Witness: Allen Brocchini

Date: 2004-06-24

Proceedings held June 24, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day); Cross (resumed)

Day 3 of 5 for this witness

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

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June 24, 2004

JUDGE: . . . There's a few other matters we have to deal with before cross-examination of Detective Brocchini. We have three, three exhibits we want to mark and make part of the court record. One is the memo from the juror. That will be marked next in order.

CLERK: It's 18.

JUDGE: 18.

JUDGE: Then the jury alias numbers sealed.

CLERK: Is 17.

JUDGE: The next one is the videotape.

CLERK: Is 16.

JUDGE: All right. Those are now court exhibits. <Court's Exhibits 16, videotape, 17, list of jury aliases, and 18, memo from juror, marked for identification>

JUDGE: Okay. Then I know some of you have made some inquiries about the 4th of July weekend. I'm going to deal with that before we adjourn for the noon recess, okay? I discussed it with the lawyers about giving you some time off, and I'll talk to you about that this morning, okay? Okay. Detective Brocchini, where are you? There you go. (Detective Brocchini retakes the stand)

JUDGE: Do you remember where you left off, Mr. Geragos?

GERAGOS: Yeah. I believe so. We were about to play something.

JUDGE: That's right.

GERAGOS: (To Mr. Naljian) Do you know which one we're playing? Detective Brocchini, the, during the interview with Mr. Peterson on the 25th, at about, I think your testimony was that it was about midnight, correct? Started about midnight?

BROCCHINI: Yes.

GERAGOS: And you said: Okay, when you get in the car, what did you, what did you call you said? That's on page ten of 29; is that correct? Fourth line down.

BROCCHINI: Okay. When you get there.

GERAGOS: It says: Okay when, when you got in the car what did you call you said; is that correct?

BROCCHINI: That's what it says.

GERAGOS: Okay. And is that roughly what you said to Mr. Peterson?

BROCCHINI: Yeah. I remember I was asking him what he said when he called.

GERAGOS: Okay. He told you that he Called Laci ah just as I was leaving the marina, correct?

BROCCHINI: Yes.

GERAGOS: And that was a phone message; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, at that point you asked him about his home phone, correct?

BROCCHINI: Yes.

GERAGOS: And you said there was a home and a mobile phone, right?

BROCCHINI: He told me there was a home and a mobile.

GERAGOS: Okay. The first number he gave you was, you asked him What's your home phone number, right?

BROCCHINI: Yes.

GERAGOS: And he told you 524-2049, right?

BROCCHINI: Yes.

GERAGOS: The second number you asked for was the mobile phone; is that correct?

BROCCHINI: Yes.

GERAGOS: And then I think the transcript says: And then what's your mobile? But it should have been What's her mobile, right?

BROCCHINI: Yes.

GERAGOS: That would have been more accurate?

BROCCHINI: Yes.

GERAGOS: And he gives you this 402-8806?

BROCCHINI: Yes.

GERAGOS: And you discovered that that was correct, right?

BROCCHINI: Yes.

GERAGOS: Okay. The, you then asked him what her password is, correct?

BROCCHINI: Yes.

GERAGOS: And he told you 8184, and that was correct also, right?

BROCCHINI: Yes.

GERAGOS: Okay. Now, there are, I think roughly about, within that week afterwards, you rushed out a subpoena for the records of Laci's phone, correct? The mobile phone, that 402-8806?

BROCCHINI: No.

GERAGOS: They were received by way of a search warrant on Verizon Wireless, were they not?

BROCCHINI: Yes.

GERAGOS: Okay. And it was determined that there were phone calls made to and from Laci's phone on the 23rd and going to the, December 20th. I don't know if you can see that because it's

a little grid. But you recognize this, don't you?

BROCCHINI: I've never seen this.

GERAGOS: You were responsible, at least, for trying to get the phone records, weren't you?

BROCCHINI: No, I think somebody else wrote that search warrant.

GERAGOS: You knew it was happening?

BROCCHINI: Yes, I did.

GERAGOS: Okay. And you see that there are phone calls made on the 20th and 23rd, both outgoing and incoming?

BROCCHINI: I see that.

GERAGOS: Okay. May I mark this as the defendant's next in order?

JUDGE: Next in order.

CLERK: Defendant's U for identification.

JUDGE: What is it, U?

GERAGOS: U.

DISTASO: Your Honor, I'm going to object to this being called. Lack of foundation.

JUDGE: Well, he's just marking it right now. Right now, unless there's some foundation issue. These are phone records, Mr. Geragos?

GERAGOS: Yeah, it's a one-page sheet of the, and it's Bates numbered looks like 38390, and it's a one-page call detail for Laci Peterson's cell phone. This particular page shows 33 calls starting on December 20th and then moving through the 26th.

JUDGE: Okay. (Defendant's Exhibit U marked for identification)

GERAGOS: Now, the, you then asked Scott Peterson: If we called, if you called her number and ah if they would tell you, doesn't it? Does it tell you what time the call comes in; is that correct?

BROCCHINI: Yes.

GERAGOS: So you were trying to check exactly what time Scott Peterson had called Laci Peterson when he left the marina; is that correct?

BROCCHINI: Yes.

GERAGOS: And that was part of trying to create this timeline in your mind for what Scott had done on the 24th, correct? Part of that, part of that was your motivation?

BROCCHINI: I think I was just trying to corroborate his story. I don't know if it was a timeline matter in my mind at that time.

GERAGOS: Okay. So you're trying to corroborate it?

BROCCHINI: Yeah.

GERAGOS: You've corroborated that he's given you the right phone number; you corroborated all the items that we gave you yesterday subsequently, right?

BROCCHINI: Yes.

DISTASO: Objection. It's compound.

JUDGE: Overruled. It's just a recap of the evidence. Go ahead.

GERAGOS: I'm sorry, may I proceed?

JUDGE: It was overruled. Go ahead.

GERAGOS: At this point Scott says: Ah I don't know if it's time stamped, try it out. Yesterday at 2:16; correct?

BROCCHINI: Well, it didn't, it wasn't that sentence like that.

GERAGOS: I mean that's what the transcript, how the transcript reads. He, his words were: Ah I don't know if it's time stamped, try it out; correct?

BROCCHINI: That's correct, he did,

GERAGOS: Yesterday at 2:16?

BROCCHINI: Yeah. He did it, and then he listened and he said, after he heard it, yesterday at 2:16.

GERAGOS: And you said can you hear it?

BROCCHINI: Yeah.

GERAGOS: And he said Yeah. And you asked him do You know how to repeat it? And he told you that you press, he says I think 9, which you interpreted as you press the number 9, right?

BROCCHINI: Yes.

GERAGOS: And there, there was two new messages, right?

BROCCHINI: Yeah. There was two messages.

GERAGOS: Right. And then you said Okay, I'll save it, it was possibly her dad or somebody; right?

BROCCHINI: Right.

GERAGOS: And that's when yesterday, or the day before yesterday, when the jury and we were viewing this tape and there's a pause with you holding a phone to your ear, that's what you're doing? You're listening, that was not Laci's phone, but Scott had dialed in, had used the password, had retrieved the messages and had handed the phone to you so that you could listen to the messages, correct?

BROCCHINI: Yes.

GERAGOS: Now, then you ask him Okay. Let's see: It says the first one was 2:15. That's what Scott tells you, right?

BROCCHINI: Yes.

GERAGOS: And then you say: Ah, okay so then you go get gas, right?

BROCCHINI: Yes.

GERAGOS: And You drive straight home. You ask him: You drive straight home. He says no, To the warehouse, where he dropped off the boat, right?

BROCCHINI: Yes.

GERAGOS: As far as you know that's what he did because when you went to the warehouse the boat was there, correct?

BROCCHINI: Yes.

GERAGOS: Then he told you he went home, and you asked him, let's see: Did you ah when you left, were you wearing, what, what were you wearing when you left; correct?

BROCCHINI: Yes.

GERAGOS: And he said blue jeans and a blue shirt?

BROCCHINI: Blue T-shirt.

GERAGOS: Blue T-shirt, right?

BROCCHINI: Right.

GERAGOS: And when you asked him about the shoes, he told you that he was wearing Timberline shoes, right?

BROCCHINI: Yes.

GERAGOS: And Which jacket? You say The one, the jacket, in your truck? He says Well when I left the house...I didn't have a jacket on, and you said Right?

BROCCHINI: Okay.

GERAGOS: Okay. Is that correct? All of that is accurate?

BROCCHINI: That's correct.

GERAGOS: Now, the, he told you that when he was in the warehouse he had a green pullover on that was in his truck that you saw. So apparently prior to this tape, when the two of you went into the truck you saw a green pullover, correct?

BROCCHINI: No.

GERAGOS: Did you, did you see, when he said he had the green pullover that was in my truck you saw, you didn't know what he was talking about?

BROCCHINI: I knew he was talking about a green pullover, but it wasn't in the truck. It was in the washing machine.

GERAGOS: And when it started raining, raining he had a camo jacket on in the boat and ah tan hat?

BROCCHINI: Yes.

GERAGOS: Did you see the camo jacket somewhere?

BROCCHINI: Yes.

GERAGOS: Where was that?

BROCCHINI: In the truck.

GERAGOS: Okay. Did you see a tan hat?

BROCCHINI: I don't recall.

GERAGOS: Okay. You went back, you asked him when you went back to the shop you unhooked the boat, and you said: What else did you do? Anything else? Correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, when you went over, prior to the taped interview, you went over to the warehouse, correct? I mean we went through this, but at some point you went in there, you said you had, is it a Streamlight flashlight? You were shining the light, you went to look at the boat, right?

BROCCHINI: There was a bunch of questions in there, or answers; but, yeah, I did go to the shop with Scott before this interview. I did have my Streamlight when we went in in there. There were some other questions in there I can't remember. I don't know what they were.

GERAGOS: Okay. I've got two items here, before I mark them,

JUDGE: Want to mark them separately?

GERAGOS: Yeah, I'll mark them separately.

GERAGOS: Do you recognize these two items?

BROCCHINI: Yes.

GERAGOS: Okay. I'll mark them separately next in order, which I guess would be V and W.

JUDGE: How about W 1 and W 2?

GERAGOS: Yeah. V as in Victor.

JUDGE: V. Okay.

GERAGOS: U is the telephone call records.

JUDGE: The last one. Okay. V is, V 1 and V 2.

GERAGOS: Just for, do you have any problem with just putting the exhibit tags on the back of this evidence tag?

DISTASO: No, that's fine.

JUDGE: Of the evidence tag?

GERAGOS: So the first one will be a fishing rod. Says number 153. Looks like somebody originally had written 152 and then turned the 2 into a 3.

JUDGE: All right.

GERAGOS: That will be Victor 1.

JUDGE: All right. And the other one will be V 2. (Defendant's Exhibit's V 1 and V 2 marked for identification)

GERAGOS: The other one has says April 18, 2003 Buehler on it, on one side.

GERAGOS: Okay. I'm going to first show you V 1. Do you recognize this?

BROCCHINI: Yes, I do.

GERAGOS: Can you tell the jury what this is?

BROCCHINI: That's a fishing pole I saw on the boat on the 24th.

GERAGOS: Okay.

BROCCHINI: I also saw it on the 27th in the boat.

GERAGOS: So it's both on the 24th and on the 27th, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Can you tell the jury what V 2 is?

BROCCHINI: It's a fishing pole that I saw in the Mercedes when we arrested Scott.

GERAGOS: When you arrested Scott. It looks like it's a new fishing pole, correct?

BROCCHINI: Yes.

GERAGOS: I mean it still has the 49.99 Big 5 receipt on it; is that correct?

BROCCHINI: Yeah. Looks like a new fishing pole with no fishing line on it.

GERAGOS: Right. That was when you arrested him, this one which I'm holding, which is V 1, was the one that you saw in the boat on December 24th, correct?

BROCCHINI: It's one of the fishing poles that I saw in the boat on the 24th.

GERAGOS: Right. There was another one in there as well, wasn't there?

BROCCHINI: That's correct.

GERAGOS: What was that? Can you describe that, do we, do we have the other one here?

DISTASO: Right here.

GERAGOS: I, and I'll mark that as V 3.

JUDGE: Right.

GERAGOS: Is this pole, is that the other one you saw in the boat?

BROCCHINI: That's the other one I saw in the boat.

GERAGOS: Okay. Let me mark this as V 3. The tag says fishing rod 152.

JUDGE: Okay. So, so you saw that on the 24th and the 27th?

BROCCHINI: Yes, I did.

GERAGOS: This was in the boat?

BROCCHINI: It was in the boat. (Defendant's Exhibit V 3 marked for identification)

GERAGOS: Okay. Now, this one, which we marked as V 1, is there something on it?

BROCCHINI: Yes.

GERAGOS: What is that?

BROCCHINI: That is a, a lure or a popper or a crank bait. It's some type of a artificial lure for freshwater.

GERAGOS: Okay. And, do you know what, are you familiar with what kind of a rod this is?

BROCCHINI: No, I mean I saw, I can look at the brand, but, no.

GERAGOS: No? Okay. Now, this also was in that boat on the 24th, and also on the 27th, this item which I have right here. I'd like to mark this as defense next in order.

JUDGE: That's W, then. Want to describe it for the record, Mr. Geragos?

GERAGOS: Yeah. It's,

JUDGE: You want the bag?

GERAGOS: Bag and its contents. Yeah, I think I probably should. And the bag has got an item number of 151 on it and the contents are tackle box.

JUDGE: Okay.

GERAGOS: And I'll mark that as next in order.

JUDGE: Bag and contents will be W. Yeah, W.

GERAGOS: W. (Defendant's Exhibit W marked for identification)

GERAGOS: Is this the item that you on direct testimony told the jury and Mr. Distaso that you opened up to take a look at?

BROCCHINI: Yes.

GERAGOS: Okay. Put the bag down here. Does it look to be the same?

BROCCHINI: The night when I saw it, this handle was not in it. It was on the top of it. Other than that, it's the same.

GERAGOS: Okay. This handle that looks like something that, you would,

BROCCHINI: It goes to that one fishing pole. It was just sitting on the top of the box.

GERAGOS: Is there, I think I could do this. Can I just publish this to the jury, let them pass it around?

JUDGE: Sure. Do you have any objection if it goes in evidence?

DISTASO: I don't have any objection.

JUDGE: All right. In evidence is the tackle box, People's, I mean Defense W may be admitted into evidence, with the same letter. (Defendant's Exhibit W received in evidence and published to the jury)

JUDGE: Going to mark that as an exhibit?

GERAGOS: Yeah. I think so.

JUDGE: That will be W, X. Group exhibit.

GERAGOS: I think what would probably be better is if I just put these all in on one page.

DISTASO: I don't know. The problem is they were found in different places, and each bag has who found them. He didn't find them. So I don't have any objection to them coming in, but he's not going to know where they were found.

JUDGE: Okay. I don't know what the relevance would be unless we know where they were found. You can at least mark them now, if you want.

GERAGOS: Let me mark them.

JUDGE: You want to mark them separately since Mr. Distaso says they come from separate places? ne 9

GERAGOS: I'm going to. I'll put this one,

JUDGE: Describe it for me.

GERAGOS: This is the two-day sport fishing license.

JUDGE: Two-day sport fishing license. That's X. Does it have a date on it, Mr. Geragos?

GERAGOS: Looks like October 14, 1999.

JUDGE: Okay.

GERAGOS: Also has on the outside an adhesive sticker. Looks like Big 5 on it.

JUDGE: Okay.

GERAGOS: And then the others are a series of 1999/2000 resident hunting license.

JUDGE: Okay. Wait a minute. 1999/2000 resident hunting license.

GERAGOS: Right. A 1999 application for duplicate residence hunting license.

JUDGE: Okay. Application. Want those marked separately? Or as a group exhibit?

GERAGOS: Group exhibit. Because they were all found in this.

JUDGE: Okay. So the envelope and its contents will be group Exhibit Y.

GERAGOS: And a 1994 California sport fishing license with a separately, looks like it's falling off, a little purple California Resident Pacific Ocean only sport fishing license coupon.

JUDGE: Okay. (Defendant's Exhibits X and Y marked for identification)

GERAGOS: Now, the, you were present when the search warrant was executed at Scott Peterson's, you refer to it as his shop; is that correct?

BROCCHINI: Yes.

GERAGOS: And that was on the 27th?

BROCCHINI: Yes.

GERAGOS: Okay. And you were also present on that same day at Covena during the service of the search warrant; is that correct?

BROCCHINI: I, it's correct, I was at both of them. I didn't stay there for the whole thing, but, yeah, I went to both places during the service of the search warrant.

GERAGOS: Now, you found, in addition to the one, you didn't find this 99 one; is that correct? That I marked as X?

BROCCHINI: I didn't find it.

GERAGOS: Okay. But when you were at the house, you found yet another two-day license or, Detective Ruskamp did; isn't that correct?

BROCCHINI: That's right.

GERAGOS: And what dates were those two-day licenses for?

BROCCHINI: That was a two, can I refer to my report?

GERAGOS: Sure. And I'm looking at, if it helps you, 31209 I think?

BROCCHINI: 200 I think.

GERAGOS: 200. Is that where it says two-day license? You've got a marking on there?

BROCCHINI: That's right. It was for August 30th and August 31st of 2002.

GERAGOS: Okay. Do we have that item number here? And I'm looking in Detective Grogan's,

BROCCHINI: It's item 42.

GERAGOS: Do we have that? Okay. I'll bring that up and mark that later, if I can.

JUDGE: Okay.

GERAGOS: There was another two-day license that was found at the search warrant that covered, so that we're clear. We've got one two-day license here that I've marked as X, which is from 1999, correct?

BROCCHINI: Yes.

JUDGE: Can I interrupt, Mr. Geragos? Where was that found? Was it found at the warehouse or at the house?

GERAGOS: Do you know where this was found, the 99?

BROCCHINI: I know where it was found.

GERAGOS: Where was it found?

BROCCHINI: It was found in Scott's truck during the service of the search warrant on 12/27. In his glovebox.

GERAGOS: In his glovebox. This item right here that I've got up on the screen, right? Okay. This one was found in the truck; is that correct?

BROCCHINI: Yes.

GERAGOS: And that was a two-day license from, looks like 10/14/99; is that right?

BROCCHINI: It was issued on 10/14/99 and it was valid to be 10/16/99 and 10/17/99.

GERAGOS: Okay. So, just so we can go through this so the jury understands and I understand, when you purchase this, and it appears at least, you didn't put the Big 5 sticker on here? That was on it when it was found, right?

BROCCHINI: Yes. I didn't put that on there.

GERAGOS: You didn't put that on there. You didn't see any police officers put that on there. When this was recovered, it was in that kind of a plastic sleeve, right?

BROCCHINI: Yes.

GERAGOS: Okay. And so it appears that what you do is as far as what you're testifying to the jury is when it's issued you go in and you buy it and whoever the clerk is he writes on there the date issued right?

BROCCHINI: I don't know who writes on there, but I know, I've bought them before, and when you buy it, it's dated for the date issued.

GERAGOS: Okay. Then you've got the, where you pay the fee, and then I suppose the license number, correct?

BROCCHINI: Yes.

GERAGOS: And then you put your name in, right?

BROCCHINI: That's right.

GERAGOS: The person who is purchasing the license?

BROCCHINI: Somebody writes it in there.

GERAGOS: Right. And then dates valid, two days. So you write the specific days you're going to use it for, correct?

BROCCHINI: Two consecutive days, yes.

GERAGOS: Then you're supposed to carry those licenses on you for those two days that you're going to use it on; is that correct?

BROCCHINI: That's correct.

GERAGOS: Is it your understanding you can use these only on consecutive days?

BROCCHINI: That's correct.

GERAGOS: Two-day fishing licenses?

BROCCHINI: Yes.

GERAGOS: Do you have an understanding also that two-day fishing licenses are cheaper than buying an annual license? If you know?

BROCCHINI: I know buying a two-day license is cheaper, but it's more expensive if you by a two-day license for this week and a two-day license for another week, and a two-day license. It's cheaper to buy a license for the year than a bunch of two-day licenses for the same year.

GERAGOS: Okay. What if you buy two two-day licenses for the same year? What's cheaper, that or a one-year license?

BROCCHINI: I don't know how much a two-day license was in 99, or is now, but I think they're close to comparable, but I don't know.

GERAGOS: You don't know?

BROCCHINI: I don't know.

GERAGOS: This other item that I marked as Y, do you know what that is?

BROCCHINI: I know what is it.

GERAGOS: What is it?

BROCCHINI: It's another, it's, it was found in the truck, glovebox, at the same time as that other fishing license you just showed me.

GERAGOS: Okay.

BROCCHINI: But it wasn't found by me, but I know about it.

GERAGOS: You know about it, you were there?

BROCCHINI: I wasn't there, when it was found, but,

GERAGOS: It was shown to you afterwards?

BROCCHINI: It was shown to me sometime after, yeah.

GERAGOS: This item here, do you know what that is?

BROCCHINI: That is a California Resident Pacific Ocean only sport fishing license.

GERAGOS: For what year?

BROCCHINI: 1994.

GERAGOS: Okay. The place where I put the license, or the stamp, I guess, is that where it belongs on this license?

BROCCHINI: Yes.

GERAGOS: Okay. So that we can identify this, the, this was something that was in a, once again, this kind of a plastic sleeve?

BROCCHINI: I don't know if it was in the sleeve or not. When it was found. I found it in the envelope.

GERAGOS: You found it in the evidence envelope?

BROCCHINI: Yeah, when I saw it it was already in the evidence envelope.

GERAGOS: Okay.

BROCCHINI: With that sleeve.

GERAGOS: And this sleeve is something that somebody, when they're going fishing, would put their items in and clip it either to their coat or pocket or something so they would have their license with them?

BROCCHINI: That would be my experience.

GERAGOS: Okay. Now, this fishing license is for sport fishing, and it's in what year?

BROCCHINI: 1994.

GERAGOS: Okay. And for what kind of water?

BROCCHINI: Well, it's for all kinds of water, but it does have an ocean tag on it.

GERAGOS: Okay. And this stamp that you put, or you affix on the, this license itself?

BROCCHINI: I don't know if it, that's where that stamp came from, but it is a 1994 license, tag.

GERAGOS: And then it's got a date on here and shows that it expires in December?

BROCCHINI: Yes.

GERAGOS: Okay. And it's issued, as far as you know, to Scott Peterson in Moro Bay, right?

BROCCHINI: Yes.

GERAGOS: Okay. And the other two that were in that same sleeve are, and all of these, your Honor, are marked under Y? The other two things were a 1999 application for duplicate resident hunting license, correct?

BROCCHINI: Yes.

GERAGOS: And then a 1999/2000 resident hunting license, correct?

BROCCHINI: Yes.

GERAGOS: And that was issued to Scott Peterson for the years 99 to 2000?

BROCCHINI: Yes.

GERAGOS: Has a stamp affixed to the, to the back?

BROCCHINI: Yes.

GERAGOS: And those were found during the execution of the search warrant apparently on the 27th, based upon the markings on the outside of the envelope; is that correct?

BROCCHINI: Yes.

GERAGOS: Ask you if you recognize this, it's got a pin here, but looks like you could get tetanus if it hits you. What is that item that I'm showing you?

BROCCHINI: This was, can I pull it out?

GERAGOS: Sure.

JUDGE: Are you going to mark that, Mr. Geragos?

GERAGOS: Yes, I am. As soon as he Identifies it. I just want to lay a foundation.

JUDGE: All right.

BROCCHINI: This is the two-day fishing license that, I was present when it was recovered from a, like a backpack in the back shed at Scott's house on the 27th.

GERAGOS: And that was the one that we talked about before that Detective Ruskamp found?

BROCCHINI: Right.

GERAGOS: And this two-day fishing license I would like to mark as defendant's next in order.

JUDGE: Z. It was from a backpack. Where was it?

BROCCHINI: It was in the shed at the 523 Covena.

JUDGE: In the back shed?

BROCCHINI: In the back shed. In a backpack. I'm sorry, it was in, in a duffel bag type pack, your Honor.

JUDGE: Duffel bag. (Defendant's Exhibit Z marked for identification)

GERAGOS: Do you know what color duffel bag?

BROCCHINI: Green.

GERAGOS: This is what we just identified; is that correct?

BROCCHINI: That's it.

GERAGOS: Okay. This is a 2000 and 2, two-day sport fishing license, same thing that we went through before, that it was issued on August 30th, somebody goes in, obviously you buy it on one day and then you fill in the two days and then you fill in your name, correct?

BROCCHINI: Yes, that's right.

GERAGOS: And, to the best of your memory, is that it was also found in one of these plastic sleeves like I have in my hand right now? This same plastic sleeve?

BROCCHINI: Yes.

GERAGOS: And this is contained inside of the evidence envelope, what looks to be a safety pin that was kind of rusty, correct?

BROCCHINI: Yes.

GERAGOS: Now, this was also found on the 27th. Can you tell me what this is?

BROCCHINI: That's, that's rope.

GERAGOS: Okay. Approximately how long a rope?

BROCCHINI: I, when I saw it the first time I estimated fifty to a hundred feet. But I didn't unroll it. I just saw it in a big ball.

GERAGOS: And this rope has on one end what looks to be, nobody did anything with this rope in terms of tying a knot onto it after it was recovered in the search warrant that you're aware of, did they?

BROCCHINI: No.

GERAGOS: Okay. So this rope was found in the same condition that it was when it was seized, as far as you know, and in that bag, presumably, and then checked into evidence; is that correct?

BROCCHINI: Yeah. It looks the same --

GERAGOS: Okay.

BROCCHINI: condition that, I saw it twice and it looks the same. Or three times, now.

GERAGOS: Okay. And do you know where this was recovered from?

BROCCHINI: Yes.

GERAGOS: Where?

BROCCHINI: It was recovered from the green duffel bag in the boat on the 27th.

GERAGOS: I'm going to mark that as double A. I'm going to put bag and its contents. I've got a shopping bag.

JUDGE: Bag and contents. Did you recover that, Detective?

BROCCHINI: I was, your Honor, I saw that rope on the 24th in the back of his truck in a toolbox, but I did not recover it when I saw it.

JUDGE: And then you were present when it was recovered on the 27th?

BROCCHINI: Then on the 27th I was present in the shop when they found it.

JUDGE: Okay. (Defendant's Exhibit A A marked for identification)

GERAGOS: Now, the, going back to your interview with Mr. Peterson, you, the two of you then talked about the fax again, the same fax that we showed to the jury yesterday from New Jersey, correct?

BROCCHINI: Yes.

GERAGOS: And he said he was late getting home, he told you that, and asked you if there was anybody else in the warehouse there, correct? You asked him that?

BROCCHINI: Can I check to see if he said he was late getting home first?

GERAGOS: Sure.

BROCCHINI: What page were you on.

GERAGOS: Page twelve of 29, and it looks like the fifth entry by someone speaking.

BROCCHINI: Yes, he said he was late getting home.

GERAGOS: Okay. And then you specifically asked him if there was anybody else in the warehouse area, right?

BROCCHINI: I, I asked him that.

GERAGOS: Okay. You were trying to or attempting to look for witnesses who would have seen him over there; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And he told you: Not this afternoon but there was a couple of people there this morning. I don't think there was anyone there this afternoon; right?

BROCCHINI: Yes.

GERAGOS: And that's when you went, we discussed this on an earlier reference in the interview, that you went over and interviewed somebody, do you remember the name it was? A Ron,

BROCCHINI: Prater.

GERAGOS: Prater. And Ron Prater told you that either on the 23rd or 24th he saw Scott Peterson there about 8:30 or 9:00 o'clock in the morning, correct?

BROCCHINI: No. He said he didn't know what day it was, but he saw Scott Peterson's truck there and he told me how it was parked.

GERAGOS: Yeah, he told you which two, it was one of two days. Which two days?

BROCCHINI: The 23rd or the 24th.

GERAGOS: Right. And it was at what time?

BROCCHINI: It was in the morning.

GERAGOS: Do you have your report? You want to double-check?

BROCCHINI: Yeah. Can I?

GERAGOS: I've got it as your 12/28 report. I can even show it to you, if you want, right here. It's yellow highlighted.

BROCCHINI: Yeah. He said that it was the 23rd or the 24th,

GERAGOS: I have to ask you if you've read it. Does that refresh your recollection?

BROCCHINI: It refreshes my recollection.

GERAGOS: Okay. What did Prater tell you about the 23rd or the 24th?

BROCCHINI: That when he got to the shop, between 8:30 and 9:00, that Scott was already there. Or the truck was already there.

GERAGOS: The truck was already there?

BROCCHINI: Yeah.

GERAGOS: He told you he, he, specifically what you wrote was Prater said he arrived about 8:30 or 9:00 and found Scott was already there. Is that what he told you?

BROCCHINI: No. I mean he said Scott, I guess he assumed it.

GERAGOS: Well, he said he identified the owner as Duane (phonetic), could not be positive what day he actually saw Scott, however was sure it was either Monday or Tuesday; isn't that what he told you?

BROCCHINI: That's what he told me.

GERAGOS: Okay. He told you he actually saw Scott?

BROCCHINI: No, he didn't say that.

GERAGOS: You just wrote that down for, to be imprecise?

BROCCHINI: No, I don't, I don't, what I remember is he saw the truck.

GERAGOS: Well,

BROCCHINI: He said he and Scott didn't even really make eye contact with each other. He didn't know him that well. But he saw the Scott, or the truck and knew who he was. I wasn't trying to be inaccurate in there.

GERAGOS: Okay. But what your words are, specifically are, is that he actually saw Scott, however, he was not sure, you wrote: However, Prater was sure it was either Monday or Tuesday, correct?

BROCCHINI: Let me, just give me one second.

GERAGOS: That's fine. It's the 12/28/02 report, and it's page ten of 13. And, unfortunately, I, I think it's 989 with the handwritten on the top?

BROCCHINI: I'm looking at something else right here. Okay. Can I just look at this for one minute?

GERAGOS: Sure. Are you looking at the same page that I just referenced?

BROCCHINI: I am. Okay.

GERAGOS: Okay. Have you had adequate time to review the report?

BROCCHINI: I have.

GERAGOS: Okay. I'm going to ask you one more time. Prater said he knows Scott, or told you he knows Scott by face, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Prater, you wrote: Prater identified Scott because he actually saw him. Is that correct?

BROCCHINI: No. That isn't what I wrote.

GERAGOS: Could not be positive what day he actually saw Scott, however, Prater was sure it was either Monday or Tuesday, correct?

BROCCHINI: That's what I wrote.

GERAGOS: Is that what you wrote?

BROCCHINI: Yeah.

GERAGOS: Okay. And Prater said he arrived at 8:30 or 9:00 and found Scott was already there, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, the Monday or Tuesday that he's referring to are either the 23rd of December or the 24th of December, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, back to the page twelve again of the interview. Do you have that in front of you still?

BROCCHINI: I do.

GERAGOS: Okay. Now, you talked about the fax again, correct?

BROCCHINI: Yes.

GERAGOS: He told you, so you asked him: So that fax came in as a three hour time difference, and Scott replied Yeah, I think New Jersey is three hours?

BROCCHINI: Yes.

GERAGOS: Okay. And so then you asked him: So then you drive, did you try to call her anymore? And he said: Just ah, called once from the marina, both phones, and then ah later on, when was that second call. And you said: No the second call wasn't from you, it was from her dad or somebody; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. Then he said: That must have been Ron. And that's the second to last entry there? See that on the bottom of the page?

BROCCHINI: Yeah, he said some other things first, but then he got down there, it must be Ron.

GERAGOS: Right. You two were discussing who the second call was from. You identified it as, there was only one for you, and he said it must have been from Ron; correct?

BROCCHINI: Yes.

GERAGOS: And then on the next page he said that there was one, One was when I left Berkeley and the other one was ah when I was driving in Livermore, the traffic was pretty

line 21 bad and I knew I wouldn't be home by 4 so I gave her a call; is that correct?

BROCCHINI: That's what he said.

GERAGOS: Okay. And the phone call that you listened to, and we'll play it in a minute, on Scott's phone, when he retrieved it, did, in fact, say Honey, I'm leaving Berkeley, I'm going to be late, or something to that effect, correct?

BROCCHINI: Yes.

GERAGOS: So then you asked him what does he do when he drives home. I'm on page 13. And you asked him: You backed in? And he says Yep. And you said: Do you always do that? He said: Yeah I've had that box broken into a couple of times. Well, not broken into, but I failed to lock it a few times and got the umbrellas, and I always back in. So that's what he said to you, right?

BROCCHINI: That's what he said.

GERAGOS: Okay. Now, when we're talking about the box,

17 what did you think he was referring to?

BROCCHINI: The green box in the back of his truck.

GERAGOS: Okay. And when you say broken into, or backing it in, that would be so that if you drove straight into the driveway, and you were on the street, you would be able to see that green box from the street; is that correct?

BROCCHINI: Yes.

GERAGOS: And if you backed the truck in, you would not, it would not be as noticeable or noticeable at all; isn't that correct? From the street?

BROCCHINI: Yeah. You probably could see it, but it wouldn't be as visible.

GERAGOS: Okay. Now, then you started asking him about the umbrellas, correct?

BROCCHINI: Yes.

GERAGOS: Actually, he brought it up first. He said: I failed to lock it a few times and got the umbrellas, and I always back in; right?

BROCCHINI: Yes.

GERAGOS: You ask him: Uhm, those umbrellas, were they in your car before too? And he told you that he: Put them in this morning, and my intent was to leave them at the warehouse; is that

correct?

BROCCHINI: Yes.

GERAGOS: And You took them to Berkeley with you? And he said I forgot to take them out; is that correct?

BROCCHINI: Yes.

GERAGOS: And he told you he put the umbrellas in there that morning?

BROCCHINI: That's what he said.

GERAGOS: Okay. And you asked him: Because you were going to store them at the warehouse? And he says: Yeah, I didn't. And you said: What did you just forget? And he said Yes, right? Or um hum. Um hum?

BROCCHINI: Yes. He didn't just say yes, but, did he?

GERAGOS: He said Um hum, yeah but I didn't. Um hum. Ah, I even saw them in there when I locked the door; correct?

BROCCHINI: Yeah. Yes.

GERAGOS: Okay. And then, then you started to question him again about what he did when he got back home, right?

BROCCHINI: I asked him, yeah, I asked him how he got in.

GERAGOS: Okay. And he said he went in what he called the back door; is that right?

BROCCHINI: Yes.

GERAGOS: And that would be where the French doors were; is that right?

BROCCHINI: Yes.

GERAGOS: Okay. Now, I've got one of these.

JUDGE: Mr. Geragos, we'll have those mounted on boards next week. We've got some boards coming so you don't have to pin them up there every time.

GERAGOS: You've got some boards coming that we can put them on?

JUDGE: Yeah.

GERAGOS: I was going to just get poster boards to affix them on, unless you've got something else.

JUDGE: We've got some boards coming.

GERAGOS: Okay.

GERAGOS: So he started describing how he backed the truck in here; is that correct? Where I'm pointing to? And this is a People's 12.

BROCCHINI: Yes. Where he backed in.

GERAGOS: I'll stand here so I don't get in the jurors' way. So he backed in. Then you asked him where he came in, and he said he went in the back door where the French doors are. That would be here, correct? Marked "French doors." Is that your memory of where, when you went there, where the French doors were?

BROCCHINI: Yes.

GERAGOS: Okay. And as he's describing it to you, this is what he's describing, right?

BROCCHINI: Yes.

GERAGOS: Okay. And he said he saw the dog, right?

BROCCHINI: Yes.

GERAGOS: In the backyard?

BROCCHINI: Yes.

GERAGOS: Okay. He still had the leash on and he took it off; is that correct?

BROCCHINI: Yes.

GERAGOS: And said that he had put it on the picnic table; is that correct?

BROCCHINI: Yes.

GERAGOS: We don't have that in this, can you mark where the picnic table was when you saw it on the 24th?

JUDGE: Use this pen. Doesn't take up as much space. Do you want him to draw it in?

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

JUDGE: Do you think you can draw in the picnic table?

BROCCHINI: I can try. I'll just make it square.

JUDGE: Yeah, okay. Just draw a line out from it and write "picnic table."

GERAGOS: Now, did you ever recover the leash?

BROCCHINI: I,

GERAGOS: You personally?

BROCCHINI: No. I saw it, but I didn't recover it.

GERAGOS: Okay. Where did you find the leash?

BROCCHINI: It was, I think,

GERAGOS: Who showed it to you?

BROCCHINI: Well...I don't recall if it was one of the first responding officers, or if it was Mr. Peterson.

GERAGOS: Okay. And then we went through, we've already gone through, I think, the next portion of this where he told you about putting the mop out, correct? And you wrote in where the mops were, right?

BROCCHINI: I wrote where, where we found them.

GERAGOS: Right. And he told you how he had taken the mops out after the cat and the dog had come in, correct?

BROCCHINI: Yes.

GERAGOS: And he told you it looked like the cat was going over towards the mop, so he took it out and he dumped out the water, right?

BROCCHINI: Well, you're pushing your pointer where he wasn't, where the mop wasn't. I want to make it clear.

GERAGOS: Well, the mop bucket, is that where you wrote in right here?

BROCCHINI: That's where I, that's where he, that's where I saw them when I got there. He told me where the mop bucket was before he dumped it out, and it's nowhere where you're pointing that pointer at.

GERAGOS: Show me where it was.

BROCCHINI: It was right here.

GERAGOS: That was before he dumped it out?

BROCCHINI: That's what he told me.

GERAGOS: Right. So he takes it from inside, if you want, did he point that out to you when you guys were walking around?

BROCCHINI: He told me where it was.

GERAGOS: He told you,

BROCCHINI: There's little pigeon holes, a little wall right here.

GERAGOS: And he called that, there's a little light white piece, wood piece?

BROCCHINI: Wood piece built in. He said it was right there.

GERAGOS: Okay. You want to mark that where --

JUDGE: Why don't you draw an X, draw a line, put "mop one," or "mops one" if that's where,

GERAGOS: So he told you he took it out, dumped out the water, and then where you found it is where he left it, right?

BROCCHINI: Yeah. He says he took it out this way. And just so we're clear, he walked it through the kitchen, through this little living, where it says "living room," out this side door, dumped the water, and put the mops there.

GERAGOS: Okay. Now, the, he told you he did that because, you said: So you just picked it up and walked it out the front door, and he said No that little side door. That's the one you just pointed to, right?

BROCCHINI: Yes.

GERAGOS: And that was right outside and you set it out there, and he said he dumped it and then set it there, right?

BROCCHINI: Can you say that again? Because you,

GERAGOS: I'm on the bottom of page 14.

BROCCHINI: Okay.

GERAGOS: He said, you said: And you set it out there?

BROCCHINI: Right.

GERAGOS: And I assume you were referring to --

BROCCHINI: Out that side door.

GERAGOS: out the side door?

BROCCHINI: Right.

GERAGOS: And he said: Dumped it, then set it there; right?

BROCCHINI: That's, that's right.

GERAGOS: Okay. Then what'd you do, is what you asked?

BROCCHINI: Right.

GERAGOS: He said I put my clothes in the washer, took out those rags and threw my clothes in there. Do you have a picture of those? Is that correct? Is that what he told you?

BROCCHINI: That's what he told me.

GERAGOS: Okay. Now, 37 CC, is that what you understood to be taking the rags out of the washer and putting them on top is what he was referring to?

BROCCHINI: That's, yeah, that's what I saw on the 24th, and so that's what I think he was referring to.

GERAGOS: Okay. Now, those rags at the time the, I guess you took a look at them, right?

BROCCHINI: Well, I didn't, yeah, I looked at them, I looked at them.

GERAGOS: You looked at them. And you, your immediate, what piqued your suspicion was that they looked to have, and I know the picture doesn't, it looks better, I guess, when you see it close up, so I apologize to the jury, but the, it looked like there was dirt or grime on them and some grass, or something like that; is that correct?

BROCCHINI: Yeah. They were dirty, grassy.

GERAGOS: Okay. And that kind of piqued your curiosity; is that a fair statement?

BROCCHINI: That's why I asked about them.

GERAGOS: Okay. Is it okay, Judge, since I don't have a clear one, if I pass this around to the jury?

JUDGE: Yeah. Has that been admitted into evidence?

GERAGOS: Yes. Has it been admitted? I believe it has.

JUDGE: What number is it, just for the record.

GERAGOS: 37 double C.

JUDGE: Okay. (People's Exhibit 37 CC published to the jury)

GERAGOS: Now, you later came to talk to Margarita Nava, right?

BROCCHINI: Yes.

GERAGOS: And she told you that she used those to clean the outside windows on the Peterson residence and to clean the inside of the fireplace screen, correct?

BROCCHINI: Yes.

JUDGE: Excuse me, it has not been admitted, but it is now.

GERAGOS: Thanks, Judge.

JUDGE: You want the rest of them in evidence, too, if you're going to show them to the jury? The foundation was laid by Letsinger and Evers.

DISTASO: Yeah, that's fine.

GERAGOS: That's fine, Judge.

JUDGE: So 37 A through double D will be admitted into evidence. (People's Exhibits 37 A through 37 DD received in evidence)

GERAGOS: So that the picture that the jury is looking at right now, Margarita Nava gave you an explanation for why they appeared to be so grimy or dirty that you didn't know at the time, correct?

BROCCHINI: Yes, she did.

GERAGOS: Okay. And that fireplace screen that she's referring to, do you know where that is?

BROCCHINI: There was,

GERAGOS: Is that in the living room?

BROCCHINI: There's a fireplace in the living room.

GERAGOS: Isn't that right there where I'm pointing to?

BROCCHINI: There was also a fireplace in the dining room.

GERAGOS: Okay. Do you want to mark those two? They're on the diagram, but they aren't marked.

JUDGE: Why don't you mark F P for fireplace. F P.

BROCCHINI: I put Fireplace 1 in the dining room, or F P, I'm sorry. 2 will be in the living room.

JUDGE: Okay.

GERAGOS: Okay. Now, the, you then asked him about, or you said specifically: You put your jeans, your blue T-shirt, anything else in there? And Scott said: I think that green pullover was in there too wasn't it?

BROCCHINI: That's what he said.

GERAGOS: Okay. And you said: Yeah I think so. Did you, did you start the washer? Yeah. Did you put in soap? Um hum. Which somebody put in as the affirmative. I assume on the tape you could see him shaking his head yes?

BROCCHINI: Yes.

GERAGOS: You,

BROCCHINI: I don't, Mr. Geragos, no, I don't know. I think it's, they put affirmative if it means uh-huh. I mean it could have been shaking their head because the lady that dictates this doesn't see the tape.

GERAGOS: Okay. Now, then,

BROCCHINI: Or transcribes it.

GERAGOS: Then at the end of the page: Did you call her mom? Right?

BROCCHINI: Yes.

GERAGOS: And that's, he told you on the top of page 16: After I got out of the shower, put clothes on, that's when I checked the messages. And you asked him: Were there any? And he said: Yeah. You said: Yours? And he said: Mine, and there were three. Two from him and one from Ron, correct?

BROCCHINI: That's what he said.

GERAGOS: Okay. Her stepfather, asking for whipped cream when we came over that's when I said hey, where's he calling me for whipped cream?

BROCCHINI: Yes.

GERAGOS: Okay. You asked him: Did you erase them? And he said No; correct?

BROCCHINI: Yes.

GERAGOS: Okay. And: The one from Ron, do you know if that's, it says here, the transcriptionist, you say: The one from ah, Ron, do you know if that was before yours or after yours?

BROCCHINI: That's right.

GERAGOS: And he says: I believe it was after?

BROCCHINI: That's what he said.

GERAGOS: And that was true, wasn't it? When you listened to it?

BROCCHINI: I don't, I don't recall.

GERAGOS: Okay. Now, he told you that they were supposed to be there at dinner at 6 or 6:30, correct?

BROCCHINI: Yes.

GERAGOS: And he told you, gave you kind of a description of Sharon and Ron's relationship, right?

BROCCHINI: Yes.

GERAGOS: And then he told you, I mean they went back and forth, and you said when he called, and I'm on page 17: What did, who all, did you call other people then? Is that correct?

BROCCHINI: Yes.

GERAGOS: And he told you: I called Sharon, ah then I called a couple of Laci's ah closer friends, I think Stacey and Renee. Ah and then I was, I had the phone book out to call hospitals when I think Sharon called me back at the point and said that they would do that and call the police and for me to go check the neighbors and go to the park; correct?

BROCCHINI: That's what he said.

GERAGOS: Okay. Then you've got at some point later on, actually, I take that back. Before this interview you had, I think, described to the jury how you had retrieved the dialed calls and received calls; is that right?

BROCCHINI: Yes.

GERAGOS: Okay. And then you, he allowed you to do that. I mean you asked him and he said: That's fine, do it?

BROCCHINI: Yes.

GERAGOS: And you made a list, and I'm referring to your report, looks like it's a 12/25 report also, right?

BROCCHINI: Yes.

GERAGOS: And, sure enough, he had called, looked like the dialed calls were Guy Miligi, his brother Joe, Karen Servas, Greg Reed, Rene Tomlinson, Jeff Tomlinson, Brian Ullrich; is that correct?

BROCCHINI: Yes.

GERAGOS: And he had received calls from a number of those people, including Greg Reed, Stacey Boyers, Zach Zwald, Sharon Rocha, correct?

BROCCHINI: Yes.

GERAGOS: So you were able to document that what he told you was accurate; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay.

BROCCHINI: Told me about the phone calls.

GERAGOS: The phone calls, yes.

BROCCHINI: Okay.

GERAGOS: Now, then you asked him if he went to the park; is that correct?

BROCCHINI: Yes.

GERAGOS: You then asked him, and he told you: After I checked the neighbors, came back home, called Sharon one more time and she said we're going to the park and we have the police going there also, so I went on down; right?

BROCCHINI: Yes.

GERAGOS: Okay. And he told you that the first neighbor he checked with was directly across the street, right?

BROCCHINI: Yes.

GERAGOS: And: Her name's Amy and it's her son that I was talking to about a white truck. That's what he told you, right?

BROCCHINI: Yes.

GERAGOS: And so he's the one who said that it was Amie across the street is who he had gone to check with?

BROCCHINI: Yes.

GERAGOS: Amie Krigbaum is who you later learned that to be?

BROCCHINI: Yes.

JUDGE: Mr. Geragos, let me interrupt. Let's take the morning recess, then I can deal with this other stuff. All right, ladies and gentlemen of the jury, we'll take the morning recess. I worked out this thing for the 4th of July, and I'll tell you about that before lunch. I know a lot of you have vacation plans. We'll let you know. And have you got that picture yet? Okay. We'll take a recess until 25 minutes to 11:00. (Recess taken)

JUDGE: Okay. Let the record show the defendant is present with counsel. The jury is in the jury box, along with the alternates. Go ahead, Mr. Geragos.

GERAGOS: Thank you your Honor.

GERAGOS: Detective, the next thing you talked about, I'm on page 18. You said that Amy had mentioned the Christmas light thing to me. Is that what he said?

BROCCHINI: Yes.

GERAGOS: And you asked him to tell you about that again, correct?

BROCCHINI: Yes.

GERAGOS: And he said, Ah, she said that our outside Christmas lights, icicle single ones, went on just before I got home. I didn't notice they were on. I got home. But then she mentioned it. I looked across the street. They were on. They got plugged into an outlet. I didn't plug them in today. Then when we returned from the park couple hours later they were off. So I don't know. They appeared to be still plugged in. They must have over heated or something. Is that pretty much what he described as that incident with the Christmas lights?

BROCCHINI: That's what he said.

GERAGOS: Now, at some point, somebody we have heard from, Amy Krigbaum, that you talked to Amy at some point?

BROCCHINI: Yes.

GERAGOS: Told you also, or confirmed that same statement that she had noticed these Christmas lights had been on before Scott got home.

DISTASO: Objection. Hearsay.

GERAGOS: Prior consistent statement.

DISTASO: She's already testified.

JUDGE: Overruled.

DISTASO: Her testimony hasn't been attacked. Has to be attacked in order to be a prior statement.

JUDGE: I'll permit it. Overruled.

BROCCHINI: She said that she noticed the Christmas lights were on. She can't say positively whether the truck was there or not. She thinks it wasn't there, but she wasn't sure.

GERAGOS: Okay. Do you, you reviewed her testimony in the trial?

BROCCHINI: No.

GERAGOS: Okay. Now, then he told you he checked with her. Went to the left, no one was there. What did you interpret that to mean?

BROCCHINI: That he left. He went to the left of his house or, no, just he went to a house on the left of Amy's, I think.

GERAGOS: And there is a house to the left of Amy's, correct?

BROCCHINI: Yes.

GERAGOS: Left a note at Karen's and, checked to the right of

6 Amy's and, correct? Is that what he said?

BROCCHINI: Yes, that's what he said.

GERAGOS: Okay. And then you asked him, these Christmas lights, well, you got to plug them in yourself, you said. And he answered, yeah, there is an outlet outside in the garage, or in the storage area, shed area. Maybe you noticed that area. You know what he was referring to?

BROCCHINI: Yes.

GERAGOS: What was that?

BROCCHINI: The storage shed when he kept his lawnmower. I asked him where the lawnmowers are? And he said, yeah, or something similar to that.

GERAGOS: Okay. Is this, it's marked as 1-M and 1 Double

BROCCHINI: Is that what you thought he was referring to?

BROCCHINI: These are two different sheds. 1-M is the shed under the patio where the Christmas lights get plugged in. 1-AA is the shed on the south side of the house where the boat tarp was found under the leaking gas blower.

GERAGOS: Let's take them one at a time of the. The first one, which is 1-M,

JUDGE: Is this out of People's 3?

GERAGOS: It's 1-M. I think Exhibit 1, which then has a bunch of subparts.

GERAGOS: Now, that area is on where on this map, which is People's 12?

BROCCHINI: It's right here where it says "shed". It's inside there.

GERAGOS: Okay. That's 1-M. I'm just going to put a 1-M in here, okay?

BROCCHINI: Okay.

GERAGOS: Now, the other one, and so he directed your attention to the fact that this shed is where the Christmas lights was plugged in, correct? Isn't that what he was telling you there?

BROCCHINI: He told me they were below the storage shed. I kind of clarified with him. I said you mean where your lawnmower and stuff was? And he said yes.

GERAGOS: 1 Double A, where is that on the map?

BROCCHINI: Right there.

GERAGOS: Now, and as we just marked it here, this is right outside of the dining room doors right around the corner, correct?

BROCCHINI: Yes.

GERAGOS: This little side area, kind of adjacent to the back of the fireplace when you are outside?

BROCCHINI: Yes.

GERAGOS: And that would also be right next to Karen Servas's house?

BROCCHINI: Yes. But next to her fence that divides the two houses.

GERAGOS: Right. Now, at that point, you talked about the, let's see. You said, So in there there's a plug, and just plug it in and those lights come on? That would be the picture that juror number nine is looking at right now, the 1-M picture, not this one, correct?

BROCCHINI: Yes.

GERAGOS: This is not the occasion, but he was pointing out that the Christmas light was plugged in right here to where my finger is pointed?

BROCCHINI: Yes.

GERAGOS: And that's the picture that the jury currently is looking at?

BROCCHINI: Okay.

JUDGE: Mr. Geragos, let me, the group of, People's 1-B was identified. The rest of these, when you are identifying them now, do you have any objection if these are shown to the jury?

DISTASO: I don't. I thought that the photographs we are looking at that right here was different.

JUDGE: A People's 1 book of photographs. These already published, one of them. eDISTASO: I don't have any problem with being published.

JUDGE: Okay. Well, the photographs that are in that book? How many photographs total are in that book?

DISTASO: The problem is, your Honor, can we just take a time-out here? Because that photograph was not from the book of number one photographs.

JUDGE: I'm getting a little confused about that. Where is that from?

DISTASO: I think it was from the 69, the one that I used yesterday.

JUDGE: Those are all in evidence.

DISTASO: Those are all in evidence at the present time. Let me see. This was marked as 69-K. And then I guess it's, I think this,

BROCCHINI: Probably a prelim.

DISTASO: I'm not sure. It's the same photo as 69-K, just so we're clear on the record.

JUDGE: All right. But it's also 1-M now. So 1-M then is admitted in evidence, take the same,

GERAGOS: Same with 1 Double A.

JUDGE: What's the other number?

GERAGOS: The one that's up on screen is 1 Double A. The one that's being passed around,

JUDGE: 1 Double A too.

GERAGOS: Now, then, the next question is, so in there this is a plug, and just plug it in, those lights come on. And he answers, Uh-huh. And then you said, They were on when you were talking to Amy? And he said, Right. And you asked, A couple of hours later they were off? And he said, Yeah. Correct?

BROCCHINI: Yes.

GERAGOS: Then you asked, But they are still plugged in. And he says, Scott says, Yeah, well, I didn't go out and try the plug, so, Okay. But I don't see, Scott says, But I don't see why they would have been, but maybe it got, you know, hit by the cat or something or something like that. I don't know. I didn't check. Is that correct?

BROCCHINI: No, yes and no.

GERAGOS: Isn't that what he told you?

BROCCHINI: I asked him a question. But they are still plugged in.

GERAGOS: But they are still plugged in. He says, well, I didn't go out the try the plug?

BROCCHINI: That's right.

GERAGOS: Okay. And then he tells you that Karen's, you asked him, who did you leave the note with? That was the note he referred to a minute ago that he left a note with Karen, correct?

BROCCHINI: Yes.

GERAGOS: And he said, Karen Servas, if you are looking at our house, she's immediately to the left. So you understand that to mean is if you are standing in Covena, Karen Servas's house is over to the left, correct?

BROCCHINI: Yes.

GERAGOS: And she's the one that was telling you about the dog come running up to her with a leash, correct?

BROCCHINI: Yes.

GERAGOS: And you asked him, you left a note at her place, and he replies, Un-hun?

BROCCHINI: Yes.

GERAGOS: Now, you started asking him about the only unusual things were the, you said, Was there anything out of, unusual, out of normal in your house, right?

BROCCHINI: Yes.

GERAGOS: And he said the only unusual things were a leash and the door being unlocked. And then you asked him, The front door to the French doors? He says, Yeah. What I'm going to call the back door. So what were you referring to there is the French doors, or the door, the other side door?

BROCCHINI: The French doors.

GERAGOS: So when you guys are calling, what you call the French door, he says, What I'm going to call the back door.

BROCCHINI: That's right.

GERAGOS: Okay. Now, when you said, well, then you said, Well, I'm, we're in your room, we're talking about your closet. Looks like a couple of duffle bags down. Is that normal? He said, Yeah. Correct?

BROCCHINI: Yes.

GERAGOS: You said, Did you get something out of the duffle bag that was on the ground, a raincoat or something? And he says you out of the blue bag? Un-hun. And then you say, Uh-huh. He says Nike bag? I took my tennis shoes out of there. You said, The ones you wore. He said, No, the white ones that were on top, they were on top of the wet bar; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, the, you said that you, when you looked you didn't see the white tennis shoes; is that correct?

BROCCHINI: That's what I said.

GERAGOS: Okay. Going to show you 1-K. That appear to be the wet bar outside?

BROCCHINI: That does. That's not the wet bar I looked at.

GERAGOS: Okay. Appear to be white tennis shoes?

BROCCHINI: I see a white tennis shoe.

GERAGOS: I'm going to publish this, if I can, 1-K. And then I'm going to put this,

JUDGE: Going to move that into evidence?

GERAGOS: Yeah.

JUDGE: 1-K moved into evidence, take the same number.

GERAGOS: Appear to be the tip of the white tennis shoe?

BROCCHINI: Yes.

GERAGOS: Okay. You didn't look at that wet bar. So when you put down in your report that you didn't see the white tennis shoe, you were looking at the wrong location; is that correct?

BROCCHINI: That's right.

GERAGOS: Okay. Is that the first time that you noticed the white tennis shoe since you have been affiliated with this case?

BROCCHINI: No.

GERAGOS: Did you write a supplemental report noting that there is a white tennis shoe that was on the wet bar anywhere?

BROCCHINI: No.

GERAGOS: Now, the, then you talked about the gun. I think this is the fourth entry down on page 20.

BROCCHINI: Yes.

GERAGOS: How about the gun? How long has that been in your, how long has that been your car? That what you asked him?

BROCCHINI: Yes.

GERAGOS: And he says, Probably a month. Took it to Lone Pine to shoot pheasants. Took it with me. You answered, Is that your gun? He says, Un-hun. It's obviously seen better days. But you answered, Yeah, looks like it. Correct?

BROCCHINI: Yes.

GERAGOS: I don't think, I tried to shoot it once at Lone Pine but it didn't go off. So it's, ah, and then you asked him, I mean have you had it a long time, correct?

BROCCHINI: Yes.

GERAGOS: He says, Yeah, I think I got it, well, you know, it may be registered to me, or it may be registered to my father, actually. I gotten that before I was 18. I don't know. It's a Llama. He is a buyer on it.

BROCCHINI: Correct.

GERAGOS: Did you check that gun? Did you check the registration on it, or the buyer on it?

BROCCHINI: Did I run a serial number on the gun?

GERAGOS: Yeah.

BROCCHINI: Yes, I did.

GERAGOS: And what did you come up with?

BROCCHINI: I think it was registered to his father.

GERAGOS: Okay. Now, you then said it's been in your glove box about a month, correct? And Scott says, I think so. Probably have to check the date on when I went to Lone Pine.

BROCCHINI: Yes.

GERAGOS: You say Lone Pine? He says, Un-hun. Okay, so, then, it's out of Bishop, correct?

BROCCHINI: Yes.

GERAGOS: You say, Right. Well, you went up there pheasant hunting? Obviously you don't use that to shoot pheasants. He says, No, no. And you said, Have you fired it recently? My pistol? You say yeah. Correct?

BROCCHINI: Yes.

GERAGOS: Now, at that point when you are interviewing him, you have already taken the gun, correct?

BROCCHINI: Yes.

GERAGOS: And you have the gun on you, in your jacket?

BROCCHINI: Yes.

GERAGOS: You took that without his knowledge, correct?

BROCCHINI: Yes.

GERAGOS: And you didn't ask him about it, nor did you tell him about it, correct?

BROCCHINI: Did I ask him if I could take it, or did I tell him that I did take it? No.

GERAGOS: Right. You just took it.

BROCCHINI: I took it.

GERAGOS: Okay.

BROCCHINI: I asked for permission to be in his truck. But, yes, I just took it without him knowing it.

GERAGOS: You wrote a report later that said, I took the gun subject to the violation and Scott's consent; is that correct?

BROCCHINI: That's correct.

GERAGOS: You didn't have his consent when you took it, did you?

BROCCHINI: Yes, I did. I had his consent to search his truck.

GERAGOS: You had consent,

JUDGE: You are both talking at once.

GERAGOS: Objection. I was trying to object. Objection. It's non-responsive.

DISTASO: It is not.

JUDGE: No, it's not. I believe he testified he had permission to be in the truck. And then when he was searching the truck, he took the gun without your client's permission. I think that's his testimony?

BROCCHINI: Without his knowledge.

JUDGE: Without his knowledge, all right. You had permission to be in the truck. You didn't have permission to take the gun.

GERAGOS: You didn't have permission to fake it, right? I mean specifically you never, you didn't have his consent, you didn't say, I'm going to take this. You didn't have a search warrant. You just took it, right?

BROCCHINI: I legally took it. That's right.

GERAGOS: What do you mean you legally took it?

BROCCHINI: I had consent to be in the truck.

GERAGOS: Consent to be in the truck doesn't give you consent to take the property.

JUDGE: This is all argumentative. We want to know what he did. He had consent to go in the cab of the truck. He saw the weapon. He took it without the consent of your client. That's what happened.

GERAGOS: Right. And there would be a motion to strike the, "I legally took it".

DISTASO: Objection, your Honor. That's, I'm going.

JUDGE: There is an issue whether it was legally taken or not.

DISTASO: There is no issue of that.

GERAGOS: Of course there is.

JUDGE: I think there may be. I'm going to strike that "legally taken".

GERAGOS: Thank you.

GERAGOS: Now, you then asked him, I'm going on, the page, I'm on the top of page 21. You go to Lone Pine with anybody? Scott said, Yeah my father. You said, Your dad lives down in San Luis Obispo? He said, San Diego, right?

BROCCHINI: Yes.

GERAGOS: Do you know how many it was loaded with? Correct?

BROCCHINI: Yes.

GERAGOS: And he says, I don't. I think it holds eight.

BROCCHINI: Yes.

GERAGOS: You said, The towels that were in the washing machine, we were talking about those again, right? The same towels that I showed the jury earlier this morning?

BROCCHINI: Yes.

GERAGOS: And, You said you don't know how they were, if they were, what they were used on. Right?

BROCCHINI: Yes.

GERAGOS: And he told you, No, I assume, well, I mean I assume that Margarita used them Monday, but I don't know what surface, or anything like that. Correct?

BROCCHINI: Yes.

GERAGOS: That's, as we discussed already, that's subsequent to that, within a couple of times you talked to Margarita, she told on the fireplace screen and outside windows and windowsills, correct?

BROCCHINI: Yes.

GERAGOS: You asked him, How often does she come over? He said, It seems something like once every two weeks. Correct? And then he said, This is her third time for us?

BROCCHINI: Yes.

GERAGOS: Do you think she was there Monday? That's what you asked him?

BROCCHINI: Yes.

GERAGOS: And he says, Yeah, I know she was. Correct?

BROCCHINI: Yes.

GERAGOS: You said, Have you guys, you guys haven't had any problems, marriage problems. And he says, No.

BROCCHINI: Yes.

GERAGOS: You say, Everything is good? And he says, un-hun and then somebody puts in "affirmative", right?

BROCCHINI: Yes.

GERAGOS: On the transcript at least.

BROCCHINI: Yes.

GERAGOS: Then you talk about how long he's been married. He tells you that, right?

BROCCHINI: Yes.

GERAGOS: Now, then the, there was a discussion of, Has Laci, you asked him, on the bottom ever page 21, Has Laci ever complained to you about somebody bothering her, is that correct?

BROCCHINI: Yes.

GERAGOS: You say, Naw. I mean like I said, I don't think they'd come up to her and accosted her in any way. She has times said she felt uncomfortable and thankful she has the dog. We've called, you know, the police a couple of times about people down there, just to get them to move on. You know. It's not uncommon for Laci or myself to, you know, wake one of these guys or ladies up and tell them to get lost. Is that correct?

BROCCHINI: That's what he said.

GERAGOS: Then you said, The dog, is it a, I mean she's glad to have the dog, but the dog is, I got two dogs. He says it's very protective of her. Is that correct?

BROCCHINI: That's what he said.

GERAGOS: Okay. Now, that next, or that following morning, if I got it correct, towards the end of the interview it's getting close to one in the morning at this point, right?

BROCCHINI: Yes.

GERAGOS: The interview starts at midnight and goes roughly to a couple minutes after 1:00 o'clock in the morning.

BROCCHINI: Yes.

GERAGOS: You go down at some point to the park East La Loma Park on the 25th?

BROCCHINI: Yes.

GERAGOS: The park area. You do a briefing at some point at that park; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. You know who was present in the briefing?

BROCCHINI: I think I was briefed by Sergeant Beffa. I'm not sure. Had a couple briefings. Not sure which one you are talking about.

GERAGOS: There was one that you had a briefing with a, you know a Doug Mansfield from the DOJ?

BROCCHINI: I do. But he wasn't in the park.

GERAGOS: Where did you brief him?

BROCCHINI: I don't think I briefed him. I may have been there and saw him. But I think he was briefed by Buehler and Grogan.

GERAGOS: Okay. You got, you received information that somebody by the name of Victoria Pouches was walking on 12-24, and saw a large yellowish dog running loose in the park north of the Covena deadend with, a dog with a collar and a leash attached, but no one attempting to control the animal; is that correct?

BROCCHINI: I received that information?

GERAGOS: Didn't somebody tell you that information on the 25th?

BROCCHINI: Can I see what you are looking at?

GERAGOS: Sure.

BROCCHINI: I don't recall somebody said this to me or not.

GERAGOS: You what?

BROCCHINI: I don't recall.

GERAGOS: Did you have information that on the 25th two witnesses had come forward and said that they saw Laci walking in the park. Did you have that information on the 25th?

BROCCHINI: I have no information anybody came forward and said they saw Laci walk in the park.

GERAGOS: So any briefing that Mansfield was present, in which it was discussed that two witnesses had seen Laci walking the day before, or any information that the dog was seen barking like crazy, you didn't have that information; is that a fair statement?

BROCCHINI: It's a fair statement. I never had information that Laci was seen walk in the park. I remember hearing information about a dog being seen in the park with a leash on. I don't know when I heard that information.

GERAGOS: Okay. Was that, would that have been a lot later than the 25th, Christmas Day?

BROCCHINI: No, I wouldn't say it would be a lot later. But I just don't know. It's not something I followed up on, that I knew about, that I could testify with about.

GERAGOS: Who would have followed up on a dog being seen in the park with a leash on with nobody around, that was barking like crazy? Who would have been assigned to that?

BROCCHINI: That probably would have been one of the 40 or 50 officers that were working in the park.

GERAGOS: Who was in charge of that, though?

BROCCHINI: On the 25th?

GERAGOS: Yes.

BROCCHINI: Do you want to know? I mean I can't say for sure. There is so many people working, and so many things going on.

GERAGOS: Who was the lead detective on the 25th?

BROCCHINI: On the 25th?

GERAGOS: Yeah.

BROCCHINI: Craig Grogan.

GERAGOS: Okay. Well, you wrote a report that you had interviewed or spoke to a Michael Thomas from 520 Covena; is that correct?

BROCCHINI: Yes, I did.

GERAGOS: And you also spoke to a Van Sant, do you remember that?

BROCCHINI: Yes, I do.

GERAGOS: And Van Sant told you, and it was a Chris Van Sant?

BROCCHINI: Yes.

GERAGOS: Possibly seen Laci walking her Golden Retriever in Dry Creek Park on about 9:40 on December 24th; is that correct?

DISTASO: Objection. Hearsay.

JUDGE: No, this goes to the reasonableness of whatever he did as a result of this information he received?

GERAGOS: Yes.

JUDGE: Okay.

GERAGOS: Also goes to prior inconsistent statement.

DISTASO: Well,

JUDGE: I'm not sure about that.

DISTASO: Then I would ask just for an instruction to the jury that this is not offered for the truth, only for the officer's conduct.

JUDGE: This is just to explain the officer's conduct, what he did or did not do with this information.

BROCCHINI: Do you want me to answer now?

GERAGOS: Yes. You did interview Chris Van Sant?

BROCCHINI: I did.

GERAGOS: When did you interview Chris Van Sant?

BROCCHINI: On the 25th at 9:40 in the morning.

GERAGOS: What time?

BROCCHINI: 9:40 in the morning.

GERAGOS: That's what I was just asking you about, whether

8 you had gone down to the park Christmas morning, correct? We were just talking about. You said that the interview finished at one, that you had gone down to the park that morning, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And you did interview someone in the park who said that they had possibly seen Laci walk her Golden Retriever in Dry Creek Park about 0940 hours on the 24th?

BROCCHINI: No.

GERAGOS: That's what your report says?

BROCCHINI: My report says I received a phone call from Chris Van Sant, and I remember getting it. His phone number was given, Scott told me about Chris Van Sant. And Van Sant wanted to report that he seen a pregnant lady walking in the park on the 24th. I interviewed him. He said he didn't know if this was Laci. Just wanted to let me know he saw a pregnant lady walking in the park.

GERAGOS: At 9:40 on December 24th with a golden retriever; is that correct?

BROCCHINI: No. At 9:40 in the morning I spoke to Chris Van Sant.

GERAGOS: Look, on the 25th, do you have Bates number stamped 976 written on the,

BROCCHINI: I have that report here.

GERAGOS: That is your report 976, in handwriting?

BROCCHINI: That's my report.

GERAGOS: Will you read this to yourself right here?

BROCCHINI: Okay. I read it.

GERAGOS: Okay. Now, is, now, does that refresh your recollection as what Chris Van Sant said?

BROCCHINI: No, he didn't.

GERAGOS: Read what it says.

JUDGE: Wait a minute, Mr. Geragos. Let him finish his answer. Finish your answer, and then explain what you are trying to say.

BROCCHINI: Thank you. I received information on December 24th at 9:40 from Scott Peterson that a guy named Chris Van Sant had told somebody in his family that maybe he saw Laci walking in the park. I got a call on Christmas day. I finally got hold of Chris Van Sant. I interviewed him. He said he wanted to report that he saw a pregnant woman. He told me what bridge she was walking over. He told me what path she was on. Being in the park, he said, I didn't see her face. I don't know if it was Laci. But I saw it. So for that, we sent a search team over there. We sent search dogs over there. We did everything we could to verify what he said.

GERAGOS: Can I have court reporter read the very first sentence of that answer?

JUDGE: Sure. (RECORD READ BY THE REPORTER)

GERAGOS: That's all.

GERAGOS: On December 24th at 9:40 when you received that information?

BROCCHINI: That's correct.

GERAGOS: December 24th at 9:40?

BROCCHINI: Oh, I don't know. Maybe, let me look here.

GERAGOS: December 24th at 9:40. It's your position that Scott Peterson was still at his home, and this thing hadn't been reported?

BROCCHINI: You are right.

GERAGOS: Let me just ask the question.

JUDGE: Ask the question. Go ahead.

GERAGOS: You wrote down in your report, I received information that a subject identified as Chris Van Sant has possibly seen Laci Peterson walking her golden retriever in Dry Creek Park about 9:40 showers on December 24th?

BROCCHINI: That's correct.

GERAGOS: Okay. That's what you received, right?

BROCCHINI: That's what I received.

GERAGOS: Okay. You didn't receive that on December 24th at 9:40, correct?

BROCCHINI: No.

GERAGOS: You didn't get that on Christmas day at 9:40, correct?

BROCCHINI: I got it on Christmas morning.

GERAGOS: Right.

BROCCHINI: I spoke to him on Christmas day.

GERAGOS: Chris Van Sant told you it was 9:40 on December 24th, correct?

BROCCHINI: That's correct.

GERAGOS: Now, the, did you go out and interview Chris Van Sant in person?

BROCCHINI: No.

GERAGOS: So you got this information the following day. That this guy says that could be Laci that he saw walking in the park, correct?

BROCCHINI: Yes.

GERAGOS: And your response was to call him, correct?

BROCCHINI: Yes.

GERAGOS: Did he say that he knew Laci?

BROCCHINI: No, he didn't know Laci.

GERAGOS: Didn't know Laci. Did you fax him a picture of Laci?

BROCCHINI: I didn't fax him a picture of Laci.

GERAGOS: You interviewed, did you fax him a picture of MacKenzie?

BROCCHINI: No, I didn't fax him a picture of MacKenzie.

GERAGOS: Did you ever take him over a picture of MacKenzie?

BROCCHINI: No.

GERAGOS: Did you ever take him over a picture of Laci?

BROCCHINI: He said he didn't see her face.

GERAGOS: What about the dog? He saw the dog, didn't he?

BROCCHINI: He saw,

GERAGOS: Pregnant female walking a Golden Retriever. Did you ask him specifically what the Golden Retriever looked like?

BROCCHINI: No.

GERAGOS: Did you ask to show him a picture of MacKenzie, MacKenzie is a pretty distinctive looking dog, isn't he?

BROCCHINI: Yes. Looks like a Golden Retriever.

GERAGOS: Got some colorings on him that are pretty distinctive, doesn't he?

BROCCHINI: Yes.

GERAGOS: And, in fact, you remarked about how he looked an, looked like an old boy in your interview with Scott Peterson; isn't that correct?

BROCCHINI: Yes.

GERAGOS: Wouldn't it have been the prudent thing to do when you got 40 or 50 officers out there looking in the park to have actually driven to the guy's house and shown him a picture of Laci, shown him a picture of MacKenzie and say, Hey, is that the dog? So you can eliminate that lead?

BROCCHINI: No.

GERAGOS: No? Okay. Now?

BROCCHINI: The prudent thing would be to go to the park and look and search.

GERAGOS: There is objection. Nonresponsive to the question.

JUDGE: We have to finish your answer. The answer is no. You can cross examine him on it.

BROCCHINI: Prudent thing to do is, as soon as we got the information, we went there, we did a search of that area, a thorough search. We contacted people, well, weren't that people filling the space in the curb. We searched the bushes. We went to the area he said. He said he couldn't ID her. He said he couldn't tell us if it was Laci or not. He saw a pregnant lady walking with a Golden Retriever. So going to where he was and showing him a picture would not, that would not have been prudent at the time.

GERAGOS: Wouldn't it have been prudent to take him down in the park exactly where he saw, you didn't take him down to the park, did you?

BROCCHINI: He lived in Monterey. He was at home. I didn't ask him to come back to the park because he was distinct. Where he told me there is only a bridge.

GERAGOS: Did you ask him, I'm sorry, were you finished?

BROCCHINI: There is only, there is a bridge where he said she was. He was riding his bike by her. It wasn't like he was walking on. He advised he was on the bike path. He passed a pregnant woman that had just finished walking over the second bridge. He was very familiar with the park, so I didn't need to take him to the park and have him show me.

GERAGOS: You didn't need to, did you need to, did you need to, you didn't need to show him a picture. You just assumed you knew where he was, talking about over the phone. And then you just deployed 40 or 50 officers to search the, search based upon this. Didn't think that it might be prudent to have somebody come up from Monterey to show you exactly where they saw her.

DISTASO: Argumentative.

GERAGOS: That's a fair statement.

DISTASO: Objection.

JUDGE: I think it's been asked and answered.

GERAGOS: Now, did you know that there was a Victoria Pouches, you said you are not sure if you know if she had seen a dog barking like crazy with a leash on it.

DISTASO: Objection. Been asked and answered.

JUDGE: I think it's leading to some other subjects. Overruled.

GERAGOS: Right.

GERAGOS: Did you see if there was a possibility that the two of these things were connected, and maybe want to establish where exactly in the park this was?

BROCCHINI: I think that I have established that. We did a thorough grid search with officers,

GERAGOS: Nonresponsive.

JUDGE: I think he's trying to answer the question.

GERAGOS: He was talking about a grid search. I was not, I'm trying to ask him if he tried to establish where it was these two people were.

JUDGE: I think he is trying to answer that.

GERAGOS: He's talking about searching. I'm trying to find out if he tried to establish where these people saw her.

JUDGE: Did you establish were the people saw her?

BROCCHINI: I did establish were Mr. Van Sant said he saw a pregnant woman walking. I don't know whether the person he's talking about, I never spoke to her. But we did a thorough search of the whole trail, everywhere on the trail, off the trail.

GERAGOS: Now, you then asked him, back on page 22, you said, Scott said, I mean, if I'm in the yard, a guy comes up to me, the dog is fine, you say, un, but it's been in the past when someone approaches her in our yard, at least, that he's very protective of her. Is that what he told you?

BROCCHINI: Yes.

GERAGOS: That's when you say, He looks like he's been around the block, been around a while. Scott says, Yeah, he's an old boy. Right?

BROCCHINI: Yes.

GERAGOS: And then you talk about, you asked if he's yours. And Scott says, Yeah. She got hers by marriage. You say he says, yeah, like a month after meeting each other, right?

BROCCHINI: Yes.

GERAGOS: And you understood the dog's name to be, on page 23, to be MacKenzie, correct?

BROCCHINI: I asked him what the dog's name was, he told me MacKenzie.

GERAGOS: Okay. And then you went through the phone numbers with him as to what the various phone numbers on his cell phone, who they applied to, correct?

BROCCHINI: Yes.

GERAGOS: Now, he identified various people, like Guy Miligi, correct?

BROCCHINI: Yes.

GERAGOS: Told you one that he thought was his parents, correct?

BROCCHINI: Yes.

GERAGOS: Said he tried to call his brother over in San Diego, right?

BROCCHINI: Yes.

GERAGOS: Top of page 24, he tells you, Greg Reed. You say Greg Reed, right?

BROCCHINI: Yes.

GERAGOS: And he says, That's a friend of ours. Right?

BROCCHINI: Yes.

GERAGOS: And he says Greg Reed owns the house. You look at our house to the right, that's his grandmother's house. That would be the one that's vacant, right?

BROCCHINI: Yes.

GERAGOS: So he pointed out the Reed home right to the right was vacant. But Greg Reed was a friend. And then he says, Yeah, Greg Reed owns the house. Look at the house to the right, that's his grandmother's house. He owns that. He came over and opened it up for the officers. He lives a bit away from us. Right?

BROCCHINI: Yes.

GERAGOS: That's what, in fact, happened as far as you know, Greg Reed, that he did call Greg Reed, that Greg Reed came over and opened up that house for the officers, correct?

BROCCHINI: I don't know that I know Greg Reed came over. I don't know if Scott called him, or if one of our officers went and knocked on his door.

GERAGOS: Well, you know that Scott called him, because you saw the number from the previous page when you were asking him about the 480?

BROCCHINI: I know I called him. I don't want if Scott called him to come over and open the door. That's what I said.

GERAGOS: Scott, what we do know is Scott called him, right?

BROCCHINI: Can I look at my report again?

JUDGE: Check your report.

GERAGOS: What page are you looking at, officer?

BROCCHINI: I'm looking at Bates stamp 968. Looks like Scott called Greg Reed, Greg Reed called Scott.

GERAGOS: Greg Reed came over. Greg Reed opened the house?

BROCCHINI: I know Greg Reed came over and opened the house. He came over.

GERAGOS: Do you have any information that any officer called Greg Reed?

BROCCHINI: I don't know who called Greg Reed to come over and open the house. I'm sorry.

GERAGOS: Scott told you that he did, didn't he?

BROCCHINI: No, he didn't.

GERAGOS: He said he says there is Greg Reed, he shows the phone number. He owns the house. That's his grandmother's house. Came over and opened it for the officers; is that correct?

BROCCHINI: That's what he said.

GERAGOS: He told you he identified Rene Tomlinson's number, right?

BROCCHINI: Yes.

GERAGOS: Okay. And then Brian, is it Miligi?

BROCCHINI: Brian. That Brian is somebody else. Ulrich, or Argain. I'm not sure which one you are talking about.

GERAGOS: On page 25, you started asking him again about the fact, you say, I'm curious, Maggie was there, Maggie and Marguerite. She was there on Monday. He says un-hun. And obviously she did a lot of work, because the house wasn't filthy. Why was your wife mopping on Tuesday morning? He says, I don't know. Got me. I mean she was pretty fastidious about it, though. You said, was she? He said, With the dog and the cats, and her, you know, doing the Christmas deal, that was pretty common. And you said, Was that going to be at your house? He says tomorrow or today, rather, yes. And, yeah, she always had the vacuum or mop out. Is that correct?

BROCCHINI: That's what he said.

GERAGOS: Okay. Then you asked him, you haven't fired any guns today, correct?

BROCCHINI: Yes.

GERAGOS: And he says, No. It's been a month since the trip to Lone Pine. Right?

BROCCHINI: Yes.

GERAGOS: And you then said, would you be willing to, well you showered already, you said, right? He said, Un-hun. You said, When you were at Lone Pine, you said you tried to fire that handgun once, right?

BROCCHINI: Yes.

GERAGOS: He told you that when you asked what happens, just click, it just clicked. And he ejected the rounds. The second one clicked, right?

BROCCHINI: Yes. Said that's, he said, that's what he said.

GERAGOS: Then you asked him, Would you be willing to take a gunshot residue on your hands. Right? That's top of page 26.

BROCCHINI: Yes.

GERAGOS: He says, Sure, no problem. Will outboard exhaust show up as gunshot residue, or would it be different? You said, What exhaust? He says, Yeah, from the outboard. You are referring, assume he is referring to the outboard motor on his boat, right?

BROCCHINI: Yes.

GERAGOS: And you said, Well you showered after, you said, so I'm not thinking this is your routine. But, no, it wouldn't. You were referring to the outboard exhaust would not show up as gunshot residue, correct?

BROCCHINI: Yes.

GERAGOS: And then you start in the video spelling his name. Correct? P-e-t-e-r-s-o-n. That's what it says in the transcript.

BROCCHINI: Yes.

GERAGOS: That's because you are writing down on something, and I assume that's an evidence envelope, his name, correct?

BROCCHINI: Yes.

GERAGOS: And then you say Scott. And then there is some long pause. And you are putting on what appears to be gloves hike this, correct?

BROCCHINI: Yes.

GERAGOS: Okay. Why are you doing that?

JUDGE: Do you want to describe what "like this"?

GERAGOS: Latex gloves, yellowish in color; is that correct?

BROCCHINI: They come in the pack for the gunshot residue. When you open it up there is a pair of gloves there. You put them on so that you don't contaminate the little sticky pad that you are using to take, do the test.

GERAGOS: Okay. And you spent a, you broke open the package for this gunshot residue test. There is some little containers in there; is that correct?

BROCCHINI: Yes.

GERAGOS: And look almost like vials.

BROCCHINI: Yes.

GERAGOS: And what you do is, you take, for each hand, you do one container, correct?

BROCCHINI: No. There is two for each hand.

GERAGOS: Okay. Well, you take that, and you take the top of it that has the little sponge like area, and you have the person hold their hand out, and you dab around the various areas of the hand; is that correct?

BROCCHINI: Yes.

GERAGOS: And you do that because the theory is, if a gun has been fired, that the gunshot residue is going to be remain on the hand for a period of time, correct?

BROCCHINI: Yes.

GERAGOS: And you did that for both of his hands; is that correct?

BROCCHINI: Yes.

GERAGOS: And when you were done, and you did that after putting on the gloves, right?

BROCCHINI: Yes.

GERAGOS: And you were very careful to make sure that you didn't get any, or contaminate that; isn't that correct?

BROCCHINI: I did the best I could, I think, at the time.

GERAGOS: And you then take those little containers that are dabbed, and you put them in a vial of some kind, correct?

BROCCHINI: Yes.

GERAGOS: And then you seal them up to be tested.

BROCCHINI: You seal them up, put them in evidence.

GERAGOS: And you did that in this case?

BROCCHINI: I did.

GERAGOS: And where did you, what did you do with them after you put them, you sealed them up? You book them into evidence?

BROCCHINI: Yes.

GERAGOS: Okay. The next thing you did is, you said there was a lot of time on the tape where you are actually doing that, correct?

BROCCHINI: Yes.

GERAGOS: I think you even put in there "long pause", or somebody wrote on the transcript "long pause". You said, So what you are telling me, Scott, is there no, you have no idea where Laci is; is that correct?

BROCCHINI: Yes.

GERAGOS: And you he says, No, none.

BROCCHINI: Right.

GERAGOS: You say, Okay. I only have a couple of concerns. One is the phone call that you made. But if you listen to it, that call is made at 12:17. See if we can play that.

GERAGOS: What do I have to do, camera off.

GERAGOS: While he's getting that cued up, somebody did some investigation and went, and went, and to confirm whether or not Scott was in Lone Pine the month before; is that correct?

BROCCHINI: Yes.

GERAGOS: And do you know what these doc, these two documents are that I'm showing you?

BROCCHINI: I recognize them.

GERAGOS: And what are they, for the record, let me mark them as, Defendant's Double A?

JUDGE: No double B.

GERAGOS: Double B. These receipts from Lone Pine.

GERAGOS: I'm going to staple these two pages.

JUDGE: All right.

GERAGOS: Now, the first, am I going to screw it up? First thing that I showed you was a Best Western receipt; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And this shows that in November it's a room, for, looks like two nights, Amex card; is that right?

BROCCHINI: Yes.

GERAGOS: And this was for a Best Western in Lone Pine, California; is that correct?

BROCCHINI: Yes.

GERAGOS: And then the second page of this document, I assume somebody obtained from Best Western?

BROCCHINI: Yes.

GERAGOS: Looks to be like a charge card used by Lee Peterson from San Diego Crating to pay for this stay; is that correct?

BROCCHINI: Yes.

GERAGOS: Judge, I would stipulate I pulled these out of the main book that Marylin could make a copy. The copy could be replaced for this, so we can replace the,

HARRIS: We need to have them back in our binders.

JUDGE: You are agreeable to that?

HARRIS: Yes.

JUDGE: All right.

GERAGOS: Okay.

JUDGE: Substitute a copy. (TAPED PLAYED)

GERAGOS: Now, what happened there was, you had earlier in this interview somewhere around, I think, was page 12 or 13 somewhere in there, you had listened to that tape, right?

BROCCHINI: Yes.

GERAGOS: And then I'd asked you, I believe yesterday, about that Touch 9. Do you remember that?

BROCCHINI: Yes.

GERAGOS: And that's how to save a phone message, so that you were asking how to save it, correct?

BROCCHINI: Yes.

GERAGOS: So when you listened to the message and then said nine, whether, at least Scott was listened to save nine. And is it a fair statement when you go back and look at this tape on that. We have got there is a time stamp up on this; isn't that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And roughly at 12:17 of this tape, the one that we're looking up there, even though on this tape, if I have got it right on this tape, you had testified to the jury it was an hour off, correct?

BROCCHINI: Right.

GERAGOS: So if we go back and look at the tape at approximately 1:16 and several seconds, that's really, in actuality, 12:16, correct?

BROCCHINI: Yes.

GERAGOS: And what happens is, is when the phone message is saved, it's being saved as 12:17, correct?

BROCCHINI: Yes.

GERAGOS: And when you listened to it, and you heard the 12:17, you had a concern, correct?

BROCCHINI: Yes.

GERAGOS: And your concern was that Scott had told you that he made that call at 2:17, roughly some time after two, after he had left the marina, correct?

BROCCHINI: Yes.

GERAGOS: So you thought, ah-hah, I got something here. I have got a concern. He says 2:17, I'm listening to it. He's time stamped 12:17, correct?

BROCCHINI: Everything is correct other than the, "Ah-hah", I got something.

GERAGOS: You had a suspicion?

BROCCHINI: I don't think I, that I was just writing down the facts.

GERAGOS: And he listened to it, and he explained to you this is the time, that it's saved, correct?

BROCCHINI: That's what he said.

GERAGOS: That wasn't by, you weren't trying to trick him there. You just didn't realize that where it says time saved, it was 12 a.m. as opposed to 12:17 p.m. on the 24th, or 2:17 on the 24th, correct?

BROCCHINI: I didn't try to trick him. All other stuff after that, I don't know about.

GERAGOS: Well,

BROCCHINI: I mean it was a lots stuff, and I wasn't catching on to all of it.

GERAGOS: The tape itself that you listened to, going to, may it, can you play that? Tell me if this is it. We'll play it, tell you me if this is it. (TAPED PLAYED)

GERAGOS: Play the beginning of that one more time. (TAPED PLAYED)

GERAGOS: I'll have Mr. Naljian readjust that. He's on the, I'll have him reduce it to CD I'd like to mark that CD now, if I could, as next in order.

JUDGE: Okay. CC. CD Marked as Exhibit CC for identification.

GERAGOS: Now, that's the message you listened to; is that correct?

BROCCHINI: Yes, it is.

GERAGOS: And the first thing he says, I'm leaving Berkeley; is that correct?

BROCCHINI: No.

GERAGOS: What does he say?

BROCCHINI: Hi, beautiful.

GERAGOS: And then what? Do you have that written down verbatim?

BROCCHINI: I do.

GERAGOS: Okay. What page are you looking at?

BROCCHINI: Let me get that. Bates stamp 0973.

GERAGOS: And did you write this down while listening to it?

BROCCHINI: Yes, I did.

GERAGOS: Okay. Do you want to read it to the jury?

BROCCHINI: Hi, beautiful. I just left you a message at home. 2:15. I'm leaving Berkeley. I won't be able to get to Vella Farms to get the basket for Poppa. I was hoping you would get this message and go on out there. I'll see you in a bit, sweety. I love you. Bye.

GERAGOS: Now, that message was, so that I understand correctly, what was happening, we went over this once before, that was a message that was on the voicemail connected with the 402 number which is Laci's cell phone?

BROCCHINI: Yes.

GERAGOS: Okay. And that was retrieved by Scott. That's why he gave you have the code, correct?

BROCCHINI: Yes.

GERAGOS: Now, the, now, you had also indicated, this is top of page 28. You told him, you were talking to Scott about asking him these questions that suggested he might have something to do with it. And you said, But I do have to do it. And I mean understand, I'm glad you have a strong support system. Is that correct?

BROCCHINI: Yes.

GERAGOS: Is that what you said?

BROCCHINI: That's what I said.

GERAGOS: He said, Yeah. I'll give you my numbers and my cards, but there is not a lot more we can do right now other than to canvass. Correct?

BROCCHINI: Yes.

GERAGOS: Scott said, Oh, we can do a lot. And you said, Okay. Do you have any questions? Scott says no. I mean I have asked you a couple of times what to do, so I have the answers to that. So we're gonna go do it. Then you said, So, yeah, there is, you know, all we can do now is make people aware of the problem, the situation, hope that somebody saw something or knows something, correct?

BROCCHINI: Yes.

GERAGOS: Scott then says the only question I have, what about resources are available? You saw my mother-in-law tonight. Anyway, you saw some of my wife's friends, myself. And you said, What do you mean. He says, Counseling and that kind of thing. You said, Well, yeah. Is that correct?

BROCCHINI: Yes.

GERAGOS: Now, at that point, there was a couple of other exchanges. Basically the interview was terminated, right?

BROCCHINI: Yes.

GERAGOS: That would have been approximately what time?

BROCCHINI: About 1:00 o'clock, or a little after one.

GERAGOS: Okay. Now, the next thing he you did is take him where?

BROCCHINI: To his home.

GERAGOS: Took him to his home. Who was there?

BROCCHINI: I think nobody. But I didn't go in with him. I just dropped him off outside.

GERAGOS: Okay. Judge, going to take me just a minute. I'm switching gears from that to some other areas.

JUDGE: Okay.

GERAGOS: By the way, detective, during that videotape, at any point did you tell Scott that he was being videotaped?

BROCCHINI: No.

GERAGOS: And that's done for a reason, right?

BROCCHINI: Sometimes I tell people, and sometimes I don't.

GERAGOS: And before you videotaped him, did you tell him that you were going to audiotape him, or in any way do anything but take notes?

BROCCHINI: No.

GERAGOS: Now, there was a couple of things that had happened that evening. You got a call from Scott some time after you dropped him off, right?

BROCCHINI: Yes.

GERAGOS: And did, that call was at about, what, 2:30 in the morning?

BROCCHINI: It was about two.

GERAGOS: About two. It would have been about, what, half an hour after you dropped him off?

BROCCHINI: 45 minutes or so.

GERAGOS: Okay. And he asked you specifically if things had been taken; isn't that correct?

BROCCHINI: He asked me if I took his gun.

GERAGOS: Okay. Well, when did you actually take the gun, at what point?

BROCCHINI: When I was searching his truck.

GERAGOS: Well, was that before or after you went back to the truck? You said two times you went into the truck?

BROCCHINI: No, I didn't. I searched the interior of the, I searched the back of the truck first. Then I searched the inside, took the gun. Then we walked away, and I walked back and got my keys out of the bed of the truck. I never went in the truck.

GERAGOS: Now, so there were two instances. First you had left your keys somewhere in the truck, right?

BROCCHINI: No. I left my keys on the hump on the driver's side of the truck.

GERAGOS: That's somewhere in the truck, right?

BROCCHINI: In the back of the truck.

JUDGE: In the truck bed?

BROCCHINI: In the truck bed, your Honor.

GERAGOS: Then you left your notebook at the, in the boat; is that correct?

BROCCHINI: Yes.

GERAGOS: And you had been inside of the, or at least had your hands inside of the truck bed, correct?

BROCCHINI: Yes.

GERAGOS: You had your hands inside of Laci's car, correct?

BROCCHINI: Yes.

GERAGOS: You had your hands at least on the sides of the boat, and inside of the boat touching and opening this tackle box, correct?

BROCCHINI: Yes.

GERAGOS: And then apparently left your notebook in that, or on the boat as well; is that correct?

BROCCHINI: Yes.

GERAGOS: And do you have that notebook with you today?

BROCCHINI: No.

GERAGOS: Now, the,

BROCCHINI: I think I had, I have it in my trunk, though.

GERAGOS: In your car?

BROCCHINI: Yeah.

GERAGOS: Okay. Now, the, some time after that, you found out that Scott felt that you had attempted to trick him on the 24th; isn't that correct?

BROCCHINI: Yes.

GERAGOS: But he didn't, that he thought that you had left the car keys inside the truck, and that that was not by accident, correct?

DISTASO: Objection. This isn't state of mind.

GERAGOS: Goes to his mind. That's not relevant?

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

GERAGOS: You thought that he had, as well, or he felt that you had not been true?

DISTASO: Objection, your Honor.

GERAGOS: Truthful to him about taking the, can I ask the question? Or do you want to just sustain it first?

JUDGE: Go ahead.

GERAGOS: Okay.

JUDGE: Finish the question, then I'll rule on it. I haven't even heard it.

GERAGOS: That's why I was going to ask it first.

JUDGE: Sustained then. Save me the trouble.

GERAGOS: First, did he ask you why you didn't tell him, or leave some note, or give him some information that you had taken the gun, the mop, the buckets? Did you also take the baby sonogram?

BROCCHINI: No.

DISTASO: Objection, your Honor. It's compound. It's not relevant to state of mind.

JUDGE: Compound question.

GERAGOS: I'll ask him specifically.

GERAGOS: Did you have Lovell take the mop and the buckets?

BROCCHINI: I directed an officer to tell Lovell to take the mop, the buckets, the rags, and take pictures in the house.

GERAGOS: Okay. Did you have him, did they take the rags?

BROCCHINI: Yes, they did.

GERAGOS: Okay. And they had those, where did they ship those rags off to? What was your intention to have them do with the rags?

BROCCHINI: Put them in evidence.

GERAGOS: For what, to what end?

BROCCHINI: Well, eventually to have them sent to either our lab crime people or sent to DOJ. I just wanted them in evidence.

GERAGOS: Okay. And you,

JUDGE: For the jury, DOJ is Department of Justice, if you haven't figured it out of by now.

GERAGOS: And you had him take, you had Lovell take the mop and buckets, correct?

BROCCHINI: Two mops and the bucket.

GERAGOS: What was the purpose of taking the mop and the bucket?

BROCCHINI: Didn't know if there was evidence on them or not. I didn't want to lose them. I asked him to take them and put them in evidence.

GERAGOS: What about the gun, same thing?

BROCCHINI: Yeah. Could have been evidence. I didn't want to lose it, you know.

GERAGOS: Now, when you took those, was, did you, by the way, did you take the scrunched-up rug?

BROCCHINI: No.

GERAGOS: No?

BROCCHINI: No.

GERAGOS: Okay. And you didn't feel that that had anything to do with it?

BROCCHINI: I was suspicious of a lot of things. I didn't take a lot of things. But I took what I thought was relevant that night.

GERAGOS: Did you have, did you instruct Lovell to do anything else in the house that night?

BROCCHINI: I told Officer Letsinger to tell Lovell to use an alternate light source in the house and look for, if he could, look for evidence.

GERAGOS: Okay. What is an alternate light source?

BROCCHINI: Well, if I told you I knew, I would be lying. I was repeating what somebody told me to tell him to do.

GERAGOS: Who was the person who told you?

BROCCHINI: Al Carter.

GERAGOS: And Al Carter?

BROCCHINI: I can guess what it is. But I have never done it, never seen it. My sergeant said have him use some type of an alternate light source in the house and look around. So I repeated that to Officer Letsinger to have Lovell do that.

GERAGOS: Okay. And this alternate source, light source, as you understand it, to see if there was any evidence of blood in the house, correct?

BROCCHINI: That's kind of the way I understood it.

GERAGOS: Okay. You instructed Letsinger to have Lovell do this, correct?

BROCCHINI: That's right.

GERAGOS: Now, at some point, you wanted to investigate whether or not there was life insurance recently taken out; is that correct?

BROCCHINI: Say that again.

GERAGOS: Did you investigate the issue of life insurance, go talk to a Brian about whether Scott had life insurance?

BROCCHINI: I did speak to a Brian about Scott's life insurance.

GERAGOS: Who was that?

BROCCHINI: Brian?

GERAGOS: Yeah.

BROCCHINI: I don't remember. I mean it's, there is two Brians. I can't remember which one is which.

GERAGOS: I'm going to direct your attention to what I have got handwritten 1033, Bates stamped 1103.

BROCCHINI: This one.

GERAGOS: Keep going?

BROCCHINI: Page 1103.

GERAGOS: 1103, I have got the blue highlight there. What's

1 that? Read that silently to yourself.

BROCCHINI: Okay.

GERAGOS: Now, did you read it?

BROCCHINI: Yes.

GERAGOS: Okay. Now, on the 26th there was a search warrant that was executed; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And when you execute a search warrant, you file what's called a return on it, showing what it is that was seized, correct?

BROCCHINI: Yeah.

GERAGOS: You are familiar with that. You have executed search warrants, correct?

BROCCHINI: That's correct.

GERAGOS: Okay. And I have got a return on a search warrant for December 26th. And item number 29, what is that?

BROCCHINI: I have never seen in before, Mr. Geragos. But I'll be happy to look at it. It's from Craig Grogan. And it's Principal Financial Group binder for life insurance policy dated 6-25 of 01.

GERAGOS: The return on the search warrant, you were present during the search warrant, part of the search warrant at both locations, the residence and the warehouse, right?

BROCCHINI: Yes.

GERAGOS: And apparently a Prinicpal Financial Group binder for life insurance policies dated 6-25-01 was found; is that correct?

BROCCHINI: Yes.

GERAGOS: Now, some time on January 4th, you went to go talk to a Brian Ulrich; is that correct?

BROCCHINI: I spoke to him on the phone, I think.

GERAGOS: Okay. And you told him that you recently received a tip that Scott had recently taken out a life insurance policy on Laci; is that correct?

BROCCHINI: A second life insurance policy.

GERAGOS: And you tried to substantiate that, and you were checking into it; is that correct?

BROCCHINI: Yes.

GERAGOS: Now, there was, as you determined, only one life insurance policy, correct?

BROCCHINI: No, I never determined that.

GERAGOS: You never determined that?

BROCCHINI: I didn't. And,

GERAGOS: Somebody during the investigation determine that?

BROCCHINI: I think so.

GERAGOS: Okay. And, at some point, the family, meaning Laci's family, Sharon and Ron, were told that a $250,000 life insurance policy had recently been taken out; isn't that correct?

BROCCHINI: I don't know.

GERAGOS: Wasn't, there was an article in the Modesto Bee about January 17th; isn't that correct?

BROCCHINI: I imagine there was an article in the Bee on January 17th. Probably a whole bunch of articles.

GERAGOS: You wouldn't know, you would know about that. You remember specifically that article, don't you?

BROCCHINI: I do.

GERAGOS: And the reason you specifically remember that article is because you got up at 6:40 in the morning, and you called some of Scott's friends and told them to take a look at that article, right?

BROCCHINI: I don't know if I got up at 6:40 in the morning.

GERAGOS: Didn't you make the call, maybe you got up earlier. You got, made the call about twenty of seven in the morning. Who did you call?

BROCCHINI: I called Mike Richardson.

GERAGOS: Okay. Who is Mike Richardson?

BROCCHINI: He's a friend of Scott's.

GERAGOS: Okay. And would you say at that point you were trying to, discussing, or coming up with methods to try to get Scott to make some kind of a confession, or something?

BROCCHINI: I was trying to do something. I wasn't trying to just do that, that's for sure.

GERAGOS: You were trying to get him to turn on his friend, weren't you?

BROCCHINI: Do you want me to tell you what I was trying to do? That wasn't it.

GERAGOS: I want to ask you specifically.

BROCCHINI: That wasn't it.

GERAGOS: Did you call Mike Richardson at twenty of seven on the morning of the, that this Modesto Bee article came out?

BROCCHINI: Yes.

GERAGOS: Did you know at that point that the allegation in the Modesto Bee that Scott had recently took out a 250,000 life insurance policy on Laci Peterson, which was the first sentence of the article, did you know that that was false?

BROCCHINI: No.

GERAGOS: And you didn't know that the life insurance policy had been seized on 12-26, and that the life insurance policy had, actually was a retirement policy that had been taken out a year and half before?

BROCCHINI: No.

GERAGOS: So when you saw that article, by the way, did you talk to the reporter for this article from the Modesto Bee, Ty Phillips?

BROCCHINI: Absolutely not.

GERAGOS: You didn't give them the information?

BROCCHINI: No.

GERAGOS: So when you got up, you saw that article about the recent taking out of a life insurance policy, and the first person you called was who? Regarding Scott's friends, who did you call?

BROCCHINI: I called Mike Richardson.

GERAGOS: Okay. Did you also call at any point an Aaron Fritz?

BROCCHINI: I have spoken to Aaron Fritz before.

GERAGOS: Did you write in a report that you were attempting to plant the seeds of suspicion in Aaron's head?

BROCCHINI: I was.

GERAGOS: Okay. And that's what, you have testified to that as well. I was attempting to plant the seeds of suspicion in Aaron's head, correct?

BROCCHINI: I was.

GERAGOS: Who was Aaron Fritz?

BROCCHINI: Good friend of Scott's.

GERAGOS: Okay.

BROCCHINI: Let me correct that. I'm sorry. Aaron Fritz was a good friend, and his wife were good friends of Laci that they met Scott through.

GERAGOS: Did he consider him himself to be a friend of Scott, as far as you know?

BROCCHINI: I did.

GERAGOS: As you were trying to plant, as you say, the seeds of suspicion; is that correct?

BROCCHINI: I was.

GERAGOS: You were trying to get him to call Scott and question him about various things that you wanted answered; is that correct?

BROCCHINI: That's correct.

GERAGOS: Then you asked Fritz to call you back when he got the answers; is that correct?

BROCCHINI: That's correct.

GERAGOS: Okay. And then did you also, what did you tell Mike Richardson when you called him?

JUDGE: Can I interrupt you here? I want to tell them about 4th of July, take the recess.

GERAGOS: Certainly.

JUDGE: Before I excuse you this morning, I have been advised by Jenne that some of you had made inquiries about the 4th of July. You wanted some time off for the 4th of July holiday. You realize that Monday, 4th of July is on Sunday celebrated on Monday, because that's the way the county does it. I talked to the lawyers. The lawyers have agreed that next week we'll be, we're always dark on Thursday, on Friday. We'll be dark on Thursday. So we'll be in session next week Monday, Tuesday, and Wednesday. So that will give some of you that are planning trips, and so forth, time to make an arrangement, whatever it is, for the 4th of July, okay? So we'll be here 28th, 29th and 30th. We'll be down the first and second, and then 4th of July will be celebrated on the 5th, we'll start court again on the 6th. So that will give you time to make whatever reservations, time off that you are planning, okay? All right. We'll take the noon recess at this time. Remember the admonition.

GERAGOS: I'll wait until the jury leaves. (RECESS)

JUDGE: All right. This is People vs. Peterson. Let the record show the defendant is present with counsel, and the jury is in the jury box, along with the alternates. Mr. Geragos, go ahead.

GERAGOS: Thank you, Judge.

CROSS-EXAMINATION (Resumed)

GERAGOS: Now, Detective, you had indicated before we broke that you were unaware of the return on the search warrant that was from the 26th and the 27th that showed the Principle Finance Group binder with life insurance policies dated 6/25/01; is that correct?

BROCCHINI: I didn't say I was unaware of it. I just said I hadn't seen it.

GERAGOS: What does that mean? Were you aware there was --

BROCCHINI: I knew,

GERAGOS: life insurance policies?

BROCCHINI: I knew there was a life insurance policy.

GERAGOS: Were you aware that the policies, that the binder with the life insurance policies in them dated June 25, oh one, had been seized pursuant to the search warrant?

BROCCHINI: Did I know when?

GERAGOS: Did you know in January of oh three?

BROCCHINI: I don't know.

GERAGOS: You don't remember?

BROCCHINI: I just, yeah, I don't know if I knew that or not.

GERAGOS: Well, when do you, when's your first memory of knowing whether the police had the life insurance policy?

BROCCHINI: My first memory of anything to do with life insurance was somebody, a detective went and interviewed his insurance man. I don't know if I ever knew a binder was recovered in the search warrant.

GERAGOS: Okay. Until I showed it to you here today?

BROCCHINI: I mean, yeah, I don't know.

GERAGOS: Okay. You did, we did establish, however, that you called Brian Ullrich, correct?

BROCCHINI: I called him about a second life insurance policy.

GERAGOS: You called him, you said you recently received a tip that Scott had recently taken out life insurance policies on Laci, correct?

BROCCHINI: Can I see that report?

GERAGOS: Yes. It's Bates stamp 1103. It's a blue highlighted right there.

BROCCHINI: Yeah. Within the last three months. That's what the tip was. I remember that.

GERAGOS: Okay. And then you, and when did you actually call Brian Ullrich?

BROCCHINI: I called him on 1/5 of 2003.

GERAGOS: Okay. January 5; is that correct?

BROCCHINI: That's right.

GERAGOS: Okay. Now, the, specifically the article from the Modesto Bee that you phoned, who did you phone first about that article?

BROCCHINI: I think I only phoned Mike Richardson.

GERAGOS: Okay. Mike Richardson was known to you to be a close friend of Scott's, correct?

BROCCHINI: Mike and Heather were close friends of Laci, that knew Scott through Laci.

GERAGOS: They considered themselves to be friends of Scott; is that correct?

BROCCHINI: Yes.

GERAGOS: Now, this article here that I'm showing you, Relative of Laci's Suspicion, is that the article that you phoned and had Mike Richard, told Mike Richardson to either go get it or go online to get it?

BROCCHINI: I don't see the date on here, but probably, yes.

GERAGOS: Okay. And the very first sentence of this article is that Modesto police told Laci Peterson's family that her husband was having an affair and recently took out a 250,000 dollar life insurance policy on her, correct?

BROCCHINI: That's what the article says.

GERAGOS: And that's, that was what you phoned Mike Richardson to tell him to go read that; is that correct?

BROCCHINI: I did.

GERAGOS: Okay. And the, there was no recent life insurance policy; isn't that correct?

BROCCHINI: Are you asking me what I know today?

GERAGOS: That you know today.

BROCCHINI: There was none. Well, it's a year or two old.

GERAGOS: Right. It's the one that I just referred to that was the Principle Life Insurance policy that was taken out in June of oh one, correct?

BROCCHINI: That's correct.

GERAGOS: Okay. As far as you know, as you sit here today, that's the only policy that was ever taken out, and that was on both Scott and Laci, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And the information that was in the Modesto Bee then was false as to the life insurance policy being recently taken out; is that correct?

BROCCHINI: The information in the Bee was false, like a lot of times.

GERAGOS: Okay. But that didn't stop you from telling Mike Richardson to go look at it, correct?

BROCCHINI: No, I wanted him to look at it.

GERAGOS: All right. Now, you also mentioned before we left that the, let's see. In that same article, is it correct that in that article that it said the support Peterson had received from his wife's side of the family shifted Wednesday night after police, police detectives told them about the affair and the life insurance policy? Do you remember that?

BROCCHINI: After you read it I do. I remember reading it.

GERAGOS: Okay. Now, do you know who the police detectives who did that were?

BROCCHINI: That told,

GERAGOS: The family about this recent life insurance policy?

BROCCHINI: Yes.

GERAGOS: Who was that?

BROCCHINI: That was Detective Buehler and I told the Rochas, Detective Grogan and Owen told the Petersons.

GERAGOS: Okay. And that was on what date?

BROCCHINI: I don't recall.

GERAGOS: Was it the day before the article came out, roughly?

BROCCHINI: I don't know.

GERAGOS: Did you,

BROCCHINI: I don't know, um,

GERAGOS: January 16th, does that ring a bell?e BROCCHINI: I don't think so. I think it was,

GERAGOS: Do you have, can you refer to your reports? You have them categorized in the front, don't you?

BROCCHINI: Yeah, but I don't think I have a report on that. I think another officer did that, and I think it was closer to the beginning of January, but I don't know.

GERAGOS: You don't think it was January the 15th or 16th?

BROCCHINI: I think it was closer to January, in the early, first week of January, but I can't, I don't know for sure. You show me a report, then I'll tell you.

GERAGOS: Let me see if I can show you something with that. See this Buehler report for 1/16, 2003; does that refresh your recollection?

BROCCHINI: May I hold it?

GERAGOS: Sure. Would it help if I got the Bates stamp previous. The 69?

BROCCHINI: No. The 15th. Yeah, I think it was the 15th.

GERAGOS: January the 15th, correct?

BROCCHINI: Yes.

GERAGOS: And that was approximately, what, about five, 20 days after the search warrant return was filed, correct?

BROCCHINI: When was it filed?

GERAGOS: Well, when was, the search warrant was executed the 26th and the 27th?

BROCCHINI: Yes.

GERAGOS: Does that mean that the items were taken on the 26th and 27th of December?

BROCCHINI: Yes.

GERAGOS: So the Modesto PD, as of the 27th of December, had in their possession, either you or Grogan, had the life insurance policies, correct?

BROCCHINI: The Modesto Police Department evidence room had it in their possession, I'm sure. It wasn't Grogan or I, but...

GERAGOS: Okay. And the, it was January 15th, not the first week of January, when you had taken this information to the Rocha family, correct? Based on the report I just showed you?

BROCCHINI: What,

GERAGOS: The information about Amber Frey and the recently obtained insurance policy?

BROCCHINI: No, I, I don't recall that. I remember we sat down with the Rochas to tell them about Amber Frey. That was going to be, we wanted that out before it came out in the Enquirer the next day.

GERAGOS: And the insurance policy? You don't have a memory of telling them about that?

BROCCHINI: I don't recall.

GERAGOS: Did you, when you saw the article, and the lead was the husband having and affair and recently took 250, says family member says police reveal Scott Peterson's affair, 250,000 dollar insurance policy on missing wife. That's kind of the subheading of the article, correct?

BROCCHINI: I see that.

GERAGOS: Okay. Now, when you saw that,

DISTASO: Your Honor, I object to this. I mean he can ask the detective about it, but publishing hearsay from the Bee is totally inappropriate.

JUDGE: Yeah.

GERAGOS: I was only going to show the one portion that I'm asking him about.

DISTASO: He's already said it. I mean it's ine 14 not appropriate to,

JUDGE: It's cumulative, right? Cumulative?

DISTASO: That's right.

JUDGE: Sustained.

GERAGOS: Now, the, did you call the Bee to tell them that wasn't true, the 250,000 dollar insurance policy had not been recently taken out?

BROCCHINI: If I called the Bee to tell them something was wrong in their articles, I would be spending my whole day every day calling about an article.

GERAGOS: Is that, is that a no?

BROCCHINI: That's a no.

GERAGOS: Okay. But you did spend that morning or at some point that morning calling one of Scott Peterson's friends to tell him to go read the Modesto Bee online, correct?

BROCCHINI: That is absolutely correct.

GERAGOS: And you did not tell him that the insurance policy information was incorrect, did you?

BROCCHINI: That is absolutely correct.

GERAGOS: Okay. Now, the, on the 27th of January, you, how did you, by the way, how did you get a hold of or learn about Aaron Fritz?

BROCCHINI: From Mike Richardson.

GERAGOS: Okay. Mike Richardson, the one that we just talked about that you called?

BROCCHINI: Yes.

GERAGOS: He told you that Aaron Fritz was another friend of Scott's?

BROCCHINI: Yes.

GERAGOS: And then you called Aaron Fritz; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And is Aaron Fritz, how did you say Aaron Fritz knew Scott?

BROCCHINI: How I said it was wrong. Aaron Fritz went to school, high school with Scott Peterson, was in Scott Peterson's wedding.

GERAGOS: So what was wrong about what you said before?

BROCCHINI: Well, I get, there's a lot of friends I talked to. Every friend I spoke to was a friend of Laci's that met Scott through them, except for Aaron Fritz. So when I said it the first time that Aaron was a friend of Laci's that knew Scott, I was wrong. It was actually Aaron was a friend of Scott's through high school.

GERAGOS: From high school. Not Laci's first, he was Scott's friend?

BROCCHINI: That's right.

GERAGOS: So this morning when you testified, that was inaccurate?

BROCCHINI: That's right.

GERAGOS: All right. Now, the, when you got a hold of Aaron Fritz, you had a, you told him you didn't mind if he told Scott that you had called, correct?

BROCCHINI: That's one of the things I told him.

GERAGOS: Okay. And you told him that you were only trying to eliminate Scott as a suspect; is that correct?

BROCCHINI: That's one of the things I told him.

GERAGOS: And then in your report you put, on the very next page: I was attempting to plant seeds of suspicion in Aaron's head; is that correct?

BROCCHINI: That's one of the things I did.

GERAGOS: Okay.

BROCCHINI: Tried to do.

GERAGOS: Tried to do. And the, what other friends of Scott's did you talk to?

BROCCHINI: I spoke to Guy Miligi, Brian Argain, Brian Ullrich, Aaron Fritz,

GERAGOS: Pretty much the, I'm sorry, I was going to shorten it. You had a list of those numbers that we talked about this morning that were on the cell phone? Guy was on there, Greg was on there, correct?

BROCCHINI: Yeah.

GERAGOS: And you talked to all those people, correct?

BROCCHINI: I tried to talk to anybody that knew Scott.

GERAGOS: Okay. Now, the, at some point on January 7th, are you aware of who an agent Terry Scott of the Modesto office of the FBI is?

BROCCHINI: Yes.

GERAGOS: Okay. Did Terry Scott, did you review any information that Terry Scott provided regarding the insurance policy?

BROCCHINI: No.

GERAGOS: Did you know that there was a report prepared by Detective Grogan regarding the insurance policy that said if somebody's a missing person there's no payout for seven years? Did you know that?

BROCCHINI: I didn't know about that report, but I knew about that fact.

GERAGOS: Okay.

BROCCHINI: From somebody else, I think.

GERAGOS: Somebody else told you that if Laci went missing or Scott went missing, there would be no payout for seven years, according to the policy, correct?

BROCCHINI: That's correct.

GERAGOS: Okay. Did you tell that to the family when you told them about the policy?

DISTASO: Objection, your Honor. Assumes facts not in evidence. Misstates the testimony as well.

GERAGOS: Can't I ask him?

JUDGE: Well –

GERAGOS: I'll let, did you, did you, I I'll rephrase it.

JUDGE: Okay.

GERAGOS: You, did you learn that information that in a missing person situation there's no payout for seven years prior to January 15th?

BROCCHINI: I think I knew that from just being a cop for 19 years.

GERAGOS: Okay. Now, the, specifically did you, I was asking you, there's another situation that was, that you were working on that week following Laci's disappearance; is that correct? You were working on another case as well?

BROCCHINI: Yes.

GERAGOS: Okay. And that case involved a search warrant for some other homicide case, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And did you go and see a judge by the, by the name of Judge, I think it's Began?

BROCCHINI: Yes.

GERAGOS: Okay. And who went with you to see Judge Began?

BROCCHINI: I don't recall.

GERAGOS: Now, when you, did you go to Judge Began's residence?

BROCCHINI: Yes.

GERAGOS: Okay. And do you remember talking to Judge Began about the Peterson investigation?

BROCCHINI: Yes.

GERAGOS: Who was Judge Began married to?

BROCCHINI: Jerry Began. He's a chief, well, I don't know if he's a chief. He works in the DA's office as a chief DA or supervisor.

GERAGOS: He supervises Mr. Distaso and Mr. Harris, doesn't he?

BROCCHINI: No.

DISTASO: Objection. Relevance.

GERAGOS: He's a chief in the office that they're employed.

JUDGE: I think it's irrelevant,

DISTASO: It's not relevant.

JUDGE: whether he supervises these two guys or not, the fact that he's in the DA's office.

GERAGOS: He's in the Stanislaus County DA's office as a chief of some section, correct?

BROCCHINI: Yes. Yes.

GERAGOS: And did you, did you talk with Judge Began about the mop and the bucket that you noticed outside the door at the Peterson residence?

BROCCHINI: Yes.

GERAGOS: Okay. And who initiated that conversation?

BROCCHINI: She did.

GERAGOS: And when you were interviewed, you were interviewed by somebody about this, weren't you?

BROCCHINI: Yes.

GERAGOS: Aaron Gallagher?

BROCCHINI: Yes.

GERAGOS: Didn't you tell him that you could not remember who initiated the conversation but you believe she did because she asked how was the Peterson investigation going?

BROCCHINI: That's correct.

GERAGOS: Okay. So as you sit here today are you positive that it was her? Or are you just saying that you couldn't recall?

BROCCHINI: It was her.

GERAGOS: It was her. So you become,

BROCCHINI: I remember she asked me about the Peterson investigation, and that's initiating.

GERAGOS: And did you tell Judge Began that you smelled bleach at the Peterson's residence on December 24th of 2000 and 2?

BROCCHINI: Absolutely not.

GERAGOS: Okay. Did you tell her that you had smelled the odor of bleach and mentioned it as a factor in one of the reasons that you took the mop and the bucket?

BROCCHINI: No.

GERAGOS: Do you have any bad relations with Judge Began?

BROCCHINI: No.

GERAGOS: You two get along?

BROCCHINI: I have very good relations with Judge Began.

GERAGOS: Okay. Okay. Now, the, is there any reason why you can think of that Judge Began would remember you saying that? Would she make that up?

DISTASO: Objection, your Honor. It calls for speculation.

JUDGE: Sustained.

GERAGOS: Now, the, specifically do you remember going out to the warehouse sometime in May of 2000 and 3?

BROCCHINI: I, I remember going back to the warehouse. I don't remember,

GERAGOS: Somebody named Smith that, to interview a gentleman named Smith? I mean the name is Greg Smith from Coldwell Banker?

BROCCHINI: Hang on a second. I do remember.

GERAGOS: I've got the page number, if it helps. 23978?

BROCCHINI: I've got it. Go ahead.

GERAGOS: Okay. Did you get a call and go out to talk to a realtor, and I apologize, it looks like June, is it? What was the date?

BROCCHINI: It was June 29th --

GERAGOS: Okay.

BROCCHINI: is when I got the,

GERAGOS: Okay. Did you speak to Mr. Smith on the phone?

BROCCHINI: Can I review my report?

GERAGOS: Sure.

BROCCHINI: Okay. Yes.

GERAGOS: Okay. And then did you prepare a two-page report?

BROCCHINI: Yes.

GERAGOS: And the object of this two-page report was to summarize everything that you remember Mr. Smith telling you; is that correct?

BROCCHINI: Well, you threw the word "everything" in there, but, I don't think "everything" applies, but to summarize what we said.

GERAGOS: Okay. You took notes; is that correct?

BROCCHINI: I don't remember.

GERAGOS: Okay. Did you then dictate a report?

BROCCHINI: I dictated a report.

GERAGOS: Okay. And when you dictate that report, you then review it when it comes back to you; is that correct?

BROCCHINI: Yes.

GERAGOS: Make sure that what you dictated is contained in the report, obviously; is that correct?

BROCCHINI: I dictate it, I don't, yes.

GERAGOS: Okay. I mean the, once you dictate it, then somebody else presents the report back to you and then you review it and make corrections, you give it back to them and then you print it, right?

BROCCHINI: Yes.

GERAGOS: And just as a way of operating, when you're doing a report, when you're doing reports, you try to put all the information that you gathered, whichever side it can help, whether it's the prosecution side ultimately, or the defense side, correct?

BROCCHINI: I don't, yes. Not everything.

GERAGOS: Well, I, Mr. McAllister asked you that exact question that I just read, and you said Yes at the preliminary hearing. You want to read? And that's page 834 of the preliminary hearing transcript.

BROCCHINI: Can I?

GERAGOS: Yeah. I've got it yellow highlighted.

BROCCHINI: Yeah, I said yeah.

GERAGOS: Yeah. So when you were asked: And just as a way of operating when you're doing a report, when you're doing your reports, do you try to put out all the information you gather, whichever side it may seem to help, whether it's the prosecution's side ultimately, or the defense side? And your answer was Yeah?

BROCCHINI: Yeah.

GERAGOS: Okay. Now, the, the report that you're looking at, is that the one that's Bate number stamped at the top 22776?

BROCCHINI: No.

GERAGOS: Yes?

BROCCHINI: No. I mean I don't know. Let me look at it.

GERAGOS: Is this the same report?

BROCCHINI: Yes, I have that report right there.

GERAGOS: Okay. You put that, press this on? MR. NALJIAN: No, no.

GERAGOS: This is the same, at least on my report there's a Bates number stamp that I just showed you 22776. This is the same report we're talking about, correct?

BROCCHINI: Yes.

GERAGOS: Okay. The second page. And this is the report that you dictated regarding your phone conversation; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. Now, you, I'm going to play something. Tell me if this is your dictation, starting with right here where the "Smith said." Can you, do you have that report in front of you?

BROCCHINI: Yes.

GERAGOS: Okay. <Portion of dictation tape played>

GERAGOS: Now, it appears that you dictated all of this information that's in the green box right here in the, would have, as it was being dictated. That was your voice, was it not?

BROCCHINI: I didn't understand one word on that thing.

GERAGOS: You didn't understand anything that was being dictated?

BROCCHINI: It was too loud or too distorted. I'd have to hear it again.

GERAGOS: Okay. You want, want me to play it one more time?

BROCCHINI: No.

GERAGOS: No. I bet you don't.

BROCCHINI: No, go ahead.

GERAGOS: This portion got excised from the police report, right?

BROCCHINI: Once they were outside...

GERAGOS: Let me show you one other thing. At some point you were directed to save your notes and your tapes to turn over to the defense and to stop destroying those things; is that correct?

BROCCHINI: That's correct.

GERAGOS: Okay. And I'm going to show you something that's Bates marked 26094. Is that, are those your notes?

BROCCHINI: Yes.

GERAGOS: What's the last entry there that's yellow highlighted?

BROCCHINI: "Laci used the restroom on 12/23. Peggy."

GERAGOS: Did that indicate to you, both your notes, the phone conversation and this information, that Laci had been at the warehouse on December 23rd?

BROCCHINI: That's documented in a police report.

GERAGOS: Yeah. In your police report?

BROCCHINI: No, in, in another police report.

GERAGOS: Did you, did you direct somebody to, when you dictated this, to excise this specific information about Laci using the restroom because she was at the warehouse on 12/23 and that wouldn't fit into your theory that she hadn't been there, hadn't seen the boat? Is that why you excised it?

BROCCHINI: No.

GERAGOS: Now, the, did you go out and interview Peggy O'Donnell?

BROCCHINI: No. Somebody did, though.

GERAGOS: Did you go and follow-up to see what, what the information was?

BROCCHINI: No, but I, it was done.

GERAGOS: Okay. Now, the, specifically one of the things that you thought, I think you told the jury yesterday, it was an exciting moment for you, if I'm not mistaken, is when you found the hair on the pliers; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And that was where, by the way?

BROCCHINI: What?

GERAGOS: Where did you find this hair on the pliers?

BROCCHINI: Where did I see the photograph of it?

GERAGOS: Where did you see the photograph?

BROCCHINI: I was in a conference room at the Modesto Police Department.

GERAGOS: Now, when you were in the conference room, that photo of the pliers with the hair, did that, did you know where the pliers was taken from?

BROCCHINI: Yes.

GERAGOS: Where?

BROCCHINI: The boat.

GERAGOS: Which was where?

BROCCHINI: Which was where when? At that moment when it was taken? Or at,

GERAGOS: When, when,

BROCCHINI: When I looked at,

GERAGOS: when this pliers with this hair was photographed, where was that?

BROCCHINI: It was at the shop, in the boat.

GERAGOS: Okay. And that was in where? The warehouse, correct?

BROCCHINI: 12/27, yeah.

GERAGOS: Okay. Did you think it was significant or would be important information to your report to have people know that Peggy O'Donnell saw Laci at the warehouse on 12/23? Did you think that's something that would be significant since there was a hair that got you excited on a pliers at the warehouse on 12, what was the date that that pliers was recovered with the hair?

BROCCHINI: The date it was recovered?

GERAGOS: Yeah.

BROCCHINI: Was one, two,

GERAGOS: 12/26?

BROCCHINI: 12/27. The date I saw it was February 11th.

GERAGOS: Okay. So,

BROCCHINI: And that was important information. I didn't know it was Peggy McDonald (sic) but I did know we had to send somebody out there to interview Peggy, and it was done.

GERAGOS: Oh, so after you got this information you sent somebody to interview Peggy?

BROCCHINI: No, I don't know when. I just know she was interviewed.

GERAGOS: You don't know when it was done because, until I brought it up, you didn't realize that you had excised it and somebody would catch it; isn't that correct?

BROCCHINI: I don't, I don't know.

GERAGOS: Can you tell me how that particular piece of information got excised out of your police report?

BROCCHINI: I excised it.

GERAGOS: You did it?

BROCCHINI: Yes, I did, if it's not in there and it's on that tape.

GERAGOS: Okay. Now, the hair that was found on 12/26, you got information that Laci, who was apparently at that warehouse three days before; is that correct? Isn't that the information that you had that was excised from your report?

BROCCHINI: I had information that Laci was at the shop on 12/24. I got that information on June 29th of oh three; that's correct.

JUDGE: I think the, 12/23 I think he said.

GERAGOS: Well, I don't, I'm going to show him something.

GERAGOS: There's, this is People's 55, correct?

BROCCHINI: Yes.

GERAGOS: Now, so that the, and you're familiar with the shop. You've been in there at least twice, right?

BROCCHINI: Yes.

GERAGOS: Now, so that the jury understands, the, you've already talked about this is the office right here, correct?

BROCCHINI: Yes.

GERAGOS: Okay. I don't, do we have a picture of the, looking into the warehouse? If you do, pull it up for me. Then there's a, I'm sorry, I just want to make sure I'm not blocking the jury. This is the roll-up door we talked about, right?

BROCCHINI: Yes.

GERAGOS: Now, we've got a bunch of squares here that are all marked throughout the warehouse; do you see that?

BROCCHINI: Yes.

GERAGOS: Okay. And then you have this little item right there, which I believe is the, roughly where that trailer was; is that correct?

BROCCHINI: That's the forklift.

GERAGOS: Okay. Was that the forklift? Where was the trailer that had the mortiser on it?

BROCCHINI: Right next to the boat.

GERAGOS: Right over there. Now, the view of inside of the, or the schematic doesn't really do it justice in this sense. These squares are actually piled high; isn't that correct?

BROCCHINI: Yes.

GERAGOS: And how high would you say each one of those things is?

BROCCHINI: At least ten feet.

GERAGOS: Okay. And they're crowded together very tightly; isn't that correct?

BROCCHINI: Yes.

GERAGOS: And it's very difficult to get back here to what is right here, which is the bathroom; isn't that correct?

BROCCHINI: Yes. <Mr. Geragos writes the word "bathroom" on People's Exhibit 55>

GERAGOS: Now, the, I'm going to show you a couple of items. Do you recognize this?

BROCCHINI: Yes.

GERAGOS: Okay. Do you recognize, I'll mark them after you recognize them. Do you recognize that?

BROCCHINI: Yes.

GERAGOS: Do you recognize that?

BROCCHINI: Yes.

GERAGOS: Okay. I'm going, I've got three exhibits here, Judge.

JUDGE: DD 1, 2 and 3.

GERAGOS: BB?

JUDGE: DD, like Dog Dog.

GERAGOS: Like Delucchi Delucchi.

JUDGE: Right. 1, 2 and 3.

GERAGOS: Now, the first one I showed you, which is DD 3, that is roughly a picture taken from somewhere right about where my finger is, looking in this direction?

BROCCHINI: No.

GERAGOS: You've got, isn't that, it's got the front of the trailer, isn't it?

BROCCHINI: Standing on the trailer, looking at the boat that way.

GERAGOS: Okay. And is that roughly how it appeared when you were in there on the 24th? I think these are taken off the video from the 26th. So is this roughly how it looked when you were in there on the 26th?

BROCCHINI: Yes.

GERAGOS: Okay. Now, this picture right here, which is DD 2, can you tell me is that, or appear to be, the inside of this office here, where I'm pointing to?

BROCCHINI: Yes.

GERAGOS: And we've heard a bunch of testimony about a man door. That, I assume, right here is the man door; is that correct?

BROCCHINI: That's the one that leads into the shop.

GERAGOS: Okay. And so on that People's 55, that's going to be a view right in this area here? Where I'm pointing to? This is the door that you say that leads into the shop that's shown up on the picture on the board, correct?

BROCCHINI: Yes.

GERAGOS: Okay.

BROCCHINI: It's a view, actually, of the top of this couch, and this window is right here.

GERAGOS: Okay. And what's that a picture of on the, towards the right?

BROCCHINI: It looks like Laci to me.

GERAGOS: Okay.

BROCCHINI: But I can't say for sure.

GERAGOS: Now, DD 1,

BROCCHINI: That is Laci and Scott.

GERAGOS: Laci and Scott?

BROCCHINI: Yeah.

GERAGOS: DD 1, now, this, when I was describing the view inside of this warehouse, this is a view taken roughly looking back towards the bathroom in this direction, is it not?

BROCCHINI: I, I can't tell. It's either from the back forward or the forward back.

GERAGOS: Isn't that the roll-up door that's there?

BROCCHINI: That looks like the roll-up door to me.

GERAGOS: Okay.

BROCCHINI: But you were saying it was taken from the roll-up door.

GERAGOS: If this is the roll-up door, then wouldn't it be from behind and be at the back towards the bathroom, looking forward?

BROCCHINI: I can't tell, Mr. Geragos.

GERAGOS: Okay. Are these the, does this look substantially the same, this kind of crowded and stacked-up area, as it was on the 26th when the search warrant was executed?

BROCCHINI: Yes.

GERAGOS: It would have been very difficult for somebody who was pregnant to get to the back, to the bathroom, wouldn't it?

BROCCHINI: It was very difficult for me to get back there.

GERAGOS: Okay. Now, the, this might be a good time to take a break, Judge, because I'm going to switch subjects, if that's okay?

JUDGE: Okay. Want to take, only been here a half an hour.

GERAGOS: Yeah, because I have to have him set up something, if I could.

JUDGE: Okay. He has to change his video stuff. So we'll take our recess now. We'll take it until ten to 3:00, okay? Then we'll come back at ten to 3:00. Remember the admonition I've heretofore given you. (Recess taken)

JUDGE: All right. This is people versus Peterson. Let the record show the defendant is present with counsel, and the jury is in the jury box, along with the alternates. Are you all hooked up, Mr. Geragos?

GERAGOS: I think so, Judge. I think what I'm going to do, just go back to the old fashioned, way put it on the screen. Probably work.

JUDGE: All right.

GERAGOS: Detective, do you recognize this item?

BROCCHINI: Yes, I do.

GERAGOS: Okay. Is this the picture that you said you were looking at on February, what date did you say it was, February what?

BROCCHINI: 11th.

GERAGOS: 11th? Is this the same picture you were looking at?

BROCCHINI: Yes, it was. Looks like it.

JUDGE: Has that been marked, that particular picture been marked?

GERAGOS: It was in the prelim, I assume.

JUDGE: We need a picture, we need number for here. Do you want defense exhibit?

GERAGOS: Yes.

JUDGE: It would be, photograph of some pliers, right?

GERAGOS: Yes.

GERAGOS: You are looking at this photograph on February 11th, correct?

BROCCHINI: Yes.

GERAGOS: And you saw at that point what appeared to you to be a hair, correct?

BROCCHINI: Yes.

GERAGOS: And this little black line right here?

BROCCHINI: Yes.

GERAGOS: That what we're talking about?

BROCCHINI: Yes.

GERAGOS: Now, do you know, or did you subsequently learn where this picture was taken from?

BROCCHINI: Yes.

GERAGOS: Where was that?

BROCCHINI: That was taken at the shop on the 27th. That's a boat seat right there where that card is sitting on.

GERAGOS: Okay. That's a boat seat?

BROCCHINI: It's a boat bench.

GERAGOS: Okay. I'm going to show you this picture. Do you recognize that?

BROCCHINI: Yes.

GERAGOS: Did you take that?

BROCCHINI: Yes.

GERAGOS: Mark this as double F?

JUDGE: Double F. And that's a photograph of? Going to project that?

GERAGOS: Yeah.

Photograph Marked as Exhibit FF

for identification.

GERAGOS: The previous picture, this, and in this area here, you believe is either this side or this side here?

BROCCHINI: I think it's the side right above the pliers.

GERAGOS: Right over here?

BROCCHINI: I think so.

GERAGOS: Now, there were numerous reports that were prepared after that, the pliers would have been recovered on what date?

BROCCHINI: 12-27.

GERAGOS: Same search warrant that we have been talking about at the warehouse, correct?

BROCCHINI: Yes.

GERAGOS: Now, the, specifically let me ask you a little more. There is also another picture. Mark that as GG.

JUDGE: All right.

GERAGOS: I'm going to mark it, judge. I believe detective took this one too. But lay the foundation here in a second.

JUDGE: All right.

Photograph Marked as Exhibit GG for identification.

GERAGOS: I'm going to show you what's been marked as GG. Is that another picture that you took?

BROCCHINI: Yes.

GERAGOS: This also of the interior of the boat on, this is actually taken on the 24th, correct?

BROCCHINI: Yes.

GERAGOS: So that the jury has got their bearings on what these various items are, this tackle box right here is the same one that we marked this morning with the bag and contents as W, correct?

BROCCHINI: Yes.

GERAGOS: Okay. This item right here, the anchor, is this item, which is People's 72?

BROCCHINI: Yes.

GERAGOS: The Court okay if we publish this to the jury?

JUDGE: Do you have any objection, Mr. Distaso?

DISTASO: No, your Honor.

JUDGE: That's People's 72. Don't let that fall on you. People's 72 may be admitted into evidence taking the same number.

GERAGOS: Okay. Exhibit 72

Admitted in Evidence

MR. GERAGOS: Okay.

GERAGOS: On the 24th while they are passing that around, in this picture, I don't see any duffle bag, or anything else in there, do you?

BROCCHINI: I don't see it in that picture.

GERAGOS: This picture, right here, do you see that duffle bag?

JUDGE: This picture, you mean FF, for the record?

GERAGOS: I'm sorry, judge. Yes, FF.

JUDGE: Very good.

BROCCHINI: I do not see the duffle bag.

GERAGOS: Okay. Okay. The things that are described in here, we have got right here, is the yellow-handled pliers, which is one and the same with double E, right?

BROCCHINI: Yes.

GERAGOS: Okay. So that was recovered out of the boat two days later. Right here, the rods they are there. They are both that, if I can turn, V-3; is that correct? And V-1?

BROCCHINI: Yes.

GERAGOS: Okay. And is there any other photo that you took that evening that shows the duffle bag?

BROCCHINI: Yes.

GERAGOS: Okay. Is that one of the six photos that you took on the contact sheet?

BROCCHINI: I think I took, I think ten or something. But they are on the contact sheet.

GERAGOS: There was about six actually were inside of the warehouse. The other four were, I think, of the police car outside?

BROCCHINI: About six.

GERAGOS: Okay. Now, going back to the hair for a second. You saw the yellow pliers, and you decided to go back and look at, or open up the evidence envelope; is that correct?

BROCCHINI: I saw the yellow pliers.

GERAGOS: In the picture, the picture that we just showed the jury, on the 11th, if I got your time line correct?

BROCCHINI: That's correct.

GERAGOS: Looking through various pictures, you and who else?

BROCCHINI: Craig Grogan and Mike Zahr, sergeant.

GERAGOS: You are looking through the pictures, you noticed this one that's got what appears to be a hair, that was when you got you determined you got excited, correct?

BROCCHINI: Yes.

JUDGE: By this one, you are referring to Double E?

GERAGOS: Yes.

GERAGOS: And at that point, the decision was made to go over to the property room; is that correct?

BROCCHINI: No.

GERAGOS: Well, was supposed to go take a look at it?

BROCCHINI: No, not yet.

GERAGOS: You did do it?

BROCCHINI: I did. But first thing we did was go look at my photo from the 24th. I wanted to see if those pliers were in my photo on the 24th.

GERAGOS: Okay. And so I just showed it to you and it was, correct?

BROCCHINI: Then we wanted to talk to the detective that handled, other that recovered that hair, to see if there was a root on it.

GERAGOS: Okay. And who was that detective?

BROCCHINI: Hendee.

GERAGOS: Dodge Hendee?

BROCCHINI: Yes.

GERAGOS: Dodge Hendee was contacted; is that correct?

BROCCHINI: The next morning he came to work, and we asked him, was there a root on that hair? He said, I don't know.

GERAGOS: Then where was that?

BROCCHINI: That was at the, in the Modesto Police Department in our Detective Bureau.

GERAGOS: He said, I can't remember. I don't know. Let's go see?

BROCCHINI: Well, I don't know who said that. He said, I can't remember, and so let's go see. I wanted to see too.

GERAGOS: Okay. And up to that point, every report in connection with this case indicated that there was just a single hair, one hair, correct?

BROCCHINI: That's correct.

GERAGOS: And you previously, when I asked you that question at the preliminary hearing said, no, you didn't think so. Isn't that correct?

BROCCHINI: That's correct.

GERAGOS: Okay. And when I previously asked you, could you point me to any report that refers to multiple hairs prior to February 11th, which was the day that you looked at this picture, that's been mark as Double E?

BROCCHINI: Correct.

GERAGOS: You answered, it's in the search warrant affidavits, right?

BROCCHINI: Yes.

GERAGOS: Okay. And that was not true, correct? The testimony at the preliminary hearing, when you said it's in the search warrant affidavits, that there was multiple hearings, that was untrue, correct?

BROCCHINI: The answer is, yes, with an explanation.

JUDGE: What's the explanation?

GERAGOS: What's the explanation?

BROCCHINI: When you were questioning me about hairs, hair in the boat, or is that the only report with a hair, it mentioning one hair, I said no. There is other reports mentioning hair in the boat, because I knew we found hair in the boat. Now, if you remember, at the end of our preliminary hearing exchange, you determined you were talking with the hair in the pliers. I was talking about hair in the boat. So the answer is, I did put hair in the boat in my search warrant affidavits. I was talking about other hairs recovered. And you are talking about the one hair, we just were not on the same page that day.

GERAGOS: That's your explanation for when I asked you, can you point me to one report that refers to multiple hairs prior to February 11th, your answer was, In the search warrant affidavits?

BROCCHINI: That's true. There was multiple hairs found in the boat. That's what I was talking about.

GERAGOS: I said a single document containing any of the 27,000 pages of the discovery, that's dated prior to February 11th that says there were multiple hairs, you said you would have to do some research; isn't that correct?

BROCCHINI: That's right.

GERAGOS: And then I let you, I specifically asked you at that point hair, as opposed to what the plural of hair was, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And your answer was "a hair", correct?

BROCCHINI: Can I look at, I mean I know what you are talking about. We're talking about hair. And I said a hair is a hair, and hair is plural.

GERAGOS: And you said, I said what's the plural of hair, and you say "a hair", correct?

BROCCHINI: No. Hair. That's what it says.

GERAGOS: That's on page 1192? Hair as opposed to what's the plural of hair? Your answer was "a hair"?

BROCCHINI: If you asked me what the plural of hair was. I say "hair".

GERAGOS: Okay. At the prelim you said "a hair". I asked you, is that plural? You said to me, correct?

BROCCHINI: No.

GERAGOS: Page 1192, lines four through eight hair as opposed to what's the plural of hair? Answer. A hair. And I said that's the plural? Answer. To me? That was our exchange, wasn't it?

BROCCHINI: No.

GERAGOS: Now, the, the hair that was recovered, that's all of the reports. It's a fair statement that you have reviewed all reports in connection with this hair that is depicted in Double E. So that you could determine what and how it was found, and everything else connected to it,

correct?

BROCCHINI: All reports from Modesto PD I have. I didn't review the DOJ or any other reports.

GERAGOS: All reports refer to a single hair found, correct?

BROCCHINI: Are you talking now before that date.

GERAGOS: Before February 11th, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And then when you and Dodge Hendee went to Modesto Police Department, you went to the property room there; is that correct? One story building where property and evidence is stored?

BROCCHINI: Yes.

GERAGOS: You walked into the lobby area, correct?

BROCCHINI: We buzz ourselves into the lobby.

GERAGOS: When you say you buzzed, you pressed the button they ring you, you walk,

BROCCHINI: You use your key card to let yourself in.

GERAGOS: Well, you, there is also a buzzer, isn't there?

BROCCHINI: Yes.

GERAGOS: And you let yourself in, there is a little window there, and you asked for this particular evidence item, correct?

BROCCHINI: Yes.

GERAGOS: Then you pulled out your particular evidence item, and what was, specifically what was it in?

BROCCHINI: It was in an envelope like a five-by-seven, or seven by, small envelope like this. Five-by-seven.

GERAGOS: Is this, probably not. But you tell me, is that the way that it looked when you got it? The envelope, I mean specifically.

BROCCHINI: Yeah. No, it was in a different envelope.

GERAGOS: Okay. Now, at that point, had you been trained in any kind of forensic hair handling, or any kind of forensic analysis in regards to hair?

BROCCHINI: I have no forensic training.

GERAGOS: Okay. And you considered this to be an, as you described it an exciting moment, because you felt like you had a piece of significant evidence, correct?

BROCCHINI: Yes.

GERAGOS: And by the way, does Dodge Hendee, to the best of your knowledge, have any forensic training?

BROCCHINI: I don't know.

GERAGOS: None that you are aware of, correct?

BROCCHINI: He was a crime scene manager for many years, maybe eight or nine, so maybe he does, but I don't know.

GERAGOS: As you sit here today, you are unaware of that?

BROCCHINI: I don't know.

GERAGOS: Okay. Now, the, two of you then went up to this desk, and had given an envelope kind of similar to this one, it wasn't, it's not the same one. This is something that's already been marked?

BROCCHINI: It's.

GERAGOS: Big 5 receipt. But an envelope similar in size, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And you slit open the envelope, right?

BROCCHINI: Yes.

GERAGOS: And what was, how was it packaged inside?

BROCCHINI: The hair?

GERAGOS: Yeah.

BROCCHINI: It was just in there.

GERAGOS: Okay. So what did you do, just, I have noticed that virtually all of these evidence bags have slits in them; is that correct? All of those ones. Razor blades?

BROCCHINI: Right.

GERAGOS: Is that generally how you open these bags, by using some kind of a razor edge to cut them open?

BROCCHINI: No. That's generally, you are asking me how I do it?

GERAGOS: How do you do it?

BROCCHINI: No. Yeah, we either clip the top open, or slit it, and then open it.

GERAGOS: Okay. When you opened it, and you opened the bag and poured it out; is that what you did?

BROCCHINI: I did.

GERAGOS: Okay. Now, if I understand correct, you had some kind of a, you called sterile piece of paper. But I have been in that Modesto property room. There is, I assume what you are talking about are those rolls of white, looks like butcher paper; is that correct?

BROCCHINI: No.

GERAGOS: You didn't use?

BROCCHINI: No. I was using a piece of white, like copy paper, new copy paper.

GERAGOS: Where did you get that from?

BROCCHINI: They have a whole stack of it there.

GERAGOS: Okay. Is, you took out the copy paper?

BROCCHINI: Same size as that.

GERAGOS: Same size as what I'm holding right here?

BROCCHINI: Yes.

GERAGOS: And you put that down somewhere on a counter, correct?

BROCCHINI: That's right.

GERAGOS: And then you clip open the envelope, right?

BROCCHINI: Yes.

GERAGOS: And you open or tap out like I'm doing right here?

BROCCHINI: Yes.

GERAGOS: Okay. And out comes two hairs.

BROCCHINI: That's correct.

GERAGOS: Okay. Now, who was a witness to that?

BROCCHINI: Dodge Hendee.

GERAGOS: When you did that, the two hairs, did the, was the pliers in that same envelope?

BROCCHINI: No.

GERAGOS: The pliers was marked as 144, correct?

BROCCHINI: Yes.

GERAGOS: And the hair was marked as 144-A?

BROCCHINI: Yes.

GERAGOS: And so the hairs, when it came out, what did you do with them?

BROCCHINI: The hairs that came out?

GERAGOS: Yeah.

BROCCHINI: We looked at them.

GERAGOS: How did you look at them?

BROCCHINI: With a magnifying glass.

GERAGOS: Did you do that right on the evidence counter there?

BROCCHINI: Yes.

GERAGOS: In the Modesto PD, like put this, I think, down, put them out, then pull out a magnifying glass like that?

BROCCHINI: Yes.

GERAGOS: Then how did you put, did you then put the hairs away?

BROCCHINI: Yes.

GERAGOS: How did you put them away?

BROCCHINI: Detective Hendee put up a small evidence box. He filled it out, then he put the two hairs in the box, sealed it, put it back in the envelope, resealed it, and I initialed it.

GERAGOS: Did the two hairs in the box look similar to the, either one of these photos that I have?

BROCCHINI: Looks like them.

GERAGOS: Okay. Do you want to mark these next in order?

BROCCHINI: That is like that?

GERAGOS: What I say that you saw that day.

JUDGE: Do you want both of them marked?

GERAGOS: Why don't I just mark the one as People's,

JUDGE: HH.

GERAGOS: HH?

JUDGE: Right. Photo

Marked as Exhibit HH for identification.

BROCCHINI: Can I look at it one more time?

GERAGOS: Sure.

GERAGOS: That look like the same box?

BROCCHINI: Looks like the envelope I signed and the box.

GERAGOS: And then there is a notation on this 144-A, you know that to be the item number that Modesto PD used for the hair, correct?

BROCCHINI: Yes.

GERAGOS: Now, the 144-A pertains to two hairs, as opposed to one hair, correct?

BROCCHINI: Yes.

GERAGOS: That looks pretty much how it was the day that you saw it? Yes?

BROCCHINI: Yes.

GERAGOS: And then this was some kind of a substance. Wasn't a hair, as far as you could tell, right there?

BROCCHINI: Yes. I mean I don't recall seeing it independently, but I see it in the photo, and looks like the box. I don't know if that, I don't know what that is.

GERAGOS: Okay. So is it a fair statement that you don't remember, see if I have got this right, the photo that I'm showing you here is next to an evidence bag. This is the evidence bag, correct?

BROCCHINI: Yes.

GERAGOS: Now, the evidence bag has got a 2-12, and then initials right there. Do you see that?

BROCCHINI: Those are mine.

GERAGOS: AB or ARB?

BROCCHINI: ARB.

GERAGOS: Right. So if I understand correctly, what transpired here is the hair is placed in an envelope on 12-27, correct?

BROCCHINI: Yes.

GERAGOS: Then on 2-12, that would have been the date that you and Hendee went to Modesto PD's one-story evidence place, correct?

BROCCHINI: Yes.

GERAGOS: You put the date on there because you want to show that somebody has slit open, or show the chain of custody of this particular hair, correct?

BROCCHINI: Yes. That I viewed it.

GERAGOS: As far as you can tell, there is nobody who opens this package between 12-27 and February 12th, correct?

BROCCHINI: That's correct.

GERAGOS: And then it appears that on 2-20 there is a little ruler here, looks like it's a Department of Justice ruler; is that correct?

BROCCHINI: Yes.

GERAGOS: And it's dated 2-20. Would that, when I asked you before whether or not this item was sent to Department of Justice, would that indicate to you that the item was forwarded to Rod Oswalt who is the criminalist who deals with hair comparisons at the Department of Justice?

BROCCHINI: Yes.

GERAGOS: Do doesn't look like anybody else, at least until February 20th, looks like there is originally three people who were involved in the handling, four people who were involved in the handling of this hair to the best of your knowledge, correct? The four would have been you and Hendee, right?

BROCCHINI: Yes.

GERAGOS: That's on the 12th, right?

BROCCHINI: Yes.

GERAGOS: As I lead you through it, there is somebody who recovers it on 12-27. Do you know who that is?

BROCCHINI: Hendee.

GERAGOS: Hendee. Then you and Hendee on 2-12, right?

BROCCHINI: Yes.

GERAGOS: And then Rod Oswalt on 2-20, right?

BROCCHINI: Yes.

GERAGOS: Nobody else in the mix, but you, Oswalt, and Hendee, right?

BROCCHINI: Not that I know of.

GERAGOS: Based upon the evidence envelope that I have got, there is no indication that anybody else was in the mix, right?

BROCCHINI: I don't know what happened when they recovered it. I based on, I know who put it in the envelope was Hendee. Me and Hendee had it, and Ron Oswalt got it when you are talking about.

GERAGOS: There is nobody, if somebody else, for instance, it's recovered on 12-27, right?

BROCCHINI: Yes.

GERAGOS: Okay. If somebody between 12-27, December 27th, 2002, and February 12th, 2002, had opened this bag at Modesto, they would have had to have initialed it, correct?

BROCCHINI: Nobody did.

GERAGOS: Well, that's what I'm asking you.

BROCCHINI: I thought you were talking about, you said anybody handled this hair. I knew it was recovered. I don't know who found it. I mean Hendee recovered it. You were talking about before this envelope.

GERAGOS: Once it goes into the envelope between December 27th and February 12th, nobody touches that, right?

BROCCHINI: That's correct.

GERAGOS: The only two people who were in the mix there the time it's recovered in that photo that we showed here, as Defense E, and the photo in Defense H, it's just you and Dodge Hendee, correct?

BROCCHINI: That's correct.

GERAGOS: Now, at that point when you found the two hairs, did you give some directions as to what you wanted done, or was that left to somebody else?

BROCCHINI: Did I give some directions? Me and Hendee talked about it. He said he would write a report, if that's the directions you are talking about.

GERAGOS: Okay. He wrote a report that which said when they opened it you discovered two, discovered two hairs, correct?

BROCCHINI: He did write a report.

GERAGOS: He never said surmised that the hair broke in half, did he, in the report?

DISTASO: Objection. Calls for speculation.

GERAGOS: I'm asking if you reviewed the report, correct?

DISTASO: Objection. Relevance. Not his report.

GERAGOS: You and he,

JUDGE: Overruled.

GERAGOS: You and Hendee did this together, right?

BROCCHINI: We looked at the hair did together. I didn't do the report with him.

GERAGOS: Did you review his report?

BROCCHINI: I looked at it.

GERAGOS: Did he ever surmise that the hair broke in half?

DISTASO: Objection. Relevance. Did Hendee surmise?

JUDGE: I think surmise calls for his state of mind. It's sustained on that ground.

GERAGOS: Did you ever see a report that said the hair broke in half?

BROCCHINI: No.

GERAGOS: Okay. That would have been at any time, correct, as you sit here today?

BROCCHINI: That's right.

GERAGOS: Okay. Now, the, did you talk to the people from DOJ?

BROCCHINI: No.

GERAGOS: Okay. Now, did you examine the report of the hair after it came back from DOJ? Not asking what it contained. Just asking if you saw a report that came from DOJ, Department of Justice?

BROCCHINI: No. I was told about it, but I don't remember reading it.

GERAGOS: Okay. Now, the hair at some point was sent to the FBI; is that correct?

BROCCHINI: Yes.

GERAGOS: And did you have any involvement in that?

BROCCHINI: No.

GERAGOS: Did you have any involvement once it was sent to Department of Justice?

BROCCHINI: No.

GERAGOS: All right. Did you write any reports ever saying that you believe the hair had broken in half?

BROCCHINI: No.

GERAGOS: Now this item that was marked as 44 in the placard, did you examine the pliers itself?

BROCCHINI: No.

GERAGOS: Did you ever look at, did you ever, when you went to the evidence room, did you ever call that up to see if there was anything else on those pliers?

BROCCHINI: No.

GERAGOS: Did you ask the pliers get sent to DOJ to have them analyze it?

BROCCHINI: Somebody did, but I don't think it was me.

GERAGOS: Okay. Now, in addition, I'm going to go back to the time when you came up to the truck initially, Scott's truck. You saw some chicken wire; is that correct?

BROCCHINI: No.

GERAGOS: Never saw any chicken wire?

BROCCHINI: I saw it when we served the search warrant, but I didn't see it on the 24th.

GERAGOS: Okay. Where did you see the chicken wire?

BROCCHINI: On the time we served the search warrant.

GERAGOS: When was the first time you saw the chicken wire?

BROCCHINI: When the search warrant was served. It was in the back of the truck on the 26th.

GERAGOS: Did you seize the chicken wire?

BROCCHINI: I didn't, but,

GERAGOS: Did you have somebody from Modesto Police Department doing the, seize something that you described as chicken wire?

BROCCHINI: Yes.

GERAGOS: Okay. And can you describe exactly what it was? What did it look like?

BROCCHINI: From what I remember, it was a roll of chicken wire. It was not cleanly cut. It was cut on a sharp angle and almost ripped. Because there was long strands of it on the one edge. That's what I remember of it.

GERAGOS: Do you remember having that chicken wire sent to the Department of Justice?

BROCCHINI: I know it was sent. I didn't have it sent, but it was sent.

GERAGOS: You had a theory at some point that some how the chicken wire was connected with Laci's disappearance, correct?

DISTASO: Objection. Relevance. Calls for,

GERAGOS: His state of mind.

JUDGE: Overruled. He said he sent it to DOJ. He assumed it must have had some evidentiary value. Overruled.

GERAGOS: It was seized, as the judge says, the detective believed it must some evidentiary value, correct?

BROCCHINI: That's why it was sent.

GERAGOS: It was sent up to the DOJ to be analyzed, correct?

BROCCHINI: Yes, it was.

GERAGOS: Okay. And the had asked Scott Peterson about the chicken wire, hadn't you?

BROCCHINI: No.

GERAGOS: Did you ever look through the yard to see if the chicken wire had been used anywhere in the yard?

BROCCHINI: Yes.

GERAGOS: And where did you look?

BROCCHINI: We looked around the base of the trees, I think.

GERAGOS: Can you show the jury where you looked on this map? I don't know that there is trees there, but if you want to just draw a circle where you looked, that would be helpful. Just put "tree".

BROCCHINI: I can only remember one. I don't remember, I don't remember offhand. I just remember one for sure was outside this window.

GERAGOS: Okay. A tree?

BROCCHINI: A small tree.

GERAGOS: And around that small tree you found some chicken wire, correct?

BROCCHINI: I don't remember.

GERAGOS: And, well, is there anything that would refresh your recollection? Do you have a report on that?

BROCCHINI: I don't have a report. On the crime scene video, the walk, of the search warrant walk through, that would refresh my memory, or some photos. But I remember being told that's what he had the chicken wire for. That's why we looked. But I don't remember if we found any.

GERAGOS: You don't remember if you found chicken wire around the tree to stop the cat from scratching the tree?

BROCCHINI: Like I said, I just remember learning of that information from somebody, that that's what Scott said the chicken wire was for people looked. I don't remember.

GERAGOS: They found scratches on the tree?

BROCCHINI: I don't know, Mr. Geragos.

GERAGOS: Do you know if you or any of the other detectives actually saw Scott's cat scratching the tree?

BROCCHINI: I remember, that's why I remember that tree, because there is a crime scene video with a cat outside that window. And I, I don't remember. It might have been even scratching the tree in the video. But that's why we were, that's why I remember that tree.

GERAGOS: Do you remember that that's what Scott said the chicken wire was there for, and lo and behold you got a crime scene, video there is the cat scratching the tree, right?

DISTASO: Actually, objection. Compound.

JUDGE: Sustained.

GERAGOS: The chicken wire was, you also compared it to the needle nose pliers right here that's marked on Double E; isn't that correct? Isn't that what the Modesto, you and you Grogan and Buehler were kind of the guys running this investigation, correct? I know you said Grogan is the lead. But you were intimately involved in this investigation, correct?

BROCCHINI: I was intimately involved, so that I know a lot of stuff. I wasn't involved in asking anything, DOJ to do very much of anything. But I have heard about a lot of stuff.

GERAGOS: What I'm asking you is, did you, was it part of your investigation to have this needle-nosed pliers compared with the cut on the chicken wire to see if they matched? Is that part of what was done?

BROCCHINI: Along with several other pairs of pliers we found. But, yes, I remember that being done.

GERAGOS: Okay. Was it also part of what was done to have this pliers examined to see if there was any evidence of recent use?

BROCCHINI: I know they were sent up there, but I don't know.

GERAGOS: Okay. Was there at any point that you are aware of that that instruction was given to see if these pliers, when you said there was a hair there, you were excited about finding a hair there, weren't you also equally anxious to find out if this plier had been recently used?

DISTASO: Objection, your Honor. Calls for speculation. The detective said he hasn't reviewed the reports. He didn't send it up.

JUDGE: I think he can answer that question. Did you think it was important to see whether or not that the pliers had been recently used since you found a hair in it?

BROCCHINI: The answer will be, I don't know, only because in my mind I'm trying to think how do you prove something has been recently used like that? And I don't know. I just know they were sent up.

GERAGOS: How do you prove? You have Department of Justice take a look at it and see if something was recently used.

BROCCHINI: Yes, pair of scissors. I don't know.

GERAGOS: Would it surprise you to know that there is a Department of Justice report that says that these pliers were not recently used?

DISTASO: Objection, your Honor relevance.

GERAGOS: Each says,

DISTASO: Calls for hearsay.

GERAGOS: No.

JUDGE: Overruled. Go ahead.

GERAGOS: Would it surprise the to know there is a Department of,

BROCCHINI: No.

GERAGOS: Let me finish the question, please. Would it surprise you to know that the Department of Justice analyzed this pair of pliers with the hair that got you excited, and their determination was that there was no evidence of recent use of these pliers?

BROCCHINI: No.

GERAGOS: That doesn't surprise you?

BROCCHINI: What? No, I just answered your question. No, it doesn't surprise me.

GERAGOS: Now, there were other, I think you just testified there were other pliers or cutters that were also sent up to the Department of Justice; isn't that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And the reason that that was done was so that it be compared to see if maybe those pliers or other items had been connected to this chicken wire that was found, correct?

JUDGE: Can I interrupt for just a second? The reason, the problem is with, as I understand your testimony, Detective Brocchini, you had no role in selecting and sending items to the Department of Justice; is that fair?

BROCCHINI: That's fair.

JUDGE: Okay. So he hasn't done any of this.

GERAGOS: I'm asking him specifically, in relationship to the hair and the pliers, because I think they were sent up at the same time. If that's my, I don't think so, your Honor. He's repeatedly,

JUDGE: He didn't have any role in that.

GERAGOS: When you went to examine the hair, that turned into two hairs, you also then wanted that forwarded to DOJ, correct?

BROCCHINI: The hairs?

GERAGOS: Yes.

BROCCHINI: Yes.

GERAGOS: Okay. And, obviously at the same time, the pliers were forwarded to DOJ; isn't that correct?

DISTASO: Objection. Been asked and answered. He doesn't know.

JUDGE: I think so. Sustained.

BROCCHINI: I don't know.

GERAGOS: Okay. Now, the, specifically were you kept apprised of what the DOJ reports, as they were coming in, would somebody tell you what the reports were saying?

BROCCHINI: Sometimes.

GERAGOS: Okay. And then would you go out and adjust your investigation based upon that?

BROCCHINI: Sometimes.

GERAGOS: Okay. Now, specifically, I'd asked you this morning about, or actually yesterday, I think, about the Big 5 receipt, which was marked as People's 73. Is this the receipt that we marked yesterday, that was the Big 5 receipt?

BROCCHINI: Yes, it is.

GERAGOS: Where was that found?

BROCCHINI: It was found in the shop.

GERAGOS: Where in the shop?

BROCCHINI: On a shelf.

GERAGOS: On a shelf. Did you prepare a report, and it says that it was found, the Big 5 bag and the receipt was found in a garbage can?

BROCCHINI: Yes.

GERAGOS: It wasn't, was it?

BROCCHINI: In fact, I corrected that at the prelim.

GERAGOS: I'm asking you if you prepared a report that was said it was found in the garbage can?

BROCCHINI: That's correct.

GERAGOS: The receipt itself at Big 5, did you check, and do something to check and see if this receipt had been issued from Big 5?

BROCCHINI: No.

GERAGOS: Okay. And the receipt itself has a number of entries on it. Did you do anything to satisfy yourself that you had obtained everything that was connected with it? If, I don't know if you can see it. For instance, there is a two-day fishing license we have already seen, right?

BROCCHINI: Yes.

GERAGOS: The Ocean Enchanced stamp you have seen?

BROCCHINI: Yes.

GERAGOS: Do you know what this item is here?

BROCCHINI: I know what it is.

GERAGOS: What?

BROCCHINI: Yes.

GERAGOS: What is that?

BROCCHINI: It's a fishing pole.

GERAGOS: Okay. And does that have a rod on it?

BROCCHINI: That's a rod and reel.

GERAGOS: Rod and reel. What about this?

BROCCHINI: It says bead tack, diamond jig.

GERAGOS: And this?

BROCCHINI: Stripe something jig.

GERAGOS: Okay. Now, did you determine when this, this item right here, the looks like 39.99. You said that is a rod?

BROCCHINI: I was told by the officer that went up to Big 5 and interviewed the clerk that that was a fishing pole.

GERAGOS: Do you know what the SW stands for?

BROCCHINI: Salt water.

GERAGOS: Salt water. And do you know the time that this purchase was made?

BROCCHINI: Only by what was on the receipt, I think.

GERAGOS: Right at the bottom?

BROCCHINI: Yes.

GERAGOS: What is that?

BROCCHINI: It's ten minutes to four, eleven minutes to four.

GERAGOS: Who is the officer who went up to Big 5 to do the interview up there?

BROCCHINI: Detective Ray Bennett.

GERAGOS: Okay. Now, did you talk to him afterwards?

BROCCHINI: No.

GERAGOS: Now, the, you got hold of Bruce Peterson, correct?

BROCCHINI: I did speak to him on the phone once, and in person once.

GERAGOS: Okay. When you spoke to Bruce Peterson, one of your main objectives was to find out when he sold the boat and whether the boat was sold with an anchor, correct?

BROCCHINI: No.

GERAGOS: Well, you did get that information, didn't you?

BROCCHINI: Can I look at my report real quick?

GERAGOS: Sure.

BROCCHINI: Yes, go ahead.

GERAGOS: Okay. Have you refreshed your recollection?

BROCCHINI: I don't know what you are asking me. I kind of reviewed it a little bit.

GERAGOS: Okay. You determined that the boat had been sold without an anchor correct?

DISTASO: Objection. Hearsay.

JUDGE: He said he determined, as a result of your investigation, that the boat had been sold without an anchor; is that a fair assessment?

BROCCHINI: Yes.

GERAGOS: All right. Looks like on the 27th, when the search warrant was served, you see this picture I'm showing you here?

BROCCHINI: Un-hun.

GERAGOS: Do you know what that picture represents?

BROCCHINI: Yes.

GERAGOS: Were you there?

BROCCHINI: Yes.

GERAGOS: Okay. Is that your hand?

BROCCHINI: Yes.

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

JUDGE: II. That's a photo of a bench showing,

GERAGOS: Pail and anchor.

GERAGOS: Okay. Now, that pail and that anchor, I guess I just asked you before I put it up on the screen. Just to make sure. This is your hand right here. And the anchor that we passed around to the jury here is correct?

BROCCHINI: Yes.

GERAGOS: And you are placing it over this water pitcher?

BROCCHINI: Yes.

GERAGOS: And you determined that that was a perfect fit; is that correct?

BROCCHINI: That's what I wrote in my report.

GERAGOS: Okay. And you wrote in your report that it appeared, adding Ready Mix to the water in the water pitcher made the anchors; is that correct?

BROCCHINI: That's what it looked like to me.

GERAGOS: Okay. That's what it looked like to you. But there was only one anchor, correct?

BROCCHINI: That's correct.

GERAGOS: Okay. You didn't, you wrote in your report, made these anchors, you didn't recover any other anchors, correct?

BROCCHINI: Correct.

GERAGOS: And then you wrote in your report after the cement mold, set they were removed from the pitcher and set on a flatbed trailer; is that correct?

BROCCHINI: That's correct.

GERAGOS: And you said that from the distinct circles on the trailer, it appeared at least four anchors were made; is that correct?

BROCCHINI: That's, tell me what page you are on.

GERAGOS: In the bottom right, 12-28 report, 1901?

BROCCHINI: That's correct.

GERAGOS: Did you later find out that a formal expert was retained to analyze whether that pitcher made that anchor?

BROCCHINI: Yes.

GERAGOS: And when were you apprised of that information?

BROCCHINI: I don't remember.

GERAGOS: Some time within the last couple of months?

BROCCHINI: Probably within the last three months or so.

GERAGOS: Okay. Now, in addition to that, you also did some investigation on the purchase of the boat itself, correct? That would have been what's marked as DD-3, Delucchi-Delucchi 3.

JUDGE: Photo of the boat.

GERAGOS: Is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. One of the people you talked to on January 4th specifically was Brian Ulrich?

BROCCHINI: Yes.

GERAGOS: Okay. Brian told you that Scott had been talking about a boat over three months before January 4th; is that correct?

DISTASO: Objection, your Honor. Hearsay.

JUDGE: Well, again it goes to state of mind. The issue here is the fishing and why he went on Christmas. So the objection is overruled. Not offered for the truth. Offered to explain circumstantial evidence of his state of mind to explain the defendant's conduct.

DISTASO: Well, but it's not defendant's state of mind, talking to Brian Ulrich.

JUDGE: He's asking what the defendant told him.

GERAGOS: Right.

DISTASO: It's double hearsay then. Not admission of the party opponent.

JUDGE: I think he's right.

GERAGOS: You don't want to, you don't want to, you tell me, did you talk to Brian Ulrich?

BROCCHINI: Can you show me the report you are looking at? Yes, I did talk to him.

GERAGOS: Did you ask him whether where Scott had discussed a buying a boat?

BROCCHINI: Let me review it real quick.

GERAGOS: Bottom of the second paragraph, last sentence.

BROCCHINI: Okay. I asked him.

GERAGOS: Okay. Now, in addition to that, did you talk to Brian Ulrich, specifically about the life insurance and the life insurance issue on January 4th? This is all in the same interview, correct?

BROCCHINI: Yeah, I spoke to Brian about the boat and the life insurance in this interview. But it was about a second life insurance policy that we had received information on.

GERAGOS: Okay. And the, but you were talking about the, with him, why were you talking to him about the insurance policy?

BROCCHINI: Because he was his insurance man. And we had received a tip that Scott had taken out a second life insurance policy without, in the last three months. And I wanted to know if that was true or not.

GERAGOS: Okay. Then did you also interview a Jody Miligi?

BROCCHINI: Yes.

GERAGOS: Okay. Did they, you interviewed them about?

BROCCHINI: Them?

GERAGOS: Dinner that they had with Scott and Laci?

BROCCHINI: Did I interview Jody, or,

GERAGOS: Jody. It's M-i-l-i-g-i.

BROCCHINI: Yes, I did.

GERAGOS: That would be 11-10.

BROCCHINI: Yes.

GERAGOS: Now, in that conversation, Jody told you,

DISTASO: Objection, your Honor. It's hearsay. It's exact same objection as Brian Ulrich.

GERAGOS: This is, if I can make the proffer.

JUDGE: I'll hear what it is, then I will entertain the objection.

GERAGOS: Do you want to do it in front of the jury?

JUDGE: I don't want to send the jury back.

GERAGOS: I'm not asking you to.

JUDGE: Do it.

GERAGOS: I can actually, if you want, just take a look at the yellow highlights. I think it's self-explanatory. Actually goes to the detective's reasonableness of the investigation, not what was told.

JUDGE: All right.

GERAGOS: You talked to Jody Miligi, right?

BROCCHINI: Yes, I did.

GERAGOS: Jody Miligi said that they had, they, meaning her and her husband, Guy, had had dinner the week, she thought about a week before Thanksgiving?

BROCCHINI: Yes.

GERAGOS: And she told you something to the effect that Scott, she could not remember saying that he bought a boat, was looking at a boat, had sold a boat. However, she remembers something about a boat, correct?

BROCCHINI: Yes.

GERAGOS: And you wrote in your report Peterson had not bought the boat until 12-9, so it was unlikely he told Jody he had a boat. I recontacted Jody Miligi, and she confirmed she could not actually remember a, he said she just remembered, he said something about a boat, and she is sure it was one to three weeks before Thanksgiving, correct?

BROCCHINI: Correct.

GERAGOS: Okay. Now, that would, strike that. Now, Mr. Distaso asked you specifically about a series of checks, and Trade Corp, company called, corporation called Trade Corp; is that correct?

BROCCHINI: Yes.

GERAGOS: Do you want to turn to that area of your reports? I think I was going to start off with an, if you have got, do you have Bates number stamp 1290 out in front of you?

BROCCHINI: I do.

GERAGOS: Okay. Now, there was an, I previously asked you today about Terry Scott, who is an FBI agent, correct?

BROCCHINI: Yes.

GERAGOS: There was grand jury federal subpoenas issued to obtain financial documents; is that correct?

BROCCHINI: Yes.

GERAGOS: And those documents covered the period of time from July 1st, 2002, through January 9th, 2003, correct?

BROCCHINI: Yes.

GERAGOS: And you ended up reviewing those documents; is that correct?

BROCCHINI: Yes.

GERAGOS: And it was your observations Scott Peterson would sign his own paychecks on a Trade Corp account from Bank of the West; is that correct?

BROCCHINI: Yes.

GERAGOS: And you made a series of, looks like at least 23 entries in your reports about checks that Peterson, Scott Peterson, had signed on this account. Do I have that accurately?

BROCCHINI: Yes.

GERAGOS: Okay. Now, these checks varied in amounts from, let's see if I got it right. Looks like they were almost all paid to himself, correct?

BROCCHINI: These were all paid to himself.

GERAGOS: Right. And they indicated pay periods in most of these; isn't that correct?

BROCCHINI: No.

GERAGOS: For instance, if we have got 23 item numbers, item number one indicated a pay period, correct?

BROCCHINI: Yes.

GERAGOS: Item number four had a pay period?

BROCCHINI: Yes.

GERAGOS: Item number seven?

BROCCHINI: Yes.

GERAGOS: Item eleven?

BROCCHINI: Yes.

GERAGOS: Twelve?

BROCCHINI: Yes.

GERAGOS: Those amounts were 1824.20 on all those pay periods, correct?

BROCCHINI: Or pretty close to it.

GERAGOS: Or pretty close. Another one on 10-15, 2002, 1844.76. Doesn't that have the a notation for a pay period, it's about the same amount, isn't it?

BROCCHINI: Well, might be. But,

GERAGOS: You have one on item number 17 for pay period, correct?

BROCCHINI: Yes.

GERAGOS: Item number 21 for a pay period?

BROCCHINI: Yes.

GERAGOS: Item number 22?

BROCCHINI: Yes.

GERAGOS: Okay. Now, you saw these checks were where Scott was paying or signing these checks, and you became, or let's see you wrote out that these are not all appear on payments from his Trade Corp account, they only some payments Peterson wrote to himself during the requested time period, correct?

BROCCHINI: Yes.

GERAGOS: Now, the requested time period is the one we just mentioned in the July 1st to January 9th, correct?

BROCCHINI: Yes.

GERAGOS: So then as you did that, or after you did that, you then contacted somebody; is that correct?

BROCCHINI: Yes.

GERAGOS: Who did you contact?

BROCCHINI: Ross Lee, corporate attorney for Trade Corp.

GERAGOS: And Ross Lee identified himself to you as the attorney, or you knew him to be the attorney for Trade Corp, correct?

BROCCHINI: Yes.

GERAGOS: And you forwarded him this information, and asked whether specifically that you considered these checks to be possibly suspicious checks that Scott Peterson was writing to himself, correct?

BROCCHINI: Yes.

GERAGOS: Okay. And when did you forward these to him?

BROCCHINI: Give me one moment.

GERAGOS: Sure. If you could just tell me which page you are looking at when you find it?

BROCCHINI: Okay.

GERAGOS: Do you have it by Bates?

BROCCHINI: I have it by my own.

GERAGOS: Which Bates number?

BROCCHINI: I'm looking at 1495. That might not be the right one yet. Hang on a second.

GERAGOS: Take a minute to review it. You also just turn 1496. Do you have a copy of a memorandum, 1496?

BROCCHINI: Yes.

GERAGOS: Okay. Can you just silently read that to yourself, see if that will refresh your recollection. And I think all you need to do, do you also have 1582 in front of you? That kind of makes it a little bit simpler. Read under Ross Lee. Silently to yourself. Those three paragraphs.

BROCCHINI: Yes.

GERAGOS: Okay. Does that refresh your recollection as to the dates, and what happened the chronology of what happened?

BROCCHINI: Yes.

GERAGOS: Okay. Does it appear to you that it's, you had prepared on February 4th, this list of checks that we just talked about, correct?

BROCCHINI: Yes.

GERAGOS: Okay. On February 7th you faxed those checks three days later over to Ross Lee, who you knew to be the lawyer for Trade Corp?

BROCCHINI: Yes.

GERAGOS: On February 28th, just had shown into asked you if you had in yours under 1496, and you indicated, yes, I'm just going to ask you to take a look what I have now marked as JJ, which is a City of Modesto memorandum, dated, looks like it was originally typewritten when?

BROCCHINI: May 8th.

GERAGOS: Then in actuality, what was the date that it was sent?

BROCCHINI: 2-28-03.

GERAGOS: Did you prepare this memorandum?

BROCCHINI: Yes, I did.

GERAGOS: So this is approximately, what, about, exactly three weeks after you faxed over the checks to Ross Lee; is that correct?

BROCCHINI: Can I just review real quick, because?

GERAGOS: Sure.

BROCCHINI: You might have got that last question, you did, about when I faxed them.

GERAGOS: I will show the page that I showed you?

BROCCHINI: I got it.

GERAGOS: Is that 1582?

BROCCHINI: Yes, I sent those over on the 7th.

GERAGOS: Okay. So you sent over the checks, 23 checks on the 7th. Then on the 28th, what I was referring to before, somebody obviously goofed when they typed in May 8th, 2002, correct?

BROCCHINI: Yes.

GERAGOS: So then is that your handwriting there, 2-28-03?

BROCCHINI: Yes.

GERAGOS: It's to Ross Lee from you?

BROCCHINI: Yes.

GERAGOS: And then you say you have only the checks from July 2nd through January 7th, correct?

BROCCHINI: Yes.

GERAGOS: And you refer to the supplemental report for this case, and the attached returned checks. What is that you were referring to there? Did you send him something besides the checks?

BROCCHINI: I sent him copies of all the checks.

GERAGOS: What about the supplemental report, looks like referencing him to a supplemental report. What report is that?

BROCCHINI: I think it's the one with the, it lists all of the checks. I'm pretty sure that's what it was.

GERAGOS: Just show you this. This document which, for the record is 1290 and 1291?

BROCCHINI: I'm pretty sure that's what I sent. I can't remember for sure, though.

GERAGOS: What my preference would be is to mark these, but I'm going to need to redact, because there is stuff on each page that obviously is not relevant.

JUDGE: Why don't you mark them Monday. Detective is going to be back Monday.

GERAGOS: Can I just, as you are right now, just to show the jury by redacting, just folding over like this?

JUDGE: You want to pass it to the jury?

GERAGOS: I'll just publish it.

DISTASO: Well, your Honor, I'm objecting to publishing. It's not the proper procedure to publish police reports to the jury. He can ask at the time gets them and question him.

JUDGE: Police reports aren't something published to the jury. Contain hearsay. You just want to put it on the,

GERAGOS: Just want to so they can get an idea what he's,

JUDGE: Put that on the projector, that's publishing to the jury. You see what I'm saying? That's not the right way to, he can ask the detective about it. But it's not proper to publish it or pass it around to the jury. He can put it on the projector, ask him, so the jury can see what he's asking him about.

DISTASO: Okay.

JUDGE: Okay.

GERAGOS: What I have done is, detective, just so that I can get it as accurate as possible, I have folded it over, the two sheets is that basically how it would have been sent over?

BROCCHINI: Yes.

GERAGOS: Okay. Okay. And that's the list, as we talked about it, I didn't get all 23 in there. But that's the list of the 23, correct?

BROCCHINI: Yes.

GERAGOS: Of the checks. And that was sent over with this memorandum that's marked as JJ?

BROCCHINI: Yes.

GERAGOS: Some in some form or fashion?

BROCCHINI: Yes.

GERAGOS: Okay. Listing all the dates, the check numbers, and the amounts in the middle, correct?

BROCCHINI: Yes.

GERAGOS: Now, in this, you can leave the light out for just one second, Mike. Now, in this memorandum, in this memorandum, you specifically then attached basically that supplemental report with the list of 23 checks, you attached the returned checks, correct?

BROCCHINI: Copies of them.

GERAGOS: Copies of them. So when you say returned checks, the fact that they had been paid by the bank, right?

BROCCHINI: Yes.

GERAGOS: Then you recommended that he contact Jeff Coleman to get all the checks Scott wrote himself for the year, correct?

BROCCHINI: Yes.

GERAGOS: And then you said the Trade Corp wants to pursue this possible embezzlement further, please contact me, and I will put you in contact with one of our economic crimes detectives, correct?

BROCCHINI: Correct.

GERAGOS: And then the last thing, this is a small but important piece of the overall investigation, so I would appreciate any updates; is that right?

BROCCHINI: That's right.

GERAGOS: Okay. Now, on the 19th of March, which would have been about three weeks later, you received an e-mail from Ross Lee; is that correct?

BROCCHINI: Yes.

GERAGOS: Okay. And I have that as 1584. Is that what you have?

BROCCHINI: Yes.

GERAGOS: Okay. And I'm going to, unfortunately mine is yellow highlighted. Can I borrow yours? We'll make a copy of it?

BROCCHINI: Can I look at yours while you are doing that?

GERAGOS: Can I mark this next in order, your Honor?

JUDGE: Yes. That will be on the proviso, make a copy.

GERAGOS: Can I just publish it right now, then we'll,

JUDGE: Page. JJ. This will be KK.

BROCCHINI: Here I can give you back yours, so you can put it back in. I'll trade you.

GERAGOS: Then this is the e-mail that you got back?

BROCCHINI: Yes.

GERAGOS: Specifically Trade Corp has completed its internal analysis to verify the checks issued to Scott Peterson. They have concluded that the checks were issued to pay salaries and authorized expenses. These were appropriately booked in the accounting records according to internal rules Scott is allowed to manage, in the name of the company contracts and treasury up to twenty grand. No evidence was found with respect to misconduct or violation; is that correct?

BROCCHINI: That's correct.

GERAGOS: Okay. Then the last thing they wanted an update to regain access to all of his business materials that had been seized out of the warehouse, approximately, or almost exactly a month before; is that correct?

BROCCHINI: Yes.

GERAGOS: Thank you. If the Court wants to, this is a good place.

JUDGE: We'll take the recess now. All right, ladies and gentlemen, we'll take the evening recess I want to remind you again, you are not discuss this case among yourselves or with any other person. You are not to form or express any opinions about this case. You are not to read or watch any media reports of this trial, nor discuss it with any representatives of the media or their agents. Have a nice weekend. We'll see you Monday at morning at 9:00 o'clock, pick up where we left off.