Witness: Michael Robert Imelio

Date: 2004-06-17

Proceedings held June 17, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – 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. Imelio, would you just state, just briefly for the jury, what's your business?

IMELIO: I own and operate a pool service company.

DISTASO: And is part of that, part of your business, do you clean people's pools and repair people's pools, do that kind of business?

IMELIO: That is correct.

DISTASO: And the nature of your business is that you go to people's houses. I mean obviously they don't bring the pool to you, correct?

IMELIO: That's correct.

DISTASO: And did you service, or were you contracted to service the Petersons' pool in, some time in early 2002?

IMELIO: Yes, I was.

DISTASO: And when I say the Petersons, I'm talking about Scott and Laci Peterson at 523 Covena?

IMELIO: That's correct.

DISTASO: As part of your business, do you become familiar with your client's dogs, if they have them, that are in the backyards?

IMELIO: Definitely.

DISTASO: Let me just show you a picture of 27-A, and ask you, do you recognize the dog in that picture?

IMELIO: Looks a great deal like McKenzie.

DISTASO: Let me show it to you up close.

IMELIO: Yes, that looks familiar.

DISTASO: Okay. And you knew the Petersons had a dog named McKenzie?

IMELIO: Yes, sir.

DISTASO: And it was a Golden Retriever type dog?

IMELIO: Yes, sir.

DISTASO: Can you tell the jury, let me ask you this way, ask you do describe it. Would it be fair to describe the dog as a barker?

IMELIO: Very much, with me.

DISTASO: Okay. Can you just describe for the jury, when you would come to service the pool, how the dog would act or react?

IMELIO: Generally by the time I parked my car, McKenzie started barking. Heard any truck pull in, whatever, I don't know. But the dog generally, before I hit the front gate, McKenzie started barking.

DISTASO: Let me stop you real quick. Let me just show you a diagram. This has been previously testified to as a schematic diagram of the Petersons' home. And just take a quick look at it. Do you recognize that as the basic outline of the home?

JUDGE: You can lead him through it?

DISTASO: Okay. And people have already testified that this is a schematic diagram of the Petersons' home. And when you would come service the pool, here is Covena. Where would basically you park your car, usually?

IMELIO: Well, if the driveway was empty, I would pull into the driveway. I always entered through this gate, every time. Sometimes if one or both vehicles were there, I parked on the street, walked up the driveway, and enter through the same gate.

DISTASO: And when you parked your car and start walking up, could you hear the dog barking?

IMELIO: Yeah.

DISTASO: And was it barking loudly?

IMELIO: Yeah.

DISTASO: Okay. And then what would happen when you would go inside?

IMELIO: He would come up and greet me. He would come up and greet me. Usually sniff around my pouch looking for dog biscuits.

DISTASO: Let me stop you. Do you, as a habit, carry dog treats like with you?

IMELIO: Yes.

DISTASO: And is that for dealing with the dogs when you are in the backyard?

IMELIO: Yes. Self-preservation.

DISTASO: And would the dog, would you give the dog a treat?

IMELIO: Oh, yeah.

DISTASO: And then what continues? Would he continue to bark at you?

IMELIO: Oh, oh, yeah.

DISTASO: It has a pool there, so you go back and you do your service of the pool?

IMELIO: Yeah. First thing I generally do is check the water balances. The equipment pad was generally right here on this corner of the house outside on the concrete pad. And I, after I check the water chemistry, do any balances there, if I noticed something audibly wrong with the pump, I would go check it.

DISTASO: While you were doing that, was the dog still barking?

IMELIO: Correct.

DISTASO: And what else would you do?

IMELIO: That was about it. Stops anywhere from three minutes to sometimes eight minutes, if there was a problem that needed to be addressed.

DISTASO: And you would do that, then you would leave?

IMELIO: Correct.

DISTASO: And would the dog still be barking?

IMELIO: Yes.

DISTASO: And as you got in your car and drove away, would the dog still be barking?

IMELIO: Yes.

DISTASO: Did you ever, I think you told me when we talked, that most of the time, like 80 percent of the time, you would do these services, and you would be alone in the backyard with the dog?

IMELIO: That is correct.

DISTASO: And then maybe 20 percent of the time, or so, either Mr. Peterson or Laci Peterson would be present?

IMELIO: Yeah. Yeah, that would be an estimation. I don't keep records on that. But that would be very close.

DISTASO: Okay. And the time, did you ever have occasion to be back there servicing the pool when Laci was back there by herself with the dog?

IMELIO: On occasion, yes, she would come out.

DISTASO: Okay. And would the dog be barking?

IMELIO: Dog always barked when I was there.

DISTASO: And did you, where did the dog position itself when you were there with, when it was just you and the dog and Laci?

IMELIO: Usually near Laci.

DISTASO: And, all right. So then you did service the pool, and you would leave?

IMELIO: Correct.

DISTASO: And then how many times do you think you, or what days did you service the pool?

IMELIO: I service the pool on Tuesdays.

DISTASO: And did you do that from pretty much early 2002 until December 2002?

IMELIO: Yes. As soon as the pool was completed, and I'm guessing it was around March, maybe April, I did the startup for Gary King, who was the contractor. And then they retained my services to do chemical service on the pool water sanitation program.

DISTASO: The maintenance of the pool?

IMELIO: Correct.

DISTASO: And so pretty much from April-ish, you would come every Tuesday and do this, and the dog pretty much barked like you described the whole time?

IMELIO: Yeah.

DISTASO: Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Thank you. Good afternoon. I thought you just said that you come by on Tuesdays. Is that what you said?

IMELIO: Correct.

GERAGOS: Did you tell the Modesto Police that you would come by weekly on Mondays? Show you a Grogan report 12-28-02. The yellow highlighted. Read to it yourself. Refreshes your recollection as to when you go by there?

IMELIO: I recollect I would go by on Tuesdays.

GERAGOS: Did you go by on Tuesday, the 24th of December a Tuesday?

IMELIO: No. I took that entire week off of work.

GERAGOS: Okay. And is the, whenever you have, say, a dog would bark, or get between you, bark like crazy, go side-to-side?

IMELIO: Yeah. Not really. I mean the dog was pretty sedentary. Didn't make aggressive movements towards me, or away from me. It appeared to me to be an alert, nothing more than that.

GERAGOS: Okay. And I assume that when you were there, if you saw Laci and you saw the dog, you are not making any movement towards Laci, are you?

IMELIO: No way.

GERAGOS: Okay. So I'm assume you never seen what the dog does if somebody were to try to grab her?

IMELIO: No.

GERAGOS: You don't have any idea as to what he would do?

IMELIO: No.

GERAGOS: Your instinct is, at least, based upon what you saw, your dog, is that a protective, probably bark like crazy if somebody played a move towards her; is that right?

IMELIO: That I think is fair.

GERAGOS: Thank you. I have no further questions.

DISTASO: No follow up questions.

JUDGE: Thank you, Mr. Imelio. You can be excused.