Witness: Eric Beffa

Date: 2004-09-07

Proceedings held September 7, 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: Officer Beffa, there was a tip that we discussed briefly early on when we were doing this case, I want to go into in a little more detail. Did you receive directions from Sergeant Helton on January 10th of 2003 to follow up on a tip that had been phoned in?

BEFFA: Yes, I did.

DISTASO: And was the tip from an anonymous person?

BEFFA: Yes, it was.

DISTASO: And do you have your report there in front of you? Because you wrote the tip pretty exactly in there.

BEFFA: Yes.

DISTASO: Can you tell us, just tell us exactly what the tip said.

BEFFA: The tip reads as follows. It was an anonymous call from a cell phone. The tip reads, eastbound 205 at Tracy. Take the first exit, which is the first bridge, which is a county area, and turn right. Said this was not a populated area of town, but rather a county area. Does not know the name of the road. Go down four to five miles. You will see two white houses on left side of the road. In front of the second house is an old abandoned white pickup. Behind the house is a van, as he explained, where you can store feed for horses. They have a pregnant woman there. And he states he recognized her to be Laci. Caller lives two to three hours away from there. Wanted to remain completely anonymous. Doesn't want the reward money. Just wants her to be found. Claims they are abusing and hurting her. Says he saw Laci's picture on the missing persons poster. Just wanted to save her.

DISTASO: So this tape came in on January 10th.

BEFFA: I believe so. I'm not exactly sure when it came in.

DISTASO: Just so, I forgot got to ask you. For the, you work for Modesto Police Department?

BEFFA: Yes, I do.

DISTASO: And you were assigned by Sergeant Helton to

GERAGOS: Objection. Leading.

JURY: Sustained.

DISTASO: Were you assigned by Sergeant Helton to go up to the Tracy area and investigate this tip?

BEFFA: Yes.

DISTASO: Did you do that?

BEFFA: Yes, I did.

DISTASO: Who went with you?

BEFFA: Officer John Locke also of the Modesto Police Department.

DISTASO: Other than this information that you had in the tip, did you have any other information?

BEFFA: No, I did not.

DISTASO: Did this person, to your knowledge, ever call back and give their identifying information or any way to contact them?

BEFFA: Not that I'm aware of, no.

DISTASO: Did you go up to the Tracy area?

BEFFA: Yes, I did.

DISTASO: Eastbound 205 past Tracy, which, would that be the east part of the eastern portion of San Joaquin County?

BEFFA: I believe so, yes.

DISTASO: Do you want to look at a map and see?

BEFFA: Yes.

DISTASO: I'll show you one. You have taken look at that map. Does that refresh your memory as to how it's laid out?

BEFFA: Yes.

JUDGE: Do you want that marked people's next in order?

DISTASO: Sure, judge. That's fine. I didn't mark it. I was just using it to refresh his memory.

JUDGE: You don't have to. If you don't want to, you don't have to. He's not going to mark it.

DISTASO: We can mark it later if we need it.

DISTASO: So you went up to the Tracy area?

BEFFA: Yes.

DISTASO: What happened?

BEFFA: Officer Locke and I drove around for couple of hours, were unable to locate anything similar to what was described in the tip. Neither one of us are familiar with the Tracy area. So around that time we contacted San Joaquin County Sheriff's Department and asked for their assistance.

DISTASO: Did they send an officer?

BEFFA: Yes, they did.

DISTASO: Who was that?

BEFFA: Deputy Paul Mears.

DISTASO: And did you work with Deputy Mears and try to determine an area where this might be?

BEFFA: Yes. We met him at a restaurant off of 205. We talked to him, explained what was going on, what we were looking for, showed him the tip. He brought out a map. He started, he's very familiar with the area. Started showing us some different areas he thought might possibly match that description. And then we drove around together. We followed his car, drove around checking different areas to see if they matched that description.

DISTASO: Did you find anything that matched that description?

BEFFA: No, we didn't.

DISTASO: And how long do you think you were up there in the Tracy area on the 10th trying to follow up?

BEFFA: I don't remember exactly. I'd estimate anywhere from four to six hours.

DISTASO: After you left the area, did you ask Deputy Mears to kind of continue looking into this?

BEFFA: Yes.

DISTASO: Did he agree to do that?

BEFFA: Yes, he said he would.

DISTASO: The whole time that you were up there, did you find any information that was related to the Laci Peterson investigation?

BEFFA: No, I did not.

DISTASO: Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Thank you, your Honor. Good morning, officer.

BEFFA: Good morning.

GERAGOS: How are you?

BEFFA: Just fine.

GERAGOS: Good. When you, you didn't actually get this tip, did you? You, yourself?

BEFFA: I did not accept the phone call, no.

GERAGOS: So when Mr. Distaso was asking you questions, and had you read it, you were just reading a tip that somebody else took from the tip line, is that correct?

BEFFA: That's correct.

GERAGOS: You didn't talk to the person who called it in?

BEFFA: No, I didn't.

GERAGOS: Okay. Now, there was a mention in there of a van, is that correct? V-a-n?

BEFFA: Let me read it again real quick.

GERAGOS: Sure.

BEFFA: That's correct.

GERAGOS: Okay. Are you aware that one of the reasons that tip was given to you was because at that point there had been a van, or suspicious van spotted on Covena that morning?

BEFFA: I had information similar to that.

GERAGOS: Were you aware that the Modesto Police Department had put out a flyer asking for information regarding a van and three darker-skinned males and their connection to that van?

Were you aware of that?

BEFFA: I vaguely recall that, yes.

GERAGOS: Now, when you went up there, did you, if I understand correctly, you were not familiar with the area, correct?

BEFFA: That's correct.

GERAGOS: Okay. Tracy is in a different county than Stanislaus County where Modesto is?

BEFFA: That's correct. It's San Joaquin County.

GERAGOS: That's the next county over?

BEFFA: Yes.

GERAGOS: And when you went over there, you went up with this Officer Locke?

BEFFA: Yes, sir.

GERAGOS: When you and Locke went up there, what you had was a description that said it's not in a populated area. This tip as to where she was was a rural area, correct?

BEFFA: Yes.

GERAGOS: And when you went up there, did you, in fact, at some point meet up with, or find an area that a helicopter was deployed to?

BEFFA: No.

GERAGOS: Did anybody ever tell you that there was a helicopter that had gone over a certain area, and that heat had radiated from that area indicating –

DISTASO: Objection.

JUDGE: Overruled. Go ahead.

GERAGOS: Heat had radiated from a specific area?

BEFFA: No.

GERAGOS: Did anybody ever tell you, when you went up there, did you ever find a location over by, or look at a place called Midway? Do you know where that is?

BEFFA: A little bit. We checked part of that area. We were following, Officer Locke and I were following Deputy Mears.

GERAGOS: Okay. Were you aware of that? Had you ever seenor heard of that area before? Were you familiar with it?

BEFFA: I had heard the name of the street before. I don't think I had ever been there prior to this.

GERAGOS: Now, when you went up there, the, you had also, I guess the tip that you received that came from the Highway Patrol, correct?

BEFFA: I don't know exactly where it came from.

GERAGOS: I'm going to show you a report that was written by, looks like Jim Merino. See if that refreshes your recollection.

BEFFA: I don't recall if that's where it came from or not.

GERAGOS: Did you ever tell an officer, I guess it's Jan Merino, that you, that these, this teletype, or this tip came over from the California Highway Patrol?

BEFFA: I don't remember if I did or not.

GERAGOS: Now, the, specifically, when you went up there, you made a search of a place over at what's called Lammers Road, L-a-m-m-e-r-s?

BEFFA: Possibly. I don't recall the exact streets. Like I said, I'm very unfamiliar with the area

GERAGOS: Okay. So you going up there is not going to do much help in terms of trying to find a description of the area, because you didn't patrol that area, correct?

BEFFA: I'm sorry, could you say that again?

GERAGOS: That's not an area that you were familiar with. You didn't patrol it. When somebody is describing it, you don't have any more clue than if you dropped me there to go look for this place, right?

BEFFA: That's correct.

GERAGOS: Now, and about at some point while you were checking this, you were advised, or you advised the other officer that you were with that you had been recalled to the Modesto area for another missing persons investigation?

BEFFA: I believe that's what it was, yes.

GERAGOS: So while you were up there, you spent, whatever it was, four hours, then somebody called you and said, hey, we got another missing persons investigation in Modesto, you went to deal with that?

BEFFA: That's correct.

GERAGOS: Now, at some point were you told that the officers had responded to a location on the Alameda and San Joaquin County line?

BEFFA: I deducted that Deputy Mears, I believe received a voicemail from him the next day. He gave me a brief synopsis, that they continued their search. There is one area in particular they were looking at.

GERAGOS: Okay. Did he tell you that area was actually in Alameda County, and not in San Joaquin County?

BEFFA: I believe so, yes.

GERAGOS: And Deputy Mears is a deputy in San Joaquin County, is it your understanding?

BEFFA: Yes.

GERAGOS: And that you needed, did he tell you that Alameda County had responded, a Deputy Hesselein, H-e-ss-e-l-e-i-n?

BEFFA: I don't recall.

GERAGOS: Did he tell you that due to the specific area, it was known to have illegal activities occurring in it?

BEFFA: Yes.

GERAGOS: Did he tell you that that specific area was basically a compound that was gated off?

BEFFA: He described it as a compound. I don't think he really explained further.

GERAGOS: So he didn't explain further?

BEFFA: He just referred to as a compound.

GERAGOS: Did he tell you that at that point they were going to make a flyover of this compound area?

BEFFA: I don't remember if he told me that or not.

GERAGOS: And did he tell you that they had used a heat sensor to see if there was activity in this area, an overfly?

BEFFA: I don't believe he told me that or not.

GERAGOS: Okay. And did he tell you that due to the conditions, that they didn't, because of the situation, that they didn't go in there, that they weren't going to go in there?

BEFFA: I believe at the time I got the voicemail from him, he told me that they hadn't checked it yet. But they were planning to the next night, or something similar to that.

GERAGOS: Did he tell you that the people who lived at this compound were anti law enforcement, known parolees and probation persons?

BEFFA: He told me they were anti law enforcement.

GERAGOS: Okay. And, okay. Did he tell you specifically what he meant by that?

BEFFA: Not really.

GERAGOS: Okay. And did he tell you that they were not, they were not going to attempt to contact the individuals, because that should be done during the daylight hours with a possible special search team?

BEFFA: I believe he told me that, yes.

GERAGOS: Did he tell you that the, did he ever call you back and say that he did go back in there?

BEFFA: I don't believe so. I think I just received the one voicemail message from him.

GERAGOS: The one that we just talked about just now?

BEFFA: Yes. And then a few days later, or a week or so later, I believe it was, copy of the report was faxed to the Modesto Police Department.

GERAGOS: Would that be the report I just showed you?

BEFFA: Yes.

GERAGOS: And that's a, so that you and I both know what we're referring to, that's a San Joaquin County report that looks like it was faxed over?

BEFFA: Yes, sir.

GERAGOS: That was dated January 17th, is that correct?

BEFFA: I believe so.

GERAGOS: Specifically were you, did you ever write up a report following up anything other than what you testified to here today?

BEFFA: No. I just did my original report that, I believe I wrote my report prior to receiving that one from San Joaquin County.

GERAGOS: Right. And looks like on your report you referred to the fact that you received a voicemail message from Mears, correct?

BEFFA: Yes.

GERAGOS: And Mears said that they had checked the area further, and were still unable to locate anything matching the description from the tip, correct?

BEFFA: That's correct.

GERAGOS: And he said they further checked on the evening of January 11th, right?

BEFFA: That's correct.

GERAGOS: And he said a copy of his report would be available under the case number 03-1044, correct?

BEFFA: Yes.

GERAGOS: That's the, 03-1044 is the case number on the report I just showed you, right?

BEFFA: Yes.

GERAGOS: Thank you. I have no further questions.

JUDGE: May Officer Beffa be excused?

DISTASO: Yes.