**Witness: Amber Frey**

Date: 2004-08-24

Proceedings held August 24, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day); Redirect – David Harris; Recross – Mark Geragos

Day 7 of 7 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/Frey.htm

Page/line: not available (source HTML has no page or line markers)

Text below is verbatim from the source page for this date only.

AUGUST 24, 2004

GERAGOS: Good morning.

FREY: Good morning.

GERAGOS: There was a lot of tape that was played to the jury, specifically where you are asking questions of Scott. Explain this to me, explain this to me. Do you remember those tapes?

FREY: I don't know which specific you are talking about.

GERAGOS: Mostly that you, the 8th, where you are asking him, on the 6th through the 8th, you are in the Modesto PD at that point, correct?

FREY: Yes.

GERAGOS: You are inside Modesto PD. You have got Miss Hagan. You have got Buehler sitting there, and, as you indicated, writing notes to you and giving you suggestions, right?

FREY: Yes.

GERAGOS: Okay. Now, as they are doing that, one of the things they wanted was for Scott to explain the nature of what your relationship was with him, correct? You are asking questions like, how could you tell me that, you know, you wanted to see me when you were really married and you had a baby on the way? Do you remember those types of questions?

FREY: Yes.

GERAGOS: Now, you have heard the tapes that were played in court. There are other tapes and other conversations that have not been played, correct?

FREY: Correct.

GERAGOS: Okay. And in a number of those, Scott Peterson tells you that he's got a lawyer and a private investigator, right?

FREY: I believe so.

GERAGOS: Okay. And he tells you that the lawyer has advised him that he can't talk about those things, right?

FREY: Without having a transcript, or listening to it freshly, I couldn't comment on that.

GERAGOS: Okay. Let me show you a transcript from a tape that you made on January the 8th at approximately 2:30. Let you read that to yourself, see if that refreshes your recollection. Just

this here.

FREY: Okay.

GERAGOS: Okay. Does that refresh your recollection as to a phone call on the 8th that you had with Mr. Peterson?

FREY: He refers to the person he is speaking about as "he". Are you saying he is in regard to an attorney?

GERAGOS: He is. Is that what he said?

FREY: Not in those transcripts. It was

GERAGOS: In this particular one, you didn't know that he was talking about a lawyer? Can you put that up? B23 –

FREY: I'm just saying what you just showed me didn't indicate that's what it was.

JUDGE: Let her finish her answer.

GERAGOS: I think I know what is, what she is saying, the specific spot doesn't say lawyer. Correct?

FREY: Correct.

GERAGOS: Did you know he was talking about his lawyer?

FREY: Yes.

GERAGOS: Okay. Put up B23.

HARRIS: This is which particular phone call?

GERAGOS: January 8th at 2:30, 1430.

JUDGE: Just going to play a portion?

GERAGOS: Just the portion that I showed. It's a one page.

<recording played>

GERAGOS: Now, when you were having this conversation on the 8th, this is when you were in the Modesto Police Department, correct?

FREY: Yes.

GERAGOS: And when you were in the Modesto Police Department, they were trying to get you to get him to talk about specifics, right?

FREY: Yes.

GERAGOS: They, at that point you knew that, because he had told you before that, that he had hired a private investigator, that he had hired a lawyer, because of the search warrants, correct?

FREY: Yes.

GERAGOS: Yet, and the police knew that as well, correct?

FREY: Yes.

GERAGOS: Yet they were still trying to get him, even though the police had been told that he wasn't going to talk any more at that point.

HARRIS: Objection. This is hearsay.

JUDGE: Sustained. Calls for opinion and conclusion.

GERAGOS: What the police were trying to do at that point is to get you to get him to talk, correct?

FREY: You are going to have to repeat that question. I'm sorry.

GERAGOS: You, I said the police were trying to get you, to use you basically to get him to talk, to get Scott to talk?

FREY: He was talking to me.

GERAGOS: He wanted to get

JUDGE: Can I, were they attempting to get you to see if you can elicit some incriminating statements from Mr. Peterson?

FREY: I believe that would go both ways, as far as their intent, using me, as you say.

GERAGOS: When you say going both ways, you are aware that they shut down this operation with you because they didn't get anything. You are aware of that, correct?

FREY: No, I'm not.

GERAGOS: Were you aware that they filed, after the end of the wiretaps, and everything else, that they received no information. Did they tell you that we didn't get anything incriminating on him?

FREY: No, they never shared that with me.

GERAGOS: Now, you repeatedly asked him in all kinds of situations, and in all sorts of phone calls, whether or not he had anything to do with it, correct? Whether he had anything to do with Laci's disappearance?

FREY: Yes.

GERAGOS: On January 6th when you talked to him, he denied having anything to do with it, correct?

FREY: In some instances he said that, and others he was very indirect about his answering.

GERAGOS: Well, he said, on January 6th in your, the 11, roughly 11:29 phone call, he said, I had nothing to do, my God, Amber, I had nothing to do with her disappearance. And you said, then who did? We don't have any ideas. Correct?

FREY: Yes.

GERAGOS: Okay. And that was when the police were feeding you the questions, correct?

FREY: Yes.

GERAGOS: Okay. Specifically on January 6th, that same phone call, he told you, I'm not an evil person, right? He said I'm not an, I have never hurt anyone. And you asked him, you said, really? Would you hurt anyone? He said no. Correct?

FREY: Again, without having in front of me the entirety, I don't recall.

GERAGOS: Okay. Let me show again this specific one. Do you remember that? Play B5.

FREY: Okay.

GERAGOS: See, when you hear it, if you remember it.

JUDGE: This is a tape that was already played for the jury?

GERAGOS: Yes. It's just a snippet.

<recording played>

GERAGOS: Now, he also told you that he had no, that you had no reason to fear him, correct?

FREY: I believe so.

GERAGOS: Okay. And he said that he thinks that you know him well enough to know. And you said, well, you lied. And he said, he told you, I would never hurt anybody. That he knew he hurt you by lying to you. And he knew that the situation was hurting you, correct?

FREY: Un-hun.

GERAGOS: You have to say yes.

FREY: Yes.

GERAGOS: And you have got to know that physically he could never hurt anybody. He made that distinction between emotionally hurting you by lying to you, and physically hurting someone, correct?

FREY: Yes.

GERAGOS: Now, in the times that you were with him, and that was, I guess we went over it exhaustively, been gone over exhaustively, the, basically the 20th of December, December 2nd, 3rd and 4th, and then the brief period of time on the 9th and, what, the 15th, 14th, 15th?

FREY: 11th, 14th, 15th.

GERAGOS: Okay. Now, in all of those times, did he ever physically hurt you?

FREY: No.

GERAGOS: Did he ever physically assault you?

FREY: No.

GERAGOS: Did he ever do anything that would, that gave you any pause whatsoever to be in fear of him physically from assaulting you?

FREY: No.

GERAGOS: Now, he told you also, on the 6th, you were asking him a question. I assume this is one of the questions that the ether Sharon Hagan gave you, or that Buehler gave you. That you said, so I would even be safe to say, okay, well, let's see. I know you said this, but you have indicated so many other things that I could assume possibly that she's missing because you love me, right? Do you remember saying that to him?

FREY: I believe so.

GERAGOS: Okay. Now, he never told you that he loved you, right?

FREY: Not in those words.

GERAGOS: Okay. He never said, "I love you, Amber," right?

FREY: Not in those words.

GERAGOS: You listened to how many hours, you have listened to all the tapes, right? Hours and hours of the tapes?

FREY: Yes.

GERAGOS: And, and both, obviously all the tapes are after Laci goes missing, correct?

FREY: Yes.

GERAGOS: And all the conversations before Laci goes missing, throughout all of the tapes after she goes missing, you never heard him ever, in any word, say, "I love you," right?

FREY: Again, not in those words.

GERAGOS: Never says the words, "I love you"?

FREY: Un-hun.

GERAGOS: Before she goes missing, he never tells you, "I love you."

FREY: Not in those words.

GERAGOS: Not in those word, correct? Now, is it fair to say that on the 6th, when you said, "Possibly she's missing because you love me," that was part of what the police were suggesting to you, that one of the motivations for Laci being missing is that he was in love with you, correct? Isn't that what they were talking about with you?

FREY: You know, as far as what their motives were, that would be

GERAGOS: Not their motives. If I suggested that to you, I'm wrong. What I'm suggesting to you is, did they tell you, the police suggest to you, one of the ways, or one of the reasons that they thought Laci was missing was because Scott had fallen in love with you?

FREY: Again, they didn't share necessarily everything in their thoughts with me. You would have to ask them.

GERAGOS: I'm going to ask you to play B7.

HARRIS: Judge, is this a tape that's been previously played?

GERAGOS: It's a tape that's been played. January 6th. If it hasn't been played, I know they have objections to ones that haven't been played. I'll show it to her. I'll do exactly what we discussed.

JUDGE: Right.

GERAGOS: B7, right.

<recording played>

GERAGOS: You remember that conversation?

FREY: Un-hun.

GERAGOS: Now, was that one of the things, you see the top portion there where it been suggested that even though he never used the words, as you indicated, "I love you," weren't the police suggesting to you that that was one of the ways, one of their theories of this case?

FREY: That was something they suggested to throw out there to him. But when you speak about theory and anything else, I really can't speak for what that was for them.

GERAGOS: They suggested it to you, correct?

FREY: Yes.

GERAGOS: Now, on that same tape on January 6th, once again he says in response to you, "I had nothing to do with her disappearance," correct?

FREY: Yes.

GERAGOS: And he repeatedly tells you that. Then you ask him or suggest to him, that all you can do is pray that you don't have anything to do with this, meaning him, correct?

FREY: Yes.

GERAGOS: Play B9. This has also been played. January 6th.

<recording played>

GERAGOS: Now, the, at that point, you still are being, you are in the same room with the officers, correct?

FREY: Yes.

GERAGOS: And they are giving you suggestions, telling you to ask every different way to get him to say something incriminating, correct?

FREY: At times. I wouldn't say every time.

GERAGOS: Well, it was a lengthy phone call, wasn't it?

FREY: Yes, it was.

GERAGOS: Okay. And during that lengthy phone call, they are passing you notes constantly throughout, aren't they?

FREY: From time-to-time. They could only hear what I was saying. They didn't know what Scott was saying unless I rephrased or repeated what he said. It would give them some indication. But other than that

GERAGOS: He kept telling you that, specifically that he didn't have anything to do with this, right? Every time you would bring it up, he would tell you the same thing, right?

FREY: On what particular date? Because that did change.

GERAGOS: On the January 6th he repeatedly told you, right?

FREY: Yes.

GERAGOS: January 7th he said the same thing, didn't he?

FREY: He said at times there were, said that was something he couldn't talk about.

GERAGOS: Well, that was when you asked him other specific questions that his lawyer told him he couldn't talk about, wasn't it?

FREY: Again, that was at a different date, not the first day.

GERAGOS: But this is an ongoing conversation that you had with him, wasn't it?

FREY: Basically.

GERAGOS: I mean when you would have a conversation on the 7th, you referred to a conversation on the 6th. You had a conversation on the 12th, you referred to the 6th, 7th, the 8th, right?

FREY: At times, yes.

GERAGOS: It was wide ranging. You, in your mind, when you are having a discussion with him, you didn't say, okay, today is the 12th. I'm only going to talk about what we talked about on the 12th, did you?

FREY: Right.

GERAGOS: Now, on the 7th, I would ask you to play B11. You asked him, again, this is a separate call on the 7th when you are still being,

<recording played>

GERAGOS: Okay. Now, you had a lot of talks with him about the media; isn't that correct? A lot of your conversation had to do with the media?

FREY: There was lots of conversations, yes, about the media.

GERAGOS: Your conversations with the media revolved around specifically what he was going through; and then ultimately fast forward past the 24th, when the National Enquirer came out, what you were going through, correct?

FREY: Yes.

GERAGOS: And you were very angry about what was happening with what the media was doing to you; is that correct?

FREY: Yes.

GERAGOS: A lot of your discussions with Scott after that, not the ones that we played here, but the other tapes, revolved around the two of you discussing how the media was hunting you, hunting him, and kind of commiserating between the two of you, correct?

FREY: Yes.

GERAGOS: And specifically you would talk about how an outlet like the National Enquirer, correct, what they were doing to you?

FREY: Yes.

GERAGOS: And specifically you would talk about how the media would hunt you down at your work place, when you go to your friends, your family, right?

FREY: Yes.

GERAGOS: He would tell you the same thing was happening to him, wouldn't they?

FREY: Yes.

GERAGOS: Wouldn't he?

FREY: Yes.

GERAGOS: There were hours of conversation that you listened to that, around the various shows, the cable channel shows, your feelings about that, his feelings about that; hours of stuff like that, isn't there, talking about the

FREY: Yes, there is conversations. As far as the amount of time, I wouldn't know. As far as the amount of time we spent talking about it, I never calculated that. But there were many conversations about media, I would agree with.

GERAGOS: Was it fair to say you had in excess of 25 separate conversations regarding media, what the media was doing to you and to him?

FREY: I have never counted them, so I wouldn't know that number.

GERAGOS: How about this, was there a lot of conversations?

FREY: Yes, there were.

GERAGOS: Okay. Now, during these conversations, notwithstanding the media, you would still be asking Scott if he had anything to do with this, right? I mean the discussions you had were wide ranging. On any given day, on any given call, you could talk about what the media was doing; you could talk about what his answers to particular questions were, correct?

FREY: Un-hun, yes.

GERAGOS: And you said the, one of the ones on the 7th, specifically you asked him, well, what happens if the cops come out and arrest you? Do you remember that one?

FREY: I believe so, yes.

GERAGOS: B12. This has been played. It's the 7th at 1613.

<recording played>

GERAGOS: Well, that conversation pretty much summarizes what he would tell you on these calls, isn't that correct, in terms of his, whether he had any involvement?

FREY: You are asking if that's, that summarizes it? I wouldn't say so.

GERAGOS: Summarize what he said?

FREY: In hours of conversation, I wouldn't agree with that, no.

GERAGOS: You wouldn't? What about the media calls? When the media calls, wouldn't he tell you about the private detectives hired by the National Enquirer? Tell you about that?

FREY: I vaguely recall a conversation about that.

GERAGOS: Did he tell you they had been following him?

FREY: Yes.

GERAGOS: Okay. Did he tell what you kind of cars, even specifically what kind of cars were following him? I'll show you specifically

FREY: I recall there was cars. I don't recall what specifically cars they were.

GERAGOS: Tell you, for instance, on January 23rd in a phone call that the National Enquirer had hired detectives, at the time they had brand new, a brand new car, tan –

HARRIS: I object. This is not a tape that's been played.

JUDGE: I'm going to sustain the objection on 356. That's not a part that makes the conversation understood. The other stuff

GERAGOS: I don't think it needs to be, but I will move on with it.

JUDGE: I'll sustain the objection.

GERAGOS: Specifically he would tell you that the media was harassing him and following him, correct?

FREY: Yes.

GERAGOS: And they were doing the same to you.

FREY: Yes.

GERAGOS: Okay. And that he would tell you that specifically that his lawyer would kill him if he knew that he was even talking to you at all, correct?

FREY: I don't recall exact words; but to that effect that he was advised not to, yes.

GERAGOS: I'm sorry?

FREY: That he was advised not to talk to me?

GERAGOS: Right.

FREY: So, yes.

GERAGOS: Even told you his lawyer's name, didn't he?

FREY: I don't recall it now.

GERAGOS: On the January 7th call when you were at Modesto PD –

FREY: Yes.

GERAGOS: you asked him specifically, you said, "He's your attorney, and you don't know your attorney's name?" He said, "Amber, hold on. It's Kirk McAllister." And he answered that, correct?

FREY: Yes.

GERAGOS: Okay. Then you said, he actually asked you, "Would you like his number?" Right? "Would you like his phone number?" Walk back up and show you again. He said, he said, "It's Kirk McAllister. Would you like his number?" And you said, "You are going to give me his number?" He said, "If you would like to have the number." You said, "Yes, I would."

FREY: He didn't give it to me.

GERAGOS: Did you ask him for it?

FREY: I believe so. He didn't give it to me. I don't recall ever getting the number.

GERAGOS: You said, do you think would be better for me to call then too? And he says, no, I'm trying to prove to you that I do have a lawyer. Did you ask him for it?

FREY: You have the transcripts. I don't recall him ever giving it to me. And I believe what you just, that I was indicating, yes, give it to me. But I never,

GERAGOS: What I'm asking you, he told you the name, gave you the name, right?

FREY: Yes.

GERAGOS: He spelled the name for you, correct?

FREY: Yes.

GERAGOS: Okay. And you told him, "Okay, he's gonna be pissed that you talked to me." Isn't that what you said?

FREY: You keep taking it away from me, so I don't, I don't believe that was one that was played.

GERAGOS: I'm asking you, did you say, "Okay, he's gonna be pissed if you talk to me"?

FREY: Yeah.

GERAGOS: Okay. Now, he told you why he was gonna be pissed, right?

FREY: He said, no, just don't talk to her.

GERAGOS: He told me not to talk to you, right?

FREY: Huh?

GERAGOS: He said, just don't talk to her, right?

FREY: Yes.

GERAGOS: The police knew that, at that point, obviously they are listening to this. They knew he had a lawyer. They knew that the, and you were getting the name of the lawyer, correct?

FREY: Yes.

GERAGOS: Okay. Now, did he ever talk to you specifically about cooperating with the police?

FREY: I'm sorry?

GERAGOS: Did he ever talk to you specifically about cooperating with the police?

FREY: Did he ever talk to me about cooperating?

GERAGOS: Yeah. We had, in some of the tapes, we had instances when you would tell him, I'm gonna go to the police, correct?

FREY: Yes.

GERAGOS: In fact, on the 6th, I think the first or the second call when you are at Modesto PD, you asked him, "Why should I not go to the police with this?"

FREY: Right.

GERAGOS: And what did he tell you?

FREY: I don't recall exactly.

GERAGOS: He told you it's your decision, didn't he?

FREY: Are you going to play it for us?

GERAGOS: No. I was going to ask you. I can't play it until you tell me you either remember or you don't. That's the evidentiary rules.

FREY: Okay.

GERAGOS: I'm asking you for your memory.

FREY: I recall that to that effect, yes.

GERAGOS: Okay. Now, did he tell you, did you, did you tell him at that point, "I go to the police with this, what do you see happening?" Do you remember that?

FREY: Yes.

GERAGOS: Is that one of the things the police suggested that you ask him about?

FREY: Yes.

GERAGOS: Okay. They wanted to see if, when you asked him or threatened to go to the police, they wanted to see if he was going to try to dissuade you from going there, correct?

FREY: Again, it's

GERAGOS: They wanted to see, they said ask, tell him you are going to go to the police, because they figure if he's got something to hide, he is going to tell you, don't go to the police, anything but that. Wasn't that the thought process that was going on this?

FREY: I don't know what their thought process was.

GERAGOS: What was your thought process when you asked him that?

FREY: I don't recall what my

GERAGOS: You just asked him, told him, I'm going to go to the police. You weren't expecting an answer one way or the other. You were trying to

FREY: I really didn't know what his response was going to be.

GERAGOS: What were you trying to provoke out of him? I mean were you expecting that he was going to just say, it's okay, it's your decision?

FREY: I can't say that I expected any particular response.

GERAGOS: Okay. But he did tell you that it was your choice.

FREY: I believe that's what he said, yes.

GERAGOS: Okay. In fact, specifically, and I'll show you, because I want to get the words just right.

Isn't that what you told him, I don't know, I mean it's, he tells you, I mean, it's your decision, of course. I want to tell you what has happened. I want to tell you that I lied to you?

FREY: That was one sentence or statement that he made.

GERAGOS: Right. And then didn't he make, next day, on the, or two days later on the 8th, you kept asking him, "What's your plans now, Scott?" Do you remember that? And he said, "Amber, my only plan right now is to find Laci"? Isn't that what he told you?

FREY: In that sentence?

GERAGOS: Yes.

FREY: Yes.

GERAGOS: In that the sentence, in that phone call on the 8th, when the police were there trying to tell you, or trying to get you to provoke things out of him, correct? That was what, the object of the exercise was. You were there at Modesto PD. You were there two days. They put you up in

a hotel, correct? They wanted you there so they could monitor the conversations and give you suggestions. Do I have that right? Or is that their plan?

FREY: Yes. But I could explain further if you let me.

GERAGOS: I want to

JUDGE: She can explain her answer.

GERAGOS: Sure. Your answer, wasn't that what the plan was?

FREY: When I got up there to Modesto, they said they didn't want to tell me over the phone, but that Scott was in my area. And they wanted me to go up there to take me away from Fresno, because he was in my particular area at that time. And they didn't want to alarm me or scare me. So at that time there was further discussion about possibly, since I was up there, that it might, it may be an opportunity to just kind of have it come out basically, or to confront, or however it may come out, at this point of possibly to end this charade of being in Europe and his travels.

GERAGOS: Right and they wanted to see if they could get him to say something incriminating. Isn't that what you said? We'll see if he says something about having to do with Laci's disappearance? They tell you that?

FREY: Again, there was two reasons. One of which you speak of, but also there was evidence I heard, to prove his innocence as well. It wasn't just slanted, as you speak.

GERAGOS: Buehler and Hagan are saying, we are looking for evidence to prove his innocence, they are telling you that?

FREY: Yes.

GERAGOS: Did you find a lot of, did you find any evidence whatsoever that proved his guilt in those tapes? There was none, was there?

FREY: I found little evidence for innocence.

GERAGOS: You didn't find anything, right?

FREY: You didn't let me finish.

GERAGOS: Well, let me ask you this. Here is the report by Detective Buehler on January 6th. This is his report about why he had you come to assist. Can you read that for a second to yourself? Just to yourself.

FREY: The whole, just what you have highlighted?

GERAGOS: Just the yellow highlighted portion.

HARRIS: I object. If it wasn't communicated to her, what is the relevance?

GERAGOS: She just said what was communicated to her. I have got a report.

JUDGE: Objection is overruled. Just read to it yourself.

FREY: Okay.

JUDGE: Remember the explanation why she was there.

FREY: Right. I indicated that.

GERAGOS: In Detective Buehler's report, that indicates to you that the reason that they had you up there is because Scott was in the area?

HARRIS: Objection, relevance, as to what's in the report. It's what was communicated to her.

JUDGE: Overruled.

GERAGOS: There is nothing in that report about that, is there?

FREY: I don't know what Detective Buehler's report says.

GERAGOS: You just read it.

FREY: That spoke about, well, you indicated –

GERAGOS: I just asked you, the report you just read.

FREY: Yes.

GERAGOS: That explained that they called you up there to assist in the investigation, right?

FREY: Yes.

GERAGOS: So that they could specifically, so that they could determine, it might be beneficial to have Frey come to Stanislaus County to assist in the investigation. I asked if she would have a problem with coming to the Modesto-Turlock area so we could be closer to her to monitor these calls so that Sharon Hagan could provide constant suggestions for the next call. Arranged her work schedule so she could travel to Modesto on Monday, January 6th. Right? Nothing in there about Scott's in the area, we better get you up there, or anything else, correct?

FREY: No, there isn't. But that's what I was told as well.

GERAGOS: Now, specifically on the 8th, also asked whether or not Scott, one of the phone calls that was played, whether or not he got your message. Do you remember that? You had left him a message.

FREY: On what day?

GERAGOS: January 8th. I assume that was one of those cards you had sent him. January 8th, 1332 call.

FREY: Un-hun.

GERAGOS: Okay. And he told you, and you asked him, what do you think of that message, right?

FREY: Yes.

GERAGOS: Okay. And he told you that it's fine. He's got nothing to hide, correct?

FREY: Yes.

GERAGOS: Told you specifically, or you said specifically, you must be worried about your parents, and your family, and her family, right?

FREY: Yes.

GERAGOS: And he said, you know, there is no question. But I mean, I know, I mean if that's what you have to do. And he said, I'm not going to ask you to stop, you know, or anything, cause what you feel you have to do, then that's right. And I have nothing to hide in this. And you said, what about your parents? And he said, I'm sure that, you know, that they will be, I mean, hurt. And obviously I'll have some repercussions among our family. Correct?

FREY: Yes.

GERAGOS: That's part of the discussion about going to the police, right?

FREY: Yes.

GERAGOS: Now, that specific discussion about going to the police, he told you that he had nothing to hide, right, again?

FREY: Uh-huh, yes.

GERAGOS: And that was one of the those discussions where they are giving you notes and telling you, you know, ask him about this, see what he's going to do when he tells you that, or when you tell him you are going to go to the police. Right?

FREY: Yes.

GERAGOS: And then they also told you, what about the repercussions for the family, correct, is one of the questions that you asked him?

FREY: That was one of the questions I asked, yes.

GERAGOS: Okay. That was also suggested by the, by one of the police officers?

FREY: I don't recall if it was or not.

GERAGOS: Ask you to play A39.

JUDGE: This has been played?

GERAGOS: Yes. January 8th, 1332.

<recording played>

GERAGOS: Now, in that same conversation, you kept asking him, or when I say you kept asking him, you, they are slipping you suggestions at points. It's not necessarily you, as you being the voice for them, correct?

FREY: At times.

GERAGOS: Okay. And in that same conversation, A40, you then confront him again about this.

<recording played>

GERAGOS: Now, the discussions that you had with him, you never got anywhere. It's a tape that's been played, or a tape that hasn't been, prosecution chooses not to play. There is no place where he ever told you, "Don't go to the police," is there?

FREY: No.

GERAGOS: There is no place where he tells you, tries to talk you out of it, is there?

FREY: No.

GERAGOS: In fact, every single time that you bring up, in all of the tapes that you have reviewed, and all the conversations, every single time that there is any discussion or suggestion that you are going to go to the police, that took place at least, over more than three tapes, or more than three conversations, he always says, go to the police, it's your decision. He does not dissuade you in the least, correct? He doesn't try to talk you out of it, right?

FREY: You say every conversation?

GERAGOS: Any one where you had the conversation about the police.

FREY: I wouldn't agree with that statement. I'm sorry.

GERAGOS: Can you show me one conversation, point to one conversation where he tried to talk you out of it?

FREY: They weren't played.

GERAGOS: They weren't played? Prosecution has evidence that he tried to talk you out of going to the police, and never played it?

HARRIS: Objection. Argumentative.

JUDGE: Overruled.

GERAGOS: Each time that he tried to talk you out of the police, they don't want the jury to hear this?

FREY: It wasn't in that particular content as far as the conversation.

GERAGOS: Well, we played all of the 6th, right?

FREY: Yes, it was

GERAGOS: We played the 7th, right? We played the 8th, right?

FREY: Yes.

GERAGOS: Okay. So we played all of those, and you heard all of those here, right?

FREY: Yes.

GERAGOS: And every single one that was played here, he told you it's your decision, correct?

FREY: Yes.

GERAGOS: Okay. Now, is there any other tape that you can point to, because they are the ones get to pick and choose what tapes, not me

HARRIS: Objection, judge. Counsel is testifying.

JUDGE: Sustained. The jury can ignore that.

GERAGOS: Is there any specific date or conversation you can point to?

JUDGE: You know what he's talking about?

FREY: Yes, I do. I'm trying to, I'm thinking about my answer. You asked me, can I point out specific dates? I don't have that type of recall. With the transcripts, seeing how there is so many, and many hours there were conversations between Scott and I about going to the police for other particular instances that he was not agreeable in doing so.

GERAGOS: That had nothing to do with you going to the police.

FREY: No, it didn't.

GERAGOS: Right. That's what I'm asking you about. He said, at a certain point, he was unhappy with the way the police were treating him. And you are talking about the way where he's going to do anything more with the police at that point. I'm not talking about that.

FREY: I'm just trying to answer your question, Mr. Geragos.

GERAGOS: I'm asking you, specifically you, did he ever try to talk you out of going to the police?

FREY: Between the 6th and 8th, no, he did not.

GERAGOS: At any time, you, did he tell you not to go to the police?

FREY: I believe I understand what you are asking. So what I'm answering you may be partially different to your answer. So

GERAGOS: Now, what about the, specifically the media. Did he tell you about that he would drive erratically to avoid the press? Would you have discussions about that?

HARRIS: Objection. Hearsay.

JUDGE: Sustained.

GERAGOS: Hearsay as to Scott Peterson?

JUDGE: Yeah. Because it's not under 356. It's in

GERAGOS: Well, 356, you know, without having to argue this again, there is a, 356 does not control the field on this. I mean there is a multitude of other Evidence Code sections that are

appropriate.

JUDGE: Okay. 356 relates to the playing of these tapes. Okay? Are you referring to something in a tape?

GERAGOS: I'm referring to recorded conversations. But what, the point is, is because it's on a tape does not give them control over her conversation.

JUDGE: I'm aware of that. That's correct. The point is, I have to anticipate what your next move is going to be, Mr. Geragos.

GERAGOS: I understand.

JUDGE: What I'm saying is that that particular reference there doesn't, is not necessary to explain these other tapes.

GERAGOS: Right. But what I can do is use this witness's memory of her conversations to give the jury the full story of what's going on. Otherwise

JUDGE: Except that

GERAGOS: I can bring her on back as my own witness if you want to do that.

JUDGE: Well, you may have to do that. The objection is raised because we're getting into self-serving statements now that are over and beyond what was presented by the prosecution.

GERAGOS: Well, except that the self-serving is, if there was evidence at the time that he knew he was being taped. There is no evidence at the time that he knew he was being taped, then, no, it's a prior

JUDGE: It's still self-serving.

GERAGOS: Well, I don't want,

JUDGE: Trust me.

GERAGOS: I don't want to get into the

JUDGE: Trust me. I'm going to sustain the objection.

GERAGOS: I'm going to go on to something else.

JUDGE:: I'll order her back if you want.

GERAGOS: You can order her back.

GERAGOS: Now, specifically in those media conversations that you had, did you tell him about what the media was doing to you?

FREY: Yes.

GERAGOS: Okay. Did you tell him, and wouldn't he tell you specifically that they were taking video of him, and wherever he was going they were following him to get his picture?

FREY: I'm sorry, I didn't hear the first part of the question.

GERAGOS: Were they taking videotape of him?

FREY: Yes.

GERAGOS: And they were taking pictures of him wherever he was?

FREY: I don't know if it's wherever. But there were video and photos of Scott.

GERAGOS: Okay. And was one of the things, I notice in the calls on the 8th, you kept referring him or asking him about the fact that he wasn't going on nationwide TV. Do you remember those questions and answers?

FREY: Yes.

GERAGOS: Okay. Were those things that were being supplied to you by the officers? Were they telling you or asking you to ask those questions?

FREY: I don't recall the specifics.

GERAGOS: Do you recall if, was that something you thought about?

FREY: That's what I'm saying. I don't recall if it was them, or if it was myself.

GERAGOS: Well, I'll show you the 1-8 at 1332.

FREY: Un-hun.

GERAGOS: You see, do you want to read the yellow highlighted portion to yourself?

FREY: Okay.

GERAGOS: Does that refresh your recollection as whether it was out

FREY: I'm sorry, I haven't read through it all. If you give me a moment.

GERAGOS: There are three sentences yellow highlighted. Read that, tell me when you are done.

FREY: Yes. <pause> Okay.

GERAGOS: Okay. Do you remember, and that's specifically some of the discussion about him going out and doing media, correct?

FREY: Yes.

GERAGOS: Okay. Now, is that your suggestion to him that he should go out and do media, or was that something that the police told you?

FREY: Again, I don't recall whose suggestion that was.

GERAGOS: Did you save any of the these notes that they gave you?

FREY: No.

GERAGOS: Do you know what happened with those notes that the police gave you?

FREY: No, I do not.

GERAGOS: Did you hand them back to them?

FREY: I never took them.

GERAGOS: So what he, how would this work? They would slip a paper, basically, while you are on the phone, in front of you?

FREY: Un-hun, yes.

GERAGOS: Okay. Would it be writing on it?

FREY: Yes.

GERAGOS: Okay. And either Buehler or Hagan would write on it?

FREY: Yes.

GERAGOS: Slip that in front of you, and then that's how you would control or change the conversation, or what you would ask?

FREY: Sometimes they would write a few different things on the paper, and it would just, if it fit in the conversation, possibly fill it in, or slip it in, that way.

GERAGOS: All right. Now, on the, at some point, did the police tell you that, did they give you some information that you were supposed to question him about?

FREY: I'm sorry?

GERAGOS: They give you information that you were supposed to question him about? Specifics, like life insurance? They tell you to ask him about life insurance? I'll show you on the, looks like the 19th.

HARRIS: Your Honor, I would object to this.

JUDGE: Well, ask the question. But we're not going to get into the tape again under 356, unless it's necessary to explain the conversation already admitted. Help understood, this is a new area. But he can ask her if they were asking her to see if he could elicit questions about life insurance?

FREY: Are you asking me to read all the way down? I'm not there yet then. I just need a moment.

GERAGOS: Yes.

FREY: I just need a moment. <pause> Okay.

GERAGOS: Now, having read that, does that refresh your recollection as to whether or not you did ask him about life insurance, correct?

FREY: Yes.

GERAGOS: Was that your thought, or was that something that the Modesto PD asked you to ask him about?

FREY: I don't recall whose suggestion that was.

GERAGOS: How about the things, specifically like the truck ramming into his warehouse, having him to move from the warehouse? Did they, was that something you asked him about on your own, or the Modesto PD asked you to ask him?

FREY: I don't recall if Scott brought it up, or if it was myself. Does it indicate on the transcript?

GERAGOS: I'm asking a new, do you remember whether or not you asked whether or not, whether the police gave you that information?

FREY: That's what I'm saying. I don't recall if he brought it up.

GERAGOS: The way that he's ruled, I can't ask that, so I have got to ask you in this fashion, Miss Frey. You are going to have to just rely on your memory. Do you remember if the police told you to ask him about ramming into the warehouse?

FREY: No, I don't remember.

GERAGOS: Do you remember if the police told to you ask him about Laci's actual due date?

FREY: I believe that was my curiosity.

GERAGOS: That was something you came up with?

FREY: Yes.

GERAGOS: How about the idea of the exact details of what Laci did on the 23rd and the 24th? Do you remember, we had, we were listening to the tapes. You were asking him repeatedly about what she did on the 23rd and 24th. Was that your idle curiosity? Was that the police telling you to do –

FREY: I don't recall, specifically. I'm sorry.

GERAGOS: Okay. Now, did you, did the police ever tell you that they had found it suspicious that they had smelled bleach in the house? Did you ever hear that on the 30th from either officer, Detective Brocchini or Detective Buehler?

FREY: No.

GERAGOS: Did you ever hear that at all?

FREY: I vaguely recall something of that sort. But I don't know anything of the entirety about it.

GERAGOS: Was that, vaguely something of that sort, one of the officers telling you that?

FREY: I don't believe so.

GERAGOS: Do you know who that was from?

FREY: I think it was just hearsay, out and about, people talking.

GERAGOS: Okay. Now, there is another specific spot in the tapes that were played where there is talk about where you are talking to Scott about a Dave, and I don't know how to pronounce his last name. Is it Ghirardelli?

FREY: Giardinelli.

GERAGOS: Giardinelli. Is this a friend of yours?

FREY: Yes.

GERAGOS: You are getting mad at Scott because he's told you that his wife was dead, correct? You recounted this story to Scott?

FREY: I shared that story with Scott in early December.

GERAGOS: And Dave Giardinelli?

FREY: Giardinelli.

GERAGOS: Told you in December that, this is somebody you have known for how long?

GREY: For some time, I guess.

GERAGOS: Couple of years at least, right?

FREY: Prior to that an acquaintance that I would see out and about with his wife.

GERAGOS: Right. And you knew his wife as well, right?

FREY: She was a friend of mine.

GERAGOS: Okay. And you saw him at a bar somewhere in December; is that correct?

FREY: No, that's not correct.

GERAGOS: Didn't you say you had met him at a bar, you ran into him at a bar?

FREY: Not in December.

GERAGOS: Did you run into him in a bar at some point?

FREY: I was out with some friends. I ran into him at a rib house.

GERAGOS: In the bar of the rib house?

FREY: No. It was outside.

GERAGOS: Okay. And did he tell you at that point when you ran into him that his wife had died?

FREY: Would you like me to explain the story

GERAGOS: I'm asking you

FREY: of how it came about?

GERAGOS: I'm asking you the question.

FREY: Yes.

GERAGOS: Okay. And then after he told you that, some time shortly thereafter, his wife is a twin, correct?

FREY: Correct.

GERAGOS: Okay. And you ran into this, what you thought was the twin sister of the wife who had died, at a carwash, right?

FREY: Yes.

GERAGOS: And when you said something to her, you realized that it wasn't the twin sister, it was really the wife, right?

FREY: Yes.

GERAGOS: And, at that point, you realized that Dave G, since I can't pronounce his last name

JUDGE: Giardinelli.

GERAGOS: Is that some kind of an ethnic connection there that I should know about? That Dave G had been lying to you about his wife being dead, correct? He lied to you about it?

FREY: Yes.

GERAGOS: Okay. You told that to Scott?

FREY: Yes.

GERAGOS: Now, the, in addition to that, one of the things that the police eventually told you to do some time in late February is that, you had a conversation with Buehler; is that right, about the, to have you stop talking to him, stop talking to Scott?

FREY: In February you said?

GERAGOS: In February.

FREY: Yes.

GERAGOS: On the day of the search warrant being executed. Do you know if that was the same day?

FREY: No.

GERAGOS: February

FREY: I don't know.

GERAGOS: Okay. Do you remember what occasioned that call, why Buehler and you talked about it?

FREY: No, I don't recall that.

GERAGOS: What was the context of that call, what was, what did Buehler tell you? Did he tell you to stop talking to him?

FREY: He said, at that point, the best I can remember, as far as the conversation was that they didn't really need the conversations to continue. That I could, I guess, basically terminate conversation, or end conversations with him.

GERAGOS: Let me play B28, which has already been played. It's February 19th. Mr. Naljian has just got the audio, not the Power Point.

JUDGE: All right.

<recording played>

JUDGE: Cut that off, Mr. Geragos. How long is this going to play? If it's going to be lengthy, we should give the jury a transcript.

GERAGOS: Judge, just three minutes.

JUDGE: Well, it's pretty long. I think we have transcripts. We should give the jury a transcript. I have, do you have the, we still have those transcripts on that particular conversation?

GERAGOS: I could do, judge, if it makes it any easier, I think I have got transcript, I can put

JUDGE: Why don't you put it there so the jury can follow. The voice is not that great. And I thought it was just a short excerpt. But it's longer than I anticipated.

HARRIS: It's 201K.

JUDGE: Okay. But I don't have the transcripts here. But he's going to show it on the, we have already distributed to the media.

HARRIS: The binder should be up there. Just pull it out of the binder, put it on the document camera.

JUDGE: He's got it.

GERAGOS: I had it just a second ago. Let me get it.

JUDGE: Got it? He's got it. Let me see it. What's the date of this now, Mr. Geragos?

GERAGOS: The 19th.

JUDGE: K, right?

GERAGOS: Yes.

JUDGE: I got it. We'll put that up there. That's hard to hear.

<recording played>

GERAGOS: Then you after that call on the 19th, you called Detective Buehler; is that correct?

FREY: Did I, without seeing my phone records, I'd have to just assume that I did.

GERAGOS: Let me show you, why don't you read this first four paragraphs right there, see if that refreshes your recollection.

JUDGE: See if that refreshes your memory, Miss Frey.

FREY: Okay. Okay.

GERAGOS: Finished?

FREY: Yes.

GERAGOS: Does that refresh your recollection as to a conversation you had with Detective Buehler on the 19th of February?

FREY: I can't say that it really does, but –

GERAGOS: Well, did you call him on the 19th? After that phone call we just listened to, did you call the detective and tell the detective, I did what you suggested, I called and I ended the relationship?

FREY: That's what he reported.

GERAGOS: Is that your memory?

FREY: I really don't recall specifically. I'm sure I did do that.

GERAGOS: Did he, didn't he tell you in that conversation that they weren't getting anything useful on the recorded calls?

HARRIS: Objection. Hearsay.

GERAGOS: Goes to her state of mind.

JUDGE: Sustained, overruled, I mean. You can answer that.

GERAGOS: Didn't he tell you they weren't getting anything useful, useful information on the recorded calls?

FREY: I don't remember. I know you showed me, but I'm saying I don't remember.

GERAGOS: I'm going to ask you to take

JUDGE: I think the objection is argumentative.

GERAGOS: Does that refresh your recollection as to that's what he told you?

FREY: No, it doesn't.

GERAGOS: Okay. Did he tell you from, that from their standpoint that they weren't certain that all the calls were being documented by you?

HARRIS: Objection. Judge, this isn't the detective's report. It's not indicating this is what he told her.

JUDGE: Isn't that what, I assume you got this from Detective Buehler's report. I'll take your representation of that.

GERAGOS: Right. I'm reading directly from it.

JUDGE: All right. Objection is overruled. Go ahead. You can answer.

GERAGOS: Did he tell you that he was not certain that all the documents or all the calls were being documented? Did he tell you that?

FREY: No, I don't recall that.

GERAGOS: Did he tell you that he wasn't, that they were not certain that all the calls were being reported to them?

FREY: I don't recall him saying that to me.

GERAGOS: Did he say that he was not sure that all the calls were not being possibly scripted? Did he ever say that?

FREY: They weren't all scripted.

GERAGOS: I'm asking, did he tell you that?

FREY: No, I don't recall him saying that to me.

GERAGOS: Okay. Now, did you say, did you tell him that it surprised you that he agreed without protest to stop talking

to you? Did you tell Buehler that?

FREY: That's something that I recall expressing; but that it did surprise me that it went so well, yes.

GERAGOS: The phone call that we just listened to?

FREY: Yes.

GERAGOS: As you sit here today, you have a distinct memory that it surprises you that when you told him that you thought it was in the best interests not to have any further contact, that he just readily agreed to it?

FREY: That does, yes.

GERAGOS: Okay. And that, furthermore, that you were surprised that he didn't try to change your mind in any way?

FREY: I can't say that would be the wrong. Just the way that it was handled surprised me.

GERAGOS: Isn't that what you told Detective Buehler, that, didn't you tell him that it surprised you that he would feel this way, and that he did not, in any way, attempt to dissuade or change your mind about this?

FREY: I don't recall using those words.

GERAGOS: Okay. Now, had Detective Buehler given you advice earlier where he asked you specifically that you should allow him to be present to monitor that conversation, for lack of a better word, the kiss-off conversation?

FREY: I don't recall that conversation.

GERAGOS: I'm going to show you, read the first four paragraphs. Take a look at the very last paragraph. Read that silently to yourself, if you would.

FREY: Okay.

GERAGOS: Didn't Detective Buehler tell you that he was supposed to be present when you had this conversation so that he could be present to monitor it?

FREY: I don't recall that conversation.

GERAGOS: Wasn't he specifically telling you that, or didn't he specifically tell you that when you make that call, he called you and told you to make that call, correct?

FREY: Yes. It was discussed that I make the call.

GERAGOS: And did you tell him that you didn't want to tell Scott that he, that you didn't want, you shouldn't have any more contact with him, right?

FREY: Yes.

GERAGOS: Okay. Did Detective Buehler tell you that he needed to be there to monitor that call?

FREY: I don't recall him being specific about it. Just reading the, I understand what you are saying, reading the report. But I don't recall him saying he specifically needed to be there when I made the call.

GERAGOS: Okay. So when he says that was contrary to his advice, you, your memory is that he did not give you that advice?

FREY: I think it was more of a suggestion, possibly if it worked out, to happen that way. But I don't recall it being a specific order from him.

GERAGOS: Now, the conversation, where were you when you had that last conversation that we just listened to?

FREY: I would be assuming, most likely at my home.

GERAGOS: Down in Madera?

FREY: Yes.

GERAGOS: At that time, correct?

FREY: Yes.

GERAGOS: And do you know where Scott was?

FREY: No, I do not.

GERAGOS: You called, obviously, his cell phone, correct?

FREY: Yes.

GERAGOS: Now, the, specifically were the police giving you instructions after the 8th, you read the one that I just gave, the report I just gave you where they had advised you, where they felt that they had advised you that they wanted to be present. Going back to what-ifs, discussing with you at the end of the day yesterday, after the 8th, did they give you advice as to whether or not you should have any further contact with Scott Peterson? Did they tell you anything?

FREY: What do you mean by that?

GERAGOS: You were at Modesto PD. You were in Modesto on the 6th, 7th, and 8th?

FREY: Yes.

GERAGOS: When you were there on the 7th and 8th, they were there monitoring and basically constantly giving you suggestions, according to their reports, correct?

FREY: Yes.

GERAGOS: Now, when they finished the last call on the 8th, whatever time that was, that was the end of that block of supervision, right?

FREY: Yes.

GERAGOS: Now, did they give you some advice at that point, or ask you to do something at that point, in regards to future phone calls with Scott?

FREY: There was a meeting that morning.

GERAGOS: Where was that meeting? Was that on the 9th, the following day?

FREY: To remember specific dates, I believe it was in the daytime, or, actually, I just remember being in an upstairs office with a very large table. And there were many officers around it. And I remember entering. They were already in there. We were discussing, or they were discussing further conversations, and how I felt about, I guess mostly where I was emotionally, my state of mind with continuing talking with Scott.

GERAGOS: Okay. And specifically what I'm asking you is, did they tell you that they didn't want you making calls without them present?

FREY: No, I don't recall them ever asking that.

GERAGOS: If they had told you that, would you have, would you have told them, if you were going to go against their advice, if they told you don't do this, and you were going to do it, would you have told them, "I did it anyway"?

FREY: They sent me with recorders and tapes.

GERAGOS: When did he send you?

FREY: For further

GERAGOS: Where did he send you recorders and tapes, after the 8th?

FREY: When I left, they were on my, they were with me.

GERAGOS: Who gave them to you?

FREY: In my possession. They never took them from me.

GERAGOS: Okay. So they didn't give them to you, is what you are saying? They just gave you new tapes? What are you saying?

FREY: Yes, I was always, I was provided with

GERAGOS: By who?

FREY: Well, Detective Buehler.

GERAGOS: When was that?

FREY: Oftentimes. And so when you are asking when I left, yes, I was. I left Modesto with further tapes, or more tapes and a tape recorder, and the device to continue if there were any more calls.

GERAGOS: What I'm getting at is, you are there during the 6th through the 8th. You don't need any of the recording devices. They are doing the recording?

FREY: That's not true.

GERAGOS: Do they do the recording with you?

FREY: I continued the same as I had been.

GERAGOS: So the 6th through the 8th they are there, you have got the recording devices?

FREY: Yes, I do.

GERAGOS: You have got the audiotapes?

FREY: Yes.

GERAGOS: Do they give you, before you leave on the 8th, do they give more blank tapes?

FREY: All I know is that I had them. Whether they gave them to me then, or I already had them, I don't know.

GERAGOS: That's what I'm asking you.

FREY: I don't know.

GERAGOS: Did you have receive tapes from Brocchini, Detective Brocchini?

FREY: No, I didn't. I don't know how to put it. My interactions was with John Buehler, not Al Brocchini.

GERAGOS: You didn't have an interaction with Al Brocchini where he gave you tapes and admonished you, he lectured you that you were to report all phone calls to Buehler or him? That never happened?

FREY: You just asked several questions. If could you break that down.

GERAGOS: I'll ask you this question. Did you have a conversation with Brocchini where he gave you tapes?

FREY: Where he gave me tapes?

GERAGOS: Yes?

FREY: I don't believe so, no.

GERAGOS: Did you have a conversation with Brocchini where, in conjunction with giving you tapes, he also told you that you needed to report all conversations, you needed to tell the police about all conversations?

FREY: Not that I can recall.

GERAGOS: Okay. Now, did you have any conversation with Buehler about that? Buehler tell you that you needed to give him any tapes, and so that you couldn't hold back, so to speak, if you were taping, and they knew about it?

FREY: No, I don't recall that conversation.

GERAGOS: Had there ever been a conversation that you had with anybody from Modesto, whether it's Jacobson, Buehler, Hagan from the Department of Justice, where he specifically said you are holding back? We think you are holding back, you can't hold back in the future?

FREY: No.

GERAGOS: Never had that conversation?

FREY: I don't recall a conversation like that.

GERAGOS: I'm asking, I'm not asking if you don't recall. I'm asking, do you remember, as you sit here, ever having that conversation?

FREY: No.

GERAGOS: Now, I'm going to go back to, go back to the month of December with Scott, when you two were buying various things in anticipation of this, I think you called it a formal, correct? Where did that formal take place?

FREY: At the World Sports Cafe in Fresno.

GERAGOS: What?

FREY: The World Sports Cafe in Fresno.

GERAGOS: Okay. And the World Sports Cafe is what? What kind of a location? Like a sports bar?

FREY: And cafe. I don't know how you would call it. There was,

GERAGOS: Restaurant, slash, bar

FREY: Yes.

GERAGOS: type area? Now, in preparation for that, Scott went and got a tuxedo, correct?

FREY: Yes.

GERAGOS: Okay. He rented a tuxedo in his own name, as far as you can tell, correct?

FREY: As far as I knew, yes.

GERAGOS: Using his own credit cared, right?

FREY: I didn't see it in front of me. I saw that something was pulled out from his wallet. But he wasn't standing right next to me.

GERAGOS: When the police came to you the first time on the 30th, you gave them a list of places and a list of locations where you thought they could find receipts or evidence that Scott had been with you, correct?

FREY: I don't think it was on the 30th that we went through a list of locations. I believe it was another date that John Buehler came down with me to go through those.

GERAGOS: I gave him, I think I'll show you 1644, 45, and 46. Are these a list, take a look at those. Is that a list of the places that you gave to Buehler and to Brocchini?

FREY: Yes.

GERAGOS: Yes?

FREY: Yes.

GERAGOS: Okay. At least it looks like, by their count, you gave them sixteen different places where they could find substantiation about you and Scott, correct?

FREY: Yes.

GERAGOS: Okay. This included this Christmas tree place, Elephant Bar, the Radisson, right?

FREY: Yes.

GERAGOS: The Japanese restaurant we talked about, that Bebe's Lounge, which was after the Japanese restaurant?

FREY: Yes.

GERAGOS: The Food Maxx that you had gone prior to 2:00 a.m. to buy the gin and tonic, correct?

FREY: Yes.

GERAGOS: Trader Joe's, that you thought that Scott had gone to buy the plant and the food, food items to make the lasagna?

FREY: Yes.

GERAGOS: The whole foods place as well?

FREY: Yes.

GERAGOS: Now, specifically you also told them about the Bank of America where you went with Scott, right?

FREY: Yes.

GERAGOS: And a Wal-Mart where you, Scott, and Saki had gone inside, actually you and Saki had gone inside, and Scott waited?

FREY: Yes.

GERAGOS: Borders Books, a Chinese restaurant, the Fashion Fairmont, right?

FREY: Yes.

GERAGOS: You also gave them what you had considered to be evidence items that you had at your residence, right?

FREY: You say evidence items –

GERAGOS: They called it evidence items. Turned over things that you had saved; is that right?

FREY: Yes.

GERAGOS: You had a Trader Joe's plant wrapper that you had saved?

FREY: Well, it was around a plant that I had. So

GERAGOS: You had an open condom wrapper that you had saved?

FREY: I didn't save it. It was just there.

GERAGOS: And that was on the 30th of December. It was still there from the 14th?

FREY: I really hadn't been home that week very much.

GERAGOS: So it had stayed there for the two weeks, or two and half weeks?

FREY: Yes.

GERAGOS: Okay. The soil samples from Aiyana's shoes that had been, what did they do, took the shoes and scraped off some soil?

FREY: Yes.

GERAGOS: Four caramel candies and one men's pocket, are those the caramel candies that were used to make the Pink Lady Caramel Apple?

FREY: Yes.

GERAGOS: And then the books that you were given, you also had as well, you turned those over?

FREY: Yes.

GERAGOS: Now, when you turned all of those things over, the, almost all of those had, were public locations where you had been with Scott on the 14th or before, correct?

FREY: Well, not all of them. I wasn't with him at all those locations. But the majority of them, yes.

GERAGOS: Okay. Is it a fair statement that he never tried to hide his relationship with you?

FREY: That's a fair statement?

GERAGOS: Yeah. I mean did he try to hide it from you or your friends? I mean when he went, he went to this, you call it a formal at this sports bar, correct?

FREY: Yes.

GERAGOS: On the way did he stop and buy pictures, or buy film to take pictures?

FREY: Yes.

GERAGOS: Okay. And was that, who was actually taking the pictures?

FREY: Saki.

GERAGOS: Okay. Did he tell Saki not to, don't take any pictures of him?

FREY: No, he never said that.

GERAGOS: Okay. When he was passing out your cards, I assume your card had your name on it for your new business?

FREY: Yes.

GERAGOS: And he was passing that out, and he wasn't covering his face, or anything, was he?

FREY: No, he was not.

GERAGOS: Okay. As he's passing it out, I assume that anybody who gets this card is going to get the card, see Amber Frey, and see Scott Peterson, or somebody who looks just like Scott Peterson passing the card out, correct?

FREY: Yes.

GERAGOS: The pictures that were taken by Saki were at, was that before, as you are getting ready to go, were those pictures you were taking?

FREY: Those are separate photos.

GERAGOS: So he didn't tell you not, do not take those photos, did he?

FREY: No, he did not.

GERAGOS: Now, at some point, I think in the tapes there is a reference to the fact that you sent out pictures with Christmas cards; is that correct?

FREY: Yes.

GERAGOS: And is that your Christmas card? I mean you, and I mean the picture that you sent out, is that something you sent out to your family and friends?

FREY: Yes.

GERAGOS: Okay. And approximately how many of those did you send out?

FREY: I believe I had five prepared to send out. But only, I believe, three of them were actually given. And I retrieved one of the three back.

GERAGOS: Okay. When you say five were prepared

FREY: Yes.

GERAGOS: You were sending out Christmas cards, and in that Christmas card, if I understand correct, you put in a picture of you and Scott?

FREY: Yes.

GERAGOS: Did you talk that over with Scott before you did it?

FREY: No, I did not.

GERAGOS: Okay. Who were the people you were going to send these Christmas cards with the picture of you and Scott in?

FREY: The ones that had not been sent, or just in the entirety of the five people?

GERAGOS: If I understood correctly, you had five you planned to do it with?

FREY: I believe that was, yes.

GERAGOS: And was this picture of you and Scott, is that one of the ones that Mr. Harris showed you?

FREY: Yes.

GERAGOS: Was it the one where he's wearing the Santa cap?

FREY: No.

GERAGOS: Which one was it?

FREY: It was, there is a smaller picture in there that Saki had composed on her computer, and kind of made them a little bit smaller. It would, it was those. So it was Scott and I side-by-side in front of a Christmas tree.

GERAGOS: Okay. And the only people in the picture were you and Scott, correct? Ayiana was

FREY: No, she was not.

GERAGOS: And who were you sending these cards to? Who were the five people you planned on sending it to?

FREY: Both my parents, I believe my grandmother, and then two friends.

GERAGOS: Okay. Who did you end up sending it to?

FREY: My dad, my mother, I believe my grandmother, and the two friends. Actually I don't know if I ever got it to grandmother. I just, one I did get to a friend, and then I had later retrieved from her. And the other one never got sent out.

GERAGOS: Okay. Now, I'm going to jump back. They found this one report. When I was asking you before about Brocchini telling you that at any point that you had to, giving you tapes, or telling you anything else. You don't have any memory of Brocchini telling you that at all, telling you that you had to, giving you tapes?

FREY: No. I do have a recollection of Brocchini telling me something, but it wasn't that.

GERAGOS: Okay. So he didn't tell you that you had to give them the information, or be straight with them about turning over information on the tapes? Brocchini never did that?

FREY: He had made a comment in the, along the lines of that with Detective John Buehler present.

GERAGOS: All right. Now, they had told you, I mean is it a fair statement that they had told you the kind of things, especially on the 6th, 7th, and 8th, that they wanted you to say on the phone calls?

FREY: I'm sorry?

GERAGOS: On the 6th, 7th, and 8th, specifically when you were up in Modesto PD, is it a fair statement that they told you the kinds of things they wanted you to say on the phone calls?

FREY: Would that be a fair statement? Yeah, I would say that was a fair statement, yes.

GERAGOS: Okay, judge, could we take the break now? I'm just going to, hopefully be done with her right after the break.

JUDGE: Take the morning recess until five minutes to eleven.

<recess>

JUDGE: All right. Mr. Geragos.

GERAGOS: No further questions.

**Redirect Examination by David Harris**

HARRIS: Miss Frey, what I want to do is kind of go back to where Mr. Geragos started at and ask you some questions. You were telling us, when he was asking you questions about your phone records, something about incoming calls not showing. And I want to have you explain what you meant by that.

FREY: I'm sorry, I want to wait a moment. It's a little noisy.

HARRIS: When you were talking

FREY: I heard your question.

HARRIS: Okay.

FREY: About my phone records and about only showing my, the calls going out? You want me

HARRIS: Yeah.

FREY: to explain how that, how that is?

HARRIS: Well, when you were looking at your phone bills

FREY: Uh-huh.

HARRIS: and you were looking at those records to see if there were particular calls there, what numbers show up on your phone bill?

FREY: Only the ones that I dial out.

HARRIS: So if you were making a call to someone using your cell phone, if you dialed a number, that number shows up as a number you called?

FREY: Yes.

HARRIS: Now, if somebody calls you on your cell phone, does their number show up?

FREY: No. Only incoming and the length of the call and the time, but not a number from where it was from.

HARRIS: Okay. When you were looking at those records, it was kind of a thick stack that you were looking at?

FREY: Yes.

HARRIS: Was this cell phone, was it just for your personal use?

FREY: No, it was not.

HARRIS: And what other usage were you using

FREY: I used it for my business as well.

HARRIS: So during the time period that we were talking about, did you have maybe ten, 20 calls? Or did you have more than that?

FREY: There were pages.

GERAGOS: Objection. Vague as to time.

JUDGE: Yeah. What time are you talking about?

HARRIS: During the phone bill, just go right back

FREY: Okay.

HARRIS: to the phone records that you turned over to Detective Buehler and Brocchini

FREY: Uh-huh.

HARRIS: was there a lot of phone calls on there?

FREY: I'm sorry, the ones that I, I'm not sure if I'm understanding your time line.

HARRIS: When Detective Buehler and Brocchini came down and they talked to you on the 30th

FREY: Yes.

HARRIS: and you turned over your phone records, your phone bill at that point in time, were there hundreds of phone calls on there?

FREY: Without having it in front of me I couldn't count how many, but there was often many phone calls, because I did use it for my business as well as personal.

HARRIS: So when you were asked to look at a particular area

FREY: Uh-huh.

HARRIS: and if it just says "incoming," would it be difficult from just your phone records telling exactly who it was that you were talking to?

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: Looking at your phone records, would it be difficult to tell exactly who you were talking to?

GERAGOS: Objection leading.

JUDGE: Overruled.

FREY: Yes, I would not know who was calling me. It doesn't appear on my phone records.

HARRIS: Now, you were shown some, shown a photograph, and you were asked about whether Mr. Peterson had been drinking. Do you remember that?

FREY: Yes.

HARRIS: I want to show you another photograph and talk about that. That would be 193 F that's previously been marked.

JUDGE: That's 193 F?

**16 HARRIS: Yes.**

HARRIS: Now, this particular photograph here, 193F, was this taken almost at the same time as that other photograph that you were shown yesterday?

FREY: Yes.

HARRIS: And does, does Mr. Peterson appear to be blinking in this picture?

FREY: No.

HARRIS: Now, when these pictures were taken, was this before or after you went to this formal event?

FREY: Before.

HARRIS: And who drove to that event?

FREY: Scott.

HARRIS: You were, then going forward in time, you were shown the Defendant's Exhibit, I can't see the number from here, but the Star Theater?

FREY: Yes.

HARRIS: The box over here. And then Mr. Geragos was asking you and showing you a chart that showed that you had made a number of calls on the 26th. Why were you trying to reach Mr. Peterson on the 26th?

FREY: To share the information that I had received his package with the Christmas gift in it.

HARRIS: In a sense, you were trying to thank him for the present?

FREY: Yes.

GERAGOS: Objection. Leading.

JUDGE: Overruled. It's been asked and answered.

HARRIS: You were also shown another chart, let's see if I can find it, one with Richard Byrd.

JUDGE: For the record, the planetarium box was D 5 P.

HARRIS: Q. Let me show you the Richard Byrd chart, which is D 5 N.

FREY: Uh-huh.

HARRIS: Put that up there for you. I would like, if you could, turn to number 49. As they're listed on the left numerically.

FREY: Uh-huh.

HARRIS: Can you see that particular phone call, the 39th one?

FREY: Yes.

HARRIS: And does that indicate that you talked to Richard Byrd?

FREY: It indicates there's a four minute call.

HARRIS: And when was that?

FREY: At 2:04 a.m.

HARRIS: And this was the morning of the party when you were given the information about the defendant being involved

GERAGOS: Objection. Leading.

JUDGE: I'm going to permit it. Overruled. You can go ahead and answer.

HARRIS: Given the information about the defendant being connected with the missing woman in Modesto?

FREY: Yes, it was.

HARRIS: After you received that particular phone call, is that when you called the Modesto Police Department?

FREY: Yes.

HARRIS: Now, counsel was asking you about whether you suspected the defendant at some point in time, and just kind of use that term. So I want to go back to something you said but didn't explain. You said that you started to suspect the defendant when there was an issue about the P.O. Box being provided; is that correct?

FREY: Yes.

HARRIS: What did you mean by that?

FREY: Well, Richard had made comments to me before about different conversations I had shared with him between Scott and I, about them not sounding, or sounding suspicious, as far as the content of the conversation. And I kind of made excuses for them, for Scott, about them. And so when I received the call about the P.O. Box number that was located in Modesto, at that point my, my heart basically sunk in my stomach and I thought there's something not right with what he's telling me.

HARRIS: So you, this, you get this information about this P.O. Box, the defendant's explanation, because he calls you at some point in time to tell you about that P.O. Box, correct?

FREY: I

GERAGOS: Objection. Leading.

JUDGE: It is a leading question.

HARRIS: Well, let me go back then. Who told you that the defendant had a P.O. Box?

FREY: Scott had told me that he had got a P.O. Box number so that, from an earlier conversation, I had asked him when he was away, if I wanted to send him something or letters or nonspecific items, how would I do so. And he said he would get back to me with that. And when he got back with me about that particular conversation and how I would be able to send him something, he came up with a P.O. Box number. And it was in Modesto. And I said Well, how, how was that supposed to reach you to where, you know, wherever you're at, because you're going to be traveling through Europe; I don't understand. And he said that it was through, like, via e-mail, that he would let the postal service know his location and they would ship up or box up his mail and send it to him that way. And it never really quite made sense to me how that would work.

HARRIS: And who was it that gave you the specific mailbox address?

FREY: Scott Peterson.

HARRIS: And the evidence has already shown that that occurred on the 23rd that he obtains that box, so does he tell you,

GERAGOS: Objection. Leading.

JUDGE: Well, it's preamble to the next question.

HARRIS: Q. When does the defendant tell you that he got this post office box?

FREY: That's something in my mind that I'm having a hard time narrowing down exactly when it was, if it was on the 23rd or, or after.

HARRIS: Now, you, you were then asked a series of questions about when Detective Brocchini and Detective Buehler came down to talk to you. And you were asked about the items that you turned over to them. I don't recall you being asked about photographs. Did you turn over photographs to Detective Buehler and Brocchini on the 30th?

FREY: Yes, I did.

HARRIS: And is that photograph that we're looking at, 193, one of the photographs that you turned over?

FREY: Not initially that morning. I didn't have them at the time.

HARRIS: Did you have to go someplace that day with them to pick it up?

FREY: Yes, I did.

HARRIS: And where was it that you went?

FREY: To Rite Aid.

HARRIS: So you took the detectives to Rite Aid?

FREY: Yes.

HARRIS: You get your pictures?

FREY: Yes.

HARRIS: And you give them to the detectives that day?

FREY: Yes.

HARRIS: And one of the other things I don't recall you being asked about, did a phone call occur while the detectives were at your house?

FREY: Not at, not at my house.

HARRIS: Did you receive

GERAGOS: Exceeds the scope of cross.

JUDGE: Redirect, or cross-examination?

GERAGOS: It exceeds, right.

JUDGE: I think if you want to go direct into a new area.

HARRIS: You were asked about your involvement with the recordings that were made, and I believe the question was asked if you played along. So I want to talk about that.

FREY: Okay.

HARRIS: On December 30th, when you started making these recordings at the request of the Modesto Police Department, when you were playing along, what were you doing? Can you explain to us what you mean when you were responding to that particular term of playing along?

FREY: Continuing the same conversations I had previously with Scott. Just continuing to play along that he was in Europe when I knew that he was not in Europe at the time.

HARRIS: Now, when those conversations took place, up until the ones that you were asked about this morning, which is the 6th, 7th, and 8th, did those all take place at the Modesto Police Department?

FREY: Yes, they did.

HARRIS: The 6th, 7th and 8th. Did the ones from December 30th up to January 6th, did they take place at the Modesto Police Department?

FREY: No, they did not.

HARRIS: Where did they take place at?

FREY: Most of them took place at Doug Sibley's home.

HARRIS:. And were there detectives that were there?

FREY: No.

HARRIS: So when you were having these conversations with defendant, was there a detective feeding you notes about what to say?

FREY: No, there was not.

HARRIS: So these conversations, were they conversations that you were having with the defendant and it's just pretty much your input?

GERAGOS: Objection. Leading.

JUDGE: I think so. These phone conversations that you were having, the questions you were asking the, the, were they your own idea?

FREY: Well, our conversations that I had with Detective Jon Buehler from, during that time, he would suggest at times possible topics to bring up, but for the most part they were just conversations that were carried on.

JUDGE: Okay. But you formulated the questions yourself? They didn't give you

FREY: There wasn't anybody with me. Like I said, over the phone Jon would suggest, suggest some things to me on conversations, but nobody was there, per se, giving me papers or saying anything while the conversations were going on. I was by myself with those phone calls.

HARRIS: Now, I want to just go back through this a little bit because there was, there was something you started to answer and you didn't get a chance to finish it, which is you were saying something about holding on to the tapes. Now, when you were recording these, you were recording these on audiotapes?

FREY: Yes.

HARRIS: And did you record one call per tape? Or did you record multiple calls per tape?

FREY: In the beginning they were one tapes and then I would take it out, and that became very, a lot more work, so then I, they began, or I began just using the same tape and turning them over, so they were continuous tapes.

HARRIS: Now, when you said turning them over, these calls, other than the ones on the 6th, 7th and 8th

FREY: Uh-huh.

HARRIS: they were taking place someplace out of Modesto?

FREY: Yes.

HARRIS: Did somebody have to come and pick up these tapes?

FREY: From time to time, yes.

HARRIS: And who was that?

FREY: Jon Buehler.

HARRIS: So Detective Buehler would drive from Modesto to wherever you were at and pick up these tapes physically from you?

FREY: Yes.

HARRIS: So when you were talking about holding on to the tapes, is that what you meant? You were waiting for the detective to come and pick them up?

FREY: I'm not recalling what conversation you're talking about specifically.

HARRIS: When, when you were being asked yesterday about holding on to the tapes

FREY: Uh-huh.

HARRIS: did you hold on, you would make a tape?

FREY: Right.

HARRIS: Did you hold on to that tape until the detective would come and pick it up from you?

FREY: Yes.

HARRIS: Now, moving on to the 6th, the 7th, and the 8th.

FREY: Uh-huh.

HARRIS: We heard about that this morning, about how Detective Buehler and Miss Hagan were feeding you these questions, so to speak.

FREY: Uh-huh.

HARRIS: When you were having these conversations, they were sliding some type of piece of paper in front of you?

FREY: Yes.

HARRIS: And you were talking with the defendant?

FREY: Yes.

HARRIS: And did that first, let me just back up through this. There was a number of tapes on the 6th. There was one we talked about in, on direct where there was kind of the planting of the seed where you said you got, received a call from Saki. Was that part of this process where the detectives were giving you some information to try and bring up this part of the conversation?

FREY: Yes.

HARRIS: And then later after, after the defendant had continued to tell you that he was in Europe

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: On the 6th, did the defendant tell you that he was in Europe?

FREY: Madrid.

HARRIS: In Madrid?

FREY: Yes.

HARRIS: And one of the latter tapes that were played on the 6th, is that when he then says I think I know why Saki's called?

FREY: Yes.

HARRIS: Now, you were asked a series of questions about certain particular phone calls. Were there times where you would talk with Detective Buehler and then the defendant would call you after you had your conversations with Detective Buehler?

FREY: Yes.

HARRIS: If it was late at night and you had a conversation with the defendant, would you always call the detective back?

FREY: Most, I can't say always. I believe most of the time would be yes.

HARRIS: If you were, if you didn't, because you're saying not always, if you didn't, would you then later turn over the tape?

FREY: Yes.

HARRIS: And would you always turn over every tape that you made?

FREY: Yes.

HARRIS: You were asked about looking just at your records, if you saw any calls for the 22nd or 23rd, if I recall correctly?

FREY: Uh-huh.

HARRIS: So let me go through that. Let me actually just show you your, give you D 5, it looks like O. These are your phone records?

FREY: Yes.

HARRIS: Looking at that, if you could turn to January, excuse me, February, December 22nd.

FREY: Okay. Yes. Okay.

HARRIS: Do you see if there were any calls to the defendant on that particular date? Or any calls from the defendant on that date?

FREY: It shows that I had made a call to the defendant in the morning.

GERAGOS: I'm sorry, I didn't hear the last part.

JUDGE: I didn't hear what you said, Mr. Geragos. She said I had made a call to the defendant that morning.

FREY: Yes.

HARRIS: So in your phone records it shows that you had made a call that morning?

FREY: Yes.

HARRIS: Now, in the tapes that we listened to, did the defendant tell you that, yes, he had told you that he was out on a duck hunt right before Christmas?

FREY: Yes.

HARRIS: So obviously there was a conversation that took place around the 23rd and the 24th?

FREY: Yes.

HARRIS: Now, going through some of the information that counsel was asking you about, what the police were saying to you, and you were saying that there were kind of two things that were going on, and I'm not sure if we ever heard what that was.

FREY: Okay.

HARRIS: When the detectives were talking to you about their reason for getting your cooperation, and recording these calls, what did they tell you?

GERAGOS: Objection. Vague as to time.

JUDGE: Can you pin it down?

HARRIS: When you first, when you met with the detectives originally, so this was December 30th, and they wanted you to help them record these calls, did they indicate that there were kind of two things that they were looking for?

FREY: Yes.

HARRIS: What were the two things that they were looking for?

FREY: Whether there would be evidence or anything that could, one, either determine that he possibly is guilty of her disappearance, or her innocence.

HARRIS: Her innocence?

FREY: Or his, his innocence about her disappearance.

HARRIS: So when they first meet with you

FREY: Uh-huh.

HARRIS: they ask you to see what you could do to help them, regardless of which way it goes?

FREY: Yes.

HARRIS: The, you were asked about this conversation with Dave Giardinelli and his, his wife that was a twin?

FREY: Yes.

HARRIS: This was a story that you had related to the defendant at some point in time?

FREY: Yes.

HARRIS: What was, what had you told the defendant about that particular story? What was, what was the conversation?

FREY: I had left him a message after learning the information about, that Kelly wasn't dead, and he later called me back, and I explained to him, I said Do you remember my friend Dave that I was telling you about, and about how he had lost his wife? And he said yes, and that I had ran into her, thinking that she was her twin sister, Shelly, and, and she, and she said Well, I'm sure he wished that I was, but no. And I was very shaken up by, by this whole situation that had happened, because he had told me three years prior, when I had ran into him at the Rib House, I had asked where Kelly was, and he said You, you didn't, you didn't hear? I said No, what? And he said Well, you know she had a heart condition, right? And I said Well, yeah. And he said she passed away last February, and, I didn't, I had never heard that, and so I was taken back a little bit by that. And I asked how he was, and he said that he was, you know, getting over it and it's been hard for him. And at that point I hadn't seen him for, I didn't really see him that often, and then I would, later on we became or established a friendship with each other, and he would often talk about, about Kelly and their relationship and, and the doctor bills that he was still paying, and had talked about

JUDGE: It's getting to be a narrative.

FREY: Okay. Sorry.

HARRIS: So you, you were relating this conversation to the defendant?

FREY: Yes.

HARRIS: after you find out that you run into Kelly and obviously she's not dead?

FREY: Right.

HARRIS: And what did you relate to the defendant that Kelly had told you the reason that Dave wished, or whatever the comment was about him wanting her to be dead?

GERAGOS: Objection. Hearsay as to whatever Kelly's telling him.

JUDGE: Well, I'm going to overrule the objection because it explains her conduct. Overruled. You can answer that. What did Kelly tell you?

FREY: He, she said that she had, had restraining orders against him, that he was abusive to her in the relationship, and that at that point she, she was afraid of him.

HARRIS: Now, the, kind of the last area that you were being asked about was some of the things that the defendant had said to you in terms of the tapes that you heard this morning. So I want to go through this just real briefly. The first tape that we listened to this morning, when you were doing these conversations at the Modesto Police Department, so on the 6th, the 7th, and

the 8th, that's the period that we're talking about, when the defendant had called back on the 6th saying I think I know why Saki called, so I want to talk about that particular area, the defendant told you, strike that. Let me try this again, so I'm not leading. When did the defendant tell you that he had his lawyer?

FREY: I don't want to guess, so I, I believe in the transcripts, whatever day that is, which I don't recall, I don't, it wasn't the 6th. I believe it was either the 7th or the 8th was the first time.

JUDGE: Was it during those three conversations then?

FREY: Yes.

JUDGE: 6th, 7th, or 8th?

FREY: I don't believe it was the 6th.

JUDGE: So could have been the 7th or the 8th?

FREY: Yes.

JUDGE: Go ahead.

HARRIS: The last area I believe that you were asked was if the defendant was using his name, taking you out in public places when he was having this relationship with you. So I want to explore that a little bit. Now, you told the detectives, Buehler and Brocchini, when they came down, all the different places that you had gone to. When the detectives met with you on the 30th, did they know, had the defendant told them that you were his girlfriend?

FREY: No.

HARRIS: So when Mr. Geragos was asking you that question about there was nothing to show that the defendant was hiding his relationship with you, was he hiding it from the Modesto Police Department?

FREY: Yes.

HARRIS: The People have no other questions.

**Recross Examination by Mark Geragos**

GERAGOS: Ms. Frey, you have a transcript, you've reviewed the transcript of the interview between Brocchini and Buehler and you?

FREY: Have I reviewed it? No, I've not seen a transcript.

GERAGOS: The one from the 12th, from December 13th?

FREY: The one, is it one you showed me?

GERAGOS: Yes. Because Mr. Harris was asking you, he said that they told you when they met with you, you were tape recorded the whole time, right?

FREY: Yes.

GERAGOS: When they came down and interviewed you?

FREY: Yes.

GERAGOS: This is the transcript of that. You're the one who says specifically: I was like oh, wow, I go vaguely I heard about it, calls me back, he's not ruled out but he's not necessarily a suspect, or I don't know exactly what he said. Do you remember saying that?

FREY: Okay.

GERAGOS: And then Buehler said Uh-huh, he's a big suspect. And Brocchini said Well, the paper's not saying that. Buehler says That's true, we're not telling them that. Isn't that what they told you? They never said, there's nowhere in this transcript, by the way, this tape recording

where they ever said that they were trying to eliminate him. Was that, did they turn the tape off and then tell you We were trying to eliminate him and then turn the tape back on?

FREY: There was more conversations than were recorded at that time.

GERAGOS: It just so happened that the one portion where they wanted to eliminate him as a suspect didn't get recorded?

HARRIS: Objection. Argumentative.

JUDGE: Sustained.

GERAGOS: Well, the, specifically you also went back on the 25th of January, to Modesto PD, and made some more phone calls with their supervision, didn't you?

FREY: I'm sorry?

GERAGOS: On the 25th did you go back to Modesto PD and make some more phone calls?

FREY: I don't recall. They weren't specific, I, I don't know how to answer that question.

GERAGOS: Well, let me show you a report

FREY: Okay.

GERAGOS: by Detective Owen, which looks like that you showed up at the police department and then made calls at 3:22, 3:41, 3:53, 4:16. Does that refresh your recollection?

FREY: Let me see. Yes.

GERAGOS: That does refresh your recollection?

FREY: Yes, it does.

GERAGOS: Okay. So you went back after the 6th, 7th and 8th and made some more supervised calls by the Modesto PD, correct?

FREY: No.

GERAGOS: Well, those weren't supervised when you were at Modesto PD?

FREY: They were supervised calls, yes.

GERAGOS: At Modesto PD?

FREY: Yes.

GERAGOS: Okay. Now, this picture here that's up on the board, 193 F, you did not have this picture on the 30th when the officers came to your house, correct?

FREY: Correct.

GERAGOS: You went to Rite Aid to get the photo, correct?

FREY: Yes.

GERAGOS: And when you went to Rite Aid to get the photo, did they give you double prints? Did you pick up the negatives along with the photos.

FREY: Yes.

GERAGOS: Did you turn all of those over to the Modesto PD?

FREY: Yes, I did.

GERAGOS: Did you keep them?

FREY: The negatives?

GERAGOS: Yeah.

FREY: And the other photos? Yes.

GERAGOS: Okay. Did you give those negatives and photos to anybody?

FREY: Yes.

GERAGOS: Who did you give them to?

FREY: I gave them to my father to, to hold in a safety deposit box, because I, along with other items. I was afraid somebody would break into my house and take things.

GERAGOS: Okay. When did you do that?

FREY: I don't recall the exact date.

GERAGOS: Before May?

FREY: Yes.

GERAGOS: Okay. And was he the only one who was given those photos?

FREY: Aside from the police department?

GERAGOS: Yes.

FREY: Yes.

GERAGOS: Did you later see that photo somewhere?

FREY: Yes.

GERAGOS: On the cover of the National Enquirer?

FREY: Yes.

GERAGOS: Okay. Did, was it your, did you give it to the National Enquirer?

FREY: No, I did not.

GERAGOS: Okay. Did your father?

FREY: I don't know.

GERAGOS: Did the police?

FREY: I don't know.

GERAGOS: Is the picture that's on the cover of the National Enquirer, the May 13th, 2000 and 3 issue, is that the same picture?

FREY: Yes.

GERAGOS: Okay. And as far as you know, you weren't the one who gave it to them, correct?

FREY: Correct.

GERAGOS: And the only two people that you knew of who had those pictures were your dad and the Modesto police, correct?

FREY: Correct.

GERAGOS: Okay. The, and you never received any money for those photos or selling that photo; is that correct?

FREY: No, I did not.

GERAGOS: And, as far as you know, your father didn't?

FREY: Yes.

GERAGOS: All right. Have you talked to your father about whether or not he turned the photo over to the National Enquirer?

HARRIS: Objection. Hearsay.

GERAGOS: I asked if she talked.

JUDGE: Yeah, but the answer is going to be hearsay. Did you talk to your father about it? Just if you had a conversation about it?

FREY: Yes.

JUDGE: Okay.

GERAGOS: Okay. Is that, I would assume that happened after you saw the cover of the National Enquirer with that photo on there?

FREY: Yes.

GERAGOS: The...

JUDGE: I don't want to squeeze you, Mr. Geragos. Is this going to take –

GERAGOS: Just one, just one question, Judge. Let me see if I can . . . The, the 2:04 call that Mr. Harris asked you about from Richard Byrd on the 29th?

FREY: Yes.

GERAGOS: And did you, did you see Mr. Byrd after that?

FREY: Yes.

GERAGOS: That evening?

FREY: I believe so, later, or early morning, yes.

GERAGOS: Early morning. He left before the police arrived; is that correct?

FREY: He was never

GERAGOS: The police arrived at 11:00 o'clock?

FREY: Right. Yes. He had already

GERAGOS: And he called you on his phone at 2:00 o'clock?

FREY: Yes.

GERAGOS: And between 2:00 o'clock, when he calls you on the phone, and 11:00 o'clock when you meet the police, do you see Richard Byrd?

FREY: I believe so, yes.

GERAGOS: Where, where do you believe you see him?

FREY: Out at Doug Sibley's home.

GERAGOS: Okay. What does Doug Sibley do for a living?

FREY: I don't know.

GERAGOS: Is he in construction?

FREY: I believe he's some type of developer, actually. I don't know his specific title and what he does.

GERAGOS: And that's Shawn Sibley's uncle?

FREY: Yes.

GERAGOS: May I have just one moment, your Honor?

JUDGE: Yes.

(Pause in proceedings>

GERAGOS: Thank you. No further questions.

JUDGE: All right. May this witness be excused?

HARRIS: No additional questions. No objection.

JUDGE: Ms. Amber, Miss Frey, Miss Frey, thank you very much. You're excused for now, but that means you may have to come back.

FREY: I understand.