing this, if you turn around and look to your left behind you, People's Number 12, do you recognize this as being a diagram or a schematic of the house at 523 Covena?

HENDEE: Yes, I do.

HARRIS: And just to kind of point you in the direction that we're talking about, if you look towards the middle, there is a box that represents the room there that has is label, nursery?

HENDEE: Yes.

HARRIS: Do you recognize that as being that, representing that room that you searched?

HENDEE: Yes, that's correct.

HARRIS: If you, you are telling us already what you were doing. Describe for us the process of how you worked in particular room.

HENDEE: Well, we came in through the door, obviously, and immediately saw that it was a normal, standard room. It was, I thought it was cute, decorated, and had blue walls. Most of the furniture in it was white. Had a white crib, white dresser, a white rocking chair with a footstool. There was a little white table next to the rocking chair. And basically we started off by, I started off by looking at the ceilings, working my way down the walls, down to the floor to the baseboards, looking for any type of forensic evidence; again, blood, bodily tissue, looking at the baseboards along the cracks and crevices. Sometimes when there is a cleanup you might find blood that, baseboards whether it's not immediately noticeable. We started doing that. That's where we started pretty much for the night.

HARRIS: When you are processing a room for forensic evidence, do you usually try to do something to prevent introducing anything into the area?

HENDEE: Yeah. You can wear booties on your feet, you are not carrying in any particular foreign matter. Usually put them on at the beginning when you are just about to walk in the door. You can also wear some hairnets keep your hair from falling on the scene.

HARRIS: What about your hands?

HENDEE: You wear latex gloves, disposable latex gloves. That's pretty much standard everywhere.

HARRIS: So you, at this particular time when you are doing this nursery, were you wearing gloves?

HENDEE: Yes.

HARRIS: And you said you were looking for things. It's nighttime. Do you use any type of light source?

HENDEE: The lights in the room. That's all we used. And flashlights.

HARRIS: Did you have anything available to you? I don't know, CSI stuff, about these high tech lasers, any of that available to you?

HENDEE: We didn't, no, we didn't have them available to us at that moment.

HARRIS: So you look around the room, the room light's on, you have a flashlight to look any place where there might be a shadow?

HENDEE: Yes.

HARRIS: Like to show you some photographs. If I can have these marked.

JUDGE: Marked next in order People's number 115. How many photographs have you got there?

HARRIS: There would be three.

JUDGE: 115-A, B and C. Photographs

HARRIS: Detective, I'm going to show you three photographs, give you a moment to look at that. Number 115-A, B and C. Do you recognize these photographs?

HENDEE: Yes, I do.

HARRIS: Let you go ahead and hold on to those. Are those photographs that were taken either on the 26th or 27th search warrants which we're talking about at this point in time?

HENDEE: Yes, they were.

HARRIS: And does that depict the nursery, or the baby's room that we're talking about?

HENDEE: Yes, it does.

HARRIS: There is a little red pen in front of you. What I'd like you to do, if you can just put 26, write in one of the corners 26 slash 27. Did you do that on that on all of them?

HENDEE: Yes.

HARRIS: Put those up on the screen now and have you describe for us what's depicted in these photographs. Detective, look at 115-A. What is this we're looking at?

HENDEE: This is the view of the baby's room as you walk in the door into the room. The crib is centered in the back wall there. And you have a dresser to the right. Next to the dresser, the white dresser, you have a wicker basket style storage unit or shelf thing.

HARRIS: And looking at 115-B.

HENDEE: This would be, make sure I'm looking, this would be the south wall of the bedroom. And you are seeing, again, the dresser. You see the wicker style storage unit. You see some shelves and decorations. And you also see a metal grate thing, I guess, something to with the dog for the vehicle.

HARRIS: 115-C.

HENDEE: This is a photograph of the top of the dresser. And there is a photograph of, a sonogram photograph that I think we collected as evidence that day.

HARRIS: Okay. So you think you collected as evidence. Let's talk about that. You were saying before it was kind of up to the Scene Manager whether something is collected or not. When you were working through that room, that sonogram was located at some point in time?

HENDEE: Yes. When I say I think we collected that, we may have collected it the next day. I'm not sure if we collected it that night. We did, for sure, collect the sonogram.

HARRIS: That's something that's pointed out to the Scene Manager is a document, and it's collected either at the Scene Manager's direction, or they collect it?

HENDEE: That's correct.

HARRIS: Now, as you go through this room, we have now talked about the sonogram that's found in the room. Did you find anything else of interest or note while you are searching that particular room?

HENDEE: Yes, we did.

HARRIS: And you keep saying "we". You need to differentiate what you did and what potentially Detective Ruskamp did.

HENDEE: The next day I noticed there was a pair of, two pairs of black pants in a white bag right near the front door of the baby's room.

HARRIS: Let me go through that. You said you noticed the next day. You processed the scene that night forensically. You are telling us how you are looking everywhere for all of these different things. How long did this forensic process go on?

HENDEE: Well, we started about nine. Probably 45 minutes or so in the baby's room. Then I moved on to some other areas as well.

HARRIS: And those parts of the house did you also look at forensically?

HENDEE: Yes, I did.

HARRIS: And at some point, if I'm, did Detective Skultety kind of stop the forensic work because of the lateness of the hour?

HENDEE: Yes, he did.

HARRIS: Did you continue working that night doing other assignments he had given you?

HENDEE: Yes, I did.

HARRIS: About what time did you finish on the 26th?

HENDEE: At the house?

HARRIS: At the house. What time did you finish at the house?

HENDEE: We called the search warrant at 2240 hours. I think it was or 2220 hours. I could check my report for sure. But I think it was close to 10:30 p.m. we called it.

HARRIS: Now, did you write a report based on what you did in this case?

HENDEE: Yes, I did.

HARRIS: And if you were to look at that, would that help refresh your recollection as to the specific times?

HENDEE: It would.

GERAGOS: Indicate the Bates number stamp on the page, if that will refresh your recollection.

JUDGE: Give the number so he knows what page you are referring to.

HENDEE: It would be Bates number 2200, Paragraph 3. 2240 hours or 10:40 p.m.

HARRIS: You have indicated that you had other assignments. Did you also get assigned to process one of the vehicles that night?

HENDEE: Yes, I did.

HARRIS: And when did you finish forensically processing that vehicle?

HENDEE: We finished processing the vehicle 1:00 a.m. the next day, next morning. And then I booked in the evidence at about 1:30 a.m. So probably finished doing that about 2:00 a.m.

HARRIS: So you finished up really it's the early morning hours of the 27th now, about 2:00 a.m. What time do you regroup to go back in to finish doing the search warrant at the house on the 27th?

HENDEE: Well, I went to work at 7:00 a.m. the next morning. We had a normal standard briefing that we always have. And then I think at 8:30 or so we briefed in regards to continuing the search.

HARRIS: Did you go back inside the house at Covena?

HENDEE: Yes, I did.

HARRIS: On the 27th?

HENDEE: Yes, I did.

HARRIS: The forensic aspect, or the forensic search was done at that point in time?

HENDEE: Yes.

HARRIS: What type of search do you do, or let me start that again. Do you go back to the baby's room?

HENDEE: Yes, I do.

HARRIS: What type of search do you do in the baby's room on the 27th?

HENDEE: Well now we were going through more of the drawers looking at the crib, going through the closets. In this particular case, we found a couple of pairs of pants in a bag sitting on top of a box near the door that leads into the baby's room. So we were going through the larger bulky items at that time. We weren't concerned about the floor any more.

JUDGE: You said you saw these pants in the bag. Are they adult pants?

HENDEE: Yes.

JUDGE: What door color was the bag?

HENDEE: It was a white bag.

JUDGE: Go ahead.

HARRIS: Where were you heading to next? Can you describe for us where it was, and what it was that you found that you are talking about?

HENDEE: Okay. As you walked into the door of the baby's room, immediately to the left of the door there was a box. On top of the box was a white bag with handles similar, like you would get

if you went to Macy's, that kind of bag sort of thing. And in the top of the, or in the bag there were two pairs of black women's maternity pants.

HARRIS: There is a pointer behind you some place. I believe up there. Might be in the tray below the diagram. Now, looking at People's Number 12. Do you see in the nursery where the two doors have swung open? Does that represent where the closet was?

HENDEE: Yes.

HARRIS: And this particular diagram, it was prepared by Detective Ruskamp?

HENDEE: Yes, it was.

HARRIS: Have you seen this before? You are fairly familiar with it?

HENDEE: Yes.

HARRIS: Now, next to the door looking at this diagram, how it is to the left, is that where the door to the room is?

HENDEE: This is the door to the room right here.

HARRIS: You are pointing to it now. Can you describe on there where this box was that had the bag on top of it?

HENDEE: Right here.

HARRIS: If you could take that little red pen again, in front of you, and draw a box to represent where that was, and then write the word "Pants" in it. From this distance, with my eyesight, I can't tell you if you wrote that. For the record, could you just draw the box and write "Pants" in it?

HENDEE: Good luck trying to read it. It's pretty small.

HARRIS: The pants that you are talking about, you said it's two women's pair of maternity pants?

HENDEE: Yes.

HARRIS: What were the colors again?

HENDEE: Black.

HARRIS: Were those items collected?

HENDEE: Yes they were.

HARRIS: In the process of that, did you personally collect them, or did you point it out to Detective Skultety?

HENDEE: No, they were pointed out to Detective Skultety.

HARRIS: And what was his determination should be done with them?

HENDEE: He collected them because they were specifically listed in the search warrant.

HARRIS: All right. Did you complete searching the nursery?

HENDEE: Yes, I did.

HARRIS: Still talking about the 27th?

HENDEE: Yes.

HARRIS: Now, you said before, back up a little bit since we're moving out of the nursery. You said on the 26th that you had searched other places. In terms of forensics, were you assigned other rooms besides the nursery to search for forensics on the 26th?

HENDEE: Yes.

HARRIS: Where?

HENDEE: I checked the hallway and the hallway bathroom floors.

HARRIS: Using this particular diagram, do you see, to the left of the nursery, there is a room kind of to the left side of that schematic that's marked "Bathroom Number 1"?

HENDEE: Yes.

HARRIS: Is that, does that represent the bathroom you are referring to?

HENDEE: Yes.

HARRIS: And there is a box that's not marked, but that goes between the bathroom and the nursery that has a door on opposite ends of it. Does that represent that hallway?

HENDEE: That's the hallway.

HARRIS: You just indicated with the pointer. Which is the hallway?

HENDEE: Yes.

HARRIS: Describe for us what you do in terms of this forensic examination on the 26th of the bathroom and the hallway.

HENDEE: Basically you are doing what I did in the baby's room. You are getting down on your hands and knees. You are looking at the floor, looking for any sign of blood. You are looking for any sign of tissue, broken fingernails. You are looking along the baseboards to see if you can find any kind of blood. You are going into the bathroom. We're checking the floor as well, the shower drain, the tub drain.

HARRIS: This is all done on the 26th?

HENDEE: Yes.

HARRIS: After you do the hall and the bathroom, do you do any other forensic examination?

HENDEE: No.

HARRIS: Pretty much concludes your assignment forensically on the 26th?

HENDEE: Yes.

HARRIS: At least for the house?

HENDEE: For inside the house, yeah.

HARRIS: You indicated that Detective Skultety had given you another assignment. What was that?

HENDEE: Well, I went outside and actually searched the roof. Climbed up on roof. Just checked the roof with a flashlight for any evidence up there.

HARRIS: Found nothing up there?

HENDEE: No.

HARRIS: What's the next assignment that you did on the 26th?

HENDEE: To go search, process Scott's truck.

HARRIS: We're talking about Scott's truck. What truck was this?

HENDEE: This was a 2002 Ford F-150 four-by-four pickup truck.

HARRIS: Where was it at when you first saw it?

HENDEE: In the driveway of this residence.

HARRIS: You indicated that you were assigned to do that forensic examination. Do you go through the same process that you have already been describing to us?

HENDEE: Pretty much.

HARRIS: Do you do it right there in the driveway?

HENDEE: No.

HARRIS: What do you do different?

HENDEE: The vehicle had been towed to the Modesto Police Department. It was in an indoor locked vehicle storage facility. Actually part of our maintenance shop. That's where we conducted the examination.

HARRIS: Prior to, ask it a different way. Have you seen the search warrant video photographs shot on the 26th, of the house?

HENDEE: Yes.

HARRIS: And does that depict the defendant's truck in that particular driveway?

HENDEE: Yes, it does.

HARRIS: And were photographs taken of it while it was in the driveway?

HENDEE: Yes.

HARRIS: So it's documented as part of this usual process then it's towed to this location. When you go to the shop to examine that truck, tell us what you do.

HENDEE: We got there at 11:00 o'clock. That's when we started the process. It was myself Detective Rick House, Identification Technician Denise Ducot. And we also had members of the FBI Evidence Team there as well. The first thing we did was we had photographs taken of the outside of the vehicle and the inside before we did anything. And then the very first thing after that we did was, I went in and collected some blood samples off the vehicle. We knew that there was some blood there, because Detective Rick House had done a cursory examination of the vehicle in the driveway. That's the very first thing we do. And I collected that blood samples. After that we start processing the interior of the vehicle, looking for items that we think have evidentiary value inside the cab. Then we move to the bed of the pickup truck and do that. At that point, once we have removed everything that we thought at that point that had some sort of obvious or potential evidentiary value, we let the FBI Forensic Team go in there and do their thing.

HARRIS: When you are talking about the FBI Forensic Team, since you had already processed this vehicle, did you watch or observe what they were doing?

HENDEE: Yes, I did.

HARRIS: And the truck was photographed and videotaped at the house on the 26th. Did you also do that when it was at the storage or the maintenance facility?

HENDEE: We didn't videotape. We did photograph it.

HARRIS: And have you seen those photographs?

HENDEE: Yes, I have.

HARRIS: Like to have the next series of photographs marked.

JUDGE: 116. Mark these as a set. Photographs

JUDGE: How many you got there?

HARRIS: Six.

JUDGE: A, B, C, D, E, F.

HARRIS: Detective, I'm going to present to you People's 116, or 116-A through F. Take a look at those real quick. Tell us if you recognize them. Detective, have you had a chance to look at those now?

HENDEE: Yes, I have.

HARRIS: Do you recognize those?

HENDEE: Yes, I do.

HARRIS: And do these accurately depict either the photographs or drawings that you have done?

HENDEE: Yes, they do.

HARRIS: I want to start with 116-A. Put this up. Can you describe what we're looking at in 116-A?

HENDEE: This is a view of the back of the pickup truck as we found it. You can see a large green storage box that, it's a metal box up against the back wall of the cab. There is a metal support bar that holds it in place. Also you see a red, it's a Pro Gardener claw hammer, is what I referred to it as, and a roll of chicken wire. Claw hammer had a white powder substance adhered to it.

HARRIS: Showing you 116-B. Tell us what we are looking at there.

HENDEE: These are stains found in the inside lower rear pocket of the driver's door. We believed them to be blood. We took blood sample collections from there. I took blood sample collection from there.

HARRIS: Let me go through this process a little bit there that we're talking about. Photographs that we have like 116, do those accurately depict the scenes as you observed them?

HENDEE: Yes, they do.

HARRIS: You are talking about collecting a sample. Describe for us the process. When you see something that you suspect is blood, what is it you do?

HENDEE: If you see something that's blood, and if you have enough sample, you can take a test of it using McPhail's Reagent Test Kit. You can actually get a reaction, determine if it is blood or is not. In some cases, if you don't have a lot there, you may not want to do, you just want to collect the sample as a precaution. The way you do that is you take a sterile cotton swab. It's on an applicator very much like a doctor would stick down your throat checking your tonsils. Almost the same thing. And you put a couple of drips of distilled water on the end of the Q-Tip. Then you rub it against the stain, if the stain is already dry. But the moistened tip lifts the stain off of the object on to the tip. Then you secure the tip with a plastic case over the end of it, and you identify it with a case number, the item number, your initials. And then you put it in a specially designed drying box. And after it's dried, then you put it into an envelope. You seal the package and put it into a freezer for storage.

HARRIS: So somewhat out of order. I want to show you the next one. 116-F. Can you tell us what this is?

HENDEE: It's a diagram that I drew to show the locations of where we took either blood samples or suspected blood samples from the vehicle, and the control samples that went along with it.

HARRIS: Control samples went along with it. What is that you are talking about?

HENDEE: Well, when you see a stain on something, you lift the stain and you collect it, you submit that. But to show that that stain was unique and different from the rest of the surface, you take a control sample somewhere where you don't believe that that stain is, or where that

object is. li Whatever substance is on that object, so that the lab can e 15 compare a normal area of whatever surface you are talking about, an area that you believe there is a stain or some form of foreign substance on it.

HARRIS: We saw it on the previous photograph somewhere on the side door that you are referring to, or the driver's side door?

HENDEE: Yes.

HARRIS: So is, there is on the driver's side door, to make sure that it's not the door that's causing this, do you take and rub an applicator on some other part of the door or some other similar surface?

HENDEE: I'm sorry. I might have missed the first part of the question. Could you repeat it?

HARRIS: Well, let me go through. Maybe just easier up here. Looking at, to the far slight of this particular diagram, 116-F, you have on the steering wheel something where it says 1-H and 1-F.

HENDEE: Correct.

HARRIS: Is that what you are referring to? Is something i there that you saw that you wanted to take a sample of?

HENDEE: 1-F is a blood or a suspected blood sample that we collected off the back of the steering wheel. 1-H is a control sample we collected off the other side of the steering wheel.

HARRIS: Then looking at it, it says driver's door interior side. This is a 1-B, 1-C, 1-D, 1-E. I believe that's 1-G. If you can describe for us what those are.

HENDEE: 1-B and 1-C are suspected blood samples collected on the surface of the door. 1-D and E were samples collected inside that door pocket. Both of those were collected samples which were two or three small stains close to each other. I took the one collective sample of all of them. So for D, for 1-D, was like three or four drops or smears that were there. And 1-E, the same thing. 1-G was a control sample. I moved all the way up the other side of the door where I didn't see any possible stain and took a control sample from there.

HARRIS: Now, the top, it's tough to make out on the projector. But the top portion of this particular diagram, does this depict kind of an overall view looking down at the truck?

HENDEE: Yes, it does.

HARRIS: And so to the front of the vehicle has a license plate number for the vehicle?

HENDEE: Yes, it does.

HARRIS: Was that done for identification purposes?

HENDEE: Correct.

HARRIS: Now, there is something towards the middle of that particular representation for the truck that says "Storage Box"?

HENDEE: Correct.

HARRIS: What was that?

HENDEE: That was a green box you saw a moment ago, that large green metal box.

HARRIS: When it was blown up on the screen, that looked a little bit different. Was this kind of a pretty unique green or bright green compared to the color that was up on the screen?

GERAGOS: Objection. Calls for speculation.

JUDGE: I think so. Sustained.

HARRIS: I'll do it a little bit different. We'll show it later.

HARRIS: Going through to the left of that particular representation for the truck, what are those three circles? What do they represent? 1-II, 1-JJ and 1-MM?

HENDEE: 1-II, 1-JJ, 1-MM. II and JJ and KK were suspected stains that Detective Skultety had found on January 7th when he was re-examining the vehicle. He thought they were blood, and asked me to come out take a look at them. And I collected them.

HARRIS: Using the same process that you are talking about?

HENDEE: Yes. I'm not actually sure that he necessarily suspected they were blood, but they with stains that he thought as a precaution we would collect.

HARRIS: Again, going through that same process with the applicator, wiping it, and submitting it for testing?

HENDEE: Correct.

HARRIS: 1-KK, 1-LL?

HENDEE: 1-KK was a sample collected, suspected sample. 1-LL and 1-MM were control samples.

HARRIS: All right. The representations, these little circles where the number and letter combination is at, does that represent the approximate location of where these samples were collected from?

HENDEE: Approximately.

HARRIS: Looking at 116-E. This would be just a diagram of the vehicle without the toolbox in it?

HENDEE: That's correct.

HARRIS: 116-C, if you can describe for us what is depicted in this.

HENDEE: This is another picture of an aerial view of the truck. It's a little more to scale. This was done in January, I believe, or December of last year. It shows the approximate size of that green storage box. Shows the measurements of how much space was around it. And it shows the size of the box itself.

HARRIS: Now, depicted, and this at the top is the same type of representation of the truck, the top of this diagram, 116-C?

HENDEE: Yes.

HARRIS: And to the left of this representation there are arrows and numbers?

HENDEE: Correct.

HARRIS: What do those represent?

HENDEE: Those represent how much space was between the storage box and the tailgate. That's three, five, five and one half inches, for example, on the top and bottom of the box. Shows how much space there was in between the side walls of the truck and the green storage box.

HARRIS: Looking down at the bottom of this particular diagram, does that represent this storage box you are talking about?

HENDEE: Yes, it does.

HARRIS: Does that show the exterior dimensions of this box?

HENDEE: Yes, it does.

HARRIS: And, again, those, did you take those measurements?

HENDEE: Yes, I did.

HARRIS: And as far as you can tell there, are they accurate measurements, from what you did?

HENDEE: Yes.

HARRIS: 116-D, as in dog. What do we see here?

HENDEE: It's a diagram of the vehicle this time without the box to show the dimensions of the pickup truck, and different areas without the box in it.

HARRIS: Now, this particular diagram has the same kind of representation of the pickup, but also has a legend at the bottom?

HENDEE: Yes, it does.

HARRIS: And does the legend give a description of what each particular measurement is?

HENDEE: Yes, it does.

HARRIS: Does it have a number key that corresponds to the arrows and numbers that are in the back of the pickup?

HENDEE: Yes, it does.

HARRIS: When you were doing the forensic processing of this particular pickup truck on 12-26, you have talked about the different samples and the diagram up there where those were collected, did you finish doing the forensic aspect of it, and just kind of do a hand search like you described for us in the nursery as well?

HENDEE: Yes, I did.

HARRIS: Tell us about that.

HENDEE: Once we had collected the blood samples, then we moved on to going through the cab itself. For example, looking in the glove box, looking at the items on the seat, making a determination of what, if any, of those items we would collect. Once we had done that, then we moved into the back of the vehicle and examined that, and the storage box. Then at that point we let the FBI team come in, because they were going to be use a Hemaglow process. We wanted to collect whatever we could out of the vehicle that we thought would be important, or have evidentiary value.

HARRIS: A Hemaglow process. What is that?

HENDEE: It's a liquid sample that we sprayed under dark conditions. When it reacts with blood it glows so you can kinds of get an idea where possible bloodstains are. So first we collected the obvious stains, then we used the Hemaglow to try and locate other areas that we might not have seen under the visible eye.

HARRIS: And did you observe the FBI do this?

HENDEE: Yes, I did.

HARRIS: You said that you were looking, after the forensic aspect was done, you are collecting kind of obvious stuff. What obvious things did you find in the pickup truck that you are referring to?

HENDEE: In searching the glove box, we collected several receipts. We collected a couple of fishing licenses. There was a hunting license in there as well. In the center console area of the vehicle, in between the driver and the passenger seat there was a console area that holds some receipts and stuff. We took some of those and some business cards. And on the, in the in bed of the pickup truck we picked up a claw hammer and the chicken wire. We collected those items as well. We also collected some clothing from inside the vehicle. Clothing items that appeared to have been worn. We also found some bags in the pickup truck containing new clothing that didn't appear to have been worn at all. We didn't collect those at that time. I think we also took

the floormats, each of the floormats on the vehicle, we took those. Rolled them up, put them in a bag, sealed them immediately so any possible forensic evidence on those would not be lost. We also took a sample, there was a stain on the carpet in the back seat area on the floor between the left rear passenger seat and the right rear. This was a stain in the middle. Didn't know what it was. I didn't think it was blood. We collected that by using a brand new sterile razor blade. With that one, I took the control sample first, since it was a brand new sterile blade. I took that by the left rear driver's door. Taking the sterile blade and scraping to the bottom of the carpet samples, collecting a sample there. Then moving on to where the actual stain was, and took a sample from that area, put that in an envelope and sealed that as well.

HARRIS: Looking at your report, it appears to be a five-page report. Refer to page 2202, which would be page four of your report.

HENDEE: Yes.

HARRIS: Does that page list the number of items that were collected?

HENDEE: Yes.

HARRIS: Going through, you have described for us some of these things. I just you want to go through this real quick. You have already talked about all the samples that were taken. Did you also find a cell phone?

HENDEE: Yes, we did.

HARRIS: Where was that hat?

HENDEE: Cell phone was actually plugged into the cigarette lighter in the front passenger or, in the front driver's compartment area. We took that as well.

HARRIS: Now, you said before about going through the glove box or the glove compartment. Did you find anything that was collected from there?

HENDEE: Yes, I did. Trying to remember exactly when we did that. That was item number 1-AA. And there were miscellaneous receipts, fishing licenses I had mentioned, were collected from the glove box.

HARRIS: At some point in time did you go back to the vehicle on either the 26th or the 27th?

HENDEE: Yes, I did.

HARRIS: Why was it you went back to the vehicle?

HENDEE: Well, at the time that we processed the vehicle, I had noticed the red Pro Gardener claw hammer, things that I referred to in the back of the pickup truck. I noticed there was a white powder cement-like mix on the claw hammer. Didn't realize the value of it at that time. Also saw what I thought were small little chunks of cement in the back of the pickup truck. Didn't realize that might have been evidentiary value in the case. It wasn't until after we served the search warrant at the warehouse that I thought those items might be significant. I had also seen a receipt in the glove box for a cement product at Home Depot. At that point I didn't realize it might be important, so I went back for the receipt and for the small chunks of cement that I had seen, small little pebbles to marble-size chunks.

HARRIS: The small marble-size chunks, what did you do with them?

HENDEE: I collected them, secured them in a paper bag, sealed it, initialed it, and booked it into the Modesto Police Department. That was collected on the 27th about 9:30 p.m. at night.

HARRIS: Prior to doing that, had you been at the warehouse?

HENDEE: Yes, I had?

HARRIS: Does the Court want to,

JUDGE: If you are going to go into a new area, this would be a good time. All right, ladies and gentlemen, we'll take the morning recess until ten minutes to eleven.

JUDGE: All right. This is People vs. Peterson. Let the record show the defendant is present with counsel and the jury is in the jury box, along with the alternates. Detective Hendee is back on the stand. Go ahead.

HARRIS: Thank you. Detective, I notice sitting up by you now is a box of things. Did you bring with you down here to court some of the evidence that you collected?

HENDEE: Yes, I did.

HARRIS: We were talking about you went back after you had done the warehouse and you saw that there was some things now that kind of made, or appeared to be of more significance to you, and I want to talk about that. You were indicating that you collected some concrete debris later from the truck?

HENDEE: Yes, I did.

HARRIS: And what did you mark that as?

HENDEE: 1 GG.

HARRIS: And you were describing for us the process that you used with putting the marble-sized pieces in the envelope. Do you have that envelope with you?

HENDEE: Yes, I do.

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

JUDGE: People's next in order is 117.

JUDGE: You want bag and contents?

HARRIS: Bag and contents, please.

HARRIS: Detective, I'm going to give you back 117. And you were telling us you collected these marble-sized things and put them in the envelope. Is that the envelope that you were referring to?

HENDEE: Yes, it is.

HARRIS: And is there some way that you can identify that particular envelope?

HENDEE: Yes, it has the case number on it. Has my name and has the date which I collected it, the item number, and a description of the contents inside the envelope.

HARRIS: And to your knowledge was that particular piece of concrete eventually sent out for testing or examination by somebody who knows something about concrete?

HENDEE: Yes.

HARRIS: And that particular envelope is in a plastic bag at this point in time?

HENDEE: Yes, it is.

HARRIS: Now, in terms of sending these things out for testing, before we start moving to the search warrant at the shop, I just want to ask about that. You described for us how you collect all these sterile swabs, the controls and the actual particular samples. When you were done putting the little tube, or stick in the plastic and drying it and all that stuff, you do the same kind of thing and put it in a bag like that?

HENDEE: Yes.

HARRIS: Do you identify it some way?

HENDEE: The items that go in the bag are you talking about?

HARRIS: Yes.

HENDEE: Not necessarily. I mean, for example, a piece of concrete, I'm not going write on it or anything, but I'm just going to put them in the bag, seal it with tape, put my initials on it, show that on that particular date I was the one that sealed it up.

HARRIS: Now, these, the possible blood samples are what I'm talking about. All those things, were those placed in envelopes as you've been describing it?

HENDEE: Yes.

HARRIS: Were all of those identified with your initials, name, the case number?

HENDEE: Each one was individually identified in the same way.

HARRIS: And ultimately all of those were sealed up and submitted to the Department of Justice for testing?

HENDEE: That is correct.

HARRIS: And then from your understanding the process is that they open them up from the sealed condition, do whatever they do with them up there?

HENDEE: That's exactly right.

HARRIS: Moving on to the search warrant, you told us that you had gone back to the house on the 27th. What time did you finish up this search warrant at the house the second day, the non-forensic search on the 27th?

HENDEE: It was about 1:00 o'clock in the afternoon. On the 27th.

HARRIS: What time did you start it?

HENDEE: That morning?

HARRIS: Yes.

HENDEE: Probably about nine-ish we started. We briefed at 8:30 and probably got out there and got started by 9:00.

HARRIS: Was there a delay period or a time that you were waiting for other personnel to assist you to go over to the warehouse?

HENDEE: Oh, I'm sorry. I was talking about going back to the house in the morning on the 27th. I apologize.

HARRIS: Let me go through this again to be real clear. On the 27th you've already told us you came to work. You had a standard briefing and then you went back to the Covena address to do, finish the search --

HENDEE: Correct.

HARRIS: on the 27th --

HENDEE: Yes.

HARRIS: at the house? You've already told us that Detective Skultety, or you had been assigned to do the search warrant at the shop. Did that happen on the 27th?

HENDEE: Yes, it did.

HARRIS: Prior to you going to the shop on the 27th, was there kind of a delay period from when you were done at the house until you had enough personnel to come and assist you?

HENDEE: Yes.

JUDGE: Mr., you're talking about shop again. I think we talked the warehouse.

HARRIS: All right. We'll refer to it as the warehouse.

JUDGE: Call it the warehouse, otherwise we're going to get confused between the shop and the warehouse. I know what you're talking about and I think the jury does, too, but, for the record, call it the warehouse.

HARRIS: What I'm going to do to help myself remember is we'll put number 55 up here.

HARRIS: Detective, do you recognize what is depicted in People's Exhibit number 55?

HENDEE: Yes, I do.

HARRIS: Can you tell us what that is?

HENDEE: That is a schematic diagram of the warehouse.

HARRIS: And this warehouse, where is it located?

HENDEE: 1027 North Emerald Suite number B 1 in Modesto, California.

HARRIS: The warehouse, was it searched on 12/27?

HENDEE: Yes, it was.

HARRIS: Were you the case agent or the scene manager for that particular search?

HENDEE: Yes, I was.

HARRIS: Prior to going to the warehouse on the 27th, was there a time period, somewhat of a delay finishing up at the house to get enough people to go over to the warehouse on the 27th?

HENDEE: There was a little bit of delay between my duties and going over there, yes, sir.

HARRIS: Eventually how many people worked with you to do the search at the warehouse on the 27th?

HENDEE: Well, there were a total I believe of 16 people that participated in one manner or another inside the warehouse.

HARRIS: And as the scene manager, did you document these individuals in your reports?

HENDEE: Yes, I did.

HARRIS: Did you also assign these individuals things to do?

HENDEE: Yes, I did.

HARRIS: You described for us previously about the standard process of videotaping and photographing the scene. Was that done with this particular location?

HENDEE: Yes, it was.

HARRIS: Can you describe for us what happened?

HENDEE: When we got to the warehouse, we met at about 2:30 p.m. in the afternoon on the 27th. At 2:45, after a short briefing, and after the keys to the warehouse arrived, we served the search warrant. I did that by announcing 'Modesto Police Department, search warrant, open the door.' Even though I knew there was nobody in there, we had a police officer standing there all night and day guarding the warehouse, but, because of legal requirements, I made that notification. After 20 minutes with no response, I used the keys to gain access to the warehouse. And at that point I went in by myself just to get a feel for what we had inside the warehouse. What kind of a scene it was, what kind of work might be ahead of us. I was in there for about five, maybe seven, ten minutes by myself.

GERAGOS: Objection. Non-responsive. It's a narrative.

JUDGE: Yes. A narrative. Detective, you said you waited 20 minutes after you knocked noticed, or gave notice?

HENDEE: 20 seconds.

JUDGE: I was going say 20 minutes is a long time. 20 seconds.

HENDEE: I'm very patient. (Laughter)

JUDGE: That would be a first for me, I'll tell you that. (Laughter)

JUDGE: So 20 seconds and then you went in. Okay. Then do it by question and answer.

HARRIS: Yes, your Honor.

HARRIS: Detective, after, so the exterior door is open. Let's just go through this. You can see in the diagram up there, People's number 55, to the right side of the diagram there's something there has been written up there now that says man door?

HENDEE: I see it.

HARRIS: And then to the lower just beneath that is something that says roll-up door. Does that depict the front side of the warehouse there?

HENDEE: Yes, it does.

HARRIS: And this warehouse was part of kind of a strip mall of warehouses?

HENDEE: Yes.

HARRIS: You, you said you went in for a few minutes. What was your purpose for going in?

HENDEE: To evaluate what kind of a scene we had, if there was any obvious crime scene in there, what kind of work might be ahead of us, who might be doing that kind of work. That sort of thing.

HARRIS: After you make that determination, do you assign someone to shoot a videotape?

HENDEE: Yes, I do.

HARRIS: Have you seen that videotape?

HENDEE: Yes, I have.

HARRIS: Does it accurately depict that scene as you observed it on 12/27, oh two?

HENDEE: Yes, it does.

HARRIS: Judge, we would like to have marked, the clerk has the CD for this. We have it cued up.

JUDGE: Have you seen this, Mr. Geragos?

GERAGOS: Yes, I have.

HARRIS: Detective,

JUDGE: This is 118.

HARRIS: Detective,

JUDGE: Go ahead.

HARRIS: Let me ask you a question, just for clarification. This was originally shot in videotape and was transferred to DVD for ease of playing on the projector?

HENDEE: That's correct.

HARRIS: And you've watched the DVD?

HENDEE: I have.

HARRIS: And that's an accurate depiction of the events as you saw them on 12/27?

HENDEE: Yes, it is.

JUDGE: Okay.

HARRIS: The clerk's now marked the case, so with that, we would like to show this to the jury.

HARRIS: Detective, what I'm going to do is I'm going to start the player in a minute, and there's no sound that's going to be played, so what I'd like you to do is narrate as we go along.

GERAGOS: I'll clearly object to that. That calls for a narration.

HARRIS: Well --

GERAGOS: If he wants to do question and answer.

JUDGE: Yeah, do it by question and answer.

HARRIS: I'll ask you questions. As we see something, I'll stop the video so we can cover that. And for the reporter's sake, we'll do the question and answer and not have her report anything that might be on the tape.

JUDGE: All right. (Videotape played)

HARRIS: Detective Hendee, can you describe for us what's being shown here?

HENDEE: This the man door referred to on the diagram. Shows B 1. It's the only thing that identifies which location or business that is outside that warehouse.

HARRIS: I'm going to stop it right there. As we're coming into the entryway, first off, who was the individual who was holding open the door?

HENDEE: That was Detective Ray Coyle.

HARRIS: Down on the floor as you, the video comes into the front, was that paper that was on the floor?

HENDEE: It's butcher paper we put there.

HARRIS: And why did you do that?

HENDEE: Well, as you noticed when he opened up the door, there was some stains on the inside of the door. At that point we didn't know what it was. So we thought that might possibly be blood. If it was blood and if it had dripped on the door and gone down when the door was closed, it might be on the carpet right below, so we put some paper over the carpet in that area to preserve that carpet area if, in fact, we were to find that was blood later.

HARRIS: All right. We're going to resume the video. (Video played)

HARRIS: As the video comes in, is it showing the office portion of this warehouse?

HENDEE: Yes, it is.

HARRIS: I'm going to pause it right there. Where we're at in the video, what is being displayed at this point in time?

HENDEE: This is the desk area in which, it's the desk area for the office.

HARRIS: Was there a fax machine that was there?

HENDEE: There is on the floor.

HARRIS: And at the bottom of the screen now, is that a black leather chair, or some type of black chair?

HENDEE: Yes, it is.

HARRIS: The fax machine, can you see part of it in the video at this point in time?

HENDEE: If you look between the seat portion of the chair and the armrest, you're looking at the fax machine.

HARRIS: Just to the, somewhat left and slightly above the fax machine, as you were describing it, is that the computer that was there?

HENDEE: Yes, it is.

HARRIS: Was the computer taken as part of the search warrant?

HENDEE: Yes, it was.

HARRIS: Who did that?

HENDEE: Detective Kirk Stockham.

HARRIS: Was he someone assigned as either a high tech or computer forensics personnel?

HENDEE: He is. He is a member of the high tech crimes task force unit, and he came in and took that.

HARRIS: Since then has he retired?

HENDEE: Yes, he has.

HARRIS: I'm going to resume the video. (Video played)

HARRIS: Detective, I stopped the video again. Can you describe for us what we're looking at here?

HENDEE: This is a eraser board along the wall of the office, and on the eraser board at various locations looked like sort of a ledger of accounts owed or received. Names of people he does business with, it appeared to me.

HARRIS: Looking to the left of what's on the screen up there now, there appears to be some words and next to it there's some, some numbers?

HENDEE: Yes.

HARRIS: It's somewhat difficult to see there, but from actually seeing the board in person, is that first word "house?"

HENDEE: I believe so.

HARRIS: And the word beneath that would be "car"?

HENDEE: Yes.

HARRIS: The next one down would be "Chase"?

HENDEE: Yes.

HARRIS: And these figures, looks like 1220 off to the side of "house"?

HENDEE: Yes.

HARRIS: And appears to be 650 next to "car"?

HENDEE: I believe so.

HARRIS: 500 next to "Chase"?

HENDEE: Correct.

HARRIS: And then it continues down to the few more items after that?

HENDEE: Yes.

HARRIS: Resume the video again. (Video played)

HARRIS: And the video somewhat jumped there. Does it go to a sort of closer-up view of the financial information that was on the board?

HENDEE: Yes, it does.

HARRIS: Are what we looking at now some of the top down, looking down at the top of the desk?

HENDEE: Yes.

HARRIS: And moving out to the, I'm not sure what we call this; the, the bay area of the warehouse?

HENDEE: That's what I'd call it.

HARRIS: Detective, I'm going to stop it there. What we're looking at the video now, this would be just stepping out of the office portion of the warehouse, looking towards the back of the bay?

HENDEE: Correct.

HARRIS: Can you describe for us what it is that you're seeing in the video at this point in time?

HENDEE: On the bottom lower left-hand corner you're seeing a portion of a long, flat trailer, approximately sixteen feet by seven feet. Sixteen feet long, seven feet wide. It's a boat trailer. I've heard it referred to as a pull trailer. You see a box on top of the trailer. A cardboard box. Directly above that is some sort of a large plastic liquid container. In front of that is a forklift. To the right and left of the forklift are numerous TradeCorp fertilizer product. It goes all the way, there are stacks and stacks of product that go all the way to the back of the warehouse. The whole length of the warehouse is about 70 feet long and 30 feet wide.

HARRIS: Now, as part of the, the duties that you had, did you assign someone to do a diagram of this particular warehouse?

HENDEE: Yes, I did.

HARRIS: Who was that?

HENDEE: That was Detective Darren, excuse me, Detective Rick House.

HARRIS: And looking at People's number 55, does that appear to be the diagram that he drew?

HENDEE: Yes, it is.

HARRIS: In that diagram, contained within the kind of rectangle that represents the warehouse, are there a number of big squares there?

HENDEE: Yes.

HARRIS: What do those squares represent?

HENDEE: These represent approximate locations of pallets of product in the warehouse.

HARRIS: Now, you had said that we can see to the right of the screen that there's some, some type of box with a label on it.

HENDEE: Yes.

HARRIS: Could you read those labels and tell what they were?

HENDEE: Oh, yeah. I could have.

HARRIS: And you could tell that that was TradeCorp fertilizer product?

HENDEE: Yes, it is.

HARRIS: And you said something about a big container to the left of the screen up there in front of the forklift. How did you describe that again?

HENDEE: Like a large plastic container. I think it was designed to hold liquid. Chemicals or something.

HARRIS: Is it also referred to as a bladder?

HENDEE: Could be.

HARRIS: I'm going to resume the tape again. (Video played)

HARRIS: I'm going to stop it there. Can you describe for us, we're looking at, what we're looking at in the video at this time?

HENDEE: You're looking from the office area, where you would come out the office door, looking to the northeast corner of the warehouse. You can see, obviously, a boat. It's a 14-foot Gamefisher aluminum boat. Behind that is a shelf unit, a bunch of tools and bottles, and you also see some fertilizer product stacked up there along the right corner. In the lower right hand corner of that picture you can see the right front corner of the pull or car trailer, and on top of that is some sort of a portable pump machine.

HARRIS: Some kind of thing that could be used for pumping like a chemical or liquid product?

HENDEE: I believe it could be, yes.

HARRIS: It's tough to tell from a distance looking at this what's up on the screen now, but was the boat and the li trailer fairly close to each other?

HENDEE: Fairly close.

HARRIS: And was the trailer fairly close to the office portion of the warehouse?

HENDEE: Yes, it was.

HARRIS: Resuming the video again. (Video played)

HARRIS: Is the camera moving towards the back of that trailer, towards the bladder you just described?

HENDEE: Yes.

GERAGOS: Objection to calling this a bladder. There's no evidence,

JUDGE: Well, it's been identified or characterized as a bladder. The answer may stand.

HARRIS: Now, something's happening to the video at that point in time. Let me pause it there. What was it that's occurring at that point in time?

HENDEE: I believe she's climbing on top of the trailer to get to the back of the warehouse, because the product was so close to the trailer you couldn't squeeze through. So she's climbing on top, I believe, to get over to proceed back towards the back of the warehouse.

HARRIS: And I'll resume the video again. (Video playing)

HARRIS: And let me stop it there. What are we looking at in the scene depicted now?

HENDEE: You're getting an overall view of that sixteen foot by seven foot pull trailer. Got a number of planks on top of it. There are a number of items. A cardboard box on the left, which is the box that contained the item on the right side of the trailer. As you go up from the bottom to the top, the first item you come into contact with would be a mortiser, a chisel mortiser. That item came in that box. As you go further up towards the front of the trailer, there's some hoses, that pump, a gas can. As you work your way to the left side of the trailer, from the top or the front of the trailer back, there's some straps, some sort of a PVC pipe apparatus that went to the pump thing, I think. You see a dust pan. You see a plastic one-gallon-sized Rubbermaid pitcher. In the middle of the trailer. Next to that you really can't see too much, but it's a hammer, five-pound like, sledge hammer sort of thing. And then around the pitcher, around the dust pan

and in that area there's powder spilled out onto the trailer.

HARRIS: Now, on the top left corner up there, is that someone that is in the shop portion of the warehouse now?

HENDEE: Yes, it is.

HARRIS: Or the office portion? And who is that.

HENDEE: That's Denise Ducot. She was assigned to take photographs after we did the video.

HARRIS: Okay. Now, looking to the right side of that trailer, does it appear that the trailer is right next to the product there?

HENDEE: Oh, yeah. It's right up next to the product.

HARRIS: Could you walk on that side of the trailer?

HENDEE: Not back at the back end. You could have possibly squeezed through at the front end and gotten partially way back, but you could not make it all the way back through.

HARRIS: And you were describing for us before on the other side. So on the left side of this view here, could you, could you walk around the front of the trailer?

HENDEE: No. The front left corner of that trailer is, like, four inches from the wall, and there is some boxes and stuff that were underneath it, so you couldn't squeeze around it. You would have to step onto the trailer to get in front of it.

HARRIS: Resuming the video. (Video played)

HARRIS: Detective, I'm going to stop it right there. The camera has moved. What portion is being shown of the warehouse at this point in time?

HENDEE: Well, you're back towards the rear of the warehouse. Right now you're looking at a pallet with some, like, training-wheel-like things. I believe they're for the boat. And you're looking towards the, let's see here. You're looking towards the northwest corner.

JUDGE: Maybe you can show us with that pointer. See the pointer there?

HENDEE: Oh, okay. I believe you're right here in this area, looking in this direction, right now.

HARRIS: So this would be, the camera person has moved to the back of the warehouse behind the forklift now?

HENDEE: Yes.

HARRIS: I'll resume the video. (Video played) ***

HARRIS: What is this door right now that we're coming to on the video?

HENDEE: That's the door to the bathroom.

HARRIS: We're now looking at video of the inside of this bathroom?

HENDEE: That's correct.

HARRIS: What is that in the sink?

HENDEE: It's a mop.

HARRIS: And the camera has jumped again. What are we looking at now?

HENDEE: Now we're back at the front of the warehouse. Now we're looking at the back of the boat. It's a Gamefisher, 15 horsepower motor.

HARRIS: Let me stop the video there. Describe for us what we're looking at in the video at this point in time.

HENDEE: You're now looking at the center section of the boat, in between the second and third seat. There were three seats that ran the width of the boat, one in the front, one in the middle and one in the back. You're now looking at between the second and the third. You're looking at one of the spare tires for the boat trailer. There was another one that was mounted to the front of the trailer where you put the hitch for the trailer together. You're looking at two fishing poles, one of which is dismantled. The other is actually missing the crank, or the spinning wheel. You're looking at a, on the upper right hand corner of that picture is a cushion seat. It's mounted to the metal seat frame. You're also seeing part of a life preserver, the orange life preserver down at the bottom. There were two orange colored gloves. They were collected also. They were wet. Underneath that is a semi-circled shaped object which I was told had something to do with a jack for the trailer,

GERAGOS: Objection. Hearsay. Motion to strike.

JUDGE: Sustained.

HENDEE: Okay.

HARRIS: The, let me just point it out up here. The item that you were describing what it is, without what somebody told you, is that this item right here?

HENDEE: Yes, it is.

HARRIS: And it's some kind of metal object that has a rounded edge to it?

HENDEE: Like a half-circle shaped object, yeah.

HARRIS: Does it have a flat portion, like you might put your foot on it?

HENDEE: Yes.

HARRIS: All right. You can continue to describe what's up there.

HENDEE: As you're looking forward to the north, or the corner of the screen, the upper top corner, that's the middle seat. Underneath the middle seat where the metal bracket comes down and anchors to the boat you can see the handles belonging to a pair of pliers.

HARRIS: Let me use the pointer right here. Is this what you're describing right here?

HENDEE: Yes, it is. Next to that you can see a portion of a shoestring. You also see a red ink pen laying on the floor of the boat. And something at the left side of the boat. I can't tell what that is right now.

HARRIS: Now, what's depicted up on the screen right now with the video, is that how you saw the boat when you first went there on the 27th?

HENDEE: Yes, it was.

HARRIS: Have you ever had a chance to see photographs of this boat that Detective Brocchini took on the 24th?

HENDEE: Yes, I did.

HARRIS: Did you see the yellow pliers in his photographs on the 24th?

HENDEE: Yes, I did.

HARRIS: And are the pliers, do they appear to be in the same location?

HENDEE: Yes, they do.

HARRIS: Resume the video. (Video played)

HARRIS: I'm going to stop the video here. Can you describe for us what we're looking at now.

HENDEE: You're now looking between the second middle seat to the right and the front seat to the left. Underneath the front seat are two seat cushions, flotation devices. Next to that is an oar. There was one oar in the boat. Next to the lower blue seat cushion is a home-made weight. It's made of cement. It's almost two-toned color and has a metal rebar that goes in the center and comes out kind of on the top, but sort of circular shaped. Next to that you have a brown toolbox with fishing gear inside it. Tackle, et cetera. And on top of that you have a spinning wheel crank for one of the fishing poles on top of that. Going back up to the upper left-hand corner of the picture you have a seat cushion that's anchored to the metal seat frame.

HARRIS: Resuming the video. (Video played)

HARRIS: Stop it again. Can you describe for us what we're seeing now.

HENDEE: You're now looking at the front portion of the boat. In the front portion on the ground is a green nylon-type bag. There is a rope that goes to the front bow, which was, I believe, eight to, six to eight, ten feet in length. Presumably used to tie off the boat when it went to a dock or something. And next to that is a can, a red gas can next to the green bag.

HARRIS: To the right side of the screen do we see the handle portion of the oar that we saw on the previous shoot?

HENDEE: Yes, you do.

HARRIS: Resuming the video again. (Video played) (End video)

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HARRIS: That's the end of the video. We can resume the lights.

HARRIS: Detective, the videotape, towards the end of there there appeared to be some spots where there were some flashes of some kind. Was that where photographs were starting to be taken?

HENDEE: Yes.

HARRIS: What we just saw in the videotape, did you direct individuals, or Denise Ducot, as you were previously talking about, have her start taking photographs?

HENDEE: Correct. After the video had been done. Or during the end of the process.

HARRIS: And since you were the scene person, scene manager, did you have people collect items for you? Or did you collect the items in this particular case?

HENDEE: In some of them I collected. Most of them I probably collected. Some I did not. Some done in the office; for the most part I did not collect those. People collected those for me.

HARRIS: When you would have them collect something for you, how, what was the process? What did you do with that?

HENDEE: Well, as I was searching, they would come to me, say I've got some things I want you to see in the office. I would come into the office, they would show me, say Do you want me to collect these or not, and I say Yeah, and then they would leave them there. Later, when we got around to putting placards on it so we know what item number they were, a photograph would be taken of that item, and then we would collect them later on. Now, if I was busy, I might go ahead and ask them to prepare the packaging material for me, and I might actually help collect it if I was not doing something at that moment. But basically everything that got collected out of the warehouse was done at my direction.

HARRIS: If I could have marked next a series of photographs.

JUDGE: 119. How many have you got? How many are there, Mr. Harris?

HARRIS: There are four.

JUDGE: A through D?

HARRIS: Yes.

HARRIS: Detective, I'm going to present to you what's just been marked as People's number 119 A through D. If you would go ahead and look at those. Do you recognize those?

JUDGE: Do you recognize the photographs?

HENDEE: Yes, I do.

HARRIS: And do those accurately depict the scenes as you observed them on 12/27?

HENDEE: Yes, they do.

HARRIS: Again, what we're looking at is this just the front of the warehouse, documenting the two doors and the address?

HENDEE: That's correct.

HARRIS: Now, looking at 119 B, this again documents that particular area, of the office?

HENDEE: That picture, yes, it does, before we did any searching.

HARRIS: Now, can you describe for us, you don't have to go into too much detail, but describe for us what it is that you see up there. What you observed on the 27th.

HENDEE: Well, there's a computer on there, actually, there's two computers on the desk. Underneath that blue binder you can see the top of a laptop that's open. And next to that, on the left of the laptop, is a plastic container that holds a number of floppy disks. Next to that is like an in-basket, has a bunch of paperwork. And obviously there's a bunch of paperwork on the desk next to the computer keyboard.

HARRIS: Now, looking at, highlight something for you up here, in the upper left, left middle portion of this photograph. Do you recall what that item was?

HENDEE: Yes, I do.

HARRIS: What is that?

HENDEE: That's the instruction manual for the chisel mortiser.

HARRIS: And that was the item that you described previously on the videotape?

HENDEE: That's correct.

HARRIS: Putting up 119 D, if you can describe for us what that is.

HENDEE: That was given identification number 107. It's a printed copy off of the Internet of fishing locations around the San Francisco Bay, and what type of fish was running at that particular time, I guess.

HARRIS: And was that turned over to any particular person?

HENDEE: It was collected as evidence.

HARRIS: Now, I want to go through this. Looking at this placard up here, again so that we're talking about the same thing, are those actually two separate placards?

HENDEE: Yes, they are.

HARRIS: Why are they placed the way that they are up there?

HENDEE: Because we didn't have placards that went above a hundred, and I didn't know at that point for sure what evidence item number they were going to finish at the house. So I started labeling everything with 100. And so at the office area we combined a ten with a seven. As we moved into the warehouse, we just used the normal placard, and when I wrote my report I

identified it as 100 and whatever number. For example 115, 120. And the item packaging represents the actual number. 115, 120, whatever it would be.

HARRIS: So this particular item we're looking at two placards, but the number that you gave that particular item would be 107?

HENDEE: That's correct.

HARRIS: So in the rest of the photographs that we're looking at for the warehouse on 12/27, all of them start with the 100 prefix even if it's not visible in the placard?

HENDEE: That's correct.

HARRIS: Looking at 119 C.

JUDGE: C or D?

HARRIS: 119 C.

JUDGE: C.

HARRIS: Can you describe for us what that is?

HENDEE: This is what we collected as evidence item number 106. It's a Big 5 shopping bag. It was empty with the exception of the receipt that was inside it. The receipt inside it was dated December 20th, 2000 and 2. It was for merchandise purchased at Big 5 in Modesto on Dale Road, which included a fishing pole, couple of lures, a two-day fishing license and an Ocean Enhancement stamp.

HARRIS: Now, the areas that we're looking at, is this the office portion that was documented in the manner that you've told us: Videotaped, photographed, and the items collected?

HENDEE: Correct.

HARRIS: For example, this item, 106, after it was collected would it have been put in one of those envelopes that you've been telling us about?

HENDEE: Yes.

HARRIS: Marked with some identifying information?

HENDEE: Correct. With the case number, with the item number, with my name, the date, and then sealed.

HARRIS: After you did the office portion, did you move out to the bay area of the warehouse?

HENDEE: Well, the searching was going on simultaneously. There were people working in the warehouse at the same time there were people working, excuse me, in the bay, at the same time there were people working in the office. And I more or less floated around the, both places.

HARRIS: Looking, those pictures up there right now, but not really looking at the boat, talking about the boat, maybe you could turn around and look at number 55. Did you assign someone to do any particular portion or items inside the bay area of the warehouse?

HENDEE: Yes, I did.

HARRIS: And who did you assign?

HENDEE: Well, I directed Detective Rick House to do the diagram of the warehouse, and then directed Darren Ruskamp, he's a detective, to search the boat, start working on that. And then I had detective John Kanuck do the warehouse, to kind of check out the rest of the warehouse and see what was there, search that.

HARRIS: Now, after you made these assignments, did you also participate in helping some of the searches?

HENDEE: Yes, I did.

HARRIS: Did you help in the search of the boat?

HENDEE: Yes, I did.

HARRIS: You just previously described for us that, the location of those pliers?

HENDEE: Yes, sir.

HARRIS: And did you ever go over and look at them closely?

HENDEE: Yes, I did.

HARRIS: Did you ever pick them up?

HENDEE: Yes, I did.

HARRIS: Describe for us what you saw.

HENDEE: When I picked up the boat, excuse me, when I picked up the pliers, I was standing in the boat and I reached down, I didn't know if this was going to be anything we were going to collect or not, and I noticed what looked like a single hair in the pliers. It was about five to six inches long. It was dark colored. I look at this, I say Hey, there's a hair in here, and everybody else that was standing around the boat at that time stopped and took a look at it.

HARRIS: When you say there was a hair in there, what did you mean?

HENDEE: Well, it looked to me as if there was a single hair that went through the end of the pliers, clamping portion of the pliers. If these were the clamping portions (gesturing), a single hair had gone through the pliers, through this part, and was kind of like this, if you will.

HARRIS: All right. Tell you what, I'm going to have three photographs marked.

JUDGE: 120. How many have you got?

HARRIS: A, B and C.

JUDGE: A through C.

HARRIS: Detective, I'm going to present to you 120 A, B and C. Do you recognize what's depicted in those?

HENDEE: Yes, I do.

HARRIS: I'm going to start with 120A. First let me ask you some questions because things look a little different on the projector. Looking at 120 A, what is this particular item?

HENDEE: This is evidence item number 144, the pliers. The hair that was in the pliers we took off and we gave it a separate item number. That was 144A. What you're seeing is a photograph. Almost immediately after I found it we got the placard, we put it down. Denise Ducot was standing right there next to the boat. She took the picture, and what it depicts is a picture of the hair in the pliers.

HARRIS: Now, in this particular photograph, looking at the photograph itself, 120 A, can you see the hair in that photograph?

HENDEE: Yes, I can.

HARRIS: Let me put it on the screen, and that detail will be somewhat washed out. If I could get the bailiff to turn off the middle lights, sometimes that helps.

HARRIS: All right. That's a little better. Detective, looking at 120 A, describe for us what we're looking at.

HENDEE: What you're looking at is the pair of pliers. That's my hands holding it. It is in front of that placard number 44. The placard was there to identify it by its item so we would know what

that was. You can see the base at the very right hand corner of the placard. That's about where the hair starts. It might actually go off the placard a little bit.

HARRIS: Are you referring to this particular object right there?

HENDEE: Yeah. Well, that's attached to it, but the hair actually goes a little bit further, to the very end corner of the placard.

HARRIS: Right.

HENDEE: As you go up to here you can see there's some sort of material stuck to the hair.

HARRIS: That's what you're referring to right there?

HENDEE: That's correct. The hair then winds up, almost kind of curves around the 4, up and through the back side of the pliers. It comes out the other side of the pliers. And there's another piece of this vegie material, or whatever it was, stuck to the hair there.

HARRIS: And that's what you're referring to, that little item right there?

HENDEE: Right. And, and the hair was kind of looped around. I don't know if it was actually stuck with the vegie material that caused the hair to stick together, or whether it was actually wedged back. I remember seeing a loop in the hair.

HARRIS: Okay. What, this particular item up there, we're talking about a pliers. Can you be a little bit more descriptive what kind of pliers these were?

HENDEE: They're needle-nosed pliers. They do have a center section that does cut wire. They have rubberized yellow handles. It's approximately I would say, maybe the whole set of pliers is probably about seven inches long. The needle-nosed parts are probably about two and a half to three inches.

HARRIS: And the part that we're referring to, when you're saying the hair was at the front or was at the front of these needle-nosed pliers, are they wrapped around the outside? Or do they actually go through, if you open up the teeth of the pliers, do they go through?

HENDEE: No, it didn't wrap around the pliers, didn't wrap around the needle nose. It just went through. It looked like at one location it just went through the pliers.

HARRIS: So demonstrating with my fingers what you're describing, if the plier's teeth were open, the hair was in and the pliers were closed on them?

HENDEE: Correct.

HARRIS: Now, when you saw this and you made this statement, you said that you had Denise Ducot photograph this fairly, fairly quickly?

HENDEE: Yeah. I don't even think I had to ask her. I think she was just standing there, she's got the camera around her neck, she flipped it up and took a picture of it.

HARRIS: After you see this in the pliers, the photograph is taken, what do you do with the hair?

HENDEE: I asked for an envelope. An envelope was brought to me. It was a four by six yellow envelope. Very similar to the ones, like this one. And I opened it up, looked inside, made sure we had a brand new envelope, put the pliers in, pulled the handles apart, pulled the pliers out, saw that the hair was no longer there. Look down in the envelope, saw what looked like a single hair in there. I didn't pay much more attention to it, I just knew that the hair was inside there, and that's what I was concern with. Closed it up, put the clasp on, and took it out to the van, sealed it tight.

HARRIS: The process of sealing it tight, is this the same process that you told us about with all these other items?

HENDEE: Basically, yes. Just taping the lids so that nothing falls out.

JUDGE: Let's take the noon recess.

HARRIS: All right.

JUDGE: All right. Ladies and gentlemen of the jury, we'll take the noon recess. Remember the admonition I've heretofore given you. We'll reconvene at 1:30, okay? We'll pick up where we left off.

JUDGE: This is People versus Peterson. Let the record show the defendant is present with counsel. The jury is in the jury box along with the alternate. And are you ready, Mr. Harris?

HARRIS: We're trying to take care of this before we get started.

JUDGE: That's okay. Be much obliged if you did.

HARRIS: Got that worked out. Now we can move on.

JUDGE: That's good. Go ahead.

HARRIS: Detective, when we had broken, we were talking about your item 144. And what's up on the screen. And can you describe for us the process that when you put it in the envelope, and so on and so forth. Before we go into the rest of the stuff, anything that you found in the shop, I want to talk a little bit more about this particular hair. You had told us that on the 26th, you were on vacation, and your vacation was somewhat canceled, you were called back in. Was this true on the 27th as well?

HENDEE: Yes.

HARRIS: When you were done with whatever your duties were at the search warrant on the 27th, did you get to go back on vacation?

HENDEE: Yes.

HARRIS: Did you finish your vacation at some point in time and come back to work?

HENDEE: Yup. Yes, I did.

HARRIS: So when you come back to work after completing your vacation, did anybody, any other detectives come and talk to you about this particular photograph?

HENDEE: Yes, they did.

HARRIS: Who is that?

HENDEE: Detective Craig Grogan and Detective Al Brocchini came to me.

HARRIS: When they came to talk to you, do you remember when this was?

HENDEE: Yes.

HARRIS: When was that?

HENDEE: February 12th of 2003.

HARRIS: And were they asking you if you could remember something about the hair, or did they ask you to look at the photograph at that particular point in time?

HENDEE: They told me that they had been reviewing the picture.

GERAGOS: Objection as to, it is compound as to "they". If we could specify.

JUDGE: If you could make it who said what, then it will come in for the reasonableness of his conduct and state of mind.

HARRIS: Were they asking you,

GERAGOS: Same problem.

JUDGE: The "they" is the problem.

HARRIS: Did either Detective Grogan or Detective Brocchini ask you if there was a root on this particular hair?

HENDEE: Yes, they did.

HARRIS: Did you remember when it was that you came back from your vacation?

HENDEE: Yes, they did.

HARRIS: Did you remember?

HENDEE: Remember the date I came back from vacation?

HARRIS: Let me try that again.

HENDEE: I'm sorry.

HARRIS: Did you remember if there was a root on the hair after you came back from your vacation?

HENDEE: No, I did not. I didn't remember ever seeing a root on the hair.

HARRIS: Did they ask you to look at the,

GERAGOS: Same objection. Just have who somebody is. Ask who it is so we can figure it out.

HARRIS: Did either one, or someone ask you to look at the photograph?

HENDEE: Yes, they did. Yes. I believe it was Detective Grogan was showing it to me.

HARRIS: Did you look at this photograph, this one that's up on the screen now?

HENDEE: Yes, I did.

HARRIS: Did you see if it had a root on it at that point in time?

HENDEE: No, I could not.

HARRIS: Once you could not see a root in the photograph, was something decided, or was it decided to go and look at the actual item?

HENDEE: Yes.

HARRIS: Who went to go look at the item?

HENDEE: Detective Grogan asked me to go check with it. And Detective Al Brocchini went with me.

HARRIS: Where did you go?

HENDEE: We went to the Modesto Police Department evidence facility.

HARRIS: Why did you go there?

HENDEE: Because that's where we store all of our evidence.

HARRIS: And when you were done with this hair on the 27th, you have talked about how it was put into the envelope. Was it then placed into evidence?

HENDEE: It was placed into evidence, and I filed a report reflecting that it was in there.

HARRIS: When we say it's placed into evidence, does this go into a secure building where your evidence is kept?

HENDEE: It's a secure facility that only Modesto Police Department employees can access to the lobby and viewing areas. Where evidence is actually stored, only a few Modesto police employees can get in there have access to the evidence.

HARRIS: Did you and Detective Brocchini go to this place?

HENDEE: Yes, we did.

HARRIS: Did you get the envelope that this hair was contained in?

HENDEE: Yes, I did.

HARRIS: How did you do that?

HENDEE: We went to the front counter, and we asked for the evidence envelope. They look in a binder, come up with a name. They pulled out the envelope. I took a look at it. It was in the same condition that I had sealed it in on the 27th. And we opened it. Detective Brocchini actually opened it up.

HARRIS: Now, just go back through that. When you say you look it up in a binder, when things are booked into this evidence that we're talking about, is this kind of a booking for an evidence slip sheet, whatever you call it, that's created?

HENDEE: Yeah. Any time you collect evidence you have to fill out a property sheet. That property sheet is turned in with the evidence item so that the property personnel know what items are in evidence. And they will file those property sheets under the case number. So whenever you want to view evidence on a certain case number, you go in there and you say, I want to see whatever item from whatever case number. They will pull the file. They will go down the property sheets. In this case there is hundreds of them. They will go on the property sheets until they find the item you are looking for. They will know what location that item is stored. They will go get that item and bring it out to you.

HARRIS: In this particular case with this hair, did you go and get it? Or did they go get it and bring it to you?

HENDEE: No. We never, actually we're not allowed to enter the evidence facility itself where all the evidence is. They go get whatever item you want. They bring it out to you, hand it to you, outside the, outside the evidence storage portion, but still within the locked Modesto police building.

HARRIS: They bring this envelope out to you, and you said that we opened it. You said it was Detective Brocchini that opened it. Did you put down anything before you opened this?

HENDEE: Yes. In this locked storage area that we were in, this locked lobby area, there is a piece of paper that we grab hold of, put it down on the counter. And when you opened up the envelope, we poured the contents on to this piece of paper.

HARRIS: Did you look at what came out?

HENDEE: Yes, I did.

HARRIS: What did you see?

HENDEE: Two hairs came out of the envelope.

HARRIS: And was this different condition than you had seen it put in before?

HENDEE: In my opinion it was, because what I recalled seeing the night on the 27th was one hair through the pliers. I didn't know if it had broken, or if there were actually two hairs possibly that met up at the same point underneath the pliers.

HARRIS: You said that when this was retrieved for you by the property people, it was still in a sealed condition?

HENDEE: Yes, it was.

HARRIS: So when you sealed it on the 27th, was there something that you did to that so you could tell if it had been tampered with or opened?

HENDEE: It was still sealed with the tape, and it still had Joy Smith's initials on it. She was working with me when I was booking in all of these items, so I was filling out the paperwork, putting the tape on it. And then she was initialing as they booked in them into the evidence facility.

HARRIS: It was in the same condition when you saw it on this February date with Detective Brocchini?

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: Was the envelope in the same condition on this particular date that we're talking about in February as when you had last seen it on the 27th?

HENDEE: Yes, it was.

HARRIS: Now, you have, you had described for us before in this photograph that's up there on the screen right now, which is 120-A, you talked about the two items that, the longer item and the smaller item that were attached to, whether this is one or two hairs. Did you still see those particular items when you looked at this hair after Detective Brocchini dumped it out?

HENDEE: Yes, I did.

HARRIS: After you looked down and see those items that are there, what do you do?

HENDEE: Well, we took a look under a magnifying glass to see if we could see if there was a root. We checked both ends of each hair, and we didn't find anything that I thought was a root, or that he thought was a root. So at that point we packaged it back up. The entire process probably took five to seven minutes at most, probably.

HARRIS: Did you package it back up the same way?

HENDEE: No. This time, because I didn't know how the hair became two, in case it had broken in the envelope, or something, I took extra precautions and put the hairs into a box, put the box back into the same envelope, and resealed it at that time.

HARRIS: I want to put up on the screen 120-B. Do you recognize the envelope to the right of this particular photograph? Let me zoom out a little bit.

HENDEE: That's the back side of the envelope. What I do recognize on that is Joy Smith's initials and the date that which we originally sealed it. So it's like a JS 12-27-02. That is Joy's signature and the date which we sealed it on the back side of the envelope. The rest of that writing was not on that envelope at that time when we sealed it up.

HARRIS: Now, the other writing is that, does that appear to have a 2-12 date?

HENDEE: The 2-12-02 date, which we resealed it. That's Detective Al Brocchini's initials.

HARRIS: Going from the top of the envelope, it's depicted in this particular photograph, 2-12-02 you recognize that as being Detective Brocchini's sealing of the envelope?

HENDEE: Correct.

HARRIS: It says beneath his initials or signature, whatever that is, "View Only"?

HENDEE: "View Only", yes. I'm sorry that was, Brocchini wrote that as well.

HARRIS: Then underneath that is the, what you were describing as that JS, for Joy Smith. That's where it says 12-27-02 across the tape seal?

HENDEE: Right.

HARRIS: Then further down on the envelope is something that purports to be a CV dash 02 dash 10941?

HENDEE: Correct.

HARRIS: Does that appear to be a case number assigned by Department of Justice?

HENDEE: Yes.

HARRIS: To the left of this particular item, is there a box in this photograph?

HENDEE: Yes, there is.

HARRIS: And do you recognize anything on the box?

HENDEE: Yes. I recognize the item Number 144-A, and my initials at the top, HDH.

HARRIS: Underneath the writing portion of the box that's kind of towards the middle of that photograph, is there, can you see into the box?

HENDEE: Yes, I can see into the box.

HARRIS: What is, what's that in the box?

HENDEE: It's the hair. It's actually two hairs now being placed in the box. And you can see the same two vegetative, or whatever, substance. They were stuck to the hair. You can see them both still on the hairs at that point.

HARRIS: Let me put up the next photograph, 120-C. Is this a more zoomed-in view, 120-C, of the same box?

HENDEE: Yes.

HARRIS: You are describing for us the hair and the two vegetative things, I think was the term that you used. Do you see that long thing that you had described in the previous photograph where it was depicting the pliers in 144-A? Do you see that in this?

HENDEE: Yes, I do.

HARRIS: And the other item that you had also described, kind of shorter, whatever it was, also in there?

HENDEE: Yes, I do.

HARRIS: Now, going back to the search warrant, I keep calling it the shop. Going back to the search warrant at the warehouse. Did you, you talked about helping out with the boat. As you went through the boat, were other items collected from the boat beside the pliers?

HENDEE: Yes.

HARRIS: And I guess just probably the easiest thing to do now is kind of present some of these things to you and see if you recognize them. Start with this one. This appears to be Exhibit W. Why don't you look at that. Do you recognize it, what's marked as Exhibit W?

HENDEE: Yes, I do.

HARRIS: Can you describe for us what that is and how you recognize it?

HENDEE: First of all, I'm looking at the envelope. That's the case number for this particular case. It has the date, my name, and the item number, which is item number 151 underneath. That it has a Modesto Police Department bar code sticker. And underneath that it has "Tackle Box" written. This is the brown tackle box that we collected from the center section of the boat on the night of the 27th.

HARRIS: Looking to your right, this is an envelope that's also been marked. And I believe that's People's Number 74. The tag is on the other side.

HENDEE: Yes, it is.

HARRIS: Do you recognize that?

HENDEE: Yes, I do.

HARRIS: Can you tell us what that is and how you recognize that?

HENDEE: Again, it's a standard envelope. It has the case number, the date, 12-27-02. It has my name on it, item number 148-C, which is the number I gave it. Has the Modesto Police Department bar code number on it. Underneath it has written for the contents of the badge, two lures and a 7-23-99 fishing license. July 23, 1999, was the date on the fishing license, two-day license.

HARRIS: I'm going to show you again what you were talking about earlier, 119-C. 119-C. Look at that particular photograph. Hand you People's Number 73. See if you recognize those.

HENDEE: Yes, I do.

HARRIS: If you can tell us what that is, tell us how you recognize it?

HENDEE: People's item number 73 is the envelope in which we packaged the Big 5 Sporting Goods bag and the receipt. Again, has the case number, the date, my name, and the item number that we gave it, which was 106, which corresponds with the picture. And it also has a description of the item on it, Big 5 receipt, dated 12-20-02, found on shelf in office.

HARRIS: We were talking about the process of how these items were found and collected. When you, when these items are collected, did you look at them so that you can document them in your reports for later recollection?

HENDEE: Some items I do. I mean I can't possibly look at all items, especially if there is hundreds of pages financial documents. I don't do that.

HARRIS: On that day did you document what the contents were, or what was included in that receipt?

HENDEE: At a later date I did.

HARRIS: All right.

HENDEE: I mean I didn't know exactly at the time we packaged it, everything on the receipt. I just knew it was a receipt for the fishing lures.

HARRIS: Okay. Let me first, you were mentioning financial documents. We'll deal with that real quick, real quick as well. Showing you 119-B, and what's been marked as item T. Looking at the photograph, does the item T appear to be one of the documents that was laying on top of the desk there?

HENDEE: Yes, it does.

HARRIS: Now, you were talking about some times you went back, you looked at other things. Did you go back and look at some of the fishing equipment at a later point in time?

HENDEE: The lures I did.

HARRIS: And do you have those lures, I believe, marked? You have them up there with you?

HENDEE: Yes.

HARRIS: That's item number 74?

HENDEE: Yes.

HARRIS: Did you look to see if those lures appeared to match the information on that Big 5 receipt?

HENDEE: Yes, I did.

HARRIS: And from your examination, did they appear to do so?

HENDEE: Each of the lures has Big 5 price tag stickers on at this time. And they also have the corresponding product number, which matches the product number on the receipt, Big 5 receipt.

HARRIS: Where were these lures found when you did the search on the 27th at the warehouse?

HENDEE: The lures were found in the green vinyl bag found in the front portion of the boat, inside that bag.

HARRIS: Now, you had mentioned earlier about some fishing poles. Were those fishing poles also collected?

HENDEE: Yes, they were.

HARRIS: Like to show you V-3 and V-1, have you look at, have you look at both of these. Do you recognize those two items?

HENDEE: Yes, I do.

HARRIS: And could you describe for us what they are and how you recognize them?

HENDEE: These are two fishing poles that were inside the boat at the time that we served the search warrant at the warehouse. Both of them were given wired papered tags attached to them, and has the date, the case number, my name, description of the item, fishing rod, and the evidence item number attached to them. This one, this one is Modesto police item number 153, and this one is evidence item number 152.

JUDGE: That is V-1 and V-3, right?

HARRIS: Yes.

HARRIS: Where was it those two fishing poles were found?

HENDEE: In the boat. In the back section of the boat. Very back section of it, between the second and third compartments.

HARRIS: That's where you,

HENDEE: Seats.

HARRIS: Didn't mean to cut you off there.

HENDEE: And between the second and third seat, pretty much where they were.

HARRIS: As part of the process of looking at the boat, did you also have things photographed, and then did you attempt to do a diagram of the boat as well?

HENDEE: Yes.

HARRIS: If I can have these marked as next in order.

JUDGE: That would be 121. Photographs

HARRIS: Detective, I'm going to show you what's been marked a set of photographs and diagrams 121-A through H, ask you to take a look at those and see if you recognize them.

HENDEE: Yes, I recognize them.

HARRIS: The photographs that are depicted in there, do those accurately portray what it is that they are showing?

HENDEE: Yes, I believe so.

HARRIS: They are accurate, so they are accurate representations of what they show?

HENDEE: I believe so, yes.

HARRIS: And the diagrams, are those diagrams that you prepared?

HENDEE: Yes, they are.

HARRIS: And do they depict the boat based on your measurement?

HENDEE: Yes, they do.

HARRIS: All right. Let me go through this then. We're just asking you about V-1 and V-3. Show you this photograph, 121-A. This is another photograph of the boat?

HENDEE: Correct.

HARRIS: And do you see the fishing rods or fishing poles in the boat in front of the blue seat there?

HENDEE: Yes.

HARRIS: And also another view of the red handle of the pliers?

HENDEE: Yellow pliers.

HARRIS: Yellow handle?

HENDEE: Yes.

HARRIS: Looking at 121-B, is that a better view of the fishing poles?

HENDEE: Yes, it is.

HARRIS: 121-C, front section of the boat that you are describing?

HENDEE: Yes. That's the green bag where the lures were found.

HARRIS: And was the green bag also taken into evidence?

HENDEE: Yes, it was.

HARRIS: I want to move to the diagrams that you prepared, 121-D, ask if you can, get the bailiff to dim the light here in the middle. Can you describe for us what this is in 121-D?

HENDEE: That is a computer image downloaded from a web page at Rose Manufacturing. It's a boat manufacturer. They own the Sea Nymph line. Sea Nymph is the line that made the boat for Game Fisher. And, actually, Game Fisher is a brand name for Sears. This boat was manufactured back in 1991 for Sears under the name of Game Fisher by Sea Nymph Corporation. That is a picture of the boat without the motor, without the accessory seats. That's just the basic frame of the boat itself. That is not the actual boat that Scott Peterson had. That's just a picture of one that's identical to it. The measurements around it are the measurements that I took showing the different widths of the boat. For example, the width of the boat at various levels various points, and the widths between the seats and how wide the seats were, et cetera.

HARRIS: The measurements on there, those are measurements that you made yourself?

HENDEE: Yes, they are.

HARRIS: They are accurate measurements?

HENDEE: I believe so, yes.

HARRIS: Putting up 121-E. Can you describe for us what that is?

HENDEE: Again, it's a picture of the same boat. And, again, what I have done is, I'm taking measurements to show how deep the boat is. The line that goes across, cuts across the center of the boat. We actually took a string and ran it from the bow to the end, and then we took measurements from the string in a straight line down to the bottom of the boat at various different points to get a depth. I also ran strings across the width of the boat from side-to-side, and measure down, because there was a slight variation between the center line going down the boat and the sides, because the boat is a little bit, so you have a little bit of difference between

the boat. Basically about a two inch difference all the way down the boat.

HARRIS: Looking at this particular item up there 121-E, you described before with the truck there were legends on one of those particular diagrams. Is there the similar kind of legend on this particular diagram?

HENDEE: Yes, there is.

HARRIS: And the A, B, C, D, kind of buttons or circles there, do they match or correspond to the items in that legend?

HENDEE: Yes, they do.

HARRIS: Does that explain what the measurements are at each of those locations?

HENDEE: They explain the measurements from the front of the seat down to the bottom of the boat in the center of the boat, with the exception, the very first little shelf up near the front. And then that is from the back side down.

HARRIS: Showing you 121-F. Now, first, do these appear to be actual photographs of the boat that you saw on the 27th?

HENDEE: Yes.

HARRIS: And then overlaid on the photographs are some measurements?

HENDEE: Yes. Actually the boat tarp was obviously not on the boat at the time. But, yes, that's the boat. And the measurements are overlaid on top of the picture. Those are measurements to show certain heights that I took.

HARRIS: 121-G. Is this a closer up different measurements of the same boat?

HENDEE: Correct.

HARRIS: And in the previous diagram, slash, photograph, it showed the back measurement of the eight and a quarter inches. Does that continue over in this particular photograph towards the right side of the photograph?

HENDEE: I don't have, it does.

HARRIS: What is that particular measurement?

HENDEE: That's the measurement from the bottom of the lowest point of the motor, which would be the below the propeller, to the ground when the motor is in its fully-down position.

HARRIS: And then there is something for these measurements, are they to different locations on the trailer and the boat to give you a distance depicted in the photograph?

HENDEE: Yes.

HARRIS: Showing you 121-H. This is the opposite side of the boat?

HENDEE: Yes, it is.

HARRIS: And does it show same kind of measurement?

HENDEE: Yes, it does.

HARRIS: And does it appear that the boat, based on these measurements, was fairly symmetrical?

HENDEE: Yes.

HARRIS: As you went through the process of collecting these items, were there some items that you couldn't collect, or some items that were too big to stick in an envelope?

HENDEE: Yes.

HARRIS: Did you actually take the boat?

HENDEE: Yes, we did.

HARRIS: How do you do that? What's the process of taking the boat?

HENDEE: Well, we had a, Detective Ray Coyle had a truck, and he went and got his truck. And we hooked it up just like you would normally tow a boat, onto the ball hitch of his truck, and towed it in to the Modesto Police Department when we were done with the processing of the warehouse.

HARRIS: Now, did you go through, when you are there on the 27th at the warehouse, did you go through and take every single thing at that point in time? Or did you take like, for example, the green bag, take that with you and inventory the contents later?

HENDEE: We took some of the items out of the green bag. But I didn't see a need at that point to go through everything in the green bag at that point, inventory it because, one, I didn't know if it had evidentiary value; two, getting late in the day, everybody was getting a bit on the tired side. Rather than sift through, make everybody wait what I did was pick up the stuff, we brought it to the station. We could always inventory it later.

HARRIS: There was things were found, though, were they still going through this process of photo documentation?

HENDEE: Yes.

HARRIS: Now, next to the boat, you described for us earlier about this trailer that was there. Did you also have that photo documented?

HENDEE: Yes.

HARRIS: Somebody took picture of it?

HENDEE: Yes.

HARRIS: If I can have marked.

JUDGE: 122. Photographs

Marked as Exhibit 122A-I for identification.

HARRIS: Nine photographs.

CLERK: Through I.

JUDGE: A through I. Doesn't that work good?

GERAGOS: Marilyn 122 A through,

CLERK: A through I.

JUDGE: A through I.

HARRIS: Detective, I'm going to show you 122-A through I. Just have you double check, make sure you recognize those. Do you recognize those?

HENDEE: Yes, I do.

HARRIS: Do these accurately depict the warehouse on 12-27-02?

HENDEE: Yes, they do.

HARRIS: Tell you what. Before we show those, let's talk about the diagram behind you. You can go ahead and grab the pointer. And you are getting kind of boxed in with all that stuff up there. I want to go through this diagram with you a little bit. You have already described for us that it's marked on there where the man door was, where the rollup door was. And it's also depicted office in the upper right hand corner of that diagram where the drawing is. Does that accurately

depict the office as you recall from 12-27-02?

HENDEE: Yes.

HARRIS: Can you describe for the jury what those items are that are in the office?

HENDEE: Sure. This is a couch. This is the desk. The chair. Right in here somewhere was a fax machine. There is a shelf unit. Another shelf unit. And some file cabinet. Over here in the corner is a trashcan. Trashcan underneath that too. There is a set of golf clubs over here.

HARRIS: Okay losing your voice there a little bit at the end. You said there was a trashcan where?

HENDEE: There was a trashcan under here, under the shelf unit, and one in the corner.

HARRIS: As you come out, or if you were in the office area, depicted in the diagram up there, to go into the bay areas, we have been calling it, of the warehouse, is this a door?

HENDEE: Yes.

HARRIS: We have seen this in the video. You are pointing to it in the diagram?

HENDEE: Yes. There is a door right here.

HARRIS: The trailer that you told us about before, are you referring to, it's a kind of a car trailer, is that depicted in this diagram there?

HENDEE: This item right here.

HARRIS: If you could look behind you, there is a red pen on the judge's railing there. If you could write "Trailer" on the box that represents what the trailer is. Don't go too far. Is there also depicted on this the boat that you have been describing?

HENDEE: Pointing to that now.

HARRIS: And written on the boat. Do you recognize that?

HENDEE: Yeah.

HARRIS: And the bathroom. You can describe for us?

HENDEE: Bathroom is right here. Toilet and sink. A little, a little cabinet for toiletry supplies in the corner right here. Here is the door.

HARRIS: Now, I asked you earlier about the big squares that are on there. There is kind of an odd-shaped, more of a rectangle than a square almost to the center of the diagram. Does that represent where the forklift was at?

HENDEE: Yes.

HARRIS: Could you write "Forklift" for that? And do you recall at this point in time which way the forklift was facing?

HENDEE: Facing inward to, it was driven in this way.

HARRIS: So it is just kind of a standard forklift that has those things that come out of the front?

HENDEE: Forks.

HARRIS: That's the technical term, those things? And those forks are things that they were facing towards the back of the building?

HENDEE: Yes.

HARRIS: All right. To the lower right portion of the diagram there is some boxes there next to the boat. Do you remember what those were?

HENDEE: Product here. I think it was some tools, like a large tool of some sort, drill press, or jigsaw, something like that. And some shelf unit I think right in here. And I think compressor, or a pump, or something like that. Air compressor I think was up here in the corner.

HARRIS: With the orientation of how these things were in here, let's go back and look at these photographs. Going to show you starting with 122-A. What are we looking at here in this photograph?

HENDEE: You are standing near that office area door, looking towards the front of the warehouse bay. You can see the front portion of the car trailer. And you can see the front portion of the boat, the rollup door. And you can also see to the left of this trailer just how much space there was between the trailer and the wall, which is about maybe four inches.

HARRIS: When you are saying the wall, is that actually depicted in the photograph here? Is that this right here?

HENDEE: That's the wall.

HARRIS: Now, you had talked earlier about some kind of powder. Do you see some of that powder depicted here?

HENDEE: Yes, I do.

HARRIS: Can you describe for us, where,

HENDEE: It's the light-colored powdery substance on the trailer. You can see some of it on that. Looks like a fire hose spread over there.

HARRIS: That's this area over here?

HENDEE: Correct. You can see some of it down by the tie down straps. That wouldn't, there is bunch of it right there.

HARRIS: This area here?

HENDEE: Above that there is a little darkened stained area of the wood. You can see some of that powder on footprints.

HARRIS: And that's, you are referring to this right here?

HENDEE: Correct. And over by the gas can, there is another gas can there. You can see some of the footprints over there as well. And you see the lower right hand corner of that picture, you see the dustpan with powder on it as well.

HARRIS: That's this area here?

HENDEE: Correct.

HARRIS: Showing you 122-B. Can you describe for us what you see there?

HENDEE: This is that same area. You can see the dustpan in this picture. You also see some of that powder that we're talking about that was spread out over the top of this trailer. In addition to seeing the powder, you see some areas that, black powder, something was there covering up the wood at the time.

GERAGOS: Objection as to speculation as to the latter portion. Motion to strike.

JUDGE: Sustained.

GERAGOS: Motion to strike.

JUDGE: Yes the jury can disregard. Next. Go ahead. Just what you saw.

HARRIS: This up here, what is that?

HENDEE: That's a sledge hammer.

HARRIS: Now, this area that I'm pointing to here, is there a circular area towards the middle of the photograph right next to that white piece of material, whatever it is?

HENDEE: Yes.

HARRIS: And that circular area, did it have powder in it, like the area around it?

HENDEE: Not nearly the same amount. Obviously lacking powder next to it.

HARRIS: Showing you 122-C. Can you describe for us what's in this photograph?

HENDEE: This picture is being taken from a little further back. You can see more of the powder. You can see the pitcher to the left. And you see that sledge hammer. And you just see more of the powder on the trailer.

HARRIS: You were showing in the previous photograph that circle where there was the absence, or there was less powder. Did you do something to kind of keep track of, strike that. Try that again. Did you find other areas where you had that kind of absence of powder?

HENDEE: Yes.

GERAGOS: Objection. Misstates the evidence.

JUDGE: Just ask him.

HARRIS: That's what I was asking.

HARRIS: Did you find other areas where you had that absence of powder?

HENDEE: Yes.

GERAGOS: Objection. Misstates the evidence. He didn't say absence. He said less.

JUDGE: That is the distinction he's made.

HARRIS: Did you find other areas where there was less powder than the surrounding areas?

HENDEE: Yes, I did.

HARRIS: Did you do something to try and document or differentiate those areas?

HENDEE: Yes, we did.

HARRIS: Showing you 122-D, and blowing up, I don't know if you can see it as well. What are these placards, what do they represent up there?

HENDEE: Item number 28 represents the pitcher. The pitcher was a plastic clear pitcher with powder residue inside it.

HARRIS: Was, item 28, that would be 128?

HENDEE: Item number 128, correct.

HARRIS: Was that plastic pitcher recovered?

HENDEE: Yes, it was.

HARRIS: Did you bring that with you to court today?

HENDEE: Yes, I did.

HARRIS: Do you have that in your box up there? I see that you just pulled a box out. Was that placed into a box at some point in time?

HENDEE: Yes, it was.

HARRIS: Do you recognize the box that it was placed into?

HENDEE: Yes, I do.

HARRIS: How do you recognize it?

HENDEE: It has my name and initials across the top of the box. Originally this was not preserved in a box. We put it in an envelope and sent it, sent it to evidence in an envelope. Later I was concerned it could get broken, whatever in there. I asked them to repackage it in a box. And on this, this is the date that I last examined this 7-21-03.

HARRIS: I'm sorry, what was the date?

HENDEE: 7-21-03.

HARRIS: You could go ahead and open that. We'll have that marked at this time.

JUDGE: We'll mark the box and contents. We'll mark the box 123 and the contents 123-A. Box and contents

Marked as Exhibit 123 & 123A for identification.

HENDEE: Do you want to take it out?

HARRIS: Just pulled something out of the box?

HENDEE: Yes, I have.

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

HENDEE: This is the bag that I originally packaged it in. It has the date on it, has the case number 02-142591, the date 12-27-02, and it has my name and the item number. And then also has the contents of this bag, plastic pitcher. Also written on this is 7-21-03. Has my name, and says Hendee opened and verified condition of container repackaged into a box. I just wanted to make sure that it didn't get broken.

HARRIS: The clerk has given me the tag. I'm going to put this on the box now as 123.

JUDGE: It will include the box and the envelope as 123.

HARRIS: Placing that on the side.

HARRIS: Now, the pitcher, is that still inside the bag that's inside the box?

HENDEE: Yes.

HARRIS: 123?

HENDEE: Yes, it is.

HARRIS: We were talking about collecting different concrete items. Was all of the concrete items that we have been talking about, were those either samples taken or the actual item sent off to someone for testing?

HENDEE: I believe so.

HARRIS: That particular item as well?

HENDEE: Yes.

HARRIS: We were talking about 28. Let's move to 29 depicted in the photograph 122-D?

HENDEE: One thing about 128 is, I'm sorry, go ahead.

HARRIS: Let me ask the question of you. 128, when you found it, was there something in it?

HENDEE: Yes.

HARRIS: What was in it when you found it?

HENDEE: About a third full of dirty grayish-colored water, and some cement residue, what appeared to be cement residue.

HARRIS: How you have it now, obviously it's in a dry condition?

HENDEE: Yes.

HARRIS: The item that's the placard for 29 again, representing 129?

HENDEE: 129, the sledge hammer.

HARRIS: And then 135?

HENDEE: 135 represents an area void of powder.

HARRIS: 136?

HENDEE: Another circular voided area there.

HARRIS: And 137?

HENDEE: Again, another area. We looked at it. Appeared it was void of powder. There was powder around it creating a circular sort of appearance.

HARRIS: We have seen earlier with the photograph of the hair and the pliers, it's somewhat difficult to see blowing up,

GERAGOS: Objection. Argumentative.

JUDGE: Sustained.

HARRIS: Detective, when you looked at the photograph with the pliers, could you see the hair in it?

HENDEE: Yes, I could.

HARRIS: When you blow it up on the screen, could you see the hair in it?

HENDEE: I could.

HARRIS: Could you see all of the hair?

HENDEE: No.

HARRIS: Are the photographs, when you look at them kind of in your hand a little bit easier to see?

HENDEE: Yes.

HARRIS: Showing you 122-E. Can you describe for us what e 6 that is?

HENDEE: That's, that is, that's another shot of these voided areas. You can see a couple of different placards are now in place. Item number 30 represents item number 130, which was a powder sample that I collected off of the trailer from that area.

HARRIS: Let me stop you. The powder sample that you collected off of the trailer, what did you do,

HENDEE: I took the powder and placed it into a plastic bag, sealing them inside the paper envelope.

HARRIS: You say it was powder. This wasn't hardened concrete?

HENDEE: No.

HARRIS: It was just like you described, powder?

HENDEE: It was powder. And there was some nails, or wood screws, or something mixed in to the powder. We collected some of those. They were on top of the trailer as well.

HARRIS: The item collected as number 130, do you have that with you? You pulled something out of your box now that you have in your hand?

HENDEE: Yes. Item number 130.

HARRIS: Do you recognize that item?

HENDEE: Yes, I do.

HARRIS: Same kind of identifying information?

HENDEE: Case number, date, my name, item number, and a description of what it is.

HARRIS: If we could have that marked as people's next in order.

JUDGE: 124. Envelope and contents?

HARRIS: Yes. Envelope and Contents

HARRIS: Detective, again was this particular concrete item sent off for testing?

HENDEE: Yes, it was.

HARRIS: And the clerk has now marked that, I'm sorry, what was the exhibit number again?

JUDGE: Number 124.

HARRIS: So 124 corresponds to your item number 130?

HENDEE: That's correct.

HARRIS: And does it also have on the envelope where you have written what this sample is, that includes the wood screws that you were describing?

HENDEE: Said ready mix sample taken from top of trailer at 130. Includes several sheetrock screws.

HARRIS: You were, just move to the next photograph. 122-F. This is a slightly different view of some of the same items that you have already been describing?

HENDEE: Yes. You can see there is another placard in there now number, 31, that you can see, which was the white PVC apparatus thing. There was a stain on there. We weren't sure what it was. We tested it for blood, which tested negative. Then you could see placard number 38. Sitting next to placard 38, to the right of that placard is that voided circle you had highlighted earlier. 39 is sitting right next to, partially into another circular void area.

HARRIS: Now, was there, you described earlier a concrete anchor where some kind of anchor that was found in the boat?

HENDEE: Yes.

HARRIS: At some point in time did somebody place that anchor near this pitcher depicted in 28?

HENDEE: Yes, they did.

HARRIS: Showing you 122-G. What do we see here?

HENDEE: That's Detective Al Brocchini putting the weight into the pitcher.

HARRIS: And when you, when he did this, did it appear that the pitcher was,

GERAGOS: Objection. Leading.

JUDGE: Yeah, I think it is leading.

HARRIS: Describe for us what we see here and what's going on.

HENDEE: Detective Al Brocchini is placing the pitcher into the, or the weight into the pitcher. Eventually set it all the way down, it went all the way to the bottom. It appeared to fit.

HARRIS: Now, these voids that you were describing, these areas with less powder, circular areas, did you take any measurements or kind of look at those in terms of size?

HENDEE: They appeared to be about the same size as the bottom of the pitcher. We put the placards in the center of these voids. Not all of the voided areas are perfectly round, not obviously. Some of them, like you see 38 there, you have a better picture of the actual width of a void. The other ones, 35, 36 and 37, were not quite so defined. But you can still see an area where, in the center, which lacks the amount of powder around the edges.

HARRIS: Now, the, I believe you have, you have it up next to you on the ground. Was that anchor also collected as evidence?

HENDEE: Yes, it was.

HARRIS: That would be People's Number 72.

JUDGE: Have that marked?

HARRIS: It's already been marked.

JUDGE: It's been marked.

HARRIS: Again, you recognize that?

HENDEE: Yes. Do you want me to pull it out.

HARRIS: Yes, if you would. Now, that particular item, was it collected from the boat that day on the 27th?

HENDEE: Yes, it was.

HARRIS: Did you make some type of estimate, or did you have a scale available to you to weigh it that day?

HENDEE: No. I estimated to be about five pounds.

HARRIS: And was that particular item also submitted to someone to do some concrete analysis?

HENDEE: Yes, it was.

HARRIS: You could go ahead and place that back in the bag. Now, I wanted to just kind of complete the view of the trailer, looking at 122-I. Is this the, we're standing at the back of the trailer looking to the front. This would be the right side of the trailer?

HENDEE: That's correct.

HARRIS: And what do we see depicted here?

HENDEE: You are seeing the Delta chisel mortiser put together on the back of the trailer. You are seeing the back end of the boat. You are seeing how the motor was strapped to the boat for transport. You are seeing the boxes stacked up against the boat. They are not touching, but they are up against the wall. And you are seeing some product at the very right of the trailer. You are seeing how much room is in between the trailer and the product. It's a very, very small amount.

HARRIS: Showing you 122-H, which is the somewhat opposite view. This would be from the rollup door of the shop, looking towards the back of the shop. So we're looking at the front of the boat, the front of the trailer?

HENDEE: That's correct.

HARRIS: And, again, to the right side, is this right there, that's the wall that you are referring to?

HENDEE: That is correct.

HARRIS: Then on the other side, we have already seen the previous photograph of where the product is over here on this side of the boat?

HENDEE: Correct.

HARRIS: The people depicted in this photograph, do you recognize them?

HENDEE: Yes, I do.

HARRIS: Who are they?

HENDEE: Person to the, furthest to the right is Detective Rick House. He's being tasked with diagramming the warehouse. And that standing on the back of the trailer, that's me.

HARRIS: Standing on the back of the trailer?

HENDEE: Correct.

HARRIS: When you were all done on the 27th, you take all of the items, that are concrete items, do you submit them for testing?

HENDEE: I do not.

HARRIS: Well, someone else does. But,

GERAGOS: Objection. Calls for speculation. Assumes facts not in evidence.

JUDGE: If he knows. If he knows.

HARRIS: Do you know if someone submitted all the concrete items for testing?

HENDEE: Yes.

HARRIS: Now, do you still have more concrete items in there that you collected that were submitted for testing?

HENDEE: Yes.

HARRIS: In this photograph that's somewhat hard to see, just kind of go through this, save the clerk something. Here, is this a big red bucket and a big blue bucket?

HENDEE: Yes, it is.

HARRIS: And were those items submitted for testing, as far as you know?

HENDEE: Yes, they were.

HARRIS: And you brought them with you to court. Do you have them here?

HENDEE: Yes. They are behind you.

HARRIS: That would be these two giant things here?

HENDEE: Yes.

HARRIS: We won't ask that they be marked at this point in time, because I think the clerk's running out of room. But,

GERAGOS: She denies it.

HARRIS: In your box, we'll just do this. If you pull out the first item, just have these marked.

HENDEE: Sure. Do you want me to describe it?

JUDGE: Mr. Geragos, I assume you have seen all these exhibits, right?

GERAGOS: Most of the cement exhibits, yes.

JUDGE: All right, good.

HARRIS: You just pulled some item out. If you would tell us what that is and where you found it, we'll have it marked.

HENDEE: This, again, is an envelope. It has the case number on it, the date, my name, ready mix sample taken from floor at 132. That was the MPD bar code on it. Has the tape sealed on the

back, Joy Smith's initials and the date. This was found, there was a spill of powder, about a four-to-six-foot diameter area right at the base of that picture, right about, what you are saying, at the base of that picture was where the spill was. We took a sample of that powder as well.

HARRIS: If we can have that marked as next in order.

JUDGE: Mark it 125. Note that will be bag and contents, ready mix sample from the floor. Bag and Contents

HARRIS: If you can pull out your next item. Describe for us what that is.

HENDEE: Next item, again, envelope, same case number, date, my name. Item number 126. Sample from shop vacuum. And, again, sealed and labeled the same way in the back.

HARRIS: You had previously described when you were, when we were looking at the video, there was some kind of shop vac. This is something like a vacuum cleaner?

HENDEE: Yes.

HARRIS: And it had some powdery substance on it?

HENDEE: It had a powder a white powder substance, really, all over the outside of it. A lot. And then a lot of it inside. We took a powder sample from inside the vacuum.

HARRIS: That's the particular item that you have there?

HENDEE: Yes.

JUDGE: Mark that 126, envelope and contents.

HARRIS: All right. Shop Vac Contents

HARRIS: If you could pull out your next item.

HENDEE: This is, go ahead?

HARRIS: Yes, please.

HENDEE: This has same case, same numbers, Detective Skultety's name on it. Item number. Debris vacuumed from boat. Sealed on the back. And this also went to the lab.

HARRIS: All right.

GERAGOS: Be an objection. There is no foundation.

JUDGE: Who recovered that? Did you recover that?

HENDEE: No.

JUDGE: Sustained.

HARRIS: All right. Go ahead, put that one back in the box then. Just retrieved another item. Could you describe for us what that is?

HENDEE: This is item number 1-DD. It has my name on it. Has the date. It has written a description of it, one Pro Gardener claw hammer. This was the claw hammer that was in the back of the bed of the pickup truck at the time that we seized it. It was red in color. And it had what appeared to be cement powder or cement residue on it.

HARRIS: All right we can have this marked as next in order.

JUDGE: Bag and hammer 127. That is a bag and contents. Bag and Contents (Hammer)

HARRIS: You just pulled out another item.

HENDEE: This is a pair of shoes, black pair of Nike tennis shoes, identified as item number 120. Has the case number and the date; has 1053, which is the code section for missing person, which is the type of investigation it was at that time. And has my name. Again, it's sealed in the

back with Joy Smith's initials and the date of 12-27-02.

HARRIS: What is this particular item?

HENDEE: It's a pair of black Nike tennis shoes. Reason it was collected sent to the lab, it had a white powder residue appearance on the shoes.

HARRIS: Where were they found at?

HENDEE: In the back of the warehouse towards the bathroom.

HARRIS: I think we should have these marked next in order.

JUDGE: That's 128. Bag and contents. Bag and Contents

JUDGE: We'll take the afternoon recess until three. Pick up where we left off. (RECESS)

JUDGE: All right. This is the case of People vs. Scott Peterson. Let the record show that the defendant is present with counsel and the jury is in the jury box, along with the alternates. Just to let you know, I just, during the recess I, I asked counsel about scheduling tomorrow, how long they thought the morning session would take. So, after discussing it with the lawyers, we're going to bring you back at 1:30, okay? So you can have tomorrow off (sic). And we'll see you at 1:30 and we'll pick up where we left off, okay? We'll start up at 1:30. In the meantime we'll be doing something here, but you won't have to be here, okay? Okay. You remember where you left off?

HARRIS: Yes. Talking about concrete.

JUDGE: Concrete.

HARRIS: Detective, talking about the concrete items that were seized, how many more do you have in that box of yours up there?

HENDEE: Two more that we might want to talk about.

HARRIS: All right. If you could go ahead and pull out the next item that was seized in terms of concrete.

HENDEE: Actually, actually, in terms of concrete, there's only one item.

HARRIS: Can you, you've pulled out looks like a white plastic bag and a paper bag. Can you describe for us what that is?

HENDEE: Yes. Originally the items that are in the white plastic bag were in this bag. This is the bag that I secured these in on that night. It's got the case number, my name, the item number, 140 B. It's a pair of black rubber boots, pair of white socks with red toes, one blue glove, Gore-Tex type, and one black watch cap. These were items that were originally in this brown bag and originally found in one of the plastic tubs that we had identified as 140. Those black tubs.

HARRIS: Let's just go back then so we can make sure there’s no misperception. The tubs that we're talking about, there's a red tub and blue tub. Were they given separate numbers?

HENDEE: I believe they were both given the same number.

HARRIS: And what number was that?

HENDEE: Item number 140.

HARRIS: If you were to look at your report,

GERAGOS: Bates number stamp?

HARRIS: Bate number 2216.

GERAGOS: Thank you.

HARRIS: It would be page seven of eight of your report. Looking at item 140.

HENDEE: Yes.

HARRIS: If you were to review that, would that help you recall if those two items were given one number or two?

HENDEE: They were given one number.

HARRIS: So the red bucket, the blue bucket that you identified in the photograph, those were taken as kind of a big item, and we have them here behind me in bags, the trash bags?

HENDEE: Right. The red bucket was inside the blue bucket, and these items were inside the red bucket.

HARRIS: The items that you have there, if we could have those marked next in order.

JUDGE: Okay. That's the ones he just identified?

HARRIS: Right.

GERAGOS: What he referred to as item 140 B?

JUDGE: Yes, we're going to mark it as,

GERAGOS: 129?

JUDGE: But I don't know if he wants to mark, well, we have to mark the bag, the plastic bag and contents.

HARRIS: Bag and contents.

HARRIS: Now, Detective, just, again, so you find the red bucket, the blue bucket. Those are identified as 140. Was there some kind of concrete residue or something with those particular items that you observed?

HENDEE: There was concrete, well, what looked like concrete residue inside the buckets. Around the edges.

HARRIS: And then these particular items we've just marked as People's number 129, they were inside those particular buckets?

HENDEE: Yes.

HARRIS: So they were pulled out of 140, your number 140. Were they given a separate number by you? Or designation?

HENDEE: Well, I'm just looking at my report.

GERAGOS: Are you looking at 2216?

JUDGE: Bates?

GERAGOS: Yeah, Bates number.

HENDEE: 2216. In my report I have it as 140A: The item is actually 140 B.

HARRIS: All right. Now, to make sure we're talking about the same one, the item that you have in front of you that was just given an exhibit number, that exhibit number is?

HENDEE: This is exhibit number 129.

HARRIS: So exhibit 129. Do you recognize that particular item?

HENDEE: Oh, yes, I do.

HARRIS: And how is it that you recognize that particular item?

HENDEE: Well, it's, they're the items that I put into the bag, and they have the case number, my name, and item number, 140 B. Just when I dictated up the report, I put it as 140 A, thinking the

buckets were 140. So I went with an A in my report. Actually on the form it was listed as B.

GERAGOS: Can I just ask a question for clarification. Are you saying Bates number 2216 is wrong? When it says 140 period A?

HENDEE: A.

GERAGOS: Okay. You're saying what's written on there is 140 B?

HENDEE: B.

GERAGOS: Got it.

HARRIS: Well, let's, Detective, before we go through this and say something's wrong or not, let's just go through that. Looking at 2216, you have written 140.A, correct? In your report?

HENDEE: Correct.

HARRIS: What is the sentence that reads out from that particular item?

HENDEE: Pair of black rubber boots, comma, a blue glove, comma, a black cap, comma and two socks found inside the red basket.

HARRIS: And that's referring to these kind of tubs with the handles that you were talking about?

HENDEE: Correct.

HARRIS: Which both of those items were given the number of 140?

HENDEE: Right.

HARRIS: So the only discrepancy is that on the bag you've written 140 B and in the report you have it as 140 A?

HENDEE: Correct.

HARRIS: Is there any doubt in your mind that the items that you're looking at that you put in the bag are the same items that we're talking about that came out of the red and the blue buckets?

HENDEE: No. And on the property sheet that we filled out at the time, it's listed as 140 A as well.

HARRIS: So the place where it says 140 B is where it is written on the bag?

HENDEE: Right. And this is not my writing. This is somebody else's writing.

HARRIS: But you recognized that particular stuff because that's what you collected and put in the bag?

HENDEE: That's correct. (Mr. Geragos examining document)

GERAGOS: Can I just inquire, voir dire for one second?

JUDGE: Sure.

GERAGOS: Clear this up. VOIR DIRE EXAMINATION

GERAGOS: This is not your writing, what's on the bag?

HENDEE: Right. This is not my writing.

GERAGOS: How about on 2224?

HENDEE: That's not my writing either.

GERAGOS: So neither one of these are your writing. Are you the one who actually recovered these items?

HENDEE: I directed the recovery of these items.

GERAGOS: But I'm asking you did you recover them?

HENDEE: I don't believe so.

GERAGOS: You don't believe so? There's a motion to strike.

JUDGE: Wait. There has to, this has to be resolved. Were you present when they were recovered?

HENDEE: Yes.

JUDGE: You didn't physically take them and put them in the bag, but did you see somebody pick them up and put them in the bag.

HENDEE: Yes. I actually recall them going into the crime scene van as well.

JUDGE: Okay. Then there's a foundation as far as I'm concerned.

HARRIS: So, again, regardless of what somebody else might have wrote on that bag, those are the items that you recall from your search warrant of the warehouse on 12/27 that came out of these buckets behind you?

HENDEE: That's correct.

HARRIS: Okay. Now, the last item that you pulled out, it's not a concrete item, but did you also collect the pliers that we were talking about earlier?

HENDEE: Yes, I did.

HARRIS: And to go through that process, you've already told us about what you did with the hair. Did you do a separate envelope for the pliers?

HENDEE: Yes, I did.

HARRIS: And do you have that with you?

HENDEE: Right here.

HARRIS: Do you recognize that particular envelope and item?

HENDEE: Yes, I do.

HARRIS: All right. How do you recognize it?

HENDEE: It has the case number on it, my name, the date, the item number, says needle-nosed pliers, boat, middle seat.

HARRIS: Can we have that marked as People's next in order?

JUDGE: All right. That's number 130. Is there an evidence envelope? All right. Evidence envelope and contents.

HARRIS: Yes.

JUDGE: These are the needle-nosed pliers.

HARRIS: Detective, the needle-nosed pliers that you're referring to that I'm having marked right now, these are the same as the ones that are being projected up there in 120 A?

HENDEE: Yes.

HARRIS: I'm going to return these to you. Do you also recognize, is there writing on there that you recognize?

HENDEE: I recognize Joyce Smith's initials and the date 12/27/02 on the tape on the back of the envelope. I also reviewed, or,

HARRIS: Okay. So you, again, that's the same item, the 144 item, that we have depicted up here in 120 A?

HENDEE: That's correct.

HARRIS: Okay. Now, we've previously, I was talking with you about certain photographs, whether the photographs were translating well up on the big screen, specifically 120 A, 122 B, 122 D, 122 E, 122 F, and 122 G. Judge, at this time I'd like to publish these to the jury and have them look at these.

JUDGE: All right. If you would just give half of them to the first alternate, or the alternate, he can pass those to his right, and give the other ones to the alternate up there, and you can pass those to your left, okay? Just pass those to your right and then down this way, and they should pass each other. The clerk wants to know what were the numbers. Of the exhibits you're exhibiting to the jury.

HARRIS: The ones that I just read.

JUDGE: They're number 120 A, 122 B, 122 D, E, F and G. That should be 122 A through G, right?

HARRIS: Well, not all of them are in there, but I read the specific ones that would be passed.

JUDGE: Okay. And that's the one that's on the record. 120 A, so she knows. 122 B, D, E, F and G. That's what the record shows.

HARRIS: Whatever I said. I was reading them right off the photographs.

JUDGE: All right. Okay.

HARRIS: So we'll trust the reporter on that.

HARRIS: Detective, while they're looking at that, just to transition, you have no more concrete items that you collected in your box up there at this time?

HENDEE: That's correct.

HARRIS: Now, the diagram behind you, People's number 55, does that accurately depict the scene as you recall it at the warehouse back on December 27 of 2002?

HENDEE: Yes.

HARRIS: I want to move back to the house.

JUDGE: Just for the record, since they're being exhibited to the jury, they can be admitted in evidence and take the same number. The court is satisfied there's a necessary foundation. (Exhibits 120 A, 122 B, D, E, F and G are admitted in evidence)

HARRIS: Detective, did you return back to the Covena address on February 18th?

HENDEE: Yes, I did.

HARRIS: Did you participate in a second search warrant that occurred at the house at that time?

HENDEE: Yes, I did.

HARRIS: Were you the, the case agent or the scene manager as we've been talking about this morning?

HENDEE: No, I was not.

HARRIS: Who was?

HENDEE: Detective Rudy Skultety.

HARRIS: Same one from back on the 26th and 27th of December?

HENDEE: That's correct.

HARRIS: Were you given some assignment for the 18th search warrant?

HENDEE: Yes, I was.

HARRIS: What was your assignment?

HENDEE: To go into the master bedroom and search that room with Detective Rick House.

HARRIS: Did you do so?

HENDEE: Yes, I did.

HARRIS: What, when you were doing this, what was it that you were doing? Were you there to document anything in particular?

HENDEE: Yes. I was there to document and Detective Rick House did the searching. So whatever he found, I logged on our property sheets.

HARRIS: Did you look at some clothing?

HENDEE: Yes, I did.

HARRIS: I'd like to show you three photographs, number 45, 47, 50. Give you a moment to take a look at those.

JUDGE: 45, 47 and 50?

HARRIS: Yeah.

HARRIS: Have you had a chance to find your report?

HENDEE: Yes.

HARRIS: Do you recognize who the individual is, recognize who the individual is depicted in that photograph?

GERAGOS: Objection. It's compound. Three photographs.

JUDGE: Which one?

HARRIS: Is there an individual depicted in one of those three photographs?

HENDEE: He's in, he's in two of them.

HARRIS: And who is that individual?

HENDEE: Detective Rick House.

HARRIS: Is that the detective that you were working with?

HENDEE: Yes.

HARRIS: When you were describing that you were logging whatever it was that he found, were there also, was there a CSO or ID technician there taking pictures as well?

HENDEE: I believe so, yes.

HARRIS: Do you see the photographs?

HENDEE: Yes, I do.

HARRIS: Were the photographs made of the items that were found?

HENDEE: These are photographs of items that, yes. Found.

HARRIS: So the process is were some of these items pulled out of the closet and documented by either photograph or you writing them down?

HENDEE: Some items were collected and other items, I believe, were just photographed.

HARRIS: And if the item was collected, that means it goes through that process we talked about where it was put into a bag or some type of container?

HENDEE: Correct. It gets a placard number and identified by a certain item. Sometimes, apparently they took photographs of a lot of clothing as well.

HARRIS: And you did not take the photographs yourself?

HENDEE: That's correct.

HARRIS: Besides helping, or working with Detective House to process the master bedroom, did you have any other assignment on that day?

HENDEE: I don't believe so. On the 18th.

HARRIS: The,

HENDEE: Oh, yes, I did. I'm sorry. I did. I did a few other things, yeah. I got my days mixed up. Yeah, I did a few other things, yes.

HARRIS: What was your other assignments on the 18th?

HENDEE: I helped search the kitchen, inventoried the contents under bathroom sinks. And I believe that was it. But I can refer to my report for the other details, if you'd like.

HARRIS: Did you again on this, after this particular occasion, write a report to help document what you had done?

HENDEE: Yes, I did.

HARRIS: Now, these reports, this is not kind of a blow-by-blow, minute-by-minute, second-by-second account of what you do, is it?

HENDEE: No.

HARRIS: Is it kind of a summary to help you recall what you had done?

HENDEE: That's correct.

HARRIS: If you were to look at your report, would that help you refresh your recollection as to what you had done?

HENDEE: Yes.

GERAGOS: Can I inquire as to the Bates number stamp?

JUDGE: Yeah. Have you got the Bates number?

HENDEE: 2241, 2241 A, 2242, 2243, 2244.

HARRIS: Now, having had a chance to look at your report, as part of your assignment on February 18th, were you assigned to go back and do the nursery again?

HENDEE: No.

HARRIS: Do you know if someone else was?

HENDEE: Yes.

HARRIS: Who was that?

HENDEE: Detective Darren Ruskamp.

HARRIS: And that was one of the detectives that had been there with you before in the nursery?

HENDEE: That's correct.

HARRIS: So he was assigned to go back to that particular room, the nursery, and you were assigned other duties?

HENDEE: That's correct.

HARRIS: Now, moving to something kind of completely different, in February, did you, were you asked to assist or participate in some of the Bay search that occurred?

HENDEE: Yes, I was.

HARRIS: Do you know who it was that asked you or how you got involved?

HENDEE: Well, first, my first involvement was on individual days. That would mean that Sergeant Zahr or somebody would ask, Sergeant Cloward, if there was someone available to go to the Bay to help. So on the first two trips over to the Bay it would have been a sergeant asking me to go.

HARRIS: Okay. So we get to that at this point in time. Did you document, by writing reports, these individual trips that you went out to the Bay?

HENDEE: Yes.

HARRIS: What was the first time that you went out to the Bay to assist in these searches?

HENDEE: February 2nd.

HARRIS: And that's February 2nd of 2003?

HENDEE: Yes.

HARRIS: And who did you go with? Or did you go by yourself?

HENDEE: I believe I went with Detective Phil Owen, but I could refer to my report. I believe that was the first. I went so many times, I think it was with Phil the first time.

HARRIS: Let me just kind of expand on that. You went a number of times. Did you go to the Bay at different points in time as part of this investigation over a long period of time?

HENDEE: Yes, I did.

HARRIS: More than one time?

HENDEE: Yes.

HARRIS: More than five times?

HENDEE: I believe I went 22 different days.

HARRIS: 22 different days?

HENDEE: I was there or continuously, on some occasions for a week, or I made day trips.

HARRIS: The very first time you went, do you recall specifically when that was?

HENDEE: February 2nd.

HARRIS: So on February 2nd you go there. Do you go to meet with some other agency to see if they can help you?

HENDEE: Yes, I did.

HARRIS: Now, I don't need, let me try this again. Did you meet some agencies there that had boats in the Bay?

HENDEE: Yes, I did.

HARRIS: And did you meet with them? Did you make use of their equipment?

HENDEE: Yes.

HARRIS: Who was it that you met with?

HENDEE: San Mateo County Sheriff's Department.

HARRIS: And did the sheriff's department make a boat available to you that day?

HENDEE: Yes, they did.

HARRIS: Did you go out and search the Bay?

HENDEE: Yes.

HARRIS: Describe for us what it was and how you were going out to search the Bay.

HENDEE: San Mateo County Sheriff's Department, and I would really like to refer to my report, if that's all right, to make sure I'm talking about the right agency on that particular day, if I could.

HARRIS: If it would help to look at your report.

JUDGE: If it refreshes your recollection, take a look at your report. And just identify it for Mr. Geragos by the Bates stamp number.

HARRIS: You're referring to page 2232?

HENDEE: Just a second here. Okay. I'm glad I referred to it. It was actually Sergeant Ron Cloward and I met with San Mateo County Sheriff's Department.

HARRIS: So it was Sergeant Ron Cloward who is of the Modesto Police Department?

HENDEE: Correct.

HARRIS: Not Detective Phil Owen, who is also with MPD?

HENDEE: Correct.

HARRIS: Now, when you went out there, what type of search was going to be conducted that day?

HENDEE: Side-scan sonar searching of the Bay.

HARRIS: And do you recall what particular area that was searched that day?

HENDEE: It was near Brooks Island and between Cesar Chavez Park and Brooks Island. An area in there that we searched.

HARRIS: You say with side-scan sonar. And we've heard some of how this works, but this is something that's towed behind the boat?

HENDEE: Correct. It's a torpedo-looking thing about four and a half feet long. It has a, it's a marine sonic product. It's a 900 megahertz side-scan sonar. They tow it behind the boat, and it reads images off the bottom of the Bay. And those images are transmitted through a cable up to the boat and are viewed on a portable, like computer screen.

HARRIS: Did you ever look at these images?

HENDEE: Yes, I did.

HARRIS: Is it like turning on your TV and looking at something?

HENDEE: If you have a very poor reception day. It's not really great pictures. You have to know what you're looking at to really distinguish what the items are.

HARRIS: This particular day, how many boats were involved?

JUDGE: Still talking about February 2nd?

HARRIS: Yes.

GERAGOS: I assume he's refreshing his recollection with 2232?

JUDGE: I assume that's the case.

HENDEE: I believe it was one boat on that day.

HARRIS: Do you recall?

HENDEE: Yes. One boat.

HARRIS: Do you recall how big of an area was it you were searching that day?

HENDEE: Well, we searched two different areas. The first was a narrow corridor that probably went about a half a mile to three quarters of a mile in length, and then we also searched a larger area towards the shore.

HARRIS: Let me put up --

JUDGE: Okay. Why don't you use the map, and then, there's a chart of San Francisco Bay is 109. Or you're going to use that one.

HARRIS: I'm going to put up the photograph, People's 97. If it will stay.

HARRIS: Do you recognize what's depicted in People's 97 A?

JUDGE: Instead of pointing it out, use the pointer.

HENDEE: Yes. Yes, I do. ne HARRIS: Can you describe for us what that is.

HENDEE: Okay. On the top, on the top picture here we have the Berkeley Marina. This is Cesar Chavez Park. We have Brooks Island. Also labeled over here is the recovery site, which is way up here. This is Golden Gate racing field, and you've got "Conner Recovery Site," which would be over here.

JUDGE: And where is Laci Peterson's recovery site?

HENDEE: Laci Peterson recovery site would be right over here.

JUDGE: Okay.

HARRIS: And you're referring, using the pointer to point out things on

HENDEE: Yes.

HARRIS: And 97 B, is that somewhat of a reverse view of the same area that you have just been pointing out?

HENDEE: Yes, it is.

HARRIS: Now, you were describing that you went from Cesar Chavez Park to Brooks Island, that you were searching kind of two areas in there?

HENDEE: Yes.

HARRIS: And you pointed out where Cesar Chavez is. At some point in time did you actually go up in a helicopter and view the entire area?

HENDEE: Yes, I did.

HARRIS: And take photographs?

HENDEE: Yes.

HARRIS: Did you also determine approximate distances, like the area that we're looking at up there?

HENDEE: Yes, I did.

HARRIS: What's the approximate distance from the Berkeley Marina to Brooks Island?

HENDEE: Two and a half miles.

HARRIS: So what we're seeing here, this is somewhat of a condensed view that's two and a half miles from where it says Brooks Island to the Berkeley Marina?

HENDEE: Yes. Two and a half miles from here to here, approximately.

HARRIS: And did you also go to the, to the site where Laci Peterson was recovered?

HENDEE: Yes.

HARRIS: And the approximate distance from the Berkeley Marina to where her body was recovered?

HENDEE: I never checked on that distance. I checked from Brooks Island to Laci's location and from Brooks Island to Conner's, and then the distance between the two.

HARRIS: Okay. What would be the distance from Brooks Island to where Laci's body was recovered?

HENDEE: A mile and a quarter.

HARRIS: And the distance between Brooks Island and where Conner was recovered?

HENDEE: About the same, a mile and a quarter.

HARRIS: What's the distance between where Conner and Laci were recovered?

HENDEE: About three quarters of a mile to eight-tenths of a mile.

JUDGE: How far?

HENDEE: Three quarters of a mile to eight-tenths of a mile.

JUDGE: Okay. Three quarters of a mile?

HENDEE: Yes.

HARRIS: Now, the, you were talking about doing, being out on the Bay about 22 times. Were you involved in a number of Bay searches?

HENDEE: Yes.

HARRIS: In fact, at some point in time after February 2nd did you kind of become the coordinator of the Bay searches?

HENDEE: Yes, I did.

HARRIS: And did you obtain lots of other agencies' assistance to come out and help you?

HENDEE: Yes, I did.

HARRIS: As part of this process would you try and assign people to search and work particular areas?

HENDEE: Yes, I did.

HARRIS: Did you have to become familiar with how big the Bay was?

HENDEE: Yes, I did.

HARRIS: Can you kind of give us an estimate how big the Bay is in this area that we're talking about?

GERAGOS: Objection. Vague.

JUDGE: Well, you've got to show us where it is and then tell us the mileage, how big it is.

HENDEE: Well, I don't have any mileage figures.

JUDGE: Well, he wanted to know how big the Bay is. I guess is that in miles or what? What's the issue? Is it miles? Depth? What? What are you talking about?

HARRIS: In terms of, did you kind of try to calculate this in terms of something we could all understand, like football fields?

HENDEE: Well, the search area that I, that we searched, the operation, the first operation that I arranged or coordinated was an operation, an eight-day long operation between May 16th and May 23rd. That involved twelve different law enforcement agencies and three civilian side-scan sonar operators. It also included the national, or FBI's national dive team out of New York, based out of New York. And what we did was we had the services of the FBI team come out, and they were going to dive in the Bay for evidence associated with this case. Because it's so huge, and because the dive team could only cover a small area, we wanted to have them go in in the spot that was probably the most profitable, the highest probability, high probability area that we could. So because of that, we had Detective Phil Owen contact the U.S. Geological Survey.

GERAGOS: Be an objection at this point. It's non-responsive. It's also a narrative.

JUDGE: Sustained.

HARRIS: Without going into what other people may have told you in terms of certain things, when you were out there on the, the water, so you're out there in a boat, the distances that we're seeing in the photographs here of 97 A and B, do they look that close?

GERAGOS: Objection. Calls for speculation.

JUDGE: No, he can answer that.

HENDEE: Could you repeat the question?

HARRIS: When you were out there on the water in a boat, the distances that are, the locations that are depicted in 97 A and B, do they look that close?

HENDEE: No. They are huge. I mean when you're out there, you could be, you could be out here in a boat over here and not be seen over here. I mean it's, it's huge. And in that,

GERAGOS: Be an objection. It's non-responsive.

JUDGE: Overruled. Go ahead.

HENDEE: That operation that we planned,

GERAGOS: Objection. There's no question pending.

JUDGE: Yes, there was. You objected to it and I overruled it, so the pending, question is pending.

HARRIS: You can finish your answer.

JUDGE: Ask it again, if there's a problem. Or have it read back. You want to read back the question?

HARRIS: Yes, please. (The reporter read back the last question)

HENDEE: No. They're far apart. What I started to say was that the operation that we set up, we tried to search a grid one and a quarter miles in length across and one and three quarters of a mile down. If you try to, in terms of trying to understand how big that area is, it's 21 football fields across from end zone to end zone. If you lined one up after the other, that's 21 football fields by 39 football fields down. You take that and you make that your perimeter, and that's a huge area to cover. And that's what these people were trying to do. We broke them down into quarter mile grids, and each agency that had a side-scan sonar operator searched those grids with their side-scan sonar device. And if they found an object, then we had dive teams standing by to go in and try and recover whatever object that they saw on the side-scan sonar.

JUDGE: Next question.

HARRIS: With that little bit of background, let's go back to what you were doing on February 2nd. February 2nd, you were not the coordinator at that particular time?

HENDEE: No. This was my first trip out here.

JUDGE: You want to take those exhibits back from the jury, you got them, Jenn,? Has everybody seen these now? Give them back to the clerk. Go ahead.

HARRIS: Thank you.

HARRIS: When you, you go out there, you're with Sergeant Cloward, you meet up with these individuals, do you go on a particular boat?

HENDEE: Yes.

HARRIS: And does Sergeant Cloward go with you?

HENDEE: Yes.

HARRIS: The search is conducted with this side-scan sonar that you were describing?

HENDEE: Yes.

HARRIS: What is the physical process? Not with the sonar being behind the boat, but what is the physical process the boat does to try and do one of these searches?

HENDEE: They start off with a coordinate, an area that they want to cover. And, again, this is my first trip out there, so I wasn't sure how they were doing things at that point. But they have an area that they want to cover,

GERAGOS: Be an objection. There's no foundation.

JUDGE: He just said he didn't know what they were doing the first time, right? Subsequent to your, let's do it this way. You were the coordinator of the Bay searches. How many searches did you conduct or supervise?

HENDEE: Well, I coordinated 26 days.

JUDGE: Okay. And as a result of your experience in coordinating these searches, did you determine the manner in which these searches were conducted?

HENDEE: Yes, I did.

JUDGE: Okay. Now, you can answer. Go ahead. Next question.

HARRIS: Detective, on February 2nd, going back to this, you don't necessarily need to tell us how the coordinates are worked, does the boat actually go out on the water?

HENDEE: The boat goes on the water? Yes.

HARRIS: And does it go from, I mean how do you do this?

HENDEE: You go out to an area using GPS. They find an area that they want to search. They find their coordinates. They have an area that they want to search. And then the driver looks at his monitor and tries to drive the boat in straight lines back and forth across this grid, over and over and over and over and over and over, until he's accomplished the entire grid.

HARRIS: That's what I was trying to get to, this description process. Is this somewhat similar to, like, somebody mowing a lawn or plowing a field where they go from one furrow to the next furrow?

HENDEE: It's very difficult to do for a couple of reasons.

HARRIS: Which,

HENDEE: One,

GERAGOS: Objection. It's non-responsive.

JUDGE: Well, I think it's part of the answer. Overruled. Go ahead, you can answer.

HENDEE: It's very difficult because you're talking about a moving boat on a moving surface. You've got waves and you've got current, and you've got wind blowing the boat. And the fact that when you're steering a boat, you may make a turn on the boat, but it doesn't necessarily register right away on the screen. So it's quite difficult to actually drive straight lines on the water.

GERAGOS: Objection. There's no foundation.

JUDGE: Well, he was a coordinator and, overruled. Go ahead.

HARRIS: So when you were out there on the 2nd, this is the process that you were referring to?

HENDEE: Yes. And throughout that operation.

HARRIS: Okay. Now, let me back up and go through this what you're talking about. You're saying you get your GPS coordinates. What is that?

HENDEE: GPS coordinates are like lag, longitude and latitude coordinates that depict an area on the planet. They operate off the satellite. And you can identify specific points, even though there's, we're talking about a wide open area of the water, you can pretty much identify certain areas of that water. And you can then, therefore, navigate your way back and forth between these coordinates. So using those GPS coordinates, they know the perimeters of the box that they want to work out of.

HARRIS: Now, prior to technology, GPS, you would just do this with a map?

HENDEE: I would guess, yeah. I was never involved.

GERAGOS: Objection. No foundation.

JUDGE: Sustained.

HARRIS: Detective, do you actually have any experience in diving and navigation?

HENDEE: Yes.

HARRIS: Let me ask you about that. Prior to becoming a police officer, were you in the military?

HENDEE: Yes, I was.

HARRIS: What branch of the military were you in?

HENDEE: I was a pararescue man, United States Air Force.

HARRIS: Pararescue man, what is that?

HENDEE: It's, if you will, the Air Force's version of Special Forces. We were designed to go anywhere in the world and rescue shot down air crew members.

HARRIS: As part of your training for this, did you actually have to become a diver?

HENDEE: Yes.

HARRIS: How did you do that?

HENDEE: I went to the US Navy scuba diving school in Key West, Florida. That was a three week long program. And then, of course, during my four year tour I dove numerous times, including parachuting out into oceans and bays and diving from that point on.

HARRIS: Going back to the school, it was three weeks long?

HENDEE: Yes.

HARRIS: At the end of this, if you graduate from the school, you become, like, a certified diver?

HENDEE: Yes.

HARRIS: Did you graduate from the school?

HENDEE: Yes, I did. Later on I continued with my training and became a dive master through the PADI, which is the Professional Association of Diving Instructors. I became a dive master in 1980.

HARRIS: Now, you were saying as part of your training doing this particular calling that you parachuted into bays?

HENDEE: Yes.

HARRIS: Out of an airplane into the water?

HENDEE: Yes.

HARRIS: What was the purpose of doing that?

GERAGOS: Objection. Relevance.

JUDGE: Sustained.

HARRIS: As part of this training would you go into the water? Did you have to navigate?

HENDEE: Yes.

GERAGOS: Objection. Relevance.

JUDGE: Overruled.

HARRIS: How would you navigate?

HENDEE: Well, we would navigate underwater with compasses.

HARRIS: So you're in the water in a bay or in the ocean going towards shore?

HENDEE: Yes.

HARRIS: And you would have to use a compass to figure out where you were at?

HENDEE: Yes. You get a heading, as you hit the water, you get a heading for where you want to go. Then you go down under the water, and you wouldn't come up until you hit shore.

HARRIS: Going back where we were, prior to technology, would you use a compass to pretty much do the same thing?

GERAGOS: Objection. Relevance, 352.

JUDGE: I don't think so. Here's the problem. You're using boats out there. He's, I'm not sure he knows about use of boats except what he's gleaned as being a supervisor of these particular searches later on. Free diving, I don't get the connection between doing it with a boat.

HARRIS: Are you familiar with, from your experience during the time that you were out there, with the currents and the wind conditions of the Bay?

HENDEE: Yes.

HARRIS: So you're out there; from your own experience, regardless of whether you know about the boat, did those conditions cause problems with the searches?

HENDEE: Yes.

HARRIS: Something that was visible to you?

HENDEE: Yes.

HARRIS: Now, when you're doing these searches, regardless of whether it's compass or GPS, and you've already told us how the boat goes back and forth, if something was visible or something came up on this sonar, side-scan sonar, what would you do?

HENDEE: What the divers, what the team would do is they would send out a buoy overboard, if they had one at the beginning of the operation. I'm not sure they did, but when we were operating in the May 16th through May 23rd, each boat that had a side-scan sonar was equipped with buoys, and they would go out, and if they saw something they would throw the buoy overboard at the location. They would go back around, maybe take another look or two, see if it was worth diving on. If they felt it was worth diving on, we would call in the dive boat and divers would go down and recover the object. Sometimes through subsequent passes they could determine that what they had originally saw was not worth diving on, based on the size of the object, or whatever. Sometimes they couldn't find the object that they originally saw.

HARRIS: So in your experience, when you were out there, to follow-up on that last little point, you would see something, somebody would be going by with the side-scan sonar, see something and go back and try immediately to find it and would be unable to?

HENDEE: Correct.

HARRIS: If you couldn't find it a second time, would you still send down divers?

HENDEE: If you couldn't find it the second time?

HARRIS: So you see it the first time, you come back, try and locate and get a fixed position, would you send down divers if you couldn't find it on the second pass?

HENDEE: No. No, you wouldn't do that.

HARRIS: Now, when you found it the first time, came back, find it the second time, talking about sending down divers, what is that process that you're talking about?

HENDEE: Okay. Well, if it was something that we want to send divers down, we would call over a dive boat. The dive boat would typically send two people. Each dive boat was different. We always had an MPD personnel on the dive boats. I was not always on the dive boats, but we would have an MPD person on board to document what was going on. The divers would then go down. They would typically operate off the buoy, the dive buoy that they could use as a reference point, if you will. One would typically be at the base of the line, and then the other one would start maybe three or five feet out on that line, and swim in a circular pattern around this anchored buoy. And then once he got all the way around 360 degrees, the guy at the base would yank, let him know that he had now completed a full circle, because you couldn't see anything. Most of the time your visibility was eight inches, twelve inches.

GERAGOS: Objection. Calls for speculation. The court already ruled on this in camera, as well.

JUDGE: Yes. Unless he actually did the dive, that part, he really doesn't know first hand knowledge. So the objection is sustained.

HARRIS: Detective, as part of the process coordinating this, did you have to have some type of safety situations in place for the divers?

HENDEE: Yes.

HARRIS: So were precautions taken for the divers' safety and protection?

HENDEE: Yes.

HARRIS: Did you talk to the divers as part of your overall operations, plan to find out what conditions were and what they might be facing?

HENDEE: Yes.

HARRIS: From what they were telling you, was there a fatigue factor involved?

GERAGOS: Objection. Calls for hearsay. The court's already previously ruled on this.

JUDGE: Sustained.

HARRIS: Did you take whatever information they gave you, take that into account in terms of your operational planning?

HENDEE: Sure.

HARRIS: How many divers would go out at any particular given time?

HENDEE: It all depended, on the, if we're talking about the May 16th through May 23rd operation, I'd have to check each individual officer's reports to find out how many were on their particular dive boat. The FBI dive team probably had six divers, maybe eight operating on an every day basis. The spot divers that would go down when a side-scan sonar operator found something, depending on how many were on that boat, and I don't know for sure how many were on any particular dive boat at that time, but the entire operation that we were running over this eight days was averaging about 45 to 50 people a day, total, in the operation.

JUDGE: Does that include all the divers?

HENDEE: That included the divers, the boat operators, the Coast Guard personnel. Everybody.

HARRIS: Now, you're describing that the FBI divers were different from the spot divers. Were the FBI divers doing something different than the spot divers?

HENDEE: Yeah. They dive a little differently than the spot divers do.

HARRIS: Okay. Without getting into what they might have told you, were they searching with or without side-scan sonar?

HENDEE: They searched without side-scan sonar.

HARRIS: So in terms of their operational planning, they were looking at a particular area,

GERAGOS: Objection.

JUDGE: Leading.

GERAGOS: Leading.

HARRIS: What was the FBI divers doing, without getting into telling us what they might have told you?

HENDEE: They were in a specific area that we had defined as a high probability area, or best guess of where we thought possibly Laci had broken free. So we put those people in that area because they were going to do a hands-on, on-the-soil search, with underwater magnetometers as well. And their, their style of searching is very meticulous, very thorough. Unfortunately, very slow.

HARRIS: Now, side-scan sonar of these spot divers, were they doing the same thing?

HENDEE: No, they were kind of operating differently. They were able to cover a lot more ground than the FBI team because they were doing a different kind of search. We were using side-scan sonar to find objects there. The FBI dive team was hand-searching an area without the advantage of the side-scan sonar.

HARRIS: Now, the areas that we're talking about, in all of these searches that you were describing, was there a depth requirement or someplace that you just didn't go into?

HENDEE: Yes.

HARRIS: What was that?

HENDEE: Well, we couldn't get in too close to the shore. It's actually very, for the most part very shallow water. The average depth in this area at low tide would be six to eight feet. Maybe at high tide you're talking about twelve feet, possibly. So you could, you could navigate in this area fairly well with all the boats, but you couldn't get too far over here or you could run into trouble,

because the water's so shallow.

HARRIS: And, again, you were gesturing with the pointer up there. When you're talking about the shallow areas, is that the area, I'll have you describe it from what you were just describing up there, if you could.

HENDEE: Actually, I was just pointing to the shoreline. It could be anywhere along here. The closer you got to the shore, obviously the more shallow it got. It became a factor for the boats, and also became a factor for the last major search operation we did with REMUS. We just couldn't get too close to the shoreline.

HARRIS: Was that same, same factor or condition as you got closer to Brooks Island?

HENDEE: Yes. This is very, very shallow right in here. I mean you could be way out here and be up to, like, your knee, you know. That's how shallow it is. The same with over here. You could be out here fifty to a hundred yards off shore and still be, depending on the time of day, in knee-deep water.

HARRIS: What you're gesturing to is looking at 97 B, the left side top portion of Brooks Island, and then also to the right side of Brooks Island?

HENDEE: That's correct.

HARRIS: And when you were, you're doing these particular searches, did you document what was occurring by writing reports?

HENDEE: Yes.

HARRIS: You've talked about this earlier with other things. Did you do the same process of writing reports based on these incidents?

HENDEE: Yes, I did. I shared a lot of the report writing responsibilities with Detective Phil Owen. I kind of wrote the organizational parts at the beginning, and then during some of these operations he did daily reports and activity logs, so some of his reports included an overview of everything that happened on that particular day. My reports, more or less, focused on an overview for the entire operation, if you will.

HARRIS: Were you also the person, briefly touched on this earlier, the person in the later searches that was getting all these other organizations to help you?

HENDEE: Yes.

HARRIS: Now, you mentioned something called REMUS?

HENDEE: Yes.

HARRIS: What is that?

HENDEE: REMUS is what they call an underwater, underwater autonomous vehicle. REMUS stands for Remote Environmental Unit. And what it is, is it's about, looks like a side-scan sonar but it's a little bit longer, probably about six feet in total length. It weighs about 80 pounds, I think. It operates on itself. It's self-propelled. And its like a missile, and goes underwater, and it works between two radio-controlled buoys set out in the water. It sends signals back and forth, so it knows exactly where it is at all times. It also sends from those radio-controlled buoys a signal back to a computer on shore, and you can monitor exactly where the device is, on shore. The device costs around 300 thousand dollars. We rented it for a week-long operation, and it motored back and forth and covered a very large area. The advantage to this particular operation is that this device will drive nice, straight lines underneath the water, back and forth, as opposed to the boats which are affected by the wind and the waves. So when you're done searching an area with REMUS, you can have a much higher degree of confidence that you found most of the items down there, if, in fact, you know, you can't always say that you're going

to find everything because sometimes things moved under the water, or things get buried under mud when the tide comes in and out. But with REMUS you had a much higher feeling of confidence than you did after running side-scan sonar boats.

HARRIS: When was it that you started the REMUS operation?

HENDEE: I think we started, I'd have to refer to my report for the exact date.

HARRIS: Did you write a report about that incident?

HENDEE: Yes.

HARRIS: Would you look at that, and give counsel the Bates stamp number.

HENDEE: We started looking into it on June 23rd, 2003. My report reflects.

GERAGOS: Bates stamp?

HENDEE: Bates stamp.

GERAGOS: Bates stamp?

HENDEE: 38, looks like 383. Kind of hard to read. Yeah.

JUDGE: We're going to have to take a recess. Only got three minutes left.

HARRIS: That's fine.

JUDGE: So we'll start in the morning. Oh, the afternoon.

HARRIS: The afternoon.

JUDGE: All right. Remember the admonition now. (Evening recess)