Witness: Peter Shear

Date: 2004-09-30

Proceedings held September 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: Agent Shear, you work for the California Department of Justice?

SHEAR: Yes, I do.

DISTASO: And down in the San Diego unit?

SHEAR: Yes, I do.

DISTASO: Let me just ask you, the jury's heard a lot of this already, so I want to go right to one point. On January 30th of 2000 and 3 did you surveil or follow the defendant as he left his parents' house and drove back northbound towards Modesto?

SHEAR: Yes, I did.

DISTASO: Okay. And when did you stop that surveillance?

SHEAR: We stopped the surveillance once we got to a point where he was committed on northbound 5, over in the Valencia Santa Clarita area, which is right on northbound 5, was committed to go straight over the Grapevine, headed north.

DISTASO: So it looked to you that he was continuing North 5 back up to this Northern California area?

SHEAR: Yes.

DISTASO: Okay. Let me go now and leave that and go to the, were you involved in the surveillance of Mr. Peterson in April of 2003?

SHEAR: Yes, I was.

DISTASO: Okay. Specifically were you surveilling him on April 18th when he was eventually arrested?

SHEAR: Yes, I was.

DISTASO: Can you tell the jury what time did you, did you personally start the surveillance on the 18th?

SHEAR: I personally started around 9:00 o'clock p.m. is when we were briefed by Agent Ramos, and,

DISTASO: Let me stop you. Was that on the 17th?

SHEAR: That was on the 17th, yes.

DISTASO: Okay.

SHEAR: The night before.

DISTASO: Go ahead.

SHEAR: And we stayed out all night until the next morning. At approximately 6:10 in the morning is when the garage opened and the car left the residence.

DISTASO: Okay. And what kind of car was it, do you remember?

SHEAR: It was a burgundy colored Mercedes Benz.

DISTASO: And did you see Mr. Peterson in the car?

SHEAR: No, at that point we did not. We were following him on 15, on the 15 freeway, southbound. And at that point I was on the telephone with Agent Ramos, who told me that that was the vehicle that was seen on a previous surveillance. So I put that over the radio, to stay with it. And at that point is when we lost him.

DISTASO: Okay. So it started at 6:10, and at some point you lost him?

SHEAR: Yes.

DISTASO: And how long did you lose him for?

SHEAR: Approximately 15, maybe 15 minutes or so. I'm not really sure.

DISTASO: Okay. And then you found him again?

SHEAR: Yes, we found him again down in the Ocean Beach area of San Diego. He, we were going to, we all were directed to go to different locations, and myself and task force Agent Jubran from the CHP, he was riding with me, we were on the corner of Cable and Brighton when we saw the vehicle again.

DISTASO: Okay. Now, let me stop you. Is that a location in San Diego?

SHEAR: Yes, it is.

DISTASO: Okay. And what time was it that you saw him again?

SHEAR: It was approximately 6:58 in the morning.

DISTASO: And how many people at this point were following Mr. Peterson?

DISTASO: At this point it was just us. We were the only ones in that are

DISTASO: Okay. What did you see him do when you saw him there?

SHEAR: We let him go through the intersection, and we made a left turn right behind him as he was going on Brighton towards Sunset Cliffs. At that point he pulled over to, to the side on the corner. Once he hit the corner, he got out of his vehicle and walked up to a, like a residence that was there, to the porch area. We kept going so we wouldn't look like we were following him at that time. And from our rear view mirror we saw him get back in his car make a left turn and head towards the freeway.

DISTASO: Okay. When you say he pulled up to the residence, did he park, pull into a parking spot on the street or in the driveway? Or how he park?

SHEAR: He just kind of pulled over on, it was either on the street or on the curb, but he just kind of paralleled the sidewalk.

DISTASO: So you saw him make a left turn and go, and then what did you all do?

SHEAR: We made a U-turn came back around, followed him and stayed with him until we got more units with us.

DISTASO: That started about 6:10 that morning. The defendant was arrested at what time?

SHEAR: Around 11:10.

DISTASO: So were you following him pretty much continually from 6:00 in the morning until 11:00 in the morning?

SHEAR: Yes.

DISTASO: During that time, agent Quick has already kind of taken us through where you went. Can you describe for the jury just what the defendant's driving pattern was during that time?

SHEAR: The, he tended to drive at a pretty excessive speed. At times he would slow down very slow as to all the cars have to go around him. And sometimes he would just pull over to the right shoulder from the far left lane, which is the number one lane, all the way to the far left shoulder, and stop.

DISTASO: Let me stop you. When you're talking about that, you're talking about that, doing that on the freeway?

SHEAR: Yes.

DISTASO: Like which freeways did you see him do that on?

SHEAR: Saw him doing it on the 5, northbound, and then again around the 57 interchange. And I'm not sure when else I saw him.

DISTASO: Okay. Go on. What else, can you describe anything else you saw the defendant doing?

SHEAR: He would get off an exit and get right back on. He would sometimes be indecisively on one lane, kind of like on the middle of the lane, so we wouldn't know which way he would go. Just that type of, and once we were in the street area, in the residential areas, he would make U-turns, and that type of driving.

DISTASO: Did it, did he make any gestures during this time that let you, that led you personally to believe that he knew he was being followed?

SHEAR: Well, the stops at, at one point, after we had already lost him, when he pulled over to the shoulder, I pulled over right behind him, because we didn't want to lose him again. And at that point we knew that he knew we were following him. So, and then so he kept driving like that. And I guess at one point where he went all the way from the number one all the way off, got off on an exit call Red Hill over in Orange County, got right back on the freeway, my partner, who was with me, at that point said that he was clapping his hands.

DISTASO: Okay. Was that task force Agent Jubran?

SHEAR: Yes, it was.

DISTASO: Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: I assume you never identified yourself as police, correct?

SHEAR: Not until we stopped him.

GERAGOS: Right. When you stopped him, he pulled over, right?

SHEAR: Yes.

GERAGOS: Okay. So the entire time you're following him, as far as you know these are, the cars I'm showing you, D 6 W dash 4 and 5, these are the cars that are following him for those days?

SHEAR: I'm not sure.

GERAGOS: What car were you in?

SHEAR: I was in a Ford Explorer, white.

GERAGOS: What does that look like? White Ford Explorer?

SHEAR: Yes.

GERAGOS: Okay.

SHEAR: That was probably mine.

GERAGOS: Okay.

SHEAR: 4TMB.

GERAGOS: Okay. How about the bronze Mustang? Brown Impala, T-bird, all those? The black Honda, the green minivan, the white Honda, all those part of the caravan of cars that would follow him intermittently over the three days?

SHEAR: I couldn't really say for sure. There was a lot of cars there. And we started out in the morning, and a lot of cars were just joining us. We didn't see them all.

GERAGOS: Okay. Just so I understand, you never turned on your light? This wasn't like this was one of those, you know, sometimes you see on TV where the police are chasing somebody and go up and down the freeways and things? That's not what was happening here, right?

SHEAR: No.

GERAGOS: Okay. This was not a police chase, this was a supposed to be a covert surveillance, right?

SHEAR: Yes.

GERAGOS: Okay. But at certain times you would, he would pull over and you, as you've described, you would pull in right behind him, right?

SHEAR: Yes.

GERAGOS: You'd have to be pretty brain dead not to realize that somebody's behind him if it's the same car and he's getting on and off, right?

DISTASO: Objection, it's argumentative.

JUDGE: Sustained.

GERAGOS: Well, the, at a certain point you realized that obviously the car that you have been following for three or four days, apparently he knows he's being followed, right?

SHEAR: Yes.

GERAGOS: Okay. And you never until you pulled him over, and I assume when you pulled him over you activated some kind of lights, right?

SHEAR: Yes.

GERAGOS: And that would have been police lights or spinning lights or red and blue and white lights, something, right?

SHEAR: Yes.

GERAGOS: Until that time, the object was, was to not to let him know that you were police, right?

SHEAR: Yes.

GERAGOS: If you were pulled over or if he was, if he approach, approached you, you would deny that you were police, you would just, you know, do whatever it took to make sure he didn't think you were police, right?

SHEAR: Usually that would be the, the purpose, but at that point we were, he knew we were following him, and even if he would have came up to us, at that point we might have said we were police, I don't know, but, yes, you are right.

GERAGOS: You might have said. We just, we've had three officers, or two officers come in here, and all three of them said, when he asked what agency, all three of them said they didn't know what he was talking about.

SHEAR: Yes. On this day it was different because the way we were actually driving behind him, we were driving the same way he was driving.

GERAGOS: Well, the, it appears, at least, that he thought that the cars were driven by private investigators as he's writing it down to fax this up to his lawyer, right?

DISTASO: Objection. Speculative.

JUDGE: Sustained.

GERAGOS: You're saying that you would have identified, and you just had a guy who, just leaving the courtroom, did you see that person from DOJ?

SHEAR: Yes.

GERAGOS: Okay. He says, and that guy looked like law enforcement more than you do, that when he was asked he denied it.

SHEAR: Yes. That was on a different day. I was referring to this day when we were actually driving just the same way he was driving.

GERAGOS: Okay. So you're following him around. Do you know if he had been followed before by media or press?

SHEAR: I do not know.

GERAGOS: Okay. Do you know if he had been followed before by private investigators that were hired by various tabloids?

SHEAR: I do not know.

GERAGOS: Okay. Do you know if was one of the reasons that he had dyed his hair is so that he would try not to be recognized because people were following him?

DISTASO: Objection, your Honor. Calls for,

GERAGOS: I'm asking him if he knows.

DISTASO: and argumentative.

JUDGE: Speculation. Sustained.

GERAGOS: Now, when you followed him the first time, January and February, you said he went north, correct?

SHEAR: Yes.

GERAGOS: Okay. And at any time did you see him make a break for the border, for Mexico?

SHEAR: No, I did not.

GERAGOS: Okay. In April, at any time did you see him make a break for the border in Mexico?

SHEAR: No, I did not.

GERAGOS: Okay. Do you know a lot of guys who trade in their trucks to buy bright red Mercedes so that they can go camping in Mexico?

DISTASO: Objection. Argumentative. Calls for speculation.

JUDGE: Sustained.

GERAGOS: I'm asking, you've done surveillance before, right?

SHEAR: Yes, I have.

GERAGOS: Okay. Is that, do you see people who own these Mercedes make breaks for Mexico in their bright red Mercedes?

DISTASO: Objection. It's argumentative. It's not relevant.

JUDGE: Sustained.

GERAGOS: Thank you. I have no further questions.

JUDGE: May this agent be excused?

DISTASO: Yes. Thank you, your Honor.