Witness: Lee Peterson

Date: 2004-09-09

Proceedings held September 9, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Pat Harris

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. Peterson, for the record, the defendant is your son?

PETERSON: I'm proud to say that Scott's my son.

DISTASO: And that's a yes, correct?

PETERSON: That's a yes.

DISTASO: During the months of October, 2002, December of 2002, how often do you think you talked to your son on the phone?

PETERSON: Would you repeat the months again, please.

DISTASO: From about October of 2002, to December of 2002.

PETERSON: How often per week? Or,

DISTASO: I mean, right.

PETERSON: Probably twice a week.

DISTASO: Two times per week?

PETERSON: Yes.

DISTASO: Do you remember telling Detective Grogan that, at one point, I think on January 15th, that you talked to him, as you put it, you talked to him most every day?

PETERSON: No, I don't recall that.

DISTASO: Let me show you a transcript and see if that will refresh your memory at all. Just this highlighted portion.

HARRIS: What's the page and line number?

DISTASO: 40845.

JUDGE: Does that refresh your memory?

DISTASO: Does that refresh your memory at all? About what you told Detective Grogan?

PETERSON: No, it really doesn't.

JUDGE: Okay. Go ahead, next question.

DISTASO: So as you sit here today, your memory would be a couple times a week?

PETERSON: Yes.

DISTASO: And what was your cell phone number at the time of, during those, that month period from October to, say, December?

PETERSON: I think it's my present number.

DISTASO: And is that (619) 20,

GERAGOS: Well, does that have,

JUDGE: Yeah, do we have to,

DISTASO: Yeah, I was going to say.

JUDGE: The number, Mr. Peterson, the number you had back in 2002 is the same number you have today?

PETERSON: Yes, sir.

JUDGE: You haven't changed it?

PETERSON: No.

JUDGE: All right.

DISTASO: That's sufficient, Judge.

JUDGE: All right. Next question.

DISTASO: Did you speak to your son on December 24th of 2002 by phone?

PETERSON: Yes, I did.

DISTASO: And how many times did you talk to him that day?

PETERSON: Just the one time, I believe.

DISTASO: I, I could show you the phone records, but if I told you that in the phone records it shows two calls in succession, one at 12:40 and one at 12:45 for a total time of about seven minutes, would that be accurate?

PETERSON: Um,

DISTASO: I mean, if you prefer, I could pull the records out and show you.

PETERSON: No, that's fine.

GERAGOS: Objection. I believe that assumes facts not in evidence. I don't think there's an actual,

DISTASO: Well, let me take a look.

JUDGE: Take a look.

DISTASO: Yeah.

JUDGE: Your recollection, Mr. Peterson, is that you had one phone call with your son that day?

PETERSON: I spoke to him once. I may have tried to call him.

JUDGE: You may have tried to contact him more than once, but you recollect one conversation?

PETERSON: One conversation.

DISTASO: Let me, it will be easier. You're right. It's 2:40.

DISTASO: Let me just show you the record, Mr. Peterson. At 2:40 and 2:45, there's two calls that show to your number, is that right?

PETERSON: Yes.

DISTASO: Okay. And then it looks like a total duration of air time was seven minutes. Three, three minutes for one call and four minutes for another?

PETERSON: Yeah, it looks like it.

DISTASO: Okay. Would that be accurate as far as what your memory is about how long the conversation took place on the 24th?

PETERSON: I actually only remember one, the one call, which was just a few minutes.

DISTASO: Okay. The, during that phone call, what did you and your son talk about?

PETERSON: As I recall, we talked about each other's plans for, for that evening. I told Scott that we were going to, to go to church with the rest of the family, and Scott told me that they were going to, he and Laci were going to Ron and Sharon's.

DISTASO: Okay. So you talked about what your plans were for the evening on the 24th?

PETERSON: That's pretty much all we talked about, yes.

DISTASO: Okay. During that phone call did, did the defendant, or your son, tell you that he had been fishing at the Berkeley Marina that day?

PETERSON: No.

DISTASO: Did, did he ever tell you that he had bought a small aluminum fishing boat?

PETERSON: No.

DISTASO: So from those two questions I take it he didn't tell you that I've just taken my boat out for the first time in the marina, I've gone fishing? Nothing like that?

PETERSON: No, he didn't.

DISTASO: Did you know prior to December 24th of 2002 that your son had even purchased a boat?

PETERSON: No, but that wouldn't be unusual.

DISTASO: Okay. You didn't know that?

PETERSON: I didn't know that.

DISTASO: All right. Let me show you People's 108A. And do you recognize the truck in that particular picture?

PETERSON: I believe that's Scott's truck, yes.

DISTASO: Okay. And that was the truck he had back on December 24th of 2002?

PETERSON: Yes.

DISTASO: The boat that's being pulled behind it, the boat and trailer, from what you've just testified to, up until the 24th or sometime thereafter you had no knowledge that he had purchased that boat?

PETERSON: No, I didn't.

DISTASO: Okay. And Laci never discussed that with you either?

PETERSON: No.

DISTASO: Were you aware that Scott Peterson had joined the Del Rio Country Club in December of 2002?

PETERSON: I found about, out about that later.

DISTASO: And,

PETERSON: Go ahead. Sorry.

DISTASO: Did you give him the money to purchase the membership to that, to the club?

PETERSON: Yes.

DISTASO: Do you remember how much that was?

PETERSON: I think it was around $30,000.

DISTASO: When did you learn, when was the first time you learned that your son had been having an affair with Amber Frey?

PETERSON: I suppose it was at the press conference the Modesto police held, and I don't recall the date.

DISTASO: Do you remember when, or did Detective Grogan come down to San Diego and show you some photographs that were going to be coming out in an, in an article?

PETERSON: Yes. He didn't tell me they would be coming out in an article.

DISTASO: Did, did he show you some photographs, though, of Miss Frey and your son?

PETERSON: Yes, he did.

DISTASO: And did he tell you that they had this information and they had talked to this woman at that time?

PETERSON: Actually, I think he just showed me the pictures and watched for my response.

DISTASO: Did, was, do you remember what day that was?

PETERSON: No. It was sometime mid January, I believe.

DISTASO: Okay. And up to that point had you had any knowledge at all, from your son or any other source, that he had been involved with Amber Frey?

PETERSON: No.

DISTASO: Where did Laci and Scott spend Thanksgiving of 2002? November, Thanksgiving of 2002?

PETERSON: They spent that with us and our family in San Diego.

DISTASO: And is that when Laci had a baby shower from, I think, your family or someone, the women of your family gave her a shower at that time?

PETERSON: Yes, that's correct.

DISTASO: And was there also a trip to, to Disneyland during that time?

PETERSON: There was, but I wasn't there.

DISTASO: Okay. You didn't go on that?

PETERSON: No.

DISTASO: Prior to December of 2002, when was the last time that you and your son had gone fishing together?

PETERSON: Prior to December of 2002?

DISTASO: Uh-huh.

PETERSON: I think we had gone, well, it was summer of 02, probably July or August.

DISTASO: So sometime in the summer of 02. How many times did you go fishing with your son during that year, 2002?

PETERSON: Just the one time. I'm not really a fisherman. Scott's the fisherman.

DISTASO: I forgot to ask you, when you said down with your family for Thanksgiving, where is that? Just what city is that? I don't want your address.

JUDGE: He said San Diego.

GERAGOS: He said,

DISTASO: Oh, he said San Diego?

JUDGE: Yeah, he did.

DISTASO: Okay. So the summer of 2002 you went fishing with Scott. Who also went, if anybody?

PETERSON: My son Joe went, and his two boys.

DISTASO: How long was that trip?

PETERSON: I think it was, I think we just stayed two nights.

DISTASO: And what type of fishing was it?

PETERSON: It was trout fishing. It was in the Sierras. Mammoth Lake area.

DISTASO: Was it in a Lake?

PETERSON: Yes.

DISTASO: Okay. And did you fish from the shore? Or from boats?

PETERSON: From the shore. We would hike, hike in and, and fish.

DISTASO: Do you have any knowledge, do you know if that trip was videotaped at all, any part of it?

PETERSON: Not that I know of.

DISTASO: Did you also go on a pheasant hunting trip with your son sometime in 2002?

PETERSON: I don't think we did that year. I don't recall. We may have.

DISTASO: Let me, let me show you a transcript and see if this will refresh your memory. This is 40841. Just read that paragraph right there.

PETERSON: All right.

DISTASO: And you can read through the rest of the page, if that will help give you the dates.

PETERSON: All right.

DISTASO: Does that refresh your memory about whether or not you went pheasant hunting with your son during the month of October or November of 2002?

PETERSON: We, we probably did. I, I need something like that all the time with my memory.

DISTASO: Okay.

PETERSON: So

DISTASO: But if, if, do you remember telling, let me ask you this way, then. Do you remember telling Detective Grogan that sometime in late October or November you went pheasant hunting with your son?

PETERSON: I don't recall, I don't recall telling Detective Grogan that, but it, it's possible I did, but,

DISTASO: Let me ask you this, then. During that trip, did, what type of weapons do you use when you're doing this kind of hunting, pheasant hunting?

PETERSON: I wouldn't call them weapons. They're, they're shotguns.

DISTASO: You use a shotgun. That's all I was trying,

PETERSON: Twenty gauge shotguns, yes.

DISTASO: All right. You don't use a handgun, correct?

PETERSON: No.

DISTASO: During any pheasant hunting trip that you can recall, actually, let me stop that. In this particular trip that I'm talking about in October or November, did you see the defendant in this case, did you see him with any handgun at all?

PETERSON: I didn't, no.

DISTASO: Now, did you also take a trip with Laci and Scott to Carmel in December of 2002?

PETERSON: Yes, we did.

DISTASO: And what were the dates of that, if you remember?

PETERSON: I think around the 17th. If you had a calendar I could be more precise. It was the week before Christmas.

DISTASO: Okay. Good. The 17th is fine. How many nights did you stay?

PETERSON: I believe only two or three. Two for sure.

DISTASO: And what activities did you, what I'm trying to get at from you, were you with Laci and Scott the whole time? Were you guys pretty much together doing activities together during that trip?

PETERSON: Pretty much, yeah.

DISTASO: Let me just show you two pictures for identification. People's 5 and 6. Are those, both of those pictures, 5 and 6, are those pictures taken during the trip that you took with, that you took to Carmel in December of 2002?

PETERSON: I think so. I, I recall being at both of these locations. Whether I was the photographer or not, I couldn't say, but, yeah, I would say they were taken on the trip.

DISTASO: Nothing further, your Honor.

Cross Examination by Pat Harris

HARRIS: Good morning, Lee.

PETERSON: Good morning.

HARRIS: You mentioned this pheasant hunting trip. You had been on hunting trips before with Scott, had you not?

PETERSON: Yes.

HARRIS: And part of the thing that you regularly did when you went on these hunting trips, you would, after you finished hunting, before you finished hunting, during a break, you would pull out some handguns and do some target practice, right?

PETERSON: Sometimes, yes.

HARRIS: Pretty common thing to do, right?

PETERSON: Uh-huh.

HARRIS: You, you saw a picture and Mr. Distaso asked you about the boat, and your knowledge of the boat. First of all, you, you testified that 2002, Thanksgiving 2002, that Scott and Laci came down to your house for Thanksgiving, right?

PETERSON: Yes.

HARRIS: And when Scott pulled up, when they pulled up in the driveway, you noticed something new, didn't you?

PETERSON: Yes, I did.

HARRIS: You noticed a new pickup truck, didn't you?

PETERSON: Yes.

HARRIS: Turned out Scott had bought that pickup truck several months before, hadn't he?

PETERSON: I believe he had had it for some months, yes.

HARRIS: And he had never talked to you about buying, he didn't ask your advice in buying the truck, did he?

PETERSON: No.

HARRIS: He didn't talk to you about buying the truck. He didn't tell you, after he bought it, he didn't call you up, say Guess what, Dad, I just bought a new pickup truck?

PETERSON: No, that's not Scott.

HARRIS: You've bought pickup trucks before, haven't you?

PETERSON: Yes.

HARRIS: It would be your estimate this boat, this pickup truck is quite a bit more costly than the boat, correct?

PETERSON: I would think so, yes.

HARRIS: Mr. Distaso asked you if, during this phone conversation you had from the 24th, that Scott never mentioned that he had been fishing that day. Scott talk to you about fishing very often?

PETERSON: No. He didn't talk fishing, no. Scott's a fisherman. I'm more of a golfer.

HARRIS: The reason he didn't talk to you about fishing is basically he knows you're not interested in fishing, right?

PETERSON: Pretty much, yeah.

HARRIS: Yeah. In fact, he knows your hobbies are pretty much golf. If you're not playing golf, you're watching golf?

PETERSON: That would be,

HARRIS: If you're not watching golf, you're reading about golf, is that pretty accurate?

PETERSON: Yeah.

HARRIS: You talked to Scott when he goes golfing. You talk to him about clubs, if he buys something, or there's some,

PETERSON: Yeah.

HARRIS: he shoots a 72 out on Torrey Pines, I'm sure he would tell you about that, that would be something that would interest you, wouldn't it?

PETERSON: Sure, yes.

HARRIS: If he goes out and catches a two-pound bass, that's not something you're interested in, is it?

PETERSON: Not really, no.

HARRIS: And Scott knows this, doesn't he?

PETERSON: Yes.

HARRIS: And, in fact, there's a whole history of you raising Scott, and if I can, see if I can recall this, you actually got Scott to start playing golf by taking him out to the golf course, letting him fish, because that's what he loved, letting him fish at the little lake when he was six years old, first nine holes. You would walk the first nine, play it without him, let him fish, and pick him up and he would play the back nine with you, is that correct?

PETERSON: Yeah, pretty much. We, we played at a, a small course that had a creek in it that had fish in it. And the creek ran all the way through the golf course, and Scott would stick a fishing pole in his bag. This is, he was probably eight or nine or ten. It was for a number of years. And if he didn't feel like playing golf, we would drop him at the creek, and he would fish, and then we would pick him up coming back. It was generally in the evening, so there weren't people out there that we would be bothering or anything.

HARRIS: Okay. In fact, growing up, your interest was golf, so that on a regular weekend, on a Sunday, you would go play golf and your wife, Jackie, pretty much on Sundays would take Scott fishing, is that right?

PETERSON: Yes. She would take him to a small lake by our home, and usually he had a friend with him. And Jackie would take the newspaper, and they would take their fishing tackle and row out on the lake and fish.

HARRIS: Okay. And then you moved to San Diego. And in the San Diego area, you were there. And as Scott got older, you observed that he would like to go out on boats and go saltwater fishing, right?

PETERSON: Yes. This was, yeah, a little later on.

HARRIS: He would go with his friends?

PETERSON: Yes.

HARRIS: Okay. And his preference, as you learned, was to actually do saltwater fishing because it was more challenging and more interesting, right?

PETERSON: He seemed to enjoy it. These would be, they call them cattle boats. You'd go out early in the morning and get on the boat with a bunch of other people and go out for the day or for half a day. And we would drop him off with his friend. And we knew he was supervised.

HARRIS: Sure.

PETERSON: And,

HARRIS: Well, you over the years came to know that Scott was very much, as you said, I think testified, very much into fishing, correct?

PETERSON: Yes.

DISTASO: Objection, your Honor this is,

JUDGE: Yes.

DISTASO: actually goes pretty far beyond the scope of direct.

JUDGE: It is getting a little beyond the scope of direct, unless you want to recall him as your witness.

HARRIS: Okay. They had asked you, excuse me, Rick had asked you a little bit about the golf club at Del Rio, and I believe you said that you weren't exactly sure when he joined or when you became aware that he joined, but it was, in fact, you and your wife who put up the money, correct?

PETERSON: Yes, that's correct.

HARRIS: And you, I think it was actually Jackie who made the arrangements and you found out about it a little later, is that right?

PETERSON: That's true.

HARRIS: Okay. Now, I want to take a minute and just take a look at those pictures again, if you would. These are the pictures, this is People's 5 and People's 6. And you identified these as pictures taken in Carmel, right?

PETERSON: Yes.

HARRIS: Okay. Now, that was a picture of Laci and Scott taken down by the ocean, right? In Carmel?

PETERSON: Yes. That's Carmel Bay, at the beach there.

HARRIS: Okay. And since this, well, first of all, Laci was obviously, at that point, pregnant, correct?

PETERSON: Yes.

HARRIS: And this was about a week prior to her disappearance, is that about right? Is that your memory?

PETERSON: That's about right.

HARRIS: Okay. And you were there for two or three days, is that right?

PETERSON: Yes.

HARRIS: And during that two or three days, did a lot of shopping, lot of walking and shopping, right?

PETERSON: The girls did.

HARRIS: Okay. And they would go, there's a lot of little shops in Carmel, right?

PETERSON: Too many.

HARRIS: You go do a lot of, they did a lot of walking around throughout Carmel for the two or three days?

PETERSON: Yes.

HARRIS: In fact, you became aware that they made several purchases while they were there, correct?

PETERSON: Yes.

HARRIS: Okay. And then at this point they had walked down to the beach, correct?

PETERSON: Yes.

HARRIS: Now, you actually went back to Carmel once this case started and took a look at the area where they had walked down to the beach on, right? Is that correct?

PETERSON: Yes, I did.

HARRIS: And you measured the distance back from this area back to the hotel where you had walked that day, is that right?

PETERSON: Yes, I paced it off.

HARRIS: Yes. You paced it off. And that area was almost three quarters of a mile, is that right?

PETERSON: I believe that's right, yes.

HARRIS: And that was a steep incline, correct?

PETERSON: It had me puffing, yeah. That's,

HARRIS: Okay.

PETERSON: I don't know how many degrees, but it's fairly steep.

HARRIS: At any point did Laci complain?

PETERSON: I think we all complained a little bit, but we stopped maybe two or three times. And everybody got to the top of the hill all right.

HARRIS: Okay. And this was walking, you walked down, obviously you walked down the incline once, and then back up again, correct?

PETERSON: Yes.

HARRIS: Okay. So the three quarters of a mile that you gave the figure on was down the incline?

PETERSON: Down,

HARRIS: Or total? I want to make sure we're clear. The total walk?

PETERSON: Up and down?

HARRIS: Up and down.

PETERSON: I believe so.

HARRIS: Okay. At one point you and your wife, Jackie, lived in Morro Bay, is that right?

PETERSON: Yes.

HARRIS: Morro Bay is near San Luis Obispo?

PETERSON: Yeah. It's about ten miles away.

HARRIS: And you had a business there at that point?

PETERSON: No, I didn't have a business.

HARRIS: Oh, okay. You just had a house there, a home there?

PETERSON: Yes.

HARRIS: Okay. And at some point during that time your son, Scott, came to college at San Luis Obispo, is that right?

PETERSON: That's right.

HARRIS: And when he came to school there, you guys actually lived briefly with him, and then you moved back to San Diego, is that right?

PETERSON: Yes.

HARRIS: And he stayed in that house, the house that you had and you owned in Morro Bay, is that right?

PETERSON: For a time.

HARRIS: Okay. And I believe you told me it was about six months later when you came back up to visit him, is that right?

PETERSON: Yes.

HARRIS: And when you came back to visit him you were surprised to find in the front yard was a boat, correct?

PETERSON: Yes.

HARRIS: He hadn't told you about the boat, had he?

PETERSON: Nope.

HARRIS: Okay. Also a motorcycle, right?

PETERSON: There may have been two motorcycles, yeah.

HARRIS: Okay. Hadn't told you about those purchases either?

PETERSON: No.

HARRIS: Now, Scott worked during college, right?

PETERSON: Scott put himself through college.

HARRIS: And he paid for those items himself, right?

PETERSON: Yes.

HARRIS: And he never talked to you about it, he just bought them and never mentioned them to you?

PETERSON: Yes.

HARRIS: You had mentioned, I think, that at one point you had gone hunting with Scott at different locations, is that right?

PETERSON: Yes.

HARRIS: Okay. One of those locations was the previous, I believe it was the previous Thanksgiving you were actually hunting in Alaska, is that right?

PETERSON: No, this would have been, gosh, when he was maybe 16 or 17 years old.

HARRIS: Okay. There was a time you had gone hunting in Alaska, is that right?

PETERSON: Oh, yes. Yes.

HARRIS: Okay. One second, please.

HARRIS: That's all, your Honor. Obviously we reserve him for the right to recall.

JUDGE: Okay. Any, any redirect, Mr. Distaso?

DISTASO: Just hold on one sec, Judge.

DISTASO: No questions.

JUDGE: All right. May Mr. Peterson be excused, subject to recall?

DISTASO: Yes. That's fine.

JUDGE: Mr. Peterson, thank you.