Witness: Claude Jubran

Date: 2004-09-30

Proceedings held September 30, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos

Day 1 of 1 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/Jubran.htm

Page/line: not available (source HTML has no page or line markers)

Text below is verbatim from the source page for this date only.

Direct Examination by Rick Distaso

DISTASO: Agent Jubran, you work with the task force that's aligned with the Department of Justice down in San Diego?

JUBRAN: Yes, I did at the time of this incident.

DISTASO: I'm sorry, back in April of 2003?

JUBRAN: Yes, sir.

DISTASO: And you're, you're actually employed by who, though?

JUBRAN: The California Highway Patrol.

DISTASO: And you were part of the surveillance of Mr. Peterson on April 18th of 2003?

JUBRAN: Yes, I was.

DISTASO: And you were in Agent Shear's car, who just testified?

JUBRAN: Yes, sir.

DISTASO: Did you personally see any gestures or anything by Mr. Peterson, the defendant in this case, that led you to believe that he knew that he was being followed?

JUBRAN: Yes, I did.

DISTASO: And what was that? Well, let me stop you before you go into it. Can you kind of set it up for us? You were following him where?

JUBRAN: Different points. At one point that it was apparent that he knew we were behind him was in Orange County, on the Interstate 5 northbound where he exited Red Hill, Red Hill Drive and reentered the freeway.

DISTASO: Okay. Stop. What happened there? You said he got off the freeway. What lane was he in when he started this?

JUBRAN: I don't recollect. This was about 8:00 o'clock in the morning. It was already a couple hours into the surveillance.

DISTASO: Okay. Go ahead. What happened next?

JUBRAN: As soon as he entered the freeway again, I observed him clap. He put his hands up towards his shoulder and clapped, as if to show appreciation,

GERAGOS: Be an objection.

JUBRAN: that we could catch up.

GERAGOS: There would be an objection.

JUDGE: He can describe what he did and then let the jury decide what he was doing. Just show us what he did.

DISTASO: Okay. Let me stop you here. Did he, did he look back at you or make some connection with you?

JUBRAN: No.

DISTASO: Okay. What did he do?

JUBRAN: He put his hands up and clapped.

DISTASO: Okay. Like,

GERAGOS: Objection. He already showed what he did.

JUDGE: Leading question.

DISTASO: Okay. Can you show us exactly? You're sitting in the car, right?

GERAGOS: Asked and answered.

JUBRAN: Yes.

JUDGE: Overruled.

DISTASO: And you're behind Mr. Peterson?

JUBRAN: Yes, sir.

DISTASO: And he put his hands up where?

JUBRAN: To the right of his shoulder, right shoulder.

DISTASO: And he clapped?

JUBRAN: Yes.

DISTASO: And then he continued driving?

JUBRAN: Yes.

DISTASO: Did he do anything else during the course of this surveillance that led you to believe that he knew he was being followed?

JUBRAN: Not that I can recollect.

DISTASO: Okay. Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: You were in an unmarked car?

JUBRAN: Yes.

GERAGOS: Did you tell him you were law enforcement?

JUBRAN: I didn't have any contact with him.

GERAGOS: All you did,

JUBRAN: Verbal.

GERAGOS: was follow him around?

JUBRAN: Yes.

GERAGOS: Okay. And you were in a white Explorer?

JUBRAN: Yes, sir.

GERAGOS: Okay. And how long were you following him around?

JUBRAN: At which point?

GERAGOS: On the 18th.

JUBRAN: The whole entire day?

GERAGOS: The whole day?

JUBRAN: No, I said,

GERAGOS: How long that day?

JUBRAN: Several hours.

GERAGOS: Okay. And what was the closest you got to him on that date?

JUBRAN: When I instructed him to get out of the vehicle and I approached him for the arrest.

GERAGOS: Okay. And that was this picture right here. Is that you right there?

JUBRAN: That's after the vehicle was moved.

GERAGOS: I'm asking you if that was you right there?

JUBRAN: Oh, yes, sir.

GERAGOS: Okay. And that's the car that you were following him around in all day?

JUBRAN: Yes.

GERAGOS: And did you follow him on previous days?

JUBRAN: Yes.

GERAGOS: What days were those?

JUBRAN: I believe on the 1st of February. I was not driving those times. It was two separate occasions.

GERAGOS: Okay. When you were following him on those times, did you identify yourself as a police officer?

JUBRAN: No, sir.

GERAGOS: Okay. Is it a fair statement that the entire time that you were following him around, that until the time that he was pulled over, nobody had identified themselves as police?

JUBRAN: I can't answer for the others, but for myself.

GERAGOS: How about you?

JUBRAN: No, I did not.

GERAGOS: Is it a fair statement that you were undercover?

JUBRAN: Yes.

GERAGOS: What does undercover mean?

JUBRAN: I don't have the exact definition, but it's someone that's not identified as law enforcement officer.

GERAGOS: And the reason for that is? So that the person's not supposed to know that you're a cop, right?

JUBRAN: Yes.

GERAGOS: Okay. And specifically the day that you were following him, and you saw him, what, go like that (gesturing)?

JUBRAN: I can't remember how many times he clapped.

GERAGOS: Was it once?

JUBRAN: No, it was more than once.

GERAGOS: Twice?

JUBRAN: I can't recall. I just know that he clapped.

GERAGOS: Okay. And when he did that, where were you?

JUBRAN: I was behind him.

GERAGOS: How far?

JUBRAN: I don't know.

GERAGOS: Did you just, you guys just reconnected with him, following his car?

JUBRAN: Reentered the freeway on the Red Hill Drive onramp to the freeway.

GERAGOS: So obviously he was trying, in your opinion, when it was going on, he was trying to lose you and you didn't, you were not shakable and you got right back behind him, and he realized it, and he clapped to applaud the fact that you were just going to keep following him around; is that your opinion?

JUBRAN: Yes.

GERAGOS: Okay. When you were on covert surveillance or undercover surveillance, the object is that the person's not only not supposed to know that you're law enforcement, but also not supposed to know you're following him, right?

JUBRAN: Yes.

GERAGOS: Okay. If you want them to know that you're following them and that you're law enforcement, you generally would take a black and white marked vehicle, wouldn't you?

JUBRAN: On the surveillance?

GERAGOS: Well, it wouldn't be surveillance then, would it?

JUBRAN: No.

GERAGOS: Okay. So I assume what you guys were doing is following him; he has no idea who you are, right? As far as you know?

DISTASO: Objection, your Honor. It calls for speculation.

JUDGE: Sustained.

GERAGOS: I'm asking him, did he do anything,

JUDGE: Well, you're asking him to tell your client's state of mind. Objection sustained.

GERAGOS: Okay.

JUDGE: Ask another question.

GERAGOS: Did you do anything to let him know that you were a cop?

JUBRAN: At which point?

GERAGOS: Anytime prior to pulling him over?

JUBRAN: No, sir.

GERAGOS: Okay. When you pulled him over, where was he?

JUBRAN: It was at the corner of Callan and Torrey Pines.

GERAGOS: Okay. Did somebody flip a light, activated a light or siren?

JUBRAN: Yes.

GERAGOS: Who was that?

JUBRAN: That was Agent Limon.

GERAGOS: Okay. When they activated the light or siren, how long did it take from activating the light and the siren and him pulling over?

JUBRAN: I wasn't there because we came in directly behind Limon.

GERAGOS: Well, is it fair to say that you heard in radio traffic they were going to pull him over and you approached within a couple of minutes and he had already pulled over?

JUBRAN: Yes. It was less than a couple minutes.

GERAGOS: Would you say less than 30 seconds?

JUBRAN: Yes.

GERAGOS: Okay. There was never any indication that once he had a light or siren turned on him that he tried to flee, correct?

JUBRAN: Correct.

GERAGOS: In fact, all indications are that as soon as the light or siren is activated, you let it be known that you were law enforcement, he immediately pulled over, correct?

JUBRAN: Yes.

GERAGOS: Okay. When you saw the car that immediately pulled over, did it pull over and park next to a curb?

JUBRAN: I recollect stopping -- there's a stop sign; kind of stopped at the stop sign, a little bit forward of the, there's a dip usually where there's a limit line. That's what I recall.

GERAGOS: Okay. And immediately and didn't resist and didn't run away and didn't flee, as far as you know, correct?

JUBRAN: Correct.

GERAGOS: Didn't run towards the border?

JUBRAN: No, sir.

GERAGOS: Okay. At any time did you see him head to a border checkpoint during these days that you were behind him?

JUBRAN: No, sir.

GERAGOS: Okay. At any point did you see him head for Nevada, or anyplace like that?

JUBRAN: No.

GERAGOS: Thank you. I have no further questions.

JUDGE: Anything else?

DISTASO: Yes, your Honor. No questions.

JUDGE: Agent Jubran, thank you.