Witness: Kenneth McCall

Date: 2004-08-03

Proceedings held August 3, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct; Cross

Day 1 of 1 for this witness

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

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Direct Examination

DISTASO: Mr. McCall, did you attend the candlelight vigil held for Laci Peterson on December 31st, 2000 and 2?

McCALL: Yes.

DISTASO: And how -- about how many people -- let me ask you this: Is it fair to say there were hundreds of people there?

McCALL: I would say so, yes.

DISTASO: Would that be a fair estimate?

McCALL: Yeah.

DISTASO: And was there also a large media presence there?

McCALL: Yes, there was.

DISTASO: Did you see the stage area that was set up when you were there?

McCALL: Yes, I did.

DISTASO: Were you present for the entire vigil?

McCALL: No.

DISTASO: When did you get there?

McCALL: Shortly before it started, and -- and then left probably three quarters of the way through, or just before it had completed, maybe.

DISTASO: Okay. When you -- during the time that you were there, did you ever see the defendant in this case, Scott Peterson, go up and sit with the family on the stage?

McCALL: No, I did not.

DISTASO: Did you ever see the defendant at any time during that evening?

McCALL: Yes, I did.

DISTASO: And can you tell the jury what the circumstances of that were?

McCALL: Knowing Scott Peterson vaguely from Rotary, I was going to go over and give him my best. He was off to the side. It would be, if you were standing facing the audience, off to the very edge. And people kept coming by and giving him reassurance. And so I was waiting time to go

talk to him, and finally, at a certain point, I just chose not to speak to him.

DISTASO: How long do you think you were waiting there to talk to him?

McCALL: Oh, probably about ten minutes.

DISTASO: And while you were there, did you observe his demeanor?

McCALL: Yes, I did.

DISTASO: And what was his demeanor?

McCALL: Very relaxed. Seemed to be in a very good mood. Seemed to be somewhat jovial.

DISTASO:: Nothing further, your Honor.

Cross Examination

HARRIS: You said you knew Scott vaguely from Rotary Club?

McCALL: Correct.

HARRIS: Do you recall -- first of all, you interviewed with the Modesto Police Department on two occasions?

McCALL: Yes, I did.

HARRIS: The first one was March the 5th of this year, right?

McCALL: I'm not sure of the date.

HARRIS: It was this year, wasn't it?

McCALL: It was.

HARRIS: In fact, March of this year sounds about right?

McCALL: Could be, yes.

HARRIS: When you interviewed with them, do you recall telling them that Scott during the vigil was milling around the crowd?

McCALL: No.

HARRIS: You don't recall telling them that?

McCALL: (No response)

HARRIS: Point your attention to this paragraph right here. This is a report dated March 5th by Kevin Bertalotto.

McCALL: Okay.

HARRIS: That paragraph there. Would you read that silently?

McCALL: Right here?

HARRIS: Yes.

McCALL: McCall said --

HARRIS: No, silently.

JUDGE: Just to yourself.

HARRIS: Just to yourself.

McCALL: Okay.

HARRIS: Now, do you recall, does that refresh your recollection that you told the police that Scott was, in fact, milling around the crowd?

McCALL: Yeah. He was in that area that I had described, and people were coming by, and he was milling with those folks that had come to that area to visit with him.

HARRIS: In fact, people were coming up to him, giving him their condolences, keeping him pumped up; is that right?

McCALL: I would assume so, yes.

HARRIS: And, in fact -- this was a vigil, right?

McCALL: Yes.

HARRIS: This wasn't a memorial?

McCALL: That's correct.

HARRIS: Okay. There was, in fact, a lot of hope that Laci Peterson would be found, was there not?

McCALL: Yes, there was.

HARRIS: And, in fact, there was optimism that the search needed to go on and people needed to be out there looking for Laci, right?

McCALL: Yes.

HARRIS: And people were coming up to Scott, encouraging him, right?

McCALL: That's correct.

HARRIS: And when he smiled back to people, that's a pretty much natural thing to do when people are encouraging, isn't it?

DISTASO: Objection, your Honor. Calls for speculation.

JUDGE: Sustained.

DISTASO: It's argumentative.

JUDGE: Sustained.

HARRIS: Do you recall a Rotary luncheon where Scott Peterson brought Laci?

McCALL: No, I don't.

HARRIS: Do you ever go to these luncheons at Rotary?

McCALL: Yes, I do.

HARRIS: Do you bring guests?

McCALL: Yes.

HARRIS: You don't recall Scott bringing Laci and introducing her as his wife and his pregnant son Conner -- or his pregnant wife and his son Conner?

McCALL: No, I don't.

HARRIS: You weren't present for that?

McCALL: I don't know if I was present or not, but I don't recall that.

HARRIS: Do you -- on the basis of the report -- excuse me. On the basis of the report, was in March of this year, were you contacted by Modesto police?

McCALL: Yes, I was.

HARRIS: And who contacted you?

McCALL: Kevin Bertalotto.

HARRIS: And what did he tell you was the reason he was contacting you?

McCALL: He wanted to ask me some questions about Scott Peterson.

HARRIS: And how did he get your name?

McCALL: I do not know.

HARRIS: He just called you out of the blue?

McCALL: As far as I know, yes.

HARRIS: You never contacted the police?

McCALL: I did not.

HARRIS: You never told anybody what you had seen at the vigil?

McCALL: I don't believe so, no.

HARRIS: Okay. So all this time you kept it to yourself until this phone call came in March of this year?

McCALL: Yes.

HARRIS: Do you know the Rocha family?

McCALL: I do.

HARRIS: And how are you -- how do you know them?

McCALL: I have known Sharon Rocha for a number of years through work-related situations.

HARRIS: Okay. How many years have you known her?

McCALL: I'd say probably eight, nine, maybe ten years.

HARRIS: And would you consider her a friend?

McCALL: Very loosely. More of an associate, association.

HARRIS: Patty Amador?

McCALL: Yes, Patty Amador is a friend of mine. She's also a client of mine.

HARRIS: When you say a client, what is your business?

McCALL: I own a public relations, marketing and advertising firm.

HARRIS: And she is someone that hired you?

McCALL: Yes, that's correct.

HARRIS: For public relation purposes? You've known her for how long?

McCALL: I'm going to say probably for a decade.

HARRIS: Sharon Rickard, do you know that name?

McCALL: Excuse me?

HARRIS: Sharon Rickard, do you know that name as well?

McCALL: I do not.

HARRIS: Rickard, I'm sorry. May be mispronouncing the name. Sharon Rickard, does that name ring a bell with you?

McCALL: No, it doesn't.

HARRIS: Did you ever talk with either Ms. Rocha or Ms. Amador about this incident at the vigil?

McCALL: Perhaps my wife -- my wife works at Ambeck Mortgage Associates.

HARRIS: So, with Sharon Rocha?

McCALL: Well, yes. Sharon works there as well, so, yes.

HARRIS: And it's your belief that that is where this story got back to Sharon Rocha; is that right?

McCALL: I would say probably --

DISTASO: Objection.

McCALL: -- so.

DISTASO: I'm going to withdraw that. Withdrawn.

HARRIS: And then, in fact, you received a phone call shortly thereafter?

McCALL: Correct.

HARRIS: How about Lissa McElroy, does that name ring a bell? Lissa McElroy? No?

McCALL: No. McElroy?

HARRIS: McElroy. Is that how it's pronounced?

McCALL: Yes.

HARRIS: You do know that name?

McCALL: Yes.

HARRIS: Who is that?

McCALL: Someone that works at Ambeck.

HARRIS: Someone that works with Sharon?

McCALL: Yes.

HARRIS: Is that someone you're familiar with on a friendship basis or business relationship?

McCALL: No, I just know that she works at Ambeck.

HARRIS: Somebody that you know the name but don't know the person?

McCALL: That's correct. I feature her photograph in the newspaper for advertising purposes for Ambeck.

HARRIS: How about Lisa Krueger? Does that ring a bell?

McCALL: No.

HARRIS: I don't have anything.