Witness: Henry Dodge Hendee

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Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day)

Day 3 of 4 for this witness

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

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July 15, 2004

GERAGOS: Good morning.

HENDEE: Good morning.

GERAGOS: I think we covered the all of the REMUS activity, which would have been in September and October. Yesterday. There was also, you did a, what you characterize as your eight-day operation in May; is that correct?

HENDEE: Yes, sir.

GERAGOS: Now, in that operation in May, I believe we previously marked an exhibit. I'll get to it in a second. I'll dig it out in a second. But I believe it was Bates stamp 21788, 21789. Are these the pages that reflect who was there and what they did?

HENDEE: It's an overview of the operation. It doesn't list every name that was involved in the operation, but it's an overview and lists all of the MPD personnel that were involved, and the agencies that were involved in this operation on those days.

GERAGOS: Do you want to turn to that so that I can ask you questions, and you can refresh your recollection as we go through it? Do you have it in front of you?

HENDEE: Yes, I do.

GERAGOS: Okay. Now, the, so I understand it, in May, this is obviously after the remains are found, correct?

HENDEE: Yes, sir.

GERAGOS: And you still have the same objective that you had in September and October, which was to see if you could find any evidence that was connected to this case, correct?

HENDEE: Yes, sir.

GERAGOS: Now, this eight-day operation was done in conjunction with, you put it together with who else? Cloward; is that correct?

HENDEE: No. Detective Phil Owen and I coordinated it.

GERAGOS: Phil Owen?

HENDEE: Yes.

GERAGOS: And you had the use of the Coast Guard, it looks like from the sheets that I have, on each of those operational days, correct?

HENDEE: Yes, sir.

GERAGOS: And you had it looks like San Mateo there each day as well? This is San Mateo Water Rescue Team?

HENDEE: They weren't there every day.

GERAGOS: They were there the first three?

HENDEE: They are there on the 16th, 17th, 18th. They were not there on the 19th or the 20th or the 21st.

GERAGOS: Okay. Let me take you through it if I can on each day. The 16th you go out there. At that point have you already consulted with some experts of some kind in terms of the probability of where you want to be?

HENDEE: Yes, sir.

GERAGOS: Okay. Do you know who those experts were?

HENDEE: As far as putting the high probability area together?

GERAGOS: Yes.

HENDEE: It was Mr. Cheng put that together for.

GERAGOS: Ralph Cheng?

HENDEE: Yes.

GERAGOS: Do you know who Ralph Cheng is?

HENDEE: Do I know who he is? Yes, I met with him.

GERAGOS: He was the person that was identified by the powers that be in your investigation to be the expert on the currents and the tides in the Bay, correct?

HENDEE: Yes.

GERAGOS: Now, at that point he was given the information that we went over yesterday as to where Laci and Connor were found, correct?

HENDEE: He was given that information yes.

GERAGOS: He was given the information about Brooks Island, correct?

HENDEE: Yes.

GERAGOS: He was told, I assume, I don't know this, but I would assume he knows where you had previously dived in February, correct?

HENDEE: I'm sure we gave him a vague, but I didn't even know all the places we had dove at that point prior to meeting with him.

GERAGOS: Okay. Now, when did you meet with him? If you are referring to Bates stamp, just give me the page number.

HENDEE: On May 1st, 2003. Bates stamp 21784.

GERAGOS: 21784? Now, who else was present at that meeting?

HENDEE: Detective Phil Owen, myself, FBI agent Richard Tait, Richard Chacon, Robert Chacon, FBI Agent Laura Nielson, and Doctor Ralph Cheng and his associate Hank Chezar, I believe it is.

GERAGOS: Okay. Was the purpose of that meeting to debrief him basically?

HENDEE: Well, it was to meet with the FBI agents, as we hadn't yet met with them, and to get us all on the same page. Kind of lay out what we were hoping to accomplish. Lay out for Mr.

Cheng what we were trying to get him to do that would give us a high probability area so that the FBI divers could dive on that area. That was the focus of that meeting.

GERAGOS: Now, the people that were present at the meeting, this was the May 1st meeting, correct?

HENDEE: Yes, sir.

GERAGOS: And the people, Grogan, was there, Detective Grogan, correct?

HENDEE: No, sir.

GERAGOS: You have the list up here of people who were arranged on 21783? Those are names that are mentioned in the report.

HENDEE: He was not present at this meeting.

GERAGOS: Just you and Owen?

HENDEE: Just me and Owen from the Modesto Police Department.

GERAGOS: Did you have this person DeMille there that we talked about yesterday from the Marine Sonic Recovery place?

HENDEE: No, sir.

GERAGOS: Who was there from the FBI?

HENDEE: Richard Tait, Robert Chacon, they are both divers out of New York, and FBI agent Laura Nielson, who is out of the San Francisco office. She's not a diver.

GERAGOS: Did you have people, now, Doctor Cheng is from a place called the U.S. Geological Survey; is that correct?

HENDEE: Yes, sir.

GERAGOS: And he is, his title, as far as you know, was a Senior Research Hydrologist?

HENDEE: Yes.

GERAGOS: And you had somebody, did you also have two other people there from the U.S. Geological Survey?

HENDEE: As far as I know, just one other person, that was Hank Chezar. Maybe I'm mispronouncing that, possibly. I may have misspoke. Jeff, actually, Jeff Gartner is mentioned later in the report. He was not present during that meeting.

GERAGOS: Now, you met over at Doctor Cheng's office; is that correct?

HENDEE: Yes.

GERAGOS: Over in Menlo Park? Now, when you met with, you met with the agents; is that right?

HENDEE: Yes, I did.

GERAGOS: Okay. And basically what was done was Detective Owen would lay out what the wind conditions were, what, the known facts about the recovery sites, correct?

HENDEE: Yes.

GERAGOS: Okay. Also give all the people who were present what the tide conditions were?

HENDEE: Yes.

GERAGOS: And this information was going to, basically what you had decided to do in conjunction with Detective Owen was to reopen your water operations, correct?

HENDEE: Yes.

GERAGOS: Now, the, you were looking for specifically body parts and weights, correct?

HENDEE: Yes.

GERAGOS: And it was your theory that they would be there in this area, correct?

HENDEE: Yes.

GERAGOS: Now, the, yesterday you had indicated when I'd asked you, did you give a description of the weight, you said you had only given a vague description, correct?

HENDEE: Correct.

GERAGOS: That was still the case for this meeting as well, right?

HENDEE: Correct.

GERAGOS: Now, the, basically what you asked Doctor Cheng to do, or Detective Owen asked him to do, the two of you were, give us the area that you think, based upon the information we're giving you that involves Brooks Island and the recovery sites as to whether, with the wind and the current, you would expect to find either body parts or cement weights, correct?

HENDEE: Yes.

GERAGOS: Now, how long did that meeting last?

HENDEE: Probably about two hours, I'm guessing. I don't really know. Might have been longer.

GERAGOS: After that meeting did you take the FBI agents, the dive team, that's what they were, two divers and an agent, correct?

HENDEE: Yes.

GERAGOS: Did you take them out to the location, specifically?

HENDEE: Yes, we did.

GERAGOS: And what did you show them?

HENDEE: We took them to the site where Laci was recovered, pointed out the location where the baby was found, pointed out Brooks Island, pointed out Berkeley Marina. Just basically showed them the size of the area, get familiar with it.

GERAGOS: Okay. Now, at some point, do you then get information from Doctor Cheng as to where to be looking?

HENDEE: Detective Owen did, yes.

GERAGOS: And what was that information? Tell me exactly what he said. Just, did he give you some coordinates for you to go search?

HENDEE: He gave us a possible projected path that the, that the bodies could have gone, and then a time in which, at the height of a recent storm, might have been the point where she had broken free. That was in that area, yes.

GERAGOS: Okay. Where I'm pointing right here, this little box, is that the area?

HENDEE: Yes.

GERAGOS: Okay. And that's the area that we showed yesterday was in the region I think we marked as region, just below Region 6?

HENDEE: Yes.

GERAGOS: Okay. Now, how long did it take to him come up with that calculation?

HENDEE: I honestly don't know. Probably about a week or so.

GERAGOS: Now, at some point after meeting on the first, you then meet with DeMille from the Sonic Technologies place, or at least talked to him the following day?

HENDEE: Yes. I talked to him. I didn't meet with him. I'm not sure. It's the following day. Let me check here.

GERAGOS: Friday the 2nd. I'm looking at 21785.

HENDEE: Actually, I have, I think I spoke to him on the same day. On May 5th I spoke to him over the phone.

GERAGOS: Take a look at 21785, fourth paragraph down. Did you call to talk to DeMille and he was out of the office?

HENDEE: Yes.

GERAGOS: Did you tell them what you wanted to,

HENDEE: I told him that we had received word that they might be willing to offer some assistance with this for us. I don't think he knew that we were going to be doing this operation, but,

GERAGOS: That's what I'm trying to get to. You basically had in place an operation, you had gone to talk to the hydrologist who worked for the U.S. Geological Survey, correct?

HENDEE: Yes.

GERAGOS: You had given him the known, what you believed to be the kind of theory that you had, correct?

HENDEE: Yes.

GERAGOS: Okay. And then you wanted him to basically come up with what the probabilities were based upon your theory as to where you would find evidence, correct.

HENDEE: Yes.

GERAGOS: Then based upon that, you wanted to also involve Gene Ralston, the jury, I think, has heard that name before. Gene Ralston is the gentleman who is a private citizen who was volunteering to let you use his Side-Scan Sonar, correct?

HENDEE: Yes. He was involved in the operations as well.

GERAGOS: Then you also wanted to contact Marine Technologies and this DeMille person so that he could also be involved and give a second opinion on what Ralston had found, correct? Or what Ralston had already done in terms of the side-scan images?

HENDEE: That was not the reason for contacting him at all at that point.

GERAGOS: Hadn't you previously said that they were aware, or that you were aware of that company offering to give, Sonic Technologies offering to give a second opinion on some of these the images?

HENDEE: I was under the impression they were willing at first to come and help us out in the search. When I called the company, then I spoke with, I think, the vice president who said, well, he was under the impression that they might be willing to review images for us. And that was different than what I had originally first heard.

GERAGOS: Eventually you got to the point where they were going to help you out, correct?

HENDEE: Yes.

GERAGOS: Now, the part of what they were going to help you out and do is, you hadn't told them yet, but was to get into this search operation that involved this eight days, all the multiagencies, correct?

HENDEE: Yes. But, again, we didn't have this clear vision at that point. We were trying to feel out whether it was going to work, if we could get enough people on board to do this operation. So we were still in the initial planning stages.

GERAGOS: I'm not trying to pin you down as to what the thought process was. I'm trying to find out exactly what ended up happening.

HENDEE: Yes.

GERAGOS: You went to them, you consulted with them. You had at least an idea that you wanted to go out there, based upon what you thought the evidence was, and try to construct or find evidence to support your theory, correct?

HENDEE: Yes.

GERAGOS: Now, on the, by the 16th, you had received back, 16th of May, you had received back this information from the Ralph Cheng and the other person that he had working on this; is that correct?

HENDEE: Yes, sir.

GERAGOS: And that information included this notion of the high probability area, right?

HENDEE: Yes.

GERAGOS: Did it also include an area at the wider area that you have marked off on the map?

HENDEE: No.

GERAGOS: The reason that you went to the wider area that's marked off on the map was that because of somebody else's information?

HENDEE: Well, that was more or less my doing. I figured that if we were going to be there for a whole week we're going to be there to support the dive team, why not get other people involved. Maybe this object we are looking for is not in there. Maybe we want to do as much searching around the area at the same time. As long as we're going to be there for a week, let's use as many resources as possible.

GERAGOS: Now, when you, at the point where you started this, which was on May the 16th, about a little over two weeks after you first consulted with Ralph Cheng?

HENDEE: Yes, sir.

GERAGOS: You had assembled a group of people to go out there; is that correct?

HENDEE: Yes.

GERAGOS: First day we went over some of this with Armendariz who was there. He was only there for a couple of the days; is that correct?

HENDEE: Yes.

GERAGOS: Now, the first day you took out a Coast Guard boat. You took out a boat that was identified as Marine 1, correct?

HENDEE: Yes.

GERAGOS: Marine 1 was whose boat?

HENDEE: That is the team that went out and supported the FBI dive team.

GERAGOS: So that boat specifically was focused on this high probability area, which is the little bullseye, if you will, inside of the rectangle, right?

HENDEE: Yes.

GERAGOS: And the FBI dive team consisted of the same two gentlemen, and the agent, or just the two divers?

HENDEE: No. They had, I believe, six or seven agents that came with them, total, from New York.

GERAGOS: How many of those were divers?

HENDEE: All of them were divers.

GERAGOS: So is it a fair statement that the, this is a 700 meter by 700 meter square, correct?

HENDEE: I believe that's approximately what it is.

GERAGOS: Approximately. I'm not going to pin you down. But roughly. You had some GPS coordinates, right?

HENDEE: Yes.

GERAGOS: Just as we discussed yesterday, what you do with the GPS coordinate is, you would drop, I assume from this area, the anchors that would have a buoy that was connected with them?

HENDEE: Yes.

GERAGOS: And then the divers would then see this area that they are supposed to concentrate on?

HENDEE: I don't know if each boat went out and actually plopped down the buoys on their coordinates. But they had GPS coordinates, they had sonar on their boats. They could tell when they were getting towards the corners of the grids. So I don't know if each particular boat operated in that manner by throwing out four buoys at their corners.

GERAGOS: For this specific area, though, this 700 by roughly 700 meter target area, your understanding that six or seven of these people from the FBI, the specially trained dive team who were flown in from New York, and they are put down in the water with their Marine 1 boat to do the search in that area on the 16th, correct?

HENDEE: Yes. If I could just clear, there was also another FBI dive team that had not yet been certified, and they were not divers. They were from LA. They were there to view the operation, get experience, see how it runs. The team from New York is the one that exclusively did all the diving.

GERAGOS: In the water?

HENDEE: Right.

GERAGOS: We have got six or seven divers?

HENDEE: We, they dive in pairs of two. So two will dive for a while. They will come up. Another two will go down. That's how they rotated.

GERAGOS: Then we have got another group that's on the boat itself that's observing and monitoring what's going on, from LA?

HENDEE: They are on the command center. At that point, maybe one or two might have gone out on the Marine boat just to see. It's a small boat. They couldn't fit a whole lot of guys on there.

GERAGOS: At the time they are doing that in that area, you have got the San Mateo boat doing Side-Scan Sonar in this area, this the box area?

HENDEE: Yes.

GERAGOS: Do they have a specific region that they are working on?

HENDEE: Yes they do.

GERAGOS: What was that?

HENDEE: I don't know which regions. I'd have to find the officer's report to find out which region it was.

GERAGOS: Is it fair to say you had decided that rectangle up in the same, or similar regions that you had on the map that I showed and marked yesterday for the jury?

HENDEE: Similar. What we did there was, we asked the Coast Guard to come up with this grid pattern and give us one quarter by one quarter mile grids. And so they went from left to right. They went across five grids, and then went down seven. So we had a total of 35 grids. And those are the grids that these guys concentrated on.

GERAGOS: Okay. Then you also had looks like a boat by name of Wing Stocks, S-t-o-c-k-s. And that was manned with a Side-Scan Sonar, and you were on that boat, were you not?

HENDEE: First day I was, yes.

GERAGOS: Now, on the first day, how long were you out on that boat?

HENDEE: Check and see what time we got started. I think we were out until about two.

GERAGOS: Do you remember what time you started?

HENDEE: It was early in the morning.

GERAGOS: 7:00 o'clock?

HENDEE: Yeah. Roughly seven. At the water probably seven, 7:15, somewhere in there.

GERAGOS: For the five and then two seven hours that you are out there, are you basically doing, the boat takes a specific area, just moves along back and forth dragging the Side-Scan Sonar behind you with somebody looking at the video screen or the monitor?

HENDEE: Yes.

GERAGOS: Are you taking images as you are going along?

HENDEE: Yes.

GERAGOS: As you are doing that, if you see something, do you stop?

HENDEE: He does, yeah.

GERAGOS: And then what do you do if you see something?

HENDEE: He'll mark the GPS coordinates. He'll go back take a second look, get maybe a third look. If he felt it was something worth diving on, we would call the dive team to come over, the spot divers.

GERAGOS: On the first day, besides the FBI dive team which is going in this one specific high probability area, you also had a dive team from Contra Costa County, correct?

HENDEE: We had dive team I think from Marin as well.

GERAGOS: And what they with do is, specifically, as these boats are going, you have got Wing Stocks which had sonar, you had the San Mateo boat which had sonar, you had the San Luis Obispo boat which had sonar, correct?

HENDEE: Yes.

GERAGOS: As these boats are covering the areas inside of the map, if they see anything, you have got two dive teams that can get shuttled over to their specific area, correct?

HENDEE: Yes.

GERAGOS: Then the dive teams would go down. If they locate something, they would bring it up?

HENDEE: Yes.

GERAGOS: That was basically what happened on the first day for all of the boats as far as you know, correct?

HENDEE: Yes, sir.

GERAGOS: For May 16th, and the sum total of evidence related to this case that was recovered on May 16th was nothing, correct?

HENDEE: Nothing that we felt was connected to the case.

GERAGOS: Okay. May 17th you go out again once again. Does it look like, correct me if I'm wrong. The Coast Guard boat operates as the command center for each day of this operation?

HENDEE: Yes.

GERAGOS: So it's out there in the area, basically?

HENDEE: It's a large boat. It was, it wasn't in that square. We couldn't get it that close to the square. The water was too shallow. It set off that square. And that's where it was. That's where we had our operations.

GERAGOS: Out how large of a boat was it?

HENDEE: 85 foot.

GERAGOS: Okay. And is it, you had indicated, I don't want to belabor it. But the fact is, and we have heard testimony from you and others that this area is so shallow that a boat that size cannot go in there; isn't that correct?

HENDEE: I'm,

GERAGOS: And the reason for that, if a boat goes in, even if it's high side, the boat is going to get run aground; isn't that correct?

HENDEE: I don't know in terms of high tide. But you went in there, and then the tide went out, he could, I guess, get himself stuck on the shore. So, yeah.

GERAGOS: Not going to be able to get out of there.

HENDEE: Yeah.

GERAGOS: Now, the second day you went in there, you were on the command center that day; is that correct?

HENDEE: Yes.

GERAGOS: And that's this Coast Guard boat that's outside of this rectangle?

HENDEE: Yes.

GERAGOS: Do you know specifically whether the Coast Guard boat, can you point on there where it was, or write down with a red fine-tip pen? That's on the ledge next to the judge.

HENDEE: Basically it sits the most part out here in this area somewhere with. CG for Coast Guard?

GERAGOS: CG is fine.

HENDEE: Somewhere in that area.

GERAGOS: Now, on that day, you had a boat that was called the Mann N-a-n-n 1, M-a-n-n 1, which the FBI dive team was with?

HENDEE: What day are we talking about?

GERAGOS: The 17th, the second day.

HENDEE: Second day what boat are you talking, the Mann?

GERAGOS: Mann.

HENDEE: Where do you see that?

HARRIS: Item number two, it would be Marin.

HENDEE: Marin.

GERAGOS: You had the Marin boat with the FBI dive team?

HENDEE: Yes.

GERAGOS: And then that day you were able to have four Side-Scan Sonars?

HENDEE: Yes, sir.

GERAGOS: Okay. So that's four separate boats. At that point, I guess the same three boats you had the day before, but this time you had added a boat that Ralston was on; is that right?

HENDEE: Yes, sir.

GERAGOS: Okay. And then at that point, did you do the same process once again with the assigned areas, the areas the boat would go in, have the Side-Scan Sonar; except the second day you had four of these units, as opposed to three, correct?

HENDEE: In the second day, we changed somewhat. The Contra Costa dive team wanted to dive a box themselves. So we gave them a box next to the FBI box to dive as well. So their team started doing just what the FBI was doing.

GERAGOS: Is that right adjacent,

HENDEE: To the left, I believe.

GERAGOS: Could you put a box there where they were?

JUDGE: Make "CC" for Contra Costa.

HENDEE: It will be tough.

JUDGE: Maybe you can draw a line out put a "CC" in the margin.

HENDEE: Yeah.

GERAGOS: Now, that was that roughly the same amount of time on the second day, the 17th, which was a Saturday that you were out there?

HENDEE: Yeah.

GERAGOS: Times starting roughly at seven in the morning going until the early afternoon?

HENDEE: To early afternoon the wind would pick up and they would be disruptive.

GERAGOS: And you felt that there was nothing that was recovered that was related to this case in terms of evidence, correct?

HENDEE: True.

GERAGOS: Now, the 18th was a Sunday, correct?

HENDEE: Yes.

GERAGOS: Once again, you had four boats that were equipped with Side-Scan Sonar, correct?

HENDEE: Yes.

GERAGOS: Once again you were on the Coast Guard boat in the command center, right?

HENDEE: Yeah.

GERAGOS: And Contra Costa dive team was out there again?

HENDEE: Yes.

GERAGOS: Was there a third dive team on the third day? Looks like the FBI dive team on the Marine 1. Was there also a dive team on the Marin 2?

HENDEE: That was the spot divers.

GERAGOS: What are spot divers?

HENDEE: If the Side-Scan Sonar operators found something that they wanted dove on, that team would go out and do it.

GERAGOS: Okay. And were you roughly out there for the same period of time on the third day that you were on the first two?

HENDEE: Roughly.

GERAGOS: And the same statement applies, that there was no evidence that was found, in your opinion, that related to this case?

HENDEE: Correct.

GERAGOS: Now, Monday the 19th you went out again, correct?

HENDEE: Yes, sir.

GERAGOS: Now, this time it looks like there are four dive teams; is that right? There is an FBI dive team on Marin 1?

HENDEE: Yes.

GERAGOS: There is a dive team, is that the Contra Costa dive team?

HENDEE: Yes, sir.

GERAGOS: There is also the San Francisco Police Department dive team?

HENDEE: Yes.

GERAGOS: And then are the spot divers on Marin 2 again?

HENDEE: Yes. The San Francisco dive team was actually spot divers as well. And they, I think they were part, they had their own boat. They were there to help out.

GERAGOS: So if I understand correct, on the 19th, you have the FBI dive team in the one box, the Contra Costa in the other box, and then you have two other dive teams that are in support of the four boats that have Side-Scan Sonar, three boats on that day that have Side-Scan Sonar?

HENDEE: Yes.

GERAGOS: Same conclusion in terms of the amount of time, roughly from seven in the morning until two in the afternoon?

HENDEE: Yes, sir.

GERAGOS: And same conclusion, that there was no evidence found that was related to this case?

HENDEE: Correct.

GERAGOS: Now, you go back out on Tuesday the 20th; is that correct?

HENDEE: Yup.

GERAGOS: Now, on this day the Coast Guard boat, the command center, you are on it, right?

HENDEE: Yes.

GERAGOS: You have got a portion of, this says, miscellaneous, Skultety, FBI, Brooks Island?

HENDEE: Yes.

GERAGOS: What is that?

HENDEE: While we were out there, the FBI team that was sitting on the boat, they were just sitting, really nothing to do. We decided to send them to Brooks Island to do a shore search, see if they could find anything on the shore that washed up, or whatever.

GERAGOS: Okay. And, fair statement, that they spent whatever time they did searching, and Skultety was here and testified, is a Modesto Police detective?

HENDEE: Yes, he is, sir.

GERAGOS: He went there with the FBI agents?

HENDEE: Yes.

GERAGOS: And they searched the shoreline as well?

HENDEE: Yes.

GERAGOS: They came up with no evidence related to this case?

HENDEE: Correct.

GERAGOS: While they were doing that, there was an FBI dive team on the Marin 1 boat, correct?

HENDEE: Yes, sir.

GERAGOS: There were three boats on with the Side-Scan Sonar?

HENDEE: Yes, sir.

GERAGOS: The East Bay regional police had this gentleman, DeMille, from Marine Sonics on their boat, correct?

HENDEE: Yes.

GERAGOS: Had a Side-Scan Sonar on that boat?

HENDEE: Yes, sir.

GERAGOS: In addition to that, there was a helicopter search on that same day, correct?

HENDEE: Yes, sir. Yes.

GERAGOS: And there were spot divers on Marine 2, right?

HENDEE: Yup.

GERAGOS: Now, what about the San Francisco Police Department dive team? What were they diving?

HENDEE: Same thing, spot.

GERAGOS: Spot divers?

HENDEE: Yes.

GERAGOS: How about the Contra Costa dive team?

HENDEE: Same thing, I'm sorry. They were their box.

GERAGOS: They were in the box. So at this point, the Contra Costa and the FBI have searched the high probability area for where evidence is most likely to be found for five days, and same conclusion on the fifth day that there was no evidence related to this case that was found?

HENDEE: Yes.

GERAGOS: And roughly on the 20th had the diving taken place over a period from seven in the morning until two in the afternoon?

HENDEE: Some days the wind came up so quickly that I'd have to check the individual times when people knocked off. But typically between, I'd say, twelve and two we had to knock off. Most times average about one in the afternoon. Maybe we have to knock off about then.

GERAGOS: Usually get a minimum of five and sometimes six or seven hours?

HENDEE: Possibly, yeah.

GERAGOS: Now, Wednesday, and just for clarification sake, the reason that you had divers go down in twos, and that you would rotate, is because generally the divers need a rest. Obviously go down for a certain period of time. And under the certifications, under safety rules and things of that sort, they can't be down there for a prolonged, they can't be do this for five, six hours, correct?

HENDEE: That was the way the FBI dove. Contra Costa, I believe, dove a different style. They went down and they did like a line search with more players involved. I don't know specifically. I was never actually out on the boat when they dove as a team. They put more guys in the water than two at a time.

GERAGOS: But they, in terms of the time that they were underwater, you weren't keeping them under water for five or six hours?

HENDEE: No. They come up for breaks and lunch.

GERAGOS: Exactly. The FBI sent down another team at the same time, so you continuously would be searching?

HENDEE: Yes, sir.

GERAGOS: Now, Wednesday the 21st, at that point, you had two Side-Scan Sonars, correct? And still had the FBI dive team searching their box, right?

HENDEE: Yes.

GERAGOS: You were on the command center?

HENDEE: Yes.

GERAGOS: DeMille was related or was connected, I guess, to the San Rafael boat; is that right?

HENDEE: Yes, he was.

GERAGOS: Okay. And the San Francisco Police Department dive team was acting, at least part of the time, not as spot divers, but they were joined in the same box with the Contra Costa team, right?

HENDEE: Yes, sir.

GERAGOS: So you had two sets of divers that were going over the same box that was immediately adjacent to the high probability area where one would expect evidence to be found in support of this theory, correct?

HENDEE: Yes.

GERAGOS: I guess the other boats that were there, the Richmond and Berkeley boats, were just, one of the other officers said they were just on perimeter to keep other people away?

HENDEE: Right. And we didn't talk about those in the previous days. But they were also perimeter boats at that time, because we had divers in the water. So that if any boats came up close to them, we would go over there and run them off so no one got hurt.

GERAGOS: The results, once again, on Wednesday the 21st, give or take an hour, roughly out there from seven to two. And the results of this search, even with the FBI, the Contra Costa and the SFPD in this high probability area combining those searches in that area, the sum total of evidence related to this case was nothing, correct?

HENDEE: Correct.

GERAGOS: The 22nd, which is a Thursday, you go out there again, correct?

HENDEE: Yes, sir.

GERAGOS: Now, on this day, it looks to me like there is more dive teams; is that right? Did you have more divers?

HENDEE: We had, what we did was, I think on that one, the Contra Costa divers did their box, and then a couple of them were also spot divers as well.

GERAGOS: Okay. And if I understand correct, this is the what, one, two, three, four, five, six, this is the seventh day of the operation, Thursday the 22nd?

HENDEE: I believe so, yes, sir.

GERAGOS: This is the seventh day that the FBI divers that have been imported from New York because of their special skills have been in this 700 meter by 700 meter box diving for the seventh day in a row in that high probability area that's identified by Doctor Cheng?

HENDEE: Yes.

GERAGOS: Okay. And, in addition to that, we have got three boats, that looks like you got Gene Ralston, you have got the Sans Rafael boat DeMille was on, correct? Or DeMille was connected to it?

HENDEE: Yes.

GERAGOS: And the San Mateo boat. All of those have Side-Scan Sonar, and they are still going over in same area, correct?

HENDEE: They are going over different grids within that large outer box. They are doing different grids each day.

GERAGOS: These quarter mile grids we are talking about?

HENDEE: Right.

GERAGOS: They just move, just always moving, always along as if they are a mosaic, so to speak, correct?

HENDEE: Correct.

GERAGOS: And, once again, within the, without looking at your reports, but roughly they are out there from seven in the morning until two in the afternoon?

HENDEE: Yes.

GERAGOS: And the sum total of what they find is zero, correct?

HENDEE: Correct.

GERAGOS: And the last day of the operation, which is Friday the 23rd, it says that the Marin 1 has now got a dive team, but it doesn't say FBI.

HENDEE: Correct.

GERAGOS: Is that, the FBI pretty much said that they have searched that entire area by that point in the seven days?

HENDEE: No. I believe they were only able to accomplish about maybe a quarter of it at best.

GERAGOS: And did they come up with anything?

HENDEE: No.

GERAGOS: Okay. And the dive team for the Marin 1, did they go out on that 8th day?

HENDEE: They were spot divers.

GERAGOS: Okay. Did you also have the San Francisco Police Department dive team out there?

HENDEE: Yes.

GERAGOS: And were they spot divers?

HENDEE: They were spot divers as well.

GERAGOS: You have Contra Costa dive team out there?

HENDEE: Yes.

GERAGOS: Spot divers?

HENDEE: No. They were doing their box, up until a point. And then we pulled them off. And then we had the Side-Scan Sonars go over and finish their boxes with side scan, because we were obviously running out of time in the operation.

GERAGOS: Okay. So for roughly seven, or the by the eighth day, you had divers down there for seven and eight days respectively, correct?

HENDEE: Yes.

GERAGOS: And then you found nothing in those seven days, in the first seven days, correct?

HENDEE: Correct.

GERAGOS: Okay. Related to this case?

HENDEE: Correct.

GERAGOS: You found other stuff, tea bottles. I'm not going to go through all that. You found sticks. You found pipes. Found all kind of little debris. But you didn't find anything connected with this case, right?

HENDEE: Correct.

GERAGOS: They are moved out. Then you have the Side-Scan Sonars go through those two box areas, identify the high probability areas?

HENDEE: Yes, it is.

GERAGOS: And they don't find anything, correct?

HENDEE: Correct.

GERAGOS: Now, at that point, I guess I'm, chronologically I'm moving backwards. We started off with September and October. At that point is when you make the decision, you regroup at some point. You get into the REMUS situation that we discussed yesterday, correct? Couple of months later?

HENDEE: Well, it was, I think, a couple of weeks after we finished this operation. I don't know if we were thinking in terms of restarting the operation again, or whatever. I mean we were sitting back kind of regrouping. And that's when John DeMille mentioned that he had been at a conference in New Orleans and heard of Hydroid, Inc. And they decided, he called and said this

is something you might want to look into.

GERAGOS: I'm going to mark this, as I want him to identify,

GERAGOS: Did you prepare this daily water operation?

HENDEE: Yes, I did.

GERAGOS: This two pages is a correct, some kind of an Excel spreadsheet that you put together that lists on the left the name of the boat, the equipment, the agency, and then miscellaneous notes on the right?

HENDEE: Yes, sir.

GERAGOS: Next in order.

JUDGE: I assume we're not going to use three K. You have some aversions to three K. We can put down there is no evidence marked as to three K.

GERAGOS: We have the same stipulation?

HARRIS: The name.

GERAGOS: I'll call it a daily water operation from May 16th, two pages, through May 23rd.

JUDGE: Daily water operation. Triple V. Daily Water Operation

Marked as Exhibit VVV for identification.

GERAGOS: That was the first operation, this May 16th through May 23rd, that incorporated the information that Laci and Conner had been recovered into a water search, correct?

HENDEE: Yes.

GERAGOS: Because the recovery of Laci and Conner took place on April 13th and 14th respectively, you didn't obviously do any water searches or have any kind of extra information that had been kind of downloaded to you, between the 13th and the 14th and when you started the May 16th operation, correct?

HENDEE: Yes. To my knowledge there were no searches done in between those days.

GERAGOS: What was the, prior to the 13th, which is the day Conner was discovered, what was the last search that was done in the Bay?

HENDEE: I can tell you when my last search,

GERAGOS: That's what I'm interested in. Your last search.

HENDEE: February 9th.

GERAGOS: Okay. And how many searches did you, so we have, so far we have gone over the eight that were, I assume, when you say you had done searches before, we are trying to come up with a number. You count May 16th to May 23rd as eight separate searches?

HENDEE: Yes.

GERAGOS: That you were involved in?

HENDEE: Yes.

GERAGOS: And then the Hydroid-REMUS searches, how many did you count those as?

HENDEE: I believe there were seven, I believe, or maybe seven, I think.

GERAGOS: Okay. And you were involved in all seven of those?

HENDEE: All seven days, yes.

GERAGOS: That's fifteen searches that you were involved in after Laci and Conner's remains were discovered?

HENDEE: Correct.

GERAGOS: Prior to that, how many searches, I know you have said you were not involved in any searches between February 9th and May 16th; is that right?

HENDEE: That's true.

GERAGOS: Are you aware of any searches taking place under the auspices of law enforcement either Modesto PD, San Francisco Bay, San Francisco Police, Contra Costa, any agency that was out there, that reported back to you that they had done a search between February 9th and May 16th?

HENDEE: Our department may have been doing some then. I don't know. It was just, on the 9th happened to be the date that I was available to go out and perform the function that I did on that boat. So there may have been other dives after May, or, excuse me, February 9th that I'm not aware of.

GERAGOS: Now, February 9th, what was the, this is almost two months and four days before Conner was discovered. What was, or what was the search operation on February 9th?

HENDEE: I think we talked about it yesterday. But that was the day I was on Laughlin's boat, and we went around Brooks Island.

GERAGOS: Brooks Island?

HENDEE: Yes.

GERAGOS: Once again, the area, the area that had been focused on on February 9th, prior to finding Laci and Conner, was in the Brooks Island area, and that was because that's where Scott Peterson had told you he had been, correct? Not told you, but he'd told Detective Brocchini, correct?

HENDEE: Yes.

GERAGOS: And prior to February 9th what was the previous search that you had been on?

HENDEE: It was on February 2nd.

GERAGOS: And who was that with?

HENDEE: That was with Sergeant Cloward and the San Mateo boat.

GERAGOS: And what area did you search on February 2nd?

HENDEE: That was the two tracks that we talked about, going up from Cesar Chavez, then we went over to,

GERAGOS: Ones we drew yesterday that were up there?

HENDEE: Yes.

GERAGOS: Okay. So your best memory, as you sit here today, is that the searches that you were involved in were the second when you, with the tracks that we talked about yesterday, correct?

HENDEE: Yes.

GERAGOS: The 9th when you were going around this area of Brooks Island, correct?

HENDEE: Yes.

GERAGOS: Then the fifteen some odd searches that were done in the high probability area, correct?

HENDEE: Yes. I was also on the water during the recovery, REMUS recovery operation too. There was some additional days we didn't talk about. But, yeah.

GERAGOS: Now, the second, on the second, we talked about it yesterday, there was a sonar search that was going on of the Bay as well, correct.

HENDEE: February 2nd.

GERAGOS: On February 2nd that was the, that's the one that you talked about with Cloward, correct?

HENDEE: Yes, sir.

GERAGOS: And that was the one that you had done in conjunction with the San Mateo unit?

HENDEE: Yes, sir.

GERAGOS: The one you drew the box there, right?

HENDEE: Yes, sir.

GERAGOS: And the, as far as you know, was there any other search prior to the second by Modesto PD in the Bay Area with Side-Scan Sonar that you were involved?

HENDEE: That I was involved in before the second, no.

GERAGOS: Before the second?

HENDEE: I know there were searches going on, but I was not involved in it?

GERAGOS: Okay. Now, the, there was also helicopter searches that were being done; isn't that correct?

HENDEE: Yes, sir.

GERAGOS: And you were involved in the helicopter search, right? At least on May 6th you were; isn't that correct?

HENDEE: That was prior to in operation starting, I had taken a helicopter ride, yes.

GERAGOS: And was that over this same area in the boxed square, the rectangular area?

HENDEE: That was the aerial flight, mostly kind of over the shoreline looking for any possible remains, and kind of familiarize ourselves with the area. Extremely low tide day. That's where we went to see if there was anything we could see in shallow water from the air.

GERAGOS: Okay. There was another, well, I'll get into that with Doctor Cheng. Have we covered all of the searches that you were involved in of the bay? The 2nd, the 9th, the eight-day operation beginning on May 16th, and then the multiday, seven-day operation that was in September, went over, wasn't seven days in a row, but covered seven days in September and October? Then I think April you said you were back out there again, of this year?

HENDEE: Right. There was, just so we're clear, there was two days in February, there was the eight-day operation in May, there was the seven-day operation in July. And then there was several days during the recovery in September, October, I believe it was September 11th we started. So it was in, there was some days in there as well. So that's all of my participation.

GERAGOS: And just so that the record is clear, we talked yesterday about the REMUS mapping the bay, and there being 200 some odd, roughly, targets out there 221 or 222 targets. And you recovered a number of targets and/or items of interest. You would photograph them. Some, clearly, just when you pulled them up, you realized they weren't of any interest. You didn't even document; is that correct?

HENDEE: Well, I believe I documented everything I pulled up on our boat. But everything that came up that was an object I believe the guys,

GERAGOS: You found a dead fish, or a trap, or a mud pile, you didn't bring it up, correct?

HENDEE: We bring up just, as far as I know, they brought up everything that was, that they could actually get to the surface.

GERAGOS: Now, that 221 objects that had been identified as targets of interest, that was a smaller group from what the original number of objects was that was identified; isn't that correct?

HENDEE: That was a filtered target number.

GERAGOS: Okay. And on the documents I marked yesterday, it says that filtered target. What does that mean when you say filtered targets?

HENDEE: That is Eric Gifford going through the 3,800 and some odd scanned files looking for things to look at, things to look at, things that show up on the screen. He came up with 800. And those, after further review, studying the size, studying the appearance of these objects, he narrowed the prospective targets defendants, based on what we were looking for, down to 223.

GERAGOS: So the there were ten times as many, fifteen times as many objects that were down there. When reviewing the images the objects were determined not to be of any interest, or wouldn't be, what the target was?

HENDEE: Well, some I think he could determine were fish. So that wiped out some, I'm sure. Other things, based on the size, he figured, well, it's not what you are looking for, so he could filter them on down.

GERAGOS: And have I covered all of the searches that you were involved in?

HENDEE: I think so.

GERAGOS: Okay. And you haven't been out to the Bay since April of this year; is that correct?

HENDEE: That's correct.

GERAGOS: Now, the first involvement that you had with this case was going to be, am I correct, one of the, going to the house on the 26th?

HENDEE: Yes, sir.

GERAGOS: Now, when you went to the house on the 26th, were you, had you been briefed prior to that?

HENDEE: Yes, sir.

GERAGOS: And you got there, let's see. You got a call at, what, about 4:30?

HENDEE: Yes, sir.

GERAGOS: And that was from Sergeant Thomas?

HENDEE: Yes.

GERAGOS: Okay. They advised you that you were going to be, what, the team, or scene manager?

HENDEE: Well, they advised me during the briefing that I would be the Search Warrant Team Leader for the warehouse, whenever we got to it.

GERAGOS: Okay. You went through the house and started with the nursery; is that correct?

HENDEE: Yes, sir.

GERAGOS: And in the nursery, by the way, you had indicated that you had put on, or that you would not want to introduce any foreign objects into the house, correct? Foreign trace evidence into the house?

HENDEE: That was Detective Skultety requested we put on those items. That would be the headgear and the boots, booties, and the gloves.

GERAGOS: Okay. And did you do that?

HENDEE: Yes.

GERAGOS: Then went in and you were assigned to the nursery area?

HENDEE: Yes.

GERAGOS: Okay. Now, when you were in the nursery area, I think the way you described it is, you started with the ceiling, then you would work your way down the walls; is that correct?

HENDEE: I believe that's probably that's the way I worked it, yes.

GERAGOS: And throughout that area, you had indicated that you had looked at various items, seen various items. And I think, let me show you some pictures. Did you take the pictures, or was somebody there taking the pictures when you did it?

HENDEE: Somebody else took pictures.

GERAGOS: Take a look at those and tell me if those look like they were taken at the time that you went through there. I guess that's not the nursery. I'll fold this one up, pull this one out. These are all of the nursery?

HENDEE: Yes.

GERAGOS: Now, yesterday you were asked about, I'm going to mark these if I can.

JUDGE: How many you got?

GERAGOS: I believe it's five.

JUDGE: WWW 1 through 5.

GERAGOS: Now the photos, as I, think unlike the ones that we were looking at yesterday, this gives you a better, kind of a panoramic of the room, doesn't it? You can see, yesterday you were shown that bag that I couldn't quite see where the bag was. This gives you a much better view of it, doesn't it?

HENDEE: Yes.

GERAGOS: Okay. As you enter, see if I can get these in order before I show them to the jury. As you are, this is the first one entering the room, right?

HENDEE: Yes.

GERAGOS: And this would be, I guess, stepping in, looking to the right?

HENDEE: Which one?

GERAGOS: This one.

HENDEE: Yeah.

GERAGOS: Okay. Actually if we do them in order, kind of get them in order here. Looking around the room.

JUDGE: Mr. Geragos, why don't you let her mark them before so we don't get all mixed up.

GERAGOS: The first one we are looking at, WWW-5, that's as you are looking inside of the nursery, correct?

HENDEE: Yes.

GERAGOS: Okay. And the dresser here, obviously the crib here, right?

HENDEE: Yes, sir.

GERAGOS: Then as you are going into the nursery, kind of stepping inside of the room looking to your right; is that correct?

HENDEE: Yes, sir.

GERAGOS: This would be a kind of a full view of that side of the wall to your right?

HENDEE: Yes.

GERAGOS: You turn to your left. That's this view right here.

HENDEE: Yes, sir.

GERAGOS: Okay. And then if you turn around and look out towards the door, that's this view, right?

HENDEE: Yes, sir.

GERAGOS: Now, yesterday when we were talking about that bag, that's the white bag with the black pants; is that correct?

HENDEE: Yes.

GERAGOS: Now, the, you had noted in your report, I think, that you found no forensic evidence in that room; is that right?

HENDEE: Yes, sir.

GERAGOS: Now, the bag itself with the black pants that you were asked about yesterday, are these items right there, are those the black pants that you are talking about?

HENDEE: Yes, they appear to be.

GERAGOS: And do you have a, did you write a report in connection with those black pants?

HENDEE: Yes.

GERAGOS: What page is that?

HENDEE: That would be Page 1 of 8, or Bates number 2211.

GERAGOS: And how did you describe those pants?

HENDEE: Two pairs of black maternity stretch pants that appeared to be clean and possibly unused.

GERAGOS: What did you mean by possibly unused?

HENDEE: To me they didn't look like they had been worn.

GERAGOS: They looked new?

HENDEE: Yeah.

GERAGOS: Okay. What size were they?

HENDEE: I don't know, sir.

GERAGOS: Are they mediums, do you know?

HENDEE: I don't know.

GERAGOS: They, to you, when looking at them, did it look like somebody had purchased them and they were placed in that bag? I mean did they, you had made the notation, based upon looking at them, that they looked unused, right?

HENDEE: Right.

GERAGOS: What I'm trying get at is, when you said possibly never been worn did, it look like they were brand new maternity pants?

HENDEE: That was my opinion, yeah.

GERAGOS: Okay. Didn't look like they were maternity pants that had been worn on the 24th or the 23rd and then stuffed back into the bag, did they?

HENDEE: That's correct.

GERAGOS: Okay. Now, the, did you take those into evidence on that day?

HENDEE: I believe Detective Skultety, Detective Skultety was the collector. I don't know if he took them in on that day or the next day.

GERAGOS: Okay.

JUDGE: Before we leave the nursery, do those accurately represent the scene as it appeared that day?

GERAGOS: I assumed we were going to bring Ducot in that. I can do it through you.

GERAGOS: Were these pictures taken by officer Ducot, best of your recollection?

HENDEE: I don't know.

GERAGOS: Do you know who took them?

HENDEE: I'm not sure who took them. But that's an accurate representation.

JUDGE: That looks like when you were there?

HENDEE: Yes. And I know the pants were collected on the next day, the 27th.

GERAGOS: They were specifically an item that you were looking for; isn't that correct?

HENDEE: Yes.

GERAGOS: And when I say you, the search warrant listed a whole itemized number of potential evidence items to go in and search for, correct?

HENDEE: Correct.

GERAGOS: The black pants were some of those, one of those items; isn't that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, the, you also got a canvas bag; is that correct? Was the canvas bag in this room?

HENDEE: Yes.

GERAGOS: Was that the one that was against the, is that the canvas bag?

HENDEE: No.

GERAGOS: Right there?

HENDEE: No. I was referring to one in the closet.

GERAGOS: Okay. You don't have any, none of these pictures show the canvas bag; is that correct?

HENDEE: That is correct.

GERAGOS: Now, in addition to that, you found a sonogram; is that right?

HENDEE: There was one in the room, yes, sir.

GERAGOS: Okay. And that was of, apparently of baby Conner?

HENDEE: Presumably.

GERAGOS: And it was on the dresser; is that correct?

HENDEE: It was collected from the dresser.

GERAGOS: Now, there were various, you were involved, I guess, also in collecting various, what you thought were suspected blood samples, correct?

HENDEE: They were potential bloodstains. You talking about in the house?

GERAGOS: When you saw them, you thought that they could be, correct?

JUDGE: I think he's confused where the location was, Mr. Geragos.

GERAGOS: Where were you?

HENDEE: Are you talking about in the family room?

GERAGOS: You know in the nursery, you said there was no forensic evidence.

HENDEE: Correct.

GERAGOS: And the only thing that you took out of there was the canvas bag in the closet?

HENDEE: We didn't take it, I don't think.

GERAGOS: Okay. Then you just took the one bag that had the unused black maternity pants?

HENDEE: I don't know if they, even know if they took the bag. They took the pants.

GERAGOS: Then you go out, and you are looking for other forensic evidence; is that correct?

HENDEE: Yes. Detective Skultety asked me to look at some stains on a wall.

GERAGOS: Okay. And you took stains off the wall; isn't that correct?

HENDEE: I collected samples, yes.

GERAGOS: And how many samples did you collect, total?

HENDEE: I think there were ten.

GERAGOS: And you did presumptive tests on those; isn't that correct?

HENDEE: On two samples, yes.

GERAGOS: Now, do you have the, see if we got the house. Where did you collect these samples from? If you could point to the jury and use a pen and show them.

HENDEE: I'll just point. Right in this area on, this is a water heater closet. And on the door in this area were one or two stains. Most of them were on the door.

GERAGOS: Okay. And were you concentrating on that area because you had received information that Scott Peterson was vacuuming or cleaning somewhere near the washer-dryer, and there was the white rags or towels that were found on top of the washer-dryer, correct?

HENDEE: I wasn't concentrating on that area at all.

GERAGOS: You were directed to go over there, correct?

HENDEE: Just for that one purpose.

GERAGOS: For the purpose of collecting samples, right?

HENDEE: Correct.

GERAGOS: And the samples were from the area that is near the washer and the dryer area; is that correct?

HENDEE: Yes.

GERAGOS: You presumptively tested those samples, correct.

HENDEE: Yes.

GERAGOS: You had mentioned, I think, on direct testimony that you used a particular kind of test. Is that the McPhail test?

HENDEE: Yes.

GERAGOS: The McPhail test is a portable blood testing or blood screening device, correct?

HENDEE: Yes, sir.

GERAGOS: And in order to, can you tell the jury how you test using the McPhail blood, presumptive blood test?

HENDEE: What you do is, you take the sterile cotton swab tip applicator. You put a drop of distilled water on it. You rub it against the stain. You collect the stain. Then you take the stick, and you put it inside this plastic tube, and you break off the tip so you can completely enclose it in the tube. And you break, there is two vials of liquid substance on each end of the glass tube, like plastic tube. And you break one, and then you break the other. You shake it up. You will get a slight blue tint in the liquid. But that's not what you are looking for. You are looking for a dark, rich, blue stain on the cotton swab applicator. If you get that, that's a positive indication for blood.

GERAGOS: And what you saw, or what was pointed out to you by Skultety, one other detective, saw something that looked like it could be forensic evidence, and Skultety directs you to go over there?

HENDEE: Yes.

GERAGOS: You go over there, you pull out your McPhail Reagent blood, presumptive blood test, and you take two of the spots and test them, correct?

HENDEE: Yes.

GERAGOS: On those two spots you labeled as 24-F and 24-L; is that right?

HENDEE: Yes.

GERAGOS: Okay on 24-F, was that taken off of that water heater door area?

HENDEE: Yes, it was.

GERAGOS: You took out your sample, you applied it. What was the result?

HENDEE: It was negative.

GERAGOS: Which means no,

HENDEE: No presumption of blood.

GERAGOS: And, by the way, as you understand it, this test can identify or be a positive preliminary for blood, and then later on you can screen it. So it may not be blood; isn't that correct?

HENDEE: I believe that's true, yes.

GERAGOS: Kind of a more general, or a more wide-ranging error, or sign of caution, so to speak, correct?

HENDEE: Yes.

GERAGOS: You tested this area, it came back negative, correct?

HENDEE: Correct.

GERAGOS: It looked like there was some samples off the garage and family room door frame; is that right?

HENDEE: Yes.

GERAGOS: Okay. And that's the doorjamb?

HENDEE: Yes, sir.

GERAGOS: That's different from this water heater door, isn't it?

HENDEE: Yes.

GERAGOS: Can you mark where the water heater door was, where the blood sample that you took, and then just put a minus sign for negative?

JUDGE: Well, first of all, got your red pen there? Let's mark the water heater door, put it with an X and draw a line out into the margin. We're going to overlap. Just drawn it out, farther out. All the way out.

GERAGOS: I think he means out into this area here, right?

JUDGE: Yes. Put it out there. You can put minus test, or something, minus test.

GERAGOS: Okay.

HENDEE: Do you want the other door marked?

GERAGOS: So looking as you are there, can you now mark in, there were two areas right there. It looks like 24-B through I were all samples from the water heater door; is that right? I'm at 2212 of the Bates stamp.

HENDEE: Yes.

GERAGOS: With the exception of F, which is the test itself, which is negative. The others are all samples that you took in the area of the water heater door, right?

HENDEE: Yes. 24-M was a control sample.

GERAGOS: Right. Now, 24-J, 24-K, and 24-L were in a separate area, right?

HENDEE: Yes.

GERAGOS: Okay. And that's what I want you to mark now as to where that was. Now, you have marked kind of a fork there. Is that because that's a door, and that's the doorjamb, it was on both sides.

HENDEE: There was samples from both sides.

GERAGOS: You took samples from both sides, correct?

HENDEE: Yes.

GERAGOS: Okay. And then would you mark what it was over in the margin, if you could. Call that just a DF, door frame, or something like that, or doorjamb? Okay. Then you took a sample and you tested it, correct?

HENDEE: Yes.

GERAGOS: You used this same McPhail Reagent blood test kit?

HENDEE: Yes.

GERAGOS: And the result was?

HENDEE: Negative.

GERAGOS: Negative. You just put a minus there as well? Now, when you went over to execute the search warrant at the warehouse, there were some pictures that Mr. Harris was showing you yesterday, as I remember, when you are walking in. What's been marked here as this man door, was that the first picture that we were shown yesterday.

JUDGE: Are you referring to number 55?

GERAGOS: Right.

GERAGOS: Does that accurately represent, 55, what the warehouse looks like, the schematic?

HENDEE: Yes.

GERAGOS: When you walked in, you said you thought that you saw some, there was a white paper on the floor in the picture. Do you remember that?

HENDEE: Yes.

GERAGOS: You put that down because you thought you had seen some blood on the floor or on the doorjambs?

HENDEE: On the door. Not necessarily on the floor. Didn't find any.

GERAGOS: Did you collect those?

HENDEE: Yes.

GERAGOS: Did you do a presumptive bloodstain or blood test on that?

HENDEE: Yes.

GERAGOS: Okay. That would have been, that was yesterday where the judge was kidding you about the knocking and waiting for 20 minutes. You waited for 20 seconds, correct?

HENDEE: Yes.

GERAGOS: You went inside, you observed the lights were off, right?

HENDEE: Yes.

GERAGOS: Okay. The first thing you noticed was a suspicious stain on interior side of the walk-in door, correct?

HENDEE: Yes.

GERAGOS: And you characterized this, as you thought this stain, looked like several bloodstains, some of which had run downward toward the ground; is that right?

HENDEE: Yes.

GERAGOS: These stains were presumptively tested; is that right?

HENDEE: Yes.

GERAGOS: Now, I don't know that I have, I think we stopped it in the video. I'm not going to go put that back in. But when you say they looked like they were running down the door, are we talking the doorjamb?

HENDEE: No. On the door. Just gravity pulling the drops down.

GERAGOS: What you thought when you walked in there, you thought, I won't say, "aha". I'll say there was, there is evidence, and it's dripping down gravity, and looks like blood. And so you took out your McPhail Reagent test out and tested it, and,

HENDEE: Negative.

GERAGOS: Negative? Write that down there as to where it was, and put out on the door. Now, you wrote in your report because of the gravity of the situation, you took blood samples anyway,

right?

HENDEE: Yes, sir.

GERAGOS: And that was even though the presumptive blood test was negative?

HENDEE: Yes.

GERAGOS: Okay. And that tested negative?

HENDEE: Negative.

GERAGOS: Now, when you walked in, you then went into some numbering of evidence; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. And you did, did you find any other stains that you thought were actually, when you first went in, were you the first person in there?

HENDEE: Yes, sir.

GERAGOS: At some point did dogs go in there?

HENDEE: Yes.

GERAGOS: Was that before the search actually took place?

HENDEE: It was after the videotaping and photographing. The dogs went in before the searching, yes.

GERAGOS: So the videotaping we saw yesterday, who was doing that?

HENDEE: Joy Smith. Identification Technician Joy Smith.

GERAGOS: Okay. And Joy Smith is doing the videotaping. And that's with you walking along, I guess?

HENDEE: No. I was out.

GERAGOS: You were out. So you just sent her in, and said videotape this so, we can preserve the way it looks when we come in?

HENDEE: Right.

GERAGOS: Now, then, who was the photographer? Was that Ducot?

HENDEE: Yes.

GERAGOS: You sent in Denise Ducot. You sent in Miss Ducot to take photos of the scene also before anybody has done anything?

HENDEE: Right.

GERAGOS: Did they take any photos of the trailer, you know, the trailer where you say that you see you, know, less or more of cement in various patterns? Your personal Rorschach test. Do you know that one?

HENDEE: Yes.

GERAGOS: Do you have any photos without your placards?

HENDEE: I believe there are some.

GERAGOS: Have you ever seen those?

HENDEE: Yes.

GERAGOS: Okay. Do you have them with you?

HENDEE: Some, I believe. I don't have all the photographs here, but,

GERAGOS: Now, these photos don't show the entire area without the placards, do they? I'm showing you this.

HENDEE: No.

GERAGOS: We don't have, I mean is it a fair statement that we don't have, if you close this for one second, I'll turn to the area where you have got the placards. Right? We don't have a photo that shows that whole area without placards, do we?

HENDEE: Well, not, doesn't happen to be in my binder.

GERAGOS: I have never seen it. I'm just asking you if you have seen one that shows the whole area. I have looked through all the photos. Do you have a memory of any photo that shows that entire area without placards?

HENDEE: The entire trailer?

GERAGOS: Yeah. Like what you have, the entire area where you say, you say,

HENDEE: I don't.

GERAGOS: Okay. You don't?

HENDEE: I don't have a specific recollection of that.

GERAGOS: I'm going to mark these as next in order, if I can, as a group, I guess.

JUDGE: Triple X-1, 2, and 3.

GERAGOS: These are all,

GERAGOS: These are photos of the top of the trailer prior to placards being on them?

HENDEE: Yes.

GERAGOS: This is a view that we have looked at yesterday, which is the end of this trailer; is that correct?

HENDEE: Yes.

GERAGOS: So it would be this area right here?

HENDEE: Yup.

GERAGOS: Okay. And then this is a view like a little farther down, but not far not far enough down, to get kind of that whole view, right? Somewhere, maybe right where my finger is in the sixteen foot four mark, looking down?

HENDEE: Yes.

GERAGOS: And then this view here is the sledge hammer and the plastic pitcher which is about what halfway through in the trailer? And then here, you can see the sledge hammer, plastic pitcher, dust shovel, right?

HENDEE: Yes, sir.

GERAGOS: Now, are any of those areas the areas that you claim are, or that you marked with the placard?

HENDEE: Yes.

GERAGOS: Okay. This area right here, does that look like a circle to you? Last time I looked, I got a sixth-grader. He's taking, MR. DAVID HARRIS: Objection. Argumentative.

GERAGOS: Looks like a triangle to me looking here on these.

JUDGE: Just ask the question.

GERAGOS: That's a right angle?

HENDEE: You look carefully,

GERAGOS: I don't care how you look. I'm looking,

HARRIS: Objection. Argumentative.

GERAGOS: Looks like a right angle?

HENDEE: I need to finish the answer.

GERAGOS: But look carefully and subsequent?

HENDEE: If you look,

HARRIS: Objection. Argumentative.

JUDGE: Argumentative. The jury can see it. They are sitting right there, they can draw their own conclusions whether it's a triangle or a circle.

GERAGOS: Right. I'm just going to ask. This is one of those so-called circles right here, right?

HARRIS: Objection, argumentative.

GERAGOS: Is this one,

JUDGE: Sustained. Is that an area that you are identifying, wait, Mr. Geragos.

GERAGOS: I'm sorry.

JUDGE: Is that one circle you had identified, that is one of the spots that you identified as a circle?

HENDEE: If you look in the lower left hand corner of that triangle, there is a circular pattern there.

GERAGOS: This one right here?

HENDEE: Yes, sir.

GERAGOS: How about that right there, is that a circular pattern there?

HENDEE: I can't tell.

GERAGOS: Is that a circular pattern there? How about that, is that one? How about over there, is that a circular pattern?

JUDGE: That's six questions.

GERAGOS: I just, those are all circles as you,

JUDGE: Sustained.

GERAGOS: Circular patterns.

JUDGE: I said sustained.

GERAGOS: Circular?

JUDGE: Sustained. Sustained.

GERAGOS: Did you ever go out to the fields where they have those circular patterns in them?

HARRIS: Objection. Argumentative.

HENDEE: Which fields?

GERAGOS: Now, the, did you find any more areas where you thought there were bloodstains?

HENDEE: In the,

GERAGOS: Warehouse.

HENDEE: No.

GERAGOS: When you went to the warehouse, by the way, let me take you back to the house for a second. How long were you at the house, total?

HENDEE: We finished at 2240 hours on the first day.

GERAGOS: And that's 10:40?

HENDEE: Yes, 10:40 p.m.

GERAGOS: 10:40. And did you, in terms of the collection of evidence, I went through the various areas here. Did you collect any other stains besides these that were right here that tested negatively for blood?

JUDGE: You are indicating, for the record,

GERAGOS: On People's 38.

JUDGE: You are indicating the water heater door.

GERAGOS: Water heater door, what we have called, I guess, the garage, family room door?

HENDEE: And you talking about on the 27th?

GERAGOS: Yes.

HENDEE: No.

GERAGOS: The 26th or the 27th. My understanding was, when you were talking with Mr. Harris yesterday, that when you went through this on the 26th, you were collecting forensic evidence; is that right?

HENDEE: Looking for it, yes.

GERAGOS: Was all of the forensic evidence collection done on the 26th?

HENDEE: Well, as far as I was concerned, the rooms that I had done, we didn't find any on the 26th.

GERAGOS: Do you know if, on the 27th, there was more forensic evidence collected?

HENDEE: I don't know.

GERAGOS: Do you know where, what, or what other rooms, or what other areas have been identified as having forensic evidence?

HENDEE: I'm not sure. You mean, you are talking about hairs? What are you exactly,

GERAGOS: You were looking for, you said, on the 26th?

HENDEE: Right.

GERAGOS: You were there to look for forensic evidence, right?

HENDEE: Yes.

GERAGOS: Forensic evidence you, substance you understand to be hairs, right?

HENDEE: Correct.

GERAGOS: You understand that to be blood?

HENDEE: Yes.

GERAGOS: Bodily fluids?

HENDEE: Yes.

GERAGOS: Tissues, any of those things; is that correct?

HENDEE: Correct.

GERAGOS: You were taking items into, at least the pants that we showed on there that were in the bag, those were collected, right?

HENDEE: Yes.

GERAGOS: Okay. You were, you saw people vacuuming up various areas that would have potentially trace evidence, correct?

HENDEE: I don't recall seeing anybody vacuuming up anything.

GERAGOS: Did you see any people testing other areas for blood, or collecting blood samples?

HENDEE: I don't recall anyone else. I do recall actually something in the, what room would they call that, the sitting room. I think there was something going on there with the FBI. I don't know.

GERAGOS: Okay. Now, when you, the sitting room here, it has got these two doors; is that correct? You go out into the yard?

HENDEE: Right.

GERAGOS: Now, when you were there, was the FBI there?

HENDEE: Yes.

GERAGOS: And when the FBI was there, what were they doing?

HENDEE: I don't know. I wasn't in the room.

GERAGOS: Did you see, did you see them checking out the walls and checking out the baseboards?

HENDEE: I have no idea.

GERAGOS: Did you ask them if they found anything?

HENDEE: No.

GERAGOS: Did you, when you were looking around, did you hear or see anybody else besides, you collect any other items that were potentially blood or bloodstains?

HENDEE: As far as I know, no. Except the FBI, whatever they did.

GERAGOS: Whatever the FBI did in the sitting room. You found nothing in the nursery, right?

HENDEE: Right, correct.

GERAGOS: You collected these samples here, and those were negative, correct?

HENDEE: I'm on the following day, yes.

GERAGOS: And when you say on the following day you collected them on the 27th?

HENDEE: Yes.

GERAGOS: Okay. And you tested them on the 27th?

HENDEE: Yes.

GERAGOS: Now, the, did you also do an examination of the hallway?

HENDEE: Yes.

GERAGOS: And can you show the jury specifically where that was?

HENDEE: This area right here.

GERAGOS: Okay. And you looked from ceiling to floor for that as well?

HENDEE: Yes, sir.

GERAGOS: And that was for forensic evidence?

HENDEE: Yes.

GERAGOS: Any signs of blood, tissue, feces, anything, correct?

HENDEE: I saw nothing.

GERAGOS: You saw nothing, correct?

HENDEE: Correct.

GERAGOS: Collected nothing?

HENDEE: Correct.

GERAGOS: Then you also did a, went into the hallway bathroom; is that correct?

HENDEE: Yes, sir.

GERAGOS: And can you point to the jury and tell them which room that was?

HENDEE: Right here.

GERAGOS: Okay. So is it a fair statement that roughly this entire area from the right of the nursery wall across to the bathroom, that whole grid, if you will, you took care of, and you searched forensically for any evidence whatsoever?

HENDEE: Yes.

GERAGOS: And what did you find?

HENDEE: Nothing.

GERAGOS: Nothing? Okay. Now, after that, did you go outside?

HENDEE: Yes.

JUDGE: With that, Mr. Geragos, we'll take the morning recess.

JUDGE: This is People vs. Peterson. Let the record show the defendant is present with counsel, and the jury is in the jury box, along with the alternates. Go ahead, Mr. Geragos.

GERAGOS: The, back at the house you've got People's 38 up there. When you were in the nursery, you said that there was a bag that you found in that nursery; is that right? The canvas bag we talked about?

HENDEE: Yes, sir.

GERAGOS: Were you aware of where that was in the nursery?

HENDEE: In the closet.

GERAGOS: Can you see it in., which of these photos? You can see the closet, at least we can show.

HENDEE: Sir, was there a question?

GERAGOS: Closet door there?

HENDEE: Yes.

GERAGOS: Okay. In this, did you seize that bag?

HENDEE: No.

GERAGOS: Okay. So inside of this closet door on the 26th of December there was a bag, and inside of that bag were two pairs of boots, right?

HENDEE: Yes, sir.

GERAGOS: Clean soles you noted?

HENDEE: Yes.

GERAGOS: Numerous clothing items, correct?

HENDEE: Yes.

GERAGOS: And items which appeared consistent with either hiking or camping?

HENDEE: Appeared to me, yes.

GERAGOS: Okay. What did that, what did you mean by that?

HENDEE: It looked like it was a bag that someone might have packed ready to go camping. You know, have gear ready to go.

GERAGOS: Okay. What kind of gear was in that?

HENDEE: I think it was like sweaters, or boots that I recall specifically.

GERAGOS: What kinds of,

HENDEE: Maybe hats. Things like that.

GERAGOS: And camping gear?

HENDEE: I believe so.

GERAGOS: Now,

JUDGE: For the record, you're showing WWW 1.

GERAGOS: Yes. Thank you, your Honor.

GERAGOS: The, you went outside also, I think you indicated, after you did the bathroom and the hallway and the hallway closet. Then you went to find the tarp for the boat; is that correct?

HENDEE: I didn't go looking for the tarp.

GERAGOS: You just went out to the shed?

HENDEE: I went out, no, I went out to do the roof.

GERAGOS: Okay. What did you do on the roof?

HENDEE: Just climbed up on there with my flashlight, looked around to see if there was anything unusual up there. I didn't find anything.

GERAGOS: Okay. And then did you search the perimeter of the house?

HENDEE: I didn't search it, but while I was over there, that's where I climbed up on the roof and I happened to see this, the shed, I guess it is.

GERAGOS: And could you point, you have the pointer there? Could you point to it, not use your thumb.

HENDEE: Right here.

GERAGOS: Okay. And then you found the tarp in there?

HENDEE: Yes.

GERAGOS: And that tarp was on top of the leaf blower?

HENDEE: The leaf blower was on top of the tarp.

GERAGOS: Okay. The leaf blower was on top of the tarp. And then that's when you said you smelled gasoline?

HENDEE: Yes.

GERAGOS: Okay. Now, did you collect that tarp?

HENDEE: No. At that point I did not.

GERAGOS: Did you have somebody collect it?

HENDEE: I think it was collected the next day.

GERAGOS: The next day?

HENDEE: Yes.

GERAGOS: And that, that was sent to the California Department of Justice?

HENDEE: I believe so, yes.

GERAGOS: And they examined it for evidence?

HENDEE: I believe they would have.

GERAGOS: Yeah. And you are familiar with whether or not there was any evidence on that tarp?

HENDEE: I am now.

GERAGOS: Yeah. There was nothing on it, right?

HENDEE: There was no blood, whatever that report says.

GERAGOS: No blood, no urine, no feces were detected on the gray boat cover, correct?

HENDEE: Yes.

GERAGOS: Now, the sonogram and the two pairs of pants were taken in, correct?

HENDEE: Yes.

GERAGOS: And you pointed, and so I understand, you would point out these items, and then they would, somebody else would collect them or was responsible for collecting them?

HENDEE: Well, we point out items just of interest to the guy in charge. He makes the decision whether he's going to collect them or not.

GERAGOS: Okay.

HENDEE: Sometimes we're not even there when he does it.

GERAGOS: The boots and the camping gear and the hiking boots with the clean soles, you didn't take them because it didn't look like there was any forensic evidence and just had Joy Smith take a photo?

HENDEE: Correct. Actually, the photo may have been taken the next day. I just pointed out to Detective Skultety that I searched that item and I did not find anything that I thought was forensically applicable to the case.

GERAGOS: Okay. Did you find the, the, this tarp to be suspicious at the time?

HENDEE: Not, not really. I didn't even know at that time that it was the boat tarp. I just opened up the thing and I could see the tarp in there, and it was a strong odor of gas coming from it.

GERAGOS: Okay. And so you had them, or pointed it out to who?

HENDEE: I don't even know if I pointed it out to anyone. I just happened to note it that night, and I know it was collected the next day. I just happened, when I was over there, going up to do the roof, happened to peek into the, being nosey, I guess, peeking into the storage shed.

GERAGOS: Okay. Then the, if I understand, then you come back in. Was that the extent of what you did on the outside of the house?

HENDEE: Yes.

GERAGOS: And then yesterday Mr. Harris was asking you something about a, the, I guess there's some other area where there was another team? I guess you finished at some point earlier; is that correct? You finished earlier than the others who were doing the processing?

HENDEE: No, that was, that was the next day.

GERAGOS: Okay. So did you come back, let me take it one step at a time. The 26th you find the tarp, which we now know has got nothing on it. You find the blood, what appear to be bloodstains, which we now know were presumptively negative.

HENDEE: That was on the 27th.

GERAGOS: Was that the next day?

HENDEE: Yes.

GERAGOS: Didn't you say yesterday with Mr. Harris, maybe I misunderstood, that all of the forensic collection was done on the 26th?

HENDEE: That was all of the forensic, the focus on the 26th was forensic evidence. I didn't know about anything in the family room until the next day when Detective line1 Skultety said Hey, come over here and take a look at this and what do you think.

GERAGOS: Okay. So I, so I'm clear; I thought yesterday, when you testified with Mr. Harris that the 26th, all of the forensic collection at the house was done. That's not correct?

HENDEE: I don't, if, if what you're saying is the collecting of samples that tested out to be negative for blood is forensic evidence, then, no, it was not all done on the 26th. I don't know if Detective Skultety even saw those little stains until the 27th.

GERAGOS: Okay. So it's a fair statement then that forensic evidence was collected both on the 26th and on the 27th?

HENDEE: I would say yes.

GERAGOS: That's correct?

HENDEE: Yeah.

GERAGOS: Okay. Now, on the, so on the 26th, the presumptive blood test that you did that came out negative down on the washer/dryer area in the family room, did you do those the 26th? Or the 27th?

HENDEE: The 27th.

GERAGOS: The 27th. Okay. The finding of the tarp, was that the 26th or the 27th?

HENDEE: I saw it the 26th.

GERAGOS: Okay. And then when you came back on the 27th, somebody put it up on the fence?

HENDEE: At some point somebody had done that.

GERAGOS: And that's when you saw it on the fence. It wasn't on the fence when you got there?

HENDEE: Exactly.

GERAGOS: Okay. And then when you come back on the 27th, where do you go?

HENDEE: On the 27th Detective Skultety asked us to go back into the rooms that we had done the night before and to do a more thorough search of those rooms for other items that might be potentially in the warrant or have some bearing on the case.

GERAGOS: Okay. The, there was a pocket knife that was apparently recovered. Did you have anything to do with that?

HENDEE: No, sir.

GERAGOS: Did you see it?

HENDEE: No.

GERAGOS: The items which you've testified to today inside of the house, is that the extent of what you covered on the 26th and 27th? Have we missed anything? Basically the nursery, the bathroom, the hallway, the area by the water heater, the door which ends here, right.

HENDEE: Uh-huh.

GERAGOS: And the outside, the outside of the shed, right?

HENDEE: Uh-huh.

GERAGOS: And the roof?

HENDEE: Yeah.

GERAGOS: Okay. Does that cover everything that you did on the 26th and the 27th? At the house?

HENDEE: Yes.

GERAGOS: Okay. Now, at some point you then go to the warehouse, correct?

HENDEE: Yes, sir.

GERAGOS: Now, when you go to the warehouse, what time is that?

HENDEE: We met at 2:30 p.m. We congregated or gathered there at 2:30 p.m.

GERAGOS: Okay. And the specific, had it been pretty much shut down at that point, as far as you know? The, did somebody, you go to the house on the 26th. Obviously, do you freeze the location at the warehouse?

HENDEE: Yes.

GERAGOS: Okay. And you are the team leader at that point of the warehouse, correct?

HENDEE: Yes, sir.

GERAGOS: So it's your responsibility to make sure nobody goes in or out of that location?

HENDEE: During the night while we're waiting for the search warrant?

GERAGOS: Right.

HENDEE: No, that was not my responsibility.

GERAGOS: How do you know, how do you know if that happened?

HENDEE: Well, when we arrived there, there was a reserve officer out front, standing guard.

GERAGOS: Now, okay. So when you get there, the specific, first thing that, I guess, that attracts your attention, the first thing you do is send in the video people, and we saw the video; you see those stains on the door; you test that. That comes back negative, correct?

HENDEE: Yes, sir.

GERAGOS: Then the photographs are taken; is that right?

HENDEE: Not in that sequence, but, that's what happens, but not in that sequence.

GERAGOS: Okay. The, well, then did you see the suspected bloodstains that tested negative? Were those on the outside or inside of the door?

HENDEE: Inside of the door.

GERAGOS: Okay. After you had seen those, then you would have wanted to go in and assess what was going on in the warehouse; is that right?

HENDEE: Yes.

GERAGOS: Okay. Is it a fair statement that at that point you were suspicious because you saw those stains? You didn't test the stains first, right?

HENDEE: No.

GERAGOS: Okay. So you see these stains, and then you say Hold on here, put the white paper down on the ground; right?

HENDEE: Yes.

GERAGOS: You didn't test, just so I understand it, your mindset at that point is Uh oh, I may have something here so I better be very careful, send in, put down the white paper, send somebody in with a video camera and a still photographer; right?

HENDEE: Yes.

GERAGOS: Okay. In examining the warehouse, you, you've already described the areas that were on the inside of it. You, then I think you said you saw the trailer. You saw the boat; is that correct?

HENDEE: When I did my walk-through?

GERAGOS: Yes.

HENDEE: Yes.

GERAGOS: Okay. Then one of the first things you saw or went to was a small sponge mop; is that correct?

HENDEE: Well, it was in the bathroom, yes, sir.

GERAGOS: Okay. So you've made your way back to the bathroom area?

HENDEE: Yes, I did.

GERAGOS: Can you mark on there where you found the sponge mop?

JUDGE: Put an X, draw a line out and write "mop."

HENDEE: I beg your pardon?

JUDGE: X, draw a line out, write "mop."

HENDEE: (Witness complies)

GERAGOS: And did you, obviously, because of the stains on the door, you wanted to examine this mop, correct?

HENDEE: Yes.

GERAGOS: And you examined it, right?

HENDEE: Yes.

GERAGOS: No sign of blood, correct?

HENDEE: I didn't see any, no, sir.

GERAGOS: Okay. Did you collect it?

HENDEE: No.

GERAGOS: Now, the forklift that you saw, where was that?

HENDEE: That "forklift" written on it (pointing to diagram).

GERAGOS: Okay. Is there anything unusual about having a forklift in a warehouse with pallets?

HENDEE: No, sir.

GERAGOS: Okay. Now, were there, did you look at the forklift, visually examine it?

HENDEE: I looked at it. I don't,

GERAGOS: You didn't,

HENDEE: Didn't see anything unusual about it.

GERAGOS: Any evidentiary value to it that you could see?

HENDEE: I didn't see any.

GERAGOS: Okay. At this point you're still looking around; is that correct? For assessing the situation?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, you then see or went into the office area at some point; is that correct?

HENDEE: Well, the office area was the very first area you walk into when you go in.

GERAGOS: In terms of how you did your report, you basically went in through the office and went into the warehouse, though, first; isn't that correct?

HENDEE: Yes.

GERAGOS: Okay. So when you walked in, obviously you had to go through the office, but that was not your main concern at that point. Your main concern was coming into this warehouse area; is that right?

HENDEE: Well, my main concern was just to check out the whole place so I knew what we had.

GERAGOS: Okay. You went around, looked at the mop, went to the bathroom, see what you had. There was no signs of blood there, correct?

HENDEE: Correct.

GERAGOS: Then you went, when you went back into the office, you started to collect various things; is that correct?

HENDEE: At some point, yes.

GERAGOS: Okay. And at some point you collected an Internet printout of fishing locations; isn't that correct?

HENDEE: Yes, sir.

GERAGOS: And that, those fishing locations, was that a, for the San Francisco Bay?

HENDEE: Yes, it was.

GERAGOS: And that was lying where?

HENDEE: On top of the desk. Next to the computer.

GERAGOS: Captain Hook's Fishing, a USA fishing site?

HENDEE: Yes, sir.

GERAGOS: Talking about fishing in the Bay?

HENDEE: Yes.

GERAGOS: And talks about fishing for sturgeon in the Bay?

HENDEE: I believe so. I didn't read the whole thing.

GERAGOS: Okay. That was lying right on top of the desk?

HENDEE: Yes.

GERAGOS: Now, you also seized from the area, I believe, the laptop computer and a Dell tower, correct?

HENDEE: Yes, sir.

GERAGOS: And you seized a series of financial records, credit card documents, profit and loss statements, right?

HENDEE: Yes, sir.

GERAGOS: Big 5 plastic bag with a Big 5 receipt?

HENDEE: Yes.

GERAGOS: Okay. A roll of film, correct?

HENDEE: Yes.

GERAGOS: Photos of Scott, his wife, and family and friends?

HENDEE: Correct.

GERAGOS: I'm going to show you a item here that's, looks like it's got your name on it. Tell me, do you recognize that?

HENDEE: Yes, I do.

GERAGOS: Can you open that up and tell me what's inside?

HENDEE: There's more in it. (Handing documents to Mr. Geragos)

GERAGOS: Are these the sites that you seized from the office?

HENDEE: Yes, sir.

GERAGOS: And where were they?

HENDEE: On the office wall, behind the couch.

GERAGOS: I'm going to mark these as,

JUDGE: Next in order.

GERAGOS: bag and its contents, next in order.

JUDGE: Bag and contents. How many photos have you got there?

GERAGOS: I've got one, two, three, four, five, six, seven.

JUDGE: All right. 1 through 7.

GERAGOS: I'll just mark the back, if I could, Y. Triple Y.

JUDGE: Yeah. Bag and contents.

GERAGOS: Could you mark where these were taken from, which wall?

HENDEE: How would you like me to mark it?

GERAGOS: Just put it out with an arrow and put YYY, photos.

HENDEE: (Witness complies.)

GERAGOS: Now, on that, as you're in the office, there's a window, is there not?

HENDEE: Yes, sir.

GERAGOS: Can you show the jury where the window is? Because I don't know if you can really tell.

HENDEE: (Pointing to diagram)

GERAGOS: Okay. Now, as you're looking out that, the window from inside of the office, what do you see?

HENDEE: When you're looking out the window?

GERAGOS: If you're standing in the office and you come in what everybody keeps calling the man door, and you look through this, if you walk in here, you have to walk in this direction, correct?

HENDEE: Right.

GERAGOS: And the reason is there's something right here?

HENDEE: Yes, sir.

GERAGOS: That's a couch?

HENDEE: Yes.

GERAGOS: So you can't walk right directly here to where the window is, right?

HENDEE: Correct.

GERAGOS: But if you walk over to the middle of the room, you can look through the window, right?

HENDEE: Yes, sir.

GERAGOS: If you look through the window, six feet away is what, the boat?

HENDEE: Six feet?

GERAGOS: I don't know. How many feet is that away?

HENDEE: I guess maybe, ten feet maybe.

GERAGOS: Ten feet away. And there was nothing covering it up. I mean, if you walk into the office and you look straight through a window, how big is the window that you're, giving you the size right here.

HARRIS: Objection as to the first part of the question. Assumes facts not in evidence that the window was not covered up. That's not what the videotape shows.

JUDGE: Sustained.

GERAGOS: Let me ask how big is the window?

HENDEE: I believe about this size.

GERAGOS: Okay. And is there, can you look through the window?

HENDEE: It might be a little bigger. You could. The top part. The bottom part was covered up with pictures, and things like that. Some of these things.

GERAGOS: Right. Some of these items which I just marked?

HENDEE: Right.

GERAGOS: The top part of the window, which is at eye level, you looked through; isn't that correct?

HENDEE: Yes, I did.

GERAGOS: Okay. You've got it, if it were this size and it were, and the pictures were up to here, it's approximately this high off the ground, if you're standing on the floor? The window that high up?

HENDEE: We have the dimensions, I think. May I refer?

GERAGOS: Sure.

HENDEE: The window is 46 inches by 35 inches, four feet off the floor.

GERAGOS: Okay. So if it's four feet off the floor, roughly where I'm holding it?

HENDEE: Yeah.

GERAGOS: Okay. And is it fair to say that the pictures came up, roughly, a foot?

HENDEE: No, they were up higher than that.

GERAGOS: About here?

HENDEE: At least that high. I think there was some, I don't remember what the large, there was something large up there, then some smaller pictures. I don't remember what it was. I saw it on the video, but I don't remember what it is right now.

GERAGOS: You look through the window and you see into --

HENDEE: Yes.

GERAGOS: the warehouse, the shop of the warehouse, correct?

HENDEE: Yes you do.

GERAGOS: When you look through the window into the shop of the warehouse you see the boat, correct?

HENDEE: I suppose you probably could. I don't know.

GERAGOS: There's nothing hiding it, was there?

HENDEE: I beg your pardon?

GERAGOS: There was nothing hiding it, was there?

HENDEE: No, I just don't recall making a point of seeing if you could see the boat from there. I know when we went around the corner you obviously could see it.

GERAGOS: Now, after you seized those pictures, you also collected some other photographs as well of Scott and Laci, correct?

HENDEE: Those are part of those.

GERAGOS: Part of those, but there's some other photos as well that aren't in that bag?

HENDEE: That I don't know.

GERAGOS: You've got 115, 112. I'll go back and take a look. Now, when you go into the warehouse,

HENDEE: I might be able to clear that. 112 was an undeveloped roll of film. I don't know what was on it.

GERAGOS: Now, you go into the warehouse bay; is that correct?

HENDEE: Yes.

GERAGOS: Now, you have, or find a shop vacuum; is that right?

HENDEE: Yes, sir.

GERAGOS: And that shop vacuum is the one that we saw yesterday in the video that looked like it was covered with powder?

HENDEE: Yes, sir.

GERAGOS: Okay. Turned out that was not concrete, correct?

HENDEE: Is my understanding, that's true.

GERAGOS: Okay. It was some kind of lime substance?

HENDEE: I have no idea what it was.

GERAGOS: Okay. And that was found approximately where?

HENDEE: Right here.

GERAGOS: Okay. And on the ground?

HENDEE: Yes.

GERAGOS: Okay. Did you check the contents of it?

HENDEE: Yes.

HARRIS: For the record, can the record reflect that counsel has just drawn what appears to be a circle, with a line out to it, and I believe it says "vacuum." I can't see it from here.

JUDGE: All right. The record may so reflect.

GERAGOS: At that time it was unknown to you what the powder was, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. You later, you collected some powder and later had it tested and found out it wasn't concrete?

HENDEE: Correct.

GERAGOS: Okay. Then you collected some brown work boots?

HENDEE: Yes, sir.

GERAGOS: And they were, the reason you collected them is they had numerous stains on them, correct?

HENDEE: That's part of the reason.

GERAGOS: Okay. Where were they?

HENDEE: Right here.

GERAGOS: Okay. They were right outside the door?

HENDEE: Yes, sir.

GERAGOS: I've drawn a pathetic rendition of some work boots and put "work boots" next to a sign on that.

JUDGE: Okay.

GERAGOS: Now, your understanding is that those stains were tested and there was nothing to them, correct?

HENDEE: I have no idea.

GERAGOS: Now, the clear plastic water pitcher that was found on top of the trailer, do you have that with you?

HENDEE: It's in evidence.

GERAGOS: Okay. Can you pull that out? Can you pull that out of the bag?

HENDEE: (Witness complies.)

GERAGOS: Now, there was a photo. I've got Mr. Harris looking to see if he can find it, and the photo was of, I think it was Officer Brocchini. Was he holding this? Or was this on the trailer?

HENDEE: It was on the trailer.

GERAGOS: Okay. And as it was on the trailer, he was taking this item, the concrete, right?

HENDEE: Yes, sir.

GERAGOS: The anchor, and he was holding it like this?

HENDEE: Yes.

GERAGOS: As it was inside, right?

HENDEE: Yes.

GERAGOS: And it was his and your opinion that it was a perfect fit?

HENDEE: Mistakenly so.

GERAGOS: Tell the jury why that was mistakenly so.

HENDEE: Because it was looked at by a concrete expert who determined that this mold was not made in this pitcher.

GERAGOS: Well, it's pretty easy to tell if you put it in there and look and see that there's space, isn't there?

HENDEE: I wouldn't say it's easy.

GERAGOS: May I let the jury see this?

JUDGE: Yes, you can.

GERAGOS: You sent that out to a concrete expert who measured the concrete anchor and the pitcher and determined that this was not made in the plastic pitcher, and yet all he did was measure it, put it inside of there, and he saw that you could get almost, if your hand wasn't as big as mine, you could almost get your finger in there, correct? Between the two?

HENDEE: Well, at the time there was water in it when he put it in; and, secondly, I think there's some other considerations that went into his determining that it was not,

GERAGOS: Right; because there’s a dimple in the bottom of this, correct?

HENDEE: Right.

GERAGOS: There's a dimple in the bottom, and there's no dimple on the bottom of the anchor, right?

HENDEE: (No response.)

GERAGOS: And they determined that when you measure this and you put them side by side, just lift this up so they can see, when you measure it, there was one problem with this perfect fit; that's this portion right here, the top, right?

HENDEE: (Nods head.)

GERAGOS: Was a different size than the portion that corresponds to the pitcher, right?

HENDEE: True.

GERAGOS: And that the bottom portion, that didn't correspond to the bottom of the pitcher, correct?

HENDEE: I've never seen the report, but that's what I was told.

GERAGOS: That's what you were told afterwards?

HENDEE: Yes.

GERAGOS: At the time you thought Ah-hah, I've got some evidence, because the pitcher fits in there, right?

HENDEE: Yeah.

GERAGOS: All right. And that was part of the, it kind of led you to see those circles on the trailer, too, didn't it?

HARRIS: Objection.

GERAGOS: I mean, you thought,

JUDGE: Wait, wait, wait. One at a time. Sustained. Argumentative.

GERAGOS: Okay. Well, your idea was that this, the anchor, was made in this, the pitcher?

HENDEE: That's what we thought.

GERAGOS: And then from there you extrapolated that the pitcher was on the trailer, and therefore, if it was in four locations, there must have been four of these, right?

HENDEE: We felt that was a possibility.

GERAGOS: Okay. You thought it was more than a possibility; you searched the Bay 22 times looking for these, right?

HENDEE: Exactly.

GERAGOS: Okay. And it turns out at the end of the day the pitcher never made it, right?

HENDEE: Right.

GERAGOS: Mark this next in order.

JUDGE: That will be Z.

GERAGOS: Z. Triple Z.

JUDGE: And how many photographs?

GERAGOS: Excuse me? I think I'm going to mark...I've got a series of four pictures.

JUDGE: All right. 1 through 4.

GERAGOS: The, I've marked, the clerk's marked Triple Z 1 through 4. What we just described, that exercise by you and Detective Brocchini, do these four photos accurately represent what you guys did?

HENDEE: Well, it's what Detective Brocchini did; but, yes, it does accurately represent.

GERAGOS: Okay. And are these, I assume taken by Denise Ducot?

HENDEE: Yes.

GERAGOS: Okay. And these were taken on the 27th in the warehouse on top of this trailer?

HENDEE: Yes, sir.

GERAGOS: And that would be, just run through them, the, this is, you've got, first you got the pitcher itself, right?

HENDEE: Yes, sir.

GERAGOS: Okay. And that would be looking, there's water in it, looking in it like this, right?

HENDEE: Yes.

GERAGOS: Okay. And then you've got, is that Brocchini's hand right there?

HENDEE: Yes, sir.

GERAGOS: This thing, this glove thing. And he's taking the anchor and placing it like that, and then they're taking a photo of it?

HENDEE: Correct.

GERAGOS: And then he puts it, starts to put it in. This is the third picture, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. All of this is taking place on top of that trailer that's on People's 55?

HENDEE: Yes.

GERAGOS: Okay. And then the last picture right here is of the anchor inside of the pitcher?

HENDEE: Yes, sir.

GERAGOS: And then this area right here is the water that you're talking about?

HENDEE: Yes.

GERAGOS: Okay. And then these, by the way, is this one of those circles right here?

HENDEE: No, sir.

GERAGOS: The one with the square edges?

HENDEE: No, that's not a circle.

GERAGOS: The, did you find on the trailer also two other items?

HENDEE: These buckets?

GERAGOS: Yeah.

HENDEE: No, they weren't on the trailer. They weren't found on the trailer.

GERAGOS: Okay. Would you show, would you put down exactly where you found these two items?

HENDEE: They were recovered from here. Detective Brocchini, I believe, found them up here.

GERAGOS: Okay. You want to write down where they were? Do you have, yeah, you've got the pen.

JUDGE: Why don't you draw the two circles that purport to represent these two buckets, and then just, you can just draw, you know, a line like this.

HENDEE: All right. I'll draw them where I understand he found them.

JUDGE: Okay. You don't know where he found them?

GERAGOS: Do you know where he found them?

HENDEE: Not for sure.

GERAGOS: Then don't draw them.

JUDGE: Yeah, because he would be speculating.

GERAGOS: Right.

JUDGE: You know it was up in that general area then?

HENDEE: Yes.

GERAGOS: Just point to it area, don't mark it up, just point to the area where you think it was.

HENDEE: I believe it was up here. On top of a pallet.

GERAGOS: Can you open these?

HENDEE: Again?

GERAGOS: There's tape on it as well. Did you seal these up?

HENDEE: No.

GERAGOS: Now, is this the same condition they were in that day?

HENDEE: I believe so. There was this residue. I think they've done some testing with it, so they might have altered it a little bit. That was pretty much what was done.

GERAGOS: And it's, I assume, a red drum. It's got handles on each side?

HENDEE: Yes, sir.

GERAGOS: And so that the jury can see, and it also was marked with an evidence tag that says number 140 on it?

HENDEE: Yes. And over here as well.

GERAGOS: And then there was red drum debris that was put into a bag?

HENDEE: I did not do that. Probably the guy that tested it.

GERAGOS: Okay.

HARRIS: Counsel is showing that to the jury. Are we going to mark that?

GERAGOS: Yeah, I'm going to mark it.

JUDGE: Have to mark that.

GERAGOS: I'll mark these as next in order, which I guess is what, quadruple A.

JUDGE: Quadruple A 1 and 2. There's a red one and I think a blue one.

GERAGOS: Blue one, right.

JUDGE: The red one will be marked 1 and the blue one will be marked 2. (Defendant's Exhibits Quadruple A 1 and 2 marked for identification)

GERAGOS: Do you recognize the initials on that paper?

HENDEE: No, I do not.

GERAGOS: Okay. There's also contained within this is another item, which is also marked as 140; blue drum, debris taken? I'm going to leave that in here, Judge, until I can make it up later on, if that's okay.

JUDGE: Can you?

GERAGOS: Yeah.

JUDGE: Because Marilyn’s got to worry about it.

HARRIS: So that would be 140?

GERAGOS: The item numbers are 140, and then the inside, it says 3/23/04, blue drum debris, item number 140.

JUDGE: We'll mark that and contents as blue drum.

GERAGOS: Right.

HARRIS: Thank you, Judge.

JUDGE: Would be Quadruple A 2, blue bucket and contents, which is debris, plastic bag.

GERAGOS: Did you ever take these drums and put them up on top of the trailer and see if maybe they had something to do with the areas that are on the trailer that have less powder?

HENDEE: They were, they were put on the, on the trailer, yes.

GERAGOS: Okay. Did anybody take any, are you aware of any photos of these drums on top of the trailer?

HENDEE: Yes.

GERAGOS: Do you have those that I can see? You've got two photos, which I'll mark next in order.

JUDGE: Okay. Quadruple B.

GERAGOS: I'll just mark this one, judge.

JUDGE: Photo.

GERAGOS: Photo of the red drum inside of the blue drum.

JUDGE: Photo of red drum in blue drum on trailer.

GERAGOS: I'm going to return this to Mr. Hendee. Thank you.

HENDEE: Uh-huh. (Defendant's Exhibit Quadruple B marked for identification)

GERAGOS: Now, it appears on this photo that it was not placed on the trailer where the powder was, but it looks like somebody took some Pledge to the trailer and put it on then.

HARRIS: Objection. Argumentative.

JUDGE: That part may be stricken.

GERAGOS: Is that, did you put it on the clean spot there so you could measure those circles?

HENDEE: Measure what circles?

GERAGOS: That's exactly,

JUDGE: Argumentative.

GERAGOS: Were you aware of any cement work being done over at the Covena location?

HENDEE: I heard about afterwards. At the time we did all this, no.

GERAGOS: Did you go inside of the storage shed area?

HENDEE: I don't know.

GERAGOS: Do you recognize that picture?

HENDEE: No.

GERAGOS: Okay. How about this picture?

HENDEE: Do I recognize it?

GERAGOS: I mean do you recognize what that area is?

HENDEE: That's out in the backyard, yes.

GERAGOS: Okay. How about this one?

HENDEE: That's out in the backyard.

GERAGOS: This?

HENDEE: Backyard. I believe this must be the storage shed you're talking about.

GERAGOS: Uh-huh. Let me mark these next in order as a set.

JUDGE: Quadruple C.

CLERK: How many do you have?

JUDGE: Do you need two lawyers to count those pictures?

GERAGOS: It's a very sophisticated operation. (Laughter)

GERAGOS: He goes to three and I kick over up to six. After consultation, looks like seven.

JUDGE: How many? Seven? All right. 1 through 7.

GERAGOS: If I could just have them while she's marking them.

JUDGE: Are you going to lay a foundation for those, Mr. Geragos?

GERAGOS: Um-hm.

JUDGE: I assume the prosecution has seen these pictures.

HARRIS: Yeah.

GERAGOS: I got it from them. Can I have just one moment?

JUDGE: Yes.

GERAGOS: You have to excuse me. My masonry skills are about as good as my fishing skills.

JUDGE: All right.

GERAGOS: Quadruple C, you did or you did not recognize?

HENDEE: Well, I, I was never assigned to do anything in the shed, so I, I really didn't go in there, didn't pay any attention.

GERAGOS: Do you know the pictures, that somebody was taking pictures at the house?

HENDEE: I don't know what day these were taken. Is this the first search warrant?

GERAGOS: Appears that the,

HENDEE: Oh, I'm sorry.

GERAGOS: Yeah. Do you know?

HENDEE: That's the second search warrant.

GERAGOS: Right. And who is the person who takes the pictures?

HENDEE: Veronica Holmes.

GERAGOS: Okay. Were you present on the 18th?

HENDEE: Yes.

GERAGOS: Okay. And were these pictures taken in connection with the execution of the search warrant?

HENDEE: I'm sure they were.

GERAGOS: Okay.

JUDGE: That's not good enough. Have to show they truly and accurately represent the scene on that day.

GERAGOS: From the best of your recollection from being there on that day, do these pictures, the succession of pictures I'm showing you, accurately represent how 523 Covena, the outside, looked like on that day?

HENDEE: I can do that with everything but this storage shed, if that's okay.

GERAGOS: Okay. Just everything but these?

HENDEE: Yeah. I didn't go in there.

GERAGOS: This is 12/26. Does that accurately represent what it looked like on the 26th?

HENDEE: Yes.

GERAGOS: So everything, Judge, except for Quadruple C 1 and Quadruple C 7.

JUDGE: 7.

GERAGOS: 7.

GERAGOS: Now, when you were there on the 26th executing the search warrant, did you notice the pile of bricks right there? We've seen the video and the video looks, you can see it clear.

HENDEE: I'm sure they were there. I don't have an independent recollection of them, but...

GERAGOS: Now, the backyard on the 19th, does this appear to be the backyard of the house?

HENDEE: Yes, it is.

GERAGOS: Did you see this brickwork right here along the edge of the yard?

HENDEE: Yes, I did.

GERAGOS: Okay. Did it appear to you that that brickwork, that cement was used in connection with making those or putting the bricks on top of each other?

HENDEE: I would guess so, yes.

GERAGOS: And did you notice that that fence that was installed, that there were posts periodically put in along the fence that were, where cement was used as the footings?

HENDEE: I don't know.

GERAGOS: Did you take a look at, and this is Quadruple C 5. Take a look at this Jacuzzi area.

HENDEE: Yes. I saw that.

GERAGOS: Okay. That brickwork was there when you were there on that day? On the 26th?

HENDEE: Yes. The brickwork, just if you could point out what you're talking about, just so I'm sure.

GERAGOS: Sure. The brickwork that's along here.

HENDEE: Oh, yeah.

GERAGOS: All that was there, correct?

HENDEE: Yes, sir.

GERAGOS: I've got Quadruple C 4. This brickwork here, that was all there on the day that you went there?

HENDEE: On the 26th or the 18th?

GERAGOS: Either or both. You tell me.

HENDEE: I think it was on both.

GERAGOS: And I've got another photo that's Quadruple C 3, cement, cement, there I think you can actually see the cement with the brick, correct?

HENDEE: My expertise in cement is probably like what you said.

GERAGOS: More limited than mine?

HENDEE: I just write the checks and have it done. I really don't know what they use to hold it together.

JUDGE: Does that appear to be cement between the bricks?

HENDEE: Mortar, cement. Whatever they use to hold them together.

GERAGOS: Now, the, specifically when you went into the warehouse, did you, I noticed that, in that picture of the tubs, that you also, that it looked like they had some items inside them; is that correct?

HENDEE: Yes, sir.

GERAGOS: What were those items?

HENDEE: A pair of boots, a cap, a glove, and I think a pair of socks.

GERAGOS: Were those retained?

HENDEE: Yes, sir.

GERAGOS: Tested?

HENDEE: Yes.

GERAGOS: And do you know what the results of that test were?

HENDEE: I've been told negative for concrete, I believe.

GERAGOS: Okay. Now, in order to get into the warehouse on the 26th, I think you had indicated to the jury yesterday that you knocked, waited 20 seconds, correct?

HENDEE: Yes, sir.

GERAGOS: And then you used the key?

HENDEE: Yes.

GERAGOS: Who gave you the key?

HENDEE: Scott. Apparently gave it to Detective Grogan, who gave it to Detective House, who then gave it to me.

GERAGOS: Okay. So he was cooperative in terms of handing over a key --

HENDEE: Yes.

GERAGOS: to the warehouse, correct?

HENDEE: Yes.

GERAGOS: Now, the, in examining the warehouse and the office and the bay, the shop vacuum that we marked, you booked that into evidence, right?

HENDEE: Took a sample from inside it. We didn't take the vacuum.

GERAGOS: All right. Now, the picture you took, obviously, because it's here. Then did you also take some other items out of there or that were on the trailer? Do you need to --

HENDEE: Yes, we did.

GERAGOS: refresh your recollection as to, what other items did you take?

HENDEE: Took two hammers off of the trailer. Is that what you were referring to?

GERAGOS: Yes.

HENDEE: Yes, we did.

GERAGOS: Okay. And then the, the anchor itself that we've shown, that was not on the trailer, was it?

HENDEE: That was in the boat.

GERAGOS: Okay. Now, who processed the boat?

HENDEE: Detective Darren Ruskamp, myself pretty much did most of it.

GERAGOS: By the way, the anchor itself looks to have a piece of rebar that's in it; is that correct?

HENDEE: Yes, sir.

GERAGOS: All right. And did you find any other rebar in the warehouse?

HENDEE: No.

GERAGOS: Did you find any remnants of rebar in the office or --

HENDEE: No.

GERAGOS: office or the warehouse?

HENDEE: No.

GERAGOS: Did you find any rebar at the house?

HENDEE: Not to my knowledge.

GERAGOS: Okay. Did you find anything else that resembled the handle that is on this?

HENDEE: To my knowledge, no.

GERAGOS: Okay.

JUDGE: This is?

GERAGOS: And this is the, part of the bag and contents that are the cement anchor, right?

HENDEE: Yes, sir.

GERAGOS: Okay. And as far as you know, there is no pieces of rebar, cut-up pieces of rebar anywhere in the warehouse, right?

HENDEE: To my knowledge.

GERAGOS: None at all?

HENDEE: That we found.

GERAGOS: Obviously if you had seen it, you would have collected it, right?

HENDEE: Yes, sir.

GERAGOS: Now, you then found a PVC plastic apparatus; is that right?

HENDEE: Yes, sir.

GERAGOS: Is that in this picture, which is Triple X?

HENDEE: Yes.

GERAGOS: Okay. Let me put it up, then you can point to it. Do you have a laser up there? You want to point to it?

HENDEE: Right here.

GERAGOS: Okay. And this was on top of the trailer, right?

HENDEE: Yes, sir.

GERAGOS: Okay. And somewhere, can you point, somewhere on there there was some stains that looked like blood?

HENDEE: Well, I wouldn't say, I don't believe necessarily they necessarily looked like blood. It was suspicious looking stains, so we tested it, and it was negative.

GERAGOS: It was what?

HENDEE: Tested negative.

GERAGOS: For blood?

HENDEE: Yes.

GERAGOS: But you did test it?

HENDEE: Yes, sir.

GERAGOS: What, did you take this device into, whatever this apparatus was into evidence?

HENDEE: No.

GERAGOS: Okay. The, then you found a, a powder, is that correct? On the floor?

HENDEE: We collected a powder off of the floor.

GERAGOS: Okay. Where was that? Can you write that down on the People's 55?

JUDGE: The question is was it all over the floor? In a bag on the floor? In a pile on the floor? Do you know?

HENDEE: It was an area spilled out, with powder spilled maybe four to maybe five feet in diameter.

JUDGE: Why don't you draw a line out where you remember it being, and draw a line out and write "powder." Draw it where you remember the powder being. Just draw a line out and write "powder" on the end of it.

HENDEE: (Witness complies)

GERAGOS: Okay. And the, that powder was packaged up and collected and then sent somewhere to have somebody test it, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, the, did you also, you personally processed the boat; is that correct?

HENDEE: I helped, yes.

GERAGOS: And the first thing you did was collect two water samples?

HENDEE: I didn't collect those.

GERAGOS: Did you have somebody do it?

HENDEE: Yes, sir.

GERAGOS: Who did it?

HENDEE: Detective Darren Ruskamp.

GERAGOS: Now, why did you have him collect water samples?

HENDEE: We wanted to know if it was saltwater or freshwater.

GERAGOS: Because at that point you didn't believe, you had, you had a suspicion that he hadn't been to the Bay; isn't that correct?

HENDEE: That's possible, yes.

GERAGOS: I mean that was the reason you collected the water sample; you thought Who goes fishing on Christmas, the day before Christmas, in the Bay, we're going to go test it, we don't buy this story; right?

HARRIS: Objection. Argumentative.

JUDGE: Well, goes to his state of mind. Overruled. Is that how you collected the water?

HENDEE: I believe that was part of the thinking. Yes, sir.

GERAGOS: You wanted to,

HENDEE: I wanted to also verify his story, if that was the case.

GERAGOS: You were trying to eliminate him as a suspect?

HENDEE: Actually, I was.

GERAGOS: Yeah, the whole Modesto PD was out there trying to eliminate him as a suspect.

JUDGE: Argumentative. The jury can disregard.

GERAGOS: The water sample that was collected was to be tested for whether it was fresh or saltwater, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, also, and was that from two separate areas of the boat?

HENDEE: No.

GERAGOS: Just from one? You want to mark where that was and then draw a line out in the margins, as the judge has indicated. Maybe make a circle where it was?

JUDGE: I would like to know where you got this water.

HENDEE: In the bow of the boat.

JUDGE: Is it,

HENDEE: On the floor.

JUDGE: On the floor in the bow of the boat?

HENDEE: Yes, sir.

GERAGOS: I'm going to show you something. Is that --

HENDEE: Yes.

GERAGOS: what it looked like?

HENDEE: Yes.

GERAGOS: And that's inside of the boat?

HENDEE: Yes.

GERAGOS: And that accurately represents the bottom of the boat on the 27th as taken by Denise Ducot?

HENDEE: Yes.

GERAGOS: Mark this next in order.

JUDGE: Put an X there, draw a line out, write "water." You want that marked next in order?

GERAGOS: Yes, please.

JUDGE: Quadruple D.

GERAGOS: Is that the, Detective, is that the bottom of the boat?

HENDEE: That's the bow of the boat, yes, sir.

GERAGOS: Okay. And somebody took the water out of there?

HENDEE: He took a sample of it, yes, sir.

GERAGOS: Okay. Do you know if they tested that water --

HENDEE: Yes.

GERAGOS: for fresh water or sea water?

HENDEE: Yes, they did.

GERAGOS: Okay. Do you know if they tested it for any other evidence, whether there was blood, feces, urine, anything of that nature?

HENDEE: That I don't know.

GERAGOS: I've got a series of pictures, I'd just ask if you recognize this and this and this.

HENDEE: Yes, I recognize them.

GERAGOS: Okay. And how about this?

HENDEE: Yes.

GERAGOS: Okay. This? I'll hand them to you, you tell me if you don't recognize them, and then I'll ask you what they represent afterwards.

HENDEE: Sure.

GERAGOS: Do you recognize all those photos?

HENDEE: Yes, I do.

GERAGOS: All those photos accurately represent the condition of the boat and/or its contents in the warehouse on December 27th when the search warrant was executed?

HENDEE: Yes.

GERAGOS: 11 photos, Judge.

JUDGE: All right. 1 through 11.

GERAGOS: May I have a moment while Madam Clerk marks them?

JUDGE: Sure. These are all photos of the boat?

GERAGOS: Of the boat or its contents as it was in the warehouse.

JUDGE: Okay. While he's doing that maybe I'll make it 1 through 14. I've got three other photos. Presumably he'll represent that he recognizes these.

GERAGOS: That they accurately represent photos that were taken of the condition of the interior contents of the boat on the day of the search warrant on the 27th?

HENDEE: They represent it during the processing, yes, sir.

GERAGOS: Okay. I'd like to just add those to the stack.

JUDGE: FFFF.

GERAGOS: Instead of 1 through 11, 1 through 14.

JUDGE: We're running out of numbers here. Make it 1 through 14 then.

GERAGOS: Okay.

GERAGOS: The first one that I've got here is a photo of the boat, and then it looks like, is that a camouflage jacket there?

HENDEE: Yes, sir.

GERAGOS: And then this is this green bag that's been referred to during this case?

HENDEE: Yes, sir.

GERAGOS: What about this item right there?

HENDEE: It's a gas can.

GERAGOS: And this is the seat that's attached to the boat?

HENDEE: Correct.

GERAGOS: The work boots that we talked about before that you took in that had the stains on them?

HENDEE: Yes, sir.

GERAGOS: Is this a picture of those boots?

HENDEE: Yes, they are.

GERAGOS: Quadruple E 2. And as far as you know, they were tested and there was nothing on them, right? Is that correct?

HENDEE: I don't know if they were tested for what.

GERAGOS: You've got Triple (sic) E 3. You took a photo here. What is this of?

HENDEE: This is an unopened package of 200 foot wire.

GERAGOS: And was that taken into evidence?

HENDEE: Yes, it was.

GERAGOS: Now, I've got a picture here which is Triple (sic) E 4. Can you tell me what, you've got some various placards there. Can you tell me what those are? What they represent, the items that they're next to?

HENDEE: Placard number 3 represents where the anchor was found.

GERAGOS: Okay.

HENDEE: Placard 47 represents a shoestring.

GERAGOS: Now, the shoestring, is that, this is Quadruple E 5. Is that right there?

HENDEE: Yes, sir.

GERAGOS: Quadruple E 6?

HARRIS: Your Honor, actually, if we could go back to the previous photograph. Counsel was asking him to describe the placards and I don't believe he was done.

GERAGOS: 44 is the, is really 144; isn't that correct?

HENDEE: They're all 100s.

JUDGE: Stop for just a second. I thought he just testified 47 was where the shoestring is and 43 was where the anchor is?

GERAGOS: Right.

HARRIS: Correct. There was one additional placard. He asked him to describe them all.

JUDGE: Oh, he's doing the cross; you want him to do yours, too?

GERAGOS: Yeah, if he wanted that, I assume there's another picture that we've got that shows the yellow-handled pliers down in the boat itself, down in the --

HENDEE: Yes, sir.

GERAGOS: floor of the boat, correct?

HENDEE: Yes.

GERAGOS: Somehow they've gotten up on top of the seat of the boat; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. I assume somebody lifted them from the bottom of the boat and put them on to the seat of the boat?

HENDEE: You're looking at them.

GERAGOS: Okay. Now, this is the photo, thank you, Mr. Harris (speaking to Pat Harris). Is this a photo of how they were when Brocchini had taken the photo on the 24th?

HENDEE: That's what my understanding is, yes.

GERAGOS: Okay. Does that accurately represent how the boat looked when you saw it on the 27th?

HENDEE: That?

GERAGOS: Yeah.

HENDEE: You'd have to show me a picture where we started off, of the boat.

GERAGOS: A comparison --

HENDEE: I mean there might have been some things moved. Most of it looks the same, but...it all looks pretty similar.

JUDGE: Now, that photo, that looks like a duplicate.

GERAGOS: This one I'm going to mark.

JUDGE: Isn't that a duplicate?

GERAGOS: No.

JUDGE: I'll make it 15.

GERAGOS: Yeah. That's fine. 15.

JUDGE: Quadruple E 15.

GERAGOS: So as you, as you indicated, you're the one who took, you found the pliers here, correct?

HENDEE: Yes, sir.

GERAGOS: Then you pulled them out and placed them here; is that correct?

HENDEE: After removing the hair.

GERAGOS: Okay. And then where did you remove the hair?

HENDEE: Right there in the boat.

GERAGOS: In the boat?

HENDEE: Yes, sir.

GERAGOS: Okay. And then it looks like somebody stuffed this camouflage jacket into the green duffel bag; is that true?

HENDEE: At that picture it's, what it's reflecting is that that's where it was found, sir.

GERAGOS: Well, what about this picture here, which is Triple E 10?

HENDEE: That was taken after it was removed.

GERAGOS: After it was removed?

HENDEE: Obviously it's removed from the bag.

GERAGOS: That's what I'm asking you. It's not obvious to me. Which came first? Was it in the duffel bag, or out?

HENDEE: Well, it was originally found in the duffel bag.

GERAGOS: Okay. Then you removed it, put it into the boat?

HENDEE: I didn't. Darren Ruskamp.

GERAGOS: Somebody removed it from the duffel bag, put it in the boat?

HENDEE: He took it out of the bag and sat it there, and apparently that's where it was when that picture was taken.

GERAGOS: Okay. Do you know what order that was done? Do you know if that jacket was taken out of the bag and put into the boat before or after the pliers was moved?

HENDEE: I'm going to, I don't know for sure because Detective Ruskamp did it, but I believe it was probably before.

GERAGOS: Probably before?

HENDEE: Yeah.

GERAGOS: Okay. And when that was placed in the boat, was that so you could itemize what was in the duffel?

HENDEE: Well, we didn't itemize it there. He was, that was his job, was to search the boat. So we had, that was one of the things he was doing was seeing what was in the bag.

GERAGOS: Okay. And here's another photo of the camouflage jacket in the boat, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. This is a fishing pole, and this is Quadruple E 12 with the lure on it; is that correct?

HENDEE: Yes, sir.

GERAGOS: And that was taken in; is that right?

HENDEE: Yes, it was.

GERAGOS: And that is this, V 1?

HENDEE: Yes. That is it.

GERAGOS: You've got it leaning against the boat, as I've got it? This item is out?

HENDEE: Yes. Yes.

GERAGOS: Okay. And that was, where did you find that?

HENDEE: That was in the back of the boat.

GERAGOS: In the back, inside the back of the boat?

HENDEE: Yes.

GERAGOS: Okay. This picture, which is quadruple E 13, have you seen that?

HENDEE: Yes.

GERAGOS: This is the tackle box here?

HENDEE: Yes, sir.

GERAGOS: Okay. What's this item?

HENDEE: I, I don't really know for sure. I was told it had something to do with changing the tire or jack or something.

GERAGOS: Okay. And is this the tackle box opened, Quadruple E 14?

HENDEE: Yes, it is, sir.

GERAGOS: Okay. And once again, this is the duffel bag, right?

HENDEE: Yes, sir.

GERAGOS: Okay. This is the duffel bag with the camouflage jacket in it?

HENDEE: Yes.

GERAGOS: Okay. Doesn't it make more sense that the camouflage jacket was in the boat, then put into the duffel bag when this was taken, rather than the other way around? Your testimony, if I understand it, correct me if I'm wrong, is that you think that the camouflage jacket was in the duffel bag and then somebody took it out?

HENDEE: Are, the camouflage jacket was found in the green bag. I don't know in what sequence the pictures go because I wasn't there taking them, but it was definitely found in the green bag.

GERAGOS: Well, if the, if the photo here says 25, and the photo of the camouflage jacket says 15, 25 is higher than 15, right?

HENDEE: Yes.

GERAGOS: Okay. Does it lead you to believe that the sequence of events was is that the camouflage jacket was in the boat and then somebody put it into the duffel bag?

HENDEE: No.

GERAGOS: Okay. You don't want to accept that?

HARRIS: Objection. Argumentative.

HENDEE: I know it was in the --

JUDGE: Sustained. The jury can disregard the comment.

GERAGOS: Okay. These photos here which are Quadruple E 7, 8, are just more of the boat, right?

HENDEE: The boat and contents.

GERAGOS: Okay. This item, is that the one I pointed to before that was up on the ledge?

HENDEE: Yes, sir.

GERAGOS: Now it's down in the boat?

HENDEE: It was originally found there, in the boat.

GERAGOS: Right here?

HENDEE: Yes.

GERAGOS: Okay. And then somebody moved it up?

HENDEE: We were trying to figure out what it was and if it had any evidentiary value.

GERAGOS: Did you find fishing licenses in connection with the, the search?

HENDEE: Yes.

GERAGOS: Okay.

JUDGE: Okay. Mr. Geragos, we're going to take the noon recess now. All right, ladies and gentlemen, remember you don't have to be here this afternoon.