## Witness: Karen Ann Servas

Date: 2004-06-09

Proceedings held June 9, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect – Rick Distaso; Recross – Mark Geragos

Day 1 of 1 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/Servas-Trial.htm

Page/line: not available (source HTML has no page or line markers)

Text below is verbatim from the source page for this date only.

### Direct Examination by Rick Distaso

DISTASO: Ms. Servas, I don't want you to tell me the address, but do you live on Covena Avenue in Modesto?

SERVAS: Yes, I do.

DISTASO: And do you live on, next door to the Peterson residents?

SERVAS: Yes, I do.

DISTASO: And were you living there on December 24th of 2002?

SERVAS: Yes.

DISTASO: And how long had you lived at your house?

SERVAS: Since August of 1992.

DISTASO: So you were present during the entire time that Laci and Scott Peterson lived at the home at 523 Covena?

SERVAS: Yes.

DISTASO: Okay. If you could, just so the jury has some reference where we're at, do you see that diagram behind you?

SERVAS: Yes.

DISTASO: Can you just write, just write the words of "Servas home" on the side of the house where your house would be.

SERVAS: (writes on diagram)

DISTASO: Okay. Thank you. Now when, or let me just ask you this, did you, what was your relationship with the Peterson's, Laci and Scott Peterson?

SERVAS: Well, I first met Laci and Scott when they moved, which was in 2000. And I met them just on the front lawn. One day they were out and they were new neighbors, so we spoke and, you know, I, you know, had a pretty good relationship with both of them.

DISTASO: And since they were your next door neighbors I'm sure, you know, you saw them regularly, hi, how is it going, that kind of thing?

SERVAS: Absolutely.

DISTASO: And you have a son, right?

SERVAS: Yes.

DISTASO: And did you and your son ever go over to their house for any type of gatherings?

SERVAS: Numerous times we did.

DISTASO: Okay. And what kind of gatherings?

SERVAS: We went there for Memorial Day picnic. We went for a Super Bowl party. We went, just, just casually went over. I mean, they were neighbors. We went over. I swam in their pool a number of times.

DISTASO: How, in 2002 how old would your son have been?

SERVAS: He would have been at that time eight.

DISTASO: And at the time that you were there did you know about the, about the Peterson's putting a pool in?

SERVAS: Yes.

DISTASO: And you said that you and your son would go over, you know, on occasion, I guess, and swim in the pool and just do normal neighbor stuff?

SERVAS: Correct.

DISTASO: When was the last time that you ever spoke to Laci Peterson?

SERVAS: It was the afternoon of Sunday, December 22nd.

DISTASO: And can you tell, what was the, can you just tell me about that contact. How is it that you came to speak to her?

SERVAS: Well, Scott and Laci were in the front yard mowing the lawn earlier that afternoon and I had wanted to ask Scott to come over to my house and help me straighten out my Christmas tree. So I, after they were done mowing the lawn, I walked over there and the side gate was open and I went in the back yard and both Scott and Laci were the backyard transplanting plants from one side to the other.

DISTASO: Okay. When you said they were both mowing the lawn, were they both side by side pushing the lawn mower?

SERVAS: No, no, Scott was mowing the lawn and Laci was just kind of puttering around the front yard when I first saw them.

DISTASO: And you said you went into the backyard?

SERVAS: Correct.

DISTASO: And did you speak to Laci?

SERVAS: Yes, I did.

DISTASO: And did she tell you anything about how she was feeling, her physical condition related to her pregnancy?

SERVAS: She said she felt really tired. And when we were standing around the pool she also mentioned that she had almost fallen in the pool I think it was a couple of weeks before that she had felt kind of teetery and a little off balance.

DISTASO: All right. Let's go to the 24th now. I'm sorry, let me finish up with the 22nd. You said you had wanted the defendant to come over and help straighten up your Christmas tree?

SERVAS: Correct.

DISTASO: Okay. And did he do that later that day?

SERVAS: Yes, he did.

DISTASO: And then let's go to the 24th. Were you home on December 24th, 2002?

SERVAS: Yes, I was.

DISTASO: And did you at some point during the day find the, Scott and Laci's dog, McKenzie, out in the or somewhere on the street?

SERVAS: Yes, I did.

DISTASO: Okay. We'll get to that in a minute. But let me switch this thing over real quick.

DISTASO: Your Honor, I'm going to mark this whole binder. We'll mark it A through,

JUDGE: Next in order. This is 27, which is a binder. How many photographs are in there?

DISTASO: Oh, let's see.

JUDGE: A through what?

DISTASO: Six total.

JUDGE: A, B, C, D, E, F. Okay. A through F.

GERAGOS: Let's see, what are you marking?

DISTASO: 27A through F.

DISTASO: Okay. Just so we know we're talking about the right dog, this is People's 27A. And do you recognize that dog?

SERVAS: Yeah, that's McKenzie.

DISTASO: And is that fair representation of what the dog looked like on December 24th, 2002?

SERVAS: Yes.

DISTASO: Let me show you this binder of pictures, 27A through F. You just looked at 27A so go ahead and look through the rest of them. Tell me when you're done.

SERVAS: Okay. I'm through.

DISTASO: Okay. Before we, before we show these to the jury, let me have you do one thing. Let me ask you, do the pictures in this binder, the ones you haven't talked about, 27B through 27F, do these accurately reflect how your home and the Peterson residents at 523 looked on December 24th, 2002?

SERVAS: Yes.

DISTASO: Okay. While we're here I'm going to have you do one thing. Take a look at 27B, is that a picture of your home?

SERVAS: Yes, it is.

DISTASO: And did you find Scott Peterson's dog, McKenzie, out in front of your home sometime on December 24th, 2002?

SERVAS: Yes, I did.

DISTASO: Okay. Before we get started, I'm just going to pull this picture out. And just draw a circle where it was that you found the dog.

SERVAS: When I first saw the dog or when I touched the dog?

DISTASO: When you first saw the dog.

SERVAS: Okay. That would be, it would be right about here. Do you want me to just put an X?

DISTASO: No, just put a "1" for where you first saw it.

SERVAS: Okay.

DISTASO: And then on the bottom of that picture can you just put your name, Karen Servas, so we remember later who we were talking to.

SERVAS: Right there?

DISTASO: Right there is fine. Okay. And then on this picture can you also put a "2" where you first touched the dog.

SERVAS: That would be right here (writes on diagram).

DISTASO: Okay.

GERAGOS: Do you want to make the "1" a little larger.

SERVAS: I'm trying.

DISTASO: It's not showing up.

SERVAS: No, it's not showing up very well.

DISTASO: There's a black one behind you. That might be a little better.

SERVAS: (writing on diagram)

DISTASO: A little bit.

GERAGOS: Not really.

DISTASO: Okay.

DISTASO: Okay. Hold on to that binder. And let's start at 27B. Okay. Take a look at the screen for me, if you could. Oops. It will help to turn it on. What picture are we looking at here in the binder?

SERVAS: That would be 27B.

DISTASO: And if I use the mouse, where is it, okay. Let's start, let's take the jury through what happened there in the morning.

SERVAS: Okay.

DISTASO: In the morning were you getting ready to leave your house on the 24th to do some errands?

SERVAS: Yes, I was.

DISTASO: And you walk out of your house, correct?

SERVAS: Yes.

DISTASO: And this is, and this is your driveway right here (pointing)?

SERVAS: Yes, that's my driveway.

DISTASO: So this is your white house?

SERVAS: Correct.

DISTASO: And the Peterson home is this green house right next to it?

SERVAS: Correct.

DISTASO: The, so you walk out of your house. And where was your car parked?

SERVAS: My car was parked all the way up the driveway where I always park it, which is,

DISTASO: Okay. You can almost actually see it there behind the,

SERVAS: Yeah, that's where it was.

DISTASO: Okay. So your car is parked there. Just so the jurors know, these pictures were not actually taken on the morning of the 24th, right?

SERVAS: Correct.

DISTASO: So you get in your car, right?

SERVAS: Hm-hmm. Yes.

DISTASO: And you do what?

SERVAS: I backed out of my driveway to, my front end as it backed out would have been facing south. My front end was facing south. I was going out on to Encina, which is the street that's over here (pointing).

DISTASO: Okay.

SERVAS: It's south of the house.

DISTASO: If we're looking at Covena down the street here, the little trail that leads to the park is down here?

SERVAS: Correct.

DISTASO: And then Encina is this direction?

SERVAS: Correct.

DISTASO: So if we look at the picture it's to the left?

SERVAS: Yes.

DISTASO: So you backed out of your driveway, and so you probably backed out this way so your front end was facing towards Encina?

SERVAS: Yes, it was.

DISTASO: And then what happened next?

SERVAS: I looked out of my driver side window and McKenzie was standing in the street looking at me.

DISTASO: Okay. So the dog that we saw earlier was standing in the street?

SERVAS: Correct.

DISTASO: And where, if I used the house, where was he?

SERVAS: He was, move a little bit more up the street.

DISTASO: Let me see if this might show up. Yeah, let me give you a laser pointer. This might show up better.

SERVAS: As I backed out he was right about here (indicating).

DISTASO: And that's about the location where you marked on the picture in front of you, right?

SERVAS: Correct.

DISTASO: Okay. Then what happened next.

SERVAS: Well, I saw that he was by himself so I pulled over to here (indicating), pulled my car over, and got out of my car and walked over to him. By that time he had, he had gone to basically the end of my bumper, my driver's side bumper. So he was standing right in front of my driveway at that point.

DISTASO: Okay. Let me click. This was 27B. Let me go to 27C. There it is. So this is a little bit closer. Can you show us, hold on. Let me go to 27B. This is looking directly at your house. Can you show me on here then where you saw him?

SERVAS: Yeah. The first time was here in the street when I went and got out of my car he had moved to here (pointing).

DISTASO: Okay. And so you get in your car, and then what happened next?

SERVAS: I walked over to him, I saw that he had his leash on, and he was just standing there. So I went over to him and checked his tags to make sure he was actually McKenzie, and he was.

DISTASO: Okay. And what time was it that you found the dog?

SERVAS: It was sometime, well, after backtracking my receipts, I determined that I found the dog about 10:18, at 10:18 a:m.

DISTASO: And we'll talk about the receipts in a minute. So after you found the dog and you checked his tags, what did you do next?

SERVAS: I took his leash in my hand and I walked across my lawn and across to Scott and Laci's house and I tried to open the front gate.

DISTASO: Okay. So you went here across your lawn?

SERVAS: Correct.

DISTASO: And when you had the dog, how were you holding him as you were walking him to the house or to the Peterson's house, how are you holding him, by his fur, by his collar, by the leash?

SERVAS: By the leash.

DISTASO: Okay. So the leash was still attached?

SERVAS: Correct.

DISTASO: Can you describe for the jury what the condition of the leash was?

SERVAS: The leash had, it was dirty it had leaves and, like, grass clippings on it. It was moist.

DISTASO: Was your lawn wet that morning?

SERVAS: My lawn was. It was overcast that day. It hadn't rained in a couple of days, but the lawns were pretty dewy and moist from the fog.

DISTASO: And do you remember whether the dog's coat, you know, whether the dog's coat wet or was it dry?

SERVAS: It was dry.

DISTASO: So you take the dog, you take him across your lawn here, and is that right?

SERVAS: Correct.

DISTASO: I'm traveling in the right direction as we look at this picture from the middle towards the right?

SERVAS: Correct.

DISTASO: Now this is, is this 27E?

SERVAS: Yes, it is.

DISTASO: Okay. All right. Now you said you went and tried the front gate?

SERVAS: Correct.

DISTASO: And is that the gate right here (pointing)?

SERVAS: Yeah. Right there.

DISTASO: Okay. So you walk across your lawn here (pointing) and you tried the front gate, is that right?

SERVAS: Yes, I did.

DISTASO: And what happened?

SERVAS: Well, I felt a little panic because the gate was locked, but then I heard some raking in the backyard and so I figured I'd go try and see if the side gate was unlocked or open.

DISTASO: So you walk up there, try this gate, didn't get it, did you continue across the lawn?

SERVAS: Yes, I did.

DISTASO: And you said you went to the side gate?

SERVAS: Yes, I noticed that Laci's car was there, so I went, and as I came around the corner, the side gate, which is located right here, was open, it was ajar, and so I figured she must be in the backyard so I walked into the backyard with the dog.

DISTASO: And where was Laci's car parked?

SERVAS: It was parked up in the drive-, I mean it was up in the driveway. I don't know if it was on the right or left side, but it was right about here.

DISTASO: And were you familiar with the defendant's truck?

SERVAS: Yes.

DISTASO: And you recognize Scott Peterson as he sits here in court?

SERVAS: Yes, absolutely.

DISTASO: And so Laci's car parked in the drive?

SERVAS: Yes.

DISTASO: And look at People's 12 behind you, the diagram there. And where you see not the pickup truck, but the one that's labeled 4M where you see that, is that the approximate place Laci's car was?

SERVAS: I don't know if that's the exact place, but that's how far up to the gate that the car was parked.

DISTASO: Okay. And where was Scott Peterson's truck?

SERVAS: It was not there. I didn't see it.

DISTASO: Did you ever see, did you see Scott Peterson leave at all that morning?

SERVAS: No, so.

DISTASO: So Laci's car is parked here and this gate is open you said?

SERVAS: Yes.

DISTASO: One more thing on this diagram, this diagram, People's 12 shows the gate that you're describing. Do you see it right here, gate No. 2?

SERVAS: Yes, I do.

DISTASO: And the gate is swung open outwards towards the vehicles?

SERVAS: Correct.

DISTASO: And is that the way you saw it on December 24th?

SERVAS: Yes.

DISTASO: Okay. And that gate swings out toward the street?

SERVAS: It does, yes.

DISTASO: And this is just a little bit, this is People's 27F a little bit closer of these same areas; is that right?

SERVAS: Yes, it is.

DISTASO: Okay. Can you do me a favor now. Take that blue marker that you were using. And on People's 12, can you write with a dash line where you went with the dog.

SERVAS: From the point that I started?

DISTASO: Yeah. This diagram doesn't really show where your house is or where you found the dog, right?

SERVAS: No, it doesn't.

DISTASO: And where you found the dog on People's 12 where you wrote, where you have "Servas home" it would be further to the left?

SERVAS: Yes.

DISTASO: Can you just write this, write "found dog" and put an arrow towards the

left.

SERVAS: (writing on diagram)

DISTASO: And then can you write, can you show us with like a dash line the route you took and what you did with the dog.

SERVAS: Okay. (writes on diagram) Okay. This is where I went to the front gate and the gate was looked and I heard the noise coming from the backyard so I went around, which is normally where I would go, through the gate. And then I walked with the dog along the cement by the pool up to right here at the end of the house and I looked to the left, didn't see anything, but the noise that I originally heard when I was up here at the gate I determined was coming from either the Hogan's backyard or the Dunger's backyard. I think it was the Hogan's.

DISTASO: Let me stop you. Those were other neighbors?

SERVAS: Correct.

JUDGE: Let's have her mark the path, just an KS. Just a KS. Anywhere along that dotted line just put an KS so we know that's where you went.

DISTASO: You know, actually, can I just have her put a "Servas with dog" so later on we can remember?

JUDGE: Whatever, as long as we can identify who it is.

DISTASO: Just write "Servas and slash dog."

SERVAS: (writes on diagram)

DISTASO: Okay.

SERVAS: Does that work?

DISTASO: Yeah, that's fine. And then you said you heard a noise, right? And what kind of a noise was it?

SERVAS: It was the sound of somebody raking.

DISTASO: And when you went into the backyard you determined that was coming from a different neighbor's yard?

SERVAS: Correct.

DISTASO: Did you see anything in the backyard?

SERVAS: Nothing, no.

DISTASO: People?

SERVAS: No.

DISTASO: Any activity going on there at the house that you observed?

SERVAS: No. No activity.

DISTASO: All right. And so what did you next?

SERVAS: I turned around with the dog,

DISTASO: Hm-hmm.

SERVAS: and walked back along to here and back through the covered patio area And then this is where I basically, you know, said "McKenzie, stay." You know, said bye-bye, shut the gate and I left.

DISTASO: Okay. And the dog, you were familiar with the dog from the times you were over at the house?

SERVAS: Yeah, very familiar.

DISTASO: You can put the pen down. So when you left, you put the dog in, left and shut the gate?

SERVAS: Yes.

DISTASO: Did you take the leash off the dog?

SERVAS: No, I did not.

DISTASO: What's the next thing that you did that day?

SERVAS: I walked back across the lawn and my hands were full of, like, the leave and grass clippings and things that were on the leash and so I went, I was just going to go ahead and rub them on my jeans and go, but I decided not to because they were pretty dirty so I went in my house and washed my hands.

DISTASO: Okay. This is People's D again. So you went back to where, you went inside and washed your hands. This is 27D we're looking at. And did you get in your car then?

SERVAS: Yes, I walked back out of my house back down the driveway since my car was in the street at that point.

DISTASO: Okay. Did you see, what was going on in the street at that time?

SERVAS: At the time that I walked out of my house?

DISTASO: Hm-hmm.

SERVAS: There was just, there was a gentleman that was walking down the street passed my car. It was a Caucasian gentleman, balding, he looked like he had been walking down in the park.

DISTASO: Is that unusual for people to come passed your house to get to that trail at the end of the park?

SERVAS: We have a lot of people that do that.

DISTASO: Okay. So that was not unusual?

SERVAS: It's not unusual.

DISTASO: And did you see anything else?

SERVAS: No.

DISTASO: Did you see the Krigbaum's across the street? I mean, were they out?

SERVAS: No.

DISTASO: I mean, Amy Krigbaum is who I meant?

SERVAS: No.

DISTASO: The next-door across-the-street neighbors are the Medina's, correct?

SERVAS: Correct.

DISTASO: Were they out?

SERVAS: No.

DISTASO: You didn't see them. Okay. So you get, you wash your hands, you get in the car, where do you go?

SERVAS: I drove to the Bank of America and there were no parking spaces, I circled the bank twice, and decided to move on to the next place that I needed to go to, which was Austin's Christmas Store.

DISTASO: And this La Loma area that you live in, how far is that from the downtown area where the Bank of America is that you went to?

SERVAS: In approximate terms?

DISTASO: Hm-hmm.

SERVAS: About a mile.

DISTASO: And then you went from the Bank of America to where?

SERVAS: Well, after I circled the bank twice I went to Austin's Christmas Store.

DISTASO: And did you go into the store?

SERVAS: Yes, I did.

DISTASO: And is that store located downtown somewhere, also?

SERVAS: Yes, it's downtown.

DISTASO: And you went in and what did you do?

SERVAS: I went in and purchased some Christmas ornaments, paid for them, and left the store.

DISTASO: And what did you do next?

SERVAS: Next I went to Starbuck's downtown.

DISTASO: While you were in between Austin's and Starbuck's did you make a phone call?

SERVAS: Yes, I did.

DISTASO: Who did you call?

SERVAS: Tom Egan.

DISTASO: And after you went to Starbuck's where did you go after that?

SERVAS: I went back to Bank of America, found a parking space, and made a deposit.

DISTASO: And then what else did you do that morning?

SERVAS: After Bank of America?

DISTASO: Hm-hmm.

SERVAS: I went up McHenry Avenue to Prime Shine Express and got my car washed.

DISTASO: And since this jury doesn't really have no idea these areas that we're talking about, how far is the Prime Shine car wash from the Starbuck's downtown?

SERVAS: From Starbuck's or from Bank of America?

DISTASO: From Bank of America

SERVAS: Can I use approximates?

DISTASO: Sure.

SERVAS: Because I haven't clocked that.

DISTASO: Hm-hmm.

SERVAS: It's probably close to three, between three and four miles up McHenry.

DISTASO: And then after going there where did you go?

SERVAS: I went to the Save Mart at Scenic and Oakdale.

DISTASO: Just so we're clear with that, might actually be, is that area, no, I don't think it's on that map so we won't worry about it. Okay. You went to the Save Mart and then what happened next?

SERVAS: After I went grocery shopping I went home.

DISTASO: Did, and then you stayed home for some period of time?

SERVAS: Yes, I did.

DISTASO: Do you remember what time it was that you left your home?

SERVAS: It was about five after 4:00.

DISTASO: Now, do you remember testifying at the preliminary hearing? Did you testify in the preliminary hearing?

SERVAS: Yes, I did.

DISTASO: Do you remember testifying at the preliminary hearing that you left your home that day at around, I think you said 5:05?

SERVAS: Correct, I did say that.

DISTASO: Did you later go back and check some records which helped you better determine the time you left your home?

SERVAS: Yes, I did.

DISTASO: What records did you look at?

SERVAS: I looked at my Daytimer and my Microsoft Outlook and saw that I actually needed to be somewhere that day at 4:00 o'clock. And when I left my house that day I knew I was five minutes late to wherever I was supposed to be. I was supposed to be at a Christmas party. And for some reason I thought it was 5:05, but when I checked it was actually 4:05.

DISTASO: So using that Daytimer entry, did that refresh your memory that at the time you left was exactly 4:05?

SERVAS: Yes.

DISTASO: Now, did you, at some point that evening did you receive a call from Scott Peterson saying something to the effect of Laci's missing, have you seen her, something like that?

SERVAS: He called me. I'm not sure of the exact time. I knew it was after 8:30, and asked me if I knew where she was. And I said no. And he said, well, she's missing, and then something to the effect that there are people searching for her down in the park. There are helicopters and things. Because I told him I wasn't there, I was up in Ripon and I told him, well, I found McKenzie. And he said, hold on, and he put me, he put me on the phone with a detective.

DISTASO: And did you talk to a detective that night?

SERVAS: Yes, I did.

DISTASO: At some point were you asked or did Scott Peterson call you and ask you if you could more definitively define exactly what time you found the dog?

SERVAS: Yes, he did.

DISTASO: What time did you initially tell the police that you found the dog?

SERVAS: I told them it was about 10:30.

DISTASO: And did you find some records that helped you to really narrow the time frame down that you actually found the dog?

SERVAS: Yeah, first I found my receipt from Austin Christmas Store, and then I received my cell phone records when my cell phone bill came.

DISTASO: Okay.

JUDGE: Do you want that marked next in order?

DISTASO: Yes, Your Honor, this is People's 28. It's a receipt from Austin's Christmas Store.

JUDGE: All right.

DISTASO: And when did you find this particular receipt?

SERVAS: I found it in my jeans pocket on December 28th when I went to do my laundry.

DISTASO: And I showed you People's 28 there, is that a, is that the actual receipt that you found?

SERVAS: That's my receipt.

DISTASO: Okay. What time was it that it shows you made a purchase at Austin's Christmas Store?

SERVAS: It says 10:34 am.

DISTASO: Ms. Servas, this is so faint that I don't think that it's going to show up on the document camera, so can you just read where it's from and the date and the time.

SERVAS: It says Austin's Christmas Store, 12/24/2003, 10:34 a.m., Clerk No. 1.

DISTASO: Let me see the date, I think you said 2003.

SERVAS: I said, oh, no, I said, did I say 2003?

DISTASO: That's what I heard.

SERVAS: 2002. 12/24/2002.

DISTASO: The date on there is 12/24/2002?

SERVAS: Correct.

DISTASO: The, after you found that receipt, and then did you also get your cell phone bill and did you look up the call where you called, you said Tom Egan?

SERVAS: Yes, I did.

DISTASO: I'll have this marked next in order, Your Honor. It's a cell phone bill.

JUDGE: 29, cell phone bill

DISTASO: And do you remember calling Mr. Egan after you left of the Austin's Christmas Store?

SERVAS: Right. I called him after I left Austin's and he returned my call after I got out of the car wash.

DISTASO: Okay. Do you see that phone call, let me just ask you, is People's 29 a copy of your cell phone records?

SERVAS: Yes.

DISTASO: And do you see that phone call that you just told us about on those records?

SERVAS: Yes.

DISTASO: And what time was that phone call?

SERVAS: The phone call that I made after I got out of Austin's?

DISTASO: Yes.

SERVAS: Is at 10:38 a.m.

DISTASO: Can you just take this highlighter and highlight that on the bill.

SERVAS: Okay.

DISTASO: Just highlight where that call is.

SERVAS: (marking the bill.)

DISTASO: Did you then at some point after getting these documents and looking at the times, did you then try to recreate the events that you did that morning in order to try to backtrack the time to when you think you found the dog?

SERVAS: I recreated the events after I found this receipt, but before I got my cell phone records.

DISTASO: Okay. And can you tell, just tell the jury what you did.

SERVAS: Well, what I did was basically went through the motions of that morning. I opened the door out of my house. I went into my car, backed out of the driveway in the same direction that I did. And at the same time that I imagined finding McKenzie, I started my stopwatch. And then I pulled my car to the side of the road and went through the exact motions that I went through, including going into my house, getting back into my car, driving around the Bank of America twice, pulling up in front of Austin's, and that's the point that I stopped my watch.

DISTASO: Okay. And based on that recreation that you did, is that how you were able to determine that you found the dog approximately 10:18 in the morning?

SERVAS: Correct.

DISTASO: The, you said that you have received a phone call on the 28th from Scott Peterson asking you if you could kind of narrow your time frame down or kind of find by minute when you actually found the dog?

SERVAS: Yes, he left a cell phone message for me.

DISTASO: And is that call also reflected on those phone records in front of you?

SERVAS: I don't know of his incoming call, you know what, yeah, it's actually on the second page. I am not sure if his incoming call is shown on here because it went to voicemail, but my call responding back to him, which was approximately an hour-and-a-half later is listed on here.

DISTASO: Okay. And where were you at the time?

SERVAS: I was in Sante Fe, New Mexico.

DISTASO: And what date was it that you called him back?

SERVAS: December 28th.

DISTASO: Can you, just take this highlighter and highlight just the call showing that when you called him back.

SERVAS: When I called him back?

DISTASO: Hm-hmm.

SERVAS: Okay. (marks the call)

DISTASO: Now, on the 24th you said were you in Ripon,

SERVAS: Yes.

DISTASO: during when this initial kind of investigation and Laci was missing and all that was going on?

SERVAS: Yes.

DISTASO: And just for the jury's information, Ripon is a small town, what, maybe 10 or 15 miles north of Modesto?

SERVAS: That's correct.

DISTASO: Okay. And were there for just a holiday dinner?

SERVAS: Yeah, holiday gathering.

DISTASO: All right. The next day did you go over to Scott Peterson's home?

SERVAS: On a number of occasions, yes.

DISTASO: And we've heard testimony, it's fair to say that people were kind of in and out of the house, there was people around in the neighborhood searching, that kind of thing?

SERVAS: Yes.

DISTASO: And were you, did you go over there sometime in the evening?

SERVAS: I went over at about 5:00 o'clock.

DISTASO: And what was your purpose in going over there?

SERVAS: I wanted to see the 5:00 o'clock news out of Sacramento to see if they had a report about her being missing.

DISTASO: And did you, since the jury doesn't know you, do you not have a television or how was it that you couldn't watch the TV at your own house?

SERVAS: Well, I have Direct TV satellite and I didn't subscribe to the local channels.

DISTASO: And you knew that Laci and Scott had those channels?

SERVAS: Yes, I did know that.

DISTASO: So when you went over there, who was there at the house?

SERVAS: Scott was there, Lee and Jackie, they had just arrived, and I believe Renee Tomlinson and her husband.

DISTASO: And Jackie and Lee are who?

SERVAS: Scott's parents.

DISTASO: Do you see them sitting in the front row of the court here?

SERVAS: Yes, I do.

DISTASO: Okay. And did you watch the news?

SERVAS: Yes, I did.

DISTASO: And were people still kind of coming in or out or at this time was it just those folks you told us?

SERVAS: It was just them. There may have been one or two other people. I don't recall at that time that were actually there. If they were, they were people that I didn't know.

DISTASO: So you stayed there, you watched the news?

SERVAS: Correct.

DISTASO: And then where did you go?

SERVAS: I went home.

DISTASO: And did you receive a call at some point to go back to the house?

SERVAS: Yes, approximately ten minutes later.

DISTASO: While you were there did, were you asked to stay for a Christmas dinner?

SERVAS: I was asked to stay, yeah. They were going to have turkey for dinner and I was asked to stay to eat.

DISTASO: That was the first time you were there, around 5:00 o'clock?

SERVAS: It would have been probably 5:15, 5:20ish.

DISTASO: Okay. And what did you tell them?

SERVAS: I said, no, I'm a vegetarian. I have packing I need to do. I'm leaving for New Mexico the next day so I think I'll just go home.

DISTASO: And then you received a call at, at ten minutes later and who called you?

SERVAS: Scott did.

DISTASO: And what did he say?

SERVAS: He said, well, I found some cheese tortellini, would you, to paraphrase, you know, would you reconsider, would you come over.

DISTASO: Okay.

SERVAS: And I said okay.

DISTASO: So you went over, and who was over at the house at that time?

SERVAS: Scott, Lee and Jackie.

DISTASO: So the defendant and both of his parents?

SERVAS: Correct.

DISTASO: What was the defendant's parents, what was Lee Peterson's demeanor when you went over there?

SERVAS: He was really upset. I mean, he was crying and was upset.

DISTASO: And what about Jackie Peterson?

SERVAS: Jackie was upset as well.

DISTASO: And how would you describe the defendant's demeanor?

SERVAS: He was pretty calm. He wasn't, I mean, you know, I had already seen him upset during the day so he had pretty much, he was pretty calm at that point.

DISTASO: And did, what went on during the dinner?

SERVAS: Well,

DISTASO: Well, let me just ask this, who cooked dinner?

GERAGOS: Objection, relevance.

JUDGE: Yeah, unless, is it going to clear up something or,

GERAGOS: No. I'll make an offer, if you want, outside the presence, but there is absolutely no relevance to any of this.

JUDGE: Does it have any relevance as to what went on during dinner?

DISTASO: No, I mean I was just using that for background. I'll skip over that.

JUDGE: So they had dinner.

DISTASO: You had dinner and then, well, let me just go right to it. Did Scott Peterson say anything about the police taking a gun from his house?

SERVAS: Yes.

DISTASO: What did he say?

SERVAS: He said that he was a little upset because when he got back from wherever he had been the night before that he had noticed when he got home that the police had taken his gun and some rags out of the washing machine without his knowledge.

DISTASO: And did he say where they took the gun from?

SERVAS: He said he took, that the police had taken it from the house.

DISTASO: Nothing further, Your Honor.

**Cross Examination by Mark Geragos**

JUDGE: Mr. Geragos.

GERAGOS: Thank you.

JUDGE: Do you want to turn this off now?

GERAGOS: No, they can leave it on. I may use it.

JUDGE: You're going to use it. Okay.

GERAGOS: Good morning, Karen. How are you?

SERVAS: I'm good.

GERAGOS: Good. Starting, I'm going to go through, track a little bit of what the prosecutor was asking you.

SERVAS: Okay.

GERAGOS: The, you said the last time that you saw Scott and Laci together was on the 22nd; is that right?

SERVAS: Sunday, the 22nd, yes.

GERAGOS: Okay. And that was approximately what time?

SERVAS: It was between 2:00 and 3:00. It was in the afternoon.

GERAGOS: Okay. And it was not uncommon for you to go over there to their house unannounced, so to speak?

SERVAS: Not uncommon at all.

GERAGOS: Okay. In fact, you had a, at that time, an eight-year-old boy?

SERVAS: Correct.

GERAGOS: And your eight-year-old boy would go swimming with Scott in the pool and play at the house on occasion; isn't that true?

SERVAS: Primarily just swimming in the pool, yes.

GERAGOS: Okay. And he, Scott would also come over to your house or you would ask him on occasion to come over to do things, like on the 22nd, straighten the tree, other kinds of chores, I take it, or odds and ends around the house?

SERVAS: He had helped me on a number of occasions with things that I maybe physically couldn't handle so,

GERAGOS: Is it fair to say that you were a single mother and you're not exactly huge, so if you need something to be moved or helped out around the house he would do that on occasion?

SERVAS: Yes, he would, whenever I asked him to do something he would, if he had the time to do it he would come and do it.

GERAGOS: Okay.

SERVAS: And it was helpful.

GERAGOS: Is it fair to say that he was a, both he and Laci were very good neighbors?

SERVAS: Absolutely.

GERAGOS: The, do you belong to the Rotary?

SERVAS: Modesto Rotary, downtown Rotary Club, yes, I do.

GERAGOS: And had Scott just joined at the Rotary before the disappearance?

SERVAS: Actually, he had been a member for a while. I think possibly up to a year prior to that.

GERAGOS: Had he taken Laci to the Rotary, do you remember, right before that and introduced her and Baby Conner to the Rotary Club?

SERVAS: I don't recall being present if that happened, no.

GERAGOS: Okay. Now on the 22nd when he came over, what did you do have him do, straighten up the Christmas tree?

SERVAS: I, he got under the tree and I held the trunk and he straightened the tree from underneath.

GERAGOS: Okay. Your son also had I think a collection, out a house collection of miniatures collection of some kind?

SERVAS: Yeah, they were there. I'm not sure exactly where, but they were there.

GERAGOS: And was your son present on the 22nd?

SERVAS: Yeah, he was in the house.

GERAGOS: Okay. Scott was interactive with all of these, greet him or they knew each other by name, I take it?

SERVAS: Yeah, I don't know how much they actually talked that day. I can't recall that.

GERAGOS: Now, the 22nd, when you went over, this would have been before he came over to the house to pick, to arrange the Christmas tree, right?

SERVAS: Correct.

GERAGOS: When you went over first, the first things you noticed was Scott was mowing the lawn, Laci was out front with him?

SERVAS: Well, when I first went over they had had, they were already through mowing the lawn.

GERAGOS: Okay.

SERVAS: They were already in the backyard when I went over.

GERAGOS: And you said they were transplanting, what was Laci physically doing?

SERVAS: She was standing.

GERAGOS: Okay. And would she bend down or help out, or was she doing anything?

SERVAS: No, she was basically, Scott would be, Scott went over to the fence, dug up the perennials to transplant and then she was, you know, showing where she wanted it to go.

GERAGOS: Okay.

SERVAS: So he was doing the work, she was directing.

GERAGOS: Okay. Which from what I understand was not uncommon.

SERVAS: No. No. She knew what she wanted and where she wanted it.

GERAGOS: The work that was being done around the house, I assume that you were their neighbor while they were redoing the yard as well?

SERVAS: Yes.

GERAGOS: And Scott was usually the one who would be doing that kind of work?

SERVAS: Well, it depends on the project. I mean, if you want to talk specifics, I can't remember specifically when he did the brick or this or that. But generally they would work together, whether it happened to be a planting project. She did a lot of the planting herself, and actually moved things around a lot during the time that they were working, during the time that they were living there.

GERAGOS: Okay. Now, on the 23rd you were home, I take it?

SERVAS: On the 23rd, that would be Monday?

GERAGOS: That would have been a Monday.

SERVAS: I was at work.

GERAGOS: Okay. What time did you get home?

SERVAS: I can't recall the exact time I got home on Monday.

GERAGOS: Okay. And did you spend the night there, Monday night?

SERVAS: The 23rd?

GERAGOS: The 23rd.

SERVAS: Absolutely, yes.

GERAGOS: Okay. And was your son home, also?

SERVAS: No, he was over at his aunt's house.

GERAGOS: Okay. Did you hear anything unusual at all during the night on the 23rd?

SERVAS: No.

GERAGOS: Okay. You apparently got fairly keen ears because you were able to hear raking at a neighbor's yard on the 24th, so I assume your hearing is okay?

SERVAS: My hearing is fine. Thank you.

GERAGOS: Okay. The morning of the 24th, your estimate at least, let me go through the time line in a second and how you got to it, but your estimate was is that you were home until at least 10:15, right?

SERVAS: Correct.

GERAGOS: Okay. Did you hear anything that morning unusual?

SERVAS: No.

GERAGOS: Okay. The way, when you first got a call from Scott, that was on the 20, on the 24th. That was at approximately 8:00 o'clock?

SERVAS: Well, since I have my phone records in front of me now,

GERAGOS: Sure.

SERVAS: the incoming call to Ripon was at 8:48 p.m. so it's right here. Call No. 114.

GERAGOS: Okay. Call No. 114, 8:48, and it says you were at Ripon?

SERVAS: Right. It says it's an incoming call.

GERAGOS: Hm-hmm. And the incoming call was from, can you tell?

SERVAS: Well, it doesn't say the numbers on Verizon bills. It just says that there's an incoming call. That is my phone number. But that's when he called me. I only got one call when I was up at the Christmas party, and that call was from him.

GERAGOS: And the call from him, what did he exactly ask you?

SERVAS: I don't know what he exactly asked me. I can paraphrase it.

GERAGOS: Sure.

SERVAS: Unless do you have a copy of what he said or,

GERAGOS: No, I was just, they weren't wiretapping that early on.

SERVAS: Okay. Sorry. He said, you know, Karen, it's Scott. I'm just paraphrasing. He said, you know, we're trying to narrow the time line down to see if it ties with the burglary at the Medina's house across the street. If there's any way that you can get, you know, more exact with your timing of when you found the dog, I appreciate it. I'm just paraphrasing.

GERAGOS: And that's on the 24th?

SERVAS: That he made that call to me?

GERAGOS: Is that right?

SERVAS: No, the call, the call that I just described,

GERAGOS: Right.

SERVAS: was on the 28th.

GERAGOS: On the 28th.

SERVAS: When I was in New Mexico.

GERAGOS: Right. Let's go back to the 24th.

SERVAS: The 24th, I spoke to him that day.

GERAGOS: Right. When did you speak to him?

SERVAS: When he called me at 8:48 p.m.

GERAGOS: Okay. That's the one I'm talking about.

SERVAS: Okay.

GERAGOS: Let's just focus on the 8:48 and then I'll,

SERVAS: Okay. Because I thought you had switched.

GERAGOS: No.

SERVAS: Okay.

GERAGOS: The 8:48 you were there?

SERVAS: 8:48, I was at Ripon at a friend's house.

GERAGOS: Okay. Having Christmas Eve dinner?

SERVAS: Christmas Eve dinner.

GERAGOS: Right.

SERVAS: Absolutely.

GERAGOS: You get a call from Scott?

SERVAS: Yes.

GERAGOS: And in that call what does he say to you?

SERVAS: He said to me, you know, Karen this is Scott. Have you seen Laci today. I said, no, but I found McKenzie. And he said, well, Laci's missing, and went through the same thing that I told you before or told Mr. Distaso before, you know, the helicopters and all that.

GERAGOS: Right.

SERVAS: And then he, when I told him I had found the dog he put me on the phone with a detective to find, to describe finding the dog.

GERAGOS: Right. So as soon as he found out that you had some information about McKenzie and finding McKenzie, he immediately put you on the phone with the detective, correct?

SERVAS: Yes, he did.

GERAGOS: Okay. And do you remember what you told the detective?

SERVAS: I don't remember specifically what I told him. At that point I mean I was just in shock so,

GERAGOS: There was a, do you remember if, you probably don't, but do you remember if you talked to, which detective you talked to?

SERVAS: I, that evening I don't remember the name of the detective that I talked to on the phone after Scott passed it off. Like I said, you know, I was upset. I was in shock, so I don't remember who I talked to, but I know I talked to a detective.

GERAGOS: When you talked to, and this is, I'll keep prefacing so that we don't skip around. This is still on the 24th. This is the first time that you heard that finding the dog may have something to do with Laci's disappearance, correct?

SERVAS: Yeah.

GERAGOS: Okay. Because, I mean, it's a fair statement that morning that you didn't think that there was anything, I mean, you thought it was unusual that the dog's out there without with a leash, but you didn't realize that it had any import until you got the call, correct?

SERVAS: Yeah, that's true.

GERAGOS: Okay. Now when you talked to the detective, you told him that you were preparing to leave your residence on 12/24 at almost exactly 10:30 a.m.; is that correct?

SERVAS: I don't know if I, that's what I told Detective Buehler the next morning on the 25th, but I don't know if that's what I told the detective that evening on my cell phone.

GERAGOS: Okay. Do you remember what you told them that evening on the cell phone?

SERVAS: I, in general terms, because, again, I was a little frazzled at that point just that I had found the dog in front of my house before I left to run errands.

GERAGOS: Okay. So when you, you told them that and they said we'll talk to you tomorrow morning or something like that?

SERVAS: Well, I asked to talk to Scott again.

GERAGOS: Okay.

SERVAS: And they put Scott back on the phone.

GERAGOS: Okay. You talked to Scott?

SERVAS: I said what's going on, how are you, what's happening. And he was just, like, I don't know, I don't know. They're looking for her. And then that was basically the call.

GERAGOS: Okay. Now on the 25th you said you saw Scott a number of times?

SERVAS: Yes.

GERAGOS: And you had seen him upset a number of times, correct?

SERVAS: He was, I don't know if you call it upset, he was pretty just,

GERAGOS: Focused?

SERVAS: It looked like he was in shock. I mean, that's how interpreted it. He was in shock and just kind of, you know, had the posters and was out with friends stapling posters up on the flag, up on the poles and things like that.

GERAGOS: Okay. Focused on as much as one can be in that kind of emotional strife, focused on trying to find Laci?

DISTASO: Objection, that's argumentative.

JUDGE: Sustained.

DISTASO: Calls for speculation.

GERAGOS: When you say he was in shock, was he responding to you?

SERVAS: Yeah, but usually just, you know, I mean, he was kind of even, even toned,

GERAGOS: Flat?

SERVAS: Flat, yeah, that would be a fair assessment.

GERAGOS: When did you talk to Buehler?

SERVAS: It was between 11:00 and 12:00 on Christmas day.

GERAGOS: Okay. And so I'll ask you, I assume they've shown you all your reports or all the reports in connection with you?

SERVAS: I have seen them, yes.

GERAGOS: Okay. And Buehler writes that you told him that you were leaving your residence at almost exactly 10:30A.m.?

SERVAS: I told him that that morning, yes.

GERAGOS: Okay. And that you were backing, and that was one day removed from when it had actually happened?

SERVAS: Correct.

GERAGOS: Okay. That you were backing out of the driveway, and that would have been the picture that's up here, right?

SERVAS: Yes.

GERAGOS: And is this the car that you were in?

SERVAS: Yes, that's my car.

GERAGOS: Okay. And as you're backing up out of the driveway, how far out of the street were you before you saw McKenzie?

SERVAS: Well, I had backed the car out this way, it was basically parallel to the curbing here and I saw him here as I was backing out so, so the car was already all the way into the street.

GERAGOS: Okay. So when you say "backing out" so that you were going to go ahead in the direction that I've got the cursor going in this direction?

SERVAS: It would be going south.

GERAGOS: And that's away from the park, the park, if you're going down to the park, it's down in this direction over this way?

SERVAS: It would be going north towards Scott and Laci's house.

GERAGOS: Now when you saw the dog, and by the way, the dog was closer to your curb or to the Medina's curb?

SERVAS: To my curb.

GERAGOS: To your curb. And in the middle the street?

SERVAS: In the middle of the street when I first saw him.

GERAGOS: And heading this direction towards the Covena house?

SERVAS: Was he heading in the direction?

GERAGOS: Yeah, which direction was the dog facing?

SERVAS: He was,

GERAGOS: If you're, the jury's,

SERVAS: It was like he was coming around toward me so his head was south and his rear was north.

GERAGOS: So facing,

SERVAS: Yeah.

GERAGOS: same direction that you were?

SERVAS: As I'm pulling out, he's just there and his head's here. So as he came, it was like he came from behind my vehicle.

GERAGOS: Okay. So he could have, he would have been, could have been heading from the park direction?

DISTASO: Objection, that's speculative.

JUDGE: Well, no,

GERAGOS: Well, he was heading away from the park, wasn't he?

SERVAS: Well, his body. When I saw him he was standing there. He wasn't, like, running. He was standing there. And the way he was positioned was his head was facing south and his butt was facing north.

GERAGOS: Okay. Now, when you saw him did you then back up or go right back into the driveway?

SERVAS: No, I went here (pointing) and I pulled up to the curb here and I parked my car and got out.

GERAGOS: And then you got out and you grabbed the leash?

SERVAS: No, I got out and I looked at him, it looked like McKenzie, and then I grabbed his collar to make sure he was McKenzie. I read the tag and then I grabbed the leash.

GERAGOS: Okay. Now, when you took him back over here, you said this gate, the front gate, I guess what they call the front gate because you said the walkway there was locked, right?

SERVAS: Yes, it was locked.

GERAGOS: And then there's another gate that was right here?

SERVAS: Correct.

GERAGOS: Now that gate is normally closed, correct?

SERVAS: Yes.

GERAGOS: Okay. And the dog is normally behind that gate, right?

SERVAS: Correct.

GERAGOS: And that morning the gate was wide open?

SERVAS: Yes. Yes, it was wide open.

GERAGOS: Okay. And do you know was it on a 90-degree angle or was it flat around the fence itself, do you remember?

SERVAS: I can't remember if it was flat against the fence, but it was wide open. It wasn't, it was at least 90 degrees. It was wide open.

GERAGOS: And had you heard the dog barking at any point while you were either in the house or when you came out of the house?

SERVAS: While I was in my house?

GERAGOS: Yes.

SERVAS: No, I did not hear the dog bark.

GERAGOS: Okay. And did the dog bark when you got out of your car?

SERVAS: No, the dog did not bark.

GERAGOS: Okay. And so you grabbed the leash and you put the dog back, you described the way you walked in the backyard already?

SERVAS: Correct.

GERAGOS: And you heard some sounds, originally you said you heard a sound and you thought it was coming from the backyard; is that correct?

SERVAS: Right.

GERAGOS: Okay. Then when you went back in there you didn't suspect anything unusual, correct?

SERVAS: Correct.

GERAGOS: You didn't see any signs of any struggle or anything else in the backyard when you went back there, correct?

SERVAS: It was very quiet, so, no, I didn't see anything like that.

GERAGOS: Now, when you talked to Detective Buehler on the 25th, you told him that the leash was very dirty and muddy, correct?

SERVAS: Yeah, I did tell him that.

GERAGOS: Okay. And you told him that so much so that that's why you decided to go back in the residence and wash your hands, right?

SERVAS: In general, yes.

GERAGOS: Then you returned, you told him that you recall returning home at about noon?

SERVAS: It was between 11:45 and noon that I returned home.

GERAGOS: And when you returned home you said that you knew that UPS delivery had been made as you saw a package near the front of the residence?

SERVAS: It was a package.

GERAGOS: Do you want to show us where?

SERVAS: Yeah, there was a box. It looked like just a square maybe book box that was sticking out of their mailbox. And later on I found out it was actually a UPS, not a UPS delivery, but a postal delivery. When I went over the next night they said that that actually had come from the postal service, which would be right because the mail gets delivered between like 10:30 and 11:30 in our neighborhood.

GERAGOS: Okay. Now, when you came back at noon had you walked back over to the house,

SERVAS: No.

GERAGOS: to see if anybody was there?

SERVAS: No, when I pulled in I could just see that there was something sticking out of the mailbox when I pulled in.

GERAGOS: Okay. Now the, you also told that, Detective Buehler that when you had last spoken with Laci and with Scott that they had confirmed that the upcoming birth was going to be a boy and that they had selected the name of Conner, correct?

SERVAS: That is what Scott told me when he left my house after straightening out the tree.

GERAGOS: Okay. Now the next thing you did is, now I'll jump over to that 28th phone call. That's when Scott asked if he could pin down when it was the exact time that you had found McKenzie, right?

SERVAS: Right. He asked me to do that.

GERAGOS: And he told you that the reason that he wanted you to do that was he wanted to see if it was linked to a burglary that had happened directly across the street?

SERVAS: That's the reason he gave in general terms on the message, yes.

GERAGOS: Okay. And the Medina's, I don't have, actually, this picture that we're looking at right now, what is that, what does it match on your marking there on the binder, 27D?

SERVAS: It would be E.

GERAGOS: E. Okay. Where, whoever is taking this picture is standing, it looks like it's probably at the Medina's house or in their front yard; isn't it?

SERVAS: It looks like they're probably standing on their lawn because that's their hedge to the bottom right.

GERAGOS: Right. Over here is the hedge that borders their property?

SERVAS: The Medina's, yes.

GERAGOS: And that the burglary that occurred would have occurred in this house right here where they're taking the picture from, correct?

SERVAS: The lawn that the photographer is standing on is the Medina lawn so that would be correct.

GERAGOS: Now, the, at that point you then found the receipt or you went and looked for the receipt that was in your pants pocket?

SERVAS: After Scott's call?

GERAGOS: Yeah.

SERVAS: No, I had found the receipt earlier that day on the 28th when I went to do my laundry. I found it in my pants pocket as I was cleaning my pants out.

GERAGOS: And the receipt says 10:34?

SERVAS: Correct, a.m.

GERAGOS: 10:34 a.m.?

SERVAS: Yes.

GERAGOS: Right. So at that point you tried to reconstruct exactly what you had done between the time of finding McKenzie and getting over to Austin's, based on your assumption that Austin's receipt or the time line was accurate?

SERVAS: Right. I recreated it when I got back to Modesto.

GERAGOS: Right. So you started with that suggestion that the receipt says 10:34. If that's accurate, an accurate time, then you worked backwards in terms of, I think you said you had a stopwatch timing yourself?

SERVAS: Right.

GERAGOS: Now, when you did that you came up with approximately, I think the next time you said the interview, you told the police you thought it was about 10:20; is that correct?

SERVAS: No, I wrote it, I wrote a note to Detective Buehler that outlined specifically. My next contact with them was when I turned it, the actual, physical receipt over and I handwrote a note that detailed exactly what I did that morning, and so my next report to them was that it was 10:18.

GERAGOS: 10:18, based on the receipt and working backwards, correct?

SERVAS: Correct.

GERAGOS: Okay. Now the, you told the officers, so you wrote the, you wrote the officers a note, told them that you worked backwards, it took you about, your estimate was 16 minutes to do this?

SERVAS: Yeah, 11 minutes to drive from my house after finding, you know, finding the dog, going through the motions, driving and getting to Austin's, to the point of finding the dog, to the point of getting to Austin's was 11 minutes, and I spent, what I approximated as about five minutes in Austin's making my purchase.

GERAGOS: Then you, and so all of those are based on the, what the estimate of Austin's for five minutes, that's your best guess as you were sitting there recreating it in your head?

SERVAS: Yeah, I mean 10:18 is the latest I could have found the dog because there is no way I could have left any later and did what I did and made the calls that I made and gotten home by the time I had gotten home if it had been later than 10:18. That's the latest that I approximated.

GERAGOS: Now, at the preliminary hearing, when I went through and you and I went through the time line and you had, I had asked you how long you were at home, and you said you got there at about 11:45 or 12:00 and you said right, do you remember that?

SERVAS: Yeah, I did say that.

GERAGOS: Then I asked, when did you next leave your home. And you told me I left my home at 5:05.

SERVAS: Right. I did say that at the prelim.

GERAGOS: And I said, how do you know the exact time?

SERVAS: And you said, because as I pulled out of my driveway, I looked at the clock in my car because I was late. And I did, yeah.

GERAGOS: Okay.

SERVAS: I was five minutes late.

GERAGOS: Okay. Now, what your testimony is here today, though, it looks like there's a supplemental report. About a year later I think you spoke with Investigator Bertalotto; is that correct?

SERVAS: Okay. Well, you're talking about my testimony at the prelim. This, I called Detective Bertalotto a day-and-a-half after my testimony and said, wait a minute, I think I made a mistake on the time.

GERAGOS: Right. Well, he apparently didn't do a report until, let's see. I spoke with Karen Servas on December 11th.

SERVAS: He called me back. I called him, okay, I testified on the 13th, right? I called him on the 15th.

GERAGOS: You testified in what month?

SERVAS: November 13th.

GERAGOS: Right.

SERVAS: I called him on a Saturday, November 15th.

GERAGOS: To tell him that when you testified at the preliminary hearing and I specifically asked you, how do you know the exact time,

SERVAS: Right.

GERAGOS: and your answer was, Because as I was pulling out of my driveway, I looked at the clock in my car because I was late.

SERVAS: And I think it also says something on that, the fact that I can still see the package in Scott and Laci's mailbox.

GERAGOS: I specifically said, Okay. You said were you late. Were you supposed to be somewhere at a certain time? "Answer: Yes, I was supposed to be somewhere at 5:00 p.m. "Question: When you looked at your clock, I mean, yeah, you looked at your clock, did you during that time you were back in your car at 5:05 and driving away, did you ever look at the Peterson home?" And you said yes. And that's when you say what happened when you did that, did you notice anything when you did that? I drove passed the home and Laci's car was in the driveway and there was a package in the mailbox.

SERVAS: Right.

GERAGOS: Okay. So wasn't your testimony at the preliminary hearing that you didn't see this package until you left for the day, not when you came back?

SERVAS: I saw it at both times.

GERAGOS: You never testified to that?

SERVAS: No, because nobody asked me about that.

GERAGOS: I specifically asked you, didn't I, and I'll show you your testimony if you want.

SERVAS: This was when I drove passed the home in the evening I noticed the package. But you did not ask me if I noticed the package when I came home at 11:45, and I did notice the package when I came home at 11:45.

GERAGOS: I specifically asked you, What happened when you did that, did you notice anything when you did that. I drove passed the home, Laci's car was in the driveway and there was a package in the mailbox, right, isn't that that you answered?

SERVAS: And that's the same package I saw earlier in the day.

GERAGOS: You never told anybody up until today that you saw that package at 11:45 and at 5:05, did you?

SERVAS: Right, because nobody asked me that question at the prelim.

GERAGOS: Well, somebody asked you exactly what time you left home that day, that was me, wasn't it? I asked you exactly, how do you know the exact time? "Because as I was pulling out of my driveway, I looked at the clock in my car because I was late." Isn't that what you answered?

SERVAS: I was five minutes late to where I was supposed to be.

GERAGOS: You said "I left my house at 5:05." You didn't say I left my house at 4:05 or five minutes late. I asked, "When did you leave your home?" "Answer: I left my home at 5:05, correct?

SERVAS: Okay. But can we look down here?

GERAGOS: Trust me, we're going to go through every one of these.

SERVAS: Okay.

GERAGOS: Now you said, I was supposed to be somewhere at 5:00 right? Isn't that what you said?

SERVAS: That is what I said at the prelim, yes.

GERAGOS: And I said, you said you were late, you were supposed to be somewhere at a certain time, and you said 5:00 o'clock, right?

SERVAS: And I was incorrect.

GERAGOS: Okay.

SERVAS: I was incorrect.

GERAGOS: You were incorrect?

SERVAS: I was incorrect because I went back and checked my schedule.

GERAGOS: And Detective Bertalotto or Investigator Bertalotto did a report, what, a month later saying that your testimony at the preliminary hearing was wrong?

SERVAS: If that's when he did the report, that's correct, but I notified him less than 48 hours after that.

GERAGOS: Can you tell me when it says, see if that refreshes your recollection as to when you actually talked to him?

SERVAS: He called me back. I talked to him,

GERAGOS: A month later?

SERVAS: Can you let me explain it, please?

GERAGOS: No, I'm going to ask the questions.

JUDGE: Now, wait, wait, wait, wait, wait.

SERVAS: I would like to be able to explain.

GERAGOS: I will explain.

JUDGE: Wait a minute. Just a minute. He asked the question, you give the answer, then you can explain it. What's the question?

GERAGOS: The question is, did you talk to him a month later?

SERVAS: Yes, I did.

JUDGE: All right. Do you want to explain that? Do you want to explain that?

SERVAS: Yes.

JUDGE: Explain that.

SERVAS: I called Detective Bertalotto two days after I testified at the preliminary hearing. And I said, I think I've got a problem. And he said what. And I said I reflected on my testimony at the prelim and I realized that there is no way that I could have seen the package at 5:05 because it would have been dark, so I went back to my Daytimer, looked to see when I was supposed to be at my friend's house, and I was supposed to be there at 4:00. I knew I was going to be five minutes late and I said, what do I need to do. He said I don't know. Let's wait until the prelim is over. Let's figure out what we're going to do. We may need to do a supplemental report. And then he called me back on that date in December to do the supplemental report. But I notified him within 48 hours that there was a problem that I think that I may have given the wrong time. I want to make sure things are accurate. That's all I want to do.

GERAGOS: Did you ever tell him that I couldn't have seen the package at 5:05 because it would have been too dark?

SERVAS: Right.

GERAGOS: But I did see the package at 11:45?

SERVAS: I saw the package twice that day.

GERAGOS: I asked you if you told him

GERAGOS: When?

SERVAS: I told him that when I called him back. I said I couldn't have seen, what I'm saying is, the reason I know that I left later is that it would have been too dark for me to see the package at 5:05, so I went back and checked my records and knew that I had left five minutes late

because I was supposed to be there now at 4:00.

GERAGOS: Can you read this report and tell me anywhere in that report where it says you saw the package at 11:45?

JUDGE: Just read it to yourself.

GERAGOS: Read it to yourself.

SERVAS: No, there's nothing in here, but I saw the package at 11:45.

GERAGOS: You just testified, you told this jury that you told the investigator that you saw the package at 11:45.

SERVAS: Which investigator?

GERAGOS: Bertalotto. Isn't that what you just testified to?

SERVAS: No, that's not what I just said.

GERAGOS: You didn't say that?

SERVAS: I didn't say,

GERAGOS: Okay. Let me,

SERVAS: I may have said that to him. You want to know the fact, the fact is I saw the package at 11:45. That is the fact. No matter who I told it to, that is the fact that I saw it when I came home and I saw it when I left.

GERAGOS: When you talked to Bertalotto did you tell him that "it was currently getting near Christmas time and the time of year that Laci Peterson went missing. She noticed it's getting dark before 5:00. That caused her to reflect more closely on the time she left her house on the evening of 12/24." Is that what you told him?

SERVAS: That probably is a fair representation, yes. It's probably not verbatim.

GERAGOS: Did you tell him that "Servas is sure that she could see a package in the Peterson mailbox as she was leaving to go to Ripon. And as dark as it is at 5:00, she said to me she doesn't think she can see the package and doesn't remember it being dark when she left."

SERVAS: It wasn't dark when I left that, that afternoon, that's correct.

GERAGOS: Right. And I'm asking you, is that what you told him?

SERVAS: Yeah.

GERAGOS: Did you tell him that you had seen that same package at 11:45 in this same conversation?

SERVAS: No, I didn't say that at that time.

GERAGOS: Did you,

SERVAS: But I saw the package.

GERAGOS: When did you tell him?

SERVAS: Tell Bertalotto that I saw the package?

GERAGOS: Yeah.

SERVAS: At 11:45 or that the time that I left the house?

GERAGOS: When did you tell him that you saw the package at 11:45?

SERVAS: I don't know when I specifically told him that.

GERAGOS: Now, the, you also at one point had tried to file a complaint with the Modesto PD on me, didn't you? Didn't you call up the police and tell them that you wanted to file a complaint against me?

SERVAS: Yes, I did.

GERAGOS: Okay. Did you tell them that a National Enquirer reporter had come to someplace where you were and that the person gave you a card, and because they were from Los Angeles, you assumed I must have sent them?

SERVAS: No, that's not true.

GERAGOS: You didn't tell them that, you didn't tell the police that?

SERVAS: No. What happened was somebody, I was at work, somebody said that there is a Bob Smith or Bob White or whatever, waiting to see you. And I went out, he introduced me as a person from the Globe magazine and that he wanted to talk to me. The assumption I made was because you had made a statement during the day about some mystery woman, that he was assuming that I was the mystery woman that had information about Laci's disappearance, and so that's how I tied that together and that is why I called the detective. I was very upset that somebody had come to my workplace to speak to me.

GERAGOS: That's not what you told the police, though, is it?

SERVAS: That is what I told them.

GERAGOS: Didn't you tell the police that specifically because the guy gave you a card and he's from Los Angeles and I'm from Los Angeles that, therefore, you think I sent him there?

SERVAS: No, that's not true because he never gave me a business card.

GERAGOS: So you never told the police that?

SERVAS: No.

DISTASO: Objection. It's been asked and answered.

GERAGOS: Well, hold on, I'll just find the report and see if it refreshes your recollection.

JUDGE: The answer's sustained.

GERAGOS: May I have just one moment, Your Honor?

JUDGE: You know what I'm going to do, I'm going to take the noon recess. How much longer are you going to be with this witness? How much longer?

GERAGOS: I'm going to be with this witness a little bit longer. But before we take the recess can I show her one thing?

JUDGE: Yes. Identify what you're showing her.

GERAGOS: 17634 Bate stamp. This is a report from Detective Buehler and,

DISTASO: What's the date?

GERAGOS: It would have been, it looks like 5/9 of '03.

JUDGE: 5/9/03?

GERAGOS: Yeah. Servas advised she wants to file a complaint against Mark Geragos believing this visit was possibly tied to his involvement in the case since the Globe reporter admittedly came from Los Angeles. Is that what you told the officer?

SERVAS: Can I see that, please?

GERAGOS: Yes, you can. Right there. Is that what you told him?

SERVAS: Wait a minute. I haven't finished reading the sentence. Can I read it again, please.

JUDGE: Can you let the witness finish reading it.

SERVAS: Can you just leave it here while I make my statement. Thank you. I don't believe that it was tied to your involvement in the case because the person was from Los Angeles, but it was because of the statement you made to the press.

GERAGOS: Did you tell the officer that you believe that because the Globe reporter is from the Los Angeles bureau that, and I was from Los Angeles, that you believe there was a connection?

SERVAS: No, I believed it was because of the statement you made to the press.

GERAGOS: Did you tell that to the officer to Detective Buehler?

SERVAS: I told him that I was aware that a statement had been made earlier in the day and that there was some mystery woman out there and I felt that it was tied to that.

GERAGOS: And so that's why you wanted to file the complaint?

SERVAS: Yes, absolutely.

GERAGOS: Thank you. I'll resume after lunch.

JUDGE: And Miss Servas, we've got to put you back on the stand. And, Mr. Geragos, are you ready to proceed?

GERAGOS: I discussed with Mr. Distaso, I'm not going to ask anymore questions. We've got a couple more witnesses we want to try and rush through.

JUDGE: You want to get through them. So you have no more questions on cross?

GERAGOS: I have no more on cross.

**Redirect Examination by Rick Distaso**

DISTASO: I have just a couple more.

JUDGE: Okay.

DISTASO: Ms. Servas, regarding the, the 10:18 time that you found the dog, did you, when you, after you found your Austin's receipt, did you write a note to a Detective Buehler kind of detailing what you've done about retracing your steps?

SERVAS: Yes, I did.

DISTASO: And, let me mark that.

JUDGE: People's 30.

DISTASO: People's 30. It's a note to Detective Buehler about Ms. Servas's actions

DISTASO: And is that a copy of the note that you wrote him?

SERVAS: Yes, that is.

DISTASO: Okay. And what time in that, in that note did you tell him that, after retracing your steps, that you estimated what time you found the dog?

SERVAS: At 10:18A.m.

DISTASO: And what was the date of that note?

SERVAS: The date at the top of the note is January 3rd, 2000, I put 2002, but it's actually 2003.

DISTASO: Okay. And that time frame that you have given us, is that corroborated by the receipt, People's 28, and your phone records of People's 29?

SERVAS: Yes.

DISTASO: Okay. And, finally, there was one question that I forgot to ask you when I was having you talk about the chart up here, of People's 12. Your house is on, if you're looking at the Peterson home, your house is on the left-hand side?

SERVAS: Correct.

DISTASO: On the right-hand side, do you know who lived in that home?

SERVAS: Mrs. Rose Reed lived there previously.

DISTASO: Okay. On, and then at some time prior to December 24th she was deceased?

SERVAS: Yeah, she passed away.

DISTASO: Okay. And was anyone living in her home on the right-hand side on December 24?

SERVAS: No.

DISTASO: Okay. It was vacant?

SERVAS: She had furniture, I mean the family had furniture in there, but there was no person living in that home.

DISTASO: Okay. So there was still stuff in there, no one, no persons actually living there?

SERVAS: Right.

DISTASO: Can you write, can you just write, use the blue pen again, that will be easier, and just write Reed, Reed home, I guess?

SERVAS: (writes on the diagram)

DISTASO: And, you know, no one living there or something like that. Vacant.

JUDGE: Put vacant.

DISTASO: However you want to put it. Yeah.

SERVAS: (writes on the diagram)

DISTASO: All right. Thank you. No further questions.

**Recross Examination by Mark Geragos**

JUDGE: Mr. Geragos, any recross-examination?

GERAGOS: I do. I'm sorry.

GERAGOS: Ms. Servas, the, this is your house that I'm pointing to right here?

SERVAS: Correct.

GERAGOS: This is Scott and Laci's here?

SERVAS: Correct.

GERAGOS: Your bedroom is right over in this area; is that correct?

SERVAS: That's my bedroom window right there.

GERAGOS: That's your bedroom window. And their bedroom?

SERVAS: Is in the back of their house. It's on the southwest corner.

GERAGOS: Okay.

SERVAS: Of the back of the house.

GERAGOS: Do you see behind you what's been marked as People's 12?

SERVAS: Yes, I do.

GERAGOS: In the upper left bedroom, that --

SERVAS: The one that says "master bedroom."

GERAGOS: And that's what you know to be the master bedroom?

SERVAS: Yes. In their house.

GERAGOS: Okay. And the, what would you estimate the distance between, right there we've got the photograph. What would you estimate the distance between your house and theirs, the wall from the wall of your house to the wall of theirs?

SERVAS: Well, I know that the wall of my house to my fence is about four feet, and it's approximately another three to four feet to the edge of their house, which would be

GERAGOS: You want to use this?

SERVAS: Yeah. Yeah. It would be, it's different in different parts because this cuts in.

GERAGOS: Okay.

SERVAS: So it's close by their dining room. Very close actually, within three feet of my fence. And then it's another three to four feet to where my house is here. But then it's a little wider here where the bathroom and bedroom and where it goes back to the spa

GERAGOS: Would you estimate that from your house to the master bedroom area is approximately ten to 15 feet, at most?

SERVAS: I can't say for sure. I can't say for sure, but that would be a fair assessment. It could be more than 15, but that sounds about right.

GERAGOS: Okay. And would you estimate that it's less than 15 from the dining room area to your house?

SERVAS: Yes. Less than 15.

GERAGOS: Okay. And then I didn't ask you, I think I asked at the preliminary hearing, the, you had never seen McKenzie out by himself before that day, on the 24th; isn't that correct?

SERVAS: Well, I had seen him by himself, but not with the leash on.

GERAGOS: Not with the leash on?

SERVAS: Yeah, I had seen him. Dogs get out, so

GERAGOS: And the, when you left that day, on the 24th, you did not see Scott's truck, correct? At the end of the day?

SERVAS: In the morn, at the end of the day?

GERAGOS: At the end of the day, you did not see the truck?

SERVAS: When I left my home,

GERAGOS: To go to Ripon.

SERVAS: I did not see my truck. I did not see his truck. Excuse me.

GERAGOS: Did they have Christmas lights?

SERVAS: Yes, they did.

GERAGOS: Were the Christmas lights on when you left?

SERVAS: I don't recall if they were or not.

GERAGOS: Thank you. I have no further questions.

JUDGE: May this witness be excused?

DISTASO: Yes, your Honor.