Witness: Jill Lear

Date: 2004-09-08

Proceedings held September 8, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Miss Lear, do you live in the La Loma area of Modesto by the Dry Creek Park?

LEAR: Yes.

DISTASO: Let me mark this. This one I just have a map, Judge.

JUDGE: Okay. 226.

GERAGOS: Judge, what was 225?

JUDGE: Photograph of Miss Guptill and her husband (sic), and B is the map.

GERAGOS: Okay.

DISTASO: Actually, I'm going to just detach a picture of her dog.

JUDGE: You have a dog?

LEAR: Pardon me?

JUDGE: Do you have a dog?

LEAR: Yes. I did.

JUDGE: So you've got one more photograph? You've got 226 A and B?

DISTASO: I'll make them A and B,

JUDGE.

JUDGE: A is the map. B is the photograph of Miss Lear's dog.

DISTASO: Miss Lear, during the month of December 2000 and 2, were you pregnant?

LEAR: Yes.

DISTASO: And how far along with you?

LEAR: About six and a half, seven months.

DISTASO: Okay. And during -- during the month of December, would you go for walks in the neighborhood around your home?

LEAR: Yes.

DISTASO: And would you take your dog with you?

LEAR: Yes.

DISTASO: Do you remember as you sit here today whether you walked or not on December 24th?

LEAR: I don't believe so.

DISTASO: You don't think you did?

LEAR: No.

DISTASO: When would you normally go for walks in your neighborhood?

LEAR: I would -- in the neighborhood, in the late afternoons during the week.

DISTASO: Uh-huh. And then -- well, would you also walk somewhere else?

LEAR: I would walk in the park on the weekends.

DISTASO: Okay. Who would you go with?

LEAR: My dog.

DISTASO: And your dog is not a Golden Retriever, correct?

LEAR: No.

DISTASO: Let me show you 226 A and B and ask if this is a picture, 226 B, is that a picture of your dog, the one you had in December of 2002?

LEAR: Yes.

DISTASO: What kind of dog is it?

LEAR: Australian Shepherd.

DISTASO: Let me show that real quick to the jury. And then the -- and so that's your dog. Now, let me ask you this. Is this the route -- the map I showed you, is this the route that you would normally walk when you would walk either in the neighborhoods or in the park?

LEAR: Yes.

DISTASO: Okay. And the park works better if we use this map. Can you just show the jury real quick the routes that you would take when you and your dog would go for a walk.

LEAR: In the park?

DISTASO: Um-hm. And you can use either one, 22 or the one above.

JUDGE: You can orient her.

DISTASO: Okay.

JUDGE: He'll point out some land marks so you can figure it out.

DISTASO: Actually, use this one up here, 36. Here's the -- the little trail that goes off of Covena. Here's Scenic Hospital and Moose Park. And is that going to kind of give you an idea?

LEAR: Yes. Down the park this way, down to this way, and back to my house.

DISTASO: And then -- and then return?

LEAR: Uh-huh.

DISTASO: Okay. Did you see homeless folks down there in the park?

LEAR: Yeah.

DISTASO: Did -- did you ever have any problems with any of them?

LEAR: No.

DISTASO: I think the report -- the report reads: Sometime when you were down in the park you saw --

GERAGOS: Objection. Leading.

DISTASO: This is not leading.

JUDGE: I think you're reading something to her. (Laughter)

DISTASO: Did you see somebody at some point in the park doing something that was improper?

LEAR: Yes.

DISTASO: Okay. What was that?

LEAR: A gentleman masturbating underneath the footbridge.

DISTASO: Okay. When did you see that in reference to December of 2000 and 2?

LEAR: It would have been in 2000 or early 2001.

DISTASO: All right. And did this person bother you or --

LEAR: No.

DISTASO: I mean in any way at all?

LEAR: No.

DISTASO: Okay. Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good afternoon. The -- your dog is what breed?

LEAR: He was an Australian shepherd.

GERAGOS: No longer living?

LEAR: No.

GERAGOS: Okay. In December of 2000 and 2 -- you were interviewed, I guess, June of 2000 and 3; is that right?

LEAR: Yes.

GERAGOS: And when you were interviewed, you told them -- they asked you specifically, they said -- the officer -- was it Grogan? Asked you -- Detective Grogan asked you were you walking on December 24th, right?

LEAR: Right.

GERAGOS: And you told him no, you weren't walking on December 24th, right?

LEAR: Right.

GERAGOS: And you didn't have anybody else walking your dog on December 24th, did you?

LEAR: No.

GERAGOS: Okay. And you specifically told him that you recalled you worked part of the morning, or possibly was at home, but was certain either way you did not walk that day, correct?

LEAR: Correct.

GERAGOS: Okay. And you specifically had a memory that you were too busy immediately before the holidays and that you went to visit your grandfather who was out of town, correct? In Riverbank?

LEAR: Correct.

GERAGOS: Okay. And you specific -- they asked you about Christmas day also, didn't they?

LEAR: I believe so.

GERAGOS: And you told them you did not walk on Christmas day either --

LEAR: No.

GERAGOS: is that correct?

LEAR: Yes.

GERAGOS: And then they asked you -- they said Okay, you didn't walk Christmas day and the day before Christmas, did you walk December 23rd; right? They specifically asked you about -- I'll show you. Does that refresh your recollection as to the conversation that you had.

LEAR: Yes.

GERAGOS: Okay. So they asked you, they said Okay, you didn't work -- walk on the 24th or 25th, how about the 23rd? You said No, but maybe the 21st or the 22nd?

LEAR: Possibly.

GERAGOS: Possibly. But you didn't know because you didn't have a memory of it because it had been six months prior?

LEAR: Right.

GERAGOS: And generally when you walk, you walk at what time --

LEAR: During the week.

GERAGOS: of day? Back then, in December, when you would walk, when would you walk?

LEAR: If it were during the week, it would be late afternoon.

GERAGOS: Okay. So on December 24th was during the week, you would walk -- you know you didn't walk -- you know you didn't walk the day before, you know you didn't walk the day after, so if you were walking in December during a week day, it would be at 4:00 o'clock; is that right?

LEAR: In the afternoon.

GERAGOS: In the afternoon. And you're about, what, five seven and a half, according to this?

LEAR: Approximately.

JUDGE: What was your dog's name?

LEAR: Pardon?

JUDGE: What was your dog's name?

LEAR: Maitland. M-A-I-T-L-A-N-D.

GERAGOS: These are not really good pictures, are they. The copies didn't come out. Those are your dog?

LEAR: Yes.

GERAGOS: About how big was your dog?

LEAR: He weighed about 70 pounds.

GERAGOS: Okay. Did you give original color pictures to the police?

LEAR: I don't remember.

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

JUDGE: Any redirect?

DISTASO: No further questions.