Witness: Veronica Holmes

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Called by: People (prosecution)

Phase: Guilt

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

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Ms. Holmes, where are you employed?

HOLMES: City of Modesto Police Department.

DISTASO: And your you're a Community Service Officer?

HOLMES: Yes, I am.

DISTASO: And just basically what are your duties? What do you do as part of that job?

HOLMES: Well, the last three weeks I'm back to patrol, so it's a little bit different duty, but at that time I was assigned investigation for probably eight and a half years, and my primary assignment was convicted sex offender registration and Megan's Law Coordinator, but I was also a part of the crime scene team.

DISTASO: So when people would come in and do their registration, you would do the registration?

HOLMES: Yes.

DISTASO: And then also as part of the crime scene team, would you also take pictures or videotape?

HOLMES: Yes.

DISTASO: The, back in December of 2002, on the 26th, were you asked to put together a list of 290 registrants and parolees?

HOLMES: Yes, I was.

DISTASO: The jury's heard a lot about it, but I wanted to ask you about how the list was actually put together. Were you called in from home to do that?

HOLMES: Yes, I was.

DISTASO: And just for counsel's information, it's Bates number 3116?

GERAGOS: Thank you.

DISTASO: And did you write a brief report on how you compiled that information?

HOLMES: Yes, I did.

DISTASO: Let's put this map up here real quick. The, how did you denote or put on the list of sex offenders that you were going to put on this list to give to the detectives?

HOLMES: Well, to start off with, I decided to bring up a list of all the registrants who lived in the vicinity of the Peterson residence. And I started by Megan's Law, and that's a DOJ database, Department of Justice database. And there's about a, without looking at the database in the last couple of months, there's at least a hundred and eighty convicted sex offenders who live in her zip code area, 95354. So I brought up that list first. And then with our own city database, registrants who live in the City of Modesto, I brought up all of her area, which would to be southeast area of Modesto. Modesto is broken up into four, northeast, southeast, northwest, southwest. So I brought up all registrants who live in the southeast area of Modesto.

DISTASO: So this area that you did, this is greater than a one-mile radius around her house?

HOLMES: Right. The one-mile radius, I just brought up the parolees within a one-mile radius of her house.

DISTASO: So the sex offenders were basically the entire zip code around her house, correct?

HOLMES: Right. That would be the city limits and the county, part of the county.

DISTASO: And then you pulled up other people, I guess, to kind of supplement that?

HOLMES: Right. And that was to start off with.

DISTASO: Okay. And then the parolees, you pulled up parolees, sex offenders who were not within a one-mile radius?

HOLMES: Yes.

DISTASO: And you said just kind of off the top of your head, the sex offenders who were living in the zip code area and in the southeast portion of Modesto where this house is, was approximately a hundred and eighty people?

HOLMES: I would say about a hundred and eighty.

DISTASO: The list eventually was supplemented by other information, correct?

HOLMES: Yes, it was.

DISTASO: And that was from, we heard testimony from parole, Department of Justice, other places?

HOLMES: Yes.

DISTASO: Okay. But when you first, and did you do that supplementing of the list?

HOLMES: No, I did not.

DISTASO: Okay. So when you first drew up the list of the people that were in the vicinity of the home, you just took the people that were in the entire zip code area around her home?

HOLMES: Right.

DISTASO: And it looks like you also supplemented some of that information with bulletins from the Department of Justice Sexual Offender Program?

HOLMES: Yes, that would to be high risk registrants.

DISTASO: Okay. So that's a list that Department of Justice puts out; those people aren't necessarily in Modesto?

HOLMES: They are not, no.

DISTASO: And so you pulled, you had those bulletins, so you put those on the list, too?

HOLMES: Yes, I did.

DISTASO: Now, did you also take some photographs and videotape of a examination of Mr. Peterson's truck on December 15th of 03?

HOLMES: Yes, I did.

DISTASO: And part of that, did you take the pictures of Miss Fulbright from my office when she got inside the defendant's toolbox?

HOLMES: Yes, I did.

DISTASO: It came up in testimony, and I just want to make this clear: During that examination, were you the only person taking video and taking photographs?

HOLMES: Yes.

DISTASO: Okay. Did you edit the videotape in any way?

HOLMES: No, I did not.

DISTASO: When you would, when you were doing this videotaping, were you, were you alternating taking video and photographs?

HOLMES: Yes, I was.

DISTASO: Let me show you those photos that were marked. Did you take some photographs of the Brooks Island area and the Berkeley Marina area and the areas where Conner and Laci were found on January 10th of 2004?

HOLMES: Yes, I did.

DISTASO: And were you directed to do that to show what these areas, like general views of what these areas looked like?

HOLMES: Yes.

DISTASO: Okay. Let me show you People's 158 A, B, C and D and ask you if you recognize that.

GERAGOS: 158?

DISTASO: 158.

HOLMES: Yes. These look like the photos that I took.

DISTASO: All right. Let me show you 106 B. Is that one of the photos that you took?

HOLMES: Yes, it looks like one of the photos that I took.

DISTASO: Okay. And 106 D and E.

HOLMES: Yes.

DISTASO: Okay. Now, when you took those photographs, were you on a boat for a large portion of the time?

HOLMES: Yes.

DISTASO: And did you take the boat to the Berkeley Marina?

HOLMES: I believe so, yes.

DISTASO: Okay. If you need to look at a report to refresh your memory, go ahead.

HOLMES: Yes, we did.

DISTASO: Okay. Let me show you People's 106 D, let me just ask you this first: Do you see the boat that you took to the Berkeley Marina in that particular picture?

HOLMES: It should be this one right here, to the . . .

DISTASO: Let me put that on the screen. And the boat here on the, tied up to the boat launch ramp, is that the boat that you took when you arrived at the Berkeley Marina?

HOLMES: It's that one that's right to the end.

DISTASO: Right here?

HOLMES: Yes.

DISTASO: Okay. And did you start at the Berkeley Marina? Or did you start somewhere else?

HOLMES: I really don't remember the sequence of events when we went there, but I believe we started off at the Berkeley Marina.

DISTASO: Well, let me show you a report and see if this refreshes your memory. Take a look at 35684.

HOLMES: Okay.

DISTASO: See if, just read this highlighted portion.

HOLMES: Okay. On Saturday 1/10/04,

DISTASO: No, I'm sorry. Hold on. Read it to yourself.

HOLMES: Okay.

HOLMES: Okay. We departed from the Richmond Marina.

DISTASO: Okay. And whose boat was that that you just showed in the picture? What agency's boat was that?

HOLMES: It was Contra Costa.

DISTASO: Okay. And then did you get on the Contra Costa's boat at the Richmond Marina?

HOLMES: Yes, we did. We departed from the Richmond Marina.

DISTASO: And then you went to the different various locations out in the water?

HOLMES: Yes.

DISTASO: And then you took some pictures?

HOLMES: Yes.

DISTASO: This picture, 106 B.

JUDGE: B or D?

DISTASO: B as in boy.

JUDGE: Boy.

DISTASO: Is that a picture of the Berkeley Marina that you took from the boat in the water, looking towards the boat launch ramps?

HOLMES: Yes.

DISTASO: And then when you were dropped off in the marina, did you also take pictures in the parking lot area?

HOLMES: Yes, I did.

DISTASO: Okay. And then, after taking those pictures, did you get back on the boat and go to other locations?

HOLMES: Yes, we did.

DISTASO: Okay. Let me show you some pictures. Did you go out to Brooks Island area?

HOLMES: Yes, we did.

DISTASO: And did you take pictures of that area from the boat in the Bay?

HOLMES: Yes.

DISTASO: Let me show you People's 158A. Is that a picture of, from the boat showing the tip of Brooks Island and looking back towards the shore?

HOLMES: Yes, it is.

DISTASO: Is that a representative picture of how it looked when you're out in the Bay, looking back towards the shore?

HOLMES: Yes.

DISTASO: Let me show you 158B. And is that also another picture of the tip, or the tip portion of Brooks Island, looking back towards the shore?

HOLMES: Yes.

DISTASO: Let me show you 158C. And this is looking from Brooks Island, kind of further, further down the point?

HOLMES: Yes.

DISTASO: And looking back again towards the shore from a different direction?

HOLMES: Yes.

DISTASO: Finally, 158D, is that basically the same view that we saw but showing kind of the beach area of Brooks Island?

HOLMES: Yes.

DISTASO: And you took all these pictures from the boat?

HOLMES: Yes, I did.

JUDGE: Do they accurately portray the scene as you saw it on that date and time?

HOLMES: Yes, sir.

JUDGE: Okay.

DISTASO: Did you also copy some financial documents?

JUDGE: Okay. Mr. Distaso, I think we need a break.

DISTASO: Oh, that's fine, Judge.

<recess>

DISTASO: Ms. Holmes, let me show you this, People's 113 [sealed]. This list, the 290 list that we've been talking about, did you, are you the one that put it into that computer database form?

HOLMES: No, I did not.

DISTASO: Okay. So as the list kind of got worked on and passed from person to person whoever was working on it amongst the officers, it ended up in this computer database form?

GERAGOS: Objection, leading.

JUDGE: Sustained.

GERAGOS: Assumes facts not in evidence.

JUDGE: Sustained.

DISTASO: When you originally put the list together on the 26th, you didn't put it in the form that we see it there?

HOLMES: No, I did not.

DISTASO: All right. And can you show the jury the, just a rough estimate where the 95354 zip code is in Modesto so they have some idea what we're talking about. And before you do that, hold on a sec. I'm going to have you refer to People's 58. And just to kind of orient, it's marked here on the map about where my finger is where the Covena residence is.

HOLMES: Right here.

DISTASO: Right.

HOLMES: So 95354 is going to be the southeast area.

GERAGOS: I'm sorry, I can't hear.

JUDGE: You have to talk louder.

HOLMES: It's going to be all southeast area of Modesto, and that's going to be part of the city limits and the county area, and that's going to be pretty much all this area here going down the downtown area and into the county.

DISTASO: And would it include, would it go as far, as far north as Coffee Road? If I can find Coffee Road. Coffee would be here, would it go that far? And then what about, does it go as far north as Briggsmore Avenue?

HOLMES: No. 95354 goes as far as Scenic which runs along the river.

DISTASO: Okay. So it goes along Scenic?

HOLMES: Right, to downtown out in the county area and then back.

DISTASO: Okay. And these pictures that I showed you earlier, let me show you People's 97. Just so we can kind of orient people where this picture was, it's difficult to see, but on the picture, can you see the little blue building right there where I'm showing the laser pointer? Can you see it on the picture where I'm showing you? Do you want me to show you the picture?

HOLMES: You mean up here?

DISTASO: On this picture.

HOLMES: Yes.

DISTASO: On this picture that's being portrayed?

HOLMES: Yes.

DISTASO: Do you see this little area right here?

HOLMES: Yes.

DISTASO: Is that represented somewhere here on People's 97B?

HOLMES: Out in the body of water you're just taking pictures trying to orient yourself, a landmark in the background, and I was focusing more on these row of white, white buildings which you can see.

DISTASO: Okay. Let me, hold on one second. Let me show you one that's a little clearer.

GERAGOS: The remote works now.

DISTASO: Does it?

GERAGOS: Yeah.

DISTASO: Okay. Do you see this white line right here?

HOLMES: Yes.

DISTASO: All right. Is that, is that, that's this white line here on People's 97B; is that right?

HOLMES: Yes, it is.

DISTASO: All right. So that's to kind of orient where we are in the picture, this is the tip of Brooks Island is where? If you look at Brooks Island, 97B?

HOLMES: Right here.

DISTASO: So that's the end. So what we're looking on the picture of 158B of the tip there, that's that tip that you're showing us on 97B?

HOLMES: Yes.

DISTASO: Okay. And, finally, did you also copy some financial documents in this case?

HOLMES: Yes, I did.

DISTASO: And when did you do that?

HOLMES: I'd have to refer to my report to find out the day.

DISTASO: Go ahead.

HOLMES: And that was on 12/30/02.

DISTASO: And these were financial documents that were seized during the search warrant?

HOLMES: Yes, they were.

DISTASO: And did you copy all of those documents?

HOLMES: Yes.

DISTASO: And then give them to who?

HOLMES: I handed them over to, I provided copies to Detective Grogan and Hermosa.

DISTASO: Thank you, Your Honor. That's all I have.

Cross Examination by Mark Geragos

GERAGOS: Good morning.

HOLMES: Good morning.

GERAGOS: The list that I have in my hands, People's 113 [sealed], have you seen that?

HOLMES: Yes, I have.

GERAGOS: Do you know who made, compiled that list?

HOLMES: No, I do not.

GERAGOS: Do you know what there's a column on it and it says elim. Or eliminated, do you know what constitutes elimination?

HOLMES: That was up to Detective, Detective Coyle was one of the people involved in this and I believe that list is the elimination column is for after they investigated if they believed that they were going to contact him further.

GERAGOS: Really? Because when Detective Coyle's talked you couldn't get him to say he eliminated anybody but himself, so that's why I'm confused. So far we can't seem to find anybody who will say they're the ones who put this list together. Do you know who it is that actually did it? Your understanding is that it was Coyle?

HOLMES: He was, he was one of the detectives involved in the 290 contacts, that's that the convicted sex offender contacts. So I believe he was involved in that part, but I can't be positive.

I just know that this is not the list that I put together.

GERAGOS: Okay. So you put together some kind of a list and it was not what's marked as People's 113, correct?

HOLMES: Correct.

GERAGOS: And, as far as you know, it was Detective Coyle who was dealing with this list or subsequent list, it was not yours; is that correct?

HOLMES: He was involved in that list. I don't believe he put it together, but he was involved in that list. The names that I have are some of the names on there, but it was added to. Names were added to that list.

GERAGOS: Can I ask you, I don't know if it will show up on the scene, I am assuming orange will be best. Can you draw for the jury the orange, the area code that Mr. Distaso was asking for.

DISTASO: Wait a minute before you use orange.

GERAGOS: Everything else is green.

HOLMES: I have green.

GERAGOS: That's fine. If you want to use that. There's just one. Is it markedly different than what I've got my hands on, People's 58?

HOLMES: 95354 will be all this area here where that line is already blue-green line is going to go all here.

GERAGOS: Okay.

HOLMES: It's going to go down to the downtown area. That was just to my recollection from looking on the map. It's going to here from here at the red line here. So River Road should be the line here.

GERAGOS: Can you roughly, so the jury can see it, roughly just this area here that I've got.

HOLMES: Yes.

GERAGOS: Just a U sideways, U-shape right through there. Where is the park, is that right in here?

HOLMES: Yes.

GERAGOS: Covena is here and this is the park that comes right here, the green area; is that correct?

HOLMES: Yes.

GERAGOS: Is it safe to say that all of the sex offenders and parolees that live on this side of the area code, they're not on the list?

HOLMES: There's some added to the list, but that's not the list that I started off with.

GERAGOS: Do you have any idea how many sex offenders and 290 registrants there are in the County of Stanislaus?

DISTASO: Objection, Your Honor, relevance.

JUDGE: Sustained.

GERAGOS: Do you know how many there are in this specific area code?

HOLMES: In 95354?

GERAGOS: Uh-huh.

HOLMES: Around 180.

GERAGOS: Okay. And what's the area code that's right above that?

HOLMES: 95355, I believe.

GERAGOS: And how many are there in that area code?

DISTASO: Objection, relevance.

JUDGE: Overruled.

GERAGOS: How many in, the area code that would be adjacent that's just north?

HOLMES: Probably 140 or so.

GERAGOS: 140. Where is that, roughly where my pen is going?

HOLMES: It would be right here. 95355 would be pretty much this area in here.

GERAGOS: This block or square. It's above the park, Coffee Road, all the way up to what's that, Sylvan Avenue. Okay. So there's another hundred and some-odd sex offenders in that area there?

HOLMES: I believe around 140 or so, I believe.

GERAGOS: This list, do you know how many, if they are registered sex offenders, there's yes next to it, correct?

HOLMES: I'd have to see it again. Yes.

GERAGOS: Okay.

HOLMES: I know there's yes and no.

GERAGOS: And then if it's, do you keep track or did you, in assembling your list, at least, go to the parole, there's a parole office in Stanislaus County, correct?

HOLMES: Yes, there is.

GERAGOS: Did you go to the parole office and get a list of their active parolees in the county?

HOLMES: No, it's a program through parole. It's called Parolees. It's a software and it let's us go ahead and diagram where parolees live, and that's how I got the one-mile radius.

GERAGOS: Okay. So if I understand correctly, you took the house, roughly in there, and then where did you go, one mile out from the house?

HOLMES: It's going to cover one mile all around the residence.

GERAGOS: So half a mile in each direction?

HOLMES: About, yes.

GERAGOS: Okay. So you went a half a mile in each direction and then made just kind of a circle?

HOLMES: Yes, I did.

GERAGOS: And how many parolees were in that half-mile circle?

DISTASO: Objection, misstates the evidence with one-mile circle.

GERAGOS: I believe she said half mile.

JUDGE: Half mile each way. What I understand a mile circle, you have the epicenter, and then you have a mile around all the way around.

HOLMES: A mile radius all the way around.

JUDGE: So it's not a half a mile, it's a mile all the way around.

HOLMES: On each side. Okay. I'm sorry.

GERAGOS: If you have the center, the center is Covena.

HOLMES: Right.

GERAGOS: The circle. Did you go out a mile?

HOLMES: I'm sorry, yes, it would be a mile radius all the way around.

JUDGE: Not half a mile.

GERAGOS: A mile around?

HOLMES: Yes.

GERAGOS: Which does not, how far out is it at the farthest point, a mile?

DISTASO: It's a two-mile radius, so we're clear.

GERAGOS: See, that's why we went to law school.

JUDGE: As I understand it, you have the center and then you went out one mile, right?

HOLMES: Right.

JUDGE: One mile out, and then you just made it so it went all the way around.

GERAGOS: I don't think she said she went a mile radius is the circumference of the circle. Right, did you go out?

HOLMES: On this particular software, I just put in the residence and it's going to give me everybody in a mile radius.

GERAGOS: Okay. And is that what it said, one-mile radius?

HOLMES: Yes.

GERAGOS: Okay. And how many people is that?

HOLMES: Without seeing my original list I, I don't recall.

GERAGOS: Is it more than a hundred?

HOLMES: No, it was less than a hundred. I know that.

GERAGOS: And did you, when you did that, is that a separate list that you gave to Detective Coyle?

HOLMES: No, it wasn't even given to Detective Coyle, it was Detective McGill at that time.

GERAGOS: Detective McGill?

HOLMES: McGill.

GERAGOS: Okay. So you gave him that list of parolees. You also developed this list for the 290 registrants?

HOLMES: Yes, that was included.

GERAGOS: Now, when you did that, if I understand correctly, when Mr. Distaso was asking you questions about this list that you said there were also provided were copies of the bulletins from the Department of Justice, right?

HOLMES: Yes.

GERAGOS: They were not listed on the list, on your list, correct?

HOLMES: They weren't on my list.

GERAGOS: Do you know if they're contained in this list that we have marked as 113?

HOLMES: Without matching the list, I couldn't tell you.

GERAGOS: Okay. And this Department of Justice Sexual Habitual Offender Program, that's for people who are considered high risk offenders, meaning predators that are out there?

HOLMES: Yes.

GERAGOS: Okay. And the Department of Justice has a list of these people that they suspect are out there re-offending as we speak, correct?

HOLMES: Right. They have a list, but then they also have part of the their duties in shop, is what we call it. They have particular MO's, they keep MO's, and they try to keep it of all sex registrants as law enforcement provides it to them.

GERAGOS: Okay. Those MO's are described as either abduction or adults or juveniles and categories of victims, correct?

HOLMES: Yes.

GERAGOS: And do you have copies of those bulletins with you?

HOLMES: No, I do not.

GERAGOS: Do you know where those are?

HOLMES: They were included with all of the information I provided to Detective McGill.

GERAGOS: Okay. And, as far as you know, did that include all the up-to-date bulletins from the Department of Justice?

HOLMES: At the time that I was doing it, yes. That I provided the list.

GERAGOS: Is that the State Department of Justice?

HOLMES: Yes, it is.

GERAGOS: Did you access any of the FBI bulletins for sexual predators?

HOLMES: No, I did not.

GERAGOS: Are you aware that the FBI also has these similar bulletins for high risk offenders who are on federal supervised release of parole?

HOLMES: I was not at the time, no.

GERAGOS: The FBI was involved in this investigation, as you know, correct? Terry Scott, specifically, the resident agent in Modesto?

HOLMES: Yes, but I never had any contact with him.

GERAGOS: Were you out, when was the first time you were out at Covena?

HOLMES: That would have been on the first search of the 26th or 27th.

GERAGOS: Were you aware that the FBI forensic team was there on the 26th and the 27th?

HOLMES: But I never had direct contact with them.

GERAGOS: Okay. But you're aware that they were there?

HOLMES: Yes.

GERAGOS: You saw and took photos with them, is that correct?

HOLMES: Yes.

GERAGOS: The photos that you took at 523, that was on the 26th and the 27th, correct?

HOLMES: Yes.

GERAGOS: Of December?

HOLMES: Yes.

GERAGOS: Then after that did you specifically go back and take some other photos of property that had been seized from the location?

HOLMES: On what day are you talking about?

GERAGOS: After the 26th and 27th?

HOLMES: You mean during a vehicle search because there was a lot of times after the 26th and the 27th.

GERAGOS: Yeah. I'll start with the 30th. Did you do something on that day with any of the items, 30th of December?

HOLMES: That's when I provided copies of documents.

GERAGOS: Okay. Now, did you, on the 30th, you took, if I understand correctly, 35 millimeter photos, digital photos; is that correct?

HOLMES: Yes. And that would be, are you talking about the day with Detective Skultety?

GERAGOS: Yes.

HOLMES: On the vehicle search, yes.

GERAGOS: Okay. So you also did that with the vehicle and that was at the Modesto Police Department mechanics shop?

HOLMES: Yes.

GERAGOS: Did you also take photos of the boat on that day?

HOLMES: No, I believe it was just the truck at that time.

GERAGOS: Okay. Did you later take pictures of the boat?

HOLMES: Yes.

GERAGOS: When was that?

HOLMES: That was, I want to say a couple of months later. I'll have to look here.

GERAGOS: Sure. If you need to refresh your recollection, take a look at your report. If you just tell what Bates number stamp you're looking at on the bottom.

HOLMES: Okay. Bates stamp 2608.

GERAGOS: Okay.

HOLMES: Unless I missed one of my supplements, it was on 2/4/03.

GERAGOS: February 4th?

HOLMES: Yes.

GERAGOS: Okay.

HOLMES: With Detective Owen.

GERAGOS: Before that on the 2nd of January you were requested to take photos of various evidence items, isn't that correct, and I'm looking at 250?

HOLMES: What day was that, sir, I'm sorry?

GERAGOS: Let me show you. I'll show you mine. See if you want to take a look and if it refreshes your recollection.

HOLMES: Oh, okay. I thought you were talking about the boat.

GERAGOS: Is one of the items they wanted you to take pictures of a roll of chicken wire?

HOLMES: Yes.

GERAGOS: Another one of the items they wanted you to take pictures of were some red and blue buckets, big buckets?

HOLMES: Yes.

GERAGOS: These, are these the buckets they asked you to take pictures of?

HOLMES: Yes.

GERAGOS: Okay. They asked you to take a picture of a hand tool, garden tool?

HOLMES: Yes.

GERAGOS: Okay. And did you store all of those pictures?

HOLMES: The images were given to, the disks were given to I.D. and they do all the storage.

GERAGOS: And also on that day did you, do you know Detective house?

HOLMES: Yes.

GERAGOS: And did he collect some dirt or debris samples?

HOLMES: Not while I was there.

GERAGOS: Did he ask you to log some items that had come from the wheel wells of the Land Rover?

HOLMES: Oh, okay. Yes.

GERAGOS: I'm looking at 2581 if you need to refresh your recollection?

HOLMES: Yes.

GERAGOS: Do you remember him taking some samples from the Land Rover?

HOLMES: Yes, I do.

GERAGOS: Do you remember going to log those as evidence?

HOLMES: Yes.

GERAGOS: I assume when you write down the, log the items that is evidence that means somehow to make some markings on the envelopes and then you hand it to somebody at the property room?

HOLMES: Yes.

GERAGOS: And at the request of Skultety, Detective Skultety, you know who he is, right?

HOLMES: Yes, I do.

GERAGOS: And he asked you to, he gave you three items from the boat?

HOLMES: Yes.

GERAGOS: Do you remember what those items were?

HOLMES: If I can refer to my property sheet.

GERAGOS: Sure. Do you have that in front of you?

HOLMES: And that's Bates stamp 3478?

GERAGOS: Yeah.

HOLMES: Right.

GERAGOS: There was three items that he asked you to log in, what were those items?

HOLMES: Pine needles and twigs from inside the boat, a fishing hook that he found inside the boat, and a Master Spectra series tag and a Big 5 tag.

GERAGOS: Okay. And the following day, on the 3rd, you were asked to fingerprint Scott Peterson?

HOLMES: Yes, I was.

GERAGOS: And did you that?

HOLMES: Yes, I did.

GERAGOS: And he cooperated?

HOLMES: Yes, he did.

GERAGOS: And the 4th of February you were contacted by Detective Owen. I'm looking at 2608. I can show you mine, if you want. Do you have it?

HOLMES: 2608, yes.

GERAGOS: 2608. And Detective Owen directed you to take some photos of the inside of the aluminum boat?

HOLMES: Yes.

GERAGOS: And he held a scale, like a ruler, next to those photos or next to the stains. I'm sorry, not the photos.

HOLMES: I believe so. Without looking at the photos, I couldn't tell you, but he usually does, yeah.

GERAGOS: Okay. And he said he pointed you to some red-colored stains in the boat?

HOLMES: Yes.

GERAGOS: And you took photos of that?

HOLMES: Yes.

GERAGOS: Do you know if they collected a sample while you were there of those stains?

HOLMES: Not while I was there.

GERAGOS: Okay. But you documented these stains in the boat so that you would later be able to identify what they were or where they were, I suppose, in the boat, correct?

HOLMES: Yes.

GERAGOS: Okay. Does this look like something that, what you referred to before as, an evidence property sheet?

HOLMES: Yes.

GERAGOS: Is that your handwriting?

HOLMES: Yes, it is.

GERAGOS: Okay. All of these items were items on here that you had into evidence; is that correct?

HOLMES: That's what I have logged on the property sheet.

GERAGOS: Okay. And you saw the items?

HOLMES: Yes.

GERAGOS: Okay. I'm going mark this as defense next in order.

JUDGE: Okay. We'll have to switch pretty soon. This is the last one. This is quadruple Z.

GERAGOS: Same stip as we had before because I pulled this out of the master out of the master.

JUDGE: Okay. It can be xeroxed and copied, substituted for the original. What's the title of that? Does that thing --

GERAGOS: It's page 11 of 12 of the Modesto P.D. Evidence Property Record with Ms. Holmes' name and number on it.

JUDGE: Okay.

GERAGOS: Now, Ms. Holmes, there was also, at some point you were given by Detective Grogan a videotape that purported to be an interview with Scott Peterson?

HOLMES: Is that the initial interview?

GERAGOS: It looks like I'm looking at Detective Grogan's report so

HOLMES: What's it dated, please?

GERAGOS: Dated 1/9 of '04 and it has it Bates stamp No. 35689. It refers to an interview with Scott Peterson on January 3rd of 2003?

HOLMES: Yes.

GERAGOS: Okay. Were you given a video and audiotape of some kind?

HOLMES: It was a videotape.

GERAGOS: Okay. And did that videotape contain an audio device?

HOLMES: It was a surveillance video and they had hooked up audio to it, yes.

GERAGOS: Okay. And were you then, did you do something with that tape?

HOLMES: I took it over to, and I have to look at it.

GERAGOS: Well, prior to taking it over, did you do something first, you and Detective McGill?

HOLMES: I helped him set up the equipment.

GERAGOS: Okay. And that was what, when you say "surveillance," this is kind of like a surreptitious tape that was set up to tape the conversation with Scott Peterson?

HOLMES: Yes.

GERAGOS: And this was to be done so that he wouldn't know he was being recorded?

HOLMES: That was what we were instructed to do, just set up the tape.

GERAGOS: Where did you set the tape up?

HOLMES: It was in our old investigations building on 12th and F sheet in an interview room that we have there.

GERAGOS: In this interview room, where physically was the recording device?

HOLMES: It was, to the best of my recollection, if this were a table right here, the detective and Mr. Peterson were on this side. And I don't know what the camera was hiding in, but it was set up at the opposite end of the room.

GERAGOS: And was there a standard cassette recorder that was under the table during the interview?

HOLMES: Yes.

GERAGOS: Okay. Did it turn out that the microphone for that cassette had a dead battery?

HOLMES: When it was tested by Detective McGill it worked, but I guess he left it on. He left it on.

GERAGOS: So if I understand correctly, there's this interview room and this is in the old building?

HOLMES: Yes.

GERAGOS: And in the interview room you set up both a video camera that was covert or hidden somewhere, correct, in the room?

HOLMES: Yes.

GERAGOS: Then, in addition, and that video camera would be trained on the table where Mr. Peterson and Detective Grogan were supposed to be?

HOLMES: Yes.

GERAGOS: And also at that table there was a cassette recorder that was placed under the table?

HOLMES: Yes.

GERAGOS: And that cassette recorder would give you obviously just an audio version and then the video would presumably give you audio and video, right?

HOLMES: It was just video. They were separate.

GERAGOS: When they went back and took a look at the audio after you had set up, you and McGill, it turned out the battery was dead, right?

HOLMES: Right.

GERAGOS: Then they took the, it looked like the tape and the video were then given to you?

HOLMES: It was just the audio.

GERAGOS: Okay. Have you seen his report where Grogan says "I gave the tape and video directly to Veronica Holmes"?

HOLMES: Okay.

GERAGOS: Does that refresh your recollection as to whether you got both?

HOLMES: I just remember it was an envelope. It could have been, yes.

GERAGOS: Okay. And you were directed to find someone to enhance the audio cassette, if possible?

HOLMES: Yes.

GERAGOS: And then try to time, I guess, the audio cassette to the video so that you could get them in sync?

HOLMES: I think they were just trying to see if we could bring up the audio.

GERAGOS: Okay. Now, that was on January 3rd of 2003 when you were given the tapes?

HOLMES: I couldn't be positive on the date.

GERAGOS: Okay. Was it the same date that the interview took place?

HOLMES: I don't believe so.

GERAGOS: Okay. Sometime within a week afterwards?

HOLMES: I can't recollect really.

GERAGOS: Okay. Did you then get interviewed by Detective Grogan on January 9th of 2004?

HOLMES: That's when I found the tapes and I, they had been in my drawer. I had taken them to the video enhancement place and the guy there took a look at them while I was there and he said there's no audio and there's nothing he can do with it so I brought it back to Detective Grogan.

GERAGOS: Where were these tapes for that year?

HOLMES: They had been locked in my drawer. I do a lot of video copying and stuff for everybody in the department or mostly everybody in the department and I had them with other videos there.

GERAGOS: So is it a fair statement that it was just an oversight these tapes were left in your drawer because they were never turned over to the defense, right?

HOLMES: Right.

GERAGOS: And they were never, in Stanislaus County, used this term "discovered," which means you provide discovery to the defense, correct?

HOLMES: Yes.

GERAGOS: And because they were sitting in the drawer and you had forgotten that they were in your possession until you found them a year later, is that correct?

HOLMES: Yes.

GERAGOS: Okay. So they were never turned over to the defense until sometime this year, 2004?

HOLMES: Yes.

GERAGOS: Okay. And, as far as you know, to this day you tried to have them sometime back in 2003, you went to this location and tried to get the audio enhanced on that interview, but you were unable to so or you were told that you couldn't get it done, correct?

HOLMES: Right.

GERAGOS: Did he, did the gentleman at the tape place indicate that it would be very difficult to enhance a tape that and a recorder that had a dead battery?

HOLMES: Yes.

GERAGOS: Okay. That's because it really wasn't taping at all?

HOLMES: That's true.

GERAGOS: Now the, who was the one who instructed you though to try and go get the tape enhanced that had been in a cassette recorder that had a dead battery?

HOLMES: I believe it was Detective Grogan.

GERAGOS: The items that I asked you about, the three items that were in the boat, did you also take some pictures of fishing gear? I'm looking at 2580. I'm just trying to figure out if those are the same items you and I referred to before.

HOLMES: What date was that?

GERAGOS: The date was, the date of the report, your report is 1403, but it references something you did on January 2nd of '03.

HOLMES: Are you talking about the, when we went to the property room?

GERAGOS: Yes.

HOLMES: I did not take photos then.

GERAGOS: You did not take photos of those?

HOLMES: No.

GERAGOS: And that was of fishing gear?

HOLMES: Yes.

GERAGOS: Okay.

HOLMES: I did not take photos at that time. I'm sure they were taken.

GERAGOS: Somebody might have taken others, but that day when you pulled it out you didn't?

HOLMES: No.

GERAGOS: I have no further questions. Thank you.

Redirect Examination by Rick Distaso

DISTASO: Ms. Holmes, of these tapes that were in your drawer, when you found them, were they then turned in for discovery for the defense?

HOLMES: Yes.

DISTASO: The fact they were in your drawer for this time was simply you forget them or was an oversight?

GERAGOS: Objection, leading.

JUDGE: Sustained.

DISTASO: What happened? I mean, how did they end up in your drawer for a year?

HOLMES: Well, after they were given to me to enhance that very first time or see if they can get enhanced, we were told no. I went back in and notified Detective Grogan and he said he might have had some information or somebody in Southern California that could do that. So he asked me to hang onto them. And I contacted the, and I don't even remember what agency it was in Southern California. They never returned our calls. I went off to school, came back, and I just, it was just an oversight; I just forgot all about them.

DISTASO: So you just forgot them in your drawer?

HOLMES: Yes.

DISTASO: When we were talking about this 290 lists, these DOJ, Department of Justice bulletins, those are state-wide bulletins that go out to all the counties; correct?

HOLMES: Yes, they are.

DISTASO: It's not just limited to Modesto?

HOLMES: They're statewide.

DISTASO: Nothing further.

Recross Examination by Mark Geragos

GERAGOS: So after you told Grogan, when did you tell Grogan that the place there locally in Modesto couldn't enhance a tape in a recording device that had a dead battery?

HOLMES: It would have been either that day he gave it to me or the following day.

GERAGOS: So you called somebody immediately?

HOLMES: Yes.

GERAGOS: And they told you, look, if there's a dead battery

HOLMES: I took it out there, yes.

GERAGOS: Yeah. You took it out to the place. They said, look, if there's a dead battery in a cassette recorder, you can't enhance the tape because the tape wasn't running, correct?

HOLMES: Right.

GERAGOS: Okay. And you went back and you told that to Grogan, right?

HOLMES: Yes.

GERAGOS: And he said, uh-huh, I've got a place in Southern California that apparently may be able to do this, is that correct?

DISTASO: Objection, it's argumentative.

JUDGE: Overruled. Go ahead.

GERAGOS: He said, he was be undeterred by that, he thought he could find a place or had a place in Southern California that was able to enhance tapes that were in a cassette recorder that had a dead battery?

HOLMES: I think he wanted to give it another try, yes.

GERAGOS: Okay. Thank you.

HOLMES: If I remember correctly, the very beginning of the tape you could tell there was audio and it just died out. We knew that was the case, but he thought maybe there was technology that could bring up the audio part.

JUDGE: All right. May this witness be excused?

DISTASO: Yes.

GERAGOS: Yes.

JUDGE: Ms. Holmes, thank you very much.