Witness: Christopher Johnson

Date: 2004-06-03

Proceedings held June 3, 2004

Called by: People (prosecution)

Phase: Guilt

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

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. Johnson, where are you employed, sir?

JOHNSON: Salon Salon.

DISTASO: And Laurie Wesenberg, she's your manager?

JOHNSON: Yes.

DISTASO: Are you the owner of the salon?

JOHNSON: Yes.

DISTASO: How long have you owned Salon Salon?

JOHNSON: 18 years.

DISTASO: And so obviously you were the owner back in December of 2002?

JOHNSON: Yes.

DISTASO: And did you work on December 23rd, 2002?

JOHNSON: Yes.

DISTASO: What is your basic duties there? Other than being the owner, what else do you do at the salon?

JOHNSON: I cut hair, pretty much cut hair and train stylists, new stylists.

DISTASO: Okay. At the time of December 23rd of 2002, was Amy Rocha one of the individuals who you were training?

JOHNSON: Yes. My assistant.

DISTASO: And what is her job right now?

JOHNSON: She's a stylist right now.

DISTASO: Okay. So she's not your assistant now, she's moved to a different position?

JOHNSON: Correct.

DISTASO: Was she also working on December 23rd?

JOHNSON: Yes.

DISTASO: And what time did you start work that day?

JOHNSON: We usually start 6:30,

DISTASO: Early?

JOHNSON: in the morning. Every day.

DISTASO: Is this, December 23rd is a popular time for people to come in and get their hair done, or whatnot?

JOHNSON: Yes. It was a Monday, so Mondays aren't real popular, but we probably had a half staff.

DISTASO: Okay. And that's because it was a Monday, you said. And what about for the holiday, does that increase or decrease?

JOHNSON: It increases, the 24th.

DISTASO: Okay. The, let me ask you about, what time did you leave work that day?

JOHNSON: Probably 6:30, maybe.

DISTASO: Okay. Do you, do you remember as you sit here today?

JOHNSON: Late afternoon. I don't remember the exact time, though.

DISTASO: Okay. Do you remember Laci Peterson coming into the salon?

JOHNSON: Yes.

DISTASO: Let me show you a picture that's been marked. Let me show you People's 6 and just ask do you recognize the woman that's in that photograph?

JOHNSON: Yes.

DISTASO: And who is that?

JOHNSON: Laci Peterson.

DISTASO: Let me show you People's 3. It's a binder of photographs of 3-A through 3-O, and just look through them real quick and then tell me if you recognize what they show.

JOHNSON: They show the entrance.

DISTASO: Okay. Let me just stop you. Do those photographs accurately depict the condition of your salon?

JOHNSON: Yes.

DISTASO: Okay. And take a look at the screen. The, is that, this is 3-A in the binder, is that right?

JOHNSON: Yes.

DISTASO: Can you, if you don't mind, it would be easier if you take the binder, keep it open in front of you. And is that 3-A?

JOHNSON: Yes.

DISTASO: Okay. And this shows the front of the salon?

JOHNSON: Yes.

DISTASO: Okay. 3-B shows part of the sitting area?

JOHNSON: Uh-huh.

DISTASO: Okay. 3-C shows the sitting area and some of the stylist stations?

JOHNSON: Yes.

DISTASO: Can you go through, flip through there and find the exhibit that shows where your station is located?

JOHNSON: 3-I or 3-J.

DISTASO: Okay. Let me click back and, actually, let me click to another one. Here is, what, what, what exhibit is this? It's hard for me to keep track with the computer. What is the picture there in the binder?

JOHNSON: That is 3-J.

DISTASO: Okay. So 3-J. Does that show your, where your station is?

JOHNSON: Yes.

DISTASO: And that's you cutting hair?

JOHNSON: In the white shirt, yes.

DISTASO: Okay. And it shows a black sofa?

JOHNSON: Yes.

DISTASO: That's a hair-drying sofa?

JOHNSON: Yes.

DISTASO: That's right behind your station? Okay. Is that where you did your work that day on December 23rd, 2000 and 2?

JOHNSON: Yes.

DISTASO: Where was Amy Rocha on that particular day in the afternoon?

JOHNSON: Amy Rocha, when, was working on the opposite end of my station.

DISTASO: Okay. Is there a picture that depicts that?

JOHNSON: Yes.

DISTASO: in the binder?

JOHNSON: 3-K.

DISTASO: 3-K, okay. Let me go back. Is, oops, Right there.

JOHNSON: No.

DISTASO: Keep going? Oh, I need to go forward. It's hard to keep track of where I was.

JOHNSON: Right there with the gentleman with the black shirt.

DISTASO: Okay. So Amy Rocha was working right here?

JOHNSON: Yeah. I'm, you can see me on the other side there.

DISTASO: Okay. What, for the record what are we looking at? What number is that in the binder?

JOHNSON: 3-K.

DISTASO: Okay. Do you know what time Laci Peterson arrived at the salon?

JOHNSON: Well, I don't, it was a very, I don't know the exact time.

JUDGE: Morning time or afternoon?

JOHNSON: It was late in the afternoon.

DISTASO: Late in the afternoon. Was the salon, did the salon still have a large number of customers?

JOHNSON: No.

DISTASO: So it was like things were wrapping down for the day?

JOHNSON: Yeah. I think, if I recall, Amy had gone home and I think she had returned, and I was cleaning up my station.

DISTASO: Okay. You were taking stuff down off your station?

JOHNSON: I was taking stuff from my station to the office around,

DISTASO: Okay. And you can see in the, in the photograph we're looking at, that you can see yourself, and then the office is across on the other side of the salon?

JOHNSON: The office is where the girl in the white, walk that way.

DISTASO: Keep going?

JOHNSON: I don't know if you have a picture.

DISTASO: Well, that's all right. It's just on the other side of this line, is that right?

JOHNSON: Yeah.

DISTASO: Okay. And tell me what you remember about Laci Peterson coming into the salon. You said it was late afternoon?

JOHNSON: Very late afternoon. I came around the office and Scott was in station, I remember, to my memory getting his hair cut.

DISTASO: Okay. Let me stop you. You said Scott. Were you talking about the defendant in this case, Scott Peterson?

JOHNSON: Yes.

DISTASO: Do you see him in court today?

JOHNSON: Yes.

DISTASO: Okay. For the record, your Honor, he identified the defendant.

JUDGE: Yes.

DISTASO: You said Amy Rocha was standing where this man in the black shirt is,

JOHNSON: Yes.

DISTASO: in this station?

JOHNSON: Yes.

DISTASO: And was Scott Peterson sitting in the, in the chair?

JOHNSON: Yes.

DISTASO: And was he, he was getting his hair cut?

JOHNSON: At the very beginning, I think.

DISTASO: Okay. And then, tell me what you next observed.

JOHNSON: I went, I think I nodded at him because I remember seeing, when you walk you look through the mirrors. I went around the corner and I was loading packages back at the office. I noticed Laci sitting at 3-L.

DISTASO: Okay. Now, let me go to 3-L. Is that here?

JOHNSON: Yes.

DISTASO: Okay. Hold on, let me go to 3, no, not that one. Go ahead. This is the, just so we're clear again, this is 3-L, correct?

JOHNSON: Yes.

DISTASO: And this picture is right behind your station? I mean where that couch is?

JOHNSON: Uh-huh.

DISTASO: Okay. Where was Laci Peterson sitting?

JOHNSON: To the left. Oh.

DISTASO: So over here where my mouse is right now?

JOHNSON: Yes.

DISTASO: Okay. So to the left of the couch. And what was she doing.

JOHNSON: She was sitting there. She might have had a magazine, I don't recall, but I just remember walking over to her, saying hello, how are you doing, you know, how, I don't know, something like how are you doing.

DISTASO: Okay.

JOHNSON: And I had, that day I had a dozen tulips that I had in my station that were left from my business partner, and I went over there and asked her, I think I said Why don't you take these because I'm going to Walnut Creek. And I think I, I asked her twice, because I remember her saying Oh, no thanks, something about either she had gotten some paperwhites, or something like that.

DISTASO: Okay.

JOHNSON: And so I left them on the station, kept returning things back and forth.

DISTASO: All right. So you talked to her a little bit, is that right?

JOHNSON: Uh-huh.

DISTASO: And do you remember any of the clothes that she was wearing that night?

JOHNSON: When, we just had that made, delivered, that, that probably it was that week.

DISTASO: Okay. Hold on. Let me stop you. When you say you had "that made" what are you,

JOHNSON: The sofa.

DISTASO: talking about? So the sofa just arrived that particular week?

JOHNSON: And I remember looking over, thinking, they hadn't been there very long, and this must be a more comfortable spot to sit, because there was no one working next to me and there was no one else sitting on there. And the, I remember, of course I remember dark, a dark top, kind of brown, beige, neutral, I don't know, is the most I can remember, bottoms.

DISTASO: Okay. Let me stop you. You said you remember some kind of dark top. Do you remember any, any other description other than that?

JOHNSON: Huh-uh. Because I was just noticing how pregnant she was.

DISTASO: Okay. And she looked, of course, at that time very pregnant, correct?

JOHNSON: Yeah. To me she looked uncomfortable.

DISTASO: Okay. And what made you think that she had, like, neutral or lighter colored, you know, tan or whatever colored bottoms you said?

JOHNSON: Just probably because that whole leather thing is black, and I just remember some kind of contrast against sitting down.

DISTASO: Okay. The, let me ask you this. Back in February the, do you remember talking to Detective Grogan? He came, or he talked to you about what you had seen and whatnot that day? Back in February of 2003?

JOHNSON: I think so.

DISTASO: Okay. At the time you told him, he asked what Laci was wearing, you told him, you were only able to say that she was wearing something dark but couldn't describe her clothing more than that. As you sit here today, what is your memory of what she was wearing?

JOHNSON: Dark on the upper and somewhat lighter on the bottom.

DISTASO: Some kind of contrasting color, is that what you remember?

JOHNSON: Just some kind of contrast. I don't remember it being all black.

DISTASO: Uh-huh.

JOHNSON: Because I remember spotting her over there. But I can't tell you the exact color of the bottoms.

DISTASO: Okay.

JOHNSON: It just didn't seem like it was all one color.

DISTASO: All right. And the, okay, let me ask you this: What happened next? You said you were moving stuff back and forth, you saw her sitting there on the black sofa, and then what's the next thing that happened?

JOHNSON: You know, I remember her getting up, going to, I think to the left. I don't know if she was using the phone or if she was, I don't remember her sitting at, next to Amy at that time because I was moving stuff.

DISTASO: Uh-huh.

JOHNSON: But I just remember her sitting there, and then I was waiting for a ride that night because my car wasn't there.

DISTASO: Okay. So did that pretty much kind of end your contact with her that night?

JOHNSON: Yes.

DISTASO: The, let me ask you this, the video system in your store at the time of this incident, I mean on December 23rd, let me just go straight to that. Who was the one who was kind of familiar or in charge of the video system?

JOHNSON: Probably Laurie.

DISTASO: Uh-huh.

JOHNSON: I think I was the one that asked her, because I remember when they were talking about the video at a sports store, on McHenry, and I remember that, that night that we had 24 hour video. And I had asked her, because we hadn't heard anything from the police about, they didn't know we had a video, so I called her or asked her to go through and just save that week's tapes, because she usually, she handles all the,

DISTASO: Okay. She, she, is it, does she handle most of the taping and that whole video system?

JOHNSON: Yes.

DISTASO: Do you get involved with that?

JOHNSON: Only if there's a situation, a theft or something has happened, you know, we will bring security in and I'll sit and they'll go through it. But I don't usually operate it.

DISTASO: Okay. So you're not the one who is in charge of the daily changing the tapes,

JOHNSON: No.

DISTASO: reviewing the daily tapes, that kind of thing?

JOHNSON: No.

DISTASO: But if something, somebody comes up short, money is missing, they might call you in?

JOHNSON: Yeah. I just remember asking her to pull those tapes from that week because what happens, if we don't hold them, they get reused over.

DISTASO: Did, do you remember when you first told, the exact date that you first told the Modesto Police Department about the videotape at the store?

JOHNSON: Huh-uh.

DISTASO: You don't. If I show you a, a police report, let me show you a police report dated, of an interview that took place on January 17th. Let me show you that and see if it refreshes your memory. You can put, you can put this one down. Read it to yourself. Don't read it out loud.

JOHNSON: Yes. I remember that about the time cards, too.

DISTASO: Okay. And do you remember talking to Detective Grogan on January 17th?

JOHNSON: Uh-huh.

DISTASO: Is that yes?

JOHNSON: Yes.

DISTASO: All right. And during that time did you, on that date, on January 17th, did you tell Detective Grogan that you would be checking the videos or see if you could get a hold of them?

JOHNSON: Yes.

DISTASO: Okay. Now, the, the videotapes at that time were on a seven week re-tape or recycle, is that, seven day, I'm sorry, recycle?

JOHNSON: Seven day.

DISTASO: Okay. And,

JOHNSON: Or maybe, maybe, I think it's more than seven days.

DISTASO: Do you remember what it was as you sit here today?

JOHNSON: Well, I'm sure it's at least, like, 14 days, because we have a lot more than seven tapes, so we change.

DISTASO: Okay. I'm talking about now. I'm talking about,

JOHNSON: Okay.

DISTASO: back in January, I mean December of 2002?

GERAGOS: Objection. That's argumentative.

JUDGE: I don't think so. He's trying to clear up his answer. Overruled.

JOHNSON: I don't remember, honestly, I thought we had more than seven.

DISTASO: Back then?

JOHNSON: Uh-huh, back then.

DISTASO: Okay. Who was, I want to be clear. Who was in charge of the videotapes back in December of 2002?

JOHNSON: Laurie, in the office.

DISTASO: Okay. Who handled changing the tapes?

JOHNSON: Changing them in the morning would be the person that opens up in the morning at 6:30, 7:00. Would be the receptionist.

DISTASO: Okay.

JOHNSON: They change them every morning.

DISTASO: All right. Did you get involved in that, in that part of the business of the store? The changing of the tapes daily?

JOHNSON: No.

DISTASO: The dealing with the tapes?

JOHNSON: No.

DISTASO: All right. So whatever cycle they were on, unless there was a problem,

JOHNSON: Yeah.

DISTASO: you weren't involved in that daily operation?

JOHNSON: No, never. I just remember asking her to pull tapes so the police could have them if there was something there.

DISTASO: You remember asking Laurie?

JOHNSON: Uh-huh.

DISTASO: Okay. And do you know if Laurie reviewed those tapes or not?

JOHNSON: I think she did.

DISTASO: Okay. Did you sit down and review them with her?

JOHNSON: No.

DISTASO: Okay. Do you know what, do you know what your, your policy is in the store regarding the tapes now? Do you know what that is?

JOHNSON: Pretty much the same. The receptionist,

DISTASO: The receptionist,

JOHNSON: changes them.

DISTASO: changes, do that kind of thing. Now, after December 23rd, 2002, do you get involved in the daily operations of the videotapes?

JOHNSON: No.

DISTASO: Do you get involved in the daily operation of where the cameras are placed or,

JOHNSON: Yeah.

DISTASO: dealing with that?

JOHNSON: Yes.

DISTASO: You do, you are involved with that?

JOHNSON: I'm involved with where the camera is going to be placed.

DISTASO: Okay. Where were the cameras placed in the store?

JOHNSON: Uh,

GERAGOS: Objection. Vague as to time.

JUDGE: Yes. The same thing was going through my mind.

DISTASO: That's fine.

JUDGE: The cameras on December 23rd.

DISTASO: That's fine.

DISTASO: Where were,

JOHNSON: Right there,

DISTASO: Hold on a sec. Let me, this is 3-N that we're looking at. And go ahead and look at 3-N in the binder.

JOHNSON: There is a camera at the front desk looking down, there's a camera looking at the front door, there is a camera right by my station, 3, actually if you look at 3-H.

DISTASO: Okay.

JOHNSON: There's a camera

DISTASO: Which one? Am I,

JOHNSON: 3-H.

DISTASO: Keep going?

JOHNSON: Right there.

DISTASO: Okay.

JOHNSON: You see that black sign coming down?

DISTASO: Uh-huh.

JOHNSON: Right there. On the other side, actually, the camera is where your arrow is up in the ceiling. A little bit towards the sitting area where she was sitting, there's a camera in the ceiling there.

DISTASO: Okay. And were those cameras present on December 23rd, 2002?

JOHNSON: Yes.

DISTASO: And what do they show?

JOHNSON: They show that area right there from, I think it's from that sign towards here. There's cameras in the office, there's cameras in the boutique. There's four cameras.

DISTASO: Okay. There's four cameras?

JOHNSON: But they look like that up in the ceiling. They're like a fire, or smoke alarm.

DISTASO: All right. And,

JUDGE: Were any of these cameras focused on the black sofa?

JOHNSON: That area, yes, I'm sure. I mean I haven't seen, I haven't seen the tapes, so,

DISTASO: Okay. Do you, have you ever seen tapes of this area of your store?

JOHNSON: Probably in the past, a long time ago.

DISTASO: I mean, do you remember that?

JOHNSON: Probably five, six years ago. I mean...

DISTASO: So, to your knowledge, there's tapes, or cameras of this part of your store?

JOHNSON: Well, there used to be a camera right on that ceiling. I couldn't even tell you if it's there right now because we've been there so many years, unless Laurie's had it moved. We used to have a camera right there, right by those lights.

DISTASO: Okay. Do you know if, do you know if that camera is there today?

JOHNSON: No, I don't.

DISTASO: You have no idea?

JOHNSON: Huh-uh.

DISTASO: So do you know if any of these other cameras are there?

JOHNSON: I know the front desk is. We have two systems. One is in the boutique.

DISTASO: Right.

JOHNSON: It's a totally different system. It's in digital. One in the salon office. There's two offices there.

DISTASO: Right.

JOHNSON: So we have probably ten cameras. In the office there's four screens.

DISTASO: Uh-huh.

JOHNSON: And I think it shows the office, the front desk, the waiting area. I don't know what the other is.

DISTASO: Do you know what it shows as you sit here today?

JOHNSON: Just, I pay attention mostly just to the front desk.

DISTASO: Do you ever review the tapes?

JOHNSON: No.

DISTASO: Okay. What I'm trying, what I'm trying to get out is if, if Laurie, if your manager came in and just testified that you have,

GERAGOS: Objection. That's improper. It's Leading. It's argumentative, and it's,

JUDGE: Rephrase the question.

DISTASO: If, if the camera's only focused, I mean do you know as you sit here today, because you're the owner of this place, do you know if the cameras focus only on the front counter area? Or do they focus on the entire store?

JOHNSON: They focus on areas. They focus on the counter, they focus where the retail is, they focus above the safe, and there used to be a camera, I don't know if it's still there, it might be on the boutique side. There used to be one right between, because we have a gate that closes off there, so I think that's why that camera is there, to see if someone goes over the gate. But I'm not in the office 20 minutes, even, a week. I'm not in the office, I'm on the floor. So she pretty much has handled that for the last ten years.

DISTASO: So she's dealt with these cameras for the last ten years?

JOHNSON: Uh-huh.

DISTASO: And you don't review the tapes or don't deal with that at all?

JOHNSON: Uh-huh. Just, I think I reviewed the tapes twice in 18 years, and that was on a theft.

DISTASO: Okay. So whose, whose knowledge of the tapes or the cameras would be greater, yours or Laurie's?

JOHNSON: Definitely Laurie's.

DISTASO: Okay. So if Laurie came in and told us about the cameras,

GERAGOS: Objection.

DISTASO: do you believe that she would have knowledge of the cameras in your store?

JOHNSON: More than myself.

GERAGOS: Improper question. It calls for speculation and there's no foundation.

JUDGE: I think it does call for speculation.

JOHNSON: She would definitely know.

JUDGE: You don't have to answer. As far as you know, between the two of you, since you haven't been reviewing these things.

JOHNSON: Uh-huh.

JUDGE: You've delegated that authority to Laurie, right?

JOHNSON: Yes.

JUDGE: So she would have superior knowledge,

JOHNSON: Exactly.

JUDGE: than you would have about the location of the cameras and what was being photographed?

JOHNSON: Exactly.

JUDGE: All right.

DISTASO: Okay. Did, did you review any of the tapes from the 23rd?

JUDGE: Personally.

JOHNSON: No.

DISTASO: All right. Do you, after, I mean basically,

JOHNSON: Laurie,

DISTASO: Go ahead.

JOHNSON: I think Laurie did.

DISTASO: Uh-huh.

JOHNSON: She couldn't find something, I guess.

GERAGOS: Objection. It calls for hearsay.

JUDGE: Sustained.

JOHNSON: Yes. No, I did not.

DISTASO: I'm only talking about what you personally did.

JOHNSON: No.

DISTASO: All right. Do, right now, as you sit here today, do you know what your policy is in your store at Salon Salon about reusing the tapes? Today, in 2004?

JOHNSON: No.

DISTASO: Do you have any idea?

JOHNSON: No. No.

DISTASO: Okay. Who would know that information?

JOHNSON: Laurie, the manager.

DISTASO: All right. Is it, is it fair to say that you don't really know about the video surveillance in your store?

JOHNSON: I know, I know a little bit. I met with the gentleman that put it in. I've had him move cameras.

DISTASO: Uh-huh.

JOHNSON: Because I couldn't, you know, see the safe. I mean, just that part, from meeting with him. But I don't ever change the tapes, I don't check the tapes.

DISTASO: Do you, do you, I mean do you watch the monitors daily,

JOHNSON: Well, because it's playing all the time in the office.

DISTASO: Uh-huh.

JOHNSON: So where my desk is, there's a TV right there that shows four screens, or you can change it, so once in a while I'll look to see, if I'm sitting there, and the desk is crowded, but it's, I don't have time. It's not even on my agenda, ever, the cameras.

DISTASO: Okay.

JOHNSON: Unless, unless there's one broken and I meet with the gentleman that does that.

DISTASO: I don't have anything further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good morning, Mr. Johnson. Is it a fair statement then that you did not pull the tapes out of the machines and leave them on Laurie's desk and tell her to review them?

JOHNSON: I might have pulled the tapes out, or one, I don't know, but I didn't review them.

GERAGOS: Okay.

JOHNSON: I asked,

GERAGOS: You said you might have pulled them out. If there were two tapes, would that suggest to you that if there was a Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday tape,

JOHNSON: Uh-huh.

GERAGOS: and there's seven, since there's only one day in a week,

JOHNSON: Monday.

GERAGOS: Right, that there's two tapes, that it's a two week cycle, wouldn't that make sense?

JOHNSON: Yes.

GERAGOS: Isn't that why you said you believe it's a two week cycle back there and why you believe there were two tapes?

JOHNSON: I always remember that maybe there were more than seven tapes. We have a lot of tapes here.

GERAGOS: Right. It's a lot more than seven tapes in that room, correct?

JOHNSON: Yes. Yes.

GERAGOS: There's a lot more than 14 tapes in that room, isn't that correct?

JOHNSON: Uh-huh.

GERAGOS: Yes?

JOHNSON: Yes.

GERAGOS: Okay. And the reason that there's more than 14 tapes is because it's a two week cycle, and the reason, if there were two tapes that were pulled out, is because it's a two week cycle and you don't have two Mondays in a week, right?

JOHNSON: Uh-huh.

GERAGOS: Right?

JOHNSON: Yes.

GERAGOS: The last time I looked on the calendar there was only one Monday in a week, right?

JOHNSON: Yes.

GERAGOS: Okay. So if those tapes were pulled out, by the way, you mentioned something to Mr. Distaso about you had heard about a camera and a, at another store on McHenry, and Copeland's, wasn't it?

JOHNSON: Yes.

REPORTER: Excuse me. That was what?

GERAGOS: Copeland's, C-O-P-E-L-A-N-D apostrophe S. Right?

JOHNSON: Yes.

GERAGOS: Okay.

JOHNSON: At the time,

GERAGOS: Hold on, let me just ask the question and then I'll let you explain. There was something in the news about Copeland's and whether Laci had been in Copeland's, correct?

JOHNSON: Uh-huh. Yes.

GERAGOS: Okay. You had heard that in the news, correct?

JOHNSON: Yes.

GERAGOS: You remembered Laci, you had had a conversation with Laci when she was sitting on this couch,

JOHNSON: Right there.

GERAGOS: Well, it's actually right there?

JOHNSON: Yeah, it's right there.

GERAGOS: And you remembered Hey, she was on the couch, I saw her in this place, we've got cameras that face the front door, right?

JOHNSON: Uh-huh.

GERAGOS: That's a yes?

JOHNSON: Yes.

GERAGOS: Okay. So when somebody walks into your, and this is probably a pretty good idea, the security guy suggested if you're going to have a security camera for people who are going to steal, that you might want to have a camera that's on the front door so when they're going in and out you can get a picture of them?

JOHNSON: Yes.

GERAGOS: Isn't that why you did it?

JOHNSON: Yes.

GERAGOS: Okay. So you've got a camera on the front door, so presumably if somebody didn't parachute into the place and they came in through the front door, you would have a picture of them, right?

JOHNSON: Yes.

GERAGOS: Okay. So if they're in the store and your cameras are working, which presumably they were back then, right?

JOHNSON: Yes.

GERAGOS: You hear Hey, Copeland's, they may have been in there, the police are reviewing the tape there, Laci was here on this date, she's sitting right here, if they want, if they want to know what she was wearing, I got the tapes, right?

JOHNSON: It wasn't, we weren't thinking at the time of what was she wearing. I was just thinking,

GERAGOS: That it might be helpful to the investigation,

JOHNSON: Yeah.

GERAGOS: to provide some tapes, right?

JOHNSON: I was surprised at the time that we didn't even remember that we have, you know, because you get used to day-to-day, we don't even notice those cameras. And I, something triggered it. It might have been Copeland's, maybe it wasn't Copeland's. I just remember something, maybe it was, I can't recall. I just recall calling Laurie and saying, you know what, we had a camera on Monday, you know, every day, and, you know, go look at these tapes or turn them in, I can't remember. She handled it from there.

GERAGOS: Could it have been you talked to Amy and Amy mentioned it to you that we have the surveillance tapes and maybe we should get them? Did you ever talk to Amy about it?

JOHNSON: She didn't, I don't remember Amy telling me ever that maybe we should get the tapes, no.

GERAGOS: Okay. Now, you also mentioned that besides, let me see, you've got a TV screen, and I assume that this is a system, correct me if I'm wrong, where it goes, there's more than one picture on the screen?

JOHNSON: Yes.

GERAGOS: Okay.

JOHNSON: Or you can make it,

GERAGOS: Or you can make it, you can go one picture,

JOHNSON: Yes.

GERAGOS: for one camera, you can go a four-plex for four cameras, or you can go out to 16, correct?

JOHNSON: Yes.

GERAGOS: Okay. And depending on how many cameras you have, that's how many shots you get on your TV screen?

JOHNSON: Correct.

GERAGOS: Okay. And you can control and what, what the machine does and what the tape does is it tapes all of that information, correct?

JOHNSON: Correct.

GERAGOS: Okay. You can watch it in real time at your desk, or you've got a videotape that shows you everything that's going on in that salon with whatever, what is it, ten cameras?

JOHNSON: With the boutique, probably ten cameras.

GERAGOS: Okay. Now, you also have a digital system. Did you have a digital system December 23rd of 2002?

JOHNSON: The digital, we probably added it in the boutique after.

GERAGOS: Do you know for sure?

JOHNSON: I, I probably recall it being there the last year.

GERAGOS: Do you know if it's been there the last two years?

JOHNSON: No.

GERAGOS: The last year and a half? You don't know.

JOHNSON: No, because I felt like this happened six months ago, so it's been a year and a half, so-

GERAGOS: Okay. If you had a digital system that was there at the time, there wouldn't be an issue of taping over, would there?

JOHNSON: Correct.

GERAGOS: As far as you know, you can just go back to that, did anybody, did the police ever ask you can we take a look at the digital system?

DISTASO: Objection, your Honor. It calls for speculation. The witness didn't,

GERAGOS: No,

DISTASO: think it was in place in,

GERAGOS: I'm asking,

JOHNSON: The digital system is,

JUDGE: Wait, wait, wait, wait. The objection is overruled. You can answer.

JOHNSON: The digital system is in, there's two entrances on the store. Actually two different businesses. The digital is on the front of the store. All those cameras.

JUDGE: Now.

JOHNSON: Now. But we've always had two systems.

GERAGOS: So you've always had two systems. You've always had something on the front of the store?

JOHNSON: Front and our side. The front and the clothing side.

GERAGOS: Front and the clothing side. Do you know, were you watching Laci Peterson the entire time she was in the store that day?

JOHNSON: Not the entire time. I just noticed her sitting there.

GERAGOS: Okay. Do you know if she went in, in that area?

JOHNSON: I don't think the boutique was even open when they came.

GERAGOS: Do you know? Do you know?

JOHNSON: I'm pretty positive, yeah. Well,

GERAGOS: This was the day before Christmas Eve and your boutique was not open? You close your boutique so people,

JOHNSON: Well, no, no. We weren't, this was the very end of the day, and I don't recall her going in there.

GERAGOS: Well, I'm asking you was it open to the public?

JOHNSON: 'Til five o'clock.

GERAGOS: Okay. What time did you say she arrived?

JOHNSON: I thought she arrived probably 6:00, somewhere in there.

GERAGOS: Are you sure?

JOHNSON: I didn't, no, I'm not sure, because I didn't even know what time I left there. I got home probably 7:00, I don't even, I mean

GERAGOS: Okay. Did anybody ever check the digital system for the front?

JUDGE: Well,

GERAGOS: Do you know?

JUDGE: he doesn't know,

JOHNSON: No, Laurie, Laurie does,

REPORTER: Excuse me.

JUDGE: Wait, wait. As I understand his system, he doesn't even know if they have a digital,

GERAGOS: I'm asking did anybody check. Did anybody ever,

JOHNSON: I didn't.

GERAGOS: check to see if there was a digital system and, if there was, did they check it?

JOHNSON: Laurie would know that rather than me.

GERAGOS: Okay.

JOHNSON: Because she,

GERAGOS: As far as you know December of 2002, when you sit at your desk, you can look at your TV, in December of 2002, and you can see, if you want, the front door, correct?

JOHNSON: Uh-huh.

GERAGOS: Is that a yes?

JOHNSON: Yes.

GERAGOS: Okay. You could actually put, push one of the little buttons that's on the front of the monitor and you would have a full TV picture of the front door, correct?

JOHNSON: Yes.

GERAGOS: Okay. And that would be where everybody enters and exits that's part of the public, correct?

JOHNSON: Yes.

GERAGOS: Okay. And that's on, the cameras are on as long as that store is open, isn't that correct?

JOHNSON: It's on 24 hours.

GERAGOS: So even if the store is not open,

JOHNSON: If the store is not open, the cameras are always on.

GERAGOS: Always on the front door?

JOHNSON: The front door, the desk, office.

GERAGOS: Now, tell me, the, this area here, what, what's the corresponding exhibit number? Probably around H. Maybe I. L. Okay. Now, at the time when somebody asked you what she was wearing, it was, you said I don't remember, something dark,

JOHNSON: Dark.

GERAGOS: we've got video, why don't you, I'll see if the video shows it. Isn't, isn't that a fair statement of what you said at the time?

JOHNSON: Well, I don't remember saying it like that, that we have video.

JUDGE: Do you remember what you did say?

JOHNSON: I said at the time I think I remember dark on the upper and the, like, shirt part, but not all dark.

JUDGE: But not all dark. Okay.

JOHNSON: Like see the, the girl on the right there is wearing all dark. She blends right in.

GERAGOS: Yeah. Can I ask you a question? You know how you weren't sure about the, whether the digital system is there. On the 23rd of December was that black couch there?

JOHNSON: Yes.

GERAGOS: Are you sure about that?

JOHNSON: Uh-huh. Because that's, that's where she sat.

GERAGOS: Okay. That same black couch?

JOHNSON: Yes.

GERAGOS: Okay. And the interview that you did with the police,

JUDGE: You want to identify for the record what you're showing him? MR.

GERAGOS: Yeah, I'm going to.

GERAGOS: The one where I asked you about what you said. And this is a Grogan report, January 19th. Can you read that paragraph right there.

JUDGE: To yourself, Mr. Johnson.

JOHNSON: Okay.

GERAGOS: Does that refresh your recollection as to what you said?

JOHNSON: I guess, yes. I mean

GERAGOS: Yeah. You didn't know, and you said I'll see if there's a video system and I'll see if I can get it?

JOHNSON: And that's when I asked Laurie for the,

GERAGOS: Right.

JOHNSON: that's when I asked Laurie.

GERAGOS: Right. You didn't know what she was wearing back then, which was exactly 24 days after she had been in there, when the officer asked you, you could not recall what she was wearing, correct?

JOHNSON: Well, I do recall looking over there.

GERAGOS: Do you recall,

JOHNSON: Because I went over there and talked to her.

GERAGOS: Did you tell that to the officer? Did you see anything in the report that I showed you that shows that you mentioned a black couch or her sitting on the black couch?

JOHNSON: No, but that's, that's where I talked to her.

GERAGOS: Okay. Did you tell that to the officer?

JOHNSON: Either on the phone one time, or maybe when they came in, because it was pretty chaos at the salon for the next four or five weeks with media and policemen. And I did,

GERAGOS: Wait. So the policemen were in there. When was the first time the policemen came there?

JOHNSON: I, I don't know the exact date.

GERAGOS: Well, you just said it was pretty chaotic?

JOHNSON: It was.

GERAGOS: Would it be fair to say that they were in there within a week?

JOHNSON: Yes.

GERAGOS: Okay. When they were there within a week did you disguise the cameras?

JOHNSON: No.

GERAGOS: Anybody, when the police came in there within a week of Laci's disappearance, did anybody say Hey, there's some cameras up, here maybe you guys got a video surveillance system we would like to look at?

JOHNSON: I don't recall talking about that.

GERAGOS: How many times would you say the police came in after the 24th?

JOHNSON: Two, three times, maybe.

GERAGOS: And would that have been within the next couple of weeks, within the next ten days?

JOHNSON: Well, they first came in, I think I talked to them twice. I think once on the phone.

GERAGOS: Okay. And they had been in there, is it safe to say it became very crazy at Salon Salon very quickly after the 24th? Is that,

JOHNSON: Yes.

GERAGOS: a fair statement? And the police were there very quickly after the 24th, correct?

JOHNSON: Yes.

GERAGOS: Okay. Within days?

JOHNSON: Within days. They, they wanted time cards on Amy. They had asked some questions about, a few questions about her, about that night. I mean,

GERAGOS: Okay. So they got the time cards, I assume you turned over the time cards on Amy?

JOHNSON: Laurie would have.

GERAGOS: Okay. And after they got,

JOHNSON: I think that's another time they came in to get the time cards.

GERAGOS: Okay. And all of that was, as best of your recollection, within a week after the 24th? I don't want to put words in your mouth, within a week, is that correct?

JOHNSON: Yeah. I can't tell you if it was a week, if it was two weeks.

GERAGOS: But safe to say it was within the time that you still had the tapes of the video surveillance?

JOHNSON: Yes.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Rick Distaso

DISTASO: Mr. Johnson, the first time you talked to the police, was that on the phone?

JOHNSON: I can't remember if it was the first time or second time, because they were coming in, or calling, there was different employees,

DISTASO: Okay.

JOHNSON: and, employees. I think the first time was on the phone.

DISTASO: Okay. And you said that you remember when you talked with them the first time that they were asking about Amy's time card?

JOHNSON: Time card and something about inheritance and,

DISTASO: Information?

JOHNSON: Information.

DISTASO: Okay. That was the first time you talked to them on the phone?

JOHNSON: It could have been in person.

DISTASO: Okay.

JOHNSON: The,

DISTASO: And was that,

JOHNSON: There was, I know they did call me on the phone once or twice.

DISTASO: Okay. And when you talked to them, the, this information they were asking you about inheritance and Amy's time card and all that, that was your first contact with the police, is that right?

JOHNSON: Uh-huh, I think it was.

DISTASO: Okay. Let me show you this report.

JUDGE: Want to identify,

DISTASO: This is a report of Detective Grogan.

GERAGOS: There's an objection. There's no reason to refresh the recollection, based on the previous answer.

DISTASO: Well, let me ask you this,

GERAGOS: At this point it's being argumentative and trying to program the witness.

JUDGE: Well, I don't think so. Overruled. Go ahead.

DISTASO: Do you remember the exact date that was that you talked about with Amy, I mean about Amy's time card and that kind of thing?

JOHNSON: No, because it all kind of blurs. To be honest with you, I can't remember if it was the first time they came in or it was on the phone, because there was just so much going, it's, I can't recall. I just remember

DISTASO: Okay. And do you know what date that was as you sit here today?

JOHNSON: No.

DISTASO: Let me show you this report and see if this refreshes your memory. Does that, looking at that report, does that refresh your memory as to the date it was that you talked to Detective

Grogan?

JOHNSON: That's what it says, the 17th, yeah.

DISTASO: Okay. The day you talked to,

GERAGOS: Objection. That doesn't refresh his recollection. He says if that's what it says.

JOHNSON: It could have been,

JUDGE: Wait a minute. Does that refresh your recollection as to the date that you talked to Detective Grogan? Does that refresh your memory? Or are you just saying that's what the paper says?

JOHNSON: Well, it says the 17th, or it could say the 5th of January.

JUDGE: So it doesn't refresh his recollection.

DISTASO: Okay. So it's fair to say you don't remember when you first talked to the police?

JOHNSON: I remember talking to him, I just don't remember,

DISTASO: The date?

JOHNSON:, the date, no. I remember returning a phone call. They called one time, I was out of town. I returned their call. One time, once or twice, they were in. But I just can't give you the exact date because I, I don't remember.

DISTASO: Okay. Did, did you work at the salon after December 23rd? Or were you off for the holidays? Or what was your schedule?

JOHNSON: I worked, I worked after the 23rd, if I remember right. I'm sure, yeah.

DISTASO: Okay. Did you work that, the week, like the holiday week?

JOHNSON: I think so, yes. I mean not definitely the 25th, but we always usually work New Year's Eve and all those, in fact, I was in town because I remember going to the candlelight on the 31st.

DISTASO: All right. Do you remember Amy Rocha asking you anything about the videotapes?

JOHNSON: I mean, we might have mentioned videotapes,

DISTASO: Do you,

JOHNSON:, that we had that,

DISTASO: Well, let me stop you there for just a second. You said you might,

GERAGOS: He was,

JOHNSON: Okay.

GERAGOS: could we get the rest of the answer?

JUDGE: Did you finish your answer?

JOHNSON: I might have said Laurie is turning or will turn over whatever tapes we have.

DISTASO: Okay. You said you might have said that.

JOHNSON: We might have,

DISTASO: Do you know what time frame,

REPORTER: Excuse me.

JUDGE: You're stepping on his answers and cutting him off and that drives the court reporter crazy.

DISTASO: Okay.

JOHNSON: I don't remember the exact conversation. We might have said, Yeah, Laurie, give the police the tapes, but there was not a big conversation all about our cameras and tapes and,

DISTASO: Okay.

JOHNSON: She knew, she knew, all the employees know that we have, you know, cameras.

DISTASO: The, so did you have a discussion with Amy Rocha about the tapes or not? That's all I want to know.

JOHNSON: Maybe a very brief, if that.

DISTASO: You say maybe. So you're not sure as you sit here today?

JOHNSON: I don't remember having just a conversation sitting down and talking about tapes. I mean I probably, I probably had mentioned to her that returning the, Laurie will turn those tapes in. I mean it wasn't really a, a big conversation. It wasn't

DISTASO: Okay. Nothing further.

JUDGE: Mr. Geragos, do you have any questions? Any redirect, any re-cross?

GERAGOS: No re-cross, your Honor.

JUDGE: All right. May this witness be excused subject to recall?

DISTASO: Subject to recall.

JUDGE: Thank you, Mr. Johnson.

JOHNSON: All right.