Witness: Rick Armendariz

Date: 2004-07-12

Proceedings held July 12, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day); Redirect – Rick Distaso; Recross – Mark Geragos

Day 2 of 2 for this witness

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

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July 12, 2004

GERAGOS: Sergeant, when we left off, I believe that we were talking about the 16th; is that correct?

ARMENDARIZ: I believe so.

GERAGOS: Okay. On the 16th, the searches that you had gone through involved several boats, correct?

ARMENDARIZ: That's correct.

GERAGOS: Okay. And you were on one of those boats; is that correct?

ARMENDARIZ: Correct.

GERAGOS: Okay. The boat that you were on, do you remember who was operating the side sonar, Side-Scan Sonar?

ARMENDARIZ: Yes, I do.

GERAGOS: Okay. Was that somebody from the Sheriff's Department?

ARMENDARIZ: Yes, it was.

GERAGOS: Now, the, specifically we went over this. The boat you were on was the one that provided by San Luis Obispo, correct?

ARMENDARIZ: Correct.

GERAGOS: And as we indicated before, the other three, Contra Costa, Marin and Berkeley, were just, they were basically around the perimeter of the area, correct?

ARMENDARIZ: As well as shuttling equipment and staff from boat to boat.

GERAGOS: Okay. Now, on May 16th, what's the total amount of time that that search took place for that total water operation? If you are referring to a page could you also let me know?

ARMENDARIZ: Referring, yes. Referring to 21727, 21728, starting with May 16th. We actually departed from the Emeryville Marina. Launched at approximately 10:30 in the morning. And we actually arrived to the location where we began the search at 11:30 in the morning. We continued the search, it's not indicated in my report, but it was consistent with the following days. We concluded at approximately 1:00 o'clock.

GERAGOS: Okay. And safe to say that you, after that whatever number of hours that that calculates out to, that there was no recovery of any evidence related to this case, correct?

ARMENDARIZ: I can only speak for the boat that I was on, and there was not.

GERAGOS: Now, on the 17th, same, we have the same setup here. It was a Saturday. There was the boat names that are here. You have got the two that show for perimeter and for shuttle, which is, once again, Marin boat, and the Berkeley PD boat, correct?

ARMENDARIZ: That's what the chart indicates. I can only testify to the boat that I was on and the days that, what happened the day the boat that I was on.

GERAGOS: Are you aware that there were four Side-Scan Sonars out there searching this grid area on that date?

ARMENDARIZ: I was aware there was more than one, approximate number. You would have to refer to the detective who was on each one of those boats.

GERAGOS: Okay. Do you know what the Wing Stocks and Gene Ralston, San Mateo, San Luis Obispo are?

ARMENDARIZ: Yes, they were there as well.

GERAGOS: Best of your knowledge all of them had Side-Scan Sonar that they were operating. That's your understanding of what this search operation was?

ARMENDARIZ: Correct.

GERAGOS: Best of your understanding on that date there was no evidence recovered in that grid search by those number of boats, and by those people, including the FBI Dive Team, Command Center, the four Side-Scan Sonars and the Contra Costa Dive Team? As best as you know, nobody reported to you, you didn't see any evidence recovered whatsoever, correct?

ARMENDARIZ: I can only testify to the boat that I was on. And the only item that we recovered off the boat that I was on was a rope that was approximately 23 feet long.

GERAGOS: Okay. Did you put that in your report?

ARMENDARIZ: Yes, I did. It's on page 21728.

GERAGOS: Now, that rope that was recovered, was that on the bottom of the sea floor?

ARMENDARIZ: Yes, it was.

GERAGOS: Okay. Presumably the Side-Scan Sonar was such that you could drop it down, you could spot a rope on the sea floor?

ARMENDARIZ: No, that's not correct. On May 17th, I was with the FBI Dive Team, and they were not using the Side-Scan Sonar. They were actually diving on a grid specifically designated for them. And they were focusing on just diving, searching, doing different grid searching for that area.

JUDGE: Mr. Geragos, I think you misspoke. You said the sea floor. It's the bay floor. They all are thinking they are working in the Pacific Ocean some place. MR. GERAGOS: Q. Were you in the Bay?

ARMENDARIZ: Yes, we were.

GERAGOS: Okay. On the bay floor the divers actually went down and were able to recover a rope?

ARMENDARIZ: Correct.

GERAGOS: Okay. And, apparent to you, was there any complaint on the 17th that the Federal Bureau of Investigation Search and Recovery Team was unable to find stuff on the Bay floor?

ARMENDARIZ: If you are asking if the FBI complained about finding stuff, the complaint was that difficulty, the undercurrent under the water, difficulty searching, the visibility being zero, and the fact they were doing a hand search.

GERAGOS: And the hand search produced a rope. They found a rope the floor of the Bay, correct?

ARMENDARIZ: In that particular area, correct.

GERAGOS: And that was the specific area that had been listed as a probability by the U.S. Geological Service, correct?

ARMENDARIZ: It was within a grid, correct.

GERAGOS: Okay. Now, that grid was, what you do as you go out there, and you had global positioning devices; is that correct?

ARMENDARIZ: Correct.

GERAGOS: And would you get coordinates that you would mark off in the bay there, based upon the global positioning devices, correct?

ARMENDARIZ: Correct.

GERAGOS: And then you would mark off those areas, either by these perimeter boats and by some other kind of a buoy, and then the divers would basically go back and forth and search the floor; is that correct?

ARMENDARIZ: Specifically with the boat that I was on on May 17th, that's what we did. FBI Dive Team marked off the grid location, and then they entered the water, began doing a hand search under the bay water for any items that they can locate.

GERAGOS: And, specifically, they entered the water on the 17th at approximately 7:25 in the morning, correct?

ARMENDARIZ: That's correct.

GERAGOS: Okay. And after about four hours, this was about a half mile square area, correct?

ARMENDARIZ: Correct.

GERAGOS: Go down the end of your page. You identified as a half mile square perimeter, right?

ARMENDARIZ: Correct. The perimeter the FBI searched.

GERAGOS: Okay. So they were down there. How many divers did you see down there for four hours?

ARMENDARIZ: They would rotate the divers. There was two divers down in the water searching.

GERAGOS: Okay. They searched the entire grid area, correct?

ARMENDARIZ: No, we did not complete the search that day.

GERAGOS: Okay. So you did, what, roughly five hours that you were on the boat before you called it a day?

ARMENDARIZ: Due to the deteriorating weather condition and the undercurrent in the water.

GERAGOS: Then you went, you came back on the 18th, correct?

ARMENDARIZ: That's correct.

GERAGOS: Now, on the 18th, same kind of a deal. We had a number of boats, number of Side-Scan Sonars, and at least three dive teams, correct? According to the chart that we have got up here that's been marked as triple F.

ARMENDARIZ: According to be chart, that is what the chart indicates. You would have to check with Detective Hendee who exactly showed up for that day, and who were the divers, and how many divers we had that day.

GERAGOS: You were with the Contra Costa County Sheriff's Dive, Marine Dive Unit, correct?

ARMENDARIZ: On May 18th I was with the Contra Costa County Sheriff's Dive Team, and we actually were not diving. We were using the Side-Scan Sonar that day.

GERAGOS: Okay. You started about 6:45 in the morning?

ARMENDARIZ: That's correct.

GERAGOS: And you were out there until the divers, well, according to your report, at least, there were divers there that day; is that correct? Showing up about two thirds the way down on 21729. You weren't just using the Side-Scan Sonar. You had divers there.

ARMENDARIZ: I'm sorry, I did make an error. That's correct. On May 18th we also had divers with the Contra Costa County Sheriff's Department.

GERAGOS: And, once again, the divers had GPS, global positioning coordinates. They went into the water at 6:45 in the morning, correct?

ARMENDARIZ: That's correct.

GERAGOS: They continued their search until one in the afternoon, correct?

ARMENDARIZ: That's correct.

GERAGOS: Okay. What did they find?

ARMENDARIZ: On this day they did not recover anything related to this case.

GERAGOS: Didn't find any anchors. They didn't find any remains. Didn't find anything, correct?

ARMENDARIZ: I can't speak for what the divers found under the water. They did not bring up anything to the boat to me on that day. They could have found items. I don't know. You would have to speak to the divers to find out exactly what, if anything, they located underneath the sea.

GERAGOS: If they found some cement anchors, they would left them down on the bay floor?

ARMENDARIZ: No. But there was, I know there is a lot of garbage underneath the bay.

GERAGOS: Well, there were other searches. There is a lot of garbage down there. They brought the garbage up, correct? Back in September they brought up a number of items that were garbage, correct?

ARMENDARIZ: That,

GERAGOS: Beer bottles, tea glass bottles, small items of garbage were brought up repeatedly from the bay floor by the divers, correct?

ARMENDARIZ: Correct.

GERAGOS: Now, the next day, let's see. The 19th, were you out there then? May 19th?

ARMENDARIZ: No, I was not.

GERAGOS: Okay. As far as you know, did the search go on May 19th and May 20th without you?

ARMENDARIZ: This search was, continued to go on. And I did not participate on the 19th or the 20th.

GERAGOS: Okay. Then I assume the next search that you were on was in September.e
ARMENDARIZ: Correct.

GERAGOS: Okay. So if I have got, if I understand this correctly, you had been out to the bay some time in December, right?

ARMENDARIZ: To the marina, correct.

GERAGOS: To the marina, correct?

ARMENDARIZ: Correct.

GERAGOS: Then you went out. And for the first three days of this search in May, this is after Laci and Conner's remains were found, you were assigned to search to see if you could find any evidence in this area that the U.S. Geological had indicated had a high probability, area, right?

ARMENDARIZ: Correct.

GERAGOS: You did the search there. As far as you know, you didn't find anything of any evidentiary value, correct?

ARMENDARIZ: On the specific boat that I was on, correct.

GERAGOS: Okay. Then, once again, you are assigned out there, I assume assigned out there some time in September to do another search, correct?

ARMENDARIZ: That's correct.

GERAGOS: Okay. Now, in, what was the, September 18th was the first day you went back out there?

ARMENDARIZ: Correct.

GERAGOS: Now, on September 18th, you were once again with a number of people from Contra Costa County Sheriff's Office, correct?

ARMENDARIZ: Correct. If I can just take a step back. Actually went back out on September 11th.

GERAGOS: What did you do on September 11th?

ARMENDARIZ: Just to, well, we went out and searched the bay again. But, however, on this particular search, we were looking at specific targets, as compared to the May searches where we were just looking at grids and covering grids, and searching general areas. When we went back on September 11th, we went back and were given specific locations to go out and dive.

GERAGOS: Okay. Now, as far as when you say specific targets, did you understand that what happened is, in the interim, some time after May, that somebody had mapped the floor of the Bay?

ARMENDARIZ: Correct.

GERAGOS: Okay. And mapped the floor of the bay by using Side-Scan Sonar, which basically would take pictures of the entire floor of the bay, or the area that was, that had been marked as the perimeter, correct?

ARMENDARIZ: Well, let me clarify. We did not map the bay when Side-Scan Sonar went down on May the May 16th and those days. The sonar would go down. We would see items of interest; and, again, these are not pictures that are clear and concise. We're looking at shapes, size and shadows. And anything that would look remotely interesting, we would save those, mark the GPS location. Those photographs were then analyzed by Detective Dodge Hendee. You would have to check with him as far as how they were able to weed through those. Then on September 11th is when we went out and dove on specific items.

GERAGOS: Well, specifically, after the May searches, in July didn't the Modesto Police Department hire a firm to map out positions or portions of the bottom of the San Francisco Bay with something that was called a REMUS, R-E-M-U-S?

ARMENDARIZ: I couldn't answer that. I wasn't a party of that. I wasn't privy to that information.

GERAGOS: Okay. Were you aware that the Modesto Police Department, after May, and after the Side-Scan Sonar, had, in fact, mapped out the entire, or hired a firm to map off the entire bottom of the bay?

ARMENDARIZ: Again I was not aware of the followup that was being done. I was not privy to that information.

GERAGOS: Were you aware that, you said there were targets. And let me show you a report. This is marked as 33651. Were you aware that the targets that you were looking at was based upon this REMUS device that had been supplied by this commercial firm which gave in excess of a couple hundred targets to dive on?

ARMENDARIZ: The item, the report you are showing me is a 7 report that was written by Detective Dodge Hendee, and he would be the person that you would need to contact regarding those questions specifically with that. The only information that I was aware of on the 11th, there were specific locations we were to dive on, and that's what we did.

GERAGOS: Well, did you know, in Dodge Hendee's report on September 11th, that, that specifically what they are referring to, what they are actually going to do was to dive on the targets that were mapped out by this company?

DISTASO: Objection, your Honor. Calls for facts not in evidence.

JUDGE: Sustained.

GERAGOS: Are you aware that that's why you were sent back out there?

ARMENDARIZ: The only information that I was privy to was the fact that there was an additional followup. And with the Side-Scan Sonars that we have done May 16th, there were specific locations for us to dive on in September. And that was the only information that I was privy to.

GERAGOS: Now, when you went back out there, you started on September 11th, correct?

ARMENDARIZ: That's correct.

GERAGOS: And you met with the Contra Costa Emergency Services Dive Recovery Team, right?

ARMENDARIZ: Correct.

GERAGOS: You took Dive Boat Number One, correct?

ARMENDARIZ: I don't remember specifically what number we were identified as. But, yes, I did go out with Contra Costa County Dive and Rescue Team.

GERAGOS: Okay. Now, there was a list of items that were picked up on those dives; is that correct? Prepared by you. I'm looking at 33094.

ARMENDARIZ: You are looking at 33094, you are referring to September 18th?

GERAGOS: That's correct.

ARMENDARIZ: You are asking me questions on September 11th.

GERAGOS: No. You started on September 11th, correct?

ARMENDARIZ: Correct.

GERAGOS: You were out there for how long?

ARMENDARIZ: I was there September 11th, and I went back September 18th.

GERAGOS: Okay. When you went back on September 18th, you did a chronology, or at least an itemization of all the GPS points, the time in, the time out, and what was located, and who the divers were, correct?

ARMENDARIZ: That's correct.

GERAGOS: Okay. Now, to go through here, the first two locations, these targets that you had, nothing was located, right?

ARMENDARIZ: Correct.

GERAGOS: The third location the divers found a wooden stick, right?

ARMENDARIZ: You are referring to F45. And that's correct.

GERAGOS: How big was this wooden stick?

ARMENDARIZ: There is a photograph of it on 33096. And it was F45.

GERAGOS: How big would you estimate it to be?

ARMENDARIZ: There is a ruler in the photograph, which is a foot long. And looks like it's approximately foot and half, possibly about two feet long.

GERAGOS: So apparently the, whatever, however you got these targets, the divers were able to find pieces of wood that were a foot and a half long, correct?

ARMENDARIZ: Correct. They went to the dive location. And in that general dive location was a piece of wood that they found.

GERAGOS: You don't know what it was that triggered whether they saw this picture of the wooden stick first, but you know that there was a target location where they were supposed to dive, correct?

ARMENDARIZ: Correct.

GERAGOS: And you would identify that as a GPS point, correct? A global positioning point where the divers were instructed, hey, we have got a target down here, so this is where it is, go down and find it. They went down and found it, and it was a one-foot or foot-and-a-half wooden stick, right?

ARMENDARIZ: Correct.

GERAGOS: Now, the next thing that actually was found, at least in your report, is in a location called F26; is that correct?

ARMENDARIZ: That's correct.

GERAGOS: Okay. Now, F26 is, once again, a specific area of the bay that was marked off as having a target of, or some kind of item of interest. You don't know how it was that they saw this. You know this was something down on the bottom of the bay floor, correct?

ARMENDARIZ: Correct.

GERAGOS: The divers went down there; and, sure enough, after they had been down there for about twenty minutes, what did they find?

ARMENDARIZ: They recovered a tire.

GERAGOS: How big was the tire? Can you show the jury with your hands approximately how, what size that tire was?

ARMENDARIZ: It was a standard automobile tire.

GERAGOS: Okay. And apparently somebody could see that, and was on the Side-Scan Sonar or this other device, you don't know when, but it was target. They went down there, within twenty minutes they found it, correct?

ARMENDARIZ: No. I can't tell you that that's the item they saw on the Side-Scan Sonar. I can tell you that when we went down on that particular geographical area, that within the general

area of that location there was a tire that was recovered.

GERAGOS: Anything else that was recovered from F26?

ARMENDARIZ: No. That was the only thing that was recovered.

GERAGOS: They were down there for twenty minutes, right?

ARMENDARIZ: That's correct.

GERAGOS: They found an item, turned out to be a tire, right?

ARMENDARIZ: Yes, that's what I said.

GERAGOS: Okay. What about F24? They go down to another specific area on the bay floor, find something there?

ARMENDARIZ: Yes.

GERAGOS: Okay. They were down there for two minutes; is that correct? The divers went down, and within two minutes they found the object, right?

ARMENDARIZ: They found an object, right.

GERAGOS: They found an object. What was that object?

ARMENDARIZ: There was a pipe, a metal pipe approximately, looking at the photograph on 33096, it was an approximate three-foot-long metal pipe.

GERAGOS: How thick was the metal pipe?

ARMENDARIZ: I'm looking at the photograph at 33026. It was approximately an inch to inch and a half in diameter.

GERAGOS: Apparently somebody identified a target in this specific area that was about three feet by an inch to inch and a half?

ARMENDARIZ: That's just an estimation looking at the photograph, correct.

GERAGOS: Okay. They recovered. And the divers, they brought the pipe up, correct?

ARMENDARIZ: That's correct.

GERAGOS: Then they have another location, which would be the next grid over, which was F25. Once again, this was a target or targeted area for the divers to go down there, correct?

ARMENDARIZ: Correct.

GERAGOS: And they found another tire there, correct?

ARMENDARIZ: That's correct.

GERAGOS: They brought that tire up?

ARMENDARIZ: Correct.

GERAGOS: Then they went to a couple of other locations, looks like one, two, three, four, five, then the next that they went to was B12; is that right?

ARMENDARIZ: That's correct.

GERAGOS: Once again, that's just a letter and number that's assigned to a specific grid area on the bottom of the floor?

ARMENDARIZ: That's correct.

GERAGOS: Now, they found a plastic bag?

ARMENDARIZ: That's correct.

GERAGOS: So apparently at least the visibility, or the, however it was determined that there was a target down there, was sophisticated enough that it could find a plastic bag on the bay floor, correct?

ARMENDARIZ: I'm not going to agree to that statement. I can state that that specific target area within that search area, there was a bag that was recovered within that area.

GERAGOS: Okay. Now, is this different than the, this plastic bag, was that retained in evidence?

ARMENDARIZ: These items were documented photographed and were,

GERAGOS: Thrown away?

ARMENDARIZ: Thrown away after they were, I believe they were not related to this case.

GERAGOS: They weren't tested by anybody, were they?

ARMENDARIZ: No.

GERAGOS: Okay. Nobody did, you didn't send them to the crime lab, or anything, did you, as far as you know?

ARMENDARIZ: No.

GERAGOS: So what you did, you photographed it, somebody photographed it, then they just determined it wasn't related, they threw it away?

ARMENDARIZ: Correct.

GERAGOS: Who made that determination that it wasn't related?

ARMENDARIZ: Referred the information to Detective Dodge Hendee.

GERAGOS: Now, were there any other items that you went down on the 18th and determined and found in these target areas, besides the ones we have just gone through?

ARMENDARIZ: Well, we returned, Sergeant Christensen from the Contra Costa County Sheriff's Department located an empty bag, that was a plastic bag that was floating in the general area of the search.

GERAGOS: That was a gravel bag?

ARMENDARIZ: That's correct.

GERAGOS: Okay. That's the gravel bag was that specifically photographed and thrown away?

ARMENDARIZ: That's correct. Again, referred to Detective Dodge Hendee.

GERAGOS: Now, on September 11th, you did the same thing we just went through with the jury for September 18th, correct? I'm referring you to 33092.

ARMENDARIZ: Yes, correct. I went to the Contra Costa County Sheriff's Department with their dive team.

GERAGOS: The first three areas that you went to, you didn't locate anything, correct?

ARMENDARIZ: Correct.

GERAGOS: Actually the first four. Then the fifth one, which was marked as F47, that's another grid area, right?

ARMENDARIZ: Correct.

GERAGOS: Okay. And they went down looking for a target, and after ten minutes they came up with a tea glass bottle?

ARMENDARIZ: Correct.

GERAGOS: How big is the tea glass bottle?

ARMENDARIZ: It's photographed in 33026. And it's a standard, this is an estimate, approximately twelve-ounce tea bottle, glass tea bottle.

GERAGOS: When you say standard, like a Snapple bottle?

ARMENDARIZ: No, it was a little larger than a Snapple bottle.

GERAGOS: And apparently they were able to, divers were able to find that on the bottom of the bay floor?

ARMENDARIZ: They recovered that from the bay.

GERAGOS: What page is the picture there?

ARMENDARIZ: 33096.

GERAGOS: And what was the next thing that was found on the bottom of the floor of the bay?

ARMENDARIZ: There was F44. There was a piece of wood which I indicated was approximately two feet long, three inches wide.

GERAGOS: Okay. How many inches?

ARMENDARIZ: Piece of wood, two feet long, and three inches wide, approximately.

GERAGOS: Apparently that was such that the divers could see it, find it, and retrieve it and bring it up so you could photograph it; is that correct?

ARMENDARIZ: I don't know if they were able to see it, but they recovered it from under water and brought it up to the boat.

GERAGOS: Okay. The pictures that you are talking about, I'd like to, which I think already identified by the Bates number stamp. These the same pictures?

ARMENDARIZ: Correct.

GERAGOS: Mark these has defense next in order.

JUDGE: Triple G. Copy of Pictures

Marked as Exhibit GGG for identification.

D. HARRIS: With the usual copying and substituting the copy.

GERAGOS: Just for the time being I'll stip.

JUDGE: Stipulate a copy can be substituted?

D. HARRIS: Yes.

GERAGOS: Now, the pictures of the items that you found, specifically this is the tea bottle right here?

ARMENDARIZ: F47, correct.

GERAGOS: Okay. Now, we have got F44 there. What's that?

ARMENDARIZ: F44 is the piece of wood that was approximately two feet long and three inches wide.

GERAGOS: Okay. So on the bottom of the bay floor there is piece of wood that's about 24 inches by three inches. Was there anything attached to it? Or was it just a piece of this, is it right here?

ARMENDARIZ: That's it. Next to it is a paper ruler.

GERAGOS: That right?

ARMENDARIZ: Correct.

GERAGOS: Okay. The paper ruler is to just show by comparison what the size of the piece of wood is. That's why you laid it next to it?

ARMENDARIZ: That's correct.

GERAGOS: Okay. So that's on the bottom of the bay floor. They are able to find that on the bottom of the bay floor, right?

ARMENDARIZ: That was recovered in that area, correct.

GERAGOS: Okay. How about A10? What is A10?

ARMENDARIZ: A10 is an another white plastic bag.

GERAGOS: Now, this white plastic bag on A10, is that, was there anything in the bag?

ARMENDARIZ: No.

GERAGOS: So apparently the divers could find on the bottom of the bay floor a plastic bag with nothing in it, correct?

ARMENDARIZ: Correct.

GERAGOS: Okay. Now, the F5. Do we have that, that's right here. What is that?

ARMENDARIZ: That is a cloth sail.

GERAGOS: A what?

ARMENDARIZ: A cloth sail.

GERAGOS: How large is that?

ARMENDARIZ: Other than the photograph that's depicted on 33096, I did not measure it.

GERAGOS: Okay. Now, the A14, right here. They also located that. And that was from yet another, by the way, every time you have got the letter and the number in there, that refers to another grid area, correct?

ARMENDARIZ: That's correct.

GERAGOS: And that's one of these target areas that you were given both on the 11th and the 18th, correct?

ARMENDARIZ: Correct.

GERAGOS: And so they found there was a target area, somebody was able to, either through side-scan, or through mapping, or something, to find something on the floor and they found a blue square bucket, right?

ARMENDARIZ: Blue square bucket was the item that was recovered by the dive team that brought that up to the boat, correct.

GERAGOS: How about the A15? What is that?

ARMENDARIZ: A15 was another bucket that was recovered from the dive team.

GERAGOS: Okay. A7?

ARMENDARIZ: A7 was a beer can that was located.

GERAGOS: So apparently they had, this was so sophisticated that they could actually spot a target as small as a beer can and recover that?

DISTASO: Objection, your Honor. It's argumentative.

JUDGE: Sustained.

GERAGOS: The beer can that they pulled up, you photographed. I assume you figured there was no evidentiary value, threw it away?

ARMENDARIZ: That's correct.

GERAGOS: Okay. The sail we talked about. What's A45?

ARMENDARIZ: A45 was a search from the 18th. That was a wooden stick.

GERAGOS: Okay. And the B12? Right there.

ARMENDARIZ: B12 was also the search that was done on September 18th. And that was a plastic bag.

GERAGOS: Okay. And, once again, I assume these are the rulers right here, to give you a size or an idea of how large these items are?

ARMENDARIZ: That's correct.

GERAGOS: How long is that ruler?

ARMENDARIZ: That's a standard ruler size. Approximately twelve inches.

GERAGOS: Okay. So all of these items are measured up against a twelve-inch ruler that are in the pictures. How about, move it up. Here F24, what's that?

ARMENDARIZ: F24 was what I described earlier. It was an item that was recovered on the 18th. And it was the metal pipe.

GERAGOS: That's the pipe. Okay. And F26 and 25 are the two tires that you described?

ARMENDARIZ: Correct.

GERAGOS: Okay. Now, the gravel bag, it's kind of hard to read here. That's what's in this bottom picture; is that correct?

ARMENDARIZ: Correct.

GERAGOS: Now, all of these items were recovered in the various grid areas that were searched by the divers and the, from the various entities, whether it be FBI, Contra Costa, or whoever, right?

ARMENDARIZ: No, that's not correct. Items that were photographed were recovered from the divers on the boats that I was specifically on on September 11th and September 18th.

GERAGOS: Okay. How many of those locations did you go to? Have you counted them?

ARMENDARIZ: For what day?

GERAGOS: Start from the 11th. Let me just suggest it. 21. Did you go to 21 grid locations, and you located, it appears, one, two, three, four, five, six, seven items out of the 21 locations?

ARMENDARIZ: That's correct, for September 11th.

GERAGOS: Okay. September 18th how many locations did you go to? Specifically when I say locations, we're talking about a grid area where there was a target of interest.

ARMENDARIZ: Counting 23.

GERAGOS: Okay. And out of the those 23, you found one, two, three, four, five, things, basically. Two tires, a pipe a stick, and a plastic bag; is that correct?

ARMENDARIZ: That looks to be correct.

GERAGOS: Now, there were other searches going on in the interim, but were you not part of them; is that correct?

ARMENDARIZ: I was part of the search that was being done by the boat that I was on.

GERAGOS: And when was that, did you go back out there, so we have established you were out there the May dates, you were at the marina in December, you went back out on September 11th and September 18th?

ARMENDARIZ: Correct.

GERAGOS: Any other dates you were out there searching?

ARMENDARIZ: No.

GERAGOS: Okay. And during all of the times and all of the searches that you were out there, the sum total of evidence related to this case that was recovered from the bottom of the bay floor, zero.

ARMENDARIZ: On the boats that I was on, correct.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Rick Distaso

DISTASO: Sergeant Armendariz, these items that we see that were found in the Bay, obviously just garbage, correct?

ARMENDARIZ: Correct.

DISTASO: And was that indicative of what was scattered throughout the bottom of the San Francisco Bay?

GERAGOS: Objection. Calls for speculation.

JUDGE: Sustained.

DISTASO: Was garbage located, to your knowledge, on other boats when people, when these searches took place?

ARMENDARIZ: Correct.

DISTASO: So these items that were we're seeing here,

GERAGOS: I would object. He's just indicated he had no knowledge of the other boats apparently what they did.

JUDGE: He just testified, Mr. Distaso, that he could only testify as to what was recovered on his boat.

DISTASO: Right. Let's just go down the boats that you were on. This garbage that was recovered,

GERAGOS: Be an objection as to his characterization of garbage.

JUDGE: Call them items so we don't get these objections. These items he's already testified he thought they were garbage.

JUDGE: Let's refer to them as items then.

DISTASO: These items that you have testified were garbage, this was, these were items that were found, it appears, throughout the days you were out searching in the bay?

ARMENDARIZ: Correct.

DISTASO: And these grid areas that you were given to search, about how large were they?

ARMENDARIZ: Grids specifically were approximately quarter mile in size. And those were the grid areas which we were, we were searching different days.

JUDGE: Quarter mile square?

ARMENDARIZ: Yes.

DISTASO: So then the, and what would happen is, you would,

GERAGOS: Objection. Leading.

DISTASO: Well, why don't you tell us what would happen? That's even easier. In this quarter mile square grid, how would the searches work?

ARMENDARIZ: On the searches that we did on May 16th, again, what we were doing, we would, we were given a grid map of the bay. And the entire grid was approximately a mile and quarter by mile and three quarters square in size. Within that there were grids in itself that were approximately a quarter mile square. And on the 16th, 17th and 18th, what we would do, we would go, we would be given an assignment, whichever square we would go to in that area, the boats would go out, the Side-Scan Sonar, on the boat that I was with, Side-Scan Sonar, we would begin the search up and down either north and south, or, actually, the search we did were north and south within that grid area using the Side-Scan Sonar identifying any items of interest, if there was anything that was interesting. Again, these images are not clear and concise. They were blurry. They are black and white. We are looking at three different areas. We are looking at the size of the item, the shape of the item, and the shadow of the item, if you will, that's not clear and concise. Anything that looked like to be remotely interesting or possible item, we would identify by saving that image, and saving it on the hard drive. We would continue the grid search until the water conditions became, specifically the undercurrent, because the Side-Scan Sonar is attached to the boat, the Side-Scan Sonar would start to,

GERAGOS: Objection. Non-responsive.

JUDGE: This is narrative now.

DISTASO: Okay. Let me stop you. So something about the current would impact how the Side-Scan Sonar worked?

ARMENDARIZ: Correct.

DISTASO: What was that?

ARMENDARIZ: The undercurrent.

DISTASO: Okay. And these the pictures, so the jury understands, is this like, you know, like, are you looking at the screen, look like you are watching a TV, TV screen of the bay floor?

ARMENDARIZ: No.

DISTASO: I mean it's an, you know, clear, like your digital image at home where you see everything you want to see?

ARMENDARIZ: No.

DISTASO: And so these pictures that we're looking at, you said that you, you are looking at shape and shadows. What else did you say?

ARMENDARIZ: Size, shape, and shadow.

DISTASO: So like, for example, one of those buckets like the bucket there in A15 on the screen, what would that look like on the,

GERAGOS: Be an objection. There is no foundation he specifically, whenever I tried to question him about his faint knowledge of Side-Scan Sonar,

DISTASO: Objection, your Honor. That's argumentative. It's not even true.

JUDGE: First of all, you weren't looking at the Side-Scan Sonar, as I understand. You were looking at the images that were portrayed on the Side-Scan Sonar.

ARMENDARIZ: I did see the images at the time. When the deputy assigned to it was reviewing, I would take a look over at it.

JUDGE: A15, do you recall ever looking at what was purported to be A15, that was finally recognized.

ARMENDARIZ: Specifically A15, I couldn't say I did.

JUDGE: Next question.

DISTASO: What I just want to get out of, when you looked over the, well, you are not an expert in evaluating these images, correct?

ARMENDARIZ: No, I'm not.

DISTASO: Just what did you see when you looked at the screen? I just want the jury to understand. What is it that you see when you are along at the screen?

GERAGOS: There would be an objection. It's irrelevant. The person to testify to that is the person that's operating the Side-Scan Sonar.

JUDGE: He's testified that he looked over the shoulder.

DISTASO: Okay. Well, that, I'm assuming he was looking at the screen.

DISTASO: What would you observe? You said shape, shadows, and size, right?

ARMENDARIZ: Right. And I would look at the screen. I would see dark little images, little blurs. Can't make them out. I would ask the operator what those images were, if it was anything related. And sometimes they were fish. Sometimes they were just piles of mud that accumulated under the bay. Just various items, various shapes.

DISTASO: Counsel asked you about the visibility that the divers were reporting, and you said they were reporting zero visibility. What did you mean by that?

ARMENDARIZ: Black water. That they would have to do their searches with their hands literally. They couldn't see their hand in front of their mask.

DISTASO: So when they were down on the bottom, they were reporting they were kind of crawling along the bottom.

GERAGOS: Objection. Hearsay. Searching with their hands.

JUDGE: It's also leading. Sustained. Jury can draw their own conclusion, Mr. Distaso.

DISTASO: This was a question that I asked you last week, and forgot to ask you the follow-up. Remember, you testified that on one of the boats you were on, the San Mateo boat, lost their sonar unit?

ARMENDARIZ: Their Side-Scan Sonar unit.

DISTASO: How long did it take them to find this?

ARMENDARIZ: They didn't recover it until approximately two weeks later on. They actually located it on the 23rd after doing extensive searches, even though they had a general area of where they lost it at. They marked it when they lost it.

DISTASO: They found on it May 23rd. What day was it lost?

ARMENDARIZ: May 10th.

DISTASO: Nothing further, your Honor.

Recross Examination by Mark Geragos

GERAGOS: How big is this side scan unit that was lost?

ARMENDARIZ: As I testified couple of days ago, it was approximately five feet in length, yellow in color. Looks like a torpedo. Weighs approximately fifty to sixty pounds.

GERAGOS: It's five foot?

ARMENDARIZ: Approximately.

GERAGOS: About 50 or 60 pounds. And it was lost on the 11th?

ARMENDARIZ: No. It was lost on May 10th.

GERAGOS: Okay. How many times did they go out searching for it between May 10th and May 23rd?

ARMENDARIZ: They advised they spent approximately thirty hours. They, being specifically Deputy George Carrie.

GERAGOS: Okay. So an item that's five feet tall, that weighs fifty pounds, they find within 30 zero on the floor of the bay; is that right? Thirty hours worth of search. And that item that was five foot and weighed fifty pounds, they were able to find in 30 hours?

ARMENDARIZ: That is approximately correct.

GERAGOS: What if the item was a hundred fifty-three pounds and five feet, how long would that take?

DISTASO: Objection, your Honor. Argumentative.

JUDGE: Sustained. Argumentative. Sustained.

GERAGOS: Items that are up here on the chart which has been marked as triple G, they were able to find those items, correct, the divers?

ARMENDARIZ: No. They were recovered, those items in the specific geographical area, they were given, when they do their search in that area, those were the items that were recovered.

GERAGOS: How many specific geographical areas were you given, total?

ARMENDARIZ: I think we went over that, covering the numbers on the 11th and the 18th.

GERAGOS: No. You are talking about the ones that you just searched. I'm talking about all of the search teams. How many geographical area and targets of interest were they given?

ARMENDARIZ: You would have to check with Detective Dodge Hendee for Modesto PD who coordinated the entire search for that week.

GERAGOS: You are aware that it was over 223 quarter-mile locations, aren't you?

DISTASO: Objection, your Honor. Calls for speculation.

GERAGOS: To search?

JUDGE: Sustained.

GERAGOS: The divers that you were working with, you were working with both the FBI Dive Team, and Contra Costa?

ARMENDARIZ: Correct.

GERAGOS: And, once again, how many items of evidence related to this case did you find on your boats during all of those searches?

DISTASO: Objection. Been asked and answered.

JUDGE: Sustained. Zero is the answer.

GERAGOS: Thank you. I have no further questions.

JUDGE: That's it?

DISTASO: I don't have anything further.

JUDGE: May this witness be excused?

GERAGOS: Yes.

DISTASO: Yes.

JUDGE: Sergeant, thank you very much. You may be excused.