Witness: Christopher Van Sandt

Date: 2004-09-08

Proceedings held September 8, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect – Rick Distaso; 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 Rick Distaso

DISTASO: Mr. Van Sandt, where do you currently live? Just tell me the city.

VAN SANDT Carmel.

DISTASO: In December, on December 24th of 2002, were you in the City of Modesto?

VAN SANDT Yes, I was.

DISTASO: What were you doing?

VAN SANDT Riding my mountain bike.

DISTASO: Were you staying with relatives, or something like,

VAN SANDT With my parents in Turlock.

DISTASO: Okay. And did you ride your bike in the morning on December 24th through the Dry Creek Regional Park?

VAN SANDT Yes, I did.

DISTASO: About what time did you get to the park?

VAN SANDT Somewhere around between 8:45 and 9. Probably about 8:45 to 9:30, somewhere in there.

DISTASO: So you don't know exactly the time?

VAN SANDT No, I don't.

DISTASO: Is that kind of your best estimate you can give us?

VAN SANDT Yes.

DISTASO: And right now it will be a lot easier if you can just show the jury on the board what ride you took. Just hold on one second, she'll be here in a minute.

JUDGE: I think the blowup of 22.

DISTASO: I think it is too, judge. I think this one will work. 36, judge.

DISTASO: Mr. Van Sandt, just come stand up here by the board here. Do you recognize this as the Dry Creek Regional Park?

VAN SANDT Yes.

DISTASO: And it's already labeled. Here is Scenic. Here's the footbridge at Coffee.

VAN SANDT Yes.

DISTASO: The Scenic Hospital area?

VAN SANDT Yes.

DISTASO: Can you just tell the jury in that morning, where did you enter the park?

VAN SANDT I entered the park down by the tennis courts.

DISTASO: I think those are circled.

VAN SANDT Right here.

DISTASO: And which way did you ride?

VAN SANDT I believe when we came in we rode, this would be, is that west, along the,

DISTASO: Along the bike trail?

VAN SANDT Yes. Towards Scenic Hospital.

DISTASO: The bike trail there?

VAN SANDT Yes.

DISTASO: The paved bike path. Did you see an pregnant woman down there walking a dog?

VAN SANDT Yes, I did.

DISTASO: Where did you see her?

VAN SANDT I saw her somewhere between the footbridge at Coffee, and there is a maintenance shed. There is a water pumping shed or something. It was right around that water pumping station. I'm going to guess probably right around this area here.

DISTASO: Okay. Okay. And did you see the woman's face?

VAN SANDT Yes, I did.

DISTASO: Okay. You can go ahead and have a seat. Did you call in to the Modesto Police Department, did you call somebody at Modesto Police Department and report that you had seen a pregnant woman down in the park?

VAN SANDT I had got a phone number from a friend of mine for Detective Brocchini, and I contacted him.

DISTASO: And what did you tell him?

VAN SANDT That I saw a pregnant lady walking a dog in the park. And he asked me to describe her.

DISTASO: Okay. Did you do that as best you could?

VAN SANDT The best I could, yes.

DISTASO: Let me ask you this just straight up. The woman that you saw, was that Laci Peterson?

VAN SANDT No, it was not.

DISTASO: Okay. Have you since, or after you called Detective Brocchini, did you get a look at a picture somehow of Laci Peterson?

VAN SANDT I saw her on the news December 25th, Christmas evening. Christmas Day.

DISTASO: The next day?

VAN SANDT The next day, yes.

DISTASO: And then you saw her in the evening, you saw a picture of Laci Peterson on the news?

VAN SANDT Yes.

DISTASO: Did you realize that the woman that you saw was not Laci Peterson?

VAN SANDT Correct.

DISTASO: And what did you do then?

VAN SANDT It was the evening news. It was late. I went to bed. The next morning I called Detective Brocchini, got his voicemail, and left him a message that the woman I saw was not, in fact, Laci Peterson.

DISTASO: When you first called Detective Brocchini on the, did you call him on the 24th originally, or the 25th?

VAN SANDT It was the, well, I believe it was the 25th.

DISTASO: Okay. So you saw this person in the morning, some time in the morning, on the 24th?

VAN SANDT 24th.

DISTASO: And then the next day?

VAN SANDT Christmas Day, yeah.

DISTASO: Did you hear that they were looking for a missing pregnant woman in the park?

VAN SANDT My friend who I was riding with, Steve King, he was, he had called me, because he rides the park every morning. He said there is police down here looking for a pregnant lady walking a dog where we were riding yesterday. Did you see a pregnant lady walking a dog? I said, yes. That's how I got in contact with Detective Brocchini.

DISTASO: And then when you talked to him, you gave him this information, you gave him a description, I guess, as best you could?

VAN SANDT Uh-huh.

DISTASO: And then what happened? Did anything else, and, or was that it?

VAN SANDT That was it.

DISTASO: All right. Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Thank you, your Honor. Good afternoon. Mr. Van Sandt, when you first phoned in, you got the number for Detective Brocchini?

VAN SANDT Uh-huh.

GERAGOS: You have to say yes.

VAN SANDT Yes.

GERAGOS: And specifically you told Brocchini that you saw the woman's face, isn't that correct?

VAN SANDT Correct.

GERAGOS: Okay. I'm going to show you a report that was written by Detective Brocchini saying Van Sandt said he would not be able to identify the female by face, however, he is certain that he saw a pregnant female. Detective Brocchini, that isn't what you told Detective Brocchini, is it?

VAN SANDT No, it's not.

GERAGOS: In fact, when Detective Brocchini was on the stand and testifying in this case, you read the Modesto Bee, correct?

VAN SANDT Correct.

GERAGOS: In the Modesto Bee, you read that Brocchini said he never showed Laci Peterson and her dog MacKenzie to the witness who saw the pregnant woman because the witness never saw her face. You read that, right?

VAN SANDT Yes, I did.

GERAGOS: That got you a little agitated, didn't it?

VAN SANDT Yes, it did.

GERAGOS: Why did it get you agitated?

VAN SANDT Because I had saw her face.

DISTASO: Objection. Relevance.

JUDGE: Overruled. He can answer it.

GERAGOS: You saw her face?

VAN SANDT Exactly.

GERAGOS: You also did say it was her face?

VAN SANDT It was her face.

GERAGOS: You actually went so far as to call up Modesto Bee and say that what Brocchini said is just plain false?

VAN SANDT Correct.

GERAGOS: Now, the, you had, I think there was also some indication by Brocchini, let me see if I can find his testimony, when you talked to him on the morning, that was Christmas morning, that you talked to him the first time?

VAN SANDT Yes, uh-huh.

GERAGOS: Where were you?

VAN SANDT I was at my dad's automotive shop.

GERAGOS: Where is that?

VAN SANDT In Manteca, California

GERAGOS: How far is Manteca from Modesto?

VAN SANDT Fifteen miles.

GERAGOS: Okay. And Detective Brocchini, and I'm at page 11142 – on June 24th said that you were in Monterey at home. You didn't ask him to come back to the park because supposed to be distant. Where he told me, it was on the bridge. You weren't in Monterey when you talked to him, were you?

VAN SANDT No, I wasn't.

GERAGOS: So did you ever tell him, hey, I'm in Monterey, I'm not going to come back, or anything of that nature?

VAN SANDT No.

GERAGOS: And he never offered to let you see a picture of her, isn't that correct, on that first conversation?

VAN SANDT Yeah, that's correct.

GERAGOS: Okay. And, in fact, the first time that anybody showed you any pictures was about, looks like July 29th. So during this trial?

VAN SANDT Yes.

GERAGOS: Detective Grogan from Modesto PD comes out to your place of employment?

VAN SANDT Correct.

GERAGOS: Where was your place of employment?

VAN SANDT In Monterey.

GERAGOS: So when you are actually in Monterey, during the trial them come out to interview you?

VAN SANDT Correct.

GERAGOS: Okay. So they did that on July 29th. And then they showed you some pictures of various women?

VAN SANDT Correct.

GERAGOS: Did you ask him how come you didn't do this on Christmas Day? Why were you doing this halfway through the trial?

DISTASO: Objection your Honor. Relevance.

JUDGE: Overruled.

GERAGOS: You told them what?

VAN SANDT I was surprised that this is the first contact I have had with the police department. Well, not the first, but shown a picture.

GERAGOS: You were a little surprised to hear you saw a pregnant woman, it was in the park. You called up on Christmas Day, and they kind of shine you on. And then in the middle of trial all of a sudden they drive out to Monterey?

DISTASO: Objection.

VAN SANDT Correct.

DISTASO: Objection. That is argumentative.

JUDGE: Sustained.

GERAGOS: You were more than a little surprised, isn't that correct?

VAN SANDT Correct.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Rick Distaso

DISTASO: I have some follow-up.

JUDGE: Go ahead.

DISTASO: Is there any doubt in your mind, this is what I'm wanting you to answer. Is there any doubt in your mind that the woman that you saw on the 24th, pregnant woman you saw at the park, that it was not Laci Peterson?

VAN SANDT I'm a hundred percent positive it was not Laci Peterson.

DISTASO: And that's from the pictures that you saw from the news the next day?

VAN SANDT Correct.

DISTASO: Can you also tell the jury, did you ride the entire park that morning?

VAN SANDT I rode from Claus Road, which is on the east end, down to somewhere around in the park area, which is pretty much the entire park.

DISTASO: The entire length of the park trail?

VAN SANDT Yes.

DISTASO: You rode all the way down there and all the way back?

VAN SANDT Correct.

DISTASO: Was that the only pregnant woman that you remember seeing that day on the entire pathway?

VAN SANDT Yes, it is.

DISTASO: And how long do you think it took you to do the ride?

VAN SANDT Maybe 30 to 45 minutes, round trip, for a complete loop.

DISTASO: Nothing further, your Honor.

Recross Examination by Mark Geragos

GERAGOS: Did you offer to have Brocchini fax you a copy of the picture?

VAN SANDT Yes, I did.

GERAGOS: On the, on Christmas morning?

VAN SANDT Yes.

GERAGOS: And what did he tell you?

VAN SANDT I don't remember his exact word. But didn't seem to interest him.

GERAGOS: Okay. I'm going to show you a picture. Does that look, you described the dog as kind of black with

VAN SANDT Brown.

GERAGOS: With brown, and white colored spots. Does that look like the dog?

VAN SANDT No, it doesn't.

GERAGOS: Okay. And when you say it didn't seem to interest him, he just said

VAN SANDT Honestly, I don't remember his exact words. He just seemed to brush it off.

GERAGOS: Thank you. I have no further questions.

DISTASO: No further questions. He can be excused.

JUDGE: Mr. Van Sandt, thank you very much.