

EXHIBIT 19

Declaration of Scott L. Peterson

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1. I am 52 years old and currently incarcerated by the California Department of Corrections and Rehabilitation at Mule Creek State Prison in Ione, California, serving a sentence of life without the possibility of parole.

3. I had absolutely nothing to do with the disappearance and deaths of my wife and son. I am not a violent person. I have never had any incident or rule violation report since my wrongful incarceration began in 2003.

BACKGROUND

6. I had opened a crating and packing business with my parents in Morro Bay, like the one they had successfully started in San Diego. We each made an equal investment in the new business and went to work.

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1 7. At the time I was starting the new business, I was working a couple of jobs at restaurants
2 and a golf course, while attending classes at community college.

3 8. After I met Laci, I quit working at the restaurant and started going to Cal Poly, taking
4 more classes so I could get through school.

5 9. Laci and I dated and lived together steadily over the next three years and married on
6 August 9, 1997. Laci graduated before I did and took a job in the Salinas area with a wine
7 distributor. I stayed in San Luis Obispo to finish school.

8 10. Sometime before I graduated, my parents needed to move back to San Diego to work at
9 their business there, so I bought out their half of the business, which I later sold. After graduation,
10 I interviewed with a company in Omaha, Nebraska, and another company in Sacramento, but Laci
11 and I liked San Luis Obispo, so we decided to stay there. She got a job working as a party and
12 wedding coordinator at the resort where we married. I was not finding anything job-wise so we
13 decided to open a restaurant called The Shack.

14 11. We found a location, negotiated a lease, gutted the place, and built a restaurant. It was a
15 successful business; we had a line out the door at least a couple nights a week.

16 12. It was hard work and long hours but we enjoyed it. Most nights I closed the restaurant
17 and then stayed late fixing plumbing, cleaning grease traps and fryers, scrubbing bathrooms and
18 ordering supplies.

19 13. It was during this period that Laci pointed out that I should put my dirty clothes straight
20 into the washing machine when I got home, instead of in the clothes hamper, because I was ruining
21 some of her nicer garments by putting my smelly, greasy clothes into the hamper. It became a
22 habit of mine to put my work clothes straight into the washer when coming home and one I
23 continued when we lived in Modesto and worked around smelly chemicals used in the agricultural
24 fertilizer business.

1 14. On December 24, 2002, when the police responded to our family's missing person report
2 about Laci, they asked me where my clothes were that I had worn that day. I told them I had
3 come home and put them straight into the washing machine, which is what I normally did due to
4 the agricultural products I worked with. That day I did the same because my clothing was a bit
5 damp and salty. I put my clothes into the washer *before* I knew Laci was missing and *before* I
6 realized anything had happened to her. I told that to the police. I also told police that before I
7 put my clothes into the machine, I had to take the cleaning rags out of the washer that our
8 housekeeper had used the day before when she came to clean. The cleaning rags are piled on top
9 of the washer, shown below. (RT 10024–25.)



15. Det. Brocchini testified that he found it suspicious there were dirty rags piled up on top of
the washer. (RT 11107–08.) But our housekeeper, Marguerita Nava, told police she used the
rags to clean the inside of the fireplace screen and also our outside windows, which is why they

1 were so dirty. (RT 11108–09.) Det. Brocchini directed others to collect the white rags so they
2 could be forensically examined. (RT 9805.) Nothing suspicious was found on the rags.

3 16. Two days later, a search warrant was executed and the reports I reviewed indicate that a
4 team of more than 20 detectives, officers, and criminalists exhaustively searched our home, inside
5 and out, using alternate light sources and other forensic methods to search for evidence of foul
6 play. The photo below shows criminalists examining our washer and dryer for evidence.



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24 17. There was no physical or forensic evidence implicating me ever found anywhere on my
25 clothing, or on the cleaning rags, or on the washer and dryer, or anywhere else in our house, or
26 vehicles, or boat, or anywhere else, and that is because I did not harm or kill my wife and son.

27 18. The prosecution nevertheless told the jury in closing argument at trial that the fact that I
28 washed my clothes was evidence of my guilt. That argument was false.

20240

1 He says that he washes his clothes. Only his
2 clothes. Now, why are you going to do that? The reason he
3 gave, I think to the media and to everybody else, well, I got
4 some salt water on it. So what? You got a -- you are going
5 to take the time when you know you have to be at your
6 in-laws, you know, like in an hour. Your wife's not there.
7 The dog is in the backyard with a leash on. There is all
8 these weird things going on. Oh, better wash my fishing
9 clothes. I got some salt water on them.

10 Do you think that's really why he washed his
11 clothes? Or do you think he washed them because he wanted to
12 make sure he didn't leave anything on them? What's makes
13 more sense to you? What is more reasonable to you?

14 Anybody -- I'm sure there is people on this jury
15 that have gone fishing before. I'm sure when you come home
16 you might have got something on your clothes. And I doubt
17 that you took things out of the washer and took off just your
18 clothes and washed them. It's not reasonable.

19. Putting my clothes straight into the washer if they were grungy was simply a habit I developed when we ran the restaurant in San Luis Obispo and something I did automatically, without even thinking about it.

523 COVENA AVENUE

20. In 2000, Laci and I sold the restaurant business we built together and moved to Modesto, where Laci grew up and where her family still lived. We were planning to start a family of our own and wanted to own a home first, but the homes in San Luis Obispo were out of our price range. We ended up deciding to move to Modesto where the homes were more affordable.

21. Laci worked as a marketing representative for Southern Wine and Spirits and then as a substitute teacher. I initially worked for a group of companies from Spain in a position that ended up allowing me to work exclusively for a company called Tradecorp, a European company selling

1 agricultural mineral products that was entering the market in California. I opened a U.S. division
2 for them and was Manager of the western U.S. region.

3 22. I had to travel for work more than I liked. I spent nearly a month in Spain when I was
4 first being trained. After that, I traveled for week-long corporate meetings three times a year at
5 various offices that included Brussels, Madrid, Porto, Cairo, and Guadalajara. I also attended
6 trade shows and conferences at various places in California.

7 23. Financially, Laci and I were doing all right. We spent what we earned. We made some
8 good financial choices and some bad ones. With some help from my parents for the down
9 payment, we bought a house at 523 Coven Avenue in the La Loma Park neighborhood of
10 Modesto. It was a single family home in a quiet, older neighborhood with tree-lined streets near
11 a park called East La Loma Park. Laci was more familiar with Modesto than I was because she
12 grew up there. She liked the location and thought the house was perfect.

13 24. After we bought the house, a friend of ours that was a financial advisor proposed, as part
14 of our planning for the financial security of our family, that we purchase whole life insurance
15 policies. We agreed with his recommendations and bought life insurance policies in June of 2001
16 naming each other as beneficiaries.

17 25. We worked on fixing up the house together. I was reasonably handy around the house
18 and especially enjoyed doing woodworking projects. Laci and I liked doing home improvement
19 projects together on the weekends and would go to Home Depot and Lowe's to look for design
20 ideas and pick out paint colors and do what we could to update the house.

21 26. We made improvements so the place would be better for entertaining and for raising a
22 family. We had a lot of friends and family and we liked having people over for dinner or to watch
23 football games, things like that. We repainted and redecorated the inside of the house. I updated
24 and re-tiled the powder room off the living room. We added an in-ground pool, put in a built-in
25 barbeque, and I built a new wooden fence in the backyard. We also planted some new trees in
26 the backyard. Laci majored in ornamental horticulture in college and enjoyed landscaping.

1 27. The photos below show some of the upgrades we made to our home and were taken by
2 police when they searched our home in 2002 and 2003, in the days and weeks after Laci was
3 abducted. They show some of the upgrades we made.



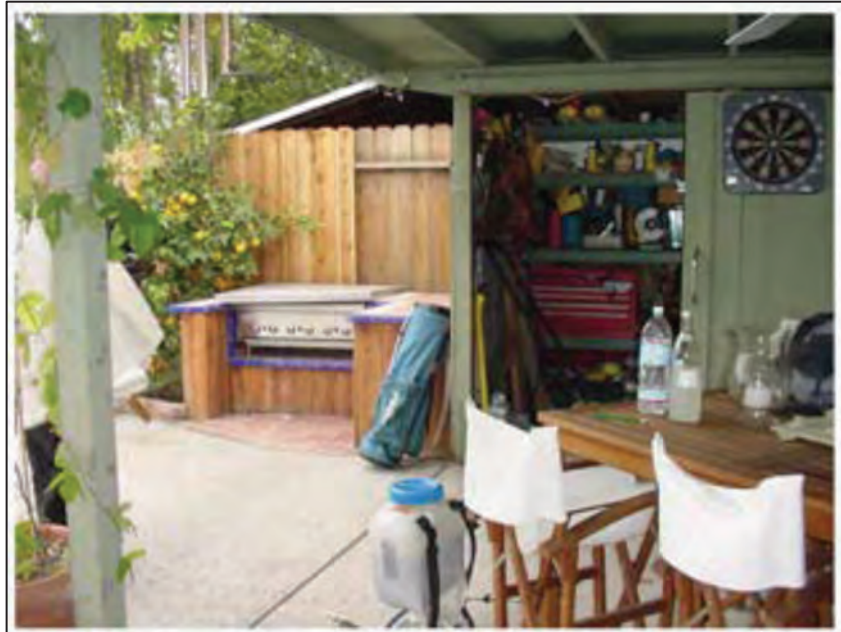


DECLARATION OF SCOTT L. PETERSON



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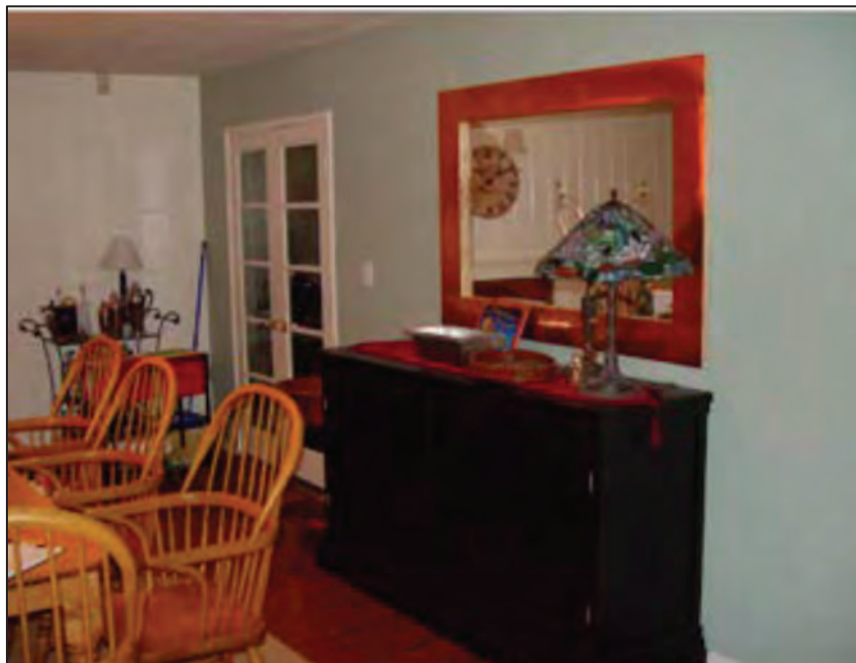
28. Our house did not have a garage so we kept our household and gardening tools in a built-in shed in the backyard and a pre-fab storage unit that was on the south side of our house. The police took the photos below showing these storage areas when they searched our home.



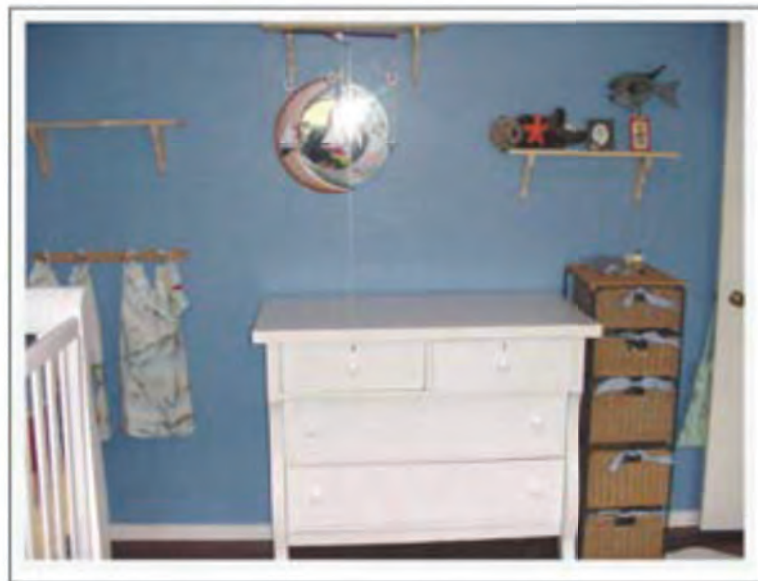
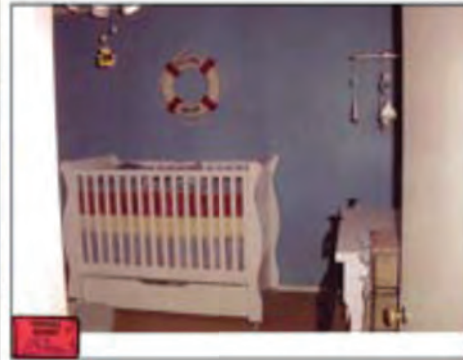
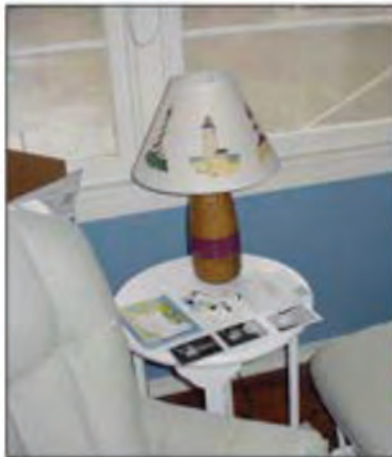
29. Laci was a huge fan of Martha Stewart and was always getting decorating ideas from her magazines and shows. We often had the Martha Stewart show on in the background in the morning as we got ready to start our day. Laci saved her magazines and the photo below, taken by police, show Laci's library of Martha Stewart magazines on our bookshelf.



30. Laci would find ideas for pieces of furniture she liked and I would use my self-taught woodworking skills to try to create them for her. I had woodworking equipment I kept at the warehouse where my office was located, like a router table, a table saw, band saw, circular saw and other tools I used to build furniture for our home. Pictured below is a sideboard I built for our dining room. I also made the copper frame for the mirror above it for Laci.



31. Once we learned we were having a baby, Laci designed the nursery and we worked together to get it ready for the baby's arrival. We decided to go with a nautical theme and I did all of the painting and helped Laci get the furnishings she wanted. Laci saw a table in a magazine she liked and wanted for Conner's nursery so I made the table for her. I also modified a dresser for the nursery so it could be used as a changing table. I rebuilt it, repainted it and made sure the drawers worked properly. The mobile was hung above the dresser. It was a project Laci and I did together. The table I made and the dresser I refurbished are shown below in photos taken by police after Laci was abducted. We planned to add high sides and a changing pad to the top of the dresser to use it as a changing table. Conner's sonogram images are shown on the table.



32. In November of 2002, Laci and I went to San Diego over Thanksgiving to see my family. They had a baby shower for Laci while we were there. We also went shopping and Laci and I found a decorative lifesaver that we had been looking for to use in the nursery while we were there. It said, "Welcome Aboard," and I hung that over the baby's crib. We were excited about becoming parents.

33. The week before Laci was abducted, we went to Carmel to spend a few days with my parents and we found a stuffed otter for the nursery. It is pictured on the shelf I hung over the dresser in the photo above. The photos below were taken by my parents the week before Christmas when we went to Carmel with them.



McKENZI, GRACIE, AND SIAM

34. Laci and I had an older dog, a golden retriever mix, named McKenzi, pictured below in a photo taken by the police. We got him when he was a puppy.



35. We also had two cats, Gracie and Siam.

36. On December 24, 2002, when the police responded to our missing person report about Laci and came to search our house, I gave them full access to anything they needed to search and answered all of their questions.

37. They asked me about a mop and bucket that were outside the door leading to our front courtyard. I told police that Laci wanted to mop the floor that morning, so we put the cats and the dog outside and I filled up the mop bucket for her so she would not have to lift the heavy bucket out of the sink.

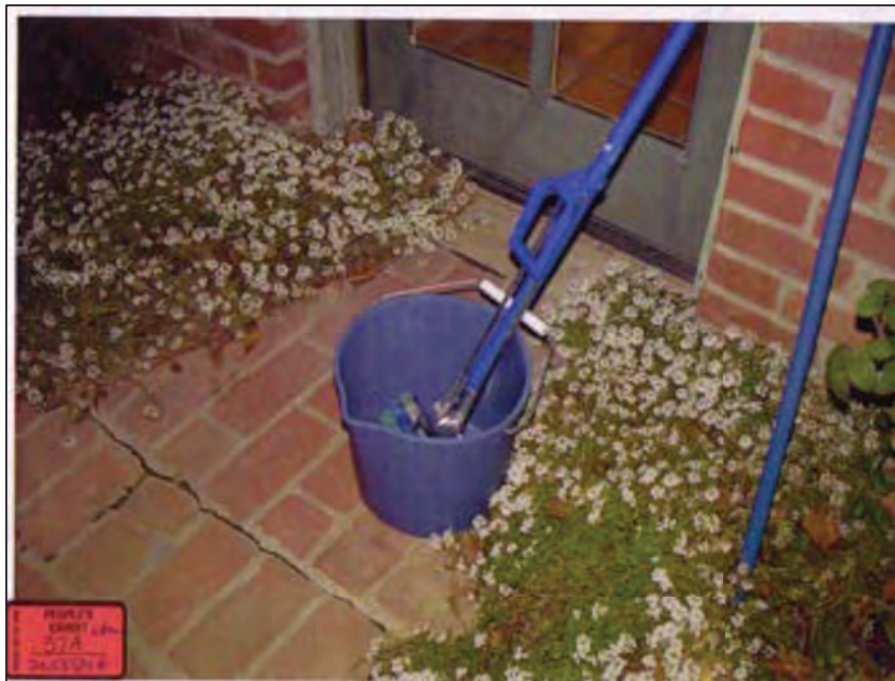
38. I told police that when I returned home that afternoon, the animals ran into the house as soon as I opened the door and headed straight to the mop bucket that was on the floor, filled with water, like they were going to drink from it or knock it over. I grabbed the mop and bucket, dumped out the water, and left them outside the door where they were when the police arrived.

39. Our housekeeper cleaned for us the day before, but the floor in the kitchen got dirty quickly from the animals running in and out with their muddy paws, especially in the winter time. We were hosting a family Christmas brunch the next day and Laci wanted the house to be clean, so she mopped the kitchen floor. It was a small kitchen and only took a few minutes to mop.

40. As with the cleaning rags, Det. Brocchini found the mop and bucket to be suspicious and directed an evidence technician to collect them so they could be forensically tested. (RT 9804—

05.) Nothing that was collected and forensically examined showed any signs of foul play in our home.

41. The mop and bucket Det. Brocchini order be collected into evidence and tested are shown below. I recall there being an article on the front page of the National Enquirer at some point saying that the smell of bleach was present in the house that night. That was not true. In a chambers conference Det. Brocchini's testimony at trial, my attorney asked the judge if he could question Brocchini about leaking the false information about there being a smell of bleach to the National Enquirer. (RT 10675–10678.) There was an investigation into who leaked the false information and a Superior Court judge said Brocchini was the one who told her within a week of the article being published that there was a smell of bleach in the house. However, all of the officers who were in our home that night testified that there was no smell of bleach. That report was simply not true.



42. When the police searched our house for signs of foul play the night of December 24, 2002, they also saw a small throw rug in our living room that was not lying flat. The police asked me about the rug and I told them the dog and cats must have been playing there. (RT 10025–10026.)

43. Det. Brocchini testified at my trial that the police found the mops, bucket, cleaning rags, and scrunched up throw rug to be “suspicious.” (RT 10981–82.)

10982

1 Q. And those were the physical items that they
2 find to be suspicious, correct? Physical items that they
3 observed at the house that they believed were suspicious?

4 A. Yes.

17 Q. Okay. And the things that they found to be
18 suspicious, that they told you they found to be suspicious
19 were two mops outside of the door, correct?

20 A. Yes.

21 Q. With a bucket?

22 A. Yes.

23 Q. Some white rags on a washer and dryer?

24 A. Yes.

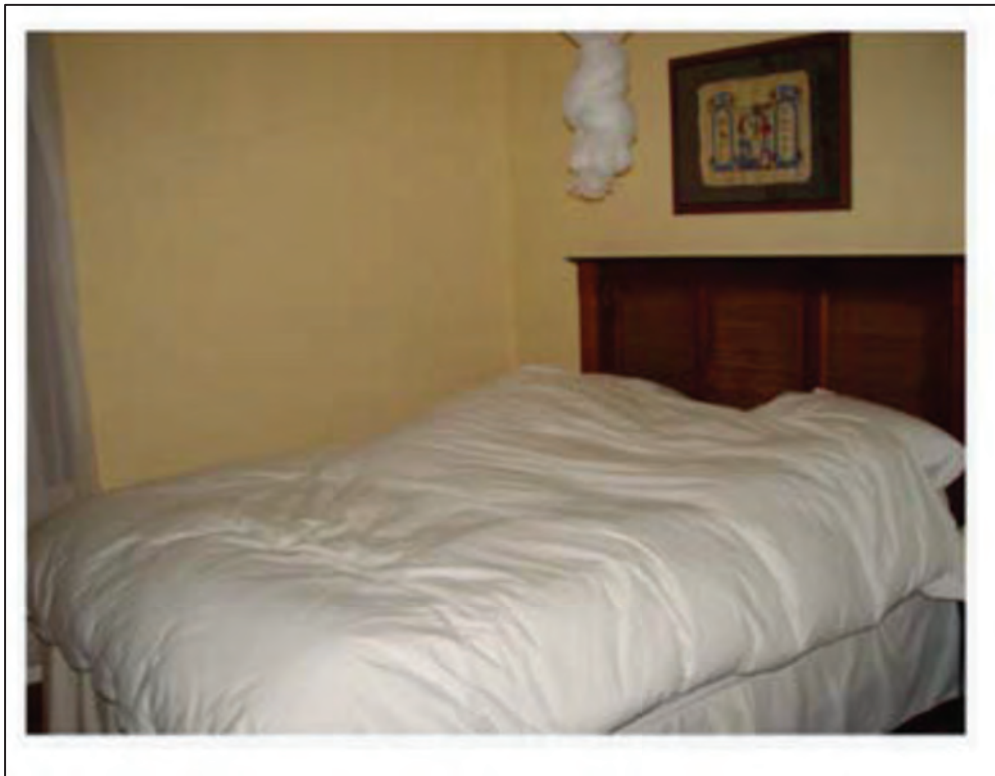
25 Q. And a throw rug that was scrunched up?

26 A. Yes. And additional things.

44. The rug the police found suspicious is shown below.



1 45. The police also took the photo below in our bedroom when they searched our house the
2 night of December 24. I read somewhere in a book or article about my case, I think the author
3 was named Crier, that Det. Brocchini thought the indentations on the bedspread or duvet was
4 evidence that I had strangled or suffocated Laci on the bed. I have no way of knowing if he
5 believed that or said that to others, but the truth is that our cats used to jump up onto the bed and
6 curl up after we got up in the morning.



21 46. Our habit was that the last person out of the bed usually made the bed by pulling it up to
22 cover the pillows. That is how we made the bed. The cats liked to jump up and sleep at the foot
23 of the bed after we got up for the day. That is why there are indentations on the duvet seen in the
24 photo. There was nothing nefarious about the indentations in the duvet. If the bed looks unmade
25 or hastily made, it is not because I did something to harm Laci on the bed. It is because that is
26 where the cats liked to sleep.

27 47. After we planted some new trees in the backyard, Laci noticed that the cats were clawing
28 at the bark on the new trees, as well as on some of the more mature trees. She was worried about

1 the damage they were doing so I bought some chicken wire to wrap around the tree trunks to stop
2 the cats from scratching them up.

3 48. Det. Grogan testified that the police found it “suspicious” that there was a roll of chicken
4 wire in the back of my truck when they searched our home for signs of foul play on December
5 24, 2002. (RT 18094.)

6 49. The police had two theories about how I supposedly disposed of Laci’s body. One theory
7 was that I used four concrete anchors weighing eight pounds each to weigh her down before
8 putting her in the bay and the other theory was that she was wrapped in chicken wire or some
9 form of plastic wrap. (RT 18099–18100.)

10 50. I told Det. Grogan that we had trees in the back that the cats were scratching and I was
11 planning on wrapping the chicken wire around to prevent that from happening. (RT 18095.) The
12 photos below were taken by the police during their searches of our truck (December 26, 2002)
13 and home (February 18, 2003) and they show the chicken wire in the back of my truck and the
14 scratch marks on the trees.



27 51. When police were at our home executing another search warrant on February 19, 2003,
28 one of the officers saw one of our cats scratching a tree in our backyard. (RT 18097–18098.)



52. Even after it was shown that I was telling the truth about why I purchased the chicken wire, Det. Grogan continued to consult with experts about the chicken wire theory. In March and April 2003, he consulted with experts who were assisting police with searching the bay for Laci's body and continued putting forth the chicken wire theory. (RT 18373; 18377.) I had already explained why I bought the chicken wire but the police continued with their working theory that I had somehow used the chicken wire to dispose of Laci's body. That simply was not true. There was no evidence ever found supporting the theory that chicken wire was wrapped around Laci's body. (RT 18102.)

53. All of the above-described supposed "evidence" the police found to be "suspicious" was nothing more than a result of our having two cats and a dog who were all behaving exactly the way cats and dogs behave in a normal household. Nonetheless, the police seemed to have a strong belief, almost from the moment they stepped into our home, that I was responsible for harming my wife and son. All of those suspicions were unfounded, as I explained to the police truthfully and repeatedly.

OTHER “SUSPICIOUS” THINGS

Telephone Book

54. When I arrived home the afternoon of December 24 and saw that Laci was not there, I assumed she had gone over to her mom’s house earlier to help her with dinner. I recall Laci telling me that morning before I left that she may go over early to help. I told police that once I heard a phone message from Laci’s step-dad on our answering machine asking us to bring over whipped cream when we came for dinner that night, I called them right away to see if Laci was already over there at her mom’s house. I spoke to Sharon Rocha and told her I could not find Laci and she, understandably, became very concerned. We both were.

55. As I was talking to her on the phone, I grabbed our telephone book and told her I was going to start calling hospitals and that I would call 911. I dropped the phone book on our kitchen bar and it automatically opened to a page made of heavy card stock with advertisements on it. It is shown in the photo below.



1 56. Sharon told me they would call 911 and I should start calling friends and go out and see
2 if any of our neighbors had seen Laci that day. I hung up and rushed outside to start knocking on
3 our neighbors' doors. I did not give the phone book another thought the rest of the night because
4 events got chaotic very fast.

5 57. When I left for the park to look for Laci, I walked down the footpath at the north end of
6 Covenia and went over to the creek. I had McKenzi and a flashlight and I followed the creek east
7 toward the tennis courts where I was going to meet Sharon. I was concerned that she may have
8 fallen down the embankment into the creek.

9 58. I remember calling 911 while I was in the park to see what was taking so long. My
10 memory is that an incoming call from Ron may have cut the call off, but after seeing from my
11 cell phone records that the call was made about 6:11 p.m., I may have seen the responding officer
12 arriving at the park and ended the call.

13 59. Det. Grogan testified that among the things police found suspicious that night was the fact
14 that the phone book on our kitchen bar was opened to a page that had an attorney's name on it.
15 (RT 18091-92.) The implication was that I had gotten the phone book out to look up phone
16 numbers for attorneys. That was not true. Not until months later did Det. Grogan pull the phone
17 book out of evidence to test whether I was telling the truth about why the phone book was opened
18 to that page. He concluded that I had told the truth.

18 Q. Okay. Now when -- one of the other things that the
19 officers thought was suspicious at the time, it hasn't been
20 testified to, but I think it's in some of your reports and I
21 think you followed up on it, was they saw a phone book open in
22 the house; isn't that correct?
23 A. That's correct.
24 Q. Okay. And they thought that that was suspicious
25 because the phone book was open and it was to an ad for an
26 attorney; is that right?

18092
1 A. That's correct.
2 Q. Okay. And that's one of the things that kind of
3 peaked these officers curiosity, thought that was odd, wife's
4 missing, why is there a phone number open for an attorney,
5 right?
6 A. That was something that was mentioned, yes, sir.
7 Q. Okay. In a couple of reports.
8 You did some investigation on that, didn't you?
9 A. I did.
10 Q. Okay. And what you did is you found that phone book,
11 correct?
12 A. Yes.
13 Q. And you opened it a couple of times and determined
14 that the reason that it would be is because the attorney's ad
15 is on a thicker piece of cardboard paper in the middle of the
16 phone book, right?
17 A. Yes, I saw that the phone book would easily open to
18 that page.

60. I was not using the phone book to look up numbers of attorneys. That theory was absolutely false but it was part of what caused the police to immediately suspect I killed my wife and son.

61. I was extremely concerned about Laci and worried about her safety and health and whereabouts. I was focused only on finding her and making sure she was unharmed. It never even occurred to me to contact an attorney until others advised me that I needed a lawyer a few

1 days later when police started applying for search warrants to search our property and had already
2 made it abundantly clear to me and the rest of the world that they believed I had killed my wife.

3 62. When I was barred from entering my office to get some items I needed to hang missing
4 person flyers the morning of December 26, I called the corporate lawyer for my company to let
5 them know I was unable to access my work files. The corporate lawyer came over to our home
6 and was there when police came to execute the first search warrant on our house, cars, computers,
7 my office, and other places. The corporate attorney is the one who first told me that I should
8 contact an attorney before signing the consent form to allow them to execute the search.

9 Duffle Bag

10 63. When the police were searching our house on December 24, they saw a blue Nike duffle
11 bag in the closet of our spare bedroom upside down on the floor that they apparently thought was
12 suspicious. (RT 9792, 11124.) Det. Brocchini asked me if it was normal to have the duffle bag
13 there where it was on the floor and I told him it was and that I can be kind of a slob. (RT 10023,
14 18188.)

15 64. As I told the police, the duffle bag was my gym bag and it was out because I had gone to
16 the gym the day before. I kept the bag on the shelf in the closet, and it must have fallen. I used
17 this closet, and Laci used the one in our bedroom for her clothes. Brocchini asked me if I had
18 gotten anything out of the gym bag and I told him I had taken my white tennis shoes out of it and
19 put them on the wet bar. (RT 11124.)

20 65. Det. Brocchini wrote a report stating that he looked on the wet bar and my white tennis
21 shoes were not there, indicating to the rest of the investigators working on finding Laci that I was
22 lying about what I told him.

66. In photographs taken by the police the night of December 24 and again on December 26, when they executed the first search warrant on the house, my white tennis shoes can be seen on the wet bar outside on our back patio next to McKenzie's leash, shown below.



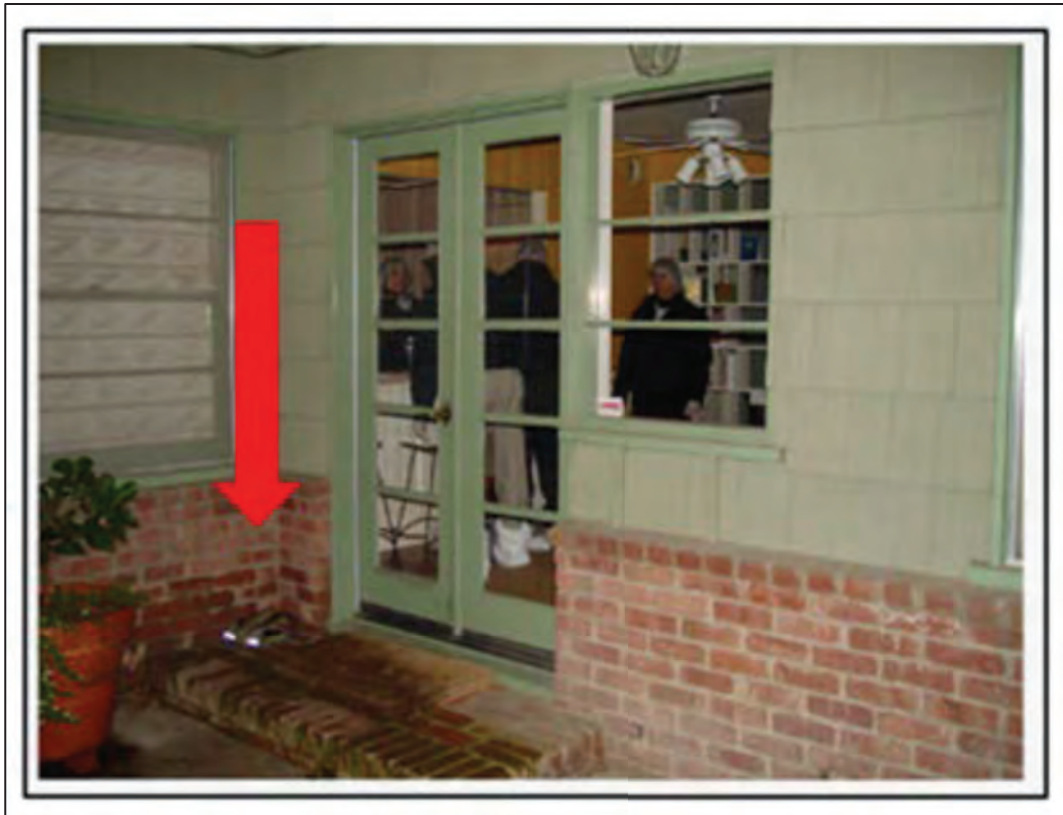
67. When Det. Brocchini was cross examined about writing in his report that my tennis shoes were not on the wet bar (as shown in the photos above), he admitted that he had not looked for them on that wet bar. (RT 11124.)

68. Det. Brocchini also admitted that he learned of his error and that I had been truthful when I told him I had put my tennis shoes on the wet bar, but he never went back and wrote a supplemental report correcting his misstatement, instead leaving the record as showing that I had not been truthful when I answered his questions on December 24. (RT 11124–25.)

69. What I told police is that on the morning of December 24, as Laci and I were planning our day, she told me she was going to take the dog for a walk. I initially told her I would go with her and grabbed my shoes out of the gym bag to have them ready.

70. I saw how late the morning was getting and changed my mind about walking with Laci. I told Laci I had a few things I wanted to do at my office and warehouse and that I was going to shift gears and head over to my office and then take the boat to Berkeley to test out the motor. At that point, I put my shoes outside on the wet bar.

71. Laci and I did not wear shoes inside our house, we usually kept them in the closets or outside on the stoop by the door, as shown below. I usually kept a pair of sneakers or flip flops on the back stoop and Laci usually had a pair of sandals or sneakers or flip flops there as well. The photo below shows the back stoop with a pair of my or Laci's sneakers on them.



72. There was no particular reason I put my shoes on the wet bar instead of the stoop that morning. That's just what I did.

73. In the search warrant affidavit signed on December 26, it said, "Peterson would not give an explanation why Peterson would have to move tennis shoes from his bag to be placed on his wet bar before he went fishing."

Brita Water Filter

74. The one thing I saw that seemed out of the ordinary when I arrived back home that afternoon was that it looked like Laci was putting in a new Brita water filter—and was possibly interrupted by something—because there were three full glasses of water and one empty glass sitting on top of the counter near the Brita water pitcher, as shown in the photos below.



75. When Laci would change the Brita filter, she would run water through the new filter to purify it and instead of throwing that water out she used it to water the plants so it would not be wasted. It was unlike Laci to leave home with an unfinished project lying on the counter top like that. The police did not collect the water glasses seen sitting on the kitchen counter near the Brita water pitcher as evidence, nor did they analyze them for fingerprints, to my knowledge.

1 76. I told Det. Brocchini a lot of things that night, which he misstated or did not include in his
2 written report. He claims none of the statements I made that night were recorded during the five-
3 hour period police were questioning me, between about 6 p.m. and 11 p.m.

4
5 77. I would give anything to be able to go back in time and walk the dog with Laci because I
6 know she would still be alive and Conner would now be a young man. I know that Laci walked
7 the dog that morning because that is what she said she was planning to do as soon as I left and
8 when I came home, McKenzi still had his leash on attached to his collar. Our neighbor also saw
9 McKenzi out in front of our house wearing his leash.

10 78. Many of the statements and responses I gave to the police in the days and weeks after Laci
11 was abducted, beginning on the night of December 24, were misrepresented or not recorded or
12 documented or memorialized anywhere at all. When the prosecution began providing me and my
13 attorneys with police reports after my arrest, I learned just how many things that were attributed
14 to me were misrepresented. It was also the first time I was able to see just how many leads the
15 police were getting but not following up on in their search for Laci.

16 Pick-Up Truck



79. When the police impounded my truck on December 26, I had a large cardboard box of rain gauges that were promotional giveaways in my Greenlee toolbox when. I had forgotten the box was in there until after my arrest when I saw the photos the police took.



80. The police removed the cardboard box of rain gauges from the toolbox and failed to book it into evidence. Det. Grogan testified that he had no idea what happened to the box.

81. The prosecution told the jury I put my wife's dead body in the toolbox in the back of my truck and showed them photos of a demonstration they conducted with a pregnant woman from their office. Pictured below are photos the jury was shown demonstrating that a pregnant woman could fit inside the toolbox.



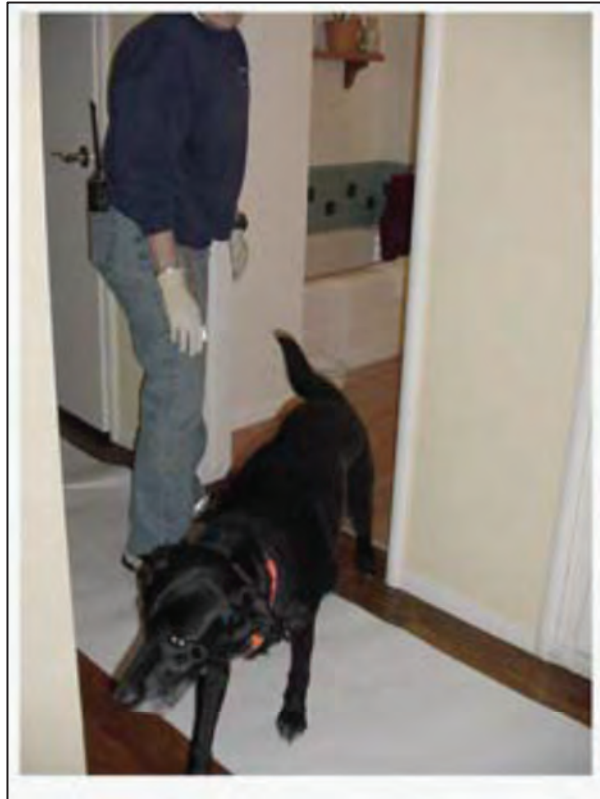
1 82. I absolutely did not harm my wife and son, nor did I put her body into my truck, nor is
2 there any evidence to support that ill-conceived theory. There was no sign of Laci's blood, tissue,
3 hair or any other biological evidence found inside the toolbox, or anywhere else in the truck, and
4 that is because I had nothing to do with this crime.

5 83. When Det. Grogan admitted on the stand that there was a large cardboard box full of work
6 materials found inside the toolbox in my truck, which the police admitted they failed to collect as
7 evidence or document in a report, the prosecution pivoted to a new theory and said I put my wife's
8 body under some patio umbrellas that were in the back of the truck and that I covered her with a
9 blue tarp. Again, there was no forensic evidence or any other evidence supporting that theory—
10 nothing was found on the blue tarp, the umbrellas, or any of the many other items that were
11 collected from my truck and tested. That is because Laci was never in the back of my truck
12 because I had nothing to do with her disappearance or murder.

13 84. One thing the jury did not hear is that during the execution of the December 26 search
14 warrant, scent dog handler Eloise Anderson already knew the police believed I killed Laci and
15 put her body into my truck, so she asked Det. Hendee if he wanted her to put her cadaver dog into
16 my truck to search for evidence of a cadaver, and Det. Hendee said, "No." (RT 1604 [Pre-Tr.
17 Hrg].) It is difficult to fathom why the police would not put the cadaver dog into the back of my
18 truck if they believed I transported my wife's dead body in my truck.

19
20 Shephard Kopp: This was like the, a bronze or brown tan Ford F-150?
Eloise Anderson: I know what the truck looks like.
21 Shephard Kopp: Did you ever ask to put the dog, Twist, inside that vehicle?
Eloise Anderson: I asked if they wanted me to have Twist check the boat, check the truck, I'm sorry, and they said no.
22 Shephard Kopp: Okay. Who told you that?
Eloise Anderson: I believe it was,
23 Shephard Kopp: Detective Brocchini?
Eloise Anderson: No, it was not Brocchini. It was Dodge. Detective Dodge.
24 Shephard Kopp: Dodge Hendee?
Eloise Anderson: Hendee. Thank you. I couldn't remember his last name, I'm sorry.
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1 85. I also learned after I was arrested that the police searched our home using a cadaver dog
2 on December 26, and there were no alerts inside our house. The photo below was taken inside
3 our house while the cadaver dog was looking for but not finding any evidence that I killed Laci.



18 Sturgeon

19 86. The December 26 search warrant affidavit also stated that another thing police found
20 suspicious was that I could not tell the police what kind of fish I had gone fishing for that day,
21 December 24, 2002.

22 87. I have fished all my life. I enjoy it. When Laci and I honeymooned in Tahiti, I took
23 along a fishing rod and fished from a kayak we rented there one day. I had never tried fishing for
24 sturgeon before December 24, and I wanted to try it. When the police asked me what kind of fish
25 I was looking for that day, I described it as a “prehistoric looking fish.” I could not immediately
26 find the word “sturgeon” in my head. I recalled the word a few moments later and told the police.
27 I also showed them my fishing boat and gear, and at no point did I ever try to hide anything about
28

1 the fishing I had done earlier in the day. When the search warrant was actually served on me, I
2 read it and saw it was asking for my fishing license and I immediately handed it over to the police
3 then and there. (RT 18174.)

4 88. As I later told Det. Brocchini and others, repeatedly, I was fishing for sturgeon. With
5 everything that was going on the day Laci turned up missing, with numerous family members,
6 volunteers, police officers searching for Laci in and around our home, I felt a little overwhelmed
7 and did not immediately find the word “sturgeon” when I was first asked.

8 9 **LA LOMA NEIGHBORHOOD IN MODESTO**

10 89. Laci and I were both involved in La Loma neighborhood and community affairs but Laci
11 was more active than I was, especially after she transitioned to a lighter work schedule. In mid-
12 2002, Laci signed us up to be part of a neighborhood committee called the La Loma
13 Neighborhood Committee to Stop the Encina Connection. We attended committee meetings
14 between July and October 2002. (RT 16860 [Amy Neumann]; RT 19752 [Richard Cordova].)
15 The committee was an organized effort to defeat a proposal to make changes to the neighborhood
16 that would increase vehicle traffic.

17 90. Laci and I spent a few weekends videotaping traffic patterns on our camcorder as part of
18 that effort to show that the traffic was driving at dangerous speeds through the neighborhood,
19 making it unsafe for children and pedestrians. There were a number of streets in our
20 neighborhood that did not have sidewalks, including our street, which meant that people taking
21 walks had to walk on the road in certain areas. I was proud of Laci for her commitment to getting
22 engaged in making our neighborhood and community better and safer.

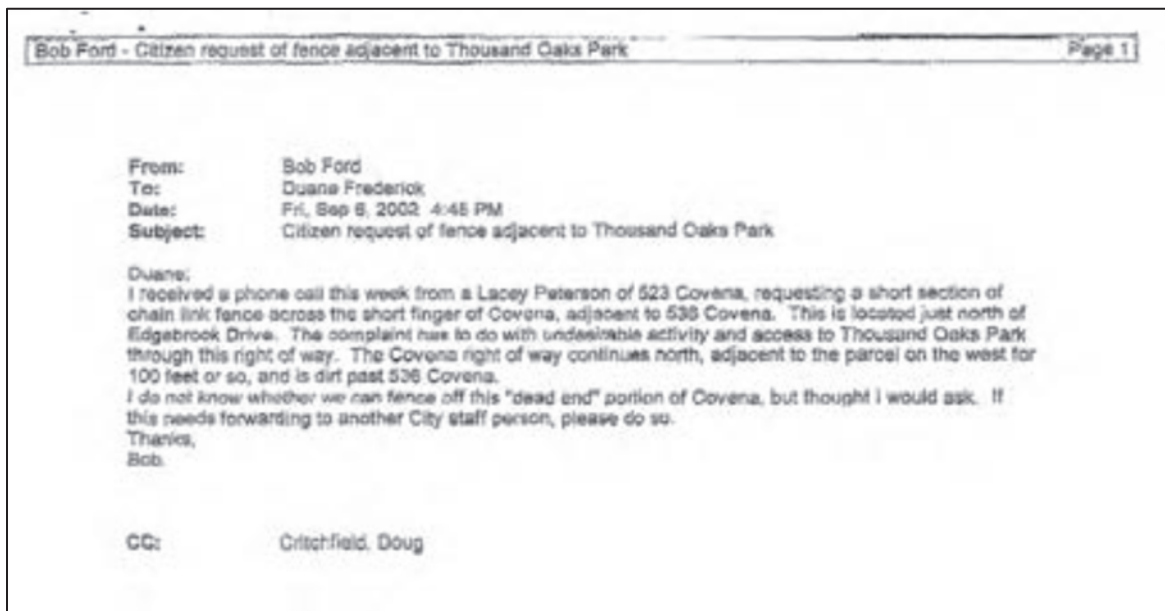
23 91. We were aware that there was an entirely different neighborhood on the other side of
24 Yosemite Boulevard, a few blocks south of where we lived. It was an industrial area referred to
25 as the airport district because it was next to the Modesto Airport. There was some lower income
26 housing there and what seemed to be a fair amount of criminal activity. I was not paying close
27 attention at that time but Laci and I knew not to go south of Yosemite Boulevard when we went
28 out to walk the dog.

92. At the end of our street there was a trail entrance to East La Loma Park and we often saw people entering and exiting the park who appeared to be homeless or transient. When Laci and I walked McKenzi in the park, we sometimes saw transient or homeless people camping out. We would usually ask them to move along. It looked like the bike and foot traffic we saw on Covena was from people traveling to and from the airport district, using our street to get to the trail entrance at the end of Covena to get down to East La Loma Park.

93. Laci and I were getting increasingly concerned about the unsavory foot traffic we were seeing on our street from people going to and from the park. It was of such a concern to us that we discussed whether we would have purchased our home had we known about the concerning foot traffic.

94. In the discovery I received from the prosecution after I was arrested, I learned that on September 5 and October 31, 2002, Laci did contact the City of Modesto and asked them to close the entrance to the park located at the end of our street because there was concerning and undesirable activity taking place there.

95. The City of Modesto either ignored or denied her requests because the park entrance was not closed to my knowledge. The emails below reflect Laci's requests and were known to the police because they are included in the police investigation file.



From: Bob Ford
 To: Frederick, Duane
 Date: Fri, Nov 1, 2002 3:51 PM
 Subject: Covena Avenue to Thousand Oaks Park and Trail

Duane:
 Lacey Peterson of 523 Covena called again this week, asking about closing Covena Avenue at the dirt pathway which leads down to the park and trail. I told her that our Department wishes to keep this access. Ms. Peterson proceeded to list the problems that she sees with the Covena Avenue park and trail access path.
 There looks to be approximately 300 feet of dirt path from the dead-end of Covena down to the asphalt trail. Ms. Peterson claims the path needs to have vegetation trimmed to improve visibility, graffiti removed and trash picked up. She also asked about some lights along this path.
 I think that it may help to trim the vegetation to make this path less concealed. Please ask Wally to look into the vegetation trimming, trash and graffiti removal. Perhaps a street light at the dead-end point of Covena would help to alleviate a nighttime visibility problem for police.

Thanks.

Robert J. Ford
 Project Coordinator
 City of Modesto Parks Recreation and Neighborhoods Department
 P.O. Box 642
 Modesto, CA 95363
 (209) 577-5437 ph.
 (209) 552-5425 cell
 (209) 570-5077 fax
 e-mail: bford@modestogov.com

96. There were a few were other incidents that occurred on our street around that time. One night we were pulling into our driveway and we saw a man looking over our fence into our backyard. I asked him what he was doing and he came up with some excuse that he was trying to see if our dog was okay. I started walking toward him when he circled around me and took off. I recall mentioning the incident at the time to Brent Rocha, Laci's brother, and his wife.

97. Around that same time, Laci told me she heard what sounded like two women shouting at each other in the street in front of our house. Laci said she went out and told them to stop fighting and that kind of behavior would not be tolerated in the neighborhood. One police report I reviewed states that our neighbor heard the encounter and on December 30, 2002, he told the police about it. I know that Laci was intent on keeping our neighborhood safe and she was not shy about it.

1 98. About a year earlier, we caught the same guy looking over our fence and going through
2 our trash can when it was in the driveway. As we pulled our car into the driveway, he was pulling
3 an old bedspread out of our trash can that we had thrown away and had it in his hands. I told him
4 to get off of our property and he walked away carrying the bedspread with him. I often saw this
5 man riding his bike up and down our street.

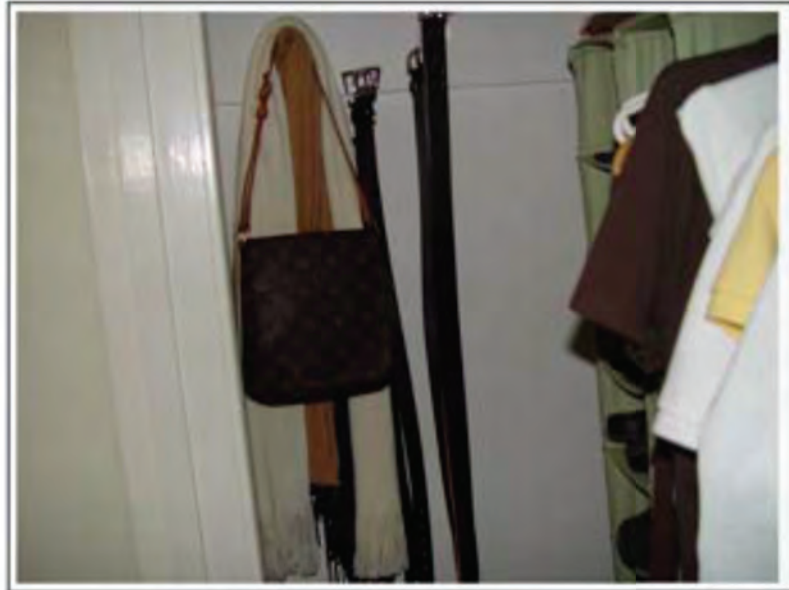
6 99. At one of the community meetings Laci and I attended, we met a man who lived around
7 the corner from us named Richard Cordova. We shared with him that when we took walks in the
8 park and encountered homeless or transient people camping out, it made us uncomfortable. Mr.
9 Cordova told us he thought confronting anyone in the park was bold and possibly dangerous.
10 After Laci was abducted, I learned that Mr. Cordova told the investigator our family hired to help
11 search for Laci, Gary Ermoian, that he was concerned to think Laci may have been bold enough
12 to confront someone like that on her own. Mr. Cordova, who had become a judge by the time of
13 my trial, testified to some of this but he was not allowed to testify fully about our conversation or
14 his concern over the possible danger involved in Laci confronting transients in the park on her
15 own in front of the jury because it was hearsay. (RT 19752.)

16 **LACI'S PURSE, CLOTHING, JEWELRY AND FLIP FLOPS**

17 Police asked to see Laci's Purse

18 100. One of the first things the police asked was for me to help locate Laci's purse, which I
19 showed police was hanging in its usual spot in her clothes closet.

20 101. Laci's purse and the items inside it were handled by multiple people who were not wearing
21 gloves, myself included. This would become important later because her sunglasses case was
22 used as a scent article. I often cleaned Laci's glasses for her using the cleaning cloth in her
23 purse/glasses case.
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Clothes and Pajamas from December 23

102. I told police what Laci was wearing on the night of December 23, when we went to her sister's hair salon. I told them what she wore to bed that night and what she was wearing when I left the next morning. The police did not look for the clothing or pajamas that I described Laci wearing when they searched the house on December 24, but the blouse Laci wore to the salon

1 that night is clearly visible in our hamper when the police photographed it on December 24, and
2 the blue pajama pants I told police she wore to bed that night were photographed, still in the
3 hamper, during the December 26 search of our home.

4 103. Sometime later, the police asked Laci's sister, Amy, what she was wearing when we
5 visited the salon on December 23, and her description of the clothes was the same as mine. Amy
6 searched Laci's closet and found the outfit Laci wore to the salon the night before she was
7 abducted and showed the outfit to the police.

8 Laci's Jewelry

9 104. Laci inherited quite a bit of jewelry from her grandmother in November 2002. I told
10 police Laci was wearing a diamond necklace, diamond earrings, and a diamond bezel watch she
11 had inherited from her grandmother when I left the house on the morning of December 24th. Her
12 wedding ring was at the jeweler's being modified to incorporate some of her grandmother's
13 diamonds.

14 105. Some of the jewelry Laci inherited was not to her liking so she sold it. We listed some
15 of her grandmother's jewelry on eBay including a Croton watch, but it did not sell. I had an
16 account but Laci was not as adept at using the online auction platforms, so I helped her with that.

17 106. Police obtained an image of the Croton watch from our eBay account where we had
18 posted it for sale and the police were able to confirm that it had not sold. I had used our camcorder
19 to get a picture of the watch as pictured below.



1 **107.** I learned after I was arrested that police suspected I secretly sold Laci's Croton watch
2 without her knowledge so Det. Grogan spent a lot of time trying to find the Croton watch. I did
3 not sell Laci's Croton watch, and there is no evidence suggesting otherwise.

4 **108.** The police investigated and photographed the jewelry Laci had sold at Brooks Jewelers
5 on December 10, 2002. The photo below shows the jewelry Laci pawned at Brooks Pawn Shop
6 that the police were able to locate and document.



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17 Laci's Flip Flops

18 **109.** The rendering below is a depiction of the flip flops that Laci generally kept on the back
19 stoop. We joked about them being her "Novalee" flip-flops from the movie *Where the Heart Is*.
20 In the movie, Novalee is abandoned in a Wal-Mart parking lot, and she buys a cheap plastic pair
21 of flip flops at Walmart. We had an inside joke about them that she could not go out in public
22 with them on. She wore them around the pool and backyard.

23 **110.** Our neighbor, Judge Cordova, told my defense investigator Carl Jensen that he had found
24 a pair of women's sandals on the morning of December 25, on the corner of our street. Mr. Jensen
25 asked me if any of Laci's flip flops were missing and I told him that her Novalee flip-flops were
26 missing from the stoop after she was abducted. Mr. Jensen had an artist create an image to show
27
28

1 to me, pictured below. As I recall, Laci's flip flops were a bit more orange than pictured here,
2 but I believe the flip flops that our neighbor Judge Cordova saw at the end of the block and pointed
3 out to various police officers belonged to Laci.



14 111. Not until a year after Laci was abducted did anyone investigate the sandals or flip flops
15 Judge Cordova found.



1 **LACI'S PREGNANCY**

2 112. In May 2002, after trying for some time, Laci became pregnant. She had a medical
3 procedure as a child that caused her concern over whether she could have children, so we were
4 relieved, happy, and excited when we learned she was pregnant.

5 113. Laci took a home pregnancy test on June 9, 2002 and we learned we were pregnant.

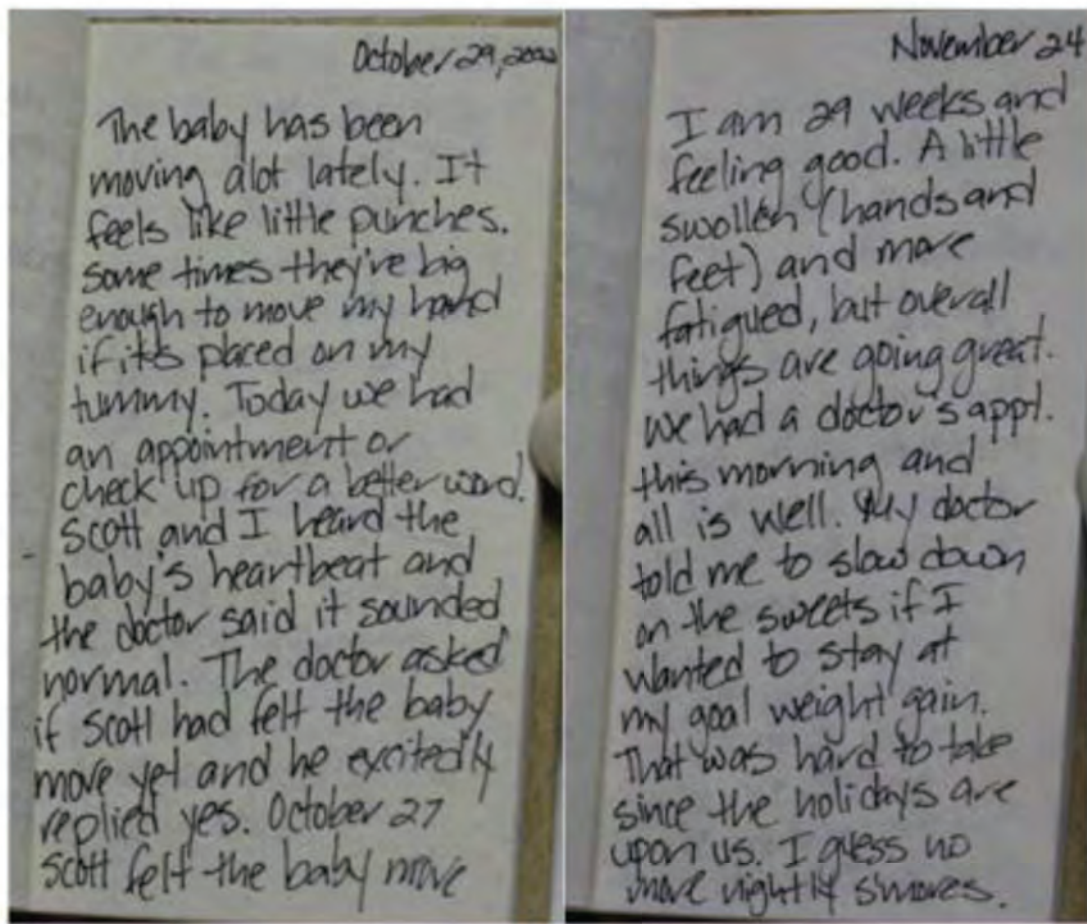
6 114. I went with Laci to all of our OB-GYN appointments. I never missed an appointment.
7 We bought the books expecting parents typically buy. On Sunday evenings, we would sit in the
8 living room and I would read aloud to her from the books. I bought Laci a pregnancy journal so
9 she could record her pregnancy and preserve the experience. I remembered that after my
10 grandfather passed away, we found a book my Mom had given him to write down memories in,
11 and he had not written too many pages, but what he had written was priceless.

12 115. Laci liked being pregnant and stayed active throughout her pregnancy. By all accounts,
13 including her doctor's assessments, Laci was experiencing a healthy pregnancy. We attended
14 Lamaze classes together and followed all of her doctor's instructions. At our appointment on
15 October 29, 2002, Laci told the doctor she really wanted to stay at her target weight during her
16 pregnancy and she asked about exercise. There is a note in Laci's medical records reflecting that
17 conversation. The doctor did not tell her she should stop exercising or talking walks when I was
18 present.

19 116. At our appointment on November 24, 2002, Laci again talked to the doctor about her
20 weight gain, and the doctor told her to try to have less sugar if she wanted to stay at her target
21 weight. These conversations with her doctor are documented in her medical records and in the
22 pregnancy journal she kept, all of which were confiscated by the police during the investigation.
23 To my knowledge, at no time did Laci's doctor tell her she should stop exercising or could not or
24 should not go on walks to get exercise.

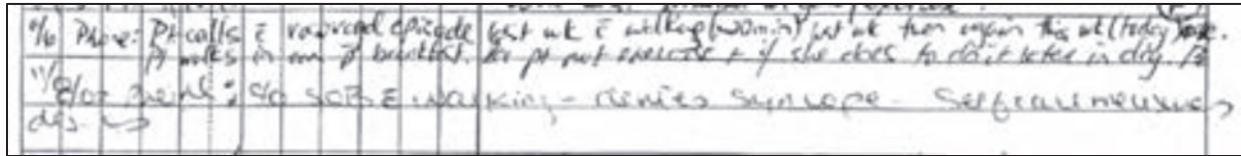
25 117. Laci's mother Sharon Rocha described Laci as "headstrong" when she testified at my trial.
26 I agree with that assessment. Laci was a very headstrong person when she put her mind to
27 something. She was determined to do everything she could to have a healthy pregnancy and stay
28 at her target weight.

118. On October 29, 2002, Laci wrote in her pregnancy journal that we heard the baby's heartbeat and the doctor said it sounded normal. The doctor's note from Laci's appointment on October 29, 2002 states: "Discussed wt gain/exercise." Laci wrote in her pregnancy journal entry following our appointment on that day as well as the next appointment on November 24, 2002, that she was 29 weeks and "feeling good," and that she was a "little swollen (hands and feet) and more fatigued, but overall things are going great." She wrote, "My doctor told me to lay off the sweets if I wanted to stay at my goal weight gain. That was hard to take since the holidays are upon us. I guess no more nightly s'mores."



119. There are notes in Laci's medical records that she called her doctor on November 6, to let the doctor know she had gotten dizzy when walking. The notes indicate the doctor recommended that she not exercise but if she does, she should do it later in the day. Another note indicates Laci called on November 8, denied syncope, and it looks like the doctor recommended "self-care

measures.” Laci told me she had gotten dizzy when walking before breakfast a few times. She thought it was because she was not hydrated enough and said she was going to walk later in the morning, after breakfast. She did not stop walking.



120. I was at all of our OB-GYN appointments with Laci and I never heard the doctor tell her to stop walking or exercising, nor did she ever tell me that her doctor told her to stop walking the dog or exercising. Had I heard that, I would have been proactive about reminding her of the doctor’s advice.

121. Laci continued walking the dog in the neighborhood and also started doing prenatal yoga. Her sister, Amy Rocha, testified at my trial that she knew Laci had yoga classes on Mondays and that she was walking daily, or almost daily.

122. Sharon Rocha testified that when Laci told her about getting dizzy, she told Laci to stop walking but she was not confident Laci would listen to her because Laci was “a determined young lady.” When Sharon told Laci to stop walking, Laci said, “Oh, Mama, I’ll be okay.” Sharon admitted at trial that when she heard Laci was missing, her first thought was that “she would have been walking the dog.”

123. As I told the police, Laci and I regularly walked our dog, McKenzi, in the neighborhood and park, throughout her pregnancy. We liked walking the dog together because there were a lot of nice, older homes in the neighborhood, some with creative landscaping, and we liked looking for ideas for our own home and yard. McKenzi sometimes pulled on the leash when we walked him, like when he saw a squirrel or other dogs, but it was manageable.

124. Laci also walked the dog by herself, about every day or every other day, if I was not home and the dog needed to be walked. We varied our walking routes somewhat but typically walked around the residential streets in our neighborhood and in East La Loma Park.

1 125. Laci and I traveled to Carmel to spend a few days with my parents the week before
2 Christmas, which had become somewhat of a tradition. We had plans to spend the Christmas
3 holiday with Laci's family in Modesto. During the trip to Carmel, I played golf with my dad,
4 while Laci and my mom walked around town and shopped and had lunch. Laci did not have
5 trouble walking and continued to walk for exercise throughout her pregnancy.

6 **MEDINA BURGLARY**

7 126. After Laci was abducted, I learned that a burglary had occurred on our street—possibly
8 the same day Laci was taken—at the home of Rudy and Susan Medina, who lived right across the
9 street from our house.

10 127. I did not know about the burglary until a few days after the Medinas reported it. I recall
11 going over there and talking with them. I do not recall hearing about a safe being stolen until
12 after my arrest.

13 128. When Steven Todd was arrested on January 2, 2003 for burglarizing the Medinas' home,
14 I saw his picture in the newspaper and I recognized him as the man we had seen going through
15 our trash, looking over our fence into our backyard and riding his bike up and down our street.

16 129. The only thing the police told me about the burglary was that it did not happen on
17 December 24, and the burglars were not involved in Laci's disappearance. That was in a meeting
18 or phone call I had with Det. Grogan on or around January 3, as I recall. The police never spoke
19 to me directly about the burglary at any other time so I only knew what I read in the newspaper,
20 heard from the Medinas, or what the police briefly discussed at the press conferences that were
21 held.

22 130. The information I was provided is that the police received a tip, found two men—Steven
23 Todd and Glenn Pearce—who were in possession stolen property belonging to the Medinas, made
24 arrests on January 2, 2003, secured confessions from both men, and then quickly cleared both
25 men of any involvement in Laci's abduction because the police concluded the burglary happened
26 two days after Laci was abducted.

1 131. At the time, I assumed the police were doing their jobs and had investigated and assured
2 themselves the burglary was unrelated, otherwise they would not have cleared the men involved
3 of any involvement in Laci's abduction.

4 132. I later learned that there were a number of residential burglaries taking place throughout
5 the La Loma neighborhood around the time Laci was abducted in December 2002, but I have
6 never seen any police reports or other information looking into any possible connection between
7 those burglaries and Laci's abduction.

8 133. The first I learned of a possible connection between Laci's murder and the Medina
9 burglary was after I was arrested when someone on my legal team shared with me Diane Jackson's
10 report that she had seen three men with a safe and a van parked in front of the Medinas' on the
11 morning of December 24. I was pretty astounded to learn that the police improperly hypnotized
12 the one witness who had clearly reported seeing a burglary in progress across the street from our
13 home on the day Laci was abducted.

14 **THE WORK BENCH**

15 134. The home Laci and I bought on Coven Avenue did not have a garage because it had been
16 converted into living area so I used the warehouse where my office was located on N. Emerald
17 Avenue in West Modesto to do woodworking and home improvement projects in lieu of a garage.
18 I had a flatbed trailer that served as a makeshift work bench, picture below.



135. In September 2002, Laci and I agreed with our neighbors who lived in the house behind us to share the cost of a new fence dividing our properties because the one that was in place was in disrepair. I agreed to do the labor free of charge and split the cost of the materials with our neighbors.

136. The project involved purchasing ten pressure-treated wooden posts, concrete to fill ten post holes, and 185 6' fence boards, as well as a few other items. The projected cost summary shown below, which police found in files on my computer, shows that I estimated I would need ten 60-pound bags of concrete for the post holes at \$2 per bag. I ended up buying 80-pound bags of cement mix instead of 60-pound bags, so I over-purchased the cement needed for the fence project and returned three 80-pound bags of Quikrete post mix to Lowe's on November 1, 2002. Pictured below is the receipt which was an exhibit at my trial.

4455

Item	Quantity	Price per	Ext
4X4 8's pressure treated	10	8	80
Concrete 60lb	10	2	20
6' Fenceboards	185	2.29	423.65
2X4 stringers (studs)	18	2	36
16' 2x6 pressure treated ledgers	5	12	60
Lag Bolts			5
T- nails			22
T- nailer rental			25
Total			\$671.65

5618

LOWE'S
COSTCO-ROB

RECEIPT
SALES #: 0000000000 10-01-02

ITEMS QUANTITY PRICE EXT
2 2 1.00

SUBTOTAL: 5.00
TAX: 0.00
GRAND TOTAL: 5.00

BALANCE DUE: 5.00
CASH: 5.00

YOUR RECEIPT IS VALID UNTIL 11-01-02

RECEIPT REQUIRED FOR CASH REFUND.
CHECK PURCHASE REFUND REQUIRED
15 DAY WAIT PERIOD FOR CASH BACK.
STORE NO: 0000000000

WE HAVE THE LOWEST PRICES, GUARANTEED!
IF YOU FIND A LOWER PRICE, WE WILL
BEST IT BY 10%. SEE STORE FOR DETAILS.

137. I used my flatbed trailer to haul the building supplies I bought for the fence building project, including bags of concrete mix. At my trial, Det. Grogan testified that a man named Doug Phelps called the tip line to say he had seen my trailer loaded with supplies in September

2002 and that he saw me driving my truck, pulling a flatbed trailer loaded with 4x4 posts, fence boards and at least four sacks of Ready Mix concrete. (RT 18106-07.) He was describing the supplies I bought to build the fence.

138. Pictured below in the circled area is the section of fence I built in September and October 2002.



139. I did not always keep my trailer/work bench very neat and tidy. I left tools and remnants of past projects strewn about. Hauling the bags of cement on the flatbed trailer for the fence project left cement dust and residue behind on the trailer because the cement mix seeps through the packaging, as can be seen from the photos below that were taken at a Home Depot by a family friend.



1 140. The cement mix residue left on my trailer from hauling the bags of cement on it was part
2 of what police saw when they searched my warehouse after Laci was abducted.

3 141. After the fence project, I attempted to build a patio table with a concrete top for Laci that
4 she wanted to use outside by our pool. Laci had found a photo in a magazine and shown it to me.
5 The table I tried to build was supposed to look something like the photo below.



17 142. The project involved pouring a concrete tabletop that would sit on top of a wood base.
18 My former colleague, Eric Olsen, testified at my trial that when he came to the warehouse in the
19 “middle to the end of November” he “saw a partial bag of concrete” that was open and partially
20 used sitting next to the flatbed trailer. I believe that is the timeframe of when I was working on
21 the tabletop project. (RT 11640-11641.)

22 143. I built a wooden frame for a mold using 1x4's and I used sheetrock screws to hold it
23 together. To stabilize the concrete tabletop, I used some chicken wire as a metal reinforcement.
24 I had purchased a roll of chicken wire that was 2 feet by 25 feet to wrap around our newly planted
25 trees, discussed above, so I cut off a length of about one foot from the of the roll of chicken wire
26 and used it to reinforce the concrete.
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144. As I recall, the dimensions of the table top I was trying to build were about 12"x18." It was intended to be an experiment and if it worked I was planning to make a few more like it. The images below show an example of a larger version of the kind of table top I was attempting to build (left), but instead of chicken wire, the builder in the example below is using rebar. On the right is the roll of chicken wire I purchased.

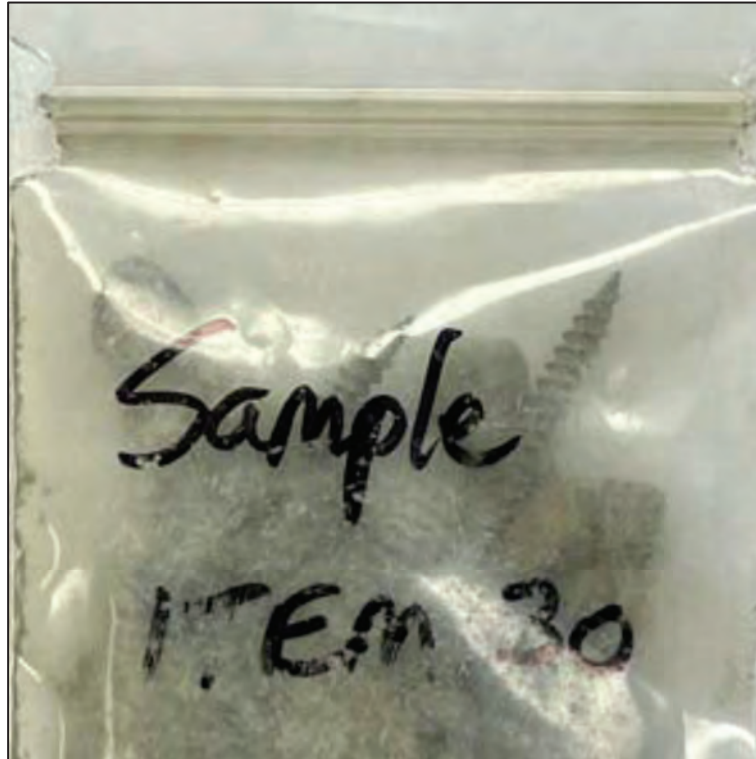


145. My tabletop project failed because I used the wrong kind of concrete to make a polished concrete tabletop and I did not know I needed to use a releasing agent in the concrete when I mixed it, so when I went to remove the concrete from the wooden frame, it stuck to the wood and there were chunks missing and the aggregate was showing through, so the concrete crumbled apart. The project ended up making a mess and I had to throw the whole thing out. Pictured below are photos the police took of my trailer/work bench depicting the mess I made from the

1 patio table project and the sheetrock screws I used to frame the mold for it. I have circled where
2 the sheetrock screws are in red.



1 146. The sheet rock screws were collected and marked as Exhibit 124 at my trial and are
2 pictured below but the jury never heard any testimony about the failed patio table project because
3 the police did not include any of the explanations I gave them in any of the police reports and
4 their interviews with me were not recorded.



18 147. At my trial, the prosecution told the jury in the opening and closing statements that the
19 concrete mess left behind on my trailer from my various building projects was evidence that I had
20 made “at least four or five [anchors] that [I] used to hold [my] wife’s body down” and that the
21 reason they could not present them to the jury was because they were located “at the bottom of
22 the San Francisco Bay.” (RT 20312.) That is false.

23 148. I only made one anchor; I did not make multiple concrete anchors or weights, and there
24 was no evidence supporting the prosecution’s theory that I did that. The concrete mess on my
25 work bench was from the building projects I described above, but that evidence was not fully
26 presented to the jury, even though I explained those things to Det. Grogan during the interviews
27 and interrogations I had with him and other detectives, which were not recorded.

1 149. There were no such anchors found on the bottom of the bay, despite numerous underwater
2 searches police conducted between January and October 2003 in the shallow area of the bay where
3 I went fishing on December 24 and where I was accused of dumping my wife's body. That is
4 because I only made one concrete anchor, which is the one police found in my boat. I did not
5 make multiple anchors or weights as the prosecution argued at my trial.

6 150. Det. Grogan also had a theory that I somehow used the chicken wire pictured above to
7 wrap my wife's body in before dumping her into the bay. That did not happen. I explained to
8 Det. Grogan that I bought the chicken wire because I was planning to wrap it around a few trees
9 in our backyard that were being scratched up by the cats. Laci was steadily working on
10 landscaping our backyard area. We saw that the cats were scratching up some of our newly
11 planted trees and she did not want the trees to get ruined so I told her I would wrap some chicken
12 wire around the tree trunks to discourage the cats from scratching them up. Det. Grogan did not
13 believe my explanation and told me I was lying. He accused me of buying the chicken wire to
14 wrap around Laci's body to weigh her down in the water after she was killed. That was entirely
15 false.

16 151. Det. Grogan testified that he directed Det. Reid to go to Home Depot and Lowe's on
17 January 3, 2003, to inquire about the chicken wire they sold and both reported that they sold it in
18 rolls of 25 and 50-foot lengths. When the police unrolled the 25-foot roll of chicken wire they
19 found in my truck, it was shown to be 24 feet or maybe a little longer, just as I told them it would
20 be. As explained above, I cut off a small piece of chicken wire from the roll I bought to use when
21 I tried to make the concrete tabletop, a project that failed.

22 152. I also heard Det. Grogan testify that he examined the trees in our backyard to look for
23 scratch marks during the search warrant executed on February 18, 2003 and he saw that "there
24 were several stakes and trees and shrubs in the backyard that had scratch marks on it and, in fact,
25 much later when we were getting ready to leave from the search warrant I saw one of the cats
26 scratching on one of the trees." (RT 17850.) The photo below shows scratch marks on one of the
27 trees taken during the February 2003, search according to police reports.
28



THE FISHING BOAT

153. Laci and I had a lot of friends and liked to socialize. In November 2002, a few weeks before Thanksgiving, we were having dinner with our friends Guy and Jodi Miligi and I recall telling them that we were thinking about getting a fishing boat. The police knew this because it was confirmed in a police report. Guy Miligi and I had talked earlier in 2002 about going in together to buy a speed boat we could use for waterskiing but that did not end up happening.

154. I recall also talking to our friend Brian Ullrich about wanting to buy a boat sometime that fall. This conversation was also confirmed when Brian talked to the police.

155. I grew up in Southern California and spent a lot of time fishing, boating, and hunting with my family and friends. Those were all longtime hobbies of mine. I had owned three other boats at different times and was ready to have another one. Laci and I had talked about getting a boat off and on at different times. One of our first dates was on a deep-sea fishing boat with friends. Laci caught the first fish.

1 156. Laci and I were both close to our families and we were both family-oriented people. We
2 spent the holidays with family every year. In 2002, we spent Thanksgiving with my family in the
3 San Diego area. We were there with my extended family between November 27 and December
4 1, 2002. My family had a baby shower for Laci in Del Mar, while my dad and brothers and I
5 played golf. I went to meet Laci after the shower and carried all of the gifts we had received out
6 to the car.

7 157. In early December 2002, after returning to Modesto, Laci and I decided to look around
8 for a small fishing boat. We knew Laci's step-dad Ron would enjoy having a boat too. Sharon
9 Rocha testified at my preliminary hearing that Ron would have been interested in knowing I was
10 buying a boat because he had mentioned wanting a boat several times. Sometime in late 2001 or
11 early 2002, I had gone fishing at Lake Amador with Ron, who talked a lot about wishing he had
12 a fishing boat. (RT 9104.) Ron was an avid fisherman; he carried fishing poles with him around
13 in his car so he would be ready for any opportunity to fish that came along. He loved to fish and
14 he told us he wanted a boat but could not afford to buy one. (RT 9097-98.)

15 158. We decided together that it would be nice to buy a small, used fishing boat with an
16 outboard motor so we could surprise Ron with it at Christmas. I liked fishing too and had gone
17 around the Escalon area and also in the Mammoth Lakes area with family in August 2002, but I
18 was not as avid a fisherman as Ron was.

19 159. Our plan was that Ron and I would share the fishing boat and both use it, and we would
20 hopefully be able to keep it at Laci's parents' house because they had room to store it and we did
21 not. After I bought the boat, I planned to temporarily store it at the warehouse where my office
22 was located. Laci knew about it and was involved in the decision to buy the boat.

23 160. Another reason for buying the boat was because we wanted to have that bonding
24 experience with our own son, being out on the water and going fishing, and also to help foster a
25 good relationship between our son and his grandfather, Ron. We looked around on the internet
26 for used boats together.

27 161. On Saturday afternoon, December 7, I saw an ad on the internet for a used 14' GameFisher
28 boat with a 15-horsepower outboard motor and trailer for sale for \$1,500.

1 162. The next morning, on Sunday, December 8, 2002, I did some more searching on the
2 internet for classified ads for boats, for boating regulations, and Department of Fish & Game
3 Rules and Regulations. I had never fished in the bay before and I knew the tides, currents and
4 winds could be strong there, so I also looked at a chart for San Francisco Bay. I also looked for
5 boat ramps along the Pacific so I could see where other possible fishing areas were located.

6 163. Laci and I were both searching the internet together that morning, sitting right next to each
7 other, as can be seen by the searches run on our computer: I was searching for boating and fishing
8 information and she was looking for clothes on eBay, as shown in the internet search word
9 summary below. (RT 14368.)

7:57am	boat ramps pacific
8:00am	boat ramps watsonville
8:02am	boat ramps watsonville pacific
8:02am	boat ramps watsonville pacific ocean
8:06am	eBay: dragon shirt
8:06am	eBay: embroidered shirt
8:07am	eBay: searched for "dress embroidered shirt"
8:15am	eBay: (did not search, but only went to the advanced search area.)
8:15am	san francisco bay boat ramp
8:21am	suisun bay map

16 164. I made an appointment to meet with the owner of the 14' GameFisher I'd seen advertised
17 the day before, a man named Bruce Peterson (no relation), later that day. We met and I liked the
18 boat but I was unable to test the outboard because it did not have an adapter to fit a hose so it
19 would need to be in water to test it, or else an adapter would be needed. I was hesitant about
20 buying the boat without testing the engine but the boat appeared to be well maintained and Bruce
21 kept his garage and work area clean and organized so I went ahead and agreed to buy the boat.

22 165. I looked at another boat that day but it was not registered with the DMV and I wanted a
23 boat that was licensed. I decided to go with Bruce's boat because it was licensed and I wanted a
24 boat that was outfitted for fishing and had an outboard big enough for ocean fishing.

25 166. If I were looking for a boat to use for the purpose of committing a crime, as the prosecution
26 accused me of doing, I could have purchased a boat the same size or bigger for less money. I
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certainly would not have needed a fish finder or fishing seats, which would have taken up more room in the boat.

167. Bruce Peterson and I agreed on a price of \$1,400. It was a Sunday when I met with Bruce. He wanted to be paid in cash and the banks were closed, so I told him I would return the next day with the cash to buy the boat. (RT 12159.)

168. I remembered talking about fishing in the bay with one of Laci's relatives I had met at a family party in 2001. He told me he often fished for sturgeon out of Berkeley Marina. I knew it was sturgeon season, so later that night I did some more research on the internet and looked into fishing for sturgeon in the bay. Below is some of the information I printed out and pictured below is a summary of the internet searches I did on Sunday night, December 8.

9:46pm	San Francisco Bay Fishing Report
9:51pm	map san francisco bay chart (sees results 1 - 20)
10:00pm	map san francisco bay chart (sees results 21 - 40)
10:03pm	map san francisco bay chart (sees results 41 - 60)
10:07pm	sturgeon fishing tackle
10:08pm	sturgeon fishing tackle
10:08pm	sturgeon fishing tackle san francisco

169. The next day, on Monday, December 9, 2002, I got the cash I needed and went back to Bruce Peterson's to pay him the \$1,400 we agreed upon for the boat and trailer and then hauled the boat to my warehouse where I planned to store it temporarily until Christmas. Bruce included a fish finder, two rod holders, two oars and two life jackets. He also included a cover for the boat in the transaction but no straps for securing it to the boat. I did not put the cover on the boat when I hauled it from Bruce's to my warehouse. In fact, I never used the boat cover on the boat at all.

170. At my trial, the jury was told that I had purchased the boat secretly and had not told anyone about it, including Laci. I heard the prosecution tell the jury during its opening statement at my trial that "not a single soul" knew I had bought a fishing boat on December 9, 2002, and that buying the boat was evidence that I planned to kill my wife. That was not true; Laci absolutely knew about and agreed on the purchase of the fishing boat. We paid cash for the boat not because I was trying to hide the purchase from Laci, as the prosecution argued, but because Bruce Peterson asked to be paid in cash.

1 171. Once we were back in Modesto, on December 20, 2002, Laci and I went by my office and
2 warehouse so I could show her the boat. Laci said she thought Ron would like the boat and take
3 good care of it. She asked me if I had tested the motor because she knew I had previously bought
4 an outboard without testing it and that it developed a hole in the cylinder. I think I may have dry
5 started the motor once, briefly after buying it, but I realized she was right, I needed to test the
6 boat on the water before giving it as a gift to Ron for that very reason.

7 172. While we were at the warehouse on December 20, 2002, Laci needed to use the restroom
8 but the toilet in my warehouse was located in the back and there were a lot of boxes and other
9 materials that made it difficult to access the restroom, so Laci went to a neighboring warehouse
10 that was leased by Peggy O'Donnell and asked to use her restroom.

11 173. While I did tell the police that Laci knew about the boat, I do not recall if I told them about
12 Laci's trip to the warehouse. When detectives Brocchini and Grogan learned from Peggy
13 O'Donnell that Laci visited the warehouse *after* we had bought the boat, they removed that
14 information from their police reports. Det. Brocchini testified that he knew Laci had been to the
15 warehouse and seen the boat, but he "excised" that information from his report. The prosecution
16 had evidence that Laci knew about the boat but continued to argue, falsely, to the jury that Laci
17 was unaware of the boat purchase because I was keeping it from her.

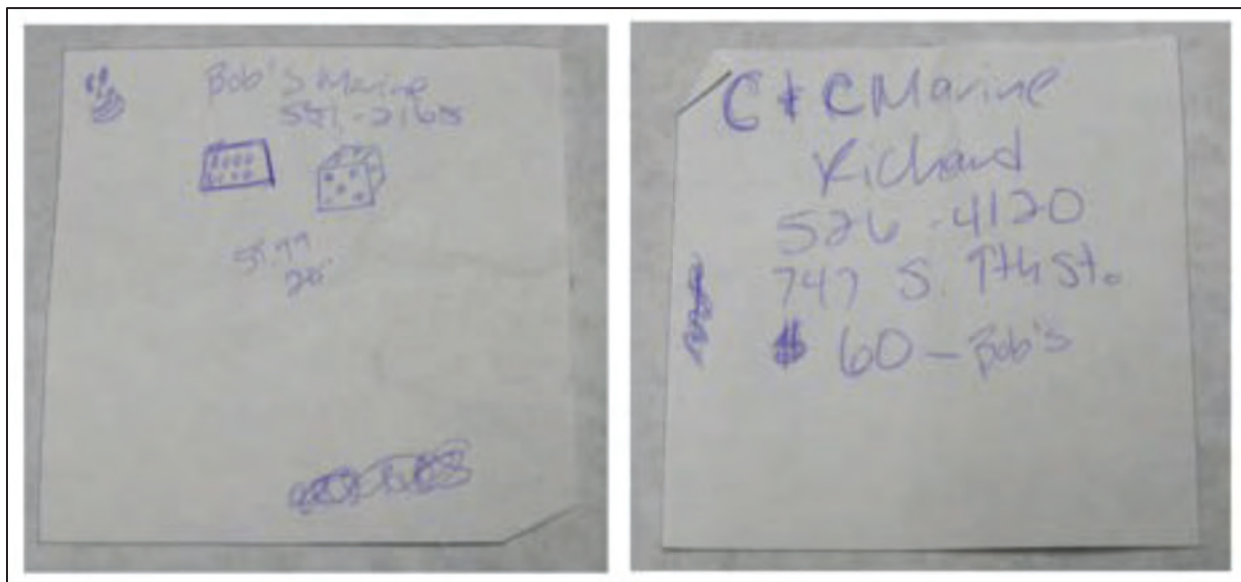
18 174. I believe I told Det. Grogan that the boat was going to be a surprise for Ron Grantski at
19 Christmas but I have not seen that documented in any of his reports. I am certain I told Sharon
20 Rocha when she asked me about the boat, after Laci was abducted, that it was a surprise for Ron.

21 **THE ANCHOR**

22 175. Sometime after we returned to Modesto from our trip to Carmel, I think it was probably
23 December 19 or 20, I decided to make an anchor for the fishing boat because Bruce Peterson did
24 not sell me an anchor when we bought the boat. Bruce testified that he had used two anchors with
25 the boat, one that was 10 pounds and another that was 15 pounds, and that he wanted to keep both
26 of them.

27 176. I had looked around at how much new anchors cost and decided I could make one for
28 much cheaper. Notes the police took from our home on December 26, 2002 show that I was not

1 hiding from Laci either the fact of the boat purchase or the fact that I was looking to buy an anchor
2 for the boat. The notes are not in my handwriting and look to me like Laci's handwriting,
3 confirming she knew I was looking to get an anchor and was taking notes on it. Pictured below
4 are two handwritten notes that were collected and labeled in police reports as Evidence Item 55.
5 177. The notes were taken on a note pad we kept near our phone and show that C&C Marine
6 and Bob's Marine were contacted and prices are written next to each business name. Police
7 reports I have reviewed show that on December 30, 2002, Det. Phil Owen called Bob's Marine
8 and learned that a 20" anchor would cost about \$58.



19 178. I explained that to Det. Grogan and told him I was looking to obtain an anchor and was
20 not hiding the new boat from Laci, as the prosecution accused me of doing. The police knew
21 about these notes, looked into them, and confirmed that I was telling the truth about why I decided
22 to make my own anchor for the boat, i.e., because it was cheaper than buying one.

23 179. I had seen concrete anchors in the past in boats my family had rented at Lake Poway when
24 I was a kid growing up in San Diego. I had also worked with concrete on various home projects
25 in the past, so I knew concrete was inexpensive and I knew I could make a concrete anchor like
26 those I had seen for a lot less than the cost of buying one from a marine store. Pictured below is
27 an example of a rental fishing boat with a concrete anchor that was shown at my trial.
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180. I told Det. Grogan I used a small paint bucket as a mold and poured an anchor that was roughly eight pounds, using a piece of heavy gauge rebar to tie the anchor to a rope or chain. The anchor I made is pictured below.



181. When the police searched my warehouse on December 26, 2002, they found a pitcher I had used to work on other building projects. I explained to the police that I had used a paint bucket as a mold to make the anchor, not the pitcher. They once again did not believe me. The police conducted an experiment with the pitcher in an effort to show I was lying. The photos below show the experiment the police conducted using the pitcher they found and the anchor itself.



182. Det. Brocchini testified at my trial that he found a pitcher in my warehouse that he believed I had used to make multiple anchors. That was later proven to be false. A prosecution expert later concluded that Det. Brocchini's opinion and conjecture were wrong—the pitcher he found was *not* what I used to make the anchor found in my boat. Once again, I told the police the truth, and they refused to believe me.

183. Det. Grogan testified that for an entire year, the police were operating under the theory that I had lied about how I made the anchor. Not until a year later, after the prosecution paid a concrete expert \$15,000 to analyze the pitcher and other concrete-related issues, did they

1 recognize that I had told the truth about using a painter's bucket as a mold and not the pitcher.
2 Mr. O'Neill, the prosecution expert, testified that the pitcher was the wrong size and the anchor
3 was consistent with the 2.5 quart size painter's bucket and that it bore a dimple indentation on the
4 bottom that matched the dimple present on the bottom of painter's bucket I used, exactly as I had
5 told the police.

6 184. The prosecution also told the jury that the concrete mess on the trailer was evidence I had
7 made multiple anchors to cover up a crime. The prosecution used photos they claimed showed
8 circular "voids" in the concrete dust on the trailer as evidence that I had made a total of five
9 weights in addition to the anchor. It looks like there may be one circle on the trailer where I made
10 the single anchor, but there were never any photos taken with tape measures or scales showing
11 the size or dimensions of these purported circular "voids." That is because I made only one
12 anchor. One of the photos the prosecution relied on as evidence that purportedly I made multiple
13 anchors is below.



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26 185. After being interviewed by the police at length about my activities on December 24, I
27 knew the police were questioning my movements and the answers I was giving them. The next
28 day, December 25, I went to my office and warehouse to pick up more tape to hang missing

1 person flyers. If I had killed my wife using concrete anchors, I could have cleaned up that
2 supposed “evidence” of the concrete mess left on the flatbed trailer when I went there that day to
3 get the tape. I did not clean anything up because I had nothing to hide.

4 186. I will be the first to admit that I did not keep this workspace tidy, but there was no evidence
5 of multiple anchors being made. The prosecution argued to the jury in closing: “You cannot tell
6 me that someone makes, number one, this much mess on the trailer to make one eight pound
7 anchor. You cannot tell me that. That did not happen. Especially [if] you put this thing in one
8 paint bucket, right? How do you get concrete everywhere?” (RT 20215.) The police knew why
9 there was a concrete mess on the trailer because I had told them about the other projects; they just
10 did not believe me and failed to record those explanations in the police reports they wrote.

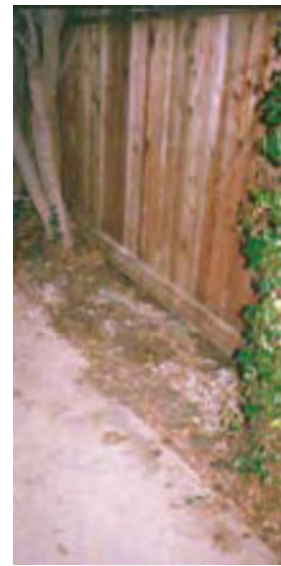
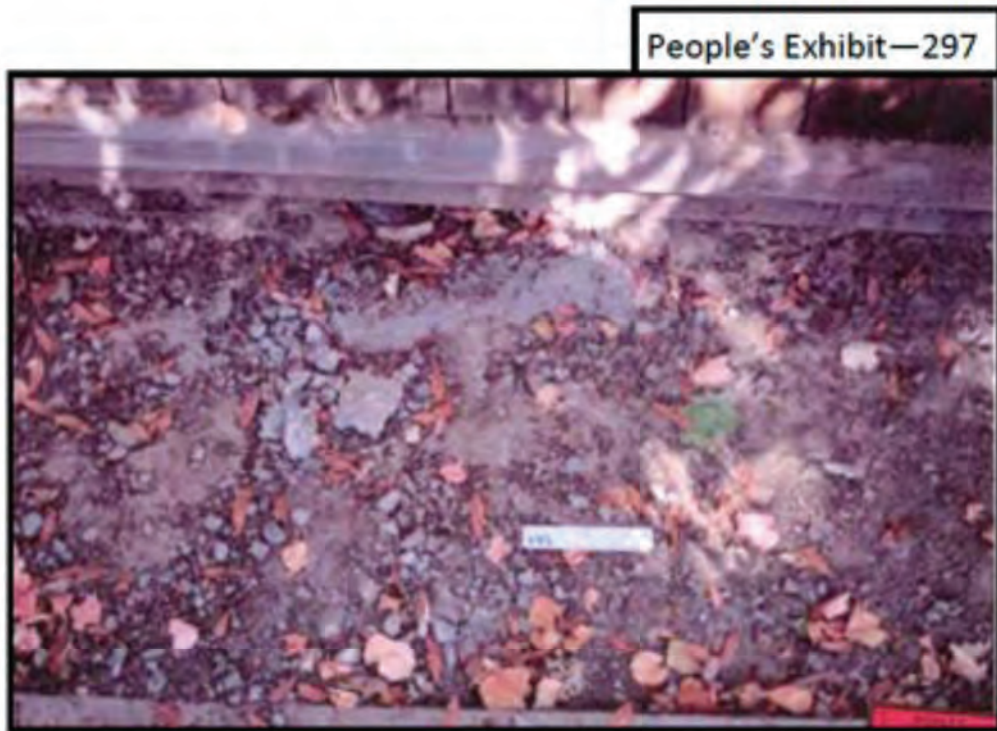
11 187. The explanation Det. Grogan gave for not recording police interviews with me was that
12 the recording devices were either not available, or were broken or out of battery, or were not
13 turned on.

14 188. The jury heard from the prosecution over and over in the opening statement that I told
15 Det. Grogan I bought a 90-pound bag of concrete to make an 8-pound anchor. That was false.

16 189. Det. Grogan testified under oath that in a January 3, 2003 interview, which was videotaped
17 but not audio recorded, that he asked me “if it was a 60-pound or 90-pound bag, how big it is and
18 I think the only answer I got out of him was, it was something like that [gesturing with his hands],
19 so I don’t think he said whether it was 60 or 90, necessarily.” That was completely false.

20 190. I explained to Det. Grogan that I recalled making the anchor from concrete mix I already
21 had on hand, which I probably purchased at Home Depot or Lowe’s. I also told him that after I
22 made the anchor I took home whatever was left in the bag of concrete mix and put it onto a muddy
23 area where we kept our garbage cans because I thought the concrete would cut down on the mud
24 that was getting on the wheels of the trash cans.

191. The photos below show the areas where I poured the concrete mix onto the muddy areas.



192. Concrete samples from those areas were collected and compared to the concrete from the trailer, the warehouse floor, and other areas, and it was shown at my trial that I had told the truth and that all of the samples were the same consistency as the concrete found in the anchor because concrete mix is essentially all similar; the only thing different is the aggregate.

1 193. Even though there was no evidence at trial showing that I ever purchased a 90-pound or
2 60-pound bag of concrete to make an 8-pound anchor, the prosecution falsely argued to the jury
3 in closing that I had used a 60 or 90-pound bag of concrete to make the anchor so there was a lot
4 of missing cement that I could not account for and therefore, it was proof I used the cement to
5 make additional anchors to weigh down Laci's body in the water. That was false.

6 **DECEMBER 20–23, 2002**

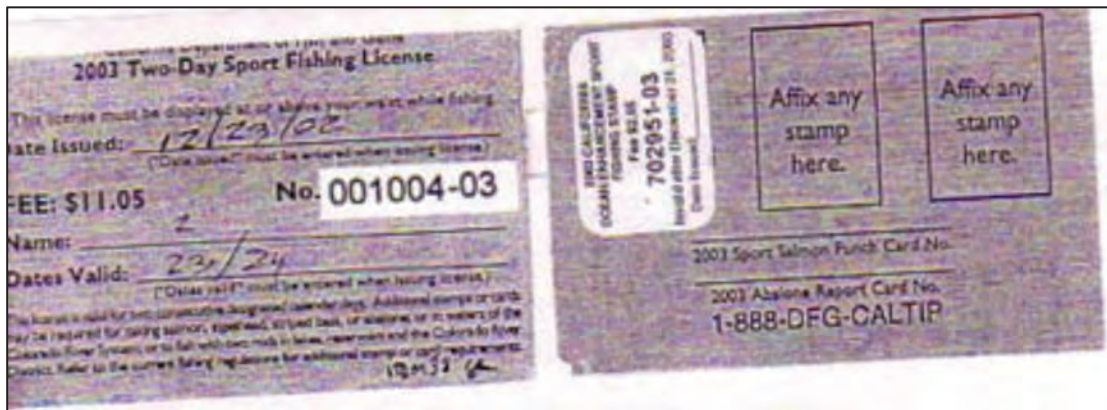
7 194. Later on December 20, after showing Laci the boat, I went to UPS to pick up a package
8 that was a piece of woodworking equipment I had ordered, and I went to Big 5 Sporting Goods
9 store to buy some fishing gear and a fishing license. After showing the boat to Laci, I was excited
10 and eager to get the boat out onto the water so I could test out the engine. All of my saltwater
11 fishing gear was in storage in San Diego, so I picked up a pole and a couple of lures. I knew that
12 some of my freshwater lures would work fine for saltwater use, so I planned on using those. I am
13 not a bait fisherman at all.

14 195. I bought a two-day fishing license for the year 2003 because it was the only license Big 5
15 was selling, since it was the end of the year. They were not selling anymore one-day licenses for
16 2002. They were also out of 2002 two-day licenses and for that reason the one I bought was
17 actually a 2003 Two-Day Sport Fishing License.

18 196. That weekend, December 21–22, 2002, Laci and I went to Home Depot to buy some
19 shelves to put up in the nursery. We had been steadily fixing up the nursery and getting it ready
20 for Conner's arrival. My dad had made a little wooden boat for the nursery because we were
21 decorating it with a nautical theme and we needed a shelf to place it on.

22 197. That weekend, I remember doing some yard work for a little while at one point. I may
23 have mowed the grass. I probably watched some football.

198. On Monday, December 23, there was not much going on because it was a holiday week. I had to go into work to take care of some things for a couple of hours. I was initially thinking I would take the boat out that day since things were fairly quiet workwise, so I filled out the fishing license for December 23 and December 24 (shown below); but I then remembered we had an appointment with the obstetrician that afternoon at 1 o'clock, so there would not be time to take the boat out.



199. I went with Laci to all of our OB-GYN appointments, including the appointments on October 29, November 24, and December 23, 2002.

200. After the doctor's appointment I went to work out, taking my blue Nike gym bag with me. Laci called me to let me know that her sister Amy, who worked at a salon, would squeeze us in if we wanted a free haircut. The salon was getting ready to close for the holidays, as I recall, so we went in. I got a haircut and Laci wanted Amy to show her how to do a new hair style called a "fun flick" that Laci was having trouble figuring out so Laci took her curling iron with her to the salon so Amy could show her how to do it. I asked Amy if she wanted to join us for pizza afterwards but she said she had other plans.

201. From the salon, Laci and I picked up a pizza and went home to eat dinner. We watched a movie and talked about plans for the next couple days – I told Laci I might take the boat out and get it in the water the next day at Berkeley. Laci joked about me catching a sturgeon so we could have caviar for the holidays. She told me she was going to do meal prep for the brunch on Christmas. We both went to bed.

DECEMBER 24, 2002

202. The morning of December 24, 2002 was an ordinary morning but maybe a little more relaxed because it was a holiday. When I got up, Laci was already awake and in the living room watching TV. This was normal. She was an early riser. I went in to say good morning and got myself a bowl of cereal. We thought about going for a walk in the park—something we did regularly. I think we watched a few more minutes of TV and then I realized it was getting late so I decided to skip the walk. I had some things I wanted to work on at my office and warehouse and I wanted to test the boat out and go fishing, so I told Laci I was going to do a few things at the warehouse and then take the boat out and I would meet her back at home later that afternoon.

203. Laci told me she was going to take the dog for a walk, go to the store to buy some special ingredients she needed to prepare for a Christmas brunch we were planning to host the next morning at our house, and bake some gingerbread. Laci was planning to make French Toast with Grand Marnier and the bread she needed to buy had to be marinated for 8 to 12 hours. When the police came the night Laci was abducted, they photographed the recipe standing on the kitchen counter right next to the mixer. I don't recall the recipe being there when I left, which indicated to me that she started the prep at some point after I left home. The recipe is pictured below.



1 204. I got into the shower and when I came out, Laci was on the computer. She told me about
2 an email I had received from a guy I had sold a golf bag to on eBay. Laci reminded me to take
3 our outdoor umbrellas from our backyard patio to the warehouse so we could store them there for
4 the winter. I got dressed and Laci left the room to go do her hair using the curling iron the way
5 her sister Amy had showed her the night before at the salon. The photo below taken by police
6 shows the bathroom and the wicker stool where she was sitting when she was curling her hair,
7 with the curling iron sitting on the vanity. (P-37-D.) I had no idea until after I was arrested that
8 the police had photographed my home on the evening of December 24 and that there was evidence
9 like this photo to support what I said my wife had done that morning.



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19 205. I loaded the umbrellas into the back of my truck.

20 206. According to a police report I read, Kristen Dempewolf told police that when she was out
21 for her morning walk, she saw a man loading things into the bed of a pickup truck parked in the
22 driveway at our house between 9:20 and 9:40 a.m. (Exh. A [B15869–70].) I remember seeing
23 one of our neighbors walk by as I was loading the umbrellas and greeting her, so I think the person
24 she described seeing was me, loading the umbrellas into the back of my truck.

25 207. Ms. Dempewolf was not able to testify at my trial about the time she saw me because the
26 police hypnotized her in January 2003, using a hypnotist who was not qualified as required by the
27 Evidence Code, making her testimony inadmissible. (RT 743.)
28

1 208. After I loaded the umbrellas, Laci asked me to fill the mop bucket. During Laci's
2 pregnancy, I had asked her to let me do all of the lifting of heavy things, like lifting a heavy mop
3 bucket out of the sink. I also put the cats outside because they liked to chase the mop around and
4 get in the way when we mopped or swept the floors. I found the cats were curled up in their usual
5 spot on the foot of our bed. I went into the spare bedroom to turn off the TV. I remember seeing
6 something about meringue on the Martha Stewart show. We agreed to meet back home later that
7 afternoon and then head over to her parents' house for dinner. Laci was wrapping up mopping
8 the kitchen floor, which was just a small area, as I said goodbye and went out the door.

9 209. I estimated I left home around 9:30 that morning and the prosecution told the jury at my
10 trial that I was lying. I was only estimating, and now, knowing the Martha Stewart comment
11 about meringue was at 9:48, I can say I left shortly after that.

12 210. The prosecution argued at my trial that cell phone tower evidence showed I did not leave
13 home until after 10:08 a.m. based on a cell phone call I made to check my voicemails at that time.
14 I do not believe that is correct. Mary Anderson from AT&T Wireless testified that anomalies in
15 the system make it impossible to pinpoint a person's location when they are checking their
16 voicemail. I believe I left home before 10 a.m., but by the time this became an issue at trial, I
17 could not recall exactly where I was when I retrieved the voicemail, whether I was already at the
18 warehouse or on my way to the warehouse stopped at a stop light, for example.

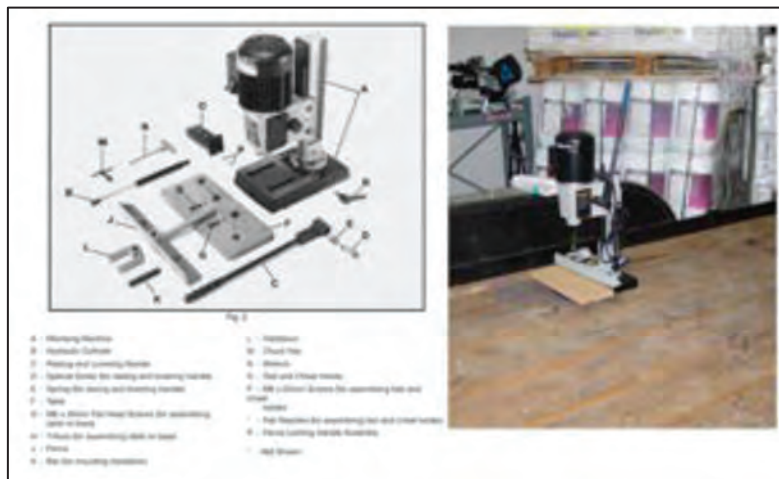
19 211. I recently saw a police report stating that I turned my computer on at my office at
20 approximately 10 a.m., which sounds accurate to me. The computer forensics evidence showed
21 I was doing internet searches between 10:30 and 10:56 but no evidence was presented showing
22 what time I turned the computer on.

23 212. I recall that it was cold that morning so the first thing I did when I got to my office was
24 turn on the heater in my office to warm it up. I typically turned on my computer right after
25 walking in because it took a little while to start up. The computer I was using was not a
26 particularly fast model, as I recall.

27 213. While those things were warming up, I went into the warehouse to start unpacking the
28 parts for a piece of woodworking equipment I had ordered online. It was a hollow chisel mortiser

that I was planning to use to make mortise and tenon joints for a dining room table I wanted to build. The table we were using was on loan from my parents.

214. There were a number of parts to be assembled. The diagram below is from the manual for the Hollow Chisel Mortiser (Model 14-650). The mortiser I tried to assemble the morning of December 24 is pictured on the right.



215. Det. Brocchini testified that I could have put the mortiser together at any time, indicating he did not believe I put it together on December 24. But I had only picked the mortiser up at UPS on December 20 and was home all weekend after that. In the photos police took at my warehouse and office on December 26, the box and packing material for the mortiser can be seen on the trailer, right where I left them that morning (pictured below, upper left photo with red arrow).



1 And the manual for the Delta hollow chisel mortiser is shown sitting right on top of my desk,
2 where I left it (pictured below, right photo with red circle).

3 216. After unpacking the parts and looking at the instruction manual, I went to start assembling
4 the mortiser and realized I did not have the tool I needed, which was a No. 2 Phillips screwdriver.
5 I thought I had one in the tool box in my truck; it is a pretty common tool to have around. I looked
6 on my trailer at the tools lying around there and I looked in the tool box in the bed of my pickup
7 truck. I remember making several trips out to my truck to look for tools that could work. When
8 I could not find the screwdriver I needed, I had to use a larger one to get the screws started. I was
9 determined to find a way to improvise and make it work.

10 217. I did some internet searches to look for assembly tips I could use, as the computer
11 forensics confirmed. I did not find anything helpful and in the end, all I could do was partially
12 assemble it and leave the screws loose. At that point I gave up on trying to assemble the mortiser.

13 218. I recall sending out a work email to my boss with a holiday greeting, and doing a few
14 other things in the office. I had the two-day fishing license that was going to expire after
15 December 24 because I had already filled in the dates. (People's Exh.79.)

16 219. I had already done some research and determined that Berkeley Marina was the closest
17 saltwater place to put the boat in the water. I wanted to open up the engine to test it out and do a
18 little saltwater fishing at the same time. I also knew I did not want to go to a lake and rev up the
19 engine and roar around at high speed while testing the motor because that would disturb anyone
20 who may have been out fishing on the lake. At the bay I could motor at full throttle. I liked the
21 ocean, and I did not think freshwater fish fed much when it was cold. Laci and I had taken plenty
22 of trips to Berkeley. We had gone to dinner there on special occasions, we both loved to go to
23 Chez Panisse, and would walk along the perimeter of the marina afterward. I was familiar with
24 how to get there. Those are some of the reasons I ended up going to Berkeley Marina.

220. I was not hiding anything about the boat or my plan to take it out on the water from anyone. In the photos police took at my warehouse and office on December 26, pictured below, the information I had printed out about fishing in the bay and the Big 5 Sports bag and receipt from the gear I bought on December 20 can be seen in my office, right where I left them.



221. I hooked the boat and trailer up to my truck. I was kind of excited to be out on the water and in my haste to get there, I forgot to take the umbrellas out of the truck and put them in the warehouse. I believe I left the warehouse to head to the marina about 11:20 a.m.

222. The police and prosecution claimed that I placed my wife's dead body in the back of my truck at home and drove to my warehouse where I transferred her body to the boat and then put the cover on the boat so I could drive her dead body to the marina in broad daylight, without anyone seeing. That absolutely did not happen.

1 223. The boat cover was in the boat, not on the boat, when I received the boat from Bruce
2 Peterson. The cover stayed inside the boat when it was stored at the warehouse and when I
3 trailered it to the marina. In fact, I never put the boat cover on the boat at all, not once from the
4 time I bought the boat.

5 224. Transporting a boat with a cover on it at highway speed requires tie down straps to hold
6 the cover in place to prevent flapping and tearing and to prevent it from flying off and causing an
7 accident. I had no tie down straps to use with the cover; none were found during any of the
8 searches conducted by police.

9 225. The boat cover also had nylon loops around the edges that could be used to secure the
10 cover to the boat but Bruce Peterson did not provide me with any straps or bungee cords to secure
11 the cover, nor did I ever buy any straps or bungees cords for that purpose, nor did I have any
12 straps or bungee cords at my warehouse for securing the boat cover and none were found during
13 the search of our home, vehicles, or my office and warehouse. That is because I never had any
14 straps or used the boat cover. I reviewed pictures of the nylon loops of my boat cover, shown
15 below as photographed by my attorneys, and they show no sign of the wear and tear that would
16 result from being secured with bungee cords and driven at freeway speed.



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26 226. The prosecution argued that I drove to the Marina with the boat cover on saying, “You
27 just put some bungee cords, it’s got those little hooks on the side. You guys are all going to be
28 able to see this evidence. I’m not telling you anything that’s not right here. He puts the bungee

1 cords on, straps it down, and he drives off to the Bay. Nobody can see a single thing that this
2 man has done.” (RT 20203.) That is false. I did not have bungee cords to secure the boat cover.
3 There was only one bungee cord found in all the searches and it was not even entered into
4 evidence at my trial.

5 227. The only straps I had were the two shock-type straps, just as Bruce Peterson had, that I
6 used to keep the boat tied to the trailer when I was hauling it, which is how Bruce Peterson
7 explained to me it should be secured. The straps had “S” hooks on the ends and I connected one
8 strap from the oar lock to the undercarriage of the trailer on each side of the boat. The photo
9 below shows what my truck and boat looked like as I was driving to the marina, with the port-
10 side strap I am describing circled in blue.



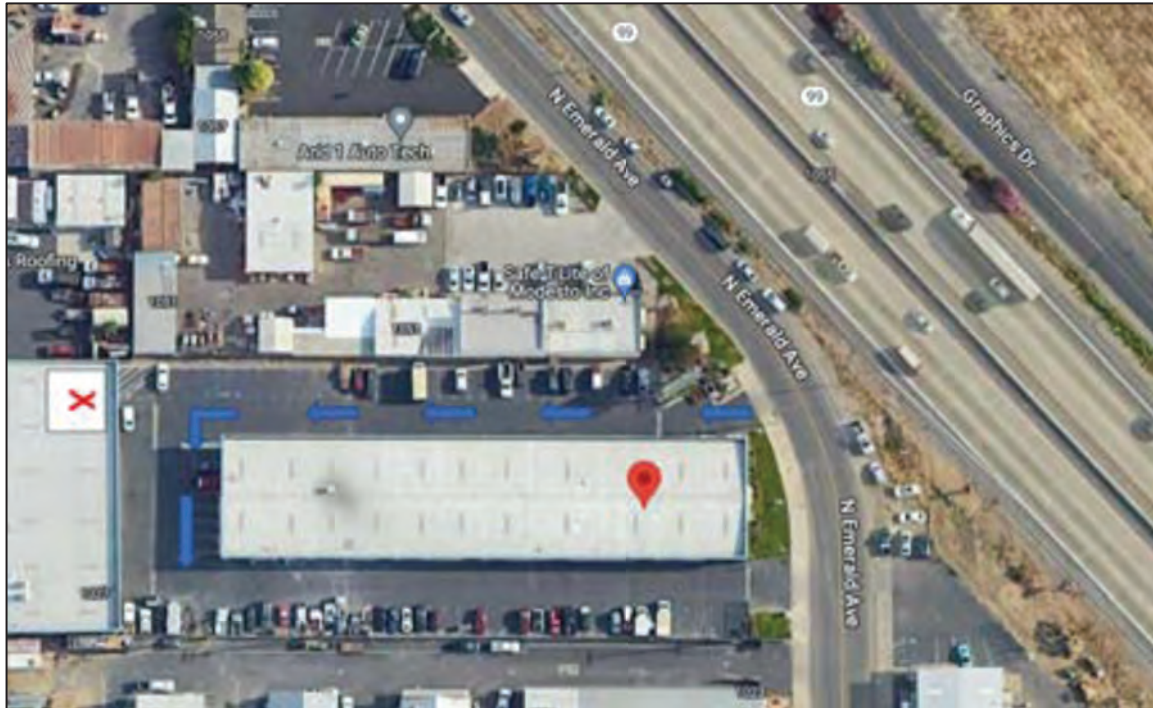
24 228. At some point, as I was driving either to or from the marina on December 24, I had to pull
25 over and put the boat cover in to the back of the truck because it was started to blow around in
26 the boat when I was driving.

27 229. Aside from the fact that I could never and would never have done such a horrific thing to
28 my own family, or to anyone else, my warehouse was adjacent and exposed to other warehouse

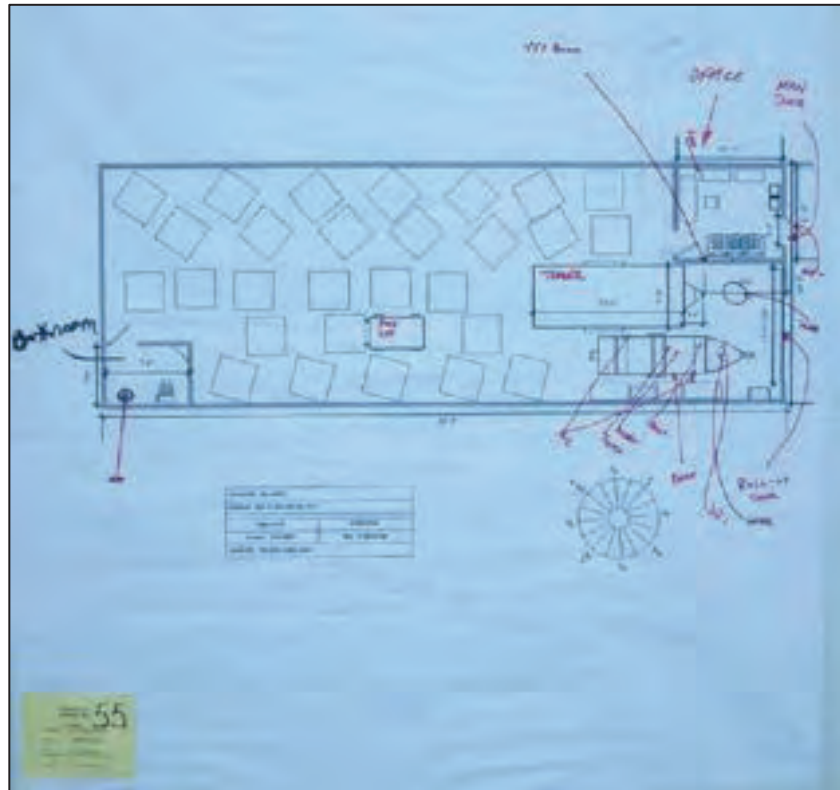
units leased by other businesses, as well as exposed to a busy road. I also had no idea at that time whether the warehouse facility my employer had leased had surveillance cameras in place for security purposes. I only learned later that it did not have any security cameras in place, nor did the adjacent facilities.

230. The facility where my warehouse was located is right off of Emerald Avenue, which runs parallel to Highway 99, kind of like an access road. I parked my truck right outside the opening of my warehouse, which looked like a very large garage with a roll up metal door. There are a number of similar units side-by-side at that facility.

231. My warehouse unit, in particular, faced both Emerald Avenue and Highway 99, so there was clear visibility into my warehouse by anyone driving by, anyone who happened to walk by, and by others using the main entrance. Those who had units at the rear of the facility had to drive right by my warehouse to reach theirs as well as to exit the complex. Pictured below is the location of my warehouse at the facility marked with an X and the flow of traffic onto the property marked with arrows.



232. My warehouse was packed full of boxes full of products my company sold, a forklift, my flatbed trailer, and the boat, as shown in the diagram below. It was not possible for me to pull my truck into the warehouse to hook the boat up; I did that with my truck parked in the parking lot, backed up to the warehouse. My truck was parked outside and plainly visible at all times to any passersby.



233. As for going fishing that day, I was curious about fishing for sturgeon but I was not particularly after sturgeon. I always liked fishing but it was a hobby more than something I studied or strived to become an expert in. I just liked to throw out a lure and catch something. I also did not really pay that much attention to trying to use the “correct” lures for certain types of fish. At some point after we bought the boat, I am not sure of the exact date, I had taken my tackle box from home and put it into the boat. It had fresh water lures and other fishing gear I knew I could use. I did not give it too much thought. I just liked to be out on the water.

1 234. I arrived at the marina a little before 1 p.m., so I must have left the warehouse before
2 11:30, because the drive is a little over an hour and a half and I had to drive slower than usual
3 when trailering the boat. I paid for a launch receipt when I got to the marina and it was time-
4 stamped 12:54 p.m. Pictured below is the boat launch payment machine where I purchased the
5 boat launch ticket.



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15 235. I backed the trailer into the water at the boat launch using the eastern most dock of the
16 Berkeley Marina boat ramp, along E Dock. It was the first time I had tried to back the new boat
17 and trailer into the water, so I miscalculated and banged the boat against the wooden dock several
18 times, making a loud racket.

19 236. Police found red staining on the starboard side of the boat and on the fishing rod holder.
20 I recall seeing some signage on the facing boards along the dock that had red lettering similar to
21 that pictured below. A police report I read states that Det. Grogan went to Berkeley Marina and
22 collected a sample of the red lettering so it could be tested because police discovered a red stain
23 on the fishing boat I had used only once, on December 24, and which Bruce Peterson told police
24 was not there when he sold the boat. The red staining is indicating in the photos below.



237. The stain was on the starboard side of the boat, consistent with me using and hitting E-dock, as I told police. The photo below shows the eastern most dock at the boat launch where I put my boat into the water. I have indicated where the red lettered signage was located on the side of the wooden dock, E Dock.



238. I reviewed a lab report stating that the red substance from the side of the boat had wood grains mixed with “mostly vinyl-chloride copolymers.” (Bates 36409.) If the cover had been on the boat, as the prosecution told the jury, the red paint and wood grains from the dock would have

1 transferred to the boat cover, not to the side of my boat. There was no red staining or wood grains
2 found on the boat cover.

3 239. I reviewed a police report filed by Det. Grogan dated January 10, 2004, stating that he had
4 visited the Berkeley Marina boat ramp, seen signs on the sides of the ramp with red lettering
5 saying, "End of Ramp," and collected samples of the lettering, but I have never seen any reports
6 indicating that those samples were tested or compared to the sample of red paint from my boat.

7 240. The photo below shows the "End of Ramp" signage from the red lettering on the side of
8 the wooden dock that was transferred to my boat on the starboard side, which is consistent with
9 me using E-dock and having no boat cover on, as I told the police.



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18 241. After I put the boat in the water at the eastern most dock, I tied it up and went to park my
19 truck and trailer in the nearby parking lot. The boat was tied up at the dock and unattended for
20 five or ten minutes while I parked my truck so anyone walking by could have seen right into the
21 boat.

22 242. I inadvertently left the new lures I had purchased at Big 5 Sports in the backseat of my
23 truck. I was really more interested in running the motor and being on the water than in doing any
24 real fishing, so I made do with what was in my tackle box. In Det. Grogan's report summarizing
25 his interview with me on December 25, he wrote: "Scott said he primarily went there to tryout
26 [sic] the boat." (Bates 113.)

27 243. I started up the boat and circled around inside the marina a time or two before I headed
28 out into the bay. Based on a report I read of a witness interview, a man named Yuri Faria told an

investigator he was on his boat that day and saw me putting my boat into the water. Mr. Faria said he saw the person launching the boat was not very experienced because he seemed to be having trouble. He said he did not recall seeing any object inside the aluminum boat, but he did



recall seeing some type of camouflage clothing, like a jacket or pants. He did not report seeing a body or any other large objects in the boat. When police searched my boat, they found the camouflage jacket I had with me on the boat that day, which is what Mr. Faria described seeing. It is pictured below.

244. Based on what Mr. Faria told an investigator about the location where his boat was docked in the last slip on the dock by the ramp basin (circled in the photos below), I had to have motored right past him when I made my way out onto the water.



1 245. I motored for about two miles and made my way north toward an island I later learned
2 was Brooks Island. The water was shallow where I was fishing, no more than about 5 feet deep,
3 so I figured it would be decent for trolling. I used some fresh water lures from my tackle box but
4 did not catch anything. I headed back to the marina after trolling for about an hour.

5 246. I motored back to the marina and tied up the boat at the same dock. The marina was fairly
6 quiet but I did see a couple maintenance guys watching me and laughing as I tried to back my
7 trailer down the ramp to load the boat at the eastern-most dock—the same dock where I put the
8 boat in the water.

9 247. I later learned one of these men, Mike Ilvestra, told an investigator on December 27, that
10 he recalled seeing me and that I was having a hard time backing my trailer into the water. On
11 January 2, Det. Grogan told me the police had been unable to find anybody that saw me at the
12 marina and later that day the police held a press conference and released photos of my truck and
13 boat telling the public that “Police are trying to corroborate Scott’s trip to the Berkeley area.”
14 (Bates 17695, 5053.) I then made a couple trips to the Berkeley Marina to look for the people I
15 saw, or who may have seen me, on December 24.

16 248. The prosecution told the jury I tied up my boat, not on E-dock, but on the **western-most**
17 **dock**, because a scent dog was used on December 28 at the marina and Eloise Anderson, who
18 handled the dog, testified that her dog picked up Laci’s scent to the western-most dock.

19 249. I did not tie my boat up at the western dock. I had never before put the boat into the water
20 using that trailer and I had never before put a boat into the water at Berkeley Marina, so I used
21 the eastern-most dock, labelled E-Dock, to give myself as much room as possible to maneuver
22 the trailer down the ramp (see photo above) from the angle I pulled into the parking lot from.

23 250. Even taking the widest turn using the eastern ramp, I was still unable maneuver the boat
24 and trailer down the ramp without bashing the starboard side of the boat into the dock, as
25 evidenced by the red staining and woodgrains found on the starboard side of the boat. On the
26 picture below, the red arrow indicates the ramp that the scent dog purportedly trailed Laci’s scent
27 to on December 28, while the blue arrow indicates the ramp I used to put my boat into the water
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on December 24. If I had used that dock, the vinyl transfer would have been on the other side of my boat.



251. Det. Grogan testified at my trial that police suspected or theorized that the red staining on the boat was transferred onto it when I tied off my boat to a buoy in the bay to stabilize it and keep it from tipping over when I pushed a body overboard. That did not happen.

252. As Det. Grogan testified, testing was conducted on the red paint stains found on the side of my boat and the results determine that the paint stains could not have come from a buoy in the bay.

253. I believe the red staining on my boat was the result of my boat bumping against the red signage on the wooden dock's side as I backed it down the ramp.

254. After I got the boat back onto the trailer, I drove back to my warehouse, stopping for gas at a Chevron station in Livermore along the way. The cell phone records show that I checked my voicemail messages at 2:12 p.m., and then tried to reach Laci on both her cell phone and our home phone but there was no answer at either. I left her a voicemail message on our home phone then on her cell phone, figuring she was out at the store or running errands: "Hey, Beautiful, I just left you a message at home. It's 2:15. I'm leaving Berkeley. I won't be able to get to Vella Farms

1 to get the basket for Papa. I was hoping you would get this message and go on out there. I'll see
2 you in a bit, Sweetie. Love you. Bye." Vella Farms is a bakery, delicatessen and gift shop in
3 Modesto I was planning to stop by to pick up a gift for Laci's grandfather. I wanted to reach her
4 while she was out so she could stop there to pick it up since I was stuck in traffic and would not
5 likely be able to get there before they closed. I tried to reach Laci again, possibly when I stopped
6 to get gas at the Chevron station but, again, did not reach her. According to cell phone records I
7 have reviewed, I tried her again at 3:52 p.m., but did not reach her and did not leave a message.

8 255. It was not unusual for Laci to go out without taking her cell phone. She kept it in her car;
9 that is where she charged it. However, she did not do that much driving so the phone was
10 constantly dying. I was therefore not particularly concerned when she did not pick up my call to
11 her cell phone. I just figured she was out at the store or running an errand.

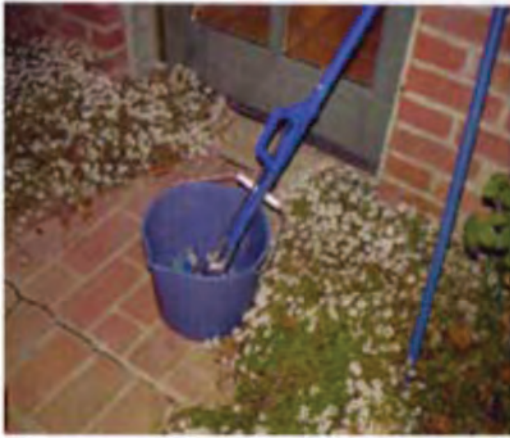
12 256. I also remember talking to my dad for a few minutes as I was driving back, and I called
13 another friend, Greg Reed, to wish him a happy holiday and confirm our plans for New Year's
14 Eve.

15 257. When I got back to the warehouse, I unhooked the boat. I, once again, forgot to take the
16 umbrellas out of the truck and put them in the warehouse. I headed home and arrived at about
17 4:45 p.m. I backed the truck up into the driveway. The Land Rover was parked in the driveway.
18 I walked through the side gate that led to the backyard where our dog McKenzi greeted me. I
19 saw he had his leash on. I had seen Laci leave the leash on before, so I did not think anything of
20 it at the time.

21 258. The back door was left unlocked. When I opened the door, McKenzi and our two cats
22 were right on my heels ready to go inside the house. When I got inside, I found that Laci was not
23 there, but nothing I saw seemed out of the ordinary to me at that point. It was not unusual for us
24 to leave the back door unlocked. I remember thinking that Laci was probably at a neighbor's
25 house dropping off gingerbread or whatever holiday baking she had done that day. I also
26 remember thinking that maybe Laci's mom had come by to pick her up to take her over to their
27 place early to help prepare the Christmas Eve dinner they were planning.

1 259. I saw the mop bucket and two mops inside and the animals were heading straight for the
2 bucket that still had water and Pine-Sol in it, so I emptied the mop bucket and set it outside in its
3 normal place. I also brought in the mail.

4 260. My clothes were damp from being out on the water, so I took them off and put them into
5 the washing machine per my routine. The washing machine had towels already in it that our
6 housekeeper, Margarita, had placed in there the day before when she came to clean, so I took
7 those out and piled them on top of the dryer. The photos below show where I placed the mops
8 and bucket outside our home and where the washer and dryer were located.



17 261. After that, I was in a hurry, so I grabbed a piece of leftover pizza and took a quick shower.
18 I got dressed and then went to the kitchen and saw the message light was blinking. I heard the
19 message I had left for Laci when I called after leaving the marina and then I heard a message from
20 Ron Grantski, Laci's step-dad: "Hey, Laci, this is Ron, your mom wanted me to give you a call
21 and ask you to bring whipped cream over." By then, it around 5:15 p.m. Our answering machine
22 was not set to the correct time, so I was not sure what time that message came in. I called my
23 mother-in-law Sharon Rocha, to see if they still needed whipped cream, still assuming that Laci
24 was already over at her mom's house. That was when I learned that Laci was not at her mom's
25 house and that Sharon had not seen or spoken with Laci that day.

26 262. I told Sharon that Laci's car was in the driveway, but she was not at home. Sharon asked
27 me if McKenzi was in the yard, and I told her he was there when I got home. At that point, I
28 started to get very upset and panicked and began looking for Laci by calling her friends, Stacey,

1 Lori, and Renee; she was not with them. (RT 10529, 10565.) I went outside and went to our
2 neighbors who lived directly across the street, Amie Krigbaum and Tara Venable. Amie answered
3 the door, and I asked her, in a state of panic, if she had seen Laci; she had not. (RT 8877.) Amie
4 told me that she saw the Christmas lights hanging from the eaves on our home come on shortly
5 before I came home. The lights were not on a timer so I have always wondered who turned those
6 lights on, when, and why.

7 263. From there I went to our next-door neighbor Karen Servas's home but she was not there.
8 I went to another house south of us and no one was home. I crossed the street and knocked on
9 the door of an elderly lady I knew only as Penny. There was no answer at the door either. I then
10 tried our neighbors, Jovita and Craig (I do not know their last names) and they were not home
11 either.

12 264. I went back home and called Sharon again to tell her that none of the neighbors I had
13 talked to had seen Laci and that I was going to call the hospitals and police. She asked me again
14 about the dog and that is when I realized that he still had his leash on so Laci must have taken
15 him for a walk at some point that day. I told Sharon as much and she said, "Go to the park, I will
16 meet you there, Ron will call the hospitals and police."

17 265. I scribbled a note to leave on the door of Karen Servas's house asking her if she had seen
18 Laci and left her my cell phone number, grabbed the dog and a flash light, and headed to the park,
19 putting the note on Karen's door on the way.

20 266. I began searching for Laci in East La Loma Park near our home, where we often walked
21 the dog, but I saw no sign of her.

22 **MODESTO POLICE DEPARTMENT INVESTIGATION**

23 **December 24, 2002**

24 267. My first contact with Modesto Police was in East La Loma Park just after 6:00 p.m., when
25 I was searching for Laci. MPD Det. Jon Evers asked if I would consent to a search of our home.
26 I immediately agreed and told him I would do everything I could to cooperate with police in their
27 search for Laci. My only focus was on finding Laci.

1 268. I was driven back home in a police car where there were already a number of family and
2 friends gathering. I recall my friends Brian Argain and Brian Ullrich being there, among others.
3 I immediately consented to the search of our entire home inside and out, and everything in it.

4 269. After the police walked through our house, I went inside with them and walked through
5 the house multiple times to see if anything was awry and to point out to them where everything
6 was located. They asked me if her purse was in the house, and we went to look in her closet
7 where she usually kept it and it was there and her keys were in it. I recall looking through her
8 purse several times that night, looking for some clue as to where she may have gone but I did not
9 find anything.

10 270. I told police that Laci's plans for the day were to take the dog for a walk, go to the store
11 to buy groceries to prepare for a Christmas brunch we were planning to host the next morning,
12 and bake some gingerbread. I also told police I had left home at about 9:30 a.m. to go to my
13 office and warehouse to work on a few things and then I took the fishing boat we had recently
14 purchased out on the water to test out the engine and that I did some fishing while I was out there.
15 I told them that Laci and I had agreed to meet back at home later that afternoon to get ready to go
16 to a Christmas Eve dinner at her parents' house.

17 271. I told the police that Laci was wearing black pants and a white top when I left home that
18 morning. I also told them she was wearing a watch that had gems or diamonds around the face
19 that she had recently inherited from her grandmother. I later discovered that the only watch
20 missing from her jewelry box was the Croton watch. The battery in the watch was dead but she
21 wore it anyway and was debating whether she wanted to keep it or sell it, because she was not
22 sure it was really her style.

23 272. There was some confusion caused by a few people who believed or assumed I had gone
24 to play golf that day. At least eight people testified at my trial that when they asked me the night
25 of December 24 where I was that day, I told them I had gone fishing. I never hid the fact that I
26 went to the marina that day and never intentionally misled anyone about my activities that day
27 whatsoever.

1 273. I overheard a radio exchange with Det. Al Brocchini, who was being called to the scene.
2 I heard Brocchini say he was having dinner and telling the officer he was speaking to, "I will be
3 there after I finish my Christmas dinner." Det. Brocchini then told the officer, "Keep him in the
4 driveway," referring to me. I was asked to wait outside our home in the driveway until Det.
5 Brocchini arrived.

6 274. While I was standing in the driveway, Brent Rocha arrived and joined the crowd that was
7 growing. There were about 40 people or so standing in front of our house. Sharon Rocha was
8 very upset and was screaming. It was cold. Helicopters were flying overhead. It was very
9 chaotic.

10 275. I tried calling my family that was gathered together in San Diego and I was unable to reach
11 anyone that night. I wanted to reach my dad but he was not answering his cell phone which is the
12 only number I had saved in my cell phone. My dad's home phone number was a landline that I
13 did not use to contact him, so I did not have it memorized. I knew that Laci had written my dad's
14 home number in her phonebook. The phonebook was inside the house, which the police were not
15 allowing me to enter.

16 276. Det. Brocchini arrived two hours later around 9:30 p.m. and told me he would be leading
17 the effort to search for Laci. While doing a walkthrough of the house with Det. Brocchini, he
18 asked me if there were any weapons in the house and I pointed out to him where I kept my hunting
19 rifles in a closet, all of which were registered. I also told him I had a pistol in the glove
20 compartment of my truck, which I had placed there when going on a recent hunting trip. The
21 prosecutor told the jury during the opening statement that Det. Brocchini found the gun in my
22 glove compartment while searching my truck, as if I were hiding it there. That was not accurate—
23 I had already openly told Det. Brocchini that I had left the gun in the truck.

24 277. After I did another walk-through of our house with Det. Brocchini, I was told I had to go
25 back outside again and stay in the driveway. When I tried to go into the house to get photos of
26 Laci to give to volunteers who wanted to go knocking on doors searching for her, I was stopped
27 by one of the officers and told I could not go in. I had to plead with them to let me go in to get
28 the pictures. I thought it was important to get some photos to give to our friends and family

1 immediately so they could go out and start looking for someone who may have seen her in the
2 neighborhood. Sergeant Duertfelt finally agreed to escort me inside so I could get photos and
3 every photo I wanted to use had to be okayed by him.

4 278. After I was back outside in the driveway, I heard the phone ring inside the house. No one
5 was answering it so I tried to go inside but was stopped again by an officer at the gate. I told him
6 I was concerned that it could be my wife calling but he would not let me in. Whoever called did
7 not leave a message.

8 279. I finally talked with our next-door neighbor, Karen Servas, on the phone and asked her if
9 she had seen Laci at all that day. She told me she had not but that she had seen our dog, McKenzi,
10 in the middle of the street earlier that morning wearing his leash. I passed the phone to one of the
11 officers who was present so they could talk to Karen.

12 280. Karen Servas testified at my trial that she found the gate to our backyard was wide open,
13 so she took McKenzi and put him back into our yard. She testified that she did not suspect
14 anything unusual. The leash was dirty and muddy so she had to go inside and wash her hands
15 after putting McKenzi into our backyard. Servas initially said it was around 10:30 a.m. when
16 she saw McKenzi in the street and she later changed that to 10:18 a.m. or a little before, when I
17 called and asked her if there was any way she could be more precise about her timeline.

18 281. While being forced to stand in the driveway instead of looking for my wife, I asked the
19 police about when a helicopter would be deployed to start searching for Laci but no one could
20 give me an answer. I was growing exasperated by being told to just stand there in front of my
21 house and wait. At that point, I overheard an officer on his radio telling someone he thought I
22 was acting "suspicious."

23 282. A friend of mine, I think it was Brian Argain, had been walking around the neighborhood
24 talking to people and he came back to the house to tell me that he had spoken to a neighbor who
25 said they had information about a strange incident that happened the night before. I believe it
26 was Ricardo Cordova, who lived around the corner. I wanted to follow up on that information.
27 Frustrated with the officers ordering me to stay in the driveway and concerned about finding my
28

wife, I started walking with Brian toward the home of the man he had just spoken to but before I made it even a block away, a police officer chased me down and escorted me back to the driveway.

283. I was trying to figure out what I could do to help so I asked an officer who told me that there were a lot of people out in the street who were cold so I should find a house they could use to go inside and get warm and a bathroom they could use. Our neighbors Amy Krigbaum and Tara Venable agreed to do this.

284. I also called my friend Greg Reed, whose grandparents owned the house next door, which was empty at the time. I asked him to come open up the house so the police could search inside and he agreed. Greg Reed testified at my trial that after interacting with the police he told his wife, "They think Scott did it." (RT 14432.) The fact that the police erroneously believed that I was involved in Laci's disappearance quickly became apparent to me as well.

285. After Det. Brocchini finished searching the house, he eventually came outside and asked me if he could look inside our vehicles that were parked in the driveway. I told him that he could search anything he needed to search and I unlocked the doors for him.

286. Det. Brocchini went to the back of the truck and pulled himself up onto the rear tire so he could look into the truck bed. As he did that, I heard his belt buckle scratching against the side of the truck and remember thinking he was probably scratching up the paint. I wondered if he was doing these things to try to get some kind of reaction out of me.

287. In the bed of my truck were the three patio umbrellas I had put in there that morning, the boat cover I had moved from the boat while driving either to or from the marina, and a blue tarp I had used to cover the umbrellas on the way to the warehouse. (RT 8443, 17674.) There was also a large green tool chest. Det. Brocchini asked me to unlock the tool chest, which I did. Inside the tool chest were a few pairs of shoes, a large cardboard box of rain gauges that were corporate giveaways, and few other items. Then I heard him place his keys in the bed of the truck, which I thought was odd.

288. After that, Det. Brocchini opened the passenger door and climbed into the cab of the truck. As he was climbing into the truck he was grinding the truck door into Laci's Land Rover that was parked next to the truck, scratching the paint there as well. I asked him to hand me a glove from

1 the glove box so I could use it to stop the door from scratching the paint on the Land Rover.
2 When he got into my truck, he said to me, "So, this is what a college degree gets you, huh?
3 Leather interior!" I was already annoyed because I was concerned about finding Laci and I could
4 not understand why the police were not allowing me to assist in the search for my wife. Det.
5 Brocchini's comment about the leather interior of my truck felt odd to me and it compounded my
6 frustration. I later learned that Det. Brocchini found it very suspicious that I did not want him
7 scratching the paint on our cars.

8 289. Det. Brocchini next got into the Land Rover and I pointed out to him that Laci's cell phone
9 was there, where she kept it plugged into the charger. He showed no interest in her cell phone,
10 which I thought was odd. He did not try to turn the cell phone on to look for calls. He showed
11 no interest in her cell phone at all.

12 290. Det. Brocchini went to talk to Officer Evers for a bit and then came back saying he left
13 his keys in the cab of my truck. I knew they were in the bed of the truck and I told him where
14 they were, but he insisted they were in the cab. He walked around to the driver's side and opened
15 the door and leaned in like he was looking for his keys, but I later learned he was actually
16 surreptitiously taking the gun out of the glove box that I had told him about earlier when we did
17 the walk-through and I showed him where I kept my hunting rifles.

18 291. Det. Brocchini then hopped out of the truck, walked back to the bed of the truck, and
19 immediately found his keys exactly where he had placed them. I realized soon thereafter that
20 Brocchini used the dropping of the keys as a ruse so he would have a reason to go back into the
21 cab and remove my pistol from the glove compartment without me knowing. I quickly grew to
22 not trust Brocchini.

23 292. Det. Brocchini next told me he wanted to see the boat that was at my warehouse. I
24 assumed he meant that he wanted to go in the morning. It was already almost 11 p.m. and the
25 boat had nothing to do with Laci's disappearance. I told him I would meet him there in the
26 morning but he said he wanted to go right then. I did not understand what the point of this was,
27 but I wanted to be cooperative, so I agreed to take him there. When I head toward my truck to
28 drive over to the warehouse, he told me to "Get in my car. We're going right now and we're

1 taking my car,” or something along those lines. I was not allowed to drive myself and had to get
2 into his car to go with him to the warehouse. Det. Evers followed behind us and met us there.

3 293. As we pulled up to the warehouse, I told Det. Brocchini to park in front of the roll-up door
4 and leave his headlights on so the boat would be well illuminated because there was *limited*
5 lighting in the warehouse. The warehouse was lit mostly by a large skylight in the ceiling during
6 the day when I worked there.

7 294. Det. Brocchini admitted in a sworn affidavit supporting one of the search warrants the
8 police obtained that I told him “there was no lighting in the warehouse so [he] would have to use
9 [his] flashlight and headlights on [his] car to see inside. By the time of my trial, however, the
10 prosecution told the jury I had falsely claimed there was “*no electricity*” in the warehouse because
11 I was trying to hide something from the police and that I was caught in that lie. That was false.

12 295. Both Det. Evers and Det. Brocchini testified, falsely and repeatedly, that I told them there
13 was “no electricity in the shop.” (*See, e.g.*, RT 8446, 10088, 10753.) The statement in the search
14 warrant affidavit was correct; their testimony at trial was false. I was not hiding anything. There
15 was obviously electricity in the office because I had a computer, a fax machine, and other
16 equipment that was operational, as shown by a fax that had come in earlier that day that was on
17 my desk in plain view.

18 296. Det. Brocchini then testified that after I told him there was “no electricity,” it was *his* idea
19 to use the headlights from his car to light up the inside of the warehouse. (RT 10754.) Again,
20 that was false, as shown in the sworn search warrant affidavit.

21 297. I told Det. Brocchini and every other officer who asked what I had done at the office that
22 morning, which was to try to assemble the mortiser, send an email, and look online for tips on
23 assembling the mortiser. Det. Brocchini looked at the mortiser and told me I had done a lousy
24 job assembling it. He also took a few photos of the boat inside the warehouse. I closed the
25 warehouse door. Det. Evers left at that point. We were probably at the warehouse for half-an-
26 hour or so. I was upset because we were wasting time that we should be using to be out looking
27 for Laci.

1 298. The report Det. Brocchini wrote about our interactions and discussions over the four hours
2 we spent together that night contains false information and omits other information. The report
3 states that we left the warehouse “and drove directly to the police station.” That is not true.

4 299. Instead of taking a direct route to the police station, he took a circuitous route through
5 some rough-looking neighborhoods and was driving erratically, speeding, and running through
6 stop signs. Later, I realized he was driving in circles to give himself more time to question me.
7 He asked me things like, “What did you get Laci for Christmas?” When I told him a Louis Vuitton
8 wallet, he responded, “That’s kind of a cheap gift, isn’t it? I would get my wife something better,
9 especially if I had everything you do.” He also asked me, “Why didn’t you spend the day with
10 your family, you don’t like your family?” He said, “If I had a nice house like yours, I would be
11 at home.” He also asked me, “Have you ever been in trouble with the police *before?*,” signaling
12 I was now “in trouble” with the police, in his mind. He asked other similar questions but those
13 are the ones I can recall. As Det. Brocchini drove through the rougher neighborhoods in East
14 Modesto, he made derogatory comments about the people living there, calling them “trash,” and
15 words to that effect.

16 300. In the intervening time, I received a request to go to Dittos copy center where our friends
17 were making a Missing Person flyer for Laci. They wanted me to confirm that the information
18 on the flyer was correct, so Det. Brocchini drove us there and I checked all of the information on
19 the flyer and confirmed it was accurate.

20 301. When we finally pulled up in front of the Modesto Police Station, Det. Brocchini suddenly
21 realized that he had “forgotten” his notebook at the warehouse. That seemed odd to me, just like
22 him leaving his keys in my truck. So we went back to the warehouse, driving an indirect route,
23 again, with Det. Brocchini asking the same questions again. When we arrived at the warehouse
24 I opened up the pedestrian door for Brocchini and he took his flashlight and went into the
25 warehouse alone to retrieve his notebook. I do not know what he took or left at the warehouse.
26 Looking back now, I realize I should have gone in with him.

1 302. After going to the warehouse a second time, we returned to the police station where Det.
2 Brocchini told me he wanted me to complete an interview. I agreed to go inside because I wanted
3 to cooperate so he would begin a proper investigation and find Laci.

4 303. I was asked to wait in an interview room. This would now be the fourth time that I was
5 asked the same questions over again. At my trial, the prosecution pointed to my demeanor in the
6 videotaped interrogation Det. Brocchini conducted that night—the only police interrogation or
7 interview of me that was purportedly ever recorded—as apparent evidence that I was guilty.
8 However, in reality, I was just upset, tired, worried, and confused. I find it very hard to believe
9 that Det. Brocchini and Det. Grogan were not recording their interviews with me, given how
10 badly they were hoping to get a confession out of me for a crime I did not commit.

11 304. I again answered all of Det. Brocchini's questions. One thing we did was call Laci's
12 phone and listen to the message that I had left her. It was time stamped as received at 2:15 p.m.
13 on December 24 but we were listening to it early on December 25. After listening to it, I handed
14 the phone to Brocchini who listened to the message after I had saved it. The time it was saved
15 was at 12:15 a.m. on December 25, but Brocchini thought that this was the time that it was
16 originally left by me.

17 305. At the end of the interrogation, Brocchini told me that he had a couple of "concerns." He
18 said that my "story" did not make sense because I did not call Laci when I told him I did. He
19 thought that he had caught me in a lie, and he appeared to be delighted. However, he was wrong.
20 I had to explain to him that when we saved the message it had put a new saved timestamp on it.

21 306. Det. Brocchini asked me to take a gunshot residue test on my hands, which I agreed to do.
22 I later learned at trial that the test was never forensically analyzed. That had just been yet another
23 ruse to see how I would react and perhaps to look at my hands. Looking back, I now see that Det.
24 Brocchini convicted me in his mind the night he met me. He never contemplated any other
25 possibilities and he never seriously investigated who actually took my pregnant wife and unborn
26 son.

27 307. Det. Brocchini admitted when he testified at my trial that his report was wrong when it
28 said he drove me "directly to the police station." (RT 10990.) He also testified he destroyed all

1 of the notes he took throughout the evening of December 24 the next day, or the day after, on
2 December 25 or 26.

3 308. It felt to me from the very beginning that the police were treating this as a murder
4 investigation instead of a missing person investigation. Det. Brocchini had no sense of urgency
5 to get the search going for my missing wife and unborn son. This was confirmed when Greg Reed
6 testified at my trial that the night of December 24, the police had already decided that I was
7 responsible for Laci's disappearance.

8 309. When I heard this, the sequence of events that transpired within hours of my first
9 interactions with Det. Brocchini all made sense. Det. Brocchini, within hours, determined it was
10 a murder investigation and I was guilty. He instructed me to stay in the driveway when I only
11 wanted to assist in the search for Laci. He told me I had to get into his car instead of driving
12 myself to the warehouse and police station. He "misplaced" his keys in the truck bed and then
13 his notebook in the warehouse as ruses to take my gun and search inside my warehouse unfettered.
14 All wasting precious time we could have used to search for my family.

15 310. Det. Brocchini also asked me that night if I was willing to take a polygraph test and I told
16 him I would. My story has never changed about my activities on the day my wife went missing.
17 That is because it is the truth.

18 311. Det. Brocchini drove me back to our house sometime after 1:00 a.m. As I was trying to
19 fall asleep, I remembered that he had told me I should not keep a loaded gun in my truck so I got
20 up and went outside to bring the gun into the house. When I opened the glove box, I saw that the
21 gun was not there. That is when I realized Det. Brocchini had taken it without my knowledge. I
22 called Det. Brocchini and he confirmed he had taken it. I told Det. Brocchini he did not have to
23 resort to a ruse to get my cooperation with regard to the gun. I would have willingly turned over
24 the gun. I had done nothing wrong and was cooperating fully. I had already given him complete
25 access to everything he requested because I wanted the police to help us find Laci.

26 312. I had already consented to allowing the police to search our entire home, inside and out,
27 our vehicles, my office, warehouse and boat. All of those places were searched on December 24,
28 2002. I authorized the release of Laci's medical records to the police to assist in the search for

1 her. I also provided the police with Laci's dental records and the name of her dentist. I
2 immediately provided Det. Brocchini with a full, detailed, and complete account of all of my
3 movements and activities on December 24, including time-stamped receipts confirming my
4 whereabouts. I gave Det. Brocchini access to my cell phone messages and logged calls, as well
5 as Laci's cell phone messages and logged calls, and I told him there were emails and internet
6 searches showing exactly what time I had been at my warehouse that day. I accounted for every
7 single minute since I last saw Laci at home the morning of December 24. I did everything I could
8 think of and everything the authorities asked of me and I cooperated fully with law enforcement
9 so we could find Laci. I did not deny the police access to anything they wanted to search because
10 I had nothing to do with Laci's disappearance and I wanted to do everything I could to assist the
11 police in getting her back home safely and as soon as possible.

12 313. As I was trying to fall asleep, I was running through in my mind what needed to be done
13 next. Our friends had put together the flyer and we had planned to meet at our house at eight
14 o'clock in the morning to begin putting them out and canvassing the neighborhood. I thought
15 about the press as well. One of our friends had mentioned that she would get a hold of television
16 stations to put the word out. I thought of my family. I had been unable to reach any of them after
17 I found Laci missing but would call them first thing in the morning.

18
19 **December 25, 2002**
20

21 314. I woke up a little before dawn on December 25. I was not sure what to do or where to
22 start looking for Laci. I tried to keep myself busy until it got a little later and I could start calling
23 friends and family to coordinate a search plan and start hanging missing person flyers. When I
24 was letting the dog out into the backyard, I saw the empty umbrella stands and remembered I had
25 forgotten to put the umbrellas in the shop and they were still in the back of the truck. I went
26 outside to take them out of the truck and put them under a back yard overhang just near the gate
27 so they would be out of the weather. When I unloaded the umbrellas, I saw other things that
28 needed to be brought inside out of the rain as well: the boat cover and the blue tarp.

315. I grabbed the blue tarp and stuck it in our shed near our barbeque, where we kept tools, gardening supplies, a lawn mower, fertilizer sprayers, and the like. Pictured below is a photo the police took showing the three umbrellas and the blue tarp, circled in red, exactly where I put them.



316. When I went back out front to get the boat cover out of the truck, one of our cats had gotten out and jumped over the fence into the front yard. I think she was fighting with another cat. She was over by the south gate on the other side of the house so I went over to grab her. Since I was right by the south gate, I opened the door of the storage unit that was there and, while holding both the boat cover and the cat, I put the boat cover into that shed which was on the other side of the house. I placed the boat cover in the shed on top of our leaf blower. When I tried to close the door to the shed, the leaf blower tipped over and its top handle was keeping the door from closing, so I rearranged things inside the shed so that the door would close. In rearranging, I must have put the cover under the leaf blower. The photos below show the storage shed I put the boat cover into (left, center) and the boat cover (right).



317. When the police executed the search warrant the next day, they found that the leaf blower had leaked some gas onto the boat cover. At my trial, the prosecution had to abandon the theory that I put Laci's body in the Greenlee toolbox in back of the truck because they failed to account for the large box of rain gauges that was inside the toolbox, which would not have left enough room for a body. The prosecution pivoted to a new theory and argued to the jury that I put Laci's body in the truck bed and covered her up with the three patio umbrellas and the blue tarp before driving to the warehouse. None of that happened.

318. The boat cover and blue tarp were forensically examined and tested multiple times with negative results, i.e., there is no forensic evidence of Laci on either item or of a crime or of a dead body. The prosecution argued to the jury that I *purposely* put the boat cover underneath the leaf blower, *knowing* it would leak gas on the cover, to hide the supposed forensic evidence. They similarly told the jury that I had done the same thing when I put the blue tarp in my tool shed, near fertilizer, purportedly knowing that the chemicals would mask any forensic evidence that could have been found on the blue tarp. None of that was true. I was simply hurriedly trying to take the things that were in the back of truck and store them so my truck would be ready to use in the search for Laci. I certainly wasn't aware of gas or fertilizer having any masking effect on evidence.

319. After taking the things out of my truck, I took a shower and got dressed to be ready to start our search effort. When my mother-in-law got there she was understandably upset. I did

1 not want her to be disturbed as everyone came in to our home to pick up flyers to help, so I
2 escorted her over to the house of one of her friends who lived just around the corner on Highland.
3 It had been arranged that a police chaplain would be there to speak to her.

4 320. When we walked out of our house that morning there were several television cameras
5 across the street filming us. My mother-in-law was in tears and neither of us wanted to be on
6 camera, so we jointly asked them to please not film us. After dropping my mother-in-law off at
7 her friend's house, I talked to the members of the press and explained our wishes. I knew we
8 needed their help to spread the word that Laci was missing but I wanted them to respect that our
9 family was in need of privacy. I wanted to put out the word; the description of what Laci was
10 wearing, when I had last seen her, the reward being offered, the phone number to call in
11 information, and what to do to help.

12 321. Friends and volunteers were starting to gather so we handed out flyers and made a plan to
13 cover as much territory as we could. I went out to put up flyers with Laci's brother, Brent. The
14 weather was damp and the tape we had was not sticking to the metal street sign poles, so I went
15 to the warehouse to pick up more tape. When I got to the warehouse, I grabbed a sweater from
16 the backseat and saw the Big 5 bag there also, so I grabbed it and took it inside so I could put the
17 lures into the boat with the rest of my fishing gear.

18 322. When I went to the warehouse on the morning of December 25, after being grilled by the
19 police for over six hours the night before, I did not go there to clean up evidence of a crime. As
20 the photos show, I certainly did not clean up the mess of cement mix and concrete remnants
21 strewn about all over my trailer in an effort to hide evidence. I did not make concrete anchors or
22 weights to use in the murder of my wife, as the police claimed. There was nothing to hide or
23 cover up. I did not run the Shop Vac or mop anything up off the floor. I did not remove the pliers
24 from inside the boat that were later found by police purportedly with one of Laci's hairs on them,
25 which I understand the prosecution believes I somehow used to kill my wife. I did not replace
26 the fresh water lures on my fishing poles with the new saltwater lures I bought at Big 5 a few days
27 earlier. I had nothing to do with my wife's abduction or murder so there was no need for me to
28 clean anything up.

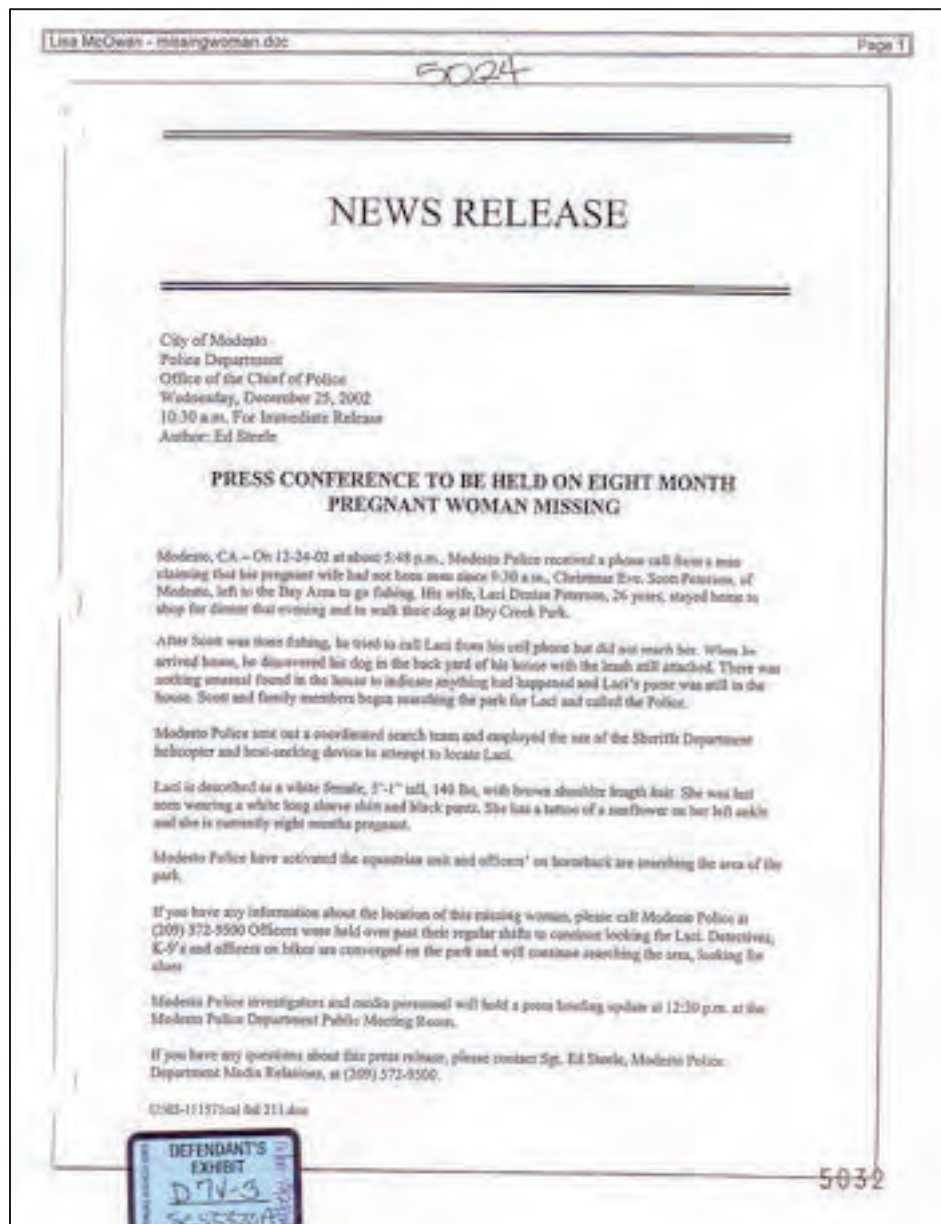
1 323. I finally reached my parents at about 9:30 that morning, maybe a little earlier, and told
2 them Laci had been missing since last night. My mom answered the phone, and I told her I had
3 gone fishing and came home to an empty house. She immediately started crying and said they
4 were coming up. I talked to my dad and told him the police had really grilled me all night long
5 and it felt like they were suspecting me of being involved. I later learned later that my dad had
6 called my brothers Mark and Joe, and they were heading to Modesto as well, as was my sister
7 Susan. They were all coming to help search for Laci.

8 324. When I spoke to my dad, I told him the police wanted me to take a polygraph test. He
9 told me not to do it because they weren't reliable and could be misused to implicate me. He said
10 he had just read about that happening in San Diego County in the Stephanie Crowe case. My dad
11 counseled me not to talk to the police anymore without an attorney present. I had already called
12 Det. Brocchini and told him I was willing to take the test later that day. I wanted to cooperate
13 fully, but I was starting to reconsider taking the polygraph test after talking to my dad who had
14 very strong feelings about it and said I shouldn't do it.

15 325. After spending the morning hanging flyers and working with volunteers, I headed to the
16 police station to meet with family and the police officers responsible for organizing a press
17 conference to ask for the public's help finding Laci. Laci's brother, Brent, and I discussed a
18 reward and agreed we would post a \$25,000 reward. I learned later that as my parents were
19 driving to Modesto that day, my mom called another family member and asked her to see that the
20 reward being offered be increased from \$25,000 to \$125,000 and told her my parents would pay
21 the additional reward.

22 326. I told Det. Brocchini before the press conference that I was not going to take the
23 polygraph. I called my dad again, who was still driving from San Diego to Modesto. My cell
24 phone records indicate I made that call at 12:53 p.m. I told him I was at the police station being
25 pressured to take the polygraph test and he again told me I should not do it. He told me to stand
26 up and walk out. I wanted to take my dad's advice but I also wanted to continue cooperating with
27 the police so they would keep looking for Laci. I agreed that I would continue talking to the
28 police and answering all of their questions but I declined to take the polygraph test.

327. My mother-in-law and I both asked not to be on camera at that press conference, which seemed to annoy some of the press. The MPD's December 25 press release stated in the first sentence that I was "claiming" my pregnant wife had gone missing. After being treated like the prime suspect since Laci was reported missing, I felt like the police were broadcasting to the public that they did not believe me. The next sentence reported that I had gone fishing in the Bay Area while my pregnant wife, Laci, stayed home to shop for dinner. Not until the fourth paragraph did the police provide a physical description of Laci. The press release is below.



1 328. As I was walking out of the press conference, I was introduced to Doug Mansfield, who
2 was the polygraph examiner who was called down from Sacramento to perform the test on me. I
3 was also introduced to Det. Craig Grogan, who was assigned to the case as the lead detective.
4 They asked me to complete an interview with them. I told them sure and sat down with them,
5 again. For the next three hours they asked me the same questions Det. Brocchini and others had
6 asked me for over six hours the night before. Det. Grogan testified at my trial that the December
7 25 interview with me was not recorded because the rooms where I was interviewed “did not have
8 audio or videotape,” so no part of that lengthy interview, which was three hours long, was
9 recorded.

10 329. I was still at the police station at around 4:00 p.m. being pressured to take the polygraph
11 test when my father showed up. I later learned that he had to ask several different people several
12 times to see me before Det. Grogan finally brought me down. I heard my dad ask Det. Grogan if
13 the police would stop hounding me if I agreed to take the test and passed it. Det. Grogan
14 responded, “No” or, “Not necessarily,” or words to that effect.

15 330. At that point I left with my mom and dad and went to our home on Cavena. It was already
16 dark out, so it wasn’t really practical to go canvassing in the neighborhood door-to-door on
17 Christmas. We were all exhausted and I was frustrated and annoyed that the police had wasted
18 another entire day focusing on me as a suspect. I believed the police were wasting what are
19 supposed to be the most important hours of a search for a missing person.

20 331. I later learned that instead of implementing a plan to search for Laci, Det. Brocchini and
21 Det. Grogan spent the first day Laci was missing—December 25—preparing an application for
22 an exhaustive search warrant aimed at finding evidence that would implicate me. The first search
23 warrant was served the very next day and was executed by over 20 officers and criminalists who
24 searched our home, vehicles, accounts, cell phones, computers, my warehouse, the boat, and
25 more. They found no evidence implicating me in any way.

26 332. At around 5:00 p.m., our neighbor Karen Servas came over to watch the news because she
27 did not have any news channels on her television. I invited her to stay for dinner because I knew
28 she was alone and it was Christmas. She initially declined because she was a vegetarian and my

1 mom was making turkey sandwiches for everyone for dinner, but after finding some cheese
2 tortellini in our fridge I asked her again and she agreed to join us. My brothers Mark and Joe
3 arrived from San Diego that evening.

4 333. I remember talking at dinner about how our house was ill-equipped to handle all of the
5 volunteers showing up to help with the search effort and that we needed to open a Volunteer
6 Center at a place where we could organize the search effort and use our resources efficiently.

7 **December 26, 2002**

8 334. The next morning, my mom, mother-in-law, Laci's brother Brent, some of Laci's friends
9 and I went to the police station early to do an interview for Good Morning America to spread the
10 word and get support for the search effort. We also met with the Police Chief and detectives
11 Grogan, Brocchini and Steele. We talked about getting help to organize a Volunteer Center
12 somewhere other than our home.

13 335. After that, my brothers and I and a few others headed out to get supplies and then to the
14 park to hang flyers and search the park. My brother Mark told me he talked to a jogger named
15 Mike Chiavetta, who told him he had seen Laci, who he recognized from the flyer photograph,
16 entering the park on Christmas Eve morning with her dog. I told Det. Brocchini or Grogan about
17 that witness but other than a canvas interview, I have seen no police report indicating he was ever
18 interviewed or shown photos of Laci or our dog.

19 336. My dad went to Sacramento to pick up my sister Susan, who was flying in to help with
20 the search effort. There were a lot of people camped out at our house volunteering to help with
21 the search effort and Susan was there to assist with that effort. By the end of the day, we had
22 managed to organize a Volunteer Center that would be located at the Red Lion Inn in downtown
23 Modesto, which was a great relief.

24 337. There was another press conference planned that day at the Modesto Police Station so
25 after hanging flyers all morning, I headed to the police station. I stopped at my warehouse on the
26 way to pick up a laptop I needed to create a Spanish-language version of the "Missing Person"
27 flyer for Laci. When I arrived, I saw several police officers there and was told I could not enter
28 my office because the police were planning to execute a search warrant there.

1 338. I told Det. Brocchini he didn't need a warrant because I would have allowed the police to
2 search whatever they needed. I also told him I was concerned about the focus on me instead of
3 looking for clues and witnesses who may have seen Laci walking in the neighborhood the
4 morning she went missing. I had just met with him earlier that morning and he didn't mention
5 anything to me about getting a search warrant.

6 339. When I realized I would be unable to access my business records and customer orders and
7 other information at my office because it was being searched, I called Tradecorp, the company I
8 worked for, to alert them of the situation so they could ascertain what would become of the
9 company's property. I had no idea how long I would be unable to access my office and wanted
10 the company to know what was happening especially at the year-end.

11 340. From my warehouse, I went to the press conference the Modesto Police Department was
12 planning to hold that afternoon at 3:30 p.m., along with my parents and others in my family, the
13 Rocha family, and other friends and volunteers who were helping in the search for Laci.

14 341. Once again, within the first minute or so of the press conference, the Police Chief
15 announced that I had gone fishing in the bay area. I could not understand how that was relevant
16 to finding my wife. Reporters immediately started asking questions. One reporter asked: "I don't
17 know if you can tell me this, but was the husband fishing with somebody at that time?" The
18 Police Chief replied, "We're not gonna go into great detail about what information we have at
19 this time, so we won't go into that, as part of the on-going investigation. And we'll continue
20 *every aspect* of the investigation." Another reporter asked whether I was with someone at
21 Berkeley when I went fishing.

22 342. That was followed by more questions and speculation about why I had gone fishing and
23 who I had gone fishing with, which the Police Chief did nothing to put to rest. Less than 48 hours
24 after Laci was abducted, the police had announced at a press conference where I was at the time
25 she went missing and they conveyed their suspicions about whether I was telling the truth about
26 my alibi. I had hoped the news coverage of Laci's disappearance would help spread the word so
27 more people would be out looking for her so we could find her. Instead, the media picked up on
28

1 the cues the police were sending and spun the narrative of my possible involvement until it
2 became out of control.

3 343. I had to leave the December 26 press conference before it finished because I became too
4 upset over the questions reporters were asking, which sounded like they were more concerned
5 about my activities and whereabouts on the 24th, than with finding Laci and bringing her home
6 safely. The police were strongly implying that there was some question about my possible
7 involvement but I had already provided them with the proof that I had gone fishing that day and
8 they had receipts confirming my whereabouts. I could not understand why the police were not
9 making it clear that I had already provided full and unfettered access to the police to our home,
10 cars, cell phones, boat, my office and warehouse, whatever they asked to search, and that I had
11 provided them evidence—receipts—showing where I was on December 24. It was clear the
12 police were not really trying to “eliminate me as a suspect,” which is what they kept telling me
13 and my family.

14 344. I left the police station without finding Brocchini or Grogan and called them instead to
15 tell them I would be at home and that I wanted to talk to them.

16 **Scent Dog Trailed Laci’s Scent to Airport District: December 26, 2002**

17 345. When I got home from the press conference the afternoon of December 26, the police
18 were there with scent dogs. At first, I was really concerned because I thought they were cadaver
19 dogs and I was not prepared to believe Laci was not coming home.

20 346. The police deployed a trailing scent dog named Merlin to search for Laci. I agreed to
21 allow the scent dog handlers to search our home and collect any items they believed would be
22 helpful in the search.

23 347. Based on the reports I have reviewed and testimony I heard at my preliminary hearing.
24 Merlin’s handler, Cindee Valentin, provided Merlin a scent article at which point Merlin began
25 trailing Laci’s scent north toward the park and then around the block to a house on Highland that
26 abuts or property on the back side. From there, Merlin trailed Laci’s scent south. Merlin at no
27 point trailed Laci’s scent in the direction of my office and warehouse, which is where the police
28 say I took Laci in my truck on the morning of December 24, 2002.

348. Ms. Valentin testified that, from there, Merlin tracked Laci's scent south of Yosemite toward the area known as the "Airport District," stopping at a dumpster in a parking lot near the EJ Gallo Wine facility, not far from the location where the Medina burglars were arrested a few days later and also in the same general direction as the location where the orange van was discovered on fire. Merlin did not trail Laci's scent in the direction of my office and warehouse, so it appears the dog was not going in "the right direction" to implicate me, as Det. Brocchini would have liked. At that point, Det. Brocchini asked Ms. Valentin to take Merlin to my office and warehouse directly, since the dog did not trail Laci's scent there, to see if Merlin could find Laci's scent there.

349. Merlin's handler testified that she could tell from the dog's "body language" that Laci was not walking but was in a vehicle when she left the trail due to the fact that the dog was walking in the road. The scent dog handler did not explain that there are no sidewalks on our block on Covena, or on Edgebrook Drive or Highland Drive, where Merlin trailed Laci's scent, as shown in the photo below, or what effect that would have on the scent trail.



1 350. The jury did not hear any of the evidence about Merlin tracking Laci's scent to the
2 locations where Tony Freitas reported seeing Laci, and near where Homer Maldonado reported
3 seeing her alive on the morning of December 24, or that the scent trail of Laci did not lead in the
4 direction of my office and warehouse but instead it led into the Airport District. So much evidence
5 in Laci's missing persons case led to the Airport District and the police ignored all of it.

6 351. After the scent dog left to search for Laci's scent, the police interviewed me again and
7 again the interview was not recorded. Capt. Chris Boyer was asking questions the police already
8 had the answers to, which were prompted by Det. Brocchini. Det. Grogan was also present for
9 the interview, which lasted for over an hour. If the interview was recorded, I have never been
10 provided with a copy of that recording or a transcript of that interview. At the end of the interview,
11 I was asked to sign a waiver saying I consented to another full search of our home, vehicles, boat,
12 and my office and warehouse.

13 352. By that time, my company's corporate counsel, Ross Lee, had arrived at our home. He
14 reviewed the waiver they wanted me to sign and he advised me that I should not consent to the
15 searches until after I talked to a criminal defense attorney. Everything was happening very fast.
16 I couldn't believe I needed an attorney and I couldn't believe the lead investigators on the case
17 were doing nothing to actually find Laci. All I wanted to do was find Laci and I knew the police
18 were looking in the wrong places because it seemed clear to me she was abducted while she went
19 out to walk the dog.

20 353. Ross Lee recommended an attorney named Kirk McAlister. I tried to reach Mr. McAlister
21 to ask for advice about signing the waiver for the search but before I heard back from him the
22 police served me with the warrant.

23 354. Everyone in my family who had traveled to Modesto to help search for Laci were told to
24 leave right as my sister Susan was putting a frozen lasagna into the oven that someone had
25 dropped off for us. The police followed us all around the house watching us pack up our
26 belongings, including my parents.

27 355. We all relocated to the Red Lion Inn in downtown Modesto, where accommodations had
28 been made to set up a Volunteer Center to take phone calls and distribute flyers and coordinate

1 the volunteer search effort. We stayed there for two nights while the police searched our home.
2 Police seized anything and everything they thought could be evidence from our home but, in the
3 end, they did not find a single item of evidence implicating me in Laci's disappearance. There
4 were no hairs, fibers, or bloodstains, no evidence of a clean-up, or anything else found indicating
5 that Laci had been harmed in our home.

6 356. Once the Volunteer Center was set up, I showed up first thing in the morning almost every
7 day to help look for leads to what may have happened to Laci. We were receiving a lot of tips
8 from people but when I passed those tips on to the police, they were not investigating them, as
9 far as I could tell.

10 357. I later learned when I was watching the news that earlier that same afternoon, on
11 December 26, our neighbors from across the street, the Medinas, returned home after being away
12 a few days and discovered their home had been burglarized. No one from the police department
13 ever spoke to me directly about the burglary that occurred at the Medinas' except on January 3,
14 when Det. Grogan told me the burglars had nothing to do with Laci's disappearance and had been
15 cleared of any involvement.

16 358. The police expressed no interest in a possible connection between the burglary of the
17 Medinas' home and Laci's disappearance on December 24. At the press conference the police
18 held the next day, on December 27, there was no mention of the Medina burglary at all, nor did
19 the police ask anyone for information concerning the burglary at that press conference. Instead,
20 MPD Public Information Officer Doug Ridenour talked about having completed search warrants
21 and seizing our two cars, our computers, and trace evidence that had possible blood on it. There
22 was no blood found, nor was there any sign of foul play because I had nothing to do with Laci's
23 disappearance or murder.

24 359. The police also began publicly broadcasting on December 27 that the specific place where
25 I had gone fishing in the Bay Area was out of Berkeley Marina.

26 360. The police collected over 60 items of purported "evidence" from our home and none of it
27 proved to implicate me in anyway. Apparently desperate to convict me, the police resorted to
28 creating false police reports about what the evidence showed. For example, when the police

1 executed the search warrant on my warehouse, Brocchini wrote a report stating that the Big 5 bag
2 and receipt I had left in plain sight on the shelf in my office were found in the garbage can,
3 implying that I was trying to hide them. The photo below shows that the Big 5 bag and receipt
4 were in plain sight, not in the garbage can. (RT 11235–36, 12572.)



16 361. The police were also using the press conferences to plant seeds of suspicion about me in
17 response to reporter's questions, suggesting that I was not cooperating fully in the investigation
18 into Laci's disappearance. On December 29, I read in the *Modesto Bee* that "Investigators
19 reported coming up empty Friday when they went to the marina. Officers said they found no one
20 who could report seeing Peterson on Tuesday, nor did officers find any other clues." But a police
21 report I read states that on December 27, 2002 police had interviewed Mike Ilvesta, a
22 groundskeeper at the Berkeley Marina who saw me having a difficult time backing up my boat
23 trailer.

24 362. And on January 3, 2002 I read in the *Modesto Bee*: "Last week, Ridenour said
25 investigators would pursue a lie-detector test. During the past few days, however, he has refused
26 to say whether detectives had asked Scott Peterson to take a polygraph. Asked Thursday if Scott
27 Peterson still was cooperating with police, [MPD Officer] Ridenour said: '**He has continued to**
28 **cooperate to some degree**, yes. I cannot elaborate on that.'" I was fully cooperating in the search

for my wife and the police knew I had provided them with evidence corroborating my account of my actions and movements on December 24.

363. On January 3, 2003, the police reported they were trying to “verify” my “story” about going fishing. The next day—the same day David Johnson called and told police to contact Yuri Faria who had information—the police announced they were searching the Berkeley Marina area for Laci and that “police boats carrying cadaver dogs are scouring the Berkeley Marina this weekend, searching for Laci Peterson.” The headlines in the newspapers within days of Laci’s abduction made it clear to the world the police suspected I was responsible.

Police seeking to verify trip story

Public being asked to report if husband's truck, boat were seen

By TY PHILLIPS
SAN FRANCISCO WRITER



Marine police released this photo of Scott Peterson's truck, boat and trailer, and asked for the public's help in corroborating his statement in the case of his missing wife.

MISSING: Investigators refuse to say if husband was asked to take lie test

CONTINUED FROM A.1

by the fact of paragraph. It's a helpful investigation tool."

Last week, Marin County and investigators would pursue a lie-detective test. During the past few days, however, he has refused to say whether detectives had asked Scott Peterson to take a polygraph.

Asked Thursday if Scott Peterson still was cooperating with police, Marin County said "We have continued to cooperate in

investigation, and... I cannot elaborate on that."

Police officers said they hope to find Scott Peterson with their next helicopter search, because was the result of that plan.

"Each day we have a little more information," says Scott Peterson said. "The police are working together to find our missing wife. We are not giving up."

After a relatively light search effort on New Year's Day, volunteers and law enforcement Thursday resumed their widespread efforts to find Scott Peterson, including divers searching the waters near Berkeley Marina.

The Police Department and Marin County Sheriff's Department have upgraded all available resources to the ongoing search, and a commitment that has come with a substantial cost.

Marin County said Police Department investigators have already about \$400,000 in expenses as a result of the case. Lt. Jim Miller said the Sheriff's Department has spent about \$20,000.

Police are aware with information about Scott Peterson's whereabouts between San Francisco and Marin County, he said. He said he is a brown 1991 Ford F150, license plate 224479. He is a last license that can be found before the going.

San Francisco Police Department is at 375-2221 or spdinfo@sanfrisco.gov.

DOGS AND DIVERS GO TO WORK IN 31st DAY

Peterson search extends from Berkeley to island

By PHILIP BROWN
SAN FRANCISCO WRITER

Search dogs and scuba divers came up empty Saturday in the water and on the shore of San Francisco Bay. As the investigation continued into the disappearance of Marin's Laci Peterson, the day's last search stretched from the Berkeley Marina to an island where Peterson's husband said he went fishing on Christmas Eve, the day that his wife vanished.

A half-dozen dogs, trained to pick up scents off water, went to work or worked along the shore.

Also Saturday, 10 dogs searched along part of the California Aqueduct and along waterways, and land near Highway 101 west of Sausalito.

Peterson is 37 and eight months pregnant. Her husband, Scott, 40, told police that he last saw her with a 90-minute scuba trip before Christmas as he left on his fishing trip and also promised to go for a walk with their dog to San La Lucia Park, a short distance from their La Jolla, San Diego home.

Peterson told police that he launched his daughter's boat at the marina, then went northwest and fished around Sausalito Island, and police Sgt. Ron Cleveland, who is directing the search.

SEE PAGE A-16, TODAY

For more on the Bay's coverage of this inquiry, visit the **disappearance of Laci Peterson** at www.marin.com/marin.
Publicize offer that help in search for missing woman.
Page A-16

1 364. Once the police announced they were trying to “verify” my story that I went to Berkeley
2 Marina and published a photo of my truck and boat, the tips that were being called in to help find
3 Laci instantly changed from people calling to report information about seeing or possibly seeing
4 Laci to people calling in to report seeing a truck or boat that looked like mine. The police made
5 it sound like they were trying to find my truck and boat, when they had already seized both
6 vehicles and had them in police custody, scouring them for forensic evidence that would implicate
7 me, of which they found none.

8 365. Also on January 3, 2003, I was interrogated again at the police station and again, the
9 interrogation was not audio recorded. Det. Grogan testified that there were “problems” with the
10 audiotape on that particular interview so there was a video but no audio because “the microphone
11 that had been taped off to the side of the table requires a separate battery and that wasn’t changed
12 prior to this interview.” I was also served with a warrant that day for the collection of DNA
13 through blood and buccal swabs, a hair sample, fingerprints and palm prints, and color photos.

14 366. I later learned that Det. Brocchini included false information in that search warrant
15 affidavit, claiming that there was “suspected blood evidence” recovered in the laundry room area
16 of our home, when the presumptive tests conducted on those stains were negative for the presence
17 of blood.

18 367. Det. Brocchini also falsely claimed in another affidavit seeking a warrant to place an
19 electronic tracking device on my vehicle that it was “unknown” to police where I went in Fresno
20 on January 7, 2003, when Det. Brocchini wrote a police report on January 7 stating that on that
21 date I was meeting with two Tradecorp employees, Bob Weaver and Eric Olsen, in Fresno.

22 368. Det. Brocchini also stated in the sworn affidavit that an electronic tracking device should
23 be placed on my vehicle because surveillance units had followed me to Berkeley Marina on
24 January 5 and again on January 6, at which time I “contacted an unidentified subject in the parking
25 lot” and had “a brief meeting” and that he “believes it is unusual for Peterson to drive from
26 Modesto to Berkeley Marina two days in a row for no apparent reason.” I went to Berkeley
27 Marina because I was trying to locate the maintenance guys who I had seen when I was backing
28

1 my trailer down the boat ramp. Since the police were doing nothing to “clear” me as a suspect, I
2 was trying to find evidence so I could clear myself.

3 369. On January 5, 2003, the police reported they were using water dogs to search the bay area
4 where I had gone fishing. The *Modesto Bee* published a map of the area being searched, which
5 had to have been provided to them by the police.



25 370. The police had given whoever abducted Laci a literal roadmap for where to place her
26 remains; putting her body in the bay would almost certainly lead to my arrest and conviction.
27 That is exactly what happened.

1 371. The police also began providing my family and friends with false information so they
2 would begin to suspect I had some role in Laci's disappearance. In one recorded phone call I had
3 with Laci's brother, Brent, he told me the police were asking him whether he knew if Laci ever
4 had a bloody nose in my truck. I later learned police asked Laci's sister Amy the same question.
5 The police knew that Laci's blood was never found in my truck, or in the boat, or in the mop
6 bucket or on the mop found at our home, or anywhere else investigators believed they would find
7 blood evidence.

8 **Private Investigator Gary Ermoian**

9 372. While police were focusing on me as the prime suspect in the investigation into Laci's
10 disappearance, numerous tips were being called in to the police and also to the Volunteer Center.
11 I have reviewed the tips that were called in and am aware of the eyewitnesses who lived or worked
12 in our neighborhood who were calling in reporting seeing Laci walking our dog on the morning
13 of December 24, 2002, after I left home.

14 373. I know the police were not investigating these leads because after I was arrested and began
15 receiving police reports documenting their investigation it was immediately apparent they were
16 not doing anything to establish a timeline of Laci's last known whereabouts. The police ignored
17 witness after witness who called in to say they saw her walking the dog in our neighborhood and
18 in the park.

19 374. Det. Grogan testified at my trial that I was "the last person to see Laci Peterson alive."
20 That was a constant refrain I heard throughout the search for Laci and the investigation into her
21 disappearance, and one that can be seen throughout the police reports and search warrant
22 affidavits in my case. I heard it throughout the testimony by police at my preliminary hearing
23 and trial.

24 375. I was *not* the last person to see Laci alive. Numerous eyewitnesses reported seeing Laci
25 walking our dog the morning of December 24, 2002, after I had left home for the day. Both the
26 prosecution and my defense attorney told the jury in the opening statements that they would hear
27 from some of these witnesses, but neither side called any witness to testify who saw Laci alive
28 and well on the morning of December 24, *after* I left to go to my office and warehouse that day.

1 For reasons I have never understood, the jury at my trial did not hear from a single one of those
2 eyewitnesses.

3 376. I saw the police trying to pressure me to take a polygraph test, which my father had urged
4 me not to do because they are unreliable. I saw the police publicly raising suspicion about me
5 and my possible role in Laci's disappearance at press conferences. I saw Det. Brocchini resorting
6 to ruses to gather evidence illegally that he thought could be used against me. I saw that Det.
7 Brocchini was not investigating any of the evidence that would clear me of any wrong doing. The
8 need to hire my own private investigator to help us search for Laci was obvious.

9 377. When I saw that the police were not taking seriously *any* of the eyewitnesses who reported
10 seeing Laci on December 24, I repeatedly expressed my concerns to the detectives about the lack
11 of follow up. My parents and I paid a local private investigator, Gary Ermoian, to track down
12 and interview those witnesses who were contacting us at the Volunteer Center saying they saw
13 Laci on the morning of December 24, to see if we could figure out what happened to Laci and
14 hopefully find her.

15 378. On January 3, 2003, Mr. Ermoian met with me, interviewed me, and began his
16 investigation into Laci's disappearance. I asked Mr. Ermoian to go to Berkeley Marina to search
17 for witnesses who saw me at the marina that day since the police were claiming they were trying
18 to confirm my alibi.

19 379. The prosecution told the jury in closing argument that I put my wife's body into the boat
20 and put the cover on the boat, then hauled the boat to Berkeley Marina, where I backed the boat
21 into the water with the cover still on the boat. After that, the prosecution told the jury, I went and
22 parked the truck and then went back to the boat, "[t]ook the cover off the boat and stuff[ed] it
23 around her body." That was false. It did not happen. The police had the boat cover forensically
24 examined, taking over 400 cuttings from it to search for evidence of blood, or other bodily fluids
25 from Laci that would implicate me in the crime. They found no forensic evidence because I had
26 nothing to do with her disappearance or murder.

27 380. I have reviewed the reports witnesses who lived and worked in our neighborhood were
28 calling into MPD and reporting seeing Laci walking the dog the morning of December 24, 2002.

1 All of the locations where these witnesses reported seeing Laci walking our dog on December 24
2 are places where Laci and I would walk our dog in and around our neighborhood. All of these
3 spots where witnesses saw Laci are within about a 10 to 15 minute walk from our home,
4 depending on which route one takes. The police never asked me about the reliability of those
5 reports as they were receiving them in terms of whether the locations were consistent with where
6 we would walk the dog. Had they asked me, I would have told them they were all on the usual
7 routes we would take when we walked the dog.

8 381. From reading the various police reports and declarations some of these witnesses have
9 signed over the years, I understand the content of their statements and I can attest to the following:

- 10 a) Colleen Fisher reported a heavy set woman that looked like Laci with a large dog as
11 she looked over her shoulder to back out of her driveway. The woman was walking
12 south on the west side of Covenia less than one block from our house and part of
13 various routes we took.
- 14 b) Diane Campos saw Laci walking in the park on a path we frequently walked.
- 15 c) Frank and Martha Aguilar lived on our street at 215 Covenia. The location where Mrs.
16 Aguilar reported seeing Laci walking our dog around 10:30 to 10:45 the morning of
17 December 24, on La Loma Avenue one block east of the park, is along the dog-walking
18 route we often took.
- 19 d) Homer and Helen Maldonado reported seeing Laci walking McKenzi on Covenia
20 where it intersects with Miller Avenue on the morning of December 24. This location
21 was also along a regular route we took when we walked our dog.
- 22 e) Tony Freitas was a delivery truck driver who told Mr. Ermoian he saw Laci walking
23 our dog the morning of December 24, near the intersection of La Loma Avenue and
24 Santa Barbara, which is also a location where Laci and I regularly walked our dog.
- 25 f) Vivian Mitchell reported seeing Laci walking our dog on La Sombra, approaching
26 Buena Vista Drive, which is also one of the streets Laci and I walked with our dog
27 and it is in the same general area where the other witnesses reported seeing Laci with
28 our dog.

- 1 g) Mike Chiavetta lived just two doors down from us and he reported seeing our dog near
2 the park entrance at the end of our street. This sighting and that of John Brazil are
3 both in areas of the park where we frequently walked.
- 4 h) Sharon Paulson reported seeing Laci walking our dog on La Loma Avenue on
5 Christmas Eve morning, heading into La Loma Park. That location is not far from
6 where Tony Freitas saw them walking and is also a place that was on one of our regular
7 dog-walking routes.
- 8 i) Gene Pedroli told police he saw Laci walking our dog on La Loma Avenue the
9 morning of December 24, near the entrance to La Loma Park, also on one of our
10 regular dog-walking routes and also near the locations where Mr. Freitas and Ms.
11 Paulson reported seeing Laci.
- 12 j) In one police report I reviewed, witness Victoria Pouches told police during a
13 neighborhood canvas *on December 25* that she saw our dog walking in the park,
14 dragging his leash with no one around to control him. Det. Brocchini testified that he
15 never tried to establish where Victoria Pouches saw the dog she described as a golden
16 retriever alone on a leash the morning of December 24, nor did anyone show Ms.
17 Pouches a photo of our dog, to my knowledge. (RT 11133.)

18 382. If even one of those reports had been investigated and found credible, I would never have
19 been arrested, much less convicted, because that evidence would have shown I could not have
20 killed my wife and son, as the prosecution asserted at my trial.

21 383. The prosecution tried to explain away its failure to investigate these witnesses by arguing
22 at my trial that Laci did not take the dog for a walk on the morning of December 24, 2002, because
23 walking had caused her dizziness later in her pregnancy.

24 384. The morning of December 24, 2002, Laci told me she was going to take McKenzi for a
25 walk. That was one of the last things she ever told me.

26 385. At my trial, Det. Brocchini testified that our friend Kristen Reed reported to him that she
27 had discussed with Laci her dizzy spells and her concern over gaining weight sometime right after
28 Thanksgiving and that Laci indicated to Kristen she was going to continue walking because she

1 was really concerned about her weight. The prosecution's theory that Laci had stopped taking
2 the dog for walks in our neighborhood was simply not true. Laci had not stopped walking.

3 **THE MEDIA STORM**

4 386. The two judges who presided over my pre-trial hearings and trial both commented that
5 the media attention my case received was like nothing they had ever seen before. Judge Girolami
6 stated that he had never seen anything like the publicity generated in my case in his more than 30
7 years in the community. And Judge Delucchi, who presided over my trial, said, "I've never seen
8 anything like it before I can't account for the reaction of the public to this case." Even the
9 prosecution acknowledged that the pretrial publicity "surpassed the Manson case and the O.J.
10 Simpson case."

11 387. When Laci disappeared on December 24, I initially hoped and believed the media
12 attention could be used to assist us in finding her. I sought guidance from people at the Laura
13 Recovery Center and organizations like the Klaas Foundation, who advised me and my family
14 that in missing person cases, what was most important was to "keep the case in the public eye."

15 388. I was almost immediately discouraged, however, because the focus of the media coverage
16 I hoped would help us find my family shifted away from enlisting the public's assistance with our
17 search for Laci and toward sensational, headline-grabbing conjecture over my possible role in
18 Laci's disappearance. I was aware that theories about my possible involvement were circulating
19 on the internet and in the tabloid media. And I was aware that cable news networks were
20 dedicating countless hours of both daytime and nighttime programming to speculating about my
21 possible involvement in Laci's disappearance.

22 389. I watched the police leverage the media's obsession with my possible involvement in my
23 family's disappearance in a misguided attempt to increase pressure on me, hoping it would result
24 in a confession. That did not happen because I did not harm my family. That approach appeared
25 to me to be the main police investigation tactic: use every available lever to pressure me to
26 confess, rather than actually following up on leads to who may have abducted my wife, especially
27 since there was no evidence of my guilt.

1 390. The media's relentless coverage of our family tragedy served as an open invitation to
2 interested onlookers who started showing up at our home and harassing me, my family, our
3 neighbors, our friends, and others who were volunteering in the search for Laci. At no point,
4 from the time I reported my wife missing, did I experience a presumption of innocence.

5 391. As a result, cameras were present and rolling when the search warrants were executed on
6 December 26–27, 2002, at our home, when boxes of purported “evidence” were “seized” from
7 our home—none of which yielded any evidence implicating me in the disappearance or deaths of
8 my family because I had nothing to do with those crimes.

9 392. The photos below accurately depict what the scene in front of our home looked like
10 during the weeks and months that Laci was missing, with media and satellite vans parked on and
11 around the street where we lived.





393. A steady flow of interested but uninformed onlookers, radio “shock jocks” with bullhorns, and others showed up in front of our house some calling for mob action, others shouting names like “Murderer!” and other epithets at me, my family, and those staying or visiting me at our home to support my efforts to find Laci. I recall learning that one “shock jock” aired his radio show live from in front of our house for three hours, using a bullhorn to shout at me and whoever else was inside our house. Det. Grogan called me at that point and said, “Scott, let’s end this madness,” or words to that effect, which I took to mean he was again pressuring me to confess (to a crime I did not commit).





394. On more than one occasion when my father was mowing our front law, angry hecklers shouted at him and called him vile names. One woman who claimed to be a witch came to our home and I caught her burying things in our front yard. On another occasion, I was at a store when a man came over and spat on me. When I went to check out, I saw my picture on the cover of a tabloid newspaper displayed near the checkout counter. I received answering machine messages that included death threats, some of which sounded serious. One person called my

1 mother-in-law and told her they were going to kill me, which she reported to the police who
2 informed me of the threat.

3 395. Our home was vandalized and burglarized; our Christmas presents were torn open,
4 property was stolen, including our clothing. The Tradecorp office and warehouse, located across
5 town on the west side of Modesto, were also vandalized; it appeared that someone had driven a
6 vehicle into the metal entrance door leading to my office. When I reported the vandalism to the
7 Modesto Police Department, I was told it was outside their jurisdiction. No arrests were ever
8 made. The mailbox at my work location was broken into and mail was stolen, including checks.
9 The avalanche of criticism, conjecture, and incendiary commentary by uninformed onlookers was
10 destabilizing and traumatizing to me, at a time when I was already fearing the worst but trying to
11 remain focused and determined that we would find Laci alive and well.



1 396. The presence of national news and tabloid media cameras in front of our home began on
2 December 26, 2002, and continued unabated week after week, as I continued to search for Laci
3 and track down tips called in by people who believed they may have seen her on or after December
4 24. The photo below shows what our street looked like on February 18, 2003, almost two months
5 after Laci went missing, when the police executed a second search warrant on our home. Det.
6 Grogan testified about the large media presence outside our home when the police served me with
7 a second search warrant, on February 18, 2003.



23 397. Once again, the cameras were watching and filming the execution of yet another search
24 warrant in February 2003, and, once again, as with the other search warrants executed on my
25 vehicles, home, computers and office, no evidence was uncovered that implicated me in my wife's
26 disappearance or death.

1 398. The photo below was taken during the search of our home in February 2003, and it shows
2 that I had moved one of our mattresses in front of one of our big picture windows to try to keep
3 the press from looking into our home.



13 399. The worry over Laci and Conner and what they may be enduring left me unable to sleep
14 at night, often for days at a time. I went into a downward spiral given the extraordinary stress.
15 Unable to sleep, I found myself unable to mentally function at times. In retrospect, I wonder at
16 and am embarrassed by many decisions I made during that time.

17 400. In the three and a half months I spent searching, waiting, and hoping for Laci's safe
18 return, I personally received nearly 4,000 phone calls from reporters, psychics, angry critics, and
19 news and media outlets asking me to comment or give interviews, including and especially the
20 tabloid media. The onslaught of the media presence was an overwhelming and constant
21 harassment to me and my family and friends at a time when we were grief-stricken and desperate
22 to find Laci. The media frenzy continued to intensify throughout the ensuing investigation into
23 Laci's disappearance and escalated even more during my six-month trial in 2004.

24 401. As I handed out Missing Person flyers to people, some would say things like, "I think the
25 husband did it." I would introduce myself and ask why they thought that and the response was
26 usually, "That's what the media is saying."

27 402. I was aware that cable news anchors like Nancy Grace and her colleagues offered hour
28 after hour of commentary and speculation about my guilt and scathing indictments about my

1 character, providing nightly sensational non-stop “breaking news” coverage—most of it
2 uninformed at best and wholly untethered from the truth at worst.

3 403. I later learned that tabloid media organizations like the National Enquirer were offering
4 large sums of money to witnesses who were willing to come forward and speak on the record
5 about details concerning my marriage, my character flaws, and other salacious stories—whether
6 or not those stories were actually true.

7 404. Interpretations of my demeanor, my statements, my reactions and responses to questions,
8 or lack thereof, were on national and international display almost nightly. My home became
9 uninhabitable. Many friends were starting to doubt me as the police fed them false information
10 and asked them questions designed to instill suspicion. One illustration is Det. Brocchini
11 contacting my close friends, Michael Richardson and Aaron Fritz, to encourage them to read an
12 article in the *Modesto Bee* that Det. Brocchini knew contained false information about me. Det.
13 Brocchini admitted under oath at my trial that he knew the article had false information about me
14 that was damning but he encouraged my close friends to read the false story anyway. (RT 11169.)

15 405. The company I worked for, Tradecorp, stood by me and recognized I was not guilty of
16 committing this crime. However, Tradecorp need to follow through on earlier plans to close the
17 warehouse and move the inventory in early 2003, a decision that had been made much earlier,
18 before Laci was abducted. But the timing for me could not have been worse because the optics
19 were bad. It looked like I was getting fired or had done something to get myself fired, when I
20 had not. I was still employed and Tradecorp was still operating.

21 406. To effectively carry on searching for my family I had to escape the media frenzy-fueled
22 circus that my life had quickly become. The overwhelming nature of the media presence left me
23 living out of my car much of the time. I visited friends when I could and I kept searching for
24 Laci.

25 407. I was frantic and grieving. Everything was unfolding very fast and under a microscope.
26 In private, I was falling apart. In public, I tried to put on a brave face and that was apparently
27 inconsistent with what a grieving husband “should” have been showing. My public “demeanor”
28

1 was put on national display and characterized as evidence of guilt; I was convicted in the court of
2 public opinion long before I was ever arrested.

3 408. The court file in my case illustrates just how overwhelming the media's appetite was for
4 breaking news about me, my wife, my son, my family, and the tragedy in our lives. Court records
5 show that months before my trial was even set to begin, media outlets alone filed thousands of
6 pages of requests seeking access to court proceedings and records, including records that were
7 ordered filed under seal.

8 409. The media and public fascination with Laci's disappearance and my purported role in it
9 continued to prompt the publication of books, long after I was wrongly convicted. Documentaries
10 continue being produced about it even to this day. Many of the books written and stories reported
11 in the media about myself, my wife, my life and my case are loaded with false facts and false
12 premises, that are based on faulty assumptions. Others are worse. They are full of little more
13 than rank speculation and have little to no relation to the truth.

14 410. Laci and I had a good life together. We loved spending time together. Laci was an
15 amazing cook. We enjoyed cooking together at home and we also enjoyed eating out at nice
16 restaurants. It was a passion we shared. We loved each other very much. We were excited about
17 becoming parents. Our marriage wasn't perfect – no marriage is – but we were a team and were
18 always able to work through any disagreements that arose in our marriage.

19 411. I do not have an acceptable explanation for my infidelity or the lies I told to Amber Frey.
20 Despite the disgraceful and immature behavior I exhibited when I was unfaithful to my wife and
21 despite the poor judgment I exercised when I compounded the error by not being forthcoming
22 with the police about it, I loved my wife very much. I have lived with the pain of my poor
23 judgment and character flaws inflicted on others for the last 23 years, and I will continue to live
24 with that shame for the rest of my life. All of that being said, I was in no way responsible for
25 Laci's disappearance or her death or that of our son, Conner.

26 412. When the news broke that I had been unfaithful to my wife while she was pregnant, the
27 media frenzy escalated to such a point that the sensational news was cast as circumstantial
28 evidence of my guilt. It seemed to eclipse the fact that there was no evidence showing I was

involved in my wife's abduction and murder. The already biased investigation targeting me as the prime suspect became irretrievably derailed by the news of my infidelity with Ms. Frey. Any hope of the police conducting an objective and thorough search for Laci was all but gone.

413. I do not expect forgiveness for my poor judgment or my hurtful transgressions. But I will never stop doing everything I can to learn who took my family from me. And, in the process, I will hopefully be able to prove that I had no role whatsoever in their deaths.

THE POLICE TARGETED ME FROM DAY ONE

414. The record in my case shows that the police immediately but erroneously believed they "knew" what happened to my wife and that I was responsible for her disappearance—before they had interviewed a single witness, conducted a single forensic test, or conducted any investigation at all. My friend and neighbor, Greg Reed, testified at my trial that he was told by an officer on December 24, 2002, the very night of Laci's abduction, "we know what happened here," which Mr. Reed understood—correctly, in my view—to mean the police believed I was responsible for my wife's disappearance.

14428

1 A. Yes.

2 Q. And during that time -- did one of them make some
3 comment or say something that led you to believe -- led you
4 to believe that they were suspicious of the defendant, or
5 something of that nature?

6 A. Towards the end of the extensive search of the
7 premises there was a comment made that I do still recall.

8 Q. Okay. And what was that?

9 A. It was as we were just about to leave, in the
10 garage one of the officers mentioned that they -- they felt
11 they already knew what had already happened.

415. I heard the police repeat that same refrain throughout the investigation into Laci's abduction and murder. In January of 2003, Det. Grogan called me to tell me that he "knew" what happened to Laci and that he "knew" I was responsible for her disappearance. That call was recorded by Det. Grogan and is part of the record in my case. It shows the pressure police were

1 putting on me to confess to a crime I did not commit. It shows that their tunnel vision was driving
2 their investigation into me as the only possible suspect in my wife's abduction and death and the
3 death of my son. It was the only investigation strategy the police were using and it likely cost
4 Laci and Conner their lives, in my opinion.

5 416. Det. Brocchini told me repeatedly that he was only challenging my account of things
6 because he was trying to "clear" or "eliminate" me as a suspect, but it was immediately clear to
7 me he was not trying to "clear" me as a suspect because every time I asked him to look into an
8 eyewitness report by someone who saw Laci walking the dog the morning of December 24, he
9 failed to do so. Based on my review of the police reports, neither he nor Det. Grogan actually
10 started investigating the exculpatory evidence being pointed out to them in my case until *after* my
11 trial started.

12 417. I believe I was ultimately arrested, charged, and convicted because the MPD, and Det.
13 Brocchini and Det. Grogan in particular, immediately but wrongly decided that I killed my family
14 and then conducted an investigation that was driven by tunnel vision, confirmation bias, and other
15 biases. As a result, evidence that supported my innocence and pointed away from my guilt was
16 sidelined, suppressed, and ignored entirely.

17 418. Based on my interactions with Det. Brocchini and Det. Grogan, from the time I reported
18 my wife missing to the time of my arrest, I believe the police did not conduct a meaningful
19 investigation into witnesses like Diane Campos, Homer Maldonado, Tony Freitas, Mr. and Mrs.
20 Aguilar, and the others referenced above, because the police made an immediate but erroneous
21 determination that I was responsible for my wife's disappearance based on hunches, conjecture,
22 and false assumptions. As a result, any leads or tips that pointed away from their working theory
23 of my guilt was "information that wasn't going in the right direction," as Det. Owens described
24 it in his testimony. As early as December 27, 2002, Det. Owens believed he knew which evidence
25 was going in the "right direction" and which evidence was not, according to his testimony.

26 419. Det. Brocchini testified at my trial that he wanted to "plant seeds of suspicion" in the
27 minds of my good friends in January 2003, so he called them and told them to read an article in
28 the Modesto Bee, which *he admitted he knew* falsely reported that I had taken out a \$250,000 life

1 insurance policy on my wife, Laci. Det. Brocchini testified that it was “absolutely correct” that
2 he knew the insurance policy information was false but he wanted my friends to look at that false
3 information so they would start to have suspicions about my guilt. After Det. Brocchini started
4 feeding false information to my friends about me, I became increasingly distraught and felt even
5 more isolated.

6 420. The police were also putting pressure on me to confess by telling my employer they had
7 evidence I was embezzling from the company. That was absolutely false. When MPD searched
8 my office on December 26, they seized my work computer, disks, and other equipment, as well
9 as my files and other items I needed to do my job. Det. Brocchini testified that after he reviewed
10 company checks I had written he suspected I was embezzling funds from my company so he told
11 my employer that “if Trade Corp wants to pursue this possible embezzlement further, please
12 contact me and I will put you in contact with our economic crimes detectives.” After my company
13 investigated the issue, I was fully cleared. The email Trade Corp’s attorney sent to Det. Brocchini
14 is below.

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From: "Ross Lee" <rlee@curtis-arata.com>
To: "Allen Brocchini" <BrocchiniA@ModestoPD.com>
Date: 3/19/03 6:23PM
Subject: Tradecorp

Dear Detective Brocchini:

Tradecorp has completed its internal analysis to verify the checks issued to Scott Peterson. They have concluded that the checks were issued to pay salaries and authorized expenses. Those salaries and expenses were appropriately booked in the accounting records of Tradecorp USA. According to Tradecorp's internal rules of control, Scott Peterson is allowed to manage in the name of the company contracts and treasury up to \$ 20,000. No evidence was found with respect to misconduct or violation of internal rules.

Please let me know if you desire the above information provided on our firm's letterhead, or in a document signed by Tradecorp representatives.

Do you have any update on our client re-gaining access to the roughly 60 floppy discs and 30 computer CDs, as mentioned in my March 5th e-mail? When would it be possible to coordinate getting copies of those items? Please let me know what we would need to arrange.

Thanks.

Ross W. Lee
CURTIS & ARATA
A Professional Corporation
P O Box 3030
Modesto, CA 95353
(209) 521-1800
(209) 521-3501 (fax)

1 421. I have always known that Laci and Conner were not killed on December 23rd, as the prosecution
2 argued to the jury, because Laci was alive when I left home the next morning.

3 422. I have reviewed the new my attorneys recently uncovered that supports my claim of innocence.
4 All of that new evidence is exonerating and it confirms that I did not and could not possibly have killed
5 Laci and Conner, as the jury was told.

6 423. A fair review of all the evidence in this circumstantial case shows that someone else is responsible
7 for the murder of my wife and unborn son, and that I had no role in it whatsoever.

8
9 I have reviewed this declaration in its entirety and it is accurate to the best of my
10 knowledge. I declare under penalty of perjury pursuant to the laws of the State of California, that
11 the foregoing is true and correct.

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Scott L. Peterson

Date