## Witness: Jeffrey Soler

Date: 2004-09-20

Proceedings held September 20, 2004

Called by: People (prosecution)

Phase: Guilt

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

Day 1 of 1 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/Soler.htm

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### Direct Examination by David Harris

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

SOLER: I'm a police officer with the City of Richmond.

HARRIS: And do you have a particular assignment with the City of Richmond?

SOLER: Yes, sir.

HARRIS: What is that assignment?

SOLER: I'm an Evidence Technician assigned to the Investigative Bureau.

HARRIS: And the Investigative Bureau, is that a particular division or unit?

SOLER: It covers several units. But primarily it's the Homicide Unit.

HARRIS: To go back for a little bit, how long have you been a police officer?

SOLER: Fifteen years.

HARRIS: And how long have you been assigned to the Homicide Unit or Investigative Services Bureau?

SOLER: Five years.

HARRIS: Now, as the evidence technician with the Homicide Bureau, are you assigned to go to any death that occurs in your jurisdiction?

SOLER: Not entirely all deaths. But any suspicious death scene I will normally be called on.

HARRIS: I want to direct your attention back to April 13th of 2003. Did you receive a call at some point in time during that day that caused you to go to any particular location?

SOLER: Yes, I did.

HARRIS: Where was it that you went to?

SOLER: It was a suspicious death scene on the shoreline off of Bayside Court.

HARRIS: And that's in the City of Richmond?

SOLER: Yes, it is.

HARRIS: When you, to go through this process, you go there, are you the first person on scene?

SOLER: No, I'm not. It's, I'm usually following any of the patrol officers who are the first responders.

HARRIS: That particular day on the 13th when you went there, were there already first responders on scene?

SOLER: Yes, sir.

HARRIS: Do you remember who the first responders were?

SOLER: The reporting officer for this particular detail was Officer Todd Opdyke. The Patrol Evidence Technician was Officer Tim Gard. G-a-r-d.

HARRIS: Is there a difference between a Patrol Evidence Technician and the Homicide Evidence Technician, yourself?

SOLER: In training, no. But when it comes to conducting a full process of the homicide scene, it's usually turned over to me, just because I can extend beyond the patrol hours.

HARRIS: Patrol, just go back through this. The Patrol Evidence Technician, they respond for all calls that come in in their particular patrol region?

SOLER: Yes, sir.

HARRIS: Their tech spends as much time as they can until they get their next call?

SOLER: That's correct.

HARRIS: And you can spend as much time as you need to?

SOLER: That's correct.

HARRIS: Is that pretty much the distinction between the two?

SOLER: Yes.

HARRIS: When you got there, did you talk to Officer Opdyke and Officer Gard?

SOLER: Yes, I did.

HARRIS: Did they describe to you the information that they had gathered at that point in time that you got there?

SOLER: Yes, they did.

HARRIS: Did they actually take you to some location?

SOLER: Yes.

HARRIS: When you went out to that location, did you see the remains of a small child?

SOLER: Yes.

HARRIS: And this, we have a stipulation it's been identified as Conner Peterson. Did you look at Conner at that point in time?

SOLER: Yes, I did.

HARRIS: Did you take over from Officers Opdyke and Gard at that point in time?

SOLER: Actually, in this situation, I just assisted Officer Gard with continuing the work that he was doing.

HARRIS: So he had already started some process?

SOLER: Yes, he had.

HARRIS: And, to your knowledge, was he taking photographs?

SOLER: Yes.

HARRIS: You said you assisted. Did you also take photographs?

SOLER: Yes, I did.

HARRIS: Did you document the scene?

SOLER: I documented using photographs. As far as a written documentation, mine was very brief. I actually relied on Officer Gard's supplement to document the scene.

HARRIS: Do you remember about what time it was that you first went to this location?

SOLER: I arrived at the location at about ten minutes to seven in the evening.

HARRIS: And at some point in time did someone from the Coroner's Office come out?

SOLER: Yes.

HARRIS: And was it completely dark by the time the Coroner's Office got there?

SOLER: Yes, it was.

HARRIS: Did you prepare a diagram of the general location, in terms of measurements?

SOLER: Yes, I did.

HARRIS: Let me show you what's been marked previously as People's 101, ask you if you recognize that.

SOLER: I do.

HARRIS: Is this the diagram that you prepared?

SOLER: Yes.

HARRIS: Looking at People's 101, can you describe for us what that is?

SOLER: It's a depiction of the general area where Baby Conner was found. What it doesn't show on that diagram is pedestrian path that actually winds around the perimeter of the upper portion of the diagram. But, in more specifics, it is showing the location whether Conner was found. There is two areas of breaker boulders. It's a picnic table and a stretch of a beach area which measures approximately 300 yards from the pedestrian path.

JUDGE: Did you mark this next in order?

HARRIS: It's previously been marked.

JUDGE: What was the former number?

HARRIS: The number, J

UDGE: Just so we can I can find it.

HARRIS: 101.

JUDGE: Okay. Now, I see the tag.

HARRIS: Detective, I'm going to give you the pointer. If you look behind you to 98A, do you see the general location, or is this a photograph of the general location of where Conner was found?

SOLER: Yes, it is.

HARRIS: And it has a label, "Connor Recovery Site". Looking to the right there is a mark up there with the circle that indicates picnic table. That's the approximate location of the picnic table?

SOLER: Yes, it is.

HARRIS: Does that correspond to the Exhibit 101, the approximate location where the picnic table was at?

SOLER: Yes, it does.

HARRIS: Then also on 98A, there is another circle with an, I believe it's either O-1 or G-1.

SOLER: 01.

HARRIS: The 01, is that the approximate location where Conner was found?

SOLER: Yes.

HARRIS: Does that correspond to the mark on your diagram where you placed Conner?

SOLER: Yes, it does.

JUDGE: Point it out with the pointer where Conner's body was found so the jury can see it.

SOLER: I'm pointing to the circle that's identified as 01 on this chart.

HARRIS: You are describing for us what wasn't shown in the diagram 101 was these trails. Can you show us the trails that you are talking about in 98A?

SOLER: Kind of in,

HARRIS: If you could just, tell you what, we'll do it this way. Can you go through 98A and give us an orientation of what we are looking at?

SOLER: Certainly. This is showing the south-facing shoreline. The housing units that are located in the upper left corner are called Bayside Court. There is a pedestrian and bicycle trail that winds around the housing complex, that extends off of the, from the east side, pointing to the left line side of this picture. It winds up and around. It's going towards the north side of the housing complex. It continues off this chart in the, I'm sorry, this is the east side direction. This is the west side direction. So continues off on the east side direction.

HARRIS: That would be on the right side of that particular exhibit, 98A?

SOLER: That's correct.

HARRIS: Now, the area that is south, or towards the bottom in that photograph, those trail areas, is that somewhat of a marshy area?

SOLER: Yes. In fact, the whole area right here, is called the Meeker Slough. This is an entire marsh area. The southern portion of the marsh area is actually the breaker boulders that are right just in front of the location where the picnic table is located and where Baby Conner was found.

HARRIS: Now, again, comparing it to 101, the exhibit, do you have up there labeled the breaker boulders in your diagram?

SOLER: Yes, I do.

HARRIS: And we see numbers there with the arrows. So across the front portion of that breaker boulders, that's about 595 feet?

SOLER: That's correct.

HARRIS: And looking at the photograph again, 98A, we see where it kind of makes a short, sharp right turn from the right portion of those boulders and goes up, or towards the north in the photograph. Is that also depicted in the diagram 101?

SOLER: Yes, it is.

HARRIS: And that area of boulders is around 385 feet and 11 inches?

SOLER: That's correct.

HARRIS: Then at the left of that diagram it indicates that there is a beach area?

SOLER: Yes.

HARRIS: And if you could point that out in 98

SOLER: The beach area is this long stretch. It's the white sand that you can see coming from the left side of this picture, extending down to the breaker boulders, on towards the right side of the picture. And this long stretch here was measured at approximately 300, yards or 900 feet.

HARRIS: When you, in the diagram the 101, the location of where Conner is at, did you do a triangulation, or take two measurements that come together to where the location of his remains were found?

SOLER: Yes, we did.

HARRIS: And that would be, from that the shorter of the two boulder breakers, it was 73 feet from that location further, and then from the bottom or longer boulder breaker area, 24 feet?

SOLER: That's correct.

HARRIS: And, again, that's the circle up there, the approximate location of where his body was found?

SOLER: That's correct.

HARRIS: You can go ahead and have a seat. Now, at that particular location where Conner was found, when the tide comes in does that area fill with water?

SOLER: Yes, it does.

HARRIS: Like to show you what's been previously marked as People's 100. Do you recognize what's depicted in that photograph?

SOLER: Yes.

HARRIS: And is this the area that we're talking about?

SOLER: Yes, it is.

HARRIS: Does it accurately depict this area when the water is filling the marsh area?

SOLER: Yes.

HARRIS: What we are looking at in People's 100, is this where the water has come over those boulders that we're talking about?

SOLER: Yes, it is. You are actually standing not too far from the breaker boulders that were represented by the shorter of the two lines of boulders. And you are looking in a southeasterly direction towards the area of Point Isabel.

HARRIS: Now, it's somewhat tough to see in this photograph; but do we see off into the distance some buildings with some blue color to them?

SOLER: Yes, you do.

HARRIS: And what buildings are those?

SOLER: I believe those are part, are part of the area that is the associated with the Point Isabel complex.

HARRIS: Like to show you two other photographs previously marked as WW2 and WW4. If you would look at that, see if you recognize what's depicted in it.

SOLER: Yes, I do.

HARRIS: And what is it that's depicted in these two photographs?

SOLER: Both of them are photographs of the general scene where the Baby Conner was found. WW2 is a general view from the angle northwest, looking in a southeasterly direction. And WW4 is a view of an angle from the northeast looking in a southwesterly direction.

HARRIS: Do these photographs depict the scene as you observed them on the 13th?

SOLER: Yes, they do.

HARRIS: Is there something in the, something in the photographs that depicts something of an evidence ID device?

SOLER: Yes. Both of them have that.

HARRIS: And what is that this?

SOLER: In the middle of the photographs, it's a flag on a metal stick. That flag is used to identify the location of any item of evidence that may not be seen because of tall grass, or just distance that you are away from the object when you are taking the photograph.

HARRIS: Okay. Go ahead and hand those back to me, we'll put them up.

Thank you. Putting up first WW2. Again, for reference points, the blue, or the building with the blue color that we're talking about, that's present in this photograph in the background as well?

SOLER: Yes, it is.

HARRIS: And the flag that you were just describing, that's in this location right here?

SOLER: That's correct.

HARRIS: Showing you WW4. Again, towards the middle of this photograph, is that that flag as well?

SOLER: Yes.

HARRIS: Did you document by taking photographs of Conner at the scene?

SOLER: Yes.

HARRIS: And did you also, did you also document the autopsy of Conner?

SOLER: Yes, I did.

HARRIS: I want to go through that process. You are indicating that the Coroner's Office came out later that night, that it was dark when they arrived.

Was the autopsy done the night of the 13th?

SOLER: No. It was done the morning of the 14th.

HARRIS: 14th. On the 14th, the next day, did you go to the Coroner's facility?

SOLER: Yes, I did.

HARRIS: And did you witness or somehow participate in the autopsy of Conner Peterson?

SOLER: Yes.

HARRIS: What is your role there at the autopsy?

SOLER: As in any processing of any crime scene, my role is to identify and preserve any evidence. In this case it would be to determine if there is any evidence on the body. My second role is to witness the autopsy and to take down in summary the results as supplied by the doctor.

HARRIS: Basically he does the work, and you make notations of what he tells you?

GERAGOS: Objection. Leading.

JUDGE: Sustained.

HARRIS: Do you talk to the doctor at the end of the autopsy?

SOLER: I talk to the doctor throughout the autopsy.

HARRIS: As you go through the autopsy process, in this particular case with Conner Peterson, did you photograph him?

SOLER: Yes, I did.

HARRIS: Like to show you what's previously been marked as 258A through E, have you look at these and sheet if you recognize them.

SOLER: A through E depict the photographs that I took at the autopsy.

HARRIS: And these particular photographs, do they accurately depict the remains of Conner Peterson as you observed them prior to the autopsy?

SOLER: Yes, sir.

HARRIS: And return you to 258A. Do you see some item on the side of the baby's face over his ear?

SOLER: Yes.

HARRIS: And was that particular item collected?

SOLER: No, it was not.

HARRIS: There is something around the baby's shoulder, chest, and towards the neck. Was that particular item collected?

SOLER: Yes, it was.

HARRIS: The item that's on the side of the face, is that darker in color than the other twine or tape, whatever that is?

SOLER: Yes.

HARRIS: To go through that particular process, you collected one, but you didn't collect the other. Can you explain to us the process of how that works?

SOLER: Again, my job is to collect and to preserve any item of evidence that's associated with this, with this crime. In the case of Baby Conner most, if not all, the items that were found either on the body or on the blanket in which he was wrapped in this were vegetation that was found near the scene or just bodily fluids. The only item that was, had any evidence evidentiary value to it was the tape or twine that was around that the baby was tangled in.

HARRIS: If something is on the body and it's not of an evidentiary nature, as you are describing it, what's done with it?

SOLER: It's, after it's been documented, in this case with photographs, it will be discarded along with anything else that has no evidentiary value.

HARRIS: Now, you indicated something about Conner being wrapped in a blanket. Was Conner wrapped in the blanket out at the scene?

SOLER: No.

HARRIS: How did he get wrapped in the blanket?

SOLER: It was by the Deputy Coroner's Investigator Chris Martinez. We requested that he wrap the baby in a blanket or some sort of object like that so we could examine it at the autopsy.

JUDGE: Was that the Coroner's Office?

SOLER: Yes, sir.

HARRIS: Now, at this point in time, need to put up 258A. What you are describing as that dark item, that would be this item here on the baby's head?

SOLER: Yes, sir.

HARRIS: And the tape or twine, that would be this item as it goes around here?

SOLER: Yes, sir.

HARRIS: And we also see the blanket material that the baby was laying on?

SOLER: That's correct.

HARRIS: And, again, this is one of those photographs you took to document this?

SOLER: Yes, sir.

HARRIS: When you were done going through the documentation process, that particular tape or twine, what happened with that particular item?

SOLER: Once it was removed by Doctor Peterson, it was given to me, and I went ahead and packaged it, and then returned it to my department where it was placed in the department vault.

HARRIS: Now, that particular item, the darker item on the side of that baby's head, if that been something like electrical tape, what would you have done with it?

SOLER: That would have some relevance, or potential relevance, and it would have been collected.

HARRIS: You indicated that the tape or twine, that particular item was taken back to your department. Was it booked into evidence so it could be looked at later on?

SOLER: Yes, it was.

HARRIS: The whole process completes, Doctor Peterson finishes his autopsy of Conner, do you talk to him at that point in time?

SOLER: Yes. You try to get him to see if he's in a position where he could summarize the cause of death. And, in this case, what was also important was the potential age of the baby and whether the baby might have been a live birth or not.

HARRIS: Could he give you that information at that time?

SOLER: He couldn't be specific as to that, no.

HARRIS: Now, after, you go back to work after you finish the autopsy?

SOLER: Yes, I did.

HARRIS: After you go back to work, did you hear of another call, or something cause you to go over in the area of Point Isabel?

SOLER: Yes.

JUDGE: Can I go back for a just one second? Were you able to determine what that object was along the side of Conner's head?

SOLER: When the object was removed by Doctor Peterson, it was determined just to be vegetation.

JUDGE: Did you look at it yourself?

SOLER: Yes, sir.

JUDGE: Did you form the same opinion?

SOLER: Yes, sir.

JUDGE: Go ahead.

HARRIS: Did you receive some information that caused you to go to the area of Point Isabel?

SOLER: Yes.

HARRIS: Did you go out to that location?

SOLER: Yes, I did.

HARRIS: Was there a body at that particular location?

SOLER: Yes, there was.

HARRIS: So this is on the same day as the autopsy of Conner, later that day, a report of a body out by the Point Isabel area?

SOLER: Yes.

HARRIS: Did you go to the location specifically where the body was at?

SOLER: Yes, I did.

HARRIS: And, again, this has ultimately been identified as Laci Peterson. Where was it that you saw Miss Peterson?

SOLER: It was on the rocks that was down an embankment right along the shoreline.

HARRIS: Were you, did you determine if that was your jurisdiction, or some other agency's jurisdiction?

SOLER: Been determined that it was the East Bay Regional Parks jurisdiction.

HARRIS: Had you started to document the scene at all by that time?

SOLER: I had began the documentation. And once that determination was made it was not ours, and East Bay Regional Parks District decided that they would continue. They went ahead and asked me to just continue the documentation with photographs.

HARRIS: Is that Detective Frazer that you dealt with?

SOLER: He was one of them, yes.

HARRIS: Did you help them out and continue to document the scene?

SOLER: I did. I documented it with, in addition to photographs I videotaped it. Some of the photographs were taken using our patrol boat. Some of the photographs were taken using their helicopter.

HARRIS: At some point in time during this documentation process, while you are documenting the remains of Laci Peterson, did someone become aware, or did you become aware that this body might have been pregnant?

SOLER: Well, that was easily identified at the very beginning, because of some certain labels that were found on the clothing.

HARRIS: When you say some labels on the clothing, what do you mean?

SOLER: There were some labels that clearly marked maternity labels.

HARRIS: Did you start to put that together the Baby Doe that you had from the previous day?

SOLER: Yes.

HARRIS: Did you advise East Bay Regional Parks about that information as well?

SOLER: Well, I think it was probably identified by both parties, and they made the call to the Modesto Police Department quite early on.

HARRIS: Did you go through the regular process of documenting the scene and doing what you do in every other case while you are out there on the 14th?

SOLER: This one was a little different, in that I was just assisting another department. So my function was limited, really, to photographing the scene. I wasn't there to take measurements. I wasn't there to write descriptions of the scene. And the only evidence that I actually documented in photographs was evidence that they found, the police, East Bay Regional Parks Police found while I was there.

HARRIS: Because of the assignment that you had, and this particular role, did you go to the autopsy of Laci Peterson?

SOLER: No, I did not.

HARRIS: After a few days, were you advised that Conner Peterson had been identified through DNA?

SOLER: Yes, sir.

HARRIS: So prior to the time of getting the identification of the DNA, did you know that the Baby Doe that you had in your jurisdiction was Conner Peterson?

SOLER: No, I did not.

HARRIS: And prior to the identification through DNA of Laci Peterson, did you know that the remains over by Point Isabel was Laci Peterson?

SOLER: No, we did not.

HARRIS: Now, after it was determined by the DNA the identities of these two, did that end the jurisdiction of your particular agency?

SOLER: Yes, it did.

HARRIS: So the evidence items that you talked about that you had collected from Conner's autopsy, what did you do with that particular item?

SOLER: We were instructed by Detective Craig Grogan to turn it over to the DOJ lab.

HARRIS: Did somebody from the DOJ lab come and meet with you?

SOLER: Yes.

HARRIS: And did you turn it over directly to that individual?

SOLER: Yes, I did.

HARRIS: Do you remember who that individual was?

SOLER: Yes, I do. If I can just refer to my notes to refresh my memory.

JUDGE: Sure.

SOLER: It is Pin, if I pronounce the last name wrong, but it's a criminalist, Pin, last name, Pin Kyo, K-y-o.

HARRIS: Pin Kyo?

SOLER: Yes.

HARRIS: People have no other questions.

**Cross Examination by Mark Geragos**

GERAGOS: Good morning. It's Detective Soler?

SOLER: Yes.

GERAGOS: Good morning.

SOLER: Good morning.

GERAGOS: The, you were called out to the, to this area where Conner was found at approximately what time, a little before 7:00 o'clock, 6:15, or something like that?

SOLER: That’s when I arrived on the scene, sir.

GERAGOS: And that was on April 13th?

SOLER: Yes.

GERAGOS: Now, if I understood your testimony correct, the, sometime a couple hours later, actually, within about 90 minutes this Deputy Coroner Martinez arrived?

SOLER: I believe so, yes.

GERAGOS: Okay. And when he arrived, he's the one who wrapped the baby in the blanket or the towel?

SOLER: Yes.

GERAGOS: All right. And that's how the baby was transported to the Coroner's Office?

SOLER: That’s how the baby was taken to his van, yes.

GERAGOS: To the Coroner's Office?

SOLER: He was taken to his van in a towel, I believe he must have placed it, well, I can't tell you what he placed it on when he put it in his van, but that's how I found it.

GERAGOS: Okay. And when you say that's how you found it, back at the Coroner's Office?

SOLER: Right. The baby was on a metal gurney wrapped in a towel.

GERAGOS: Right. And then these pictures are the ones that you were taking, 58 C and D?

SOLER: Yes.

GERAGOS: And that shows the baby on the towel?

SOLER: Yes.

GERAGOS: Okay. And the towel was there and that was present in the Coroner's Office when you were taking the pictures and when prior to the autopsy being done, correct?

SOLER: That’s correct.

GERAGOS: And what happened to that towel?

SOLER: The towel was examined for any physical evidence. None was found.

GERAGOS: By who?

SOLER: It was examined by me.

GERAGOS: Okay. But at that point the towel was not saved; is that correct?

SOLER: That’s correct.

GERAGOS: Okay. All of the items that were on that towel were not saved; is that correct?

SOLER: That’s correct.

GERAGOS: Okay. All of the items, the only item I believe from, you prepared a report, correct?

SOLER: I did.

GERAGOS: And is it the only physical evidence that you saved was the tape removed from around the baby's neck?

SOLER: That’s correct.

GERAGOS: Okay. Now, that tape was cut off; is that correct?

SOLER: Yes.

GERAGOS: And specifically the, when you went and, were you the only person present during the autopsy with Conner, besides Dr. Peterson and Sandy Jagoda?

SOLER: That’s my recollection, yes.

GERAGOS: And was it at that point, did you have any suspicion or was there any indication that this might be Laci and Scott Peterson's baby?

SOLER: No, sir.

GERAGOS: And at that point the doctor, as far as you know, could not rule out whether or not it was a live birth; isn't that correct?

SOLER: That’s correct.

GERAGOS: And in fact he had indicated during the autopsy that that baby might have been born alive; isn't that correct?

SOLER: The only recollection I have was when I put in my report here.

GERAGOS: Are you going to refresh your recollection with your report?

SOLER: Yes, sir.

GERAGOS: Okay. What page are you looking at? Okay.

SOLER: Okay.

GERAGOS: And what, does that refresh your recollection?

SOLER: The only reference that it makes to it is his comment that the baby may have reached full term. There is no other, I have no other recollection of whether he was able to say that the baby was born alive or not.

GERAGOS: Now when you say, what does "the baby may have reached full term" mean to you?

SOLER: All we're talking about is the age of the baby.

GERAGOS: And that would have been nine months?

SOLER: That’s correct.

GERAGOS: Okay. And specifically he also told you that he couldn't estimate the time that the baby had been in the water; is that correct?

SOLER: Yes.

GERAGOS: And one of the reasons for that is that the baby appeared to not have been in an unprotected environment for very long; isn't that correct?

SOLER: Yes.

GERAGOS: All right. Now, specifically he told you in addition to that, by the way, when you say that you saved the tape, Mr. Harris I think asked you what you did with it and you said Grogan called you to turn it over; is that correct?

SOLER: When I saved the tape I placed in our property vault.

Subsequent to that,

GERAGOS: Let's take it one step at a time. You saved it in the Contra Costa Coroner's vault or your specific Richmond P.D.'s vault?

SOLER: The Richmond P.D.'s vault.

GERAGOS: Nobody asked you to do something with that tape or do anything with that tape until August 13th; isn't that correct?

SOLER: Actually, the date was probably the 20th of August and, again, I'm referring to my report.

GERAGOS: And that was when I had called you up and specifically called your unit up and specifically said that I wanted to take a look at that tape; isn't that correct?

SOLER: Um,

GERAGOS: In connection with a defense autopsy?

SOLER: I believe so, sir.

GERAGOS: And specifically that was the first time that anybody from Modesto P.D. had ever thought or contacted you about having that tape turned over to the Department of Justice for testing was in August, late August of 2003, almost three months, four months after, actually, four months after the baby had been recovered, correct?

HARRIS: Objection, speculation and argumentative.

JUDGE: He's asking if the Modesto police had called. He can answer.

GERAGOS: But nobody called you between April 13th and August 20th to have that tape or that twine turned over to the Department of Justice for testing, did they?

SOLER: That was the first time I received a call.

GERAGOS: And you received that call after I had contacted you and specifically said I wanted that twine to be taken down to the Coroner's Office in conjunction with a defense autopsy; isn't that correct?

SOLER: I believe so, sir.

GERAGOS: And then you had a conversation with Detective Grogan, you called Grogan at that point; isn't that correct?

SOLER: I believe so.

GERAGOS: And you called Grogan because before you had one of the defense to take a look at it you wanted to make sure that the prosecution knew that that's what you were going to do; is that correct?

SOLER: Yes, sir.

GERAGOS: Now specifically the other items, was that the only item that was maintained at Richmond P.D. in the evidence locker that you're aware of in connection with this case?

SOLER: Yes, sir.

GERAGOS: And specifically when you went out to the location there was one picture here that was WW 2, was that a picture that you took?

SOLER: I believe it is, sir.

GERAGOS: Okay. Now specifically in that picture there is an item. Do you know what this one particular item is right here?

SOLER: My recollection is it was just a piece of cardboard.

GERAGOS: Okay. And specifically was that collected and examined for any potential evidence?

SOLER: It was looked at at the scene.

GERAGOS: Do you know by who?

SOLER: It was looked at by Officer Gard as well as by me.

GERAGOS: Okay. And do you remember where officer or what Officer Gard did to document that?

GERAGOS: Other than in his photographs?

SOLER: Yes. Were there anything done besides that?

SOLER: No, sir.

GERAGOS: Okay. Now specifically the item that was on the side of the baby's head which you described as vegetation, did you put that anywhere in your report?

SOLER: Oh, no, sir.

GERAGOS: And when you, you described everything that you did find on the baby; isn't that correct?

SOLER: What I described was the specific item of evidence that was found on the baby.

GERAGOS: And the first time that you specifically identified that as a piece of seaweed was on September 11th when you met with the district attorneys in this case, is that correct, prior to meeting with me?

SOLER: I believe so.

GERAGOS: And that, you met with the district attorneys because I had requested, I specifically requested meeting with you so I could talk to you about the finding of the baby; isn't that correct?

SOLER: Yes, sir.

GERAGOS: And the district attorneys came first to talk with you and to show you the pictures; is that right?

SOLER: Yes, sir.

GERAGOS: Is that the first time that anybody had come personally to come see you in regards to what was found and talk about the baby in person?

SOLER: I believe so.

GERAGOS: Okay. And that was on the day that I had scheduled an appointment with you to talk with you; is that correct?

SOLER: Yes, sir.

GERAGOS: Okay. And I assume that once I called you to make that appointment that you called the prosecution to alert them to the fact that I was going to come up to meet you, right?

SOLER: Yes.

GERAGOS: And then they came up and talked to you first; is that right?

SOLER: Yes.

GERAGOS: Okay. Now you reviewed the photos on that day on the 11th of September 2003 and specifically said that no sheet or towels had been collected as evidence; is that correct?

SOLER: I don't recall saying that, but that's true.

GERAGOS: Okay. And specifically anything else that would have been on or around the baby was also not saved; is that correct?

SOLER: That’s correct.

GERAGOS: Other than the tape that was around the neck?

SOLER: That’s correct.

GERAGOS: Okay. Now the, are you aware that the blanket for Laci Peterson in her autopsy was in fact saved?

SOLER: I was subsequently made aware of that, yes, sir.

GERAGOS: Okay. Are you aware that that was at least the protocol that the Coroner's Office that the towel that's used for the autopsy is saved in a case like this, are you aware that that is the protocol?

SOLER: It's not the protocol for the Coroner's Office, it may be the protocol for the Contra Costa Sheriff's Office.

GERAGOS: And that was not complied with as far as you know in this case in regards to the baby Conner; is that correct?

SOLER: We did not save the blanket in our case.

GERAGOS: Okay. Now specifically when you went to this scene here, and these pictures, were they taken at a little bit before 7:00 o'clock?

SOLER: It must have been around that time, sir. I arrived about I believe it was ten minutes before 7:00.

GERAGOS: Okay. And specifically the picture that we're looking at, which is WW 2, you took that picture; is that right?

SOLER: I believe so, yes, sir.

GERAGOS: Okay. And you took, you were the one that took the digital photographs of the baby in the surrounding area as well?

SOLER: Also, Officer Gard took digital photographs.

GERAGOS: Okay. And did you come back, do I understand correct that you had come back the next day when Laci's remains were found?

SOLER: That’s correct.

GERAGOS: And when you came back the next day did you see an officer by the name of Phillips there, Officer Phillips?

SOLER: No, I don't know all of the officers that are associated with the East Bay Regional Parks District so I can't, can't put a face to that name.

GERAGOS: Okay. And did you do any kind of a sketch or schematic diagram in connection with this case?

SOLER: Which case, sir?

GERAGOS: In connection with Conner or Laci?

SOLER: Well, I did the diagram for Conner, but I did not do one for Laci.

GERAGOS: Okay. And the, the reason for that is because you were the primary evidence technician as to Conner; is that correct?

SOLER: In terms of Conner's scene it was strictly a Richmond scene, so I was in a better position than Officer Guard to do a diagram. In the case of Laci's scene, it was not Richmond so it was not part of my responsibility.

GERAGOS: And specifically did, during the autopsy itself, as you sit here today, do you have an independent recollection of what occurred during the autopsy of Conner?

SOLER: Some.

GERAGOS: Okay. Do you remember, do you remember Dr. Peterson making any comment to the effect of we've got to see if there may be a woman in distress out there because she may have just given birth?

SOLER: I don't remember that.

GERAGOS: Do you remember anything about this baby may have been born alive?

SOLER: No, I don't remember that.

GERAGOS: And you do remember what you documented in the report that the baby appeared to be full term?

SOLER: May have been, I believe is what I put down.

GERAGOS: May have been full term?

SOLER: Yes, sir.

GERAGOS: And do you remember Dr. Peterson stating that the baby appeared to be nine months, did he use the term "nine months"?

SOLER: I don't recall that.

GERAGOS: Okay. Did you find any evidence when you were in that specific area here that's shown in WW 2, I would assume that you walked this area with the lion's share in this area; is that correct?

SOLER: That and even farther than that.

GERAGOS: And even farther that's what shown in this?

SOLER: Yes.

GERAGOS: And I assume you would looking for any potentially you thought could have had some evidentiary value?

SOLER: That’s correct, sir.

GERAGOS: And I assume you found no umbilical cord, no placenta, nothing of that nature?

SOLER: That’s correct.

GERAGOS: If you had you would have saved that?

SOLER: Yes, sir.

GERAGOS: And specifically did you, on that day did you put out any kind of an alert or enter into any kind of a law enforcement database the fact that an infant had been found?

SOLER: I believe it may have been done by the detective assigned to this case, but I wasn't involved in that.

GERAGOS: Who was the detective that was assigned to this case?

SOLER: Detective Jose Villalobos.

GERAGOS: Okay. Do you have any report by Jose Villalobos?

SOLER: Not amongst my report, no.

GERAGOS: Okay. And Jose Villalobos, when you say he is the detective assigned to this case, when was he assigned?

SOLER: He was assigned at that evening.

GERAGOS: Okay. And did he come to the autopsy, was he there for a portion of the autopsy?

SOLER: No, sir, that would just be my responsibility.

GERAGOS: Okay. And did you then report to Detective Villalobos?

SOLER: I did.

GERAGOS: Okay. And did you at the time report to Detective Villalobos what it was you had heard during the autopsy with Dr. Peterson?

SOLER: Yes, sir, and it was what was written in my report.

GERAGOS: Well, written in your report, I assume you told him more than what was just written in his report, you had a conversation with him; is that correct?

SOLER: I did, sir, but as far as the issues of whether the baby was born alive or whether it was full term, I was only able to give him what was written in my report.

GERAGOS: Okay. Well, that, well, when did you write the report?

SOLER: It would have been the day of, so it would have been on the 14th.

GERAGOS: Okay. The, are you aware of any report prepared by Detective Villalobos or in connection with anything Detective Villalobos said that indicated that someone at the autopsy had said that the baby may have been born alive?

SOLER: I'm not aware of what he wrote in his report, sir.

GERAGOS: Okay. If I were to tell you that that's what is in one of the reports regarding what Detective Villalobos said, would that refresh your recollection as to what was said at the autopsy?

SOLER: No, sir.

GERAGOS: And as you sit here today did you have any connection to or did you see a TARGET bag the following day that was taken to the Coroner's Office?

SOLER: No, sir.

GERAGOS: Okay. Did you ever see, did you do anything in connection with the recovery of either a TARGET products bag or a black tarp that was found at the location?

SOLER: No, I don't believe those were in any of my photographs.

GERAGOS: Okay. And did you see them the next day when you were there? You said you went back, I assume, the next the day when Laci Peterson was discovered, did you go back to the Contra Costa Coroner's Office?

SOLER: No. I was not a part of that autopsy.

GERAGOS: Thank you. I have nothing further at this time.

**Redirect Examination by Rick Distaso**

HARRIS: Just some brief questions.

JUDGE: All right.

HARRIS: Detective, just so it's clear on that, you did go to the coroner's facility that morning for Conner's autopsy, but you did not return later that day when Laci was brought in for autopsy?

SOLER: That’s correct.

HARRIS: Now you were asked about the special meeting with Mr. Geragos and the D.A.'s Office on September 11th, but I didn't hear the year. That wasn't 2004, was it?

SOLER: No, sir.

HARRIS: So it wasn't, what, what would be nine days ago, that was last year?

SOLER: That’s correct.

HARRIS: Now you were asked about saving the towel and the blanket, and you were saying it might be the Sheriff's Department's procedure, but it wasn't the Coroner's procedure, did you follow what you've normally done as part of autopsies that you've been involved with Dr. Peterson with that towel, blanket with Conner Peterson?

SOLER: Yes, sir.

HARRIS: And at the time that it was determined not to save or even if it's not determination, at the time that that towel or blanket, whatever that item was, wasn't saved at the end of Conner's autopsy, did you know that that was Conner Peterson?

SOLER: No, sir.

HARRIS: The People have no other questions.

**Recross Examination by Mark Geragos**

JUDGE: Mr. Geragos.

GERAGOS: Just so I'm clear, the autopsy of Conner Peterson was in the morning at what time?

SOLER: It started a little after 8:00 o'clock.

GERAGOS: Okay. And the finding Laci Peterson's remains was what time?

SOLER: And the call came out probably around noon the same day.

GERAGOS: Okay. Did you know, was the towel still there at that time at noon at that same day?

SOLER: I have no idea, sir.

GERAGOS: Is there a laundry service that comes in between 8:00 and noon that you're aware of?

SOLER: Not that I know of.

GERAGOS: Okay. And is it a safe bet that most of the items that are saved in connection with an autopsy remain there for some period of time?

SOLER: I can't tell you how long that would be, sir.

GERAGOS: And the fact of the matter is that you did not instruct that the towel and any of the contents around it be disposed of, correct, you didn't say affirmatively dispose of this, did you?

SOLER: Any decision to retain it would have been my decision to begin with. If I didn't decide to retain it and to collect it, then it would have been disposed of.

GERAGOS: What I'm asking is did you tell somebody to dispose of it?

SOLER: No, what I'm trying to say is that if I didn't tell someone to collect it, then it would be disposed of.

GERAGOS: That's what I'm asking. You didn't affirmatively say, dispose of that towel, you just didn't tell somebody to save it, correct?

SOLER: That’s

GERAGOS: Is that right?

SOLER: That’s correct.

GERAGOS: Okay. Do you remember, were there two officers that you met with on the 14th after 12:00 o'clock when Laci's remains were found?

SOLER: Well, there were several officers from the East Bay Regional Park District that were there.

GERAGOS: Okay. And specifically I'm going to show you the report, the East Bay Regional, and ask if you, this refreshes your recollection as to who the officers were.

SOLER: Okay.

GERAGOS: Does that refresh your recollection?

SOLER: That there was an Officer Phillips, yes, sir.

GERAGOS: Okay. And Officer Phillips was there present with you to take, you were doing the photographs; is that correct?

SOLER: That’s correct.

GERAGOS: And he was completing the measurements of the scene and the preparation of the scene diagram?

SOLER: That’s correct.

GERAGOS: Okay. So you and Phillips were the two who did that on, that would have been on noon on the 14th?

SOLER: That’s correct.

GERAGOS: Thank you. I have no further questions.

JUDGE:: May this witness be excused?

HARRIS: No objection.

JUDGE: Thank you, Detective Soler.