Witness: Harvey Kemple

Date: 2004-06-09

Proceedings held June 9, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Pat Harris; Redirect – Rick Distaso; Recross – Pat Harris

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

JUDGE: Okay. Next witness, please.

DISTASO: Harvey Kemple is the next witness.

JUDGE: Harvey Kemple. Okay.

CLERK: Raise your right hand. Do you solemnly state under penalty of perjury that the evidence you shall give in the matters now pending before this court shall be the truth, the whole truth and nothing but the truth, so help you God?

KEMPLE: I do.

CLERK: Be seated. State and spell your name for the record.

KEMPLE: Harvey Thomas Kemple. H-A-R-V-E-Y. K-E-M-P-L-E.

CLERK: Thank you.

JUDGE: Mr. Distaso.

DISTASO: Mr. Kemple, do you know Laci Peterson and the Sharon Rocha family?

KEMPLE: Yes, I do.

DISTASO: How is it that you know them?

KEMPLE: I was flattered by the article that I was her uncle, but that isn't the case. I'm related through marriage. I'm a cousin.

DISTASO: And your wife is Gwen Kemple?

KEMPLE: Yes, it is.

DISTASO: And she is Sharon's cousin?

KEMPLE: Correct.

DISTASO: The, had you, well, do you live in Modesto?

KEMPLE: Yes, I do. Lived there all my life.

DISTASO: How far is it from your house to 523 Covena?

KEMPLE: Approximately I would say five and a half, six miles, something like that.

DISTASO: And on the 24th did you receive a phone call from Ron Grantski?

KEMPLE: Yes, I did.

DISTASO: And just basically what he told you was Laci's missing, we need you to come down, can you meet us down in the park?

KEMPLE: Correct.

DISTASO: Okay. And you took your, yeah, you took, you and your wife went down into the park?

KEMPLE: Yes. Along with a lot of other family members, yes.

DISTASO: Okay. And can you give me just some guesstimate of how many family members you had in your house that day?

KEMPLE: Well, throughout the day, on and off, there was probably over 45, but at the particular time that he called there was probably about 30 to 32 people there in the family.

DISTASO: And did you all, did everybody, or at least the adults, all go down and start searching the park?

KEMPLE: Every adult that was there left the home and went to look.

DISTASO: And can you just very briefly take us through, you dropped your wife off at the tennis courts?

KEMPLE: Well, I, I exited my truck at the, at the tennis courts also.

DISTASO: Okay.

KEMPLE: As it worked out, I supplied everybody with flashlights that were, that was at the house, that I had, at the house. We happened to enter at the tennis courts because this is where they said, when Ron called, he mentioned the tennis courts. Other family members entered from different areas at the, at the park. But I exited there with my brother and started hollering Laci's name and, and looking immediately.

DISTASO: All right.

JUDGE: Go question and answer.

DISTASO: Okay. And then you said, so you're at the tennis courts with your brother. Are other family members kind of going at each end of the park?

KEMPLE: I found that out later. I didn't realize that that was going to happen.

DISTASO: Okay. While you were in the park, where did you search?

KEMPLE: I searched from the tennis courts west towards, heading towards Laci's and Scott's home.

DISTASO: Okay. Just looking at People's 22 real quickly, let me lead you through there so the jury knows what we're talking about. You started here at the tennis courts, right?

KEMPLE: Yes.

DISTASO: And then you worked your way west, which would have been down along where this red line is on People's 22?

KEMPLE: Correct.

DISTASO: And you eventually ended up there at where the trail leads to where Covena is?

KEMPLE: Yes.

DISTASO: Okay.

KEMPLE: And I went beyond that also, throughout the evening.

DISTASO: Okay. So, and so you also worked your way past that trail entrance?

KEMPLE: Oh, well, clear down to what I know as La Loma Bridge.

DISTASO: Is that a bridge that crosses over the creek?

KEMPLE: Yes, it is.

DISTASO: All right. And when you were down there, did you run into or see other family members,

KEMPLE: Oh, yeah.

DISTASO: searching, too?

KEMPLE: We had made phone calls. I would say before 9:00 o'clock there was approximately, of additional family members, and friends, there were probably 80 people in the park. Easy.

DISTASO: So as you're walking down the thing, you're running into people that you recognize?

KEMPLE: Yes. And we're conversing, talking. Some of us had ran across homeless people, asking questions. Seeing other people there that were, that was, one gentleman that was a jogger, and, in fact, borrowed my wife's cell phone and called the hospital, thinking that, because he asked that question immediately.

DISTASO: Okay. After, how long do you think you were down in the park area before you went up the trail to Covena?

KEMPLE: Probably, I'm just guessing, maybe say 35, 35 minutes, something like that.

DISTASO: And you, so then did you walk up that trail that leads from down in the park,

KEMPLE: Yes, I did.

DISTASO: up to Covena?

KEMPLE: Yes, I did.

DISTASO: Can you describe for the jury, how would you describe that trail?

KEMPLE: Rough. Very, very rough.

DISTASO: Is it,

KEMPLE: I had a hard time going up because of the, the boots that I had on were smooth-soled, and because of the mud and the rocks and the steepness, I had a hard time getting up myself.

DISTASO: All right.

KEMPLE: Yeah.

DISTASO: And it's, is it a paved trail.

KEMPLE: No.

DISTASO: It's dirt,

KEMPLE: It, at one time it looked like it tried to have been asphalted, or something, but that had broken up through the years, and it was a rough, rough situation.

DISTASO: So you got up the trail, right?

KEMPLE: Yes. Oh, yeah. Yes.

DISTASO: And you, did you walk down to 523 Covena?

KEMPLE: Yes, I did.

DISTASO: And when you were there did you talk to the defendant in this case, Scott Peterson?

KEMPLE: I tried to at first. He was on his cell phone, at his driveway. I approached. Walking back and forth. I stood there. Didn't really acknowledge me. I didn't really acknowledge him. At

that particular time he was on his cell phone for quite some time.

DISTASO: And was there anyone else around him?

KEMPLE: There was, by that time there was quite a few people in that just general vicinity of, of family members and friends, yes.

DISTASO: Was there anyone, when you say the general vicinity, I guess what I'm saying,

KEMPLE: Within a few feet, I mean.

DISTASO: Okay.

KEMPLE: We were all from this young lady to myself away, I would say. There were quite a few people.

DISTASO: What is that, probably three or four feet?

KEMPLE: Yeah, four or five feet.

DISTASO: Okay. And the, so you said that the defendant was talking on his cell phone?

KEMPLE: Yes.

DISTASO: And, and you recognize Scott Peterson as he sits in court today?

KEMPLE: Yes, I do.

DISTASO: Okay. The, and did you eventually get a chance to talk to him?

KEMPLE: Yes.

DISTASO: And what did you ask him?

KEMPLE: I asked him where she might have gone and what she was wearing.

DISTASO: And what did he say?

KEMPLE: He said he thought she would be taking the dog, McKenzie, down towards the tennis courts. That's normally where she walked. And that she was wearing black and white the last time he saw her.

DISTASO: All right. And did you ask him anything else?

KEMPLE: At that particular time I didn't. It was later on that I did.

DISTASO: Okay. Let's go through this, then. So at that time you just asked him, Hey, where do you think Laci went?

KEMPLE: Right.

DISTASO: And he told you that?

KEMPLE: Right.

DISTASO: And then you said What was she wearing?

KEMPLE: Yes.

DISTASO: And what, now let me ask you this: Did, it looks like when you were interviewed by the police in June, the, let me show you something in here, about the clothing description, that, that the defendant gave you. And let me ask you if this is correct.

JUDGE: What are you showing, Mr. Distaso?

DISTASO: Let's see. It's a report of Investigator Bertalotto on June 16th.

GERAGOS: Well, I don't know that this is proper because he hasn't said he needed to have his recollection refreshed.

JUDGE: Yeah, I was waiting for that to come. He hasn't said he doesn't remember.

DISTASO: Oh, that's fine.

DISTASO: The, it looks like you originally told the police officer that,

GERAGOS: Objection. That's leading.

JUDGE: Sustained.

DISTASO: Did,

JUDGE: Wait. Do you recall exactly what you told the police as to what Laci Peterson was wearing, according to the defendant? Do you recall exactly?

KEMPLE: Black pants and white top.

JUDGE: Black pants and white top.

KEMPLE: Yes.

DISTASO: All right. Then after, all right. After you talked with him there at the house, then where did you go?

KEMPLE: I, I was around that immediate, immediate area for just a little while, talking to other family members and other friends that had started arriving up towards their home. I went back over to Scott and I asked him where had he been, why was Laci down in the park by herself, where was he.

DISTASO: And when you asked him that, where did this, where did that conversation take place?

KEMPLE: Right there, on the same area as his driveway.

DISTASO: Okay. And was anyone around when you asked him that?

KEMPLE: Again, there was people around within feet of, of us standing there.

DISTASO: Okay. So same, same kind of thing, people milling about in the driveway, but was anyone else part of the conversation that you had with him?

KEMPLE: You know, I couldn't say that for a fact. No, I don't know. I really don't.

DISTASO: Okay. And what did he, where did he tell you he had been that day?

KEMPLE: He told me he went to play golf. And I said 'Golf.' And I immediately started heading back down to the park to find my brother that had been looking with me.

DISTASO: Okay. And at any time that night did Scott Peterson tell you that he had been fishing that day?

KEMPLE: I didn't,

DISTASO: Hold on. I want to get your memory of exactly just what he told you, not what someone else might have told you.

KEMPLE: No, he did not tell me that.

DISTASO: Okay. Then let me ask you a couple questions. Had you ever been, prior to that night had you ever been over to Scott Peterson's house?

KEMPLE: Yes, I have.

DISTASO: At 523 Covena?

KEMPLE: Yes, I have.

DISTASO: Did you have any contact with their dog, McKenzie?

KEMPLE: Contact, yeah, I mean, yes.

DISTASO: What I mean,

KEMPLE: The dog was in the backyard and so on, yes.

DISTASO: Right. When you were there did you see the dog?

KEMPLE: Yes, I did.

DISTASO: When, and we've heard it described as just kind of, you know, a big, playful kind of Golden Retriever dog?

KEMPLE: That's, yeah, a good description, yes.

DISTASO: The, was the dog in, in, did you observe anything about the dog, about the dog being protective of the home, or anything like that?

KEMPLE: The, oh, sure.

DISTASO: Can you describe that for us?

KEMPLE: McKenzie, McKenzie was very protective. The last time that I had an incident to be actually at Scott and Laci's house was July 4th. We had gone there for a barbecue. They had just had their pool finished and they had a barbecue at their house. I was carrying in some various things, Cokes, ice chest, and so on. McKenzie, each time I came up to the gate, was a protective dog. He growled and barked and, until Laci said it's okay, then he backed up and would allow me to come in through. They have like a picket gate there, so to speak. And everything was fine once I got in there, but McKenzie was a protective dog. Just like so many other people have.

DISTASO: Okay. Now, did, after the 24th, and we've heard basically that at some point everybody went home that night?

KEMPLE: It was after the police department said that they were going to scour the park with the dogs and helicopter. They wanted everyone out, because we had ran across approximately a dozen homeless people and were questioning them, and so they said that they wanted to question them.

DISTASO: Okay. And so then did you all, or at least did you and your wife go back to your house?

KEMPLE: No, we went back to Laci and, and Scott's home.

DISTASO: Okay.

KEMPLE: And then eventually I, I left. It got into the later hours and, yes, I went back home. My wife went over to Sharon and Ron's.

DISTASO: The, the next day, and just over the next couple days, did, were you aware when the volunteer center got set up at the Red Lion Hotel?

KEMPLE: Yes.

DISTASO: And were you involved at all in going out and searching areas and trying to look for Laci?

KEMPLE: For many, many days at the very, very beginning, just day in and day out.

DISTASO: When do you think you first started searching?

KEMPLE: The first very day that it was, we searched Christmas morning. We, and I mean this by family members that were still at my residence, the very next morning, after the police department had more or less said that they had looked through the park, we went back over and looked at areas that we thought might be suspicious looking in the creek area, I was born and raised in that town, traveled that creek many, many times and thought that there might be some areas that she possibly could have slipped into, or whatever.

DISTASO: Okay.

KEMPLE: So I went back.

DISTASO: Okay. When you're talking about the creek,

KEMPLE: Dry Creek.

DISTASO: you're talking about the Dry Creek area?

KEMPLE: Correct.

DISTASO: Did you over the course of any other days search other areas?

KEMPLE: Oh, yes. Yes.

DISTASO: Can you just give me, you don't need to list every single one. Can you give us some idea of what you did?

KEMPLE: I covered the Crows Landing area, which is towards the west side, the Paradise area, which is west side, northerly up McHenry Avenue. I don't think there wasn't a direction that I didn't take some of my own, own children with me and other family members, and even by myself, and look in every direction that I could think of.

DISTASO: How long did you personally or, or, or recruit other family members to do, like, kind of this search throughout Stanislaus County?

KEMPLE: Up until the day she was found.

DISTASO: So you continued searching off and on until she was found?

KEMPLE: Yes.

DISTASO: While you were at the volunteer center, did you, did you see the defendant, Scott Peterson?

KEMPLE: Yes, I did.

DISTASO: And can you tell the jury when would you generally see him there at the volunteer center?

KEMPLE: Mainly early in the morning. I'm an early riser, just because of the business that I'm in, and I usually arrived there early to pick up more fliers, and that's when I would see Scott.

DISTASO: And what, just so the jury knows kind of a little bit about you; what kind of business are you in?

KEMPLE: I'm in construction.

DISTASO: Okay.

KEMPLE: So we get up early.

DISTASO: Right. Construction work generally is early and kind of ends early?

KEMPLE: Yes.

DISTASO: All right. What, so you said you would see Scott Peterson there in the morning?

KEMPLE: Yes.

DISTASO: And did you ever have an occasion when, did you ever, trying to figure out the best way to phrase this, but did you ever go with Scott Peterson and, and hang up fliers, or anything like that?

KEMPLE: No. Throughout the whole time, normally we would, a lot of us would see one another on a day-to-day basis of looking and see one another putting up fliers. I had never seen Scott out putting up fliers, but that one morning I asked him which direction are you heading, and,

DISTASO: Okay. Wait a minute. Let me stop you for a second. So at some point during this time that you were at the volunteer center, you, did you speak to the defendant,

KEMPLE: Yes.

DISTASO: say Hey, and he told you he was going to go hang fliers?

KEMPLE: Yes.

DISTASO: And did you ask him Oh, okay, where are you going?

KEMPLE: Yeah, I asked him what direction he thought he was going to be hanging fliers.

JUDGE: What time of the morning was this?

KEMPLE: This was about, I'm guessing 9:00 o'clock, say.

JUDGE: 9:00 o'clock.

KEMPLE: Yeah, 8:30, 9:00 o'clock.

JUDGE: Go ahead.

DISTASO: And what happened then during that time? Did you, what did you do?

KEMPLE: Well, I thought maybe I would see him in, in that general vicinity sometime that day, and, and so I, he left, I left. It just so happened that I was leaving the parking lot in my pickup, I saw Scott and I, I to have assume it was either his father's pickup or his brother's pickup. It was very similar to his own. But I don't know whose it was for certain.

DISTASO: Okay. So you saw him in some pickup?

KEMPLE: Right.

DISTASO: You did recognize that it was him?

KEMPLE: Oh, yeah. Yeah.

DISTASO: Okay. And what happened next then?

KEMPLE: He turned, he went out of the Red Lion Inn and said he was going in the Paradise Road area, which I know is in west Modesto. From leaving the Red Lion he would have to turn left to, to get in that direction. It just so happened, when I saw him leaving, he turned right. And I thought that was a little peculiar, but I didn't pay too much attention to it in the way, I went the same direction thinking well, gee, I was going to catch up with him and tell him it's back over in the other are

KEMPLE: But as it was, I was a few cars behind him.

DISTASO: And did you follow him?

KEMPLE: Yes, I did.

DISTASO: And where did he go?

KEMPLE: To the mall in Modesto, which is located on Sisk Avenue, and turned in to the mall.

DISTASO: And when he turned in to the mall, did you see him hang up any fliers?

KEMPLE: No. I mean that was early in the morning. The mall wasn't even open, and he just pulled into the parking lot.

DISTASO: And did you pull up next to him, or talk to him?

KEMPLE: No. I didn't, don't ask me why I didn't, I don't know why. I thought it was strange that he was there, so I just pulled over to the side and, and watched, thinking he was going to meet up with somebody else. Maybe, maybe they were going to canvass the whole mall area. I didn't know at that time. I wasn't thinking about that.

DISTASO: And how long did you sit there in the parking lot and just watching him, I guess?

KEMPLE: 40, 45 minutes he sit, sit, he sat there and I sat there.

DISTASO: And then what happened next?

KEMPLE: I left.

DISTASO: At the times you were there, did you see him ever get out of his car?

KEMPLE: No, I wasn't that close. I was back a little ways.

DISTASO: Was there other, was there ever another occasion, what month was all this taking place?

KEMPLE: This was the command center was set up almost immediately, so this was the very beginning of January.

DISTASO: And was there ever another occasion when you asked the defendant about where he was going to hang up fliers?

KEMPLE: Well, and, can I say why I,

JUDGE: Well, you just have to answer the question. If he wants to know why, he'll ask you.

DISTASO: Why, yeah, why don't you just tell us why this was all going on.

KEMPLE: Well, because of you had asked me earlier about him, when he said he went to play golf. I had learned after that, that same evening,

GERAGOS: Objection. Non-responsive. Calls for hearsay.

JUDGE: Well, it's not, what was the question again?

DISTASO: Why, why did you,

KEMPLE: Because I was suspicious,

GERAGOS: Objection.

DISTASO: Yeah, hold on a second.

JUDGE: Hold on.

GERAGOS: Objection. Non-responsive.

JUDGE: Wait, I haven't,

GERAGOS: Motion to strike.

JUDGE:, I haven't heard the question yet.

GERAGOS: I want to strike the answer.

JUDGE: That part of the answer can go out. The jury will disregard. Yes. What is the question?

DISTASO: Why, why were you questioning the defendant about where he was going to hang up fliers, and why did you follow him on these occasions?

KEMPLE: When he told me he went to play golf, I learned from my wife that same evening, while I was still looking in the park for Laci that he told my wife that he went fishing.

DISTASO: And,

KEMPLE: So I was very suspicious the very first night. That's why I followed him to the mall, and I hung back a little bit to see what the heck was happening.

JUDGE: You're talking about this first time in January?

KEMPLE: Correct.

JUDGE: Okay.

DISTASO: All right. And then the second, did you, was there another time when you asked him where he was going to hang up fliers and you followed him again?

KEMPLE: No, I became suspicious that first time,

GERAGOS: Objection. Non-responsive.

JUDGE: Yeah. You have to answer the question, Mr. Kemple, or else we're going to get these objections. You want to ask the question again?

DISTASO: Right. So, go ahead. You became suspicious the first night.

KEMPLE: Correct.

DISTASO: And then you, you followed him the first time,

KEMPLE: Yes.

DISTASO: and he didn't go where he told you?

KEMPLE: Correct.

DISTASO: And then so you were still suspicious?

KEMPLE: Correct.

JUDGE: Now, what's the question?

DISTASO: Okay. So what then, what's the next thing that happened about whether you, with him hanging up fliers and you followed him?

KEMPLE: I followed him from the command center when he had rented a car, after they had impounded his truck. I followed him, and he went to a golf course in northern Modesto.

DISTASO: Okay. And did you, had you previously asked the defendant where he was going to go that day?

KEMPLE: No, I hadn't. I just followed him from the command center.

DISTASO: And then he went to a golf course. And what time of day was that?

KEMPLE: That was very early in the morning. I'm guessing again at about 9:00, 9:30.

DISTASO: And what was the name of the golf course?

KEMPLE: Del Rio Golf Course.

DISTASO: And did you see him pull into the course?

KEMPLE: I saw him pull into the parking lot, and I kept going.

DISTASO: Okay.

DISTASO: Nothing further, your Honor.

Cross Examination by Pat Harris

JUDGE: Mr. Harris. Go ahead.

HARRIS: Good morning, Mr. Kemple.

KEMPLE: Good morning.

HARRIS: If I understand your testimony, you stated that you, when you were standing in the driveway you asked Scott what he had been doing that day, and he said he had been golfing; is that correct?

KEMPLE: Correct.

HARRIS: And you said at that point you left to go tell Mr. Ron Grantski down in the park?

KEMPLE: No, I left, I left that area to go find my brother that was down in the park looking still.

HARRIS: I'm sorry. And who is your brother?

KEMPLE: Bob Kemple.

HARRIS: All right.

KEMPLE: Yes.

HARRIS: And when you left the area at that time, did you mention to anybody at all that Scott had told you he had gone golfing?

KEMPLE: I mentioned it to my brother.

HARRIS: You told your brother?

KEMPLE: Yes. When I went back down in the park.

HARRIS: Okay. At any point in time did you mention it, and I understand from what your testimony is you were at the volunteer center pretty much every day?

KEMPLE: Oh, you bet.

HARRIS: You were determined you were going to help find Laci?

KEMPLE: You betcha

HARRIS: And you were around, gosh, I guess at the volunteer center, hundreds of people at the volunteer center over the course of the first three weeks or so?

KEMPLE: Thousands.

HARRIS: Thousands. And over the course of the three or four weeks that the volunteer center was open, you helped organize and you helped work with those thousands of people?

KEMPLE: I helped pass out fliers and organize some of my family members, yes.

HARRIS: And you were close with the Rocha family?

KEMPLE: Very much so.

HARRIS: You spent a lot of time talking with, with Ron and with Sharon and some others, I assume?

KEMPLE: On and off, yes. Yes, by all means.

HARRIS: And I would assume other family members, Brent, Rose, talking to,

KEMPLE: Oh, sure, sure.

HARRIS: At any point during any of this time did you ever mention to any single person that Scott Peterson told you he had been golfing that day?

KEMPLE: Oh, by all means.

HARRIS: So you told all of them?

KEMPLE: I told my brother, I told my daughters. This was after my daughters had told me that he was at work.

HARRIS: You told everybody you could think of Scott Peterson had been golfing that day?

KEMPLE: You're darn right I did.

HARRIS: Absolutely. So the first time the police contacted you was in June, almost six months, excuse me, a little over six months after Laci had disappeared; is that correct?

KEMPLE: Sometime. Yeah, I had, I had spoken to other officers even that evening.

HARRIS: You spoke to other officers?

KEMPLE: Correct.

HARRIS: And --

KEMPLE: That evening that we were in the park area

HARRIS: And did you tell any officer that evening that, that Scott had told you that he had been golfing?

KEMPLE: I don't believe so, no.

HARRIS: No, you didn't, did you?

KEMPLE: No.

HARRIS: No. You told numerous, well, let me just ask you. How many people do you think you told that Scott had been golfing?

KEMPLE: Well, it, probably quite a few. Dozens.

HARRIS: Dozens?

KEMPLE: Easy. Easy.

HARRIS: Dozens. Easy?

KEMPLE: Easy.

HARRIS: And the police showed up to interview you in June, six; and a half months later they showed up to interview you for the first time; is that correct?

KEMPLE: Yeah.

HARRIS: Okay. And when they showed up to interview you, they didn't show up to interview you to ask a question about the golfing, did they?

KEMPLE: I don't know if I understand you correctly.

HARRIS: That was poorly, poorly phrased.

KEMPLE: If I'd,

HARRIS: When they showed up to interview you, the question that they asked, the reason they came to interview you was because they had a comment that they had overheard from someone that you had a problem with Scott over barbecued chicken, correct?

KEMPLE: No, no, no, no. No, that was an issue that I brought up because I was so God-darned mad that the man went to play golf when his wife was pregnant, and I saw more reaction out of him when he burnt the damn chicken than when his wife was missing.

HARRIS: And that's exactly right.

KEMPLE: You're darn right.

HARRIS: And that's what you told the police officer?

KEMPLE: You're darn rights I did.

HARRIS: Absolutely. And you told all these people that he had been golfing and, by God, he didn't even show any more emotion than he showed on that barbecued chicken?

KEMPLE: No more emotion than he's showing right now.

HARRIS: Absolutely. Every single person that you told about this golfing, every single person knew that you told Scott, Scott Peterson told you that night that he had been golfing?

KEMPLE: Well, in the immediate area, yes.

HARRIS: And not,

KEMPLE: Yes.

HARRIS: not a single one of them told the police that, did they?

KEMPLE: I don't know, sir, whether anyone else repeated what I,

HARRIS: Not one police,

JUDGE: Wait, wait, wait. You've got to let him finish his answer.

HARRIS: Yes. Not one police officer came to your house at any point for six and a half months to ask you if, in fact, Scott Peterson,

KEMPLE: There was no reason for,

HARRIS: no,

DISTASO: Objection, your Honor. It's been asked and answered and it's argumentative.

JUDGE: Yeah. It's argumentative; it's been asked and answered. I'll sustain that. Now, you, Mr. Harris, you're going to have to wait until this gentleman finishes his answer. Mr. Kemple, you got to wait until the lawyer finishes his question, because she can't report two people talking at the same time.

KEMPLE: Yes. I'm sorry.

JUDGE: That's all right. I understand. Go ahead.

HARRIS: In fact, when the police officer came and interviewed you, he did not even ask you, he didn't even ask you the specific question had, in fact, you told other people that Scott Peterson had been golfing, did he?

KEMPLE: I don't know if I really understand that,

HARRIS: I'll rephrase,

KEMPLE: what you're trying to ask me.

JUDGE: Rephrase it.

HARRIS: I'll rephrase it. You had to volunteer to the investigator that day, you had to volunteer the information that Scott Peterson was golfing that day, didn't you?

KEMPLE: That, that wasn't the issue.

HARRIS: That's not my question.

KEMPLE: The issue was,

JUDGE: Wait. You can answer his question yes or no, then you can explain your answer.

HARRIS: You had to volunteer the information to the investigator that that day Scott Peterson told you, that night Scott Peterson told you that he had been golfing?

KEMPLE: No.

JUDGE: And you can explain your answer.

KEMPLE: The whole reason that the officer got a hold of me was in talking to other officers, at the very few days onset of this, is that what, what did I recognize about Scott or the situation that night, what did I, what did I see in the park? Did I see anything in the park? That was the whole thing. And then everything of what I saw, what I felt, came out in my statement.

HARRIS: Have you take a look at a report. This is a report, DA Investigator Kevin Bertalotto. It's from the report, I'm sorry, my eyesight is bad. The report is two one, thank you. (Kemple hands his glasses to Harris) 21679. Thank you. The report, if you would read this paragraph, the one I'm,

JUDGE: Read it to yourself.

HARRIS: Read it to yourself.

JUDGE: Just read it to yourself.

KEMPLE: (reading)

HARRIS: Does that refresh your recollection?

KEMPLE: Well, that was part of it, yes. Yeah.

HARRIS: The reason that inspector, excuse me, Investigator Bertalotto came to your house was because he had heard you had made expressions, you had made the statement that Scott was more upset over burnt chicken than he was over the disappearance of Laci?

KEMPLE: He wasn't at my home. We talked over the phone. He set up an interview that was close to my job site.

HARRIS: Okay.

KEMPLE: And, yes, he had heard that statement and wanted to know what my feelings were,

HARRIS: And that's why he interviewed you?

KEMPLE: and, yes, and that,

HARRIS: Thank you.

KEMPLE: culminated,

HARRIS: Thank you.

KEMPLE: the whole...

HARRIS: Now, let's talk a little bit about the night of December 24th. It's my understanding you received a phone call around 6:00, 6:30 from Ron Grantski?

KEMPLE: About 6:15, 6:30, something.

HARRIS: And you got in the car and went to the park?

KEMPLE: Correct.

HARRIS: If you can just kind of walk me through the time line a little bit, about what your memory is of the time line here. How long were you actually in the park?

KEMPLE: Until the Modesto Police Department asked us to leave, which was approximately 10:00 o'clock.

HARRIS: You were there the entire time in the park?

KEMPLE: On and off, back and forth from the Covena address.

HARRIS: Okay. That's what I wanted to do. I want to kind of take it in bits and pieces here,

KEMPLE: Sure.

HARRIS: if you would. You were in the park for the first time from about 6:45 to about what?

KEMPLE: I would say we probably got there about 6:35, something like that.

HARRIS: Okay.

KEMPLE: Until approximately another 35 minutes, 7:00 o'clock, or something like that, that I went up to Scott and Laci's house.

HARRIS: And when you got back to the house, I believe you told the police that Scott was there,

KEMPLE: Correct.

HARRIS: when you went up to the house? And your memory of that evening was, is that around 7:00 o'clock Scott was there and he was waiting at the house, correct?

KEMPLE: He was on his driveway approach, yes.

HARRIS: And the police were not there yet?

KEMPLE: I believe maybe a black and white had just arrived when I, I got there.

HARRIS: Okay.

KEMPLE: Now, whether he had been in the area, I don't know.

HARRIS: Well, did you tell the investigator that, in fact, you were present when they first showed up?

KEMPLE: When I --

HARRIS: The Modesto police person?

KEMPLE: When I first saw that black and white drive up, yes.

HARRIS: Okay. And did you in fact tell the police that Scott seemed uneasy about the police getting there?

KEMPLE: No. No. That was later on that, that he seemed uneasy.

HARRIS: Okay. Did you then tell them in fact that Scott seemed uneasy and didn't seem comfortable with the police officers going into the house?

KEMPLE: Correct.

HARRIS: Okay. So basically you were saying that in your mind Scott didn't want the police officers in the house?

KEMPLE: Correct.

HARRIS: And you could tell this how?

KEMPLE: Just by when other people and myself were trying to talk to him, every time an officer made a move towards the house, because there was other people asking questions,

HARRIS: Uh-huh.

KEMPLE: he seemed more intent on going over to the house rather than trying to answer anyone's questions.

HARRIS: He was more intent on getting into the house rather than actually talking to people?

KEMPLE: Correct. There were a lot of people asking Scott at that particular time where would she have possibly gone. Again, more on what was she wearing. There was a lot of family members and friends there at that particular time. By that time.

HARRIS: Absolutely. And a lot of people were constantly coming up to Scott Peterson, asking him over and over these questions, correct?

KEMPLE: Oh, I would, to somewhat, yes, you're right.

HARRIS: The same questions, correct?

KEMPLE: Oh, sure. Sure.

HARRIS: Absolutely. What was she wearing?

KEMPLE: By all means.

HARRIS: Where had she been?

KEMPLE: Where would she might have gone.

HARRIS: Okay. And Scott seemed more intent on actually trying to go into the house and see if he could help the police?

KEMPLE: No, no, no.

HARRIS: No?

KEMPLE: No.

HARRIS: No?

KEMPLE: He didn't want them going in the house.

HARRIS: He didn't want them going in the house?

KEMPLE: No. That's what it seemed like to me. I say it, it seemed like that to me.

HARRIS: And you specifically recall when the police got there that in fact they asked Scott if they could go in the house?

KEMPLE: I don't know if that transpired or not. I really don't.

HARRIS: You saw them going up and talking to Scott Peterson, right?

KEMPLE: Yes, I did.

HARRIS: And you saw the police then walking into the house, didn't you?

KEMPLE: I saw them going into the yard, I did not see them going into the house.

HARRIS: You saw them going into the yard?

KEMPLE: Yes.

HARRIS: You never saw the police going into the house?

KEMPLE: No, I did not.

HARRIS: The entire time you were there you never saw the police,

KEMPLE: You have to understand I was back and forth from the park at this time, too. I was still looking.

HARRIS: Okay. We'll get to that. You, in fact, told the police that the officers would go, go into his residence, and he would follow the officers into the residence and seemed very concerned about them being in the house; do you recall,

KEMPLE: When I saw that, that was into his yard that I was referring to. Into his front gate, if you're familiar with his home.

HARRIS: Yes. So you saw them going into the yard as opposed to the residence?

KEMPLE: Correct.

HARRIS: So if the officers wrote that, they were just incorrect in the way they wrote it down?

KEMPLE: Well, they may have misunderstand what I was referring to as the front gate, which is, if you have seen the residence, it looks like part of the home. I mean their front gate, it's just the way the house is designed.

HARRIS: Okay. In fact, what you later said was that you felt that Scott, the entire time the police were there, that Scott didn't want the police in the house?

KEMPLE: You have to understand my feelings at that particular time. I wouldn't have cared whatever the police wanted to do. I would not have left,

GERAGOS: Objection. It's non-responsive. It's his state of mind. It isn't relative.

DISTASO: It's, his state of mind is relevant. That's what the question called for, your Honor.

JUDGE: I think so. So you can finish your answer.

KEMPLE: When myself, and I'll speak for myself then, was asking Scott questions, why would he leave, my situation, of asking a question about his wife and her whereabouts, just leave in the middle of it when an officer was going towards his home. What, he showed no concern. None whatsoever.

HARRIS: Right. In fact, what you said, your direct statement to the police was Scott should have turned, to have allowed them in and should have talked to them, and should have turned,

KEMPLE: You're darn right.

HARRIS: that house inside out,

KEMPLE: You're darn right.

HARRIS: the truck, the warehouse,

KEMPLE: Whatever it took.

HARRIS: and the whole bit?

REPORTER: Excuse me.

JUDGE: You've got to wait until he finishes his question.

HARRIS: He should have let them look in the house, look in the truck, go to that warehouse, whatever; he should have let them do anything they wanted to do?

KEMPLE: You betcha

HARRIS: And are you were you aware he, in fact, let them in the house that night, let them look in the truck that night, and he took them to the warehouse personally?

KEMPLE: He didn't do that while I was there.

HARRIS: He didn't do that while you were there?

KEMPLE: Not that I know of.

HARRIS: You saw the police walking into the residence?

KEMPLE: I saw the police go in through the gate.

JUDGE: He's already said he saw the police walking through the gate, not the residence. We're beating a dead horse here. He said he saw them walk through the gate.

KEMPLE: Through the gate.

JUDGE: Next question.

KEMPLE: One of the officers wouldn't, not go into the back because of McKenzie and asked me if the dog is aggressive. I said no, it is not aggressive. Protective, you bet; aggressive, no.

HARRIS: Absolutely. And were you there while Detective Brocchini, you were there off and on during the night?

KEMPLE: Yes, I was.

HARRIS: Were you there when Detective Brocchini sat there with Scott and went through the truck?

KEMPLE: I couldn't have told you what detective's name was there at that particular time. At that time I could have cared less if his name was Taylor. If he was looking, that's all I was concerned about.

HARRIS: Did you see any detectives or any police officer at any time stand with Scott Peterson as he searched the truck?

KEMPLE: As he started the truck?

HARRIS: As the,

KEMPLE: No.

HARRIS: police officers searched the truck?

KEMPLE: No, I was not.

HARRIS: You weren't there for that?

KEMPLE: No.

HARRIS: Okay. And you were aware that at some point Scott Peterson was taken away by a police officer that night, correct?

KEMPLE: I learned about that.

HARRIS: You did learn about that?

KEMPLE: Yes.

HARRIS: Did you also learn that where Scott Peterson took them was the warehouse that night?

KEMPLE: No, I didn't find that out until later.

HARRIS: Okay. So based on the statements you gave the police, that you thought his actions were incorrect or his actions were upsetting to you, concerning to you, based on the fact that he wouldn't cooperate letting them in the house, the truck, and the warehouse that night, does that change your opinion of what exactly Scott Peterson did that night?

KEMPLE: You, you have to understand, that,

HARRIS: I'm not asking,

KEMPLE: wasn't just my opinion.

JUDGE: No, the question is would that change your opinion, Mr. Kemple.

KEMPLE: Would it change my opinion?

HARRIS: Now he, in fact, did,

JUDGE: Wait. Let him finish his answer. Would it change your opinion if you knew that Scott Peterson had given the police permission to go into his residence, took them to the warehouse, and let them search his truck? Would that change your opinion about his conduct that night? That's the question.

KEMPLE: Now? Would it change my opinion?

JUDGE: Yes.

Q: Yes. Today. Now that you know all this.

KEMPLE: Not with the other things I know, no.

HARRIS: Absolutely. (Laughter)

HARRIS: It wouldn't, because the other things you know, may I ask the question?

JUDGE: Yes.

HARRIS: The other things you know is that on January 15th it was released that Amber Frey and the defendant were having an affair, correct?

KEMPLE: Yes, it was.

HARRIS: And at that point, regardless of what you hear from that point on, it will never change your opinion, will it?

KEMPLE: There's a lot of things,

HARRIS: I didn't ask that.

KEMPLE: that may.

JUDGE: Mr. Kemple, you've got to just answer the question. I know you want to get this off your chest but you've got to do this legally, and if you keep volunteering, we'll be here all day. You've just got to answer the question. What was the question again? You want to read it back.

JUDGE: That's the question. Would it ever change your opinion about his conduct?

KEMPLE: Personally I, I didn't care whether Scott had an affair or not. So that doesn't change my opinion of what I was feeling that night.

HARRIS: Okay.

KEMPLE: And feeling now.

HARRIS: Well, you stated that, in fact, at one point you approached Scott Peterson, do you remember telling the investigator that you approached Scott Peterson and told him that between 85 and 90 people were out searching for Laci?

KEMPLE: You betcha

HARRIS: Do you recall making that statement?

KEMPLE: You betcha

HARRIS: And do you recall stating that Scott seemed to be taken aback by that information?

KEMPLE: You betcha he was. Go the doe in the headlights stair.

HARRIS: He seemed to be,

KEMPLE: He gave me the doe in the headlights stare.

HARRIS: He seemed to be taken aback,

KEMPLE: You betcha he was.

HARRIS: I'm sorry, will you let me finish the question, please?

KEMPLE: I'm sorry.

HARRIS: He seemed to be surprised?

KEMPLE: Yes, he was.

HARRIS: And you then told the investigator that in retrospect, looking back, you believe that the reason he was surprised was that Scott felt he had gotten more attention than he had planned?

KEMPLE: I may have said that.

JUDGE: Is that what you told the police?

KEMPLE: I may have said that.

HARRIS: And that was in retrospect, afterwards. You didn't believe that that night?

KEMPLE: I believe he was surprised that night; yes, I do.

HARRIS: Absolutely. He was surprised that that many people cared and that many,

KEMPLE: Yes.

HARRIS: turned out for his wife,

KEMPLE: You betcha

HARRIS: Absolutely. Now, let's discuss the, well, let me finish on the time line. I'm sorry, I interrupted. You said you came back to the house around 7:00, something like that?

KEMPLE: Yeah.

HARRIS: How long did you,

KEMPLE: The first time.

HARRIS: hang around the house, do you have any recollection?

KEMPLE: The first time I came back?

HARRIS: The first time you came back.

KEMPLE: I'm going to say 20, 25 minutes, probably, after he told me he played golf.

HARRIS: Okay. So the first time you were there is when he told you he played golf?

KEMPLE: The first time I asked him, he told me what she was wearing, that was my first question, and then, and a few minutes afterwards is when I was able to get his attention again, and that's when he told me he went to play golf.

HARRIS: Well, when you say get his attention, didn't you tell the police that in fact what happened was you walked up to Scott Peterson and started in asking him questions while he was on his cell phone?

KEMPLE: I, I tried to get his attention. I didn't ask him a question while he was on his cell phone. And he was pacing back and forth and wasn't really acknowledging me.

HARRIS: I want to refer you back to the report by Investigator Bertalotto. If you'll just read the section silently.

KEMPLE: (Witness reading)

HARRIS: Does that refresh your recollection?

KEMPLE: Basically what I'm saying.

HARRIS: Well, let's see what you told the investigator. You told the investigator that, in fact, you didn't tell him that Scott was pacing up and down, did you?

KEMPLE: I may have said pacing and he may have taken it another way. He was walking back and forth. I don't know if you want to characterize it as a pace. He was walking back and forth on the approach of his driveway.

HARRIS: Well, but you in fact, let's go over what you told the investigator. You told the investigator you walked up, found Scott standing in the driveway, talking on his cell phone?

KEMPLE: Correct.

HARRIS: You told him that, you asked him where Laci was and he didn't answer and he continued to talk on the phone?

KEMPLE: Correct.

HARRIS: So he was, in fact, on the phone while you were talking to him?

KEMPLE: Correct.

HARRIS: You continued to ask him, you asked Scott Peterson what she was wearing, and once again he didn't respond to the question but in fact continued to talk on the phone?

KEMPLE: Yes.

HARRIS: And, in fact, you asked him a third question and he still continued to talk on the phone?

KEMPLE: I don't know if it went into four or five times. We're...

HARRIS: So all,

KEMPLE: It may have been four or five times.

HARRIS: So all these questions you're asking him that he is not responding to, he's talking on his cell phone at the time?

KEMPLE: Yeah. I'm not asking him that question every time. That wasn't my intent when I made that statement. I was saying Scott, Scott. He was walking. I asked him one time, after he hung up from the phone, what Laci was wearing, so my brother and I possibly could see some type of clothing or whatever that that might alert us down in the park. That was my main reason for going up there.

HARRIS: That's not what you told the officers?

KEMPLE: Well, I mean that's what I'm telling you now. Why the question was put to him. What was she wearing.

HARRIS: Right. That's what you're telling us today?

KEMPLE: Yes.

HARRIS: It's not what you told the officer during the interview, though, is it?

KEMPLE: I'm, it's there.

HARRIS: Yeah. In fact it's there that you continued all these questions you asked Scott that he refused to respond to, he was on the cell phone at the time talking; that's what you told the officer, wasn't it?

KEMPLE: He was on his cell phone; yes, sir, he was.

HARRIS: Yeah. Okay. Now, you say you stayed there about 20 to 30 minutes, something like that.

KEMPLE: Something like that, yeah.

HARRIS: And during that time there was a lot of commotion, there were a lot of people wandering around?

KEMPLE: Fair statement.

HARRIS: And you went back to the park then and began,

KEMPLE: Looking.

HARRIS: the search?

KEMPLE: Right.

HARRIS: Yeah. You mentioned that you're very familiar with this park?

KEMPLE: Very familiar.

HARRIS: I get a little confused. You have to forgive me because I get confused with the names of East La Loma versus Dry Creek Park. The area you're searching in is actually Dry Creek Park.

KEMPLE: It's been named many things over the years. I know it as Dry Creek Park.

HARRIS: So that may be part of my confusion. It's the same area, called by different names?

KEMPLE: Correct.

HARRIS: So when I refer to Dry Creek Park, we're referring to this area, if you look at the map, could you point out the area we're referring to, if you point?

JUDGE: You can show him, Mr. Kemple; do you recognize where the tennis courts are up there?

KEMPLE: Yes. Actually, it extends past that to El Vista, or Old Oakdale Road, clear down to La Loma, which is a way further down. That whole Dry Creek area was known as Dry Creek Park.

JUDGE: All right. So that,

HARRIS: Entire area

KEMPLE: Whole entire area. Now they have broken it up and named different sections after various city council people and different,

<Laughter>

KEMPLE: Normal propaganda

HARRIS: They have a habit of doing that. The area you had, I guess you spent a number of years,

KEMPLE: Been there all my life.

HARRIS: Been there all your life, you knew it very well. You mentioned that night, while you were searching, one of the things that you did was that there were a number of homeless people in the park and you talked to them?

KEMPLE: Yes. There was, we ran across, through other relatives looking, we probably ran across about a dozen.

HARRIS: Yeah. And that's not uncommon in that park?

KEMPLE: Not real uncommon, no, not in today's age.

HARRIS: After you went back to the park, how long did you search for?

KEMPLE: Approximately I would say another 45 minutes or so, and then I returned back up to the, Laci and Scott's home.

HARRIS: Okay. So this is the second trip back to the house; is that, would that be right?

KEMPLE: Uh-huh.

HARRIS: And on your second trip back to the house, did you talk to Scott at that point in time?

KEMPLE: No. No, I didn't talk to him.

HARRIS: Well, if we had, help me with the time here. If you got back to the house you think around 7:00, you were there for approximately 30, 25, 30 minutes, that would be around 7:30. You went back to the park for about another 45 minutes you think it was?

KEMPLE: Thereabouts, yes.

HARRIS: So it would be about 8:15, would that seem,

KEMPLE: Somewhere in that neighborhood, yes.

HARRIS: And at about 8:15 you went back to the house?

KEMPLE: I went back to the house, yes.

HARRIS: And the second time you went back you did not actually talk to Scott?

KEMPLE: No.

HARRIS: And did you see Scott at that point?

KEMPLE: Yes.

HARRIS: Okay. And was Scott going into the house, going in and out of the house? Or was he just standing out in the yard at that point?

KEMPLE: At that particular time he was just out in the yard.

HARRIS: Do you recall telling the investigator that, in fact, Scott should have been out looking? That he should have been less worried about being at the house and been out looking?

KEMPLE: In my opinion, yes.

HARRIS: And were you aware that, in fact, Scott had been ordered to stay at the house by the police?

KEMPLE: I wasn't aware of any such order.

HARRIS: Were you, in fact, aware that Scott had tried to go out passing out fliers in the neighborhood that night and had been told he had to stay at the house?

KEMPLE: Hard for me to believe.

HARRIS: That's hard for you to believe?

KEMPLE: Yes.

HARRIS: You don't believe the police would have told him he couldn't leave the area?

KEMPLE: I don't care whether they would have told me or not, I would have been there.

HARRIS: You would, so whatever the police said didn't matter, you would have gone off anyway?

KEMPLE: If it was my wife, yes.

HARRIS: So you wouldn't have thought the police knew best about how to find your wife, you would have done what you thought was best?

KEMPLE: Fair statement.

HARRIS: Okay. The volunteer center trips where you, you said that you had talked to Scott one morning, if I understand your testimony, and Scott had said he was going put up fliers at a, is it Paradise Road?

KEMPLE: Paradise Road area, which is west Modesto.

HARRIS: And when he came out of, what made you suspicious is when he came out of the area of the community center he went in the wrong direction to go to Paradise Road?

KEMPLE: I was already suspicious before that.

HARRIS: Well, what made you suspicious that day, I'll rephrase it. What made you suspicious that day is that he went in the opposite direction?

KEMPLE: Correct.

HARRIS: Had you planned on following him that day?

KEMPLE: No.

HARRIS: So what made you decide to follow him that day was that he went in the wrong direction?

KEMPLE: Correct.

HARRIS: And it's your testimony that, in fact, he went to a mall, sat there parked, and you sat there and watched?

KEMPLE: Correct.

HARRIS: Okay. And your testimony, you thought it was strange that a man who had just lost his wife would want to go somewhere where it's quiet and just sit? You thought that was odd?

KEMPLE: No, I, I didn't, that wasn't even in my mind.

HARRIS: No, it wasn't, was it?

KEMPLE: No.

HARRIS: You thought his behavior was odd, though, to do that?

KEMPLE: Fair statement.

HARRIS: And did you think your behavior, following a grown man and sitting in a parking lot for 45 minutes and staring at him, was odd?

DISTASO: Objection. It's argumentative.

JUDGE: Sustained.

KEMPLE: Fair statement.

<Laughter>

JUDGE: The answer can stand.

<Laughter>

KEMPLE: I did believe it was odd.

HARRIS: In fact, you told the police that you were there about an hour and a half?

KEMPLE: No, it was, that was wrong.

HARRIS: That was wrong when you told,

KEMPLE: He must have, I corrected that statement when I read it.

HARRIS: You did tell him that in fact,

KEMPLE: Yeah.

HARRIS: you weren't there for an hour and a half?

KEMPLE: No, it was about 45 minutes.

HARRIS: And while you were there Scott just kind of sat in his car, mostly, from what you could see?

KEMPLE: You know, I was far enough I couldn't tell you whether he was moving or, or, or what.

HARRIS: All right. You testified that, or excuse me, I'm sorry. You told the investigator that you had followed Scott to the country club, the Del Rio Country Club; is that correct?

KEMPLE: Yes.

HARRIS: And you told them that you knew he was a golfer?

KEMPLE: Yes.

HARRIS: And that, in fact, you had friends at the Del Rio Country Club and these friends had actually called you and told you that Scott had been showing up at the country club; is that correct?

KEMPLE: No one specifically called me. It was in person that I had heard it.

HARRIS: Okay. Did you give the names of these friends to the investigators so they could follow-up?

KEMPLE: I wasn't asked.

HARRIS: You weren't asked that question?

KEMPLE: No.

HARRIS: The investigators never bothered to find out whether or not they could back up this story?

DISTASO: Objection. It's argumentative.

KEMPLE: I wasn't asked.

JUDGE: The answer can go out. Sustained. Next question.

HARRIS: Could you tell us who these friends are?

KEMPLE: Yes.

HARRIS: I'm sorry?

KEMPLE: Yes, I could.

HARRIS: Okay. Could you please give me the names?

KEMPLE: Dennis Tobin, for one.

HARRIS: I'm sorry, what was the name?

KEMPLE: Dennis Tobin.

HARRIS: Hogan?

KEMPLE: Tobin, T-O-B-I-N.

HARRIS: And who else?

KEMPLE: I'm trying to think. I can't think of a last name right off the top of my head, but a young lady by the name of Stephanie that works at the golf course.

HARRIS: And you don't, you just know Stephanie, do you know,

KEMPLE: I can't think.

HARRIS: I'm sorry. Overlapping.

JUDGE: She works at the golf course.

HARRIS: We're going to get yelled at again. Do you know where she works at the golf course?

KEMPLE: No, I don't. I think she is part of the pro shop, or something like that, you know, but I...

HARRIS: Now, you, you were aware that your wife had actually been interviewed by the police about a month earlier?

KEMPLE: Gosh, I don't know if it was a month earlier.

HARRIS: Some time earlier?

KEMPLE: It was some time earlier, yes.

HARRIS: And you, you had told your wife, in fact, you told her that night this story about Scott golfing, did you not, that he told you that night he had been golfing?

KEMPLE: I told my wife, I told my brother, I told a lot of my family members that returned to my home after the police asked us to leave the park.

HARRIS: But you specifically told your wife?

KEMPLE: After she told me he told her he went fishing, you betcha

HARRIS: And you're aware that she then interviewed with the police?

KEMPLE: Yes.

HARRIS: And did you receive a phone call right after that from the police saying they needed to talk to you?

KEMPLE: I received a phone call from Detective Bertalotto. I couldn't tell you exactly the date, and we arranged, because of my conflict of work schedule and his, to meet, yes.

HARRIS: And it was about six weeks later, approximately; does that sound about right?

KEMPLE: Gosh, it could have been, yeah.

HARRIS: From your knowledge, your wife, from your knowledge, your wife never told the police the story about, that you told about Scott going golfing?

DISTASO: Objection, your Honor. That's like about two layers of hearsay. His knowledge of what his wife. I mean, she just testified.

JUDGE: Sustained.

HARRIS: I don't have anything else.

Redirect Examination by Rick Distaso

JUDGE: Redirect?

DISTASO: Just a couple questions.

DISTASO: Mr. Kemple, counsel asked you a lot of questions about that burnt chicken comment. Can you, can you just tell us what you meant by that?

KEMPLE: I fancy myself as a barbecuer, which many people do. When Scott installed,

GERAGOS: Objection. Non-responsive.

JUDGE: I think he's trying to answer. Overruled. Go ahead.

KEMPLE: When Scott installed his barbecue, which was just within a matter of days or weeks prior to us attending that 4th of July barbecue, he burnt chicken. I was trying to tell him to turn the butane down and let the heat of the lava rocks cook the chicken. He didn't want to pay attention, which he, maybe shouldn't have, I don't know; and it burnt. And he got upset.

DISTASO: All right. Let me, so you saw him upset,

KEMPLE: Yeah.

DISTASO: over this chicken?

KEMPLE: Burned chicken.

DISTASO: Right. And in your mind, when you compared when you saw him getting upset over the chicken versus what you saw on the 24th, did you see a contrast?

KEMPLE: Yeah. I, I saw him upset with the burnt chicken.

DISTASO: Uh-huh.

KEMPLE: I didn't see him upset that night about Laci being gone.

DISTASO: Let me ask you just one final question. When you said you saw the officers going into the, not the residence but the front yard, do you recognize this as a, like a diagram of their house?

KEMPLE: Yes.

DISTASO: Okay. It's labeled here "courtyard"?

KEMPLE: Yes.

DISTASO: And then "gate number one"?

KEMPLE: Right.

DISTASO: And then "fence"?

KEMPLE: Correct.

DISTASO: Okay. When you were talking about them going into the front, were you talking about them going into the gate?

KEMPLE: Correct.

DISTASO: And this courtyard area?

KEMPLE: Yeah, because I approached over here.

DISTASO: Okay. You were over here by the driveway?

KEMPLE: Correct.

DISTASO: And this is a solid fence that you can't see through, right?

KEMPLE: Right.

DISTASO: So once they got in there, you didn't know whether they were going into the house or what?

KEMPLE: I couldn't tell you.

DISTASO: Okay. Nothing further.

Recross Examination by Pat Harris

JUDGE: Any questions about the chicken?

HARRIS: I would love to revisit

<Laughter>

JUDGE: We have the, we have the narrow rule in California, so let's keep it about the chicken.

HARRIS: I would love to revisit the barbecued chicken incident.

HARRIS: You, in fact, when you discussed the fact that Scott got, I believe your quote is that Scott got pissed off?

KEMPLE: Yes, he did.

HARRIS: about the chicken? And when he was questioned about the chicken being burnt, when he was questioning you about the chicken being burnt, you said he was pissed off. And then he asked you, followed up with How did he show that? And your exact answer was He didn't curse, and he didn't throw things, he just seemed frustrated. Do you recall saying that to the investigator?

KEMPLE: No. He slammed the cover down on the barbecue and wasn't real happy, let me put it that way.

HARRIS: Okay.

KEMPLE: And Laci had made a comment.

HARRIS: Well, you actually said, told the investigator that the only thing visible he did was he made comments, excuse me, not visible, but the only thing he indicated to you that he was upset is that he made comments about the chicken; do you recall saying that?

KEMPLE: Yeah.

HARRIS: So the extent of his anger that night, his upset at the great chicken fiasco, was that he got a little upset and actually made some comments about the chicken, and that was his anger?

KEMPLE: No. Between facial and verbal expression.

HARRIS: You'd been at the house before?

KEMPLE: Yes.

HARRIS: You were at the house at the barbecue?

KEMPLE: Yes.

HARRIS: You're aware there's no cover on the barbecue?

KEMPLE: There is a cover.

HARRIS: There is a cover?

KEMPLE: Yes.

HARRIS: Thank you. I have nothing further.

KEMPLE: It's butane. It is covered.

JUDGE: May this witness be excused?

DISTASO: Yes, your Honor.

JUDGE: Okay, Mr. Kemple. Thank you. You are excused.