Witness: Angelo Cuanang

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Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Pat Harris; 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. Cuanang, what is your occupation?

CUANANG: I'm a writer and also a commercial fisherman.

DISTASO: And are you familiar with the different types of fishing there are in the San Francisco Bay?

CUANANG: Yes. I have been doing it almost all my life, for Sturgeon.

DISTASO: And I hate to put you on the spot. Since you have been doing it almost all your life, how old are you?

CUANANG: I'm 48.

DISTASO: So is it fair to say you have been fishing in the San Francisco Bay for over forty years?

CUANANG: Yes.

DISTASO: And, basically, what types, if you could just give us a quick rundown of the main types of fish that you fish for, both commercially, and in your writing, and your sport fishing?

CUANANG: All the major Bay Area species: Salmon, Striped Bass, Sturgeon, Halibut, Albacore Tuna, your rockfish, Lingcods. Just about everything.

DISTASO: Pretty much the gamut of fish that are present there in the Bay, or in the area under the Golden Gate, kind of outside the Bay?

CUANANG: Yes.

DISTASO: Have you ever written any books regarding fishing in the San Francisco Bay?

CUANANG: Yeah. We have done actually three books. We have done one on Striped Bass and two on Sturgeon fishing.

DISTASO: And when you say "we", is your primary fishing partner your brother?

CUANANG: Yes.

DISTASO: What's his name?

CUANANG: Abe Cuanang.

DISTASO: Let me mark this next in order. It's one of Mr. Cuanang's books, your Honor.

JUDGE: That will be People's next in order. That's number 170.

DISTASO: Mr. Cuanang, is this, People's 170, is this one of your books that you and your brother wrote regarding Sturgeon fishing?

CUANANG: Yes.

DISTASO: And have you ever written any articles regarding the different types of fishing in the San Francisco Bay?

CUANANG: Oh, yes. I have done hundreds.

DISTASO: And can you give the jury and the Court just a, just give us three or four of the magazines that you have published articles in?

CUANANG: Salt Water Sports Magazine, Western Outdoors Magazine, Pacific Coast Sport Fishing, Marlin Magazine.

DISTASO: That's fine. Is that kind of a representative sample of the types of writing that you have done?

CUANANG: Yes.

DISTASO: And, finally, do you ever give any lectures or instruction in fishing in the San Francisco Bay?

CUANANG: Yes, I do slide presentations at the International Sportsmen's Expositions during the winter.

DISTASO: During the wintertime?

CUANANG: Un-hun.

DISTASO: And, your Honor, at this time I'd offer him as an expert in fishing in the San Francisco Bay.

JUDGE: Any voir dire?

HARRIS: No.

JUDGE: We'll accept Mr. Cuanang as an expert on fishing in San Francisco Bay.

DISTASO: Mr. Cuanang, let me start off with, are you familiar with Sturgeon fishing?

CUANANG: Yes.

DISTASO: And, specifically, I'm asking about Sturgeon fishing in the San Francisco Bay.

CUANANG: Yes.

DISTASO: And approximately, do you think over your lifetime, how many Sturgeon have you caught in the San Francisco Bay?

CUANANG: I don't have an exact number, but it's probably in the thousands.

DISTASO: And this book, People's 170 that I put in front of you, this is a book that's pretty much, actually, I guess it is devoted to Sturgeon fishing in the San Francisco Bay?

CUANANG: Yes.

DISTASO: Who is that on the front?

CUANANG: That's me.

DISTASO: Okay. Looks like maybe a little bit younger day; but that's you, right?

CUANANG: A little leaner.

DISTASO: And the fish you are holding is a Sturgeon?

CUANANG: Correct.

DISTASO: And the rod and reel that you have there, is that kind of a typical Sturgeon setup?

CUANANG: Yes.

DISTASO: Let me put that on the screen so the jury can see. What are, that's obviously a very big fish, correct?

CUANANG: Yes.

DISTASO: About on People's 170, on the cover, about what did that fish weigh?

CUANANG: About 90 pounds.

DISTASO: And how long was it?

CUANANG: Approximately 70 to 72 inches.

DISTASO: So roughly six feet?

CUANANG: Yes.

DISTASO: Now, are there size restrictions for Sturgeon?

CUANANG: Currently, yes. There is what they call slot marks. You are allowed to keep Sturgeon from 46 to 72 inches. Anything smaller or larger than those two marks has to be released.

DISTASO: When you catch a Sturgeon it has to be, 46 is, what, roughly four feet?

CUANANG: Uh-huh.

DISTASO: Between four and six feet?

CUANANG: Right.

DISTASO: If it's in that range you get to keep it?

CUANANG: Yes.

DISTASO: If it's outside of that range you have to release it?

CUANANG: Yes.

DISTASO: What is the primary time of year that you fish for Sturgeon?

CUANANG: Primarily for the bay system it would be the winter months. December on through maybe the early spring. March is our prime time.

DISTASO: Why would that be?

CUANANG: During that particular time period we have several factors. For one thing, the herring, which is a small bait fish, they come to the Bay to spawn, and this attracts the Sturgeon, because when the herring are in there, they start to eat the Herrings, and when the herring leave, that drags the fish down into the system. Also, this particular time period, the wintertime, we have a lot of rainfall, and we start getting runoff. And that often gets the Sturgeon to feed more actively on the bottom, and they come into that,

DISTASO: Let me stop you there. Why does the runoff, the fresh water flowing into the bay, why does that get the Sturgeon feeding more active?

CUANANG: They get more current movement turning the bottom. And also what happens with the fresh water, it pushes out the, what we call the junk species. You get your small crabs, your Kingfish, or your flounders which compete with the Sturgeon for food. They don't like the fresh water. The fresh water pushes them out further down into the Bay system where it's saltier.

DISTASO: Let me stop you. So as the fresh water flows in through the Delta, correct?

CUANANG: Yes.

DISTASO: It flows into the northern part of San Pablo Bay?

CUANANG: Yes.

DISTASO: That fresh water mixing with the salt water pushes the salt water species down further south?

CUANANG: Yes.

DISTASO: And do the, can the Sturgeon live in that water, kind of between salt water and fresh water?

CUANANG: Yes, they can. They are Anadromous. They are born in fresh water. They live the rest of their lives in brackish or salt. When they have to pawn, they come back in to fresh water again. So,

DISTASO: They can live in either fresh or water or salt water?

CUANANG: Yes.

DISTASO: During the winter months when you are fishing for Sturgeon, let me mark this next chart.

JUDGE: That's a new exhibit. 171.

DISTASO: Your Honor, I'm going to mark it A and B, because on one side is the North Bay, and on the other side is the Middle Bay.

JUDGE: All right. Map The Court can take judicial notice of the map, so I'll just admit that in evidence. Exhibits 171A & B

GERAGOS: North Bay is A?

DISTASO: North Bay is A.

GERAGOS: What did you say was B?

DISTASO: Middle Bay.

GERAGOS: Middle.

DISTASO: In late December where is typically the primary place to go fishing for Sturgeon?

JUDGE: Mr. Cuanang has the pointer. You are showing what, the A?

DISTASO: Showing you 171-A, the North Bay.

CUANANG: Okay. This particular time of year, most of the fish will be scattered throughout this region here. It's a huge area. Mostly up in here.

DISTASO: That would be in the northern part of the San Francisco Bay, the San Pablo Bay?

CUANANG: Correct.

JUDGE: Is that San Pablo Bay?

CUANANG: Yes. Northern part of the San Francisco Bay is called the San Pablo Bay.

JUDGE: I know that. But just what you are indicating is San Pablo Bay?

CUANANG: Yes.

DISTASO: For the record it's marked on the chart as San Pablo Bay?

CUANANG: Yes.

DISTASO: Could you circle the Berkeley Marina just so we have an idea where it's at? Just go ahead and circle it. Going to circle that in red for the record. Okay. You can go ahead and have a seat.

JUDGE: Where is Brooks Island?

CUANANG: Brooks Island?

JUDGE: Can you see it on the map?

CUANANG: It's not shown on this particular map. Should be right here.

JUDGE: Okay.

DISTASO: Actually, let me show you. Do you recognize this as Brooks Island right here?

CUANANG: Yes.

DISTASO: Okay. It's on the map. Circle it, too, just for the record. I'm going to circle that in red and label it. Now, to catch these particular fish, what type of rod do you usually use?

CUANANG: Were usually I'll use a seven foot rod rated for 12 to 40 pound test, heavy backbone, and a very, very sensitive tip. Even though it's very large size fish, it is a very sensitive feeder. You have to be able to see the bite of the Sturgeon. Conventional type reel loaded with a minimum of 200 yards of line, from 25 to 50 pound test.

DISTASO: Let me stop you. When you say conventional type reel, is this, does the picture that's shown on your cover of your book, does that show what a conventional type reel looks like?

CUANANG: Yes.

DISTASO: That's your typical Sturgeon rig right there?

CUANANG: Yes.

DISTASO: Do you know what terminal tackle is?

CUANANG: Yeah.

DISTASO: What is that? Can you explain that for the jury?

CUANANG: Terminal tackle is the end of the line which goes into the water. For Sturgeon, that's where you put your bait, and that's where your hooks are attached.

DISTASO: All right. Let me stop you. What do Sturgeon eat?

CUANANG: Sturgeon, when they are in the bay system, they are, primarily they are a bottom feeder. And they are just sucking up items on the bottom, mainly different types of shrimps: Ghost shrimp; grass shrimp; mud shrimp. Anything that's on the bottom there. And also the herring which I mentioned earlier, they will eat those also.

DISTASO: When you fish for Sturgeon, do you use bait, you know, like organic kind of bait? Or do you use artificial lures?

CUANANG: Bait. All bait.

DISTASO: Let me mark, did you bring a line of terminal tackle with you to show what you set up?

CUANANG: Yes, I did.

DISTASO: I'm going to mark this cellophane bag, your Honor, next in order. Going to contain the terminal tackle.

JUDGE: That would be 172. Bag of Tackle

DISTASO: Can you show the jury how you rig a typical Sturgeon, end of a Sturgeon rig for bait?

CUANANG: This is a typical Sturgeon fishing rig. It's called a sliding sinker setup. This is a sliding sinker which has a snap. When you tie your sinker to this part of the line here, this goes to the rod and reel system. This is the leader system. This is composed of 60 pound Sevalon

cable. It's plastic coated. And your hooks are six-oh beak style hooks.

DISTASO: How big are the ghost shrimps?

CUANANG: Ghost shrimp, three inches, two and a half inches.

DISTASO: So do you put one of those on each of the hooks?

CUANANG: Yes. You put one on each hook.

DISTASO: And the triangular sinker that you have, how much does that weigh?

CUANANG: This is a four ounce sinker right here.

DISTASO: And what is that used for? Why is that on there?

CUANANG: The reason for the sinker is to keep the bait stationary on the bottom. The Sturgeon is a bottom feeder. If your bait isn't on the bottom, you are not going to catch any Sturgeon.

DISTASO: In order the catch the fish, you basically have to have the bait laying on the bottom?

CUANANG: Correct.

DISTASO: And, now, what is the purpose of, let me show you here, this little red, this sliding thing here. What's the purpose of that?

CUANANG: That's a sliding sinker sleeve. This allows the line to slide back and forth like this, so when you have your bait on the bottom, when the Sturgeon picks up the bait, he starts to pick up the bait, he doesn't feel the weight of the sinker. And this, when he takes the bait, this bite when he takes the bait is transmitted to the rod before he actually feels the weight of the sinker. By then you are supposed to have set the hook.

DISTASO: The angler can tell when he picks up the bait, starts moving away, the angler can tell by watching the tip of the rod?

CUANANG: Yes.

DISTASO: Set the hook, which means pull up on the rod?

CUANANG: Yes.

DISTASO: Then you can hook the fish. You can go ahead and have a seat. Now, can you troll for Sturgeon?

CUANANG: No. It's illegal in California to troll for Sturgeon.

DISTASO: Why is that?

CUANANG: Well, primarily when they did troll, back before 1956, they were snagging the fish. When you troll, primarily you are hooking fish. When I say snagging a fish, that means you are hooking the fish other than in the mouth. Right now the Sturgeon has to voluntarily take the bait into its mouth. You can't hook them anywhere in the body. If he's hooked in the tail or the middle of the body, he has to be released.

DISTASO: And what is the purpose of, why are those regulations in place?

CUANANG: Because the Sturgeon population at the time was, they just reopened the fishery back in the fifties, and anglers at that time, at that particular time did not know how to catch them. They don't know what they were feeding on at that time. The guys were just snagging them regardless of whether the fish were biting or not. They were able to catch them by snagging them in the body.

DISTASO: Now, the, what are the average weights of a legal size Sturgeon? So from roughly four feet to six feet, what's the kind of weight range you get in fish that size?

CUANANG: You are talking about 25 pounds up to maybe 110, 120 pounds.

DISTASO: And Sturgeon can get much bigger than that?

CUANANG: Historically they have fish in the systems up to 1500 pounds.

DISTASO: I think there is a picture in your book that's like 1500 pounds?

CUANANG: Yes.

DISTASO: All right. How do you land a Sturgeon? Or how do you get it into the boat?

CUANANG: Right now the only way that you are allowed to land Sturgeon in our California waters is to use either a large landing net, or you are allowed to use a snare system. You cannot gaff, use a gaff hook. Or you could also land a fish by using your hands.

DISTASO: Let me stop you. Before I switch pictures, show a different method. This, the way you are holding the Sturgeon there with your hand like underneath its gills, is that a way to land the Sturgeon?

CUANANG: That is one way. Very difficult. Probably the most difficult way to land one.

DISTASO: Why is that hard to land it by hands like that?

CUANANG: Because they are struggling. You are reaching over the side of the boat. And very slippery. They are slimy.

DISTASO: Now, you said the other ways. One is to use a snare. Let me show you a picture. Unfortunately, well, let me just ask you here. This is a picture of you fishing from a small boat in the bay, correct?

CUANANG: Correct.

DISTASO: And that boat is thirteen feet?

CUANANG: Yes.

DISTASO: And there is three of you in there?

CUANANG: Yes.

DISTASO: And it looks like someone is landing a fairly large Sturgeon?

CUANANG: Yes.

DISTASO: About how big is that particular Sturgeon?

CUANANG: That fish is about 60 pounds.

DISTASO: Okay. And it's hard to see, but the person to the far left of the picture, he's holding a loop of rope in his hand, right?

CUANANG: Yes.

DISTASO: And what is he preparing to do?

CUANANG: Preparing to snare the Sturgeon.

DISTASO: How do you use that rope to snare the Sturgeon to bring it into the boat?

CUANANG: What they do to land the fish once he's tired, you take the snare, which consists of the rope and a small loop on one end. You pass the main part of the rope through this there so you create a larger sliding loop. That's passed down the, over the rod and eventually down the line and over the head of the fish. Once you get past the pectoral fins, then you tighten up. That locks it up. Once you get past those pectoral fins, it's locked up. You pretty much have him right there. You just pull him in.

DISTASO: Okay. What's the final way? There is landing by hand, snaring him. What is the spinal way?

CUANANG: A large landing net for smaller Sturgeon.

DISTASO: Let me, this one is going to be too small to come out. This is a picture of, I think, your brother using a large landing net to land the Sturgeon?

CUANANG: Yes.

DISTASO: And about how big in diameter are those particular landing nets?

CUANANG: That particular net, I'm not exactly sure. I think it's, I think it's around fifty. I'm not sure, though.

DISTASO: Fifty inches?

CUANANG: Yeah.

DISTASO: Now, the Sturgeon, are you allowed to shoot them to subdue them?

CUANANG: No, you are not allowed to shoot them.

DISTASO: Now is the San Pablo Bay the only place that you can catch Sturgeon in the bay?

CUANANG: No. There are other spots in the bay. Like the Marin coastline, all the way down there to the southern portion of the Bay.

DISTASO: Have you ever known the area around the Berkeley Marina to be a place where you can fish for Sturgeon?

CUANANG: Not for me.

DISTASO: Are the tides at all important when you are fishing for the Sturgeon?

CUANANG: Yes, the tides are important. Ideally the faster moving tides, they seem to activate the fish in feeding, current movement scours the bottom roving for food items. It's more active when you have the stronger tides.

DISTASO: When the tides are moving?

CUANANG: Correct.

DISTASO: Can you tell the jury how to, if you drive your boat into the San Pablo Bay, the tide is moving, how, running and moving, how do you set up to fish for Sturgeon?

CUANANG: Once you move into a area in the San Pablo Bay, we will look for jumpers. These fish, they are odd. And that's part of they are, how we locate, actually just jump out of the water. We use a Fish Finder. Once we locate a good movement of fish, we slowly move in there, quiet engine. Just show trolling speed. We mark fish on the bottom, or we see the jumpers, then we get ready to anchor. Lower the anchor as quietly as possible, and make sure the anchor is buried into the bottom stationary, because you have to be anchored when you fish for Sturgeon. You can't be in a moving boat. Can't be drifting slowly. Can't be moving back and forth. Has to be stationary. You are not going to be able to see that very soft bite of a Sturgeon. The Sturgeon, even though they might be 200 pounds or 400 pounds, they all bite same. It's a very gentle bite.

DISTASO: Okay. When you say it's, so when you say you have to be anchored and kind of have your anchor buried in the mud, what kind of anchor do you use?

CUANANG: I use a claw style Bruce anchor that digs into the bay, section of chain ahead of that to help bury the front of the anchor down so you are stationary. You don't move.

DISTASO: And this kind of anchor that you have, does it look kind of like a hook?

CUANANG: Kind of the shape.

DISTASO: When it goes in, it hits the bottom, and the hook portion digs into the mud?

CUANANG: Yes.

DISTASO: The majority of the Bay bottom, have you found it to be like mud or soft?

CUANANG: Majority, yes, it's very soft.

DISTASO: Let me ask you about Striped Bass fishing. Striped Bass fishing can also be done in the bay; is that right?

CUANANG: Yes.

DISTASO: And when is the primary season that people fish for Striped Bass?

CUANANG: Spring, summer, early fall.

DISTASO: And why is that? Why are those good times to fish for this particular kind of fish?

CUANANG: These are, when the fish move down into the system from the Delta region, they feed actually in the Bay system. There are lots of bait fish down there. The Anchovies, Sardines, small bait fish, they come to feed.

DISTASO: In the wintertime, does the Striped Bass, do they feed differently?

CUANANG: They do. Once the water cools off, when it starts getting colder, the metabolism of the Striper changes. They are not chasing as actively. Then they settle down to the bottom. They feed more on the bottom like a Sturgeon.

DISTASO: If you were going to fish for Striped Bass in the wintertime, what type, what kind of rig or terminal tackle would you use?

CUANANG: I would use a rig like what I showed you, and I would go anchor fishing up in the San Pablo Bay.

DISTASO: So you would basically, in a sense, do the same thing you are doing for the Sturgeon?

CUANANG: Correct.

DISTASO: Would you use the same kind of baits?

CUANANG: Yes.

DISTASO: And what are, just what are some of the baits you could use?

CUANANG: The primary baits up in that region at that time, your ghost shrimp, grass shrimp, and mud shrimps.

DISTASO: During the spring and summer months, can you fish for Striped Bass with lures?

CUANANG: Yes.

DISTASO: And a lure is, just for the jury's information, is how would you describe the lure?

CUANANG: It's an artificial, made out of metal or wood, with hooks attached to it. Of course, when moving through the water, it represents a bait fish. And the predatory fish like Stripers, of course, tries to eat this imitation.

DISTASO: So during the spring, summer, and early fall months, the fish are feeding on bait fish more than on bottom species?

CUANANG: Correct.

DISTASO: And then they, as the water cools, their metabolism slows down, they kind of switch to a different feeding style?

CUANANG: Yes.

DISTASO: Now, as part of this case were you asked to look at some particular fishing equipment?

CUANANG: Yes.

DISTASO: Let me show you this rod here. Defense V-1. Defendant's V, as in Victor, 1. And have you seen this rod?

CUANANG: Yes.

DISTASO: You have previously looked at this?

CUANANG: Yes.

DISTASO: Would you say this rod is rigged for Sturgeon fishing?

CUANANG: No.

DISTASO: And this lure that's on the end of it here, what primarily would this lure be used for?

CUANANG: Fresh water Black Bass.

DISTASO: Do you see any other kind of terminal tackle that you would need on this particular rod to fish for bait for either Sturgeon or Striped Bass in the wintertime?

CUANANG: No.

DISTASO: Now, this particular rod is rated for a line weight of 18 to 20 pounds. Would this be a rod that you would take out Sturgeon fishing?

CUANANG: No.

DISTASO: What about for Striped Bass? What about for Striped Bass fishing?

CUANANG: Yes, you could use it for Stripers.

DISTASO: And it has a lure weight of one to three ounces. What does that mean?

CUANANG: That is the weight that works best with that particular type of rod.

DISTASO: And what do you mean by works best?

CUANANG: Easy to cast, is not too heavy, won't break the rod tip when you cast.

DISTASO: The kind of weights that you need to use for Sturgeon fishing or Striped Bass fishing with bait are from what size? Like this sinker here is how many ounces?

CUANANG: That's four ounces, all the way up to a pound. Because the currents really move very quickly in the bay at times. Up to a pound.

DISTASO: So for bait fishing on the bottom, you need to use weights from anywhere from roughly four ounces to a full pound?

CUANANG: Yes.

DISTASO: Would you be able to cast a full pound weight from that particular rod that I just showed you?

CUANANG: Not easily. I could do it, but not very easily.

DISTASO: Would it take someone who has a lot of experience fishing?

CUANANG: Yeah, I would say so. Yes.

DISTASO: These other rods, this is defendant's V-3. This rod doesn't even have a handle. Do you see that?

CUANANG: Yes.

DISTASO: In your opinion this would just not be functional?

CUANANG: That's not nothing functional.

DISTASO: And people's, I mean Defendant's V-2. This particular rod still has the tags on it. So it hasn't been used; is that right?

CUANANG: No line. Nothing on there.

DISTASO: Let me ask you, you described the type of anchor that you use. Are you familiar with, and we have looked at the picture of you fishing in that thirteen foot boat. Are you familiar with fishing in the Bay in smaller size skiffs?

CUANANG: Thirteen foot is probably the smallest I have fished in the Bay.

DISTASO: And the type of fishing you did with that, were you still required to anchor the boat?

CUANANG: Yes.

DISTASO: What type of anchor would you use for that particular boat?

CUANANG: Same type. And there is another type which is called a Danforth, which also works.

DISTASO: What does that one look like?

CUANANG: Danforth has two sharp flukes that face down. When you drop it in the water and it hits the bottom, the two sharp flukes dig into the bottom.

DISTASO: Let me show you this particular anchor. This is People's 72. Would you consider this anchor sufficient for fishing in the San Francisco Bay?

CUANANG: No.

DISTASO: And would a small cement anchor like that be able to hold even a thirteen foot boat steady in the San Francisco Bay?

CUANANG: In any kind of current, or any kind of wind, you are going to be drifting. There is nothing on this anchor to grab the bottom.

DISTASO: And I was going to ask you, why is that? Does that anchor have any of the grabbing ability that the anchors that you have described?

CUANANG: No.

DISTASO: Now, a small, a small boat like you fish from, those thirteen footers, can you pull a large Sturgeon into a small boat like that?

CUANANG: Yes.

DISTASO: And that didn't cause you any problems, correct?

CUANANG: No.

DISTASO: If, once you get the Sturgeon into the boat, even a big Sturgeon, say, like the one we saw on the cover of your book, People's 170, even a big Sturgeon like that, if you got it into the boat and, say, you determined that it was too big to keep and you needed to release it, could you go ahead and release it and get it back out of the boat?

CUANANG: Yes.

DISTASO: How would you do that?

CUANANG: First, I would put the, lift the head up, get the head up on to the gunwale, start pushing from the back. Once the head is up on the gunwale, usually the pectoral fins will flare. When they are like that, it won't slide back. Pectoral fins will keep it then from sliding back. Eventually lift enough body weight forward, it slides right in.

DISTASO: Slide right in. Let me show you, let me ask you about another thing. This was Defendant's 4 G's, GGGG. Looks like something from a fishing report. Are you familiar with these, Captain Hook's Sport Fishing?

CUANANG: Yes, I have seen that before.

DISTASO: Is that a sport fishing site for Northern California?

CUANANG: Yes. USA fishing.

DISTASO: Okay. It says in the, reading here, it says there are a few bass running around the northern reaches and some eastern points of the San Pablo Bay, but fishing for them is a real crap shoot. Where would they be talking about? If we look at People's 171-A, what portion of the Bay would they be talking about?

CUANANG: Talking about, if they are talking about the eastern reaches, the mouth of Sonoma Creek up in here, mouth of Petaluma. They are talking about the points. There is some of the points right here. This is the Brothers area and also the Sisters area over here.

DISTASO: You can have a seat again. People's 74 contains two lures that are obviously unused, correct?

CUANANG: Right.

DISTASO: But let me ask you what they are for. One is called a Striper Bucktail Lure. Do you see that?

CUANANG: Yes.

DISTASO: What type of fishing do you do with that lure?

CUANANG: You can use it casting for Striped Bass.

DISTASO: And so during the spring or summer months when the fish are feeding, chasing lures, would that be a good lure to use?

CUANANG: Yes.

DISTASO: What about in the wintertime when the fish would be primarily feeding on the bottom?

CUANANG: You are better off using bait during that particular time period.

DISTASO: This other, this second lure is called a Diamond Jig. What is that lure used for?

CUANANG: This is primarily used for, in our area, jigging over the deep reefs, say, like out near the Farallones, or the Cordell Banks for rock fishing, Lingcod.

DISTASO: Just so the jury probably, I don't know, maybe they do. I don't know where those areas are. Where would these areas be? Would knows be inside the San Francisco Bay?

CUANANG: No. This is out in the ocean. Farallones is 27 miles from the Golden Gate Bridge. Cordell is 45 miles.

DISTASO: So that particular lure, would that have any usefulness inside the San Francisco Bay?

CUANANG: Inside the Bay, no, I wouldn't use this for anything.

DISTASO: Let's go back to fishing in a small boat in the Bay. You have already told us you can take a small boat out in the Bay and use it to fish, correct?

CUANANG: Correct.

DISTASO: What are the limitations that a small boat, say, a thirteen footer or fourteen footer would have?

CUANANG: You always have to watch the weather very closely, watch the wind conditions, because that's what can get you, the wind. If it gets windy, you just can't go out there and fish. Can get dangerous. You could flip the boat over.

DISTASO: If the water is smooth in the Bay, you can take the small boat out into the Bay?

CUANANG: Yes.

DISTASO: Without too much trouble?

CUANANG: Yes.

DISTASO: If the wind starts to pick up, where would you have to go in a small boat in order to, you know, be safe, or to kind of get back?

CUANANG: Stick close to shore, work in the spots mostly close to shore, and always be close to your point of entry, your launch point. And if it does come up, you have a quick run back home.

DISTASO: This tackle box. Let me show you Defendant's W. Have you looked inside this before?

CUANANG: Yes.

DISTASO: Let me just put it here on the ground in front of you. If you had to give an opinion as to what the, primarily what the equipment in there was used for, what would you say that was primarily used for?

CUANANG: I would say fresh water Black Bass, and maybe some trout.

DISTASO: Is there, just so we're a hundred percent clear, is there any equipment in there that at some time of the year could be used in the San Francisco Bay?

CUANANG: You could possibly use these here.

DISTASO: Okay. Can you pull those out, just show them to the jury?

CUANANG: Okay. Little top water plugs, you can work at times for Striped Bass when they are feeding on the surface. And this diving plug can also be used.

DISTASO: Those particular plugs, would these be a good lure to use when the fish are in the wintertime feeding along the bottom?

CUANANG: No.

DISTASO: How do, do these lures operate on the bottom? Or do they operate somewhere in the water?

CUANANG: These operate right on the surface. That one will dive.

DISTASO: That means it dives down. Do you know how deep it goes?

CUANANG: I'm not sure exactly how deep that one dives.

DISTASO: Can you give us, give the jury some estimate or some range of how far these things go down?

CUANANG: That particular lure, five to eight feet.

DISTASO: Okay, you can put those back. Now, other than the San Pablo Bay, what other areas, just so the jury has an idea, other than the San Pablo Bay, what other areas in the Bay during the wintertime, say late December, would you be able to find, you might be able to find,

JUDGE: Can I, that phone call I'm waiting for is here. I'm going to go take that call now. I'll just be one second. Has to do with this issue I discussed.

<recess>

DISTASO: Mr. Cuanang, when we left off I was going to have you show the jury kind of the rest of the Bay where some places you might fish for sturgeon were. And can you show on People's 171 B where the Middle Bay is? There is a pointer there.

CUANANG: The Middle Bay is right along this shoreline here.

DISTASO: And that, for the record, would be along the Tiburon Peninsula?

CUANANG: Yes. Paradise Cove area. At times you can fish along the edge of Angel, but that's all herring spawn activity.

DISTASO: Okay. What does that mean exactly, the herring spawn activity?

CUANANG: The fish seem to only gravitate to particular areas, where the herring are spawning there. They come to eat the herring, and also the herring eggs.

DISTASO: Okay. Hold on a second. Just so everybody knows what that is, herring are small bait fish?

CUANANG: Small five to eight inch bait fish which come into the Bay in the winter to spawn.

DISTASO: Go ahead.

CUANANG: This region here and around here sometimes, a little. On Treasure Island, this particular region.

DISTASO: All right. Let me just circle for the, I'm going to circle the Berkeley Marina, just to orient you. You see it says Berkeley Yacht Harbor there?

CUANANG: Yes.

DISTASO: Your Honor, I'm going to use this map of the South Bay as well. We can just mark it 171 C.

JUDGE: Okay. 171 C. That's also a map. And the court will take judicial notice of the map also, and it may be admitted into evidence.

DISTASO: While she's marking the tag, you can go ahead, and kind of the same thing. Where would you look for sturgeon in this particular part of the Bay?

CUANANG: Other areas that we've done well, near the Alameda rock wall. Oakland Airport area. Western side of Hunter's Point. Candlestick area. Up near the center of the channel here and the San Bruno shoals. The San Mateo Bridge. Down along the edge of the channels up San Mateo, below the San Mateo, off Redwood City Creek. Down into the Dumbarton Bridge region. And the farthest south we've caught them was in Coyote Slough area.

DISTASO: So in the South Bay, it looks like, it's a huge body of water, correct?

CUANANG: Yes.

DISTASO: And it looks like there's a number of places where at certain times you can catch sturgeon?

CUANANG: That's correct.

DISTASO: And, again, I'm going to circle the Berkeley Marina on this map, just to orient it. And that's, you recognize that as the Berkeley Yacht Harbor there?

CUANANG: Yes.

DISTASO: You can go ahead and have a seat. I'll put that tag on. Nothing further, your Honor.

Cross Examination by Pat Harris

HARRIS: Good morning, Mr. Cuanang.

CUANANG: Good morning.

HARRIS: You're, thank you. You're a commercial fisherman?

CUANANG: Yes. Also,

HARRIS: And you make your living fishing, correct?

CUANANG: Fishing and also writing as well.

HARRIS: I believe you said you've been fishing since you were very young; is that,

CUANANG: Correct.

HARRIS: When you were, when did you actually start fishing for a living?

CUANANG: For a living? Oh, 1978.

HARRIS: My math's kind of bad. How old would that make you?

CUANANG: Pardon?

HARRIS: My math is kind of bad. How old would that make you when you started fishing commercially?

CUANANG: Oh, gosh, I was in my twenties when I started.

HARRIS: So up to then you just fished kind of for fun?

CUANANG: Yeah. I still do.

HARRIS: You're, obviously you've written three books and numerous articles. You are very, very knowledgeable on fishing?

CUANANG: I've done my time.

HARRIS: In fact, probably even be a fair statement, not to be too immodest, but you're probably one of the leading experts, certainly in North America, about sturgeon fishing?

CUANANG: Well, I haven't fished everywhere for the sturgeon.

HARRIS: But certainly on the West Coast?

CUANANG: Maybe.

HARRIS: I think you've been featured on even television shows that discussed your expertise; is that correct?

CUANANG: That's correct.

HARRIS: So it's not only fair to say that you're a commercial fisherman for a living --

CUANANG: Uh-huh.

HARRIS: but that you know a great deal about sturgeon fishing beyond even just making a living? As far as writing books, being on television, all those things, you are quite an expert on sturgeon fishing?

CUANANG: Yes.

HARRIS: When you make, when you're fishing for a living

CUANANG: Correct.

HARRIS: obviously your income depends on how well you can fish?

CUANANG: Yes.

HARRIS: And it pays to know everything you can possibly know about where to fish?

CUANANG: Yes.

HARRIS: It pays to know what exactly, exactly what type of lines to use?

CUANANG: Yes.

HARRIS: It pays to know exactly what the currents are?

CUANANG: As much as you can.

HARRIS: Those are things you have to know pretty much on a daily basis just to make your living, right?

CUANANG: Yes.

HARRIS: You don't know those things, you don't put food on the table?

CUANANG: Correct.

HARRIS: There is a, an entire different category of fishermen, other than commercial fishermen, called recreational fishermen; is that true?

CUANANG: Yes. For sport.

HARRIS: For sport. Sure.

9 And the recreational fisherman, you're familiar with recreational fishing; are you not?

CUANANG: Yes.

HARRIS: You see them out on the Bay all the time?

CUANANG: Yes.

HARRIS: In fact, the Bay is one of the favorite areas for recreational fisherman just to go out and throw out their lines?

CUANANG: Yes.

HARRIS: A lot of different fish out there?

CUANANG: Yes.

HARRIS: A lot of different possibilities, a lot of different options for fishing?

CUANANG: Yes.

HARRIS: In your years and, fishing in the Bay, you've seen a lot of, of recreational fishermen fishing who didn't quite do things by the way you would do them?

CUANANG: Yes.

HARRIS: In fact, it's safe to say that most recreational fishermen don't really have anywhere near the knowledge of sturgeon fishing that you do?

CUANANG: On the average I would say yes.

HARRIS: I assume one of the reasons you wrote the book is because the things that you wrote in the book weren't common knowledge to fishermen?

CUANANG: At the time, yes.

HARRIS: And you wanted to educate people?

CUANANG: Yes.

HARRIS: Let them know what your knowledge is about fishing?

CUANANG: Yes.

HARRIS: Okay. Because most people wouldn't know?

CUANANG: Yes.

DISTASO: Objection. Calls for speculation. Move to strike.

JUDGE: Sustained.

GERAGOS: He just answered.

JUDGE: Well, the answer can be stricken. He doesn't know that most people don't know.

HARRIS: By the way, in writing, as far as, you teach seminars as well?

CUANANG: Yes.

HARRIS: I think you've done numerous seminars?

CUANANG: Yes.

HARRIS: Do you ever, just off the top of your head, do you remember ever seeing Scott Peterson attend one of your seminars?

CUANANG: No, I couldn't say that, yes, no. No.

HARRIS: Fair enough. So as far as you know he's never come and listen to you discuss sturgeon fishing and exactly how it ought to be done?

CUANANG: Not that I know of.

HARRIS: Is it a fair statement to say, well, let me just go back a little bit. You've also, I believe in your book you even give a little bit about the history of sturgeon fishing?

CUANANG: Yes.

HARRIS: Kind of an old, old practice; is that correct?

CUANANG: The sturgeon fishing?

HARRIS: Yes.

CUANANG: Yes.

HARRIS: Correct me if I'm wrong on this because I'm not sure, but, in fact, the sturgeon eggs are what we know more informally as caviar?

CUANANG: Correct.

HARRIS: So sturgeon fishing goes all the way back to even the early century?

CUANANG: Yes.

HARRIS: Turn of the century?

CUANANG: Yes.

HARRIS: And they would harvest them for eggs and for caviar and so forth?

CUANANG: Yes.

HARRIS: I don't know, but I assume they also, is it a good fish to eat?

CUANANG: Oh, excellent eating fish.

HARRIS: Is it?

CUANANG: Yes.

HARRIS: This fishing went on to such an extent, sturgeon fishing went on to such an extent that at one point around the turn of the 20th Century, sturgeon almost became extinct; is that,

CUANANG: The numbers were, yes, quite reduced.

HARRIS: They were very low?

CUANANG: Yes.

HARRIS: In fact, in certain parts of this country, and I'm assuming that, well, let me rephrase it. Certain parts of the country, such as Florida, they're still considered practically extinct?

CUANANG: Yes.

HARRIS: To your knowledge, as far as the fishing done at the turn of the century and for the next 2000 years, was anyone using seven foot length rods that you recommend?

DISTASO: Objection, your Honor. For the, I didn't understand the question anyway. The next 2000 years?

HARRIS: For the past two,

JUDGE: Did you say 2000 years?

HARRIS: Yeah.

JUDGE: Objection's sustained.

HARRIS: I'll rephrase it.

HARRIS: Do you have any idea when that rod, those rods were manufactured?

CUANANG: These ones right here?

HARRIS: Yeah.

CUANANG: Within the last five years.

HARRIS: As far as you know, the, what you use as your fishing tools, what you recommend as your fishing tools, have all been manufactured in the last 20 to 30 years, correct?

CUANANG: Correct.

HARRIS: Prior to that, prior to having these ideal tools to catch sturgeon, people were still catching sturgeon, weren't they?

CUANANG: They were getting a few, yes.

HARRIS: Isn't it a fact so much so they were going out in their boats and they became almost extinct?

CUANANG: That was due to commercial fishing.

HARRIS: Well, they were also recreational fishermen catching them prior to that?

CUANANG: I would assume so.

HARRIS: In fact, it's not by any stretch of the imagination a requirement that what you testified to here is the only way to catch sturgeon, is it?

CUANANG: No.

DISTASO: Objection. It calls for speculation.

JUDGE: Can I have the question again? Let's see. Wait.

<Reading the realtime screen>

JUDGE: He can answer it. Overruled. You can answer that.

HARRIS: I'm sorry. The answer was yes?

CUANANG: Yes.

HARRIS: People have been catching sturgeon in numerous ways for many, many years, correct?

CUANANG: Yes.

HARRIS: And it didn't require any absolute perfect lures or perfect bait?

CUANANG: As far as, it took a change in the way they bait-fished for them. Prior to the 60s most of the anglers would just use cut baits, like a sardine, or whatever. Then a captain named Johnny Savera (phonetic) in the 60s caught incidentally a sturgeon. They opened it up, its gut cavity, and they found a bunch of shrimp in its stomach, and from that point on anglers really targeted sturgeon with the shrimp baits. And the catch rates increased from that time on.

HARRIS: And, in fact, I believe you testified prior to that, in the 50s they would actually, was there such a problem that people were actually accidentally catching sturgeon?

CUANANG: Not accidentally. Intentionally.

HARRIS: Intentionally?

CUANANG: Yeah. They were snagging them. They would troll with a large treble hooks, and the, they drag them across the bottom, and then they stuck a fish, be it in the head, or the tail, or the middle of the body, and they brought them in that way. And I guess at that point there was over-harvest and they stopped that practice.

HARRIS: Because it was causing even further damage and causing the environment

CUANANG: Yes.

HARRIS: in terms of making them extinct, correct?

CUANANG: (Nods)

HARRIS: So what you testified earlier to, the, what Mr. Distaso took you through, the, the type of rod, the type of tackle, the anchors, the exact areas to fish it in, those are ideal conditions for catching sturgeon, correct?

CUANANG: Ideal conditions? Explain that. What do you mean? As far as the anchors? The

HARRIS: The testimony that you gave, let's go through it a little slower. The, for example, the rods you're talking about using that would be preferable.

CUANANG: Yeah.

HARRIS: That's the ideal rods for catching sturgeon?

CUANANG: Yes.

HARRIS: That would be your recommendation?

CUANANG: My recommendation, yes.

HARRIS: And as far as the bait you mentioned, that would be the ideal situation?

CUANANG: Yes.

HARRIS: And as far as you testified to how you would arrange the anchor and what you would do in the, in the Bay specifically

CUANANG: Yes.

HARRIS: that would be the ideal situation?

CUANANG: Yes.

HARRIS: And as far as the tides and current and wind, that would, again, be the ideal situation?

CUANANG: Yes.

HARRIS: And is it not true that people often go out, scratch that. People go out in the Bay and catch sturgeon without these ideal conditions?

CUANANG: Yes.

HARRIS: I wanted to show you what's been marked as defense GGGG.

CUANANG: Yes.

HARRIS: Okay. Take a second to read it over. Have we got the other two pages marked?

GERAGOS: The three pages?

DISTASO: Why don't we just,

GERAGOS: Judge, for the record, there's the exhibit that was marked and shown to the witness, which was I think Quadruple G. Does that say GGG?

JUDGE: He said GGG, but that has to do with Armendariz's testimony.

DISTASO: No, it's Quadruple G.

HARRIS: It's Quadruple G.

JUDGE: It's Quadruple G. Okay, well

GERAGOS: What we've got is the first page of three pages.

JUDGE: Okay. This is the first page of Captain Hook's Sport Fishing Report.

GERAGOS: Yeah. What we could do, rather than duplicate, since he didn't have the last two pages attached to it, Mr. Harris has now got that in his hands, Mr. Distaso, I believe, is willing to stipulate to include those,

JUDGE: Include those in the exhibit?

GERAGOS: to include those two pages.

DISTASO: That's fine.

JUDGE: All right. That will be the fish report, including the last two pages. That will be part of Quadruple G.

HARRIS: Have you had a chance to look at it?

CUANANG: Yeah.

HARRIS: the first page? Is it a fair statement to say that during December that sturgeon are running in the Bay?

CUANANG: Yes.

HARRIS: Okay. And in fact, on the web site that you took a look at, Captain Hook's Sports Fishing, it actually specifically states that sturgeon are running currently?

CUANANG: Correct.

HARRIS: You talked about the places that sturgeon, are again, fished for in the Bay?

CUANANG: Yes.

HARRIS: The best locations?

CUANANG: The best locations.

HARRIS: They're certainly not exclusive to those areas?

CUANANG: No.

HARRIS: There's no, for example, when you're talking about the Berkeley Marina area, there's no, fish don't know?

CUANANG: No.

HARRIS: They're not sitting there saying Let's don't go near the Berkeley Marina, that's not an area to go to

CUANANG: Yes.

HARRIS: safe to say? Is it also true that you testified that if you're in a small craft on the Bay you would prefer to stay close to the entry level?

CUANANG: Yes.

HARRIS: where you came in? As opposed to going, say, from the Berkeley Marina down to the San Mateo Bridge, which would be a much further route?

CUANANG: The other way.

HARRIS: That way. Thanks. Going from there down to the Bay? San Mateo?

CUANANG: Yes.

HARRIS: That would be much more dangerous, wouldn't it?

CUANANG: Yes.

HARRIS: It would also, some of the other areas you mentioned, the San Pablo Bay, would be much further up?

CUANANG: Yes.

HARRIS: You wouldn't want to go that far away in that small a craft, would you?

CUANANG: I wouldn't.

HARRIS: We talked a little bit about freshwater fishing. In terms of your, your expertise, do you, are you also an expert, more or less, in freshwater as well? Or,

CUANANG: I've done some stories on freshwater fishing, but my, my main fishing is in saltwater.

HARRIS: Do you ever go the freshwater lakes?

CUANANG: Yes.

HARRIS: Have you ever been to, like, Lake Tulloch?

CUANANG: Tulloch. Yes. I've only been there twice.

HARRIS: Is that outside of Modesto?

CUANANG: Yes.

HARRIS: And where do you live?

CUANANG: South San Francisco.

HARRIS: So you're driving from the San Francisco Bay to Modesto to go fishing?

CUANANG: Yes.

HARRIS: Specifically to Lake Tulloch?

CUANANG: Yes.

HARRIS: That's about a 90 mile trip, isn't it?

CUANANG: Longer than that.

HARRIS: Even longer than that?

CUANANG: Yeah.

HARRIS: Fishermen are sort of, for lack of a better phrase,

DISTASO: Objection. It's calling for speculation right out of the gate.

JUDGE: I think so. Sustained.

HARRIS: Okay. In your experience, being with fishermen, you'll kind of go fishing at the drop of a dime when you get a chance, won't you?

CUANANG: Yes.

DISTASO: Objection. Motion to strike.

JUDGE: No, I'll let him answer. Overruled.

DISTASO: All right.

CUANANG: Yes.

HARRIS: It's not only, I take it, a living for you, but it's something you genuinely enjoy?

CUANANG: Yes.

HARRIS: It's, it's the kind of thing where, for you, you get on a boat and it's relaxing?

CUANANG: Yes.

HARRIS: Even as a professional, it's a very sort of leisure activity, strike that. I'm sure as a professional it's not leisurely, but it's a relaxing type of thing where you just get on the water, whether you catch anything or not; is that fair?

CUANANG: Yes.

HARRIS: In fact, from your knowledge of teaching recreational fishermen, people who don't do it for a living, a lot of what they tell you is just getting out on the lake or on the Bay, or wherever, that's half the fun of it?

CUANANG: Yes.

HARRIS: By the way, have you, during your years of fishing, you've probably bought boats before, I assume?

CUANANG: Yes.

HARRIS: Had a new boat or you've had a boat that you have just got a hold of and you were anxious to put it out in the water, weren't you?

CUANANG: Yes.

HARRIS: Kind of run it out and see what it will do?

CUANANG: Yes.

HARRIS: Mr. Distaso asked you a little bit about the anchor, which I believe is sitting there, and the idea that this anchor wouldn't necessarily hold the boat down?

CUANANG: In a wind or a current, no. Not in the Bay.

HARRIS: Okay. And I think the words you used was that the boat might, in fact, drift?

CUANANG: Drift, yes.

HARRIS: Is that a disadvantage to, to fishing?

CUANANG: For sturgeon, yes.

HARRIS: Sturgeon?

CUANANG: You have to be anchored.

HARRIS: If you're fishing in the Bay for sturgeon, for anything, striped bass, fish, do fishermen sometimes drift?

CUANANG: For striped bass, yes.

HARRIS: They sometimes troll even, right?

CUANANG: Yes.

HARRIS: And, okay, what is trolling?

CUANANG: That is the boat being moved through the water with a source of power, your outboard engine, and you're dragging behind the boat an artificial lure or bait, and moving along, hoping for a fishing to come by and grab that lure or bait.

HARRIS: Okay. And as far as trolling goes, that's a very common practice among fishermen, isn't it?

CUANANG: Yes.

HARRIS: Wouldn't be anything unusual about somebody going out on the Bay trolling?

CUANANG: Yes. Not unusual.

HARRIS: When you were interviewed by the Modesto Police Department, they asked you about your expertise as a, as a sturgeon fisherman; is that correct?

CUANANG: Yes.

HARRIS: Did they ever ask you specifically about striped bass?

CUANANG: Yes.

HARRIS: And the reason, excuse me. When they asked you about striped bass, did they tell you that Scott Peterson had told them he was also fishing for that?

CUANANG: I'm not sure. I remember the mention of striped bass.

HARRIS: Okay.

CUANANG: To specifically mentioning Scott Peterson in that, in that same sentence, I'm not sure.

HARRIS: You've, in your fishing you've experimented with different kinds of reels, correct?

CUANANG: Yes.

HARRIS: You've experimented with different kinds of rods?

CUANANG: Yes.

HARRIS: And I believe you testified, for example, that, Mr. Distaso asked you about the reel on there, and you testified that what should be, what should best be to catch a sturgeon would be a conventional,

CUANANG: Yes.

HARRIS: And that's a spinning reel?

CUANANG: Yes.

HARRIS: So that would not be the optimum --

CUANANG: Not the optimum.

HARRIS: situation. But, in fact, a spinning reel is very much an option in sturgeon fishing, isn't it?

CUANANG: A spinning reel?

HARRIS: Yes.

CUANANG: As far as what?

HARRIS: It's very much an option?

CUANANG: It's an option.

HARRIS: Oh, absolutely.

CUANANG: Yes.

HARRIS: Isn't it a fact, as you wrote in your book, you have a whole section on the advantages of using spinning reels, don't you?

CUANANG: A section on spinning reels, light tackle fishing.

HARRIS: In fact, if you want to take a look, you actually talk about the, for a beginning sturgeon fisherman, a spinning reel has more of a,

CUANANG: As far as casting is concerned, yes, because a spinning reel is an easier casting outfit.

HARRIS: Okay. So for a beginner this would be a better reel?

CUANANG: For a beginner. It would work better if you can't handle the conventional reel.

HARRIS: You also mentioned that you preferred bait, but, in fact, you had gone sturgeon fishing with lures yourself, haven't you?

CUANANG: With lures?

HARRIS: Yes.

CUANANG: I've never caught one on a lure before.

HARRIS: Okay. You've gone fishing with light tackle?

CUANANG: Yes.

HARRIS: Okay. On numerous occasions, in fact, right?

CUANANG: Yes.

HARRIS: So in essence your testimony to us previously, on direct, was that what Scott Peterson, what you've seen, what's been presented here, was not the optimal conditions for catching sturgeon?

CUANANG: Not optimum.

HARRIS: But they certainly were something you could use in the Bay --

CUANANG: Yes.

HARRIS: to catch sturgeon? Excuse me one second. You, you had a chance to go to the Modesto Police Department. You had a chance to take a look at the, the boat that they told you Scott Peterson used, didn't you?

CUANANG: Yes.

HARRIS: And they showed you the tackle box?

CUANANG: Yes.

HARRIS: And you had mentioned the rod. On one of the rods the reel's broken?

CUANANG: Yes.

HARRIS: And the actual tackle box, you saw where that, the piece that goes attached to it, where it was broken, did you not?

CUANANG: A handle?

HARRIS: Yes.

CUANANG: Yes.

HARRIS: You did see that in the tackle box?

CUANANG: I saw a handle.

HARRIS: Okay. Did you, you mentioned earlier about the rules and regulations for going out on the Bay sturgeon fishing?

CUANANG: Yes.

HARRIS: You're very familiar with those, aren't you? Who governs, who enforces it?

CUANANG: California Department of Fish and Game.

HARRIS: And when the California Fish and Game come out on the Bay, they often stop people who have fishing tackle, don't they?

CUANANG: Yes.

HARRIS: Just to check out and see if they've got a license?

CUANANG: Yes.

HARRIS: Okay. Have you ever seen anybody on the Bay get pulled over who didn't have fishing tackle? They just pulled them over?

CUANANG: Yes, I've seen them stop them, no tackle visible?

HARRIS: Right.

CUANANG: Yes, I have seen that.

HARRIS: But they had tackle with them?

CUANANG: Yeah. Yeah.

HARRIS: It would be a lot more dangerous to go out with fishing tackle visible, as far as being possibly pulled over by the Fish and Game, wouldn't it?

DISTASO: Objection. Calls for speculation.

JUDGE: Sustained.

HARRIS: When you took a look in the boat, and I'm showing you People's Exhibit 121 A; is that how it looked?

CUANANG: Pretty much so, yes.

HARRIS: Okay. 121 B?

CUANANG: Yes.

HARRIS: 122 I?

CUANANG: Yes.

HARRIS: Okay. From looking at these pictures, in your opinion, does this look like a boat where someone was preparing to fish?

CUANANG: Yes.

HARRIS: You talked about the, your ability to pull a sturgeon into the boat?

CUANANG: Yes.

HARRIS: Okay. And the fact that, let me just backtrack a little bit. Sturgeon have, you mentioned they have a maximum size you can catch in the Bay; is that correct?

CUANANG: Yes.

HARRIS: There's also a minimum size; is that right?

CUANANG: Yes.

HARRIS: And when you're talking about those kind of requirements, you're talking about someone who actually catches them and keeps them; is that right?

CUANANG: Yes.

HARRIS: If you catch and release, what is catch and release?

CUANANG: That's if you catch a fish and you don't need it, you just want to have the fun catching the fish, you just pull the hook out of his mouth and let him go.

HARRIS: A lot of fishermen do that?

CUANANG: Yes.

HARRIS: So if you catch and release, there are no requirements as far as what you catch?

CUANANG: No.

HARRIS: No minimum and no maximum?

CUANANG: No.

HARRIS: You, you testified, I believe, that when you bring the boat, when you bring the fish in, that oftentimes it helps to have another person with you?

CUANANG: Yes. If you have no experience handling those fish, it's helpful.

HARRIS: Could be difficult --

CUANANG: Yes.

HARRIS: I believe your testimony was. And, in fact, what you testified to I believe was that then if you wanted to get rid of it, rid of the fish, to dump it back out --

CUANANG: Yes.

HARRIS: it wasn't that difficult?

CUANANG: No.

HARRIS: Okay. And this in particular I believe your testimony involved, I believe Mr. Distaso referred you to this fish specifically?

CUANANG: Yes.

HARRIS: And how many pounds did this fish weigh?

CUANANG: About 90.

HARRIS: Okay. And you mentioned what made it easy for you to put the sturgeon back in is because it would slide?

CUANANG: Uh-huh.

HARRIS: Okay. And it was something you could take over the side of the boat and just kind of slide it out?

CUANANG: Yes.

HARRIS: Have you had any experience trying to take a fish that weighed approximately a hundred and 50 pounds and having four anchors attached to it and sliding that out of the boat?

CUANANG: No. No.

HARRIS: It would be a lot more difficult, wouldn't it?

CUANANG: It could be done, but I've never tried it.

HARRIS: You've never tried it before, have you?

CUANANG: No.

HARRIS: Okay. So you couldn't even take a fish, a hundred fifty pound fish, with the anchors and dump it over?

CUANANG: I could do it.

HARRIS: Okay. Do you have any experience in terms of someone trying to take a large fish, say a hundred and 50 to 200 pound fish, and dump it back over the boat?

CUANANG: Yes.

HARRIS: And you've had this with small boats?

CUANANG: Yes.

HARRIS: Okay. So is, is your testimony that basically a fish, you can get back in the water?

CUANANG: Yes.

HARRIS: Okay. You have, specifically in the picture you have a 13 foot boat?

CUANANG: Yes.

HARRIS: And the one that he showed you, the 13 foot small skiff?

CUANANG: Uh-huh.

HARRIS: And you testified specifically, as far as getting the fish back, you could get it back out of that boat?

CUANANG: Yes.

HARRIS: You also had two other people with you, didn't you?

CUANANG: Yes.

HARRIS: So it would take two other people to help you do it?

CUANANG: Not necessarily, no.

HARRIS: You think you could do that on your own?

CUANANG: Yes.

HARRIS: Okay. And you think you could do that while you were out on the Bay, controlling the motor and doing the whole routine?

CUANANG: Well, you're not controlling the motor. You're anchored and,

HARRIS: Well, let's talk about that. You said that, in fact, that would not anchor a boat?

CUANANG: What's that?

HARRIS: That that anchor would not anchor a boat?

CUANANG: Oh, no, I wouldn't use that on my boat.

HARRIS: So it would have to be drifting, right?

CUANANG: What, to land a fish?

HARRIS: Let me rephrase. This anchor wouldn't, you testified would not anchor that boat out on the Bay?

CUANANG: Yes, it would be drifting.

HARRIS: Right. So you're saying, if you wanted to be able to get whatever it is you wanted to get over, the hundred and 50 pound fish --

CUANANG: Yes.

HARRIS: the 200 pound fish, you would want to be anchored?

CUANANG: Not necessarily.

HARRIS: You could do it drifting?

CUANANG: I could do it anchored or drifting.

HARRIS: Okay. Is it your testimony today that the anglers, if I understand this correctly, the anglers who go out on a recreational basis, that as a general rule they have the kind of knowledge that you have about the Bay?

DISTASO: Objection. Calls for speculation.

JUDGE: Sustained.

HARRIS: Recreational fishermen who go out on a fairly regular basis, you've dealt with them on many occasions in seminars, and so forth, selling books?

CUANANG: Yes.

HARRIS: You've talked to them about their experiences?

CUANANG: Yes.

HARRIS: A lot of times they go out fishing, they may go out fishing for something specific --

CUANANG: Yes.

HARRIS: but in fact end up catching whatever they catch?

CUANANG: Yes.

DISTASO: Objection. Calls, well, calls for speculation.

JUDGE: I don't think so. Overruled. You can answer that.

CUANANG: Yes.

HARRIS: Just a relaxing, entertaining thing to do?

CUANANG: Yes.

HARRIS: Okay. If you're not a professional fisherman, and you're not looking to make money off of what you catch, then just going out and fishing is a relaxing hobby, leisurely hobby to do; is that correct?

CUANANG: Yes.

HARRIS: Something to get away for a while?

CUANANG: Yes.

HARRIS: Just enjoy yourself?

CUANANG: Yes.

HARRIS: I don't have anything else.

Redirect Examination by Rick Distaso

DISTASO: The, this fishing pole, counsel was asking if this was the optimum, what you described was optimum rig for sturgeon fishing?

CUANANG: The one,

DISTASO: On the picture?

CUANANG: Yes.

DISTASO: Okay. But the way this one's set up, at all, with this particular lure and, and not, the sinker and not the leader and all that kind of stuff, I mean could you, other than snagging this sturgeon, would you catch a sturgeon with the way this is set up?

CUANANG: No, I don't think so. No.

DISTASO: Okay. You could snag it in the sense that if you were dragging this behind the boat and one swam by, this hook might just hook it by accident?

CUANANG: Possibly.

DISTASO: Okay. But sturgeon don't take these kind of baits, correct? I mean these lures?

CUANANG: They don't.

DISTASO: Okay. When sturgeon feed, they're feeding along the bottom, shrimp and things on the bottom?

CUANANG: Yes.

DISTASO: Okay. These lures that we're talking about trolling, and whatnot, those don't imitate shrimp on the bottom?

CUANANG: No.

DISTASO: Those imitate bait fish?

CUANANG: Yes.

DISTASO: If I could, could I just have you take this leader, wrap it up and put it back in 172?

CUANANG: Okay.

DISTASO: Nothing further, Judge.

JUDGE: Any re-cross?

HARRIS: No re-cross.