Witness: Jason Tardiff

Date: 2004-08-30

Proceedings held August 30, 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: Mr. Tardiff, where are you employed?

TARDIFF: Enterprise Rent a Car, in Modesto, California.

DISTASO: And are you the custodian of records for that business?

TARDIFF: Yes, I am.

DISTASO: Let me, give me one sec here, I'll show you some records.

GERAGOS: What number did you give that as?

DISTASO: It's 208.

GERAGOS: Okay. Did you do subparts?

DISTASO: Yeah, A through G. Okay.

DISTASO: And, Mr. Tardiff, would you take a look at this Exhibit 208. Are these records from your car rental agency?

TARDIFF: Yes, they are.

DISTASO: And you actually brought them here for us, correct?

TARDIFF: Yes, I did.

DISTASO: And do those records, are those records business records of your company?

TARDIFF: Yes, they are.

DISTASO: Are they kept in the normal course of business?

TARDIFF: Yes, they are.

DISTASO: Are they recorded at the same time the entry, roughly around the same time that the transaction is made?

TARDIFF: Yes.

DISTASO: And are they maintained accurately?

TARDIFF: Yes.

DISTASO: The documents you have there, are those the car rental documents that you have for Scott Peterson for the months of January and February, 2003?

TARDIFF: Yes, they are.

DISTASO: And did Mr. Peterson rent any other cars from your agency other than those two months?

TARDIFF: No.

DISTASO: Let's just go through them fairly briefly, if we could. When was the, chronologically, when was the first car rented?

TARDIFF: It was rented on January 2nd of 2003.

DISTASO: Okay. When was that car returned?

TARDIFF: On January 3rd, 2003.

DISTASO: Okay. And what type of car was it?

TARDIFF: That was a Dodge Neon.

DISTASO: And what was the second car rented?

TARDIFF: A Honda Civic.

DISTASO: And the dates?

TARDIFF: January 6, 2003, through January 6, 2003, the same day.

JUDGE: January 6 through what?

TARDIFF: It was one day. January 6.

JUDGE: Just one day?

TARDIFF: Just one day. That day.

DISTASO: And,

JUDGE: That was a Honda Civic?

TARDIFF: Yes.

DISTASO: And then chronologically when was the next rental?

TARDIFF: January 8th, 2003.

DISTASO: Okay. And what type of car?

TARDIFF: A white Sonoma.

DISTASO: Is that a pickup truck?

TARDIFF: Yes, it is.

DISTASO: Okay. And what were the dates it was rented?

TARDIFF: January 8th, 2003 through January 10th, 2003.

DISTASO: And the next one?

TARDIFF: January 10th, 2003.

DISTASO: And what type of car was that?

TARDIFF: Originally it was a silver SL2, which is a Saturn.

DISTASO: Okay. Hold on one second. You said originally, so on the 10th, one car is turned in, correct?

TARDIFF: On the 10th that car was rented, and then on the 16th it was switched into a Lincoln Town Car.

DISTASO: Okay. So for this rental of the silver Saturn, or the Saturn was rented on the 10th?

TARDIFF: Yes.

DISTASO: And then it was changed on the 16th to a Town Car?

TARDIFF: Yes.

DISTASO: And when was that rental closed?

TARDIFF: January 23rd, 2003.

DISTASO: Okay. That's when the Town Car was returned?

TARDIFF: Yes.

DISTASO: And then what was the next one?

TARDIFF: January 27, 2003.

DISTASO: And what kind of car?

TARDIFF: A white Dakota.

DISTASO: Is that a pickup truck?

TARDIFF: Yes, it is.

DISTASO: And when was that returned?

TARDIFF: January 29th, 2003.

DISTASO: And then what was the final rental you have from your agency?

TARDIFF: February 18th, 2003. It was a gray Tahoe.

DISTASO: And when was that one returned?

TARDIFF: That was returned on the 19th.

DISTASO: Okay. And is that car the only entry you have for February?

TARDIFF: Yes.

DISTASO: Nothing further, your Honor.

JUDGE: Just have one question to make sure my notes are correct. This white pickup truck was rented January the 8th and returned on January the 10th?

TARDIFF: Yes. January 8th and returned January 10th, yes.

JUDGE: Okay. Then on the same date, January 10th, the silver Saturn was rented?

TARDIFF: Yes.

JUDGE: Same day?

TARDIFF: Yes.

JUDGE: Okay. And then on the 16th that was turned into a Town Car, and that was returned on the 23rd?

TARDIFF: Yes.

JUDGE: Okay. I just wanted to make sure.

GERAGOS: That's what I was going to ask.

Cross Examination by Mark Geragos

GERAGOS: The Town Car is returned on the 23rd?

TARDIFF: Yes.

GERAGOS: So the, as far as you know are the cars, let me just take it one at a time. The Neon, which is the 2nd and the 3rd, what time is that rented on the 2nd?

TARDIFF: That is, has 2:00 p.m. 2:17 p.m.

GERAGOS: Okay. And when say 2:17 p.m., is there some kind of a time stamp that you use?

TARDIFF: Yes, when the contract prints out it has a date and time.

GERAGOS: Okay. Are you looking at that record?

TARDIFF: Yeah.

GERAGOS: Okay. Let me just,

TARDIFF: Yeah.

GERAGOS: put that up, if I could. You have, when it's returned you have a time stamp out as well?

TARDIFF: It doesn't time stamp on the return. I printed up another sheet that indicated the return times of the vehicles.

GERAGOS: Is that,

TARDIFF: The first page, on the left side, yes.

GERAGOS: So what's marked as G?

TARDIFF: Yes.

GERAGOS: 208 G. That tells you,

TARDIFF: Open date, close date.

GERAGOS: So the close date, you don't have a time, though, is that right?

TARDIFF: No. There's no time on that, no.

GERAGOS: And what is this right here?

TARDIFF: That is the rental branch location.

GERAGOS: Okay. So it's all, all done in Modesto?

TARDIFF: Yes.

GERAGOS: Let me...

JUDGE: All rented in Modesto, returned in Modesto?

TARDIFF: Yes.

GERAGOS: Where are you guys located?

TARDIFF: That is on Seventh Street.

GERAGOS: Seventh Street, is that downtown?

TARDIFF: Yes.

GERAGOS: Okay. And then if you want to see the time on here, just right there? 2:17?

TARDIFF: Actually, the upper left-hand corner. What you're pointed at is when the credit card was run. Which probably would be the same time.

GERAGOS: That's the address there, is that correct?

TARDIFF: Yes.

GERAGOS: And then the time is up there as well?

TARDIFF: Uh-huh.

GERAGOS: Okay. Now, the second one, which is, the, is this your, this was the Neon you said, right?

TARDIFF: Yes, the Neon.

GERAGOS: This says Neon?

TARDIFF: Yes. Second one.

GERAGOS: Second one. Are these in order?

TARDIFF: Yes.

GERAGOS: Okay. This is which car?

TARDIFF: The Honda Civic.

GERAGOS: 10:24 in the morning?

TARDIFF: Yes.

GERAGOS: On the 6th?

TARDIFF: Yes.

GERAGOS: Okay. And the Honda Civic is returned that same day?

TARDIFF: You have the paper in front of you. I don't know.

GERAGOS: 1/6, 1/6, is that right?

TARDIFF: Yes.

GERAGOS: That 1/7 date doesn't mean anything?

TARDIFF: That was probably when the credit card was charged. That's what that means.

GERAGOS: So if you rent it for a day?

TARDIFF: Yes.

GERAGOS: Is that right?

TARDIFF: Yes. It comes up to a day.

GERAGOS: Okay. That's what's been marked as B. And then the next one is the white Sonoma?

TARDIFF: Yes.

GERAGOS: Do you have to request a pickup truck?

TARDIFF: You can request a pickup truck. That's, usually you ask for a pickup truck or what type of vehicle you want. We can't guarantee exactly what kind, but

GERAGOS: I assume if you come in and say I want a rental car, you don't give people pickup trucks?

TARDIFF: It depends on what we have available.

GERAGOS: This, is a pickup truck something, what I'm getting at, is that a special request, something you have to ask for?

TARDIFF: Um, yeah.

GERAGOS: Okay. And this was done at what time?

TARDIFF: Well, there's, the top date there is probably, what we do is pre-run a contract, which means someone calls and they say they want a rental car and they pick up the contract, but the start charges don't start until 4:00 p.m. on that day.

GERAGOS: Unlike the previous two, you don't have that little imprint that shows the time?

TARDIFF: No, yeah, there they are. Right there. There's 1/8, see 1:21 p.m. and 4:00 p.m.

GERAGOS: Okay.

TARDIFF: 1:21 is when the rental branch typed up the contract. He probably indicated he was going to come in and rent the vehicle. 4:00 p.m. is actually when the car was rented.

GERAGOS: Okay. So your best guess is that this car was taken out on the 8th at 4:00 o'clock?

TARDIFF: Yes.

GERAGOS: And then this car is returned on the 10th, is that right?

TARDIFF: You have the paper in front of you there.

GERAGOS: Let's see. I've got the paper in front of me. Taken out

TARDIFF: Those aren't in chronological order, so

GERAGOS: Right there?

TARDIFF: Yes.

GERAGOS: This is the Sonoma right there?

TARDIFF: Yes. The 8th to the 10th.

GERAGOS: Back the 10th?

TARDIFF: Yes.

GERAGOS: On the 10th you've got the subject car, which is this ticket number?

TARDIFF: Yes.

GERAGOS: The 403264?

TARDIFF: That should be the next contract in. That one right there.

GERAGOS: Is this it?

TARDIFF: The ticket number is in the upper right hand corner. Yes. 403284. The D 403284 indicates that's the, that contract number. Yes. Yes. Yes.

GERAGOS: Now, on this one, we've got this information that's down here?

TARDIFF: Right. That was the Town Car.

GERAGOS: Okay. Does that mean that the Town Car or the, whoever rented this, which I assume was the, you take the name, it's Scott Peterson?

TARDIFF: Uh-huh.

GERAGOS: Comes back on the 16th, and then at 3:30 he picks up a Town Car?

TARDIFF: Yes, exactly.

GERAGOS: Okay. And then this car is returned when? I know I've got the paper. The 16th to

JUDGE: The 23rd, I believe.

GERAGOS: 23rd.

TARDIFF: The 23rd, yes.

GERAGOS: Okay. Now, you have the 16th to the 23rd. Do you have the ticket for when he brought the car back on the 23rd? Or is that the same,

TARDIFF: That's the same ticket. It's a replacement vehicle, right above the dates there. That's the replacement vehicle. Left side.

GERAGOS: This one right here?

TARDIFF: No, on the left side.

GERAGOS: Okay. Over there?

TARDIFF: Your other left.

GERAGOS: Try it again. The 16th I see here.

TARDIFF: Yes, exactly. It's the same contract we use just to do a replacement vehicle.

GERAGOS: I see here you've got 16 and seven times 85?

TARDIFF: Yes. The price is different for that vehicle.

GERAGOS: Okay. So it's an updated?

TARDIFF: Yes.

GERAGOS: Then you've got E. And what time is this one?

TARDIFF: That is on January 27th at 11:52 a.m.

GERAGOS: Okay. And that's presumably when the car leaves the facility?

TARDIFF: Yes.

GERAGOS: And then this one is brought back?

TARDIFF: The 29th.

GERAGOS: Okay. Now, the 2/18 and 2/19, do you have that?

TARDIFF: Yeah. It's the last contract. One more to go.

GERAGOS: This one here. What time does it go out on the 18th?

TARDIFF: 9:19 a.m.

GERAGOS: Also again a truck?

TARDIFF: A Tahoe I believe is a SUV.

GERAGOS: Is that also something that's a special request?

TARDIFF: Yes.

GERAGOS: Okay. And this one is returned the next day? Says it on the paper?

TARDIFF: Yeah. That elusive paper.

GERAGOS: 2/18, 2/19?

TARDIFF: Yes.

GERAGOS: Okay. The, now, were you, I know you're here as the custodian of records.

TARDIFF: Uh-huh.

GERAGOS: Were you there actually at the time at Enterprise Rent a Car?

TARDIFF: I was not, no.

GERAGOS: Were you involved in any kind of, were you aware that there was any GPS tracking devices that were installed in these cars?

TARDIFF: I was given a subpoena to have that done.

GERAGOS: Okay.

TARDIFF: And that was as far as I know.

GERAGOS: On all of the autos? Do you know?

TARDIFF: No.

GERAGOS: Okay. Do you know which of them that you're aware of was a GPS tracking device put on?

TARDIFF: To be honest, I don't know.

GERAGOS: Who from your place is the most knowledgeable about the GPS going on the cars?

TARDIFF: It would be me.

GERAGOS: It would be you?

TARDIFF: Yes.

GERAGOS: So I can't get anymore information than I'm getting from you?

TARDIFF: Yeah. I tried to recall it, but I couldn't recall which one it was.

GERAGOS: Did you keep any records as to what car it was placed on, who placed it, anything like that?

TARDIFF: No, I did not.

GERAGOS: Is the, so I understand the times that are on those records, when we went through them, are those specifically the time when the customer comes in and actually takes the car out of the lot?

TARDIFF: Yes.

GERAGOS: Okay. Is that, do you have some kind of a method by which that happens?

TARDIFF: The customer walks in the door, presents their license and whatever form of payment. We type up the contract, and when the contract is complete, that's when the date prints out.

GERAGOS: Okay. And the, and the date that prints out is done at your computer?

TARDIFF: Yes.

GERAGOS: You hand one of those records over to the customer?

TARDIFF: Yes.

GERAGOS: The customer walks out, gets the car and drives off?

TARDIFF: Yes.

GERAGOS: Nothing further.

JUDGE: May this witness be excused? Mr. Tardiff?

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

JUDGE: Mr. Tardiff, thank you.

TARDIFF: Yes.