Witness: Doug Lovell

Date: 2004-07-12

Proceedings held July 12, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos

Day 1 of 2 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: Doug Lovell. Doug Lovell.

JUDGE: Doug Lovell, okay.

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

LOVELL: Yes, I do.

CLERK: Be seated.

LOVELL: Thank you.

CLERK: State and spell your name for the record.

LOVELL: My name is Doug Lovell, L-O-V-E-L-L.

JUDGE: Mr. Lovell, you want to get up closer to the microphone, please.

LOVELL: Yes, sir.

JUDGE: Thank you. Go ahead, Mr. Distaso.

DISTASO: Mr. Lovell, what is your current job assignment?

LOVELL: I'm an identification technician with the City of Modesto Police Department.

DISTASO: And were you involved in assisting in a search warrant at 523 Covena on December 26th and 27th of 2002?

LOVELL: Yes, I was.

DISTASO: I'm going to make this quick. The -- your job was to videotape the interior of the house?

LOVELL: Yes.

DISTASO: And that was for the entry video, the initial video on the 26th?

LOVELL: Yes. Before anyone else went --

DISTASO: And --

LOVELL: -- in.

DISTASO: I'm sorry?

LOVELL: Detective Skultety and I went in first, yes.

DISTASO: And you guys did that?

LOVELL: Yes, we did.

DISTASO: And then were you also asked at some point to vacuum a certain item -- I mean a certain area in the house?

LOVELL: Yes.

DISTASO: And if you could, Detective Skultety wrote it with a 14 here on People's 38. Is that the area you did? Or was it somewhere else?

JUDGE: Point it out.

DISTASO: Detective Skultety said it was right here, but he said that you would be the best witness for that.

LOVELL: Yes. The washer/dryer area and that entire living room carpet area.

DISTASO: You did that whole area there?

LOVELL: Yes, including the furniture.

DISTASO: And let me go back now to the 24th of December of 2002. So let's leave the 26th and go back a little bit. Were you called to the house on December 24th of 2002?

LOVELL: Yes.

DISTASO: And were you asked to process that particular house for evidence?

LOVELL: Well, not the entire house, no. I did take photos of the house and collect a few items there, yes.

DISTASO: And I guess -- that was a poorly phrased question. I guess what I was getting at was on the 24th was -- was this a complete processing of the house like was done on the 26th?

LOVELL: No.

DISTASO: And let me show you some photos. People's 37. Just flip through these fairly quickly, and then see if those are the photos that you took.

LOVELL: Yes, they appear to be.

DISTASO: And were you also asked -- go ahead and finish.

LOVELL: Yes, these are photos I took.

DISTASO: Okay. And were you also asked to collect a couple of items of -- of -- couple of items?

LOVELL: Yes.

DISTASO: On the 24th?

LOVELL: Yes.

DISTASO: And what items were they?

LOVELL: There was two mops, a bucket, and some cleaning rags.

DISTASO: And did you take those items?

LOVELL: Yes, I did.

DISTASO: And finally, did -- does the Modesto Police Department have the ability to use Luminol?

LOVELL: No, we didn't have any of that.

DISTASO: Okay.

LOVELL: We have it now, but we didn't at that time.

DISTASO: Okay. So in 2002, on December 24th, or even on the 26th, the Modesto Police Department did not use Luminol; is that right?

LOVELL: That's correct.

DISTASO: Nothing further.

Cross Examination by Mark Geragos

JUDGE: Mr. Geragos, any questions of Mr. Lovell?

GERAGOS: I do, your Honor. May I have just one moment, your Honor?

JUDGE: Yeah.

GERAGOS: Did -- when you arrived there on the 24th, the -- who was there or who was maintaining the scene? Was it Byron Duerfeldt?

LOVELL: I remember Officer Letsinger was there. I don't remember Byron being there.

GERAGOS: Okay. When you arrived there did they have you do a number of different tasks? On the 24th?. I mean, one of the things we've seen is that there were some photographs taken. Did you take those?

LOVELL: Yes, I did.

GERAGOS: Okay. Who directed you to take the photographs and the location of them?

LOVELL: Well, I was asked to take photographs. Officer Letsinger asked me to take photographs of the house, just overall pictures of the house.

GERAGOS: Okay. The photographs that you took in the house, there's some that -- I haven't pulled them all out, but there's some -- do you have them in front of you?

LOVELL: I have them in front of me here, yes.

GERAGOS: Okay. The ones -- were these areas that Letsinger thought were suspicious so he therefore wanted you to take a photograph of them?

LOVELL: Officer -- I don't remember Officer Letsinger specifically asking me to take any photographs in particular. I just walked through the house myself and took photos of items.

JUDGE: You took pictures of what you thought was significant?

LOVELL: Yes.

GERAGOS: Who directed you, if anybody, to pick out the particular items?

LOVELL: I -- to be photographed?

GERAGOS: The items to be photographed. Right. You have a series of photos here in 30 -- item number 37. I'm going to put them up on the screen. You looked through these. These are the photos that you took that evening?

LOVELL: Yes, they are.

GERAGOS: Okay. I assume that you -- that specifically you didn't just, on your own, decide to photograph the mop and the bucket, right? Somebody directed you and said get a photo of the mop and the bucket?

LOVELL: I believe I had heard over my -- our cell phones that we carry with us, I spoke briefly with Detective Brocchini about the mop and bucket. After that it was just general photos of the interior of the house.

GERAGOS: Okay. That's what I'm getting at. Detective Brocchini was the one that said get a photograph or get a picture of the mop and the bucket, right?

LOVELL: Yes.

GERAGOS: Okay. Then, as you indicated, there were photos of the interior of the house, which would have been B, C -- by the way, I'm going to -- 37 D, is that -- when you photographed 37 D, was the bathroom just like that?

LOVELL: Yes.

GERAGOS: Okay. You didn't in any way, shape or form plug in this hair -- this device right here (indicating), did you?

LOVELL: No, I did not.

GERAGOS: And when you got in there and you took that picture, that's exactly how it was on the 24th, correct?

LOVELL: Yes. I don't think I really even entered that bathroom. Just took a picture from the doorway.

GERAGOS: Okay. Then the -- just take you through the others. These -- you just were taking pictures of the interior, correct?

LOVELL: Yes.

GERAGOS: Okay. And 37, what is that, G?

LOVELL: Yes. G.

GERAGOS: Okay. That white bag that's there in 37 G, I assume that that was there that evening? You didn't put it there, correct?

LOVELL: Correct.

GERAGOS: 37 H, do you see this item here? Does that appear to be a dog bed to you?

LOVELL: I can't tell what that is from here. I -- I don't know what that is.

GERAGOS: Do you remember seeing a dog bed in the house?

LOVELL: I don't remember a dog bed. I mean, it could have been and I just don't remember what it was.

GERAGOS: The bed was made like that? You didn't make it?

LOVELL: The bed was just like that.

GERAGOS: This picture here, which is 37 J, did you open the door to the closet? Or was the door already open when you arrived?

LOVELL: I think the door was already open.

GERAGOS: Okay. Just like that. And that's in the master bedroom, correct?

LOVELL: I think so.

GERAGOS: Okay.

LOVELL: I think that's the master bedroom, anyway. I took the picture as it was.

GERAGOS: Same with this picture here, which is 37 K; is this how you found the closet when you went in?

LOVELL: Yes.

GERAGOS: Somebody direct you to take a picture of the purse hanging on the -- on the inside of the closet?

LOVELL: I don't remember that exactly. I know I took a picture of a purse. I can't remember if someone asked me specifically to take that picture.

GERAGOS: So it's a pretty fair statement you're not in the habit, when you're documenting a potential crime scene, to take pictures of purses and most probably someone directed you to take it?

LOVELL: Probably.

DISTASO: Calls for speculation. Objection.

JUDGE: I'll let him answer it. Overruled.

GERAGOS: This is a picture of the second bedroom. You took this as well; is that correct?

LOVELL: Yes.

GERAGOS: Okay. That's marked as 37 N. 37 O, the inside of the closet, that's the second bedroom as well?

LOVELL: That's the second bedroom, yes.

GERAGOS: Okay. Is that the dining room area?

LOVELL: Yes.

GERAGOS: Okay. Did you set the table?

LOVELL: No, I did not.

GERAGOS: And this is the area that is specifically the -- where the Christmas tree is on the -- in the -- what is that, the dining room area?

LOVELL: Yes, it is.

GERAGOS: Okay. And that item there is a big present?

LOVELL: Yes.

GERAGOS: And there are other presents underneath?

LOVELL: Yes.

GERAGOS: Okay. Now, you also handled photographing Scott Peterson; is that correct?

LOVELL: At a later date, yes.

GERAGOS: Okay. On January the 3rd?

LOVELL: Yes.

GERAGOS: Okay. And you're -- what is -- your job title is evidence technician?

LOVELL: Identification Technician.

GERAGOS: Identification Technician. What does that entail?

LOVELL: We do evidence collection at crime scenes, or any scenes, and I do fingerprint comparisons.

GERAGOS: Okay. You were called on to do fingerprint --

JUDGE: How much longer will you be? Shall we bring him back?

GERAGOS: A while.

JUDGE: Mr. Lovell, we'll have to bring you back. I know you came a long way. We're not going to finish with you today.

LOVELL: All right.