Witness: Paul Mears

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Proceedings held September 7, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect – Rick Distaso

Day 1 of 1 for this witness

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Direct Examination by Rick Distaso

DISTASO: Deputy Mears, where do you work?

MEARS: San Joaquin County Sheriff's Department as a Deputy Sheriff.

DISTASO: And were you employed in that capacity on January 10th of 2003?

MEARS: Yes, I was. I was assigned to the Patrol Division as a Training Officer.

DISTASO: And as part of your duties, were you assigned to help Officer Beffa from the Modesto Police Department investigate a tip that Laci Peterson might be somewhere in San Joaquin County?

MEARS: Yes, I was. At approximately 5:00 o'clock on the 10th of January, I came in and Sergeant Drayer advised me that they needed someone to respond the Tracy and meet with Officer Beffa and his partner looking in the area for possible sightings of Laci.

DISTASO: Are you familiar with that area?

MEARS: Yes, I am. Prior to becoming a Deputy Sheriff with San Joaquin County Sheriff's Office, I worked for Banta Carbona Irrigation District, which covered about 27,000 acres.

DISTASO: You have been in a lot of these areas in prior job?

MEARS: Yes, I have.

DISTASO: As part of your patrol duties, had you been in some of these areas?

MEARS: When I first came back to patrol, after getting off the training program in 99, I went to the graveyard shift, and I spent two years working the Tracy-Manteca area on patrol.

DISTASO: Did Officer Beffa bring a tip to you and show you the tip that described some particular area?

MEARS: Yes. It was a teletype that had come in from, I believe was Highway Patrol, that said that an anonymous citizen had seen Laci in the Tracy area, south of Tracy, being held in a storage container behind two small white houses, with a broken down white truck in front of it.

DISTASO: Did it give you, Officer Beffa just testified that it was eastbound 205 past Tracy, the first exit or something like that?

MEARS: Correct.

DISTASO: Did you look for some areas that might match that?

MEARS: Yes. It being south of Tracy, you basically have two 205s. One is a business loop 205 that goes through Tracy, which is 11th Street, and the other is the highway that's on the north side of Tracy. We went over to, I met Officer Beffa and his partner at the Denny's on 205 and Tracy Boulevard. We got out a county map and we started looking for roads that met the description.

DISTASO: Did you find anything?

MEARS: We found several roads that if somebody was passing through Tracy, they could go through the south part of Tracy and continue on down south.

DISTASO: And did you look, did you go to those roads and try to investigate those areas?

MEARS: I took Officer Beffa and his partner down to Lammers Road. We started looking for residences that matched the description. We weren't able do locate any on that report. When I contacted Officer Beffa he advised me that they had to return to the City of Modesto. They had another call that is pending. I told them that I would search as much as I could, and that I would let them know what I found.

DISTASO: Did you go to some other roads that you thought might have matched the description as given?

MEARS: Yes, sir. After Officer Beffa left, I contacted Sergeant Dorsey and advised him what was going on, at which time he told me that he called Lieutenant Myoya, and they said that I was to be assigned,

GERAGOS: Objection, triple hearsay as to,

JUDGE: I think so. Sustained.

DISTASO: So you contacted your superiors, and did they direct you to continue doing some searches?

MEARS: Yes, they did. They told me to go ahead and check the area. And then when I had several entrances that were possible, to go ahead pick up my trainee at the time Mr. Gillingwater and another officer, Deputy Stewart and his trainee, they would go back to those houses and search the area

DISTASO: Did you do that?

MEARS: Yes, we did. For four days.

DISTASO: For four days? And then did you find anything during those searches that was related to the Laci Peterson investigation?

MEARS: No, I did not.

DISTASO: You mentioned something in your report about a location that's west of the area you have been describing on the Alameda County-San Joaquin County line?

MEARS: Yes, sir.

DISTASO: And I think you described in your report as some compound. Before we get into that, this area that we're talking about, is that in the area that the anonymous person had described?

MEARS: It was at the very north or southwest end of Tracy. It was on Interstate 580. You can pass by there. If you were driving south, you would not be able to see that are

DISTASO: So from the highway you can't see this area?

MEARS: No, you can't. Not until you are about a mile and half, two miles down the road.

DISTASO: And are you familiar with this area?

MEARS: The back, I would say nine months prior to this, I had a call of several windows being broken on the 580 highway headed southbound towards LA. And what was happening was somebody was shooting the windows out with marbles from either a paintball gun or a Wrist Rocket.

DISTASO: A slingshot?

MEARS: Yes.

DISTASO: And you referred to as a compound. Can you describe for the jury exactly what it is?

MEARS: Basically what it is, it's a bunch of shanties and shacks, old trailers that had been abandoned. What I found up there when we went up there to make contact that day was people on probation for drug violations, some people on parole for drug violations. They had fighting roosters in the area, a couple of fighting Pit Bulls. We found marijuana being grown up there. Basically a flop house for drug addicts.

DISTASO: Okay. And you had gone up there, the last time you had been there prior to January 10th was nine months prior, you said?

MEARS: Yes.

DISTASO: That was for this slingshot, or someone shooting something at the cars on the windows?

MEARS: Correct.

DISTASO: And when you went up there, did you find the slingshot and a bunch of marbles?

MEARS: Yes, I did. Probably 10,000 clear glass marbles, and a Wrist Rocket slingshot sitting next to the marbles.

DISTASO: When you were up there nine months prior was it fairly clear to you how the car windows were getting broke?

MEARS: Yes. I found a half of a marble in the back of one of the vehicles.

DISTASO: Okay. And the, other than the searches that you talked about, that you talked about for the four days, did you continue searching in the San Joaquin County area just kind of on your own?

MEARS: Yes, I did. I'm, I was, at the time I was assigned to graveyard which started a 9:00 o'clock at night, ended at seven in the morning. I was working a lot of overtime at that time. And I would come in between four and 5:00 o'clock and work swing shift until my shift started at 9:00 o'clock. I was assigned to the 8 area, because they did not have an 8 area patrol vehicle, no one assigned to that area at that time. That includes the Tracy area from basically the San Joaquin area up to the Alameda County line, over to the Stanislaus County line, over to Highway 4.

DISTASO: During the time that you were doing this overtime and continuing search, did you find any information at all related to the Laci Peterson investigation?

MEARS: No, sir.

DISTASO: Finally, this trailer park compound area that was on the, is it right on the border of Alameda County and San Joaquin County?

MEARS: Yes. Half of it is in Alameda, and half of it is in San Joaquin County.

DISTASO: That's west of Tracy?

MEARS: Yes.

DISTASO: To get to that location, to drive to it, what road do you have to take?

MEARS: I don't know if any of you are familiar with the area. If you know where Altamont Speedway is, you have to take Midway Road, which is in Alameda County.

DISTASO: And then after that road, how far back is it to this area?

MEARS: Approximately a mile, mile and a half, maybe.

DISTASO: Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good morning, officer.

MEARS: Good morning.

GERAGOS: You work for San Joaquin County?

MEARS: Correct. Yes, sir.

GERAGOS: And you were contacted by Officer Beffa who showed you this teletype from the CHP?

MEARS: Correct.

GERAGOS: Specifically a location was described, I guess, in terms of houses and then a van, is that correct?

MEARS: It was a storage container, yes.

GERAGOS: Okay. Now, the, and what you were told? Was she was being held in the storage container?

MEARS: Yes.

GERAGOS: And specifically, at some point, did you go up and/or did somebody go up? Were you aware that somebody had gone up in a helicopter?

MEARS: Yes. I requested it.

GERAGOS: Okay. Now, what day was that?

MEARS: That was on the 10th. Well, between 11:30 and I believe one in the morning. It was around that time.

GERAGOS: Okay. If I have got it correct, what time, you said you met at Denny's at some point with Officer Beffa and Officer Locke?

MEARS: Correct.

GERAGOS: That was what time?

MEARS: Probably right about 6:00 o'clock. I had to dress out and get ready to go out and meet him.

GERAGOS: In the evening?

MEARS: Yes.

GERAGOS: You are working the graveyard shift, so you come on at six, go through the morning hours?

MEARS: I come on at nine, but I was working overtime that day also.

GERAGOS: Okay. So you meet them at the Denny's, you go out, search around, trying to find this location, correct?

MEARS: Correct.

GERAGOS: Basically you are trying to match up locations that you are familiar with with a description that's been given to somebody else?

MEARS: Correct.

GERAGOS: Okay. And I had gone through this with Officer Beffa. If he wasn't, talked to him, you were the one who talked to him?

MEARS: No.

GERAGOS: You went so you could ask him questions, get a feel for where there was?

MEARS: Yes.

GERAGOS: Based on, and I assume you were the guy who is the most knowledgeable out of the three of you or four of you that were there?

MEARS: Yes.

GERAGOS: Now, you then looked for this one specific area, or you continued checking various addresses, correct?

MEARS: Correct.

GERAGOS: And there were, you found several possibilities, right?

MEARS: Yes.

GERAGOS: And one of them was this area that's on the San Joaquin-Alameda County line?

MEARS: Basically what happened the first day after Officer Beffa and his partner had left,

GERAGOS: I was going to take it sequentially. The first thing you do, I assume you search for these various possibilities, right?

MEARS: Yes.

GERAGOS: And then at some point Beffa and his partner leave?

MEARS: Correct.

GERAGOS: Approximately what time?

MEARS: I would say probably about seven.

GERAGOS: Okay. So they are with you for about an hour?

MEARS: Right.

GERAGOS: And then they leave because they guest called off to another missing persons place, another missing persons report that obviously takes priority over whatever they are doing there, right?

MEARS: Correct.

GERAGOS: So after they are with you looking for about an hour, how much of that, you met him at 6:00 o'clock. How much of that hour did they spend at Denny's?

MEARS: We present probably about fifteen minutes there.

GERAGOS: Okay. And then they went out with you, and then they get a radio call, or something, that says get back to Modesto?

MEARS: As we were driving out to Lammers Road, they got a call. And when I stopped the vehicle out on Lammers, after driving down Lammers from the 11th Street business, almost all the way down to the deadend, we turned around, they told me that they received another call.

GERAGOS: Was that the first place that you tried to go to?

MEARS: Yes.

GERAGOS: So basically they come out there, they have got this tip. And you guys sit down at the restaurant. You are there for fifteen minutes together. You are discussing, you are telling them where you think the possibilities are, right?

MEARS: Correct.

GERAGOS: And then you say, okay, let's go. We'll start the first possibility, which is this Lammers Road, right?

MEARS: Right.

GERAGOS: You start to drive down to the first possibility. And then they get called off immediately to go back to Modesto, correct? Basically they didn't even make one search basically at that point?

MEARS: Not really, no.

GERAGOS: So then you go down to that location. And then at some point you identified this area that's the Alameda- San Joaquin County, by the Altamont Raceway?

MEARS: I didn't go up there until I picked up other officers. I already knew of that area basically. What matched was, I checked all the through roads that I knew that someone could gain access, going from 11th Street all the way through and continue on. I didn't check any of the dead-end roads at that time. And after I checked those, I couldn't find anything that matched. Then what I did was, I just started at the west end of the county, on the south side of Tracy, and worked my way down to the east end of the county at the Stanislaus County line.

GERAGOS: How far away would you say the Altamont Speedway was from Modesto, mileage?

MEARS: Around probably about 25 to 30 miles.

GERAGOS: Okay. And this area, I assume you have seen the report, the one that looks like got Jan Merino's name on the bottom. Are you familiar with this report?

MEARS: Yes. That's the one that I did.

GERAGOS: Okay. So this is your report?

MEARS: Yes.

GERAGOS: Okay. And, specifically, that area over there, that's this compound area, was the area that interested you, is that correct?

MEARS: Basically, like I said, since I couldn't find anything that matched, I figured I would start from one end where I knew there was shacks and shanties, just work my way all the way to the other end.

GERAGOS: And then, I didn't mean to cut you off before. But you said you had called up a helicopter at one point?

MEARS: Yes. We were unable to get into the area that I called the compound because the roads were extremely muddy. And we almost ended up getting stuck with three patrol vehicles. So I called see if the helicopter was available. They did a flyover, and used the heat sensors to see if there was any activity up there.

GERAGOS: And they reported to you that there was, upon their arrival, they checked the area, and found that there were several buildings radiating heat, correct?

MEARS: Yes.

GERAGOS: And, however, due to the conditions, and I assume that was the weather conditions, the helicopter couldn't determine if there was storage tanks, or anything else up there?

MEARS: Well, the weather conditions, and it's nighttime.

GERAGOS: Okay. Now, did you end up contacting a Sergeant Lamie?

MEARS: Lamie. Lamie.

GERAGOS: Is he your sergeant?

MEARS: He was my sergeant at the time.

GERAGOS: It was known to you that the people living up at that compound were anti law enforcement?

MEARS: Yes.

GERAGOS: Okay. And that they were, as you indicated, known parolees and probation persons, transients?

MEARS: Basically, yes.

GERAGOS: Okay. And he advised you not to attempt to contact anybody up there at that time, correct?

MEARS: Sergeant Lamie told me, and it's an officer safety issue. He doesn't want me making contact. I used to go through, when I had another sergeant, by myself. He doesn't like the idea of me being way out there by myself without possibility of having anywhere from three to fifteen people come out of the shacks at a time. It's, I never been attacked up there, but they are not officer friendly.

GERAGOS: Okay. These are people who are not exactly ones that you are going to go out there and engage in, is that correct?

MEARS: They are not coming over to dinner, no.

GERAGOS: Exactly. So is that also, is it a fair statement that this area, this compound area, is, I think you termed it a flop area?

MEARS: Yes.

GERAGOS: So it's known to you to be a place where not just transients, but parolees, people who are fugitives would tend to hang out?

MEARS: Yes.

GERAGOS: One of the reasons for that is because it's so secluded. And I guess ever since Sergeant Lamie came on board, most officers are not going up there, is that correct?

MEARS: Correct.

GERAGOS: Now, you did the flyover or the helicopter flyover on the 10th?

MEARS: Yes.

GERAGOS: Do you know when the helicopter does the flyover, in order to do it they use a FLIR device?

MEARS: I believe that's what they use. I don't know about about FLIR equipment.

GERAGOS: It's a heat sensor, correct?

MEARS: Yes.

GERAGOS: They have to get fairly low in order to make that work, is that correct?

MEARS: Our helicopter pilot at that time wouldn't go below 500 feet.

GERAGOS: Okay. And when he does that, does he hover around the area in order to try to get this fix on this?

MEARS: Yes.

GERAGOS: So presumably the people down below are going to know there is a police helicopter over, or at least a helicopter that's overhead?

MEARS: They should, yes, from the noise.

GERAGOS: And then when did you end up going up there, yourself?

MEARS: We never made it up there that day.

GERAGOS: Okay. So, and is it, at some point you ended up contacting the Alameda County Sheriff's Department, is that correct?

MEARS: Yes. Since the access to this area is in Alameda County, I contacted Alameda County and had one of their patrol units meet me out there. And I believe it was the same officer that met me the first time I went up there for the incident with the marbles.

GERAGOS: Okay. Now, the, the same people that were there nine months prior, were not there when you went up there the second time, correct?

MEARS: We never got up there the second time. We don't know who was up there.

GERAGOS: Okay. So as of right now, we don't know who was up at this location, correct?

MEARS: No.

GERAGOS: Okay. And as of right now, did anybody from Modesto PD, Beffa and Locke left after this. They took a little, how long would you say they drove from the Denny's to this Lammers area?

MEARS: Probably took us ten to fifteen minutes to get out there.

GERAGOS: Okay. So after their ten or fifteen minute portion of the search, when was the next time that you heard from them?

MEARS: I talked to Officer Beffa on, I believe it was the 13th, and I advised him that I had searched all of the frontage streets, and the streets that you could go through, passing through the area. And that we found nothing that matched any of the descriptions mentioned.

GERAGOS: Did you leave that on a voicemail for him? You indicated,

MEARS: I think I called him left it on voicemail. And then he called back later.

GERAGOS: Okay. And did you ever get contacted at all by any detective from Modesto PD?

MEARS: No, not that I recall.

GERAGOS: As you sit here today, the grand, sum total of Modesto PD involvement in what you just described, what you described to the jury in morning?

MEARS: As of being with me, yes.

GERAGOS: Okay. And to this day, we don't know who if anyone, well, we know there was heat, that it radiated up there in this area. We don't know who it was that was up there, correct?

MEARS: Well, at least it was radiating from the buildings. It doesn't necessarily mean there were people in the buildings. They could have been having another marijuana grow. The last time I was there we did get two plants.

GERAGOS: Okay. But we don't know because nobody ever,

MEARS: Nobody ever made it up there that night, no.

GERAGOS: We would just be speculating what was going on there, because, as far as you know, nobody from law enforcement ever made it up there some time around the 10th?

MEARS: Not at that time, no. I do know that later on, about a month and half ago, I was at an auto accident on Interstate 580. I looked up about a mile and half south of that. I looked up and basically that place has been torn down. I turned that report into the Save Unit, which takes care of unlicensed houses, permits, all that kind of stuff. And they went up and abated the house.

GERAGOS: When you are talking about that report, the one that I'm referring to?

MEARS: Yes.

GERAGOS: Several page report. So about a year and half afterwards, somebody decided to go up there and get rid of this situation?

MEARS: Some time between January 10th and now, yes.

GERAGOS: When Altamont Raceway was sold probably?

MEARS: That's a good chance that's when it happened.

GERAGOS: This was sold some time within the last year, somebody goes in and clears it all out?

MEARS: Yes.

GERAGOS: When you have gone up there, you, before you ever found, I think you said you indicated, you were telling Mr. Distaso you found these, I guess nine months prior you found dead goats, or something, up there?

MEARS: No. When I was searching the area for any possible leads, I came to the intersection Evergreen Road and McCracken. I could smell a rotting body, basically. Being a Coroner's Unit Investigator, I smelled it quite a few times. I got out of the vehicle thinking that it might be a body dump. Turned out somebody had dumped their pet goat out there.

GERAGOS: So that had nothing to do,

MEARS: Had nothing to do with this.

GERAGOS: Just told that to Mr. Distaso yesterday, in terms of your search?

MEARS: Yes.

GERAGOS: Okay. The other officer who was with you that day on the 10th was named who, from San Joaquin County?

MEARS: Well, I had three other officers from San Joaquin County. I had Deputy Gillingwater, who is my trainee at the time. I had Deputy Marcus Smith, and Deputy Scott Stewart. Marcus was Scott's trainee at that time. And we worked the graveyard shift together.

GERAGOS: And then when you met up with the Alameda County, how many deputies were there that met up with you?

MEARS: There was six of us.

GERAGOS: So six total deputies including San Joaquin and,

MEARS: Correct.

GERAGOS: And the Alameda?

MEARS: Yes.

GERAGOS: Because of Sergeant Lamie's directive, you were not going to go up there?

MEARS: Sergeant Lamie told us not, we were going to walk up there. And being that it's on top of a hill, and, as I said, I have never found any violent offenders up there, never found any firearms up there. Slingshots, BB guns, that type of thing. But since it was on top of a hill, we would have to walk up from about a mile away. He said not to even attempt at this time.

GERAGOS: Okay. And so as we sit here today, you don't know what was up there on the 10th of January, correct?

MEARS: No, sir.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Rick Distaso

DISTASO: Deputy Mears, the tip that you got was from somebody. It was from the Highway Patrol, somebody driving by on 205, correct?

MEARS: That's what I believe, yes.

DISTASO: And this area that we're talking about, this was just an area that you knew?

GERAGOS: Objection on that last question. I apologize. There is no foundation. Calls for speculation.

JUDGE: That he was on 205. There is no evidence of that.

GERAGOS: Someone at the time

JUDGE: Sustaining the objection. Go ahead.

GERAGOS: Motion to strike.

JUDGE: Assuming a fact not in evidence. Jury can disregard. Next question.

DISTASO: The time that you went over with Officer Beffa, did feel you investigated that thoroughly?

MEARS: Yes, I do. We went over every access road through the south area from Kasson Road, all the way back up to Patterson Pass Road.

DISTASO: And this other area that we have been talking about where the trailers were, this was this just an area that you were aware of?

MEARS: Yes. Didn't really match, except for the fact that it had sheds and shanties. There was no white houses. There was no vehicles, trucks, or anything like that.

DISTASO: So I want to clear up. This goat thing didn't have anything to do with this other area?

MEARS: No, it did not.

DISTASO: Completely separate area?

MEARS: Yes, it was.

DISTASO: Was that when you were, just in the two weeks that you kept looking, you were driving around some other area?

MEARS: I was checking the Delta-Mendota Canal, the canals from the irrigation district I used to work, dirt roads, side roads from 132. I drive down the dirt roads in between McCracken and Kasson. I just checked everything while I wasn't on a call.

DISTASO: Nothing further.

JUDGE: Mr. Geragos, any other questions of Officer Mears, or Deputy Mears?

GERAGOS: No, your Honor.

JUDGE: Okay, deputy. Thank you very much.