## Witness: Doug Lovell

Date: 2004-07-13

Proceedings held July 13, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day); Redirect – Rick Distaso; Recross – Mark Geragos; 2nd Redirect – Rick Distaso

Day 2 of 2 for this witness

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

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JULY 13, 2004

JUDGE: This is the case of People versus Scott Peterson. Let the record show the defendant is present with counsel. The jury is in the jury box along with the alternates. Mr. Lovell, do you want to resume the stand, please?. Mr. Geragos, do you remember where you left off?

GERAGOS: Yes, judge.

DISTASO: While he's taking the stand, the clerk wanted me to put on the record that the 106 exhibit, it goes -- it's 106-A through P, but there is just no K. K was inadvertently skipped, in that there is no K in 106. It's A through P.

JUDGE: A through P, but no K?

DISTASO: That's right.

JUDGE: That was inadvertently left out. Okay.

GERAGOS: Can I have just one moment?

JUDGE: Yeah.

GERAGOS: Good morning.

LOVELL: Good morning.

GERAGOS: You had indicated yesterday that you also are, I think, in addition to being an ID Technician, you are also the person who does fingerprint comparisons.

LOVELL: One of the people, yes.

GERAGOS: I'm going to show you an item. Is that a report that's prepared by you?

LOVELL: Yes, it is.

GERAGOS: Okay. Did you bring any of the information connected with this with you today?

LOVELL: I have a copy of that report is all I have.

GERAGOS: The report would seem to indicate that you were given some pawn slips; is that correct? Pawn shop slips?

LOVELL: Yes.

GERAGOS: And those were pawn shop slips. And also looked like a DMV printout for Laci Denise Peterson, and a copy of inked prints of Scott Lee Peterson; is that correct?

LOVELL: That's correct.

GERAGOS: Now, if I understand correctly how this works, when you go to the DMV, you get fingerprinted when you get your driver's license or ID card?

LOVELL: Just -- DMV just collects a thumbprint.

GERAGOS: Okay. Then they collect a thumbprint, for instance -- while he's looking for the one that I think you compared, Exhibit N, which is a pawn shop slip, requires a thumbprint on it; is that correct?

LOVELL: Yes, it does.

GERAGOS: Okay. So you were looking to get -- or somebody was looking to give you a thumbprint from the DMV, correct?

LOVELL: Yes.

GERAGOS: And to compare that with a thumbprint on a pawn shop videotape?

LOVELL: Yes.

GERAGOS: Okay. And did you do that?

LOVELL: Yes, I did.

GERAGOS: Okay. What were the results of that comparison?

LOVELL: There were four pawn slips.

GERAGOS: Okay.

LOVELL: And of those, I was able to determine that one of the pawn slips was filled out by Laci Denise Peterson, two of them were filled out by Scott Peterson, or given to Scott Peterson, and one had a -- well, the name on it had Scott Peterson, but the thumbprint was too lightly inked to be able to make an identification.

GERAGOS: Were you ever given the pawn slip that I just showed you, which was Exhibit N, for an -- anybody ever give you that pawn slip and ask you to take a look at that fingerprint?

LOVELL: Not that I recall, no.

GERAGOS: Now, the pawn slips that you were given, been marked as People's 65 -- I know it's got jewelry on top of it. Is there any way for you to recognize if that was the pawn slip?

LOVELL: No, there is not. There is no thumbprint on it, or anything.

GERAGOS: Okay. Do you know where the pawn slips came from that you were given when the detective gave them to you?

LOVELL: Actually it was Christy Beffa, one of our Community Service Officers, who was working in investigations at the time.

GERAGOS: Okay. Now, the -- after you did that comparison -- and you prepared a report, correct?

LOVELL: Yes, I did.

GERAGOS: Okay. Now, on the 3rd of January, you went and -- I take that back. On the first of January, you also went to look for other -- or in connection with this investigation, went to look for a van that had evidence of a crime at an A and R Towing Company; is that correct?

DISTASO: Objection, your Honor. Goes beyond the scope of direct.

JUDGE: It does. Sustained.

GERAGOS: May I call him as my own witness?. Do we want to call him back during the defense case.

JUDGE: Call him back during the defense case, not now.

GERAGOS: When you went in on December 26th -- and did you meet with one of the detectives during the search warrant search, the execution of the search warrant?

LOVELL: They were all -- yes, I'm sure I met with several of them.

GERAGOS: Do you remember who it was that you met with on that date? Your report does not indicate it.

LOVELL: Detective Skultety was the one I spoke with.

GERAGOS: Did you actually do the video recording?

LOVELL: A portion of it I did, yes.

GERAGOS: Was that the portion that was inside the house?

LOVELL: Yes.

GERAGOS: Then -- and did you use the vacuum to collect traces -- trace evidence, so to speak?

LOVELL: Yes, I did.

GERAGOS: Okay. You have seen the chart that purports to be the inside of the house?

LOVELL: Yes, I did. Yesterday I saw it.

GERAGOS: Okay. Now, can you tell me where you vacuumed on that day? First of all, what did you use to vacuum with?

LOVELL: A small -- it's a small vacuum, fits in a suitcase. I'm sorry, I don't know the brand name of it.

GERAGOS: Is it a vacuum that's designed specifically for the collection of evidence?

LOVELL: Yes, it is.

GERAGOS: Okay. This is something that you keep -- or is kept at Modesto Police Department?

LOVELL: Yes, it is.

GERAGOS: Is this a design so that when you go there and you vacuum up whatever location it is, you will be able to find hair, fiber, other kinds of trace evidence?

LOVELL: Yes, it is.

GERAGOS: Okay. I assume you utilized that, or you brought that to the house on the 26th.

LOVELL: Yes.

GERAGOS: When you came to the house, were you directed to various locations to vacuum?

LOVELL: Yes, I was.

GERAGOS: Could you stand up and point to where that -- those locations are? There is a pointer behind you. Also give you one of these felt-tip pens at some point to write on that. Can you tell the jury first where you went to vacuum?

LOVELL: Well, the entire area that I vacuumed was the living room area, which included the washer-dryer area right here.

JUDGE: We're using a different diagram on the residence, right?

GERAGOS: This is 12.

JUDGE: 12.

GERAGOS: It's not as marked up as the other one.

GERAGOS: When you say the living room area, you are talking about where the washer-dryer is, correct?

LOVELL: Correct.

GERAGOS: Then there is a bathroom in there also?

LOVELL: I didn't go into the bathroom area.

GERAGOS: Okay. Now, were you directed to vacuum in that area?

LOVELL: Yes, I was.

GERAGOS: And who directed you to vacuum in that area?

LOVELL: Detective Skultety.

GERAGOS: Now, how -- just describe what you did.

LOVELL: I collected two samples, one of the carpet area around the washer-dryer, and living room, and then of the -- I believe I took a second sample of the furniture. It was a sofa, a chair, two or three items of furniture that I vacuumed. Also gave that separate sample to Detective Skultety as well.

GERAGOS: I'm assuming when you say you took a separate sample, what you did, there was a bag or some kind of a container that the vacuum had?

LOVELL: It's a small filter that collects everything, and that's placed into an envelope.

GERAGOS: What do you do? Do you take that, whatever the filter is, and empty the contents into an envelope? Or is it -- or is the filter itself the envelope?

LOVELL: The filter, I just fold the filter and slip that into an envelope. Contains all the contents.

GERAGOS: What did you do at that point?

LOVELL: I handed the envelope to Detective Skultety.

GERAGOS: Okay. Then is it true that you also took numerous photos of the vehicles that were parked in the driveway?

LOVELL: Yes, I did.

GERAGOS: Now, when you took those photos, were you directed to take a photo of a certain area by Detective Skultety?

LOVELL: Not that I recall. Nothing specific.

GERAGOS: Just document the inside and outside of the vehicle?

LOVELL: Yes.

GERAGOS: Okay. Now, on January 2nd were you then told to go process the aluminum boat, the 14 foot Game Fisher? I'm looking at Bates stamp 3782, if that helps you for your -- to refresh your recollection.

LOVELL: No, that doesn't help me. But I do remember I processed the boat. I was looking to see if I had the date written on the report here.

GERAGOS: Let me just show you real quickly, go through, see in the bottom paragraph, which is yellow highlighted --

LOVELL: Yes.

GERAGOS: Okay. So does that refresh your recollection?

LOVELL: Yes, it does.

GERAGOS: On January 2nd you were directed by somebody. Do you remember who it was?

LOVELL: That would be Detective Skultety again.

GERAGOS: Okay. Now, when you were directed over to the boat, where was it?

LOVELL: It was in a storage lot, a locked, enclosed building next to the Police Department in a separate building.

GERAGOS: Okay. And then at that point, was the next time that you had a connection to this case February 18th when the second series of search warrants were executed?

LOVELL: I think I spoke to Detective Grogan on January third. There was -- seemed like there was a -- people were searching. I had contact with this case almost on a daily basis in a periphery. I mean I wasn't directly involved in anything, but there was something going on seemed like on a daily basis.

GERAGOS: Okay. Is it a fair statement that any time that one of the detectives thought that they had something that was significant in terms of evidence, your role at the MPD was to come over and a document or process that piece of evidence, depending what it was?

LOVELL: Yes.

GERAGOS: And that started on the night of the 24th; isn't that correct?

LOVELL: Yes, it did.

GERAGOS: Okay. I think during your direct testimony yesterday you had mentioned that you arrived on the 26th. You had also been there on the 24th; isn't that correct?

LOVELL: Yes, I did.

GERAGOS: When you were this on the 24th, what time did you arrive? Is that when you saw Letsinger?

LOVELL: Yes, it was.

GERAGOS: When you contacted him, you also saw Brocchini; isn't that correct?

LOVELL: I don't recall Brocchini being at the scene. But I did talk to him via our cell phone connections that we had.

GERAGOS: Let me show you what's marked as Bates numbered stamp 3789. First sentence of the second paragraph.

LOVELL: Yes.

GERAGOS: Read that silently to yourself?

LOVELL: Yes, I did.

GERAGOS: Does it refresh your recollection as to who you contacted when you arrived at the location?

LOVELL: Yes, it does.

GERAGOS: Who was that?

LOVELL: That was Officer Letsinger, and I spoke on the phone with Detective Brocchini.

GERAGOS: Okay. Now, when you spoke on the phone to Detective Brocchini, did he tell you to collect certain items?

LOVELL: Yes.

GERAGOS: Okay. Now, the items that he wanted collected, were eleven white towels or rags from the laundry room, correct?

LOVELL: Yes.

GERAGOS: Now, you, what you write down as laundry room was, in fact, the washer-dryer area in the living room; isn't that correct?

LOVELL: Yes.

GERAGOS: So you were directed specifically to collect those, then those were -- because they were damp, you placed them in a locked drying locker; is that correct?

LOVELL: Yes, I did.

GERAGOS: That's some kind of a device that through heat would dry these towels prior to you putting them into evidence?

LOVELL: Not heat, but a fan, just keep the air moving, it dries it out, yes.

GERAGOS: Now, were you also directed by the Brocchini to collect two mops and a bucket from outside the house?

LOVELL: Yes.

GERAGOS: Now, did you do that?

LOVELL: Yes, I did.

GERAGOS: And the two mops and the bucket are the same ones that we saw yesterday that you had photographed on the 24th?

LOVELL: Yes.

GERAGOS: Now, those two mops and a bucket, what did you do with those when you say you collected them?

LOVELL: They were dry, so I was able to just package those directly into the property evidence building that night.

GERAGOS: Now, when you say they were dry, what time did you arrive there?

LOVELL: It was very late on the 24th. I don't remember the exact time.

GERAGOS: You didn't notice any wetness inside of the buckets, correct?

LOVELL: No, I didn't.

GERAGOS: Didn't notice any wetness on the -- dampness on the mops themselves, did you?

LOVELL: I checked those just using paper towels to see if they would absorb water. They seemed dry I. Was able to book them without drying them out first.

GERAGOS: I assume that what we're talking about is what's been marked 37-A?

LOVELL: Yes. Those are the items.

GERAGOS: Okay. And these items -- these items, how do you -- specifically when you picked those -- when you were there and you looked at them, you first noticed that the interior of the bucket had no water in it, correct?

LOVELL: Correct.

GERAGOS: Okay. Then the -- specifically the -- and I assume, correct me if I'm wrong, that if there had been water inside of the bucket, you would have saved it somehow, because you would have thought that that had some evidentiary value, correct?

LOVELL: Correct.

GERAGOS: And I assume that when you said you were taking some damp towels, that was for the base of the mop?

LOVELL: Yes.

GERAGOS: Okay. And then taking the mop and just pressing it against the base or the sponge portion of the mop?

LOVELL: Right.

GERAGOS: Okay. Did you do that for both of these?

LOVELL: Yes, I did.

GERAGOS: Now, the reason you do that is because if there is any kind of a trace substance, either blood, or bleach, or anything, that you would want to collect or identify for evidentiary purposes, you want to make sure that you preserve that and you haven't lost it, correct?

LOVELL: Right.

GERAGOS: And so you tested it there?

LOVELL: Right.

GERAGOS: I assume you did something with these to preserve them in some fashion?

LOVELL: Yes.

GERAGOS: What did you do?

LOVELL: Well, after I determined that the items were dry, I was able to seal them up in paper bags, taped shut, and place them into property in evidence. The reason I made sure they were dry is because I didn't want to seal them up being damp. I didn't want anything to decompose within that package.

GERAGOS: If they had been damp, I assume you would not have used -- because we have seen in a number of these exhibits, for instance 72 has a paper bag on it. If it had been damp, you wouldn't have used one of these style paper bags?

LOVELL: I could have used that once it was dried out first, because the paper bags tend to breathe a little bit, rather than plastic.

GERAGOS: But if it had been damp, you would have put it into the drying locker, or done something first, correct?

LOVELL: Yes.

GERAGOS: Okay. You did not do that because both of these items -- both of those mops were dry, and the bucket itself was dry.

LOVELL: Yes.

GERAGOS: Okay. Now, were you directed to collect anything else -- I know that you took photos, and all of these photos that we went through yesterday that are in People's 37, those were all the photos that you took on the 24th, right?

LOVELL: I believe so, yes.

GERAGOS: Was there any -- were there any other items that you collected on the 24th besides the two mops, the bucket, and the eleven towels?

LOVELL: That was everything.

GERAGOS: At some point did you, on January 4th, meet with Scott Peterson? I'm going to show you, looks like at the top -- I don't even have a Bates stamp on it. Just looks like a Grogan report on January 4th, referring to you.

LOVELL: Yes, I did do that.

GERAGOS: Okay. I showed you this to refresh your recollection. Did you meet with somebody called CSO Holmes?

LOVELL: Yes, I did.

GERAGOS: And who is that, Veronica Holmes?

LOVELL: She was assigned to investigations division just to assist in that area.

GERAGOS: CSO stand for Community Service Officer?

LOVELL: Yes, it does.

GERAGOS: That's her title?

LOVELL: Yes.

GERAGOS: And she rolled Scott's fingerprints while you were in the vicinity, I take it?

LOVELL: Yes, she did.

GERAGOS: Okay. Then Scott was escorted back to the downstairs conference room with you, correct?

LOVELL: Yes.

GERAGOS: And then at that point, did you take full body photographs of Scott?

LOVELL: Yes, I did.

GERAGOS: When you a took full body photographs, what was he wearing?

LOVELL: He was asked to strip down to his shorts and just take overall pictures of his hands, the front of his body, back of his body, legs, feet.

GERAGOS: Okay. Do you have those photographs with you?

LOVELL: No, I don't.

GERAGOS: Do you know where those are?

LOVELL: Not specifically, no.

GERAGOS: Do you know -- or did you notice any scratches, or marks, or anything on his body when you took these photographs?

LOVELL: No, I didn't.

GERAGOS: That's specifically what you were looking for; isn't that correct?

LOVELL: I believe that was the purpose of the photographs, yes.

GERAGOS: Okay. If I understand correctly, the area, I guess, where you take the person down to, somebody who is under suspicion, so to speak, is a conference room that's in the -- located in the MPD?

LOVELL: It was. There was a separate building where the detectives were assigned at that time. It was just a closed room with no windows.

GERAGOS: Okay. And then you asked -- or did somebody ask him to remove his clothes in your presence?

LOVELL: Yes, they did.

GERAGOS: Do you know who that was?

LOVELL: I can't remember now if it was Detective Grogan or Brocchini.

GERAGOS: Okay. Did Scott cooperate?

LOVELL: Yes, he did.

GERAGOS: Did he take off all of his clothes except for his underwear?

LOVELL: Yes, he did.

GERAGOS: And when he took off all of his clothes except for his underwear, both Brocchini and Grogan were there?

LOVELL: I believe there was only one detective there at the time.

GERAGOS: You believe it was Grogan?

LOVELL: I'm sorry, I don't remember which -- I don't remember which one it was.

GERAGOS: If I showed you the report again, as to -- and showed you that at the bottom Detective Grogan is writing this report, would that refresh your recollection as to who actually was there and stripped him down to -- or asked him to strip down?

LOVELL: Well, it makes sense that it would be Detective Grogan, but I still don't remember, myself.

GERAGOS: Okay. Now, was he examined, I assume, by the detective in your presence, whoever the detective was?

LOVELL: Just visually.

GERAGOS: Right. And I assume that when you took these pictures, it was to document exactly how his body looked, how his hands looked?

LOVELL: Right.

GERAGOS: Specifically wanted to take a look at how the hands looked, correct?

LOVELL: Yes.

GERAGOS: And I assume that wasn't something that you came up with, that you were told to do that by the detective?

LOVELL: Yes.

GERAGOS: Okay. May I have just one moment, your Honor?

JUDGE: Yes.

GERAGOS: Was this roughly between five and 5:30 in the afternoon on January 3rd?

LOVELL: Yes, it was.

GERAGOS: Then after that, after the Scott gets fingerprinted, he gets -- he takes all of his clothes off, he gets photographed, then at that point did they tell him they were going to take him to the hospital to do something?

LOVELL: I don't remember that.

GERAGOS: Did you go -- or do you remember what happened after that?

LOVELL: No, I don't.

GERAGOS: If I may just have one more moment.

JUDGE: All right.

GERAGOS: I have no more questions at this time. Obviously I reserve the right to call him in the defense case.

Redirect Examination by Rick Distaso

DISTASO: Mr. Lovell, the photographs that were taken, those were taken on January 3rd?

LOVELL: Yes, they were.

DISTASO: And who was present? I know you don't know the detective. But it was yourself, right?

LOVELL: Myself, Mr. Peterson, and probably Detective Grogan. One of the detectives there.

DISTASO: One of the detectives?

LOVELL: Yes.

DISTASO: And that was it?

LOVELL: That's it.

DISTASO: This was in a room with no windows. This wasn't visible to the public, or anything like that?

LOVELL: Correct.

DISTASO: What time did you collect the buckets and the mops? What time did you actually pick them up test them to see if they were dry so you could back them up and take them to the police station?

LOVELL: I think it was just after midnight.

DISTASO: Was that -- did you do that after you took the photographs?

LOVELL: Yes.

DISTASO: And after you took the photographs of the entire house?

LOVELL: Yes.

DISTASO: So let's just go through your procedure. When you got there, you talked to Officer Letsinger, right? This is on -- right?

LOVELL: Yes.

DISTASO: This is all on the 24th?

LOVELL: Yes.

DISTASO: You talked to Officer Letsinger, and then he told you you need to do some things, right?

LOVELL: Yes.

DISTASO: And then you called Detective Brocchini and he told you what items to collect.

LOVELL: Right.

DISTASO: And then you went around and took the photographs first?

LOVELL: Yes.

DISTASO: And then you collected those items?

LOVELL: Yes.

DISTASO: And then you booked those items, or at least you packaged them up to be booked into evidence.

LOVELL: Yes.

DISTASO: And then who actually turned them into evidence that night?

LOVELL: I turned the buckets and mop in that night.

DISTASO: And then the rags were in the drying locker?

LOVELL: Yes.

DISTASO: And just so we're clear, all this is, is just like a locked locker, right? That has a fan that keeps the air going through it?

LOVELL: Correct.

DISTASO: There is no -- it's not a dryer or anything like that. What I'm talking about, not like a commercial dryer?

LOVELL: No. I just hung the items on hangers and let them hang in that closet where the air blows and in it for a day. I think there two days to be sure they were dry before I repackaged them and placed them into property.

DISTASO: That's the standard way that wet items are dried at Modesto Police Department before they are put into evidence?

LOVELL: Correct.

DISTASO: The pawn slips that you have processed the fingerprints for, those -- you either identified those pawn slip fingerprints as Laci Peterson's or Scott Peterson's?

LOVELL: Yes, I did.

DISTASO: And then there was the one that you were not able to identify because it was too -- not sufficient detail?

LOVELL: Correct.

DISTASO: And all of those pawn slips that you had were either in the name of Laci Peterson or Scott Peterson.

LOVELL: Correct.

DISTASO: Nothing further.

**Recross Examination by Mark Geragos**

JUDGE: May this witness be excused subject to being recalled for the defense case?

GERAGOS: If I may just ask two more questions. There is something that I may have missed.

JUDGE: Go ahead.

GERAGOS: Were there -- you took photos on the 24th because you -- did you also take photos on the 26th?

LOVELL: Yes, I did.

GERAGOS: Let me show you what's been marked as 4536. Have you seen this report?

LOVELL: No, I haven't.

GERAGOS: Did you take photos that were on -- or digital photos?

LOVELL: Yes, they were.

GERAGOS: And were a number of those digital photos lost?

LOVELL: There was a -- yes, they were.

GERAGOS: Do you know what happened -- can you explain what happened? You took photos on the 26th when you went in there, correct?

LOVELL: Yes, I did.

GERAGOS: Okay. Now, when you take those, you were operating some kind of a digital camera?

LOVELL: Yes.

GERAGOS: Okay. And approximately how many photos did you take on the digital camera?

LOVELL: I don't remember.

GERAGOS: Okay. Was it in excess of a hundred?

LOVELL: Yes.

GERAGOS: Okay. Excess of two hundred?

LOVELL: I don't think it was that many.

GERAGOS: And at some point what did you do? Your digital camera is like -- you take out the stick and/or the memory card?

LOVELL: Right. Download them into a computer.

GERAGOS: Did you do that?

LOVELL: Yes, I did.

GERAGOS: Okay. And then at some point was it determined or found out that the pictures were lost?

LOVELL: One of the flash cards wasn't working correctly as far as I could tell, correct.

GERAGOS: Do you know how many of the photos on the 26th of the search warrant were lost?

LOVELL: I believe the number was 93.

GERAGOS: Were you given the item back to see whether you could recover these?

LOVELL: That was given to one of our computer technology guys, Kirk Stockham.
S-t-o-c-k-h-a-m.

GERAGOS: H-a-m?

LOVELL: That's correct.

GERAGOS: That was with an eye towards trying to recover all of these photos that had been lost?

LOVELL: Yes.

GERAGOS: Thank you. I have no further questions.

**2nd redirect Examination by Rick Distaso**

DISTASO: Not yet, judge. The report that was shown to you, that was actually Investigator Stockham's report, correct?

LOVELL: Yes, it was.

DISTASO: The computer expert who the --

GERAGOS: Objection. Leading.

JUDGE: Sustained.

DISTASO: Who is investigator Stockham?

LOVELL: A detective now retired from the Modesto Police Department working with the computer portion of the investigations.

DISTASO: So these digital photos that were lost, or had a problem with, that those photos or the memory stick that those were on were given to the computer expert to try to recover, correct?

LOVELL: Correct.

DISTASO: And the report that was just given to you was actually his report?

LOVELL: Yes.

DISTASO: Nothing further.

GERAGOS: No further questions.

JUDGE: Okay. You are excused.

GERAGOS: Subject to the previous –

JUDGE: Subject to recall. The DA has agreed he can produce him for you.

DISTASO: That's fine, judge.