Witness: Gwendolyn Mae Kemple

Date: 2004-06-08

Proceedings held June 8, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso

Day 1 of 2 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Ms. Kemple, how are you, well, let me just ask you a preliminary question, do you know or did you know in your life a Laci Peterson?

KEMPLE: Yes.

DISTASO: And do you know a Sharon Rocha?

KEMPLE: Yes.

DISTASO: And Laci's family?

KEMPLE: Yes.

DISTASO: And just how, how is it that you are related or associated with this family?

KEMPLE: Sharon and I are first cousins.

DISTASO: And you live in Modesto?

KEMPLE: Yes, I do.

DISTASO: And what is your husband's name?

KEMPLE: Harvey.

DISTASO: And have you, have you and Sharon known each other, you know, basically your whole life?

KEMPLE: All of our lives, yes.

DISTASO: Now, on December 24th of 2002, where were you?

KEMPLE: At my home.

DISTASO: And did you have any people over there?

KEMPLE: Yes, I did, I had all of our family. All of our close family was there.

DISTASO: Can you remember, can you give me a guesstimate of how many people there were?

KEMPLE: I'd say 25 to 30 people.

DISTASO: And did you receive a call from Ron Grantski sometime around 6:30?

KEMPLE: Yes, we did.

DISTASO: And can you tell the jury just briefly what you were told and what you did.

KEMPLE: Yes, my husband answered the phone, and it was around 6:30. And Ron was on the other line and he told Harvey that they had received a phone call.

GERAGOS: Objection.

JUDGE: Sustained.

DISTASO: Yeah, hold on a second.

KEMPLE: Okay.

DISTASO: Let me just, let me go through a little more specific. You got a phone call?

KEMPLE: Yes.

DISTASO: And Ron was saying something, basically you need to get to the park?

KEMPLE: Yes.

DISTASO: And you're, I'm sorry, your husband got a phone call?

KEMPLE: Yes.

DISTASO: Did you gather up all the folks that were at your house and head over to the Dry Creek Park area?

KEMPLE: Yes, we said that,

DISTASO: Go ahead.

KEMPLE: Ron had said that we were needed at the park.

DISTASO: All right. And so did pretty much everyone who was over at your house go over to the park?

KEMPLE: All of the adults, yes, the children stayed home.

DISTASO: All right. And what, where did you go when you got to the park?

KEMPLE: I went down by the tennis courts. It's kind of on the other end by the bridge.

DISTASO: And where did your husband go?

KEMPLE: He left me off. I rode with him and his brother and he let me off to be with Sharon. That's where Sharon and Sandy were at the time.

DISTASO: Did you meet up with them?

KEMPLE: Yes, I did.

DISTASO: And then your husband went off search somewhere else?

KEMPLE: He went off to search, right.

DISTASO: Did you see Scott Peterson down in the Dry Creek Park area?

KEMPLE: Yes, I did.

DISTASO: Did you talk to him at all when he was down there?

KEMPLE: No, I did not.

DISTASO: How would you describe his demeanor, if you can, when you saw him down in the Dry Creek area?

KEMPLE: His back was towards me at first.

DISTASO: Hm-hmm.

KEMPLE: And once he turned around and started walking towards me, he was just walking in a normal stride towards the restrooms.

DISTASO: All right. Did, you know, was he screaming out Laci's name or, you know,

KEMPLE: No.

DISTASO: kind of looking in the bushes or running around?

KEMPLE: No.

DISTASO: So you say he was walking towards you, and then did you speak to him there?

KEMPLE: No.

DISTASO: Okay. What's the next thing that happened?

KEMPLE: The next thing that happened was that after Sharon and Sandy left to go to the house, I stayed in the park to wait for her sister.

DISTASO: And did eventually her sister come?

KEMPLE: No, she had gone to the house so I was there by myself.

DISTASO: All right. So you were down at the park by yourself?

KEMPLE: Yes.

DISTASO: And how long do you think you stayed down there?

KEMPLE: I'd say around 15 to 20 minutes.

DISTASO: Did you see other people searching the park or in the park when you were down there?

KEMPLE: Yes, there was other people.

DISTASO: Like your family or whatnot?

KEMPLE: My daughters came up over the hill, they had been in the park, and my two daughters came towards me,

DISTASO: All right.

KEMPLE: when they saw me there.

DISTASO: How did you get, or did you eventually leave the park?

KEMPLE: Yes, I did.

DISTASO: And how did you leave the park and then where did you go?

KEMPLE: We took McKenzie with us, the dog, and my daughters and went to the house on Covena

DISTASO: And what happened next, when you got to Covena, what happened?

KEMPLE: When I got to Covena, the first thing of course I did was go to Sharon, she had already gotten there, and then I went over and I gave Scott a hug.

DISTASO: Did you say anything to him at that time?

KEMPLE: Not at that time.

DISTASO: Okay. Where was he standing?

KEMPLE: He was kind of in the middle of the yard by the tree.

DISTASO: In the lawn portion or on the driveway?

KEMPLE: Yes, on the lawn portion.

DISTASO: Okay. What happened next then? What's the next think that you remember happening there at Covena?

KEMPLE: Well, at, about that time other people started arriving and we were just all talking. There were a lot of neighbors coming out and we were just talking about where she could have been.

DISTASO: Okay. And at some point some time later did you see Scott standing by his truck in the driveway?

KEMPLE: Yes, I did.

DISTASO: And how much later was it from the time when you got up from the park to Covena and then you saw Scott standing there?

KEMPLE: From the park to Covena to the time I went to him,

DISTASO: Hm-hmm.

KEMPLE:, at the truck was about, I'd say maybe an hour.

DISTASO: Okay. And did you talk to him?

KEMPLE: Yes, I did.

DISTASO: And what did you ask him?

KEMPLE: I asked him where he had been that day.

DISTASO: And what did he say?

KEMPLE: He said he had gone fishing.

DISTASO: And did he tell you where?

KEMPLE: No, I didn't ask.

DISTASO: Okay. And did you ask him anything else?

KEMPLE: I asked him what Laci was doing that morning when he left.

DISTASO: Did, can you tell me as best you can remember exactly the words you asked him and exactly what he said to you that day?

KEMPLE: I said, "What was Laci doing when you left?"

DISTASO: Okay. And what were his exact words?

KEMPLE: He said she was watching Martha Stewart.

DISTASO: And did you ask him anything else?

KEMPLE: Yes, I did.

DISTASO: What did you ask him?

KEMPLE: I said, "Did you talk to her today?" And he said, "No, I didn't."

DISTASO: And did you ask him anything else?

KEMPLE: At that time, no.

DISTASO: Did you ask him if he had tried to call her?

KEMPLE: Yes, I did. I stated that, if he had talked to her. I'm sorry, yes.

DISTASO: Okay. Well, let's break this down. Did you ask him if he had tried to call her?

KEMPLE: Yes, I did.

DISTASO: And what did he tell you?

KEMPLE: I said, "Did you try to call her again?" And he said, "Yes."

DISTASO: Okay. And I guess you followed up then with did you speak to her?

KEMPLE: I said, "Did you call her again?"

DISTASO: Hm-hmm.

KEMPLE: And he said, "Yes."

DISTASO: Okay. And did you ask him if he had ever spoken to her that day?

KEMPLE: He, no, I didn't say "have you ever spoken to her today."

DISTASO: And what else did you ask him?

KEMPLE: At that time nothing.

DISTASO: Okay. And then at some time later did you speak to him again?

KEMPLE: Yes, I did.

DISTASO: And how much later was that?

KEMPLE: I saw him sitting over on, like, a little brick wall. It was about 30 minutes later.

DISTASO: During that first conversation did you ask him anything about Laci's purse?

KEMPLE: Not the first time.

DISTASO: Was that the second time?

KEMPLE: Yes.

DISTASO: Okay. So when you went over there you said he was sitting on a little brick wall; is that right?

KEMPLE: Hm-hmm. Yes.

DISTASO: And how much later than the first conversation?

KEMPLE: About, I'd say 30 minutes.

DISTASO: And who was sitting with him?

KEMPLE: No one at that time.

DISTASO: Okay. And so you went up to him again?

KEMPLE: Yes.

DISTASO: And what did you ask him?

KEMPLE: I asked him what Laci was wearing that morning.

DISTASO: And, okay. Are those the exact words you used?

KEMPLE: I said, "What was Laci wearing this morning?"

DISTASO: Okay. And what did he say?

KEMPLE: He said, "Black pants and a white top."

DISTASO: Did he describe the top in any more detail?

KEMPLE: No, he did not.

DISTASO: Okay. Let me show you this report, and see if this is correct or this is an error.

JUDGE: Do you want to identity it for the record?

DISTASO: Yes, I will, Your Honor. It's a report dated May 1st, 2003. For the record it's, I mean for the counsel it's 23912.

KEMPLE: Hm-hmm. Oh, a white long-sleeved shirt, yes, I did say that.

DISTASO: All right. So let me go back then and ask you, as you read that report does that refresh your memory as exactly how you described it?

KEMPLE: Yeah, he said "Black pants and a white long-sleeved shirt."

DISTASO: Okay. Did you ask him anything else, oh, I'm sorry, did you ask him anything about the clothes?

KEMPLE: I asked him what kind of shoes she was wearing.

DISTASO: Okay. And what did he say?

KEMPLE: He said "tennis shoes."

DISTASO: Did you ask him if any of those clothing items were there at the house?

KEMPLE: Yes.

DISTASO: What did he say?

KEMPLE: He said "I don't know."

DISTASO: Did you ask him anything about Laci's purse?

KEMPLE: I ask him, yes, I ask him if Laci's purse was here.

DISTASO: And what did he say?

KEMPLE: He said "I don't know."

DISTASO: Did you ask him, well, let me ask you this, are you aware of what the weather was that day?

KEMPLE: Yes.

DISTASO: I mean,

KEMPLE: It was cold.

DISTASO: Normal December day in Modesto?

KEMPLE: Yes.

DISTASO: And how are normal, you know, December days in Modesto?

KEMPLE: I believe it was like in the 30s,

DISTASO: Okay.

KEMPLE: 40s.

DISTASO: And did you ask him anything about Laci wearing a jacket?

KEMPLE: Yes, I said, "Did she have on a jacket?"

DISTASO: I'm sorry.

JUDGE: Mr. Distaso,

DISTASO: I know. I got to let her finish. I keep jumping ahead.

JUDGE: If you keep jumping on her, then the court reporter's going to have a mess.

DISTASO: Right.

JUDGE: Go ahead.

DISTASO: Give me the exact words you asked him and the exact words he said back?

KEMPLE: I said, "Did she have on a jacket?" It was cold. I said, "Did she have on a jacket?" And he said, "I don't know.

I said, "Did you see if her jacket was missing?" And he said "No."

DISTASO: What was his demeanor during the times that you were having these conversations with him?

KEMPLE: Well, he wouldn't look at me. He just answered my questions calmly, just matter of fact.

DISTASO: Did, had you had, I mean, had you known him prior to this night?

KEMPLE: Yes.

DISTASO: I mean, had you seen him at family functions?

KEMPLE: Yes.

DISTASO: Okay. So you were not a stranger to him?

KEMPLE: No, not at all.

DISTASO: Did you see Scott Peterson or, let me just go here. What time did you leave 523 Covena that night?

KEMPLE: Not until around I'd say 10:00, 10:30 that night.

DISTASO: And did you go back to 523 Covena the next day?

KEMPLE: Yes, I did.

DISTASO: What time did you get there?

KEMPLE: Around 8:30 in the morning.

DISTASO: And what was going on there at the house?

KEMPLE: Several people were surrounding the house. There was quite a few inside. When I first got there I had seen Sharon outside coming around the corner, so I kind of waited for her there and then I went into the house.

DISTASO: And what was, did you see Scott Peterson?

KEMPLE: Yes, I did.

DISTASO: And what was he doing?

KEMPLE: He was in the kitchen when I walked in. Not really doing anything, just standing in the kitchen at that particular time when I walked in.

DISTASO: Okay. How long were you there at the house?

KEMPLE: Until around, until around 11:30.

DISTASO: And did you see the defendant there at the house the entire time?

KEMPLE: Yes.

DISTASO: That you were there?

KEMPLE: Pretty much so. I mean, he wasn't in the same rooms I was in, but he was at the house.

DISTASO: Okay. And what was he doing?

KEMPLE: At one time I saw him talking on the phone in the dining room, and later it was said that it was his dad that he was talking to.

DISTASO: Hm-hmm.

KEMPLE: He wasn't really doing anything.

DISTASO: Okay. And let me, does that pretty much cover what you saw on the 24th and the 25th?

KEMPLE: Yes.

DISTASO: Okay. Let me go back now to a time in November. And do you have a grandson?

KEMPLE: Yes, I do.

DISTASO: And what's his initials?

KEMPLE: TJ.

DISTASO: And was TJ getting any kind of tutoring or anything, some kind of help from Laci?

KEMPLE: I had called Laci and ask if she would help TJ with his math.

DISTASO: Okay. And how old is TJ?

KEMPLE: He was 13, he was at that time he would have been 12.

DISTASO: And this was in November of 2002?

KEMPLE: Yes.

DISTASO: So Laci was obviously visibly pregnant?

KEMPLE: Yes.

DISTASO: Okay. Do you remember, do you remember the exact date when this happened?

KEMPLE: No, I don't.

DISTASO: Okay. Do you remember if it was in November?

KEMPLE: Yes, I do, early November.

DISTASO: When you went over to their house did you see the defendant?

KEMPLE: Yes, I did.

DISTASO: And did you talk to him, anything about the baby that was coming?

KEMPLE: Yes, I did. My daughter and I were in the, down in the living room where he was and I started talking to him about the name of the baby and was he ready to be a dad, play sports.

DISTASO: And what did he say?

KEMPLE: Well, I'd ask him if, I said, "Are you ready for the football games." And he said, "No, I didn't play football." And I said, "Well, then baseball." I said, "You'll have to practice on your catching and throwing. My grandsons play baseball, so that was just a common thing to say to him. And he said "No." He said, "I have friends that can do that. I said, "You didn't play baseball in school?" He said "No."

DISTASO: Did you ask him in the context of are you going to teach the baby to play baseball?

KEMPLE: I didn't say that.

DISTASO: Okay. Did you ask him anything about was he interested or excited about, you know, teaching the baby anything?

KEMPLE: I didn't ask him if he was excited, I just said he better get busy because he's got a job to do.

DISTASO: And what did he say?

KEMPLE: He said he had, at that particular time I thought it was strange because he said, "I've got friends to do that."

DISTASO: Nothing further, Your Honor.

JUDGE: Okay. Before you start your cross-examination I'll give you until tomorrow, Mr. Geragos.