Witness: Alena Maria Gonzalez

Date: 2004-07-07

Proceedings held July 7, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos; Redirect – David Harris; Recross – Mark Geragos

Day 2 of 2 for this witness

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

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July 7, 2004

Cross Examination by Mark Geragos

GERAGOS: The, yesterday I, maybe I missed it, can you just tell me approximately what time it was that you were there when you made this discovery?

GONZALEZ: The approximate time when I found the body?

GERAGOS: Yeah.

GONZALEZ: About 11:10, 11:15 a.m.

GERAGOS: On the 14th?

GONZALEZ: Yes.

GERAGOS: Okay. And the, I don't know if they showed you the charts yesterday.

GONZALEZ: Huh-uh.

GERAGOS: You were, can you just show the jury, you can stand up and use the pointer, if you want.

JUDGE: Yeah, use the pointer.

GERAGOS: Use the pointer, just show where you were walking.

GONZALEZ: We started throwing bumpers, these bright orange toys,

REPORTER: I'm sorry. I can't hear her. You started throwing what?

GONZALEZ: We started throwing bumpers for Golden Retrievers, or any dog, off this tiny little beach right here. And we were having fun with our dogs until two of them went back up on the land and started venturing down north a little bit. And so, of course, we had to follow them because we don't like to leave them alone. And just a few yards down is when they started to go back down into the water, and that's when I noticed the body in the water.

GERAGOS: How did you get access to the, did you drive or walk?

GONZALEZ: Uh-huh, we drive down Central. This is Costco right here. Come down this road, and we've always parked right around here so our dogs don't have to cross the street. So right where the red car was is probably where I parked.

GERAGOS: Okay. You tell me how far of a walk would you say that is from where you parked your car?

GONZALEZ: Right here to the beach?

GERAGOS: Yeah.

GONZALEZ: I'm not good at distance.

JUDGE: Let me give you a frame of reference, Ms. Gonzalez. To the back wall is 54 feet.

GONZALEZ:: Okay. 225 feet, maybe.

GERAGOS: 225 feet. And then this little circular area here is a parking lot, is it not?

GONZALEZ: Yes.

GERAGOS: Okay. And then you had indicated this is Costco, the store right there, the warehouse store?

GONZALEZ: Yes.

GERAGOS: Okay. And then this is the U.S. Postal Service there. And this area here coming in there, obviously it's open to the public, correct?

GONZALEZ: Yes.

GERAGOS: Okay. Now, then at some point did you make a, another discovery about 11:45 or the following, was it the same day? Did you find a glove at some point?

GONZALEZ: Yes.

GERAGOS: A insulated black glove?

GONZALEZ: Yes.

GERAGOS: When was that?

GONZALEZ: Two days later.

GERAGOS: And where was that?

GONZALEZ: Um, it came floating up in the same area where the body was.

GERAGOS: Okay. And that, you collected that with a plastic bag? Could, put it in, like you watch CSI, you put

GONZALEZ: Well,

GERAGOS the glove inside the plastic bag and seal it up for evidence?

GONZALEZ: At the dog park there's dog poop bags that have, like, a plastic mitt. So we didn't want to touch it, so we got a stick and brought it towards us and put our hand through the bag and then in-sided it out.

GERAGOS: Okay. Now, when you say it was floating up in the same area, was that roughly right in there as well?

GONZALEZ: Yes.

GERAGOS: And you found that, you figured that since it was in the exact same area, that maybe it had something to do with this case; is that correct?

GONZALEZ: Yes.

GERAGOS: Okay. And the second, that was two days later?

GONZALEZ: Two mornings later.

GERAGOS: Two mornings later. Was it about the same time? You usually go out there sometime after 11:00 o'clock in the morning?

GONZALEZ: Yes.

JUDGE: You have to answer,

GONZALEZ: Yes.

GERAGOS: Thank you. I have no further questions. Thank you.

JUDGE: Any redirect?

HARRIS: Yes.

GERAGOS: Oh, I'm sorry.

GERAGOS: You turned that glove over to somebody?

GONZALEZ: Yes.

GERAGOS: Who did you,

GONZALEZ: To the East Bay Regional police that were still there.

GERAGOS: Thanks.

Redirect Examination by David Harris

HARRIS: Ms. Gonzalez, in terms of the time, I'd asked you yesterday if you had talked to a police officer and actually took a taped statement.

GONZALEZ: Yes.

HARRIS: If I were to show you page one of that transcript, let me have you look at that and read a particular response right here. Would you read that to yourself?

GONZALEZ: Okay.

HARRIS: Looking at that, does that help you recall the specific time we're talking about?

GONZALEZ: I'm not very good with time.

HARRIS: What was that?

GONZALEZ: I'm not very good with time. I mean, roughly.

GERAGOS: Frankly, I don't think that that's a proper refreshing of recollection because she didn't indicate that she needed her recollection refreshed.

JUDGE: You said you weren't sure of the time.

GONZALEZ: I wasn't looking at my watch.

JUDGE: Well, then you go ahead and refresh her recollection.

HARRIS: Ms. Gonzalez, now looking at the transcript that you had with the officer that very day, do you recall what time it was that you first saw the body?

GONZALEZ: 11:45.

HARRIS: So it was about 30 minutes later than what you were just saying?

GONZALEZ: Yes.

HARRIS: Do you recall telling the officer also that you had gotten there about 11:10, 11:15, 11:20, somewhere around there?

GONZALEZ: That we had gotten to the park?

HARRIS: That you had gotten to the park?

GONZALEZ: Yes.

HARRIS: So you had been there for some period of time. As you were just describing, you were playing with your dogs, and you walked back up and started to go back down to the water, that's

when the dogs,

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: That's the sequence?

GERAGOS: Objection. He just led. He can't now ask if that's the sequence.

JUDGE: No. Ask it by non-leading questions.

HARRIS: You get there. Were you there for some period of time?

GONZALEZ: Yes.

HARRIS: You've described for us the dog kind of went up and then you followed it?

GONZALEZ: Yes.

HARRIS: And is that when you saw the body?

GONZALEZ: Yes.

HARRIS: So at that point in time, that's the time period of 11:45 that we're talking about?

GONZALEZ: Yes.

HARRIS: Now, the second glove, I just want to explore this with you a little bit.

JUDGE: You said second glove.

GERAGOS: Objection. Assumes facts not in evidence. No indication,

HARRIS: My mistake.

HARRIS: The second thing we were talking, or counsel asked you about that glove. This was two mornings later?

GONZALEZ: Yes.

HARRIS: So that would have been on the 16th?

GONZALEZ: Yes.

HARRIS: Were you a little bit more aware of, having seen the body on the 14th, that things were washing up on the 16th?

GONZALEZ: Yes.

HARRIS: And because you saw something, you thought it might be helpful, you wanted to collect it and turn it over to the police?

GONZALEZ: Yes.

HARRIS: And you did so?

GONZALEZ: Yes.

HARRIS: The People have no other questions.

Recross Examination by Mark Geragos

GERAGOS: Just to make sure, I asked you if it was some time after 11:00 and you said yes, correct?

GONZALEZ: Yes.

GERAGOS: Okay. So we've now established that it was some time after 11:00 twice, right?

GONZALEZ: Yes.

GERAGOS: Okay. Thanks.

JUDGE: May this witness be excused?

HARRIS: No objection.

JUDGE: Okay. Thank you. Thanks.