Witness: Timothy Phillips

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Called by: Defense

Phase: Guilt

Examinations: Direct – Mark Geragos

Day 1 of 2 for this witness

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

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Direct Examination by Mark Geragos

GERAGOS: Officer Phillips, by whom are you employed?

PHILLIPS: East Bay Regional Park District Police Department.

GERAGOS: Were you employed by them on April 14th of 2000 and 3?

PHILLIPS: Yes, sir, I was.

GERAGOS: And at some point around 12:45 were you called out from your house to go to Point Isabel Regional Shoreline?

PHILLIPS: Yes, sir.

GERAGOS: When you went out there to the Point Isabel shoreline, was there -- I've got two items marked as D 6 T 1 and D 6 T 2. Is that -- 2, is that the location you went out there?

PHILLIPS: Yes, sir.

GERAGOS: Are you familiar with both of these?

PHILLIPS: Yes, sir.

GERAGOS: Okay. And I'll show you the first item, which is D 6 T 1. Can you tell the jury what that is?

PHILLIPS: That is a diagram at point Isabel Regional Shoreline Park. Particularly the beach area, if you can call it that, which is on the west side of the park.

GERAGOS: Okay. And when you're talking about the beach area, I assume you are referring to this area in here?

PHILLIPS: Yes, sir.

GERAGOS: Okay. And then it looks like there's one -- reference points that are drawn in here. Do you know how that was performed?

PHILLIPS: Yes, sir. By both a steel tape and a Rollo-Tape, which is a device which rolls off the distance.

GERAGOS: Okay. And you were doing this because of why? Why were you drawing this diagram?

PHILLIPS: To locate the remains that were discovered that day.

JUDGE: Did you actually draw that diagram?

PHILLIPS: Yes, sir.

JUDGE: Okay.

GERAGOS: And specifically you were called out there because somebody had called you and said basically that There's some remains there, we need you to assist?

PHILLIPS: Yes, sir.

GERAGOS: Okay. And when you walked -- you walked down the embankment there; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: Okay. You walked down the embankment and you found some remains; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: Okay. And specifically you then were, I assume -- you did a pretty detailed report; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: Okay. And that was to chronicle all of the items of evidence that you would find in and around the remains?

PHILLIPS: Yes, sir.

GERAGOS: Okay. Is it a fair statement that one of the first things -- besides the remains themselves, but did you also chronicle things that were around them?

PHILLIPS: Yes, sir.

GERAGOS: You found a small length of duct tape; is that correct?

PHILLIPS: Yes, sir.

HARRIS: Objection. Leading.

GERAGOS: And that was on --

JUDGE: I think the Evidence Code 764 covers this. Overruled.

GERAGOS: You found a small length of duct tape, correct?

PHILLIPS: Yes, sir.

GERAGOS: Okay. Then you found -- I'm going to ask you if you could, there's a pointer that's right behind you. If you could stand up and if it's -- if you're able to do so in here, grab the pointer and show the jury where various things were found. You listed a number of items; is that right?

PHILLIPS: Yes, sir.

GERAGOS: Okay.

GERAGOS: I'm going to go through, basically, your report to be kind of in order of what you found, if that's all right. If you need me to switch to the other diagram, I will. Just let me know.

PHILLIPS: Okay.

GERAGOS: Okay. It look like -- first of all, where were the remains on that chart?

PHILLIPS: The remains are not shown.

GERAGOS: Could have been on this, which is D 6 T 2?

PHILLIPS: Yes, sir.

GERAGOS: Okay. Now, based upon that -- can you point to the jury approximately where the remains were?

PHILLIPS: They were located right here, which is approximately at least 85 feet to the north of this storm drain, and then there are two measurements from two light standards, which are actually on Isabel Street. One was I think 3 -- I can't read for sure. 300 and something feet from one and I think 260 something for the other.

GERAGOS: Where is that storm drain drain off from?

JUDGE: Mr. Harris, 767. Not 764. Go ahead. Go ahead; I'm sorry.

GERAGOS: That's all right.

GERAGOS: Do you know where that storm drain comes from?

PHILLIPS: I believe actually it originates from -- originates from storm grates that are on Point Isabel. If there are additional drains that drain to that, I'm unaware of them.

GERAGOS: Okay. Now, you found -- besides -- obviously you found the duct tape on the remains. You also found three pieces of fabric; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: And where were those?

PHILLIPS: Two were located just to the south of the remains, one was located just to the north.

GERAGOS: Okay. Did you find a -- the three pieces on the south, did you collect those?

PHILLIPS: Detective Frazier did.

GERAGOS: Okay. The fourth piece of fabric that was north of the body, did you collect that?

PHILLIPS: Detective Frazier also collected that as well.

GERAGOS: Okay. Now, there was a -- also a -- I guess you checked the surrounding scene; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: Okay. And specifically you called this -- somebody else has called this riprap; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: And did you find -- did some cadaver dog alert on another area over there?

PHILLIPS: Yes, sir.

GERAGOS: Where was that?

PHILLIPS: That would have been at a location further to the north.

GERAGOS: Okay. Is that on the map?

PHILLIPS: No, sir.

GERAGOS: Okay. And what was the -- where the dog alerted, did you find something wedged in the boulders there?

PHILLIPS: I believe there was some clothing that was in -- in the rock area

GERAGOS: Okay. And in -- your report indicates at least that that was approximately 528 feet north of the original scene; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: Is there -- are either of these two that we have, do you have a drawing of where -- show you the other one that's not up there, a drawing of where that fabric was and those boulders were?

PHILLIPS: It's not marked on that itself. It would be close to the Hoffman Inlet, which borders a portion of the park on the north, which would be farther up in -- in that area

GERAGOS: Okay. And then after that, did you at some point while you were concluding -- I guess you searched that area; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: Okay. And then did you also find a tarp somewhere north of the Hoffman Channel, as well?

PHILLIPS: Yes, sir.

GERAGOS: Okay. And where was that -- where was the tarp?

PHILLIPS: Farther north, north of the Hoffman Inlet.

GERAGOS: Okay. If -- for the jury's benefit, if the area or the fabric that the dog alerted on, the cadaver dog alerted on, is 528 feet away -- and that's by Hoffman; is that correct?

PHILLIPS: Yes, sir.

GERAGOS: Then how far away from that, where the dog alerted, was this tarp?

PHILLIPS: It would have been approximately another -- across the channel another hundred fifty feet, maybe, to 250, 200 feet.

GERAGOS: Okay. Now, have you –

<recess due to alternate juror’s illness>