Witness: Eloise Anderson

Date: 2004-09-01

Proceedings held September 1, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos; Redirect – Dave Harris; Recross – Mark Geragos

Day 2 of 2 for this witness

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

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September 1, 2004

Cross Examination by Mark Geragos

GERAGOS: Good morning. Miss Anderson, do you have your records in front of you that Mr. Harris was asking you about yesterday?

ANDERSON: Are you talking about the training log records?

GERAGOS: Right.

ANDERSON: Yes, I do.

GERAGOS: Okay. Now, you don't have them Bates numbered stamped, do you?

ANDERSON: No, they're not Bates stamped.

GERAGOS: So if he just went through whatever that was, five or six of them yesterday, what's the easiest way for you to find them?

ANDERSON: Probably by date.

GERAGOS: Okay. Now, on the, I think he asked you yesterday by date, if I've got it right, the first one he asked you about was November 23, and I think that was of 2000; is that right?

JUDGE: 99.

GERAGOS: Is that 99?

JUDGE: Yes.

GERAGOS: Okay.

ANDERSON: Correct.

GERAGOS: Okay. Now, that was before the dog was certified, correct?

ANDERSON: That’s correct.

GERAGOS: Okay. And this was a trailing exercise downtown?

ANDERSON: That’s correct.

GERAGOS: Okay. Now, these, so the jury can see what we've been talking about, because we're kind of talking in the abstract, I guess, there's a form of some kind that you're using, right?

ANDERSON: Correct.

GERAGOS: Okay. And is this a form that's presented to you in some way? Is this a computerized form that you use? Or is it something that the CARDA uses?

ANDERSON: This is, this is actually a database that we developed for the dogs. The database that I have keeps, I have all of my dogs in it, and then I can do a query on the database and print out just a particular dog.

GERAGOS: Okay. Did you, you say you did this. Is this something that is used by CARDA? Or any of the other groups?

ANDERSON: No. This is, is something that we developed within Contra Costa County for our dogs.

GERAGOS: Okay. So the Contra Costa people use this, correct?

ANDERSON: I don't, I might be the only one right now. We have just now started to use this as a database for the dogs.

GERAGOS: Okay. And then you've got these boxes that you, that you checked, and when I call out the date, like Mr. Harris was doing yesterday, he'll tell you Here's, go look at 99, so you'll go right there, "location" tells you where it is, and then you've got this, I guess the precipitation and the cloud cover?

ANDERSON: Right. Environmental parameters.

GERAGOS: Right. And then when I asked you is it trailing downtown, because you checked that box, right?

ANDERSON: Correct.

GERAGOS: And then the hours you put in there?

ANDERSON: Correct.

GERAGOS: And then how long the length of the trail is, correct?

ANDERSON: Correct.

GERAGOS: Okay. And you do this for every training exercise; is that correct?

ANDERSON: I try to. I may not get every single training exercise in there.

GERAGOS: Okay. Now, this particular one in 99 was a non-vehicle trailing, correct?

ANDERSON: Correct. This was a contact trail.

GERAGOS: Okay. Contact trail means, just like it sounds, somebody's walking?

ANDERSON: The person the dog is looking for walked on this trail. The dog is looking for where the person made contact on the trail.

GERAGOS: Okay. And the idea is, I guess the theory is that if a person is walking on the ground, these skin rafts which are flying off of them are going to have contact with the ground, presumably; correct?

ANDERSON: Correct. They're not going to be as scattered initially as they would be in a non-contact trail.

GERAGOS: Now, the next one that he asked you about was I think a November of 2000; is that correct?

ANDERSON: Correct.

GERAGOS: November 5th. This also was a trailing residential, that was also before the dog was certified, right?

ANDERSON: That’s correct.

GERAGOS: Okay. And on that one, that was not what's called a vehicle trailing, correct?

ANDERSON: No, it was not.

GERAGOS: And then the next was 12/30 of oh one, correct? I believe I asked you?

ANDERSON: Yes.

GERAGOS: 12/30 of oh one. Also a trailing, and this is, this one is not direct contact, but it's a bike trail; somebody is riding the bike on the trail, right?

ANDERSON: That’s correct.

GERAGOS: Also in the, this is not what you would consider, I guess, a urban, well, I guess it is urban because you're going to the BART station; is that right?

ANDERSON: Yeah. It's, it's not really, it's, it's urban, but it's not as in downtown. It's, it's in a more controlled area. We think of residential as, as back street, city streets, as opposed to more highly trafficked streets.

GERAGOS: Okay. Now, and this also, the 12/30, 2000 and 1, that's also before the dog is certified, correct?

ANDERSON: That’s correct.

GERAGOS: Okay. And then Mr. Harris asked you about 1/19, 2002, I think; is that correct?

ANDERSON: That’s correct.

GERAGOS: And also, see if I can find it here. This was also a bike trail again, correct?

ANDERSON: 1/19 was a vehicle trail.

GERAGOS: Says on 1/19, 2000 and 2?

ANDERSON: Oh, you know what? That's right. There were two trails on 1/19. It's a bike trail.

GERAGOS: Right. The one you were asked about was a bike trail, right?

ANDERSON: Yes. I missed my tabs.

GERAGOS: Okay. And the then that was on a, started, I guess you started the dog in a parking lot near a fire road?

ANDERSON: Correct.

GERAGOS: Now, when you do these trails, if I understand correctly, the ones that we've discussed so far, and, by the way, that trail also, did, the dog was not certified at that point? The dog was certified, ANDERSON: That's correct. That's about a month before she certified.

GERAGOS: Okay. The, when you're doing these trails, you know where the trail is, correct?

ANDERSON: Most of the time we know where the trail is, but we do do blind trails also.

GERAGOS: The ones we just talked about were all,

ANDERSON: The ones we just talked about I knew where the trail was.

GERAGOS: By knowing where the trail is, you start by somewhere near the beginning of the trail, correct?

ANDERSON: Correct. I start at a point where I know might be, what we talked about yesterday, a choke point, where I know the person had to pass through that area, so I know there is scent at that point.

GERAGOS: Okay. Now, when you, and then you scent the dog and the dog goes, correct?

ANDERSON: Correct.

GERAGOS: Okay. Now, the first vehicle trail that it looks like you did, and the difference between a contact trail or a bike trail and a vehicle trail is in a vehicle trail, well, first of all, there is some dispute as to whether or not dogs can actually trail vehicles; isn't that correct? Within the community?

ANDERSON: No, that is not correct.

GERAGOS: Well, you've dealt with Andrew Rebmann, correct?

ANDERSON: I have.

GERAGOS: Okay. Andrew Rebmann is one of the authorities in the field, is he not?

ANDERSON: He is a retired trailing dog handler. He gives trailing dog seminars. He doesn't run trailing dogs anymore. The gentlemen that I have talked to are also retired, and some of them are still running trailing dogs, and they do believe that vehicle trails are valid trails.

GERAGOS: Okay. You know who Mr., I asked you if you knew who Mr. Rebmann is, and he,

ANDERSON: I'm sorry. I do.

GERAGOS: Okay. Mr. Rebmann is considered one of the experts in the field, is he not?

ANDERSON: I believe so.

GERAGOS: Okay. And you have attended Mr. Rebmann's seminars, have you not?

ANDERSON: Yes.

GERAGOS: Okay. Now, as of December of 2000 and 2, when you did the, the trail, or you attempted to do the trail, how many seminars would you say you had attended of Mr. Rebmann's?

ANDERSON: I'd have to look at my records, but I believe I've only attended one trailing seminar with Mr. Rebmann.

GERAGOS: A total of nine seminars with him, have you not?

ANDERSON: I, I don't know the exact number. I'd have to go back and look. One trailing seminar. The others were cadaver seminars.

GERAGOS: Okay. I'm asking you a total number of seminars for Mr. Rebmann that you've taken.

ANDERSON: I don't know.

GERAGOS: Is nine,

ANDERSON: I can look –

GERAGOS: does nine,

ANDERSON: Would you like me to look at my records?

GERAGOS: If that would refresh your recollection, sure.

ANDERSON: Yes. Okay. I counted seven very quickly.

GERAGOS: Okay.

ANDERSON: Did I miss two?

GERAGOS: Yes. We'll, we'll correct that. The, now as of December, when you had gone to the marina, you had done prior to this date approximately two vehicle trail exercises, correct? With this dog Trimble?

ANDERSON: I did approximately two vehicle trails, that's probably correct.

GERAGOS: Okay. So prior to 2000 and 2, Trimble, you had run Trimble twice on a trail behind a vehicle, correct? Or where a vehicle had gone, correct?

ANDERSON: Correct.

GERAGOS: Okay. Now, the, out of those two times, Trimble failed once and he (sic) was successful once, correct?

ANDERSON: If you're talking about, actually, that would be approximately three times. If you talk about the first trail that I talked about with Mr. Harris yesterday, which was her introduction to a vehicle trail in Kansas.

GERAGOS: Okay. Now, I, you testified –

ANDERSON: And, and the one that, I did testify, correct. And the one that, the other trail that you're talking about, the one –

GERAGOS: That the dog failed?

ANDERSON: that the dog technically failed and I called it as failed, that was the one that I wrote up as she was not set up for success.

GERAGOS: Correct.

ANDERSON: That was not laid out originally as a vehicle trail, but because her subject had walked in and there was vehicle scent all over, she got stuck in that and could not figure it out.

GERAGOS: All I asked you was, you testified here before in court, correct?

ANDERSON: I did.

GERAGOS: You were, I didn't question you. Mr. Kopp questioned you, correct?

ANDERSON: That's correct.

GERAGOS: Okay. And he asked you Specifically before December of 2000 and 2, you had run two vehicle trails with Trimble, and you said that's what it looked like, yes; is that correct?

ANDERSON: That's correct.

GERAGOS: Okay. I said, or he said One of those was successful, one was not, correct? And you answered Correct?

ANDERSON: Correct.

GERAGOS: Okay. Now, specifically you also said you've attended many seminars in the area of dog trailing, correct?

ANDERSON: Correct.

GERAGOS: And one of those seminars you attended was in Chico, California, right?

ANDERSON: Correct.

GERAGOS: And that Chico, California seminar was one that was taught by Andrew Rebmann, correct?

ANDERSON: Correct.

GERAGOS: Now, Andrew Rebmann, in that seminar in Chico, that was October 23rd through October 27th?

ANDERSON: I believe so.

GERAGOS: And that was the last, those were, that was a trailing seminar, was it not?

ANDERSON: That was correct, yes.

GERAGOS: Okay. Now, that trailing seminar that you attended from Mr. Rebmann was the last training records that you had on this dog, Trimble, prior to this December date when you were at the marina; is that correct?

ANDERSON: I don't recall.

GERAGOS: Well, could you take a look at your records and tell me if there's anything between the last date there, October 27, and the date of the, the December date?

ANDERSON: There's Chico, Mr. Rebmann. There's Chico, 11/5.

GERAGOS: Okay.

ANDERSON: 11/6.

GERAGOS: Okay.

ANDERSON: 11/20, 11/21, 22, and 1/19.

GERAGOS: And 1/19.

ANDERSON: 11/22.

GERAGOS: You have 11/22 is your last one. Now, the Chico records you have, you filled out for each day the trailing records; is that correct?

ANDERSON: That's correct.

GERAGOS: Okay. Now, your dog is trained, we heard from Mr. Boyer a little bit about this. Your dog is trained that when it actually finds the subject that it's trailing, that it will tag the subject and then bark; is that correct?

ANDERSON: Bark at the subject, yes.

GERAGOS: Okay. And the, and that means that it's hit its mark, so to speak; is that correct?

ANDERSON: That's the way she says This is who I'm looking for.

GERAGOS: Okay. And the other thing that you testified to, if I have it correctly, is that this dog, when it, when it's pulling, pulling strong in the harness means that it's got this thing; is that correct?

ANDERSON: If it's a straightforward trail, yes. She's not a robot, she's not exactly the same every single time.

GERAGOS: Okay. So basically this is a matter of you interpreting what the dog is doing, correct?

ANDERSON: It's a matter of learning to read the dog and interpreting the dog's behavior based upon the scent picture, yes.

GERAGOS: Okay. Now, the, once again, when you went to Andrew Rebmann's seminar, you described him as a retired Connecticut State Trooper who is a trailing dog handler and a cadaver dog handler; is that correct?

ANDERSON: Correct.

GERAGOS: And you acknowledge that he's an expert in the field of dog trailing, correct?

ANDERSON: I believe so because I believe he's qualified as an expert before.

GERAGOS: And the, specifically you kept records from that Chico seminar; is that right?

ANDERSON: That's correct.

GERAGOS: Okay. And the trailing exercise that you did, there's one that you did not include in that, your trailing records; is that right?

ANDERSON: That's true. There were actually two trails that I believe I, I missed.

GERAGOS: Okay. I'm going to play one of those. This is a trailing exercise that Mr., you had told Mr. Rebmann that you believed that dog, that your trailing dog could do a vehicle trail; is that correct?

ANDERSON: I had told Mr. Rebmann that we had done vehicle trails with the dog.

GERAGOS: Mr. Rebmann didn't believe that you could do that; isn't that correct?

ANDERSON: I don't recall that he had a strong opinion one way or the other.

GERAGOS: Well, he actually went to the extent of setting up a vehicle trail exercise where a person walked to a fire hydrant, got into a car, and then the car drove and went to a specific location; isn't that correct?

ANDERSON: Actually –

GERAGOS: Isn't that what was done?

ANDERSON: the goal of that exercise was not a vehicle trail.

GERAGOS: I'm not, can I, can you just answer my question?

JUDGE: Yeah. Yeah, Ms., wait. Ms. Anderson, you just have to answer the question. And if that's, if there, that has to be embellished, then the district attorney can bring you, ANDERSON: Okay. I'm sorry.

JUDGE: Just answer the question.

ANDERSON: It was, it was set up for a contact trail. The person was picked up in a vehicle, the vehicle went up, turned around and returned to a building. That is correct.

GERAGOS: Right. And one of the reasons that this was set up, by the way, this was a seminar attended by how many people?

ANDERSON: Ten or twelve? I don't remember.

GERAGOS: There was only one, there was only one person who did this particular exercise, correct?

ANDERSON: No, everybody did the exercise.

GERAGOS: To the, for the contact trail. But the only person who attempted to follow the vehicle was you, correct?

ANDERSON: That's correct. I wanted to see if my dog could do it.

GERAGOS: Could do it. Okay. Could you play this.

JUDGE: Shall we mark this,

JUDGE: Mrs. Anderson, is that you with the dog?

ANDERSON: That's me with the dog.

JUDGE: All right. Go ahead.

GERAGOS: Who is standing there with the white pants and the black shirt?

ANDERSON: That's Andy Rebmann.

GERAGOS: Specifically this gentleman right here?

ANDERSON: That gentleman, yes.

GERAGOS: That's Trimble?

ANDERSON: That's Trimble.

GERAGOS: That's you?

ANDERSON: That's me.

GERAGOS: Okay. And there's a videographer that's recording exactly what's happening, correct?

ANDERSON: Correct.

GERAGOS: You can continue, Mr. Naljian.

GERAGOS: The dog just alerted on the videographer, didn't she?

ANDERSON: She barked at me.

GERAGOS: Right there, tagged the videographer and then barked at you. She identified the subject as the videographer that was filming this experiment, didn't she?

ANDERSON: No, she did not.

GERAGOS: Isn't that exactly what happened? Isn't that why you just said "Wrong"?

ANDERSON: No. It was wrong, yes, because she was barking in frustration.

GERAGOS: Yeah. She just, didn't she just have a strong pull right to the videographer?

ANDERSON: She was pulling the, yeah, she had a visual on the videographer. She will pull strongly to a person and then go by them.

GERAGOS: Didn't she –

ANDERSON: She got to that person and she, may I explain the –

GERAGOS: The –

JUDGE: Wait, wait, wait, wait. Let her explain her answer.

ANDERSON: This trail –

GERAGOS: Can I get a question completed first?

ANDERSON: I'm sorry.

JUDGE: Well,

GERAGOS: I asked her –

JUDGE: All right.

GERAGOS: , if she alerted on the videographer.

JUDGE: Okay. Did Trimble alert on the videographer?

ANDERSON: Trimble was barking at me. She was not barking at the videographer.

GERAGOS: Didn't she just tag the videographer there?

ANDERSON: She ran to the videographer, but she turned and barked at me. She did not bark at the videographer.

GERAGOS: Then you told her "Wrong," right?

ANDERSON: I did tell her 'Wrong.'

GERAGOS: Continue playing. Now, how old was that trail?

ANDERSON: That trail ranged from one day to four days old. The subject, may I explain the trail a little bit?

GERAGOS: Sure.

JUDGE: Yes.

GERAGOS: If I could ask you the question, please. How old was the trail?

JUDGE: She wants to explain her answer, Mr. Geragos.

GERAGOS: Sure.

ANDERSON: I can't answer that with one word, because,

JUDGE: Go ahead, explain it.

ANDERSON:, the subject on that trail, this was a seminar. The subject on that trail, our meeting hall was at the end of that road where you saw the dog leading or going out at the end. That's, the subject on this trail had driven in and out of that road a minimum of two to three times a day for the last four days.

GERAGOS: And the, is it a fair statement that when you were asked about this specific training exercise in February, you said the trailing exercise you did, well, first of all, you were asked was this included in your reports, this trailing exercise?

ANDERSON: No. This one was missed. It was the last trail of the day.

GERAGOS: Okay.

ANDERSON: Or of the seminar, I'm sorry.

GERAGOS: Are you sure about that?

ANDERSON: Yes.

GERAGOS: Do you have your Chico records in front of you?

ANDERSON: This was the trail we ran on Saturday.

GERAGOS: First I think it went, the first day that you were there was the 23rd; is that correct?

ANDERSON: Correct.

GERAGOS: Okay. You wrote a report for the 23rd, correct?

ANDERSON: Correct.

GERAGOS: Okay. And that was on a contact trail, right?

ANDERSON: Yes.

GERAGOS: You wrote a report of the 24th, correct? For a lineups?

ANDERSON: Uh-huh.

GERAGOS: Is that a yes?

ANDERSON: Yes.

GERAGOS: Say yes.

ANDERSON: I'm sorry, yes.

GERAGOS: You wrote a report on the 25th; is that correct?

ANDERSON: Correct.

GERAGOS: That was for a contact trail?

ANDERSON: Correct.

GERAGOS: And then a second one on the 25th for a contact trail?

ANDERSON: Correct.

GERAGOS: Okay. Then how about the 26th? Of December, of October; did you write a report?

ANDERSON: Looks like I missed them.

GERAGOS: Yeah. And then the 27th you got a report and you wrote a report, didn't you?

ANDERSON: Correct.

GERAGOS: Right. The, this one that we just watched was on the 26th, wasn't it?

ANDERSON: I don't recall, but I remember it being the last trail of the seminar, because we talked in the meeting hall afterwards.

GERAGOS: Well, you remember it now; is that correct?

ANDERSON: I remember the trail now.

GERAGOS: Okay. Well, at the time that Mr. Kopp asked you about this in February, he, you specifically said the trailing exercise you did not include in those reports was the time when your dog was asked to trail a vehicle trail and failed; isn't that right? Do you remember him asking you that?

ANDERSON: Yes, and I believe I said I don't believe so.

GERAGOS: You said "I don't recall --"

ANDERSON: Or I don't think so, or I don't recall.

GERAGOS: I'll, you want me to read it?

ANDERSON: Please.

GERAGOS: "I don't recall an exercise where she was asked to trail, other than the one that's in her records." Is that what you testified to?

ANDERSON: If that's what it says, that's what I testified to.

GERAGOS: Referring to page 1544.

ANDERSON: Okay.

GERAGOS: Okay. Now, specifically there was no mention of this videotape in any of your records; is that correct?

ANDERSON: That's correct.

GERAGOS: Okay. The way that this videotape, and you had this videotape, didn't you?

ANDERSON: I found out when I went home, after I testified, that I had it. I didn't think I had it at the time.

GERAGOS: Okay. And the reason you had it was that Mr. Rebmann had mailed the videotape to you, correct?

ANDERSON: That's correct. And I didn't think that my dog was on it, so I never looked at it.

GERAGOS: Okay. Now, at the time that you testified in February you said you didn't even recall the exercise, correct?

ANDERSON: That's correct. I actually went home and called the person who videoed this tape.

GERAGOS: Okay. And then specifically Mr. Kopp, after he asked you that question, when you said you don't recall, he then again asked you: Okay, I think, did you tell Mr. Rebmann that your dog, Trimble, was capable of following a scent, a trail that came out of a vehicle? And your answer was "Yes, I did."

ANDERSON: That's correct.

GERAGOS: And on this particular occasion Trimble was not able to follow the scent that came out of that vehicle, correct? And your answer was: I don't recall, she was not able to follow the scent coming out of the vehicle; correct?

ANDERSON: Correct.

GERAGOS: Okay. And specifically you were asked about your training reports from that particular seminar. Do you remember that?

ANDERSON: Correct.

GERAGOS: Okay. And none of those reports of trailing exercises involved an attempt to follow a vehicle trail, correct?

ANDERSON: Correct.

GERAGOS: Now, specifically you were asked: Do you know why you didn't include an unsuccessful vehicle trail in those reports? Do you remember him asking that?

ANDERSON: I do.

GERAGOS: And you said: I don't recall doing an unsuccessful vehicle trail; is that correct?

ANDERSON: Correct.

GERAGOS: Okay. You were specifically asked: Is it your general practice to record every trailing exercise that you perform with this dog; right?

ANDERSON: Correct.

GERAGOS: And your answer was: Yes, it is?

ANDERSON: Correct. Correct.

GERAGOS: And so while you were at that seminar in Chico, every time there's a trailing exercise you made notes, and you prepared these reports that you included here, correct? And you said: Yes, I try to do that; correct?

ANDERSON: Correct. And I believe I, didn't I also add apparently I didn't, GERAGOS: You said, ANDERSON: do it?

ANDERSON: also not --JUDGE: Wait, wait, wait. Let her finish her answer.

GERAGOS: Sure.

ANDERSON: My recollection, without reading it, is I also said apparently I didn't do that.

GERAGOS: Yeah.

ANDERSON: Or apparently I missed them, something of that nature.

GERAGOS: Well, at that point in February we didn't have the tape. You didn't remember this exercise at all; isn't that correct? Isn't that what you testified?

ANDERSON: I didn't until I went home and made some phone calls to refresh my memory, that's correct.

GERAGOS: Okay. Did you call up Mr. Harris or Mr. Distaso –

HARRIS: Your Honor, I object.

GERAGOS: Well, it's fair game.

HARRIS: It might be fair game, except for a misrepresentation, GERAGOS: There's no misrepresentation. It's argumentative –

JUDGE: Let's not argue. Wait. What, what is your objection?

HARRIS: The objection is there's no basis for that question. Counsel had skipped a particular question.

GERAGOS: I'm not skipping, he can do it, he can go right to any question –

JUDGE: You can bring her back on redirect. Overruled. Go ahead.

GERAGOS: Now, specifically, you said that: I don't recall doing an unsuccessful vehicle trail; correct?

ANDERSON: Correct.

GERAGOS: Okay. Now, it's your specific testimony, back in February, that you didn't remember such an exercise, correct?

ANDERSON: Correct. Well, also because Mr. Rebmann never set up a specific vehicle trail. The goal of that exercise that you just saw videotaped was for the dogs to stop at the end of the contact trail, and they were then led by their handlers back to the meeting hall, and they were allowed to go into the meeting hall room and ID the victim, or the subject. I wanted to see if my dog could follow the vehicle trail, because this was a heavily trafficked trail with the person having gone in and out, in and out, in and out several times. I didn't know if she would be able to pick the direction. I didn't know if she would be able to sort out the freshest trail, since that trail, whether it was the 26th, the 27th, there were still multiple vehicle trails going in and out. And I didn't actually know that she would be able to do such a heavily trafficked trail. So my goal was to let her work the trail, see if she could do it. If she had been unsuccessful, that would have been fine with me because that was pushing the envelope of what we had trained to do. She had never been asked to do anything like that. And she indicated, the circle that she made just past the fire hydrant, that was end-of-contact scent trail, change in scent picture. She went up, she worked into the periphery, because you have scent all over the place. This is what I would call an incredibly dynamic trail versus a very static, older trail.

GERAGOS: Be an objection. It's non-responsive at this point.

JUDGE: Yeah, sustained.

GERAGOS: I asked you specifically, you seem to have a whole lot of recollection about that trail now.

ANDERSON: Well, I thought about that trail a lot since February, too.

GERAGOS: Okay. When was the first time that you told anybody that you now had a memory of it?

ANDERSON: When I started calling some of the people that were on the seminar that, and asking them if I had missed a vehicle trail.

GERAGOS: When, when was that that you actually notified the prosecution about it?

HARRIS: Your Honor, I'm going to refer counsel to page 1544 where she was asked that particular question that was actually set up on that seminar,

GERAGOS: You know,

HARRIS:, she testified to that.

GERAGOS: it's argumentative and he knows it's argumentative.

JUDGE: This is redirect (sic) examination, Mr. Harris.

GERAGOS: Now, when did you call the district attorney about this?

ANDERSON: I don't recall. It was after February.

GERAGOS: Okay. It was after February. Wasn't it when I executed a subpoena on Contra Costa on August 3rd? Didn't you call the DA, of this month, on August 4th, and tell them Wait a second, I got a tape?

ANDERSON: No.

GERAGOS: You didn't call them on August 4th?

ANDERSON: No, I didn't. Well, I don't, I don't know who might have called them on August 4th, but I had the tape before this month.

GERAGOS: You never before –

ANDERSON: In fact, I turned this tape over to the sheriff's department in March or April. I believe it was March.

GERAGOS: Okay. Now, did you know that I had executed a subpoena on Contra Costa on August 3rd for all of the records? August 3rd of this month?

ANDERSON: That's correct.

GERAGOS: Okay.

ANDERSON: I mean I was told that, yes, there had been a subpoena

GERAGOS: Okay. You were aware that on August 4th I get an e-mail from Mr. Harris that all of a sudden they may have a tape?

ANDERSON: I, I don't know what e-mails you get from Mr. Harris.

GERAGOS: Okay. Did you, did you call Mr. Harris on, after the subpoena was executed this month, on August 3rd, and say Hey, by the way, I got a tape, remember that vehicle trailing exercise they were asking us about in February, all of a sudden I remember there's a tape of it and I did fail?

ANDERSON: No, I did not.

GERAGOS: Okay. Now, you seem to know a whole lot about or have a memory about it now and you didn't in February, correct?

ANDERSON: I didn't ever remember doing an actual vehicle trail, because we never set up actual vehicle trails.

GERAGOS: Okay. And specifically you were asked: Do you recall an exercise that Mr. Rebmann ran you and Trimble through in which there was a contact trail, and then the subject got in the vehicle and drove away? Do you remember that? And your answer was yes, correct?

ANDERSON: Yes.

GERAGOS: And you said: Okay. Did you tell Mr. Rebmann that your dog, Trimble, was capable of following a scent, a trail that came out of a vehicle? And your answer was Yes, I did; right?

ANDERSON: Yes.

GERAGOS: Okay. And on this particular occasion Trimble was not able to follow the scent that came out of the vehicle, correct? And your answer was?

ANDERSON: 'I don't recall.' GERAGOS: Okay. Now, when the jury just saw that tape, the videotape, when the dog ran, was on one side of the street, correct?

ANDERSON: Correct.

GERAGOS: That's when the person got into a vehicle, correct?

ANDERSON: At the big yellow fire hydrant, where she circled back to me, yes.

GERAGOS: Okay. That's where she circled back to you because she lost the scent as soon as the person got in the vehicle, correct?

ANDERSON: Incorrect.

GERAGOS: Okay. Well, she didn't follow the direction the vehicle went in, did she?

ANDERSON: According to what I was told after the fact of where the vehicle went, she did follow the direction of the vehicle.

GERAGOS: Oh, and who told you that? Was it Mr. Rebmann?

ANDERSON: No. I believe it was the people that drove, the subject and her husband.

GERAGOS: Mr. Rebmann told you specifically that the dog had not followed the vehicle trail and the dog had failed, and, as he had expected, that the vehicle, that your dog could not do vehicle trailing; isn't that what he told you?

ANDERSON: No, that is not what he told me.

GERAGOS: Didn't Mr. Rebmann specifically set this exercise up to test whether Trimble could follow a vehicle trail?

ANDERSON: I was never told that he set this exercise up to test Trimble out of all the dogs in the seminar.

GERAGOS: Okay. No other dog in the seminar attempted to do a vehicle trail?

ANDERSON: No, no other dog's handlers were interested in doing it. They hadn't worked their dogs on vehicle trails, was my understanding.

GERAGOS: Now, specifically the December 2000 and 2 trail that you say that the dog got caught at the marina, the dog, your dog did not bark at any point, did he, did she?

ANDERSON: No.

GERAGOS: Okay. Your dog didn't hit anybody else; isn't that correct?

ANDERSON: No.

GERAGOS: Your dog just pulled along the pier, and then, as you said, it pulled straight and then all of a sudden looked up towards the wind, correct?

ANDERSON: She was checking the wind, yes.

GERAGOS: Okay. So your dog obviously, I don't mean to be facetious, but you don't communicate with your dog in a verbal way, correct?

ANDERSON: I try not to.

GERAGOS: Okay. And is it a fair statement that you didn't have, that dog didn't, there were other people out there that day; many people, correct?

ANDERSON: Correct.

GERAGOS: Okay. There were people from the Modesto PD, correct?

ANDERSON: Correct.

GERAGOS: Okay. There were people from Contra Costa?

ANDERSON: I, correct.

GERAGOS: Now, by the way, did you do a missing member? With this missing member test with Mr. Peterson?

ANDERSON: I, I, I did not do a missing member. I didn't feel I, I didn't feel I needed to do a missing member.

GERAGOS: Okay. But did you do a missing member?

ANDERSON: There was no need to do a missing member.

GERAGOS: Okay. I'm asking you, and I object that it's non-responsive and instruct you to answer the question.

JUDGE: Well, you can answer yes or no and then you can explain your answer.

ANDERSON: No.

JUDGE: Your answer is no, because you didn't think it was necessary.

ANDERSON: I'm sorry, no, I didn't believe it was necessary to do a missing member.

GERAGOS: A missing member would have been, all it would have taken would be to have Scott Peterson, on the 28th, there, have Trimble walk up to Scott Peterson and identify his scent, correct?

ANDERSON: Correct.

GERAGOS: And that would have checked him off, right?

ANDERSON: Correct.

GERAGOS: Okay. And then Trimble could have gone back and worked that scent. It would have taken approximately how long?

ANDERSON: A minute.

GERAGOS: Okay. Now, did you see Mr. Seitz there with his dog?

ANDERSON: I did see Mr. Seitz.

GERAGOS: Okay. Did you see Mr. Seitz work the marina?

ANDERSON: I got there just as he was finishing, so I didn't actually see his dog completely work.

GERAGOS: Okay. Mr. Seitz's dog is a certified dog; is that correct?

ANDERSON: That's correct.

GERAGOS: Mr. Seitz's dog is one of these 14 dogs north of LA and south of Oregon that's certified by CARDA?

ANDERSON: I believe so, yes.

GERAGOS: Mr. Seitz's dog, to the best of your understanding, Mr. Seitz is the handler that works for Contra Costa?

ANDERSON: No, Mr. Seitz works for Alameda

GERAGOS: I'm sorry, Alameda. And you saw him there. And have you worked with him before?

ANDERSON: I have never actually run with his dog. I've seen him on searches. I've never actually worked directly with him.

GERAGOS: Okay. Now, specifically, didn't you say at the February hearing specifically that your dog, your dog does what one would call a hold and bark?

ANDERSON: Correct.

GERAGOS: And she comes up, she'll tag the person with her nose, and then she'll stand off and bark; is that right?

ANDERSON: Bark at them, I believe I said.

GERAGOS: And specifically the only factor that you look at when you're determining if the dog is making the proper trail is if it's pulling on the leash; is that correct?

ANDERSON: If she has a steady pull and her head is leveled when she's got a straightforward scent trail, that's correct.

GERAGOS: Okay. You saw that steady pull and straightforward scent trail in this video, didn't we?

ANDERSON: You saw pieces of it. This was not a straightforward trail. So it was a little bit less of a straightforward head level, yes.

GERAGOS: Okay. And she went over and she did tag somebody, and then she barked at you; is that correct?

ANDERSON: She barked at me, correct.

GERAGOS: Okay. And did you say the, specifically when your dog is working on a trail: She does what I call lining out. She's at the end of her line, she has a steady pull on her line, her head is level, her whole body, her whole top line is level and she's driving straightforward into the harness, correct?

ANDERSON: Correct.

GERAGOS: And when she picks up the scent again, she will drive forward in the harness, level her head out, and go with the scent, correct?

ANDERSON: Correct.

GERAGOS: Okay. Specifically the reason that you didn't put the failure in the training records is because specifically you knew that your dog had failed on that vehicle trailing, correct?

ANDERSON: Incorrect.

GERAGOS: Well, you tell me on your previous two that I mentioned, the vehicle trailing that you had done, did you have somebody videotaping you?

ANDERSON: I did not.

GERAGOS: Okay. So you've got basically three exercises of video trailing, correct? Of vehicle trailing?

ANDERSON: Correct.

GERAGOS: Okay. And out of those three, the one that's videotaped we just saw, right?

ANDERSON: Correct.

GERAGOS: And the other two were not videotaped, right?

ANDERSON: Correct.

GERAGOS: And out of those other two, one you failed, admittedly; correct? Not you, but the dog failed, right?

ANDERSON: That's the one where she got stuck in the scent pool, yes.

GERAGOS: Okay. Well, that's your interpretation of what happened, right?

ANDERSON: Well, I know that's what happened because I knew, I knew where the trail was supposed to go and I knew where the, the person had driven.

GERAGOS: And the one that she supposedly passed we don't have videotape of, correct?

ANDERSON: Correct.

GERAGOS: Okay. And do you have a video, did anybody take a video of what she did on the 28th at the Berkeley Marina?

ANDERSON: Not that I'm aware of.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Dave Harris

THE COURT: Mr. Harris, redirect?

HARRIS: Yes.

HARRIS: Ms. Anderson, just to go back through this in order. You were asked about the 19th. I believe I actually asked you about two separate trailings that occurred on the 19th, if you look at your records. I think you did. That was, which 19th? 1/19?

ANDERSON: Yes.

JUDGE: The one was in El Sobrante, and there was another vehicle trail. That was a bike trail.

ANDERSON: Was that 2001?

JUDGE: 2002.

ANDERSON: 2002.

HARRIS: So one counsel didn't ask you about would be Bates stamp 25655. That was also on January 19th of 2002?

ANDERSON: Yes. There were two on, which one are you talking about?

HARRIS: The one in Martinez.

ANDERSON: The one in Martinez. The vehicle trail.

HARRIS: So there was a vehicle trail in January 2002?

ANDERSON: Correct.

HARRIS: And that one we talked about yesterday and that was successful?

ANDERSON: Correct.

HARRIS: Now, going through this video that we just saw, there are a number of times that you wanted to explain some things. Before we do that, I want to talk about specifically what the questions were that you were being asked previously. Do you have a copy of your transcript with you?

ANDERSON: I do. Do I need my dog book out? My training logbook out?

HARRIS: No.

ANDERSON: I have it.

HARRIS: If you would, it would be at the bottom of the page, page 57. It has a number somewhere in the middle of the page, which would indicate 1544.

ANDERSON: 57.

HARRIS: 57 at the bottom. I just want to get you in the correct are

ANDERSON: Okay.

HARRIS: So you were being asked about whether your dog had failed a vehicle trail. And in your opinion, from the video that you were just watching, GERAGOS: Objection.

HARRIS: did your dog fail that vehicle trail?

ANDERSON: Not at all.

JUDGE: Overruled. The answer, the question is, the answer is fine, "Not at all." That's fine. Next question.

HARRIS: Now, you were asked if there was a video trail, and you were saying not that you recall, but if you turn to the very next page, page 58 at the top, starting with line 17, do you recall the question being asked of you: Okay. Do you recall an exercise that Mr. Rebmann ran you and Trimble through and where there was, GERAGOS: Pardon me? What page?

HARRIS: Bottom of page 58.

ANDERSON: Top of the page 58.

GERAGOS: 1544 or 1545?

HARRIS: It would be 1544.

GERAGOS: Okay.

HARRIS: Line 17.

GERAGOS: Okay.

JUDGE: Want to repeat the question, Mr. Harris?

HARRIS: Do you recall being asked the question: Okay. Do you recall an exercise that Mr. Rebmann ran you and Trimble through in which there was a contact trail and then the subject got in the vehicle and drove away? Do you remember that?

ANDERSON: I do remember that.

HARRIS: And if you would look at line 21, what was your answer at that time?

ANDERSON: 'Yes.'

HARRIS: So back in February when you were asked these questions, you had already answered about this particular trail that we we're just talking about, weren't you?

ANDERSON: Yes.

HARRIS: Now, this was not set up as a vehicle trail, was it?

ANDERSON: No. The goal of this trail, from what Mr. Rebmann explained to the group in the seminar, was that there was a contact trail and then the person got into the vehicle. The goal of this trail was for the handler to be able to read their dog and be able to determine at what point the contact trail ended and the person got in the vehicle. I approached it from a I need to be able to know where the contact trail ended and the person got in the vehicle, because that's an important parameter for me to be able to read in my dog. But then I also wanted to know if she would be able to follow the vehicle trail back to the meeting hall. And I knew it was a heavily trafficked trail. I knew that there was a high probability that she might not be able to do it because her subject had driven in and out of that road already a couple of times that day. So we had a vehicle trail with a couple of hours separating it, and I didn't know at that point whether or not she could actually determine a change in direction and a fresher trail when she already had seven or eight or ten overlaid vehicle trails from the same subject. And my understanding was where she turned and crossed the street was where the vehicle had turned around.

HARRIS: Now, as we were watching the video, counsel stopped it, paused it at one particular point and was saying things to you, and you disagreed and you were trying to explain. So I want to go back to that particular point. When we see at some point in time the dog comes up and goes out of frame and then returns and you said the dog was barking at you, and you were trying to explain something.

ANDERSON: Right.

HARRIS: What was the scene? What was, what was occurring at that time?

ANDERSON: This was I think a, I believe in my opinion that this was a very frustrating trail for this dog. It, she had never encountered a trail of this nature before, and she was barking at me in frustration. I had to give her a gentle correction. She's not to bark and she knows she's not to bark. I gave her a gentle correction, Knock it off, get back to work. And that's when she continued on then with the trail.

HARRIS: And the video, I can't say that's where the video ends, but where it fades out at that point in time –

ANDERSON: The video fades out before she actually got to the building.

HARRIS: Okay. Well, let's go, go through this. We see when the video is fading out that you and the dog are still working; is that correct?

ANDERSON: That's correct.

HARRIS: And does the dog continue working until it gets to some particular place?

ANDERSON: The dog continued to the building and went inside the building and tagged her subject.

HARRIS: And which subject was that?

ANDERSON: The subject was the wife of the gentleman, Scott Johnson. Her name is Lisa Johnson. And she is, she, Scott and Lisa were the people that actually set up the seminar.

HARRIS: So the dog continued on this vehicle trail?

ANDERSON: Correct.

HARRIS: And went to this meeting, to the meeting building you were describing?

ANDERSON: Correct.

HARRIS: And the dog went inside and found Ms. Johnson?

ANDERSON: Correct.

HARRIS: The People have no other questions.

Recross Examination by Mark Geragos

JUDGE: Any re-cross, Mr. Geragos?

GERAGOS: Yes. You didn't include this in any report, did you?

ANDERSON: No, I didn't.

GERAGOS: Okay. And, specifically, the question that Mr. Harris just read to you was the exact same question I asked you, or that Mr. Kopp asked you, where you said yes. He said: Do you recall an exercise that he ran you through in which there was a contact trail, the subject got in a vehicle and drove away?

And you said yes. And did you tell Mr. Rebmann, the very next question is: Did you tell Mr. Rebmann that your dog, dog Trimble was capable of following a scent, a trail that came out of a vehicle, and your answer was,

ANDERSON: Yes.

GERAGOS: I did, correct? The bottom of 1544. It's the very next question, right?

ANDERSON: I don't have 1544. Okay. I think did you tell, yes, I did. I see it. Line 25?

GERAGOS: Right.

ANDERSON: Yes.

GERAGOS: And then specifically, and on this particular occasion, Trimble was not able to follow the scent that came out of that vehicle, correct? And your answer was: I don't recall that she was not able to follow the scent coming out of the vehicle.

ANDERSON: That's correct.

GERAGOS: Okay. And you just said that the dog was frustrated; is that right?

ANDERSON: That's correct.

GERAGOS: That's your interpretation of why the dog hit somebody with its nose and then started barking, which appears, correct me if I'm wrong, to be the exact same behavior that that dog is trained to do when it finds the subject; isn't it?

HARRIS: Objection. Assumes a fact not in evidence.

JUDGE: Overruled.

GERAGOS: Isn't that called the hold and bark?

ANDERSON: The hold and bark is exactly that. You hold the person, you bark at them. She wasn't barking at the person; but, yes, I agree it, she was barking and she shouldn't have been barking.

GERAGOS: Right. And doesn't that, the activity that happened right there with the videographer, for somebody who is watching that and what you've described as what happens when they hit, when they get a hit, when they find the person, Trimble did that on the videographer, didn't it, didn't she?

ANDERSON: She, she did it at me.

GERAGOS: Well, she,

ANDERSON: But she barked inappropriately, you're correct.

GERAGOS: Right. And she barked inappropriately. What that's taught to do when she's finds a subject is bark?

ANDERSON: Hold and bark. Tag them, look at them, and bark at them.

GERAGOS: Okay. What she did in this case, she ran right up, she went to the videographer, she tagged the videographer, she turned around and she started barking at you, correct?

ANDERSON: Correct.

GERAGOS: Okay. So she did that, and that was right after she had come down that street, towards the videographer, with a straight, in a straight line, correct?

ANDERSON: Correct.

GERAGOS: And with a strong pull?

ANDERSON: Correct.

GERAGOS: In the harness, with that line tight, with her back and the tail doing all of that stuff, correct?

ANDERSON: Correct.

GERAGOS: Okay. So it looked like she was on the trail of the scent, correct?

ANDERSON: Correct.

MR. GERAGOS: Thank you. I have no further questions.