Witness: Henry Dodge Hendee

Date: 2004-07-19

Proceedings held July 19, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day); Redirect – David Harris; Recross – Mark Geragos; 2nd Redirect – David Harris; 2nd Recross – Mark Geragos

Day 4 of 4 for this witness

Court: San Mateo County Superior Court, Redwood City (People v. Scott Peterson)

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July 19, 2004

JUDGE: All right. Good morning, everybody. Welcome back. This is the case of People vs. Scott Peterson. The record should reflect the defendant is present with counsel. The jury is in the jury box, along with the alternates. And, Mr. Geragos, remember where you left off last week?

GERAGOS: Yes. I'm going to move into a different area, if I could.

JUDGE: Of course. Go ahead.

GERAGOS: Thank you. Good morning.

HENDEE: Good morning.

GERAGOS: The, if I could, I indicated off the record, before the jury got in here, that I wanted to move into specifically the search of the truck. You've talked about on the 26th and the 27th the search warrant took place over at the warehouse and at the Covena residence, correct?

HENDEE: Yes, sir.

GERAGOS: And then apparently you also had, or the search warrant called also for the area around, or in and around the truck as well; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, the truck was, we've seen the pictures. The truck was in the driveway, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. And then you did a sketch or a schematic that they showed on direct. I assume it was you.

HENDEE: Yes.

GERAGOS: Says by Detective Dodge Hendee. These are yours. 116 F, correct?

HENDEE: Yes, sir.

GERAGOS: And then the measurements you did as well?

HENDEE: But at a later date. This was done in December of 2000 and 3. This was done, it was finalized on January 7, 2000 and 3.

GERAGOS: Okay. And the same with this, January 7?

HENDEE: No. This one was done December 18, 2000 and 3.

GERAGOS: And that would be 116 C?

HENDEE: 116 C, yes, sir.

GERAGOS: Okay. 116 A, is that taken on the day or shortly thereafter of the search warrant being executed?

HENDEE: This picture, yes. It was taken on December 26th, 2002.

GERAGOS: Now, this is 116 A. Appears that it's a picture looking from the rear of the, with the tailgate down of the end of the truck itself?

HENDEE: Yes, sir.

GERAGOS: Okay. And is this the chicken wire, or roll of chicken wire that we heard testimony about?

HENDEE: Yes, sir.

GERAGOS: Okay. And that was seized to be tested by the Department of Justice to see if it had any evidentiary value in connection with this case, correct?

HENDEE: It was seized. We didn't know if it had evidentiary value at that point.

GERAGOS: In fact, as far as you know, it was sent to the Department of Justice, wasn't it?

HENDEE: Yes, it was.

GERAGOS: And specifically it was to be compared with the pliers that were marked as 144?

HENDEE: Yes. And another set of pliers as well.

GERAGOS: And another set of pliers as well; is that correct?

HENDEE: Yes, sir.

GERAGOS: The pliers that we're talking about were the yellow handled ones?

HENDEE: Yes, sir.

GERAGOS: Specifically what's been marked as 120 A; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. And it was to see whether or not, it was specifically to see whether or not the pliers or, there was also a wire cutters that was seized pursuant to the search warrant, correct?

HENDEE: That's correct, yes.

GERAGOS: Okay. And it was to see whether or not those wire cutters, or the pliers, would make some kind of a tool mark on the chicken wire, correct?

HENDEE: Correct.

GERAGOS: And it came back that they did not, correct?

HENDEE: I don't know what the results were.

GERAGOS: Now, the, specifically the truck itself, there was a number of items that you pointed out, I think, on 116 F. And these were areas where you did some kind of a, took a sample; is that correct?

HENDEE: Yes. A suspected blood samples.

GERAGOS: The suspected samples were taken here --

HENDEE: Yes.

GERAGOS: here and here, which would be L, or what is that I, J and M, double M?

HENDEE: 1, I think it's 1 MM is a control sample.

GERAGOS: Okay. And 1 JJ?

HENDEE: Is a suspected sample.

JUDGE: Could you identify the exhibit for the record? If you did, I missed it.

GERAGOS: 116 F.

JUDGE: 116 F. Okay.

GERAGOS: Okay. 1 JJ is what you thought was a suspected blood sample?

HENDEE: A possible.

GERAGOS: A possible. You did one of those McPhail Reagent tests on it?

HENDEE: Yes, sir.

GERAGOS: Came back negative, correct?

HENDEE: Yes, sir. That was done at one, try to remember here where it is. Where the, I'd have to refer to my report.

GERAGOS: Do you have that?

JUDGE: That's fine.

GERAGOS: Yeah. When you get to it, just tell me what page.

HENDEE: A, presumptive tests were done. Negative for blood.

GERAGOS: Which means not blood. Whatever the substance was, it was not blood, correct?

HENDEE: Yes.

GERAGOS: So that we understand, there's three circles on the, this is basically where the tailgate is, correct?

HENDEE: Yes.

GERAGOS: When we saw that picture that I just showed with the tailgate down, this would be, or at least the drawing is of the tailgate up, correct?

HENDEE: Yes, sir.

GERAGOS: And right at the end, kind of where the tailgate and the back of the bed meet, right?

HENDEE: Exactly.

GERAGOS: Okay. 1 MM you wouldn't test because that's a control sample, right?

HENDEE: Yes, sir.

GERAGOS: That means that you did not suspect that that was blood. You were trying to get an area that was clean that had no stain on it, right?

HENDEE: Correct.

GERAGOS: Okay. So that's meaningless in terms of a result because it's not supposed to have anything, correct?

HENDEE: Correct.

GERAGOS: Okay. 1 JJ you suspected was a, blood or some kind of a speck of blood. You tested it and it was negative, correct?

HENDEE: Yes.

GERAGOS: 1, is that II?

HENDEE: II.

GERAGOS: Yeah. Is that also a suspected bloodstain?

HENDEE: Yes, sir.

GERAGOS: You tested that; it came back negative, correct?

HENDEE: I believe that was correct, yes.

GERAGOS: Okay. Then it looks like in the storage box there's two areas there, 1 double K and 1 double L?

HENDEE: Yes, sir.

GERAGOS: Now, that would be the toolbox, right?

HENDEE: Yes, sir.

GERAGOS: And I think we've got a photo that we previously marked. Judge, for the record I'm going to show him defendant's double O. On the clerk's listing it says inside of the boat. It really should be inside of the toolbox. So, for the record, I probably misstated it when I marked it. It was not the clerk.

JUDGE: Inside, the toolbox. I have that also.

GERAGOS: Okay.

JUDGE: So what should it be?

GERAGOS: It's inside, I believe it's inside the toolbox; is it not?

JUDGE: My notes have inside Scott Peterson toolbox. That's what I have here. Double O, identified by Brocchini.

GERAGOS: Okay.

GERAGOS: Once again, is this the inside of the toolbox I'm showing you?

HENDEE: It is.

GERAGOS: This is kind of an overhead of what we're looking at. We're calling it toolbox. On our drawing or schematic it's called storage box?

HENDEE: Yes. The sample was collected on the outside, though.

GERAGOS: Okay. If I put this up here, double O, the sample would have been on the outside of the box over where my pen is? Somewhere over in there?

HENDEE: Yes, sir.

GERAGOS: Okay. And those two suspected blood drops were tested, correct?

HENDEE: 1 KK was a sample collected. 1 LL was a control sample.

GERAGOS: Okay. So just like what you did on the back of the tailgate, you took a control sample there, which was 1 MM, which had nothing to do with the suspected stain. It was a relatively clean area, correct?

HENDEE: Yes, sir.

GERAGOS: You did the same thing here with which one, 1 LL?

HENDEE: 1 LL was a control sample.

GERAGOS: And 1 LL obviously is a control sample. Then you did 1 KK, which is a suspected stain, correct?

HENDEE: Yes, sir.

GERAGOS: And that came back negative under the, on the presumptive test, correct?

HENDEE: Yes.

GERAGOS: All right. Now, also the, on the 26th and 27th, we talked before. Inside of the house, you had that FBI forensic team there, correct?

HENDEE: Yes, sir.

GERAGOS: Now, they also came out to the truck, did they not?

HENDEE: Yes, they did.

GERAGOS: And they went through, the FBI, called the Forensic Evidence Team; is that right?

HENDEE: I, I think it's something like, actually the Emergency Recovery Team, or something. Is what they actually call themselves.

GERAGOS: Okay. And the special agent in charge was somebody named Droust, D-R-O-U-S-T?

HENDEE: Droust.

GERAGOS: Okay. And he went out there to examine the vehicle, correct?

HENDEE: Yes, sir.

GERAGOS: And they took out a, they had some kind of a processing unit and some device and some chemical sprays that they used?

HENDEE: Chemical spray is what they had.

GERAGOS: Okay. And they went through the truck, as far as you know, as well; correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Then there was, I think, you indicated that there was two samples taken off the steering wheel; is that right?

HENDEE: One was a sample, the other was a control sample.

GERAGOS: Which was the control sample?

HENDEE: 1 H.

GERAGOS: This one right here on the left?

HENDEE: Yes, sir.

GERAGOS: Okay. And that, once again, control sample just means that you take a clean area so that you have got the applicator, the applicator gets touched to that clean area so that you have something to compare it against, correct?

HENDEE: Yes, sir.

GERAGOS: Then you take a sample of suspected blood, which would be 1 F?

HENDEE: Yes, sir.

GERAGOS: On the right side of the steering wheel?

HENDEE: On the back side of the right side of the steering wheel.

GERAGOS: Okay. If you say the back side, if you were to grip the steering wheel, coming around the back side of it?

HENDEE: Yes, sir.

GERAGOS: And that was tested, correct?

HENDEE: Yes, sir.

GERAGOS: And that was negative for blood?

HENDEE: That is correct. Oh, I'm sorry, I don't know. What was the question? I think I was gapping there.

GERAGOS: I'm going to show you a, negative for blood. I was going to show you to see if that refreshed your recollection.

HARRIS: What is counsel showing the witness?

GERAGOS: I can barely read the Bates stamp. Looks like 33727.

HARRIS: Is that a DOJ report?

GERAGOS: Uh-huh.

GERAGOS: You were present later on in December when a criminalist named Pam Kyo, K-Y-O, went through the truck as well, weren't you?

HENDEE: Yes, sir.

GERAGOS: Okay. And does that refresh your recollection as to whether or not there was any blood on the steering wheel?

HENDEE: I had not seen that report before, but it appears that the sample, 1 F, was not blood.

GERAGOS: Okay. Now, the, does it appear also that the interior of the door, where there's apparently four circles here; what are those?

HENDEE: Those are actual suspected blood samples that were collected.

GERAGOS: Okay. Do you know if those were, did you test those?

HENDEE: Presumptively?

GERAGOS: Presumptively with that McPhail Reagent test?

HENDEE: I'd have to check it. I don't recall offhand. They just looked like blood, so I think we just collected them.

GERAGOS: Okay. Now, the, yeah, I think in your report, at least, I'm looking at 2200, you said there were a total of one, two, three, four, fifth paragraph down, total of four stains off the interior portion of the driver's door. That would be what we're looking at right up there, correct?

HENDEE: Total of four stains collected off the driver's door.

GERAGOS: And one off the steering wheel?

HENDEE: Yes, sir.

GERAGOS: You collected all of those, right?

HENDEE: I did, yes.

GERAGOS: Okay. And then I assume they would have been given to the Department of Justice to have them do the analysis?

HENDEE: I would assume so.

GERAGOS: Because you didn't do any kind of McPhail on those four, the McPhail Reagent test, that you know of?

HENDEE: I don't recall, because it looked very much like blood. We just assumed it was and just took the samples. I can review my report here just to make sure, but unless you know of some point where I said,

GERAGOS: No, I didn't see it anywhere, so I assume you didn't because normally in your reports, if you did it, you would then put it in the report; would you not?

HENDEE: Yes.

GERAGOS: All right. I'm going to show you a series of pictures, and I'm trying to get pictures to show the jury specifically what your schematic is. Does this represent the area there?

HENDEE: This is a photograph of the pocket that says 1 D, 1 E.

GERAGOS: Okay. Is this a closeup of that?

HENDEE: I, I believe it is a closeup of the suspected sample, which is later identified as 1 C.

GERAGOS: Okay. Same with this one here?

HENDEE: This could be 1 B.

GERAGOS: Okay. Let me, may I mark those, Judge?

JUDGE: Yeah. How many have you got, Mr. Geragos?

GERAGOS: I've got three of them.

JUDGE: All right. Triple, Quadruple F 1 and 2. And 3.17

GERAGOS: Now, the first one that's been marked by the clerk is the Quadruple F 1. This is, this area right here is a photo that represents this area here Actually, it would be the, right here; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. And that's a closeup of it; is that right?

HENDEE: Appears to be, yes.

GERAGOS: And then Quadruple F 2, that's somebody marking the suspected bloodstain?

HENDEE: Yes, sir.

GERAGOS: And then Quadruple F 3, is that the, somebody also marking with a ruler?

HENDEE: Yes, sir.

GERAGOS: Okay. Is this the suspected bloodstain right there?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, the toolbox itself that was on the pickup truck was also examined or cleaned out at some point; is that correct?

HENDEE: Yes, sir.

GERAGOS: Do you remember on what day that was done?

HENDEE: December 15, 2000 and 3.

GERAGOS: Okay. Now, on December 15, that truck, there was an order to basically return the truck, correct?

HENDEE: Yes.

GERAGOS: Okay. So in response to that order, the Modesto PD, along with the criminalist from the Department of Justice, decided to go through that truck once again, correct?

HENDEE: Yes, sir.

GERAGOS: Now, when they did that, when they went through the truck, they examined very carefully the toolbox itself, which has been marked as 116 C; is that right?

HENDEE: Yes, sir.

GERAGOS: Now, and they took out all potential evidence items that were in, or potentially inside of, that toolbox?

HENDEE: Yes.

GERAGOS: Okay. One of the things they found was a seven and a quarter inch brown human head hair, correct?

HENDEE: Yes, sir.

GERAGOS: At some point did they end up taking samples from a Officer Holmes, Veronica Holmes?

HENDEE: I don't know, sir.

GERAGOS: Did they end up taking a sample from the criminalist Kyo to compare the head hairs?

HENDEE: I have no idea whether they did or not.

GERAGOS: Okay. Were you, were you aware that it turned out that it was feared, or is there some concern that this head hair, that got inside of the toolbox, had come from somebody who was actually processing the crime scene?

HARRIS: Objection. Calls for speculation.

GERAGOS: I'm asking if he was aware.

JUDGE: Were you made aware of that? Or is that a fact?

HENDEE: At the time I thought it could possibly be Laci's, but I wasn't aware that they had gone and compared comparisons with other people that had processed the vehicle. Nobody asked me for a hair sample.

GERAGOS: Okay. Did you know that they did a comparison with Laci's?

HENDEE: Oh, I don't know.

GERAGOS: And do you know if they did a comparison with P. Kyo and about Veronica Holmes?

HENDEE: No, sir.

GERAGOS: Okay. Now, the examination of the interior and exterior of the car, or the truck, I should say, also dealt with taking out the boots that were in the truck, correct? The boots? There were some boots that were inside of the truck?

HENDEE: Yes. That was done on the 26th or 27th, morning of the 27th.

GERAGOS: Okay. And also there were some other items in there; some shoes, correct?

HENDEE: What date are you talking about?

GERAGOS: On the 26th and 27th.

HENDEE: There was a pair of boots that were taken out on the 26th, out of the cab. Those were taken out. The golf shoes were taken out on December 15, 2000 and 3.

GERAGOS: On which date?

HENDEE: December 15, 2000 and 3.

GERAGOS: 3. Okay. Now, do you know if those were tested as well?

HENDEE: I have no idea.

GERAGOS: Do you know of any, as you sit here today, do you know of any forensic evidence whatsoever that had, that was collected out of that toolbox, either on the 26th of December,

27th of December, or December 15th?

HENDEE: As far as I know, only that hair that came out on the 15th is the only item that I think was, I presume would have been tested.

GERAGOS: Right. That's the only thing, because we know that the bloodstain came back negative. So that that would, whatever that stain was turned out to be negative and not blood, correct? From the outside of the toolbox that you took on the 26th or the 27th?

HENDEE: Yes. Yes, sir.

GERAGOS: So there was nothing of any evidentiary value there, correct?

HENDEE: Correct.

GERAGOS: When everything else was pulled out, that toolbox was examined by you, by the crime scene people, by the criminalist, by the FBI, everybody else, and as far as you know the only thing that was removed from there that had any suspected evidentiary value was a seven and a quarter inch hair, correct?

HENDEE: Well, we did collect other things out of there. I don't know, in hindsight I don't know. We took some shells, some shotgun shells out of there. We collected those because they might have potential evidentiary value. I don't know if the investigators ever determined that that has any value in this case or not. I don't know.

GERAGOS: As far as you know, there was never any blood out of that entire toolbox, correct?

HENDEE: That is correct.

GERAGOS: Other than this one hair, which you suspected was that of Laci; but you don't know what the results were, correct?

HENDEE: That's true.

GERAGOS: Okay. Other than that, nothing that, no tissue, body tissue, fluids, anything else, correct?

HENDEE: That's true.

GERAGOS: Okay. Now, the, going back to the search, for a minute, of the warehouse, there was one specific item that was found, I believe, on his desk; is that correct That you collected?

HENDEE: Yes.

GERAGOS: Okay. Is that what I've, showing you, probably didn't have that writing on the top at the time, which is a Bates number stamp, but is that what you found on top of the desk in the warehouse?

HENDEE: Yes, it is.

GERAGOS: Okay. Could I mark this next in order? This is a USA Fishing San Francisco Bay report.

JUDGE: Quadruple G. What is it, San Francisco Bay?

GERAGOS: San Francisco Bay USA Fishing Report.

GERAGOS: While the clerk's marking this, I'm going to show you 119 D. Is this specifically where you saw that item?

HENDEE: Yes, it is.

GERAGOS: Did you mark that as item number 107?

HENDEE: Yes, we did.

GERAGOS: Okay. And is that where you found this item on that day?

HENDEE: Yes, sir.

GERAGOS: Next to the, obviously the monitor, and then if we had a better picture, I guess the computer tower would be under here?

HENDEE: Yes, it would be.

GERAGOS: And this right here is that board where there was writing on it?

HENDEE: Yes, sir.

GERAGOS: And then what's been marked as Quadruple G, this is the item that you found; is that correct?

HENDEE: Yes.

GERAGOS: And it talks about the sport fishing. It says, and this is identical, with the exception of this 5450 that's on the top, this is the same item that you recovered; is that correct?

HENDEE: Yes. The number down at the bottom, too, has been added. But it's the same.

GERAGOS: Okay. The, specifically this is a printout, as far as you know, of the USA Fishing site which talks about sturgeon showing up here and there; is that correct?

HENDEE: Yes, sir.

GERAGOS: And this is specifically for December 5th of 2000 and 2? You didn't, you didn't change it; this is the way it was sitting on the desk, correct?

HENDEE: Correct. Yes, sir.

GERAGOS: Okay. You didn't go on the computer and print it out, or anything else?

HENDEE: No.

GERAGOS: It was just sitting there, right?

HENDEE: Correct.

GERAGOS: Okay. And the, did anybody, when they seized the, these items, this item right here, did anybody go on to the computer there at the office that day?

HENDEE: Not at the office. The computers were seized. I don't know when they did the forensic examination of it.

GERAGOS: Would the forensic exam have been done by a, the gentleman's name keeps being referred to, now retired, Kirk Stockholm?

HENDEE: I believe it was, yes.

GERAGOS: Okay. So he would be responsible for doing a forensic examination of the computer?

HENDEE: I believe he was in charge of that, yes.

GERAGOS: Okay. Did you, on the, going back to the truck again on December the 15th, this is the day where there was an order to return the truck and you were out there with P. Kyo, did that truck get processed that day, the entire inside and outside of the truck?

HENDEE: Yes.

GERAGOS: Were you present when that was being done?

HENDEE: Yes, I was.

GERAGOS: Okay. And specifically there was, we talked about the toolbox. There was nothing in there other than this hair, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Is it fair to say that, as far as you saw, there was no tissue-like debris that was observed or collected from the truck anywhere on the truck when you were there?

HENDEE: That's true.

GERAGOS: Okay. And is it fair to say that that truck was in police custody from the 26th, when the search warrant was executed, until virtually exactly almost a year?

HENDEE: Until I think it was December 18th, 2000 and 3, when we turned it over. It was in our custody the entire time, yes, sir.

GERAGOS: Okay. So you and Kyo and the others went through there; and there was no tissue-like debris anywhere observed or collected from the truck, correct?

HENDEE: That's correct.

GERAGOS: There was also, and that specifically is what the Department of Justice was asked to examine the truck for; isn't that correct?

HENDEE: Yes.

GERAGOS: Okay. The only stain that was found anywhere that tested positive presumptively for blood was that small one that I just showed up; isn't that correct? The one that was on the inside of the door?

HENDEE: You,

GERAGOS: I'm going to show you this, refresh your recollection.

HENDEE: This is, yes, it's a stain she collected. I had nothing to do with collecting it.

GERAGOS: Okay. And she did that while you were standing there, correct?

HENDEE: I didn't see her collect it, but I was there during the entire process. I was probably taking my measurements, or something, at that point.

GERAGOS: Okay. She also performed presumptive tests for blood on the stain on the tailgate of the truck, the one that you had already done; isn't that correct?

HENDEE: I don't know if she did it in the same area, or where she did it.

GERAGOS: Okay. Did you, did you see her going to the back of the truck, this area, and once again retesting the truck itself, right in here?

HENDEE: I don't know if she was, I don't know what she was doing, to be honest with you. She was doing her own examination. I wasn't following her around. She may have tested in the same areas that we tested before. It may have been just off, I don't know.

GERAGOS: Okay. The, it's true that she didn't observe or find, while you were there, any blood or tissue-like stains anywhere in the bed of the truck or the tool back, toolbox; isn't that correct?

HENDEE: To my knowledge, no.

GERAGOS: Isn't it a fair statement that if she had, the truck would have been retained and you would have gone back to court and asked the judge to rethink the order returning the truck?

HARRIS: Objection. Speculation.

JUDGE: Sustained.

GERAGOS: Now, the truck was released to you on that day, December 15th, correct?

HENDEE: After we were done, yes, sir.

GERAGOS: Okay. Now, the, you also testified on direct that you found some fishing licenses; is that correct?

HENDEE: Yes, sir.

GERAGOS: And are you familiar with why one would need to have a fishing license?

HENDEE: It's a law that they have to have a fishing license to go fishing, yes, sir.

GERAGOS: Okay. If somebody was trying to not attract attention to themselves and they're in a boat, would they bring along a couple of fishing poles like this inside of the boat and a fishing license in order for the warden, or whoever the authorities are, to come and search the boat?

HARRIS: Objection. Argumentative.

JUDGE: Sustained.

HARRIS: Speculation.

GERAGOS: Let me ask you something. You can take a boat out without taking fishing equipment, correct?

HENDEE: Absolutely.

GERAGOS: And if you take the boat out without fishing equipment, there's not going to be any reason for somebody to check to see if you have got a fishing license, is there?

HENDEE: It would all depend on the circumstances of the, of the officer investigating the boat, I guess.

GERAGOS: Okay. You can certainly go pleasure boating without having a fishing license, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. And if you carry around fishing poles in your boat, that would enhance the chances that somebody's going to want to come over and examine the boat and its contents and see if you've got a fishing license?

HENDEE: Possible.

HARRIS: Objection. Argumentative. Speculative.

GERAGOS: He can answer that.

JUDGE: I don't think so. I'm going to sustain the objection.

GERAGOS: Now, the licenses that you found, and the lures, you also say that you found some hunting licenses?

HENDEE: I believe there was one hunting license found in the glove box as well.

GERAGOS: Okay. And there were a number of two-day licenses; isn't that correct?

HENDEE: Yes, sir.

GERAGOS: And the two-day licenses that you found were for August of oh two; is that correct?

HENDEE: I think they were, the one in the glove box was 1999.

GERAGOS: That was the, show you what I've got in your notes, not yours, but I think it's Detective Brocchini's. Also for the 23rd and the 24th of July, a two-day fishing license?

HENDEE: Yes.

GERAGOS: Okay. Similar to the fishing license that we have here, which was the 23rd and the 24th of this month, of the particular month, is that correct? The one,

HARRIS: Objection.

GERAGOS: December of oh two?

HARRIS: Objection. Speculation and irrelevant.

GERAGOS: Just asking.

JUDGE: If he saw it. Yes.

GERAGOS: Did you see --

HENDEE: No.

GERAGOS: the fishing license?

HENDEE: The December 23rd and 24th, or whatever it was?

GERAGOS: 24th.

HENDEE: No, I've never seen it.

GERAGOS: Okay. The one that you did find was for 1999, and that was also for the 23rd and 24th for the month of July, correct?

HENDEE: Yes.

GERAGOS: Okay. Did you find some other fishing licenses?

HENDEE: I believe we found three altogether. Two in the glove box, one in the green bag.

GERAGOS: Okay. And that's, the green bag is the one that we've talked about on Thursday of last week?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, the other area that the, one of the other areas that the DA went into on there direct, this one hair, two hair situation. The boat, the person who processed the boat was Detective Ruskamp; is that correct?

HENDEE: He was assigned to process the boat, yes, sir.

GERAGOS: Okay. Now, if I've got it correct, you go in to the warehouse first; is that right?

HENDEE: Yes, sir.

GERAGOS: After you go into the warehouse, at some point search and rescue dogs are let inside? Or dogs let inside?

HENDEE: After videotaping and photographs were taken.

GERAGOS: Okay. The, so we've got the exact order: You go in and you take a look around, correct?

HENDEE: Yes, sir.

GERAGOS: Then the next person who goes in is the video, videographer?

HENDEE: Yes, sir.

GERAGOS: After the videographer, or at the same time, does Ms. Ducot go in?

HENDEE: She goes in after the video had already been started.

GERAGOS: After the video had already been started?

HENDEE: Yeah. She goes in afterwards.

GERAGOS: And after those two functions are done, all the photos are taken of the scene as it was, then the dog is let in?

HENDEE: Yes, sir.

GERAGOS: The dog is put into the boat?

HENDEE: With the handlers. Apparently, yes, they put the dog in the boat.

GERAGOS: They put the dog inside the boat?

HENDEE: Yes, they did.

GERAGOS: And then after the dog is put in the boat, at some point after that is when Ruskamp is assigned to process the boat?

HENDEE: Yes, sir.

GERAGOS: After Ruskamp is assigned to process the boat, then do you have Ducot take more pictures of the boat?

HENDEE: At various stages, yes, sir.

GERAGOS: Okay. One of those stages would be after the, and this is marked as 120 A, after this yellow-handled pliers is found; is that correct?

HENDEE: Yes.

GERAGOS: Obviously, if I understand correctly, this picture wasn't taken when they first went into the warehouse, it was after Ruskamp had processed the boat?

HENDEE: Not, he hadn't finished it. I helped him out.

GERAGOS: Right. So the, before this photo was taken, we have you inside warehouse, correct?

HENDEE: Yes, sir.

GERAGOS: We have the videographer inside the warehouse?

HENDEE: Yes.

GERAGOS: We've got the photographer?

HENDEE: Yes, sir.

GERAGOS: We've got the dog and its handlers?

HENDEE: Yes, sir.

GERAGOS: The dog and handlers are in the boat?

HENDEE: I don't know.

GERAGOS: Or at least the dog is in the boat?

HENDEE: Yes.

GERAGOS: Then we've got Ruskamp over there inside the boat, processing it?

HENDEE: I assume he went inside the boat. I don't know.

GERAGOS: Where did, Ruskamp on that same day, had he been through the house at Covena? The same day that he's processing the boat If I understand correctly, the warehouse is searched, the boat is processed on December 27th, correct?

HENDEE: Yes, sir.

GERAGOS: You and Ruskamp, if I understand correctly, were at the house together, doing the nursery, hallway, bathroom on the 26th?

HENDEE: Yes.

GERAGOS: You and Ruskamp went back over to the house on the 27th, before you went to the warehouse?

HENDEE: That is correct.

GERAGOS: The two of you were there collecting various items of evidence on the 27th at the house, correct?

HENDEE: Well, we didn't collect them, but we searched and then we pointed them out to Detective Skultety.

GERAGOS: Okay. So you, the two of you were both at the house on the 27th just prior, and when you left that house where did you go? When you left Covena?

HENDEE: I went to lunch.

GERAGOS: Okay. Then where?

HENDEE: And then I went to the warehouse.

GERAGOS: Okay. Where did Ruskamp go?

HENDEE: I don't know where he went for lunch, but we all met at the warehouse at 2:30 p.m.

GERAGOS: Okay. And when you went into the warehouse, and the warehouse had been, the scene had been frozen, if I understand correctly, for a period of time, correct?

HENDEE: Yes, sir.

GERAGOS: Now, the, when you find this item, or who actually found this pliers with what appeared to be a hair on it?

HENDEE: Well, I mean it was right there in plain view for anyone to see. I'm the one that picked it up.

GERAGOS: When you say it was in plain view, it was in plain view once it got, made its way up on top, correct?

HENDEE: No. It was, it was in plain view while it was still down.

GERAGOS: The hair was?

HENDEE: No, not the hair. The pliers.

GERAGOS: Right. The pliers. All you could see was the end of the pliers on the bottom of the boat; is that correct? Meaning the yellow handled portion, because it was stuck underneath one of the seats?

HENDEE: Correct.

GERAGOS: So you couldn't actually see, if you peered into the boat, all you could see of the pliers was approximately that much? I'm covering my hand. You see basically the end, the edges of it?

HENDEE: That's correct.

GERAGOS: Okay. The hair that you're talking about is in the area coming through like, coming through like this?

HENDEE: Well, you could see down at the bottom of the placard.

GERAGOS: Right.

HENDEE: The lower right hand corner, the hair starts down in that area, comes up, kind of bends around the lower 4, then goes up through the pliers, and then as it goes through the pliers, it kind of loops around back towards the...

GERAGOS: Now, who is the person who actually placed, took the pliers, I assume whoever it was had gloves on, correct?

HENDEE: That's me. Yes, sir.

GERAGOS: Okay. Who actually took the pliers from the bottom of the boat and put them right up here on what we've got marked as Quadruple E?

HENDEE: I did that. After the hair had been collected.

GERAGOS: Okay. Now, the, at that point, you demonstrated to the jury what you did, was you took that pliers and you had an envelope and you opened the pliers themselves?

HENDEE: Inside the envelope.

GERAGOS: Inside. So you slipped it inside the envelope?

HENDEE: Yes, sir.

GERAGOS: And opened it up so that the hair would fall out; is that correct?

HENDEE: Yes, sir.

GERAGOS: Now, when you did that, did you have to shake it or anything like that? Or did the hair just fall out?

HENDEE: I don't recall having to shake it at all. I opened it, put it in there, opened the pliers, pulled them out, saw the hair was not on there, looked in the envelope, saw what looked like one hair, and sealed it up.

GERAGOS: Okay. And so the hair was not intertwined in the pliers, or anything like that? You didn't have to pull the hair off?

HENDEE: No.

GERAGOS: It wasn't stuck, nothing else; just opened up the pliers, the hair falls off into the envelope, you look in the envelope, you see one hair, correct?

HENDEE: I saw what I thought was one hair, yes.

GERAGOS: And you wrote a series of reports that it was one hair, correct?

HENDEE: I wrote three, three reports dealing with the hair.

GERAGOS: Okay. The specifics, and at all times when you wrote these reports it was your belief, based on your observation, that it was a single hair that went into that envelope that you sealed up, correct?

HENDEE: Well, only in the first report do I refer to it as a single hair. The second one referred to it as hairs, and then in the third report I wrote, I explained the process about how I went about putting the pliers in there. So it's only in the first report do I refer to it as a known single hair.

GERAGOS: Okay. Now, the specific time when you went to go and take a look at this was on the 12th of February?

HENDEE: Yes, sir.

GERAGOS: And that was when Brocchini and Grogan came to you and said we want to know if there's a root on it?

HENDEE: Yes, sir.

GERAGOS: Now, the area where you examined this hair, this is at that one-story Modesto property room or evidence location; is that correct?

HENDEE: Yes, sir.

GERAGOS: And when you, you have to press that button on the outside in order to get inside? Somebody buzzes you in?

HENDEE: Unless you have an access, key access card.

GERAGOS: Then you can just swipe to get in?

HENDEE: Yes, sir.

GERAGOS: You walk in, there's a little alcove area, correct?

HENDEE: Yes.

GERAGOS: And where the alcove area is like a receptionist's window?

HENDEE: Yes, sir.

GERAGOS: Okay. At that point did you fill out some kind of a request to get the specific item?

HENDEE: No.

GERAGOS: Did you just ask them Please give me item number whatever it was?

HENDEE: Yes, I did.

GERAGOS: Okay. Who did you talk to that day? Who specifically was working?

HENDEE: I don't remember who the identification technician or the property specialist that helped us on that particular day. There's three or four of them that work back there.

GERAGOS: Now, when you, when you got that, the envelope back, did you take it, there's another room that's just off to the side down just a hallway, and then you make a left. And in that room they've got the butcher paper that you can put out, they've got the tape, razor blades, the gloves and everything else. Is that where you went and examined this?

HENDEE: No.

GERAGOS: Okay. So isn't that the room where generally evidence is examined?

HENDEE: You can do it either place.

GERAGOS: Well, that's a room that specifically is outfitted with the tape, the butcher block paper, a table, and it's got a door that from the back side somebody can retrieve the evidence, and when you walk in here you can face onto the table, put the evidence down, you've got a clean butcher block paper that can be laid out, and you've got, against the wall, all of the items that you need in order to process the evidence; isn't that correct?

HENDEE: Yes.

GERAGOS: Okay. None of those items that are on the wall that are related to processing evidence, either the tape, the cutters, the gloves, the butcher block paper, none of those items are located in the alcove area or the antechamber there in the property room, are they?

HENDEE: That's true, but none of those were going to help us see if there was a root on the hair either.

GERAGOS: Well, the, forensically it would be a better idea to pour that envelope out onto a butcher block paper and be able to have all of the other items that are at your disposal in that specific room that was designed for that purpose, wouldn't that?

HENDEE: It's a matter of opinion. I didn't see it as a problem.

GERAGOS: Okay. Well, when you opened it up, you poured it out onto like a piece of copy paper, similar to what I've got in my hand, except with no writing on it?

HENDEE: Yes, sir.

GERAGOS: Okay. You laid that out, you opened it up, you poured it out, and out came two hairs; is that correct?

HENDEE: Yes, sir.

GERAGOS: At that point where did you get the magnifying glass from?

HENDEE: From the property people.

GERAGOS: They go into the room to go get it?

HENDEE: They handed it through their window. The reception window. They have those in the back.

GERAGOS: Now, when you found the two hairs, at that point did you request that they, you compare those hairs in any way to the hairs from the blue-black hairbrush?

HENDEE: No. I mean I did not request anything being done. It was Detective Grogan that requested that be done.

GERAGOS: Okay. Had you ever pulled out the blue-black hairbrush at that point?

HENDEE: No, sir.

GERAGOS: At any point?

HENDEE: At any time, I've never seen it.

GERAGOS: Okay. And when you, did you show the two hairs to Detective Brocchini?

HENDEE: Yes. He was standing right there with me.

GERAGOS: Okay. When you showed the two hairs to him, did he comment that he thought it was only one hair?

HENDEE: No, he did not.

GERAGOS: Did he say anything: Oh, my God, there's two hairs?

HENDEE: Well, I mean I just had a puzzled look on my face, and said I don't know how that happened. It looked like, it looked like one on the pliers when I first saw it.

GERAGOS: And when you say it looked like one on the pliers, the, specifically when you, somebody photographed this, and I've got, that's 120 A, correct?

HENDEE: Yes, sir.

GERAGOS: Well, when they photographed it, clearly it was one hair, right?

HENDEE: Well, I don't know if you can say that.

GERAGOS: Well, do you see two hairs there?

HENDEE: Well, there could be two hairs coming together.

GERAGOS: Perfectly, perfectly fitted right at the tip of the pliers?

HENDEE: It's possible. I don't know. I don't know what happened to it.

GERAGOS: Well, the, when you lifted that up, or when you went like this with the pliers and opened up, opened them up, did you see two hairs fall down?

HENDEE: I didn't see them fall at all. I just looked in there, saw that a hair was in there, I was confident that the hair had made it from the pliers into the envelope, and I was just happy with that, sealed it up.

GERAGOS: Okay.

HENDEE: I wasn't looking to see if, by chance, it was two hairs originally.

GERAGOS: It was your belief that it was one hair at all times until you opened it up on February 12th?

HENDEE: Correct.

GERAGOS: The demonstration that you did with, was it Ms. Fulbright?

HENDEE: Yes.

GERAGOS: From the DA's office?

HENDEE: Yes.

GERAGOS: Were you present for that?

HENDEE: Yes.

GERAGOS: Now, the, we were shown photographs of that demonstration here in court. Were you aware that there were photographs being taken?

HENDEE: Yes.

GERAGOS: Is that done on, I guess there were two demonstrations. One that was done with the truck and one that was done with the boat?

HENDEE: I was present during the truck one.

GERAGOS: Was that at the same time that Miss Kyo from the Department of Justice was there processing the truck?

HENDEE: It was done the same day, but it was done after the entire truck had been processed.

GERAGOS: Okay. Now, when that was done, is there also a person who was taking video?

HENDEE: Yes.

GERAGOS: And was that a video so that you could see how somebody could get in and out of the toolbox, for instance,

15 or get into the truck itself?

HENDEE: Yes, that was part of it.

GERAGOS: And that video, have you ever seen that?

HENDEE: Yes, I have.

GERAGOS: Okay. Is there a reason that somebody sliced or edited that video?

HARRIS: Objection. Assumes facts not in evidence.

GERAGOS: I'm going to ask you that.

JUDGE: First of all, assuming,

GERAGOS: Hasn't that video been edited?

JUDGE: Excuse me. First, assuming it was, in fact, edited, and two, it's calling, he doesn't have any first-hand knowledge of that, as far as I know.

GERAGOS: Did you watch somebody videotape that?

HENDEE: Yes.

GERAGOS: Okay. Did anybody tell them to turn off or turn on the video when somebody was trying, when Ms. Fulbright was trying to get herself into the toolbox?

HENDEE: Maybe it's a decision she made during the process. I don't know if she felt the need to keep it running during the entire process or not. I don't know.

GERAGOS: Who is, when you say "she" who is that?

HENDEE: Veronica Holmes.

GERAGOS: So Veronica Holmes was the one videotaping this?

HENDEE: Yes.

GERAGOS: And when she videotaped it, did you tell her to keep the video running?

HENDEE: No, sir.

GERAGOS: Who was in charge of this demonstration?

HENDEE: I was.

GERAGOS: Okay. And had you talked, you had talked to Mr. Harris about the demonstration, correct?

HENDEE: Yes.

GERAGOS: Okay. And you had made a decision that you wanted to see if she could get it, fit herself into the toolbox, correct?

HENDEE: Yes.

GERAGOS: Okay. And you wanted to document that with a videotape?

HENDEE: Yes.

GERAGOS: In addition to taking pictures?

HENDEE: Yes.

GERAGOS: Okay. And did you, as the person in charge, ever instruct Ms. Holmes to turn on and turn off the videotape as you were doing it?

HENDEE: No.

GERAGOS: And that wouldn't have been your instructions, correct?

HENDEE: No.

GERAGOS: Okay. Did you ever tell or instruct anybody to edit the tape in any way?

HENDEE: To my knowledge it's never been edited.

GERAGOS: Okay. Have you watched the tape?

HENDEE: Yes, I have.

GERAGOS: You watched the portion where Miss Fulbright appears on the tape and then appears in the toolbox?

HENDEE: Yes.

GERAGOS: Does it appear to you that somebody either shut it off, the tape or video camera on and off or spliced it?

HENDEE: Oh, I'm sure she turned it on and off. I know she didn't edit it.

GERAGOS: Well, you know she didn't. Do you know if anybody did?

HENDEE: No, I have no knowledge.

GERAGOS: Now, did you, did you ever in addition to that try to do a demonstration, either with Ms. Fulbright or another model, with the boat itself?

HENDEE: Somebody else did that. I did not.

GERAGOS: Did you ever have a discussion about doing a demonstration with the boat on a body of water and trying to have somebody throw off a hundred and fifty-three pound person with weights?

HENDEE: We've talked about that, yes.

GERAGOS: Okay. It's never been done?

HENDEE: To my knowledge, no.

GERAGOS: Is the reason because you knew that it couldn't be done,

HARRIS: Objection.

GERAGOS: without sinking the boat?

HARRIS: Argumentative.

JUDGE: Sustained. Argumentative. Sustained.

GERAGOS: Well, is there a reason that you didn't try that demonstration?

HENDEE: If you want my opinion, it can be done.

GERAGOS: But nobody's ever dared try it from the DA's office?

HENDEE: To my knowledge they haven't.

GERAGOS: Is it possible?

JUDGE: Excuse me, did you say it can or can't?

HENDEE: In my opinion it can be done.

JUDGE: Can be done?

HENDEE: Yes.

GERAGOS: And you told the DA's office that, too, did you not?

HENDEE: Well, I'm just, I'm just a detective working a certain part of this investigation. I'm not one of the lead core people.

GERAGOS: Okay. The fact of the matter is that you've had discussions in the DA's office about trying to do a demonstration of your theory or the detectives' theory of the case, correct?

HENDEE: And I'm not sure that I would characterize it as the DA's office. I have had discussions with other investigators that were, you know, are we going to do this, you know...

GERAGOS: "Are we going to do this"?

HENDEE: Yeah.

GERAGOS: Okay.

HENDEE: Is this going to be something we're going to do.

GERAGOS: And to your knowledge has anybody ever done that?

HENDEE: No, they have not.

GERAGOS: Now, and I apologize for jumping around, but some of the, you've got an awful lot of reports. The toolbox, when you go in there, you pull out some gloves; is that correct? Tan gloves?

HENDEE: I'd have to refer to that.

GERAGOS: I'm looking at 33673.

HENDEE: Is that the 12/15 report?

GERAGOS: I believe that it is, yes. I mean if it says item number 12/15 dash eight, that would indicate that it's 12/15, isn't it?

HENDEE: Let me see the date down here. Yes, that's a DOJ report.

GERAGOS: And I'm referring to 33673, correct?

HENDEE: Thirty-three six what was it?

GERAGOS: I've got 33673.

HENDEE: Okay.

GERAGOS: Now, you also did a presumptive test, one of those McPhail Reagent blood tests on the gloves that you found in the truck; is that correct Second paragraph, looks like third line.

HENDEE: Yes, sir.

GERAGOS: Okay. What was the result of that test?

HENDEE: Negative.

GERAGOS: For any, for a presumptive test for blood, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Before you did the demonstration with Ms. Fulbright, you had to empty out the toolbox; is that correct?

HENDEE: Yes, sir.

GERAGOS: And approximately how many items were in that toolbox? You've mentioned the glove, the gloves that you tested which were stained, that came back negative for blood; those two shoes that we saw. Were there a number of other items in there as well?

HENDEE: There was a jumper cables, a tow truck box, I think, to help when you get stuck, or unstuck, if you're stuck in the mud, or something. And there were a number of items inside the tray in the box.

GERAGOS: The, the tow truck in a box is a kind of a ramp, isn't it?

HENDEE: I think so, yes.

GERAGOS: And that was inside of this toolbox, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. In addition to that there were the, some rubber boots; is that correct?

HENDEE: Yes, sir.

GERAGOS: The golf shoes that we saw?

HENDEE: Yes.

GERAGOS: Some, these gloves that we talked about, the ramp, some channel-lock pliers, correct?

HENDEE: Yes.

GERAGOS: Jumper cables?

HENDEE: Yes.

GERAGOS: Instructions for a portable sprayer?

HENDEE: Yes.

GERAGOS: A number of landscaping-type flags on metal rods?

HENDEE: Yes.

GERAGOS: Screwdriver?

HENDEE: Yes.

GERAGOS: Sealing tape?

HENDEE: Yes.

GERAGOS: Ralph's receipts?

HENDEE: Yes.

GERAGOS: Miscellaneous chemicals and solutions?

HENDEE: Yes, sir.

GERAGOS: Shotgun cases?

HENDEE: One.

GERAGOS: Okay. Now, did you ever try to get Ms. Fulbright into that toolbox with those items in it?

HENDEE: No, sir.

GERAGOS: In your opinion would that have, could you have done that?

HENDEE: Yes.

GERAGOS: Is there a reason you didn't do that?

HENDEE: Well, we wanted to make sure that we got ne1 everything out and done the examination first before we go introducing Ms. Fulbright.

GERAGOS: After you've taken everything out and done an examination of these items and done the presumptive test and it came back negative, did you put those items back in and then have her try to get into the toolbox?

HENDEE: No, sir.

GERAGOS: Did you videotape at any point her getting into the toolbox?

HENDEE: I don't believe it's on the videotape.

GERAGOS: Now, the, that area that was the interior of the door of the truck, you took some, which would have been right in here, you took that panel off, didn't you?

HENDEE: Yes, sir.

GERAGOS: And inside of here, you itemized the contents that were in there?

HENDEE: Yes, sir.

GERAGOS: You found a plastic ice scraper?

HENDEE: Yes.

GERAGOS: A cigar?

HENDEE: Yes, sir.

GERAGOS: Some gag teeth?

HENDEE: Yes.

GERAGOS: A pair of sunglasses?

HENDEE: Yes.

GERAGOS: Box of matches?

HENDEE: Yes.

GERAGOS: A gift receipt for Pebble Beach?

HENDEE: Yes, sir.

GERAGOS: Two pens?

HENDEE: Yes.

GERAGOS: Bungee cord?

HENDEE: Yes, sir.

GERAGOS: And an unopened three-pack of Tums antacid pills?

HENDEE: Yes, sir.

GERAGOS: Okay. You looked specifically in there because Detective Grogan had told you that, or given you information about Scott Peterson actually saying that he had reached his hand in that door; isn't that correct Isn't that why you went in there?

HENDEE: Well, we didn't go into the, the little pockets for that reason, but we had been told that Scott had told Detective Grogan that he cut his hand on the door somewhere.

GERAGOS: Right. He had specifically told Grogan that he cut his hand on the door, and you knew that to be, or that was the reason why you went to examine the driver's door; isn't that correct?

HENDEE: Well, we knew that there was already, this, I'm trying to remember if, the day that we examined that door and took the blood samples off was on December 26th. I don't know if I had that information that Scott had cut his hand on the door at that time. Later, on December 15th, I was certainly aware of that knowledge.

GERAGOS: The sentence that you write in your report is that Grogan advised me prior to the processing of the vehicle that Scott Peterson had indicated during one of his interviews that he cut his hand on the driver's door; isn't that right?

HENDEE: Yes.

GERAGOS: Okay.

HENDEE: That's prior to the December 15th examination.

GERAGOS: And I'm going to show you two pictures. Once again, that's the, is that accurately the way that you saw the door on the 15th when you processed the vehicle?

HENDEE: Well, these pictures were taken on the, December 26th.

GERAGOS: The vehicle look the same?

HENDEE: Yeah. Yeah, it looked the same.

GERAGOS: Mark these if I could, next in order.

JUDGE: Okay. Quadruple H. (Defendant's Exhibits Quadruple H marked for identification)

GERAGOS: As far as you know these were taken by Ms. Ducot, and this is Quadruple H 1 on the 26th; is that correct?

HENDEE: Yes, sir.

GERAGOS: Okay. That's the door where you found the stain?

HENDEE: Yes, sir.

GERAGOS: And then Quadruple H 2, same door except this time it's open?

HENDEE: Well, I think the other one was open as well, but yes, sir.

GERAGOS: Okay. Now, the, you indicated that in, when you were doing these photographs of Kim Fulbright, that she had no problem fitting into the box and had plenty of room to spare, correct?

HENDEE: Yes.

GERAGOS: And that Holmes took videotape and still photographs of this process?

HENDEE: Yes.

GERAGOS: Okay. The, and just to make sure. You never have ordered that any of those, that she turn the video camera on or off?

HENDEE: Absolutely. I never told her to do that.

GERAGOS: And you're not aware of the taping editing?

HENDEE: That's the normal process. I don't think she's doing something we don't normally do all the time.

GERAGOS: Okay.26 (Pause in proceedings.)

GERAGOS: You also went into, when processing the truck, you also went into the back of the truck as well, under the carpets, correct?

HENDEE: On the 26th?

GERAGOS: On the 26th.

HENDEE: And on the 27th.

GERAGOS: And I'm going to show you two pictures. Do these represent pictures of the, of areas that you were of, interested in and ended up testing or taking samples of?

HENDEE: Yes, sir.

GERAGOS: Okay. I'm going to mark these next in order.

GERAGOS: Do these pictures accurately represent the way that the truck, floor of the truck or the carpeted floor of the truck looked that day, on the 26th?

HENDEE: On the late hours of the 26th, early morning hours of the 27th.

JUDGE: Quadruple I 1 and 2.

GERAGOS: Make it 1, 2, 3 and 4. I have two other photos if I could, Judge.

JUDGE: 1, 2, 3 and 4.

GERAGOS: I assume these two photos are also of the steering wheel taken that same day by Ms. Ducot?

HENDEE: Yes, sir.

GERAGOS: And these are of the stains that we talked about that were on, or stain, singular, on the steering wheel?

HENDEE: Yes, sir.4 (Defendant's Exhibits Quadruple I 1, 2, 3 and 4 marked for identification)GERAGOS: The first one I'm going to show you, do you know where this picture, what that picture is of?

HENDEE: Yes.

GERAGOS: What is that of?

HENDEE: That is of the carpet on the rear seat of the pickup truck, between what would be the left rear seat and the right rear seat, in that area in between them.

GERAGOS: Okay. And did you test that?

HENDEE: I took a sample.

GERAGOS: Okay. And when you tested it for, with that McPhail Reagent test, what was the result?

HENDEE: I didn't test it with McPhail's. I just collected the carpet fibers and took a control sample nearby.

GERAGOS: Okay. Do you know what the results were?

HENDEE: No.

GERAGOS: How about this one here, which is marked as Quadruple I 1?

HENDEE: That's the same, picture of the same stain.

GERAGOS: Okay. Same thing, what you did is just collect that, send it to the Department of Justice, correct?

HENDEE: Yes, sir.

GERAGOS: And that would have been from where, somewhere in this area of the truck down below, if you could see through the top of the cab?

HENDEE: Yeah. The back seat, in front of the rear seat, in the center section.

GERAGOS: Okay. And then this stain that was on the steering wheel, is this it right here?

HENDEE: Yes, sir.

GERAGOS: That's Quadruple I 4. And that's actually a view from behind the steering wheel, isn't it?

HENDEE: Yes, sir.

GERAGOS: Okay. And we've got another view, which is right here, which is Quadruple I 3. And that's the stain that you tested and it came back and was not blood, correct?

HENDEE: Yeah. That's a photograph taken just before I put the circle around it to better show where it was. Because I wasn't sure it was going to show up in the picture. It's the same stain, yes.

GERAGOS: Okay. The first stain was as you found it here in 3, and then you mark a circle around it in 4, right?

HENDEE: Yes.

GERAGOS: Okay. And then I think they asked you about a comforter or what's been referred to also as a duvet cover, or comforter, in the house?

HENDEE: I don't recall. Maybe we talked about that. I don't remember.

GERAGOS: Okay.

HENDEE: It's been a long time up here.

GERAGOS: Did you ever see the comforter in the house?

HARRIS: I believe counsel may be,

GERAGOS: Skultety?

HARRIS: Coyle.

GERAGOS: Coyle.

GERAGOS: Okay. Did you ever see either the comforters that were taken?

HENDEE: Well, I was in the house. Was this photos of the 26th?

GERAGOS: Yes.

HENDEE: I was in the house, yeah, but I don't remember.

GERAGOS: You don't remember whether you took,

HENDEE: I was not in that room. That was not my function.

GERAGOS: Okay. How about the, and what was the, there was a question about, Mr. Harris asked you about it, on the, a costume or something. Did that refer to the 26th Or the 27th?

HENDEE: That was on the 27th.

GERAGOS: And was that before you went to lunch?

HENDEE: Yes.

GERAGOS: And was that in the house?

HENDEE: Yes, it was.

GERAGOS: Specifically do you know where in the house?

HENDEE: In the guest bedroom.

GERAGOS: In the guest bedroom. And was that a, where was the item that you had put on your, I guess the, you put it on your head?

HENDEE: Yes, sir.

GERAGOS: Where, where did you find that item?

HENDEE: I believe it was in the guest bedroom. I don't recall.

GERAGOS: All right. Is this the, I think he marked it. I'm just, I don't think he introduced it. Is that what he's talking about? What you were referring to?

HENDEE: He did introduce it as evidence. Yes. Yes, I did.

GERAGOS: Okay. And was this during the search process?

HENDEE: This was at the end. I was all done, ready to leave. Me being silly.

GERAGOS: Okay. Would the, the specific, and I don't know, did you, Mr, Harris did you mark that?

HARRIS: Uh-uh. It's in there.

GERAGOS: Okay. If I told you that he had already marked it, you've seen the one that he's already marked?

HENDEE: Yes, I have. He showed it to me.

GERAGOS: And it accurately represents the way that the, I guess the search was taking place on the 27th? At that point, I mean? The people who were in the picture?

HENDEE: The picture is an accurate representation of what was going on at that moment, yes.

GERAGOS: Okay. Now, the, I've got three other, or two other pictures, I should say. Do these look to you like they were on the, were taken on the 27th?

HENDEE: This one I could not tell, but this one, yes.

GERAGOS: Is that you in the picture?

HENDEE: Yes. Well, I was there on the 18th, too. February 18th. It's really hard for me to tell whether, I think it was the 26th because these,

GERAGOS: The umbrellas were,

HENDEE: The umbrellas were there. So I would say yes, that's the 26th. This one, I don't know whether that's the 26th or 27th.

GERAGOS: Okay. Who's also standing with you by the umbrella?

HENDEE: Detective Brocchini.

GERAGOS: Who is the,

HENDEE: Detective Ray Coyle, Detective Rick House.

GERAGOS: I'm going to mark the one picture that he identified.

JUDGE: Quadruple J. What does that purport to represent?

GERAGOS: Purports to represent the backyard of the location with the umbrellas out.5

JUDGE: And that's the way it looked, Detective Hendee?

HARRIS: Now, that's the outdoor daytime picture?

GERAGOS: Yeah. It's an outdoor daytime picture, with the umbrellas outside.

GERAGOS: You indicated that's you, that's Brocchini and this is Coyle right here; is that correct?

HENDEE: Yes, sir.

GERAGOS: And the reason you believe it to be the 26th is because the umbrellas were still there?

HENDEE: Yes, sir.

GERAGOS: And I assume the umbrellas weren't like that when you got there, but you had opened, or somebody opened the umbrellas up; is that correct?

HENDEE: I can't remember. Probably. I just can't remember.

JUDGE: That's an accurate representation of the way it looked on that date?

HENDEE: Yes.

JUDGE: The yard with everybody in it?

HENDEE: Yes.

JUDGE: Okay.

GERAGOS: Can I have just one moment?

JUDGE: Yes.8

GERAGOS: You were also present during the February 18th, search, correct?

HENDEE: Yes.

GERAGOS: Okay. Did you, for your ease of taking a look at it, turn to Bates stamp 2241.

HENDEE: Yes, sir.

GERAGOS: Okay. Now, when you executed the warrant, or the warrant was being executed on the 18th, who was the, who was the scene manager?

HENDEE: Rudy Skultety.

GERAGOS: What were you specifically detailed to do on that day?

HENDEE: Search the master bedroom.

GERAGOS: Okay. When you searched the master bedroom, did you search the drawers themselves?

HENDEE: Actually, Detective Rick House did, and I just recorded what items of evidence we ended up collecting.

GERAGOS: Okay. One of the items that you spotted was the, what's previously been marked, is this item right here; is that correct?

HENDEE: Yes.

GERAGOS: Okay. And that would be the, let me find the tag on it.

JUDGE: Should be an evidence tag on it someplace.

GERAGOS: Well, the evidence that's on it is 21840, but I can't, I don't see what ours,

HARRIS: The tag was on the inside of the cardboard.

JUDGE: Ask Marilyn. I'm sure she knows where it is.

CLERK: Well, it came off.

JUDGE: Okay. We'll find it.

CLERK: It's 10.

GERAGOS: It's 10?

CLERK: Yes.

JUDGE: Yes. That's People's 10, maternity dress, maternity blouse.

GERAGOS: This maternity blouse was found on the 18th, February 18th?

HENDEE: Yes, it was.

GERAGOS: And were you present with Amy Rocha on the 18th, in the house?

HENDEE: Yes, I was.

GERAGOS: Amy Rocha identified that as the blouse that she saw Laci wearing on the 23rd?

HENDEE: Well, of all the blouses we found, that was the one she thought would be the, most likely the one that she was wearing the last time she saw her.

GERAGOS: Okay. And that's why you collected it, correct?

HENDEE: Correct.

GERAGOS: And you also collected some shorts from the left-side middle dresser drawer; is that correct?

HENDEE: Yes, sir.

GERAGOS: These shorts were black cut-off sweat shorts?

HENDEE: Yes.

GERAGOS: And they had what appeared to be grayish colored cat hairs on them?

HENDEE: Yes, sir.

GERAGOS: Okay. Now, the, and you sampled the hairs off of the shorts?

HENDEE: Yes, sir.

GERAGOS: You took them? Did you also find a pair of black women's stretch pants on that day?

HENDEE: I believe so.

GERAGOS: And that was collected from where?

HENDEE: I don't know. Can you refer me to what you're looking at?

GERAGOS: I'm looking at where it says left-side middle dresser drawer.

HENDEE: Yes. You,

GERAGOS: And,

HENDEE: It was collected from the left-side middle dresser drawer, a pair of black women's stretch pants.

GERAGOS: Okay. And what was item number 218-15?

HENDEE: That's the stretch pants. The black women's stretch pants.

GERAGOS: Okay. Where, did you find those with this item, People's 10, same drawer?

HENDEE: I believe that was on the top drawer above it. The stretch pants, let me see where we're talking about here. 215. That came from the left-side middle dresser drawer.

GERAGOS: Okay. Now, these are different black maternity stretch pants than the two pairs that were in the white bag in the nursery on the 26th of December, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. So clearly there were, at a minimum, three pairs of black maternity stretch pants in that house, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Did you observe other black maternity stretch pants in that house that weren't collected?

HENDEE: No.

GERAGOS: Did you,

HENDEE: Not to my knowledge.

GERAGOS: Okay. Did you collect, or did you specifically look for them?

HENDEE: Yes, we did.

GERAGOS: Okay. Now, the, in addition to that, you also collected a number of maternity shirts, correct?

HENDEE: We collected shirts, yes. I don't know how many of them all together.

GERAGOS: Okay. Generally you collected quite a few items of clothing on that day; isn't that correct?

HENDEE: Yes.

GERAGOS: And you also on that day noticed on the interior left side of the master bedroom closet door what you thought was a faint reddish brown fingerprint pattern, correct?

HENDEE: Similar to a fingerprint powder, fingerprint pattern, minus the ridge detail.

GERAGOS: Okay. And, once again, you thought that might be blood, so you tested it with the McPhail test; is that correct?

HENDEE: Yes, sir.

GERAGOS: And what was the result?

HENDEE: I believe it was negative.

GERAGOS: Which means that it was not blood, correct?

HENDEE: Correct, sir.

GERAGOS: Okay. The, then went, I guess, the following day you left the residence and then came back, I guess, at the direction of Detective Grogan; is that right?

HENDEE: No, on the 19th I left and never returned.

GERAGOS: Okay. Now, did, were there also found, besides the black stretch maternity pants, did you also come back, or did you find an item that was a pair of black GAP maternity pants, which is 218-84?

HENDEE: Right. I wasn't there when those were found. But there was another pair, apparently, found that date.

GERAGOS: So there was another, after you had searched for black maternity pants, collected the pair you thought was the only one there, you then were informed later that in fact another pair of black maternity pants had been found, correct?

HENDEE: True. But I don't think we had finished the master bedroom room on the 18th, so we came back and finished it on the 19th.

GERAGOS: Okay.

HENDEE: So I'm not sure where those, actually those pair were actually found in the closet, so...

GERAGOS: Okay. Then you went, you went through the master bedroom bedding; is that correct?

HENDEE: Yes, sir.

GERAGOS: And you got the comforter, the white blanket underneath, the white top sheet, the white fitted sheet, the mattress cover, the white dust ruffle. They were all collected, weren't they?

HENDEE: Yes, sir.

GERAGOS: There were no noticeable stains thought to be blood on any of those items, correct?

HENDEE: That is correct.

GERAGOS: Then you went over to the hallway closet; is that correct?

HENDEE: Yes, sir.

GERAGOS: Now, the hallway closet, just to make sure, this is a, obviously a separate search than the one that you did on the 26th, right?

HENDEE: Yes.

GERAGOS: Okay. And so now you've gone back over to the hallway closet. Can you point the jury to where that was specifically?

HENDEE: Right here.

GERAGOS: Okay. And Detective Owen and you saw a stained area; is that correct?

HENDEE: Well, Detective Owen saw it, pointed it out to me. I didn't think it was anything but we collected it.

GERAGOS: And did you test it?

HENDEE: I don't know if it was ever or not.

GERAGOS: Take a look at the top of 2243. Can you read that silently to yourself. Does that refresh your recollection.

HENDEE: Detective Owen tested it.

GERAGOS: What was the result?

HENDEE: Negative.

GERAGOS: Negative for blood, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. Then you went into the hallway bathroom?

HENDEE: Yes, sir.

GERAGOS: Didn't find anything of any evidentiary value there, correct?

HENDEE: Well, we, we did.

GERAGOS: Pictures?

HENDEE: I'm sorry.

GERAGOS: You took pictures, correct?

HENDEE: Well, we did collect looks like two items from, I'm sorry, which, which room are you,

GERAGOS: Hallway, hallway bathroom.

HENDEE: I'm sorry, I was looking at the wrong one. Hallway bathroom, no. We took photographs, but we didn't collect anything.

GERAGOS: Okay. Then at some point the, you went into the kitchen; is that true?

HENDEE: Yes, sir.

GERAGOS: Okay. And you were looking through the cleaning supplies under the sink?

HENDEE: Yes, sir.

GERAGOS: And you made a notation of whatever was kept under the, you know, the dishwasher stuff, everything else that was underneath the sink; is that correct?

HENDEE: Yes, I did.

GERAGOS: And while you were doing that, you noticed the reddish brown stain under the kitchen floor, underneath the hanging kitchen pots. Can you show the jury where that is? And I'd ask, do you have, the fine tip pen is up there. Can you mark where that is and put 2-18 so that we know that it was on that date? And the same as the judge had instructed you before, put a line out into the margin.

HENDEE: I think it's already marked. It's in this area right here.

GERAGOS: Okay. And did you test that?

HENDEE: Yes.

GERAGOS: And?

HENDEE: Negative.

GERAGOS: For blood?

HENDEE: Yes.

GERAGOS: Okay.

HENDEE: Correct. Do you want me to write 2-18 on that?

GERAGOS: Yes. If you would, that would be great.

HENDEE: (Witness complies.)

GERAGOS: I'm going to show you three other pictures, ask you do you recognize these?

HENDEE: May I refer to my report?

GERAGOS: Sure.

HENDEE: This clearly no. These two I couldn't say for sure. The, I do recall inside a wallet belonging to Scott Peterson there were two credit cards found, but the numbers are not, there's a Bank of the West, but the numbers were not the same. So I'm not sure where these were actually collected from. This is not the same Bank of the West credit card number as this one, so I really can't say for sure.

GERAGOS: The,

HENDEE: The wallet that we saw, as I recall, there were only two credit cards in it.

GERAGOS: Okay. Did you instruct, it looks like these were marked with V. Holmes, which was one of the crime scene technicians?

HENDEE: She's, yes, yeah.

GERAGOS: Did you have her take photographs?

HENDEE: She was taking photographs for Detective Skultety. I don't recall if that's a photograph that was taken inside the master bedroom or not.

GERAGOS: Okay. The, you also did the measurements on the boat itself; is that correct?

HENDEE: Yes, sir.

GERAGOS: That was at the request of Detective Grogan?

HENDEE: Yes, sir.

GERAGOS: Okay. The measurements were taken sometime this year, January of this year?

HENDEE: May I refer to my report?

GERAGOS: Excuse me?

HENDEE: May I refer to the report?

GERAGOS: Sure. I'm looking at 38286, if that helps.

HENDEE: January 21st of 2004, yes, sir.

GERAGOS: Okay. Now, the, for the purpose of doing the measurements, you went to the web site of Lowe, L-O-W-E, Boats; is that correct?

HENDEE: Yes, sir.

GERAGOS: And they have a series of boats that looks like it was originally manufactured for Sears and Roebuck?

HENDEE: Yes, sir.

GERAGOS: And were the diagrams and the measurements that you took, were those also from the specifications that you found on the web site?

HENDEE: The measurements were my own off Scott's original boat. The picture is a downloaded image from the web site.

GERAGOS: Okay. Now, at some point did you see that boat get processed once again? Were you present at any point when that boat was processed in December or January of this year?

HENDEE: Of which year?

GERAGOS: Of this year. December of last year or January of this year?

HENDEE: No. I've gone there myself and taken measurements, but I've never seen it actually processed again.

GERAGOS: The, the measurements that you obtained were for the depth of the boat; is that correct?

HENDEE: Yes.

GERAGOS: Okay.

HENDEE: And the overall measurements for the whole boat.

GERAGOS: And the over all measurements; is that right?

HENDEE: Yes, sir.

GERAGOS: Okay. And you still have, you, Modesto PD, still has the boat in its possession at this point?

HENDEE: Yes, sir.

GERAGOS: And still has the trailer that the boat was on in its possession?

HENDEE: Yes, sir.

GERAGOS: Judge, if this would be a good time to take the break, I think that I'm done. Just want to double-check.

JUDGE: All right. You think this is a good time?

GERAGOS: Yes.

JUDGE: All right. We'll take the morning recess. Remember the admonition. We'll reconvene at ten minutes to 11:00. Okay.

JUDGE: All right. Let the record show the defendant's present with counsel, the jury's in the jury box along with the alternates. Now, Mr. Geragos, I assume you have some more questions?

GERAGOS: Just a couple, Judge.

JUDGE: All right.

GERAGOS: You went to the warehouse on the 26th and 27th and you picked up a bunch of paperwork, isn't that correct, from the desk, in addition to a USA fishing items that I showed you?

HENDEE: Yes, sir.

GERAGOS: I'm going to show you some items. You just tell me when you're finished. You looked at both of those photocopies of the items or photocopies of the items that you collected?

HENDEE: I believe they were collected. I never saw these specific items, though.

GERAGOS: Fair to say that there were numerous documents that were on the desk that you collected when you were there in connection with the search warrant?

HENDEE: They were collected at my direction, yes.

GERAGOS: These items were for the most part taken off of the desk?

HENDEE: I don't know for sure. I don't know what envelope they came out of.

GERAGOS: Who would have been responsible for itemizing what it was, the specific documents that you took out of the warehouse?

HENDEE: Well, they were, they were all collected and put into envelopes and the envelopes would say what area they came from. I don't know what envelopes those came out of, but it's possible they came out, I'm sure they came out of the office. I don't know where specifically.

GERAGOS: I'll mark these as a set. This one is one tape just pulled out, so the usual stipulation that half can be used?

HARRIS: That's fine.

GERAGOS: And it's one, two, three, four, five, six, seven, eight pages of miscellaneous documents.

JUDGE: Quadruple K, 1 through 8.

GERAGOS: I'm marking those. Then there's, there's two other items. The, after the dog went into the boat at the warehouse you noticed that there were numerous black hairs found in the

boat, correct?

HENDEE: Yes, sir.

GERAGOS: And it was your belief that the hairs that were in the boat had come from the dog?

HENDEE: Yes, sir.

GERAGOS: And then Amy Rocha, when she went inside the closet on the 18th, in addition to picking out this item, which was People's 10, there was another item that she went into the location, a pair of tan or cream-colored pants that were hanging in the closet that were clipped or cuffed at the bottom. Were you with her when she identified those?

HENDEE: What day was this?

GERAGOS: On the 18th of February.

HENDEE: I believe I was. May I refer to my report?

GERAGOS: Sure.

JUDGE: Sure.

HENDEE: Does it have an item number, sir?

GERAGOS: It does not, not in this report.

HENDEE: Would you give me the description again, please.

GERAGOS: A description of closet location, selected one pair of tan or cream-colored pants that were hanging in the closet, clipped at the cuffs and hanging upside down. Showed evidence of being worn, but were not soiled.

HENDEE: Okay. I referred to possibility the same pair of pants as also collected from the master bedroom closet was a, excuse me, a pair of cream-colored Gap pants, evidence item No. 218-30.

GERAGOS: Okay. And that is on what Bates number?

HENDEE: That is on Bates No. 2242.

GERAGOS: Okay. So, Amy Rocha, as far as you know, was allowed in by the judge for the search warrant for the express purpose of looking for the clothes that she remembered Laci wearing on the 23rd of December when Laci came into the Salon Salon with Scott to get his haircut, correct?

HENDEE: That's my understanding, sir.

GERAGOS: She picked out item No. 10 as being closest to the blouse, correct?

HENDEE: Yes.

GERAGOS: And she picked out item No. 2-, I apologize, 2242, you said it was item No. 218, what, 30?

HENDEE: 218-30.

GERAGOS: Okay.

HENDEE: It doesn't say in my report that she picked that blouse out, though.

GERAGOS: You've seen the report I showed you of Grogan?

HENDEE: Yes.

GERAGOS: Okay.

HENDEE: Just now.

GERAGOS: Does that refresh where he references the fact that you were also present at the time and reviewing the photos at the time?

HENDEE: Yes, but, I mean, it doesn't say that Amy picked them out as the item that she thought she might have been last wearing or something.

GERAGOS: She picked out a tan-colored pair of pants; isn't that correct?

HENDEE: Yes.

GERAGOS: Tan or cream-colored?

HENDEE: Cream-colored.

GERAGOS: She picked out a pair of shoes, correct?

HENDEE: Yes, sir.

GERAGOS: And she picked out a scarf, correct?

HENDEE: Yes.

GERAGOS: The shoes were item No. 218-21, right?

HENDEE: I don't know. You have my report.

GERAGOS: And she's, I'm sorry. I took it. Most resembled the ones that she was wearing the last time she saw her, correct?

HENDEE: Yes.

GERAGOS: Okay. And the scarf, same?

HENDEE: The white scarf she thought was the one possibly she was wearing the last time she saw her.

GERAGOS: Okay. And the tan pants?

HENDEE: The tan color, I don't have it listed down there that she thought that was an item she was wearing when she last saw her.

GERAGOS: But she pointed out she was there specifically to pick out the items that she thought Laci was wearing; is that right?

HENDEE: Yes.

GERAGOS: And the items she picked out were scarf, right?

HENDEE: Yes.

GERAGOS: She picked out shoes, those Nine West shoes with the strap?

HENDEE: Yes.

GERAGOS: She picked out item No. 10, right?

HENDEE: Yes.

GERAGOS: She picked out a pair of cream or tan-colored pants, correct? And those pants were taken into custody or taken into evidence, right?

HENDEE: Going off of Detective Grogan's report, I would say yes, but off my report it does not say that she identified those.

GERAGOS: Okay. Grogan's report indicates that that's what happened; is that correct?

HENDEE: No, I didn't see that in there either.

GERAGOS: You looked at the closet note location, selected the tan or cream-colored pants that were hanging in the closet.

HENDEE: Right. It looked like those were there, but it doesn't say that Amy picked those out.

GERAGOS: "Amy picked those out and selected."

HENDEE: I missed that.

GERAGOS: First sentence I have yellow highlighted.

HENDEE: Well, she selected them, but I don't think that says she thought that Amy or Laci was wearing them last.

GERAGOS: Why?

HENDEE: It just, it says she selected.

GERAGOS: Why would Amy select a pair of tan-colored pants for a search warrant where the judge said go in and find the clothes that Laci was wearing?

HENDEE: You have to ask Detective Grogan. I don't know why.

GERAGOS: Well, she was there specifically for that purpose, correct?

HENDEE: It's my understanding, yes, sir.

GERAGOS: She picked out a scarf, correct?

HENDEE: Yes.

GERAGOS: Shoes?

HENDEE: Yes.

GERAGOS: The shoes were the ones she was supposedly wearing, the scarf she was wearing on the 23rd, correct?

HENDEE: What she thought.

GERAGOS: What she thought. The blouse she was wearing on the 23rd?

HENDEE: Possibly.

GERAGOS: And then she picks out a pair of pants. Is it a stretch of the imagination for you to infer that the reason she picked out the pair of pants is that she thought what she was also wearing on the 23rd?

HENDEE: It's possible. I don't know what other items she may have picked out that is in Detective Grogan's report either.

GERAGOS: Were you there?

HENDEE: Yes.

GERAGOS: Okay. When the items that she picked out were, when she pointed to, they were taken into evidence, correct?

HENDEE: Yes.

GERAGOS: Okay. Booked into evidence so that we can have them here, right?

HENDEE: Right. I was not privileged to all of the conversations that she was having with Detective Grogan, so I don't know what was said between the two.

GERAGOS: I have no further questions.

Redirect Examination by David Harris

HARRIS: Detective, let's kind of go in reverse order. Let's start with that. Ms. Rocha was there at the search warrant with Detective Grogan?

HENDEE: Yes, sir.

HARRIS: And you were assigned to, on that particular date, to be one of the finders as you previously described?

HENDEE: Yes, sir.

HARRIS: So it wasn't your responsibility to --

GERAGOS: Objection, leading.

JUDGE: Sustained.

HARRIS: Was it your responsibility to stay with Ms. Rocha and document what she was doing?

HENDEE: No.

HARRIS: Now with regards to, I want to go through this because you were asked about dog hairs and then were asked about Ms. Rocha is the same date?

HENDEE: No.

HARRIS: Just, again, so that we're all very clear about this, when was the first time that you went to Covena?

HENDEE: On December 26th, 2002.

HARRIS: And was that daytime or nighttime?

HENDEE: Nighttime.

HARRIS: So when you were shown this photograph and asked if this was 12/26, is that 12/26 that that photograph was taken on?

HENDEE: If I said it was the 26th, I was mistaken. It was the 27th.

HARRIS: All right. Can you clearly see from this photograph that it's daytime?

HENDEE: Yes.

HARRIS: Now, again, going back to what I was asking about you, you're there on the 26th at nighttime, did you go back the next day on the 27th?

HENDEE: Yes, I did.

HARRIS: After you were done at the Covena house, did you go to the warehouse?

HENDEE: Yes, I did.

HARRIS: And were you done with the warehouse after you completed serving the search warrant on the 27th of December?

HENDEE: Were we done with it? Yes. We finished it that night.

HARRIS: Now, counsel was asking you about some of the things that were taken from the warehouse. And he was showing you all of these records that were just marked. There was also undeveloped film that was there?

HENDEE: Yes, it was.

HARRIS: Is it a standard practice to collect that, have one of the I.D. techs kind of process that film later?

HENDEE: Correct.

HARRIS: And that was done in this particular case?

HENDEE: To my knowledge it was. I collected the film. I don't know for sure it was developed.

HARRIS: Now the items that were marked as a group of the paperwork, you're saying that you didn't specifically remember seeing some of those, but it was taken at your direction?

HENDEE: I don't remember seeing any of them, but it was taken at my direction.

HARRIS: Let's go back through that. You described for us last week that finder, I want to say finder keeper process, but someone's assigned a search?

HENDEE: Yes, sir.

HARRIS: And then the scene manager, which is you at the warehouse, is the person that's responsible for either collecting the items or directing someone to collect the items?

HENDEE: Yes.

HARRIS: Now, in the office portion of the warehouse that we're talking about did you assign somebody to do that function of finding?

HENDEE: Yes, I did.

HARRIS: And after, if anything was found, did you direct those individuals to collect them?

HENDEE: Yes.

HARRIS: You were asked about the computers and shown some photographs of different items, specifically one by the computer that dealt with Captain Hook's Sports Fishing, I think it was?

HENDEE: Yes.

HARRIS: Were the computers examined or taken by somebody that had computer experience?

HENDEE: Yes.

HARRIS: Who was that again?

HENDEE: Detective Stockham.

HARRIS: Now, I want to show you that particular document that you were shown. And that would be Defense quadruple G. And were you asked about the, you were asked about the date where it says "Today's Headline." To the left of that particular document do you see, also see another date on this document?

HENDEE: Yes, I do.

HARRIS: Down here in the lower right does it indicate that this was printed on 12/9/2002?

GERAGOS: Objection, calls for speculation. There's no foundation. The document speaks for itself.

JUDGE: Sustained. How do we know? Sustained.

HARRIS: Detective, is there a second date on that document?

HENDEE: Yes, there is.

HARRIS: What is the second date on that document?

HENDEE: December 9th, 2002.

HARRIS: Do you know if Detective Stockham at some point in time looked at the computer history from the actual computer file generated in this particular document?

HENDEE: I don't know that for sure.

HARRIS: So that's something we should talk to the forensic person about?

HENDEE: Yes.

HARRIS: You were asked a lot of questions about the truck and I just want to go through that real briefly. Putting up what is 116C. We've had photographs of the truck and we've had lots of descriptions about the box and some of the things that you were doing. What type of truck was

this?

HENDEE: This is a 2002 Ford F-150 4x4 pickup truck.

HARRIS: How many seats does it have?

HENDEE: It has two in the front seat and then it has a bench seat in the back which will hold three people.

HARRIS: How many doors?

HENDEE: Four.

HARRIS: So this is one of those kind of full-size cab pickup trucks?

HENDEE: Yes.

HARRIS: When you were, you were being asked questions about the, since it's up there right now, 116C, you were asked questions about the tool box and the demonstration that was done with Ms. Fullbright getting into the tool box. There was a question about a tray or all these other items were in there, and you said something about a lot of these were in the tray. Can you explain what you meant by that.

HENDEE: As you lift up the lid to the storage box there is a tray. It's probably about three inches wide that runs the width of the green box in the back. And there were a number of items on top of that tray. So there's a tray that items could sit on and they could also sit on the bottom of the box.

HARRIS: I'm going to put up what's been marked as double 0, and this is, is this a photograph looking down in that tool box that you're describing?

HENDEE: Yes, it is.

HARRIS: And if you look at the top portion going from left to right of that toolbox, does that depict the tray, barely depict the tray?

HENDEE: Yes, it does.

HARRIS: And does that tray swing down or in any way cover the bottom part of that toolbox?

HENDEE: It doesn't swing down, I don't believe it covers the bottom at all, no, it's well above the floor of the box.

HARRIS: So the items that you were being asked that was found in there, were the majority of those items either in the bottom of the tool box or in that tray?

GERAGOS: Objection, compound.

JUDGE: No, he can answer that, I think.

HENDEE: Well, if you took them by sheer number by absolutely sheer number, there were more items in the top in the tray than in the bottom of the box.

HARRIS: And that included these flags for landscaping?

HENDEE: Yes.

HARRIS: And some of the tape?

HENDEE: There was tape and a bunch of little bottles for chemicals, chemical compound or something.

HARRIS: All right. You were also asked about that demonstration with the person kind of standing in that was getting into this particular box whether you knew if the tape was edited, and you said you had no knowledge. That's kind of assuming that the tape was ever edited; is that correct?

HENDEE: Yes, as far as I know it was never edited.

HARRIS: Now, you did document in your report, in fact, kind of counsel kind of read it to you that you had documented in your report that you had directed Ms. Holmes to take videotape and still photographs?

HENDEE: Yes.

HARRIS: And have you seen photographs?

HENDEE: Yes, I have.

HARRIS: And have you seen the videotape?

HENDEE: Yes, I have.

HARRIS: And in your experience dealing with Ms. Holmes does she normally have to stop the videotape to take still pictures?

HENDEE: Yes.

HARRIS: And this videotape, does it also have these individual or the person there that we're talking about going in those parts of the truck, too?

HENDEE: Yes, it does.

HARRIS: Sit inside?

HENDEE: Inside and outside.

HARRIS: And each time the person moved from one place to the other the camera was stopped?

GERAGOS: Objection, leading.

JUDGE: Sustained.

HARRIS: Was the camera stopped when he turned from one place to another?

GERAGOS: Objection.

JUDGE: How did he know? He doesn't know if she stopped the camera. Is that right, you don't know?

HARRIS: He's seen the video, you testified?

HENDEE: I've seen the videotape.

JUDGE: From viewing the tape videotape does it show she stopped the camera at certain moments during the filming of this procedure?

HENDEE: Yes, she did. It looks as that happened.

HARRIS: So you'll have a scene, where is as far as next lace some next seen there someplace else?

HENDEE: Yes.

HARRIS: Do you have photographs of them at the first location?

HENDEE: I believe so, yes.

HARRIS: Do you have photographs of them at the second location?

HENDEE: Yes.

HARRIS: Now, the, were you asked about the, again, just kind of going back through this in order, the second examination of the hair, or really the only examination, let me just go back through this. When you first saw this hair that's been depicted in Exhibit 120A, you've described for us that you picked up the pliers from underneath the seat and that's when you first observed

the hair?

HENDEE: Yes.

HARRIS: That's later photographs what counsel showed you there's pliers sitting on the seat?

HENDEE: Yes.

HARRIS: When in sequence were those photographs taken?

HENDEE: The pliers on the placard were taken after we had collected the hair. After I had collected the hair.

HARRIS: All right. So now what we're looking now, ne1 120A, is that the first photograph in the pliers?

HENDEE: Yes, it is almost immediately after finding it.

HARRIS: So you pick it up, you have Ms. Ducot take a picture of it?

HENDEE: Yes.

HARRIS: You put it in the envelope, as you've described?

HENDEE: Yes, I did.

HARRIS: And put the pliers back down?

HENDEE: Yes.

HARRIS: And that stays --

GERAGOS: Objection, leading.

JUDGE: These are all leading. Sustained.

HARRIS: Do the pliers, what do you do with the pliers after you put the hair in the envelope?

HENDEE: I set them down on the placard because that was going to be evidence item No. 144 and we were not at that point where I was going to collect that. And I only collected the hair because I didn't want to lose that. And my main focus was that hair was to get it in the envelope so that got packaged right away. After the hair was packaged, I just put the pliers down on the placard so we would remember what number that was. So that pair of pliers,

HARRIS: Your concern about losing that particular hair at the time that you conducted an examination of the hair?

HENDEE: I looked at it, yes, while it was in the pliers.

HARRIS: Did you put down a ruler or had measured it or do anything like that?

HENDEE: No, I didn't. It was a decision I made at that time that when I picked up the pliers, I saw the hair, to me, I was going to package it, put it in an envelope and secure it. At some point it was going to be sent to the lab, so I was not concerned about how long it was. I made a visual image in my mind. It was five to six inches, but that's what I recorded in my report. But my biggest focus and main focus was to get it in the envelope so I wouldn't lose it.

HARRIS: Go back to what you just said. Did you document in your report of how long this hair was?

HENDEE: Yes, I did.

HARRIS: And what was that estimate?

HENDEE: Five to six inches.

HARRIS: And that's what you put in your report back then?

HENDEE: Yes.

HARRIS: Moving forward in time in this examination after you were requested by Detective Grogan and Detective Brocchini, you were asked about doing this in kind of alcove is I think counsel kept using that term versus the lobby. Can you describe for us what room we're talking about here.

HENDEE: When you go into the Modesto Police Department evidence facility there's only two ways you can get in. One, that you have an access card that grants you access. Or, two, you hit the buzzer and then somebody, one of the property technicians will buzz you in. There's an intercom box outside as well so they can talk to who's outside so they know who it is that wants to come in. The day that we went to, in, there was nobody inside of the evidence facility. It was just Detective Brocchini and I in the lobby area or alcove area or the viewing area. The viewing area is approximately, I'm going to say, you know, maybe two times the size of the entire jury box, excuse me, about two times the size of the entire jury box is maybe two, two-and-a half, three times the size of this room. Actually two times, about two times the size of this jury box I would say is the entire room. At the time there was nobody in there. And this is a room that for years and years and years, if we were going to view evidence, it had to be in that room because there was no side room. We built that side room just in the event there were people in multiple cases viewing evidence at one time or if we were counting a large amount of cash, some drug cases where there was a large amount of drugs taken, we wanted a separate room we're that be done separately and more privacy in case somebody that came to view or collect a piece of evidence that was there is. But on the day we did this there was nobody else inside that room except myself and Detective Brocchini.

HARRIS: So when you're in this particular room, you were describing how one of the I.D. technicians and one of the evidence technicians handed you a magnifying glass. I want to go through this process. Near or inside this room is there shelves or kind of a level area, a table up against the wall where you put property down and look at it?

HENDEE: There's tables, there's also two shelves that go along the wall and the property technician handed us the evidence items through a small window. She actually never came in, he or she, whoever it was I don't remember. Never actually came into that room, they just handed us the evidence through the window.

HARRIS: So they hand you the item. And at some point in time did you ask for a magnifying glass?

HENDEE: Yes.

HARRIS: And they handed that through the window as well?

HENDEE: Yes.

HARRIS: But they never entered the room?

HENDEE: Correct.

HARRIS: Now you had, you open it up, counsel's asking you, it's dumped out onto this piece of paper. This was a clean piece of paper?

HENDEE: Yes, it was.

HARRIS: You see that whatever it was, one hair that broke or two hairs or whatever there's now?

GERAGOS: Objection, leading, argumentative.

JUDGE: Sustained. Sustained.

HARRIS: Do you see what comes out of the envelope?

HENDEE: Yes, I do.

HARRIS: And you look at it at that point in time?

HENDEE: Yes, I did.

HARRIS: Even in that condition that it was that you were looking at it, did it still have those two pieces that you've seen and are depicted up there on 120A, those two pieces of debris?

HENDEE: Yes.

HARRIS: Do you repackage it and put it in the box that we went over last week?

HENDEE: Yes, I did.

HARRIS: And that goes up to the Department of Justice for them to examine?

HENDEE: Yes, it does.

HARRIS: In terms of this search and rescue dog, did you also take samples of that dog's hair to submit to the Department of Justice so they could exclude any animal hairs?

HENDEE: Detective Scofield did that.

HARRIS: Were you asked about fishing licenses and I want to go back through this. Either you or at your direction did you find fishing licenses when you were doing the search of the warehouse on 12/27?

HENDEE: Yes.

HARRIS: How many did you find?

HENDEE: In the warehouse?

HARRIS: Yes.

HENDEE:One.

HARRIS: Where was that?

HENDEE: That was in the green bag in the front or in the green bag in the bow of the boat.

HARRIS: And what was the date for that particular fishing license?

HENDEE: I believe it was July of '99.

HARRIS: Now, you were asked whether there was three or four of these fishing licenses, did you actually collect those or have somebody else collect them and bring it to your attention?

HENDEE: The two in the glove box, I believe I collected those. On the night of the 26th, early morning of the 27th, those I collected and the one from the green baggie collected as well.

HARRIS: Going back in time then, do this in sequence, on 12/26, the two of you collect from the glove box. Do you remember the dates of those two fishing licenses?

HENDEE: At the time I didn't record them. I have since read Detective Brocchini's report. He was asked to go back and get the dates off. I believe one was in '99 and one was in '94, according to his report.

HARRIS: Two fishing licenses you collected from the defendant's truck?

HENDEE: Yes.

HARRIS: You also described the one collected from 12/27 from the green bag?

HENDEE: Yes.

HARRIS: So there were three fishing licenses that you were involved with collecting?

HENDEE: Yes, sir.

HARRIS: You were asked, in fact I think counsel brought it up and showed it to you, the Department of Justice report by a Pin Kyo?

HENDEE: Yes.

HARRIS: Is Pin Kyo a criminalist with the Department of Justice?

HENDEE: Yes, she is.

HARRIS: And did she do some of the examinations involved with this case?

HENDEE: Yes.

HARRIS: Was she also the one that came out and pre-processed the truck that you were describing at a later point in time?

HENDEE: Yes, she processed it at there facility on December 15th.

HARRIS: Now I want to be clear about it. When you say December 15th, that particular day, what year are we talking about?

HENDEE: 2003.

HARRIS: So when she comes out and process the truck, it's at the Department of Justice facility?

HENDEE: Yes, it is.

HARRIS: And that's where that one particular hair that counsel was asking you was found in the toolbox?

HENDEE: Yes.

HARRIS: He was asking you about what she found and you were indicating you didn't have too much information, but he showed you the report, you looked at it. Were you there when she did this processing of this truck?

HENDEE: No.

HARRIS: You didn't follow her around moment by moment, did you?

GERAGOS: Objection, leading.

JUDGE: Sustained.

HARRIS:

HARRIS: Did you follow her around moment by moment?

HENDEE: No, I did not.

HARRIS: In terms of processing the truck to get in the questions, questions that he was asking you about the stains near the tailgate, to go back through this, when you originally, when you originally processed the truck did you see kind of stains near the tailgate area?

HENDEE: We're talking about minor stains and a very dirty tailgate. I looked over at the tailgate, I didn't see anything that I thought was blood. On January 7th, Detective Stough said he was doing some more work on the truck, called me up and said, hey, would you take a look at these. I still didn't think necessarily they were blood, but we collected them and tested them.

HARRIS: All right. The area that you were collecting, that is in the tailgate area?

HENDEE: Yes.

HARRIS: When you were shown Ms. Kyo's report about her examination, is that kind of the same general area that that she was collecting her samples from?

GERAGOS: Objection, calls for speculation.

JUDGE: If he shows. Do you know where she was collecting the samples from? If you know, detective.

HENDEE: I'm trying to remember the report. As I sit here, I don't have a recollection of where it was. No, I don't.

HARRIS: All right. That's fine. When you were asked in terms of processing the truck, let's talk about that. You were also asked, besides Ms. Kyo, if there was someone or individuals from the FBI that came out to assist with processing the truck as well?

HENDEE: Yes.

HARRIS: And I think you indicated that the person's name was Drost?

HENDEE: That was on December 26th and early morning hours of the 27th, yes.

HARRIS: Again, so that we're clear about the sequence when the search warrant was searched back in December on the 26th, that is when the vehicle was impounded and placed into evidence, so to speak?

HENDEE: Yes.

HARRIS: It was processed by you that night with the assistance of the FBI?

HENDEE: Yes, it was.

HARRIS: Did the FBI, did you observe them process the truck as well?

HENDEE: Yes.

HARRIS: So you described for us the samples that you took, you described that last week and you're describing it again for defense counsel. Did they use this other product or whatever it was that defense counsel was asking you about?

HENDEE: Yes, they did.

HARRIS: On the vehicle. What was that again?

HENDEE: Hemaglow.

HARRIS: And that's something that they kind of spray on to wherever they're looking at to test something?

HENDEE: Right.

HARRIS: And what is it supposed to do?

HENDEE: If it reacts with blood, it will glow so the room has to be darkened at the time.

HARRIS: Now prior to them doing that, did you collect your samples as you've already described for us?

HENDEE: Prior to that thank I collected my Samples and we had gone through the vehicle and collected anything that we thought might be potential evidence at that point and then we let them do their thing.

HARRIS: Did you watch them when they did this?

HENDEE: Yes.

HARRIS: Did you go back to the door area, the door area where you collected your samples from?

HENDEE: Yes, they did.

HARRIS: I have 116F. That's the diagram of the door that we're talking about.

HENDEE: Yes.

HARRIS: And did they put, spray this Hemaglow on the door panel?

HENDEE: Yes, they did.

HARRIS: Did it glow?

HENDEE: Yes.

HARRIS: Now the samples that you collected from there, did you submit them to the Department of Justice as you already described?

HENDEE: Well, I collected them, I don't know if I particularly sent them up to the Department of Justice, but somebody did, but I don't have a recollection.

GERAGOS: Objection, motion to strike.

JUDGE: Sustained.

HARRIS: To go through the process of this, when you collect an item, do you seal it?

HENDEE: Yes.

HARRIS: And you've described for it at length last week how that was done. Once its sealed does it go into your evidence facility?

HENDEE: It goes into the evidence freezer.

HARRIS: And can you ask someone, one of these either CSOs or I.D. or evidence technicians for them to transport something up to the Department of Justice?

HENDEE: Yes, but I wouldn't do that unless the case detective told me to do that.

HARRIS: Now in this particular case were you one of the core detectives in this case?

HENDEE: No.

HARRIS: Were you assigned to assist the core detectives?

HENDEE: Yes.

HARRIS: So they asked for your help and assistance?

HENDEE: Yes.

HARRIS: Now you were asked about all, all these samples that you got negative results on either, even if you got a negative result, did you still send these up to the Department of Justice?

HENDEE: Assume they were sent up.

GERAGOS: Objection, assumes facts not in evidence. He just testified.

JUDGE: He doesn't know.

HARRIS: These items that you had negative results on, did you still collect them?

HENDEE: Yes.

HARRIS: And did you book those into evidence as you were just describing?

HENDEE: Yes, I did. If you got a second, I'll check my report to see if these items I actually sent up. I may have. If you give me just a minute I'll check my report.

JUDGE: Go ahead.

HENDEE: Thank you. Okay.

JUDGE: And your answer is?

HENDEE: I did not send them up.

JUDGE: You did not send them. Next question

HARRIS: The items that you did collect are, let me try that again. Items that were negative, did you still collect those?

HENDEE: Yes.

HARRIS: Did you still book those into evidence?

HENDEE: Yes.

HARRIS: And they could have been submitted to the Department of Justice?

HENDEE: Yes.

GERAGOS: Objection, calls for speculation.

JUDGE: No, that answer can remain. They could have been.

HARRIS: Now, you were asked about, we're talking about what you were doing on the searches and you were asked about the sequence of events in terms of your particular scene that you were responsible, the one at the warehouse on the 27th. You told us that videotape was shot, or let me just back up for a second. You went inside first?

HENDEE: Yes, sir.

HARRIS: Then the videotape was shot?

HENDEE: Yes.

HARRIS: Then photographs were taken?

GERAGOS: Objection, leading.

JUDGE: Overruled.

HENDEE: Yes.

HARRIS: That's when after all that was done, that's when the dog went in?

HENDEE: Yes.

HARRIS: Now, you've had a chance to look, and you testified to that last week that Detective Brocchini's photographs of the pliers and the boat?

HENDEE: Yes, sir.

HARRIS: And from what you recall looking at his photographs, the pliers were in the same position when you first saw them?

HENDEE: Yes.

HARRIS: I'd like to have marked as next in order. Did you look at the videotape?

HENDEE: Yes, I have.

JUDGE: This will be No. 138, People's No. 138.

HARRIS: Detective, I'm going to show you what's been marked as No. 138. Tell me if you recognize that.

HENDEE: Yes, I do.

HARRIS: Can you tell us what that is?

HENDEE: This is a photograph taken off the videotape being shot by Joyce Smith on December 27th, 2002, of the boat and the position of the pliers.

HARRIS: So this is not one of the photographs, this is the actual video or a screen shot or photograph taken from the video?

HENDEE: Yes, it is.

HARRIS: Does that show the priors in the same position as when you first saw it?

HENDEE: Yes.

HARRIS: Same position as when Ms. Ducot's pictures were taken?

HENDEE: Yes.

HARRIS: Same position as when Detective Brocchini's photographs were taken on the 24th?

HENDEE: Exact same position.

HARRIS: Now in terms of the shot, were you asked some questions about the window. Was there a portion in the videotape where the window was covered? Try that again. Is there a portion on the videotape at the warehouse where the window in the office is photographed?

HENDEE: Yes.

HARRIS: I'd like to have marked next in order.

JUDGE: 139. What is that, Mr. Harris?

HARRIS: Another screen shot from the video.

JUDGE: Okay.

GERAGOS: 139, judge?

JUDGE: Right.

HARRIS: Detective, let me show you 139. Ask you if you recognize this.

HENDEE: Yes, I do.

HARRIS: Can you tell us what that is.

HENDEE: It's a photograph taken off of the videotape shot by Joyce Smith on December 27th. This particular photograph depicts the window that we had spoke about earlier that is between the office and the warehouse bay.

HARRIS: I'll go ahead and put this up. We'll go through this. Now, at the bottom of this particular photograph taken from the videotape, does this show the couch that's there?

HENDEE: Yes, it does.

HARRIS: And to give kind of a height estimate, right next to the couch is that the door knob right next to right?

HENDEE: Yes.

HARRIS: Counsel was asking you to kind of show where this window was at and showing you some photographs. The photographs that he was showing you, are those photographs, these the ones that are sitting in the middle of that window?

HENDEE: Yes, they were.

HARRIS: What is the approximate height from the floor up to the bottom of that windowsill?

HENDEE: I believe it's four feet.

HARRIS: So that would be maybe about chest level for me or something along those lines?

HENDEE: 48 inches off the ground, maybe a little lower.

HARRIS: I don't have a four-foot yardstick?

HENDEE: I would say probably right about where your top button is maybe.

HARRIS: This one right here?

HENDEE: Maybe a little lower. That's maybe your second one is my guesstimate.

HARRIS: I'm sorry?

HENDEE: Your second button.

HARRIS: Okay. So right about there?

HENDEE: That's about four feet, I guess.

HARRIS: So that would be the bottom of the shelf and on top of that we have the photographs?

HENDEE: Yes.

HARRIS: And then behind the photographs, what's this thing right there?

HENDEE: I don't know if it was a bulletin board or what it was, but it was a large object, large frame-type. I think it's a bulletin board, but I don't know for sure what it was.

HARRIS: And to your right, what is this?

HENDEE: Some sort of a wooden decoration. I didn't put that one up.

HARRIS: Now, the photograph that we see here, the scene shot from the videotape, were the lights up in the shop area in the bay area, the warehouse?

HENDEE: At the time this was taken?

HARRIS: Yes.

HENDEE:Yes.

HARRIS: When you were, you were talking to us about, back up for a sec. Counsel was asking you some questions about, Let me have a moment, Your Honor. Detective, you were asked about the trip to the bay. I'm not going to belabor this particular point. The REMUS Operation, the side-scan sonar oppositions and the first involvement that you have, and I want to go back through that. When you prepared your report from you first visit on February 2nd did you attach to your report maps in kind of a grid where you had gone?

HENDEE: Yes.

HARRIS: And then later on you were being shown black and white versions of these side-scan, the printouts from the REMUS Company or hydroid?

HENDEE: Yes, I did.

HARRIS: Did you make color copies of those two particular items and bring them with you to court today?

HENDEE: Yes, I did.

HARRIS: If I can have those marked next in order.

JUDGE: Okay. That's 140.

HARRIS: If I can have the first one, the first one marked first in order.

JUDGE: 140A.

HARRIS: There is about a sentence or two sentences of what we've agreed to do is cut the top portion of the --

JUDGE: Show her and we can mark it off.

HARRIS: We've already, if he in we are not going to otherwise we get in the black and white version of it again. For the record, the clerk is performing a surgery at this time.

HARRIS: Detective, I am going to start by showing you what has been marked as 140A and 140B. Do you recognize those?

HENDEE: Yes, I do.

HARRIS: Both A and B?

HENDEE: Yes, I recognize both.

HARRIS: 140A is a printout of part of your report?

HENDEE: Yes, it is.

HARRIS: And that documents the February 2nd visit to the bay?

HENDEE: Yes, it does.

HARRIS: And then the second one, is that one of the side-scan sonar images that's attached to the hydroid report that you were being asked about?

HENDEE: Yes, it is.

HARRIS: So that's a color printout unlike the black and white ones you were being shown last week?

HENDEE: Yes.

HARRIS: Let me go ahead and have those back and we'll put those up. I think our batteries are low on the remote. Detective, can you see that from up there?

HENDEE: Yes, I can.

HARRIS: All right. Just to do this, you were describing for us you had done the searches on the 2nd and you had marked the locations with boxes. Looking to the left of this particular printout here, 140A, see this long, thin red box?

HENDEE: Yes, sir.

HARRIS: Is that one of the searches from February 2nd?

HENDEE: Yes, it was.

HARRIS: Which search was that?

HENDEE: The very first one we did on February 2nd. It was a continuation of a search that had started the day before.

HARRIS: And to the right of that one, do you see this red box rectangle?

HENDEE: Yes, sir.

HARRIS: And which search does that represent?

HENDEE: The second search. After we finished that long one, we moved over and searched that area.

HARRIS: Now looking at 140B, what is that depicted in 140B?

HENDEE: That's from Eric Gifford's report and it shows or references what you're going to see when you're looking at a side-scan sonar image on the device either while you're on the boat on May 16th through 23rd operation. That's what you're going to see on the boat and that's what you're going to see when REMUS did its thing when he was back in the motel room viewing the images and downloading the angles. That's what you're looking at. You're looking at the bottom of the bay. You see all the ripples and so forth.

HARRIS: Now, this particular image, this is one of the ones attached to the reports. You can find it. It says image and the number identify the file?

HENDEE: Yes, sir.

HARRIS: And this is one of the images that you got from them to go to a particular ordinate to go search?

HENDEE: Yes.

HARRIS: It now, counsel, kind of talked about those bay searches in concrete, concrete anchor and I want to return to that. You had told us about finding this particular concrete anchor at the warehouse and also finding this concrete debris. I'd like to have some photographs marked.

JUDGE: 141. How many have you got?

HARRIS: Three photographs.

JUDGE: A, B and C.

GERAGOS: Did you say 140?

JUDGE: 141.

HARRIS: Detective, I'm going to show you 141A, B and C. Ask if you recognize these.

HENDEE: Yes, I do recognize them.

HARRIS: And these photographs accurately depict the warehouse on 12/27?

HENDEE: Yes, they do.

HARRIS: Starting with 141A, what is depicted in 141A?

HENDEE: Again you're looking at the front of the warehouse from the entrance area where you come out of the office and you kind of circle around. And looking towards the front of the warehouse, you can see the front of the boat, you can see the front of the pull trailer and you can see a little bit of the powder on the ground in front of the trailer.

HARRIS: Now you had talked about that gray powder. And you're talking about in this area here?

HENDEE: Yes, sir.

HARRIS: Do you see some of this gray powder here at the crossbar on the front of the trailer?

HENDEE: Yes.

HARRIS: Putting up 141B. What do we see there?

HENDEE: You're now looking at this powder spill on the cement floor of the warehouse in front of the trailer. You see a placard, No. 32, which actually represents evidence item No. 132, and that's a sample of the powder that I collected off of that spill. And at the time I estimated the diameter of that spill to be on the average of four to six feet.

HARRIS: In the area that we're talking about, again, this is the placard we can see towards the middle of the photograph, which is 32. They're representing 132, and this is the powder spill that you're talking about?

HENDEE: Yes.

HARRIS: Showing you 141C. What do we see here?

HENDEE: You're standing from the area roughly where the powder spill is, looking back towards the trailer. And you can see a little bit of the powder on the trailer and down at the base of the trailer's stand. Clearly, the larger the bulk of the powder spill what I collected my sample was away from that area in that other photograph.

HARRIS: Away from that area, you're referring to, we're looking at going back to 141B?

HENDEE: Right. The sample that I collected was from that area, not the, at the base of that stand, trailer stand.

HARRIS: Now you were, you were asked, and kind, counsel kind of got up here and did this demonstration, and I want to go back through that real quick where he pulled out 72, which is the anchor. Do you recognize this?

HENDEE: Yes, I do.

HARRIS: And this particular anchor came out of the boat that's up here to the left in this photograph?

HENDEE: To the right, yes.

HARRIS: Or to the right. To my left, since I'm facing the wrong way, to your right on that side of the photograph.

HENDEE: Yes, sir.

HARRIS: All right. This particular anchor, who made it?

HENDEE: Scott Peterson.

HARRIS: And you were asked about this particular picture. Bring this back up to you. People's No. 123. You can put the box down on the floor. I'll just leave you the pitcher. Let me see if I understand this, you find the anchor in the defendant's boat, correct?

HENDEE: Yes, sir.

HARRIS: And you know the defendant made that because he told Detective Grogan that, correct?

HENDEE: He did at the time that we served the search warrant. I didn't know that, but he, later I had found out that he told Detective Grogan that he had made that weight.

HARRIS: And this is before you go to the bay and search and counsel is talking about your 22 searches of the bay?

HENDEE: Correct.

HARRIS: You also found out where the defendant made that anchor, didn't you?

HENDEE: Yes, I did.

GERAGOS: Objection, vague as to time.

JUDGE: Overruled.

HARRIS: Where did the defendant make that anchor?

HENDEE: Right there on the trailer.

HARRIS: At the warehouse?

HENDEE: Yes.

HARRIS: So when you were, you were shown all these photographs of concrete work at the house and different things like that, you were advised by Detective Grogan the defendant had told him that he had made that anchor at the warehouse?

GERAGOS: Objection, assumes facts not in evidence and leading and it's argumentative. He just stated previously that he didn't know at the time that he executed the search warrant.

JUDGE: Well, you can pin it down, the time he found out about this.

HARRIS: All right.

JUDGE: I'll sustain the objection. You clear it up.

HARRIS: At the time you're serving the search warrant did you not have the information from Detective Grogan with a conversation with the defendant regarding the anchor over there on counsel table?

HENDEE: That's true. I'm not even sure they knew about it.

HARRIS: So you're at the shop, you encounter a concrete anchor that appears to be hand made?

HENDEE: Yes.

HARRIS: Does it appear it was made in something?

HENDEE: Yes.

HARRIS: And looking at the pitcher in front of you, was that the only thing in the warehouse that appeared to be the same size and shape to match this particular anchor?

HENDEE: The only thing we found that we thought could have made that weight because the weight has a shape similar, it's sounds, it's smaller at the bottom and it goes up just, as this pitcher does. And when it was put into the pitcher there was water in it granted at the time that that was done, but it looked as if it had been a fit to us.

HARRIS: Now, we've also had marked, counsel brought them in and marked the red bucket, the blue bucket. Again, not to overstate or to state the obvious, those two buckets could not have made that particular anchor?

HENDEE: That's true.

HARRIS: And did you find anything else even close in terms of size or consistency at the warehouse when you were there serving the search warrant that could have made that particular ?

HENDEE: No.

HARRIS: Now that anchor appears to be made with some kind of concrete or cement?

HENDEE: Yes, sir.

HARRIS: And it has, you described for us kind of a bar or rebar or some kind of metal at the top?

HENDEE: Yes, it does.

HARRIS: And the rebar that's at the top of 72, did you find any rebar like that at the shop?

HENDEE: No, sir.

HARRIS: Now after you were, when you served the search warrant, you find the pitcher, you find the anchor?

HENDEE: I beg your pardon?

HARRIS: I'll go back, do it again because you were doing something. When you find those particular items, 72, the anchor and the pitcher, I think it might have been 120, I can't read the number from, HARRIS: 123?

HENDEE: Yes.

HARRIS: Do you advise the detectives, the core detectives about this stuff at some point in time about the stuff you find?

HENDEE: Well, I write a report that night. Actually, on the night of the 27th I write a report that goes over to them. I went back on vacation and I did not talk to the core detectives until I returned from vacation on January 6th. I think Craig, I'm not sure if Craig was there that day, but certainly on the 7th I talked to him.

HARRIS: And after you talked to them, talked to the detectives, Detective Grogan talks to the defendant about that particular anchor, and you're aware of that, correct?

HENDEE: I'm aware that he talked to the defendant on December 30th. I'm now aware of that, yes.

HARRIS: And from that particular conversation you've learned when the defendant made that particular anchor at the shop, didn't you?

HENDEE: Yes, I did.

HARRIS: When did the defendant tell Detective Grogan that he made that --

GERAGOS: Objection. Objection, hearsay.

JUDGE: That's hearsay on hearsay.

HARRIS: Judge, it goes to the reasonableness of his investigation.

JUDGE: It's hearsay on hearsay. You know, if he found out from you, want him to, wouldn't it be easier to have Detective Grogan come up here and testify.

HARRIS: He, but he's on the stand.

JUDGE: It's what he told Detective Grogan what Detective Grogan told him. That's hearsay on hearsay. If it's just hearsay, not hearsay on hearsay, I would let it in.

HARRIS: That's an exception for the first part.

JUDGE: Not for the second part. Hearsay on hearsay. Go on.

HARRIS: Not offering that for that, but offering for the reasonableness.

JUDGE: It's hearsay on hearsay. Sustained.

HARRIS: After that particular conversation, so you've learned this from Detective Grogan based on whatever was said during the conversation with the defendant, do you believe that what you were looking for when counsel was asking you about looking for this particular anchor that you knew what the size of the anchor was?

HENDEE: Yes.

HARRIS: Do you have an anchor up there in front that got to look at?

HENDEE: Yes, I do.

HARRIS: And you got to kind of estimate its weight?

HENDEE: Yes, I did.

HARRIS: And its size?

HENDEE: Yes, I did.

HARRIS: And so without getting into a particular part of the conversation, you told us about this gray powder, from when you were looking at this shop, looking at this warehouse on the 27th, did it look like an anchor had been made there?

HENDEE: Yes.

HARRIS: You found the gray powder?

HENDEE: Yes.

HARRIS: You found the anchor?

HENDEE: Yes.

HARRIS: And you found the pitcher that that anchor's in right now?

HENDEE: Yes, I did.

HARRIS: Was there water in the pitcher?

GERAGOS: Objection, that misstates the way it was found. He knows that the anchor was found in the boat.

JUDGE: The anchor was found in the boat. In fact, the anchor was found.

GERAGOS: It was not found in the pitcher.

JUDGE: No, it wasn't found in the pitcher. The jury's heard, I've heard this, the anchor was found in the boat. There was water in the pitcher. Right. Are we all on the same page?

HARRIS: Yes.

JUDGE: Next question.

HARRIS: The water that was in the pitcher, where was the only source for water?

HENDEE: The bathroom.

HARRIS: There's no faucets or anything inside?

HENDEE: No.

HARRIS: Now you were asked about these particular voids and you were describing for us that information and you were starting to say something when I think it was this particular picture which is up there which is XXX1. I want to point out this particular area right there that I'm highlighting with the laser pointer. What is that area there?

HENDEE: That is one of the circular voids that we were talking about that we saw. And that was later identified as evidence item, item No. 138.

HARRIS: When you first looked at this particular trailer, was the pitcher that's up there by you right now sitting in the same spot that it's in right now?

HENDEE: Yes.

HARRIS: The void, as you described it, that's right there next in the picture next to the hammer?

HENDEE: Yes, sir.

HARRIS: Were there other voids?

HENDEE: There's one right near the white strip that goes over by the dust pan. That's a void over there as well.

HARRIS: Any others?

HENDEE: And that one's evidence item No. 139. In this picture there are no other voids that I noted that were consistent with that pitcher.

HARRIS: I'll show you another view, 122B. We see this same circular void that you were earlier describing.

HENDEE: That was described as 13.

HARRIS: And you are saying there was another void by the white, whatever neared that was?

HENDEE: Yes, sir. It's down at the bottom. You can see it right, the handle of the dustpan.

HARRIS: And that would be this area here?

HENDEE: Yes.

HARRIS: Putting up 122E. Give you the laser pointer, detective. How many voids did you find?

HENDEE: We found what appeared to be five areas where there was voids or looked like an area where powder had spilled out and a void.

HARRIS: And did you mark that or identify them in some particular way?

HENDEE: Yes, we did with placards.

HARRIS: Looking at this particular photograph that's up there, do you see those placards now?

HENDEE: Yes, I do.

HARRIS: Could you describe for us the areas or use the laser pointer where we're talking about.

HENDEE: Item No. 35 was item, item No. 135. This is that area and here you can see significant powder still there, but less in the center. I mean, these aren't perfect voids, we've never indicated that they were, it's just there is a voided area in the center and obviously a greater amount of powder around it. Same with number 36. Powder and this area less inside. And then right down here at the bottom there was another one. You can barely see that in the picture.

HARRIS: And then you were describing for us earlier the one that became 138 that is around up towards in the top middle of the photograph.

HENDEE: Yes, that became 138 and that became 139.

HARRIS: Is it because you have this homemade anchor and these voids that you were looking for additional anchors in the bay?

HENDEE: Yes, it was.

HARRIS: The People have no further questions.

Recross Examination by Mark Geragos

GERAGOS: We talked about the dust that was on the floor, do you remember that? In the pictures that were just marked 141 A and 141 B?

HENDEE: Yes, sir.

GERAGOS: Do you know when that dust was left on the floor?

HENDEE: No, sir.

GERAGOS: The, this picture right here, which is 141 B, do you know what these are right here?

HENDEE: No, sir.

GERAGOS: Okay. Dust isn't, doesn't appear to be over them, does it?

HENDEE: If, I believe some of it. Looked like it might have been kicked onto it. I don't know what it is, though.

GERAGOS: Show you 141 B. There again you can see the picture with the spots, right?

HENDEE: Yes, sir.

GERAGOS: And those spots were apparent inside of the dust area?

HENDEE: Yes, sir.

GERAGOS: Okay. Did you take a sample of that to see what it was, what those spots were?

HENDEE: No, sir.

GERAGOS: The picture in the, which was marked, the picture that's marked as 139 was taken off of the video when they went in?

HENDEE: Yes, sir.

GERAGOS: Can you tell me in this picture what's, what is this area here, here, here? What is all that?

HENDEE: Glass.

GERAGOS: Okay. Is that looking straight into the, into the warehouse?

HENDEE: Yes.

GERAGOS: Okay. Now, you had indicated, let's see if I can find the shot, that you thought that the lights were on; is that correct?

HENDEE: Today?

GERAGOS: No. Today did you indicate that you thought, when this picture was taken, that the lights were on in this area here?

HENDEE: Yes.

GERAGOS: Inside?

HENDEE: I believe that they were.

GERAGOS: Okay. And what do you base that on?

HENDEE: The fact that I believe I turned them on for the video.

GERAGOS: Okay. Did you notice if there was a skylight there?

HENDEE: Yes. There are two large skylights.

GERAGOS: Two large skylights. So during the day when you're in there, it's, it's direct sunlight coming into that area, correct?

HENDEE: Yes, sir.

GERAGOS: Okay. So if you walk into that office during the day, there is the space that is marked, we've got kind of a, this angle that's been pulled off on here as you're looking into the office, is, in People's 55, you're looking at an angle that is something like this direction; is that correct?

HENDEE: Yes.

GERAGOS: Okay. If you're looking in this direction, you would have to keep walking forward, correct?

HENDEE: Yes.

GERAGOS: Okay. And as you indicated, so if you walk farther over, and this is the couch, and you're saying that this ledge right here is somewhere about this height?

HENDEE: Four feet, yes, sir.

GERAGOS: Okay. And then you look through here, you look through there, if you're tall enough you'd look over here, but otherwise you look straight through it, and if the skylights are lighted, you can see right in there; is that correct?

HENDEE: Yes, sir.

GERAGOS: The skylights that you have got marked in a picture taken by, appears to be by Ducot on the 27th, is that a picture of the interior of the area that you'd be looking into?

HENDEE: That's looking into the warehouse, yes, sir.

GERAGOS: Okay. Does it appear that the skylight is providing the light and not the lights?

HENDEE: I'd have to check the diagram. That may be the overhead lights. Okay. Yeah. That appears to be a skylight.

GERAGOS: Okay. May I mark this as next in order?

JUDGE: All right. Defense next in order, which will be Quadruple L.

GERAGOS: That's the skylight that's providing the lighting in there, isn't it?

HENDEE: Yes, sir.

GERAGOS: Okay. The, as you've got in your diagram, the overhead lighting would be over here; isn't that correct?

HENDEE: The overhead lighting runs horizontal. Those run vertical.

GERAGOS: Right. So we don't see any lighting on in that warehouse, do we? In this picture, at least, taken by Ducot, correct?

HENDEE: That's true.

GERAGOS: Okay.

HENDEE: Possibly. I may have misspoke. They may not have been on at that time, actually.

GERAGOS: Excuse me?

HENDEE: I may have misspoke. I may not have turned the warehouse lights on. The office ones were on.

GERAGOS: Right. And it appears, at least during the day, what time was this picture taken, would you estimate? Sometime around 2:30 in the afternoon?

HENDEE: No, it was after that.

GERAGOS: You'd gone to lunch after the search at 523 Covena, correct?

HENDEE: Right.

GERAGOS: Then approximately, I think you had indicated somewhere in the afternoon, after 2:30, you got to the location here on Emerald?

HENDEE: Yes.

GERAGOS: Okay. So, and then one of the first things that you did is you went in yourself, and, second, after you went in yourself, in walked Ducot and whoever was operating the video, correct?

HENDEE: Yes.

GERAGOS: Okay. So it would be apparent that these pictures were taken sometime shortly after that, correct?

HENDEE: Probably about 3:30, 4:00 o'clock.

GERAGOS: And they would have been taken at the same time that this picture would have been taken, which is 139; isn't that correct? Because this is the video. This is a shot taken from the video?

HENDEE: Taken first off, yes.

GERAGOS: Okay. So it's apparent that at that time in the afternoon there was plenty of light in that warehouse, correct?

HENDEE: From the skylight, there is light, yes.

GERAGOS: Now, the pitcher here, so that I've got it correct, when you were on direct last week, when Mr. Harris was asking you questions, when you testified, you were aware at that point that the pitcher that you had up there today that was marked as 122 G, the one that was marked on direct, had, this one right here?

HENDEE: Yes, sir.

GERAGOS: Mr. Harris asked you about this, and this is Brocchini's hand, and that's the weight and the anchor and that's the pitcher itself?

HENDEE: Yes.

GERAGOS: Okay. When you testified, before I started asking you questions on cross-examination, were you aware that that was not a fit? Were you aware?

HENDEE: That it's not a perfect fit?

GERAGOS: Yeah.

HENDEE: Yeah.

GERAGOS: Okay. When did you learn that?

HENDEE: Sometime possibly after the preliminary hearing, I believe.

GERAGOS: The preliminary hearing was sometime in October of last year, correct?

HENDEE: Somewhere around that time span, I believe.

GERAGOS: Okay. So this case went to preliminary hearing over in Modesto in October, roughly, November of 2000 and 3, correct?

HENDEE: Somewhere in that time. Whenever the guy did his examination, I heard afterwards that it wasn't the pitcher

GERAGOS: That it wasn't the pitcher for sure?

HENDEE: Yes.

GERAGOS: Okay. And when you testified in front of this jury last week, you also knew at that point that the pitcher and the anchor were not a perfect fit and that they weren't made in there for sure, correct?

HENDEE: That's correct.

GERAGOS: Okay. Now, the, specifically Detective Brocchini had written in his report that when he, that he discovered this with you; is that correct?

HENDEE: Discovered what, sir?

GERAGOS: This pitcher with this anchor?

HENDEE: Well, I don't know when he discovered it, but, I don't know if he saw that on the 24th or not, but we saw it on the 26th, and Detective Brocchini was not with me when I went in initially. So we weren't together when I discovered it, let me put it that way.

GERAGOS: Okay. Did he, do you remember him telling you that it was a perfect fit?

HENDEE: Well, I was there with him, yeah; we both thought it was.

GERAGOS: A perfect fit. That's the term that was used, correct?

HENDEE: (No response.)

GERAGOS: And he also indicated in his report that, unlike today when you said there's five separate areas that were marked, I think in, in these areas right here, which is Triple Z 2, he specifically said he noticed four distinctive round impressions in the dry Redi-Mix; is that correct?

HENDEE: That's what he wrote.

GERAGOS: Okay. And your testimony was that you saw five areas, you didn't say distinctive round impressions, correct?

HENDEE: Correct.

GERAGOS: Okay. That's never been, at no time did you see distinctive round impressions; isn't that correct?

HENDEE: Well, the, one of them I think is pretty distinctive, but I, basically that term in my reports as voided areas. I think I even said in there they were not perfect voids. They were areas where less powder had spilled.

GERAGOS: And you certainly never characterized it as round, distinctive round areas like Brocchini did; isn't that correct?

HENDEE: I didn't, I didn't characterize it like Brocchini did, I guess.

GERAGOS: Okay. Now, the pitcher that had the water in it, and these other areas that you looked at, can you tell me at that point did you, did you talk to, sometime shortly after, this would have been the afternoon of the 27th, correct?

HENDEE: The search warrant?

GERAGOS: When you, when you discovered this anchor that was in the boat, and the pitcher, right?

HENDEE: Yes, sir.

GERAGOS: Okay. And sometime on the 27th you and Brocchini jointly came to the idea that this was a perfect fit, correct?

HENDEE: Well, after he put the weight into the pitcher, that's what we thought had created the weight.

GERAGOS: I understand that. I'm just saying timing. That was on the 27th?

HENDEE: Yes, sir.

GERAGOS: The afternoon of the 27th?

HENDEE: Yes, it was.

GERAGOS: Were you done with this search warrant at Emerald on the 27th?

HENDEE: Yes, sir.

GERAGOS: Okay. So as of the morning of the 28th you had this information, correct? You had this information that you had seen an anchor, that you had seen a pitcher, that you saw, you know, that he saw four round circles, you saw five void areas, all of that information was cumulatively in both you and Detective Brocchini's possession, correct?

HENDEE: Well, the four circles, we never discussed how many he saw. I never discussed it with him; but basically everything else. I certainly knew about the weight and the pitcher and all that. I don't know how many circles he saw. I didn't ask him.

GERAGOS: Did you, did you ever review his report?

HENDEE: Yes, I did.

GERAGOS: Okay. And you saw that. When did you review his report?

HENDEE: Probably a week or two before testifying.

GERAGOS: Before testifying?

HENDEE: Yes. Here.

GERAGOS: The first time at the prelim? Or here?

HENDEE: No, right here.

GERAGOS: Okay. When you did that, when you had that information, you said you were not a core detective, correct?

HENDEE: Correct.

GERAGOS: Was Detective Brocchini a core detective?

HENDEE: Yes.

GERAGOS: Did you talk to Grogan some time after the 28th, tell him what you had seen?

HENDEE: Yes.

GERAGOS: Did you tell him that you had found a hair in the pliers?

HENDEE: Yes. On February 12th I talked to him about the hair in the pliers.

GERAGOS: Okay. Well, when you found the hair on the pliers in the warehouse, Brocchini was there, correct?

HENDEE: No.

GERAGOS: Brocchini wasn't?

HENDEE: Not to my knowledge he wasn't.

GERAGOS: Well, isn't this specifically, this hand that's holding up the cement anchor, wasn't that Brocchini's hand?

HENDEE: Yes.

GERAGOS: Okay. When you found a hair in a pliers and you put it into an envelope, you didn't tell the core detective Hey, I just found a pliers with a hair in it?

HENDEE: He wasn't, I guess he wasn't there because he didn't know about it until February 12th. He had left at some point during this process. Again, he was not part of the original search team. He just showed up. He was there for a while and had left. I assumed he knew about it, but then when he came to me on February 12th and he didn't know about it until he had seen the picture the day before, I surmised that he was not there at the moment that we had found it.

GERAGOS: Well, you had found it prior to these pictures being taken, correct?

HENDEE: I can't say that.

GERAGOS: Isn't that what you were telling Mr. Harris? That one of the first things you did was find the hair with the pliers before you put it onto the bench?

HENDEE: Yeah, but that has nothing to do with that picture.

GERAGOS: You mean it wasn't --

HARRIS: Misstates. Objection. Misstates.

THE COURT: Hold on, what's your objection?

HARRIS: Objection. Misstates his testimony.

JUDGE: Well, let's clear it up.

GERAGOS: That's what I'm doing to do.

JUDGE: Clear it up.

GERAGOS: You testified that one of the first things that you did was to take the pliers before you put it on the bench; is that right?

HENDEE: Yes, sir.

GERAGOS: And you saw the hair, and you put it in an envelope?

HENDEE: Right. That had nothing to do with the sequence there.

GERAGOS: Well, I understand that. But is it a fair statement that the picture that I'm holding up, which is 122 G, was a picture that was taken after you had done that?

HENDEE: After I had found the hair?

GERAGOS: Yes.

HENDEE: No, I don't,

GERAGOS: So this was done before you found the hair?

HENDEE: Yes.

GERAGOS: So all of this cement work that was done and the,

GERAGOS: All of the cement and photos that were taken prior were, was prior to you processing the boat?

HENDEE: All of the cement work pictures?

GERAGOS: Yeah. We've got a series of pictures that the jury's seen ad nauseam. We've shown all these pictures?

HENDEE: Yes.

GERAGOS: You know which ones I'm referring to, right?

HENDEE: Right.

GERAGOS: All of these pictures were taken by, who were they taken by?

HENDEE: I believe Ducot.

GERAGOS: Okay. And at what point did this take place, and I'm referring now to 122 G., in the sequence of events? Was it before or after the boat was processed?

HENDEE: Well, the boat is being processed at the same time by Detective Darren Ruskamp, and at some point I went over and helped him. This part was being done simultaneously to it. I was laying placards near items that I was going to collect --

GERAGOS: Well,

HENDEE: so,

GERAGOS: isn't it fair to say that we had to have done this picture, 122 G, after the boat was processed? And let me give you a hint as to why. Where did the anchor come from?

HENDEE: Well, it came from the boat, but that doesn't mean,

GERAGOS: The boat was completely processed?

HENDEE: Not completely.

GERAGOS: What does that mean, "not completely"?

HENDEE: Well, Detective Brocchini --

GERAGOS: Did you discuss,

JUDGE: Wait, you're stepping on his answer.

HENDEE: Detective Brocchini had walked over there and picked up the weight and walked over and put it into the pitcher. So the boat was still being processed, almost right up to the end when we finished. It was one of the last things we finished.

GERAGOS: The boat was one of the last things you finished?

HENDEE: Yes. One of them.

GERAGOS: Okay. Where was that anchor?

HENDEE: It was in the boat.

GERAGOS: It was in the boat?

HENDEE: Yes.

GERAGOS: Okay. And then you took a picture, or Brocchini was there. Did Brocchini just, did he just disappear right after he found the perfect fit? Did he say Ah-hah and leave?

HARRIS: Objection. Argumentative.

JUDGE: Sustained.

GERAGOS: Did he say something? Say Okay, I found the anchor and it goes in the pitcher, now I'm going to leave before we process the boat?

HENDEE: He just left.

GERAGOS: He just left?

HENDEE: He wasn't part of the search team, and I was not keeping track of Detective Brocchini.

GERAGOS: And you never thought to tell him at any point until February 12th, when he asked you about the hair in the pliers?

HENDEE: Well, I wrote a report and sent that through to Detective Grogan on January, it was finalized on January 7th. I dictated it on the 27th. I was on vacation. I came back and finalized it on January 7th. I came back on the 6th, and by the 7th I finalized the report and sent that through to Detective Grogan.

GERAGOS: What was the number of the pliers?

HENDEE: 144.

GERAGOS: What was the number of the anchor?

HENDEE: 143.

GERAGOS: Is this a photo?

HENDEE: Yes.

GERAGOS: Okay. May I mark this next in order?

JUDGE: Yeah. That's,

GERAGOS: It's a photo --

GERAGOS: Does that accurately represent how the anchor looked in the boat when you went in there that day?

HENDEE: I believe so, yes.

GERAGOS: Who put the placard there?

HENDEE: I did.

GERAGOS: Okay. When you put the placard there, was Brocchini still there?

HENDEE: I, he was probably there at the time that I put the placard. I don't know if he was there at the time I put the placard. At some point he showed up and picked up the weight. I don't know whether he was there at the exact moment I put the placard on it. I don't know.

GERAGOS: How long did this process take that you were in there?

HENDEE: We served the search warrant at 2:45, and we debriefed at about 6:30 p.m.

GERAGOS: I'm going to show you Quadruple E while we're waiting. Can you tell me, that looks like number 44 right there. What's right next to it?

HENDEE: The pliers.

GERAGOS: The placard? So the hair would have been found at that point?

HENDEE: That was after the hair had been found.

GERAGOS: And what's right here?

HENDEE: That's where the weight was --

GERAGOS: Okay.

HENDEE: before Detective Brocchini picked it up.

GERAGOS: So Brocchini picked it up. I'm sorry, the picture's over here. Brocchini picks it up, right?

HENDEE: Yes, sir.

GERAGOS: Okay. So there it is; there it isn't, right?

HENDEE: Correct.

GERAGOS: You had already found the hair?

HENDEE: No. I mean, yes, I'm sorry. At the time,

GERAGOS: You already found the hair if it's up there on the top, right?

HENDEE: Yes, you're right.

GERAGOS: All right. So you had already found the hair. Here, here's the anchor. Brocchini's there, you found the hair, the anchor is gone, correct?

HENDEE: Correct.

GERAGOS: This is taken by Ducot. It's picture number 27, right?

HENDEE: I don't know where you get those numbers.

GERAGOS: Right there. 027.

HENDEE: I know, but I don't know what that means. I don't know.

GERAGOS: Okay. So when you, it says on this one 021, that doesn't mean to you that this is the 21st exposure out of the roll?

HENDEE: No, it does not.

GERAGOS: Now, the, 140 B. Is this the, one of those frames that we talked about for what seemed like forever, from the bottom of the Bay?

HENDEE: Yes, sir.

GERAGOS: Now, can you tell me, do you know enough about this to tell me how large of an item this is right here?

HENDEE: No, I do not.

GERAGOS: Okay. Do you know what the measurements are around here?

HENDEE: No, I do not.

GERAGOS: Okay. Is it a fair statement that this is one of these pictures that we talked about, or one of the images that we talked about of the basin floor?

HENDEE: Yes, sir.

GERAGOS: And what is it that we're looking at there?

HENDEE: You're looking at a side-scan image of the bottom of the Bay floor.

GERAGOS: Of the what?

HENDEE: Bottom of the Bay floor.

GERAGOS: And you could review all of these side by side, if you will, to then create a picture of the entire Bay floor; is that correct?

HENDEE: If you have the software that would do that.

GERAGOS: And whose is this? You got this from someone. Where is that?

HENDEE: Hydroid, I think.

GERAGOS: Excuse me?

HENDEE: Hydroid, I think.

GERAGOS: That was the REMUS device?

HENDEE: Yes, sir.

GERAGOS: Okay. Now I'm going to show you one other picture. Do you recognize this picture?

HENDEE: Yes, I do.

GERAGOS: Okay. What's that?

HENDEE: That's the weight.

GERAGOS: That's the anchor, right?

HENDEE: Yes.

GERAGOS: Okay. I'll mark this as next in order.

JUDGE: Quadruple N.

GERAGOS: Do you remember how I was asking you about picture 27?

HENDEE: Yes.

GERAGOS: Okay. Picture 27, this one right here, which is marked as Quadruple E?

HENDEE: Yes, sir.

GERAGOS: Looks, what is that? That looks like the toolbox with 47 next to it, and then there's 43, which is the placard which has got the weight next to it; is that correct? This weight right here?

HENDEE: Yes, sir.

GERAGOS: Okay. From this particular angle you can't see it because of whatever this is, right? So we were just assuming that the weight's already out of there, right?

HENDEE: It's possible the weight was put back into the boat.

GERAGOS: Well, we've got picture number 29, which would have been two pictures later. Tell me, what's that right there?

HENDEE: That's the weight.

GERAGOS: That's the weight. So does it look to you like somebody didn't take the weight out, put all the placards there, had already put the hair and the pliers, hair in the envelope, pliers on the side and then opened up this toolbox and two pictures later the weight's still there?

HENDEE: Well, I believe the weight may have been put back into the boat, so that the guy doing the sketch, possibly, or after Detective Brocchini pulled the weight out, he might have put it back in the boat. It's possible.

GERAGOS: Yeah, that's possible. It's also possible that the hair was recovered, Brocchini was there and he knew about the hair, and that all of this is just a bunch of ways to cover up for the weight and the anchor being in the boat the entire time, isn't it?

HARRIS: Objection. Argumentative.

JUDGE: Sustained.

HARRIS: Assumes facts not in evidence.

GERAGOS: Well, just tell me, the pictures that were taken here of Detective Brocchini putting it into the pitcher, when was that done? Sometime after this?

HENDEE: I believe it was before that.

GERAGOS: You believe it was before. And what are you basing that on?

HENDEE: Well, because as I was going along placing placard numbers down, that was the order in which I was deciding which items of evidence I was going to collect. So Detective Brocchini, it's possible, may have put the weight in the pitcher before I actually placarded it. I don't, I don't know for sure what he was doing. And then he put it back in the boat and then it was placarded at that point. I really can't say for sure.

GERAGOS: Okay. If he had done that, let's just accept that. If the weight was taken out first, put into the pitcher and then put back, isn't it a fair statement that when he had done that, you had already found, I mean that was, our conclusion would then be, you had already found the hair, right?

HENDEE: Hard to say, because he had, he had moved the weight. But as I was going through, putting the placards down, that's when I was determining when. So when I found 144 --

GERAGOS: Uh-huh.

HENDEE: that's the pliers, immediately the hair went into it. Whether that was taken before the picture of the weight in the water or after, I assumed it was after because that's the sequence in which I worked. I went through numerically. But...

GERAGOS: Well, let me, let me just see if I've, if I've got this right. If Brocchini had put the anchor into the pitcher first --

HENDEE: Right.

GERAGOS: and then, by the time he put it back into the boat here, on this picture, or on Quadruple N, you had already found the hair, correct?

HENDEE: I, I believe so. And he may not have put it back in the boat. Maybe, maybe I, it's two years ago almost. I can't remember if I put it back in or not.

GERAGOS: Let me just show you the bottom of the picture where he's putting the pitcher into, see where it says number 11?

HENDEE: Yes.

GERAGOS: Okay. Did that seem to indicate to you that that picture was taken before number 29 was? I mean if I tell you to assume that Ducot took these pictures in order, and she's got a numerical, and that they just go up from one to, one to 30, wouldn't that, wouldn't that seem to indicate to you that Brocchini had already found the pitcher, found the weight, put it in, and then placed it back into the boat, and by that point you had already found the hair in the pliers and that Brocchini was there and he knew about the hair in the pliers on the 27th?

HENDEE: Well, I had assumed that Brocchini knew about the hair, and I was surprised on February 12th when they came to me, they didn't know about it. So at that point I assumed that he must not have been there when the hair was found. Regarding the order, numerical order of the pictures, I don't know if those were all the same roll of film. I don't know where you're coming up with your numbers. I can't say for sure that those were taken in sequence. I know that the picture of the weight going into the pitcher was not the 11th picture that she took on that day. That I'm almost sure of.

GERAGOS: So this one that says 12/27 oh two, and it says Ducot 011, that was not the 11th picture of the day; is that correct?

HENDEE: Well, based on the number of pictures that were taken, no, I don't believe it was the 11th picture of the day.

GERAGOS: I'm not asking about the 11th of the day. I'm asking you if they were done sequentially. Did you see her take pictures?

HENDEE: Yes, I did.

GERAGOS: Okay. She was the only photographer there, right?

HENDEE: No. Actually Joy Smith was taking pictures as well.

GERAGOS: But Joy Smith would identify them different than Ducot. Ducot would have Ducot's name on there, right?

HENDEE: Well, none of our pictures print out those names. I don't know where you get that information. I don't know where that's coming from. None of our pictures print --

GERAGOS: It's coming from the prosecution.

HENDEE: Well, I don't know if they, I've never seen pictures from the prosecution with numbers and names and so forth on them.

GERAGOS: Thank you. I have no further questions.

2nd redirect Examination by David Harris

JUDGE: Any direct?

HARRIS: Yes.

JUDGE: Any redirect?

HARRIS: Detective Hendee, counsel was asking you a lot of about what may or may not have been happening with Detective Brocchini. Would it be easier for us to just ask Detective Brocchini?

HENDEE: Possibly.

GERAGOS: Objection. Argumentative. Also assumes you get a straight answer out of him.

JUDGE: Well, you can, that part may be stricken.

HARRIS: Thank you.

JUDGE: And the objection is sustained.

HARRIS: Now, in terms of the sequence of what was happening, these placards, about how big is a placard?

HENDEE: Three inches wide by three inches tall.

HARRIS: What are they made of?

HENDEE: Plastic.

HARRIS: And are they kind of like a little plastic V shape that sits on top of each other?

HENDEE: Yes.

HARRIS: So when you're marking these particular items that we've been looking at up there, how does this work in terms of putting the placards down?

HENDEE: What happens is basically as the crime scene manager, somebody that's searching one area, another person searching another area, they come to me, I've got some things you I want you to look at whenever you've got a minute, so I go over there. I'll take a look at what they've got; okay, I want to collect that, collect that. I'll put a placard there, there, there. And then I'll get called over to another area, and then I'll put placards there, there, there, if I'm going to collect those items. So you get bounced around a little bit as you're doing this process. So you may have item number, you know, 7 in the office and item number 8 theoretically could be on the other side of the warehouse. It depends. That's how you basically end up putting placards down. You get called to different areas as people point out items to you.

HARRIS: Now, in terms of putting down these numbers, do you put them down sequentially wherever it might occur then?

HENDEE: Yes.

HARRIS: So you have in your hand as you're marking 1, 2, 3, and you're putting them down in that order?

HENDEE: Yes.

HARRIS: And that's how you document things in your report?

HENDEE: Yes.

HARRIS: So we're going through these particular placards, even if they might be at some different locations, you go 43, 44, 45, and that's your practice?

HENDEE: Yes.

HARRIS: So in terms of looking at the placards, not looking at the photographs because you've told us you don't know how, whatever that numbering system, however that works, your sequential numbering that you work off of and document in your report is the numbers that,

GERAGOS: Objection. Leading.

JUDGE: Overruled.

HENDEE: Yes.

HARRIS: Now, regardless of when in terms of sequence it's happening, Detective Brocchini coming over and taking the anchor from the boat, did he leave with the anchor?

HENDEE: No.

HARRIS: Did you collect it?

HENDEE: Yes.

HARRIS: So the anchor was there when you got there and you took it with you at the end of your work there?

HENDEE: Yes, sir.

HARRIS: Now, with regards to him picking it up and taking it over there, were you assigned to watch Detective Brocchini?

HENDEE: No, I was not.

HARRIS: You were supervising the scene at that location?

HENDEE: I was supervising the scene and he was one of the core lead investigators at that time.

HARRIS: So if he came over and he made a determination to do something was not something,

GERAGOS: Objection. Calls for speculation. Leading.

JUDGE: Sustained. Sustained.

HARRIS: Did you make a determination to have Detective Brocchini go get the anchor and put it in the pitcher?

HENDEE: No.

HARRIS: Would that have been something he did on his own?

GERAGOS: Objection. Calls for speculation.

JUDGE: Well, he was, overruled. Go ahead. You can answer that.

HENDEE: He did that on his own.

HARRIS: Now, you were asked about this, about when you were testifying last week, so that we're clear about this, regardless of when you got the information, so let's go through this. When you were out there on December 27th at this warehouse, and Detective Brocchini puts that anchor into the pitcher, did it appear to fit to you?

HENDEE: Yes, it did.

HARRIS: Now, at some later point in time was that sent off to a concrete expert for him to conduct analysis of it?

HENDEE: Yes, it was.

HARRIS: And do you claim to be a concrete expert?

HENDEE: No.

HARRIS: Now, looking at the pitcher that you had and the concrete anchor this morning, does it still appear to be a fit to you?

HENDEE: It's a pretty good fit. When you take a look at that weight in that empty pitcher, I mean there is some area around, but, again, I'm not a concrete expert, it looks pretty, like a pretty tight fit. I don't think it was a far stretch to assume that those were made of each other.

HARRIS: Does it appear to be pretty much the same size, shape and characteristics of the anchor?

HENDEE: Yes.

GERAGOS: Objection. Leading.

JUDGE: It's sustained. But, see, the jury has seen this thing about ten times now. The jury can come to their own conclusion as to whether or not it's reasonable to believe it fit or didn't fit. They've seen pictures of it, they can draw their own conclusion.

HARRIS: The People have no other questions.

2nd Recross Examination by Mark Geragos

JUDGE: All right. Do you have anything else you want to ask?

GERAGOS: I do have a couple questions. If you knew that when you testified last week on direct, why didn't you, why didn't you say "I was mistaken"? Why did you have to wait for me to ask you the question?

HENDEE: I wasn't asked the question.

GERAGOS: By the DA?

HENDEE: Right.

GERAGOS: And specifically how many…I have no further questions.

JUDGE: May this witness be excused?

HARRIS: No objection.

JUDGE: Detective Hendee, you are excused.

HENDEE: Thank you.