Witness: Patricia Mewhinney

Date: 2004-09-09

Proceedings held September 9, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos

Day 1 of 1 for this witness

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

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Direct Examination by Rick Distaso

DISTASO: Miss Mewhinney, let me ask you, I don't want you to give me the address. But do you live in Modesto?

MEWHINNEY: Yes.

DISTASO: And do you walk your dog down in the Dry Creek Regional Park area?

MEWHINNEY: East La Loma Park.

DISTASO: Okay. We have heard it referred to as a few different names. Let me show you a map here, see if you recognize this as the park we're talking about. Is there, this is the tennis courts and the walking path. Is this the park you are talking about?

MEWHINNEY: Un-hun. Yes.

DISTASO: Okay. How often do you walk your dog down there?

MEWHINNEY: Every day, Monday through Friday.

DISTASO: And what times do you normally walk your dog?

MEWHINNEY: Between, usually between eight and 9:00 o'clock.

JUDGE: Is that a.m.?

MEWHINNEY: Yes, 8:00 a.m.

DISTASO: So we're clear, your dog is not a Golden Retriever, correct?

MEWHINNEY: No.

DISTASO: Were you walking your dog down in the park on December 24th of 2002?

MEWHINNEY: Yes.

DISTASO: Let me show you, I'm going to mark another exhibit. This will be 228A and B.

JUDGE: 228A and B.

DISTASO: A is a photograph. B is a map.

DISTASO: What is picture 228? What does that show?

MEWHINNEY: That's myself and my dog.

DISTASO: Okay. And is that the dog that you walked down in the park on December 24th of 2002?

MEWHINNEY: Yes.

DISTASO: Okay. And you are wearing a big winter coat. Is that the coat that you wore that day?

MEWHINNEY: Yes.

DISTASO: And 228B, do you see this map?

MEWHINNEY: Yes.

DISTASO: It has a route on it. Is that the route that you normally walk when you walk down in the park? Well, actually let me stop you. It shows, has a solid line. Is the solid line the route that you normally walk?

MEWHINNEY: Yes.

DISTASO: Then it has a dotted line. Is the dotted line an alternate route that you used to walk, or you walk on some other occasions?

MEWHINNEY: Yes.

DISTASO: On the 24th of December, 2002, if you can use this map here, you can come up here to the board. This is People's 36.Can you show the jury where you walked and, but let's start off first. What time did you get down there to the park?

MEWHINNEY: It was probably around 8:30 on the 24th.

DISTASO: And where did you, where did you park at?

MEWHINNEY: In the parking lot by the tennis courts.

DISTASO: Okay. Can you just point out where the tennis courts are there? They are circled?

MEWHINNEY: Yes.

DISTASO: And which way did you walk?

MEWHINNEY: I walked east along the path.

DISTASO: Along the pathway?

MEWHINNEY: Un-hun.

DISTASO: And how far did you go?

MEWHINNEY: I normally would walk, I would walk to the end of the golf course.

DISTASO: Turn around there?

MEWHINNEY: Yes.

DISTASO: Then did you come back?

MEWHINNEY: Un-hun.

DISTASO: You came all the way back to the tennis courts?

MEWHINNEY: Yes.

DISTASO: Who was with you that morning?

MEWHINNEY: Just my dog.

DISTASO: Did you see anything out of the ordinary down there in the park that morning?

MEWHINNEY: No.

DISTASO: You can go ahead and have a seat. What was the weather like down there in the park that morning?

MEWHINNEY: It was cold, I remember that. And just kind of low, low clouds.

DISTASO: Is that all you can remember?

MEWHINNEY: Un-hun.

DISTASO: Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good morning.

MEWHINNEY: Good morning.

GERAGOS: Were you pregnant on December 24th?

MEWHINNEY: No.

GERAGOS: And was your hair blonde on December 24th?

MEWHINNEY: Yes.

GERAGOS: Was it long?

MEWHINNEY: Yes.

GERAGOS: Kind of like the same style as it is right now?

MEWHINNEY: Yes.

GERAGOS: This is 228A. Is this your dog right here?

MEWHINNEY: Yes.

GERAGOS: What kind of a dog is that?

MEWHINNEY: Maybe, we think she's Lab, part Lab and German Shepherd.

GERAGOS: German shepherd. Does that dog look like this dog?

MEWHINNEY: No.

GERAGOS: Has anybody ever mistaken you for Laci Peterson?

MEWHINNEY: No.

GERAGOS: The day that you went walking, Christmas, December the 24th, did you, if I got the map right on here, does itlook like, did you have a different walk back in December of 2002 than you do currently?

MEWHINNEY: I have walked the path of the dotted line before, which was back in the summer of 2002. But I stopped that route and decided to walk on the east side of the park after that October.

GERAGOS: You see that this little notation here? Summer of 2002, and October, November, December, 2002?

MEWHINNEY: Uh-huh.

GERAGOS: Are you making some kind of distinction to the officers? Did you tell them you walked one route back in October, November, and December and another route,

MEWHINNEY: Yes.

GERAGOS: What was the route you walked in October, November, and December?

MEWHINNEY: The solid line.

GERAGOS: The solid line that's up above right over here?

MEWHINNEY: Yes.

GERAGOS: Is that correct?

MEWHINNEY: Yes.

GERAGOS: Okay. And you would take that walk, you have memory of taking that, walking home by 9:00 o'clock in the morning?

MEWHINNEY: Probably around 9:00 o'clock 30.

GERAGOS: Okay. And so by 9:30, you would be back at your house, which is, can you even see your house on their map? I'm not going to ask you for the address. But can you see, can you see the street where you live on this map?

MEWHINNEY: No.

GERAGOS: Okay. So, and did you at that point, I know in reading the interview it's a little confusing. But it appears that at some point you would drive to the park, park your car, and then walk?

MEWHINNEY: Yes.

GERAGOS: Did you do that in December of 2002?

MEWHINNEY: Yes.

GERAGOS: So you actually drove there with, I assume, the dog in your car, get out, walk along that solid line that we're looking at on the upper right?

MEWHINNEY: Yes.

GERAGOS: Then you get back in your car, drive away?

MEWHINNEY: Uh-huh.

GERAGOS: Is that a yes?

MEWHINNEY: Yes.

GERAGOS: Thank you. I have no further questions.

JUDGE: May this witness be excused?

DISTASO: Yes, your Honor. I don't have any problem.

JUDGE: Miss Mewhinney, thank you very much.