Witness: Susan Caudillo

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Examinations: Direct – Mark Geragos

Day 1 of 1 for this witness

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Direct Examination by Mark Geragos

GERAGOS: Good afternoon, Susan.

CAUDILLO: Hello.

GERAGOS: You are the Susan who is under Lee on the chart?

CAUDILLO: Yes.

GERAGOS: Is Scott your brother?

CAUDILLO: Yes.

GERAGOS: And Lee is your dad?

CAUDILLO: My baby brother.

GERAGOS: Okay. You have been here for much of the trial, is that correct?

CAUDILLO: I have been. Yes, I have.

GERAGOS: Okay. And I want to take you back, I guess, obviously you have known Scott all of his life?

CAUDILLO: Uh-huh. The day he was worn.

GERAGOS: Okay. Were you, who were you living with when Jackie was pregnant?

CAUDILLO: We lived with our mom, my brother Mark, and my brother Joe during the middle of the week, and we would spend most every weekend at my dad's.

GERAGOS: Okay. Did your dad, lot of times we have heard, you have been sitting here for some of the testimony. You have heard about some of the divorced family. Is this typical divorced situation, or is the interaction okay?

CAUDILLO: Interaction with my dad was very, very good. The divorce was, in my mind every divorce is never easy. But it just was what it was. My dad didn't live with us. But we saw my dad a lot. And he never left our lives. We always knew that he was there for us and loved us very much.

GERAGOS: When he married Jackie, did you, you would spend weekends with the two of them?

CAUDILLO: Yes.

GERAGOS: So I assume that you saw, or were there, at 11 or 12, when she got pregnant with Scott?

CAUDILLO: Yes.

GERAGOS: Were you there when Scott was born?

CAUDILLO: Yeah. When, my earliest memories of Scott come coming along was the day Jackie told us that she was pregnant. And I was very excited about it. And we just watched her pregnancy progress. She was very active. And, you know, just, it was really fun to watch the baby grow. And so we were all a part of her pregnancy during those nine months. And just were really anticipating the arrival of the new baby. We didn't know what sex the baby was going to be, but they were all hoping for a girl.

GERAGOS: Were you?

CAUDILLO: No.

GERAGOS: Why?

CAUDILLO: Because I was the only girl, and I really wanted it to stay that way. I had brothers, and I had my place at the top of the rank there. And I was the only girl.

GERAGOS: Did you put, what affect did Scott's birth have on Lee and Jackie? And your, was your mom remarried at that point?

CAUDILLO: No.

GERAGOS: Okay. Then your mom and your two brothers who you were living with?

CAUDILLO: Yes.

GERAGOS: So what effect did Scott's birth have on the family?

CAUDILLO: We were just really excited about having a new brother. And when he came into the world, we just loved him instantly. He was our brother. He just brought our family together. He was, really kind of connected everybody. He kind of completed our blended family. He was, he made us all whole, I think.

GERAGOS: Did you spend a lot of time with him during his early years?

CAUDILLO: As much time as I could. I was 12 when he was born. So when we would be at my dad's house on the weekends, I would ask if I could share his room with him. He had a crib in one bedroom, and usually John's bed was there, and I would either share that room with John, or John would sleep with my two brothers. But I would ask Jackie, I said, you know, you can sleep in tomorrow morning. I'll take care of Scott when he wakes up. And he was just an infant. And I would wait for him to wake up in the morning, and would get him out of bed and get his bottle prepared, and do all those kind of, you know, play mom, playhouse kind of thing. I would change his diaper. If I felt he needed a bath in the morning, I would love to give him baths, so I would go right ahead and do it. Just did whatever I could.

GERAGOS: Did the, what kind of a child was he as he grew up? I guess up to the age of five, how would you describe him?

CAUDILLO: He was a very easygoing kid. Had a great disposition. Would let anybody hold him. Loved to be, to be held. Always had a smile on his face. I don't ever remember him really being whiney or cranky in any sense. Just a very good disposition.

GERAGOS: Okay. Did that ever change as he grew older?

CAUDILLO: Not at all, really. He's been very consistent with his evenness and his contentment and happiness.

GERAGOS: You have heard from the few witnesses that we have had today about the relationship that he had with your dad.

CAUDILLO: Un-hun.

GERAGOS: How would you characterize that relationship?

CAUDILLO: Very tight. Very close. Scott was a good kid. My dad could trust, when he would take him, say, on delivery or something, that Scott would behave. And he just always liked to have a companion around. My dad is just that way. Would always like to have somebody with him. When Scott was available after school and things like that, they always spent a lot of time together.

GERAGOS: What kind of effect did Scott's coming or being born have on your dad? What kind of things about Scott affected your dad?

CAUDILLO: He generally, you know, could just tell that he loved him so much. And that he was happy to have a child with Jackie. And this really bonded them. Cemented their relationship. They, you know, they were very much in love. And Scott was the child from that love. And all of us kids were recipients of that love.

GERAGOS: Was there, sometimes you hear about resentment amongst the siblings in situations like that. Did you have that in your house?

CAUDILLO: You know, I never, ever, ever resented Scott. I was happy that he was our baby brother. And, you know, he may have lived in a nicer house or bigger house than we did, and maybe went on more vacations than we did. But we were all loved equally. And that's what was really important.

GERAGOS: I'm going to show you picture D9G-1. Recognize that? And D9G-2.

CAUDILLO: Yes.

GERAGOS: Are these pictures of you and Scott? These are pictures of you and Scott? D9G-1 through 8.

JUDGE: You didn't mark those on the record.

GERAGOS: I thought I did.

JUDGE: You didn't give them, this is D9G. You got eight photographs?

GERAGOS: I have got eight photographs.

JUDGE: 1 through 8. Series of Photos. Marked as Exhibit D9G1-8 for identification.

GERAGOS: Q. This is you and Scott?

CAUDILLO: Yes.

GERAGOS: Approximately how old?

CAUDILLO: Scott looks to be about two, and I would be about 14.

GERAGOS: And D9G-2?

CAUDILLO: I would say he's about five, and that would make me about 17.

GERAGOS: Got another one, D9G-3. This pretty much the same. That's Scott and you and your dad and the boys?

CAUDILLO: Yes.

GERAGOS: And grandfather?

CAUDILLO: Behind Scott is Grandpa Peterson. And this picture was taken, Scott appears to be about seven years old. I think we were having some family photos taken by a friend at that time.

GERAGOS: Then I have got D9G-4. This is the whole family there together?

CAUDILLO: Yes. That's how we were every weekend, kind of just my four brothers, Jackie and my dad, Grandpa.

GERAGOS: Did the family do things together as well in connection with, I guess at some point Lee had testified he was working at a trucking company, is that correct?

CAUDILLO: Uh-huh.

GERAGOS: Did you ever do anything together with Scott and the other boys?

CAUDILLO: Yeah. Specifically at the trucking company, my dad took on the extra job on the weekends of having all of the trucks washed. And he got a little extra paycheck for that. And we would be, meaning my brothers and myself, would help him. And so it was an every-other-weekend type of thing on a Saturday or Sunday. And we were washing big shipping trucks. And we would get the garage size buckets full of water, brooms, and we would go out there. My brothers and I would put in a couple of hours worth of work.

3 One would hose off, one would have to, you know, scrub the truck, and the other one would rinse and do windows and dust, you know, the inside of the dash. And so we worked for maybe, I think he paid us each a dollar or something. But that was, if we contributed we got paid. And I hear at the time my dad and Jackie really needed the extra money. I thought we were doing it because it was fun. But,

GERAGOS: Apparently not.

CAUDILLO: Apparently they needed the extra money.

GERAGOS: Does the, as Scott grew up, I assume at one point you went away to school?

CAUDILLO: I did.

GERAGOS: Okay. Did you keep in touch with him?

CAUDILLO: Yeah. We always have, you know, even when I was away we would keep in touch. Primarily because he lived at home, and I would call home and, you know, talk to my dad and talk to Jackie, and would be able to catch up on what Scott was up to.

GERAGOS: How would you describe him as he developed into a young man?

CAUDILLO: You know, when he graduated from high school, and then he went away to college, and I remember, you know, going back up to visit him at San Luis Obispo. And now I'm married and I have two children. He really came out of, you know, those teenage years. All of a sudden he was a young man, a fine young man, an adult that was taking on his own college expenses and living on his own. And really I had expected that of him. That was just the kind of person he was. But in his adult years, he has made me proud of everything that he had accomplished.

GERAGOS: You tell me about a story yesterday, last night when I talked to you about a story when he had come back from a Student Against Drunk Drivers meeting. Do you remember telling me that story?

CAUDILLO: Yes.

GERAGOS: Would you tell the jury that story?

CAUDILLO: Scott was in high school, and I was married at the time living in Escondido. Kind of both North County communities. North County communities. Our parents were in Morro Bay for a couple of days, and Scott was at home and at school. And he had attended this meeting for Students Against Drunk Drivers, was on his way home. And evidently the meeting was, he was in my town, community, in Escondido. It's a very windy, the road to get back into Rancho Santa Fe. And he had an accident on his way home where he had, his car had rolled, and it went off the edge of the road. And he had to swerve to avoid hitting an animal. The accident was in the evening time. It was late.

GERAGOS: How late?

CAUDILLO: I would estimate probably around 10:00 o'clock. He was on his way home. He called me once he had gotten help from the Highway Patrol, the tow truck, and all of that taken care of. And the tow truck driver actually drove him back into Escondido where he could meet me so I could pick him up. But he took care of everything that needed to be taken care of until he needed a ride home, then I was the person that he had called.

GERAGOS: What did that, did that, you told me the story because it illustrated something about,

CAUDILLO: His independence. His, you know, taking responsibility for his actions. He didn't want to worry me and have me come to the scene of the accident. And he took care of it. And he was capable of taking care of the problem. And then I assisted him in transportation. I looked at him and saw that he was kind of, shirt was scruffled up, but he looked okay. And he survived the accident, but the car was totalled. And I think he was very lucky to survive that.

GERAGOS: Do you want to take the break now?

JUDGE: This convenient?

GERAGOS: Yes, it's convenient.

<recess>

GERAGOS: Susan, as you had mentioned that you went up and visited Scott, is that San Luis Obispo or Morro Bay when you said you kind of developed a new plan at that point, I guess?

CAUDILLO: Yeah, my parents were living in Morro Bay and Scott was attending school at Cal Poly and so maybe twice a year my husband and I would bring our two daughters to visit and Scott was always there.

GERAGOS: How old are your daughters?

CAUDILLO: Currently they're 14, my oldest, and my other daughter that's ten.

GERAGOS: Okay. And I assume you've been married for a while?

CAUDILLO: Sixteen years to Ed.

GERAGOS: And Ed and, did Scott go out of his way to make, welcome Ed into the family?

CAUDILLO: He did. He, Scott was probably I think 15 when we got married. But as Scott got older and my husband was allowed to play golf with them, on occasion, my husband's not a very good golfer, but they would team up and my husband always tells me that Scott would put Eddy on his team because Scott was the better golfer and would encourage him and always, you know, maybe give him a tip on how to hit the ball better and not make him feel so, you know, less of a golfer than the rest of them because they were all very, you know, pretty good. So he made him feel comfortable.

GERAGOS: How about, before he went to jail, how did Scott interact with your girls?

CAUDILLO: Well, Thanksgiving was always a great time because we anticipated Scott and Laci coming to our Thanksgiving holiday and they always looked forward to seeing their Uncle Scott and Aunt Laci. And I know the very the last Thanksgiving that we had with Laci, the one particular memory I have is my daughter, Rachel, had written a poem about what she's thankful for and she read it. And the rest of the kids were kind of laughing at her. And Scott, you know, thought it was the coolest, nicest little poem that she could ever write and read out loud. And he was very proud of her and he went out of his way to tell her how much he enjoyed listening to her poem and that he really appreciated, even though, the other, her older cousins were kind of giggling in the background. But that made her feel really good that he, that he went out of his way to make sure that she knew that. He actually wrote it to her in a letter because they do correspond.

GERAGOS: The, I've got a picture here that I think you had handed me yesterday that I believe you said was Lee and Jackie's 25th anniversary?

CAUDILLO: Yes. We, all the kids decided that we were going to throw a 25th wedding anniversary party for my dad and Jackie and they were living in Morro Bay at the time, so the logical location was in that area. And Scott was of course the only sibling living there and he and I really basically over the phone, but he had to do most of the leg work, put this party together for about 50 guests. It was a sit-down luncheon and we had lunch and it was very, it was such a wonderful afternoon, but couldn't have done it really without Scott going through all the steps to help organize it.

GERAGOS: Is this, this is another one you gave me yesterday, is that John and Allison's wedding?

CAUDILLO: Yes.

GERAGOS: John, Allison is John's wife obviously and basically the extended family?

JUDGE: What's the number on that, Mr. Geragos?

GERAGOS: I'm sorry, judge.

JUDGE: 9 G?

GERAGOS: 9 G 6.

CAUDILLO: Yeah, it was John and Allison's wedding and it was by the beach, so this is, well, we all meandered out to the sand because we wanted a group photo and, so all of the brothers and sisters were there. There's John and Allison, then there's Scott and Laci. And I don't believe they were married at the time. Then there's my husband in the back holding our oldest daughter and I'm on the right holding our youngest daughter. And my niece, Brittany, is in front. Now to the left of Allison,

GERAGOS: Allison,

CAUDILLO: She's the bride, yes. We have most of Jackie's family, her three brothers I believe are there, Patrick, Robert and John and their children and their wives. It was also another great event, the family all getting together getting to, you know, reunite, spend some time catching up and another opportunity for us to interact with Laci.

GERAGOS: Are these again D 9 6 8, are these two out of your three daughters?

CAUDILLO: Yes.

GERAGOS: And that's Scott and Laci's wedding?

CAUDILLO: Yeah, all the nieces and nephews were asked to be in their wedding and I thought that was a wonderful gesture. We know that they both loved children and Scott really wanted his nieces and nephews to be in the wedding so they were all flower girls.

GERAGOS: Okay. You gave me yesterday 2 9 G 5 and identified this as I think Thanksgiving 2001, is that right?

CAUDILLO: I believe it was and this is at our parents' home and this would be a typical Thanksgiving meal and a gathering. Everybody would bring something to the table. We all made, prepared a dish.

GERAGOS: Was that kind of a tradition that you would do on Thanksgiving something that you would do every year?

CAUDILLO: Yeah, in our younger days we would try to alternate the Thanksgiving holiday between my mom's home and her side of the family and my dad's home and his side of the family every other year. When Scott moved away and he would only come for Thanksgiving I pretty

much reserved that holiday so we could have that time together. And the one thing that I always tried to make sure we did was have Scott and Laci over to our house.

GERAGOS: Before Thanksgiving?

CAUDILLO: The Wednesday before. That would be a time that we could connect, catch up on things, you know, see how things are going and,

GERAGOS: This is 2001, did they come by in 2002?

CAUDILLO: Yeah, 2002. That was another, well, that was very special for a lot of reasons. We had just purchased a new home that we had moved into just the week before Thanksgiving and so it was kind of a chaotic time, you know, moving and such, but I really wanted to have Thanksgiving at our house and knew Scott and Laci would be there. And I invited both sets of my parents, my mom and her husband and, of course, my dad and Jackie. And it was the first time that we ever had a Thanksgiving holiday or a Christmas holiday together. My parents would see each other at weddings and birthday parties for the grand kids and stuff like this, but this was a special time for Mark and Joe and I to have both sets of parents and have them get along and have them be harmonious and everybody, you know, enjoy each other and Scott and Laci were always a highlight there and Scott and Allison and their children. We actually also invited my sister-in-law, Jennifer's parents and grandparents. So we had a lot of extended family so it made that holiday very special.

GERAGOS: That was the last time you saw Laci and Scott before she went missing?

CAUDILLO: Yeah, it was. That was the last time we saw them. I had them over on Wednesday and we talked a lot about, you know, her pregnancy and the baby coming and that they were going to name the baby Conner. We found that out. She looked wonderful. She was so happy and, you know, had a glow about her that this was it was a great time for her.

GERAGOS: Do you have any memory, you told me last night that you do this as kind of a pot luck, everybody brings something, what did Scott and Laci bring?

CAUDILLO: I asked them to bring some fruit, some cheese and some crackers. And at the time they got done, they brought in about four or five grocery bags, by the time they got done it was about this big and it was filled to the top with exotic fruits and the best cheeses. And that was just the way that they did things, always went above and beyond what anybody's expectations were. And, you know, Laci had a vision of how she would like, you know, things to be and it was a nice, beautiful gesture on their part.

GERAGOS: What effect has Scott's arrest and being jailed have on your family?

CAUDILLO: That's one of the worse days of my life was April 18th. I just couldn't hear really the words when Jackie called me and told me that he was arrested. I didn't want to believe it. I didn't think that it could ever have happened. I broke down. We had to tell our kids that Uncle Scott was arrested and they, they broke down. It was, it was a horrible, horrible day.

GERAGOS: You've been up here as much as humanly possible I guess during the trial itself, and you've obviously visited Scott in the various jails that he's been in, correct?

CAUDILLO: Yes. Often.

GERAGOS: And has there been, while he's been in jail has he still maintained contact with your kids with your daughters?

CAUDILLO: Yes, he, he wrote almost immediately after he was at Modesto. I think to reassure them that he was okay and to kind of finish some things that he, you know, maybe had promised to do with them. You know, we all had plans for Easter Sunday that we never got to do.

GERAGOS: Was that supposed to be at your house?

CAUDILLO: Hm-hmm.

GERAGOS: Does he carry on correspondence with the girls since then?

CAUDILLO: Oh, yeah. Most definitely. I encourage them to write and they write him letters and he writes them back and they keep a good dialog up.

GERAGOS: When you say you "encourage them," is that something that they feel like they're forced to do or is it something that they feel that they want to do?

CAUDILLO: I don't enforce them, I remind them, you know, that if they have some downtime that this would be a good time to write your Uncle Scott and they go, oh, okay. They remember.

GERAGOS: Do you find any anything positive out of that exchange of letters or correspondence?

CAUDILLO: Yeah, my 14-year-old especially, I didn't know this, but she was writing Uncle Scott and confiding in him about some interaction that she and I had been having, I guess. Maybe a little bit of,

GERAGOS: Mother-daughter?

CAUDILLO: Yeah, some disagreement we may have had on some punishment, maybe a restriction she had been put on, and he would write her back and give her words of encouragement, that's just how parents are.

GERAGOS: Do you find, has that been a positive thing, at least from your standpoint, for her?

CAUDILLO: I do believe so because she needs other adults in her life that she looks up to, and Uncle Scott is definitely someone that she looks up to and loves very much.

GERAGOS: I know that you had gone out to man the volunteer center the day after Christmas, at least for that first week and then intermittently when it closed down, right?

CAUDILLO: Yes, I, well, on Christmas morning when I was aware that Laci was missing, you know, my dad and Jackie headed straight to Modesto. My brother, Joe, had called me shortly after that and said he was on his way and my brother, Mark, was going to join him. We had to adjust our Christmas plans. We were all to meet up at my mom's house, which was about an hour away, but under the circumstances we decided we just wanted to stick closer to town. Our cell phones don't work up in the mountains where my mom lived at the time, so we kind of all gathered at my house on the 25th. My mom had prepared I believe it was a ham and some other dishes and she happily packed everything up and brought all the food to us. Once my parents got to Modesto and my brothers and kind of got a picture of what the situation was like and that Laci hadn't been found yet, I knew that I needed to head up there as soon as I could. So the morning of the 26th I took a early flight out, which was about 6:CAUDILLO:m., and my dad picked me up at the airport in Sacramento and I spent the next week-and-a-half, almost two weeks up there till January 3rd when my kids were going to start back to school.

GERAGOS: During the time that you were up there I assume that was some of the darkest days?

CAUDILLO: It was a nightmare. It was just didn't know what to do. You wanted to, you know, we tried to do everything that we knew that we could. We got on front of the cameras and wanted to be on the TV and on the news to, you know, to plead for her safe return and, you know, wanted to help out in any possible way we could. The volunteer center was a good place to have, you know, the headquarters to brain storm and to try to, you know, think of ways to get the word out. We did a lot of poster copying, just getting donations from local businesses that would donate the fliers and tape and things that we needed to get the posters up and then people would just appear at the volunteer center and we would try to coordinate with them. We had a map on the wall and put them in a direction that hadn't been covered yet. So there was a lot of activity there. We were answering the phones. The phones were constantly ringing. We were taking tips, turning them over to the police and,

GERAGOS: Now the, obviously as you know because you've been here we're no longer in the guilt or innocence phase, we're just talking about the penalty now. And it's safe to say that you disagree with the bones, with the verdict of this case, correct?

CAUDILLO: Absolutely.

GERAGOS: But the jury's decision now is whether to basically put him to death or let him live the rest of his life in prison. What kind of effect would it have on you and your family if Scott was put to death?

CAUDILLO: I can't describe exactly how we would go on. I know it would, it would kill my parents. I mean I see the pain in their face everyday and we've gone through this now for two years. And trying to keep a strong face for Scott and it keeps getting worse. We can't imagine it being any worse than having him put to death. We've gone through so much as a family. We're sticking together, we're strong, we're supportive of him a hundred percent, but my mind is I don't think my parents are going to make it if he goes.

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