Witness: Kevin Bertalotto

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso

Day 1 of 2 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: Let me just mark, I'm going to mark a map real quick, Judge.

JUDGE: Going to mark another map. 217. I'll take judicial notice of a map. What's it a map of?

GERAGOS: I don't think it's a map that you can take judicial notice of.

JUDGE: Is this a hand drawn map?

GERAGOS: Well, there's various coordinates and distances.

JUDGE: Okay.

DISTASO: He'll testify.

JUDGE: Okay. Then I can't take judicial notice of it.

DISTASO: Investigator Bertalotto, did you as part, well, let me just ask you this. You work for the district attorney's office of Stanislaus County?

BERTALOTTO: Yes, I do.

DISTASO: How long have you been a investigator there?

BERTALOTTO: Over three years, sir.

DISTASO: And how long have you been a sworn peace officer in California?

BERTALOTTO: Since 1977.

DISTASO: The, as part of the investigation into this particular case, were you asked to go and research waterways in the Stanislaus County area that were reachable, or, actually, let me phrase it this way. That were near Mr. Peterson's home?

BERTALOTTO: Yes.

DISTASO: And that was the home at 523 Covena?

BERTALOTTO: Yes.

DISTASO: Let me show you a map of People's 217. Do you recognize what's depicted on the map, those particular waterways?

BERTALOTTO: Yes, I do.

DISTASO: And are those the waterways that you drove out to and measured the distance from Mr. Peterson's home to each of those individual locations?

BERTALOTTO: Yes, I did.

DISTASO: Did you go from his home to the boat launching facilities at each of those locations?

BERTALOTTO: Yes, I did.

DISTASO: Let me just put this up on the screen. And how is it that you measured, how is it that you measured the distance? Did you

BERTALOTTO: Well

DISTASO: Yeah, go ahead.

BERTALOTTO: I just used the tripometer in my assigned work car, so obviously it's an approximation, but that's the way I did it.

DISTASO: And let's just kind of go through them, go through them, starting on the left-hand side. From, Mr. Peterson's home to the Mossdale launching or crossing launch ramp, where is that located?

BERTALOTTO: That's on Highway 120 where it merges into Highway 205 where it crosses the San Joaquin River, there's, excuse me, a launch access there.

DISTASO: Okay. And there's somewhere you can launch a boat?

BERTALOTTO: Yes.

DISTASO: And how far in miles just from your car driving out there was it?

BERTALOTTO: 26.4.

DISTASO: And if you go up, going up to the top of the map there, how far from Mr. Peterson's home to the Woodward Reservoir launch ramp?

BERTALOTTO: 23.7.

DISTASO: And let's go straight, straight east. Straight east from Mr. Peterson's home, if you were to drive down Highway 132, can you come to a place called the Fox Grove fishing access to the Tuolumne River?

BERTALOTTO: Yes, it's off Albers Road.

DISTASO: Does that have a boat launching ramp there?

BERTALOTTO: Yes, it does.

DISTASO: How far was that from Mr. Peterson's home?

BERTALOTTO: 9.8 miles.

DISTASO: Is there another location at Turlock Lake in that area of Stanislaus County?

BERTALOTTO: Yes, sir, there is.

DISTASO: How far is that from Mr. Peterson's home?

BERTALOTTO: 23.7 miles. Same distance.

DISTASO: And again, looking straight above that, the Modesto Reservoir, that's another lake there in Stanislaus County?

BERTALOTTO: Yes.

DISTASO: Does that have a boat launching area there?

BERTALOTTO: Yes, it does.

DISTASO: How far is that from Mr. Peterson's home?

BERTALOTTO: 19.2 miles.

DISTASO: Going down fairly far south, in Merced County, is there another lake, Yosemite Lake, a small lake?

BERTALOTTO: Yes, there's a small lake there.

DISTASO: Does that have a boat launch?

BERTALOTTO: Yes, it does.

DISTASO: How far is that from Mr. Peterson's home?

BERTALOTTO: 58 miles.

DISTASO: And keep, keep going east there. It looks like Lake McSwain is another location?

BERTALOTTO: Yes.

DISTASO: How far is that from Mr. Peterson's home?

BERTALOTTO: To the boat launch there is 49.7.

DISTASO: And going up to Lake McClure, that's another lake right across the county line; is that right?

BERTALOTTO: It's in Merced County.

DISTASO: Okay. How far is that from Mr. Peterson's home to the boat launch ramp at that facility?

BERTALOTTO: At Barrett's Cove, which is the nearest one on that lake, is 45.4.

DISTASO: And Don Pedro Reservoir, another lake in the area, how far was it to the closest boat launch ramp?

BERTALOTTO: Yeah, that was Blue Oak. That was the closest.

DISTASO: Says on there 37.2; is that correct?

BERTALOTTO: That's correct.

DISTASO: Okay. And Lake Tulloch, which is right across the Tuolumne County line from Stanislaus County to the north, if I can read that right it looks like it says 37.1 miles?

BERTALOTTO: Yes. That's to the south shore launch ramp. And it was 47.2 to the north shore launch ramp.

DISTASO: There's two launch ramps at that particular –

BERTALOTTO: Yes. They're accessed off different roads.

DISTASO: And the last one that's on the map there is Tuttletown Reservoir, New Melones. How far is that from Mr. Peterson's home?

BERTALOTTO: I believe it was 58.8 miles.

DISTASO: And is that every single possible place you could go fishing –

BERTALOTTO: No.

DISTASO: in Stanislaus County?

BERTALOTTO: No.

DISTASO: Or the surrounding counties?

BERTALOTTO: No.

DISTASO: Okay. Is this a sample of the boat launch ramps and facilities that are available near Mr. Peterson's home?

BERTALOTTO: It's pretty, pretty much just a random sampling of east, slightly north, slightly south, popular fishing areas for people in the Modesto area, Stanislaus County.

DISTASO: Nothing further, your Honor.

JUDGE: Mr. Geragos.

GERAGOS: I just received the locations with the mileage on it, and I would like to reserve cross for tomorrow morning on him.

JUDGE: He can't be here tomorrow morning, right?

DISTASO: Right. He's, it's actually 37039. It's right here.

GERAGOS: Not on the map, not the way that it's plotted out.

DISTASO: Here's, the only issue I have with that, I have I don't have any problem reserving cross, but Investigator Bertalotto's grandmother died. He has a funeral tomorrow. If we can put him off to another date, that would be fine.

JUDGE: Thursday morning.

DISTASO: That's fine.

GERAGOS: Whatever date he wants is fine.

JUDGE: Thursday morning, can you come back?

BERTALOTTO: Yeah, I'll be here.

JUDGE: Thursday morning at 9:00 o'clock for cross-examination. Okay. We'll excuse you for the time being.

BERTALOTTO: Thanks.

JUDGE: Order you back Thursday.