Witness: Dianne Heaston Merenda

Date: 2004-09-09

Proceedings held September 9, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Birgit Fladager; Cross – Mark Geragos; Redirect – Birgit Fladager

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 Birgit Fladager

FLADAGER: Miss Merenda, do you live in the La Loma area of Modesto?

MERENDA: I do.

FLADAGER: How long have you lived there?

MERENDA: Probably 20 plus years. 20, 22.

FLADAGER: And do you have a dog?

MERENDA: I do.

FLADAGER: Have you had a dog about the whole time you have lived in the La Loma area?

MERENDA: Just the past six years.

FLADAGER: What kind of dog do you have?

MERENDA: A Golden Retriever.

FLADAGER: What's the name of your dog?

MERENDA: Buddy.

FLADAGER: Did you ever take him walking?

MERENDA: All the time.

FLADAGER: And where do you take him walking, generally?

MERENDA: Through the neighborhood. I live on the corner of Roble and Covena, so I will go up Covena, down the dirt path into the park, and then up a paved area in Edgebrook, and through the neighborhood. Sometimes La Loma Junior High School also.

FLADAGER: How often would you say that you take Buddy walking?

MERENDA: Three to five times a week, probably.

FLADAGER: And generally when you go walking with him, do you have a set timeframe that you go, or does it depend on the day?

MERENDA: Mostly it's mornings when I go, just the dog and I. And sometimes in the evening my family will go.

FLADAGER: Could I have this marked as People's next in order?

JUDGE: That will be People's 230. That's A and B?

FLADAGER: Just the one.

JUDGE: Just one. People's 230.

FLADAGER: Miss Merenda, can you see that from where you are sitting?

MERENDA: You know, I can't make out the street names.

FLADAGER: All right. Well, let me bring it to you real quickly and have you take a quick look at it. People's Exhibit 230. 230.

MERENDA: Okay. There is Encina, Covena. Okay.

FLADAGER: Do you see the highlighted portion?

MERENDA: I do.

FLADAGER: All right. Let me ask you this question. The highlighted, portion on that map, does that indicate where you would walk your dog, generally speaking?

MERENDA: Pretty much.

FLADAGER: And there is an area with a dotted line, goes along Highland Avenue. Is that sort of an alternate route for you?

MERENDA: Yes.

FLADAGER: Do you think that you were walking your dog on Christmas Eve, 2002?

MERENDA: No, I was not.

FLADAGER: Was that a busy day?

MERENDA: It was. I was making candy ornaments with my son in the morning, so I did not walk that day.

FLADAGER: And did you walk your dog around that timeframe, Christmas week, or before Christmas week?

MERENDA: I would say I probably did, but I can't say definite.

FLADAGER: Were you working that week?

MERENDA: No.

FLADAGER: No further questions.

Cross Examination by Mark Geragos

GERAGOS: Good morning, Miss Merenda.

MERENDA: Good morning.

GERAGOS: How are you?

MERENDA: Fine. Thank you.

GERAGOS: You were interviewed looks like on the, some time in March of this year?

MERENDA: I was trying to think back. February, March. Sounds about right.

GERAGOS: Okay.

JUDGE: 2004?

GERAGOS: 2004, this year, right?

MERENDA: Yes.

GERAGOS: And you were interviewed to see whether or not you walked the dog, and specifically on December 24th, correct?

MERENDA: Correct.

GERAGOS: And you said, you gave an explanation that on either the 21st or the 22nd of December that you were involved in an accident, or something; is that correct?

MERENDA: A little fender-bender in a parking lot.

GERAGOS: And that you specifically remembered that on the 24th you had done something in connection with that, correct?

MERENDA: My husband went down to pay for the body damage.

GERAGOS: Okay. And so that's why you had a clear memory in time later, year and half, two years later that you did not walk on the 24th?

MERENDA: Exactly.

GERAGOS: Okay. And you also had a memory that you and your son, I guess, had stayed home that morning and made candy Christmas ornaments. So that stuck in your mind as well?

MERENDA: Yes.

GERAGOS: And generally when you did walk, you would walk at seven in the morning; is that correct?

MERENDA: Probably around that time of season, because it's dark. So I try to wait until light comes up. So I would say around 7:00 o'clock, earlier, maybe.

GERAGOS: And what time would you normally get back to the house?

MERENDA: Usually twenty minutes, thirty minutes later.

GERAGOS: Okay. So the latest you would be home would be 7:30?

MERENDA: 7:20. If I went another, twenty till, quarter until seven, yeah.

GERAGOS: And you were not pregnant in December of 2002?

MERENDA: No, I was not.

GERAGOS: And you did, was your hair the same color that it is today?

MERENDA: Pretty much.

GERAGOS: For the record indicating blonde, on the blonde side?

MERENDA: Yes.

GERAGOS: Okay. Now, specifically, specifically you would walk I guess this area right there that's yellow highlighted; is that correct?

MERENDA: Yes.

GERAGOS: Okay. And that's a dirt path along there?

MERENDA: There is a dirt path at the end of Covena that I would go down, go into the park. And then there is a pump house with a paved hill mid point at Edgebrook. I usually come up there, or reverse the track, whatever.

GERAGOS: Reverse, come back up the part at the end of the walk?

MERENDA: Correct. But I would add a little bit for the neighborhood in there.

GERAGOS: Okay. And you have no contact with either Scott or Laci except they once took your son trick-or-treating?

MERENDA: Yes.

GERAGOS: And that was in the year 2002?

MERENDA: Yes. Halloween.

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

Redirect Examination by Birgit Fladager

FLADAGER: Miss Merenda, on days when you did not have to work, you decided to walk your dog, did you walk him early in the morning like you would when you worked? Did you tend to walk later?

MERENDA: Early. Pretty much the same time.

FLADAGER: Usually the same time?

MERENDA: Un-huh.

FLADAGER: Thank you.

JUDGE: Any questions in that regard, Mr. Geragos?

GERAGOS: No.

JUDGE: Miss Merenda, thank you. You may be excused. Thank you.