Witness: Craig Grogan

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Birgit Fladager

Day 1 of 8 for this witness

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

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Direct Examination by Birgit Fladager

JUDGE: Because it shows close-ups of the remains of Ms. Peterson. All right. Do you want to call your next witness. If the jury wants to see them obviously you can see them during your deliberations, okay, if you're so inclined. You don't have to, but if you want to, you have access to them. Okay. Detective Grogan.

GROGAN: I do.

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

GROGAN: Craig Grogan, C-R-A-I-G G-R-O-G-A-N.

CLERK: Thank you.

FLADAGER: Detective Grogan, can you please tell us how you are currently employed.

GROGAN: I'm employed as a detective for the city of Modesto.

FLADAGER: And how long have you been employed as a detective as a peace officer actually for the city of Modesto?

GROGAN: For Modesto, nine years.

FLADAGER: And prior to that did you have law enforcement experience?

GROGAN: Yes.

FLADAGER: Can you please tell the jury what that was.

GROGAN: I worked as a police officer for the city of Azusa.

JUDGE: We can hardly hear you, Detective Grogan. I can barely hear you and you're three feet away.

GROGAN: I was a police officer for the city of Azusa in Southern California for nine years.

FLADAGER: In your assignment to the Modesto Police Department are you currently assigned to the Crimes Against Persons Unit?

GROGAN: Yes.

FLADAGER: How long have you been in that assignment?

GROGAN: Six years.

FLADAGER: And in that assignment what are your responsibilities?

GROGAN: Well, in that assignment we work homicide cases, robbery cases and violent crimes in the city of Modesto, excluding sexual assaults, which is a separate unit, and domestic violence, which is a separate unit.

FLADAGER: Okay. Have you also had experience in investigating those kind of cases as well?

GROGAN: Yes.

FLADAGER: I'd like to take you back to December 25th of 2002. Were you on duty on that date?

GROGAN: Yes.

FLADAGER: And were you at home?

GROGAN: Yes, I'm sorry, I was on call, but I was at home.

FLADAGER: Okay. Would you explain to the jury what it means to be on call when you are a detective assigned to the Crimes Against Persons Unit?

GROGAN: That means at the time we have a rotational system for the detectives. When you're assigned a homicide case it rotates through all the detectives before you're up again and you catch the next homicide case. That way you have time to complete it. You don't get two back-to-back and it's too much work to complete.

FLADAGER: So on Christmas day were you on vacation?

GROGAN: Yes.

FLADAGER: But you were due for the next homicide?

GROGAN: Yes.

FLADAGER: Did you get a call that day while you were at home?

GROGAN: Yes, I did.

FLADAGER: About what time was that?

GROGAN: It was around 11:00 a.m.

FLADAGER: And who was it that called you?

GROGAN: Detective Al Brocchini.

FLADAGER: And what information did he relay to you?

GROGAN: He told me that he had been called out on the night previous, on December 24th, on a missing person's case and that he thought maybe –

GERAGOS: Objection.

GROGAN: I should come in.

GERAGOS: Objection to anything further.

JUDGE: No, no, it all goes to the reasonableness of his conduct. Overruled.

FLADAGER: Go ahead.

GROGAN: And that he believed it was a suspicious circumstances missing person's case and thought that maybe I should come in.

FLADAGER: All right. And at that point did you leave your family and go into work?

GROGAN: Yes.

FLADAGER: Once you arrived at the police department did you get any further background information as to what had gone on?

GROGAN: Yes.

FLADAGER: And what information did you receive?

GROGAN: When I first arrived there I met with Detective Buehler in the Investigative Services Building, which at the time was in a separate building from our police department. I was told that there was a press briefing going on in the main police building at the time and that there were some ongoing searches at the East La Loma Park based on a missing person's case.

FLADAGER: Were you given any information regarding the physical condition of the missing person?

GROGAN: Yes .

FLADAGER: And what was that?

GROGAN: That she was around eight months pregnant.

FLADAGER: And the person we're talking about is Laci Peterson?

GROGAN: Yes .

FLADAGER: Did you at that point make contact with any of Laci Peterson's family members there at the police department?

GROGAN: Yes , I did.

FLADAGER: And can you tell us how that came about.

GROGAN: Well, after I was briefed by Detective Buehler, I walked over to the main building to try to meet some of the family and people involved that were attending the press briefing. And I walked into the room where the briefing had just, the press briefing had just completed and I introduced myself to the defendant and some of the other people in the room.

FLADAGER: Did you have much time to actually spend with them at that particular time?

GROGAN: No.

FLADAGER: And why is that?

GROGAN: Because before I arrived, there was an interview, a secondary interview that had been scheduled with Mr. Peterson that that day, and so when I went into that briefing room I wanted to talk to him and see if he was still willing to sit down and talk with us that day. And I believe I introduced myself to the, to Sharon Rocha and the Rocha family. I also sent around my notebook and a piece of paper and asked everybody that was present in the room to write down their name, phone number and possibly even their relationship to Laci.

FLADAGER: Why did you do that?

GROGAN: Well, the reason I did that is because the people in that room would know the most about Laci Peterson, presumably, if they were there. Also because often times the suspect in the case like this is someone that's known by the victim and –

GERAGOS: There be an objection, motion to strike.

JUDGE: No, I don't think so. Overruled.

GERAGOS: It's non-responsive.

JUDGE: Overruled.

FLADAGER: Continue, detective.

JUDGE: Let's not turn this into a narrative.

FLADAGER: Right. So, detective, you got the names and phone numbers of the various people who were present; is that correct?

GROGAN: Yes , ma'am.

FLADAGER: All right. Once you accomplished that did you then go to the interview that was scheduled with the defendant?

GROGAN: Yes , I did.

FLADAGER: At that point prior to the interview had you been briefed on a prior interview that the defendant had had the day before with Detective Brocchini?

GROGAN: Yes .

FLADAGER: Had you had an opportunity to watch that videotaped interview yet?

GROGAN: No, it was summarized in just a few moments.

FLADAGER: So the interview that you then participated on on Christmas day with the defendant after the press briefing, tell us what the purpose of that particular interview was?

GROGAN: Primary purpose of that interview was I wanted to go back a couple of days in time from the 24th and my understanding was that the initial interview covered the 24th in pretty, in detail, but I wanted, I was interested in a day or two prior to that. Also, some of the background information about the family and the defendant and Laci Peterson.

FLADAGER: What was the purpose of eliciting information about a day or two prior to Laci's disappearance?

GROGAN: Well, what we were looking for is if the likelihood that something had caused this to happen within 48 hours or so of her disappearance, whether she's voluntarily missing or she's missing for some other reason, something likely happened within a couple of days prior to that that would cause this to take place.

FLADAGER: Now you're actually interviewing the defendant Scott Peterson on December 25th, one of the first things you do when you get to the police department; is that right?

GROGAN: Yes . Within,

FLADAGER: Let me ask you this, why is it at the first interview you're doing it with the defendant as opposed to any other person?

GROGAN: Because he's the closest person to Laci Peterson to my knowledge at that time.

FLADAGER: Okay. Who is it that discovered that Laci Peterson was missing?

GROGAN: Mr. Peterson. Scott Peterson.

FLADAGER: And who was the last person to see Laci Peterson?

GROGAN: Mr. Scott Peterson.

FLADAGER: Who was it who reported her missing to the police department?

GROGAN: Ron Grantski.

FLADAGER: Do any of those three things factor into your mindset as you begin this interview with the defendant?

GROGAN: Yes .

FLADAGER: And tell us about that.

GROGAN: Well, all three of those things would be reasons that I would need to talk to him minimally to do an interview with him and also reasons that I would need to probably try to eliminate him as a suspect in her disappearance.

FLADAGER: At that point did you have any information about the defendant's statement that he had been fishing on Christmas Eve the day that Laci disappeared?

GROGAN: Yes.

FLADAGER: And was that another reason that you wanted to talk to him?

GROGAN: Yes .

FLADAGER: Why?

GROGAN: Well, it didn't appear that he had an alibi for the time period that she disappeared. He was by himself during that time.

FLADAGER: So the interview that you had that began about 1:30 in the afternoon; is that correct?

GROGAN: Yes .

FLADAGER: And did you take notes during that interview?

GROGAN: Yes , I did.

FLADAGER: Did you have a report prepared as a result of those notes?

GROGAN: Yes .

FLADAGER: All right. I'm going to ask you a few questions about that. About how long did that interview last?

GROGAN: From around 1:30 till 4:00 or 4:30 that afternoon.

FLADAGER: And who else was present during this interview?

GROGAN: Initially, when I walked into the room, Detective Buehler was there with Agent Mansfield. Shortly after I came in Detective Buehler left, and then it was just Agent Mansfield, myself and the defendant.

FLADAGER: Was this particular interview videotaped or audiotaped?

GROGAN: No, it wasn't.

FLADAGER: Why not?

GROGAN: Well, when I left, I left the press briefing, I collected the document that had everyone's names on it, I walked upstairs into the new building to see if I could find where they had taken Mr. Peterson. "They" being Doug Mansfield and Jon Buehler. So I went through the videotaped rooms and he was not in one of those, he was in a large conference room used at the time for some of the police briefings, squad briefings, which is, it's a large, comfort comfortable room. I just sat down and the interview was more or less started and I continued with it as is.

FLADAGER: All right. Before we get into some of the actual substance of the interview, let me ask you this question as well. At some point during that interview did you have to, did everybody have to get up and move to some other room?

GROGAN: Yes .

FLADAGER: Why did that occur?

GROGAN: I don't remember who the officer was, but someone had came and knocked on the door and said that they needed the room, I assume for a squad briefing or something that was occurring, so we got up and we walked down the hallway two doors.

FLADAGER: And the room where you completed the interview, did that have audio or videotape?

GROGAN: No.

FLADAGER: What kind of room was that?

GROGAN: That is a, on the first door you come to is a room designed for an interview of young children and, like, child abuse cases or sexual assault cases. The room next to it has, they share a wall, and in that wall there's a one-way glass. It's designed that way so that social workers and

other people that are involved in, in interviews of children that have been abused can sit and watch the interview without, without having a whole bunch of people in the room with the child or the victim. So we went passed the first room and into the second room, which had a little conference table and we did the, completed the interview there.

FLADAGER: Could you have completed the interview in the room where its designed for child victims?

GROGAN: Yes .

FLADAGER: Had you done that would that have been videotaped or audiotaped?

GROGAN: It could have been if I had walked another portion of the building and started that, yes.

FLADAGER: Why did you choose to not place the defendant in that child interview room?

GROGAN: Because it was designed for small children that had toys and decorations that were applicable for that and it didn't seem like a good idea due to the fact that his pregnant wife was missing.

FLADAGER: During this interview that you conducted with him did he talk to you about Laci walking their doing McKenzie?

GROGAN: Yes .

FLADAGER: And what did he tell about you that?

GROGAN: He said that she walked almost everyday, I believe.

FLADAGER: Almost everyday?

GROGAN: (Nods head.)

FLADAGER: Did he indicate whether or not he accompanied her?

GROGAN: I think he told me about half the time he accompanied her.

FLADAGER: That he would actually go with her on the walks?

GROGAN: Yes .

FLADAGER: Did he give you a route that would be taken by Laci and by himself when they took McKenzie for a walk?

GROGAN: Yes .

FLADAGER: Was he fairly specific in that?

GROGAN: Yes .

FLADAGER: What did he tell you?

GROGAN: That they would leave their house at 523 North Covena and walk northbound on Covena Avenue to where it dead ends and there's a path that leads down into the East La Loma Park. They would then walk in an easterly direction toward the El Vista Bridge and go in a circle and come back to the house from the park.

FLADAGER: The El Vista Bridge, is that essentially an overpass over the park for traffic, road traffic?

GROGAN: Yes .

FLADAGER: Did he tell you anything about jewelry that she wore?

GROGAN: Yes .

FLADAGER: And what did he tell you during that interview?

GROGAN: That she had recently inherited some jewelry from her grandmother and she had been wearing several of those items a lot.

FLADAGER: Did he tell you what she took with her, if anything, when she went on these walks?

GROGAN: He said that she would not typically take her keys. She would sometimes leave the house unlocked. She wouldn't take her purse. That's about all I remember of that.

FLADAGER: Did he give you a theory, his theory, for what had happened to his wife?

GROGAN: Yes .

FLADAGER: And what was that?

GROGAN: That she had been wearing jewelry that she had inherited from her grandmother and that he had seen her wearing on that morning. And when she went into the park a transient had robbed her for the jewelry and taken her.

FLADAGER: Did he talk to you at all about the financial shape that he and Laci were in?

GROGAN: Yes .

FLADAGER: What did he tell you about that specifically?

GROGAN: He said that they were in good shape and that she was a good money manager.

FLADAGER: And did he give you an example of what he meant by her being a "good money manager"?

GROGAN: I think he did, but I don't know if I remember it right now.

FLADAGER: Do you have notes that would refresh your memory of that?

GROGAN: Yes , ma'am.

GERAGOS: Bates number? Bates number stamp?

JUDGE: Do you have a Bates number?

GERAGOS: 24071. Thanks.

FLADAGER: Did you find it, detective?

JUDGE: Bates?

GROGAN: Yes, the Bates stamp number is 24071. And I have it in notes that no extravagant purchases.

FLADAGER: Did you make a point of asking the defendant whether or not he was having an affair?

GROGAN: Yes .

FLADAGER: And what did he tell you?

GROGAN: He said he was not.

FLADAGER: Did you ask him whether Laci was having an affair?

GROGAN: Yes .

FLADAGER: And what did he say?

GROGAN: He said no.

FLADAGER: Did you ask him whether there were any suspicions of affairs on either side?

GROGAN: I did.

FLADAGER: And what did he say to that?

GROGAN: He said no.

FLADAGER: Did he talk to you about the sort of daily schedule that the two of them had?

GROGAN: Yes .

FLADAGER: And what did he tell you about that?

GROGAN: He said it was a very regimented schedule; that they ate dinner around 6:00 p.m. each night and went to bed between 9:00 and 10:00, I believe in the evening and that they woke up in the mornings around 7:00 or 8:00.

FLADAGER: Did you talk to him specifically about what he himself did on December 24th?

GROGAN: Yes .

FLADAGER: And did he give you a run-down of what he did?

GROGAN: Yes , he did.

FLADAGER: Can you give us some idea of what he said that he did that morning.

GROGAN: Would it be okay if I refer to my report?

JUDGE: Do you need to refresh your recollection?

GROGAN: Yes.

GERAGOS: Can I have the Bates number stamp when you do that.

GROGAN: (Nods head.) The page is 112.

GERAGOS: Thank you. Okay.

FLADAGER: Does that refresh your memory about what he told you he did on December 24th?

GROGAN: Yes .

FLADAGER: And what is it he said?

GROGAN: He said that Laci woke up before he did that morning. That they both ate breakfast. They watched part of the Today Show and Martha Stewart. She was making a marinade or something to that effect for French toast. And that she was mopping the floor when he left after deciding to go fishing that morning.

FLADAGER: Did he tell you what he did when he left the house?

GROGAN: Yes .

FLADAGER: And what did he say?

GROGAN: He said he went to his warehouse, which is located on Emerald Avenue in Modesto.

FLADAGER: Okay. And what did he do there?

GROGAN: If you'd like it in order, if it's all right, I'll take a look.

FLADAGER: Go ahead.

GROGAN: He told me that he when he arrived at his office he checked the e-mail on his computer and he received an e-mail about a golf bag that he was selling on E-Bay.

FLADAGER: And he said that was the computer at the warehouse?

GROGAN: Yes .

FLADAGER: The golf bag e-mail?

GROGAN: Yes .

FLADAGER: All right. Next.

GROGAN: He said he sent an e-mail to his employer and they put together a mortiser, a wood working tool.

FLADAGER: Okay. And after that.

GROGAN: I have here that he cleaned up his office, he unloaded some tools from his tool box and he left at about 11:00 a.m. for the Berkeley Marina

FLADAGER: And when he –

GROGAN: And I should say that he had attached his boat and trailer to his truck before he left for the marina

FLADAGER: And when he left to the Berkeley Marina did he tell you where it was that he went with the boat?

GROGAN: Once he arrived there?

FLADAGER: Yes.

GROGAN: Yes . He described going to an island a short distance north of the Berkeley Marina with trash around the island and he said that he had trolled, fishing, trolling on his way out there and back, I believe.

FLADAGER: The interview that you did with him went on for some time, did it not?

GROGAN: Yes .

FLADAGER: We covered some of that interview previously so I'm going to move on and ask you this question: At the end of the interview that you had with Mr. Peterson, after he described what he did that day and the circumstances surrounding his relationship with Laci, did you make any decisions as to what you needed to do next in this investigation?

GROGAN: Yes .

FLADAGER: And can you please tell the jury what decision you made.

GROGAN: Well, I decided based on what I knew so far in the investigation that I needed to try to eliminate Scott Peterson and because of that I completed a search warrant for his house, his vehicles, and the warehouse over on Emerald Avenue.

FLADAGER: And did you do that that night, Christmas night you drafted the warrant?

GROGAN: Yes , I did.

FLADAGER: And when you say based on what you know you made that decision, what specifically was it that led you to the conclusion that you needed to do the search warrant?

GROGAN: Well, that was a combination of what, after I talked to him I went and I also debriefed with some other officers and learned more information about what had happened on the 24th, but that's based on the fact that he is close to the victim. The fact that he did, he was the last person to see her. The fact he is the person that discovered that she's missing. The fact that she disappears during a time period when he is by himself and on what appears to be kind of an unusual trip for him; not anything that had happened recently or was part of his normal behavior up to that point. The first officers on –

GERAGOS: Objection, nonresponsive at that point.

JUDGE: Next question.

FLADAGER: Okay.

FLADAGER: Detective, what else did you rely on? What else did you believe that you needed to go ahead and pursue this as an investigative tool?

GROGAN: Well, we wanted to try to see if there was any physical evidence that would either establish whether he's telling us the truth or he was not telling us the truth. And we wanted to establish if he in fact had been at the Berkeley Marina or if he had been somewhere else during that time period and look to see if there is any kind of crime scene at the house.

FLADAGER: Now you were aware, were you not, that police officers had in fact walked through the house on Christmas Eve that night?

GROGAN: Yes .

FLADAGER: And to your knowledge had they reported seeing any evidence of a crime scene that jumped out at them?

GROGAN: No.

FLADAGER: Now given that information, was that any reason to you why you should not still try and determine if there were a crime scene at the house?

GROGAN: That didn't mean that there wasn't something that we hadn't found. Certainly there was no forensic tests done at the house in a brief walk-through on the night before. There were issues about a mop being out and some mop water recently thrown out. The fact that the defendant washed his clothes apparently after the fishing trip that led us to believe that possibly a cleanup had taken place at the house and we needed to try to go back there and see if that was the case or not.

FLADAGER: If there's a cleanup is there some sort of testing that can be done by some particular agency that can help determine that?

GROGAN: Well, it depends on the agency. As I learned then, the Department of Justice Crime Lab will come out and they will, they will examine along floorboards and through the house very carefully and then test specific items that they see to see whether it is blood or not. The FBI had access to a substance that the Department of Justice does not use which, and that's called Luminol, and it's a substance that you can spray and if it is blood it is supposed to fluoresce. So we decided that we wanted to call the FBI and see if they would come and assist in a search of the house.

FLADAGER: As a result of your decision to seek the search warrants, do you have any action taken that night with respect to the warehouse itself?

GROGAN: Yes .

FLADAGER: And what is that?

GROGAN: It was later in the evening I sent, I called in another detective who was home on Christmas and I sent him to the warehouse at 1027 North Emerald Avenue and I had him sit in that warehouse complex through the night and told him not to let anyone go inside.

FLADAGER: And is that called freezing the property?

GROGAN: Yes .

FLADAGER: And is that done routinely when an officer is attempting to obtain a search warrant in order to protect the scene?

GERAGOS: Objection, leading.

JUDGE: Go ahead. You can finish your question.

GROGAN: Yes.

FLADAGER: I think I did.

GROGAN: Yes, that's true, it's not unusual to secure a scene until you can obtain a search warrant.

FLADAGER: And is that to protect the scene?

GROGAN: It is.

FLADAGER: Did you do this sort of thing with the house at Covena or not?

GROGAN: I did not.

FLADAGER: Why not?

GROGAN: Because by the, by the 25th my understanding was there was a large number of people over at the house, friends and family members, and it seemed that destruction of evidence was less of an issue since officers had already walked through the house and there were a lot of people in the house currently. I didn't want to displace them overnight so we just secured the warehouse which didn't seem to affect anyone.

FLADAGER: Moving on to the next day, which was December 26th, Thursday. Well, let me just back up. On the night of the 25th, Christmas day, did you work till about midnight?

GROGAN: Yes .

FLADAGER: Were you back to work the next morning?

GROGAN: 7:00 a.m., I believe.

FLADAGER: Okay. And on the 26th, let me ask you this question, you mentioned that there were searches ongoing on Christmas day, did those searches continue on December 26th?

GROGAN: Yes .

FLADAGER: And these were searches for Laci Peterson?

GROGAN: Yes .

FLADAGER: What was the nature of those searches that were ongoing?

GROGAN: Those searches were really to the park and the information that we had received from Mr. Peterson that she had possibly walked to the park that morning, the fact that the dog came back with the leash attached, with that information there was a huge search effort going on at the park to see if we can find her there.

FLADAGER: Did it include horses?

GROGAN: Yes .

FLADAGER: Did it include K-9's?

GROGAN: Yes .

FLADAGER: Did it include officers on bicycles?

GROGAN: Yes .

FLADAGER: Did it include tactical patrol officers?

GROGAN: I believe so, yes.

FLADAGER: All right. Had a helicopter been used the night before?

GROGAN: Yes .

FLADAGER: Did you obtain a search warrant in the afternoon of December 26th?

GROGAN: Yes .

FLADAGER: Prior to serving it did you go back to the Modesto Police Department where there was a press briefing going on?

GROGAN: Yes , I did.

FLADAGER: And is that to make contact with the defendant?

GROGAN: Yes , ma'am.

FLADAGER: Why is that?

GROGAN: Well, we had spoken with him earlier when I was at the courthouse in the process of getting this search warrant reviewed and signed and the defendant had called Al Brocchini who spoke with him by phone and said that he was at the warehouse area and tried to get inside. And almost the same time officers from the warehouse were calling me to let me know that someone had come to the warehouse and tried to get inside.

FLADAGER: And that was the defendant going to the warehouse?

GROGAN: Yes .

FLADAGER: The same warehouse that you said was frozen?

GROGAN: Yes .

FLADAGER: And did it remain frozen in until the search warrant was served?

GROGAN: It did.

FLADAGER: Okay. Once you went to the police department to try to contact the defendant that afternoon, was he there?

GROGAN: No.

FLADAGER: Did you try and figure out where he went?

GROGAN: Yes .

FLADAGER: And how did you do that?

GROGAN: I spoke with Ron Grantski who was standing outside, outside the building of his main office of the building where the press briefing was taking place and he told me that Scott had already left.

FLADAGER: Did you then go to the home on Covena Avenue?

GROGAN: Yes .

FLADAGER: And was the defendant present there?

GROGAN: He was.

FLADAGER: And did he let you in the house?

GROGAN: Yes .

FLADAGER: And shortly after your arrival did Officer Ron Cloward also arrive?

GROGAN: Yes , ma'am.

FLADAGER: And was Chris Boyer from Contra Costa County Search and Rescue Sheriff's Department also with Officer Cloward?

GROGAN: Yes , he was.

FLADAGER: Were you present while Officer Boyer or Deputy Boyer was doing a missing person's report with the defendant?

GROGAN: Yes , I was seated at the table when that was taking place.

FLADAGER: As part of that interview did you ask a question of the defendant yourself?

GROGAN: Yes .

FLADAGER: And did that have to do with where Laci Peterson walked on surface streets?

GROGAN: Yes .

FLADAGER: In the neighborhood?

GROGAN: Yeah, that's correct.

FLADAGER: And how did the defendant answer that question?

GROGAN: He said he didn't know.

FLADAGER: Was the search warrant officially served about 5:00 o'clock that afternoon?

GROGAN: Yes .

FLADAGER: And were people at the house when that happened?

GROGAN: Yes .

FLADAGER: Are these people that had returned to the house after the press briefing?

GROGAN: Yes , several members of defendant's family were present.

FLADAGER: So was everyone then excluded from the house?

GROGAN: Yes .

FLADAGER: Once everyone was excluded, was there then a briefing at the police department to prepare the officers who would be serving the actual search warrant?

GROGAN: Yes , there was.

FLADAGER: Prior to that did you take, well, at some point that night, either prior to the briefing or after, were you back at that house on Covena?

GROGAN: Yes.

FLADAGER: Did you point out any particular location within the house to one of the officers?

GROGAN: Yes , Detective Rudy Skultety was, he was assigned as my crime scene manager. I met with him there and I pointed out the location in the converted garage area or living room area of the house where I had been, information had been passed to me that the defendant had been vacuuming on December 25th.

GERAGOS: Objection, motion to strike.

JUDGE: Yeah, it's non-responsive. Let's do it by question and answer.

FLADAGER: I'm sorry, I didn't hear that.

JUDGE: It's getting to be a narrative. Why don't you do it by question and answer so we don't get these objections.

FLADAGER: All right.

FLADAGER: Detective, did you direct Detective Skultety to do something specific in the house or some specific area?

GROGAN: Yes .

FLADAGER: What area was that?

GROGAN: The carpeted area in the converted garage near the sofa.

FLADAGER: And why did you ask him to do that?

GROGAN: Because of information that I had received that the defendant had been vacuuming there on December 25th.

FLADAGER: On Christmas day?

GROGAN: Yes .

FLADAGER: Did you yourself participate in the execution of the search warrant that night?

GROGAN: No, not really.

FLADAGER: Was that the responsibility of the crime scene team?

GROGAN: It was, and they were looking specifically for blood evidence and I really didn't have any business being in there.

FLADAGER: Did you work till about midnight that night?

GROGAN: Yes.

FLADAGER: And in this particular case as it's beginning to be investigated are you the lead detective?

GROGAN: Yes .

FLADAGER: Your responsibilities as lead detective are what?

GROGAN: Well, it's my responsibility to make decisions on the course of the investigation and decide what we're going to do next and what will be tested, how are resources are going to be used, that sort of thing.

FLADAGER: Parallel to this investigative track is there another track which is this search for Laci Peterson?

GROGAN: Yes .

FLADAGER: And who is in charge of that?

GROGAN: Sergeant Ron Cloward.

FLADAGER: Did you direct that search?

GROGAN: Not, not really. It fell under the umbrella of the investigation because we could provide them information that they could work from, but he was in charge of that.

FLADAGER: So is he the person then making the decisions about the deployment of horses, dogs, searches, foot patrol, that type of thing?

GROGAN: Correct.

FLADAGER: And he would then keep you updated and you would keep him updated?

GROGAN: To a certain extent. I didn't update him on the criminal investigation as far as what investigation that we had in the criminal investigation only if there was something that we could add to his list as places to be searched and that sort of thing.

FLADAGER: Okay. So the search warrant started on the night of December 26th, did it continue into the next day or did it start up again the next day, December 27th?

GROGAN: Yes , it did.

FLADAGER: And this was a search warrant of the home, correct?

GROGAN: Yes .

FLADAGER: And at some point it moved to the warehouse?

GROGAN: Yes , those were actually two, they were both going on at the same time at one point, but I believe they started at the house on the morning of the 27th and it wasn't until the afternoon that they started over, or later in the day, I should say, at the warehouse.

FLADAGER: Did you have the opportunity yourself to do a walk-through of the home on Covena Avenue during the course of the search warrant?

GROGAN: Yes .

FLADAGER: Did you make any initial observations there?

GROGAN: Yes .

FLADAGER: And what were those?

GROGAN: The house was nicely furnished, it was neat, clean, organized.

FLADAGER: And did you get an opportunity to do a walk-through of the warehouse that afternoon?

GROGAN: Yes .

FLADAGER: And what observations did you make there?

GROGAN: That it was very disorganized in the general appearance, I guess.

FLADAGER: Okay. What else did you notice about the warehouse and the shop area?

GROGAN: Well, when I walked through the warehouse, I know I spent some time in the office area looking at, looking for financial records to try to sift through what was there and find some of those. I did go out into the warehouse area or the main bay and I noticed of course the boat was out there and the flatbed trailer with the concrete debris on it.

FLADAGER: What, was there anything about the concrete debris on that flatbed trailer that made you pay attention to it and focus on it?

GROGAN: Well, it was, it was actually Detective Hendee that pointed out the rings in the debris on the trailer to me and I did see those. And I saw there was a significant mess on top of that trailer.

FLADAGER: And when you say rings, what do you mean by "rings"?

GROGAN: Circular voided areas, or they're not perfect circles, but areas that appear circular and I don't know what I would say on a measurement, but they all seemed fairly consistent and there was about a total of five of them.

FLADAGER: Detective Grogan, had you ever worked with concrete yourself or cement?

GROGAN: Yes .

FLADAGER: Have you ever made it?

GROGAN: Yes .

FLADAGER: And what you noticed on the trailer, for purposes of making a single anchor, did anything about the mess on that trailer strike you?

GERAGOS: Objection, calls for speculation. No foundation.

JUDGE: State of mind. Overruled. You can answer.

GERAGOS: How could it have been his state of mind at that point?

JUDGE: His state of mind. He's the investigating officer. What he did do as a result of his observations is reasonable enough. Go ahead.

GROGAN: Well, it seemed like a tremendous mess for making one eight-pound anchor.

FLADAGER: At some point that evening did the defendant contact you by telephone?

JUDGE: Okay. If you are going to go to another subject matter, let's take the noon recess now because it's two minutes to 12:00. All right. Ladies and gentlemen of the jury, before we move on to a new area we'll take the afternoon recess. Remember the admonition I have heretofore given you. We'll reconvene at 1:30. We'll pick up with Detective Grogan.

JUDGE: All right. This is the case of People versus Scott Peterson. Let the record show the defendant is present with counsel. This morning, the Court sealed some autopsy photographs. There are other photographs, there are some other photographs, in particular recovery of Conner Peterson's body. I'm going to seal those for the same, I'm going to admit them in evidence, seal them for the same reasons I gave this morning, to protect the privacy of the Rocha and Peterson family. It could inflame public opinion against the defendant. To protect the sensitivities of the families. I'm going to admit into evidence the 102 series, which was identified by Officer Gard, 102A through H. So they will be admitted in evidence and sealed, for the reason I have given. And also defendant's VV, as in Victor, that was identified by Martinez. So VV will also go be admitted and sealed for the same reasons. There are others too that, Marilyn is going to collect all the photographs that have been already identified, and we'll go through all of those. And the same ruling will be applicable to those photographs also. They have to be further identified for the record. So I'll give this back to you. Okay, you can bring in the jury. Ready to go, Miss Fladager?

FLADAGER: Yes.

JUDGE: That would be pursuant to 243.1 of the California Rules of Court. Miss Fladager, did you make tapes, do you want to get her attention for me, please? Do you have, are you going the play some tapes.

FLADAGER: We have two audiotapes, and transcripts are all here. We have some for media, some for the attorneys.

JUDGE: All right. Let the record show that the jury is present in the jury box along with the alternates. That the defendant is present with counsel. And, Miss Fladager, proceed.

FLADAGER: Thank you, your Honor. Detective Grogan, where we left off back on December 27th, the search warrant had been completed at the house and the shop. In the evening hours you get a phone call from the defendant?

GROGAN: Yes.

FLADAGER: And during that phone conversation with the defendant, does he ask you any questions about what you found during the course of the search warrant?

GROGAN: No.

FLADAGER: Is there any question about whether his house appeared to have been broken into?

GROGAN: No.

FLADAGER: Any question about whether there appeared to be an attack or a crime scene within the house?

GROGAN: No.

FLADAGER: So by the end of the day on December 27th, the search warrant has been completed, correct?

GROGAN: Yes.

FLADAGER: And based upon what you have learned from other officers, and what you have learned from the search warrant being served, what are some of the things that you now know and that you rely on for your next steps in your investigation?

GROGAN: Well, we do know at the warehouse there is evidence consistent with something being made with cement, and there is a mess apparently there from something being made. We know there is a boat in the warehouse that there appears to be some water in the boat that can be tested.

FLADAGER: In the bottom of the boat?

GROGAN: Yes. We know that there is some fishing tackle in the boat and a couple of fishing poles. There is no rope found in the boat to be attached to the anchor. That, initially, at least –

FLADAGER: And there is one anchor that's found?

GROGAN: One anchor.

FLADAGER: Within the boat?

GROGAN: Yes.

FLADAGER: All right.

GROGAN: Also at the house we know that small amounts of a substance that could be blood are recovered on the comforter cover in the master bedroom, and that a blue tarp is recovered in the shed on the north side of the house; and that a boat tarp is recovered in a shed on the south side of the house, with a leaf blower on top of it that appears to be leaking gas.

FLADAGER: How about patio umbrellas?

GROGAN: The patio umbrellas apparently had been moved from the back of Mr. Peterson's truck to an area that's an overhang between the north shed and the house.

FLADAGER: Now, the tarp, the boat cover, and the umbrellas that you mentioned, these were all located in various areas in the backyard?

GROGAN: Yes.

FLADAGER: And they previously have been seen where?

GROGAN: The boat cover was seen in the truck. The blue tarp and umbrellas were in the truck.

FLADAGER: All right. As a result of the search warrant, was anything else found in the back of the defendant's truck?

GROGAN: Yes.

FLADAGER: What was that?

GROGAN: Some concrete debris and a tool, I don't know what you call it. It's some sort of gardening tool with three prongs on one side and a hoe blade on the other.

FLADAGER: Was there anything unusual about the condition of that gardening tool?

GROGAN: Had some, had some cement debris on it, yes.

FLADAGER: During the course of the service of the search warrant on in the house, was clothing of, certain types of clothing of Laci Peterson being looked for?

GROGAN: Yes.

FLADAGER: And, to your knowledge, was any of that found?

GROGAN: Yes. I believe there was at least two pairs of black pants that were recovered, and that was something that we were looking for because it was part of the description for Laci Peterson on the morning of December 24th.

FLADAGER: What else?

GROGAN: We were looking for a white shirt, but we didn't find one in the first search warrant, which would have matched her description on December 24th. We were also looking for white tennis shoes. We did find some white shoes, but they were slip on. They looked like tennis shoes from the front, but they slip on from the back. They don't have a standard back that a tennis shoe would have on them. As far as clothing, that's what I recall we recovered there.

FLADAGER: Why is it that you were looking nor black pants and a white shirt, and white tennis shoes?

GROGAN: Because that was what the defendant said she was last seen wearing on December 24th when he left the home.

FLADAGER: Let's talk with jewelry for a minute. Were you looking for jewelry during the course of the search warrant as well?

GROGAN: Yes.

FLADAGER: Why?

GROGAN: Because we were also told that they was wearing certain jewelry on December 24th just before he left the home. And if I can correct one thing.

FLADAGER: Go ahead.

GROGAN: From the last, my last statement, he did not say she was wearing white tennis shoes when he last saw her. He did say that she was barefoot at the time, and that she typically wore white tennis shoes when she walked.

FLADAGER: She wore tennis shoes when she would go walk?

GROGAN: Yes.

FLADAGER: Barefoot when he left her?

GROGAN: Correct.

FLADAGER: Now, the jewelry, was jewelry located during the service of the search warrant?

GROGAN: Yes.

FLADAGER: That was photographed?

GROGAN: Yes.

FLADAGER: And items that he had described to you in your presence, were those items found within the house?

GROGAN: It appeared so.

FLADAGER: So they were not missing?

GROGAN: No.

FLADAGER: During the service of the search warrant, was Laci Peterson's purse taken?

GROGAN: Yes it was.

FLADAGER: Did you bring that with you today?

GROGAN: Yes.

FLADAGER: All right. I'd like to have this marked people's next in order, envelope and contents.

JUDGE: Okay. That's 262. Envelope and contents. And I assume that's Miss Peterson's purse.

FLADAGER: It is.

JUDGE: This is the one that was removed from the inside of the closet hanging on the peg?

FLADAGER: Correct.

GERAGOS: Did you mark as purse and contents, Judge?

JUDGE: Yes. Envelope and contents, which was Miss Peterson's purse.

FLADAGER: And wallet.

JUDGE: Recovered from inside the wallet. We'll mark the wallet 262B. Envelope and contents will be 262A. The wallet will be 262 B.

Envelope and Contents Marked as Exhibit 262A&B for identification.

JUDGE: And that was, I assume that comes from the purse?

FLADAGER: Exactly.

FLADAGER: Detective Grogan, I'm going to have you take a look at what's been marked 262A and 262B. And, just for the record, would you describe what 262A is?

GROGAN: 262A is a brown, appears to be a leather purse with a brown leather strap. And it has a pattern on it, and the letters "VL".

FLADAGER: Are you familiar with a fashion manufacturer called Louis Vuitton?

GROGAN: Only due to this case.

FLADAGER: All right. Inside the purse there is also a wallet. Would you please go ahead and open that up. And describe for the jury, if you would, the contents of the wallet.

GROGAN: Inside is a black, appears to be leather wallet. It's marked People's Exhibit 262B. And it has two zippers. Do you want me to tell you all the contents?

FLADAGER: Yes, please. In a general sense.

JUDGE: Miscellaneous papers?

GROGAN: Well, first it has an identification card for Laci Peterson. There appears to be three plastic cards. MS. FLADAGER: FLADAGER: Is the identification card a driver's license?

GROGAN: It says California Identification Card.

FLADAGER: And the plastic card, are those credit cards?

GROGAN: They are Visa cards. And one is a Pier 1 Imports card.

FLADAGER: Are there any receipts within the wallet?

GROGAN: Yes. There is a Lowes receipt and a target receipt.

FLADAGER: Okay. Now, the Lowes receipt, can you please tell us what the date is on the Lowes receipt?

GROGAN: It's date marked 12-9-02.

FLADAGER: And does that have Laci Peterson's signature on it, or the imprint from the card, her card?

GROGAN: It has her name on it. I do not see a signature.

FLADAGER: And what is the purchase that's listed on that receipt?

GROGAN: It says Ten Inch Professional, with a dollar amount before tax, $498.

FLADAGER: Are you aware of a ten-inch saw being found within the defendant's storage locker at a later search warrant?

GROGAN: Yes.

FLADAGER: And ten inch saw that had been wrapped as a Christmas present under the tree?

GROGAN: Yes.

FLADAGER: Okay. Take that back from you.

JUDGE: That's just the, was this the purse that was found identified in the closet of the residence?

GROGAN: Yes, your Honor.

JUDGE: Just wants to make sure we lay a foundation. All right.

GROGAN: Miss Fladager, before we move on, I left the jury with the wrong impression on one thing. Like to go back to that if I could.

FLADAGER: All right.

GROGAN: When we were talking about jewelry recovered from the house, there is a, there is one jewelry item described by Mr. Peterson which is screw back diamond earrings that were not recovered from the home. So when I said all the jewelry was recovered, that's not correct.

FLADAGER: Screw back diamond earrings you could not locate?

GROGAN: Yes.

FLADAGER: I have group of documents here that I'd ask be marked People's next in order. They are DMV registration forms for the boat and trailer.

JUDGE: 263A. And about there are two items, Miss Fladager? Two items?

FLADAGER: There is a whole group of documents all together.

JUDGE: Shall we mark them as a group exhibit then?

FLADAGER: Yes.

JUDGE: 263. And those are a group exhibit. DMV Documents Marked as Exhibit 263 for identification.

FLADAGER: Detective Grogan, on December 27th, were there briefings concerning the activities that were to go on for December 28th regarding the search?

GROGAN: I'm sure there was.

FLADAGER: Do you have your binder there? Would that refresh your memory regarding activity? Probably around 145 to 147.

GROGAN: Thank you.

GERAGOS: Let me ask, what Bates number stamp are you looking for?

GROGAN: That report starts at Bates number 143.

GERAGOS: 143?

GROGAN: 143. And I have multiple briefings going on that day.

FLADAGER: Okay. During the course of the briefing then late on the 27th, there is some discussion of the plans for the next day.

GROGAN: I'm referring to my report for that.

FLADAGER: I'm interested in specifically relating to the Berkeley Marina for the following day.

GROGAN: Yes, we, I requested someone to contact the U.S. Coast Guard and ask that a search of the San Francisco Bay be conducted that day. And I assigned Detective Phil Owen to follow up with them.

JUDGE: This happened on the 27th?

GROGAN: Yes.

JUDGE: That's when you determined to have the Coast Guard search The Bay?

GROGAN: Yes.

FLADAGER: The documents, are they ready. Detective, I'm going to ask you to take look, if you would, at People's Exhibit 263, which is a series of documents from the Department of Motor Vehicles. Did you have a chance to look at those a little while ago?

GROGAN: Yes.

FLADAGER: And do those documents include a release of liability form for the boat that was located in Scott Peterson's warehouse?

GROGAN: Yes. Appears that they go back in the history of that vessel quite a ways. But it shows, there is a certified printout from DMV showing that a 91 Sears vessel, which is the boat in this case, with a license number. Had a release of liability transfer date of 12-9 of 02.

FLADAGER: On December 9th of 02?

GROGAN: Transfer date, yes. The receipt date is 12-17. The buyer was the defendant Scott Peterson.

FLADAGER: And this is a release of liability form that's filled out and submitted by the owner of the boat who is selling it to the new owner; is that correct?

GROGAN: The one I'm looking at, the printout from Department, GERAGOS: Objection. That's leading.

JUDGE: I'll permit it. Overruled. Who fills it out, do you know?

GERAGOS: There's already been testimony that Bruce Peterson said he filled it out. I think what he's looking at, it appears to me at least, to be the DMV printout. So I don't know –

JUDGE: Unless he is related to the defendant –

FLADAGER: Stipulate Mr. Peterson is not related.

GERAGOS: Original owner, Bruce Peterson.

JUDGE: Bruce Peterson.

FLADAGER: Was there any indication in the DMV documents that you have in front of you, Detective Grogan, that the vehicle was ever subsequently registered by Scott Peterson with the Department of Motor Vehicles?

GROGAN: No.

FLADAGER: Thank you. So December 27th, which we just finished the search warrant, move on. Was Saturday the 28th a day off for you, detective, or were you still working this case?

GROGAN: It was a Saturday and, no, it was not a day off.

FLADAGER: Were you involved in discussions regarding canvassing the Berkeley Marina?

GROGAN: Yes.

FLADAGER: Did you take steps to try and secure getting videos from gas stations along the route between Modesto and the Berkeley Marina?

GROGAN: Yes.

FLADAGER: Why did you do that?

GROGAN: The defendant had told me that he had stopped at a Chevron gas station and filled up his truck on his way home from the Berkeley Marina. And at that point we were still trying to establish if what, his statement that he gave to us was true and if he was where he says he was on that day.

FLADAGER: Did you have an officer drive the distance from the shop to the marina?

GROGAN: Yes.

FLADAGER: And have you done that yourself, as well?

GROGAN: Yes.

FLADAGER: Approximately how many miles is it from Berkeley Marina to the defendant's warehouse?

GROGAN: It's around 80 miles.

FLADAGER: And about how long does it take to drive that?

GROGAN: A little under two hours, depending on traffic.

FLADAGER: At far as you know, were the searches, active searches for Laci Peterson ongoing, still, all the way through December 28th?

GROGAN: Yes.

FLADAGER: On Sunday, December 29th, were you also working on this case?

GROGAN: Yes.

FLADAGER: Did you take that opportunity to conduct interviews with Sharon Rocha and Ron Grantski?

GROGAN: Yes, I did.

FLADAGER: Were those rather lengthy interviews?

GROGAN: Yes.

FLADAGER: What was the purpose of those interviews?

GROGAN: Well, I wanted to get to know what Laci's habits were, what information they could give me that would help me to try to find her, and establish if they could think of any motive for anyone wanting to hurt her.

FLADAGER: During the course of this interview, did Sharon Rocha provide you with any information related to vacant homes within the area around the Covena home?

GROGAN: Yes.

FLADAGER: Did you know her to be involved in the real estate business?

GROGAN: Yes.

FLADAGER: As result of getting information on vacant homes in that area, did you do anything with that information?

GROGAN: I passed that on to the search teams that Ron Cloward was supervising. And I believe he arranged for all of those homes to be searched.

FLADAGER: In addition, was there further organization done in terms of parceling out the follow-up investigation that needed to be done from your viewpoint?

GROGAN: Yes.

FLADAGER: Was there searching going on in the waterways between Modesto and Berkeley?

GROGAN: On that particular day?

FLADAGER: The 29th.

JUDGE: 29th?

FLADAGER: Yes. Sunday, December 29th?

GROGAN: Yes, that's correct.

FLADAGER: So, at this point, four days five days after she is missing, is the search now expanding to find Laci Peterson?

GROGAN: Yes.

FLADAGER: Is your investigation expanding as well in other areas?

GROGAN: Yes.

FLADAGER: On Monday December the 30th, did you get a call from Scott Peterson?

GROGAN: Yes. I think I got two, or I talked to him twice that day.

FLADAGER: Twice on the 29th. Did you tape record each of these phone calls?

GROGAN: I actually, I talked to him three times. The first time he called me I was in squad briefing. And then I called him back later. That was a very short conversation. And then there was another conversation after that, and I recorded that as well.

FLADAGER: Okay. In the, you had an initial conversation. The one I want to talk about first is the one that occurred about 9:05 in the morning. Do you recall that conversation?

GROGAN: Yes.

FLADAGER: And the purpose of your talking to him during that phone conversation was what?

JUDGE: 9:05 a.m.

FLADAGER: 9:05 a.m.

JUDGE: A.m.

GROGAN: If you could let me switch binders. He called me initially on that day to ask for Sergeant Cloward's phone number. And I think I asked him a few questions when I gave him that information later.

FLADAGER: Your Honor, what we are working up to is playing two separate tapes. I'm going to play, one series of transcripts that go with both calls that are stapled together. We'll just play them back-to-back.

JUDGE: Okay. Have you got transcripts for everybody?

FLADAGER: I do.

JUDGE: You have got a transcript, Mr. Geragos?

GERAGOS: Yes. There is only, as I indicated at the break, couple of words out of synch. But I don't want to hold it up. As long you do the admonishment, I'm okay with that.

JUDGE: Do you want to do that now? Do you want to mark as 264, two tapes?

FLADAGER: This is December 30th at 9:05, and December 30th at 5:20 p.m.

JUDGE: We'll mark the 9:05 tape as 264A. 264B is what time?

FLADAGER: About 5:20 in the afternoon.

JUDGE: 5:20 p.m. The transcript of the 9:05 tape will be marked C.

FLADAGER: Actually, your Honor, both transcripts are stapled together. C would be the transcript for both tapes.

JUDGE: 9:05 and 5:20.

GERAGOS: We can call it 9:05. At least on my transcript it says 9:15.

FLADAGER: It's the same call, 9:15.

JUDGE: Ten minutes difference.

GERAGOS: I'm just saying that's the way the Court Exhibit copy is marked.

JUDGE: All right.

FLADAGER: All right.

JUDGE: Do you want to play it?

FLADAGER: I will in just a moment.

JUDGE: You give me one to look at?

FLADAGER: I have many.

JUDGE: I have the court copy. All right, ladies and gentlemen, we're going to pass out these transcripts. I want to remind you again that these, the best evidence of what was said is actually the tape itself. These transcripts are just a guide to help you follow what was said. If you hear something in the tape that's a little different, some word that's a little different than the transcript, feel free to apply your own interpretation and disregard the transcript version.

FLADAGER: Okay, your Honor. Before we actually play the tape, I have a few more questions.

JUDGE: Go ahead.

FLADAGER: Detective Grogan, in that first conversation that you had with him that you taped, was there specific information that you wanted to get from the defendant on the tape?

GROGAN: Yes.

FLADAGER: And what was that?

GROGAN: Well, he'd been interviewed a couple of times about the jewelry, but none of that had been taped. So I wanted to try to get what he had said, on tape, about the jewelry that she was wearing on December 24th. She being Laci.

And then I wanted to ask him a couple of questions about the boat.

FLADAGER: And after that conversation with the defendant, did you get some information related to Amber Frey?

GROGAN: Yes.

FLADAGER: So this is on December 30th, in the morning?

GROGAN: Yes.

FLADAGER: What information did you get?

GROGAN: I was told that Amber Frey had contacted the Modesto Police Department tip line on two occasions through the night, once some time after two in the morning, and then later some time after eight in the morning. And at least one of those conversations she identified herself as Scott Peterson's girlfriend. And she also said that Mr. Peterson had told her that he had lost his wife.

FLADAGER: As a result of, let me back up one thing. You were told that Amber Frey reported that the defendant said he lost his wife. Were you told the date of that conversation when Amber Frey was told the defendant had lost his wife?

GROGAN: In that initial tip I believe in there of December 9th.

FLADAGER: December 9th being the same day that we saw the boat documentation?

GROGAN: Correct.

FLADAGER: And purchase of the saw?

GROGAN: Correct.

FLADAGER: As a result of the information regarding Amber Frey, did you send detectives to Fresno to follow up?

GROGAN: Yes.

FLADAGER: After they left to go to Fresno, did you continue to get updates from various other officers working the case about other aspects of the investigation?

GROGAN: Yes.

FLADAGER: And was that an ongoing process throughout the entire course of this investigation?

GROGAN: Yes. There was, there was a lot of officers being given different assignments. And it was very common for there to be people waiting to talk to me at my desk while I was on the phone, for my cell phone to be going off. At the same time I was talking on the phone, people are waiting to talk to me. There was a lot of stuff going on for a long time.

FLADAGER: Did you have the second phone conversation with the defendant then in the early afternoon about five, 5:30?

GROGAN: Yes.

FLADAGER: Did you tape record that call as well?

GROGAN: Yes, I did.

FLADAGER: You have reviewed the tapes and the transcript for both of those calls?

GROGAN: Yes.

FLADAGER: And they appear for accurate to you?

GROGAN: Yes.

JUDGE: I want to remind everybody, don't write on these. Just listen to it.

FLADAGER: We're going to start with what's marked 264A. 264A.

JUDGE: Okay. 264A.

FLADAGER: Detective Grogan, between the time of that call and this next call we're going to play, did you find out about Amber Frey?

GROGAN: That's correct.

FLADAGER: You found out about Amber Frey?

GROGAN: That's correct.

JUDGE: Didn't know about Amber Frey in the first call?

GROGAN: No.

JUDGE: We'll admit the tapes into evidence. 264A, B and C admitted into evidence. Take the same number. Exhibit 264A,B,C Admitted in Evidence.

FLADAGER: Detective Grogan, why was it that you were Trying to get the information regarding Laci's dentist?

GROGAN: Well, it's required on the missing persons form that you supply that. So normally the first officer taking the report would fill out the dental information. And it's something that, something that you can use to try to identify people if they are later found deceased.

FLADAGER: Had you made a number of requests from the defendant for the information relating to Laci's dentist?

GROGAN: Yes.

FLADAGER: Is that the date that he finally provided it to you?

GROGAN: Yes.

FLADAGER: Recording is not real good when we listen to it. Were you recording off of a cell phone?

GROGAN: Yes.

FLADAGER: And when the defendant would call you, would he call you on the cell phone?

GROGAN: He would call me on my cell phone, yes.

FLADAGER: Did you try and get to him call you on your desk line?

GROGAN: Yes.

FLADAGER: How did you do that?

GROGAN: Well, I did, I gave him my cell phone number early on. And, but when I would leave messages for him, I would usually leave my desk line phone number. I had a recorder set up to do that. And when he was calling on the cell phone, I would have to take everything and take it apart, take it off the phone at my desk. And the we have a pretty elaborate, it's a suction cup that's sticks to the back of your cell phone, and it runs down to the recorder. That's, so I would disconnect it from the other phone, plug it in to that to try to stick it to my phone when he would call.

FLADAGER: And is that why you, some of these calls we're missing the beginning portion of the call?

GROGAN: Yes.

FLADAGER: You asked him some questions about some chicken wire. Had you seen photographs of some chicken wire that was found in the back of his truck?

GROGAN: Yes.

FLADAGER: Was there anything about that chicken wire that piqued your interest, you were trying to get some answers to?

GROGAN: It seemed odd that, first of all, that it was in the truck.

And then when he told me that he had just bought it from Home Depot, he hadn't used it yet, if you look at the photographs, it's partially unwound. And it kind of has a jagged edge, or jagged cut on the outer edge. And then there is another wire attached to it.

FLADAGER: Is it a 90 degree cut to the base of the chicken wire where it is cut, or is it at some sort of an angle?

GROGAN: It's a very jagged cut at an angle.

FLADAGER: As a result of what he told you, and what you had seen did you have follow up investigation done into chicken wire purchased at Home Depot?

GROGAN: I sent, at the time, Ron Reed out to Home Depot to try to find out how it came packaged.

FLADAGER: And have you dealt with chicken wire, yourself, before?

GROGAN: Yes, in a few occasions.

FLADAGER: And when you purchased it, has it ever come with that kind of a jagged edge?

GROGAN: Not that I have seen, no.

JUDGE: You know, we will take the afternoon recess. It's almost 3:00 o'clock. Ladies and gentlemen, we'll take the afternoon recess until 3:00 o'clock. Remember the admonition I have heretofore given you. We'll switch reporters also.

JUDGE: Okay. Let's go on the record. All right. Let the record show the defendant's present with counsel, the jury's in the jury box, along with the alternates. Go ahead, Ms. Fladager.

FLADAGER: Thank you.

FLADAGER: Detective Grogan, the inquiry you were making of the defendant with regard to his credit card, obviously you're not interested in making yourself feel –

GERAGOS: Objection, I believe "debit card"?

FLADAGER: Credit card.

JUDGE: Credit card.

GROGAN: No.

FLADAGER: And the purpose for you to try and track down that particular credit card receipt from the defendant on December 24th in the Livermore area was what?

GROGAN: To try to establish his alibi, which was that he had been at the bay on that day.

FLADAGER: Once you finished these two, this last phone conversation with the defendant on December 30th, did you get a debriefing from Detective Buehler and Detective Brocchini regarding Amber Frey?

GROGAN: Yes.

FLADAGER: And did you get any information as to whether a recording device was provided to Ms. Frey?

GROGAN: Yes.

FLADAGER: Did you get any information as to whether or not there was actually a phone conversation between the defendant and Ms. Frey while the detectives were present?

GROGAN: Yes, I was told that, yes.

FLADAGER: Moving on to December 31st, did you do some follow-up investigation or request follow-up investigation related to this case based on what happened with Amber Frey?

GROGAN: Yes, I did.

FLADAGER: And can you tell us what that was, please.

GROGAN: I asked that a, we actually asked the assistance of Kip Loving, who's a police officer with another agency, and he had some expertise in writing search warrants that included cell site information, so we asked him to come and assist us in completing that search warrant.

FLADAGER: And why is it that you, why is it that you were interested in getting cell site information for the defendant's phone?

GROGAN: Well, we wanted to find out what communications he's had with Amber Frey and doing that through phone records and to find out where he was when he was having those communications and find out his location on December 24th.

FLADAGER: In addition to cell site location were you also looking for essentially just phone record information for the defendant?

GROGAN: Yes.

FLADAGER: Did you meet with defendant's parents on December 31st?

GROGAN: Yes, I believe I did, yes, ma'am.

FLADAGER: And was the purpose of that interview similar to the interview that you had with Sharon Rocha and Ron Grantski?

GROGAN: Yes.

FLADAGER: By December 31st has the defendant personally given you or any other detective that you know of information about him being involved in a relationship with Amber Frey?

GROGAN: No.

FLADAGER: On December 31st was there a vigil that was held in Modesto for Laci Peterson?

GROGAN: Yes, a candlelight vigil.

FLADAGER: That was in late, late, early evening hours of the 31st?

GROGAN: Yes.

FLADAGER: On January 1st was that a day off for you?

GROGAN: Yes, I think it was.

FLADAGER: Your first one since this started?

GROGAN: Yes, ma'am.

FLADAGER: Moving on to January 2nd, did you get briefings regarding the phone conversations that were going on between Amber Frey and the defendant? Bates stamp 183.

GROGAN: Thank you. (Pause)

FLADAGER: Let me ask it this way, detective, at the time the recording device was attached or given to Amber Frey for her recorded phone calls, did you receive periodic updates from Detective Buehler regarding those conversations?

GROGAN: Yes, I talked to her very rarely myself, Detective Buehler talked to her mostly and he would pass on information.

FLADAGER: By January 2nd were there searches still continuing within the waterways at Stanislaus County and adjoining counties?

GROGAN: Yes.

FLADAGER: And that was looking for Laci Peterson?

GROGAN: Yes.

FLADAGER: Did you take any steps relating to financial documents of Scott Peterson?

GROGAN: Yes, I believe somewhere in this time a search warrant was also written for some of his financial records.

FLADAGER: Okay. And why is it that you were interested in his financial records?

GROGAN: I wanted to see how he had been spending his money and we could also use that to show locations where he purchased items and where he was.

FLADAGER: All right. Did you have a phone conversation with Scott Peterson on January 2nd?

GROGAN: I'm sorry, telephone conversation?

FLADAGER: Yes, telephone conversation.

GROGAN: Yes.

FLADAGER: And did you plan to release photographs to the media of his truck and his boat?

GROGAN: Yes.

FLADAGER: Was that the purpose of the phone conversation?

GROGAN: Yes.

FLADAGER: To let him know that?

GROGAN: Yes.

FLADAGER: Why were you releasing that information to the media?

GROGAN: I was trying to establish if he had been seen, if there were other witnesses that could say that they saw him at the Berkeley Marina during the time he said he was there.

FLADAGER: As a result of that information being released to the media did, was there a response from the public?

GROGAN: Yes.

FLADAGER: And were there a number of people indicating that they thought they had seen Scott Peterson or his boat and/or his truck in various locations?

GROGAN: Yes, we got calls of sightings of the truck and boat ranging from I think Mendocino County down to the Fresno area from the foothills to the coast.

FLADAGER: And as a result of these calls that came in, let me ask this, were some of these in the general route that Scott Peterson had taken to get to the Berkeley Marina?

GROGAN: Yes.

FLADAGER: With all of these calls that you received was there anything that you could do to absolutely confirm that any of them were even accurate?

GROGAN: No.

FLADAGER: Did you begin working on warrants for GPS tracker devices?

GROGAN: Yes.

FLADAGER: Did you still have in police custody the defendant's Land Rover and the truck?

GROGAN: Yes.

FLADAGER: Was there a plan to put a tracker in the Land Rover?

GROGAN: Yes, there was.

FLADAGER: And did you have a discussion with Scott Peterson about returning the Land Rover to him?

GROGAN: Yes.

FLADAGER: Was there a delay in returning the Land Rover to him for repair work?

GROGAN: Yes.

FLADAGER: What essentially was the repair work?

GROGAN: When we did the search warrants on the 26th and 27th we stored his vehicle. Detectives searched his vehicle later on and they found some stains on the headliner. They didn't know what they were for sure so they cut them out and he had some cutout sections of his headliner. And so we did have discussions as to whether or not we would replace that headliner for him because the stains were not blood or of any apparent evidentiary value.

FLADAGER: So the plan was to replace that for him?

GROGAN: Yes.

FLADAGER: Did he come to the Modesto Police Department on that day to get some keys from you?

GROGAN: Some keys?

FLADAGER: Yes.

GROGAN: Yes, ma'am.

FLADAGER: During that time did you have a conversation with him?

GROGAN: Yes.

FLADAGER: Did he make any certain comments to you about Laci?

GROGAN: Yes.

FLADAGER: Could you please tell us what it was he said.

GROGAN: Can I look at the report, make sure it's correct?

GERAGOS: What Bates number?

GROGAN: It's page number 185 is where it starts.

GERAGOS: Thank you.

JUDGE: What date was this, Detective Grogan?

GROGAN: It's January 2nd.

JUDGE: Still January 2nd?

GROGAN: Yes, sir. He told me that he wanted to have the Land Rover back as it would help in the search for Laci. And we had a discussion where he brought up the idea if Laci had been abducted so that her child could be taken from her, kidnapped for the baby, and he asked me, quote, do you think when she has the baby I'll get half my family back.

FLADAGER: That I'll get half my family back?

GROGAN: Right.

FLADAGER: Did he ask you anything else?

GROGAN: He did provide me with the, a piece of paper that had a Chevron Livermore information on it that showed he purchased $13.08 in gas, it looked like. And he also provided me with something that Russell Graybill, the mailman, had given him as to his schedule.

FLADAGER: Okay. Some documentation about the postman's route?

GROGAN: Yes.

FLADAGER: All right. In your conversation with Scott, in addition to the comment about once she has the baby will I get half my family back, did he ask you something else about he thought she passed away or died?

GROGAN: Yes, he did.

FLADAGER: And when he made, posed that question to you did you notice any physical reaction on his part?

GROGAN: Yes, he had, he had tears in his eyes.

FLADAGER: And this is on January 2nd?

GROGAN: Yes.

FLADAGER: And as far as you know there's still conversations going on between the defendant and Amber Frey?

GROGAN: Yes.

FLADAGER: At this point do you request any assistance from the Department of Justice?

GROGAN: Yes.

FLADAGER: And what is that for?

GROGAN: I think at that point we, I had officers writing a search warrant to install a tracker on the vehicle and we also asked for officers for surveillance team and Department of Justice's resources were used in that as well as Modesto Police Department's.

FLADAGER: All right. Let's move on to January 3rd. And did you become aware that some briefing regarding a burglary that had occurred in the neighborhood?

GROGAN: Yes.

FLADAGER: On or prior to that date?

GROGAN: Yes.

FLADAGER: And on January 3rd did you receive any information about that burglary being solved?

GROGAN: I believe so, yes. Yes, I talked with Detective George Stough and Sebron Banks who investigated the burglary.

FLADAGER: And the house that was burglarized, where was that in relation to the Covena home?

GROGAN: It was at 516 North Covena, across the street, and it would be east of the Peterson residence.

FLADAGER: And was the property recovered from that burglary?

GROGAN: I believe the majority of it was, yes, ma'am.

FLADAGER: And suspects arrested?

GROGAN: Yes.

FLADAGER: Did you begin to take a look at the jewelry that was retrieved during the search warrant and time to do further investigation into that?

GROGAN: Yes, I did a lot of investigation of the jewelry.

FLADAGER: And why did you do that?

GROGAN: I was trying to establish what jewelry Laci Peterson had, what she received, what potentially was missing to see if we had in fact recovered all of the jewelry or most of the jewelry that had been described by the defendant that she was wearing.

FLADAGER: Throughout the course of the next several months did you have several interviews with other family members regarding the jewelry?

GROGAN: Yes.

FLADAGER: Did you take a look at jewelry that they had that was part of this inheritance?

GROGAN: Yes.

FLADAGER: Did you show photographs to various people of the jewelry that was recovered?

GROGAN: Yes.

FLADAGER: And did you attempt to have jewelry identified by these people?

GROGAN: Yes, I did.

FLADAGER: Was that a long process?

GROGAN: Yes, it was.

FLADAGER: On that particular day, January 3rd, did you do an interview with Scott Peterson at the police department?

GROGAN: Yes.

FLADAGER: And did you attempt to audiotape and videotape that interview?

GROGAN: Yes.

FLADAGER: Were there any problems with the audiotape and videotape on that particular interview?

GROGAN: Yes.

FLADAGER: What happened?

GROGAN: We, I set up the interview to occur at the old investigative services building, which is at 1200 F Street. It's a small two-story building separate from the main police department. It did not have any videotaping capabilities inside that, in that building at all. There were some at the main building. He was coming to get the keys or to collect his Land Rover and I thought that I'd have, it would be easier to bring him back into an interview room very close to the front door there to complete an interview at that building rather than take him to the second story of the other police building behind a bunch of gates and other things to get the interview done.

So I asked Rudy Skultety, who is my crime scene manager, to try to set up a surveillance camera inside the room so it can be recorded inside this small room that we were in. And I asked him also to take just a standard cassette recorder and tape to the bottom of the table in there or something so we can record the interview there. And the videotape portion I had, that was being, I think you could watch that in one of the neighboring rooms where they were recording it and they had an agent from Department of Justice monitoring that as it was taking place, but there was no audio to that room only, only the tape had audio, the cassette tape under the table. So after we completed the interview, when the tape starts it, you can hear the first few words on it and then it just trails off to nothing. And the explanation that I was given was that the microphone that had been taped off to the side of the table requires a separate battery and that wasn't changed prior to this interview.

FLADAGER: But the interview itself was captured on videotape?

GROGAN: Yes.

FLADAGER: And did you take notes during the course of that investigation or that interview?

GROGAN: Yes.

FLADAGER: What was the point of that interview?

GROGAN: Well, what I wanted to do is I wanted to show him a faxed photograph of the defendant and Amber Frey together. And I was going, and tell him that we had received this faxed photo and ask, ask him if he could explain that.

FLADAGER: And did you do that?

GROGAN: Yes.

FLADAGER: Can you please describe for us what it was that, what his reaction was when you gave him that faxed photograph?

GROGAN: Well, he looked at it for several seconds and I think his exact quote is, is that supposed to be me or something, something to that effect.

FLADAGER: Do you want to take a look at your notes and refresh your memory.

GROGAN: Yes.

GERAGOS: Bates number stamp when you find it.

FLADAGER: Your Honor, I have a photocopy of a faxed photograph I'll have marked next in order.

JUDGE: 265.

GROGAN: Mr. Geragos, the Bates stamp number is 198, I believe.

GERAGOS: 198?

GROGAN: For the report, yes.

JUDGE: Ms. Fladager, is this a photograph of the defendant and Amber Frey?

FLADAGER: It is. I will issue a number.

CLERK: 264.

JUDGE: 265.

CLERK: What's 264?

GERAGOS: I thought you called it 265.

JUDGE: Yes.

GERAGOS: Right.

JUDGE: 264 was the tapes.

GERAGOS: Right. 264 were the tapes and the transcript, A, B and C.

CLERK: All right.

FLADAGER: All right. Detective Grogan, I'm going to ask you to take a look at what's been marked as 265 for identification. Can you tell us what that is.

GROGAN: That's a photocopy of a faxed photograph that we received at Modesto Police Department that contains the defendant and Amber Frey and has a Christmas tree in the background.

FLADAGER: I'll put that up on the document camera. What's the quality of this?

GROGAN: It's not very good, but I can tell who they are.

FLADAGER: Is that the photograph that you presented to the defendant?

GROGAN: Yes.

FLADAGER: And the exact words he said to you when he finished looking at it were?

GROGAN: He said, "Is that supposed to be me?"

FLADAGER: Did he say anything else after that?

GROGAN: Well, we talked and he said that the female did look like a girl he went to college with, but it wasn't him in the photo and he didn't think it was the girl, he didn't think it was the same girl he knew from college either.

FLADAGER: In addition to confronting him with the photograph of himself with Amber Frey, did you ask him additional questions about the anchor?

GROGAN: Yes.

FLADAGER: And can you please tell us what you asked him.

GROGAN: Well, I asked him about the, we went over some of the same things that are recorded in the 12/30 conversation. The new information was just I talked to him about where he got the idea to make the anchor. He said he rented some boats in the San Diego area in the past and

thought it would be easy to make. He told me he made it out of cement because a bag of cement is only $3 as opposed to spending 30 for an anchor from a store.

FLADAGER: Did you later confirm the price of cement at Home Depot?

GROGAN: Yes.

FLADAGER: And can you tell us what the price was for various sized bags?

GROGAN: Yes.

FLADAGER: Bates stamp 42082.

GROGAN: Okay.

FLADAGER: What did you find out?

GROGAN: That an 80-pound bag of Baselite Proline concrete mix cost $2.59 per bag. And that a 60-pound bag of this same type of concrete mix is $2.08 per bag.

FLADAGER: And then when did you do that price check?

GROGAN: August 15th of 2004.

FLADAGER: In addition to your conversation with him about the anchor, did you talk to him about TradeCorp was doing?

GROGAN: Yes.

FLADAGER: And what did he tell you about that?

GROGAN: He said it was a startup business and that they had lost about a $100,000 that year and the following year he wanted, the goal was to break even.

FLADAGER: And when you say they had lost a $100,000, that was Scott Peterson's operation lost a $100,000?

GROGAN: That's correct.

FLADAGER: Did you talk to him about his search for, search for a boat, how he found a boat?

GROGAN: Yes.

FLADAGER: And what did he tell you about that?

GROGAN: He told me that he looked up, he looked on the Internet in the Modesto Bee and that he had looked at two other boats prior to purchasing this one.

FLADAGER: Were you ever able to track down these two other boats?

GROGAN: He gave me directions on how to try to find them on residential streets, which I relayed to another detective and asked him to go search. We were able to find one of the two boats.

FLADAGER: And the time frame, were you able to determine the time frame that he looked at that boat?

GROGAN: Not the game fisher boat, but the other boat.

FLADAGER: The other boat.

GROGAN: I believe that was December, December 7th or 8th, and I would have to do some research to find out for sure.

FLADAGER: Okay. We'll come back to that.

GROGAN: All right.

FLADAGER: And did you, during this conversation that he had with you about checking in the Modesto Bee website Internet did he ever mention checking the Fresno Bee for a boat?

GROGAN: No.

FLADAGER: And did you ever find out later that in fact the Fresno Bee had also been checked on the Internet for a boat?

GROGAN: Yes, I did learn that.

FLADAGER: Did you talk to him at all about the condition of McKenzie or when it was he first noticed McKenzie with the leash on?

GROGAN: Yes.

FLADAGER: Why did you follow up with that?

GROGAN: Because when I was writing my report I was looking at my report on the incident and Detective Brocchini's and then my notes and I wasn't clear exactly what he had said on that so I tried to verify that in that statement.

FLADAGER: And what did he tell you?

GROGAN: He told me that he had come home on December 24th and found McKenzie in the yard with the leash attached.

FLADAGER: And that's prior to the defendant actually entering his house?

GROGAN: Correct.

FLADAGER: And washing his clothes and eating, etc?

GROGAN: Correct.

FLADAGER: At the end of this interview with Scott Peterson did you ask him again about any affairs or any infidelity?

GROGAN: The end of this interview?

FLADAGER: Yes.

GROGAN: Yes, certainly when I showed him those photos I told him if he was having an affair that he should tell me about it and it didn't mean that necessarily he had done anything to his wife.

FLADAGER: And his response to that?

GROGAN: He told me that he was not, that he had not, and I'm looking at my notes here.

GERAGOS: Looking at 200.

GROGAN: I'm looking at in my notes, actually, on page 24155 and both the report on page 200 and the notes say that the last time he dated anyone, aside from Laci, was prior to his marriage to her.

FLADAGER: Okay. During the course of this interview did you also ask him about the umbrellas and how they ended up being in the truck in the backyard?

GROGAN: Yes.

FLADAGER: What did he tell you about the umbrellas?

GROGAN: He told me that he had put them in the truck to take them to the warehouse and he was going to store them there and he forgot them in his truck when he went to the Berkeley Marina and then apparently he forgot to unload them again when he came back from the Berkeley Marina and was at the warehouse disconnecting the boat and, and he told me they were back at the house at that time.

FLADAGER: After your interview with him was physical evidence taken from him?

GROGAN: Yes.

FLADAGER: Can you tell us what was done?

GROGAN: Yes. A search warrant was written because we had recovered samples of what we believed to be blood at the house and from the truck and we needed to get a DNA sample from him. So after that he was taken to the hospital and a blood draw was done.

FLADAGER: All right. On January 4th, moving on, we already talked about there was some additional investigation regarding the jewelry, is that right? Or let me back up right there. On January 4th did you do interviews with Brent Rocha and Amy Rocha?

GROGAN: Yes, ma'am.

FLADAGER: And is that Laci Peterson's brother and half sister?

GROGAN: Yes.

FLADAGER: And the purpose of those interviews were what?

GROGAN: Well, we started looking into the inheritance aspect of this and if there was anyone that would have financial motive to dispose of Laci. And because there was some inheritance in this, in this family, it was possible, I needed to look at that as a possibility, so interviews were done with both of them.

FLADAGER: Okay. And the purpose of the interviews, were you looking to try and find alibis, people that could substantiate where they were on December 24th?

GROGAN: Yes.

FLADAGER: And were you able to do that?

GROGAN: Yes.

FLADAGER: As part of this investigation into a possible financial motive did you have someone take a look at the documentation related to the inheritance?

GROGAN: Yes, I spoke with the Rocha's attorney and as part of that follow-up, and I took the financial documents that I had received from Brent Rocha and I had those looked at by the city attorney's office to see if their analysis of what would happen in the event of Laci's death is the same is what I was being told by the attorney for the Rocha family and Brent.

FLADAGER: And was an analysis thereafter done on those financial documents?

GROGAN: Yes.

FLADAGER: And was what you were being told confirmed by the city auditor?

GROGAN: Yes.

FLADAGER: On January 5th, which was a Sunday, the very next day, did you go to Tulloch Lake, Bates stamp 216?

JUDGE: What lake? What lake?

FLADAGER: Sunday, January 5th.

JUDGE: No, what lake.

FLADAGER: Tulloch.

JUDGE: Lake Tulloch. Okay.

GROGAN: Yes, I did.

FLADAGER: And why were you there at Tulloch Lake?

GROGAN: There were some searches being conducted there along a bridge at Tulloch Lake.

FLADAGER: Is there a dive operation going on?

GROGAN: Yes.

FLADAGER: Was this another attempt to try to find Laci?

GROGAN: Yes.

FLADAGER: Were you advised on January, you talked earlier about the Department of Justice beginning to get involved by way of surveillance; is that right?

GROGAN: Yes.

FLADAGER: Did you receive any information on Sunday, January 5th of the whereabouts of the defendant?

GROGAN: I don't know if I received that information that day.

FLADAGER: Okay. At a subsequent time did you learn of a visit by Scott Peterson on Sunday, January 5th, to the Berkeley Marina?

GROGAN: Yes.

FLADAGER: Was that in a gray Subaru?

GROGAN: Yes.

FLADAGER: On Sunday, excuse me, Monday, January 6th, did you receive additional information about the location of Scott Peterson?

GROGAN: Yes.

FLADAGER: And on Sunday, January 6th, where was it that he was located or surveilled?

GROGAN: To the Berkeley Marin.

FLADAGER: On that occasion was he in a red Honda?

GROGAN: Yes, ma'am.

FLADAGER: On January 6th was there a decision made for Amber Frey to confront the defendant about his wife?

GROGAN: Yes.

FLADAGER: Was Detective Buehler involved in that?

GROGAN: Yes, Detective Buehler and Sharon Pagling-Hagan from the Department of Justice and myself.

FLADAGER: Why is it the decision was made to essentially let Scott Peterson know?

GERAGOS: Objection, leading.

JUDGE: No, overruled.

FLADAGER: Why was it that the decision was made to let Scott Peterson know that Amber Frey was beginning to clue in that Scott Peterson was married and had a wife that was missing?

GROGAN: Well, the reason that that was done is we had had some information that possibly not all calls that Amber Frey was making with Scott Peterson were being recorded or turned over to us and there was a possibility that she was communicating with him without telling us about it. That was someone's opinion that it was at least possible. So at that point because Ms. Frey was all the way in Fresno, we decided it would be better for her safety to end this portion of the investigation where she was communicating with him and he had no idea that she talked to the police. We thought that would give her a measure of safety.

FLADAGER: Okay. So on January 6th was, were there a series of phone calls that were made on January 6th?

GROGAN: Yes.

FLADAGER: On January 7th did you get a debriefing on what had happened during the course of those phone calls?

GROGAN: Yes, I was actually there. It started, those series of phone calls started on the evening of January 6th and they went into the early morning hours of the 7th and I was there throughout that time but not, not necessarily in the room when she was having the communications.

FLADAGER: You previously indicated that you were told back on I think it was December 30th that Ms. Frey had indicated the defendant told her that he lost his wife and he made that comment on December 9th, right?

GROGAN: Yes.

FLADAGER: During the course of this particular confrontation did you want to try and verify that statement?

GROGAN: Absolutely.

FLADAGER: Why?

GROGAN: Because it was one thing for her to say that had taken place, it's another thing to have it on tape and acknowledged by the defendant.

FLADAGER: And did that happen?

GROGAN: Yes.

FLADAGER: During the course of the confrontation of phone calls did you become aware of how the defendant referred to Conner, any particular language he used?

GROGAN: Yes.

FLADAGER: And what was that?

GROGAN: Throughout some of those communications, I think at one point he called Conner Laci's baby.

FLADAGER: As far as additional investigation that you assign out on January 7th, do you assign someone to take a look at what current life insurance policies might be in existence?

GROGAN: Yes.

FLADAGER: Why do you do that?

GROGAN: Obviously, again, looking for motive or if, if there is no, no motive to be found in that particular piece of this entire thing.

FLADAGER: All right. Had you received some information up to that point that there were some life insurance policies?

GROGAN: Yes.

FLADAGER: And did you want to confirm whether they were still in existence of a change?

GROGAN: Yes.

FLADAGER: Did you meet with Amy Rocha on January 7th?

GROGAN: I'll look for a minute.

GERAGOS: Bates stamp 234.

GROGAN: Yes, I did.

FLADAGER: During the course of that information with Amy Rocha did she provide you some information about clothing that Laci Peterson was wearing on December 23rd?

GROGAN: Yes.

FLADAGER: And was that the first time that that information had been sought?

GROGAN: It's the first time I asked her that, yes.

FLADAGER: And what did she tell you?

GROGAN: She described a maternity top that was like a cream or tan color, excuse me, black shirt with cream-colored flowers, cream-colored scarf, a black jacket and she said cream-colored stretch pants that appeared to be maternity pants and black shoes with a strap over the top with a buckle.

FLADAGER: Now as a result of that description of the clothing that Laci was wearing on the 23rd, did that cause you to decide to take to take further steps?

GROGAN: Yes.

FLADAGER: Why?

GROGAN: Well, we wanted to see if, if those clothes were still in the Peterson home or if they were missing.

FLADAGER: What would that mean?

GROGAN: Well, that, if the clothing that she was wearing on the 23rd was missing, and then maybe that would mean that she didn't disappear on the morning of the 24th.

FLADAGER: What if she was wearing on the 24th?

GERAGOS: Objection, leading.

JUDGE: Sustained.

FLADAGER: On Wednesday, January 8th were you made aware that the defendant was somewhere around the police department?

GROGAN: I believe so.

FLADAGER: Approximately page 238.

GROGAN: Yes, at about 3:55 p.m.

FLADAGER: And what was happening?

GROGAN: It was in, it was in a briefing and we were notified by the surveillance team that Mr. Peterson had driven passed the Investigative Services Building at 1200 F Street and near the police department at 600 10th Street and some of the streets surrounding it.

FLADAGER: Did he ever stop into the police department at either one of those police department buildings?

GROGAN: No.

FLADAGER: Did you look out the window and see his vehicle?

GROGAN: Yes.

FLADAGER: The prior day during one of the calls with Amber Frey, did Amber Frey make any statements about going to the police?

FLADAGER: On the prior, on the prior day did she make a statement that she was going to do that?

GROGAN: Yes.

GROGAN: Yes.

FLADAGER: She told that to Scott Peterson?

GROGAN: Yes.

FLADAGER: All right. Your Honor, we have a video, which is probably we can wind up with.

JUDGE: Okay.

FLADAGER: It's a video without the sound. We'll play the first portion, fast forward, and play the second portion.

JUDGE: Okay. This is a video of what?

FLADAGER: Pardon me?

JUDGE: This is a video of what?

FLADAGER: January 3rd, that interview.

JUDGE: The interview where the recorder didn't work?

FLADAGER: Right.

JUDGE: So all we're going to look at is his demeanor?

FLADAGER: Correct.

JUDGE: All right. This will be 266, videotape of January 3rd, 1303, video of interview with the witness.

FLADAGER: Detective Grogan, what I'm going to ask you first to do is when we start playing the tape, let the jury know when it is that you slide that photograph or fax of that Amber Frey photo in front of him so we know that's what he's looking at, and then we'll fast forward to an area where you talk about cement?

GROGAN: Okay.

FLADAGER: During the interview were you asking him about cement, are you trying to get an idea of the size of the cement bag?

GROGAN: Yes.

FLADAGER: And how does that come about, what do you do and what does he do?

GROGAN: I was asking him if it was a 60 or a 90-pound bag of concrete, which until I went to Home Depot I didn't know that 80-pound bags of concrete even existed. Normally, they came in 60 or 90-pound sizes, which is why I was asking that. So I was just trying to make a size reference as to what, how big a cement he had.

FLADAGER: Okay. And does he make a gesture in response as well?

GROGAN: Yes, I think so. (Video played)

FLADAGER: Detective Grogan, as Scott Peterson's in the room will he be in the room facing the camera?

GROGAN: Yes.

FLADAGER: And we'll be seeing basically your left side?

GROGAN: Yes.

FLADAGER: Can you please tell us when you pull out the photo.

GROGAN: Okay. I'm pulling out the photo from the back of the pad and sliding it across.

FLADAGER: Does he continue to look at that photograph?

GROGAN: It appears so, yes.

FLADAGER: All right. At this point we'll go ahead and fast forward to the section dealing with the cement and the gestures.

GROGAN: Right in there.

FLADAGER: All right. Thank you. We'll go ahead. Hold on. All right. We'll stop it there. So the gesture you made was to indicate a certain size cement bag?

GERAGOS: Objection, leading.

JUDGE: Sustained.

FLADAGER: What was the gesture made?

GROGAN: I'm asking if it was a 60-pound or 90-pound bag, how big it is and I think the only answer I got out of him was, was, it was something like that, so I don't think he said whether it was 60 or 90, necessarily.

FLADAGER: Did he tell you what he did with the bag when he was done making the anchor back on January 3rd interview?

GROGAN: Yes, I think he said that he took it, he took it home and he threw it in his trash at his residence.

FLADAGER: Thank you. Your Honor, would you like to go ahead and stop for the day or –

JUDGE: Yeah, this would be a good time. All right. Ladies and gentlemen of the jury, then you're not to discuss this case among yourselves or with any other person or form or express any opinion about this case. You're not listen to, read or watch any media reports of this trial or discuss it with any representatives of the media or their agents. Remember tomorrow morning at 9:15, okay, because I'll be having a hearing out of your presence so we'll see you at 9:15. Have a nice evening.