Witness: Allen Brocchini

Date: 2004-06-28

Proceedings held June 28, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross (resumed) (continued from previous day)

Day 4 of 5 for this witness

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

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June 28, 2004

GERAGOS: Detective, when we broke we were talking about, we were dealing with the Trade Corp issue and the checks. And then I made a copy of two of the pages of your police report that I think contain the supplemental. Can you take a look and see if that's an accurate layout and part of the information that you sent over to Trade Corp, Mr. Lee?

BROCCHINI: It is.

GERAGOS: Okay. And in sum and substance, I would like to mark this defense next in order.

JUDGE: Defense next in order. Can you identify it again for the record? This will be number,

GERAGOS: Two pages out of the police report of Detective Brocchini that I have cut and pasted, that represent 23 items that were forwarded over to Ross Lee, the attorney for Trade Corp.

JUDGE: This is LL.Document Marked as Exhibit LL for identification.

GERAGOS: Now, these 23 items are the items that you sent over to Mr. Lee, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And specifically, when I was going through them before, you would list exactly what the check was, what the amount number, the amount was, and then the check number; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And also on these, identify where he paid himself, what the amount was. Just so I got it, if it indicated for a pay period, you went down, and you put it down as well?

BROCCHINI: Yes.

GERAGOS: Now, as I think we finished off, you received back on Friday a document from Trade Corp saying that they had done an audit; is that correct?

BROCCHINI: Yes.

GERAGOS: And as part of that audit, they had determined that there was nothing wrong, and that everything had been done correctly; is that correct?

BROCCHINI: That's correct.

GERAGOS: Now, in addition to that, I think I had also, there was a memo, City of Modesto memo that you originally sent over in regard to the audit itself; is that correct?

BROCCHINI: Yes.

GERAGOS: And that City of Modesto memo said that you could, if Trade Corp wants to pursue this possible embezzlement further, please contact me and I will put you in contact with one of our economic crimes detectives. Is that correct? That's on, I'm reading from Defendant's JJ.

BROCCHINI: That's what I wrote.

GERAGOS: Now, at that point, had you been an economic crimes detective for Modesto PD?

BROCCHINI: No, I have never been an economics crimes detective.

GERAGOS: Okay. Did you, when you found these checks that you were curious about, that I marked, that I just marked, these checks that we just had up, did you refer that over to the, you have an economic crimes unit, correct?

BROCCHINI: Right.

GERAGOS: Right?

BROCCHINI: We do.

GERAGOS: And you have somebody that you call an economic crimes detective, right?

BROCCHINI: Yes.

GERAGOS: Did you refer these checks or this investigation over to the economic crimes unit?

BROCCHINI: No.

GERAGOS: Okay. It was your desire that Trade Corp would do an audit, find out that Mr. Peterson, Scott Peterson had committed an embezzlement, that would put some further heat on him; is that correct?

BROCCHINI: No.

GERAGOS: You weren't trying to put heats on him?

BROCCHINI: Well, I was suspicious of these checks. I'm a cop. I was suspicious of a lot of things. And at this time I knew he was lying to me about everything he said. He had a girlfriend. They aren't cheap. So I figured he was writing himself checks. I didn't know if he was doing an embezzlement or not. But it was something I had to check out.

GERAGOS: He had been lying to you about everything, like that interview that we went through,

BROCCHINI: No.

GERAGOS: on the day before yesterday. He was lying about everything in that interview?

BROCCHINI: No. But pretty much from the time when I wrote this memo, I mean we knew that he had been lying to me.

GERAGOS: Objection, your Honor. It's non-responsive.

DISTASO: He's allowed to answer.

JUDGE: Wait, wait, wait.

GERAGOS: It's a non-responsive response.

JUDGE: Sustained.

GERAGOS: I'm going to ask you a question, see if we can focus on it. You had a tape recorded interview, correct?

BROCCHINI: Yes.

GERAGOS: The one we saw.

BROCCHINI: Yes.

GERAGOS: We played that, correct?

BROCCHINI: Yes.

GERAGOS: We went through that tape-recorded interview, correct?

BROCCHINI: Some of it.

GERAGOS: Well, basically went through the entire interview with you. Didn't, isn't what we spent a couple hours doing?

BROCCHINI: We went through all the things you wanted to go through.

GERAGOS: We went through virtually everything in that interview. Tell me something that we didn't go over in that interview.

BROCCHINI: The fact that he had a girlfriend, and he denied it. You skipped that part.

GERAGOS: You never asked him in that interview if he had a girlfriend. Do you have that interview transcript? Can you turn to that? Do you have the transcript?

BROCCHINI: No, oh, yeah, I do.

GERAGOS: Okay. Can you please, take whatever time you need, show me where in that transcript you asked him if he had a girlfriend. If it helps, I will tell you that there is a place where you asked him how the marriage was. But if you, but if you need more time, you can you just point to me, so that I can show the jury where it is that you asked him if he had a girlfriend.

BROCCHINI: I spoke to him for three and half hours before this. I asked him if he had a girlfriend more than once. And in this, it was a recap of that. And I said, so basically, so you don't have any marriage problems? Because he had already told me several times he didn't.

GERAGOS: Where is that in your, in the taped interview?

BROCCHINI: That's not.

GERAGOS: Can you show me your reports, your reports from the conversations on the 24th where you say in your reports that you asked him several times if he had a girlfriend?

BROCCHINI: I know it's in there that I asked him if he had a girlfriend.

GERAGOS: In your reports? Let me see. Let's us see where that is. Do you want to take this one down?

BROCCHINI: No. Leave it right there. Leave it right there.

GERAGOS: What page are you looking at?

BROCCHINI: I don't know yet. I'm looking at Bates stamp 969. I just talked to him in there about explaining why, I'm asking these questions about the girlfriend.

GERAGOS: What page are you on?

BROCCHINI: I'm on 969.

GERAGOS: Point out to me,

BROCCHINI: I told Scott right up here.

GERAGOS: Okay.

BROCCHINI: I told Scott it was, it would be uncomfortable for him, because I would be asking difficult questions about his relationship with Laci. And it was in my experience that he would end up not liking me very much. I asked Scott to keep in mind that I was only doing my job, which is, I was asking these questions. And I write in there, but that's why I wrote that in there,

because I was asking him difficult questions about his relationship.

GERAGOS: Is it a fair statement that nowhere in your report about your conversations of the 24th, did you ever put, how many pages was your report, by the way, twelve?

BROCCHINI: That's right.

GERAGOS: So you wrote a twelve page, you want to show the jury what it looks like? Single-spaced, basically, correct?

BROCCHINI: Yes.

GERAGOS: Twelve pages, right?

BROCCHINI: Yes.

GERAGOS: And you could put in there in the minutest details about jackets about mop buckets, about doors, about scrunched rugs. But nowhere in that twelve pages of single space stuff did you have room to put in there that you asked him if he had a girlfriend, and he said no?

DISTASO: Objection. Argumentative.

JUDGE: Sustained.

GERAGOS: You don't have anywhere in that twelve-page report anything that says, "I asked Scott Peterson if he had a girlfriend and he said no", correct?

BROCCHINI: I don't have that written in there.

GERAGOS: Okay. Now, in addition to that, that one-hour interview that we went through with the jury, was specifically to recap everything that was discussed with ine 12 Mr. Peterson on that evening, correct?

BROCCHINI: That's right.

GERAGOS: And that one-hour interview was to also record it so that there wouldn't be any dispute as to what Mr. Peterson said, and what you said, and the information that you gleaned from him; isn't that correct?

BROCCHINI: That's correct.

GERAGOS: And we don't have anywhere in there where he says, "I don't have a girlfriend." But we do have in there a number of things that we went through that I showed you, exhibits which turned out Mr. Peterson gave you the absolute correct information; isn't that true?

BROCCHINI: Told me a lot of truth.

GERAGOS: Right. And he told you a lot of truth throughout that interview. He told you where he had been that day, correct?

BROCCHINI: Yes.

GERAGOS: He told you specifically what items were used for what, correct?

BROCCHINI: Yes.

GERAGOS: He told you the timing of various things, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And as you say, he told you a lot of truth, correct?

BROCCHINI: He did.

GERAGOS: Okay. Now, on that day, you specifically, on the 24th, indicated that you were trying to do your job, or your function was to eliminate him as a suspect; is that right?

BROCCHINI: Yes.

GERAGOS: Now, at what point did your role change, apparently when you were called in, you were the, what's the Modesto PD term for it, the lead detective at that point, or the one who is on-call detective?

BROCCHINI: I was called in.

GERAGOS: Okay. So you were called in. You were in charge, correct?

BROCCHINI: Right.

GERAGOS: On the 24th?

BROCCHINI: Yes.

GERAGOS: Now, at some point that changed?

BROCCHINI: Yes.

GERAGOS: When did that change?

BROCCHINI: On the 25th.

GERAGOS: What time?

BROCCHINI: I'm not sure.

GERAGOS: And that changed by Detective Craig Grogan becoming in charge?

BROCCHINI: That's correct.

GERAGOS: Okay. Now, when Detective Craig Grogan became in charge, did you, did anything change in terms of how you operated, what your function was, what your role was?

BROCCHINI: No.

GERAGOS: Okay. So at that point, you were tasked with the idea that you had to eliminate Scott Peterson, or include him as a suspect, one or the other. Your focus was Scott Peterson; is that a fair statement?

BROCCHINI: I mean I did a lot of other things, too. But, yeah, that was my focus.

GERAGOS: Okay. Now, the, one of your other focuses was to run down other leads; is that correct?

BROCCHINI: Sometimes.

GERAGOS: Okay. Now, there was apparently a lead, we have had some testimony about it, it's in the paperwork, that there was a tip that was received and forwarded to the detectives' desk regarding Laci being held in a storage container in Tracy, California. Are you aware of that?

BROCCHINI: I think I have heard of it. I'm not aware of it.

GERAGOS: Did anybody ask you to follow up on it?

BROCCHINI: It possibly is one of the tips that came to my desk that got directed out.

GERAGOS: Well, do you know who Eric Beffa, B-e-f-f-a, is?

BROCCHINI: Yes, I do.

GERAGOS: Is he a Modesto Police Department officer?

BROCCHINI: Yes, he is.

GERAGOS: Do you know who Jan Merino?

BROCCHINI: No.

GERAGOS: Okay. Do you know if, whether or not Officer Beffa responded to a location in Tracy that was supposed to be a location or general area where Laci Peterson was being held?

BROCCHINI: No.

GERAGOS: Did you get a report of any kind, I have got a multipage report I'm going to show you. Anybody ever show this to you?

BROCCHINI: I have never seen this that I know of, that I can remember.

GERAGOS: Okay.

BROCCHINI: I have seen that.

GERAGOS: I'm going to, you have never seen this report that I just showed you, which was the Tracy report, correct?

JUDGE: Identify it for the record, Mr. Geragos.

GERAGOS: Sure. I was going to mark it by reference if I could. I'll use it with another witness.

JUDGE: All right.

GERAGOS: This is a one, two, three, four, five, six, seven, eight pages which was a documented report from the San Joaquin County Sheriff's Office.

JUDGE: That's MM.Report Marked as Exhibit MM

for identification.

GERAGOS: I'm going to ask you, while marking that, can you take a look at the handwritten, up in the top, 977. Do you have that?

BROCCHINI: Yes, I do.

GERAGOS: Now, apparently on the, had, you had received information on 12-26; is that correct?

BROCCHINI: Did I receive information on 12-26?

GERAGOS: Yeah.

BROCCHINI: Yes.

GERAGOS: Did you receive a tip?

BROCCHINI: Yes.

GERAGOS: Did you receive a tip from a Detective Dan Scheppel from the Tracy Police Department?

BROCCHINI: I didn't receive a tip. I received some information from him.

GERAGOS: Well, he called to report that he was working a kidnapping in Tracy that occurred on December 22nd at about 1:30, correct?

BROCCHINI: Yes.

GERAGOS: He said a male Pacific Islander male driving a two tone white Suburban with a gold stripe had pulled a fifteen-year-old female out of her vehicle and attempted to put her into his vehicle, correct?

BROCCHINI: Yes.

GERAGOS: She was able to get away. Two passers-by were able to follow the Suburban and get a license plate number?

BROCCHINI: Yes.

GERAGOS: And they were trying to follow up on that; is that correct?

BROCCHINI: They had an outstanding warrant for the suspects in that, yes.

GERAGOS: Okay. Now, approximately three weeks later, or two weeks later, you received information that, in Tracy, that there was a tip that Laci Peterson was being held in that same area; isn't that correct?

BROCCHINI: No.

GERAGOS: You weren't aware that there was a tip, and that the Modesto PD was going out there?

BROCCHINI: I don't know. I was aware of a lot of tips.

GERAGOS: Were you aware that Modesto PD had been, a helicopter had been sent, they had done a FLIR device, they had found heat radiating from this area?

BROCCHINI: No.

GERAGOS: Were you aware that it was considered to be too dangerous to go into that area?

BROCCHINI: No.

GERAGOS: Were you aware that nobody ever followed up on that, and never went into that area?

BROCCHINI: I don't know.

DISTASO: Objection. That misstates the testimony. Assumes facts not in evidence.

GERAGOS: It's, in fact, were,

JUDGE: Modesto didn't, but the Tracy Police Department did something.

GERAGOS: Judge, not only that they did nothing on that, that's the, that was the testimony.

DISTASO: Wait. Is he testifying now, judge? That's misstating the evidence.

JUDGE: Wait, let's not get into arguments. Wasn't there some testimony that they sent a helicopter, and they detected some heat, and so forth. They didn't go into the area because, always you just said, it was dangerous.

GERAGOS: That's correct. That's what the testimony is. That's what the record is.

BROCCHINI: No.

JUDGE: Modesto Police Department didn't do anything about,

GERAGOS: Modesto Police Department did that in conjunction with them. It was a multi-agency. That's what the testimony is.

JUDGE: Okay.

JUDGE: What was your question?

GERAGOS: Did any of the sergeants who were doing the searches, do you know who they were, by the way?

BROCCHINI: I know all the sergeants at the police department.

GERAGOS: Who were the sergeants who were in charge of the search?

BROCCHINI: Ron Cloward was in charge of some searching, and Tim Helton. And I think there was some other ones also in charge.

GERAGOS: Cloward or Helton ever tell you that have they found a location that they have had gotten a positive on the FLIR device, yet the detectives considered it too dangerous to go in there?

BROCCHINI: No.

GERAGOS: Did they ever tell you that it was not followed up on?

BROCCHINI: No.

GERAGOS: Did you, were you familiar with this first tip that I just read you about the kidnapping in Tracy on 12-22, the one we talked about?

BROCCHINI: Yes. The information from the detective, I took that information.

GERAGOS: Okay. And what did you do to follow up on that?

BROCCHINI: I spoke to him. He said they had a warrant out for the subject's arrest. Subject had tried to pull a fifteen-year old girl into his vehicle. He was wanted as of the 22nd of December, and that was it. He's wanted.

GERAGOS: Have you done anything to this day since then?

BROCCHINI: No, not on that tip.

GERAGOS: Not on that tip. Did you have tips later on that somebody was seen in a van on that street on Covena, the description, and the description was dark-skinned, not African-American, which would seem to, at least, be close to Pacific Islander?

DISTASO: Objection. That's argumentative. He's testifying.

JUDGE: Sustained. He's testifying.

GERAGOS: Did you ever connect that tip with some of the other information that you had from Covena, and the witnesses from Covena?

BROCCHINI: Which tip?

GERAGOS: The Tracy tip.

BROCCHINI: No.

GERAGOS: Now, at some point during that first week of January, you set up, or the Modesto PD set up a pole camera across the street from the Peterson residence; is that correct?

BROCCHINI: Yes.

GERAGOS: Now, this pole camera was an item which was borrowed from, was borrowed from the FBI, is that right, or the DEA, one or the other? You are not sure, but you know it was one or the other?

BROCCHINI: I'm not sure where we borrowed it. It was one or the other.

GERAGOS: Now, the, I'm going to ask you.

JUDGE: Mr. Geragos, is this the, use this one here. Got a smaller,

GERAGOS: I want the color, or whichever color. Doesn't matter to me.

GERAGOS: Can you put there for the jury, exactly where the pole camera was set up?

BROCCHINI: I have no idea where the pole camera was set up. I never saw it. I don't know where it is.

GERAGOS: It was set up across the street, wasn't it?

BROCCHINI: I don't know where it was. And I don't think so.

GERAGOS: You don't think it was set up across the street?

BROCCHINI: No.

GERAGOS: When did you first learn that there was a surveillance camera across the street,

DISTASO: Objection.

GERAGOS: from 523 Covena?

DISTASO: Objection. Relevance. Lack of foundation. He doesn't know where it was, or anything about it.

JUDGE: That's not what he's asking. Overruled.

BROCCHINI: I knew there was a pole camera. We talked about it in early January, put it up. But I do not know whether it was for sure. I never saw it.

GERAGOS: Okay. Now, you were aware of it going up, correct?

BROCCHINI: Yeah, I was aware of it going up.

GERAGOS: And you think that some time between the 3rd and the 11th it went up; is that correct?

DISTASO: Objection, your Honor. It's not relevant. It's hearsay. He didn't have anything to do with it.

JUDGE: Well, isn't he the investigating officer?

GERAGOS: Yes.

DISTASO: He's not the leading investigating officer.

JUDGE: But he was following up on these tips, pursuing some of these tips, and directing some of this investigation. So I think it's important. State of mind is relevant. Overruled. Go ahead, you can answer that.

GERAGOS: You testified before that you, your understanding was the pole camera was set in between the 3rd and the 11th; is that correct?

BROCCHINI: Yes.

GERAGOS: And you talked about how hard it was to watch the street because it's so small, and that's why a pole camera was decided to be used, correct?

BROCCHINI: Yes. Can you tell me the page you are on?

GERAGOS: It's the transcript. Do you have your transcript of your testimony?

BROCCHINI: Yes.

GERAGOS: 1080.

BROCCHINI: Thank you.

GERAGOS: If you need to refresh your recollection.

BROCCHINI: Just want to be there for when you are ready.

GERAGOS: Okay. Now, you were part of the discussions about putting up a pole camera, correct?

BROCCHINI: Yes.

GERAGOS: And that included Detective Grogan, Sergeant Zahr, and Buehler, correct?

BROCCHINI: They were there. Sergeant Zahr, and I imagine some other people too.

GERAGOS: Okay. I would ask that you, if you are going to look at the testimony, that you tell me when you do.

BROCCHINI: Okay.

GERAGOS: Good. You if you need to refresh your recollection. Otherwise, I want your best recollection.

JUDGE: Just clear something up. The detective in charge of this whole investigation was Grogan, right?

BROCCHINI: Yes.

JUDGE: What, did you have a designation or a title as to your role? Were you assisting him?

BROCCHINI: Yes.

JUDGE: You are assisting Grogan?

BROCCHINI: Yes.

JUDGE: But you were assigned to this case, right?

BROCCHINI: I was assigned to other cases too, though. But I was assigned to this case.

JUDGE: This is one of your cases?

BROCCHINI: Yes, it was.

GERAGOS: There is a report, following up on the judge's question, by Sergeant Zahr which describes you as a Core Detective. C-o-r-e. Is that correct?

BROCCHINI: Yes.

GERAGOS: Core Detectives would have been you, Buehler, Grogan, correct?

BROCCHINI: Yes.

GERAGOS: Now, the camera that was set up is what's referred to as a closed circuit television camera that's put on a pole; is that correct?

BROCCHINI: Yes.

DISTASO: Objection, your Honor. Lack of foundation.

JUDGE: If you know. Do you know anything about this camera?

BROCCHINI: I know it was some type of a closed circuit television, or a closed circuit TV.

JUDGE: Answer will stand.

GERAGOS: Okay. And then you also understand that the way that this closed circuit camera operated is that it would be viewed from a remote location, correct?

BROCCHINI: Yes.

GERAGOS: And that remote location was a Modesto PD, or truck, something where somebody could sit in and watch the monitor, correct?

BROCCHINI: I think it was more than one place. Only one place at time. But it was in a van for a while, and it was in a shed for a while.

GERAGOS: Okay. Now, the, you subsequently learned that that camera produced videotapes, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And that you learned that through another police officer. Do you remember that?

BROCCHINI: Yes.

GERAGOS: And who was that?

BROCCHINI: Bolinger. Well, who I learned it from originally?

GERAGOS: Originally.

BROCCHINI: I don't know.

GERAGOS: Okay. Did you at some point talk to another officer and confirm that he, in fact, had some tapes?

BROCCHINI: No. I talked to another officer that confirmed he, in fact, videotaped for a little while. He didn't say anything about having any tapes.

GERAGOS: Okay. Now, you knew that it was manned 24 hours a day surveillance, correct?

BROCCHINI: There was a 24-hour-a-day surveillance on Scott Peterson. For some days that pole camera was on hand if Scott Peterson was in his driveway.

GERAGOS: Well, did you understand that it had the capability of actually filming whatever scene it was trained on? Do you understand what I mean by that? If I were to tell you to assume that the camera was on a pole right outside of the Medinas' house, it's trained on to the Peterson house, was it your understanding that the camera was filming, or had the capability to film what was going on at the house?

DISTASO: Objection assumes facts not in evidence. He says he asked the detective to, well, let me have you assume this fact. That was the start, whole basis of the question.

JUDGE: Well, let me ask you this. Do you know how this was set up to operate?

BROCCHINI: Your Honor, I knew that there was a video camera. I mean there is camera a somewhere on a pole looking at the driveway, and in the van there was a capability, if an officer wanted to record, he could. That's, I have never been in the van. But that's what I'm aware of.

JUDGE: Well, we'll let that answer stand.

GERAGOS: Now, at the time that you were questioned about this, that was in the preliminary hearing in this case; is that correct?

BROCCHINI: Yes.

GERAGOS: And prior to that time, are you aware of any report in the first 27,000 pages, before this issue was brought up, there was a pole camera? Were you aware of any report that refers to this camera in any of the Modesto PD police reports?

BROCCHINI: I don't know. I'm not.

GERAGOS: You are not aware of any reports, are you, that that you can,

BROCCHINI: I haven't read, I have read 950 pages. I don't know about 27,000.

GERAGOS: But you never mentioned in any of your reports?

BROCCHINI: That's right.

GERAGOS: And the filming that takes place, you said that it would cover, your understanding was that it would cover the driveway, correct?

BROCCHINI: I was told you could see the driveway from this camera. That's what, we were watching Scott.

GERAGOS: Okay. Now, when you say the driveway, we have got People's 38 here. You are talking about this area to the right, next to the vacant house?

BROCCHINI: Yes.

GERAGOS: Okay. And specifically presumably, have you seen any of the tape recorded video?

BROCCHINI: No.

GERAGOS: When you say you are looking for, or having trained on the house, was the idea when you had the discussions when Grogan was there, to be able to see if Scott exits or comes in

through any of the entrances?

BROCCHINI: I never said it was trained on the house. I knew that you could see the driveway. And I never had any discussions on what else you could see.

GERAGOS: Okay. You knew at the time that there was monitoring going on when it was happening in January, correct?

BROCCHINI: What, could you explain that?

GERAGOS: You talked to a, do you know somebody by the name of Randy Bolinger, B-o-l-i-n-g-e-r?

BROCCHINI: Yes, I do.

GERAGOS: Who is Randy Bolinger?

BROCCHINI: He was one of the surveillance officers on that. When Scott was home, he would be in the van and watch. And if Scott would leave, he would fell other surveillance office officers, maybe block or two away he is leaving northbound or south, leaving southbound. I was aware that he was one of those people.

GERAGOS: You were aware that he was monitoring this from this van that you described that had a, when you say monitoring, literally he had a monitor in the van that would show him from a remote location what was going on at the house?

BROCCHINI: That's correct.

GERAGOS: And you knew about at the time that it was happening in real time, meaning if it's January 4, whatever date, say it's January 16th, if he's in his van looking at the monitor in the van, he can see what's going on on the street, and can talk to you about it, correct?

BROCCHINI: I mean he was, yeah. I mean lot of times it was in the middle of the night, and I was asleep. But I knew if Scott got in his car and left, this was being monitored. He would, somebody would usually call me and tell me, okay, he's moving. So, yeah.

GERAGOS: Okay. Now, the, you have received reports, or seen reports from Officer Bolinger, correct?

BROCCHINI: No, I don't think so.

GERAGOS: You did an interview of him? A report of an interview?

BROCCHINI: I don't know, unless you showed Mr. --

GERAGOS: Looking at page 1084.

BROCCHINI: Okay.

GERAGOS: Hand you some reports back there, or Mr. McAllister did?

BROCCHINI: You are talking about did I see it at the preliminary hearing?

GERAGOS: Yeah.

BROCCHINI: Can I look at this real quick?

GERAGOS: Sure. Read down to line 24. Just on that page, the next.

BROCCHINI: That's the first time I ever saw that report. I didn't read it when it was handed to me.

GERAGOS: Specifically you were asked if you knew that they had recorded portions of the surveillance, correct?

BROCCHINI: Yes.

GERAGOS: Okay. When we say recorded, the jury, so the jury and his Honor understands, you have a camera somewhere that's trained on the house. You don't know specifically where, but you know it's called a pole camera. So we're assuming that it's on a pole, that it's trained on to the house itself, correct?

BROCCHINI: No. It's trained on the driveway.

GERAGOS: Okay the driveway. So it's trained on the driveway. Now, it's, your understanding is that that camera could record, take videotape that you could play back; isn't that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And you knew that, because you had talked to Officer Bolinger; is that correct?

BROCCHINI: Yes.

GERAGOS: And he told you how he had recorded. He said he pushed the button, right?

BROCCHINI: That's right.

GERAGOS: Okay. And he told you that that was videotaped, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, at some point you were assigned to investigate a burglary at the house on 523 Covena; is that correct? The Peterson house?

BROCCHINI: Yes, twice.

GERAGOS: Okay. The first time was what date?

BROCCHINI: January 19th.

GERAGOS: On January 19th you received information that Amy Krigbaum across the street had observed a female go into Scott's backyard, correct? Do you want that page number?

BROCCHINI: No. Yeah, I remember.

GERAGOS: 1105, on the top.

BROCCHINI: She called me and said that she had seen a female come out of the front gate or back gate of the house.

GERAGOS: Okay. And that was, she called you at about 1:53 in the morning on Sunday the 19th of January, 2003?

BROCCHINI: Yes.

GERAGOS: And she said that she had seen somebody exit the gate. Which gate did she tell you?

BROCCHINI: I'd have to look to be sure, Mr. Geragos.

GERAGOS: Okay. 1105 is the top. 1175 Bates number stamp on the lower right.

BROCCHINI: Okay. The north side gate. So that would have been the one right in front of the cars on the driveway.

JUDGE: Use the pointer, detective.

GERAGOS: Do you have the pointer there?

BROCCHINI: She saw her come out this gate right here.

GERAGOS: Okay. And said that went to the trunk of a white Honda Civic that was facing southbound on the west side of e 10 the street. Where would that have been? Maybe I better put this down and you can show on People's 33.

BROCCHINI: What did I tell you?

JUDGE: Southbound on west the side of the street.

BROCCHINI: Same side of the street as the Peterson house, facing down.

GERAGOS: Heading in this direction towards Encina. So the front of the car was facing towards Encina?

BROCCHINI: Yes.

GERAGOS: Now, you said that the person went to the trunk of a white Honda, opened the trunk, and had carried out a bundle from the house; is that correct?

BROCCHINI: Yes.

GERAGOS: And placed that bundle into the trunk of the car?

BROCCHINI: Yes.

GERAGOS: Okay. And she said that she saw the woman walking around in the front yard, correct?

BROCCHINI: Yes. She saw her walk around in the front yard talking to herself, she said.

GERAGOS: That would have been back to People's 38.

BROCCHINI: Okay.

GERAGOS: Then she called the police; is that correct?

BROCCHINI: Yes.

GERAGOS: And she identified the female as somebody who appeared to be the same one who had been walking the dog. You understood walking the dog to mean walking MacKenzie, the Peterson's dog?

BROCCHINI: Yes.

GERAGOS: That same day; is that correct?

BROCCHINI: Did she say that same day?

GERAGOS: Earlier in the day.

BROCCHINI: Yes.

GERAGOS: You assume that to be the same day, correct?

BROCCHINI: Yes.

GERAGOS: She said the police arrived, but whoever this female was had already left, right?

BROCCHINI: Yes.

GERAGOS: Now, she said about an hour and a half after that there were three more, or another car pulled up, and three more females got out; is that correct?

BROCCHINI: Yes.

GERAGOS: And they were in the driveway as well, right?

BROCCHINI: Yes.

GERAGOS: And, once again, Krigbaum called 9-1-1. However, this time the officers, same as last time, I guess, by the time the officers arrived, these, the second wave of people had already left.

BROCCHINI: That's right.

GERAGOS: Now, at about, you get this first call, you didn't get the call, but the police received the call in the early morning hours at about 1:53 in the morning on Sunday morning. So from Saturday night going into Sunday morning, correct?

BROCCHINI: Yes.

GERAGOS: And so at some point at about three in the morning is when this second, the other threesome shows up, correct?

BROCCHINI: Yes.

GERAGOS: Then at about ten in the morning, or is it ten at night, the following day, officers were dispatched over to Scott's house and Laci's house; is that correct?

BROCCHINI: It was about eight at night.

GERAGOS: Eight at night. Okay. Now, at that point, it was determined that there was a window that was broken, correct?

BROCCHINI: Yes.

GERAGOS: Where was that?

BROCCHINI: It was right here.

GERAGOS: Okay. You are pointing to the French doors. I assume those are French doors right there, correct?

BROCCHINI: Yes.

GERAGOS: And off of the dining room?

BROCCHINI: Yes.

GERAGOS: Okay. And that was broken. And went inside, the two Christmas presents had been, presents had been unwrapped, correct? 1175. Residential burglary. First paragraph, fifth line down.

BROCCHINI: Yes.

GERAGOS: Okay. And that it looked like the drawers and closets had been rifled; is that correct?

BROCCHINI: That's what I was told from another detective, yes.

GERAGOS: Did you go inside the house?

BROCCHINI: No.

GERAGOS: At some point on a Monday, the following day, you met at about, was it ten in the morning?

BROCCHINI: Yes.

GERAGOS: You met with Sergeant Zahr and Detective Banks; is that correct?

BROCCHINI: Yes.

GERAGOS: You told, at that point that the statement by McGregor was that she had claimed she had gone to feed the dog and found Scott Peterson's north door, which door would that have been?

BROCCHINI: Well,

GERAGOS: Same door?

BROCCHINI: Yes.

GERAGOS: Okay.

JUDGE: Can I interrupt? Who is McGregor?

GERAGOS: Kim McGregor.

JUDGE: Is that who had phoned?

BROCCHINI: No. Kim McGregor is the,

GERAGOS: Kim McGregor had been interviewed by Banks; is that correct?

BROCCHINI: I don't know.

GERAGOS: It was by phone; is that correct?

BROCCHINI: Yeah.

GERAGOS: On the phone?

BROCCHINI: That's what I learned from Banks.

GERAGOS: Banks had talked to somebody by the name of Kim McGregor; is that correct?

BROCCHINI: Yes.

GERAGOS: And Kim McGregor said, at this point in the investigation, all you knew is that when you met with Zahr, you were told that there had been a burglary at the residence, correct?

BROCCHINI: Yes.

GERAGOS: And your information is, on the morning of the 20th, is that there is a broken window here in the French doors?

BROCCHINI: Yes.

GERAGOS: That the Christmas tree was right here where we have already marked, correct?

BROCCHINI: I don't know about that. I mean I saw it here.

GERAGOS: Okay. Just assume for a minute that this X here that says Christmas tree and presents is correct.

BROCCHINI: Right.

GERAGOS: You were told that the door was, that the windowpane was broken, there were two presents unwrapped, and that the drawers were rifled; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. You didn't know who the suspect was, or who, at that point you had no information other than there, apparently there was a burglary that had taken place, correct?

BROCCHINI: Well, I had a little information of my own.

GERAGOS: Right. But as in terms of what you are being told by the people that had responded, you didn't know anything at that point other than what you are told, correct?

BROCCHINI: Right.

GERAGOS: Okay. So then at ten in the morning you meet with Banks and, Zahr and Banks. They tell you that they interviewed somebody named Kim McGregor, right?

BROCCHINI: Yes.

GERAGOS: You knew who Kim McGregor was, right, Kim McGregor was, right?

BROCCHINI: No.

GERAGOS: Is that the first time you learned who she was?

BROCCHINI: First time I ever met her.

GERAGOS: Okay. And she claimed that she had gone to feed the dog and found the north door, which leads into the residence open; is that correct?

BROCCHINI: That's what Banks told me that she said.

GERAGOS: She said she had told Scott about it, and that she had found the door open and re-secured it, right?

BROCCHINI: That's what Banks told me she said.

GERAGOS: Okay. Then at that point you said you wanted to assist in the investigation by going to interview McGregor; is that correct?

BROCCHINI: Yes.

GERAGOS: And that was because describing Krigbaum had recognized the person that had removed this bundle from the house as being the same person that had walked the dog earlier in the day, correct?

BROCCHINI: Yes.

GERAGOS: Okay. So that Monday, about an hour after you got that information from Banks, you went and interviewed Kim McGregor at her residence, correct?

BROCCHINI: Yes.

GERAGOS: And when you went in there, you identified yourself, you told her you are working on the Laci Peterson case, correct?

BROCCHINI: Yes.

GERAGOS: You told her that you wanted to investigate this burglary that had occurred at the Peterson house?

BROCCHINI: Yes.

GERAGOS: Okay. You told her basically told her you weren't going to arrest her. You encouraged her to be honest. You just wanted to get to the bottom of this.

BROCCHINI: I told her have wouldn't arrest her that day, but I just wanted to get to the bottom of this.

GERAGOS: And you said no matter what she told you, you would not be arrested, right?

BROCCHINI: That day.

GERAGOS: Okay. At that point she looked at you and admitted she had gone into the house, right?

BROCCHINI: Yes.

GERAGOS: And that she had stolen about eight jackets, right?

BROCCHINI: Yes.

GERAGOS: And that she had already thrown them away.

BROCCHINI: That's what she said.

GERAGOS: She poured herself a Jack Daniels and Coke. She opened two Christmas gifts, and rifled through drawers and both closets; is that correct? Says "closest". But I assume that means closets?

BROCCHINI: Yes.

GERAGOS: Is that correct?

BROCCHINI: That's correct.

GERAGOS: Okay. And then you asked her to direct you to where she threw the jackets away; is that correct?

BROCCHINI: Yes.

GERAGOS: And about 11:15, this happened pretty quick, she admitted that what she had first told Banks was a lie, about just finding the door, pretty quickly once you talked to her, right?

BROCCHINI: Yes.

GERAGOS: So then within about fifteen minutes you drove out to an area that you labeled as College and Briggsmore?

BROCCHINI: Can I look at that?

GERAGOS: Sure. That's also the third paragraph on 1176 of the Bates stamped.

BROCCHINI: Yes.

GERAGOS: Okay. Now, where is College and Briggsmore? Are you able to see it in any of these aerial views, either People's 36 or 22, can you tell me?

BROCCHINI: No.

GERAGOS: No?

BROCCHINI: It's a large distance away. College and Briggsmore don't cross. That was a typo. College and Bowen. And, it's not on any of these.

GERAGOS: How far away would you say it is from the Covena house?

BROCCHINI: It's a mile or so. But it would be, it would be, you know, up in this area right up here. It would be right up in this area right up here.

GERAGOS: Would you mark a, make a circle up there?

BROCCHINI: I'm not being, I can't be exact.

GERAGOS: I'm not asking for precision. If you can't read, but just make a circle. That's roughly where, the area that you went to?

BROCCHINI: College and Bowen, yes.

GERAGOS: College and, can you spell that?

BROCCHINI: B-o-w-e-n.

GERAGOS: Briggsmore is a typo?

BROCCHINI: Yeah. Briggsmore and College. Well, that's probably where we drove around a lot. She didn't, couldn't figure it out. And we started at College and Briggsmore, and then went down a whole bunch of alleys. Finally ended up in an alley behind 601 Bowen.

GERAGOS: She told you she had driven down several alleys looking for an alley that had no people in it so she could discard the stolen items, right.

BROCCHINI: Yes.

GERAGOS: And she wanted to do that in secret, right?

BROCCHINI: Yes.

GERAGOS: And then eventually you ended up at a location that you identified as 601 Bowen, B-o-w-e-n, right?

BROCCHINI: Yes.

GERAGOS: Then she pointed out two black garbage cans. You recovered about eight items of clothing, correct?

BROCCHINI: Yes.

GERAGOS: Did you book those items into evidence?

BROCCHINI: No.

GERAGOS: What did you do with them?

BROCCHINI: Banks kept them. Detective Banks kept them and released them back to Scott.

GERAGOS: Now, the, at that point you had been with McGregor for at least an hour, correct?

BROCCHINI: Yes.

GERAGOS: And during the time you were with McGregor, were you encouraging her to be honest with you, telling her you weren't going to arrest her, you wanted to just get the truth and get beyond this, right?

DISTASO: Objection. It's compound.

GERAGOS: Asking if that's what he said.

JUDGE: Do it in two parts, Mr. Geragos.

GERAGOS: Did you tell her both of those things?

BROCCHINI: First thing I said when I went in there, I said, hey, be honest with me right now and I won't arrest you today. I just want to get to the bottom of this burglary. That's what I told her.

GERAGOS: And then she said that, that when you found those eight items in the garbage can, she told you, or the two black garbage cans, she said that that was everything she had taken from the residence, correct?

BROCCHINI: That's what she said.

GERAGOS: Okay. She denied taking any photographs, right?

BROCCHINI: Yes, she did.

GERAGOS: She denied taking any other property other than those clothing items that were in the two garbage cans, right?

BROCCHINI: Yes, she did.

GERAGOS: She never mentioned that she had, that she had taken a Social Security card?

BROCCHINI: Not at that point, no.

GERAGOS: Never mentioned a video camera?

BROCCHINI: Not at that point, no.

GERAGOS: Okay. And then you told her you wanted to take her back to the station so you could get a photograph of her, fingerprints, and more detailed statement, right?

BROCCHINI: Yes.

GERAGOS: And you also wanted the voicemail message that Scott Peterson had left on her phone, right?

BROCCHINI: Yes.

GERAGOS: Now, at about nine minutes past noon on Monday, you interviewed McGregor in the upstairs interview room; is that right?

BROCCHINI: That's right.

GERAGOS: She told you that she was infatuated with the case. She thought Scott was a very charming, very nice man. That was her story, right?

BROCCHINI: That's what she told me. Some things she told me.

GERAGOS: Now, the, you had her draw a diagram as to how she broke in, correct?

BROCCHINI: I drew it, but I had her point some things out on it.

GERAGOS: Okay. And she told you she had never met Scott Peterson before the incident occurred, right?

BROCCHINI: That's what she said.

GERAGOS: She said that she had been at Scott's house. She said she was in this driveway that's marked up here on People's 38. She said she was in the driveway on December 24th, correct?

BROCCHINI: Yes.

GERAGOS: She said she was there right after Laci was reported missing, right?

BROCCHINI: Yes. She brought some over after some people came to her house and asked her if she had seen Laci.

GERAGOS: You subsequently learned that she lived in the neighborhood?

BROCCHINI: When I interviewed her I went to her house, so I knew she lived in the neighborhood.

GERAGOS: Would you point to where? That's People's, blocked over this. That's on People's 33?

BROCCHINI: She lives right here.

GERAGOS: Okay. Do you want to just write "McGregor" there? Okay. She said the first time she ever saw Scott was in the driveway on the 24th of December?

BROCCHINI: Yes.

GERAGOS: She assisted in searching and brought over coffee and food, right?

BROCCHINI: Yes.

GERAGOS: And she said she began work at the Command Center, right?

BROCCHINI: That's right. That's what she said.

GERAGOS: And that eventually began taking Laci's and Scott's dog for, MacKenzie for a walk, and feeding the dog?

BROCCHINI: Yes.

GERAGOS: And she said that Sharon Rocha first recommended that her, that McGregor take care of, or walk the dog when Scott was away, correct?

BROCCHINI: Yes.

GERAGOS: She said that she had met Laci Peterson prior to the time when she went missing, correct?

BROCCHINI: Yes.

DISTASO: Objection, your Honor. Hearsay. This doesn't really go to the investigation of the burglary.

GERAGOS: Exactly.

JUDGE: I don't know. Can I see what you are going to ask him again, if this goes to the reasonableness of the officer's conduct.

GERAGOS: The highlighted, the last part.

JUDGE: That's an issue. Overruled.

GERAGOS: Okay.

GERAGOS: She said that she met Laci Peterson on one or two occasions in the park during a Neighborhood Watch meeting involving the Encina entrance to the park, correct?

BROCCHINI: That's what she said.

GERAGOS: Okay. The Encina entrance to the park, do you know where that is?

BROCCHINI: No.

GERAGOS: Now, she said she hadn't been to Laci's residence. On one or two occasions she met her. She wasn't sure where Laci lived until some friends came to her residence on the 24th, correct?

BROCCHINI: And showed her some pictures, yes.

GERAGOS: Showed her pictures, right?

BROCCHINI: Yes.

GERAGOS: And then you asked her, you specifically wanted to know at that point where she was on December 23rd and December 24th, correct?

BROCCHINI: Yes.

GERAGOS: And where did she tell you she was on December 23rd?

BROCCHINI: Can I look at my report?

GERAGOS: Sure, if that will help refresh your recollection. Read it to yourself, and then if it refreshes your recollection, then I'll ask you the question again.

BROCCHINI: She said she dropped her daughter off at the theater for a show. Then she went out to the mall, and ran into one of her old friends. And she said she stayed with him until around between 6:30 and seven. She also ran into one of her cousins, and her cousin's husband at the mall.

GERAGOS: They also tell you she also got a call from her ex-boyfriend?

BROCCHINI: Yes.

GERAGOS: That she drove over to his residence, she gave you an address. She went there, she met him, his two Hawaiian roommates?

BROCCHINI: Yes.

GERAGOS: Okay. She estimated they stayed there, so this, her ex-boyfriend and the two Hawaiian roommates, she gave you an address in Modesto?

BROCCHINI: She, I don't know if she gave me the address or not.

GERAGOS: I think it's the fifth line from the bottom, on the 1177.

BROCCHINI: Yes. She gave me an address.

GERAGOS: She gave an address of this ex-boyfriend that she said she hooked up with and the two Hawaiian roommates. She e 20 said she stayed there for 15 minutes, correct?

BROCCHINI: Yes.

GERAGOS: And then she and the ex-boyfriend went to a restaurant they remained there until approximately, what, 9:00 o'clock?

BROCCHINI: Yes.

GERAGOS: Okay. Then she went back to this boyfriend's residence, picked her car up, and drove home?

BROCCHINI: Yes.

GERAGOS: Okay. Now, she told you at that point that, said that on Christmas Eve, that, at their residence, is the same as Christmas day, right?

BROCCHINI: Yes.

GERAGOS: And said that about 10 or 10:30 she drove over to the Body Works. Do you know what that is?

BROCCHINI: It's like day spa.

GERAGOS: And then she bought a gift certificate as a gift, right?

BROCCHINI: Yes.

GERAGOS: Is the Body Works a chain, that you are aware of? Do you know what it is?

BROCCHINI: I don't know.

GERAGOS: You heard the term Body Works anywhere else in this investigation?

BROCCHINI: Yes.

GERAGOS: Where is that?

BROCCHINI: I think that's where Amber worked.

GERAGOS: Okay. Did you ever ask her about the fact that she had been to a place called Body Works, and you knew that Amber worked a place called Body Works?

BROCCHINI: No.

GERAGOS: You were aware on this date, January 21st, that, I think, do I have that right, this is, you prepared this report on the 21st?

BROCCHINI: Yes.

GERAGOS: Date's on the bottom.

BROCCHINI: Yes.

GERAGOS: You were aware at that point that the Body Works location was also the same location where Amber Frey worked, correct?

BROCCHINI: No.

GERAGOS: You were not aware at that time?

BROCCHINI: McGregor went to the Body Works to pick up a gift certificate. That Mr. Amber Frey worked,

GERAGOS: Are you aware that the Body Works is the same location, the same name of the place that employs Amber Frey?

BROCCHINI: I knew Amber Frey worked at Body Works in Fresno.

GERAGOS: You knew that on the 21st, correct?

JUDGE: Just so it's clear, she was not working at this specific Body Works.

GERAGOS: We'll get to that. I don't think that he's going to say that that's the case. I'm asking if he shows on the 21st,

BROCCHINI: I don't know.

GERAGOS: See if I can break this down. She told you that she had gone to a place called Body Works, correct?

BROCCHINI: Yes.

GERAGOS: Okay. By the 21st, you also had already, we'll get into, you had already, later on. But you had already hooked up and interviewed Amber Frey, correct?

BROCCHINI: She had already been interviewed by then.

GERAGOS: By then, by you?

BROCCHINI: I interviewed her by then.

GERAGOS: By the 21st, did you know that Amber Frey worked at a location called Body Works?

BROCCHINI: Yes.

GERAGOS: Did you know if this was the same location that Kim McGregor had been to?

BROCCHINI: It wasn't.

GERAGOS: Did you ask Kim McGregor about that?

BROCCHINI: About Amber?

GERAGOS: Yes.

BROCCHINI: At any point? No.

GERAGOS: Now, going back to McGregor, she told you she went to a police called Body Works when she bought a gift certificate, right?

BROCCHINI: Yes.

GERAGOS: And then she said she ran into a high school friend, right?

BROCCHINI: Yes.

GERAGOS: Tina. And that they conversed for a while. Then she left, went to the Post Office, returned home, picked up her daughter, went to Wal-Mart, purchased another Christmas gift. Is that right?

BROCCHINI: That's what she said.

GERAGOS: Okay. She told you that she spent the day and the evening with her family; is that right?

BROCCHINI: Yes.

GERAGOS: Okay. Now, she told you that she's a sound sleeper. She had been taking medications, right?

BROCCHINI: Yes.

GERAGOS: Because she had a bi-polar condition?

BROCCHINI: That's what she said.

GERAGOS: Okay. And she told you that she broke, when she broke into the residence she hadn't been taking her medication.

BROCCHINI: Yes.

GERAGOS: And, at that point, you did some other things. Fingerprints, palm prints, and some Polaroids. About 1:50 you transported her from Modesto PD back to her residence; is that correct?

BROCCHINI: Yes.

GERAGOS: And then you had her call Scott Peterson?

BROCCHINI: Yes.

GERAGOS: Okay. And you heard her side of the conversation, correct?

BROCCHINI: Yes.

GERAGOS: And she apologized for breaking in; is that correct?

BROCCHINI: Yes.

GERAGOS: Now, you told McGregor that you would ask Peterson whether he wanted to pursue a criminal complaint, right?

BROCCHINI: Yes.

GERAGOS: Now, after you did that, you dropped her off. You told her you would contact her if you needed more information. And then you proceeded, at about 4:00 o'clock that day, to talk to this Matthew, is it Lalogi?

BROCCHINI: Yeah.

GERAGOS: Pronouncing that correctly?

BROCCHINI: Yes.

GERAGOS: Now, this is the gentleman who has the two Hawaiian roommates that she characterized as the ex-boyfriend, correct?

BROCCHINI: Yes.

GERAGOS: What did Matthew Lalogi look like?

DISTASO: Objection. Withdraw it.

GERAGOS: What did he look like?

JUDGE: Withdraw your objection?

DISTASO: Withdraw it. I'm sorry.

BROCCHINI: I don't know. I never seen him.

GERAGOS: Okay. Did you talk to him on the phone?

BROCCHINI: Yes.

GERAGOS: Okay. Did he tell you that last time he had spoken to McGregor was on the day he took her to dinner?

BROCCHINI: That was my, can I look at my paragraph?

GERAGOS: Yeah.

BROCCHINI: Yes, sir. That's what he said.

GERAGOS: You said she had come in, visited his two roommates. He is sure it's Monday because he was watching Monday Night Football. They went to a restaurant, and he suspects he last saw McGregor at about 9:00 o'clock on the 23rd?

BROCCHINI: Yes.

GERAGOS: Now, the same day you talked to Scott Peterson, correct?

BROCCHINI: Yes.

GERAGOS: You told, you asked him if he wanted to pursue a complaint against McGregor for the break-in.

BROCCHINI: Yes.

GERAGOS: Told you he didn't want to pursue a complaint. He just didn't want to have to deal with it, correct?

BROCCHINI: Yes.

GERAGOS: He never met, told you he never met Kim McGregor before Laci disappeared?

BROCCHINI: Yes.

GERAGOS: And that he first met her at the Command Post after Laci had been reported missing, right?

BROCCHINI: Yes.

GERAGOS: And you told him that you felt McGregor was infatuated with him, correct? This is now 1180, the second paragraph.

BROCCHINI: Yes.

GERAGOS: Because he wanted, he was asking you what was your feeling regarding Kim McGregor?

BROCCHINI: Right.

GERAGOS: You said that you felt that she was infatuated with Scott. And he answered, "That's great", in a sarcastic tone of voice, correct?

BROCCHINI: Yes.

GERAGOS: You told him at that point that Banks, who was the one that recovered the items of clothing, was going to contact him later on regarding the property that you found in the two black garbage cans over in the College and Bowen area?

BROCCHINI: Yes.

GERAGOS: And then he told you that he also found a cut-off pair of black sweatpants on his bed when he arrived home, which did not appear to belong to him or Laci, correct?

BROCCHINI: Yes.

GERAGOS: And he suspected, he told you he suspected they possibly could belong to McGregor, right?

BROCCHINI: Yes.

GERAGOS: And you told him you wanted Banks to get these black sweatpants, right?

BROCCHINI: Yes.

GERAGOS: You told him that you would have Banks recover these sweatpants, these cut-off black sweatpants, right?

BROCCHINI: Yes. When Banks brought the property back he would pick those up.

GERAGOS: And so that I understand correctly, he is saying, look, not only where there things that were missing from the house that I told you about earlier, but in addition to that, somebody left in the house these black cut-off sweats, right?

BROCCHINI: That's what he said.

GERAGOS: Okay. And you said, I'll have Banks go over and recover them?

BROCCHINI: Yes.

GERAGOS: Because he's going to return the other clothing anyway?

BROCCHINI: Right.

GERAGOS: Okay. Now, the next day, maybe it was the day after the next, on January 22nd at about noon, you got a call from a Detective Wagner, correct?

BROCCHINI: Yes.

GERAGOS: Okay. He told you that a video camera had been recovered behind a store off of Tully Road, correct?

BROCCHINI: Yes.

GERAGOS: And that it was recovered in an grease pit or 55 gallon drum?

BROCCHINI: Yes.

GERAGOS: And it was on top of it, and he viewed the content of the video, thought that it was important that you take a look at it, correct?

BROCCHINI: He thought it was Scott Peterson's video camera.

GERAGOS: Okay.

BROCCHINI: Yes.

GERAGOS: Now, you, and I think this is a typo in your report. In the second paragraph, should that read 12-26?

BROCCHINI: Yes.

GERAGOS: It reads 1-26 on page 1190, but should be 12-26, right?

BROCCHINI: Yes.

GERAGOS: You remember that during the service of the search warrant on Scott's residence the day after Christmas, you had seen a video camera in the house, correct?

BROCCHINI: Yes.

GERAGOS: You hadn't seized it on that day?

BROCCHINI: No.

GERAGOS: Then on the police photographs you know the police didn't seize it?

BROCCHINI: No, that's right.

GERAGOS: And you had viewed the tape that was in the video camera?

BROCCHINI: Yes.

GERAGOS: And when you viewed the tape on the video camera, you realized when Ridenour was describing what he saw on the tape, that it appeared to be the same things that you viewed on the tape; is that right?

BROCCHINI: Yes.

GERAGOS: Okay. Now, they placed that into evidence, and at that point you realized that if the video camera had been dumped into a grease pit, that Kim McGregor was lying to you again, correct?

BROCCHINI: That's right.

GERAGOS: And then you went to go see her again about two hours later, right? Actually didn't go see her. You just phoned her?

BROCCHINI: Yes.

GERAGOS: And at this point you told her that you had additional information, and either she was going to be completely honest again, or you told her, again, or you were going to arrest her for the burglary; is that correct?

BROCCHINI: Yes.

GERAGOS: And then she admitted at that point that she had stolen Laci's Social Security card, correct?

BROCCHINI: Yes.

GERAGOS: That she actually had it in her pocket as she was talking to you on the phone.

BROCCHINI: Can I look at the report real quick?

GERAGOS: Sure. I'm, the heading is 1190. Kim McGregor is in bold. It's the first paragraph following.

BROCCHINI: Yes.

GERAGOS: So she told you that as you were talking to her she had this Social Security card for Laci Peterson in her pocket. You said, "I want to know what else you stole," right?

BROCCHINI: Yes.

GERAGOS: She hesitated, right?

BROCCHINI: Yes.

GERAGOS: Am you told her, "I'm going to immediately arrest you if you don't tell me everything," right?

BROCCHINI: Yes.

GERAGOS: She says, "I took one other thing"?

BROCCHINI: Right.

GERAGOS: And then you asked what it was. She said she stole a camcorder; is that right?

BROCCHINI: Yes.

GERAGOS: And that she had dumped that into a garbage can on the 20th, right?

BROCCHINI: On, said she dumped it in there on Monday morning.

GERAGOS: At what time?

BROCCHINI: Just said Monday morning.

GERAGOS: Okay. On the 20th?

BROCCHINI: That's what she said.

GERAGOS: January 20th, right?

BROCCHINI: Right.

GERAGOS: Now, at this point, so that we have got it right, when you had talked to McGregor on the 19th or the 20th, the first time,

BROCCHINI: I spoke to her on the 20th first time.

GERAGOS: You spoke to her on the 20th at around noon, 11:00 o'clock, something like that?

BROCCHINI: Right.

GERAGOS: About eleven. So now she is telling you that at the same time that you had seen her, you know, the morning of the 20th is when she dumped this camcorder; is that correct?

BROCCHINI: Yes, that's correct.

GERAGOS: Okay. You asked her if there was a tape. She said she didn't know how to use it. She doesn't know if there was a tape in it. Is that correct?

BROCCHINI: Yes.

GERAGOS: At that point you told her to meet you at the Modesto PD and turn over Laci's Social Security card, correct?

BROCCHINI: Yes.

GERAGOS: And she came over, she gave you the card, and said she had thrown the camcorder behind a business off of Tully Road. Now, I'd asked you before to look at that aerial. Do you know where Tully Road is? And is it in People's 36?

BROCCHINI: It's not. This is wrong too. Actually this circle should be about right over here, if this map kept on going.

GERAGOS: Well, I would assume, then, that that's farther you, estimated before, a mile?

BROCCHINI: It's going to be longer than a mile. It's going to be a couple of miles, or two. I mean if you take, if you go air miles, it's probably a mile or two. If you have to take all these little city streets, might be a little more.

GERAGOS: And how far away is Tully Road?

BROCCHINI: It's about couple of miles.

GERAGOS: Okay. She told you specifically that she had thrown the camera into a grease can, correct, or garbage can with grease in it?

BROCCHINI: Yes.

GERAGOS: And that she didn't know if there was a tape, that she had forgotten that she had Laci Peterson's Social Security card in her pocket until this morning when she found it; is that correct?

BROCCHINI: Yes.

GERAGOS: You told her you didn't make any promises, but you were going to get her; is that correct?

BROCCHINI: I don't think I said that. I told McGregor it would be up to Scott Peterson whether she would be arrested or not. She said she understood.

GERAGOS: All right. Now, at some point on the 20th, on the 23rd, I should say, you spoke and told her, you spoke to her again; is that right?

BROCCHINI: Yes, I did.

GERAGOS: Okay. Now, you had at that point, when you spoke to her on the 23rd, you had talked to the, she had told you, what you knew then is that she had gone to a place called Body Works, she told you, on Christmas Eve, right?

BROCCHINI: Yes.

GERAGOS: She said she ran into a high school friend at this place called Body Works?

BROCCHINI: Yes.

GERAGOS: High school friend was Tina Gassittie, G-a-s-s-i-t-t-i-e?

BROCCHINI: Yes.

GERAGOS: And you called the Body Works to confirm this information, correct?

BROCCHINI: Yes.

GERAGOS: And the manager told you, or confirmed that Tina Gassittie had come in for a massage on Monday the 23rd, not the 24th as Kim McGregor told you, correct?

BROCCHINI: Said she came in on Thursday the 23rd.

GERAGOS: Looks, Monday the 23rd?

BROCCHINI: Yes. Monday. She came in Monday the 23rd, about 5:00 o'clock.

GERAGOS: Right. Now, Kim McGregor told you she had been in there on the 24th, which would have been Tuesday, right?

BROCCHINI: Yes.

GERAGOS: So you were checking out the information that Kim McGregor gave you?

BROCCHINI: Yes.

JUDGE: Okay. We'll take the morning recess now. Take a recess until 11:00 o'clock. Remember the admonition I have heretofore given you.

JUDGE: All right. This is People versus Scott Peterson. Let the record show the defendant's present and counsel, the jury's in the jury box along with the alternates. Go ahead, Mr. Geragos.

GERAGOS: Thanks. The Court had asked, and I marked by reference the other day Defendant's CC, so I was going to mark that on the record today. This is a CD of the tape that was played.

JUDGE: Okay. What is the number of that?

GERAGOS: Double C.

JUDGE: Double C. Defendant's Double C I have a phone call by the defendant to Laci.

GERAGOS: Right. It was played back.

JUDGE: This is the tape of that?

GERAGOS: This is the CD. We burned it. We burned that to a CD.

JUDGE: Okay. I'll indicate that. I just want to make sure we're on the same page. And that's the CD.

GERAGOS: May I inquire?

JUDGE: Yeah, go ahead.

GERAGOS: Thank you. When we left off, detective, so that I have it correct, I believe that on the 20th of January you interviewed McGregor, right?

BROCCHINI: Yes.

GERAGOS: She tells you that on, and you were asking her on the 20th, where were you on the 23rd to the 24th, right?

BROCCHINI: Yes.

GERAGOS: Of December, the previous month?

BROCCHINI: Right.

GERAGOS: To eliminate her as a suspect, right?

BROCCHINI: Yes.

GERAGOS: Okay. She gives you a series of places that she supposedly went, correct?

BROCCHINI: Yes.

GERAGOS: And she tells you that on the 24th, the day Laci went missing, that she went to Body Works to purchase a gift certificate and then she ran into this high school friend, Tina Gazetti, right?

BROCCHINI: Yes.

GERAGOS: Then you go and talk to the manager of Body Works and they checked the records and determined that Tina Gazetti didn't come in on the 24th, correct?

BROCCHINI: That's right.

GERAGOS: That she came in on the 23rd, right?

BROCCHINI: Yes.

GERAGOS: So then you go and talk to Tina Gazetti, right?

BROCCHINI: I spoke to her on the phone.

GERAGOS: On the phone?

BROCCHINI: Yes.

GERAGOS: And when you talked to her, she confirmed that her massage was not on the 24th, but on the 23rd, correct?

BROCCHINI: Yes.

GERAGOS: And she said that she ran into her at about 5:00 o'clock --

BROCCHINI: Yes.

GERAGOS: on the 23rd?

BROCCHINI: Yes.

GERAGOS: Okay. So then you spoke to McGregor again and told her that her statement about being at Body Works on the 24th was just not accurate, correct?

BROCCHINI: That's right.

GERAGOS: Okay. And she said, basically you told her, look, you weren't at Body Works on December 24th because I've talked to Gazetti, I've talked to the manager there and you were there on the 23rd. And so she said, well, she'd think about what she did, and I think this is a typo. I don't want to misquote it. That's a type, the "not"?

BROCCHINI: Yes.

GERAGOS: Okay. So she'd think about what she did on the 24th and then she'd call you back; is that right?

BROCCHINI: That's right.

GERAGOS: Okay. So when you were questioning her about it, she couldn't give you an answer as to where she was?

BROCCHINI: She couldn't remember.

GERAGOS: Couldn't remember. And what she had told you was obviously not true?

BROCCHINI: That's right. She got it wrong.

GERAGOS: Okay. Now she calls you back at about 12:30 and she says she remembers she dropped off a jacket at a friend's residence on Tuesday morning and she said her friend, who's Robert, had left his jacket in her car on Monday night so she returned it to him on Tuesday morning. She did not have his phone number, so she'd go over there after work and have him

call you, right?

BROCCHINI: Yes.

GERAGOS: And then that same day you got a call from him?

BROCCHINI: Yes.

GERAGOS: And he says he was sitting at a bar at a place called Dewz, D-e-w-z, downtown when Kim McGregor sat next to him?

BROCCHINI: Yes.

GERAGOS: And he says that was on the 23rd of December?

BROCCHINI: Yes.

GERAGOS: And that he says he never met her before, that he began talking and drinking until Dewz closed down and they went to a place called the Tiki Lounge and they drank there until 2:00 in the morning, right?

BROCCHINI: Yes.

GERAGOS: And he says McGregor got cold so he let her wear his jacket?

BROCCHINI: Right.

GERAGOS: And then at about 2:00 o'clock he walked her out to the parking lot, thought he left his keys inside the bar, this Tiki Lounge, right?

BROCCHINI: Yes.

GERAGOS: So he asked McGregor to wait. He went in. When he came back out she had left, right?

BROCCHINI: Yes.

GERAGOS: Okay. He says that he spoke to McGregor about 10:00 o'clock on the phone; is that right?

BROCCHINI: Yes.

GERAGOS: And that she came over and --

DISTASO: Your Honor, can we have the day that he spoke to her.

GERAGOS:

GERAGOS: He spoke to her on the 24th at about 10:00, right?

BROCCHINI: Yes.

GERAGOS: And she said she was busy, needed to do some shopping and came over to return his keys, right?

BROCCHINI: Yes.

GERAGOS: Did you ask him what time McGregor came over?

BROCCHINI: She came right over. I didn't write the time, but --

GERAGOS: Yeah, it doesn't say what time in the report, right?

BROCCHINI: Right.

GERAGOS: Then McGregor never told this guy that she was caring for Scott's dog and she had any contact with Scott Peterson, right?

BROCCHINI: During the first date, no.

GERAGOS: And they had talked about the Peterson case, correct?

BROCCHINI: Can I look at, can I look?

GERAGOS: The last paragraph is where I'm referring to above where it says evidence --

BROCCHINI: Yeah, they talked a little, not about the case, but about what, you know, her, that she knew Scott, that she lived three or four doors away and --

GERAGOS: She had met Scott while working over at the volunteer center, but never had mentioned that she was caring for the dog or never had any personal contact with Scott?

BROCCHINI: That's right.

GERAGOS: Now in the interview that you had with Kim McGregor, you taperecorded that interview; is that correct?

BROCCHINI: Which? Which interview?

GERAGOS: You did interview with her, it's got a, it looks like 3/31/04 is what the report date is. Do you know when that referred to as the interview? 39920 is the Bates number stamp.

BROCCHINI: That is when Grogan and I interviewed her.

GERAGOS: You and Detective Grogan did it together?

BROCCHINI: I seem to remember that.

GERAGOS: Okay.

BROCCHINI: Can I?

GERAGOS: Sure. Take a look.

BROCCHINI: Okay. This is, I think this is, we, me and Banks.

GERAGOS: You and Detective Banks?

BROCCHINI: Yeah, I have to look at it. I haven't seen that before.

GERAGOS: Do you remember doing the interview?

BROCCHINI: I remember, I remember doing an interview with her, I do. I already testified to it. We took her back to the station and did an interview.

GERAGOS: Okay. During that interview she specifically said that walking the dog was actually Laci's mom's suggestion, correct?

JUDGE: Mr. Geragos, I'm a little confused. When is this interview taking place? I think this is still up in the air.

GERAGOS: Wasn't this in March?

JUDGE: Because he's testified he's done other e 25 interviews with her. Do you know, Mr. Distaso?

DISTASO: I need the Bates stamp number.

GERAGOS: 39920.

DISTASO: The number.

JUDGE: Was this after you checked out a lot of this information and it turned out to be untrue, detective?

BROCCHINI: I don't think so, Your Honor. I think this is the very first interview I did with her.

JUDGE: But I think you testified you did it a lot earlier.

GERAGOS: Is there any way you can tell from the caption that's on the bottom when the interview was?

BROCCHINI: No. Can I look at the very last page?

GERAGOS: It just shows the end of April 1. If I show you, if I were to show you the previous page would that help you? How many interviews would you say you did with her?

BROCCHINI: I did the very first interview with Detective Banks. It was a taped interview at the station.

GERAGOS: Okay.

BROCCHINI: I sat in on some of an interview with Detective Grogan.

GERAGOS: When was, let's go step by step. The one with Banks was when?

BROCCHINI: Banks' was on, that was on Monday, 1/20 of 2003 Detective Banks and I did an interview with her, I think it was. My interview ended at 13:33.

GERAGOS: Do you have the, do you have any idea which of these interviews that I've just showed you that was?

BROCCHINI: No, I don't, not unless you let me look at it a little longer. I can tell you I have not reviewed the tape and compared it to that transcript you're holding, but if you let me look at it I might be able to tell you.

GERAGOS: Sure. Take a look at it. Tell me which date it was.

BROCCHINI: This is the interview from 1/20 of 2003.

GERAGOS: Okay. Now in that interview specifically and you had that taperecording, correct?

BROCCHINI: Yes.

GERAGOS: Specifically she told you on two occasions that it was actually Sharon's idea that she walk the dog; is that correct?

DISTASO: Objection, Your Honor. That's hearsay. That doesn't go to the reasonableness of misconduct. I mean, these statements she's giving.

JUDGE: Yeah, I don't get the connection with that.

GERAGOS: Specifically in terms of the whole idea that the dog didn't need to be walked. This goes to the reasonableness to the whole investigation.

JUDGE: Okay. I'll permit it.

GERAGOS:

GERAGOS: It was Laci's mom's suggestion, Sharon Rocha, that she walk the dog, correct?

BROCCHINI: She, yes.

GERAGOS: And that was from –

DISTASO: Actually, I object, Your Honor. That misstates. I mean let's be clear about what we're doing here. This is Kim McGregor giving a statement to Detective Brocchini, which I guess is a statement that Sharon Rocha gave to her. As long as that's clear. But the way counsel just stated it was, so it was Sharon Rocha's idea to walk the dog. Well, no --

JUDGE: Sustained. Sharon Rocha told Kim McGregor to walk the dog.

DISTASO: Who then told Detective Brocchini.

JUDGE: Who then told Detective Brocchini. Who's idea it was is subject to conjecture.

GERAGOS:

GERAGOS: It was Kim McGregor's statement that Sharon had asked her to walk the dog, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now the interview you had with her and this Robert Watrose that we just talked about, what did you do after that, after you talked to Watrose in regards to Kim McGregor?

BROCCHINI: Nothing. I mean, not that that I know of.

GERAGOS: Yeah, let's see if I've got it right. I've taken you through the fact that she's walking the dog and she's feeding the dog, correct?

BROCCHINI: Yes.

GERAGOS: She first says that she's lied about or she lies about coming to the house and finding the door open and she closes it, correct, that's her first statement?

BROCCHINI: Yeah.

GERAGOS: Her second statement is she admits that she broke in, but all she took was eight items of clothing, nothing else, correct?

BROCCHINI: Yes.

GERAGOS: She last says that she was at a particular location on the 24th, but you can't confirm or in fact you find out that that was not the case when you check it out, correct?

BROCCHINI: Yes.

GERAGOS: Okay. You then find out that, at some point, I don't know if it was in the exact sequence, but you find out that she lied about just taking the eight items of clothing, correct?

BROCCHINI: Yes.

GERAGOS: You then find out that, in addition to that, she had Laci's Social Security card on her, right?

BROCCHINI: Yes.

GERAGOS: That she had taken a camcorder and had gone and disposed of that into a grease, 55-gallon grease drum, right?

BROCCHINI: Yes.

GERAGOS: You then find out that the place where she says she was on the 24th, she can't remember and she has to call you back, right?

BROCCHINI: Yes.

GERAGOS: And when she calls you back she tells you she's going to have somebody else call you, this Mr. Watrose, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Mr. Watrose calls and says that he had never met her before, but he remembers she called at about 10:00 o'clock on the 24th?

BROCCHINI: Yes.

GERAGOS: You never interviewed him in person, correct?

BROCCHINI: Right.

GERAGOS: Okay. You don't know anything about Mr. Watrose, you never saw him, you don't even know if it was Mr. Watrose you spoke to on the phone, do you?

BROCCHINI: I know it was somebody who just identified himself as that.

GERAGOS: Right. Some guy says, she says, I don't remember where I am on the 24th, after you confronted with the fact that she's mistaken about where she is on the 24th, correct?

BROCCHINI: Correct.

GERAGOS: Then she said I'll, I'll call you back. She calls back, she says I'm going to have this guy who is basically my alibi call you back, right?

BROCCHINI: Right.

GERAGOS: And this is the guy that she supposedly met when she was drunk on the night of the 23rd?

BROCCHINI: Right.

GERAGOS: Okay. What follow-up did you do with Mr. Watrose, if any?

BROCCHINI: I just interviewed him.

GERAGOS: Over the phone?

BROCCHINI: Yes.

GERAGOS: Okay. Is there anything that leads you to believe that he in fact had his times correct or did you double-check as to whether or not that was accurate?

BROCCHINI: No, I believed him.

GERAGOS: Okay. You believed him. Is there anything that you did to follow up with this Matt Laolagi, the ex-boyfriend, did you do anything to follow up on what kind of car that he drives?

BROCCHINI: No.

GERAGOS: Do you know in fact if any of those three people have access to a van?

BROCCHINI: I don't know.

GERAGOS: Okay. Do you know if in fact there was a van on the 26th and the 27th? Do you know when you, let's see, you came into the house on the 24th; is that correct?

BROCCHINI: Yes.

GERAGOS: When you came in the house on the 24th you checked Laci's purse, correct?

BROCCHINI: I looked, I looked in it, yes.

GERAGOS: And it appeared that it had not been disturbed, correct?

BROCCHINI: Right.

GERAGOS: Okay. Do you know, did you see her Social Security card on the 24th?

BROCCHINI: No.

GERAGOS: On the 26th and the 27th when you came back to the house and her, when I say her Social Security card, I'm talking about Laci's. While doing the search warrant, did you see her Social Security card on either the 26th or the 27th?

BROCCHINI: I didn't.

GERAGOS: Okay. Is it something that you would have made a note of if you had seen it?

BROCCHINI: I didn't see it.

GERAGOS: Okay.

BROCCHINI: And I don't know.

GERAGOS: Do you have a memory of knowing that? You did not see it, correct?

BROCCHINI: I didn't look for it. I didn't look in her wallet and I didn't see it.

GERAGOS: Okay. And did you see it on the counter or on the dresser or anything like that?

BROCCHINI: I didn't see it.

GERAGOS: Okay. Now, did you at some point determine any other whereabouts of Kim McGregor for the day of the 24th other than this phone call from somebody who claimed to have met her the night before?

BROCCHINI: I had spoken to her mom and knew that they were there. She was home on Christmas.

GERAGOS: On Christmas day?

BROCCHINI: That's right. Christmas Eve.

GERAGOS: At what time?

BROCCHINI: She said they have, Christmas Eve. They have a Christmas Eve celebration at their house. I don't know what time.

GERAGOS: Okay. So all you got from her was at some point on Christmas Eve she was, Kim McGregor was home?

BROCCHINI: With the family, right.

GERAGOS: Okay. Is it a fair statement at that point that that is the extent of what you did with Kim McGregor, your involvement?

BROCCHINI: I was, I mean there was more interviews that I was present when she came in, but that's a fair statement that would be the end for me.

GERAGOS: Okay. I'm asking you specifically, did you follow up on anything else in regards to any of these other people in that I have mentioned either the two roommates, Matt Laolagi, Robert Watrose, any of those people?

BROCCHINI: No.

GERAGOS: And specifically the eight items of clothing that she took, do you know what those eight items were that were recovered?

BROCCHINI: From memory?

GERAGOS: Yeah. If you don't, I'd invite you to look at your report and see if it refreshes your recollection.

BROCCHINI: Banks, I think recovered those and itemized them. I didn't. But I did see them coming out of a garbage can and there were jackets.

GERAGOS: Pants?

BROCCHINI: Pants.

GERAGOS: Okay. Did she say that she had been into both closets? If you need to refresh your recollection, please do. I just asked --

JUDGE: Were these described as men's jackets or women's jackets?

BROCCHINI: They were men's jackets, Your Honor, but I, I mean I remember seeing some women's jackets, but I can't remember everything that was in the garbage cans.

JUDGE: So it would appear to you to be men's clothing?

BROCCHINI: Yes.

GERAGOS:

GERAGOS: And she had indicated in her interview that she had been in both closets in the house, isn't that correct?

BROCCHINI: Yes.

GERAGOS: And she admitted in her interviews, that besides being in both closets, in both closets you understood to be men's and women's, meaning Scott's and Laci's, correct?

BROCCHINI: Yes.

GERAGOS: Okay. When you had gone inside the house, the two closets that are, I think through another witness mentioned this, but I just want to make sure, both the master closet was Laci's, correct?

BROCCHINI: Yes.

GERAGOS: And the second bedroom where it says "duffle bags," the other bedroom that was Scott's, correct?

BROCCHINI: Yes.

GERAGOS: Now the, specifically she had said when she got in there she said she grabbed a bunch of clothes; is that correct?

BROCCHINI: Can you tell me what you're looking at?

GERAGOS: Sure. The interview, which would be 39940 and following.

BROCCHINI: No, I don't have that.

GERAGOS: Okay. Do you know when you, you specifically were asking her questions during that interview with another detective; is that correct?

BROCCHINI: Yes.

GERAGOS: And the other detective was Detective Holmes?

BROCCHINI: It was Banks.

GERAGOS: Okay. Do you remember doing an interview with Holmes?

BROCCHINI: No.

GERAGOS: Let me show you and see if this is, maybe somebody transcribed it wrong. I'm referring to 39941, it's 39942. It appears that both, there's two people identified as talking, Holmes, or three people, Holmes, McGregor and Brocchini; is that correct?

BROCCHINI: I think it is. This has never been, I have never listened to the tape and went over the tape, actually. Whoever typed it probably thought Holmes was in there from the voice, but it wasn't Holmes.

GERAGOS: So the way it's been identified here in the transcript is incorrect? As far as your memory, your memory is that it was not Detective Holmes, it was in fact Detective Banks?

BROCCHINI: That's the way I remember it.

GERAGOS: Okay. Now, you were asking her specifically, you and Detective Banks, of what she took; is that right?

BROCCHINI: Yes.

GERAGOS: Okay. And she said she went in the closet or both closets; is that correct?

BROCCHINI: I don't remember.

GERAGOS: Okay. And you specifically asked her, how many closets, and she said, well, there's two rooms, right, I just looked in everything?

BROCCHINI: That's what she said.

GERAGOS: Did you get a couple out of each, and she said, I think so?

BROCCHINI: That's what she said.

GERAGOS: Okay. Now, the, specifically you asked, Okay. Is any of it women's stuff? There was one pair of men's underwear. She said, maybe a couple, do you remember that?

BROCCHINI: I don't. No, I don't.

GERAGOS: Okay. I'll show you. This is 39943. If you want to just read right there where I have that yellow highlighter.

BROCCHINI: I have to, I have to hear the tape to answer that correctly. To answer say that's correct or not because I don't remember that.

GERAGOS: Did you ask her about specifically did she take any women's stuff and she said maybe a couple?

BROCCHINI: I, I have to hear the tape, Mr. Geragos.

GERAGOS: Did you ask her a couple of women's things, and she said, yeah, mostly I took the jackets and the pants outs of there?

BROCCHINI: I have to hear the tape, Mr. Geragos.

GERAGOS: Now, the, you asked her if she laid down on the bed; isn't that correct?

BROCCHINI: I don't recall.

GERAGOS: I'm referring to 39947, yellow highlighted portion.

BROCCHINI: Yes.

GERAGOS: Okay. Does that refresh your recollection?

BROCCHINI: Yes.

GERAGOS: Okay. You specifically asked her, I mean, so on the bed, did you lay on the bed? And she said, I may have. And you said, may have laid on the bed? And she said yes. Is that correct?

BROCCHINI: That's correct.

GERAGOS: All right. Now, also she told you that Scott was at the volunteer center one morning; is that correct?

BROCCHINI: One morning?

GERAGOS: Yeah, she had seen Scott at the volunteer center?

BROCCHINI: She had seen Scott at the volunteer center.

GERAGOS: Okay. And he was upset because you, meaning the detectives, had gone through the house and had taken his baby's sonogram picture and he was very upset about that?

DISTASO: Objection, Your Honor, that's an improper hearsay. It doesn't go to the reasonableness of the investigation. If he wants to call Kim McGregor, call her.

JUDGE: Well, it's 1250 evidence.

DISTASO: Right, Your Honor, but it's hearsay as it, I mean he can call Kim McGregor and she can testify to that, that's probably true. But this hearsay he's trying to get in, not for the truth, but apparently for the reasonableness of the investigation clearly doesn't go to the reasonableness of the investigation.

JUDGE: She's telling him that's what Scott Peterson said?

GERAGOS: Right. He's very upset.

JUDGE: It's double hearsay.

GERAGOS: The exception is that it's 1250, state of mind.

JUDGE: Well, state of mind, this is coming from another party so it's double hearsay.

GERAGOS: Yes, but the exception would be that it's a spontaneous statement.

JUDGE: The exception would be 1250, but it's double hearsay.

GERAGOS: And a spontaneous statement.

DISTASO: No, it's double hearsay.

JUDGE: I think it's double hearsay. Sustained.

GERAGOS:

GERAGOS: Now, did you in fact, do you know if the detectives who executed the search warrant in fact took a sonogram picture?

BROCCHINI: I know they did.

GERAGOS: Okay. Now, you specifically asked Kim McGregor if she left anything of her own in the house when she burglarized the house, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And what did she tell you?

BROCCHINI: I can't remember if she said her coffee mug was there that she broke the window with, if that was hers or not. But I couldn't get her to admit the shorts were hers. From what I remember, I tried.

GERAGOS: Okay. Now, the shorts that we're talking about are a black, the ones that I had questioned you before the break that Scott had told you I found some black cut-off sweats and you said you were going to have Banks recover those, correct?

BROCCHINI: Right.

GERAGOS: And to the best of your knowledge Banks has recovered those and they were placed into evidence; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And she would not admit that she left those there, would she?

BROCCHINI: She didn't, not that I remember. I couldn't get her to admit to that.

GERAGOS: And that was something that you were interested in, is that correct, is what those sweats, how those sweats got there?

BROCCHINI: Yes.

GERAGOS: Now, did you specifically ask her about the packages, the Christmas presents that were wrapped around there?

BROCCHINI: I think I asked her.

GERAGOS: And do, did she tell you why she had opened up the Christmas presents?

BROCCHINI: I can't remember.

GERAGOS: Okay. The first time you had asked her about where she was on Christmas Eve, she told you that she worked from 8:30 to 2:00 o'clock; isn't that correct?

BROCCHINI: I don't, can I look at that?

GERAGOS: Sure. This is page 39960.

BROCCHINI: Where are we looking at?

GERAGOS: This. Christmas Eve.

BROCCHINI: I'd have to hear the tape, Mr. Geragos, to say that's correct or not.

GERAGOS: Okay. I am going to read it to you. If you don't remember, say you don't remember, then I can play the tape.

BROCCHINI: Okay.

GERAGOS: Did you ask, okay. Tell me,

DISTASO: Your Honor, I'm going to object. It's not an inconsistent statement which I guess which the defense is trying to do now. He gave it to him to refresh his memory. He said he asked to hear the tape.

JUDGE: His memory hasn't been refreshed so he can play the tape.

DISTASO: I agree, but he can't read his transcript to him. He can play the tape after the lunch break, of course.

JUDGE: Overruled.

GERAGOS: Okay. Tell me about them, then. Christmas Eve, what did you do. Christmas Eve, um, I worked until, I think I worked 8:30 to 2:00 o'clock. And you said after the pediatric place was open? Yeah, we're open every single day, even both days, Thanksgiving? And you said so you worked Christmas Eve, 8 a.m. to 2:00 o'clock. Does that ring a bell as to what she said?

BROCCHINI: I can't say for sure. I mean, it's been so long. I have to hear it. But, yeah, it seems right, but I can't say that transcript was right even.

JUDGE: I wonder if it would be possible to let the jury go to lunch, you play the tape for this officer and you can put him back on the stand.

GERAGOS: Yeah. I was trying to avoid, as you know.

JUDGE: I understand. Apparently --

GERAGOS: I would rather have him listen to the tape and refresh his recollection and make this go a lot faster.

JUDGE: Yeah, well --

GERAGOS: That's fine.

JUDGE: Is there some other area you can refer?

GERAGOS: No, this segways into what I am going to do next.

JUDGE: Do you have the tape here so maybe we can play it for him?

GERAGOS: No, but I can get it.

JUDGE: Can you get it here so you can play the tape of this interview?

GERAGOS: Sure.

JUDGE: And there's no other subject you can do?

GERAGOS: Not right, I'm just trying to knock him off and --

JUDGE: All right. This is not getting us anywhere because the officer doesn't remember the tape. So in order to save some time, we have to take the 25 minutes now, we'll play the tape for the

officer and when he comes back he can ask him some questions. And after he's heard the tape whether or not it refreshes his recollection and then the cross-examination will probably go a lot faster. Okay. All right. So we'll take the noon recess. We'll reconvene at 1:30. Remember the admonition I have heretofore given you. We'll see back here at 1:30. And when you can play the tape? Mr. Geragos, when can you play the tape? Can you play it before 1:30?

GERAGOS: Yeah, I'll have it here at 1:00 o'clock.

JUDGE: Okay. Can you be back at 1:00 o'clock?

BROCCHINI: I'll be here.

JUDGE: All right. You don't have to be back until 1:30. So 1:00 o'clock they'll play the tape so see you at 1:30.

JUDGE: All right. 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 alternates. Detective Brocchini, were you able to listen to the tape over the noon recess?

BROCCHINI: I did, your Honor.

JUDGE: Okay. All right. He's heard the tape.

BROCCHINI: I listened to the tape up until this transcript ended. That's about one hour's worth.

JUDGE: All right. About an hour's worth.

BROCCHINI: Yes.

GERAGOS: Judge, may I inquire?

JUDGE: Sure, go ahead.

GERAGOS: Detective, the tape we're talking about is, so I'm sure, you have the transcript there?

BROCCHINI: Same one that I had referred to, the 39900.

GERAGOS: That's it. Hold on to it. I have some questions. Does that refresh your recollection, obviously when we were talking this morning you had not reviewed it, I guess, for a while?

BROCCHINI: I had never reviewed it. I mean I sat in on this interview, but I had never reviewed it. And the transcript that you are holding and the one I'm holding is inaccurate. It's accurate up to a point. But it's, there is a lot of mistakes in it.

GERAGOS: Okay. And the transcript is prepared by who?

BROCCHINI: Just, well this one was prepared by a clerk at the Modesto Police Department.

GERAGOS: Okay. Now, the, go back to where I think we left off at. She indicated that when she was inside, and she, I'm talking about Kim McGregor, that at some point she used a coffee cup, and she hit the glass by the door handle; is that correct?

BROCCHINI: Not when she was inside. That's when she was outside.

GERAGOS: In order to get inside.

BROCCHINI: She used the coffee cup to break a pane in the French doors.

GERAGOS: Okay. And just so that we're clear, the same French doors that are right next to the dining room, correct?

BROCCHINI: Yes. The north ones. The ones on the --

GERAGOS: She said once she was inside she called a friend, right?

BROCCHINI: Yes.

GERAGOS: Okay. And did you ever talk to that friend?

BROCCHINI: Yes, I did.

GERAGOS: And then she said she started to go around the house; is that correct?

BROCCHINI: Yes.

GERAGOS: Walk around the house.

DISTASO: I'm going to object as hearsay. You know. The proper way to do this, he objected to me in the same way when I was doing this, was, you ask the detective, did you get some information? What did you do based on that information? Not go through basically, you know, every single thing said in the police reports or transcripts.

GERAGOS: I'm not going through everything single thing. I'm asking specifics. Which I then want to see what he did to investigate. That's exactly what I'm doing.

JUDGE: Overruled.

GERAGOS: Now, at some point she indicated that this, that she had gone into the closet areas, correct?

BROCCHINI: She did.

GERAGOS: So that we're clear, I was asking this morning the closet areas in the master bedroom, correct?

BROCCHINI: Yes.

GERAGOS: And that's Laci's closet, and the second bedroom which is Scott's closet?

BROCCHINI: Yes.

GERAGOS: Okay. Then you asked her specifically about what she was doing with these packages under the Christmas tree, right?

BROCCHINI: No. I asked her what she did with the wrapping from the packages.

GERAGOS: Is that what you are talking about?

BROCCHINI: Yes.

GERAGOS: Yes. Okay. And she couldn't give you an answer to that; isn't that correct?

BROCCHINI: She thought she just left it on the ground.

GERAGOS: You knew that wasn't the case, correct?

BROCCHINI: Yeah. I think it was in the garbage can.

GERAGOS: Okay. She denied putting it in it garbage can, correct?

BROCCHINI: No. She said she couldn't remember. She was intoxicated.

GERAGOS: Okay. Now, the, specifically she also said that she, did you ask her if she was by herself?

BROCCHINI: Yes.

GERAGOS: What did she tell you?

BROCCHINI: She was.

GERAGOS: You received information that there were three women there later, about an hour and a half later; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And you received that from Amy Krigbaum?

BROCCHINI: Yes.

GERAGOS: Did you also receive information from Karen Servas about there being multiple people there?

BROCCHINI: No.

GERAGOS: Did you try to, did you try to find out who those three people were?

BROCCHINI: I don't recall.

GERAGOS: Did you try to, do you know if there was a license number that was obtained?

BROCCHINI: There wasn't not on that. Karen Servas got the license plate number of another female that came a few months later and went in the house. And she gave me that license plate number.

GERAGOS: Now, at a certain point she said you started talking about this, I think where we were, you were saying you didn't remember, and I'm at 39941. Do you have that in front of you?

BROCCHINI: 3994, I do.

GERAGOS: You were, down toward the ends you were asking her, do you know, did you open up anything, you know, like an armoire? And her answer was that, "I think I opened everything," correct?

BROCCHINI: Yes.

GERAGOS: And you said, "Did you? You opened everything?" She said she thinks so, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, the stuff, you referred to this stuff we just got. Now, what are we talking about there?

BROCCHINI: The clothing that we recovered out of the garbage cans.

GERAGOS: Okay. And the clothing out of the garbage cans, you asked where did it come from, correct?

BROCCHINI: Yes.

GERAGOS: She answered out of both rooms, or the closet. Well there is two rooms. Is that how she answered? Specifically 39942. Do you know where any of, can you say for sure where any of these clothes came from? Is that what you asked her? Top sentence.

BROCCHINI: Yes, that's what I asked her.

GERAGOS: She said just hanging in the closet. You said, how many closets? She says two rooms. Right. And I just kind of looked in everything. And you asked, did you get a couple out of each? Just random. Is that right?

BROCCHINI: I think, yes.

GERAGOS: Then specifically on the next page, I asked you, did you ask her about any woman's stuff? And I think that's 39943.

BROCCHINI: Okay.

GERAGOS: Okay? Now, you asked her, okay, is any of it woman's stuff? There was one pair of men's underwear. Is that what you asked?

BROCCHINI: Yes.

GERAGOS: And she said maybe a couple?

BROCCHINI: Yes.

GERAGOS: A couple women's things?

BROCCHINI: That's what I said.

GERAGOS: Okay. And she said, yeah, mostly I took the jackets and pants out of there?

BROCCHINI: No.

GERAGOS: Out of there?

BROCCHINI: No. She said, yeah, mostly sweat shirts and jackets. And I can't tell if they are male or female.

GERAGOS: Okay. In the transcript that Modesto PD did, it says, yeah, mostly I took the jackets and pants out of there. Isn't that correct?

BROCCHINI: That's what that says, but that's incorrect.

GERAGOS: You didn't hear it as, yeah, mostly I took the jackets and pants out there. What did you hear it as?

BROCCHINI: I just watched it on a video. And I remembered it. And she says, yeah, mostly sweat shirts and jackets. And I e 22 can't tell if they are male or female.

GERAGOS: Okay. Now, specifically then you asked her, this is at 39947, if she laid down on the bed. Do you know what bed you were, that you were referring to? I'm not going to ask you what she was, I'm unless you know. What bed were you referring to?

BROCCHINI: Well, there is two beds in there. But I was probably referring to the one in the master bedroom.

GERAGOS: Okay. Now, then, at 39948 you started asking some more questions about where these clothes came from, correct?

BROCCHINI: Okay.

GERAGOS: Okay? Now, did you ask her, So where did you take the jackets and shirts from?

BROCCHINI: Yes.

GERAGOS: Okay. And she said the bedroom?

BROCCHINI: Yes.

GERAGOS: And then you said all of them came from the bedroom?

BROCCHINI: Yes.

GERAGOS: Okay. And then you, she said the one straight down the hallway; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, straight down the hallway would be the master bedroom, correct?

BROCCHINI: Yes.

GERAGOS: And master bedroom, the master closet is Laci's closet?

BROCCHINI: But that's not the one she took the stuff out of.

GERAGOS: That's what she told you, isn't it?

BROCCHINI: No. She said,

GERAGOS: One straight down the hallway is that what she said?

BROCCHINI: No. She said the one with the dress shirts in it.

GERAGOS: That was up above, she said. Which bedroom, do you remember? And she said the one straight down the hallway. Isn't that correct?

BROCCHINI: Can I look at a little bit before and a little bit after?

GERAGOS: Sure.

BROCCHINI: Yeah, she didn't know which one.

GERAGOS: Then you started to try quiz her on that to see if you could figure it out by asking her whether she saw women's shoes or not.

BROCCHINI: I quizzed her on, she was telling me it was the one with the dress shirt in it. So I asked her which one has got the dress shirts in it. She couldn't remember.

GERAGOS: Then she said, then you said, did one of them have women's shoes?

BROCCHINI: That's right.

GERAGOS: Okay. And you then asked her again, did one of them have women's shoes and one of them have men's shoes? She said she didn't remember. Is that right?

BROCCHINI: That's correct.

GERAGOS: Now, the reason you are trying to do that is to determine which of these closets she was referring to where she got the clothes, right?

BROCCHINI: I was trying to see if she knew which closet she got them out of.

GERAGOS: Okay. And she says that she was scurrying, I mean I don't remember specifically shoes, right?

BROCCHINI: Yes.

GERAGOS: Okay. She just went on doing it. So I got around, like we went out to the top. And Scott was telling me that they went through his house and everything, and take this baby sonogram pictures and stuff. And he was upset about that. Is that right? That what she was telling you?

BROCCHINI: You skipped a whole bunch stuff that she told me. But if I jumped down there,

GERAGOS: Isn't that what she said?

BROCCHINI: No, she, right.

GERAGOS: Right on here?

BROCCHINI: Go ahead the whole paragraph is wrong. I just watched it, so I'm not going to,

GERAGOS: Did she say that, And telling me that they went through his house and everything, and like took his baby sonogram picture, and stuff. And he was upset about that.

DISTASO: Objection, your Honor. It's the same objection as basically trying to get in the information that was previously objected to and sustained.

JUDGE: She's not saying what he said. She was describing his reaction.

DISTASO: Right, judge. But how is what she saw, and then what she's saying she saw then, the hearsay that she's passing on to this detective, how is that relevant as to what this detective did in his investigation? Because right now with a, here is my problem right now, we're trying, we have all these statements from all these witnesses that the detective has testifying to from his police reports that this jury has not seen. And so right now,

GERAGOS: Is this going to be a speaking objection?

DISTASO: If it is, judge, I need to address it. I need to address it with the Court.

GERAGOS: That's fine. Want me to excuse the jury again?

DISTASO: I want to address it with the Court. So I don't need to do it,

JUDGE: We can't have a sidebar conference. It has to be on the record. If you want I'll send the jury out.

DISTASO: It will take me about five minutes. I do need to address this with the Court at this time. I'm happy to do it right now.

JUDGE: We'll have to do it out of your presence. So we'll send you out. This should take five minutes. We'll bring you right back in. You can leave your books there. This will only take a few minutes.

JUDGE: All right, let the record show the jury has filed out. Go ahead, Mr. Distaso.

DISTASO: Judge, here is my problem. What's happening is the detective is basically, we went through an entire police report where Mr. Geragos read the entire police report, witness statements that he took, or that even other officers took. That's not even his police report you have. And so told Officer Sebron Banks that this happened. All of this information is coming into the jury with that, oh, so and so told you this, and they are writing it all down that she told you this, she told you this. She told you that. That's not at all admissible. It's clearly not admissible for the truth of the matter. This jury does not understand that, because we have had, ad nauseam, witness after witness statements come in through this detective. Perfect example Amy Krigbaum testified in this trial. If he wanted to ask Amy Krigbaum about what she saw in this burglary, have at it. Karen Servas already testified in this trial. If you want to ask Karen Servas about what she saw that night, have at it. But now we have him basically impeaching a witness who hasn't even testified about that particular subject. And so this jury is getting all this information. They can't, you know, filter out. They don't understand when the Court says just every once in a while it's not offered for the truth, kind of thing. So basically my objection is this. He objected to the exact same thing, because when I was doing that, you know, remember he objected. I said no, judge, you remember, you got to do it this way. You got to put in, you got to say okay, you got some information, not what it was. I wasn't allowed to put that in. You got some information, what did you do based on that information? If they want to bring the information in, bring these witnesses in. Bring in Kim McGregor. I'd be happy to have her come testify at this trial. And that's what the Court ruled for me. Today, this morning, we have had an entire, basically an entire event testified to through Detective Brocchini. That's pure hearsay. And that's my problem.

JUDGE: Okay, go ahead.

GERAGOS: I was just going to say we, as the Court will remember, the characterization I think is totally unfair to this court. We had a lengthy discussion about 1250, the impact of Crawford on 1250. We had a lengthy discussion in terms of why I believe that when they were bringing out all of this 1250 material, that Crawford would impact this. That was on the record in chambers. On the record in chambers. In fact, we discussed this for, I would say, at least twenty minutes, and the objection was overruled.

JUDGE: Your objection was overruled.

GERAGOS: My objection was overruled. Now, because they are hoisted on their own pitard, he's up here claiming, or misrepresenting I think is the best spin you can put on it as to what transpired in this case.

DISTASO: Not me.

JUDGE: I don't think that's what he was saying. I don't think that's what you were saying. I think that the distinction, Mr. Distaso, I could be in error, I don't think so. But the distinction is, is that it wasn't. Here we have a police officer. The inference has been raised that there has been a rush to judgement by the Modesto Police Department, that they decided, they zeroed in on Scott Peterson and discarded all this other information, so the reasonableness of this conduct, what

he did, is an issue here. So, under the law, there is caselaw on this, is that what he's been told, how did he act on it, and was it reasonable what he did. So I think that's the reason why I'm letting all this information in. Because there is an issue as to the reasonableness of the police officers' conduct. What did he do as a result of this information, okay? If they don't hear the information, they don't know whether his conduct was reasonable or not.

DISTASO: Except for, perfect example this morning, judge, we had a kind of dispute over what the testimony was about that Tracy incident with the heat signal, that kind of thing. And counsel said, no, it's exactly, the facts are this, that they went out there, and they looked with this camera, and all that. None of that was offered for the truth of the matter.

JUDGE: Okay. Then the objection should be assuming a fact not in evidence, or something similar, clued me in, what your point is. But I already explained to you the reasonable person's conduct is at issue. The statements of others on which he or she acted are admissible and not hearsay. Okay. And issue, again, is the reasonableness of Detective Brocchini's conduct in conducting this search.

GERAGOS: There is also a separate and distinct basis for admissibility, which is a declaration against penal interest. I mean notwithstanding everything else, there is still a declaration against penal interest.

JUDGE: Well, I think my recollection, going back to that exception, I think that the declarant has to be unavailable; isn't that right?

DISTASO: That's correct.

JUDGE: And Miss McGregor, I don't believe, where is she?

GERAGOS: Certainly unavailable.

JUDGE: Is certainly not unavailable.

DISTASO: One final thing, then, judge. If we could then do this. Because I don't think the, I don't see how the jury can make the distinction. They are not lawyers. We're talking about these technical legal points. If the Court then, every time a witness starts to testify, I'm not saying every time he asks about an, asked the detective about five or six, I'm not talking about every time a police officer, if he was, the Court give the admonition. Ladies and gentlemen, all of this information that you are going to hear from these hearsay statements is not offered for the truth. You cannot consider for the truth whether Miss McGregor even did this burglary.

JUDGE: I think, again, I don't want to interrupt. I think I mentioned two or three times that this is being offered, I said this goes to the reasonableness of the officer's conduct. I think I have said that.

GERAGOS: I don't think it's appropriate mid-witness to continually do this kind of objection argument by statement, or mini closing, or mini cautionary instruction every time. The Court has done, the Court's talked about the reasonableness. You know. Why could we assume the jurors are dumb?

JUDGE: I'll make a Solomon-like decision. If Mr. Distaso requests the Court to do it, the Court will be glad to do that. That it's not being offered for the truth. It's to explain the reasonableness of this officer's testimony. That's not the reason we took this recess is because Mr. Geragos asked Detective Brocchini whether or not the defendant was upset about the fact that these photographs were taken, these of his child.

GERAGOS: The sonogram.

JUDGE: Sonogram of his child. That was the reason why we took this recess. Now, you know, he's testifying as to his,

DISTASO: That's the problem. She's not testifying.

JUDGE: I'm going to sustain the objection as to that. Okay? Ask the jury to disregard that. Because, again, it's calling for, it's calling for her opinion and conclusion as to what his conduct was at the time. And I don't think that's admissible. But just so everybody understands, that's the reason why this information is being allowed. Now, in your case that you cited, I don't recall, I don't remember who the witness was or who was testifying, I don't know. I don't think it was Detective Brocchini. But that's the issue here. Was his conduct reasonable? The whole big thing is floating around out there that this narrowed in on Scott Peterson. He didn't check out anybody else. So what he heard and did as result of the information he received the jury has to hear that to see whether or not Detective Brocchini's conduct was reasonable or unreasonable. Coming to the various conclusions that he made in his case. Why Mr. Geragos's client got arrested. I think that's the whole point. There is caselaw on that.

DISTASO: That's fine. I'm,

JUDGE: If you say, judge, would you admonish the jury, that this is not being offered for the truth. Being offered to explain the officer's conduct, fine. I'll be glad to do that.

DISTASO: I would ask the Court when the jury comes in if he could readmonish the jury.

JUDGE: All right. Okay. Bring the jury back in. Also a jury instruction that covers that.

GERAGOS: I don't think this is the appropriate time to do the repeated admonishment.

JUDGE: Do you want me to do it now?

GERAGOS: At the time when you do read the instruction.

JUDGE: All right. Let the record show the jury is back in the courtroom. All right, ladies and gentlemen of the jury, there is one issue I want to clarify for you, so there is no confusion. I have been letting a lot of evidence in on this case as to what this officer was told, and what he's done, and what he's done as a result of the information that he received. This evidence goes to the reasonableness of his conduct. You know. They told me, one, two, three. I heard this, what did I do about it? I did A, B, and C. Okay? That's why this is coming in. Whether or not, it's not being offered for the truth that that's in fact what happened. It's what he was told, and based upon what he was told what did he do. At issue is Detective Brocchini's reasonableness in the conducting of this investigation. Okay. Okay? Go ahead, Mr. Geragos.

GERAGOS: Thank you.

GERAGOS: Now, detective, 39950. Do you have that in front of you, that page?

BROCCHINI: I do.

GERAGOS: You asked her specifically, did you leave anything of your own in there; isn't that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And the reason for that was, at that point, what date was this interview, were you able to determine when you reviewed the videotape the date of this interview?

BROCCHINI: This interview was from 1-20 of 2003. And it was Detective Banks. And Detective Holmes was never involved.

GERAGOS: Says Detective Holmes as one of the people on side here. Whoever transcribed this had the wrong detective?

BROCCHINI: That's correct.

GERAGOS: Okay. Now, at the time you did this interview with Miss McGregor, were you aware of the information that Scott Peterson told you about the black cut-off sweats?

BROCCHINI: Yes.

GERAGOS: Okay. And based on that, you asked her if she had left anything of her own in there, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, did you, when she said, no, no, it wasn't where I changed the white sweats with the little, see that?

BROCCHINI: Yes.

GERAGOS: Okay. She was denying that she left anything in there, correct?

BROCCHINI: No.

GERAGOS: Did she say that she left something in there?

BROCCHINI: No. From that question you asked me, for about the next five or six sentences, aren't even in this transcript. Because that's when the audiotape went from side A to side B. I marked it here, so I watched the video. And I could see it stops right there, goes about five sentences, and the answers. Then it starts right there at, no, no, it wasn't where I changed the white zip up. I was asking her at that time what was she wearing. She said I had black boots and I had a, she told me she a white zipped shirt on. She said, no no, it was a white zip up sweatshirt.

GERAGOS: Did you show her at any point the black cut-off sweatpants?

BROCCHINI: No.

GERAGOS: Did you ask her what size pants she wears?

BROCCHINI: No.

GERAGOS: Did you take the black sweatpants, black sweatpants, by the way, have some hairs on them, do they not?

BROCCHINI: I don't know.

GERAGOS: Did you ever check to see, examine the black sweatpants?

BROCCHINI: I never looked at them.

GERAGOS: Did you ever go in to evidence, or direct that anybody else take a look at the black sweatpants?

BROCCHINI: I did.

GERAGOS: Did you ask that they be checked forensically by the Department of Justice?

BROCCHINI: I didn't ask.

GERAGOS: You did not?

BROCCHINI: I did not.

GERAGOS: Do you know did if anybody else did?

BROCCHINI: I think they were sent up to Department of Justice, but I don't know for sure.

GERAGOS: Okay. Now, did you take any samples, hair samples from Kim McGregor?

BROCCHINI: No.

GERAGOS: You have done that from other witnesses, correct?

BROCCHINI: Yes.

GERAGOS: Including Amber Frey?

BROCCHINI: I didn't.

GERAGOS: Did you direct that that was done?

BROCCHINI: No.

GERAGOS: There were blonde hairs found in various items; isn't that correct?

BROCCHINI: I don't know.

GERAGOS: You reviewed reports in connection with this case, other than your own?

BROCCHINI: No. I mean if I say, no, I didn't review any, I would be lying. But if I, I reviewed 37 or 39490 or 50, I have not reviewed any that said what you just asked me.

GERAGOS: So you haven't seen anywhere where there has been either blonde hair or animals hairs referenced on various materials?

BROCCHINI: No. I have read about animals hairs referenced on material.

GERAGOS: How about blonde hair?

BROCCHINI: No.

GERAGOS: You didn't ask her to give you a sample of any kind?

BROCCHINI: No, I didn't.

GERAGOS: You didn't show her,

BROCCHINI: I'm sorry. Just fingerprints and photographs of her is all I asked for.

GERAGOS: Did you, you did book into evidence, as far as you know, they can sent these black sweatpants to Department of Justice, correct?

BROCCHINI: I think so. I don't know for sure.

GERAGOS: Did you ever confront her with the sweatpants and say, "Are these yours?"

DISTASO: Objection. Been asked and answered.

JUDGE: Sustained.

GERAGOS: Do you know if anybody ever did besides you?

BROCCHINI: No.

GERAGOS: She was confronted with the actual sweatpants?

BROCCHINI: No.

GERAGOS: Not with the actual sweatpants?

BROCCHINI: I don't know.

GERAGOS: Now, did you ask her who she was hanging out with that evening? I mean you knew at this point when you were talking to her that there were three people who came back, correct, that had, were three women you had gotten for, an hour and half after she left, three women showed up, right?

BROCCHINI: Yes.

GERAGOS: Did you ask her anywhere in this interview if she was one of those three?

BROCCHINI: No.

GERAGOS: Did you think that was important?

BROCCHINI: No.

GERAGOS: Did you ask her if, once she left the house, if she came back to the house with anybody?

BROCCHINI: No.

GERAGOS: Okay. Now, going back to the time where I was asking you about, this is on page 39960, have you watched that portion of the tape that corresponds to this portion of the transcript?

BROCCHINI: Yes.

GERAGOS: Now, you specifically were asking for where she was, correct?

BROCCHINI: Where she,

GERAGOS: Where she was on the 23rd and 24th.

BROCCHINI: Yes.

GERAGOS: Okay. Now, she says on Monday the 23rd I was so busy the day, and the day before Thanksgiving. Is that how she answered you?

BROCCHINI: Can you tell me where you are?

GERAGOS: About directly, exactly midway through the page on 39960.

BROCCHINI: Tell me my question.

GERAGOS: What did you do,

BROCCHINI: What did you do, I think, on that Monday at 23rd?

GERAGOS: Right.

BROCCHINI: Uh-huh.

GERAGOS: Her answer?

BROCCHINI: I was so busy the day before Thanksgiving.

GERAGOS: And then you, correct. All right. You said you know, you were asking about Christmas Eve?

BROCCHINI: Yes.

GERAGOS: Now, did you ask her tell me about then Christmas Eve, what did you do? Is that the way you heard it on the tape?

BROCCHINI: Yes.

GERAGOS: Okay. And she said what?

BROCCHINI: Christmas Eve I worked until, I worked I think 8:30 to 2:00.

GERAGOS: Okay. Now, did she tell you where she worked?

BROCCHINI: Yes.

GERAGOS: Okay. And you said, So you worked Christmas Eve 8:00 a.m. to 2:00 o'clock. Is that correct?

BROCCHINI: Yes.

GERAGOS: She said, yeah, I worked, I think. That's on the top of 39961?

BROCCHINI: Yes.

GERAGOS: Okay. Then you asked her, Okay, now how about the day before, 8:30? Who lives with you, right?

BROCCHINI: Yes.

GERAGOS: Okay. Now at some point did she break off from the conversation at that point, in some way in the middle of the page there? Did she make a phone call?

BROCCHINI: Yes.

GERAGOS: So in the middle of you interviewing her, she says that she was working o December 24th from 8:00 a.m. to 2:00 p.m., correct?

BROCCHINI: That's what she said.

GERAGOS: And then she makes a phone call?

BROCCHINI: No.

GERAGOS: She received a phone call?

BROCCHINI: Then she said that she was working, then she couldn't remember for sure. Then she said, Let me call my daughter and ask her.

GERAGOS: You said she was going to text her. She called her daughter. How old was her daughter at that point?

BROCCHINI: 11 or 12. I don't know for sure. I can't remember.

GERAGOS: Okay. After she talks to her 11 or 12 year old, then she comes back, you start talking to her, right?

BROCCHINI: Yes.

GERAGOS: Okay. She said, you asked her about Monday. That would have been the 23rd, right?

BROCCHINI: Yes.

GERAGOS: Okay. She said she doesn't know if she worked on or not, correct?

BROCCHINI: Right.

GERAGOS: Okay. And then on the next page, 39962, she says, I know that I'm thinking, because I went to work, he took me right back off after two weeks for four weeks. So I didn't seem to work. I think I was referring to Thanksgiving. Then you say, So you didn't work. She says, No. You said Christmas Eve. She says, No, I don't think so. And then, okay. When was the last time you worked? She said, Friday. Is that correct?

BROCCHINI: Yes.

GERAGOS: So at that point she told you that she was working on Christmas Eve day, the 24th from 8:30 to 2:00, correct?

BROCCHINI: That's what she said in the beginning.

GERAGOS: Right. Then she made a phone call, and then she changed that, correct?

BROCCHINI: Yes.

GERAGOS: Then she said, did you ask her where she worked?

BROCCHINI: I knew where she worked.

GERAGOS: How did you know where she worked?

BROCCHINI: She told me.

GERAGOS: Where was that?

BROCCHINI: Pediatric doctor's office in Oakdale.

GERAGOS: When did you go to that pediatrics office in Oakdale to get her work records?

BROCCHINI: I never did.

GERAGOS: Did you ever call there?

BROCCHINI: I spoke to several of the nurses that worked there.

GERAGOS: Okay. Did you write that in a report?

BROCCHINI: Yeah.

GERAGOS: Do you have that report handy that you can refer to?

BROCCHINI: No. But I did write it in a report.

GERAGOS: Do you know where?

BROCCHINI: No. I would have to, might take me a little while. We took tips.

GERAGOS: You come back to it,

BROCCHINI: Took tips from those girls that called in.

GERAGOS: When did they call in?

BROCCHINI: I don't recall.

GERAGOS: Did they call in, or did you call them?

BROCCHINI: I think they called in.

GERAGOS: When was that?

BROCCHINI: After this interview.

GERAGOS: Okay. Was this interview publicized in any way?

BROCCHINI: No.

GERAGOS: Did you put out, I mean did it get covered in the Modesto Bee in some way, this interview?

BROCCHINI: No.

GERAGOS: She is telling you that first she was working, and then the second, the next page she is telling you, shortly thereafter, she is telling you she wasn't working. Did you, at that point did you become suspicious of her?

BROCCHINI: No.

GERAGOS: Now, at some point she told you that she had gone to a movie; is that correct?

BROCCHINI: No. She said she dropped her daughter off at the movies.

GERAGOS: Okay. You think you went and took your daughter to the show, right?

BROCCHINI: Yes.

GERAGOS: And she said that she dropped her daughter off at a movie called "Hot Chicks"?

BROCCHINI: That was the name of the movie.

GERAGOS: Okay.

BROCCHINI: "Hot Chick".

GERAGOS: "Hot Chick"?

BROCCHINI: He she said "Hot Chick" or something hot. I can't remember.

GERAGOS: Okay. And when did you believe that she was talking about what day?

BROCCHINI: Monday.

GERAGOS: That would have been the 23rd?

BROCCHINI: Yeah.

GERAGOS: She is still at that point explaining to you where she was on the 24th?

BROCCHINI: Not yet.

GERAGOS: Okay. If she is sure she had worked, now was unsure, then you were backing her up to talk about the 23rd, correct?

BROCCHINI: Yes.

GERAGOS: Okay. That's when she tells you about this friend of hers, correct?

BROCCHINI: Go ahead.

GERAGOS: That's when she told you about the friend? Mr. Lalogi, L-a-l-o-g-i?

BROCCHINI: Yes.

GERAGOS: When, did you go out and talk to Lalogi in person?

BROCCHINI: No.

GERAGOS: You just made a phone call?

BROCCHINI: Yes.

GERAGOS: And did he confirm the times that she told you when she saw him?

BROCCHINI: Yes.

GERAGOS: And did you go and interview his roommates?

BROCCHINI: No.

GERAGOS: Did you ask him what kind of car he drives?

BROCCHINI: No.

GERAGOS: Did you ask him if he had access to a van?

BROCCHINI: No.

GERAGOS: Now, had you, at that point when you talked to Lalogi, had you determined where she was on the 24th?

BROCCHINI: At the point I talked to Lalogi?

GERAGOS: Yes.

BROCCHINI: I don't know for sure.

GERAGOS: Okay. When was the first time that you believe you had, in your own mind, determined where she was on the 24th?

BROCCHINI: On the, on January 23rd.

GERAGOS: And was that as a result of talking to somebody?

BROCCHINI: Yes.

GERAGOS: And that's the gentleman that we talked about before we took the break?

BROCCHINI: Yes.

GERAGOS: That's the person who she said, I'll have him call you?

BROCCHINI: Yes.

GERAGOS: After she said she couldn't remember, she said, then called back and said, I'll have this guy a call?

BROCCHINI: That's correct.

GERAGOS: Okay. Now, at that time, were you aware that there was a Modesto Police flyer asking for information regarding the burglary across the street from the Peterson household?

BROCCHINI: I knew there was a flyer.

GERAGOS: Were you aware of what was contained on the flyer?

BROCCHINI: I remember some of the things. I'd have to look at it to be sure.

GERAGOS: Okay. See if Mr. Harris can find that. Is this the flyer?

BROCCHINI: Yes.

GERAGOS: May I mark that as defendant's exhibit next?

JUDGE: Next in order. That would be NN. Reward Flyer

JUDGE: I assume there was more than one flyer. What's the date of that one? I assume there was more one flyer. What's the date of that one? Can you tell?

GERAGOS: I don't think it's, you can't tell. This is the flyer that you are aware of that had to do with the $1,000 reward?

JUDGE: That will identify it for me. Thousand dollars reward.

BROCCHINI: Yes.

GERAGOS: Okay. Now, this flyer specifically was distributed some time that first week of, actually the last week of December; is that correct?

BROCCHINI: I don't know for sure. But, yes, right around there some time.

GERAGOS: The suspects were three dark-skinned males, not African-American; is that correct?

BROCCHINI: That's what it says.

GERAGOS: And it says an older model full size van, tan or light brown in color. And then short in stature. Do you know, did you do any investigation to find out what the size or the height of this Lalogi was?

BROCCHINI: No.

GERAGOS: Did you do anything to find out how tall the roommate, two Hawaiian roommates were?

BROCCHINI: No.

GERAGOS: This number 342-6166 that's on the bottom.

BROCCHINI: That's a Modesto Police Department number. I don't know whose it is.

GERAGOS: Okay. Now, her ex-boyfriend, she gave you another name of somebody. This Ron, last name, W-y-r-s-c-h, lived on, page 39964?

BROCCHINI: She says she saw him at the mall, right.

GERAGOS: What did you do to follow up with him, nothing?

BROCCHINI: Nothing.

GERAGOS: Never talked to him?

BROCCHINI: No.

GERAGOS: And then she said she also saw somebody at the mall my cousin Carrie, then gave a last name, correct?

BROCCHINI: Yes.

GERAGOS: What did you do to follow up with the cousin Carrie?

BROCCHINI: Nothing.

GERAGOS: She said her husband, I guess her cousin Carrie's husband was with her; is that correct?

BROCCHINI: That's what she said.

GERAGOS: You didn't talk to him either, did you? Did you?

BROCCHINI: No.

GERAGOS: Now, at some point you made a phone call, after this interview you then called her back; is that correct? We had discussed this morning about a phone call. I'm referring specifically to 39974.

JUDGE: Is that the 1-20?

GERAGOS: I believe it's after the 1-20 interview.

BROCCHINI: I don't have that.

GERAGOS: Let me bring you the binder. Take a look at what's Bates marked in the bottom right hand corner as 39974?

BROCCHINI: Okay.

GERAGOS: That's a phone call that you made to her after the interview that we have just been talking about?

BROCCHINI: Yes.

GERAGOS: Okay. Now, in that interview, that's the one that we talked about this morning where you confronted her with the fact that she had other items? Where she had stolen other items?

BROCCHINI: Yes.

GERAGOS: Now, specifically do you want to go to 39977?

BROCCHINI: Go ahead.

GERAGOS: Do you have that?

BROCCHINI: Yes.

GERAGOS: Okay. Now, you told her at that point that there was, were some sweat shorts; is that correct? There is a pair of sweat shorts?

BROCCHINI: Yes.

GERAGOS: They don't belong, they were on the bed. They don't belong to Laci. They don't belong to Scott. They are dark colored, cut-off sweatpants, correct.

BROCCHINI: Yes.

GERAGOS: She said I do have a pair of light gray that were long pants that I cut off. But these are like wash and worn, and wash and worn, cuz I have worn those shorts now for a couple of years. Couple of years. Is that what she told you?

BROCCHINI: Yes.

GERAGOS: Now, is that the last time that you talked to her?

BROCCHINI: No.

GERAGOS: Okay. Did you have one more conversation with her, do you remember?

BROCCHINI: I have had, I have had some more conversations with her than that.

GERAGOS: Okay. And the specific conversation that you had with, or the last conversation that you had with her, was that the one where she said somebody is going to be calling, and then the gentleman called, and said she dropped off some keys?

BROCCHINI: No, that's not the last conversation I had with her. But I had that one.

GERAGOS: You had that one. Guy calls and says that he got keys dropped off, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And then after that, how long before you had another conversation with her?

BROCCHINI: She calls me off and on periodically every time something comes out.

GERAGOS: Okay.

BROCCHINI: And has concerns. Either or somebody knocks on her door, or somebody bothers her.

GERAGOS: Okay. Now, was that, in your mind, did you close down the investigation in terms of her at that point?

BROCCHINI: Yeah. Well, she was interviewed some more, not by me, by other people. But, in my mind, she's eliminated. Well, she's been investigated, and I don't think she was involved.

GERAGOS: Okay. Now, you also interviewed a Kristin Reed at some point?

BROCCHINI: Yes.

GERAGOS: Okay. Who is Kristin Reed, if you know?

BROCCHINI: Kristin Reed is a friend of Scott Peterson, of Scott and Laci Peterson. Her husband Greg Reed is a friend of Scott and Laci Peterson. They live nearby.

GERAGOS: The jury has heard some evidence that the house next door was at one point owned by Greg Reed's grandmother. Is that your understanding as well?

BROCCHINI: Yes, sir.

GERAGOS: Do you know how far away the Reeds lived from this area?

BROCCHINI: They live pretty close. Around the corner, I think.

GERAGOS: Do you see on this map, it would be 1700 block of Edgebrook. This is Edgebrook here that's running where I have got my pen?

BROCCHINI: Yeah.

GERAGOS: Okay. 1700 Edgebrook would be somewhere down at this, not on the map, if this map continued on down toward the right?

BROCCHINI: Can I just look for a second?

GERAGOS: Sure. If it helps you, I have got a Bates number stamp 31183. Do you want me to show you that page?

BROCCHINI: 1705 Edgebrook. I can't be positive of the address. I think there is a deadend right around here. It was right around here some place they lived.

GERAGOS: Roughly around the corner?

BROCCHINI: Yeah.

GERAGOS: You interviewed Kristin Reed some time in September of last year, correct?

BROCCHINI: I spoke to her on the phone a couple of times. I'd have to find my report to tell you exactly when I spoke her.

GERAGOS: The report that I have got, actually two reports, detective. I have got 31183, which is appeared to me to be a report on Kristin Reed. I have a transcript that's 39987, which purports to be a Brocchini-Reed telephone conversation.

BROCCHINI: Okay. Go ahead.

GERAGOS: Okay. Now, when you talked to Kristin Reed, she had indicated that she was in the neighborhood, had left to go to the gym at 9:39 in the morning on Covena; is that correct?

BROCCHINI: Yes.

GERAGOS: She indicated when set went on Covena, that she had seen both Scott's truck and a van parked across the street; isn't that correct?

BROCCHINI: She said she was fairly certain there was, Scott's truck was in the driveway, and there was another vehicle parked on the street. She couldn't be positive what it was, but it could you have been a blue van or a brown van. But that's what she said.

GERAGOS: Okay. Now, and she was describing for you, can you show the jury where she described that van would have been?

BROCCHINI: It would have been parked on this side of the street facing north.

GERAGOS: Okay. Now, she also distinguished between that van and what she knew to be a white Simmons van that was driven by Krigbaum; isn't that correct?

BROCCHINI: Yes, it is.

GERAGOS: Okay. Now, once she told you that information in September about this van that was parked across the street at 9:40 in the morning, what did you do about that, specifically, about that information of the van?

BROCCHINI: She didn't, she didn't know what it was for sure. I wrote it in a police report. I'm not sure what you are asking me. I might have, go ahead.

GERAGOS: Okay. What I'm asking you is, did you do anything in September, once you got this information, you now had this information from Kristin Reed, correct?

BROCCHINI: Yes.

GERAGOS: That there was, that she remembered a van across the street. It was either Chrysler blue, or Dodge blue, or, I'm sorry, Dodge brown or a blue color, correct?

BROCCHINI: Let me make sure.

GERAGOS: Make sure you have got it correct. Show you,

BROCCHINI: I see it. I'm reading the whole thing. But, yeah, I remember.

GERAGOS: Okay. Then I'm going to show you 3993. Can you just read that to yourself. Yellow highlighted.

BROCCHINI: I see it.

GERAGOS: Does that refresh your recollection that she said, yeah, it was like a brown metallic for the Dodge seemed like it was a Dodge kind of a make, like kind of it tapered up?

BROCCHINI: That's what she said she said. It was a vehicle.

GERAGOS: A vehicle?

BROCCHINI: Right.

GERAGOS: And she specifically said like a van; isn't that correct?

BROCCHINI: She said she wasn't sure.

GERAGOS: You said, no, I don't know. Well, okay. Could it have been a truck, or not? And she said no, it was, it was a van. 3993. Right?

BROCCHINI: Look at it?

GERAGOS: Sure.

BROCCHINI: She said that. But taking it out of context.

GERAGOS: Okay. Now, she said well, taking out of context, the very next page, I'm sorry, two pages later, you said, I would say it was an older van, either an older Chevy Astrovan, maybe blue, you know. I know there was a car there that had just, I'm not sure. Or was older, like a Dodge brown van. It was one of those two. And you asked specifically either Dodge, brown or maybe blue, right?

BROCCHINI: You just can I do that? Can I see that?

GERAGOS: Sure.

BROCCHINI: Can I read it?

GERAGOS: That's what I'm asking.

BROCCHINI: You mumbled it, okay? I would say it was an older, an older holder Chevy Astrovan. I said, Un-hun.

GERAGOS: You are supposed to read it silently to yourself. Then I can ask you the question. Read it to yourself.

BROCCHINI: Okay.

GERAGOS: Does that refresh your recollection as to what she told you?

BROCCHINI: Out of context, she, said they she read it somewhere. It could have been, she just knew was a vehicle. She knew it wasn't white. She didn't know what it was.

GERAGOS: She didn't know what it was. That's not what she said here on the tape that was transcribed by the Modesto PD, is it?

BROCCHINI: I don't think, if you read,

JUDGE: You guys are both talking at the same time.

GERAGOS: She said, I'm going to read, I would say it was an older, it was either an older Chevy Astrovan? You said un-hun. Maybe blue. But you just read it. I'm not sure. It was like older, like Dodge brown van. It was one of the two. You said either Dodge brown or Chevy blue. She said, yeah. It was like a brown metallic for the Dodge. It seemed like it was a Dodge kind of make. Like kind of tapered up. Is that correct?

JUDGE: Now you can say yes or no, and explain your answer.

BROCCHINI: Yeah. That's what he read to you. But she said, she told me, look, it could be the power of suggestion. I interviewed her months before. Never mentioned a van. She says there, could be the power of suggestion, something I read. But I seem to remember now, a year, eight months later, that, go ahead.

GERAGOS: I'm going to show you what it says here. She didn't say it's the power of suggestion. You did.

BROCCHINI: No.

GERAGOS: No? It says Brocchini went, I mean I don't remember you ever saying that before. But now you said possibility it's the power of suggestion? I mean she says no. I know there was another vehicle.

BROCCHINI: Mr. Geragos, that's after she, you are reading from page eight of fourteen. Go back to like page one or two, where she says, then I repeated it to her what you are reading.

GERAGOS: Now, the other thing that Kristin Reed, by the way, so when she is telling you about this, did you do something, you already had other information suggesting that there was a van in that neighborhood which nobody had seen, or was not one of the regular vans, vehicle. You had that information?

BROCCHINI: There was information about a van.

GERAGOS: Right. And a van, I mean so much so that the Modesto PD took it seriously enough to put out a flyer.

BROCCHINI: That was for the burglary. But, yes, that's correct.

GERAGOS: You don't know it was for the burglary, because you never recovered the van, did you?

DISTASO: Objection, your Honor. It's argumentative.

JUDGE: Sustained.

GERAGOS: Now, you have information that there is a van that morning. Now you have got Kristin Reed, somewhat nine months later, approximately, also telling you that they saw some van across the street. Did you do anything, based upon her giving you that information?

BROCCHINI: We never stopped not doing something with that van. We were looking for a van from day one until that day. And we kept on doing it even after that day. So the answer is, yes, we, as the police department, me as myself, I wrote it in my police report. I made other people aware of it. I interviewed some people with a brown van. I mean I'm only one person. And we had a huge investigation going on. A lot of people doing a lot of things.

GERAGOS: Okay. Now, did, at one point did you also talk to Kristin Reed about whether Laci had been walking?

BROCCHINI: On that same interview?

GERAGOS: Yeah.

BROCCHINI: She talked to me about it, yes.

GERAGOS: Okay. And she told you that, you know, she was really concerned about her weight. She gained so much weight, correct?

BROCCHINI: She said that.

GERAGOS: Okay. And she told you that specifically that MacKenzie was her safety feature, right?

BROCCHINI: May I look at my report? Go ahead, what?

GERAGOS: Sure?

BROCCHINI: What page are you on there?

GERAGOS: I have got two. I ever got the reports that I referred to, which is 31183. And I have got the telephone call, taped telephone call, which starts on 39987. Specifically if you look at 39989.

BROCCHINI: You talking about the telephone call?

GERAGOS: Sure?

BROCCHINI: Are you looking at that please?

GERAGOS: Which one?

BROCCHINI: These.

GERAGOS: 989.

BROCCHINI: Yes, that's what she said. Can I finish the paragraph, though?

GERAGOS: Please. Read the whole thing.

BROCCHINI: All right.

GERAGOS: Does that refresh your recollection as to what she said?

BROCCHINI: Yeah.

GERAGOS: Okay?

BROCCHINI: Also about what she said, that it was her power of reading.

GERAGOS: Specifically she said that Laci had been walking, right, prior to Thanksgiving, right?

BROCCHINI: She said Laci stopped walking because of fainting spells. Then she said was gonna start walking again.

GERAGOS: Why was she gonna start walking again?

BROCCHINI: Because she started to get heavy.

GERAGOS: She was concerned about her weight?

BROCCHINI: Yes.

GERAGOS: She said that was after Thanksgiving, the very first part of December, she said she was back, you know, trying to do that, because she was really concerned about her weight, correct?

BROCCHINI: That's what Laci told her.

GERAGOS: Okay. Now, based upon that, the facts that you had information that Laci had been walking from somebody, you understood Kristin Reed to be a good friend of hers, didn't you?

BROCCHINI: Yes.

GERAGOS: So you now had information that appeared, at least in your mind, to contradict this idea that Laci had stopped walking in the month of December, didn't you?

BROCCHINI: Yes.

GERAGOS: Now, based upon that, the fact that she was concerned about her weight, that she believed that MacKenzie was her safety feature, what did you do to follow up on that?

BROCCHINI: She told me this in September. I wrote it in a police report. We had already went door-to-door-to-door in that neighborhood, maybe one or two or three times. We didn't re-canvass the neighborhood. In September, nine months later, or eight months later, I wrote it in my police report. I documented it so you would have it.

GERAGOS: Okay. Now, you documented it in the police report. Did you go out, you know a gentleman by the name of, if I could have one minute, your Honor. Going to switch to one other spot.

JUDGE: The date of that interview was September, 2003?

BROCCHINI: Your Honor, it was September 12th of 2003 was the day of my second interview.

GERAGOS: Now, Detective Brocchini, after you had this information from Kristin Reed in September, you documented it in the police report, correct, as you just said?

BROCCHINI: Yes.

GERAGOS: Now, at that point, did you, you had information, at least as reported in the media, that there were various witnesses who had seen Laci walking; is that correct?

DISTASO: Objection, your Honor. Assumes facts not in evidence.

GERAGOS: I'm asking him.

JUDGE: Objection overruled. Did you have that information?

BROCCHINI: I seen it in the news, your Honor. And, yes, I read it in the paper.

GERAGOS: Okay. One of those people was a gentleman by the name of Homer Maldonado?

BROCCHINI: I saw him on the news.

GERAGOS: Did you go out, after this September date, once you received the information from Kristin Reed that suggested that there was at least a conflict on this assumption that Laci hadn't been walking, did you go interview Homer Maldonado to see what it was he had seen that morning?

BROCCHINI: I didn't. I know another officer did. I don't know anything about that interview.

GERAGOS: Okay. How long was that after your interview?

BROCCHINI: I don't know when Homer Maldonado was viewed.

GERAGOS: It's your belief, as you sit here today, that Homer Maldonado was interviewed by the Modesto PD?

BROCCHINI: I don't know. I didn't interview him.

GERAGOS: Did you say another officer did?

BROCCHINI: I don't know. I don't know if another officer did or not.

GERAGOS: How about a, is there a Bill and Vivian Mitchell? Are you familiar with them?

BROCCHINI: I have heard of them.

GERAGOS: Okay. You heard of them because they had been interviewed by some TV stations saying that they had seen Laci walking that day; is that correct?

BROCCHINI: Yes.

GERAGOS: I know that Vivian Mitchell has since passed away. Is that your understanding?

BROCCHINI: Yes.

GERAGOS: But Bill Mitchell, did you ever go and interview him?

BROCCHINI: I did not.

GERAGOS: Do you know if anybody from the Modesto PD ever went to interview Bill Mitchell about whether he saw Laci walking MacKenzie on the morning of the 24th?

BROCCHINI: I do not know.

GERAGOS: Okay. Now, did you go back, or are you aware, you personally, did you personally go back and interview people or a series of people who claimed to see Laci walking that morning on the 24th; is that correct? Or a pregnant woman with a Golden Retriever?

BROCCHINI: I did not personally do that.

GERAGOS: Okay. Do you know if anybody from the Modesto PD, after the September interview with Kristin Reed in which Laci was concerned, expressed a concern about her walking in December, do you know if anybody that, from Modesto PD who went back out to interview witnesses who claimed to have seen Laci Peterson walking?

BROCCHINI: I do not know what dates anybody went and did an interview, other than myself.

GERAGOS: Okay. Is this an appropriate time to take the recess?

JUDGE: We can take the recess now.

JUDGE: All right. This is People versus Peterson. Let the record show the defendant's present with counsel, the jury's present with the alternates. Go ahead, Mr. Geragos.

GERAGOS: Thank you, Judge. Detective, the district attorney, when he questioned you was questioning you about the search warrant that was executed on February 18th, do you remember that?

BROCCHINI: There was one executed on that day.

GERAGOS: Okay. And it looks like you wrote a, Detective McGill wrote in a record regarding this. Were you there when items were recovered from Scott Peterson's truck?

BROCCHINI: I was in the same room.

GERAGOS: Okay. When you say in the same room, where was that?

BROCCHINI: In the garage. We had it pulled into a garage at the Modesto Police Department and McGill was recovering some things. I was recovering some things.

GERAGOS: Okay. He had a black and green-colored hiking-type backpack with a sleeping bag attached, correct?

BROCCHINI: Can I get that, yeah, I remember there was a backpack, I couldn't say green or black or the color.

GERAGOS: I have McGill's report. I don't know if you have a copy of McGill's report. Would that refresh your recollection?

BROCCHINI: I mean I could read his report. I can't remember off the top of my head because I was specifically searching the interior of the vehicle. So do you want me to read this and say?

GERAGOS: No, I just want you to read it, see if it refreshes your recollection and then I'll ask you questions.

BROCCHINI: Go ahead.

GERAGOS: Does that fresh your recollection that?

BROCCHINI: There was a green and black or a green, yes, it does.

GERAGOS: Backpack with a sleeping bag. Then also there was a, you went through and McGill itemized in your presence, the items that were contained in the backpack; is that correct?

BROCCHINI: No.

GERAGOS: Well, did you observe what was in there?

BROCCHINI: No.

GERAGOS: So you didn't see any of the items that were contained in the backpack?

BROCCHINI: No, I was, I mean I saw some stuff on the floor. He was doing his job, I was doing my job.

GERAGOS: Okay.

BROCCHINI: And they were different jobs and I was paying attention to what I was doing. You'd have to ask McGill about that.

GERAGOS: Did you impound the truck?

BROCCHINI: Did we impound it?

GERAGOS: Yeah, was the truck impounded?

BROCCHINI: It was seized subsequent to a search warrant, the one on the 2nd. It was a Dodge, white Dodge Dakota. It was impounded.

GERAGOS: When you say it was seized, does that mean it was taken from the residence?

BROCCHINI: Yeah, we moved it from the house to the garage at the Modesto Police Department where McGill searched the interior and the bed area, I searched some briefcases and some duffle bags.

GERAGOS: Did you, by the way, when the warrant was executed, is it a fair estimate that there was at least 50 news crews outside of the house?

BROCCHINI: Yes.

GERAGOS: At some point was the truck supposed to be returned to Scott?

BROCCHINI: Yes.

GERAGOS: Okay. Do you have report that reflects that?

BROCCHINI: I think I do. Yes.

GERAGOS: Okay. What Bates stamp number are you looking at?

BROCCHINI: 1351.

GERAGOS: Okay. And the day that the truck was to be returned the truck was supposed to be left somewhere; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. Where was it supposed to be left?

BROCCHINI: At 523 Covena.

GERAGOS: Okay. And at some point did Scott give directions to do something else with it?

BROCCHINI: I got directions from Craig Grogan to do something else with it.

GERAGOS: Okay. What were those directions?

BROCCHINI: To move it to the Enterprise Rent-A-Car lot. Detective Buehler actually moved it from Covena to the Enterprise Rent-A-Car lot.

GERAGOS: How far away is that from the Modesto Police Station?

BROCCHINI: It's four or five blocks.

GERAGOS: Is this Enterprise lot one of the lots where Scott had rented cars before?

BROCCHINI: Yes.

GERAGOS: Is that Enterprise lot the same lot where a, one of these GPS trackers was installed on his car?

BROCCHINI: No. We got the car from the Enterprise lot. The tracker wasn't installed in the lot.

GERAGOS: Okay. Was the car, was the car that the tracker was installed on, was that an Enterprise car?

BROCCHINI: Which one?

GERAGOS: One of the ones at any point, did you install a GPS tracking device on a rent-a-car that was rented from that Enterprise lot?

DISTASO: Objection, Your Honor, it goes beyond the scope of direct.

JUDGE: I think so.

GERAGOS: Beyond the scope of direct. I can recall him as my own witness, if you want.

JUDGE: If he objects to it, I guess then.

GERAGOS: That's fine. Now, at some point that Enterprise Rent-A-Car lot had you gone there yourself prior to February 19th?

BROCCHINI: I, I had been there.

GERAGOS: Had you been there in connection with this vehicle?

BROCCHINI: Probably.

GERAGOS: Okay. And that was because Scott was renting cars from Enterprise, correct?

DISTASO: Objection. It goes beyond the scope of direct.

JUDGE: Sustained.

GERAGOS: Now the after the 18th of, well, actually, I take that back. Prior to February the 18th there was a number of affidavits for search warrants; is that correct?

BROCCHINI: Yes.

GERAGOS: And you were involved in those; is that right?

BROCCHINI: Some of them.

GERAGOS: Okay. The copy of a search warrant affidavit, would you review them?

BROCCHINI: No. I mean my own I did.

GERAGOS: Okay. Do you have those there in front of you?

BROCCHINI: Yes.

GERAGOS: Okay. Could you turn to the ones that you did.

BROCCHINI: Which one?

GERAGOS: Well, let me show you. You've got an affidavit. Let me show you one. This is an affidavit for a search warrant. It looks like 22316 signed by Darren Ruskamp and signed by the judge on the 31st of December. Are you aware of this?

BROCCHINI: I knew that he had written a search warrant.

GERAGOS: Okay. And in that statement of probable cause he declared under penalty of perjury that you had found an ultralight rod and reel, an ocean rod and reel, and a small tackle box in the boat; is that correct?

DISTASO: Objection, Your Honor, it calls for speculation. It's another officer's affidavit.

JUDGE: Well, he's asking him if that's what he found in the boat.

DISTASO: Okay, then it's been asked and answered.

GERAGOS: I'm setting up the foundation. It will be apparent in a second.

DISTASO: No, Your Honor.

JUDGE: Overruled. Let's go.

BROCCHINI: Yes, that's what he wrote.

GERAGOS:

GERAGOS: That's what he wrote and that's what you found; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. This is Detective Jacobson's, is that correct, this other search warrant affidavit?

BROCCHINI: I've never seen that.

GERAGOS: You've never seen Detective or Investigator Jacobson's?

BROCCHINI: No.

GERAGOS: Okay. Now, there is, did you at anytime tell any of the other investigators that you did not find any ocean or saltwater rods and reels in the boat?

BROCCHINI: I don't, I don't think so. I don't recall.

GERAGOS: Okay. Now, the, specifically at some point you, I think testified on direct, that you, and you received a phone call, you were sitting at the tip line area, is that correct, on December 30th?

BROCCHINI: That's correct. I wasn't sitting there, I was standing behind her.

GERAGOS: Now, where was that specifically?

BROCCHINI: The tip line?

GERAGOS: Yeah.

BROCCHINI: The Modesto Police Department had, it was in the detective bureau where the tip line was. It could be moved anywhere the phone would be forwarded, but this day it was in the detective bureau.

GERAGOS: Okay. Now when you say the phone forwarded, what do you mean by that?

BROCCHINI: Well, in the very beginning, I mean, it depends on who was man at the desk. If somebody was there they would forward the tip line to this bank of secretaries or clerks. And the next day they might forward it to a different bank.

GERAGOS: Okay. Now, did the tip line have a specific phone number that you would call?

BROCCHINI: I don't know. I assume so, but I don't know for sure. I mean people were calling it.

GERAGOS: And when they would call it what was the, what was the protocol, so to speak?

JUDGE: If you know.

BROCCHINI: I don't.

GERAGOS: Okay. Do you know when you were standing there what was, what was going on?

BROCCHINI: Well, when I was standing there I was just watching her type in that tip and I said let me have the phone.

GERAGOS: And did you receive any information at that point? Did you know about Amber Frey or Frey?

BROCCHINI: Not until I saw what was being typed across her screen. I was reading over her shoulder.

GERAGOS: Okay. Did you later find any voicemail messages for you from Amber on your voicemail?

BROCCHINI: I don't recall.

GERAGOS: Do you know if Amber, you had ever talked to her or e 12 she had ever left a voicemail message prior to that day when you were looking over the shoulder at the tip line?

BROCCHINI: She said she did and I can't, I don't know. I don't recall.

GERAGOS: When you say she did, when you interviewed her, she said that she specifically had tried to call you, Detective Al Brocchini, is that correct, or Al Brocchini?

BROCCHINI: No, no, she said she called and somebody transferred her to me, she didn't ask for me, but she got my voicemail, and I didn't answer her. I think she said she hung up.

GERAGOS: Because you never received the voicemail; is that correct?

BROCCHINI: And I, and I think she said she hung up. But I can't remember for sure, but I never did get a voicemail.

GERAGOS: Now what time specifically was it when you were standing there looking over the shoulder, I assume I'm describing this correctly, looking over the shoulder of somebody who's typing in some information?

BROCCHINI: That's correct.

GERAGOS: Okay. What time was that?

BROCCHINI: Can I look at my report?

GERAGOS: Yes. What page are you looking at?

BROCCHINI: Let me get there and I'll tell you. It's Bates stamp number 10830841.

GERAGOS: What was the number?

BROCCHINI: 1083.

GERAGOS: Okay. Have you looked at the report?

BROCCHINI: I haven't read it. I've got if on the page.

GERAGOS: Go ahead. Do you remember what time it was that you received or saw this call being typed in?

BROCCHINI: Yes, 8:41.

GERAGOS: 8:41 in the morning?

BROCCHINI: Yes.

GERAGOS: Okay. And that's Pacific Standard Time?

BROCCHINI: Yes.

GERAGOS: Is that correct?

BROCCHINI: Yes.

GERAGOS: Now as you were standing there, who was the person you were standing behind?

BROCCHINI: Valdivia.

GERAGOS: V-a-l-d-i-v-i-a?

BROCCHINI: Yes.

GERAGOS: Okay. She was speaking to a female as she's typing is your understanding of what was going on?

BROCCHINI: Yes.

GERAGOS: Okay. And she said that she lived in Madera and she was Scott's girlfriend, correct?

BROCCHINI: I was reading that off the screen, yes.

GERAGOS: Okay. Now, at some point did you take the phone away from Ms. Valdivia?

BROCCHINI: Yes.

GERAGOS: Okay. When you took the phone away, did you talk directly to Amber?

BROCCHINI: Yes.

GERAGOS: Okay. Then at some point did you make arrangements to go see her?

BROCCHINI: Yes.

GERAGOS: Okay. Is that fair to say within 15 or 20 minutes of listening to that phone call?

BROCCHINI: Within that 15 or 20 minutes I had briefed Detective Grogan and Buehler and then went, drove down there.

GERAGOS: And who did you go with?

BROCCHINI: Buehler.

GERAGOS: Okay. That's Detective Buehler, right?

BROCCHINI: Yes.

GERAGOS: Okay. What time did you get there?

BROCCHINI: I don't know. I don't know if I have that in my report, but it took us about a couple hours.

GERAGOS: Okay. Sometime after 11:00 o'clock? Are you looking at 1084?

BROCCHINI: Yeah.

GERAGOS: Okay. Does that refresh your recollection or do you need more time?

BROCCHINI: I need a little more time. It was about 11:00 o'clock.

GERAGOS: Okay. Now when you met with the two of them, is it a fair statement that you interviewed the two of them for a period of time?

BROCCHINI: Who?

GERAGOS: Well, you met with both Amber and Shawn Sibley; is that correct?

BROCCHINI: That's right.

GERAGOS: And you interviewed them together?

BROCCHINI: I interviewed Shawn. Amber was there. But when we interviewed Amber, Amber asked for Shawn to leave the room.

GERAGOS: Okay. So the first person that was interviewed was Shawn Sibley; is that correct?

BROCCHINI: Yes.

GERAGOS: The second person who was interviewed was, and when you interviewed Shawn Sibley, Amber was present. So she presumably was listening to what was happening; is that correct?

BROCCHINI: That's correct.

GERAGOS: Then when Amber who's being interviewed, she asked that Shawn leave?

BROCCHINI: Yes.

GERAGOS: Okay. And this was on the 30th at 11:00 o'clock in the morning; is that correct?

BROCCHINI: It was on the 30th around 11:00 o'clock.

GERAGOS: Okay. Do you know when the reward was raised to $500,000 for Laci Peterson?

BROCCHINI: No.

GERAGOS: Do you know if it was on March 28th and reported on, I mean, I'm sorry. Do you know if it was posted on the, published on the morning of the 29th of December?

BROCCHINI: No.

GERAGOS: Okay. If I showed you an article would that refresh your recollection or do you have no independent memory of this?

BROCCHINI: I have none.

GERAGOS: The, specifically when you arrived there did you then go and take a, make a trip, after you started talking to Amber, to the Radio Shack?

BROCCHINI: Well, first we spoke to Amber, we collected some things that she gave us, some photographs, we took a trip to the photo store, picked up some photos, went to a Radio Shack and I bought her some equipment.

GERAGOS: Okay. When you bought the equipment, what did you buy?

BROCCHINI: It's a device that you can hook to her type of cell phone and then you hook the other end into an audio cassette recorder. And I brought a recorder with me.

GERAGOS: Okay. When you say you brought a recorder with you?

BROCCHINI: Yes.

GERAGOS: What kind of recorder?

BROCCHINI: A plastic cassette recorder. I don't know what brand it was or anything.

GERAGOS: Okay. How long would you say the first interview with Shawn Sibley took?

BROCCHINI: I, I don't remember. It was 30, 40 minutes.

GERAGOS: Okay. And you tape-recorded that, right?

BROCCHINI: Yes, I did.

GERAGOS: Now, in addition to that you had also tape-recorded, well, I assume the first one was Shawn Sibley, so that was the first thing that was taped, correct?

BROCCHINI: Yes.

GERAGOS: The second one that was taped was the one with Amber, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now the one that was taped with Amber, she gave you information, including the fact that Scott had told her that he had lost his wife or something to that effect in December, right?

BROCCHINI: That's what he did say to her.

GERAGOS: That's what she says he said, right?

BROCCHINI: That's correct.

GERAGOS: Okay. She also gave you information that another guy that she had met at a bar had told her the same thing; that he had lost his wife; isn't that correct?

DISTASO: Objection, Your Honor, hearsay. It's not relevant to what he did.

JUDGE: Sustained.

GERAGOS: It goes to what he did in terms of the reasonableness of this investigation.

JUDGE: I don't think so. I am going to sustain the objection.

GERAGOS: Okay.

GERAGOS: Did you investigate whether or not there was another person who had also made the statement to Amber about losing a wife, did you investigate that?

DISTASO: Objection, relevance.

JUDGE: Yeah, I don't see the relevance. The issue is what your client said.

GERAGOS: Right.

JUDGE: If somebody in a bar, you know, says something, that's one thing, but the issue is what your client said.

GERAGOS: The reason is that it becomes the subject of a conversation that he taped.

JUDGE: That she tapes?

GERAGOS: Yes.

JUDGE: Okay, then I'll let it in. All right.

GERAGOS:

GERAGOS: Now, she told you in that interview with Detective Buehler, that another guy, Dave Gardanelli had told her, that she had seen him at a bar, had told her that his wife had died and that she had a heart condition and had died, she passed away; isn't that what she told you?

BROCCHINI: In that interview?

GERAGOS: Yeah, on December 30th.

BROCCHINI: Do you have the transcript?

GERAGOS: Yeah. 41226, 41227.

BROCCHINI: Is this the corrected version, do you know?

GERAGOS: I'm assuming so because of the Bates numbered stamp because it's 41000.

BROCCHINI: Okay. Yes. Okay. I'm not answering yes to any questions, just I've read it.

GERAGOS: Okay. Now, did she tell you and Detective Buehler that this Dave Gardanelli had said that his wife had died last February. And then just on December 19th, two weeks before, she ran into the woman who was supposed to be dead at the car wash?

BROCCHINI: Yes, she said she had a friend and she ran into him and he mentioned that his wife had passed, or his wife had died or passed away or had cancer or something. And then a couple weeks later she ran into this girl and was shocked, you know, and this guy lied to her.

GERAGOS: Now, this, did you ever go and interview this Dave Gardanelli?

BROCCHINI: No.

GERAGOS: The way I've got it spelled here is G-a-r-d-a-n-e-l-l-i.

BROCCHINI: I did not.

GERAGOS: Okay. Did you ever go and interview the woman who was supposed to had died from a heart condition?

BROCCHINI: No.

GERAGOS: Is that a no?

BROCCHINI: That's a no.

GERAGOS: Did you ever review, this is page 4970, an anonymous female phone tip saying that Amber came into a shop in Madera and thought the caller was a twin sister because the caller said ex-husband, Dave Gardanelli, told Amber that she was dead. Did you ever see that tip?

BROCCHINI: No, I don't, I don't think so.

GERAGOS: You have a searchable index where if you had this information about Dave Gardanelli in saying that his wife was dead, you could put his name into the index and then, boom, it would pop up on a call sheet; isn't that correct?

BROCCHINI: Yes. Yes. In the tip line?

GERAGOS: In the tip line.

BROCCHINI: Yes.

GERAGOS: As far as you know that was not done, was it?

BROCCHINI: I don't know.

GERAGOS: Now, at the time that the, that you went down there, at some point did you ask Amber to keep calling or to, was she supposed to be in touch with somebody?

BROCCHINI: I, I mean are you asking law enforcement-wise or Peterson-wise.

GERAGOS: Law enforcement.

BROCCHINI: Well, she had my tape recorder. I wanted her to keep in touch with us. I mean, I don't know if I told her specifically, but, or Detective Buehler did.

GERAGOS: Okay. Now, did you contact or were you contacted by somebody by the name of Richard Bird?

BROCCHINI: No.

GERAGOS: Do you know who Richard Bird is?

BROCCHINI: No. I mean I know the name, but I don't think I was contacted by him.

GERAGOS: Do you know the name as a Fresno homicide detective?

BROCCHINI: Yeah. Maybe. I can't remember if I spoke to him or not.

GERAGOS: Have you ever worked with him?

BROCCHINI: No.

GERAGOS: Do you know him?

BROCCHINI: Not that I, unless I went to a school or something with him, but I don't know him off the top of my head.

GERAGOS: Okay. And you had done some investigation, you and Buehler, as to Amber's alibi, is that correct, for the 24th?

BROCCHINI: I, I don't know. I mean, yes, but I don't know if I did.

GERAGOS: Can I show you a report to see if you did anything in regards to that? 1690 Bates stamp.

BROCCHINI: Yeah, this is Detective Buehler's report. I don't think I did.

GERAGOS: Did you talk to Richard Bird, this homicide detective, at any or have you ever talked to him?

BROCCHINI: I may have, but I don't recall.

GERAGOS: When you say you may have, in what context?

BROCCHINI: I just don't recall. I mean I remember the name, he's a homicide detective from Fresno, I may have spoken to him, but I don't recall.

GERAGOS: Do you know if in fact he was with Amber on the 24th of December?

BROCCHINI: I don't know.

GERAGOS: Do you know if he's the one who apparently had advised Amber to call Modesto Police Department?

BROCCHINI: I don't recall. I know somebody told her to from law enforcement or private eye or background, but I don't know.

GERAGOS: Now, at the time that you got this call and you did the interview, did you at that point also do a search warrant to obtain telephone records?

BROCCHINI: Did I?

GERAGOS: Or did you cause that to happen?

BROCCHINI: I think that was done before, before.

GERAGOS: When?

BROCCHINI: I don't, I think it was done, I don't know, I'd have to see an affidavit. I know I didn't.

GERAGOS: When you say you have to see an affidavit, I'm talking specifically at some point that first week. I think I showed you on Thursday some affidavits that were from the 31st. That was for phone records, wasn't that correct?

BROCCHINI: Yes.

GERAGOS: That would have been the day before you went to see Amber?

BROCCHINI: I didn't write them. I don't know.

GERAGOS: Did you at some point want to see phone records from Amber?

BROCCHINI: Yeah, I just, but I didn't write a search warrant for them.

GERAGOS: Okay. And when you did, but at some point did you see the phone records?

BROCCHINI: I only saw a bill. She gave me her password so I could look up her phone records on line.

GERAGOS: Okay. Did you actually see the phone records when they were produced by the phone company?

BROCCHINI: No, I don't think so.

GERAGOS: Was it your understanding when you talked to her that she have or that she used only a cellular phone?

BROCCHINI: Yes.

GERAGOS: So that you didn't, she didn't have a residential phone; is that correct?

BROCCHINI: She didn't have a home phone. She may have used other phones, business phone or something. She only had a cell phone for us to get a hold of her.

GERAGOS: Now as you talked to her, what did you do next in terms of obtaining phone records, isn't that what you wanted to do was obtain some phone records?

BROCCHINI: I think I asked her for her password.

GERAGOS: Okay. But in order to get a list of the phone calls for that previous month, isn't that something you wanted done, you wanted to confirm that she had in fact talked to Scott Peterson by phone?

BROCCHINI: It was confirmed. He called while I was standing next to her.

GERAGOS: You wanted a history of that, didn't you?

BROCCHINI: Eventually, but I didn't do anything to get it right that minute.

GERAGOS: Well, I'm not talking about that minute, I'm talking about after you bought the tape recording device, after you got the other items, didn't you go at some point and talk or caucus with the other detectives?

DISTASO: Objection, relevance.

JUDGE: Overruled.

BROCCHINI: What, I caucused with detectives everyday, Mr. Geragos, but I don't, I mean I don't know what you're asking. I did not write a search warrant to get her phone records.

GERAGOS: Okay. Do you know if that was done?

BROCCHINI: I don't know.

GERAGOS: Do you know if phone records were produced?

BROCCHINI: I know a lot of phone records were produced from a lot of phones, but I don't know if Amber's were.

GERAGOS: So you've never reviewed Amber's phone records?

BROCCHINI: I reviewed the ones I got on line. I know that.

GERAGOS: Okay. Did you review the ones that came by via search warrant?

BROCCHINI: Not that I recall.

GERAGOS: Okay. Now, at that point, who was the person who was in charge of handling Amber Frey after the 30th?

BROCCHINI: Buehler, Detective Buehler.

GERAGOS: And did you, you were pretty much tasked to other things so that Buehler's first, I don't know if it's first priority, but he was to be the point person or contact person; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now you then went to, and we've discussed the search warrant that took place on February 18th and you were present for that search warrant?

BROCCHINI: Yes.

GERAGOS: Okay. During that search warrant did you actually go inside the house?

BROCCHINI: Yes.

GERAGOS: Okay. Now when you went inside the house, specifically what were you looking for inside the house?

BROCCHINI: I didn't go in looking for anything.

GERAGOS: Well, didn't you have in the search warrant a list of items that you told the judge you were looking for in order to try to solve this case?

BROCCHINI: Yes, but I didn't write the search warrant. I went there as an assistant. I didn't search. I wasn't in charge of searching of any rooms. I picked up his cell phones when I walked into the living room because they were listed, and that was basically my part of that.

GERAGOS: Okay, now, when you did that then did you go to the warehouse?

BROCCHINI: After I did that?

GERAGOS: Yes.

BROCCHINI: After a while later, well, on the 18th?

GERAGOS: On the 18th.

BROCCHINI: Did I go to the warehouse?

GERAGOS: Did you go to the warehouse storage area, where else did you go?

BROCCHINI: We didn't go to the warehouse. I didn't go to the warehouse. We didn't serve a search warrant there.

GERAGOS: Now the search warrant on the 18th, what did you specifically itemize, what was your involvement?

BROCCHINI: Some of the stuff in the front seat of the pickup truck, Scott's truck. There was like a duffle bag there and a black plastic box, and then I documented the phone histories on the phones that were there.

GERAGOS: Okay. Now, after you did that did you write a report in regards to that?

BROCCHINI: Yes.

GERAGOS: Okay. And what page is that report?

BROCCHINI: One report is Bates stamp 347.

GERAGOS: 347?

BROCCHINI: 1347. That's the start of it. And there's also a second report of 1390.

GERAGOS: One more time for the page, I'm sorry.

BROCCHINI: The first, one of them is 1347 and one of them is 1390.

GERAGOS: Okay. In your presence you took possession of Scott's cell phone; isn't that correct?

BROCCHINI: I did.

GERAGOS: In your presence Scott used the phone first to get the number for Enterprise Rent-A-Car, correct?

BROCCHINI: Yes.

GERAGOS: In your presence he had, he arranged to have an Enterprise representative come and pick him up, correct?

BROCCHINI: I didn't hear him on the phone, but one did come.

GERAGOS: Well, you have, you wrote that down that as Scott then arranged to have an Enterprise representative pick him up at 523 Covena, correct?

BROCCHINI: Yes.

GERAGOS: Okay. You saw that he had, that he later returned with a vehicle that he had rented from Enterprise at 7th and G, correct?

BROCCHINI: Yes.

GERAGOS: And he had asked for a number of things that he needed out of the duffle bag in the truck, correct?

BROCCHINI: Yes.

GERAGOS: Now, the, he also told you in front of you that there were, I'm sorry, and that was at about what time that that took place, the executing of the search warrant was at about 8:25 in the morning?

BROCCHINI: Yes.

GERAGOS: Okay. And when he went over to rent the car or have them pick him up and take them back over there, what time was that?

BROCCHINI: It was pretty quick after that. I don't know 10, 15 minutes.

GERAGOS: Okay. And then at some point you and McGill took the truck over and you couldn't be, basically, you couldn't execute the search warrant on the truck in the driveway; is that correct?

BROCCHINI: We could have, but we didn't.

GERAGOS: Well, it was not executed there because there was about 50 different media organizations there; isn't that correct?

BROCCHINI: That's why we moved it.

GERAGOS: Okay. And then you did, you photographed the interior and the exterior of the vehicle before you did any search, correct?

BROCCHINI: Yeah. McGill drove it over to the shop, yes, and then that was done.

GERAGOS: Okay. The two of you inventoried the interior of the truck, right?

JUDGE: When you say "the shop," do you mean the warehouse?

BROCCHINI: No, the Modesto Police Department.

JUDGE: The what?

BROCCHINI: The Modesto Police Department.

JUDGE: You were saying shop.

BROCCHINI: I'm sorry.

JUDGE: I just want to make sure you were clear. So you took it back to the Modesto Police Department and conducted the search there?

BROCCHINI: Yes.

JUDGE: All right.

GERAGOS: Okay. Now, you wrote that there was a set of golf clubs in the truck, there was a backpack with a sleeping bag, golf shoes, a drill; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And then McGill inventoried all the items that were in the supplemental report; is that correct?

BROCCHINI: He, I saw those in the truck. He inventoried them all. I focused on the front seat of the truck.

GERAGOS: Okay. And how long did you have possession of the truck?

BROCCHINI: We arrived at noon and we were done at 2:00 o'clock.

GERAGOS: Okay. And at that point did you release the truck?

BROCCHINI: Well, I told Detective Grogan we were done. He contacted Scott. Then Grogan, I don't know what they talked about, Grogan told me to take the truck back to 523 Covena, leave the keys with the reserve officer that was there.

GERAGOS: Okay. Now, at some point did you talk to Bruce Peterson?

BROCCHINI: Did I? Yes. I spoke to him twice.

GERAGOS: And Bruce Peterson is the person who owned the 14-foot game fisher boat, correct?

BROCCHINI: Yes.

GERAGOS: And Bruce Peterson gave you a bill of sale; is that correct?

BROCCHINI: No.

GERAGOS: Did not?

BROCCHINI: No, he didn't.

GERAGOS: Did you talk to him about a bill of sale for the boat?

BROCCHINI: No. I recovered the bill of sale in the truck during that search warrant, I think.

GERAGOS: Okay. The bill of sale that's marked as 1401?

BROCCHINI: I don't, I don't know what it's marked as, but that's the one.

GERAGOS: Okay. Where did you find that?

BROCCHINI: It was in the, it was in the truck.

GERAGOS: Did you find out from Bruce Peterson when the first day he met Scott Peterson was?

BROCCHINI: No.

GERAGOS: Didn't he tell you that he had met Scott Peterson the day before?

DISTASO: Objection, hearsay.

JUDGE: Sustained.

GERAGOS: Now, the bill of sale you took into evidence, is that correct, for the boat?

BROCCHINI: Yes.

GERAGOS: Okay.

BROCCHINI: Yes. Pretty sure.

GERAGOS: You booked that, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, the accessories that came with the boat, did you find out or were you ever able to determine what accessories those were?

BROCCHINI: What? Say that again.

GERAGOS: The bill of sale says 1991 14-foot game fisher boat with accessories, correct? Once again I'm referring to you Bates numbered stamp 1401.

BROCCHINI: That's what it says.

GERAGOS: Right. Were you able to determine what the accessories were that were sold with the boat?

DISTASO: Objection. It's going to call for hearsay.

JUDGE: It does and the objection will be sustained if it's going to call for hearsay.

GERAGOS: Did you, were you able to find any accessories that came with the boat?

BROCCHINI: Only what Bruce Peterson told me.

GERAGOS: So you don't have any independent knowledge of that?

BROCCHINI: Well, I mean I saw the boat on the 24th, but I can't say what came with it. I mean I know what was in it on the 24th.

GERAGOS: Now the, specifically the 24th when you collected the boat, did you ask that testing be done of it?

BROCCHINI: I didn't collect the boat.

GERAGOS: I'm sorry, the 26th. Didn't the boat get impounded, seized as evidence on the 26th?

BROCCHINI: I had nothing to do with that.

GERAGOS: You were at the warehouse, were you not?

BROCCHINI: I showed up at the warehouse. I didn't stay for the search. I didn't participate too much. I was there, though, as an observer.

GERAGOS: Okay. Now, the, specifically the, were you aware of the boat being tested at any point?

JUDGE: By the Modesto Police Department?

GERAGOS: Yes.

GERAGOS: Or by the Department of Justice.

BROCCHINI: For what?

GERAGOS: Was there testing that was ordered that you're aware of?

BROCCHINI: I know testing was ordered, but I don't know what it is.

GERAGOS: Okay. Now, I'm going to go back to specifically the 26th of December. Did you attend a press conference? It's Modesto P.D.?

BROCCHINI: Possibly.

GERAGOS: Okay. Is that, I'm going to show you what's a statement of probable cause by Darren Ruskamp. And this is 22318, lines 8 through 11. Does that refresh your recollection?

BROCCHINI: I can, does it refresh my recollection if I went?

GERAGOS: Yeah, did you go to a press conference on the 26th of December?

BROCCHINI: No, I was outside of a press conference on the 26th of December and Scott was not there.

GERAGOS: Okay. Well, did you ever review Detective Ruskamp's affidavit?

BROCCHINI: No.

GERAGOS: So this is the first time you've seen it?

BROCCHINI: First time I saw that.

GERAGOS: Okay. Is his statement in here that Scott attended the press conference, is that incorrect?

BROCCHINI: No, that's, he, he was there, but he walked out.

GERAGOS: Okay. Did he say that in this that Detective Brocchini attended a press conference where the missing person's husband was present as well as other members of Laci Peterson's family?

BROCCHINI: That's what it says.

GERAGOS: Is that correct?

BROCCHINI: No, I, when I was at the press --

GERAGOS: I'm asking you.

JUDGE: Let him answer.

BROCCHINI: No, that's not correct.

GERAGOS: Specifically so that sentence that was written by Detective Ruskamp is incorrect?

BROCCHINI: That's correct.

GERAGOS: Okay. Now, the, I'm going to show you another Ruskamp affidavit for search warrant, line 23 on Bates No. 22322, do you see that?

BROCCHINI: I do.

GERAGOS: It says that you saw there was water on the sidewalk leading to the den door. Is that an accurate statement?

BROCCHINI: No.

GERAGOS: So that the statement under penalty of perjury by Ruskamp is not correct?

BROCCHINI: That's correct, I never saw water.

GERAGOS: I'm going to show you the, another portion, which is 22321. It looks like it's a Ruskamp affidavit.

BROCCHINI: From what date?

GERAGOS: 31st of December. "The leash was muddy as though it had been dragged." Is that a correct statement?

BROCCHINI: I don't, I mean, did I see a muddy leash as if it was dragged?

GERAGOS: Yes.

BROCCHINI: No.

GERAGOS: I'm going to show you a Ruskamp affidavit from January 7th, Bates number stamp what I'm referring to as 23207. "Scott Peterson has never mentioned Laci Peterson to Amber Frey as of January 7th." Was that a correct statement?

JUDGE: Mr. Geragos, is that statement attributable to him or is that what's in the affidavit?

GERAGOS: It's what's in the affidavit. It says Detective Brocchini has been interviewing people.

JUDGE: All right.

GERAGOS: Detective Brocchini spoke to all of this information.

BROCCHINI: Can I look at that because that's not a true statement either. I don't know what date.

GERAGOS: January 6th was the date that Scott Peterson told Amber Frey about Laci Peterson; isn't that correct?

BROCCHINI: I don't know.

GERAGOS: If I were to tell you that it was and this affidavit was signed on the 7th, that statement would be incorrect, true?

BROCCHINI: If, if he knew or I knew, and I can't say that.

GERAGOS: Okay. Now, specifically Mr. Distaso asked you about the gun that was collected; is that correct?

BROCCHINI: Yes.

GERAGOS: From the glove compartment?

BROCCHINI: Yes.

GERAGOS: Now did you describe that gun as old and did not appear to have been recently cleaned?

BROCCHINI: Possibly.

GERAGOS: Okay. I am going to show you Jacobson's affidavit for, on January 10th, which page on here, it's page 25 of his affidavit where it says Detective Brocchini collected the handgun which he described as old and said it did not appear to have been recently cleaned. Is that accurate?

BROCCHINI: That's accurate.

DISTASO: What's the Bates stamp number on the last one?

GERAGOS: It didn't have one, it just said page 25 of his affidavit, January 10th.

GERAGOS:

GERAGOS: I'm going to show you another report. It looks like it's with a Bates No. 3756. Have you ever seen this California Department of Justice report?

BROCCHINI: No.

GERAGOS: Okay. As one of the core detectives in this case did you keep track of when forensic evidence and the results were coming back?

BROCCHINI: No.

GERAGOS: Were you briefed on that?

BROCCHINI: Sometimes.

GERAGOS: Okay. Now, on January 7th, or 17th I should say, did you have a specific conversation with Amber Frey about, well, let me see if I can get the exact date. Did you have a conversation with her regarding making additional contacts with Scott Peterson?

BROCCHINI: No, you have to talk to Buehler about that.

GERAGOS: When he said that Brocchini cautioned her about it, you don't have any memory of that?

BROCCHINI: This is from the first day, isn't it?

GERAGOS: I'm asking. The report says on here 1/17/03.

BROCCHINI: No.

GERAGOS: Okay.

BROCCHINI: That's when it was typed.

GERAGOS: Okay. Does that mean that this report is from the 30th of December?

BROCCHINI: I'm not sure. I've never seen this report before.

GERAGOS: Okay.

BROCCHINI: I don't know. You have to ask Buehler about it. Let me just finish that.

GERAGOS: Read the portion that purports to talk about what you did.

BROCCHINI: Yes.

GERAGOS: Okay. Does that fresh your recollection?

BROCCHINI: Yes.

GERAGOS: Okay. Is it a fair statement that on the 30th when you saw Amber, met her for the first time, that you cautioned her about making any phone contacts with Scott Peterson without your knowledge?

BROCCHINI: I can't, I don't know about the 30th, that's not dated, but I have, I have cautioned her or at least I've said those words.

GERAGOS: Okay. Did you say that, did you tell her that it could affect her credibility?

BROCCHINI: Yeah, I wanted her to be up front with us. I told her that.

GERAGOS: And did you subsequently learn that there were phone calls being made that she was not reporting?

BROCCHINI: There possibly were.

GERAGOS: Okay. And your best memory as to, if I understood correctly when I was asking you before, you basically had contact with her on December 30th, and after that Buehler was the point person, correct?

BROCCHINI: I maybe met with her one other time.

GERAGOS: Well, Buehler's report indicates that on the time that you cautioned her about having phone contacts with Scott, that you had also left with her, you and Buehler, blank audio cassettes. Would that have been the first time you met with her?

BROCCHINI: I don't recall. You have to ask Buehler.

GERAGOS: Okay. Now when you, if I understand correctly, Mr. Distaso asked about you looking into the green tool box back on the 24th, the large green tool box as we already established was in the back of the bed of the truck, correct?

BROCCHINI: Yes.

GERAGOS: Now you saw in that trunk bed, rope, correct?

BROCCHINI: Yes.

GERAGOS: A bag containing 12-gauge shotgun shells?

BROCCHINI: Yes.

GERAGOS: And some items of clothing, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, that would have been the report that you prepared on Christmas day, correct?

BROCCHINI: Yes.

GERAGOS: Now, when you went into the house on the 24th you did find a number of long-barrel guns; is that correct?

BROCCHINI: I saw.

GERAGOS: Saw them?

BROCCHINI: Yes.

GERAGOS: And where did you see them?

BROCCHINI: In the closet in the spare bedroom leaning up against the wall.

GERAGOS: That would have been this bedroom here?

BROCCHINI: Yes.

GERAGOS: Okay. And did you notice if there was a shotgun in there?

BROCCHINI: No.

GERAGOS: Did you notice if there were long-barrel guns, you didn't itemize what they were?

BROCCHINI: If they were in cases, I didn't open them.

GERAGOS: When you're talking about cases, zippered gun cases?

BROCCHINI: Yeah, zippered gun cases.

GERAGOS: Okay. Now, on the 27th and 28th when you went in to the warehouse for the search warrant did you say that you noticed a large green duffle bag that was in the boat?

BROCCHINI: I saw it on the 24th, too, and I saw it on the 27th.

GERAGOS: Excuse me?

BROCCHINI: I saw it on both days.

GERAGOS: Okay.

BROCCHINI: The 24th and the 27th.

GERAGOS: And wasn't it your testimony that you saw the shotgun shells that had been in the truck tool box on the 24th were now inside of the green duffle bag?

BROCCHINI: Yes.

GERAGOS: Okay. I'm going to show you a picture that was taken at the time of the search warrant. Do you recognize that?

BROCCHINI: Yes.

GERAGOS: Okay. Would you tell the jury what that is.

BROCCHINI: That's the, inside of Scott Peterson's green tool box.

GERAGOS: Okay. Now, I'm going to mark this, if I can, as Defense next in order.

JUDGE: OO. That's the way it looked on the day you executed the warrant?

BROCCHINI: I don't know. I never looked in there that day, Your Honor. I just recognize the green tool box.

JUDGE: Okay.

BROCCHINI: So I can't say if that's from when that photo was taken.

GERAGOS: You never looked in where?

JUDGE: That's, or saw it, however.

BROCCHINI: I never looked in the tool box on the day we served the search warrant.

GERAGOS: Now you said you looked in the green tool box on the 24th, correct?

BROCCHINI: That's why I recognized the photo.

JUDGE: So you recognize it from the 24th?

BROCCHINI: I recognized the box. I mean I recognize the box, but it looks different in the photo than it did on the 24th, Your Honor.

GERAGOS: Now, this picture was taken on the 27th, correct?

BROCCHINI: I have no idea.

GERAGOS: There's a 12/27/02 with a name D-u-c-o-t on down below the picture. Do you know who D-u-c-o-t is?

BROCCHINI: Yes.

GERAGOS: And that would be a forensic person?

BROCCHINI: That would be an officer, ID Officer Ducot.

GERAGOS: Ducot. And there's a 12/27/02 that's on the picture itself right there, what does that indicate to you?

BROCCHINI: That it was possibly, that was probably taken on the 27th.

GERAGOS: Okay. And do you have the, can you tell me what those red items are that are there?

BROCCHINI: They're shotgun shells.

GERAGOS: Okay. You didn't look inside of this, this is the green little back area of the pickup truck right here?

BROCCHINI: That little green in the photo, but, yes, that is.

GERAGOS: Okay. And the shotgun shells that you said were now in the duffle bag on the 27th, it still appears that there were shotgun shells in the truck on this date that the search warrant is indicated; isn't that correct?

BROCCHINI: There's still some in there. The bag I saw was in the --

GERAGOS: Where did you put that? You saw a bag, the bag containing 12-gauge, do you have a photo of that anywhere --

BROCCHINI: No.

GERAGOS: that was in the green duffle bag?

BROCCHINI: No, I don't.

GERAGOS: Did you know if any photo exists of this bag?

BROCCHINI: I don't know. I think I was told there was shotgun shells in there.

GERAGOS: In where?

BROCCHINI: In the green bag.

GERAGOS: You don't know because you didn't see it.

BROCCHINI: I think I saw it.

GERAGOS: Do you know?

BROCCHINI: I saw shotgun shells, yeah.

GERAGOS: Okay. You see shotgun shells right here when you first saw them on the 24th, correct?

BROCCHINI: Right.

GERAGOS: Okay. Now, the, you received numerous tips that were forwarded to you on certain days, is that correct, during the course of this investigation?

BROCCHINI: There were tips forwarded to me, yes.

GERAGOS: Okay. Now what would you do normally when you received those tips?

BROCCHINI: Read them.

GERAGOS: Okay. And how long would it take for you to follow up on them?

BROCCHINI: I wouldn't follow up on all of them, I would put them in a basket to be, in the very beginning of this case a lot of tips were coming to me because I was the first detective, but they were eventually given to the sergeant and we assigned a detective or an investigator from the D.A.'s Office that would go through every tip and then he would assign them out, so that wasn't my job.

GERAGOS: Okay. But you were given tips, were you not?

BROCCHINI: Sometimes.

GERAGOS: Okay. And what was your protocol once you were given a tip?

BROCCHINI: Read it.

GERAGOS: And then what kind of action would you take?

BROCCHINI: It depends on the tip. I throw it in the basket for somebody else to hand out or I would act on it immediately. I mean it depended on what the tip was.

GERAGOS: Okay. Now who was responsible at Modesto P.D. for distributing the tips?

BROCCHINI: Well, Sergeant Zahr and Investigator Bertalotto were, took up that task, I think.

GERAGOS: How were they assigned out, do you know?

BROCCHINI: No.

GERAGOS: When you were trying to establish the time line for the 23rd, at some point on December 23rd you were trying to establish where Scott and Laci had gone; isn't that correct?

BROCCHINI: What day are you asking me about?

GERAGOS: Well, sometime in January, is that a fair statement?

BROCCHINI: That's a fair statement. I mean, I'm sure that was one of the things I was working on.

GERAGOS: Okay. Now you had learned at one point that Scott Peterson went to a place called Mountain Mike's Pizza on the evening of 12/23, correct?

BROCCHINI: Somebody told me that.

GERAGOS: Okay. You saw a box of pizza you testified before on the counter when you went into the house on the 24th, correct?

BROCCHINI: Yes.

GERAGOS: Was that box of pizza from Mountain Mike's?

BROCCHINI: I can't, it might have been, but I don't remember.

GERAGOS: Okay. And you felt it was very important to see exactly what Laci Peterson was wearing on the evening of ne1 12/23, correct?

BROCCHINI: I thought it was important, yes.

GERAGOS: Okay. And you had knowledge that there was a pizza box there and Scott had told you that they got pizza the night before, correct?

BROCCHINI: I don't remember, but I don't remember if Scott told me, but somebody told me.

GERAGOS: Well, you had information that they had gone, you had established that they had gone from Salon Salon, that you knew that they had ordered a pizza, correct?

BROCCHINI: Somebody had told me that, yes.

GERAGOS: And you knew that they had invited Amy to come over to have pizza; correct?

BROCCHINI: No.

GERAGOS: When did you find that out?

BROCCHINI: When you just said it.

GERAGOS: This is the first time you found out that Scott had invited Amy over to have pizza?

BROCCHINI: That's right.

GERAGOS: Okay. Now did you know when you saw that pizza box, you made a reference to it in the reports that there was an open box of pizza, correct?

BROCCHINI: Because he told me he was eating pizza before he took his shower and stuff. That's why I referenced it.

GERAGOS: Right. And in the taped interview you had specifically gone through and mentioned how much pizza did you have, correct?

BROCCHINI: I asked him.

GERAGOS: Okay. And so you went to Mountain Mike's; is that correct?

BROCCHINI: I don't know if I went there or I called there.

GERAGOS: Okay. Did you find out that by the time you got there, which was January 17th, you spoke to a pizza manager there, Chris Lotaz?

BROCCHINI: Yes.

GERAGOS: Did he tell you that the surveillance tapes only went back to December 30th?

BROCCHINI: Can I look in my report?

GERAGOS: Sure. I'm showing you what I'm looking at, 1167. It starts on 1166.

BROCCHINI: Can I just look at the bottom? Yes.

JUDGE: Mr. Geragos, we're going to take the evening recess.