Witness: Mike Hermosa

Date: 2004-07-21

Proceedings held July 21, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos; Redirect – David Harris; Recross – Mark Geragos; 2nd Redirect – David Harris; 2nd Recross – Mark Geragos

Day 1 of 1 for this witness

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

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Direct Examination by David Harris

HARRIS: Sir, can you tell us what your occupation is?

HERMOSA: I'm a detective with the Modesto Police Department.

HARRIS: And how long have you been with the Modesto Police Department?

HERMOSA: I've been with Modesto for 18 years, and I worked six years with the Union City and Hayward police departments.

HARRIS: I'm sorry, which police departments?

HERMOSA: Union City and Hayward's police department.

HARRIS: All right. I want to direct your attention back to December 26th, 2002, and ask you if you were working in your capacity for the Modesto Police Department on that particular day?

HERMOSA: Yes, I was.

HARRIS: And as part of your assignment or your duties with the police department, did you participate in the execution of a search warrant at 523 Covena?

HERMOSA: Yes, I did.

HARRIS: And just to kind of guide you to the points that we're getting to. Detective Skultety was the scene manager?

HERMOSA: I believe he was, yes.

HARRIS: And were you given assignments as to what you were supposed to do on the 26th?

HERMOSA: Yes.

HARRIS: What was your assignment?

HERMOSA: Initially my assignment was to stand by at the house until the search team arrived on scene, and then after that, I helped look for trace evidence in the spare bedroom, hallway, and bathroom.

HARRIS: And did you do so on the 26th?

HERMOSA: Yes, I did.

HARRIS: Did you return the next day, on the 27th?

HERMOSA: Yes, I did.

HARRIS: And what was your assignment on the 27th?

HERMOSA: To search the spare bedroom, also assisted in the search of the hallway and the closet and the backyard area.

HARRIS: Now, if you were to, the process that you were going through, if you were to find something, did you point that out to the scene manager?

HERMOSA: Yes, sir.

HARRIS: And during your involvement was there anything that you ended up pointing out to the scene manager?

HERMOSA: There were some items in the spare bedroom that I pointed out.

HARRIS: And would that be something for the scene manager to either come and collect or point, have you collect at that point in time?

HERMOSA: The scene manager would collect it.

HARRIS: All right. On the 27th, did you finish your involvement with the search warrant at some point in time?

HERMOSA: Yes. At the house, and then I went over, with the other detectives, over to the storage area.

HARRIS: When you say "the storage area," are you referring to the warehouse?

HERMOSA: Excuse me, yes, the warehouse.

HARRIS: So after lunch did you go to the warehouse with these other detectives?

HERMOSA: Yes, sir.

HARRIS: Did you stay for the entire time of the search warrant? Or did you have some other obligation?

HERMOSA: I had to leave early, sir.

HARRIS: Was that pretty much your involvement with the, the investigation in terms of searches at that point in time, the 26th and 27th?

HERMOSA: Yes, sir.

HARRIS: Were you given another assignment to be somewhat of a go-between from one of the core detectives?

HERMOSA: Yes, I was, sir.

HARRIS: I want to direct your attention to that particular part. At, at some point in time did one of the core detectives ask you to get involved with getting some financial records?

HERMOSA: Yes.

HARRIS: And did you contact anyone from TradeCorp?

HERMOSA: I did not, no.

HARRIS: Did you go and meet with someone from TradeCorp?

HERMOSA: No, I met with the, the accountant.

HARRIS: The accountant for TradeCorp?

HERMOSA: Yes, sir.

HARRIS: Do you remember that individual's name?

HERMOSA: Mr. Coleman, I believe.

HARRIS: Did you obtain documents from Mr. Coleman?

HERMOSA: Yes. He, he left a package of copies, financial documents, copies of those at his office, and I picked them up and brought them back to the department.

HARRIS: Did you also have a CSO make copies of any documents?

HERMOSA: Yes, I did.

HARRIS: Explain that to us, what you had done.

HERMOSA: There were some financial paperwork that was seized at the warehouse, and one of our community service officers, Veronica Holmes, made copies of some of that financial paperwork, gave it to me, and I gave it to an accountant for the city, an auditor for the City of Modesto.

HARRIS: So your involvement, from being directed by the core detectives, was to get the paperwork to the auditor for the city?

HERMOSA: Yes, sir.

HARRIS: Were you also tasked with kind of being a go-between between the high tech unit?

HERMOSA: Yes, I initially was, yes.

HARRIS: What is the high tech unit?

HERMOSA: Well, the high tech unit is a group of detectives and officers from different police agencies in Stanislaus County, and they do computer investigations. At the time I was in the economic crime detail. We deal with identity theft, computer fraud, and that type of thing, so I knew all the guys. And I was basically a go-between at one point.

HARRIS: Now, when the, when this case was beginning, was there a Kirk Stockham assigned to the high tech task force?

HERMOSA: Yes.

HARRIS: And was he someone that is a computer expert?

HERMOSA: Yes, he is.

HARRIS: And at some point in time did he retire?

HERMOSA: Yes, he did.

HARRIS: Was there also a Lydell Wall of the sheriff's department that was in the high tech task force?

HERMOSA: Yes, sir.

HARRIS: And are these the individuals that you kind of acted as a go-between for?

HERMOSA: Actually just Lydell Wall.

HARRIS: The People have no other questions.

Cross Examination by Mark Geragos

GERAGOS: Good morning.

HERMOSA: Hi.

GERAGOS: The, if I understand correctly, you were at the 523 Covena address on the 26th?

HERMOSA: Yes, sir.

GERAGOS: And that was in connection with the search warrant?

HERMOSA: Yes, sir.

GERAGOS: Okay. And the, you arrived there at about 7:40?

HERMOSA: That's when the search began, sir.

GERAGOS: Okay. You were there before that?

HERMOSA: Yes, I was.

GERAGOS: Okay. Waiting to secure the house, or whatever?

HERMOSA: Yes, sir.

GERAGOS: Okay. You did a forensic search in the second bedroom?

HERMOSA: Yes, sir.

GERAGOS: Okay. You refer to it, I guess, in your report as the spare bedroom?

HERMOSA: Yes, sir.

GERAGOS: Okay. And that would be, you can use this.

HERMOSA: Okay.

GERAGOS: Point to it. Specifically in the second bedroom, you went through and did the, we've had some other officers describe what they do. I assume you did the same thing. Correct me if I'm wrong. Check the ceilings?

HERMOSA: Yes, sir.

GERAGOS: Okay. Check the walls, the baseboards, everything else?

HERMOSA: Yes.

GERAGOS: Okay. And check the carpets, the drawers, on top. A hand search, I guess, basically?

HERMOSA: Correct.

GERAGOS: Okay. As you did that, you were looking for anything that would be considered either trace evidence or a suspicious item, correct?

HERMOSA: That's correct.

GERAGOS: And you found nothing?

HERMOSA: That's correct.

GERAGOS: Okay. Then there, that was on the 26th. Do you also come back on the 27th and do that once again?

HERMOSA: The 27th was actual reopen up drawers, looked in the closets, that type of thing, for actual larger physical evidence.

GERAGOS: Okay. And you didn't find anything, correct?

HERMOSA: I just found some paperwork, and what have you.

GERAGOS: This stuff that they talked about, you didn't find any forensic evidence?

HERMOSA: That's correct.

GERAGOS: Okay. You also did a search of the outside yard area; is that correct?

HERMOSA: Yes.

GERAGOS: And that would be the lawn or pool area that's to the right on the map here, People's 38, this area?

HERMOSA: Yes, sir.

GERAGOS: Okay. You didn't find any evidentiary items there, did you?

HERMOSA: No, I didn't.

GERAGOS: Okay. Then you checked the two sheds, correct?

HERMOSA: Yes.

GERAGOS: And the patio area?

HERMOSA: Yes. I, actually I double-checked those areas. There were items found, but I, I didn't find them.

GERAGOS: You didn't find them?

HERMOSA: No, I didn't.

GERAGOS: Okay. Then you, it looks like you went and you checked the garbage cans; is that correct?

HERMOSA: Yes, sir.

GERAGOS: Now, the garbage cans were located in the driveway?

HERMOSA: Yes, they were.

GERAGOS: Could you walk over there with the red pen, identify it, put an X, and then draw a line into the margin and mark it as garbage can?

HERMOSA: They were right in this area, sir.

GERAGOS: That's fine. Just put an X, and then if you draw a line outside of there and just write "garbage." The garbage cans were about three-quarters full?

HERMOSA: Yes, they were.

GERAGOS: And you went through the garbage cans to look to see if you could find anything of evidentiary or forensic value, correct?

HERMOSA: Yes, I did.

GERAGOS: That would include items that showed that somebody had been cleaning up, or anything that would show blood or tissue or anything of that nature, correct?

HERMOSA: That's correct.

GERAGOS: And you didn't find anything except basically food and paper garbage, correct?

HERMOSA: That's right.

GERAGOS: Okay. I guess you took, the one item that you took out of the house was a credit report; is that right?

HERMOSA: Yes, sir.

GERAGOS: And that was, that was in the bedroom?

HERMOSA: Yes.

GERAGOS: Okay. And was that in the garbage can in the bedroom?

HERMOSA: Yes, it was.

GERAGOS: So you went through the garbage can in the bedroom in addition to the garbage cans that were outside in the driveway?

HERMOSA: That's correct.

GERAGOS: And the garbage can in the bedroom, there was nothing other than a credit report of any, that you felt was of any evidentiary value?

HERMOSA: Correct.

GERAGOS: Okay. At some point did you do an investigation of mail that was stolen from a box?

HERMOSA: Yes, I did.

GERAGOS: And where was that mail stolen from?

HERMOSA: It was stolen from the cluster mailboxes at 1027 North Emerald in Modesto.

GERAGOS: Okay. Had you, did you talk to anybody at TradeCorp about whether this problem had been ongoing?

HERMOSA: No, I didn't, sir.

GERAGOS: Okay. Your, I guess, involvement was this is a theft at those mailbox, when you say cluster mailboxes, we're talking about this location here that's marked by People's 55 is your information, I don't know if you've seen it; this is Emerald Avenue and specifically the warehouse, okay?

HERMOSA: Yes, sir.

GERAGOS: There is a, when you say cluster mailbox, you are you talking about some kind of a mailbox where there is a number of the units, individual mailboxes, that's at one location?

HERMOSA: Yes, sir.

GERAGOS: Okay. And what the report was is that somebody had broken into that cluster mailbox and stolen mail?

HERMOSA: Well, actually the report came through a patrol officer who had been given some credit card convenience checks that had belonged to Scott and Laci.

GERAGOS: Okay. Somebody had, apparently the genesis of this was somebody had stolen some checks of Scott and Laci's, and you were trying to investigate where they stole them from?

HERMOSA: Exactly.

GERAGOS: Okay. It was your belief, or investigation, that this was as a result of some thefts that were occurring at the mailbox, cluster mailbox at 1027 Emerald?

HERMOSA: Yes.

GERAGOS: Okay. Is it also a fair statement, because I'm not going to get into it at this point, because it would exceed the scope of direct, but is it a fair statement that your investigation focused on the person who had stolen the checks, as, and alibis and things of that nature, as opposed to the thefts from the cluster mailboxes at the warehouse?

HERMOSA: That's correct.

GERAGOS: Okay. I have no further questions. Thank you.

Redirect Examination by David Harris

HARRIS: Detective, you were asked about the search of the trash cans. Was there a standard kind of waste trash can and then a, like a recycling trash can as well?

HERMOSA: I believe there was just one, I believe there were only two garbage cans, one for green matter and one for just regular garbage.

GERAGOS: I'm sorry. White or green?

HERMOSA: Green matter. That type of things. Lawn clippings, tree branches, that kind of thing.

HARRIS: Now, the one that you said was about three-quarters full, which one was that?

HERMOSA: That was the one for general household garbage.

HARRIS: What you commonly refer to as kind of like the trash can?

HERMOSA: Correct.

HARRIS: And that was one was three-quarters full of food and paper products, as counsel asked?

HERMOSA: Yes.

HARRIS: Now, you were, you were asked about this, the thefts from the cluster box, or the cluster mailbox of checks for Laci and the defendant. You investigated that?

HERMOSA: Yes, I did.

HARRIS: And did you identify a suspect?

HERMOSA: Yes. I ended up arresting her.

HARRIS: Okay. Now, these checks, the checks of Laci and Scott, did you also contact the bank about that?

HERMOSA: Yes, I did.

HARRIS: Did you find out when those particular checks that were stolen were mailed?

HERMOSA: They were mailed on January 20,

GERAGOS: Objection. Calls for hearsay.

JUDGE: Overruled. Go ahead.

HERMOSA: The investigator for MBNA, who issued the credit card convenience checks, told me, he researched it and told me that they were mailed in the January statement, on January 22nd, 2003, to 1027 North Emerald, Suite B 1.

HARRIS: And so when these were mailed, that was almost a month after Miss Peterson was missing?

HERMOSA: That's correct.

HARRIS: I have no other questions.

Recross Examination by Mark Geragos

GERAGOS: Once again, the investigation that you did focused on the person who stole the checks, right?

HERMOSA: That's correct.

GERAGOS: You didn't investigate the thefts, if there were others, that were occurring at that cluster mailbox, correct? Prior to the date that you got this information from the patrol person?

HERMOSA: No. She, she told me that she had stolen the checks.

GERAGOS: Right. I'm talking about before that date, if there had been other thefts at that cluster mailbox. Did you investigate those?

HERMOSA: No, sir.

GERAGOS: Okay. The person that you arrested for stealing these, these checks, you then asked her where she was on December 24th, correct?

HERMOSA: That's correct.

GERAGOS: She told you that she was on methamphetamine that day and partying out, correct?

HERMOSA: Correct.

GERAGOS: She told you that she had a miscarriage in July 02, correct?

HERMOSA: I believe that was the date, yes.

GERAGOS: Okay. And she gave you list of some Asian gang members that she was hanging out with?

HERMOSA: Yes.

GERAGOS: Okay. And did, you ended up arresting her?

HERMOSA: Yes, I did.

GERAGOS: And was she prosecuted?

HERMOSA: Yes. She was.

GERAGOS: She stole these checks, she said, and then would give the stolen checks and mail to the Asian gang members for identity theft and forgery?

HERMOSA: Yes, sir.

GERAGOS: And that she had been strung out on methamphetamine for the last few months and had been stealing mail for the Asians in exchange for crystal meth and a place to stay?

HERMOSA: Yes, sir.

GERAGOS: And that she steals mail from commercial and residential areas?

HERMOSA: Yes.

GERAGOS: And she breaks into cluster-type mailboxes by using a crowbar and prying the doors open?

HERMOSA: That's correct.

GERAGOS: And she said it was possible that's how they the Peterson mail, because she would have been too scared to try to steal it from the mailbox at their house; is that correct?

HERMOSA: That's correct.

GERAGOS: She knew where their house was, correct?

HERMOSA: She didn't say that, no.

GERAGOS: Well, she said she would have been too scared to steal it from their house. That's what you wrote in your report, correct?

HERMOSA: That's correct, but she didn't specifically say that she knew where they lived.

GERAGOS: Did she seem to indicate to you that she knew who they were?

HERMOSA: Yes, she did.

GERAGOS: Okay. And she said that she was literally too scared to have stolen it from their house, so probably stole it from one of the cluster-style mailboxes?

HERMOSA: That was the deduction, yes.

GERAGOS: Okay. And that she said that the Asian gang members showed her how to break into these mailboxes and then supplied her with stolen Honda cars to drive around in and steal the mail?

HERMOSA: Yes, sir.

GERAGOS: Okay. And were you able to go and check out her alibi for the 24th?

HERMOSA: No, I, I never did that, sir.

GERAGOS: So all we know about where she was or what she was doing on the 24th is that, her admission that she was strung out on methamphetamine and hanging out with the Asian gang members?

HERMOSA: That's correct.

GERAGOS: Coming right off of her miscarriage in July of 02?

HERMOSA: Yes.

GERAGOS: Thank you. I have no further questions.

2nd Redirect Examination by David Harris

HARRIS: Detective, is it a fair statement that in January of 03, pretty much everybody in Modesto who knew about Scott and Laci Peterson?

HERMOSA: That's correct.

HARRIS: And with regards you were asked about other thefts, you were assigned to the economic crimes division?

HERMOSA: Yes, I was.

HARRIS: Do you know if there were other thefts from those mailboxes where the TradeCorp warehouse was at?

HERMOSA: I, I knew that those cluster mailboxes in that Emerald Avenue, Emerald area had been broken into before. And that was based on I was present on the County Fraud Association, and I know at some of our meetings the postal inspectors had mentioned that and asked if we could have the Modesto police officers patrol that area more frequently.

HARRIS: So this is something that kind of is a regular routine business occurrence that's occurring out there?

HERMOSA: It's standard. Those industrial areas, there's nobody around on weekends, and those mail thieves just have a field day over there, breaking into those.

HARRIS: The People have no other questions.

2nd Recross Examination by Mark Geragos

GERAGOS: You said by January everybody pretty much knew about Laci and Scott Peterson in Modesto?

HERMOSA: I think a lot of people had.

GERAGOS: Do you think by January everybody knew that Scott had been fishing in the Bay, or said he was fishing in the Bay, by late January?

HERMOSA: I would imagine.

GERAGOS: Thank you. I have no further questions.

HARRIS: No other questions.

JUDGE: Officer, Detective, thank you very much.