Witness: Jon Buehler

Date: 2004-10-05

Proceedings held October 5, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos; Redirect – Dave Harris; Recross – 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 David Harris

HARRIS: Detective, can you tell us what your occupation is?

BUEHLER: Police detective for the Modesto Police Department.

JUDGE: Detective Buehler, can you get a little closer to the microphone, please? You are sort of sitting back. Thank you.

HARRIS: How long have you been in law enforcement?

BUEHLER: 26 years eight days.

JUDGE: Looking forward to your retirement? Go ahead.

HARRIS: And, detective, you work for the Modesto Police Department?

BUEHLER: I do.

HARRIS: I want to direct your attention back to December of 2002, what was your assignment back then?

BUEHLER: Investigation of violent crimes.

HARRIS: And on around the 25th of December of 2002, were you contacted about a work-related issue?

BUEHLER: I was.

HARRIS: Where were you at?

BUEHLER: I was at home.

HARRIS: And when you were contacted, did this call or contact cause you to go someplace?

BUEHLER: It did.

HARRIS: Where did you go?

BUEHLER: I went down to Modesto Police Department, Detective Division.

HARRIS: Did you meet with someone there?

BUEHLER: I did.

HARRIS: Who did you meet with?

BUEHLER: Al Brocchini.

HARRIS: That's another detective with the police department?

BUEHLER: He is.

HARRIS: Were you advised about a missing persons case that he had just started the previous evening?

BUEHLER: I was.

HARRIS: And did he give you somewhat of a briefing of what information that he had at that point in time?

BUEHLER: He did.

HARRIS: And did you accompany him someplace?

BUEHLER: Yes, I can.

HARRIS: Where did you go?

BUEHLER: We went back to the 500 block of Covena, and he went to do another assignment there. And I went and met with Karen Servas, who is the next door neighbor to where the victim lived, immediately to the south.

HARRIS: And Karen Servas, this neighbor, did you talk to her at that point in time?

BUEHLER: I did.

HARRIS: When was it that you talked to her on the 25th?

BUEHLER: I think it was about eleven, 11:30, thereabouts.

HARRIS: 11:30 in the morning?

BUEHLER: Yes.

HARRIS: And did you attempt to -- or did you take a statement from Miss Servas about what information she might have in this case?

BUEHLER: Yes, I did.

HARRIS: And what did Miss Servas tell you?

JUDGE: Just, again, ladies and gentlemen of the jury, this evidence is coming in now not for the truth, but for the reasonableness of this officer's conduct. You heard this information, what did he do about it, not for the truth. Go ahead.

HARRIS: What did she tell you?

BUEHLER: Servas told me she was the next door neighbor to Scott and Laci, and she had lived next door do them for a period of time. She knew them fairly well. Had been to their home many times. Her son had swam in their pool. Scott had even helped her with home projects around her house. She had went to the store the day before, on Christmas Eve, and as she was pulling out of her driveway, she saw the Petersons' dog, unattended, with a leash attached to it. She noticed that the leash was dirty. She took the leash or the leashed dog back over to the Peterson house, tried to get it in the front courtyard area which has got a gate, on the east side of the property, found that to be locked. So she took the dog around to the northwest side of the property kind of by a carport area. And opened up the gate, put the dog back inside the property. She was only there for a minute or so. Didn't see anything suspicious, no evidence of break-in, no signs of anybody struggling, or any violence. Went back to her house, washed her hands, got back in her car and resumed her duties that day.

HARRIS: Now, after this interview -- let me just go through this process. When you talked to a witness, or as you are doing part of your investigation, do you normally write police reports?

BUEHLER: Most of the time, yes.

HARRIS: And so at any point in time if you need to refer to your report to be specific as to times, or anything of that nature, please go ahead. And let us know and when you do so. Did Miss Servas give you a time as to when this was occurring, when she found the Peterson dog in the street?

BUEHLER: She gave me an estimate time as I believe about 10:30 that morning.

HARRIS: You say she gave you an estimate time. Did she -- was she telling you she was looking at her watch, or something had just happened?

BUEHLER: I don't remember her saying that she was looking at her watch. But she was recalling from the shopping that she did the day prior about what time it was. And her estimate was approximately 10:30.

HARRIS: Did you have subsequent contact with Miss Servas about the time that she found the dog?

BUEHLER: Yes.

HARRIS: Did she get in touch with you within a short period of time and tell you that she had backtracked what her time was?

BUEHLER: She did.

HARRIS: What did she tell you?

BUEHLER: Well, she was able to establish a more accurate time by comparing a receipt that she had obtained from a Christmas store in Modesto. And the receipt was stamped 10:34 a.m. on December 24th. And she retraced that route in her car. And gave me an idea that -- gave me the estimation that the time when she located the dog would have been about 10:18 a.m.

HARRIS: You said she located something from the store. Do you recall what it was?

BUEHLER: It was a paper receipt from a computer cash register that was printed out with the date and time, and I believe the amount that she spent.

HARRIS: Did she show that receipt to you?

BUEHLER: Showed it and gave it to me.

HARRIS: And did you collect that as part of the evidence?

BUEHLER: Yes.

HARRIS: Like to show you what's been previously

Marked as People's Number 28 and ask if you recognize this.

BUEHLER: Yes, I do.

HARRIS: And what is it that People's 28 is, and how do you recognize it?

BUEHLER: Well, it's taped to a piece of blue copy machine paper. It's got my handwriting on it. It's the receipt I remember. It is substantially more faded here today than it was when I picked it up. I have a photocopy of it in my binder that I believe might more clearly show the time. But time was documented in the report. And this is what I remember. This is what I had.

HARRIS: You said there is some writing on here that you recognize. Is that your writing?

BUEHLER: It is.

HARRIS: Looking to the right of the receipt, is there a date and time that's there?

BUEHLER: There is.

HARRIS: And that date and time that you wrote on the blue paper, where did you get that from?

BUEHLER: That was straight off the receipt.

HARRIS: Showing you putting People's 28 up there. You are indicating that the information that you got was right off of the receipt. So the information you wrote is what I'm highlighting now to the right?

BUEHLER: That's correct.

HARRIS: And the date and time information that's on the receipt, that's this date right there, this time right there?

BUEHLER: It's that faded-out printing just to the left of the 12 that's handwritten.

HARRIS: All right. Now, after you obtained this receipt from Miss Servas, did you continue to have contact with her?

BUEHLER: Yes.

HARRIS: And did she come back at another point in time and indicate she had found something else to kind of validate this particular time?

BUEHLER: She did.

HARRIS: Do you recall what that was?

BUEHLER: It was a her original phone record for the month of December that contained a phone call she received and made that morning, on Christmas Eve morning.

HARRIS: And did she show you these phone records?

BUEHLER: She did.

HARRIS: Did you do anything with the phone records?

BUEHLER: Retained them for use in this case.

HARRIS: Like to show you what's been

Marked as People's Number 29, ask you if you recognize this.

BUEHLER: I do.

HARRIS: Can you describe for us what that is and how you recognize it?

BUEHLER: Well, it's the phone record that she gave me. And it's got the case number for this case and my writing in the upper right hand corner in blue ink. It's got call number 108, it's highlighted, on December 24th, at 10:37 a.m. That's the one that she used to help confirm the accuracy of the receipt.

HARRIS: Putting up People's Number 29. You indicated that there was some writing to the left. I'm not sure that we can see it. You were describing it as being call number 108. Is this the circled call right there?

BUEHLER: Right. Where your red laser pointer was bouncing around.

HARRIS: And that's the date and the time information?

BUEHLER: That's correct.

HARRIS: And that's the call that she showed you from her phone bill?

BUEHLER: That's correct.

HARRIS: Now, after you had met with Miss Servas, did you have -- did you continue to assist Detective Brocchini in this particular case?

BUEHLER: Yes.

HARRIS: Was there a -- was there another detective besides Detective Brocchini that came into the case on the 25th?

BUEHLER: Yes.

HARRIS: What detective was that?

BUEHLER: Craig Grogan.

HARRIS: And did you meet with Detective Brocchini and Detective Grogan at some point in time?

BUEHLER: Yes.

HARRIS: I want to go back through this. You are talking about how you went out and met with Miss Servas. Did you return to the police department after you met with Miss Servas?

BUEHLER: We did.

HARRIS: And at some point in time on the 25th, did you also meet with the defendant?

BUEHLER: Yes.

HARRIS: Mr. Peterson?

BUEHLER: Yes.

HARRIS: Where did you meet him?

BUEHLER: I met him in front of his house when I first got there to meet with Servas. He was walking across the street from the southwest to the northeast -- correction, from the southeast to the northwest. Detective Brocchini introduced me to him. Shook hands with him, greeted him, chatted with him for just a moment. He went on with some other things that he was doing. Met with Servas. And then later on, when we returned to the police department, met up again with Scott there at the police department.

HARRIS: When you met up with him, did you at some point in time talk with him or take him into a conference room to talk to?

BUEHLER: Yes.

HARRIS: And where was that?

BUEHLER: Well, the detective offices were in another building. We met up with him at police headquarters in the conference room which was on the second floor of police headquarters.

HARRIS: The room that you go into, was this kind of like a regular conference room? Or what was -- what type of room was this?

BUEHLER: Yes, it's a conference room that's used for the Chief's staff meetings with all the supervisors there at the police department. It's got a table that's kind of bowed out on the center so that when you sit at it you can kind of see everybody that's sitting around the table.

HARRIS: And after this was occurring, did you meet with Detective Grogan?

BUEHLER: Yes.

HARRIS: Did you also meet with Doug Mansfield?

BUEHLER: Yes.

HARRIS: Was he with Detective Grogan?

BUEHLER: Yes.

HARRIS: Did you give them an update or a briefing of whatever information you had received from Detective Brocchini?

BUEHLER: I did.

HARRIS: And then you went about to do whatever other duties you had at that time?

BUEHLER: That's correct. But the order is slightly wrong there. The meeting with Grogan and Mansfield took place before Scott and I went up to the conference room.

HARRIS: So you had the briefing with Grogan and Mansfield, then you and the defendant went to the Chief's conference room?

BUEHLER: That's correct.

HARRIS: All right. After you were up in that conference room, did Detective Grogan and Mansfield come up and join you?

BUEHLER: They did.

HARRIS: And did you leave at that point in time?

BUEHLER: I did.

HARRIS: Now, moving forward in time a little bit. A few days later were you advised about a person calling in with some information with regards to this case by the name of Amber Frey?

BUEHLER: Yes.

HARRIS: When that call came in, what did you do?

BUEHLER: Made sure that I had a tape recorder, some batteries, some tapes. And Brocchini and I then drove down to Madera where she lived.

HARRIS: You say Brocchini again. That's Detective Brocchini?

BUEHLER: That's correct.

HARRIS: Did you ultimately meet with Miss Frey?

BUEHLER: We met with her that morning, that's correct.

HARRIS: What morning was that?

BUEHLER: It was the morning of December 30th.

HARRIS: When you met with her, what's the purpose of the tapes and the recorder and the fresh battery?

BUEHLER: Well, as I have done in the past on other cases with witnesses, we occasionally ask for their cooperation to see if they will, without somebody's knowledge that they are talking to, record phone calls for us. It helps us verify information they give us as being accurate and true. It can be used to clear somebody from suspicion. It can be used to develop a -- generate evidence against somebody.

HARRIS: When you got there, did you meet just with Miss Frey, or was someone else there as well?

BUEHLER: No. Her friend Shawn Sibley was there at the time.

HARRIS: Did you talk to Miss Sibley as well?

BUEHLER: I did.

HARRIS: Did they indicate if they knew the defendant Scott Peterson or not?

BUEHLER: They did.

HARRIS: Start with Miss Sibley. What did Miss Sibley indicate to you?

GERAGOS: Be an objection, as doesn't go to the reasonableness of the investigation. She's already testified. It's 352. It's cumulative.

JUDGE: I suspect it is cumulative. She's already testified. I sustain the objection on those grounds.

HARRIS: All right. Did you receive certain information from Miss Sibley about her knowledge of the defendant?

BUEHLER: Yes.

HARRIS: And did you also talk to Miss Frey?

BUEHLER: Yes.

HARRIS: And did you receive certain information from her about her knowledge of the defendant?

BUEHLER: Yes.

HARRIS: Based on those conversations, did you ask Miss Frey to assist you or cooperate like you were talking about in recording these phone calls?

BUEHLER: Yes.

HARRIS: Explain to us the process that you go through with that.

BUEHLER: Well, Amber had kind of a unique system. She didn't have a hard line phone at her house. All of her phone use was done off her cell phone, so she didn't have like many of us do, a phone to the house and then a cell phone that you run around with. So the device that I had brought with me to hook up to her hard line done wasn't going to work because she didn't have a hard line phone. So we went over to Radio Shack. And they manufacture a device that has several wires to it. It's got a jack that plugs into a cellphone. It's got another jack that plugs into a recorder. And then it has another separate lead that works for an earpiece. And then it's got a little box that's about -- a little square rectangular box, maybe three inches long, inch wide, with a switch on it. So if you are recording you have to use the phone and the device and the earpiece. And that's really all we could do to set her up with that. That's what we hoped would work for recording the phone calls. We tested it, found out that it did, and left that with her along with several blank sealed-in-the-carton cassette tapes, recorder itself, and instructed her on how we would prefer that she document the calls as they come in, and label the tapes. And that was pretty much it.

HARRIS: Now, after you give Miss Frey this equipment, and you give her the instructions on what to do, is there a process that starts to develop in terms of her making these phone calls or these recordings of phone calls?

BUEHLER: Yes.

HARRIS: What happens?

BUEHLER: Well, Amber would either make or receive a call from Scott; and when she was done with that, especially in the early stages, the first few days, she would call me right afterwards and give me an update on what the text of the call included, and the details of it, so that we could use that to determine if there was some way we had to alter the investigation and go in a particular area or not go in a particular area. And this took place all day, all hours of the day and evening, and into the early morning hours.

HARRIS: Let me go back through that. You are saying that she would call give you an update, she also give you the actual tape recordings?

BUEHLER: Well, she was down in Madera which is -- I think she was about nearly a hundred miles from Modesto. So, of course, I wouldn't get the tape right after she was done with it. It would be a day or two I would go down there and retrieve the tapes from her, having in mind what she already had on the tape, and then turn those in so they could be transcribed.

HARRIS: You are saying having in mind. That would be, she would call you after these phone calls and advise you of what had happened?

BUEHLER: That's correct.

HARRIS: And you said that this was occurring day and night?

BUEHLER: Day and night.

HARRIS: Would she -- so if the defendant had called her late in the evening, would she then call you to give you an update late in the evening?

BUEHLER: Or early in the morning.

HARRIS: And did this process go on for some period of time where this was occurring, you would get the phone call, and you would go down at a later point in time, pick up the tapes?

BUEHLER: Yes, I did. It was over a period of several weeks.

HARRIS: You also mentioned that once you got the tapes you were having them transcribed; is that correct?

BUEHLER: Yes.

HARRIS: The process of that is, you would take the tape, and kind of book it into evidence?

GERAGOS: Objection. Relevance. I'll stipulate that you transcribe the tape, somebody types --

JUDGE: I think we have covered this. I'll sustain the objection. We have been through this pretty much.

HARRIS: Now, as part of the process, when you were first meeting with Miss Frey, did she show you anything that established the relationship that she had with the defendant?

BUEHLER: Yes.

HARRIS: What was -- what was that?

BUEHLER: Well, right before we went to Radio Shack, after we left her house, at her house she had shown me several articles that she claimed Scott had given do her. I didn't really know if that was true or not. I was taking what she said and considering it. We went to a Rite Aid store maybe a mile or two away from her home. And she had some photographs that had been turned in there to be developed, 35 millimeter photographs. So she turned in the claim ticket. They gave us the photos. They were in the envelope. Had been developed. I paid for them, got reimbursed, and opened up the photos and found twin pictures, dual sets of photographs that showed Scott and Amber together in a variety of different locations and settings.

HARRIS: Did you recognize Mr. Peterson when you saw him in the photographs?

BUEHLER: I did.

HARRIS: And since you were there with Miss Frey, did you recognize her in the photographs as well?

BUEHLER: I did.

HARRIS: What did Miss Frey do with the photographs?

BUEHLER: Well, she didn't really do anything with the photographs. I kept them. I turned over -- turned back to her the other -- I think there were some other family photos, or none-case-related

photographs. I turned those back over to her, along with the negatives. And the ones of her and Scott I just kept with our evidence, the things we were putting together at that time.

HARRIS: Why did you give her back the negatives?

BUEHLER: Well, I wish I wouldn't have. But, regardless, I had never met Amber before. Oftentimes there is a trust issue when it comes to meeting people first time, and how they deal with police. With people's experiences with the police, I can understand that. I gave her negatives back as a kind of -- to develop a little trust with her, let her know that. I didn't think she was going to go out and make copies of these, make money off of them, things like that.

HARRIS: And you took the pictures and she took the negatives?

BUEHLER: She did.

HARRIS: Now, at some point in time, these particular photographs that you had collected from her, I mean just go back to the process. We have already seen the items from Miss Servas, the items from Miss Frey. Did you go through the same process of retaining them, or booking them into evidence?

BUEHLER: Well, we did evidence a little bit differently on this case at the time. Some of them went to evidence. But there was a period of time where we had another evidence facility where we were putting things. But they were controlled at all times. They weren't open to anybody else in the police department, other than a very select number of people, a small number of people that were -- would go on this case.

HARRIS: So, again, when you said they were retained, you would keep them in your possession, keep them under your control?

BUEHLER: They were under my -- under lock and key in the same room that Detective Grogan and Agent Mansfield first met with Scott that morning on the 25th.

HARRIS: At some point in time after you get these photographs from Amber, did you have to give several of them to anyone for an investigative purpose?

BUEHLER: Three of them went to Detective Grogan for a lead that he was working on, yes.

HARRIS: Did you also collect other items from Amber? As this progressed in time, did she show you other things?

BUEHLER: Yes.

HARRIS: What type of things did you collect?

BUEHLER: Well, there were some books that Scott had given to her. I think there was some wine corks. There was a plant wrapper for a plant. There was an astronomical star gazing device. I'm not too familiar with how to work it. She turned that over to me. As time went on, there were other things that were exchanged between them. There was a metal box later on that was given to her on or about her birthday that contained a necklace in it. There was some more books. There was, of course, cards, and completed and uncompleted letters, things such as that. I can go through the list if we need to. But that's right off the top of my head.

HARRIS: Just show you some items. What we'll do is, we'll start in this particular order, and have you look at 193Athrough K, see if you recognize that. Detective, while you are looking at this first, there is an envelope that is

Marked with the exhibit sticker. Does it have your writing on the outside?

BUEHLER: Yes, it does.

HARRIS: And then inside you pulled out another envelope. Is that the Rite Aid photo envelope that you have been talking about?

BUEHLER: That's it.

HARRIS: And then inside of that you pulled out some photographs.

BUEHLER: Yes.

HARRIS: And tell you what. Let me just grab one of these right there, put that up 193H. Does this appear to be one of the photographs that you received from Miss Frey that day?

BUEHLER: It is.

HARRIS: And from looking at that photograph, when you were describing for us before you recognized Mr. Peterson and Miss Frey, is this one of the pictures that you saw?

BUEHLER: It is.

HARRIS: All right. Go to the -- you place those back, and I'll return this photo back to you. We can go on to the next envelope. Tell you what. If you will grab the next one, and I'll -- never mind you can do it. You have beat me to it. Look at 197. Do you recognize that envelope and the writing on it?

BUEHLER: Yes.

HARRIS: And is that your handwriting?

BUEHLER: It is.

HARRIS: Go ahead and remove the contents of. 197. And describe for us what this is? Also

Marked as 197?

BUEHLER: It is. This is the receipt for that Star Theater astronomical device that had come in the package with that when it was received by Amber.

JUDGE: Christmas gift?

BUEHLER: Yes.

HARRIS: Does that also have your initials at the top, and case number?

BUEHLER: It does.

HARRIS: Go ahead, just had that to me, I'll put that back. Moving on to 194. Do you recognize that envelope with the writing on it?

BUEHLER: I do.

HARRIS: Removing the contents, is a larger envelope with appears to be the name of Amber Frey as the address that it's going to. And does it have your initials?

BUEHLER: It does.

HARRIS: Did you receive this envelope from Miss Frey?

BUEHLER: I did.

HARRIS: Did have it a number of letters or other writings inside of it?

BUEHLER: It did.

HARRIS: Go ahead and pull those out. Starting with -- you have something there. Did have something in your hand that has your initials and a number of 26A down at the bottom. Can you describe for us what that is?

BUEHLER: 26A is a piece of stationery from the Doubletree Hotel in Bakersfield. And it's got some handwriting on it. That's addressed to Amber, and it's signed by Scott. I don't know if this is Scott's handwriting. Just turned over to me by Amber.

HARRIS: There are some other envelopes that were there?

BUEHLER: Yes.

HARRIS: And you have

Marked those -- you have written down on them your initials and a number to identify them for yourself?

BUEHLER: Yes.

HARRIS: And these were all of the items that you received in this package from Miss Frey?

BUEHLER: Yes.

HARRIS: Go ahead and place those back in the envelope. The next series I'll leave up here for a minute 202A. 202Now, during the course of this time that Miss Frey was cooperating with you in making these phone calls, did you decide at some point in time to bring her up to Modesto from where she was living at?

BUEHLER: Yes.

HARRIS: While I'm on that subject, during that interview process, or during the process that you were getting to work with Miss Frey, did she advise you of where she was working at as well?

BUEHLER: Yes.

HARRIS: During that time period where was it that she was working at?

BUEHLER: She was working in Fresno at a physical therapy, massage therapy business called American Body Works.

HARRIS: So you -- moving on again back up to Modesto, you decide to bring her up to Modesto at some point in time?

BUEHLER: Yes.

HARRIS: Around what date was that?

BUEHLER: Well, there were actually a few dates. But the first one that I can recall was the afternoon of January 6th.

HARRIS: And on that particular date, did the Modesto Police Department, yourself or others, have Miss Frey call the defendant with a specific reason or specific purpose at that time?

BUEHLER: Yes.

HARRIS: And what was that?

BUEHLER: Well, there was actually several reasons. The amount of time that had gone by from when Amber had first notified us on December 30th to January 6th, and the amount of media coverage that was on this case, suggested to us that there was no way that she would be able to maintain -- she didn't know what was going on in Modesto with this case, and with Scott's involvement in it. We wanted to have her confront him about that and record it to see what his responses were. And it was easier to do it at our office than to be down at her residence. It just seemed to make more sense to do it in a small conference room in our office where we could do it at. There was another agent from Department of Justice that was working with me on that part of it. So she was there with us. And we arranged for a motel for Amber down in Turlock, about fifteen miles south of Modesto, so she wouldn't have to drive all the way back to Madera.

JUDGE: Do it by question and answer, okay?

HARRIS: Now, you indicate that you were going to have her call the defendant and let him know that she was aware of what was happening in Modesto?

BUEHLER: Yes.

HARRIS: Did you give her a script to follow?

BUEHLER: No.

HARRIS: How did that work in terms of that phone call? Were you present when she made the phone call?

BUEHLER: Yes.

HARRIS: Was she the one doing all the talking, or at least on your side of the phone?

BUEHLER: Yes.

HARRIS: Describe for us what happened.

BUEHLER: Well, I didn't see a problem having Amber do the talking. I obviously I wasn't going to say anything. I was going to listen to her. Conversation was free flowing between her and Scott. There was no script. It was just kind of for her to bring up in the conversation that she had learned that his wife was missing in Modesto, to confront him about that, to compare the conversations that he had had in the past prior to this and see what his reaction was going to be.

HARRIS: Prior to her making the phone call, had you discussed with her different ideas?

BUEHLER: Yes.

HARRIS: And did it seem like she was able to run with this by herself?

BUEHLER: Certainly.

HARRIS: After that particular -- let me back up. Was that call -- just kind of confrontation call actually made?

BUEHLER: It was.

HARRIS: After that particular call, did Miss Frey continue cooperating with you?

BUEHLER: She did.

HARRIS: And continued making recordings for you?

BUEHLER: She did.

HARRIS: How long did that go -- how long did that process go until she ultimately stopped making the recordings for you?

BUEHLER: I believe her last call -- her last recorded call was on February 19th.

HARRIS: So she had been recording calls for you from December 30th until February 19th?

BUEHLER: That's correct.

HARRIS: On the February 19th call, did she advise the defendant she didn't want him to call any more?

BUEHLER: She did.

HARRIS: And are you aware when Miss Frey's birthday is?

BUEHLER: It's early part of February. I'd have to look at my notes. 10th or 12th, thereabouts. I'm not sure.

HARRIS: It was prior to this last phone call?

BUEHLER: It was.

HARRIS: When Miss Frey told the defendant not to call any more, had you advised her or talked to her about that?

BUEHLER: Yes.

HARRIS: And did she kind of follow through and advise the defendant not to call her any more?

BUEHLER: Well, she followed through and advised him not to call. She did it when I was not present. And I asked her if I have could be there when that call was made, because I wasn't sure what was going to come back from Scott on that, and I wanted to hear it first hand.

HARRIS: And did she call you after she made that call?

BUEHLER: Yes.

HARRIS: And at some point there time did you go down to talk to her and pick up the equipment since she was not going to be recording any more?

BUEHLER: Yes, I did.

HARRIS: Did you go down there?

BUEHLER: I did.

HARRIS: Did you pick up the equipment?

BUEHLER: I did.

HARRIS: And did she have any additional tapes for you?

BUEHLER: She had some additional tapes, and then some gifts.

HARRIS: You say gifts. Describe that for me.

BUEHLER: Gifts that she had been mailed or had been dropped off for her by Scott earlier.

HARRIS: Now, looking at the photographs that are in front of you, if you could describe for us what those exhibit numbers are and what they are.

BUEHLER: 202A is a photograph printed out on the computer that was taken in an interview room on the second floor of police headquarters that contained a Trader Joe's bag, along with some items that go along with that; the necklace that I described earlier, the metal box that it came in; a CD; some wildflower mix a greeting card, then a Fed Ex envelope that also had some items in it.

HARRIS: Now, this particular photograph, do you recognize those contents?

BUEHLER: I do.

HARRIS: And where did those contents come from?

BUEHLER: These were turned over to me by Amber.

HARRIS: And she related those to you as being gifts from the defendant?

BUEHLER: Yes.

HARRIS: Did you photograph each of the items that were in those gifts?

BUEHLER: Well, I photographed each of the items. I don't know what you mean by -- that were in those gifts. It was a bag with items, then an envelope with some stuff in it.

HARRIS: Did you take pictures of the items that she turned over to you?

BUEHLER: I did.

HARRIS: Looking at those photographs there, do they accurately depict the items that you received from Miss Frey?

BUEHLER: They do.

HARRIS: You are describing this necklace. Let me go ahead and take these from you at this point in time. Showing you 202C. Does this appear to be the necklace that you are talking about?

BUEHLER: It is.

HARRIS: You were describing a Fed Ex envelope. Looking at 202G. Is this the Fed Ex envelope that you are talking about?

BUEHLER: It is.

HARRIS: Is that addressed to be delivered to the American Body Works address?

BUEHLER: It is.

HARRIS: Now, as part of your involvement in this particular investigation, at different points in time were you given assignments to go out and follow up on or complete?

BUEHLER: I was, many of them, yes.

HARRIS: And I want to talk to you about those in particular, or some of those in particular. Were you asked to go to Salon Salon in Modesto to talk to some witnesses?

BUEHLER: On a couple of occasions, yes.

HARRIS: And where is Salon Salon located at?

BUEHLER: Well, it's in Modesto, kind of right in the middle of Modesto.

HARRIS: Is it in a residential area a business area?

BUEHLER: It's in a -- probably the second biggest shopping area in Modesto at a major four-way intersection. It's a not really necessarily a strip mall, but it's got I think three -- correction, maybe four separate structures that contain several businesses.

HARRIS: Is this referred to McHenry Village?

BUEHLER: That's it.

HARRIS: When you went to Salon Salon, is there another business, or that other business -- or try this again. Is there another business there that deals with Yoga?

BUEHLER: Well, it's not in the same building as Salon Salon, but it is in the McHenry Village, yes, a sort distance away.

HARRIS: And is this the Yoga Center?

BUEHLER: Yes.

HARRIS: An and is the Yoga center on the first floor or the second floor?

BUEHLER: It's on the second floor.

HARRIS: Do you have to go up some steps to get up to that particular center?

BUEHLER: 23 steps.

HARRIS: When you went to Salon Salon to talk to this witness, did you also look to see if there were any cameras -- security cameras installed?

BUEHLER: Yes.

HARRIS: Are there any?

BUEHLER: Yes.

HARRIS: How many and where, if you remember?

BUEHLER: There are two security cameras that are in the lobby portion of Salon Salon that aren't really set up to view where you are getting your hair done, that shoot down in the area of the front desk. And there are two -- I believe two additional cameras that are in the office area, which is actually fairly large, where I believe a safe is located. And there is some desks and things like that.

HARRIS: I'm sorry, is --

BUEHLER: There is some desks and things look that in there.

HARRIS: Did you also assist on February 18th and February 19th going out to the house on Covena, the defendant's house with the search warrant?

BUEHLER: I went over there only on the second day, on the 19th.

HARRIS: On the 19th, did you look in the driveway area?

BUEHLER: I did.

HARRIS: What was your particular assignment or focus on the 19th?

BUEHLER: Well, I didn't really have a particular assignment that day. Detective Grogan just asked me to come along on the second day and go over the area to see if there was anything that would stand out for me of the -- from my experience. So two major things that I wanted to do is, I wanted to determine if the driveway area was big enough to contains two regular cars -- for a car and a pickup truck and the boat without any problem. And I teamed up with two other detectives and measured the driveway area, prepared a diagram for that. Then the other things that I wanted to do, I wanted to take a look at the outside of the house for any evidence of forced entry or anything like that, any damage, alteration of that. And then the inside in particular, looking for evidence of repairs to the house that could go along with a violent attack inside the house, such as repainting, patches to drywall, the skin on hollow core doors being broken, hinges being broken, the doorknobs being broken, knobs missing from kitchen counter drawers, things likes that.

HARRIS: Dealing with the driveway, starting with that, you are saying you took measurements?

BUEHLER: Yes.

HARRIS: Did you get these measurements from the driveway?

BUEHLER: Yes.

HARRIS: You were saying to look to see if you could put a boat and two vehicles in the driveway? From your measurements was that possible?

BUEHLER: Well, the boat -- the size of the one that was involved in this case, along with the two vehicles, yes.

HARRIS: Would fit in the driveway?

BUEHLER: I believe it would, yes.

HARRIS: Now, you are indicating that you also went around looking at the exterior to see if there was any signs of anything. Did you find anything?

BUEHLER: I did not.

HARRIS: You were saying you were going through the inside as well. Did you use any special lighting or any equipment?

BUEHLER: Well, the only special lighting I use, I put a blue filter on what's called a Sure Fire Light. It's a lithium powered light that's pretty bright. And the blue filter will make trace blood show up black. So I did that in areas of the house. It may have been done earlier, but I wanted to do it in areas that I thought were likely.

HARRIS: I don't know if the Court wanted to take the morning break.

JUDGE: Take it at twenty 'til. Is this a good time to take the break?

HARRIS: Yes.

JUDGE: We'll take the recess now. Take a recess until five to eleven. Remember the admonition I have heretofore given you.

JUDGE: All right. This is the case of People versus Scott Peterson. Let the record show the defendant's present with counsel. These proceedings are taking place outside the presence of the jury. During the recess the clerk was able to come up with the photographs that in lieu of the big bag and contents that would have been the 290, right?

Clerk: D8-E.

JUDGE: All right. Is it agreeable then that we won't have to take photographs of People's -- Defendant's 8-E to -- E to the eighth power and we'll admit 254-A, B, C, D and E. Is there any objection?

GERAGOS: No.

Rick Distaso: No.

JUDGE: All right. We'll get to this, let me find it on my notes here. Okay, then 254 - A, B, C, D and E can be admitted into evidence and take the same number. All right. You can bring the jury in. I'll give these back to you, Marylin, so you keep these separate. For the record, we did admit Defendant's 8-E. That's E to the eighth power

JUDGE: All right. Let the record show the defendant's present with counsel, the jury's in the jury box, along with the alternates. Go ahead, Mr. Harris.

HARRIS: Thank you Detective, I want to move on to the next point and ask if on January 3rd of 2003 if you were again asked to assist Detective Grogan in obtaining a blood sample from the defendant?

BUEHLER: Yes.

HARRIS: Was the defendant taken to a hospital or some type of medical facility?

BUEHLER: He was.

HARRIS: And if you can explain for us the process of how the blood draw occurred.

GERAGOS: We'll stipulate his blood was drawn.

JUDGE: You'll stipulate it was drawn in a legal manner?

GERAGOS: Yes.

JUDGE: Okay. That's not an issue.

HARRIS: All right. We'd accept that stipulation.

JUDGE: All right.

HARRIS: Detective, just for the record, what is the defendant's date of birth?

GERAGOS: I'll stipulate it's 10/24/72.

JUDGE: 10/24/72?

GERAGOS: Yes. Stipulate?

HARRIS: We'd accept that one.

JUDGE: All right.

HARRIS: Detective, I want to move forward then to April 18th and ask if you were asked again to assist Detective Grogan in the assistance of going to San Diego to arrest the defendant?

BUEHLER: Yes.

HARRIS: Did you go to San Diego?

BUEHLER: I did.

HARRIS: When you went to San Diego were you aware that the Department of Justice was surveilling the defendant?

BUEHLER: I was.

HARRIS: And was this done by either communications with them or just monitoring radio traffic?

BUEHLER: Well, we had arranged that earlier, so we knew they were doing it by phone and also by police radio that they gave us that was on their frequencies.

HARRIS: And were you -- as this was going on during the 18th were you advised at some point in time of some activity and did Detective Grogan indicate that the defendant should be arrested at that time?

BUEHLER: Yes.

HARRIS: After that happened were you then notified the defendant's vehicle had been stopped?

BUEHLER: Yes.

HARRIS: Did you go to that location?

BUEHLER: I did.

HARRIS: Can you tell us where that was at.

BUEHLER: Well, it was off the southbound freeway off ramp right at the entrance to Torrey Pines Golf Course and it was right along side the road as the car coming, a right turn to go into the entrance of the golf course.

HARRIS: Did you -- about how long after you were advised that he was being stopped did you arrive at that location?

BUEHLER: Just a couple of minutes.

HARRIS: And when you got there in that couple of minutes, what became your assignment at that point in time?

BUEHLER: Documenting the car and the contents of the car.

HARRIS: Were photographs taken of the car?

BUEHLER: Yes.

HARRIS: Documenting what was inside the car?

BUEHLER: Yes.

HARRIS: Was a subsequent inventory done where physically all those items were recovered?

BUEHLER: Yes.

HARRIS: I'd like to have

Marked a series of photographs at this time.

JUDGE: Okay. How many do you have? This will be 291, People's 291-A through whatever.

HARRIS: Six photographs.

JUDGE: A through F

HARRIS: Detective, I'm going to show you 291-A through F, somewhat in reverse order. Have you look at these and see if you recognize what's in them.

BUEHLER: (Witness complies.) (Nods head.)

HARRIS: Do you recognize these?

BUEHLER: I do.

HARRIS: And these photographs -- back up for a second. These photographs are the interior of a red Mercedes Benz that the defendant was driving?

BUEHLER: They are.

HARRIS: And does it depict the items as they were in the interior of the vehicle?

BUEHLER: Yes.

HARRIS: And were items removed and then separately inventoried?

BUEHLER: Yes.

HARRIS: And do these photographs accurately depict the items inventoried as you observed on April 18th, 2003?

BUEHLER: Yes.

HARRIS: Detective, also I'm going to show you some other photographs that have previously been

Marked D8-C and D6W-3. You also recognize the contents of these or what's depicted in these photographs?

BUEHLER: I do.

HARRIS: All right.

JUDGE: Did you say Defendant's W to the sixth power?

HARRIS: D6W dash 3.

JUDGE: All right. Those are already in evidence. I just want to make sure.

HARRIS: Detective, what I want to do now is show you the photographs that we have

Marked. Let's start with 291-And if you can describe for us what we see.

BUEHLER: This is a photograph taken from the open passenger door of the Mercedes looking in showing the driver's seat area, a little bit of the right front passenger seat. There's a driver's license in front of the gear shift lever. There are, I believe two cell phones underneath the armrest. They're a little bit difficult to see, but they're a little bit above the upper right-hand corner of the People's exhibit sticker.

HARRIS: Showing you a closeup that was previously

Marked of D8-C, is this a closer-up photograph of that driver's license?

BUEHLER: It is, but I think in this photograph the license had been picked up and placed back down. The prior photo, I think the -- if we can look at that a little bit clearer. Yes, this photo, in this one, can you tell me which number this is?

HARRIS: 291-

BUEHLER: 291-A shows the photograph on the driver's license towards the right. The next photo that you had up there shows the photograph of the driver's license towards the left.

HARRIS: And moving on to 291-B, we're describing those cell phones.

JUDGE: Did you say B or C?

HARRIS: B.

HARRIS: Is this a slightly different view of that same -- moving in towards the center console?

BUEHLER: A little bit better exposed, a little bit more towards the front of the car looking slightly towards the back.

HARRIS: 291-C.

BUEHLER: Now this is with the arm rest. Looking in from the driver's side where there's a cell phone now located on the console which I believe was originally in the bag that was in front of the passenger seat.

HARRIS: Going to 291-D.

BUEHLER: This is a photo looking down from the driver's side at the floorboard area between the trailing edge of the driver's seat and the leading edge of the rear left passenger seat.

HARRIS: 291-E.

BUEHLER: Photo of the trunk with some contents in it. There's a driver's -- correction, a car license plate in an envelope that's laying there on the floorboard. It matches the license plate that was on the back of the car.

HARRIS: And was there a license plate on the front of this Mercedes?

BUEHLER: There was not.

HARRIS: Last, 291-F in this series.

BUEHLER: This is the contents that was in that prior photograph of the floorboard area behind the driver's seat and in front of the left rear passenger seat.

HARRIS: So that would be this photograph in 291-D?

BUEHLER: That's correct.

HARRIS: All right. D6W-3, this is one of the ones that's been sealed so I'm going to try and put it up there without showing license information. Let's see if I can do this. Can you describe for us again what's visible in that photograph.

BUEHLER: There's the handles for an overnight bag there that was on the floor on the right front passenger seat and there was a spiral notebook that's partially covered up with the other photograph that was on the front passenger seat.

HARRIS: Now from the top of that spiral photograph -- spiral folder that's there, the notebook in the photograph, is there some papers or documents that are sticking out from underneath that?

BUEHLER: Yes.

HARRIS: And did you recognize one of those as a document that you looked at or was of interest to you as part of the inventory?

BUEHLER: Yes.

HARRIS: Which particular document was that?

BUEHLER: To the right of the spiral part there's like a corner of a page sticking up.

HARRIS: Referring to that right there?

BUEHLER: That's correct. And on that it says Yahoo MapQuest, some phrase such as that. There's also a full, a full piece of paper. It has a MapQuest printout of the location of American

Body Works down in Fresno where Amber used to work.

HARRIS: All right. Now let me show you -- If I can have

Marked next in order.

JUDGE: 292

GERAGOS: 292?

JUDGE: Right.

HARRIS: Detective, let me show you People's No. 292 and see if you recognize this.

BUEHLER: Yes.

HARRIS: And is this a copy of that particular document that you found as part of your inventory?

BUEHLER: A slightly reduced copy, yes.

HARRIS: And does it indicate that it's a Yahoo and have a map on it?

BUEHLER: Yes.

HARRIS: And is there, on the lower right portion of this show a date?

BUEHLER: April 16th of '03.

HARRIS: And this particular document that was with that binder in the car or the folder cover that's described was for the address and map and directions to American Body Works?

BUEHLER: That's correct.

HARRIS: Okay. You're indicating that your assignment was to inventory the property. Did you do the inventory of the vehicle right where it was stopped at?

BUEHLER: No.

HARRIS: Where was it taken to?

BUEHLER: The car was taken to the Department of Justice offices in San Diego.

HARRIS: And once you got to that facility did you go through the car and take everything out and document it?

BUEHLER: Yes.

HARRIS: Was there a number of items in the car that were documented?

BUEHLER: Yes.

HARRIS: Were photographs taken of all of those items?

BUEHLER: Some were taken there, but when we went through them further the following day and the day after that more photographs were taken.

HARRIS: Did it take a substantial period of time to go through all these items?

BUEHLER: Yes.

HARRIS: If I can have

Marked next in order will be --

JUDGE: 293.

HARRIS: The clerk's not going to like me for this. There's 46 photographs.

JUDGE: 46. 1 through 46. Are these inventory photos, Mr. Harris?

HARRIS: I'm sorry?

JUDGE: Inventory photos?

HARRIS: Yes

JUDGE: Hand them to the clerk and she can

Mark them before you show them, okay.

HARRIS: Detective, while the clerk's doing that I'll move on to something else, give her a few minutes to do that. I want to show you People's 289. Have you look at that for a second. Now you had told us that you met the defendant for the first time on December 25th of 2002. Did you see him on April 18th of 2003?

BUEHLER: Yes.

HARRIS: Was there a change in his appearance?

BUEHLER: Yes.

HARRIS: What was different?

BUEHLER: Well, his hair was lighter and he had a goatee that he hadn't been wearing on the 25th of December.

HARRIS: Now the photograph that you have before you, if I can remember then, was it 289?

BUEHLER: It is 289.

JUDGE: Yeah, 289.

HARRIS: Does that depict how he looked on April 18th?

BUEHLER: Exactly.

HARRIS: And you were describing the goatee and the hair color?

BUEHLER: Yes.

HARRIS: In looking at 289, that's how he looked on the 18th and that was different from what you had seen on December 25th?

BUEHLER: That's a photograph of April 18th, 2003, and he looked different to me than he did when I first met him on December 25th of '02.

HARRIS: When we were talking about his hair being different, was this the hair color?

BUEHLER: Yeah, the hair color was a lot lighter and it's a little bit longer than it was when I met him on December 25th.

HARRIS: And was his goatee, you indicated there was no goatee, but was his goatee lighter, the same color as his hair?

BUEHLER: Well, it kind of matched the hair on the head to me from the photo.

HARRIS: And did you notice his eye brows at all?

BUEHLER: Just kind of the same hair color, they all kind of matched.

HARRIS: So the head hair, the eye brows and the goatee all matched in terms of color?

BUEHLER: Yes.

HARRIS: We're waiting to see how far the clerk's gotten.

Clerk: On 14.

JUDGE: What number are you on, 14? All right. We'll admit 289 in evidence. Take the same number. The foundation has been laid

HARRIS: Detective, what I'm going to do while she's continuing to mark those, let's start with what we do have so far with 293 dash 1. Have you look at these. I think you've already seen these, correct?

BUEHLER: Yes, I have many times.

HARRIS: And do these depict the items that you inventoried?

BUEHLER: 293-1 does, 293-2, also.

HARRIS: These photographs, were these photographs you either took or you had taken at your direction?

BUEHLER: Yes, in my presence.

HARRIS: And the items that were there, do the photographs what you have so far depict the items that you removed or had removed from the defendant's vehicle?

BUEHLER: Yes.

HARRIS: And some of these photographs as their either labels or envelopes, they have writing that you recognize?

BUEHLER: Yes, I do.

HARRIS: And what is it about them that causes you to recognize them?

BUEHLER: Well, they have got my name, the date and the case number on them and I recognize Phil Owens' handwriting on them.

HARRIS: I've now given you 293 dash 16.

BUEHLER: 293-16 and they were, all were things that were taken out of the car or the trunk upon the arrest.

HARRIS: And do these photographs accurately depict the items that you observed on April 18th?

JUDGE: Those were numbers what?

HARRIS: Through 16.

JUDGE: Through 14?

HARRIS: 293 through 16.

JUDGE: Through 16.

HARRIS: All right. Detective, I'm going to give you the next batch, 293-17 through 37. Have you look at these briefly and tell us if you recognize what's in these items.

BUEHLER: Through 37, they all are items that were located in the vehicle on April 18th of 2003.

HARRIS: And do these photographs accurately depict those items as you observed them on April 18th?

BUEHLER: As we inventoried them and collected them, yes.

HARRIS: What I want to do then is let's start with 293-1, dash 1, and if you can describe for us what it was that you found and inventoried and what we see in the photograph.

BUEHLER: If I can go to my report I can tell you what part of the car they're in, if that's necessary, otherwise the photographs kind of speak for themselves: A hat, pair of pants, wallet, contents, keys, some various items that I believe all of these were located on the front passenger seat.

HARRIS: As part of your report that you document which portions of the car these items came from?

BUEHLER: I did.

HARRIS: If you'd go ahead and refer to your report then if that would help you remember. Now looking at this particular photograph in the middle, we've seen the previous photograph of the driver's license, does this photograph document that driver's license?

BUEHLER: Well, there's two driver's licenses on this photograph. The top one is Scott's license, the bottom one is John Peterson, his brother.

HARRIS: You're indicating the top license, that would be this one right here?

BUEHLER: The one that's above the credit cards and to the right of the envelope.

HARRIS: And the one in the lower, more center of the picture, that would be the defendant's brother?

BUEHLER: The one just to the right of the wallet, yes.

HARRIS: Going to 293 dash 2, is this a close-up of these credit cards and driver's licenses?

BUEHLER: That's correct.

HARRIS: Now did you document who these cards or the names are the account holder for these particular cards?

BUEHLER: Yes.

HARRIS: And did you, besides finding the other driver's license, not of the defendant, did you find cards or information that had other peoples' names as well?

BUEHLER: I believe there was one of those cards that had Ann Bird's name on it. I can't tell which one it is from this view here.

GERAGOS: I will stipulate it's the Washington Mutual card.

JUDGE: All right. There's a stipulation that the Washington Mutual card has Ann Bird's name on it, so that's not in dispute, the one in the upper right-hand corner.

HARRIS: Going to 293 dash 3, does this indicate or photograph of the wallet and the keys that were recovered?

BUEHLER: It does.

HARRIS: 293 dash 4, if you can describe for us what this is.

BUEHLER: A backpack, along with some shoes attached to it and some rope attached to it.

HARRIS: Looking at 293-5, is this the other side of the backpack showing those shoes better?

BUEHLER: It does.

HARRIS: Do you -- did you take that rope apart and measure how long it was?

BUEHLER: I did not.

HARRIS: Did it appear to be a fairly large coil of rope, though?

BUEHLER: Yeah, there's a --

GERAGOS: I'll stipulate it's a long rope.

JUDGE: Well, "long" is argumentative. Is it really important how long the rope is?

GERAGOS: I don't understand what -- I mean, the picture -- as the defendant (sic) said, the pictures speak for themselves.

JUDGE: All right.

HARRIS: 293 dash 6.

BUEHLER: That's a view looking down into the compartment of the backpack.

HARRIS: Closeup of that, 293 point -- dash 7?

BUEHLER: That's correct.

HARRIS: And then were the contents of this removed and photographed as well?

BUEHLER: Yeah, I believe you'll see them in some of these photographs.

HARRIS: 293 dash 8, would these be some of the items?

BUEHLER: That would be some right there.

HARRIS: Closeup of these, 293 dash 9, if you can describe for us what these are.

BUEHLER: Two folding knives, a folding pair of scissors and a box of single-edge razor blades.

HARRIS: And 293 dash 10, we see the edge of one of those folding knives and another knife?

BUEHLER: Well, actually, this is like a saw, it's a folding saw, and it was located to the left of the furthest knife, folding knife in the previous photograph.

HARRIS: 293 dash 11.

BUEHLER: This was contents from the lower portion of the lower compartment of the backpack.

HARRIS: Is this the same bundle of rope or roll of rope that was in the backpack?

BUEHLER: That's correct.

HARRIS: 293 dash 12.

BUEHLER: More closeups of the items that were taken out of the bottom compartment of the backpack.

HARRIS: What is this item right here?

BUEHLER: It's a water purifier.

HARRIS: And the item in this mesh bag?

BUEHLER: You know, from that photograph I can't tell what that is in the mesh bag. I might be able to find it in mine.

HARRIS: Were some cooking utensils or some pots and pan-type things recovered?

BUEHLER: Yes.

HARRIS: Looking at 293-13.

BUEHLER: That was also from the backpack.

HARRIS: Is that top item, is that another knife?

BUEHLER: Yes.

HARRIS: 293 dash 14?

BUEHLER: Again from the backpack.

HARRIS: 293-15?

BUEHLER: More items from the backpack.

HARRIS: And can you describe what these items are.

BUEHLER: Well, there's a pair of binoculars, actually not a pair of binoculars, it's a binocular in the upper left-hand corner, a hammock in the upper right-hand corner, a Gerber camp ax and an unopened pack with a snorkel and mask in it.

HARRIS: And looking at that unopened package, does it appear to still have the price tag on it?

BUEHLER: Yes.

HARRIS: 293-16?

BUEHLER: It's a, what I termed as snow board jacket and that was found in the right rear seat area of the car.

HARRIS: 293-17?

BUEHLER: An open face spinning reel with no line on it, along with a multi-tool.

HARRIS: And does it appear to still have tags on it?

BUEHLER: It does.

HARRIS: What's this item right here?

BUEHLER: A set multi-tool. It's like a folding pliers, saw, file, knife, screwdriver, can opener, things like that.

HARRIS: 293 dash 18?

BUEHLER: Shovel.

HARRIS: 293 dash 19?

BUEHLER: Several pairs of shoes.

HARRIS: Where were these found?

BUEHLER: Those were in the trunk.

HARRIS: 293 dash 20?

BUEHLER: Pants.

HARRIS: 293 dash 21?

BUEHLER: Long sleeved and short-sleeved shirts.

HARRIS: 293 dash 22?

BUEHLER: A pair of pants and a sweatshirt.

HARRIS: 293 dash 23?

BUEHLER: More shirts.

HARRIS: 293 dash 24?

BUEHLER: Shorts and a shirt.

HARRIS: 293 dash 25?

BUEHLER: Shorts and more shirts.

HARRIS: 293-26?

BUEHLER: Shirts and pants. Correction, shirts and shirts.

HARRIS: 293 dash 27?

BUEHLER: Shirts, sweater, shoes, two rolled up neck ties, a belt, some change and other small items.

HARRIS: Now the rolled up neck ties, are these the ties in these containers up here?

BUEHLER: That's correct.

HARRIS: 293-28?

BUEHLER: Several pairs of socks.

HARRIS: 293-29?

BUEHLER: Some smaller articles, included pens, keys, foreign currency, a check to Scott from, I think that was from Janey.

HARRIS: Let me put that up, 293 dash 30.

BUEHLER: And that's a closeup of that check.

HARRIS: What is the date of that check?

BUEHLER: April 12th of '03.

HARRIS: Now you were talking about cell phones before, were the cell phones inventoried as well?

BUEHLER: Yes.

HARRIS: Looking at 293 dash 31, were these the cell phones that were recovered from the car?

BUEHLER: That's correct.

HARRIS: 293 dash 32?

BUEHLER: This was like an overnight bag that had several CDs and other contents in it.

HARRIS: 293-33?

BUEHLER: There's the CDs, there's a couple of map books in there; a pair of sunglasses; a book, "The Purpose Driven Life"; baseball cap.

HARRIS: Let me go back a second, there's a book, "The Purpose Driven Life," is that this thing up in the upper right corner?

BUEHLER: Right before the hat and the sunglasses, that's correct.

HARRIS: 293 dash 34.

BUEHLER: A --

HARRIS: Could you describe for us what this is.

BUEHLER: This is a card that I believe was addressed to Scott from Amber from February 16th of '03.

HARRIS: And where was this located at?

BUEHLER: I don't recall where that was. I can look it up if you want to come back to it later, otherwise we can sit while I do it.

HARRIS: Does it mention in this particular letter or card reading a book?

BUEHLER: Yes.

HARRIS: What book was it that's mentioned that is going to be read?

BUEHLER: Well, I believe this was for "The Purpose Driven Life" because it's about midway down about six lines down just to left of the underlining "together" word.

HARRIS: 293 dash 35, is this the contents or another photograph of the contents that we saw on the ground outside of the car?

BUEHLER: From the items that were in the left rear seat area and floorboard.

HARRIS: 293-36?

BUEHLER: Several early production reward photos for the search for Laci that were found in the trunk.

HARRIS: 293-37?

BUEHLER: Just some items that were in the car. I can't verify where the key came from. I don't know anything about that ticket, if that is associated with Scott or not, and the credit card and the receipt.

HARRIS: These were items that were recovered from the car, though?

BUEHLER: That's correct.

HARRIS: And did you notice or happen to document the name on the Chevron card?

BUEHLER: I believe that's Jacqueline Peterson.

HARRIS: And have you look at the last of the photographs. Would you look at those briefly and tell us if you recognize them.

BUEHLER: I do, all the way through 46.

HARRIS: And do these photographs accurately depict the items that you inventoried from the vehicle?

BUEHLER: Yes.

HARRIS: Showing you 293-38, can you describe for us what this is.

BUEHLER: That's a currency envelope that we use at Modesto Police Department to account for cash and change and I've got an asterisk above that bold line that says from the DOJ envelope and that money was turned over to Grogan and I from the DOJ agents. It's 100 one-hundred-dollar bills.

HARRIS: Showing you 293-39, is this document the contents of your envelope?

BUEHLER: Yes.

HARRIS: And 293 dash 40, is this when you spread out and counted the money that was in the envelope?

BUEHLER: Yes.

HARRIS: 293 dash 41, let me just -- you're saying that this particular money was turned over to you by the Department of Justice?

BUEHLER: Yes.

HARRIS: And when it was given to you by the Department of Justice it came to you in this white envelope?

BUEHLER: Yes.

HARRIS: 293 dash 41, can you describe for us what this item is.

BUEHLER: It's another one of our control envelopes for cash. And this was from the brown leather overnight bag that was in the car, $4,640.

HARRIS: Looking at 293-42, is that part of that currency?

BUEHLER: And that's the way we got it.

HARRIS: 293 dash 43?

BUEHLER: And those are the two bundles up on top, one's partially obscured off the frame, but the other laid off cash were the unbanded bills that were found.

HARRIS: 293 dash 44?

BUEHLER: Another control envelope, and this was from DOJ bag. It was property from Scott and this had $285.86 in it.

HARRIS: Looking at 293 dash 45, this is the currency spread out and counted?

BUEHLER: That's it, along with the prior photos and the bag from the DOJ.

HARRIS: And 293 dash 46, was this another envelope with change that was recovered from the overnight bag?

BUEHLER: That's correct.

HARRIS: Judge, if I can have marked next in order.

JUDGE: 294.

HARRIS: An --

JUDGE: What? What?

HARRIS: This will be documents from REI.

JUDGE: Okay.

HARRIS: Detective --

GERAGOS: What exhibit did you give it?

JUDGE: 294.

HARRIS: If I can have you look at this. This is documents that had been produced by REI, Recreational Equipment Inc. In these documents does it appear that a purchase was made and the items that were purchased, some of those were found in the defendant's vehicle?

BUEHLER: Yes.

HARRIS: And these documents, does it have product descriptions and photographs of the items?

BUEHLER: It does.

HARRIS: And does it show what the date of purchase of these items were?

BUEHLER: It does.

HARRIS: And what was the date of purchase?

BUEHLER: March 16th of 2003.

HARRIS: Detective, I don't know if you need to go to your report, but after you were done inventorying all the property in the defendant's vehicle did you total up what the total amount of cash was that he had in his possession?

BUEHLER: I did, and I do have to go to my report for that. And it was $14,932.25.

HARRIS: The People have no other questions.

Cross Examination by Mark Geragos

GERAGOS: Good morning, detective.

BUEHLER: Good morning.

GERAGOS: The camping gear that you saw that we just methodically went through, that was all purchased from REI, is that correct, or most of it appeared to be?

BUEHLER: A lot of it was, yes.

GERAGOS: And that was all purchased a month before he was arrested; is that correct?

BUEHLER: Well, a month and two days before.

GERAGOS: Okay. And that would have been March 16th?

BUEHLER: That's correct.

GERAGOS: Okay. And so that I understand what you did I guess is somebody got, subpoenaed this stuff and had them just run all of these items; is that correct?

BUEHLER: Well, I don't know exactly what the procedure was, but the documents that I reviewed here this morning and also in days passed are the ones that you're showing up there that apparently came from REI.

GERAGOS: Now, originally what was marked as D8-D, this was thought to be Scott's; isn't that correct?

BUEHLER: Well, it was in the car and it seemed possible that it was his. There were other knives that were found in the car.

GERAGOS: Okay. And specifically the items that were taken out of the car, you said you were at the search warrant on the 18th, is that correct, that you showed up on the 19th?

BUEHLER: Showed up on the 19th, yes.

GERAGOS: Okay. And on the 19th did you see the items that were taken out of the car back then and laid out?

BUEHLER: No, I didn't.

GERAGOS: Okay. Did it also appear that there was a backpack taken out of the car, or rather the truck, on the 19th and shoes and clothes and lots of similar-type things to what you found two months later, except it looks like he bought one of those rolling things for the ties in the interim, huh?

BUEHLER: Well, I just noticed the ties that were recovered from the vehicle search were rolled up in those rolling devices.

GERAGOS: Okay. And both times that the truck or his vehicle was searched there were Laci Peterson "Missing," either "Missing" buttons or "Missing" flyers, correct?

BUEHLER: Well, Mr. Geragos, I can't really state what was in his truck on the 18th and 19th because I wasn't there for that part of the search. So anything that was in there, any of the clothes, anything that you just showed on the screen, clothing articles, buttons or things like that I just can't comment because I wasn't in the truck at that time.

GERAGOS: Didn't you drive the truck on the 19th?

BUEHLER: I did.

GERAGOS: Okay. When you drove the truck on the 19th it hadn't been inventoried yet, had it?

BUEHLER: I don't recall.

GERAGOS: Okay. Did you look in the back and see if there were items, like a backpack, or things like that?

BUEHLER: Well, I know there wasn't anything that was left in the bed of the truck that could have been stolen because we would have had been responsible for that, but I don't recall any, any articles on the inside. If there were, I didn't make note of them.

GERAGOS: Okay. Now I'm showing you what was just marked as People's 293 dash 42. See the date on the two thousand- dollar wrap, it's April 7th, correct? Did anybody bother to go to the bank and see if that's the date that the money was got, received?

BUEHLER: No.

GERAGOS: Okay. He also had this picture, which is 293, did anybody go and determine from Washington Mutual on what date from what account this was received?

BUEHLER: No, we did not.

GERAGOS: Okay.

BUEHLER: Or at least I did not, I can't say if anybody else did.

GERAGOS: You're not aware of anybody else doing it, are you?

BUEHLER: No.

GERAGOS: Okay. And specifically the -- I think you said these were found in the car as well?

BUEHLER: That's correct.

GERAGOS: Okay. And this picture of Scott and Laci was found in the car?

BUEHLER: That's correct.

GERAGOS: Okay. Now this letter from Amber, did you -- were you aware of this that Amber told you about this letter prior to you recovering it from the car?

BUEHLER: No.

GERAGOS: Okay. But Amber told you that she had sent Scott this book?

BUEHLER: I believe the book she informed me of because I know they had some exchanged some mail items.

GERAGOS: Did she tell you or when you found that map that was marked by Mr. Harris, did you put it together that maybe he was going to mail the book back as she had requested, did you ever ask her if that's why he had received the address there?

BUEHLER: Well, I didn't know if that was the reason that he did that.

GERAGOS: Okay. Well, would that be one explanation since she had sent him the book and ask that he read it and then mail it back, that's why he had this address?

HARRIS: Objection, assumes facts not in evidence.

GERAGOS: I'm asking him if --

JUDGE: Well, argumentative, calls for an opinion and conclusion.

GERAGOS: Well, did you, did you, when you went through the items here on the 18th, you then did some investigation regarding the license of his brother; isn't that correct?

BUEHLER: I'm not sure what investigation you're talking about with the license.

GERAGOS: You went over to Torrey Pines Golf Course, right?

BUEHLER: I'm sorry?

GERAGOS: I got a report from you, 42551. Did you go over to Torrey Pines Golf Course to determine whether or not a local resident got a discount at the golf course?

BUEHLER: No, I did not go over there.

GERAGOS: Is this Detective

Jon Buehler?

BUEHLER: Yeah, that's me.

GERAGOS: Okay. Did you talk to somebody from there?

BUEHLER: I did.

GERAGOS: Okay. When you talked to somebody from there did you find out that you got a discounted rate if you were a resident of the county or the city, is that what the person told you?

BUEHLER: If you went through some hoops and procedures to get an I.D. card for the golf course, yes.

GERAGOS: Okay. Now, you also talked about Amber or you were asked questions about Amber. You had advised her to have no further phone contact, is that correct, with Scott Peterson?

BUEHLER: I suggested it.

GERAGOS: Okay. And she said that she was going to do that; isn't that correct?

BUEHLER: Yes.

GERAGOS: Okay. And when did you tell her that?

BUEHLER: Oh, it was on or about the 16th, 17th, 18th of February.

GERAGOS: On or about the same day she sent that book with that note?

BUEHLER: If -- I don't know what date for sure she sent that book. I know what day was on the card she included with it.

GERAGOS: Okay. And you advised her that from a police standpoint you couldn't be certain that all of the calls were documented or being reported to you, correct?

BUEHLER: I don't remember telling her that.

GERAGOS: Do you remember writing that in a report?

BUEHLER: In several reports, yes.

GERAGOS: And from a police standpoint that you thought that she wasn't possibly scripting the calls; isn't that correct?

BUEHLER: That was a concern that I always have with somebody that I don't know.

GERAGOS: Okay. Well, this was a concern that you had as of late February; isn't that correct?

BUEHLER: That's correct.

GERAGOS: Now, when you went on the 19th to go execute or when you showed up were there numerous media vehicles present that were blocking the streets with cameras, camera crews and satellite trucks?

BUEHLER: They weren't entirely blocking the street, but they were all over the place over there on the 500 block over there, yes.

GERAGOS: When you say they weren't entirely blocking the street you did write you were able to clear the parking for your vehicles in front of the residence; is that correct?

BUEHLER: Yes.

GERAGOS: Okay. You said you were finally able, did you have some trouble doing that?

BUEHLER: Well, because there was more than one vehicle, it took more than just a couple of moments. But there was no trouble. Everybody that was connected with the media that day there, in my experience, was very cooperative and didn't cause us any problems.

GERAGOS: And did the -- while you were clearing vehicles from the area there I note that you put in your report that you had made sure that you wore latex gloves, as did everyone else, correct?

BUEHLER: I know I wore them and I know it was stressed that everybody wear them that day.

GERAGOS: And that was so there be no fingerprint contamination at the scene, correct? Isn't that what you wrote in your report?

BUEHLER: Yeah, that's one of the reasons that we do that.

GERAGOS: Okay. Do you know if fingerprints were ever taken?

BUEHLER: Of a particular article or a --

GERAGOS: Of anything. Do you know if fingerprints were ever taken of anything in connection with the search warrants?

BUEHLER: On the 18th or 19th or when the first one was done?

GERAGOS: I'm asking you on the 18th or 19th, that's when you were there, right? You were there the 19th?

BUEHLER: I was there on the 19th.

GERAGOS: Okay.

BUEHLER: And I don't believe any fingerprint processing was done on that day.

GERAGOS: Right. And you made sure and everybody there made sure that they had the latex gloves on so there wouldn't be any fingerprint contamination, correct?

BUEHLER: Well, that's one of the reasons we wear them.

GERAGOS: That's the reason that you said, I then placed blue latex gloves over these, meaning your cotton gloves, so there would not be any fingerprint contamination at the scene by me?

BUEHLER: That's correct.

GERAGOS: Okay. That was the only reason you listed in your report, correct?

BUEHLER: That's the only reason in the report. There are other reasons we put them on for.

GERAGOS: Now you examined the entire location, correct?

JUDGE: Of the location, meaning the residence?

GERAGOS: On the 19th, meaning the residence?

BUEHLER: Well, no.

GERAGOS: You didn't? You reviewed, it appears to me, at least from your report, that you say you reviewed the interior of the residence and you then did a full page of every item that you looked at; is that correct?

BUEHLER: Yes, but that's obviously not the entire place because there are a lot of things that are not in there that I didn't look at.

GERAGOS: Okay. You examined, you used this blue light filter as a, on a sure fire light to check for blood evidence, correct?

BUEHLER: I did.

GERAGOS: Okay. You looked for any kind of repairs that were made showing that maybe there was a struggle in the house and then a repair had been made to kind of throw, throw investigators off the case, correct?

BUEHLER: Well, I can't really speculate on why the repair would be made, I was just looking for any evidence of repairs that would be consistent with a violent attack in the residence by anyone.

GERAGOS: Right. You didn't find anything, did you?

BUEHLER: I did not.

GERAGOS: Okay. You didn't find anything indicating or any evidence whatsoever of blood, correct?

BUEHLER: I did not.

GERAGOS: And you also checked the garage; is that correct?

BUEHLER: Well, it's not -- there really isn't a garage there.

GERAGOS: Well, you call it a garage area, didn't you, in your report?

BUEHLER: If it's the converted, what appeared to be a garage in the past that was kind of a living room, I did check that, yes.

GERAGOS: Okay. You referred to that in your report as a garage, right?

BUEHLER: (No response.)

GERAGOS: Now you also apparently did the first interview with Amber -- with Karen Servas; is that correct?

BUEHLER: No, actually, my interview with Karen Servas was the second one. Brocchini had talked to her the night before, the evening before on the 24th.

GERAGOS: Okay. Now specifically when I was talking to you about the fingerprint or fingerprinting, you specifically requested that fingerprints be taken at the residence during the processing of the case, correct?

BUEHLER: At one time I did, yes.

GERAGOS: Okay. Well, that was on Thursday, December 26th, wasn't it?

BUEHLER: That's correct.

GERAGOS: Okay. So on Thursday, December 26th, you thought that it was necessary, under review of the circumstances, to have the chemical processing available for the interior of the residence; is that right?

BUEHLER: Yes.

GERAGOS: And you specifically made a call to the Department of Justice lab up in Ripon?

BUEHLER: I did.

GERAGOS: Okay. And you specifically requested that they come down and attempt to locate latent prints at the residence during the process in case there was a stranger abduction intruder crime; isn't that correct?

BUEHLER: That's correct.

GERAGOS: And that was never done, was it?

BUEHLER: No. Not by the Department of Justice.

JUDGE: Mr. Geragos, since you're going to go to another subject --

GERAGOS: Sure.

<recess>

GERAGOS: Good afternoon, detective.

BUEHLER: Good afternoon.

GERAGOS: You also discussed this morning with Mr. Harris specifically some interview with -- interview with Karen Servas. Do you remember that?

BUEHLER: Yes.

GERAGOS: Now, you had testified this morning that she estimated 10:30 when you first talked to her; is that correct?

BUEHLER: Yes.

GERAGOS: Okay. I'm looking at your report. It's Bates stamped 1613. And what you put in your report is that she said she was preparing to leave her residence on Christmas Eve day, Tuesday, at almost exactly 10:30 a.m., correct?

BUEHLER: Yes.

GERAGOS: And that's what she -- she didn't explain, she told you she was sure at the time that it was almost exactly 10:30 a.m., correct? That's what you reproduced in your report as using those words, correct?

BUEHLER: Well, not entirely. She said it was almost exactly 10:30 based on what she recalled.

GERAGOS: Okay. And then specifically she also told you --and this is the first time that you talked to her, correct? This would have been the 25th?

BUEHLER: First time I talked to her was the 25th, that's correct.

GERAGOS: She also said that she -- when she got to the front of the residence, the gate was locked, so she went around to the rear area where she was able to get into the backyard near the pool, correct?

BUEHLER: That's correct.

GERAGOS: And she said she did not go further into the yard but simply left the dog in the backyard, correct?

BUEHLER: That's correct.

GERAGOS: And she said since she was unsure if Laci or Scott were possibly busy going to the bathroom, or in some other way occupied, correct?

BUEHLER: That's correct.

GERAGOS: Okay. And she did not notice anything unusual, right?

BUEHLER: That's correct.

GERAGOS: And but she did tell you that she had heard a noise; is that right?

BUEHLER: She could hear noises in the are

GERAGOS: I'm looking at 1614 on the Bates stamp.

BUEHLER: Second paragraph down, yes.

GERAGOS: Yes. And then she also told you that she remembered that the leash was very dirty and muddy, correct?

BUEHLER: Yes.

GERAGOS: Okay. She also said she did remember a male subject walking near her vehicle, right?

BUEHLER: She did.

GERAGOS: Okay. She also said that the leash was so dirty and muddy that she had to go back in to wash her hands because of the dirt transferred from the leash to her hands, correct?

BUEHLER: Correct.

GERAGOS: And then she also said that she recalled coming home at about noon, but she knew that a UPS delivery has been made, she saw the package near the front of Laci and Scott's house, correct?

BUEHLER: Correct.

GERAGOS: And she also said that she had last spoken with them on Sunday, correct?

BUEHLER: Where you at on that?

GERAGOS: The fifth paragraph down.

BUEHLER: On the prior Sunday, that's correct.

GERAGOS: Okay. Now, the -- specifically you talked to her again, what, January 3rd?

BUEHLER: Give me a chance to get there. I talked to her several times.

GERAGOS: Well, she -- looks like you talked to her, if I'm correct, January 3rd, again on January 28th, January 30th, May 9th. All of that's of 2003. August 31st of 2003. That ring a bell?

BUEHLER: Well, I don't know about the rest of the dates, but I'm on the January 3rd date right now, which was a Friday.

GERAGOS: On the January 3rd date, she then said that she had a receipt from the -- specifically from this Austin's, correct?

BUEHLER: Yes, she did.

GERAGOS: Okay. And that she said -- at that time she told you that she had gone to Bank of America, correct?

BUEHLER: Yes.

GERAGOS: And that she then went to Austin's, right?

BUEHLER: Correct.

GERAGOS: Okay. And then she said that she had now retraced her trip from the time she found the dog back to the Austin's. And then she approximated that that took eleven minutes, right?

BUEHLER: That's correct.

GERAGOS: And then she said that she was in Austin's for five minutes. And then she estimates that's when she came up with approximately 10:18 on the 3rd of January, correct?

BUEHLER: That's what her estimate was when retracing those things, yes.

GERAGOS: Then you called her the next day; is that right? Or she called you on the 4th. I'm looking at Bates stamp1097. Was that Brocchini that she talked to?

BUEHLER: I don't think I have that one.

GERAGOS: Okay. Looks like Detective Brocchini talked to her the next day?

BUEHLER: On the report stamp 1097 it's got Brocchini's name at the bottom, that's correct.

GERAGOS: In that report she says that it's now 10:20. So the following day she had moved the time again to 10:20?

BUEHLER: Well, it's not accurate, because she says around 10:20. At least that's what he put in his report that her - - clearly was around 10:20. So that's ten minutes -- correction -- two minutes later than what she told me the day before.

GERAGOS: Twelve minutes earlier than what she had said the week before, correct?

BUEHLER: Yes.

GERAGOS: Then on January 5th she called again; is that correct?

BUEHLER: Tell me which one you are on here. I have got several.

GERAGOS: Okay. Looks like this.

BUEHLER: Okay.

GERAGOS: And she had called because Mr. Ermoian, the investigator, had called her and she was annoyed over that; is that correct?

BUEHLER: Well, she reported this to me on Monday, January 6th of 2003 that Gary had been over there to speak with her, yes.

GERAGOS: Okay. Now, specifically did you talk to her again on the 23rd or the 24th? Actually, I'm sorry. January the 28th.

BUEHLER: Tuesday the 28th I phoned her, yes. That's on stamp number 1716.

GERAGOS: Okay. And in that one she said that she now clarified and said that the muddy condition of the leash was more dirty, encrusted with leaves than it was muddy, correct?

BUEHLER: Correct.

GERAGOS: She further stated that she suspected that the UPS shipment had come in the house was actually a postal delivery; is that right?

BUEHLER: A mail delivery, yes. After talking to Scott about that, yes.

GERAGOS: She said the mail deliveries usually come earlier in the afternoon. And she was able to confirm the UPS shipment to the neighborhood that day was at approximately three to 3:30?

BUEHLER: That's what she told me.

GERAGOS: Did you ask her how she was able to confirm the UPS shipment was at three to 3:30?

BUEHLER: No, I didn't.

GERAGOS: And she also told you that she thought it was unusual that Scott would hire a private investigator if his wife was missing, correct?

BUEHLER: Well, I don't think it was unusual to her. It was strange to her, unusual in the circumstances. But there was nothing usual about the circumstances for her to say that it was unusual about, other than it seemed unusual to her that somebody would do that under those circumstances.

GERAGOS: Kind of sounds like, do you know what the meaning of usual or unusual is?

BUEHLER: It wasn't a usual thing that Laci came up missing. She didn't have anything to compare it to.

GERAGOS: Didn't you write, Servas told me she thought it was somewhat unusual, and didn't understand why one would hire a private investigator if their wife were missing. Is that what you wrote?

BUEHLER: That he was -- what she said is much better than my narrative of that.

GERAGOS: Now, specifically when she told you that this UPS shipment that she had seen, she now thought it was a postal delivery, and that the UPS shipments came from three to 3:30. Did you ask her whether or not she remembered seeing this item there at noon like she had told you before?

BUEHLER: Well, I think it was in the report that she had seen it there earlier in the afternoon.

GERAGOS: Did you ask her if she had -- first had identified that as a UPS delivery in your first report, correct?

BUEHLER: That's what she thought it was.

GERAGOS: Now she is saying, based on her own investigation in talking with Scott and doing some kind of investigation for UPS, she now thought it was a postal delivery; is that correct?

BUEHLER: Mr. Geragos, I don't know if she did any investigation. But she revised what she originally told me about the package there earlier, that she drew the conclusion that it was a postal service delivery because of the time of day that she saw it there in front of the residence, versus the time of day when UPS was making their deliveries.

GERAGOS: Now, she also told you that she would communicate with Laci and Scott via an e-mail site called SOPETE1, correct?

BUEHLER: That's correct.

GERAGOS: That's what she knew Laci and Scott's MSN Messenger e-mail site to be?

BUEHLER: That's correct.

GERAGOS: She knew that because she was involved in an internet group with other neighbors in the area; is that what she told you?

BUEHLER: Yes.

GERAGOS: And specifically then you talked to her again on January 30th; is that correct? That's 1728 Bates stamp.

BUEHLER: I met with her on Thursday, January 30th. That's correct.

GERAGOS: Okay. And she then told you that she had her cell phone now, correct?

BUEHLER: Yes.

GERAGOS: Okay. And she said that the cell phone number, this 10:37, helped her establish the time for locating the dog; is that right?

BUEHLER: Well, when you say that she had her cell phone at that time --

GERAGOS: Her cell phone statement which she had --

BUEHLER: I don't know if she had it with her at that time. I don't know if she didn't have it when I met her before. She had the same, clarified call number 108, which she made at 10:37 a.m.

GERAGOS: Did you at that point attempt to get her cell phone sites so you could determine where she was when that call was made?

BUEHLER: No, I didn't see a reason to do that.

GERAGOS: You didn't?

BUEHLER: No.

GERAGOS: Okay. Did you get any cell phone sites in connection with what you were doing?

BUEHLER: No, not with Karen Servas.

GERAGOS: Anybody else?

BUEHLER: No.

GERAGOS: Okay. And specifically she also said that she has been attempting to avoid media contact, and that's why there is -- she has been going home late; is that correct?

BUEHLER: Where are you at on that?

GERAGOS: 1729.

BUEHLER: Last sentence?

GERAGOS: Yes.

BUEHLER: Yes, she stated that she had been attempting to avoid media contact herself, and suspected that Scott had been doing the same.

GERAGOS: Now, on the -- on the 10th -- strike that. You also, I believe, had her -- did you talk her again right after that, on the 30th?

BUEHLER: Going by the reports that I have here, my next conversation with her, unless they are out of order, was on Friday May 9th, 2003. That's report 17634.

GERAGOS: Okay. And then you had -- what was the next conversation?

BUEHLER: After that one?

GERAGOS: Yeah.

BUEHLER: On report 23981, it looks like the report was dated August 11th of 03. She phoned me again on Tuesday August 12th of 2003.

GERAGOS: On the May 9th one was where she wanted to complain about maybe she wanted a file a criminal complaint; is that correct?

HARRIS: Objection. Relevance.

JUDGE: Sustained. Irrelevant.

GERAGOS: And then the August -- what was the next one?

BUEHLER: The next one I have got is August 12th, 2003. It should be your number 23981.

GERAGOS: And that was one where she wanted indicate that -- well, let me take you over to the August 21st one. Do you have that?

BUEHLER: August 21st one. What's your number on the bottom?

GERAGOS: Is this with Detective Grogan?

BUEHLER: That's Grogan's report.

GERAGOS: And did you ever talk to Grogan about this?

BUEHLER: If I can read it for a minute I will maybe be able to figure that one out for you.

GERAGOS: Sure.

BUEHLER: Okay. I have reviewed that, but I didn't write that.

GERAGOS: What I'm asking you is, did you ever talk to Grogan that now, in August of 2003, that she now believed that the earliest she would have left the house would have been 10:10, that the latest would have been 10:17?

BUEHLER: Mr. Geragos, I don't remember talking to Craig about those times.

GERAGOS: Okay. Did you ask -- or did you talk to her again about her testimony at the preliminary hearing?

BUEHLER: I have talked to her since then, but I don't believe I have talked to her about her testimony.

GERAGOS: She ever call to inform you that she had misrecollected her time at the testimony at the preliminary hearing?

HARRIS: Objection. Vague as to when she left or when she came back.

GERAGOS: When she came back.

JUDGE: All right. When she came back. Do you recall? Miss Servas already testified, so back then, so we're going to other -- the same things that she mentioned before?

GERAGOS: Do you remember that?

BUEHLER: Mr. Geragos, I don't remember Karen Servas ever recontacting me and revising any times other than the last one that she left me with, which was the 10:18 time.

GERAGOS: The which time?

BUEHLER: 10:18.

GERAGOS: 10:18?

BUEHLER: Based on the receipt, based on retracing her steps, based on stopping at Bank of America, and finding the dog.

GERAGOS: And were you the one who went to Austin's to get the -- or did you go to Austin's at all to check on the time?

BUEHLER: I was the one who went to Austin's.

GERAGOS: Did you ever talk to Jerry Jensen?

BUEHLER: I talked to Bill Austin. There were two other employees there. I did not get their names, because Bill Austin was the one I focused my contact with.

GERAGOS: When -- Bill Austin is the owner of the place; is that right?

BUEHLER: I believe he is.

GERAGOS: Are you aware that he's testified that he's not the one -- he's testified here that he's not the person who set the timer, that Jerry Jensen is?

BUEHLER: No, I understand he didn't set it.

GERAGOS: Okay. And have you ever gone back to talk to Jerry Jensen, the gentleman who apparently, according to Mr. Austin, does set the time?

BUEHLER: No, I did not know that there was a Jerry Jensen.

GERAGOS: Okay. And, specifically, Mr. Harris had asked about getting specific assignments during the pendency of this case. And that's fairly accurate. You would get specific assignments, correct?

BUEHLER: Yes. Requests to follow up on things that came in, yes.

GERAGOS: Okay. One of the specific assignments was to follow up on some testimony that was mentioned by Harvey Kemple, a man by name by Harvey Kemple?

BUEHLER: That was one, because I don't think that was me. Oh, this was regarding over at the Del Rio Country Club? Yes.

GERAGOS: Okay. And, specifically, you were asked to go over because Harvey Kemple said there was a Dennis Toven who was mentioned, or in the testimony of Harvey, correct?

BUEHLER: There was.

GERAGOS: Okay. And --

BUEHLER: At least I heard that. I wasn't in here to hear it. I was told that.

GERAGOS: You went over to talk to Mr. Toven, correct?

BUEHLER: Give me a minute to find it.

GERAGOS: 41058.

HARRIS: I would object as being beyond the scope, and also hearsay.

JUDGE: It is beyond the scope. Sustained.

GERAGOS: I can recall him as my own witness, which is fine.

JUDGE: If you want to call this witness, call him in your case.

GERAGOS: Yeah, I can do that. That's fine with me. I thought it would be faster. If you want me to recall him, I'll do it as part of my case.

GERAGOS: Specifically the other tasks that you were given I think also probably would exceed the scope, so I'm not going to go there, if that's what they want to do it. Doesn't make a whole lot of sense to me.

JUDGE: Well, he gave a bunch of other things that he did. He went to Salon Salon.

GERAGOS: We'll get to Salon salon.

JUDGE: Covered all that stuff.

GERAGOS: Yes, Salon Salon. He wentthere. You went in specifically to talk to people about what clothing Laci was wearing the night before, correct?

BUEHLER: The night before she came up missing, yes.

GERAGOS: And you interviewed a number of people there; is that correct?

BUEHLER: Yes.

GERAGOS: And they gave you different descriptions than what Amy had given you; is that correct?

HARRIS: Objection, hearsay. Assumes -- calls for speculation.

GERAGOS: Goes to the reasonableness of his investigation.

JUDGE: I'm not so sure that this does.

GERAGOS: I think it -- I can call the specific people if you want. That's fine. If you want to dothat, fine. Sure.

JUDGE: They want to come in and testify, I told them this, I told had them that.

GERAGOS: Sure, I can do that.

GERAGOS: Specifically when you went there, you went to interview a series of women, Michelle Perry, correct?

BUEHLER: Yes.

GERAGOS: Denise Avant, A-v-a-n-t?

BUEHLER: Yes.

GERAGOS: Jennifer Anderson?

BUEHLER: Can you give me the stamp number on the bottom?

GERAGOS: Sure. 1745 is Jennifer Anderson.

BUEHLER: I was there twice, so I don't remember which one on which day. I'm on 1742 for those names. I have them listed there.

GERAGOS: Are those the names of the people that you specifically went over there to interview?

BUEHLER: Well, those were three of them. There was a fourth, Kim Fite. F-i-t-e.

GERAGOS: Okay. And you went over there so that you could find other people there who could give you information as to what Laci was wearing the night before she went missing, correct?

BUEHLER: If they possessed it, yes.

GERAGOS: If they possessed it. You asked these people to give you descriptions of the clothes she was wearing, right?

BUEHLER: Correct.

GERAGOS: You found four people, and you received the information from these four people as to what they remember she was wearing the night before?

BUEHLER: That's correct.

GERAGOS: Okay. Now, you also testified, I think, specifically the Yoga Center is in the McHenry Village; is that correct?

BUEHLER: It is.

GERAGOS: Now, you mentioned that there is 23 steps. Jury has seen a video of these steps going up. Were you aware that Debbie Wolski testified in this case that was only accessible to the second floor, going up that stairwell?

BUEHLER: Well, that's kind of a compound question, because you are asking me if I'm aware. Do you want to know if I'm aware that they saw the video?

GERAGOS: No. I'm asking you specifically, were you aware who Debbie Wolski is?

BUEHLER: She was the yoga instructor, I believe.

GERAGOS: Right.

BUEHLER: Blonde hair, I think.

GERAGOS: Right.

BUEHLER: Yes.

GERAGOS: Are you aware that the only way -- were you -- at the time she testified, sounds like you now know there is 23 steps there. When did you count those?

BUEHLER: Several weeks ago.

GERAGOS: Okay. Now, when you did that, is that in relation to investigating whether or not what she had said was true?

BUEHLER: No. Because I don't remember what -- I wasn't here for her testimony. I wasn't told what her testimony was. I was just asked to go over and check that, and climbing the stairs, and then check to see if there was an elevator or something like that also at that location.

GERAGOS: When you did that, you discovered that there is no elevator that goes up there, correct?

BUEHLER: Correct.

GERAGOS: And you discovered that it's a flight of stairs?

BUEHLER: Right.

GERAGOS: 23 steps. It's fairly steep, is it not?

BUEHLER: Well, not in my opinion it wasn't very steep. It was a staircase with shallow steps.

GERAGOS: Okay. And did you write a report on that?

BUEHLER: Not -- I don't think I put in there the steps.

GERAGOS: Did you write a report that you went there, that it was only accessible by elevator?

JUDGE: He said it wasn't.

GERAGOS: Not by elevator. It was only accessible by the stairway?

BUEHLER: I don't think I have that in there either.

GERAGOS: Did you write a report saying that you had been there in any fashion?

BUEHLER: You know, Mr. Geragos, I can't remember if I did a report, or that -- I know Detective Grogan asked me to go check the location of that. I found it very easily. It was right on top of the Vierra's Bar, right on the corner of that building. Checked around it to make sure there was no other entries, other entry points on there. Climbed the stairs. Saw that you had to leave your shoes on the way in. You couldn't walk in with your shoes. They were in session at the time. Went back down the stairs.

GERAGOS: My specific question was, did you write a report on that?

BUEHLER: No, I don't believe so.

GERAGOS: And I assume you came back and you told that to Detective Grogan; is that correct?

BUEHLER: Yes.

GERAGOS: And then I'm also going to ask you, on the day that you arrested Scott, or that you -- that you were there, these two pictures accurately represent what he looked like?

BUEHLER: They do. They were taken on two different locations, though, I believe.

GERAGOS: Okay. And the first one which has got a 4-18 Brocchini, where was that taken?

BUEHLER: This one was taken upon his arrest I believe down in the San Diego Department of Justice office.

GERAGOS: The one that's got no, I assume, digital writing on the bottom was taken at the police station in Modesto?

BUEHLER: No, we never brought him there. I believe that would have been Stanislaus County Jail. Just for the record, in case I get asked this some other time, the first photo you asked me about is a torso shot with a dark-colored pullover sweater. The second photo with no computer-generated numbers on the bottom has got a pullover, looks like a Ralph Lauren Polo, like a collared shirt.

GERAGOS: Okay.

BUEHLER: That's white in color.

GERAGOS: That's the way --

JUDGE: Do you want those marked?

GERAGOS: Yes, please. Defense next in order.

JUDGE: Defendant's 8F. F to the 8th power. I beg your pardon. Defendant's 8G-1 and 2. I need to know which one is 1 and which one is 2 now that you have shown it to the witness.

GERAGOS: I would assume that the one that's got the sweater on would be 1.

JUDGE: With the dark sweater?

GERAGOS: Yeah.

JUDGE: And then the other is the photograph of the defendant with a -- you said Polo shirt, detective?

BUEHLER: Like a collared button shirt.

JUDGE: This is the one he appeared in after he was arrested, to the best of your recollection?

BUEHLER: That's correct.

GERAGOS: And then, lastly, you said you got some -- Mr. Harris asked you about the photographs that you got of Amber and Scott.

BUEHLER: Yes.

GERAGOS: Okay. And the photographs were apparently given, I guess, if I understand correctly, you said you went to a Rite Aid; is that right?

BUEHLER: That's correct.

GERAGOS: And when you went to the Rite Aid, you took the picture, you and Brocchini?

BUEHLER: I don't know if we -- if he had one hand and I did. They gave them to us, and we paid for them and opened them up.

GERAGOS: And after that, the negatives were given back to Amber?

BUEHLER: Yes. Along with some other unrelated photographs that were on that roll.

GERAGOS: And specifically the photographs that you were given -- is there at some point where they turned up missing?

BUEHLER: No, I don't recall that.

GERAGOS: Showing you a report 1680, where it says not all photographs of Amber and Scott given to myself and Detective Brocchini when we were working with Amber Frey were accounted for.

BUEHLER: I don't think -- I think I can clarify that. It's not a yes or no answer.

GERAGOS: That's fine. Can you tell me what that means?

BUEHLER: There were a couple of photographs that were reproduced, I believe, on a computer by one of Amber's friends. And I believe that was a photo of Scott and Amber by a Christmas tree. They weren't included with the developed photos, I believe, from Rite Aid. But they had been distributed some time earlier by Amber to family and a friend.

GERAGOS: Okay.

BUEHLER: So I don't know how many of those were made. I don't know how many of those she gave out. But that explained some other stuff to me later on.

GERAGOS: Specifically was the -- didn't you -- didn't you say that not all of the photographs had been given to yourself and Brocchini were accounted for; and then, additionally, there are other computer-generated reprints of one of the photographs? Isn't that the way -- didn't you make a distinction between the photographs she gave you and the computer-generated in your report?

BUEHLER: I think I might have worded that wrong.

GERAGOS: Might have worded what wrong?

BUEHLER: I might have worded that wrong. There is a distinction between those, because all the photographs that she gave to us we accounted for, because they were right there.

GERAGOS: Well, the photographs that were right -- when you say were right there, you put, specifically, not all the photographs given to myself and Detective Brocchini when we were working with Amber Frey were accounted for. So what does that mean?

BUEHLER: I think I was referring to the computer-generated photos. Amber had one of those, at least. I know one had been given to her mom, I believe her sister, her father, and some friends, that I think they came out of one of her friend's cameras.

GERAGOS: Okay. What I'm asking you specifically -- I don't think it's a trick question -- is, you wrote that not all the photos you were given were accounted for. Does that mean that are you saying now that when you said that then you put additionally these computer-generated photos, are you saying that that was just a poor use of language?

BUEHLER: Yes.

GERAGOS: Okay. And that the facts were, some of these photos, the ones that ended up on -- one of these photos, the one that ended up on the cover of the National Enquirer?

BUEHLER: Well, I'm not sure which one. I don't read the Enquirer too often, so I'm not sure which one ended up there. If you show it to me, I can give you a pretty good idea where it came from.

GERAGOS: And specifically, if I told you that Amber's testified that the only photo -- the only photos that she's aware of is the negatives that she's got, and the ones that she gave you on Brocchini. And she testified that one of those is the one that ended up on the Enquirer. Are you

saying that one of those photos that you were given by Amber, when you wrote that we couldn't account for all of them, that one of those was not missing? Is that what you are saying?

BUEHLER: Mr. Geragos, I don't believe any of the photos that we got from Amber at Rite Aid ever came up missing.

GERAGOS: When you wrote not all photographs of Amber and Scott had been given to myself and Brocchini were accounted for, that was just a poor use of language?

BUEHLER: I believe that was referring to other copies of that computer-generated photo.

GERAGOS: Okay. Even though you put additionally there are other computer-generated?

BUEHLER: Even though I put that.

GERAGOS: Thank you. I have no further questions. I'll just recall him as my own witness.

Redirect Examination by Dave Harris

HARRIS: Detective, with regard to that particular report, 1680, Bates stamp number --

BUEHLER: Yes.

HARRIS: In the paragraph that you are referring there, you are talking about whether Modesto Police Department should notify the families that this National Enquirer article with the photograph was supposedly going to be coming out?

BUEHLER: Yes.

HARRIS: And when you are talking about that particular photo, so we're clear about this, in the language that's used in your report, were you referring to a photograph that you had in evidence?

BUEHLER: Yes.

HARRIS: So the photographs that you have in evidence, were they accounted for?

BUEHLER: I believe they were.

HARRIS: Now, whatever Amber had had, or other people had had by what she sent out for Christmas cards, or other people had reprinted, had you accounted for those photographs?

BUEHLER: I could not account for all of those, no.

HARRIS: So based on that, was it your belief or understanding when you were writing there that there was possibly a photograph of the defendant and Amber Frey are going to come out in a national publication?

BUEHLER: That was my understanding, yes.

HARRIS: So based on that, the detectives at that point in time decided to notify the family what was about to occur?

BUEHLER: Yes.

HARRIS: From what was occurring, what the police department believed is that when you took three photographs and gave them to Detective Grogan with -- for him to use them for this notification?

BUEHLER: That's correct.

HARRIS: You actually went and looked at the pictures that you had locked up, verified that they were there, and took three out to give to the detective?

BUEHLER: That's correct.

HARRIS: When you were asked about some of these things with Miss Servas, I want to go back through that. If you will turn to your page 1613. I'm sorry.

BUEHLER: Yes.

HARRIS: When were you talking with Miss Servas, she first gives you this time of 10:30. You write in your report on page 1613, Bates stamp number, that it was almost an exact time. Does she tell you if she was looking at a watch, or clock, or anything at that point in time?

BUEHLER: Mr. Harris, I don't remember how she came up with that, if she was looking at a watch. At that time she believed it was almost exactly 10:30 a.m. I didn't clarify with her how she determined that.

HARRIS: And then you have already told us about how she went and she contacted you again. Going to Bates stamp number 1648.

BUEHLER: Yes.

HARRIS: If you will go --

BUEHLER: I'm there.

HARRIS: And she reports to you that she found this receipt, and she's retraced her steps. Besides, did she tell you that -- did she actually kind of write you a letter?

BUEHLER: She did.

HARRIS: That would have Bates stamp 1649. It's -- I believe it's already in evidence from Miss Servas's testimony?

BUEHLER: It would be, and it is.

HARRIS: Does she, in that letter, walk you through the steps, when she leaves the house, finds the dog, washes her hands, gets in her car, drives to downtown from the Covena area?

GERAGOS: Objection. Leading.

JUDGE: These are all leading. And didn't we cover all this with --

GERAGOS: Asked and answered.

HARRIS: Did she write this letter out for you?

BUEHLER: A very detailed letter, clear to understand how she put it together, yes.

HARRIS: So you have a receipt. She gives you her phone information?

BUEHLER: Yes.

HARRIS: And then you go and talk to Bill Austin?

BUEHLER: That's correct.

HARRIS: Mr. Austin tells you that --

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: Does Mr. Austin tell you how the time for the register is set?

BUEHLER: He does.

HARRIS: How is it set?

BUEHLER: By the employee calling time on the telephone and programming that into the register when they open it up for the Christmas season.

HARRIS: We have already looked at the receipt. That's the 10:34 time?

BUEHLER: That's correct.

HARRIS: Miss Servas contacts you again after the receipt and gives you her phone information?

BUEHLER: She does.

HARRIS: That's the phone record that we already went through this morning?

BUEHLER: Phone call number 108. I think it was at 10:37.

HARRIS: You were also asked about her contacting you again about the leash?

BUEHLER: Yes.

HARRIS: Look at the report real quick. Turning to your report, 1716 Bates stamp number?

BUEHLER: That's correct.

HARRIS: Did she contact you again to try and make sure that she was accurate or precise with her description of the leash?

GERAGOS: Objection. Leading.

JUDGE: Sustained.

GERAGOS: Calls for speculation.

JUDGE: Sustained.

HARRIS: Did Miss Servas contact you about the leash?

BUEHLER: No. I contacted her.

HARRIS: And when you contacted her, did she tell you something about the leash?

BUEHLER: She did.

HARRIS: What did she tell you about the leash?

BUEHLER: That it was more encrusted with dirt and leaves than it was wet mud.

HARRIS: And did she indicate why -- what was happening, why she was saying this?

BUEHLER: No, I don't remember what led up to that. I was asking her some other questions related to the case, and it came up in the conversation. But I don't remember if she asked about it, or wanted to clarify it, or if I just went over it with her. It's too long ago for me to recall, I'm sorry.

HARRIS: With regard to that particular report, talking about as well whether this was a UPS or USPS, did the times change the fact that she's seen a package there?

BUEHLER: No. The package was there when it was there. And whether it was dropped off by UPS or the mail service was of no interest to me at that time.

HARRIS: And that's what she was attempting to clarify with you as which delivery service it was?

BUEHLER: She was just trying to be more accurate for me, yes.

HARRIS: You were also asked about to go back through this, something about the fingerprints. I want to discuss that.

BUEHLER: Yes.

HARRIS: There were two search warrants. From your understanding, there was the one in December and the one in February?

BUEHLER: Correct.

HARRIS: Did you participate in the one in December?

BUEHLER: Not at the scene. I was there for an overview briefing with the people that were going to be out there.

HARRIS: And you were there in February?

BUEHLER: Yes.

HARRIS: And counsel asked you about the gloves, what you were wearing for this February?

BUEHLER: Yes.

HARRIS: Then he asked you about whether you had made a recommendation for fingerprinting to be done in December?

BUEHLER: Yes.

HARRIS: Go to that particular point.

BUEHLER: Yes.

HARRIS: He was asking you about whether you contacted the Department of Justice. Did you also contact another agency?

BUEHLER: Yes.

HARRIS: What agency was that?

BUEHLER: Sacramento FBI.

HARRIS: And did the FBI send down -- send it to an Evidence Response Team?

BUEHLER: They did.

HARRIS: And they were at the scene?

BUEHLER: Well, they were there at the briefing, then they later went over to the scene, to the house on Covena to do the processing.

HARRIS: And they are the evidence people, the people that would know best where to take the fingerprints or not?

GERAGOS: Objection. That calls for speculation. Also leading.

JUDGE: Sustained.

GERAGOS: Also leading.

JUDGE: Sustained.

HARRIS: From your understanding, the Evidence Response Team, is that what they do is collect evidence?

GERAGOS: Objection. Leading. It also calls for speculation.

JUDGE: I'd like to get -- I'll overrule your objection.

HARRIS: No matter. There was --no fingerprints were raised, right? No fingerprints were taken, were they, out at the scene, from your understanding?

BUEHLER: Yes.

HARRIS: You were also asked about this Torrey Pines discount process.

BUEHLER: Yes.

HARRIS: And when counsel was asking you about this, if you have a residence or something where you get a discount, you said something about some other ID. Is this a process that a resident has to go through to get this discount?

BUEHLER: Yes.

HARRIS: What's the process?

BUEHLER: If you go to Torrey Pines, you want to -- you want to get a discount for living in the city or the county, because it's a municipal golf course, you have to bring in a driver's license, real estate tax statement, military ID, or something like that, that shows that you live down there. If you bring that in then you can get an ID card for the golf course. And there is a differentiation in rates if you are a county resident or a city. But that's what you need to get a discount to golf there.

HARRIS: Did you find a discount card for anyone in the Mercedes Benz?

BUEHLER: No.

HARRIS: People have no other questions.

Recross Examination by Mark Geragos

GERAGOS: Did you know whether or not there was some members of the Peterson family present at Torrey Pines that day?

BUEHLER: I know that they had a tee time that day for, I believe, 8:00 o'clock.

GERAGOS: Do you know if they were present at Torrey Pines that day?

BUEHLER: Mr. Geragos, I don't know if they were there or not.

GERAGOS: And specifically when you said they had a tee time, who was that?

BUEHLER: I believe it was Scott's father Lee had an tee time. It's for a foursome on that day. But I just don't know if he was there, or golfed, or not.

GERAGOS: And did you check to see whether a foursome went out or a threesome went out?

BUEHLER: I believe it was a threesome.

GERAGOS: Right. And did you check to see who the other two were besides Lee?

BUEHLER: If you know, tell me. Because I don't recall as I sit here. I can look it --

GERAGOS: John and Joe?

BUEHLER: May have been. If you show me I'll confirm it, because I just don't remember.

GERAGOS: Now, specifically, those -- I'm going to show you, are these the photos that Amber gave you?

BUEHLER: Yes.

JUDGE: What numbers, Mr. Geragos?

GERAGOS: Yes. This is one 191A through G.

BUEHLER: Yes. We got these that same day on December 30th.

GERAGOS: Okay. When you got them on December 30th, you placed them into a sealed envelope; is that correct? How many pictures were there?

BUEHLER: Six.

GERAGOS: Okay. And specifically how many did you write down went into that?

BUEHLER: There was one more that was in there. That makes seven. I had on the note here that there were nine in here.

GERAGOS: Okay. And when there were -- so you placed in nine, and there is seven in there now? Is there any indication on this envelope anywhere that you can see as to it being opened at any point prior to this trial?

BUEHLER: Well, certainly. I can't date when it was opened on the bottom, here so I don't know when this was, when this took place.

GERAGOS: What normally happens when you open up evidence?

BUEHLER: If you do a receipt, you can see a receipt on the top. That I believe was probably done at my desk, because I have red evidence tape like there at my desk. I'm not the only one who has that tape. It could have been somebody else.

GERAGOS: Do you normally write on the outside of the package when you open it or do something, take some evidence out?

BUEHLER: Only some evidence we do. Not all.

GERAGOS: On all evidence in this case, isn't it what is done, is that any time that the package is opened, when it's resealed, isn't it express protocol to initial it and have those who open it initial it?

BUEHLER: At one time it became that way. In the early stages of the case we didn't do that on non-bio evidence. If it was something like this, that is going to be used for further investigation, we opened and placed stuff back in there.

GERAGOS: Okay. And do you know when which photos aren't in there?

BUEHLER: No, I do not.

GERAGOS: Do you know if one of the two photos that were taken out of there ended up on the cover of the National Enquirer?

BUEHLER: Again, I don't read the Enquirer too often. Once in a while. But I don't -- if you can show me the one that was on the Enquirer, I could probably clear that up for --

GERAGOS: I'll be happy to when I recall you as my witness.

BUEHLER: I'll be looking forward to it.

GERAGOS: Thank you.

People Rests