Witness: Tera Faris

Date: 2004-09-02

Proceedings held September 2, 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: Agent Faris, you were involved in the surveillance of Mr. Peterson as part of the Department of Justice, correct?

FARIS: Yes.

DISTASO: And you were involved, and counter surveillance ended on, January 11th, yeah, January 11th, in the morning?

FARIS: Yes, sir.

DISTASO: What happened?

FARIS: Mr. Peterson went southbound on Highway 99. Shortly thereafter entering the freeway, he immediately pulled over to the right hand shoulder and stopped. I drove by him and made the first exit off Kansas and went westbound. Shortly after I exited the freeway it was put out via the radio that Mr. Peterson had gotten back, started back on the freeway and exited Kansas also. I then made a right hand turn into a business off Kansas and parked in the very back parking lot of the business. And it was put out via the radio that Mr. Peterson had made the same turn into the business that I had.

DISTASO: Let me stop you. So you're, you're parked behind the business, correct?

FARIS: Yes, sir.

DISTASO: And then Mr. Peterson came into the parking lot?

FARIS: Yes, sir.

DISTASO: And then did, what happened next then? Did you have some interaction with him?

FARIS: Yes. I had just pulled over and stopped. Mr. Peterson pulled along right beside me, on the passenger side. We made eye contact, and it appeared that he was just holding an eight and a half by 11 sheet of paper, possibly goldenrod in color.

DISTASO: Okay. Then what did you do?

FARIS: Put the vehicle in reverse, exited the building. Mr. Peterson followed me out. I had made a right hand turn down Kansas. He followed me for approximately a block, maybe two blocks, at which point I turned into a parking lot and he made a left hand turn.

DISTASO: And then that's when it ended?

FARIS: Yes, sir.

DISTASO: Okay. Nothing further, Judge.

Cross Examination by Mark Geragos

GERAGOS: Good morning.

FARIS: Good morning.

GERAGOS: When, when did you start on this surveillance? Which day?

FARIS: January 3rd, 2003.

GERAGOS: Were you on the surveillance that was down in, when he went down to Bakersfield?

FARIS: Yes, sir.

GERAGOS: And he had a pickup truck?

FARIS: Yes, sir.

GERAGOS: Did he have something in the back of the pickup truck?

FARIS: Not that I, I don't recall.

GERAGOS: Do you remember seeing a pump in the back of the pickup truck? Does that refresh your recollection?

FARIS: Not that I recall.

GERAGOS: Okay. Did you ever follow him over to a Kmart store in Bakersfield?

FARIS: My notes do not reflect that I did.

GERAGOS: Do you have your notes in front of you? Can you take a look at January 9th at about 6:50. Let me show you. Do you have, looks like there's a master Department of Justice report, at least what I have. Do you have a Bates numbered stamp 1483? Next page. I'm going to refer you to 5:00 o'clock. Does that refresh, you can read that entry silently to yourself. Does that refresh your recollection as to what was in the back of the truck?

FARIS: I personally never witnessed anything in the back of the vehicle.

GERAGOS: Okay. Those surveillance notes and observations are prepared by the officers or the special agents of the Department of Justice contemporaneously with the surveillance, correct?

FARIS: Yes, sir.

GERAGOS: Okay. And the reason for that is that the, specifically so that whatever notes or observations you make, that they'll be, some other law enforcement agent or one of the other agents can look at it later on and they'll have something that was contemporaneously made, correct?

FARIS: Yes, sir.

GERAGOS: Okay. And at 1501 specifically, Special Agent Mackanin was the one who saw the generator sitting in the back of the pickup truck, isn't that correct?

FARIS: I can't testify to what a, Special Agent Mackanin saw.

GERAGOS: Well, that's what he wrote down in his report, is that correct?

FARIS: It's,

DISTASO: Judge, she didn't personally see it, but in lieu of calling Mackanin back for one question, I have no problem. It's in the report that he saw a generator in the back of Mr. Peterson's truck.

JUDGE: You stipulate to that?

DISTASO: That's fine.

JUDGE: Okay.

GERAGOS: Specifically did you, were you following Mr. Peterson on the 9th at approximately, or during that time period after 6:00 o'clock? It looks like, I'm referring you to 1479,

FARIS: Yes, sir, I was.

GERAGOS: on the surveillance, starting at 5:00 in the morning? Then did you see him go over to a parking lot at about 6:50? Did somebody see or were you advised that he had been at a parking lot at 6:50 at South Real and Wilson.

FARIS: I don't recall that he did.

GERAGOS: Let me show you, did anybody ever show you a receipt from Kmart at 6:54 in Bakersfield from him actually going into the Kmart store?

FARIS: I've never seen the receipt.

GERAGOS: Okay. Is there any notes anywhere in the surveillance that show that he actually went into a Kmart store and actually made a purchase?

FARIS: You know, I can only testify to what my notes state, and on the 9th I have not included anything in my notes.

GERAGOS: Okay.

FARIS: Other than that I was there during the surveillance.

GERAGOS: Okay. I'm showing you, this is the department, State of California Department of Justice investigation report, correct?

FARIS: Yes, sir.

GERAGOS: Okay. Do you see anywhere in there where it shows that Mr. Peterson went into a store and made a purchase?

FARIS: These are not my notes. No, there's no receipt or,

GERAGOS: There's no receipt, there's no mention that he went into the store. The only thing, the only thing that's in the notes is that Peterson landed at a parking lot, or Peterson drove into a parking lot. Nothing ever states that he went into a store and made a purchase, correct?

FARIS: No, sir.

GERAGOS: And that would have been that he made a purchase at Sears, that he made a purchase at Kmart, none of that is in the surveillance notes that you can see, correct?

FARIS: Correct.

GERAGOS: Judge, I'm going to just mark this Kmart receipt by reference, and I'll use it with Detective Skultety when he testifies.

JUDGE: Okay. We'll mark it D 6 B.

GERAGOS: Thank you. I have no further questions.