Witness: Gary Freedman

Date: 2004-07-07

Proceedings held July 7, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Pat Harris; Redirect – Rick Distaso

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/Freedman.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: Mr. Freedman, where do you work?

FREEDMAN: The Berkeley Marina Sports Center.

DISTASO: And do you see the picture of the Berkeley Marina there, 106A?

FREEDMAN: Yes.

DISTASO: Can you take this laser pointer and just show here, how it works, just hit that red button. Just show the jury so they know where the location is where your shop is at.

FREEDMAN: University Avenue is there, and we are right about in there, I believe, if I'm looking at this correctly.

DISTASO: Okay. And what are your, just briefly, what is it that you do there at the shop?

FREEDMAN: Well, it's a small bait shop, and we book trips on passenger-carrying fishing vessels, party boats.

DISTASO: And is that the main part of the shop's business is booking trips for people to go out on these party boats?

FREEDMAN: Yes.

DISTASO: And the party boats are fishing boats that are docked there at the Berkeley Marina, then go out into the ocean, or wherever they go?

FREEDMAN: Yeah. We book trips for bay fishing and ocean fishing.

DISTASO: On December 24th of 2002 were you at work?

FREEDMAN: I was working late morning to early mid-afternoon.

DISTASO: And what's the amount of customer traffic that you had in and out of the shop that day?

FREEDMAN: Pretty light.

DISTASO: Is that, is December 24th a heavy usage time there at the marina?

FREEDMAN: No, it's not. Not for our shop, anyway.

DISTASO: As far as booking fishing trips, did any, did you have any bookings for fishing trips going out into the Bay or into the ocean or December 24th of 2002?

FREEDMAN: No, we didn't.

DISTASO: Nothing further, your Honor.

Cross Examination by Pat Harris

HARRIS: Good morning, Mr. Freedman.

FREEDMAN: Good morning.

HARRIS: Mr. Distaso asked you, you said about the activity in the shop, you said it's slow. But you did, in fact, make some sales that day, didn't you?

FREEDMAN: That's right.

HARRIS: In fact, do you recall that a Modesto Police Department detective, or a Modesto Police Department officer came and interviewed you?

FREEDMAN: Yes.

HARRIS: Do you recall approximately when that was?

FREEDMAN: I'm not sure, you know, how much after the 24th it was; but I suppose at least several weeks. I really don't remember.

HARRIS: Sure. Let me just really let you take a look. I'm showing him Modesto Police Department crime report interview with Gary Freedman. Just have you look at the date this see if that refreshes your recollection.

FREEDMAN: All right. A lot sooner than I thought.

HARRIS: Okay. So having looked at that, you now know what date it was that he interviewed you?

FREEDMAN: Well, that's dated the 27th, so I do.

HARRIS: So approximately two days after Christmas?

FREEDMAN: Yes.

HARRIS: He came, and he asked you about the activity in the shop, right?

FREEDMAN: Yes.

HARRIS: And he asked you specifically if you had had any sales that day, right?

FREEDMAN: I'm sure he did.

HARRIS: He asked you, in fact, you provided him a copy of your sales for that day, receipts, didn't you?

FREEDMAN: Summary.

HARRIS: You turned that over to him?

FREEDMAN: Yes.

HARRIS: And he asked you some questions, you rent fishing boats, right?

FREEDMAN: We book trips on fishing boats. We don't rent the boats out.

HARRIS: Okay. So you, I guess you essentially arrange for people to go out fishing?

FREEDMAN: That's right.

HARRIS: And when he asked you about the fishing, he did ask you specifically about the fishing in the Bay that day, right?

FREEDMAN: I'm sure he did.

HARRIS: And one of the questions he asked you was what kind of fish were, for lack of a better term, were running in the Bay?

FREEDMAN: He may have.

HARRIS: Do you recall telling him that not much was going on, but that one of the two types of fish running were sturgeon.

FREEDMAN: I don't recall saying they were running; but it's the beginning of when people would fish for sturgeon.!

HARRIS: That time of year is a time of year,

FREEDMAN: It's a winter fishery.

HARRIS: Are you familiar, in your booking these trips, are you familiar with the actual fishing in the Bay?

FREEDMAN: Some of it.

HARRIS: And are you familiar with the Bay as a whole in terms of what areas are good for fishing and what areas aren't?

FREEDMAN: Not really. A little knowledge, but I'm not very good at bait fishing.

HARRIS: Do you know the area up around Point Isabel? Are you familiar with that area?

FREEDMAN: I know where the area is.

HARRIS: Do you know the area of Brooks Island? Do you know where that area is?

FREEDMAN: I know roughly where it is. I have not fished around there.

HARRIS: Are you aware that that area is referred to as "The Shallows"? Have you heard that?

FREEDMAN: No.

HARRIS: As far as the interview with the police officer on the 27th, do you recall if, by that date, the media had shown up at Berkeley Marina by then?

FREEDMAN: I don't really recall.

HARRIS: Do you recall the media showing up at all?

FREEDMAN: Certainly they did, yeah. They were all around there.

HARRIS: Do you recall if was close to Christmas?

FREEDMAN: I'm guessing it was fairly close to that date of the 27th.

HARRIS: And were you aware of why they were there?

FREEDMAN: Yes.

HARRIS: Why was that?

FREEDMAN: Well, Laci Peterson had been missing, and they were speculation that if Scott Peterson had been fishing there, and,

HARRIS: By that time, you had heard, by the time the interview occurred, you had heard that Scott Peterson was supposedly fishing in the marina?

FREEDMAN: I don't know if it was before the interview.

HARRIS: But around that time, at least?

FREEDMAN: It was certainly at the interview.

HARRIS: I don't have anything else.

Redirect Examination by Rick Distaso

DISTASO: Mr. Freedman, you said you were guessing when it was when the media showed up. You said you were guessing it was fairly close to the date of 12-27. I don't want to you guess at all here. Do you have any memory of what day it was when the media showed up at the marina?

FREEDMAN: No. Not the precise date.

DISTASO: But you do know at some point they did show up?

FREEDMAN: Yes.

DISTASO: Nothing further, your Honor.

HARRIS: I don't have anything further.

JUDGE: Mr. Freedman, thank you very much.