Witness: Allen Brocchini

Date: 2004-06-22

Proceedings held June 22, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso

Day 1 of 5 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/Brocchini-trial.htm

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

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Direct Examination by Rick Distaso

JUDGE: And then we're going to have -- detective Brocchini is scheduled to testify today, and there's a stipulation that relates also to his testimony: The parties stipulate that only the relevant portions of the videotaped interview between Detective Brocchini and Scott Peterson will be shown to you. So apparently there's going to be a videotape of an interview, and only the relevant parts will be shown to you. The irrelevant parts will not be shown to you; okay? So, with that, we can start. And you want to call Detective Brocchini?

DISTASO: Detective Brocchini.

CLERK: Stand, please. Raise your right hand. Do you solemnly state that the evidence you shall give in this matter shall be the truth, the whole truth and nothing but the truth, so help you God?

BROCCHINI: I do.

CLERK: Be seated. State and spell your name for the record.

BROCCHINI: My name is Allen Brocchini. B-R-O-C-C-H-I-N-I.

CLERK: First name?

BROCCHINI: A-L-L-E-N.

CLERK: Thank you.

DISTASO: Your Honor, I'm going to mark as next in order the DVD interview.

JUDGE: Okay.

DISTASO: And the transcript.

JUDGE: All right. That will be 68.

GERAGOS: DVD?

JUDGE: 68 is the DVD and 68 A will be the transcript. And then have you provided redacted versions for the jury?

DISTASO: I have redacted versions of the transcript here. I'm going to ask him a couple questions first.

JUDGE: I know, but do you have them for the jury?

DISTASO: I do.

JUDGE: The rules of court require that you do have them for them.

DISTASO: I do.

JUDGE: I assume you gave Mr. Geragos.

DISTASO: I gave one to Mr. Geragos.

People's Exhibit 68, DVD, and 68 A, transcript of 68, marked for identification.

DISTASO: While we're marking that, Detective, let me kind of start. Detective Brocchini, how long have you been a police officer in California?

BROCCHINI: For 19 years.

DISTASO: And how long has that been with the Modesto Police Department?

BROCCHINI: For ten years.

DISTASO: And where was your prior experience?

BROCCHINI: I was an Alameda County sheriff's deputy.

DISTASO: And what is your current duty assignment with the Modesto Police Department?

BROCCHINI: Currently I'm assigned to the Crimes Against Persons Unit, which is -- we handle robberies, homicides, violent assaults, anything with a gun, kidnappings.

DISTASO: So any kind of really -- any kind of violent crime against a person?

BROCCHINI: Yes. Including missing persons.

DISTASO: And how long have you been in that assignment?

BROCCHINI: Since November of 2000.

DISTASO: Now, if you could, just briefly, can you tell the jury how does the Modesto Police Department deal with an on-call kind of situation? If -- if a -- patrol officers are called out to investigate, let's say in this case, a missing persons, and they confirm that -- that they want the services or help of a detective, how is it that some detective gets called out?

BROCCHINI: The patrol sergeant will call the detective sergeant and explain what was going on on the street and ask for some assistance. And if the detective sergeant thinks assistance is needed, then he'll call out detectives. Sometimes one, sometimes the whole team.

DISTASO: Okay. And you're -- your unit is -- how many officers or detectives are in the Crimes Against Persons Unit of the Modesto Police Department; do you know?

BROCCHINI: Yeah. Seven.

DISTASO: And is there any person who is, like, you're on call this week? Or is it really just everybody, whose ever available, somebody gets a call, they respond?

BROCCHINI: No. We're always on call, but there's always somebody that is going to be the lead for a homicide. If there's going to be a homicide, there's -- we call it being on the bubble, or something, so you know -- it's going to be your catch in the next homicide. But all of us are on call all the time.

DISTASO: And if -- in this particular case did you get called on Christmas Eve to go to 523 Covena in Modesto to assist them in this missing persons investigation?

BROCCHINI: Yes, I did.

DISTASO: And just for the record and jurisdictional purposes, is 523 Covena in Modesto, is that in Stanislaus County?

BROCCHINI: Yes, it is.

DISTASO: All right. When you got that particular call, this -- you were called out to assist in what kind of investigation?

BROCCHINI: Suspicious missing person.

DISTASO: So the Modesto Police Department on the 24th of December did not classify this as a homicide yet?

BROCCHINI: That's correct.

DISTASO: If it had been classified as a homicide, you know, right out of the gate, are usually more than one detective called in at that point?

BROCCHINI: Yeah. All of the homicide unit, plus probably five or six or seven other crime scene detectives.

DISTASO: Okay. So more people -- if somebody -- if patrol says we have a homicide here, for example, let's just take some example, and they call the detective of crimes against persons, he would call out the entire team to respond?

BROCCHINI: That's right.

DISTASO: All right. In this particular case you had -- you were informed that this was a suspicious missing persons case?

BROCCHINI: That's right.

DISTASO: And so were you the only detective to -- to go to that location on the 24th of December?

BROCCHINI: Yes.

DISTASO: The next day, on Christmas day, were any other detectives called in to assist?

BROCCHINI: I called in two -- two additional detectives to assist.

DISTASO: Okay. Who was that?

BROCCHINI: I called in Detective Craig Grogan and Detective John Buehler.

DISTASO: Okay. And -- on the 25th, was one of the three of you assigned to be the lead investigator for this particular missing persons case?

BROCCHINI: Yes.

DISTASO: And who was that?

BROCCHINI: Detective Grogan.

DISTASO: Okay. Now, when you were called out on the 24th, were you on duty that -- that night? Well, let me stop you. By that, were you at the Modesto Police Department working?

BROCCHINI: No.

DISTASO: Were you at some other location? You don't need to say where it is, but were you at some other location outside of Modesto?

BROCCHINI: Yes.

DISTASO: And you received a phone call?

BROCCHINI: Yes.

DISTASO: And do you have any idea what time it was that you got the call?

BROCCHINI: Yes.

DISTASO: What time was that?

BROCCHINI: It was at 7:30.

DISTASO: And about how far away from Modesto were you, the location you were at? You were with your family, correct?

BROCCHINI: Yes.

DISTASO: Okay. And how far away were you from Modesto at that time?

BROCCHINI: It's about 75 miles, but it takes about an hour and a half to drive.

DISTASO: Okay. So you got the call. I'm sure you changed or got ready to go in to work?

BROCCHINI: I finished eating my Christmas Eve dinner.

DISTASO: Okay.

BROCCHINI: Changed, and then went to work.

DISTASO: All right. And do you know roughly what time it was? Or maybe exactly, I don't know. Do you know what time it was that you got to 523 Covena?

BROCCHINI: It was about 9:30.

DISTASO: And did -- your Honor, I hate to do this, but I got to grab a Kleenex. My nose is running like crazy.

JUDGE: That's perfectly okay.

DISTASO: Thanks.

JUDGE: As a matter of fact, you can take the box.

DISTASO: That's all right. A couple will do.

DISTASO: The -- okay. So you -- you got there about 9:30. And did you receive a kind of an initial briefing?

BROCCHINI: Yes.

DISTASO: And who -- who did you get that from?

BROCCHINI: Well, Evers -- Sergeant Duerfeldt was there, John Evers, Derrick Letsinger and Matt Spurlock were all there. I met with all of them, and then I was briefed. Everybody piped in a little bit, but it was mainly John Evers and Duerfeldt.

DISTASO: Okay. Is that kind of a standard practice -- when patrol is there and they do their initial thing and they call in a detective, is that the standard way for you to gain initial information?

BROCCHINI: Yes.

DISTASO: Was there anything out of the ordinary about that particular event or that briefing?

BROCCHINI: No.

DISTASO: All right. So you got a briefing. And then were you introduced to the defendant in this case, Scott Peterson?

BROCCHINI: Yes.

DISTASO: And how did that -- how did that happen?

BROCCHINI: After I got an initial briefing and an initial walk-through of the residence, I asked Evers to introduce me to Scott Peterson. I had seen him standing with friends and family, but then I asked him to introduce him to me so I could explain what my role was.

DISTASO: Okay. Do you recognize Mr. Peterson as he sits in court today?

BROCCHINI: Yes.

DISTASO: And he's wearing the tan suit, correct?

BROCCHINI: Yes, he is.

DISTASO: Okay. Prior to December 24th, 2000 and 2, had you had any contact at all with Scott Peterson, the defendant in this case?

BROCCHINI: No.

DISTASO: Did you even know that he existed?

BROCCHINI: No.

DISTASO: So just so we're clear, you never stopped him for a traffic ticket, correct?

BROCCHINI: No.

DISTASO: Never interviewed him for any purpose?

BROCCHINI: No.

DISTASO: All right. So this night was the first night that you had contact with him?

BROCCHINI: First night I ever met him.

DISTASO: All right. That night when you -- we're going to go back through this in detail, but before we do that, at some point that night did you sit down with Mr. Peterson at the police department and -- and talk to him or -- or get a detailed interview from him about what had happened or what had occurred on the 24th?

BROCCHINI: Yes.

DISTASO: You had been kind of talking to him throughout the night, correct?

BROCCHINI: Yes. I just wanted to -- in the video -- in the tape I just wanted to go over what he had told me, because we had been driving, walking, I wasn't taking a lot of notes. So I asked him to sit down with me and we would go over what we had talked about over the last few hours.

DISTASO: And what time was that? When did that take place?

BROCCHINI: Midnight.

DISTASO: Midnight on the 24th?

BROCCHINI: Just turned into Christmas day.

DISTASO: Early Christmas morning. And what was his demeanor during that interview?

BROCCHINI: Calm, cool, relaxed.

DISTASO: Did he seem emotional to you at all?

BROCCHINI: No.

GERAGOS: Objection. Calls for speculation.

JUDGE: Overruled.

DISTASO: Did -- okay. And then -- let me -- let me go back just a second. So that interview took place at the police department, correct?

BROCCHINI: Yes.

DISTASO: And it took place just in one of your standard interview rooms?

BROCCHINI: Yes.

DISTASO: And those are -- those rooms provide for the ability for videotaping, correct?

BROCCHINI: Yes.

DISTASO: Let me --

JUDGE: Are you going to lay a foundation for this videotape?

DISTASO: Yeah, I'm going to do it right now, Judge. Let me just pull that out.

DISTASO: The videotape was placed on a DVD; is that right, Detective?

BROCCHINI: Yes, it was.

DISTASO: Okay. And you've watched this -- this particular DVD?

BROCCHINI: Yes, I have.

DISTASO: And is this an accurate copy of the relevant portions that we're going to play here for the jury of the interview that you had with Mr. Peterson on early Christmas morning on the 25th of 2002?

BROCCHINI: Yes, it is.

DISTASO: All right. And you initialed the interview -- I mean the DVD here so you know that was the right copy, right?

BROCCHINI: That's right.

DISTASO: Okay. And then you also, as you were watching the tape, you went through the transcript of that?

BROCCHINI: Yes.

DISTASO: Go ahead, and what I'd like you to do -- it's going to take you a couple minutes, but that's okay. Go ahead and -- and look through each page of the transcript and make sure that that transcript is substantially accurate to what is on that particular videotape.

BROCCHINI: (Witness looking through transcript) That's it, Mr. Distaso.

DISTASO: Okay. Hold on one sec. Let me cue this up.

JUDGE: Before you start to play it, let's pass out the transcripts.

DISTASO: Yeah, I'll do that, your Honor.

JUDGE: Ladies and gentlemen of the jury, the district attorney is going to pass out some transcripts of this DVD tape. I want to remind you that the best evidence is what you observe and hear on the DVD. The transcript is a guide just to help you to understand what the transcript (sic) says. And the best evidence is, in fact, the tape. Don't write on these -- don't write on these transcripts, because after you review them we're going to collect them and take them away from you, okay? Jenn,, save one for me, please.

DEPUTY CARNEVALE: Yes.

(Copies of 68A passed out to the jury)

JUDGE: Okay. Everybody has a copy?

BROCCHINI: Rick.

DISTASO: You can hold on to that.

JUDGE: Mr. Geragos, I assume you have a copy?

GERAGOS: I do, Judge.

JUDGE: Go ahead, Mr. Distaso.

DISTASO: Okay. (People's Exhibit 68 played on the large screen)

DISTASO: And, your Honor, just for the court's information, it's about an hour.

JUDGE: All right.

DISTASO: We're not getting any sound. All right.

GERAGOS: There is sound already, so I don't know what's the matter.

DISTASO: Hold on. (Technical difficulties)

DISTASO: We're going to have -- technical difficulties, Judge.

JUDGE: All right.

DISTASO: So give us a second.

(Pause in proceedings.)

JUDGE: I hate to interrupt for just a second. Can we stipulate that the court reporter need not transcribe the tape since we're going to put a copy of it in evidence?

GERAGOS: So stipulated by the defense.

DISTASO: That's fine, your Honor.

JUDGE: All right.

(Pause in proceedings.)

JUDGE: Should we take a recess while you guys try to figure that out?

DISTASO: I was going to say.

JUDGE: Why don't we take a recess while you try to figure that out. Why don't you leave the transcripts on your chairs. Leave them on your chairs. And when we get this thing straightened out, we'll bring you back in.

(Jury exits courtroom)

(Recess taken)

(Jury returns to the courtroom)

JUDGE: All right. Let the record show now the jury is present in the courtroom, and the -- the DVD player has been taken care of. Now it's working, correct?

DISTASO: It is, Judge.

JUDGE: Go ahead and play.

DISTASO: One last question before I do.

DISTASO: Detective, the -- the time that's on the video, it looks like it says one hour different than -- I think you said you started right at 12:00. I think the tape shows, like, 50 minutes, or something, or 1:00 o'clock. What's the discrepancy in the time?

BROCCHINI: It wasn't changed. I mean the time on the video is wrong. It was either Daylight Savings Time or Pacific Time. I'm not sure, but it doesn't matter. I know what time it was. When I said it started at 12:00, it started at 12:00. (People's Exhibit 68 played on the large screen)

JUDGE: If you can't hear, raise your hand and we'll turn up the volume.

DISTASO: This is as high as it goes.

JUDGE: This is as high as it goes. (People's Exhibit 68 continues playing)

JUDGE: Okay. Ladies and gentlemen of the jury, if you'll just pass those transcripts to your left and Jenn, will collect them. All right. We're going to take the morning recess. We have to switch reporters. We'll take the morning recess until 11:15, give you some time to walk around. We'll

start with the testimony at 11:15. And, Mr. Distaso, here's the court's copy. Remember the admonition I've heretofore given.

(Recess taken) * * * *

JUDGE: All right. This is People versus Peterson. Let the record show the defendant is present with counsel. The jury is in the jury box along with the alternates. Go ahead, Mr. Distaso.

DISTASO: Thank you, your Honor. Just give me one minute. Okay.

DISTASO: Detective Brocchini, we just saw the interview that you had with Scott Peterson in the early morning hours of the 25th. What were his -- what was his exact description of the area where he said he went fishing? Let me start with, where did he say he left from?

BROCCHINI: The Berkeley Marina.

DISTASO: And let me show you a picture. Before I do that, this is a book marked People's 69. There is photographs inside there. Take a look at all of the photographs.

JUDGE: Did you just mark this?

DISTASO: I did, your Honor. Sorry. Over the break. 69. I'll tell you what it is.

JUDGE: Okay. Book with how many photographs?

DISTASO: A through M.

JUDGE: All right.

DISTASO: They are photographs the detective is going to talk about.

JUDGE: All right.

DISTASO: Go ahead and take look at those. Look through all of them?

BROCCHINI: Okay. I have looked at them.

DISTASO: What does A -- what is A -- does A show, just for the record? Before we show them to the jury, you have got to state for the record what they are.

BROCCHINI: It's an overview of the Berkeley Marina, Brooks Island, and the Bay.

DISTASO: What is B?

BROCCHINI: It is an overview, just a different angle. You can see Brooks Island, and you can see the Berkeley Marina and the shoreline.

DISTASO: Okay. What's 69-C?

BROCCHINI: It's a little bit of a closer view of Brooks Island from above.

DISTASO: And 69-D?

BROCCHINI: It's the tip of Brooks Island.

DISTASO: And E and F?

BROCCHINI: E is photo of the shoreline of Brooks Island that shows the no landing sign. F is a closeup of the no landing sign and the debris on the shoreline.

DISTASO: You can stop there for the time being. To these -- as part of your investigation in this case, were you out on the San Francisco Bay around the areas that you just described there with Brooks Island?

BROCCHINI: Yes, I was.

DISTASO: And do those pictures accurately reflect the locations of Brooks Island and the San Francisco Bay as you just described them to us?

BROCCHINI: Yes.

DISTASO: Okay. Let me show you what should be 69-A. And the location where the cursor is, is that the Berkeley Marina?

BROCCHINI: Yes, it is.

DISTASO: And then this is an overview of that portion of the San Francisco Bay?

BROCCHINI: Yes.

DISTASO: And the island off to the north, is that Brooks Island?

BROCCHINI: Yet.

DISTASO: And exactly what description did Mr. Peterson give you about where he went fishing that day? What did he say? It's in the transcript. If you need to look at the transcript, go ahead.

GERAGOS: What page?

DISTASO: Seven.

BROCCHINI: He said that he drove out of the Berkeley Marina, went north for about two miles.

GERAGOS: The record reflect he's just reading directly from the transcript. I'd ask that if he's going to refresh his recollection, he does that.

JUDGE: Does it refresh your recollection, or do you have to read it?

BROCCHINI: I don't need to. If it was verbatim I would have to read it. I know what he told me.

DISTASO: Go ahead.

BROCCHINI: Said he drove out of the Marina, went north for two miles until he came to a small island. He saw there was a "No Landing" sign on the island, there was a lot of debris or trash around the shore of the island. There were some broken piers.

DISTASO: And in your -- when you were at this portion of the San Francisco Bay, does that describe Brooks Island?

BROCCHINI: Yes, it does.

DISTASO: Let me go to 69-B. And this is kind of a view of the Brooks Island and the Berkeley Marina from the other direction, correct?

BROCCHINI: Yes.

DISTASO: 69-C. And what are we looking at here?

BROCCHINI: That's actually 69-D. That is the tip of Brooks Island, south shore.

DISTASO: All right. So that would be -- for looking at this picture, this tip portion right here. Do you see sign that says "No Landing" on it?

BROCCHINI: I see that.

DISTASO: If we were looking at that -- if we go back to 69-A, that would be the tip of the island right here where the cursor is?

BROCCHINI: Yes.

DISTASO: And let me go to 69-C. 69-C, is this a picture of Brooks Island?

BROCCHINI: Yes, it is.

DISTASO: That tip portion that we just looked at right here where the cursor is?

BROCCHINI: Yes, it is.

DISTASO: And on the island -- let me just magnify this a little bit. If you magnify a little bit, can you see what -- some broken down pier area?

BROCCHINI: Yes.

DISTASO: Where -- it's right where I'm showing you?

BROCCHINI: Yes, it is.

DISTASO: There is a "No Landing" sign, another one right here on the beach?

BROCCHINI: Yes, there is.

DISTASO: Can you do me a favor? There is a red pen there in front of you. You see that pen?

BROCCHINI: Yes.

DISTASO: Would you pull the picture of 69-C out of there, and circle where the broken piers would be? Just write "piers" if you want to. And also circle the "No Landing" sign. All right. Let me show you -- should be 69-B. Is this 69-B? Is this 69-B?

BROCCHINI: Yes. That's 69-E right there.

DISTASO: 69-E. The one we're looking at here is the tip portion of Brooks Island, correct?

BROCCHINI: Yes.

DISTASO: We just looked at. And then this is looking down the beach?

BROCCHINI: Yes.

DISTASO: And then there is the other "No Landing" sign?

BROCCHINI: Yes.

DISTASO: Let me show you the final picture of this. Which one is this?

BROCCHINI: 69-F.

DISTASO: And 69-F shows the "No Landing" sign, correct?

BROCCHINI: And the debris on the beach.

DISTASO: Okay. Now, detective, when you first got called out to the house on 523 Covena, you talked about that a little bit when we started. What's kind of the first thing you did? You met Scott Peterson, and what did you do next?

BROCCHINI: First thing I did was meet with the officers and the sergeant. I did a walk-through with the officers. And I met Scott Peterson then. I met Scott Peterson, identified myself to him, and asked him if he would walk me through the residence to look for anything out of place, or out of norm.

DISTASO: Let me show you this. This is People's 38, although it's real -- okay, do you recognize that as a schematic of 523 Covena?

BROCCHINI: Yes, I do.

DISTASO: Okay. And you said did you a walk-through with the officers first. And we have heard a number of descriptions of that. So just take use real quickly through what you did. You don't need to go to great detail.

JUDGE: There is a pointer there. You got it. Okay.

BROCCHINI: Well, he walked me through his front -- front door. Well, this is the front gate. Took me through his front door, you know. He took me into the little -- this is called a sitting room, or the little area where there was some chairs. There was some double French doors here. You could see that this area here would be like his converted garage, is what I called it. But it was

his TV room or den. I went out these doors here into the backyard where I introduced myself to McKenzie, then we came back in, and he showed me the master bedroom. Laci's purse was in the closet. Showed me the second spare bedroom that had all men's clothing in the closet, which were his clothing, he said. I saw inside the nursery, kind of the walk-through. It was -- took a lot longer than that.

DISTASO: This is with Officer Evers?

BROCCHINI: Evers with was me.

DISTASO: Was there anyone else there at that time?

BROCCHINI: Just Scott.

DISTASO: Did you go -- prior to taking Mr. Peterson through the house, did you go through by yourself, or did you just go through with one of the officers?

BROCCHINI: Yes.

DISTASO: Who was that?

BROCCHINI: I went through with -- I think Spurlock was there too. But Evers, Officer Evers for sure.

DISTASO: And then after doing that, then you said you went through the house with Mr. Peterson?

BROCCHINI: Yes.

DISTASO: All right. I actually got confused. I wanted you to take me quickly through the one you did with Officer Evers. Can you take us through the one that -- taking more detail, the one you did with Mr. Peterson?

BROCCHINI: Well --

GERAGOS: I'm sorry. Objection.

JUDGE: I think that's what he just did.

GERAGOS: I think that's exactly what he just did.

JUDGE: Isn't that right, Mr. Brocchini? You just showed us the trip when you met the dog, that was with Peterson?

BROCCHINI: Yes, it was.

JUDGE: Now, you are --

DISTASO: Okay. I have more specific questions about that. The way you went through it, you went through with Evers first?

BROCCHINI: Right.

DISTASO: Then you went through with Mr. Peterson?

BROCCHINI: Right.

DISTASO: Okay. And so are you -- let's start again. You went into the house, correct?

BROCCHINI: Were you talking with Mr. Peterson?

DISTASO: Mr. Peterson. That's what I want here.

BROCCHINI: We went in the house.

DISTASO: Go ahead. And then what did you do next?

BROCCHINI: Well --

DISTASO: But, go ahead. Take me to each room. I'm going to ask you when you get to each room. Go ahead. Do you know which room you went to first?

BROCCHINI: I went into the -- well, look at my report to make sure I don't get mixed up here.

DISTASO: Go ahead.

GERAGOS: May I approach?

JUDGE: You want to see what he is referring to?

GERAGOS: Yes.

JUDGE: Detective Brocchini, can you identify what you are referring to?

BROCCHINI: I'm referring to page three of my first report, Bates stamped 3.

GERAGOS: Is that page 9167?

JUDGE: Yes. Are you asking --

BROCCHINI: It's 0967 is the Bates stamp. He took me to the residence, took me to the dining room, into this little sitting room, went into the dining room. That's where the front door leads into the dining room. It's wide open to this little sitting room. I could see into the kitchen. I could see the pizza box on the counter. I could see the converted garage. We went outside and met McKenzie. He pointed out his shoes -- they were outside the French doors just in the corner here -- that he said he wore fishing that day. I picked them up and looked at them. Then we came back inside.

DISTASO: Okay. At some time that evening, did you ask ID Tech Lovell to take some pictures of the house?

BROCCHINI: Actually, I asked detective or Officer Letsinger to -- when Lovell did this, he wasn't there when I was there. I directed Letsinger to tell ID Officer Lovell to take pictures of the inside of the house.

DISTASO: Okay. And did that include pictures of the kitchen?

BROCCHINI: Yes, it did.

DISTASO: Now, in the -- let me show you these. This has been marked as People's 37. It's a bunch of photos. People's 37-S do you recognize that as a picture of the inside of the kitchen?

BROCCHINI: Yes, I do.

DISTASO: Okay. There is a kitchen counter, correct?

BROCCHINI: Yes.

DISTASO: And was the pizza box on that counter?

BROCCHINI: Yes.

DISTASO: Do you see it in the photograph?

BROCCHINI: No.

DISTASO: All right. Do you know what -- do you know what happened to -- or where it went?

BROCCHINI: I know what happened to it. I can't say exactly where it went.

DISTASO: Go ahead, tell me what happened to the pizza box.

BROCCHINI: At the conclusion of doing the walk-through, I asked Scott if I could review his cell phone and write down the history, all the received calls, dialed calls, missed calls. I stood at that counter, and while I was is doing that, took me about ten minutes or so, he put the pizza box in the fridge or in the garbage. But I think it was in the fridge.

DISTASO: Okay. So he did something with it, but you didn't follow up on where it went?

BROCCHINI: Yeah, I didn't care where it went.

DISTASO: Okay.

BROCCHINI: At the time.

DISTASO: After you left the kitchen, did you -- what other items did you look at?

BROCCHINI: Just in the kitchen, or in the house?

DISTASO: Let's go -- like not next room. What's the next room where you looked at something?

BROCCHINI: We went into the master bedroom, and the purse was pointed out to me.

DISTASO: Okay. And the jury has seen pictures of the purse. That was hanging on a hook in the closet, correct?

BROCCHINI: Yes.

DISTASO: What happened about that?

BROCCHINI: I took it off to the hook and flopped the lid open, and looked inside of it.

DISTASO: Did you place it anywhere?

BROCCHINI: No.

DISTASO: So you -- you just held it in your hand?

BROCCHINI: Yes.

DISTASO: Were you standing -- where were you standing, inside the closet, in the bedroom, where?

BROCCHINI: No. Just in the -- just outside the threshold of that closet. It wasn't a walk-in closet I was standing right there.

DISTASO: Just reached inside, took it off, flopped open the lid and looked in?

BROCCHINI: That's right.

DISTASO: What happened next?

BROCCHINI: Put it back.

DISTASO: Okay. Did you take anything out of the purse?

BROCCHINI: No.

DISTASO: Did you look through the purse and look at the contents?

BROCCHINI: No.

DISTASO: Did you ask Mr. Peterson anything about the purse?

BROCCHINI: No.

DISTASO: Was he there with you?

BROCCHINI: Yes.

DISTASO: And what happened next? What other rooms did you to go and look at things?

BROCCHINI: We went into the second bedroom, or the spare bedroom. And I could see there was a duffle bag, a Nike bag on the floor right in front of the open closet door, unzipped, with a partial -- like a raincoat, or something, pulled out of it a little bit. There was another duffle bag up on the closet, like it had fallen off the shelf, but it was on the hangers. And it was an empty spot on the shelf for these two duffle bags.

DISTASO: Okay. Let me stop you. You can put those on the floor if you want. People's 37-L, this picture right here, that shows the location where you found the purse?

BROCCHINI: Yes.

DISTASO: People's 37-O, is that the picture of the luggage off the closet on the floor you saw?

BROCCHINI: Yes.

DISTASO: And do those pictures accurately reflect the items as you saw them that night?

BROCCHINI: Yes.

DISTASO: And did Mr. Peterson tell you anything about that -- those items?

BROCCHINI: Yes.

DISTASO: What did he say?

JUDGE: You mean in the house?

DISTASO: In the house?

BROCCHINI: I asked him if he had taken something out of that bag on the ground. It look like something had been taken out. And he said he took his white tennis shoes out earlier that day.

DISTASO: Did you see any -- did he tell where you he put the tennis shoes?

BROCCHINI: He said he put them on his wet bar.

DISTASO: Did you see a wet bar?

BROCCHINI: I had seen a wet bar. Well I -- I'd seen a wet bar at the time, and I didn't see in the shoes on it.

DISTASO: Okay. And what happened next?

BROCCHINI: We went out into the kitchen area where actually I might have -- well, we went into the -- I don't know the sequence exactly I went to these rooms first. I would have to -- might have it in my report exactly how we went into the --

GERAGOS: Objection. It's non-responsive.

JUDGE: Answer can remain. Overruled. Go ahead.

BROCCHINI: We went into the convert --

GERAGOS: Objection. I'm sorry, I didn't hear the ruling.

JUDGE: Overruled.

GERAGOS: Okay.

BROCCHINI: Went into the converted TV room where I saw the washing machine and the wet rags on top of the washing -- or on top of the washing machine.

DISTASO: Did you ask Mr. Peterson about that?

BROCCHINI: Yes.

DISTASO: What did he say?

BROCCHINI: He said he had taken those rags out of the washing machine when he took his clothes off and put them in the washing machine.

DISTASO: And did you ask him if you could look in -- or did you look into the washing machine to see if there were clothes inside there?

BROCCHINI: I just looked. I did look in.

DISTASO: What did you see?

BROCCHINI: There was a pair of blue jeans in there. These have all been through the spin cycle. They were -- they were damp, and been through the spin cycle. I pulled out a pair of blue jeans, a blue t-shirt, and a green pullover. He told me those were the clothes he wore fishing.

DISTASO: What happened next? After you saw that, then what happened next?

BROCCHINI: I think we -- I probably checked the cell phone. I think we went outside.

DISTASO: And when you say you probably checked the cell phone, is that when were you talking about checking the phone numbers on there?

BROCCHINI: I wrote down the call history on his cell phone.

DISTASO: Okay. Was that -- can you tell the jury, how did you do that? Went to recent calls, what did you do?

BROCCHINI: I just clicked into the recent call list, and then I pushed on received calls, and I wrote down all the phone numbers. I pushed down dialed calls, I wrote down the phone numbers and missed calls.

DISTASO: And what happened next?

BROCCHINI: We went outside and asked him if I had could look in his cars.

DISTASO: And do you see on People's 38 there, see the location where the cars are?

BROCCHINI: Yes.

DISTASO: And did -- one of them is listed as backed in, the truck there. Do you remember -- how did you see it on the 24th?

BROCCHINI: It was backed in.

DISTASO: So there was a Land Rover, Laci's Land Rover was parked basically where it shows on the diagram?

BROCCHINI: Yes, it was.

DISTASO: And then the truck was right there where it -- basically where you saw, but it was turned around and backed in?

BROCCHINI: Yes.

DISTASO: And what happened next?

BROCCHINI: I looked in the Land Rover first. It was unlocked. I opened the driver's door. There was a cell phone attached to a lighter in the Land Rover. It was off. I tried to power it on. It would power on, but immediately power off with a weak or low battery.

DISTASO: And did you look inside anything else in the Land Rover?

BROCCHINI: I just looked in it. It was pretty empty. I didn't get in the back. But that was it. I just looked from the driver's door.

DISTASO: Okay.

BROCCHINI: I may have looked in the glove box too. But there was nothing in there of interest.

DISTASO: So there was nothing that you either took from the Land Rover or saw of any interest, other than the cell phone?

BROCCHINI: That's right.

DISTASO: What happened next?

BROCCHINI: I checked -- I looked in his truck.

DISTASO: And how did you do that?

BROCCHINI: I asked him to unlock it. He used his remote key to unlock it. I stood on the -- I looked in the back of the truck first. I stood on the back driver's side wheel so my feet were on top of the wheel, and I was outside the truck. And I was just moving stuff around in the truck. And I lifted the green toolbox lid and looked inside, just kind of looking around inspecting it.

DISTASO: So you looked in the back portion first?

BROCCHINI: Yes.

DISTASO: And what did you see in the bed portion of the truck?

BROCCHINI: I saw some umbrellas that were wrapped in a blue tarp. They were in the back of the truck, almost against the tailgate, but in the back portion of the truck. I saw another gray or tan colored tarp was just bunched up in the truck, and was pushed up against the green toolbox.

DISTASO: Let me stop you. What you do you mean umbrellas were wrapped in the tarp?

BROCCHINI: Like I could see what -- I could see several umbrellas. I didn't count them or open them. But I know what an umbrella looks like. I saw some umbrellas, and there was a tarp around them. But it wasn't like tied around it, so I could just see there was a tarp around some umbrellas.

DISTASO: And when you say talking about the umbrellas, what kind of umbrellas are they?

BROCCHINI: They are like patio umbrellas.

DISTASO: Let me show you People's 69. Okay. On People's 67-H, do you see the umbrellas that you saw in 69-A.

JUDGE: 69-H?

DISTASO: 69-H.

BROCCHINI: Yes, I see the umbrellas and the tarp.

DISTASO: And where I have the mouse right now, are those the umbrellas that you saw?

BROCCHINI: Yes.

DISTASO: Then the blue tarp that you saw is in the shed area here?

BROCCHINI: Yes.

DISTASO: When you saw them on the 24th, they were in the back of the truck?

BROCCHINI: Yes.

DISTASO: And this picture was from when, do you know?

BROCCHINI: The 26th.

DISTASO: And search warrant was served in the evening hours of the 26th?

BROCCHINI: Yes.

DISTASO: And did that search warrant continue on to the 27th?

BROCCHINI: Yes.

DISTASO: So when you saw these items on the 24th, they there in the truck on the 26th, you saw them here in the backyard of the Peterson home?

BROCCHINI: Yes.

JUDGE: What's the number of that one again?

DISTASO: 69-H.

JUDGE: H.

DISTASO: Okay. After -- you said you also saw, you said, a tan-colored tarp?

BROCCHINI: Yes.

DISTASO: Describe that for the jury.

BROCCHINI: It was just a big tan canvas-looking tarp that wasn't folded or rolled. It was just bunched up like in the back of the truck.

DISTASO: And that was up against the toolbox?

BROCCHINI: Yes.

DISTASO: Okay. And did you see what you thought was a tan-colored tarp, did you see that some time during the search warrant when that was served on the 26th and the 27th?

BROCCHINI: Yes.

DISTASO: And where did you see it at that time?

BROCCHINI: It was in the -- in a small shed on the south side of the Peterson house, in the backyard.

DISTASO: Okay. Do you -- see if we can find that. Hold on. 69-J. Before we leave the umbrellas, one more picture. Go to the picture right before the one --

JUDGE: Mr. Distaso, can I ask what that purports to represent? I know umbrellas. What is that?

DISTASO: That's fine.

DISTASO: Do you recognize that is picture of the Petersons' backyard at 523 Covena?

BROCCHINI: That's a portion of their backyard. That's the back patio area.

DISTASO: That was the portion underneath the patio cover?

BROCCHINI: Yes.

DISTASO: And where on People's 38, the diagram where it says shed, is that the shed where the blue tarp was?

BROCCHINI: Blue tarp was right here in this little box. And the patio actually covers right there.

DISTASO: All right. Before we leave the umbrellas, did you see the umbrellas when they were fully extended?

BROCCHINI: Yes.

DISTASO: I don't know why this doesn't want to put up -- the picture you have there in front of you, does that show them fully extended?

BROCCHINI: Yes, it does.

DISTASO: What we are looking on the screen right now is just the patio umbrellas extended in the backyard, correct?

BROCCHINI: Yes.

JUDGE: What's the number of that?

BROCCHINI: That's 69-I.

DISTASO: Talking about the boat cover -- I mean the -- described as canvas tarp. You said on the search warrant you saw it somewhere else.

BROCCHINI: Yes.

DISTASO: Where was that?

BROCCHINI: In a small shed on the south side of the residence. If I can just -- it would be right back here. This -- south side of the house, still in the backyard.

DISTASO: Okay. And is there a picture of that in the binder you have?

BROCCHINI: A portion of the shed is in picture 69-J.

DISTASO: And can you describe for the jury how it was that you saw the -- how it was that you saw the canvas tarp on that day, on that search warrant day, on the 26th or the 27th?

BROCCHINI: That tarp was listed in the search warrant, so we are looking for -- some officers found it, and they called me over and said is this the tarp that you saw? They hadn't taken it out of the shed yet. I looked at it, said it looks like the tarp that I saw.

DISTASO: And what how was it stored?

BROCCHINI: It was still just bunched up. It was in this shed. And there was a gas leaf blower on top of it, leaking gas on it.

DISTASO: And then did you later see the tarp spread out? Did some of the officers take it and spread it out?

BROCCHINI: Yes.

DISTASO: And is there a picture of that in the binder?

BROCCHINI: Yes. It's 69-L. We spread it of because of the strong odor of gas. We couldn't put it in the ID van with that strong odor of gas on it.

DISTASO: Going back to the 24th now. What -- you told us what you saw in the bed of the truck. Did you see anything in the toolbox area of the truck?

BROCCHINI: Yes.

DISTASO: What was that?

BROCCHINI: There was some rope, about fifty or a hundred feet of black and orange nylon rope. There was a bag of shotgun shells. There was some clothing. There was loose shotgun shells in the bottom of the box.

DISTASO: And was the rope that you saw, was it in a package, or was it out of the package?

BROCCHINI: It was out of a package. It was rolled up, but it was just in the toolbox.

DISTASO: And during the service of this search warrant on the 26th and the 27th at the house, and also at Mr. Peterson's shop, did you see that rope somewhere else?

BROCCHINI: Is wasn't in the truck no more. And I didn't see it anywhere at the house.

DISTASO: After you finished looking in the bed area of the truck, what else did you do?

BROCCHINI: I looked inside the compartment of the passenger compartment of the truck.

DISTASO: How did you do that?

BROCCHINI: I opened the passenger door and looked inside.

DISTASO: Okay. And did anything happen when you were opening up the doors of the truck?

BROCCHINI: Yes.

DISTASO: And describe for the jury what that was.

BROCCHINI: When I opened the passenger door of the truck, it bumped against the Land Rover. So Scott -- and so Scott came over, and he had a glove in his hand said, hey, I'll stand here hold this leather glove between the door on the truck, or I will move my truck. And I apologized, and I said I'd be more careful.

DISTASO: And what, if anything, did you find inside the truck?

BROCCHINI: There was a Big 5 Sporting Good bag inside the truck with two new fishing lures still in the package inside. There was a receipt in the bag indicating that -- I read it and copied it, that it was on the 20th. Those lures and a two-day fishing license and a fishing pole were purchased at Big 5.

DISTASO: What day was that? What was the date on the receipt?

BROCCHINI: 12-20. There was some more clothing in a bag in the back seat. There was a gun in the glove compartment.

DISTASO: Did you -- you said you saw a camouflage jacket somewhere?

BROCCHINI: There was the camouflage jacket was in the back seat portion of the area. And Scott identified it as the jacket he wore fishing.

DISTASO: Okay. Did he -- did you ask Mr. Peterson why -- about his clothes, the clothes that were in the washing machine?

BROCCHINI: Yes.

DISTASO: And what -- did he say why -- did you ask him why he washed those clothes?

BROCCHINI: Yes.

DISTASO: And what did he say?

BROCCHINI: He said that he got wet from fishing and it raining.

DISTASO: When you went out to the truck and he said that's the jacket that he wore, did you actually touch the jacket?

BROCCHINI: Yes.

DISTASO: Was it dry or wet?

BROCCHINI: It was dry.

DISTASO: And the lures and the receipt in the Big 5 bag, did you ask him anything about those items at that time?

BROCCHINI: I don't think so.

DISTASO: Were those items -- did you see those items in any different location when you -- when the search warrant was served on the 26th and the 27th?

BROCCHINI: Yes.

DISTASO: And where was the jacket?

BROCCHINI: It was in the boat in the shop.

DISTASO: And where was the -- where were the lures?

BROCCHINI: They were in the boat in the shop.

DISTASO: And were they still in an unopened package?

BROCCHINI: Yes.

DISTASO: Both lures?

BROCCHINI: Both lures.

DISTASO: And where was the receipt?

BROCCHINI: It was in the shop on a shelf in the -- with the Big 5 bag still.

DISTASO: And you said also that you found a gun in the car?

BROCCHINI: Yes.

DISTASO: And where was the gun?

BROCCHINI: In the glove compartment.

DISTASO: And did you ask Mr. Peterson about the gun?

BROCCHINI: Yes.

DISTASO: And what did he say?

BROCCHINI: He said that he had the gun in there for about a month from when he went hunting in Lone Pine. He forgot it was in there.

DISTASO: Did -- what did you do, if anything, with the gun?

BROCCHINI: I put it in my pocket.

DISTASO: And why did you do that?

BROCCHINI: I wanted to take it.

DISTASO: At the time that you put it in your pocket, did you tell Mr. Peterson you were taking the gun?

BROCCHINI: No.

DISTASO: Had you asked him previous -- prior to that if you could look in his truck and look in the house for any items of evidence?

BROCCHINI: Yes.

DISTASO: And he said you could?

BROCCHINI: Yes.

DISTASO: After you took the gun, where did you put it?

BROCCHINI: In my jacket pocket.

DISTASO: Okay. Some time later that evening, did Mr. Peterson call you and ask you about the gun?

BROCCHINI: Yes.

DISTASO: When was that?

BROCCHINI: It was about 2:15 in the morning, after I'd interviewed him and dropped him off at home.

DISTASO: What did he say?

BROCCHINI: He wanted to know if I took his gun, and I said I did.

DISTASO: Okay. And what -- did he say anything about that?

BROCCHINI: He said he wishes I would have told him that I was taking it.

DISTASO: And, okay, what happened next then? After you searched the inside of the truck and found these items, what's the next thing you did?

BROCCHINI: I asked Scott if he would go over to the shop and show me the boat.

DISTASO: And what did he say?

BROCCHINI: He said he would.

DISTASO: What happened next?

BROCCHINI: We walked -- started walking towards my car. I made about five steps, when I realized I didn't have my keys to unlock my car. And I told Scott, I think I left my keys in your truck. And we walked back to the truck.

DISTASO: And what happened?

BROCCHINI: I found my keys inside the bed of the truck, just on the hump on the inside of the driver's side, just on top of the hump where I must have set them when I was moving stuff around. I picked them up, and we went to the shop.

DISTASO: In the bed of his truck?

BROCCHINI: Yes.

DISTASO: When you are saying hump, talking like the wheel well?

BROCCHINI: Yes.

DISTASO: All right. And what happened next?

BROCCHINI: We drove to the shop.

DISTASO: And who went to the shop?

BROCCHINI: I drove. Scott, Mr. Peterson, came in my car. And Officer Evers followed in his patrol car.

DISTASO: What happened next?

BROCCHINI: We got to the shop, and Mr. Peterson opened the door, and we went inside.

DISTASO: Let me show you a diagram of the shop that we have already had marked. This is People's 55. Do you recognize that as a schematic of the shop?

BROCCHINI: Yes, I do.

DISTASO: And what happened when you got to the shop?

BROCCHINI: Scott let us in. There is a -- this is a like a single car garage rollup door, and there is a small door that leads in like a regular front door leads into a small office area. Scott opened that door and we went into this office.

DISTASO: And what were the lighting conditions -- first off, in the parking lot, do you know whether the lights were on in this area, or do you remember?

BROCCHINI: No. It was dark.

DISTASO: And about what time was it when you got to the shop?

BROCCHINI: It was about -- it was about 12:15, or right around there.

DISTASO: 12:15 in the morning?

BROCCHINI: I'm sorry. About 1:15 in the morning. I interviewed him from twelve to one. Then we drove to over -- I did that -- I'm sorry. Can I look at my report?

DISTASO: Go ahead.

JUDGE: Might be a good idea.

DISTASO: For times, better to get it right looking at your report.

BROCCHINI: I'm sorry, we got there at five minutes after eleven.

GERAGOS: Could I can ask what page he's referring to?

BROCCHINI: That's 0971.

GERAGOS: Thank you.

JUDGE: What time did you get there, officer?

BROCCHINI: I got there on the 24th at 11:05.

JUDGE: That was before you interviewed him at at the police station?

BROCCHINI: That's correct, yes.

DISTASO: Okay. So you went in, and you went in through the person door, right?

BROCCHINI: Yes.

DISTASO: And you who opened the person door?

BROCCHINI: Mr. Peterson.

DISTASO: And did he use a key?

BROCCHINI: Yes.

DISTASO: And what happened next?

BROCCHINI: I saw there was a computer. I had my flashlight. I saw there was a computer on the desk, and I noticed a fax on the table. And on the top of the fax I saw a date and a time.

DISTASO: And did anybody turn the lights on, or flip a switch, or anything?

BROCCHINI: No.

DISTASO: Why is that?

BROCCHINI: Scott said there was no electricity.

DISTASO: Okay. You saw this computer equipment, and the fax, and all that. Did you question Mr. Peterson about there is no electricity, but we got this equipment here, or anything like that?

BROCCHINI: No.

DISTASO: Why not?

BROCCHINI: I just assumed he was talking about the shop, I mean the warehouse. We're only walking through this little thing. I was there to look at his boat. And he said there was no electricity. And I mean the office was lit up real well with my flashlight. I just assumed he was taking about the bay in the back, so I believed him.

DISTASO: And what was your main reason for going to the shop?

BROCCHINI: To look at the boat.

DISTASO: And so you picked up the fax, and what happened next?

BROCCHINI: I said it had a time on it of like 11:15, I think, or 11:30. And I said, you know, this -- I asked him about the time. I said, how could you be in the -- be driving to the Bay, and this fax be here with this time on it?

DISTASO: What did he say?

BROCCHINI: He said it was New Jersey time, three hours different. And so he thought he got it and put it on the desk, and read it before he went fishing. But it could have been after. He said, he just doesn't remember when. He couldn't be positive. But he said it was New Jersey time on there.

DISTASO: There was a fax from the 24th?

BROCCHINI: Yes.

DISTASO: And what happened next?

BROCCHINI: I asked him if -- after you -- he said there was no electricity. I said, will you roll up the doors then so I can but my unmarked ear car in, so I can face the headlights there, so I have a little bit better lighting? And he went through -- he went through the other people door into the bay area. I stepped in here and lit it up for him until he got to the garage. When he started opening it, I went back out and moved my police car and pointed it into the garage.

DISTASO: Okay. And what did you see inside the shop?

BROCCHINI: I saw the boat. I saw the boat, a flatbed trailer, a forklift, and a bunch of pallets of -- I didn't know what it was at the time. Looked like product, or fertilizer, bladders of some kind.

DISTASO: What happened next?

BROCCHINI: I took some photos.

DISTASO: And how did you do that?

BROCCHINI: I got my camera out, and I pointed it, and I took some from outside. I took a couple from outside first. I took some of my police -- of Evers' car, just to see if the flash was going to work. And then I took photograph of -- a photograph from outside there, and then I went inside, and I took a couple of photographs from inside of the boat.

DISTASO: The camera that you got, where did you get that from?

BROCCHINI: I got from it another -- while we were still over on Covena, I called on my radio, and I asked for a camera to be brought to me. And a patrolman dropped off one of our city cameras.

DISTASO: Did it already have film in it?

BROCCHINI: Yes.

DISTASO: You didn't load the film in it?

BROCCHINI: No.

DISTASO: After, you said you snapped some pictures; is that right?

BROCCHINI: Yes.

DISTASO: What did you do next?

BROCCHINI: We left.

DISTASO: Before we get to when you left, you went over to -- did you look in the boat?

BROCCHINI: Yes.

DISTASO: And what kind of items did you see in there?

BROCCHINI: I saw a couple of fishing poles. I saw there was water in the boat. Not a lot, but, you know, appeared obvious that it had been somewhere, because there was water inside. There was a small red rope in the boat. There was a homemade anchor, a spare tire, a tackle box. That's what I remember.

DISTASO: Okay. Did you pick up or handle any of the items in the boat?

BROCCHINI: One.

DISTASO: What was that?

BROCCHINI: I opened the tackle box.

DISTASO: And what did you do that for?

BROCCHINI: Just to see what was in it.

DISTASO: Did you see any fishing items in the tackle box?

BROCCHINI: Yeah. There was a bunch of old jigs, and lures, and things.

DISTASO: Where was Mr. Peterson when you were, you know, when you were looking at the boat and you picked up the tackle box?

BROCCHINI: He was standing there in the doorway, I don't know for sure. He was standing with Evers, from what I remember. But he was -- this is a fairly close area. He was standing close by.

DISTASO: Okay. What happened next?

BROCCHINI: I took photographs, then we left.

DISTASO: And how did you leave?

BROCCHINI: He rolled the door down from the inside, and then he came through the office, locked and shut the door, and he got in my car. And Evers got in his car, and we drove away.

JUDGE: This is a good time to take a recess. We're going to another subject.

DISTASO: Right.

JUDGE: Ladies and gentlemen of the jury, we're going to take the noon recess. You are not to discuss the case among yourselves, or with any other person, or form or express any opinion about this case. Not to listen to the radio, or watch any media reports of the trial, or discuss it with any representatives of the media or their agents. We'll reconvene at 1:30. We'll pick up with the testimony of Detective Brocchini.

JUDGE: Okay. This is People vs. Scott Peterson. Let the record show the defendant is present with counsel and the jury is in the jury box, along with the alternates. And we have the witness back on the witness stand. And do you know where you left off, Mr. Distaso?

DISTASO: I do, your Honor. Thanks.

JUDGE: Go ahead.

DISTASO: Detective, where we left off was I think you said that you just finished looking through -- I mean looking at the defendant's boat. You took some pictures and you were getting ready to leave the shop?

BROCCHINI: Yes.

DISTASO: Okay. What happened next? Where did you go?

BROCCHINI: We went to Dittos, which is a copy place in downtown Modesto.

DISTASO: It's kind of -- kind of like a Kinko's, right?

BROCCHINI: Yes.

DISTASO: All right. And why -- why did you go there?

BROCCHINI: Some of Scott and Laci's friends and family were at Dittos, making flyers. They needed information, like phone numbers, to put on the flyers. So, Scott wanted to stop there, so we stopped there.

DISTASO: And did both you and Mr. Peterson go into the shop?

BROCCHINI: Yes, we did.

DISTASO: And you said they were making flyers?

BROCCHINI: Yes.

DISTASO: Did one or both of you look at the flyers?

BROCCHINI: Yes.

DISTASO: What happened next?

BROCCHINI: We left there and drove to the Modesto Police Department.

DISTASO: And where was Officer Evers at this time? Did -- did he go with you to Dittoes?

BROCCHINI: No, he didn't.

DISTASO: What happened next? You got to the Modesto Police Department; what happened next?

BROCCHINI: I got out of my car to do this interview, and realized I left my notebook in the shop. I set it down to take pictures.

DISTASO: And we saw in the -- in the video we saw you working on a note pad with a black kind of binder thing. Is that what you were talking about?

BROCCHINI: Yes.

DISTASO: And when you were doing the walk around of -- the walk-through of the house, and while you were part of this investigation, had you been taking some notes on that?

BROCCHINI: Yes.

DISTASO: Why did you feel it was important for you to go back and get your notebook?

BROCCHINI: I needed my notes. I needed something to write on when I was talking to Scott, and it was at his shop, so I just said let's go back and get it.

DISTASO: Okay.

BROCCHINI: And we got back in the car and drove over there.

DISTASO: And what happened?

BROCCHINI: He went in through the door.

DISTASO: Okay. Wait a minute. Let me stop you. Can you use the pointer to show the jury exactly what happened back there at the shop?

BROCCHINI: I parked in front. We went in this door. Scott unlocked it. I followed him in. Scott went in this door. I followed him in. I lit up the area with my flashlight, because I wasn't positive where I left it. I just knew I left it in there. I spotted it on the edge of the boat here. I said There it is. He grabbed it. He jumped back over, handed it to me, and we walked out, shut the door, got in my car and drove to the station.

DISTASO: And then when you got back to the -- to the police department, is that when you sat down with Mr. Peterson and did the interview that we saw earlier?

BROCCHINI: Yes.

DISTASO: Okay. Now, before we move on, let me show you some items that we've talked about. Your Honor, this was marked next in order.

JUDGE: Number 70?

DISTASO: It is. It's number 70. And it's A through A A.

JUDGE: A through A A.

DISTASO: Yeah. So it goes all the way to Z and then to A A. And just for the court's information, 70 A A is the negatives from the photographs that are listed 70 A through Z.

JUDGE: Okay.

DISTASO: That's where we're at.

GERAGOS: These are the thirty-fives?

DISTASO: Yes.

JUDGE: Have you seen these, Mr. Geragos?

GERAGOS: Yes, I have, Judge. Are you going to mark the larger book?

DISTASO: No.

GERAGOS: Just use --

DISTASO: I'm going to use those.

GERAGOS: Okay. Thank you. (People's Exhibits 70 A through 70 AA marked for identification)

DISTASO: Detective, how many pictures do you remember -- I don't know -- I don't know if you know this, but how many pictures, off the top your head, do you remember actually taking at the shop?

BROCCHINI: Around between eight and ten. I can't remember exactly.

DISTASO: Did you -- so you didn't take a whole roll of film?

BROCCHINI: No.

DISTASO: And you got this camera you said from another officer? You called and they brought you a camera?

BROCCHINI: Yes.

DISTASO: Did you change to a new roll of film?

BROCCHINI: No.

DISTASO: Okay. So whatever pictures or something were on that film were there when you took these pictures?

BROCCHINI: Yes.

DISTASO: Okay. And I think you testified earlier that you took a couple pictures of Officer Evers's patrol car to begin with?

BROCCHINI: Yes, just to see if my flash was working.

DISTASO: Okay. And then you took some inside the shop?

BROCCHINI: Yes.

DISTASO: Go ahead and look at these photographs. They've been marked 70 A through Z. And look through the whole roll and tell me if you recognize what's on there.

BROCCHINI: I do.

DISTASO: And are those the photographs you took from -- while you were at Mr. Peterson's shop on the 24th of December?

BROCCHINI: There's a couple in here I didn't take, but, yeah, they are.

DISTASO: Okay. And you can use 70 A -- or I guess just 70, then, is a contact sheet of all the picture, correct?

BROCCHINI: Yes.

DISTASO: And on there many of them are blank. Do you see that?

BROCCHINI: Yes.

DISTASO: And why is that?

BROCCHINI: Because when I was done taking pictures I pushed the rewind button on the camera, took the film out of it and kept it.

DISTASO: And you said there's a couple pictures on there that you didn't take; is that right?

BROCCHINI: Yes.

DISTASO: And do you know are those from another case? Or do you know where those are from?

BROCCHINI: They're from another case. Not involved with me.

DISTASO: Okay. So they were on that roll of film, and then you used it to take pictures in this case, and when the film was developed, those ones also were developed?

BROCCHINI: Yes.

DISTASO: Okay. Can you pull out of here -- you don't have to talk about the blank ones, but can you pull out and give us the numbers, for the record, of the pictures that you actually took on December 24th?

BROCCHINI: Okay.

DISTASO: Do you got (sic) them there?

BROCCHINI: Mr. Geragos --

DISTASO: Mr. Geragos?

BROCCHINI: -- has them.

GERAGOS: Thanks.

DISTASO: And let's see if I can...

JUDGE: So from A to Z, these are the only ones that are on there?

DISTASO: Well, no, your Honor --

GERAGOS: There's a subsection of the A through Z.

DISTASO: Right. This is a subsection, but I'm actually going to move all these into evidence.

JUDGE: How about the ones that don't apply to this case? You're not going to move those in, are you?

DISTASO: I'm going to.

JUDGE: Is there any objection to that?

GERAGOS: Well, they're all shown -- you know, in actuality, they're all shown on the contact sheet, so for -- to just keep them together, I don't really care.

JUDGE: All right. At least separate the ones so the jury knows.

GERAGOS: I was hoping that when -- that's why I took a look at the ones he separated out as a subset. Hopefully he'll identify those for the record.

JUDGE: Yeah.

DISTASO: We're almost there.

JUDGE: Okay. And this is for me to keep track.

DISTASO: All right. I'm going to have him just talk about right now, Judge, the ones --

JUDGE: All right.

DISTASO: -- that he took.

DISTASO: Go ahead, Detective. If you could start at the beginning and tell us -- just give us the number for the record and tell us what the picture is.

GERAGOS: Can we just clarify these are the ones that he's pulled out that he took on the 24th?

JUDGE: Right.

BROCCHINI: That's correct.

DISTASO: Go ahead.

BROCCHINI: 70 N is a photograph of the back portion of the boat and the license plate on the trailer. 70 O is a photo of the left side of the boat, if you're sitting in it, facing forward. And it shows the front of the trailer and the C F number on the side of the boat.

DISTASO: And what's the C F number? Is that, like, the registration number?

BROCCHINI: Yes.

DISTASO: Okay. Go ahead.

BROCCHINI: It also shows portions of the boat, including my notebook that's inside the boat.

DISTASO: And, well, let me stop you then. Is that -- where in the boat is your notebook?

BROCCHINI: It's just on the very front seat of the -- and leaning up on the edge where I sat.

DISTASO: Is that where you left it?

BROCCHINI: Yeah, it was where I sat it there to take some pictures.

DISTASO: Go ahead.

BROCCHINI: 70 P is the picture of the very rear of the boat. It shows a little bit of the motor, the battery box, the gas tank, the small red rope that I saw on the boat on that day.

DISTASO: And do you know how -- about how big that red rope was?

BROCCHINI: It's about -- I guessed at about six feet long.

DISTASO: Okay.

BROCCHINI: 70 Q is a center section of the boat. It shows a spare tire, two fishing reels, an orange life preserver, a couple of gloves, the -- the needle-nosed pliers, handle, a shoestring, and a red pen.

DISTASO: Okay. Let me ask you this: When you were taking these pictures, did you also note in your report some of the items that you had seen in the boat?

BROCCHINI: Yes.

DISTASO: Did you note, like -- like in that picture where you just gave us that list of items, did you note every item that was actually in the boat? Or just the ones you remember? Or how did that work?

BROCCHINI: I just noted some of the items. I -- when I wrote my report, you know, I said I saw some fishing poles. I described what they looked like. The spare tire. I didn't describe everything that I just testified to.

DISTASO: Okay. Go ahead.

BROCCHINI: The 70 R is another section in the boat. It shows the tackle box, the home-made anchor, part of an oar and a couple of seat cushions.

DISTASO: You said there's a home-made anchor. Was that like a little cement anchor with some rebar on the top?

BROCCHINI: Yeah. It looked like a piece of -- made of cement, made in a can or some kind of container, with a little rebar on top.

DISTASO: Did you see any rope in the boat that night that was longer than that six feet or so piece of rope that you saw?

BROCCHINI: No.

DISTASO: Okay. Go ahead. What's the next one -- go ahead ne 9 and describe the next picture.

BROCCHINI: 70 S is a photo of the front section of the boat. It shows a green like plastic duffel bag, part of an oar and a spare gas can. 70 T is a photo I took from standing outside of the shop, looking in. It's a blurry photo, but you can see the flatbed and you can see the boat.

DISTASO: And did Mr. Peterson make any comments to you when you took that picture?

BROCCHINI: Yes.

DISTASO: What was that?

BROCCHINI: He said he didn't want me to let his boss see that photograph of his boat in his shop.

DISTASO: And did you ask him anything about that? Why -- what he meant by that or anything?

BROCCHINI: No.

DISTASO: Okay. Go ahead.

BROCCHINI: 70 U is just -- I don't even know what it is. It's a blank photo with, like, a picture of the headlight or light bar or a reflection from my flash from the window of the patrol car. I can't say for sure.

DISTASO: All right.

BROCCHINI: 70 V is a picture of the patrol car number 52. 70 W is a picture of the patrol car window. And 70 X is a picture of the patrol car window -- driver's side window.

DISTASO: Your Honor, at this time I'm going to ask the detective a couple other questions, but can I publish these to the jury? They can kind of flip through them while I'm going.

JUDGE: Sure, if you want to do that.

DISTASO: I'll start right here, pass them around.

JUDGE: Yeah, just split them in half.

DISTASO: Oh, I'm sorry.

JUROR: That's okay.

DISTASO: Give them to you and then just take them away.

JUDGE: Just pass them all the way around. Okay. You're moving those -- do those photographs truly and accurately portray the boat as it appeared to you that night?

BROCCHINI: Yes, it did. They do.

JUDGE: Okay. Since you're showing them to the jury, then they're moved into evidence. 70 N, O, P, Q, R, S, T, U, V, W, X are in evidence. Okay.

GERAGOS: Yes, sir.

JUDGE: All right.

DISTASO: Okay, your Honor. When -- thank you, your Honor.

DISTASO: Detective, when you -- when told us about, you know, leaving your keys and leaving your binder in the shop, did you document that information in your report?

BROCCHINI: Yes, I did.

DISTASO: Did you also document in your report on this -- about this, that you had taken the defendant's gun?

BROCCHINI: Yes, I did.

DISTASO: When you got -- when you found the gun in the glove box, was it loaded or unloaded?

BROCCHINI: It was loaded.

DISTASO: And let me show you the gun right now. This is marked next in order, your Honor. It's a gun.

JUDGE: Okay. That would be -- that would be --

GERAGOS: 71.

JUDGE: 71.

DISTASO: Do you want to see it? Or have you already seen it?

GERAGOS: I've seen it.

JUDGE: Envelope and contents will be the weapon, right?

DISTASO: Yes, your Honor.

DISTASO: You can just -- Detective, just pull it out, hold it up to the jury. And it's a .22 caliber pistol; is that right?

BROCCHINI: Yes, it is.

DISTASO: And you said that it was a -- loaded when you recovered it?

BROCCHINI: Yes, it was.

DISTASO: And the handle is -- the hand grips are off the frame of that gun?

BROCCHINI: Yes.

DISTASO: And can you see the magazine inside?

BROCCHINI: Yes.

DISTASO: And could you see rounds in the magazine?

BROCCHINI: Yes, I could.

DISTASO: And just so -- for people who aren't familiar with guns, the magazine goes into the butt portion of that handle; is that right?

BROCCHINI: Yes, it does.

DISTASO: Okay. You can put that away. When you were -- also that evening when you were at the house, or at the shop, did Officer Evers give to you a Berkeley Marina receipt that the defendant had given to him?

BROCCHINI: Yes, he gave it to me during the initial briefing.

DISTASO: Okay. And this is the one that we saw in the video where you were going over this receipt with the defendant?

BROCCHINI: Yes.

DISTASO: All right. This is People's 53. Is this the receipt that you saw?

BROCCHINI: Yes, it is.

DISTASO: All right. The anchor that you saw at the shop, let me show you this next item.

GERAGOS: Are you going to mark it as 72?

DISTASO: Yeah. (Exhibit being shown to Mr. Geragos)

DISTASO: This will be marked 72, Judge.

Anchor.

JUDGE: Is this the anchor?

DISTASO: Cement anchor.

JUDGE: All right. Bag and contents will be 72. Which is anchor. ***

1 (People's Exhibit 72, anchor and bag, marked for identification)

DISTASO: And, Detective, is this the cement anchor with the rebar that you saw on the 24th? This is marked People's 72.

BROCCHINI: Yes, it is.

DISTASO: Can you just hold it for the jury so they can see it?

BROCCHINI: Do you want me to take it out of the bag?

DISTASO: No, you can leave it in the bag. Just show them what it is. Okay. That's fine. Are those pictures done being handed around? Oh, they're coming around. Now, the -- Detective, you said you saw some lures and I think a Big 5 bag and receipt in the truck; is that right?

BROCCHINI: Yes, I did.

DISTASO: Okay. Let me show you the next item that's marked.

GERAGOS: 73?

DISTASO: Yeah. The receipt's going to be 73, receipt and the bag.

GERAGOS: Big 5?

JUDGE: Bag and contents. (People's Exhibit 73, Big 5 bag and receipt, marked for identification)

DISTASO: Bag and contents is fine.

JUDGE: What's in the bag?

DISTASO: It's a Big 5 bag with the receipt stapled to the outside. And the next one's going to be two lures and a fishing license.

JUDGE: 74, bag and contents, two lures and fishing license. (People's Exhibit 74, bag with two lures and a fishing license, marked for identification) (Exhibits 73 and 74 shown to Mr. Geragos)

GERAGOS: That was 73. This is 74?

DISTASO: 74.

DISTASO: Detective, is this the Big 5 bag and the receipt that you saw?

BROCCHINI: Well, I saw this twice. The first time I saw it was on the 24th.

DISTASO: Uh-huh.

BROCCHINI: In the -- in the truck.

DISTASO: All right. And the bag and receipt were in the truck, correct?

BROCCHINI: The bag -- the receipt was in the bag with two fishing lures in the back floorboard of the truck.

DISTASO: Okay. And those were -- the two lures were unopened at the time?

BROCCHINI: Yes.

DISTASO: And then you saw those items later somewhere else. When? When and where?

BROCCHINI: On the 27th they were -- I saw them at the -- at the shop. They were shown to me at the shop. They were in the office area.

JUDGE: Has everybody seen those pictures?

THE JURORS: No.

JUDGE: The front row hasn't seen them. You still haven't? Or the other ones are enroute. Okay. That's okay.

DISTASO: I'm just going to leave them there, Judge, and when they come around I'll get them.

DISTASO: Detective, the fishing lures that you saw in that bag -- let me show you People's 74. Do you recognize the lures that are in there?

BROCCHINI: Yes, I do.

DISTASO: And are those the lures that you saw?

BROCCHINI: Yes.

DISTASO: And they were in the bag in the truck on the 24th?

BROCCHINI: Yes.

DISTASO: And where did you see them, then, on the 26th or the 27th?

BROCCHINI: On the 27th these were in the green bag in the boat.

DISTASO: Okay. Hold on a second. And they were in the unopened condition that they are now?

BROCCHINI: Yes.

DISTASO: Your Honor, I'm going to ask to pass these lures around to the jury, too.

JUDGE: Okay. Just pass them to your left.

GERAGOS: As long as he's passing the lures, I would ask that he also pass the 1999 two-day fishing license that was with it in that same exhibit.

DISTASO: Well, the only problem is that the detective didn't see that or recover it, so he can't testify to it.

GERAGOS: It's in the same -- it's in the exact same --

JUDGE: Well, if you're not objecting to it, then he can move it into evidence now and let them see it.

GERAGOS: Right.

JUDGE: If Mr. Geragos isn't objecting.

DISTASO: I don't have any problem.

JUDGE: All right.

DISTASO: I know the detective -- someone else recovered it.

JUDGE: But he's not objecting to it.

GERAGOS: For the record it appears that there's a little paper clip or a safety pin through a plastic cover, and inside of it is a 1999 two-day fishing license.

JUDGE: Okay.

DISTASO: That's right, your Honor. That's fine.

JUDGE: All right. So 73 and 74 may also be admitted into evidence and published to the jury.

DISTASO: That's fine. I'll pass that around. (People's Exhibits 73 and 74 received in evidence and published to the jury)

DISTASO: Before I move on, Detective, to another subject, let me finish up this binder, for the record. People's 69, do you recognize what that picture depicts?

BROCCHINI: Yes.

DISTASO: And --

GERAGOS: 69 what?

DISTASO: I'm sorry.

BROCCHINI: G.

DISTASO: I'm sorry. This is 69 G.

JUDGE: G.

DISTASO: Just so we can speed this up a little bit, that's a picture of the boat?

BROCCHINI: On the day of the search warrant that's a picture of the boat, the camouflage jacket, and the green bag that those lures and that license were found, inside of the shop.

DISTASO: Right and that -- the jacket that you see there that's in the boat, is that the jacket that you also saw in the truck on the 24th?

BROCCHINI: Yes.

DISTASO: Okay. And, your Honor, 69 H, foundation has already been laid for that.

JUDGE: Yes.

GERAGOS: I was the next.

JUDGE: We need F, J, K and M.

DISTASO: Okay. And J -- Detective, 69 J, is that a picture of the shed where you saw what you thought was a canvas-colored tarp that was originally in the truck and then was later in this particular shed on the day of the search warrant?

BROCCHINI: Yes. Underneath the gas blower.

DISTASO: And 69 K, is that a picture of the shed showing the gas blower?

BROCCHINI: Yes. After the tarp was removed.

DISTASO: And 69 L, is that a picture of the -- what you thought was a canvas tarp? Do you know what this is now?

BROCCHINI: Yes.

DISTASO: What is it?

BROCCHINI: It's the boat tarp.

DISTASO: Okay. Is it the boat cover?

BROCCHINI: Yeah. It's the cover for the top of the boat.

DISTASO: Okay. And that's laid out on the fence. And that's 69 L?

BROCCHINI: Yes.

DISTASO: Okay.

GERAGOS: Can you identify I?

DISTASO: I thought we did.

JUDGE: We still have F and M. We've laid a foundation -- or you've laid a foundation for --

GERAGOS: F we got is the "No Landing" and debris. M we don't have.

JUDGE: We have H, J, I, L, G, J, K. According to my notes there's nothing on M or N.

DISTASO: All right. Let me lay a quick record for that, Judge.

DISTASO: 69 F, is that a picture of the "No Landing" sign on Brooks Island?

BROCCHINI: Yes.

DISTASO: Okay. And then 69 M -- we haven't got there yet, but I'm just going to finish up this binder now -- is that a picture of some concrete debris that you recovered from the front yard of Mr. Peterson's home on the night of, I think, the 27th of December?

BROCCHINI: Yes. I took that picture, and it's a picture of cement that we recovered.

DISTASO: All right. Your Honor, at this time I'm actually going to pass 69 around.

JUDGE: Want to show them on the thing? Because they've got their hands full now.

DISTASO: Well, I was -- my problem before lunch is I'm having serious technical problems with this stuff. It seems easier to --

JUDGE: I'll tell you what, the jurors need to deal with what they have in front of them. They have their hands full now.

DISTASO: That's fine.

JUDGE: Let's finish -- at least finish with the photographs. And then these photographs, A through M, truly and accurately portray the scene as you saw it at the time in question?

BROCCHINI: Yes, they do.

JUDGE: Okay.

DISTASO: All right, Detective, let's kind of move on. Does that pretty much cover the items that you saw on the 24th and were later recovered on the 26th or the 27th?

BROCCHINI: There might be a few more.

DISTASO: Okay. Well, let's move on, anyway.

BROCCHINI: Okay.

DISTASO: On the -- what was your role in this particular investigation? What were you assigned to do?

BROCCHINI: Well, find Laci, obviously would have been one of my roles. Find out what happened to her. But my role in this -- in the beginning of this on the 24th was to eliminate Scott Peterson as a suspect, since he was the last person to see her alive, the last person that we knew and knew of her. So my initial role was to eliminate Scott. And I --

DISTASO: Okay. Go ahead. I'm sorry, I didn't mean --

BROCCHINI: And I explained --

GERAGOS: Objection. There's no question pending.

DISTASO: He was still answering.

JUDGE: Yeah, he hadn't finished.

BROCCHINI: And that was -- I explained that to the mother. There was a lot of other officers doing a lot of other things, but my primary job was to talk to him, eliminate him as a suspect.

DISTASO: And did -- did you document in the report that that was the role you had told Scott Peterson that you were going to assume or that you had to do?

BROCCHINI: I documented that, and I also documented, you know, a few other things I told him.

DISTASO: On the 25th, Christmas day, were you back at work?

BROCCHINI: I think I stayed at work; but, yeah, I was there.

DISTASO: Okay. So you finished up with Mr. Peterson around -- something around 1:00 o'clock or so, 1:30-ish I guess?

BROCCHINI: Yes.

DISTASO: And then -- on Christmas day?

BROCCHINI: Yes.

DISTASO: And then you were still working the next morning?

BROCCHINI: Well, I -- after Mr. Peterson and I went back to the station, I did a what we call a track flyer. It's a photograph of Laci and you put in information and you track it or you computer generate it out to all the local police departments and agencies, you know, as a missing persons, suspicious missing persons.

JUDGE: Mr. Distaso, you want to collect?

DISTASO: Yeah. Thanks.

BROCCHINI: And then -- I possibly went home that night for a little while, but I was back first thing in the morning, at about 6:00 or 7:00.

DISTASO: Before I put these away, 70 A A, go ahead and just hold these up to the light quickly. Are these the negatives of the pictures that you took?

BROCCHINI: Yes, they are.

DISTASO: Okay. On the 24th; is that right?

BROCCHINI: Yes.

DISTASO: So this series of 70 A through A A, these are the negatives of the pictures that we talked about, these are the negatives for those?

BROCCHINI: That's right.

DISTASO: All right.

JUDGE: Mr. Distaso, if you want to publish the big binder now, 69?

DISTASO: Okay. I'll pass that out, too. Oh, it's up here.

(People's Exhibit 69 published to the jury)

DISTASO: Okay. On the 25th, did you have any contact with Mr. Peterson?

BROCCHINI: Yes.

DISTASO: And what was that?

BROCCHINI: Well, I saw him first thing in the morning, around 7:00 or 8:00. Actually, I introduced him to Detective John Buehler at that time, at his house. Checked in with him, told him what had happened during the night. And then I went back to my office.

DISTASO: Okay. And you were just doing work on the case?

BROCCHINI: Yes.

DISTASO: Now, did -- did you receive a phone call from Mr. Peterson?

BROCCHINI: Yes.

DISTASO: About what time did that happen?

BROCCHINI: About 6:30 p.m.

DISTASO: And what did he say? What was that phone call about?

BROCCHINI: He wanted to know how the search was going in Dry Creek.

DISTASO: And what did you tell him?

BROCCHINI: I told him that we had a team of officers in there that searched all night, did a grid search all night, we brought in fresh officers in the morning and redid the ne 23 whole search of the park, grid search in the daytime. We had three dog teams in there. We had used a helicopter with a FLIR, which is like a heat sensor, to look in there. We also had horses coming in.

DISTASO: Okay. And what was Mr. Peterson's response?

BROCCHINI: He wanted to know if we were using cadaver dogs.

DISTASO: And what did you say to that?

BROCCHINI: I said I hadn't considered Laci dead yet, so, no, we weren't using them.

DISTASO: And cadaver dogs, just for the jury's information, are dogs that are -- that are used to try to track dead or decaying flesh?

BROCCHINI: Yes.

DISTASO: All right. Now, on the 26th were you present or were you involved in collecting some scent articles from the defendant that were to be used in some tracking dog searches that were to take place later?

BROCCHINI: I wasn't involved in collecting them. I was present. I was there when they were collected.

DISTASO: Okay. And you weren't the one who actually collected them?

BROCCHINI: No.

DISTASO: It was the dog tracking people who were going to use them later that were actually the ones who collected these items?

BROCCHINI: Yes.

DISTASO: You were present -- or you were at least present when some of this was going on?

BROCCHINI: Yes.

DISTASO: Did -- after the items were collected, were those items given to you?

BROCCHINI: Later.

DISTASO: When did -- just -- I don't want you to talk about the collection since you didn't do it, but did -- at what time was it when those items were starting to be collected, or when -- when did that first come about?

BROCCHINI: Can I look at my report?

DISTASO: Yeah. Go ahead.

GERAGOS: Can I ask what page number?

BROCCHINI: Yeah.

JUDGE: Mr. Distaso, can I make a suggestion. The book that the jury has now, can those pages be taken out?

DISTASO: Oh, they can be.

JUDGE: Why don't you take them out so they can look at one page and pass it. Otherwise it takes --

DISTASO: That's fine. Sorry.

JUDGE: We're going to take the pages out, and just look at one page and pass it to your left. Otherwise -- you don't have to take the whole book.

DISTASO: They're individually marked.

JUDGE: Yeah. That's what?

BROCCHINI: 1052. It was around 5:00 o'clock in the evening on the 26th.

DISTASO: All right. And what was -- who was, like, the main person that was -- the main dog tracking person that was kind of involved in that?

BROCCHINI: He's a reserve officer for Contra Costa County Sheriff's Office. His name is Chris Boyer.

DISTASO: And then after Deputy Boyer, you know, collected those items, or whatever, were they given to you?

BROCCHINI: Later.

DISTASO: I mean at some point later in the evening?

BROCCHINI: Yes. Yes.

DISTASO: And what time was that?

BROCCHINI: It was about 9:30 at night.

DISTASO: And what condition did they come to you in?

BROCCHINI: They were in separate Ziplocked like one-gallon plastic bags.

DISTASO: Like one-gallon Ziploc storage bags?

BROCCHINI: Yes.

DISTASO: And was the Ziploc bag closed?

BROCCHINI: Yes, it was.

DISTASO: And what were those items? What physically were they?

BROCCHINI: There was a pink slipper that belonged to Laci, a gray slipper that belonged to Scott, a hairbrush that belonged to Laci, and Laci's sunglasses and a hard sunglass case.

DISTASO: And do you remember if the sunglasses were inside the case or outside?

BROCCHINI: They were inside.

DISTASO: They were inside?

BROCCHINI: Yes.

DISTASO: Let me mark these next.

JUDGE: Marking this next in order.

DISTASO: Yes, your Honor. 75.

JUDGE: What is it?

DISTASO: It is --

JUDGE: Bag and contents. What is it?

DISTASO: It's a gray slipper.

JUDGE: Gray slipper. Okay.

DISTASO: 76, your Honor, is a hairbrush.

JUDGE: Okay.

DISTASO: 77 --

JUDGE: Bag and contents.

DISTASO: That's right. Bag and contents again for --

JUDGE: Is a hairbrush.

DISTASO: 77.

JUDGE: Wait a minute.

GERAGOS: Wait a second. I thought 76 was the hairbrush?

DISTASO: It is.

JUDGE: Bag and contents was 76, which is the hairbrush.

GERAGOS: Right.

JUDGE: What's 77?

DISTASO: Bag and contents, and it's a pink slipper.

JUDGE: Pink slipper.

DISTASO: And finally, your Honor, 78.

JUDGE: Okay. What's that?

DISTASO: It's a sunglasses. Bag and contents.

JUDGE: Bag and contents, sunglasses. Does that also include the case?

DISTASO: It does. They're inside there.

JUDGE: Okay.

(People's Exhibits 75, 76, 77 and 78 marked for identification)

DISTASO: Detective, let me show you 75. And just say -- we'll do them one at a time. Do you recognize that bag and item?

BROCCHINI: Yes, I do.

DISTASO: And what is that? What's inside there?

BROCCHINI: This is a gray slipper. Inside a Ziploc bag that is zipped.

DISTASO: Okay. And these evidence bags are still sealed, correct?

BROCCHINI: Yes.

DISTASO: All right. And 76?

BROCCHINI: It is a hairbrush inside a Ziploc bag.

DISTASO: And are these the scent articles that you have just described?

BROCCHINI: Yes.

DISTASO: And 77?

BROCCHINI: This is a pink slipper in a Ziploc bag that I put into the -- I put all these Ziplocs into all these envelopes.

DISTASO: And 78?

BROCCHINI: It's the sunglasses and sunglass case inside a Ziploc bag.

DISTASO: Now, did -- deputy Boyer you said gave those back to you at some time later in the evening?

BROCCHINI: About 9:30 that night.

DISTASO: And were you aware that those items were going to be needed for some dog tracks -- or dog tracking events that were going to take place later, like on December 28?

BROCCHINI: Yes.

DISTASO: Okay. And so where did you put those items?

BROCCHINI: I kept them with me until I locked them in my desk.

DISTASO: And did you give those items to Detective Schmierer who then used them in a further dog tracking event?

BROCCHINI: Not all of them.

DISTASO: Okay. Which ones did you give to Detective Schmierer?

BROCCHINI: Boyer asked me to send the pink slipper, the gray slipper and the sunglasses up with Detective Schmierer and Stough.

DISTASO: And did you give those items to those other detectives?

BROCCHINI: Yes, I did.

DISTASO: Did those detectives then at some point return the items to you?

BROCCHINI: Yes.

DISTASO: And when was that?

BROCCHINI: I gave them to them on the 28th about 6:00 -- 5:00 or 6:00 in the morning. They returned them on the 28th to me about 3:00 o'clock in the afternoon, right around there.

DISTASO: Now, on the 26th, that was the day that the search warrant was initially served on the Peterson home?

BROCCHINI: Yes.

DISTASO: And the searching of the home, what time was it that the search warrant was initially served?

BROCCHINI: About 5:00 o'clock is when we -- on the 26th.

JUDGE: P.m. or am?

BROCCHINI: P.m. is when we served it.

DISTASO: All right. And then so this searching take place all night, through the night? Or did it take place mostly on the 27th, the next day?

BROCCHINI: Yeah, it -- some things happened during that night. We never left the residence, but searching stopped at some point, and then we started up first thing in the morning.

DISTASO: On the 27th?

BROCCHINI: Yes.

DISTASO: When the -- when the search warrant was first served, was one of the items a two-day fishing license that you had seen referenced on the receipt from the Big 5 -- in the Big 5 bag?

BROCCHINI: Yes. One of the items on the search warrant what called for was the two-day fishing license, and Scott gave it to me that day.

DISTASO: Okay. Can you just tell the jury what happened with that. That was one of the items, and so you told Mr. Peterson -- you told Mr. Peterson about the search warrant, correct?

BROCCHINI: Yes. Detective Grogan explained the search warrant to him, gave him a copy of the search warrant, and Mr. Peterson was reading it. And as he was reading it, he walked over to his counter, his kitchen counter, he picked something up, walked to me and said Here's this. And, to

me, it -- it appeared he had read it on the search warrant --

GERAGOS: Objection. Calls for speculation.

JUDGE: Sustained.

DISTASO: Okay.

JUDGE: He looked at the warrant and started giving you items.

BROCCHINI: Well, he gave me one item, that item.

JUDGE: What was it?

BROCCHINI: The fishing license.

JUDGE: Gave you the fishing license.

DISTASO: Your Honor, I'm going to mark next in order, it will be 79. It will be the fishing license.

JUDGE: Okay. Is it in a bag?

DISTASO: Yeah, it's in a bag.

JUDGE: Bag and contents, which is the fishing license. (People's Exhibit 79 marked for identification)

GERAGOS: This is the 2000 and 3 two-day sportfishing license.

DISTASO: And, Detective, is People's 79, is this the two-day license that he handed you?

BROCCHINI: Yes, it is.

DISTASO: Your Honor, is it okay if I pass this one along to the jury, too.

JUDGE: Okay. Why don't we wait until some of that stuff --

DISTASO: Want me to wait until some of that stuff comes, all right.

DISTASO: On the -- on the 27th, Detective Brocchini, were you asked to go back to the house and collect some concrete debris that you had seen?

BROCCHINI: Yes.

DISTASO: Can you tell the jury about that?

BROCCHINI: Detective Grogan called me on the phone and he asked me to go back to the house. It was still under police custody from the search warrant. And he asked me to collect a small sample of the dried concrete -- freshly dried, it looked like to me, concrete on the side of the house.

DISTASO: Where was it?

BROCCHINI: It was in the front driveway, on the north side of the driveway. There's a small patch of dirt between the fence -- like between the hedges of the fence and the driveway.

JUDGE: Can you point it out on the map here?

BROCCHINI: I passed one picture around of it.

JUDGE: Where was it in relation to the residence?

BROCCHINI: It was right here.

JUDGE: Okay.

DISTASO: Can you -- can you write there, just take that red pen that you were using and just write on there "concrete debris."

JUDGE: Yeah. Just make an X, draw a little line out from it and write "concrete debris."

DISTASO: And then can you put the date that you collected it.

BROCCHINI: I put cement debris, 12/12 of oh three.

DISTASO: And does People's 80, does that contain the cement debris that you collected?

BROCCHINI: Yes, it does.

DISTASO: Okay. You can just put it down, Detective.

JUDGE: 80 is the bag and contents, concrete debris. (People's Exhibit 80 marked for identification)

DISTASO: On -- now, this kind of takes us to about the 27th. On that day were you -- you were obviously still working on the case, correct?

BROCCHINI: Yes.

DISTASO: And then that continued on the 28th and the 29th?

BROCCHINI: Yes.

DISTASO: As part of that were you aware that some kind of tip line or something had been set up for people to call in if they had information?

BROCCHINI: Yes.

DISTASO: And were you aware that, you know, large numbers of tips were coming in?

BROCCHINI: Yes.

DISTASO: Were you present when a tip came in by a woman by the name of Amber Frey?

BROCCHINI: Yes.

DISTASO: Can you tell the jury what happened with that?

BROCCHINI: There's a clerk that was manning the tip line. We had two of them at the time, and I was standing behind her desk and I was watching her type. She had headphones on and she was typing a tip in from a lady named Amber Frey that was claiming to be Scott Peterson's girlfriend. And she was giving a lot of details, like I met him on November 19th and he said he wasn't married and --

GERAGOS: Be an objection. Hearsay.

JUDGE: Well, I think again this goes to explain the reasonableness of the conduct.

GERAGOS: His what?

JUDGE: The reasonableness of his conduct. What did he do when he learned this information; what did he do about it.

GERAGOS: But the details to explain subsequent conduct, under the code, solely --

JUDGE: Just talking about --

GERAGOS: -- received information.

JUDGE: -- identified herself as being Amber Frey, as being Scott Peterson's girlfriend.

GERAGOS: Exactly.

JUDGE: That part can come in. The rest can go out.

DISTASO: That's fine.

DISTASO: So you got this information; is that right?

BROCCHINI: Well, I saw it being typed, and then I took over the phone.

DISTASO: Okay.

BROCCHINI: I took the phone and spoke to her on the phone.

DISTASO: Okay. So you spoke to a woman who identified herself as Amber Frey?

BROCCHINI: Yes.

DISTASO: And then what did you do -- when you got that information, what did you do?

BROCCHINI: I briefed Detective Grogan and John -- Detective Buehler. And I had already made an appointment with her that we would be driving down to speak with her right then, and then Buehler and I drove to Madera and met with her.

DISTASO: And up to that point had Mr. Peterson ever told you or called you or sent you a letter or anything to let you know that there was this woman, Amber Frey, with whom he had this relationship?

BROCCHINI: No. He said he never had a relationship.

DISTASO: And so after you spoke with her, did you speak to anybody else that day?

BROCCHINI: Detective Buehler and I drove to Madera and met with Amber Frey and her friend, Shawn Sibley, who identified -- who introduced Mr. Peterson to Amber Frey.

DISTASO: Okay. And you talked to both of them; is that right? And took statements from them?

BROCCHINI: Yes.

DISTASO: Did you do anything -- did you or Detective Buehler, to your knowledge, do anything else while you were down there in regards to the investigation?

BROCCHINI: Yes.

DISTASO: What was that?

BROCCHINI: We went to Radio Shack, and I purchased her a recording device for her cell phone, because she was receiving phone calls from him still. And we showed her how to use it.

DISTASO: And did you -- you -- so you gave her this equipment?

BROCCHINI: Yes.

DISTASO: Did you -- and you -- you instructed her in its use, correct?

BROCCHINI: Yes.

DISTASO: Okay. Did you give her any other further instructions regarding, like, for her to try to do anything? Or to just record the calls? Or what did you tell her, if anything?

BROCCHINI: I told her not to tell him that she was working with the police. I told her to -- she had told -- she had given us a statement of everything he was saying to her, and I said, you know, Just keep talking to him, let him keep telling you whatever he was telling you. At that meeting that's pretty much what the instructions were. Just keep things going the way they were.

DISTASO: Did -- and to your knowledge did Ms. Frey begin to start recording conversations that she was having with the defendant?

BROCCHINI: She -- she did. She recorded one while we were there.

DISTASO: And then did -- did you subsequently either see or get some tapes yourself, tapes that Miss Frey gave you of her speaking with the defendant?

BROCCHINI: Yes.

DISTASO: Sometime in January did you order some television shows from the Martha Stewart show?

BROCCHINI: Yes.

DISTASO: And why did you do that?

BROCCHINI: Because during the interview Scott said he had been watching that show with Laci on the 24th.

DISTASO: And what was your -- why did you want to see that? What was your reasoning for doing that?

BROCCHINI: Well, he said what a portion of the show was about, and I wanted to know if that show, that portion, was on that tape. I was corroborating what he -- I was trying to corroborate what he told me.

DISTASO: All right. Let me --

GERAGOS: Is this 81 and 82? Or going to do them separately?

DISTASO: How about 81 and 81 A for the transcript.

JUDGE: Are they connected?

GERAGOS: Except there's two -- oh, 81 for the 23rd and 81 A for the transcript of the 23rd?

DISTASO: Yeah. Here's how I want to do it, Judge. The tape and transcript.

JUDGE: Okay.

DISTASO: The tape will -- the first tape will be 81.

JUDGE: All right. 81 is the tape.

DISTASO: Uh-huh.

GERAGOS: And that's of the -- on the 23rd?

DISTASO: Right.

JUDGE: Of what, January 23rd?

DISTASO: No, December 23rd. Oh two.

JUDGE: December 23rd. And what's 81 A?

DISTASO: 81 A will be the transcript of that.

JUDGE: Okay. 81 A is the transcript of it. *** (People's Exhibits 81, 81 A, 82 and 82 A marked for identification)

JUDGE: All right. Before we get lost here, has everybody seen those photographs? And did we get the fishing lures? Did you guys pass that back? We got those, too.

DISTASO: And I think there was a license. Oh, good that's back, too.

BROCCHINI: I think there's one more going around.

DISTASO: No, I haven't sent it around. Give me one sec, Judge. I want to put these away so we don't lose them.

JUDGE: Yeah. That's all right.

(Pause in proceedings)

DISTASO: I'm going to pass around that fishing license.

JUDGE: The fishing license gets published, Mr. Geragos.

GERAGOS: This is 79?

JUDGE: 79.

GERAGOS: Which is the 2003. No objection.

JUDGE: 79 may be admitted into evidence and published to the jury.

2 (People's Exhibit 79 admitted in evidence and published to the jury)

DISTASO: And I'm going to mark -- and I'm going -- while that's being passed around --

JUDGE: Can we just have a little more explanation of that? 12/23/04 is 81. That's a tape of what?

GERAGOS: 12/23/02.

JUDGE: Oh two.

GERAGOS: Tape of -- Martha Stewart tape. 81 A is the transcript of the 12/23 show.

JUDGE: All right. I got it now.

DISTASO: That's correct.

JUDGE: The tape. And this is Martha Stewart.

DISTASO: Uh-huh. And then 82, will be the exact same thing except it will be December 24, 2002, Judge.

JUDGE: December 24, 2002, that's the tape.

DISTASO: Uh-huh.

JUDGE: And 82 A is the transcript.

DISTASO: Right.

JUDGE: Okay. Okay. That's the Christmas Eve day tape.

DISTASO: Uh-huh.

JUDGE: Martha Stewart also.

DISTASO: Detective, let me show you these two items. First start with number 81. Is that -- is that a tape of a Martha Stewart show that aired on the 23rd of December, ‘02, that you watched?

BROCCHINI: Yes, it is.

DISTASO: And the same thing with the transcript of A. Is that a transcript of that particular tape?

BROCCHINI: I didn't have this on the -- on the 17th of January when I watched that tape, but I have since watched it.

DISTASO: Okay. And looked at the transcript?

BROCCHINI: Yes, I have.

DISTASO: Okay. Is the transcript a substantially accurate transcription of the conversation -- or the contents of the tape?

BROCCHINI: Yes, it is.

DISTASO: All right. And the same thing with number 82 and 82A. Again, is 82 a show that aired on December 24th, oh two, of Martha Stewart?

BROCCHINI: Yes, it is.

DISTASO: And again, you didn't have this transcript when you watched the show; is that right?

BROCCHINI: No. Well, I didn't have it on the 17th of January when I watched it, but I have watched it and compared it to the transcript since.

DISTASO: Okay. And this transcript in 82 A, is it a substantially accurate transcript of the contents of number 82, the show?

BROCCHINI: Yes.

DISTASO: Okay. Now, when you watched these shows originally, what date did you watch them?

BROCCHINI: On January 17th of 2003.

DISTASO: Okay. How is it -- how did you watch it?

BROCCHINI: I plugged it in a VCR, sat in a -- a lunch room and watched it.

DISTASO: Okay. Were you familiar with the Martha Stewart show?

BROCCHINI: I've heard of it. I never watched it before.

DISTASO: Okay. Up 'til December -- up 'til January 17th of 2003, had you ever seen a Martha Stewart show?

BROCCHINI: I'd never watched one. I'd flipped through channels and seen it on there, but I'd never watched one.

DISTASO: The -- when you watched the show on January 17th, what were you looking for, if anything?

BROCCHINI: I was looking for Martha Stewart baking with meringue, or something similar to that.

DISTASO: Okay. And on the 23rd, so December 23rd of oh two, does Martha Stewart bake something with meringue or use meringue?

BROCCHINI: Yes.

DISTASO: And did you notice that when you watched the show on the 17th?

BROCCHINI: Yes.

DISTASO: On the 24th, the show on the 24th, when you originally watched the show, did -- did you see any reference to meringue?

BROCCHINI: No.

DISTASO: All right. The -- when you -- have you since gone back and watched those shows again?

BROCCHINI: Yes.

DISTASO: And did you find out you made a mistake?

BROCCHINI: Yes.

DISTASO: What was your mistake?

BROCCHINI: That the word "meringue" was mentioned in -- on the 24th.

DISTASO: The -- and in the transcripts there of 81 A and 82 A, did you go through and mark the references to meringue on each show?

BROCCHINI: Yes.

DISTASO: And is there a difference in -- how many times, if you know -- I don't know if you know this, but how many times is meringue mentioned on the 23rd? If you need to look at the transcript, you can.

BROCCHINI: Eight.

DISTASO: How many times?

BROCCHINI: Eight times.

DISTASO: Okay. And how many times is meringue mentioned on the 24th?

BROCCHINI: One time.

DISTASO: All right. When you watched the show originally on the 24th, I mean of the -- when you watched the show of the 24th, okay, you originally watched it on the 17th, correct?

BROCCHINI: Of 2003.

DISTASO: Did you hear any mention of meringue?

BROCCHINI: No.

DISTASO: So what happened?

BROCCHINI: I missed the mention of meringue while I was watching the show.

DISTASO: Did you give that information to any other officer?

BROCCHINI: Well, I wrote it in my police report and I gave it to a lot of different officers.

DISTASO: Okay. So you documented in your reports that you had not heard a mention of meringue?

BROCCHINI: That's right.

DISTASO: And did you also document that you heard a mention of meringue on the show on the 23rd?

BROCCHINI: Yes, I did.

DISTASO: And you have since learned that that was a mistake?

BROCCHINI: That was a mistake.

DISTASO: Okay. The -- that information, did you also give that information to Investigator Jacobson?

BROCCHINI: Yes, I did.

DISTASO: And to your knowledge did he use that information as part of an affidavit that he wrote for -- for a wiretap in the case?

BROCCHINI: Yes, he did.

DISTASO: The -- after you watched these shows and documented that information, what -- that was on the 17th of January, correct?

BROCCHINI: Yes.

DISTASO: Okay. Let me go back to the 13th of January. Did you get some information from somebody that Mr. Peterson was trying to move his shop or was vacating his shop on -- in Modesto?

BROCCHINI: Yes.

DISTASO: And what was that information?

BROCCHINI: The management company that leases the shop to Trade Corp called me and said that --

GERAGOS: Objection. Hearsay. First of all -- first of all, it doesn't identify who. It's a management company that's speaking. Second of all, all that needs to be said is that he received

some information from a management company and, based upon that, what did he do.

JUDGE: Yeah, it does. Okay.

DISTASO: That's fine.

JUDGE: You don't -- you don't know -- the management company is -- could be anybody. You received a phone call from a representative of a management company?

BROCCHINI: Well, I know his name.

JUDGE: Who was it?

BROCCHINI: His name -- I was going to look. Can I look just to get it right?

JUDGE: Sure.

BROCCHINI: His name was Michael P-R-U-N -- or P-R-U-H-O-N, Pruhon.

GERAGOS: Can I inquire as to what page you're referring to, Detective?

BROCCHINI: That would be 1291.

GERAGOS: Thank you.

JUDGE: And then based upon that information what did you do?

DISTASO: Hold on a sec. Let me --

JUDGE: Wait, I just asked him a question.

DISTASO: I'm sorry, Judge.

JUDGE: Based on that information what did you do?

BROCCHINI: I went over to the fax machine and I got a fax off there that he sent me.

JUDGE: All right. Go ahead.

DISTASO: Okay.

DISTASO: Let me finish up with this, then. I'm going to mark next in order, your Honor, a copy of the fax.

JUDGE: All right. 83. (People's Exhibit 83 marked for identification)

9 (Showing Exhibit 83 to Mr. Geragos)

DISTASO: Detective, does this -- is People's 83 a copy of a fax that you received from Mr. -- I don't know how to pronounce his last name.

BROCCHINI: Pruhon.

JUDGE: "Pru-doe."

DISTASO: "Pru-doe."

BROCCHINI: Yes, it is.

DISTASO: Before we leave the Martha Stewart thing, are you aware of when Martha Stewart airs locally in Modesto? What time?

BROCCHINI: Yes.

DISTASO: And what time does it air locally in Modesto?

BROCCHINI: 9:00 to 10:00.

DISTASO: When you watched -- when you went back and rewatched --

GERAGOS: There would be an objection -- well, I withdraw that.

JUDGE: All right.

DISTASO: When you went back and rewatched those particular shows, on the 24th you said you did hear -- you know, when you went back and saw them, you saw (sic) a mention of meringue; is that right?

BROCCHINI: Yes, I did.

DISTASO: And how many minutes into the show did you hear that reference?

JUDGE: Is that on the 23rd?

DISTASO: On the 24th.

JUDGE: 24th.

DISTASO: The show on the 24th.

BROCCHINI: 43 minutes or -- 48 minutes, I'm sorry. 48 minutes into the show.

DISTASO: Let me just put this down here so it doesn't get lost. If you would hand me that tape, too.

JUDGE: Okay. Did we collect the fishing license?

DISTASO: Well, I was going to say is that the only -- oh, it's still there being looked at.

JUDGE: Oh, still being looked at; because I'm going to give you a recess in just a few minutes.

DISTASO: Your Honor -- your Honor, you want to have them finish, because I'm going to move on to another topic.

JUDGE: Yeah, I'm going to let them finish and then we'll take the recess. Is it your intention to play these Martha Stewart tapes today?

DISTASO: No.

JUDGE: Just wondering.

DISTASO: I'm going to move them into evidence, if the jury wants to watch them.

JUDGE: Have you got them? Okay. There you go, Mr. Distaso.

DISTASO: Okay.

JUDGE: Okay. Now we've collected all the exhibits that have been passed around. All right, ladies and gentlemen of the jury, we'll take the afternoon recess until ten minutes to 3:00, and then we'll pick up where we left off.

(Afternoon recess) * * * *

JUDGE: All right, this is People versus Scott Peterson. Let the record show the defendant is present with counsel. The jury is in the jury box, along with the alternates we have the witness back on the stand. We are ready, Mr. Distaso. Are you ready, Mr. Distaso? Just for the record, since we published 69-A through M, those may be admitted in evidence, and also take the same numbers.

DISTASO: Thank you, your Honor.

DISTASO: Detective, when we left off, we left off kind of the middle of January. And, just for the record, do you have those three binders up there? Are those the reports that you wrote in this particular case?

BROCCHINI: Yes, these are just my reports. Maybe there is a few other ones in there. These are the ones I authored.

DISTASO: And, of course, you don't remember everything off the top of your head, correct?

BROCCHINI: That's right.

DISTASO: All right. So when you have been saying, "Can I refer to my report?" you have been referring to the reports that you have authored regarding your work in this case?

BROCCHINI: Yes.

DISTASO: On the 19th of January, did Mr. Peterson contact you, or did you learn from some source that his house had been burglarized in January?

BROCCHINI: Yes.

DISTASO: And were you involved in the investigation of that particular case?

BROCCHINI: Yes.

DISTASO: And did you eventually identify the person who committed that burglary?

BROCCHINI: Yes.

DISTASO: What was that person's name?

BROCCHINI: Kimberly McGregor. It's M-c-G-r-e-g-o-r.

DISTASO: And how was Miss McGregor associated with Mr. Peterson?

BROCCHINI: She had met him at the Volunteer Center. She had volunteered to walk his dog while he was out of town.

DISTASO: And this burglary at the house happened while he was out of town in January of 2003?

BROCCHINI: It happened between the 16th of January when he left and the 19th when he returned and discovered it.

DISTASO: And did you tell Mr. Peterson that you had apprehended or, you know, that you figured out who committed this burglary, and asked him what he wanted to happen with it?

BROCCHINI: Yes.

DISTASO: What did he say?

BROCCHINI: He didn't want anything to be done with it.

DISTASO: On the 25th of January, did you go on the show "America's Most Wanted", and was this case presented as one of the cases they were showing on that show?

BROCCHINI: Yes. This case, and the reward that was authorized.

DISTASO: What was the reward at that time?

BROCCHINI: A half million dollars.

DISTASO: $500,000?

BROCCHINI: Yes.

DISTASO: And are you aware of how many tips came in as a result of you going on that particular show towards trying to solve this case?

BROCCHINI: Yes.

DISTASO: How many?

BROCCHINI: There were five that night, call-ins. And I think we got one or two more after that.

DISTASO: Did any of those tips lead to any information to the recovery of Laci and Conner Peterson?

BROCCHINI: No.

DISTASO: Did you learn that Mr. Peterson was going to be at a location in Fresno on February 1st?

BROCCHINI: Yes.

DISTASO: And did you learn that from the wiretap?

BROCCHINI: Yes.

DISTASO: And did you go down to Fresno to try to locate him?

BROCCHINI: Yes.

DISTASO: And is that near the location where Amber Frey lives?

BROCCHINI: Yes.

GERAGOS: Judge, I hate to do this, since we just came back. But I have to raise something outside the presence.

JUDGE: We got to go inside?

GERAGOS: Un-hun.

JUDGE: Okay. Here we go again. We'll have to put you back in jury room. So we'll have to deal with this in chambers. I hate to do that, but it's come up.

JURORS LEAVE THE COURTROOM

In Chambers meeting

JUDGE: All right, you can bring the jury back in.

JURORS ENTER THE COURTROOM

JUDGE: All right. Let the record show that the jury is present in the jury box, and these proceedings are taking place in the open court. The defendant is present with counsel. Go ahead, Mr. Distaso.

DISTASO: Thank you, your Honor.

DISTASO: Detective Brocchini, when we left off, you had learned from some information on the wiretap that Mr. Peterson was down in Fresno?

BROCCHINI: Yes.

DISTASO: And did you go down to Fresno and try to locate him?

BROCCHINI: Yes.

DISTASO: And did you do that?

BROCCHINI: Yes.

DISTASO: And what happened? You parked somewhere; is that right?

BROCCHINI: Well, when I first located him, he was just sitting in his car. I drove by -- I drove away a couple of blocks and parked in a school parking lot. And I was just going to try to keep an eye on him.

DISTASO: And did Mr. Peterson obviously see your car?

BROCCHINI: Yes.

DISTASO: What happened?

BROCCHINI: I noticed he walked over to me. He was walking over to my car, so I got out.

DISTASO: And did you say anything to him?

BROCCHINI: Not before he said something to me.

DISTASO: He obviously recognized you, correct?

BROCCHINI: Yes.

DISTASO: And what did he say to you?

BROCCHINI: He said, "Thank you for going on 'America's Most Wanted', and answering the phones."

DISTASO: And did you say anything back to him?

BROCCHINI: Yes.

DISTASO: What did you say?

BROCCHINI: I said, "You got some explaining to do."

DISTASO: And what did he say?

BROCCHINI: He said, "You don't know. I just stop on the side of the road and break down for no apparent reason."

DISTASO: Did -- and what did you say in response to that?

BROCCHINI: I said he wasn't acting like somebody that missed is his pregnant wife.

DISTASO: Go ahead?

BROCCHINI: And he had to explain the other girlfriends that I had identified.

DISTASO: And did you tell him that you had a picture of another girlfriend you had identified?

BROCCHINI: He replied, "Right, other girlfriends." And I said, "Well, I got pictures."

DISTASO: And what was his demeanor during that contact with him?

BROCCHINI: Emotionless, matter of fact. Just calm.

DISTASO: After that contact did he just walk away?

BROCCHINI: Yes.

DISTASO: And got in his car?

BROCCHINI: Yes.

DISTASO: Moving on. That was on February 1st?

BROCCHINI: Yes.

DISTASO: On February -- some time in February, had you received some financial documents of Mr. Peterson and of his company?

BROCCHINI: Yes.

DISTASO: And do you remember when you got those in the investigation?

BROCCHINI: It was in February. They were trickling in. I don't say we got them all at one bulk. It was in early February, late January. I was putting portions of them together.

DISTASO: And did you see in the documents a number of checks that Mr. Peterson had written to himself?

BROCCHINI: Yes.

DISTASO: And did that cause you any concern, or was there any issue of that with you?

BROCCHINI: There was.

DISTASO: And what was that?

BROCCHINI: He appeared to be writing himself checks on a Trade Corp account that were over and above his paychecks.

DISTASO: And what did you do with that information, if anything?

BROCCHINI: I contacted Trade Corp and asked them to put together an audit.

DISTASO: And did they want to do that?

BROCCHINI: Yes.

DISTASO: Trade Corp is a company --

GERAGOS: Objection as to what Trade Corp wanted to do. Motion to strike.

JUDGE: Sustained. He gave Trade Corp the information. Then what happened?

DISTASO: Okay. And is Trade Corp, is it company based oversees?

BROCCHINI: It is. But I didn't give the documents to Trade Corp. I gave it to a corporate lawyer for Trade Corp.

DISTASO: I'm sorry. Somebody in Modesto?

BROCCHINI: Yes.

DISTASO: And what was that person's name?

BROCCHINI: Ross Lee.

DISTASO: Did you subsequently learn some time later that the --

GERAGOS: There will be an objection as to what he learned. It's hearsay. It's not to explain subsequent conduct.

JUDGE: Why is it being offered?

DISTASO: Being offered to show that audit was completed, and there was no misconduct or anything by Mr. Peterson.

GERAGOS: Then I'll withdraw the objection.

JUDGE: Okay. Doesn't hurt.

DISTASO: I was actually surprised he was objecting to it.

DISTASO: And did you subsequently learn from Trade Corp that they had conducted an audit?

BROCCHINI: Yes.

DISTASO: And were they satisfied with the information that had been provided to them by Mr. Peterson?

BROCCHINI: Yes.

DISTASO: As part of the -- when the search warrants were going on in this particular case, did --

GERAGOS: Be an objection. Vague as to time. There is at least two sets of search warrants, maybe more.

JUDGE: Be more specific.

DISTASO: I was getting there. He jumped in.

JUDGE: Thanks for jumping in.

DISTASO: The ones I was going to ask you about were the ones on the -- the 26th and into the 27th. Were you aware that a pair of pliers needle-nosed pliers had been found in the boat?

BROCCHINI: No.

DISTASO: Did anybody tell you on the day of the search warrant that some needle-nosed pliers had been found in the boat?

BROCCHINI: No.

DISTASO: In the pictures that you took of the boat on the 24th, did you see a pair of pliers in the picture?

BROCCHINI: There is a pair of pliers in the picture.

DISTASO: Just so we're clear, when you took those pictures, did you then run out to a one-hour photo shop and get them developed that night?

BROCCHINI: No.

DISTASO: What's the procedure for getting film developed?

BROCCHINI: I turned them into somebody, or clerk, or ID officer, and said send me back these pictures.

DISTASO: And had they done that?

BROCCHINI: Yes.

DISTASO: When you looked at the pictures, did you ever see a pair of pliers in the boat in the pictures?

BROCCHINI: On that, when I first got them back?

DISTASO: Un-hun.

BROCCHINI: I imagine I looked at the pictures, and I saw everything in the picture. But did I see a pair of pliers? I don't know.

DISTASO: Okay. The -- I guess the pliers didn't jump out at you as anything particularly significant?

BROCCHINI: Not at that time.

DISTASO: At some time in the investigation, did you learn, or did you get information that made you want to follow up further and to see whether or not the pliers were there in your pictures, and whether they were there in the boat on the 26th?

BROCCHINI: Yes.

DISTASO: And tell the jury about that. When did that first become an issue?

BROCCHINI: On February 11th, Detective Grogan and Sergeant Zahr and I were in a conference room, and we were just looking at every picture, trying -- going over what was going on in the case, and we came across a picture of a pair of pliers with a hair in it next to a placard.

DISTASO: Okay. Let me stop you there.

JUDGE: Next to what?

BROCCHINI: A placard, the 144.

DISTASO: And the jury has seen some pictures of the placards in them. Are you talking about those little yellow stand up plastic items that you use to identify evidence items?

BROCCHINI: Yes.

DISTASO: And as you were looking through these pictures, and you saw this picture of the pliers, and what happened next?

BROCCHINI: Well, it was taken on the 27th from a pliers from the boat. So I went and got my photos that I took on the 24th to see if I could see those pliers in my photos.

DISTASO: Could you?

BROCCHINI: Yes.

DISTASO: And where, in your pictures, were the pliers?

BROCCHINI: They are under one of the seats. You can see the yellow handles of the pliers.

DISTASO: Did you locate a similar picture from the search warrant that was taken on the 27th that showed where the pliers were located during the search warrant?

BROCCHINI: Yes.

DISTASO: And where were they?

BROCCHINI: In the exact same spot.

DISTASO: And so then you went back -- and did you look at a picture of just the pliers?

BROCCHINI: Yes, we were looking at the one with the pliers and the hair in it, and we were looking at it with a magnifying glass. We were trying to figure out if it had a root on it.

DISTASO: Hold on. Let me stop you. Why did you -- in your mind, why was it important to see whether or not the hair had a root?

BROCCHINI: Well, we wanted DNA from that root, and we wanted to know if that was Laci's hair. Kind of an exciting moment.

DISTASO: And what happened next then?

BROCCHINI: Couldn't tell. So we waited for the detective that recovered the pliers to come in the next morning. When he got to work, we asked him, was there a root on that hair.

DISTASO: And who is this detective?

BROCCHINI: Dodge Hendee.

DISTASO: And what did he say?

GERAGOS: Objection. Hearsay.

DISTASO: Goes to explain what they were doing, Judge.

GERAGOS: Doesn't lead to -- all they got to do is explain what they did next.

JUDGE: The question was, was there a root on the hair. If he had a conversation with the detective, based upon that conversation, he did X, Y, Z. Okay?

DISTASO: Okay.

DISTASO: So you had a conversation with Detective Hendee?

BROCCHINI: Yes.

DISTASO: And did he look at the picture also?

BROCCHINI: Yes.

DISTASO: And was anybody able to determine whether or not there was a root on the hair based on the picture?

BROCCHINI: No.

DISTASO: So what happened next?

BROCCHINI: We said, let's go look.

DISTASO: And where was this particular hair located?

BROCCHINI: It was in our evidence room in an evidence envelope.

DISTASO: And who had booked the hair into evidence?

BROCCHINI: Detective Hendee.

DISTASO: And so what happened next?

BROCCHINI: We went over to the evidence room. We checked out that item of evidence. I got a sterile piece of paper, set it sit on the counter, opened up the envelope, and dumped it out.

DISTASO: And when you say it was in an envelope, was it just -- explain the envelope that it was in.

BROCCHINI: It was in a small like five-by-seven manila envelope, similar to all these ones you have been looking at, only five-by-seven, sealed with tape, case number on it, the numbers 144-A, for the item, and that was the hair.

DISTASO: And when you went to the evidence room, where did you look at the hair? What portion of the evidence room?

BROCCHINI: We went into the secured front lobby. There is a counter there for looking at evidence. And we looked at it.

DISTASO: And when you go into this room, is this a lobby that any member from the public can just walk into?

BROCCHINI: They can't just walk in. They have to either come in with somebody or be buzzed in by an evidence clerk.

DISTASO: If you want to just go there, I couldn't -- could I just open the front door and walk in?

BROCCHINI: No.

DISTASO: Can somebody -- can you see inside this room, the lobby portion of it, can you see inside that from the street?

BROCCHINI: No.

DISTASO: It's got like --

BROCCHINI: Well, it's got mirrored -- you can see out if you are in there. If you are inside you can see out to the street; but if you are in the street you can't see in.

DISTASO: And when you go to check out evidence from this area, you said there is some counters?

BROCCHINI: Yes.

DISTASO: And the jury has never been there. Can you describe it for the inside there, what it looks like?

BROCCHINI: When you go in through the front doors, you are in a small lobby, probably like ten by ten. There is a door, a solid door that leads into the back that nobody can get in unless you are an evidence clerk. Then there is a small window that -- like a little half door window, that you can ring a bell. It's solid. And knock. And then somebody from inside will open it. And around that area there is a small countertop that's probably about two foot from the wall -- counter maybe a foot and half to two foot from the wall, is all the way around the room. Then there is also a table in the room.

DISTASO: Have you viewed evidence items in that area in the past?

BROCCHINI: Hundreds of times.

DISTASO: In other cases?

BROCCHINI: Yes.

DISTASO: So you have gone in other cases, checked out -- I mean like, for example, we have a gun in this one, check the gun out, put it on the counter and viewed it for whatever purpose?

BROCCHINI: That's right.

DISTASO: So you said you went there, checked out this particular item, right?

BROCCHINI: Yes.

DISTASO: And did you actually collect this particular hair?

BROCCHINI: No.

DISTASO: Were you present when it was collected?

BROCCHINI: No. I mean I did go to the search warrant at the scene, but I didn't know it was collected. I didn't see it being collected. I didn't even know about it until the 11th of February.

DISTASO: And after Detective Hendee -- who checked the hair out, yourself or Detective Hendee?

BROCCHINI: I don't remember.

DISTASO: After it was checked out, you said you laid a piece of paper down?

BROCCHINI: Yeah.

DISTASO: Is that standard procedure for viewing evidence?

BROCCHINI: Well, certain kinds of evidence.

DISTASO: I mean like for a hair, for example?

BROCCHINI: Yeah.

DISTASO: And then Detective Hendee opened up the envelope?

BROCCHINI: Yeah -- oh, no.

DISTASO: Did he -- did he do it, or did you do it?

BROCCHINI: I think I opened it.

DISTASO: And what happened next?

BROCCHINI: I dumped it out. I dumped out whatever was in the envelope on to that piece of paper.

DISTASO: And what came out?

BROCCHINI: Two hairs.

DISTASO: And do you know if it was two complete hairs?

BROCCHINI: I think so.

GERAGOS: Objection. Vague as to what a complete hair is.

JUDGE: Sustained. Can we call them strands of hair; would that be fair?

BROCCHINI: Okay. Two strands of hair.

DISTASO: Is that a fair description?

BROCCHINI: Yeah.

DISTASO: Okay. Two strands of hair came out. And what happened next?

BROCCHINI: We looked at them under the magnifying glass.

DISTASO: And were you able to determine if there was a root on the hairs or not?

BROCCHINI: No, I couldn't tell.

DISTASO: What did you do next?

BROCCHINI: Detective Hendee packaged them in a small box, and then he put the box back in the evidence envelope, and we resealed it, I initialed it, and we gave it back to the evidence clerk.

DISTASO: Who was present with you when you did that?

BROCCHINI: Dodge Hendee.

DISTASO: It was yourself and Detective Hendee?

BROCCHINI: That's right.

DISTASO: And is that unusual at all for one or two detectives to go and check out evidence from a particular case and view it in that area where you viewed it?

BROCCHINI: No.

DISTASO: After the hair was checked back into evidence, did you personally check it out again?

BROCCHINI: No.

DISTASO: Do you know where it went?

BROCCHINI: Yes.

DISTASO: Where was that?

BROCCHINI: Department of Justice, then eventually the FBI.

DISTASO: Okay. Let's move on now. Does that pretty much cover your involvement with that particular hair?

BROCCHINI: Yes.

DISTASO: I mean evidence item the 144-A. Let's just call it that.

BROCCHINI: Yes.

DISTASO: On the 18th of February, were you present at a second search warrant of the defendant's home?

BROCCHINI: Yes.

DISTASO: And did you go into the house?

BROCCHINI: Yes, I did.

DISTASO: And were you involved at all in collecting any evidence items from the defendant on that date, 18th of February?

BROCCHINI: I was involved.

DISTASO: Did you -- let me mark these next items, your Honor. One is a notebook.

JUDGE: Okay. Notebook.

DISTASO: I'm going to mark --

JUDGE: Notebook and assorted papers.

DISTASO: Yes.

JUDGE: A group exhibit?

DISTASO: Yes.

GERAGOS: Well, what --

DISTASO: Hold on a second let me tell him. That's going to be the first item. I'll tell you about the next one.

JUDGE: All right. That's 84.

DISTASO: And then 84-A, your Honor, is going to be a copy of a page from the group of notebooks -- group of notes.

JUDGE: Be a group exhibit. How many pieces of paper you got?

DISTASO: There is a number of pieces of paper. I think we're only going to deal with 84-A now.

JUDGE: All right. And, Mr. Geragos, have you seen this?

GERAGOS: No. But what we have agreed to do is, they are just going to introduce 84-A precisely, because I have not seen 84.

DISTASO: Just for the record, your Honor, this has been booked into evidence for quite a long time. I'm going to do the same thing, your Honor, with the next exhibit, which will be 85 and 85-A.

JUDGE: All right. What's 85?

DISTASO: 85 is a day planner for 2003.

JUDGE: Mark the envelope also so the clerk can keep them together.

DISTASO: The day planner and envelope.

JUDGE: And 85-A is what?

DISTASO: It's a page from the day planner.

JUDGE: Page from the day planner.

DISTASO: Detective, let me show you first 84, and ask you if you recognize this.

BROCCHINI: I do.

DISTASO: And is 84 a notebook that you recovered on the 18th of February from the defendant?

BROCCHINI: I recovered it from his truck. It was in a duffle bag in the front seat on the February 18th.

DISTASO: Okay. And what truck was that?

BROCCHINI: That was his white Dodge Dakota.

DISTASO: All right. And did that's this notebook here, 84?

BROCCHINI: Yes.

DISTASO: All right. And 84-A, is that a page from the notebook that's listed on the top there?

BROCCHINI: That's a copy of a page from that notebook.

DISTASO: Okay. Does have it a reference regarding Amber Frey?

BROCCHINI: It has a reference regarding Amber.

DISTASO: What does it say?

BROCCHINI: Says "3-28-03 important date for Amber".

DISTASO: And did you also recover on the 18th of February a day planner from the defendant's truck?

BROCCHINI: Yes.

DISTASO: And was this day planner located in the same portion of the truck that you just described?

BROCCHINI: It was in the duffle bag on the front seat.

DISTASO: And you recognize it as you see it here?

BROCCHINI: I do.

DISTASO: And then is 85-A a calendar page from the day planner?

BROCCHINI: It's a copy of the calendar page for March.

DISTASO: Okay. And what does -- what does it say on March 28th?

BROCCHINI: It says, "Important date for A".

DISTASO: And is that 2003?

BROCCHINI: Yes.

DISTASO: On February 18th, did you also find any cellular telephones that were in the defendant's possession?

BROCCHINI: Yes.

DISTASO: And did you review those?

BROCCHINI: Yes, I did.

DISTASO: What was the first telephone number of the phone that you found in the defendants possession?

BROCCHINI: 209-505-0337.

DISTASO: Is that a telephone that you had seen previously when you had had previous contact with Mr. Peterson?

BROCCHINI: That's the same phone he had on the 24th when I interviewed him.

DISTASO: And did you review the call history for that phone?

BROCCHINI: Yes, I did.

DISTASO: Were there any calls on that particular phone that you remember to Amber Frey?

BROCCHINI: Can I look at my report?

DISTASO: Did you note those in your report?

BROCCHINI: Yes, I did.

DISTASO: Go ahead.

JUDGE: So I understand it, Detective Brocchini, you are referring to the same cell phone that the defendant had in his possession on December 24th, and you were checking that phone number to see whether or not calls had originated from that number to Amber Frey's number?

BROCCHINI: Just so we're clear, on the 24th he had this phone. On February 18th he had it again, so I looked at it again. I went through the call history, and any calls received dialed or missed, and I wrote down the phone numbers to see if any of them were for Amber Frey.

JUDGE: From December 24th on?

BROCCHINI: No. Only -- these phones only go back, I think, ten calls. So it would have been like in the last ten calls he made on the 18th.

JUDGE: That's what I wanted.

DISTASO: Go ahead.

GERAGOS: Can I ask what page?

BROCCHINI: I'm on page 1342 and 1343. For the 505 number, he has -- there is only one -- there is one call in there that was a received call from Amber Frey's father's home phone.

DISTASO: What's his name?

BROCCHINI: Ron Frey.

DISTASO: Did you find any other cellular telephones in his possession?

BROCCHINI: Yes.

DISTASO: And what was the number of the second phone that you looked at?

BROCCHINI: It was 209-499-8427.

DISTASO: And did you find any calls in that history of that phone within the last ten calls to or from Amber Frey?

BROCCHINI: On that phone is a little different. It gives you a call history. So I can't say if it was to or from. But there were four calls from Amber Frey's cell phone. It was either he dialed it, or he received it. I can't say which.

DISTASO: And that phone, 209-499-8427 phone, had you seen that phone previously when you looked at Mr. Peterson's cell phone on December 24th?

BROCCHINI: No, I never saw that phone before. Well, I knew about it, but I never saw it.

DISTASO: So this is not a phone that he had provided to you on the 24th to look at the call history?

BROCCHINI: No.

DISTASO: And during the search warrant on the 26th and the 27th at the Covena residence in December, do you remember seeing that particular phone?

BROCCHINI: I never saw it.

DISTASO: And were there any other phones in his possession?

BROCCHINI: On the -- during the search?

DISTASO: I'm sorry. During the search warrant on the 18th.

BROCCHINI: On the 18th.

DISTASO: On February 18.

BROCCHINI: There was one other phone in his possession.

DISTASO: What was the number to that phone?

BROCCHINI: That is 858-232-2203.

DISTASO: Did you check that phone's call history?

BROCCHINI: Yes.

DISTASO: Did that phone have any calls received or made to Amber Frey?

BROCCHINI: It had one dialed call to Amber Frey.

DISTASO: And when -- what you were reviewing was just the call history of that particular phone?

BROCCHINI: The call history that's in the memory of the phone.

DISTASO: So we're not talking about actual phone records. You are just looking at the physical phone?

BROCCHINI: That's right.

DISTASO: When after you reviewed the call histories of these phones, what did you do with them?

BROCCHINI: I gave them back to Scott.

DISTASO: Gave them back to Mr. Peterson?

BROCCHINI: Yes.

DISTASO: Your Honor, that's all I have at this time.

JUDGE: Mr. Geragos, I assume, because of the time, you want to start tomorrow morning? Or do you want to start now?

GERAGOS: I'd like to start now, but I think there is a lot of stuff that I wanted to load up onto the computer. It's going to require setting up our computer. I think it will probably take at least 15 or 20 minutes. So I don't want to keep the jury.

JUDGE: We'll take a recess now. We'll do that tomorrow. Ladies and gentlemen of the jury, we'll take the evening recess now. Remember the admonition, you are not to discuss this case among yourselves or with any other person, or form or express any opinion about the this case. You are not to listen to, read, or watch any media reports of this trial, nor discuss it with any representatives of the media, or their agents. We'll be in recess until tomorrow morning at nine. We made these new arrangements. I hope they work out better than this morning, okay? Okay. See you tomorrow.