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## **Exploring the Scott Peterson Case**

Paige Bonavito

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Exploring the Scott Peterson Case

An Honors College Thesis

by

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Fall, 2019

Cyber Analytics and Criminal Justice

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**Table of Contents**

Abstract.....4-5

Case Synopsis.....5-9

Early Life of Laci Peterson.....9-11

Early Life of Scott Peterson.....11-15

Married Life.....15-16

Laci Goes Missing.....16-20

Amber Frey.....21-29

Media Storm.....29-31

Diane Sawyer Interview.....31-35

Laci and Conner Are Found.....35-36

Scott’s Arrest.....37-38

Peterson Defense Team.....38-39

Jury Selection.....39-45

Trial Begins.....45-46

Opening Statements.....47-48

Early Stages of Testimony.....49-50

Dismissal of Justin Falconer.....50-52

Amber Frey Testifies.....52-54

Birgit Fladager, and Detective Grogan’s 41 Reasons.....55-56

Testimony of Dr. Brian Peterson.....57-58

Dr. DeVore vs Dr. March.....58-60

Closing Arguments.....60-61

Deliberations and Verdict.....61-68

Penalty Phase.....69-72

Unborn Victims of Violence Act.....72-78

In Popular Culture.....79-80

Donna Thomas.....80-82

Comparison to the Casey Anthony Case.....83-86

Scott Peterson’s fate.....86-87

Letter Sent to Scott Peterson.....88-89

Response Letter from Scott Peterson.....90-92

Analysis of the Letter.....93-97

Conclusion.....97-100

References.....101-103

### Abstract

This thesis provides extensive knowledge of the infamous Scott Peterson murder case, which made national headlines in 2002 and 2003. The thesis focuses mainly on Scott Peterson, who was convicted in 2004 of murdering his pregnant wife Laci. A synopsis of the case is provided at the beginning of this work, and also begins by discussing the early lives of Laci and Scott, and their marriage before her disappearance on Christmas Eve 2002. This thesis details the progression of the case extensively, and discusses how Scott Peterson became incriminated in Laci's disappearance, especially after the revelation of an extramarital affair he had been having at the time of Laci's disappearance. The thesis also covers the widespread media attention that the case received, noting why the case received the coverage that it did and how this coverage influenced the case against Peterson. It dissects the infamous interview Peterson gave on national television, and why this interview was unsuccessful in showing Peterson's innocence. This thesis also details the conditions in which Laci and her unborn son, who the couple planned to name Conner, had been found, near where Peterson placed himself on the day of Laci's disappearance. It also proposes that Peterson's arrest was *not* during an attempt to flee to Mexico, as the media has perpetrated. This thesis takes a close look at the Scott Peterson jury, including jury selection, dismissal of jurors during the trial, and how the jury interpreted evidence presented at the trial. This thesis also notes the prosecution and defense attorneys who were appointed to the Scott Peterson case, and how their performances evolved throughout the trial. It discusses why the jurors decided to convict Peterson of the murders of his wife and unborn son, and sentence him to death by lethal injection. This thesis also notes the media attention the case has received after Peterson's sentence, and how the case led to the passing of

the Unborn Victims of Violence Act, widely known as Laci and Conner's law. It also compares the Peterson case to that of Casey Anthony, who received similar media attention for a similarly heinous crime, but was acquitted. Lastly, it debates whether Peterson will ever be executed, given the current death penalty moratorium in California. This thesis also includes an exclusive letter from Scott Peterson, providing insight on his case. Overall, this thesis encompasses knowledge of the Peterson case more broadly than the coverage it typically receives.

### **Case Synopsis**

Laci Peterson, a pregnant woman living in Modesto, California, went missing on Christmas Eve in 2002. She was 8 months pregnant at the time of her disappearance, which put her family and the community on high alert. Laci was about to be a first-time mother and was excited about her life, so it was hard to imagine that she would "...take off into the night and leave everything behind" (Dunn, 2015). Thus, law enforcement suspected foul play was involved in her disappearance. The people of Modesto searched the neighborhood, determined to find Laci before her approaching February due date, and soon the case garnered national attention (Frey, 2005). Laci was known as a kind, bubbly person who did not have any enemies, so it was difficult to imagine who could be responsible for her disappearance. The police focused on Laci's husband, Scott, as their first suspect, as is customary in cases of missing spouses (Dunn, 2015). The police described Scott as "...somewhat helpful, but not helpful like you would expect" (Dunn, 2015). He was cooperative with police, but somewhat secretive and not as distraught as you would expect a man to be when his pregnant wife is missing. He calmly told police that he went fishing that day (Christmas Eve- the day Laci went missing), at Berkley

Marina near San Francisco Bay. People found it odd that Scott was out fishing on Christmas Eve, especially with a very pregnant wife at home. He also couldn't come up with an answer for what he was fishing for, or what bait he used (Dunn, 2015). Also, he left a voicemail on Laci's cellphone on the way home from the marina, which police later described as sounding staged and overly-romantic (Berry, 2017). However, when he arrived home from fishing and noticed he and Laci's dog in the yard with its leash still attached, and no sign of Laci even though her car was in the driveway, he did not call anyone right away. He did not call Laci's mother Sharon Rocha until after he took a shower and had some leftover pizza, assuming Laci was at her parents' house. Only then did Laci's stepfather, Ron Grantski, call the police (Dunn, 2015). Laci's friends and family did not suspect Scott in Laci's disappearance at first, but police found Scott's behavior suspicious throughout the investigation. Despite the detectives' intuition, it would be hard to make a case against Scott with no specific evidence connecting him to Laci's disappearance.

About a month after Laci's disappearance with no leads, a woman from Fresno named Amber Frey called the Modesto police department. She had seen an article about Laci's disappearance in a newspaper, and was calling to inform that she had been in a relationship with Scott Peterson since November 2002 (Frey, 2005). Peterson initially told Amber Frey that he was single, but then confessed to her- before Laci's disappearance- that he had "lost his wife" (Dunn, 2015). Police met with Amber, and discovered the pictures, gifts, and stories with friends that backed up her relationship with Peterson. They requested that she record her future phone calls with Peterson, so the police could find out who Scott really was. The recorded phone calls that Amber had with Scott did not produce any outright admissions of guilt from Scott, but

were still damning evidence against him. He talked romantically with Amber (who pretended to remain in the dark about Peterson) about their future together, and how much he missed her while he was away in Europe (one of his many lies). Perhaps most damning of all, during a candlelight vigil for Laci on New Years Eve, in Modesto, Scott Peterson stood far back in the crowd, not on the stage with Laci's family, and was calling Amber during the vigil. He fictitiously described to Amber his New Years Evening in Paris, while he was in Modesto at a candlelight vigil for his missing pregnant wife. When he finally came clean to Amber about his missing wife, she demanded answers, but he lacked reasonable explanations (Dunn, 2015). Once Amber told the press about her affair with Scott, the case made national headlines, and Scott became the most hated man in America. Many lost hope that Laci and her unborn son (who the couple planned to name Conner) would be found alive, and Laci's family and friends realized immediately that Scott was responsible (Dunn, 2015).

Even with the knowledge of Scott's infidelity, it was hard for police to make an arrest without knowing what had happened to Laci. On April 13th, 2003, a couple walking their dog discovered the remains of a fetus washed up on the shore of San Francisco Bay ("Scott Peterson trial fast facts," 2019). A day later, a decomposed female torso- with head and limbs missing- washed up nearby. These remains were identified to be those of Laci and Conner, found right where Scott said he was fishing when Laci went missing. The police arrested Scott Peterson at a golf course in San Diego, and charged him with two felony counts of murder ("Scott Peterson trial fast facts," 2019).

Scott Peterson's trial started on June 1st, 2004. He was tried in San Mateo county, California. The jurors for the trial were selected with great care over the course of two months,



since the case had become so widely publicized. Peterson was represented by high-profile attorney Mark Geragos, and the prosecution was led by Rick Distaso (“Prosecutors make case against Scott Peterson,” 2004). Amber Frey was represented by Gloria Allred, who is known for taking on mainly female clients in high-profile cases, especially those involving women’s rights (Allred, 2018). The case against Peterson was somewhat of a challenge, since there was a lot of circumstantial evidence against Peterson, but very little forensic evidence (“Prosecutors make case against Scott Peterson,” 2004). At first, the defense seemed to be prevailing, since the prosecution has a tough time making a case without the defense’s rebuttal (Berry, 2017). However, the case went downhill for the defense when Amber Frey took the stand to walk jurors through her relationship with Scott Peterson. The prosecution’s theory of the crime was that Peterson strangled his wife on Christmas Eve morning and transported her in his fishing boat to Berkley Marina, where, far from shore, he attached homemade concrete anchors to her arms and legs, and dumped her overboard. This would explain why Laci Peterson’s arms and legs were missing when she was found, and the lack of forensic evidence in the Peterson home. The suspected motive behind the crime was that Scott did not want to become a father, and wanted to be free of his life with Laci to continue seeing Amber Frey. The jurors believed the prosecution’s theory, and found Peterson guilty of the first degree murder of Laci, and second degree murder of Conner, on November 12th, 2004 (“Scott Peterson trial fast facts,” 2019).

On March 16, 2005, Scott Peterson was sentenced to death by lethal injection (“Scott Peterson trial fast facts”, 2019). He remains on death row in San Quentin Prison to this day, filing appeals for his case. The constitutionality and morality of the death penalty have been debated in California (and across the country), and the death penalty process in California is

notoriously slow, so it appears unlikely that Scott Peterson will ever be executed. In 2019, California Governor Gavin Newsom signed an executive order issuing a moratorium on the death penalty in the state. This abolishes the death penalty while Newsom is in office (“Scott Peterson trial fast facts,” 2019).

### **The Early Life of Laci Peterson**

Laci Rocha was born on May 4th, 1975 at Doctors Medical Center, Modesto, to Sharon and Dennis Rocha. Her older brother, Brent Rocha, was born in 1971. Laci grew up on a 365-acre dairy farm owned by her parents west of Escalon, California. Laci worked on the farm with her parents when she was young, acquiring an appreciation for gardening at an early age. Sharon and Dennis Rocha divorced when Laci and Brent were very young. Sharon moved to Modesto with her children, who still visited the dairy farm on the weekends (Jardine & Phillips, 2003). When Laci was six, Dennis had another daughter, Laci’s half sister, Amy. Sharon settled down with Ron Grantski, who helped raise Laci and Brent. Even though Sharon Rocha and Ron Grantski were never married, Grantski was still considered a stepfather to Laci (Sharon Rocha has kept the last name Rocha ever since her marriage to Laci’s father) (Jardine & Phillips, 2003). When Laci was eight years old, one of her ovaries became infected and was removed, threatening her chances of having children later in life (Beratlis et al., 2006). Laci attended Downey High School in Modesto, where she was a cheerleader. She remained close with her brother Brent, and had a good circle of girlfriends (Jardine & Phillips, 2003). Laci was described by those who knew her as fun and outgoing, saying she was, “Always perky, bubbly, energetic, chatty. She always wants to have fun” (Jardine & Phillips, 2003). Jardine & Phillips describe

Laci as "...a refreshing blend of confidence, sincerity, loudness and charm", often becoming the center of attention wherever she went (Jardine & Phillips, 2003). Laci graduated from Downey High School in 1993, and went to college at California Polytechnic State University in San Luis Obispo, where she studied ornamental horticulture. She received the outstanding freshman reward in the ornamental horticulture division (Jardine & Phillips, 2003). On her 19th birthday, Laci got a sunflower tattoo on her ankle. Her high school boyfriend, William "Kent" Gain, attended Cal Poly with her and went with her to get the tattoo. However, he was physically abusive towards her during their relationship, and the two broke up (Beratlis et al., 2006). Gain later served a 15 year prison sentence in Washington for attempting to murder a girlfriend of his in 1999 (Ablow, 2005).

While in college, she frequented the Pacific Cafe, where fellow Cal Poly student Scott Peterson worked as a waiter at the time. Within weeks after breaking up with Gain, Laci left her phone number with Scott one day in the summer of 1994, and the two began dating (Beratlis et al., 2006; Jardine & Phillips, 2003). Laci called her mother before their first date, saying she was convinced that she had met the man she was going to marry. They went deep-sea fishing on their first date, where Laci got seasick. However, the date was successful, and Scott would meet Laci's mother that weekend. On their date with Laci's mother at the Pacific Cafe, Scott brought flowers for Laci as well as her mother (Jardine & Phillips, 2003). Scott and Laci dated for two years, and married at Sycamore Mineral Springs Resort in Avila Valley (St. John, 2004). While finishing college, Scott and Laci opened a burger restaurant called The Shack. They sold the business in 2000, when they moved to Modesto in hopes of starting a family (Jardine & Phillips, 2003). In their new house, Laci loved to host dinner parties. Friends of hers said it was

something that came naturally to her, and was never stressful. She remained close with her friends from high school, even as the group went in different directions in life. Family and friends recalled her and Scott's relationship as one to aspire to, as the couple never seemed to have any fights and seemed very respectful of each other (Jardine & Phillips, 2003). Even though Laci wanted desperately to become a mother, she had trouble getting pregnant, and underwent fertility treatments. Finally, in June 2002, Laci announced that she was pregnant with her and Scott's first child (Beratlis et al., 2006; Dunn, 2015). She bonded with her family over her pregnancy, and by all regards things seemed to be going perfectly for the Petersons and the Rochas. This is why Laci's disappearance, on Christmas Eve when Laci was eight months pregnant, was shocking, alarming, and devastating. Laci was 27 years old and just five feet and one inch tall when she went missing (Jardine & Phillips, 2003).

### **The Early Life of Scott Peterson**

Scott Lee Peterson was born via cesarian section on October 24th 1972 in Sharp Hospital in San Diego, California (Ablow, 2005). His father is Lee Arthur Peterson, who owned a crate packing company. His mother, Jacqueline "Jackie" Helen Peterson (née Latham), was the owner of a boutique in La Jolla called The Put On. Jackie's father (Scott's maternal grandfather), John Latham, was murdered on December 21st, 1945 outside of his tire shop by a former employee. Jackie was just 2 and a half years old. When Jackie's mother Helen had trouble caring for her and her siblings after their father was killed, she was sent to a Catholic home for children called Nazareth House (St. John, 2004) (Ablow, 2005). Nazareth House did not have good conditions, and Jackie had a rough upbringing as a result. Even though she was allowed to see her mother,

her mother died when Jackie was 18. Jackie conceived two children prior to her marriage to Lee, whom she put up for adoption. Scott was the first and only child of Lee and Jackie, who each had children from previous relationships. Jackie Peterson had John, who was 6 years old when Scott was born (Ablow, 2005). Lee's children- Susan, 12, Mark, 10, and Joe, 9- lived with their mother during the week, but spent most weekends at Lee and Jackie's (St. John, 2004) (Thomas, 2005). Growing up in Lee and Jackie's two-bedroom apartment in La Jolla, Scott Peterson was considered quiet and respectful by those who knew him. He had a close relationship with his parents, who sometimes brought Scott to work with them. When Scott was 4 years old, his family bought a home in Scripps Ranch, a suburb in northeast San Diego. An avid golfer and fisherman, Lee Peterson taught his children these hobbies as a means of time together. Scott took a liking to golf, accompanying his family to golf outings beginning at age five. By the time Scott was in fifth grade, his family moved to Poway, where Scott attended Painted Rock Middle School. There, Scott was picked by teachers to act as a student crossing guard, a job he took very seriously. As a teenager, Scott worked part time at a country club in Rancho Santa Fe, picking up golf balls and filling golf carts with gas, in exchange for lessons and time on the course (St. John, 2004). He attended University of San Diego High School, where he was a was a teammate of famous pro-golfer Phil Mickelson for two years (Peterson is two years younger than Mickelson) (St. John, 2004; Strege, 2019). Scott was a good student and tutored the homeless all through high school. He was a member of the school's varsity golf team from 1987 to 1990, earning the team's most valuable player award twice. Scott Peterson was named to the San Diego Union-Tribune's All-Academic Team three of his four years in high school (St. John, 2004). During this time, University of San Diego High School had one of the strongest golf

teams in the area, having players recruited to play the California Interscholastic Federation-San Diego Section team championship and the U.S. Open local qualifier. When these two events were taking place on the same day, the team agreed that Mickelson play the Open qualifier and Peterson play the CIF tournament in place of Mickelson. Once Mickelson graduated, Peterson became the star of the team. The High School's coach at the time, Dave Thoennes, told the San Diego Union-Tribune "He was a tremendous kid and a tremendous golfer. He was both popular and a leader." That was disputed by his teammate Ed Ventura, who told the Union-Tribune that "...he was the biggest snob. He was always talking about how good his golf game was and how much better he was than the others" (Strege, 2019). For the most part, it was agreed that Peterson was a polite young man and a good sport in addition to being a skilled golfer, never having any outbursts on the course. Like his former teammate Phil Mickelson, Peterson went to Arizona State University, but never played for the University's official team (St. John, 2004). He left Arizona State after just one semester, for reasons disputed by various accounts. According to Golf Digest, Peterson was thrown off the golf team after taking future PGA tour player Chris Couch out partying while Couch was being recruited. According to Ablow (2005), Scott's half sister Anne Bird claims that he left after getting a girl pregnant at Arizona State, who had an abortion. Ablow further speculates that in addition to the pregnancy scare, Peterson likely left Arizona State due to the lack of recognition for his golfing skills and general homesickness. Peterson returned to California to live with his parents in Morro Bay. He played for the golf team at Cuesta College in San Luis Obispo, where he attended for two years. Within the year, he moved out of his parents' home and moved in with friends from the golf team. During this time, he was also working three jobs- one as a waiter and two at local golf courses. In the spring of

1994, Scott transferred to California Polytechnic State University in San Luis Obispo. Originally, he planned to major in international business, but changed his major to agricultural business.

Professors at Cal Poly described Scott as a model student, “He seemed more mature than most.

He was pleasant to deal with,” recalled Jim Ahern, a Cal Poly agribusiness professor, “I wouldn't

mind having a class full of Scott Petersons” (St. John, 2004). Peterson was working as a waiter

at Pacific Cafe in Morro Bay, where he met 19 year old Laci Rocha, who was having a meal with

a friend (St. John, 2004) (Dunn, 2015). She was also a student at Cal Poly, studying ornamental

horticulture. Laci left her phone number with Scott at the restaurant, and Scott was smitten with

the bubbly brunette (St. John, 2004) (Dunn, 2015). Within months, Scott introduced Laci to his

family, saying something to the effect of ‘I hope this is the future Mrs. Peterson’ (St. John, 2004).

Scott and Laci were engaged by Christmas 1994 and moved in together just before Christmas

1995. On August 9th 1997, Scott and Laci were married at Sycamore Mineral Springs Resort in

San Luis Obispo County's Avila Valley, with 150 of their closest family and friends in attendance

(St. John, 2004). The couple honeymooned in Tahiti (Beratlis et al, 2006). According to Beratlis

et al, the Petersons and the Rochas were culturally very different families. The Rochas were

valley people, dairy farmers who “...didn't mind having a little dirt under their nails” (Beratlis et

al., 2006, pp. 51). The Petersons were from San Diego, upper-crust businesspeople who golfed

at country clubs. When Dennis Rocha later testified against Scott, he said “You always thought

you were better and smarter than us” (Beratlis et al., 2006, pp.51). Jackie and Laci seemed to

butt heads as well, according to Ablow, “[Jackie] rolled her eyes at the mention of [Laci's] name,

criticized her clothing, implied she was controlling, an obsessive perfectionist” (Ablow, 2005,

pp. 91). While the families got along during Scott and Laci's marriage, these differences became apparent to jurors during the Peterson trial.

### **Married Life**

When they were married, Laci Peterson had graduated from Cal Poly but Scott was still finishing his senior year. It is believed that at this time, Scott started having the first of at least two extramarital affairs. In his final semester at Cal Poly, Scott wrote a 29-page paper on the billion dollar market of ready-to-eat salads sold at grocery stores. He graduated with his bachelor's degree in agricultural business in June 1998. He did not make use of his degree right away, despite being invited to apply for a job as a food buyer for the Archer Daniels Midland Company, that "...started with really good money" (St. John, 2004). Instead, Scott and Laci opened a burger restaurant not far from the Cal Poly campus called The Shack. Scott used what he learned about the restaurant business from his time waitering to buy and install kitchen equipment, while Laci handled the decor. Scott's parents did not loan him any money to start the business. Business was slow at first, but soon enough The Shack was drawing crowds, especially on weekends. When Scott and Laci sold The Shack in 2000, the casual hangout was a profitable endeavor (St. John, 2004).

Scott and Laci Peterson considered buying a home in San Luis Obispo, but could not afford the "skyrocketing" real estate costs. Laci suggested moving to Modesto, the town where she grew up, so they could start their own family close to her parents. With the help of a former professor, Scott got a job at Tradecorp, a Spanish-based agricultural supply company. This job allowed him to live wherever he liked. Working on a salary plus commission, Scott sold "... irrigation systems, along with fertilizer and chemical nutrients and the units to disperse



them” (St. John, 2004). He was simply described in the media as being a fertilizer salesman. Being something of a West Coast representative for the company, who was trying to establish a customer base in the United States, Scott’s clients were mainly farmers in the California, Arizona, and New Mexico area. In October 2000, Scott and Laci bought a house in Modesto at 523 Coven Avenue for \$177,000. While fixing up their new home, Laci worked as a substitute teacher. After having trouble conceiving, Laci became pregnant in mid-2002. She learned she was having a baby boy, and the couple decorated their future son’s nursery with a nautical theme (St. John, 2004). In November 2002, Scott Peterson met Amber Frey, a massage therapist from Fresno. He told her he was unmarried, and the two began a romantic relationship.

### **Laci Goes Missing**

On December 23rd 2002, Laci and Scott went to Salon Salon for haircuts, where Laci’s sister, Amy Rocha, worked. During their 5:45 pm visit, Scott offered to pick up a fruit basket from Vella Farms that Amy had ordered the next day, telling her he would be playing golf nearby. She assumed he was planning on golfing at Del Rio Country Club, where he had a membership. Prosecutors said that Scott also told other people that he would be playing golf on Christmas Eve day (“Stepsister describes last sighting,” 2004). Amy Rocha said that her sister was wearing “... a black top with cream-colored polka dots, cream-colored pants, a black jacket and a cream-colored scarf” at the salon (“Stepsister describes last sighting,” 2004). At 8:30 pm, Laci had a brief phone conversation with her mother, Sharon Rocha. This was the last time anyone had seen or heard from Laci Peterson alive, besides her husband Scott.

On the morning of December 24th 2002, as Scott describes it, he and Laci got up and had breakfast. According to Scott, Laci ate as soon as she got up, to prevent morning sickness. Scott had breakfast some time after her. In the morning, he recalled, they watched the Martha Stewart show, Laci's favorite program. She then cleaned up, mopped the kitchen floor, and was planning on taking their golden retriever, McKenzie, for a walk. Scott decided it was too cold to play golf, so he decided to go fishing (Berry, 2017). Sometime after 9:48 am, Scott drove his truck to his warehouse, about three miles away. From approximately 10:30 am to 10:56 am, Scott was on his computer at his warehouse, reading and sending emails. He then attached his small fishing boat to his truck, and drove an hour and a half to Berkley Marina. At 10:18 am, a neighbor of the Petersons noticed McKenzie walking around outside with a leash on. She puts the dog in the Peterson's backyard with the leash on, and goes about her day. Scott has a receipt from the marina from when he parked his truck there at 12:54 pm. He fished from about 1-2pm (Berry, 2017).

At 2:15 pm, Scott calls Laci on their home phone as well as her cell phone. He leaves a voicemail message on her cell phone, informing her that he was on his way back from the marina (Berry, 2017). On the voicemail he says,

“Hey beautiful, just left a message at home. Uh it's 2:15, I'm leaving Berkley, I won't be able to get to Vella Farms to get that basket for papa. I was hoping you would get this message and, uh, go on out there. I'll see you in a bit, sweetie. Love you, bye” (Berry, 2017).

At about 4:30 pm, Scott arrived back at his warehouse and parked his boat. He then went home, where he noticed that the front door was not locked, Laci's car was in the driveway, and their dog

was in the yard with a leash on. According to Scott, he assumed Laci was at her mother's house, preparing for the holiday festivities that were going to occur later that day. Scott then put his clothes in the washing machine, ate some leftover pizza with milk, and took a shower. After taking a shower and getting dressed, he called Sharon Rocha at 5:17pm (Berry, 2017). When Sharon told Scott that Laci was not with them, Scott informed them that she was missing. Sharon Rocha later recalls, "When he said 'missing', that's what concerned me. It wasn't that she wasn't there, or he couldn't find her, but that she was missing" (Coté & Stapley, 2007). At 5:47pm, Ron Grantski, Laci's stepfather, called 911. He told the 911 operator that Laci had been missing since that morning, was eight months pregnant, and had taken her dog for a walk in the park. The dog had returned but she had not (Berry, 2017).

The Modesto Police arrived around 6pm, and met Scott Peterson and Sharon Rocha in East La Loma park, where Laci usually walks McKenzie. Detective Al Brocchini suggested that they go back to the Peterson home. He searched the home, and observed no signs of forced entry. In fact, they could not find anything incriminating or suspicious in the Peterson home. The police searched the house, as well as Scott's warehouse, from 6:20pm to 1:19am. From 12am to 1am, Scott voluntarily sat down for a videotaped interview with Detective Brocchini. During this interview, Scott claimed he was willing to take a polygraph test. The next day, Scott went back to Modesto Police Department, where Detective John Buehler met Scott for the first time (Berry, 2017). According to Buehler,

"I gotta tell you, I was really expecting more from him. I was expecting him to start asking us 'What have you been doing?', 'Have you done *this*?', 'Is *this* a priority?', and

so, his behavior was a little bit different than other people we've dealt with. He just didn't seem to be as... interested in what we were doing" (Berry, 2017).

Scott did not take a polygraph test, as he previously said he would do, under the advice of his father. According to Buehler, police wanted to have Scott take a polygraph test so they could eliminate him as a suspect, and use their resources elsewhere to find his missing wife. The fact that Scott did not seem incredibly distressed about finding his wife, plus his unwillingness to take a polygraph test, made detectives more suspicious of Scott (Berry, 2017).

Being a couple of days after Christmas, the news cycle was slow and local reporters picked up the Laci Peterson disappearance. People were eager to help, and the turnout from local Modesto residents to search for Laci was overwhelming. Thinking that Laci had fallen, gotten stuck in a place she could not get out of, or been snatched by someone, people searched the area where she had gone missing by foot, horseback, and even by boat. A search center for Laci was set up at the Red Lion Inn in Modesto. Police searches of the Peterson home led to reporters crowding the area constantly for updates. Scott Peterson, however, was not eager to speak to the press, even though family of a missing person typically utilizes media to get the missing person's name out to the public. Those within Scott's family viewed him as trying to be strong for the rest of the family, but the media perceived him as aloof, and not really caring about his missing wife and unborn child. During a press conference with Laci's immediate family, Laci's father, Dennis Rocha, broke down crying over the podium, begging for Laci's return. According to local reporter Gloria Gomez, "This is the kind of emotion we expected from Scott: the anguish, the heartbreak, the worry, the not sleeping, the delirious person you become because your whole world is spinning out of control. We didn't see that from Scott" (Berry, 2017). The

family insisted that Scott's life *was* turned upside down by this horrible tragedy, and he was just avoiding giving the media something to latch on to and assume his guilt (Berry, 2017). Despite the family's insistence, the media actually grew more focused on Scott because of his behavior.

On Christmas Eve morning, there was a burglary that occurred directly across from the Peterson's home on Covena Avenue. A person driving by the area noticed suspicious people and a suspicious vehicle at the house at around 11:40 am. This was perceived as a major lead in the case for Laci's family. It seemed an unlikely coincidence that two crimes could occur in the same area on or around the same day. Perhaps the burglars had tried to rob the Peterson's house first, and Laci got in their way. However, police arrested two suspects in the burglary, and not only determined that the burglars did not have any involvement in the disappearance, but the burglary occurred on the 26th, not the 24th. The burglary in connection with Laci's disappearance is still disputed, since by December 26th, there was media around the Peterson home, making a burglary impossible to be unnoticed (Berry, 2017). However, the burglary lead was dismissed.

On New Years Eve, a candlelight vigil is held for Laci in East La Loma Park. While Laci's family thanks the crowd for their support, Scott is not with them. He is not on the main stage with Laci's immediate family, but instead is far back in the crowd, drawing suspicion. A photo is taken of Scott smiling during the vigil. This can perhaps be overlooked, but what cannot be overlooked is a particular phone call he made during the vigil. During the candle light vigil for his missing pregnant wife, Scott calls a woman named Amber Frey, who he has been dating for the last several weeks (Berry, 2017).

### Amber Frey

Amber Frey was born in Los Angeles on February 10th, 1975, to Ron and Brenda Frey. Amber was the second of two girls. The family moved to Fresno when Amber was very young, and her parents divorced when she was four years old. Amber and her sister were shuffled back and forth between their parents growing up. Amber took a liking to Christianity during her youth, and enjoyed going to church. In 1993, Amber graduated from Clovis High School with a 4.0 GPA, while working two part-time jobs. She attended Fresno City College, where she graduated in 1997 with a degree in child development and another in general studies. Amber was the first in her immediate family to graduate college. During her college years, she dated her high school boyfriend Moises. During this time, she became pregnant, but chose to have an abortion. Her abortion caused her great shame, so she turned to God, joining a local church and teaching Sunday School. She began dating a man who she refers to in her book as Steve, who, ironically, was separated from his pregnant wife (Frey, 2005).

Amber became pregnant in the summer of 2000, while dating a man named Anthony. While Amber was determined to keep and raise this child after previously having an abortion, Anthony was not ready to become a father. By the end of Amber's first trimester, Anthony had moved on. Amber worked various jobs to provide for her child before she was born. Her daughter Ayiana was born on February 20th, 2001, ten days after Amber's 26th birthday. After the birth of her daughter, Amber went back to school, and in March 2002 became a certified massage therapist. She was just starting her new job at American Body Works when her friend Shawn Sibley set her up on a blind date with Scott Peterson (Frey, 2005).

Shawn Sibley met Scott Peterson at a business convention in Anaheim. According to Amber Frey's book, Sibley's first impression of Scott was "...intelligent, good-looking, and very funny. And he seemed eager to settle down" (Frey, 2005, pp.1). While herself engaged, Sibley thought Scott would make a great match for her best friend Amber Frey.

On their first date, Scott and Amber went to a Japanese restaurant, where Scott requested a private room for the pair. After talking for a while until the restaurant was about to close, the pair headed next door to a karaoke lounge. They then headed back to the Radisson hotel, where Scott was staying, and Amber spent the night with Scott. He brought strawberries and champagne to their first date, which they had in the hotel before going to dinner (Frey, 2005).

Despite having been intimate on their first date, Scott was insistent that their first date was not a one-night-stand, and was serious about pursuing a relationship with Amber Frey. He bonded with Amber's daughter Ayiana very quickly, and gave gifts to both Amber and her daughter. He picked Ayiana up from school at times, and even cooked for Amber and Ayiana. By all means, Scott was very romantic seemed serious about having a family with Amber. He had seemed like the perfect guy, but denied having ever been close to getting married. He helped Amber set up her new office at American Body Works and accompanied her to a couple of formal events, uncharacteristic of a married man having an affair. While discussing their future together, Scott tells Amber that he does not want kids of his own, and that Amber and Ayiana are all he needs. Scott tells Amber that he is thinking of getting a vasectomy, but Amber shares that she would like to have another child in the future (Frey, 2005). Based on Amber's accounts, Scott was not looking for an extramarital fling. He was building a real future with Amber and her daughter.

While talking to a colleague, Shawn Sibley discovers that Scott is in fact married, with a wife in Modesto (Scott had previously told Amber he lived alone in Sacramento). Shawn calls Scott to confront him, and Scott cries to Shawn that he has lost his wife, and has not yet fully dealt with his loss. He promises Shawn that he will tell Amber of the loss himself (Frey, 2005).

A couple of days later, Scott scours the internet for fishing boats, and researches the currents in San Francisco Bay. He purchases a small fishing boat the next day for \$1400 in cash, and researches what fish are in season. That same day, he goes to Amber's house and tearfully confides in her that he has lost his wife, and that this will be the first holidays without her. He does not tell Amber, nor Shawn Sibley, how he lost his wife, and they do not ask. Despite "losing" his wife, Scott is adamant that he is ready for a relationship with Frey. Amber continues to date Scott, but proceeds with caution after he has kept such a big secret from her (Frey, 2005).

By this point, Amber knows well that Scott is sometimes not around due to business trips. While Scott does take business trips for his job with Tradecorp, he likely is unavailable because of his duties to Laci, his wife back home. Scott tells Amber that he is going to be in Maine with his father for Christmas. In Amber Frey's book, she shares a vivid, eerie nightmare she had the night before Christmas Eve, of which she does not tell Scott:

"In the nightmare, a man with brown hair, with his back turned to me, was tickling Ayiana. I couldn't see his face, just as I couldn't quite see Ayiana, but I knew beyond a shadow of a doubt that it was my daughter. She was laughing gleefully, but the man became rougher and rougher, and before long Ayiana was having trouble breathing.

"Stop it," I shouted. "She can't breathe! She can't breathe!"



I tried to run to Ayiana's side, but my feet felt as if they were glued to the ground. Much as I struggled, I simply couldn't move. I kept screaming at the man—"Stop! Please stop!"—but he ignored me. Suddenly, another image floated into my mind: I saw the face of a woman I didn't know. She had a broad, bright smile and curly, brown hair, and she was laughing hysterically. "Don't laugh!" I yelled at her. "Don't laugh! Can't you see he's smothering her?! Stop laughing! Stop!"

At that moment, I woke up, gasping for air. I was shaking. I don't believe I have ever felt that kind of fear in my life. Weeks later, however, when I saw an old photograph of Laci—Laci with long, permed hair—I felt that same intense fear all over again: Laci Peterson was the laughing woman in my dream" (Frey, 2005, pp. 36)

Amber allegedly sees Laci in her dream of Scott killing Amber's young child, during the same time frame that Laci is speculated to have been killed. On Christmas morning, Scott calls Amber and paints her a vivid picture of the beautiful countryside in Maine. Unbeknownst to Amber, he is not in Maine, but in Modesto, and this is the same day Scott's wife goes missing. A couple of days later, as a volunteer center is being opened at the Red Lion Inn to search for Laci, Scott tells Amber that he is going to New York. From New York, he is going to Europe on a business trip. He tells her he is going to Europe partly to renegotiate his contract, so he will not have to travel so much in the future. He assures her that they will be spending many more holidays together in the future (Frey, 2005). Since Scott used business trips as a means of cheating, this promise of traveling less could indicate that he is serious about his relationship with Amber Frey. He is not sure when he will be back from Europe, but gives her a P.O. Box address in Modesto so they can write back and forth and send packages. Amber finds it odd that he has a P.O. Box in Modesto,

but does not think to ask about it. Besides the nightmare and the Modesto P.O. Box, Amber was also starting to become weary of Scott for other reasons. Amber was suspicious of the times that Scott would call her, particularly when he said he could talk at a certain time, but then only be able to talk for a quick minute. Sometimes it sounded like Scott was calling her from the shower, and a couple of times Amber suspected that she heard a woman's voice calling him in the background. Little things like this, combined with female intuition, caused Amber to start to have doubts about Scott. One of the people Amber discussed her relationship with was her friend Richard Byrd, a Fresno police officer. Richard was suspicious of Scott from the start, wondering if he sounded too good to be true (Frey, 2005). When Amber shared that she was starting to have her own suspicions, Richard offered to "...make some calls and nose around" (Frey, 2005, pp.44).

The following night, December 29th, Amber was at a holiday party. Richard called her while she was at the party, and told her that he had found a Scott Peterson in Modesto, whose wife was missing. Having done a search prior to this on Scott with her friend Denise, Amber was nearly positive that this was not her Scott Peterson. Amber told Richard to keep looking, and to call her back if he found out anything for sure. Later that night, Richard called back with a frightening intensity in his voice, and told Amber that her Scott Peterson sounded like the same Scott Peterson whose wife had just gone missing the previous week. He gave Amber the number of the Modesto Police Department, whom she called as soon as she got off the phone with Richard. The woman who Amber spoke with was very nonchalant when taking down Amber's life-altering news, but confirmed that her Scott and the Scott Peterson with the missing wife had the same birthday. Richard later showed up to the party that Amber was still at, with a

newspaper article on the Peterson disappearance. The article had details confirming for Amber that both Scotts were the same person. The next day, after a night of little sleep, Amber again called the Modesto Police Department. She had pertinent information and was eager to help, and was frustrated that no one had called her back, as promised. While repeating her information from the first call, Detective Al Brocchini happened to overhear the conversation in passing through the office. He spoke with Amber, and they set up a meeting at Amber's house for later that day. Detectives Al Brocchini and John Buehler arrived at Amber's house, where she waited with Shawn Sibley. In a recorded meeting, Shawn and Amber told the detectives their sides of the story. Shawn described how she met Scott, and how she thought he would be a great match for Amber. Amber detailed to the detectives her entire relationship with Scott, including all the dates, gifts, and basically everything that was said or done during their time together. She was eager to provide the gifts from Scott, photos of the two of them together, and anything that the police could have as evidence against Scott. When Amber asked if there was anything else she could do to help, Detective Buehler suggested that Amber record her future calls to Scott, and pretend as if she did not know of his missing wife. When Amber agreed, the detectives took Amber to RadioShack to buy her a recorder to use for her calls with Scott (Frey, 2005).

In the weeks to come, Amber embarked on the emotionally draining process of recording her calls with Scott, pretending to be in the dark. Scott continued his myriad of lies to Amber about being in Europe. He talked about being in Paris for New Years Eve, and eating rich french food. He also continued to discuss their relationship, and what a great person Amber is and how much he cares about her. Amber now knows that he is not doing any of the things he says he is doing in Europe, and is in fact supposed to be searching for his missing pregnant wife. It amazes

her how he lies to her so easily, and appears to be nonchalant when in reality his wife is missing. Scott occasionally mentions stories from the news, to see if Amber has been keeping up with recent news and is at risk of finding out the truth. On January 6th, just as the detectives start preparing Amber to get more information out of Scott, Scott calls Amber to tell her what she already knows. He tells her that he has in fact not been traveling in the last couple of weeks. He tells her that his wife, Laci, went missing on Christmas Eve, and that he and Laci's families have been searching for her in Modesto. Amber immediately questions why he has been talking to her when his wife is missing. She also questions why he came to her in the weeks before Christmas Eve and told her he had lost his wife (Frey, 2005). Amber demands sensible explanations from Scott, but he is unable to give her sufficient answers (Dunn, 2015). Even though Amber pushes for information that could help detectives with their case against Scott, he is vague with his answers and does not make any incriminating admissions (Frey, 2005). However, he admits on tape that he said he lost his wife, prior to Laci's disappearance (Dunn, 2015).

In the weeks to come, Scott and Amber have limited contact, but Amber continues to demand answers from Scott. Word starts to get out, particularly from *The National Enquirer*, that Scott has been having an affair with Amber. Amber starts to be hounded by the press, and people start to wonder if Amber had something to do with Laci's disappearance, even though this is not a concern of the Modesto Police. Detective Buehler suggests Amber make a general statement to the press (Frey, 2005). On January 23rd, 2003, Amber appeared for a press conference in Modesto and said the following:

“I met Scott Peterson on November 20th of 2002. I was introduced to him. I was told he was not married. Scott told me he was not married. We did have a romantic

relationship. When I discovered that he was involved in the Laci Peterson disappearance case, I immediately contacted the Modesto Police Department. Although I could have sold the photos of Scott and I to the tabloids, I knew this was not the right thing to do. For fear of jeopardizing the case or the investigation, I will not comment further. I am very sorry for Laci's family, and the pain that this has caused them. And I pray for her safe return, as well. I would appreciate (if) my friends and acquaintances (would) refrain from talking about me to the media for profit or recognition. I am a single mother with a twenty-three-month-old child, and I ask [you] to respect my privacy. Thank you" (Frey, 2005, pp.137).

Sharon Rocha as well as Laci's friends thank Amber for coming forward. They know right away that she is not a suspect in Laci's disappearance, and welcome her with open arms. Hours before Amber's press conference, Laci's family had a press conference of their own, where they announced that they had been informed of Scott's affair. They said that prior to learning of his infidelity, they were always supportive of Scott and his innocence, but that their view of him has now changed. Even though Amber has revealed their affair, Peterson continues to pursue her, and tells her he is proud of her for speaking out (Frey, 2005). The phone calls between Frey and Peterson were still being recorded, which would be used against him at his trial.

Scott Peterson's affair with Amber Frey was a major breakthrough in the Laci Peterson case. While everyone was suspicious of Scott following Laci's disappearance, there was little evidence to indicate a motive for Scott to commit any crime against Laci. After the affair was revealed, people put the pieces together in their mind and imagined Scott may have murdered Laci to continue his relationship with Amber. The affair also elevated the case to a national

media story, by adding another layer of drama to an already captivating story. Most damningly, Scott's affair with Amber showed how easily Scott could lie. He is romancing a girlfriend over the phone and planning romantic sentiments, while his pregnant wife is missing. This shows that he obviously must not care much about his wife and son being gone. The admission to Amber that he "lost" his wife, weeks before her actual disappearance, also raises red flags. Without Frey, we would not have this crucial evidence that revealed what Peterson could be capable of.

### **Media Storm**

One of the reasons that the Peterson case was picked up was that there is normally a slump in the news over the holidays. Around the time of Laci's disappearance, news networks were starting to evolve into 24/7 news cycles, and material was needed to fill up this space. A missing pregnant woman on Christmas Eve also resembles elements of Mary, the mother of the baby Jesus. Modesto was a small, rural community, where residents were very tight-knit. When word got out that the pregnant Modesto resident Laci Peterson was missing, the community was very anxious to help. Media was attracted to this determined group of people, and wanted to know who Scott and Laci were. A good-looking, all-American couple like the Petersons experiencing this unexpected tragedy pulled viewers in. There was not much evidence to figure out what had happened to the beautiful, pregnant Laci Peterson, and those following the case were anxious to find answers. This led the press to actively pursue the case. Those following the case noted how Scott was rarely in front of the camera, pleading for viewers to help find his wife. Even when he did appear on camera to promote the search for Laci, he seemed calm, and not incredibly distressed like the rest of Laci's family. Scott's demeanor created more mystery

behind Laci's disappearance, which heightened press coverage. Sometimes, information that was leaked to the press was untrue, as the media was anxious to give their audience the inside scoop on developments in the case (Berry, 2017). This includes the suspicion of Scott's culpability for other murders. Somewhat early in Laci's disappearance, the media created a narrative that Scott may have been responsible for murders of female Cal Poly students around the time he attended Cal Poly, but this was proven to not be true. Even though the media's allegations against Scott were not factual, it still created the perception in the public's minds that Scott was a murderer, long before he was actually charged with Laci's murder. Since the press was so desperate for anything that could provide an explanation to Laci's disappearance, Scott claimed, he refrained from talking to the press for fear of being framed. He claimed he was afraid that anything he said to the media could be used against him, to perpetuate the narrative of his guilt. Thus, Scott allegedly refrained from giving interviews or otherwise talking to the press, to keep the focus of the case on Laci and not himself. However, Scott's unwillingness to talk to the media, as spouses of missing persons would typically do, actually had the opposite effect that Scott had allegedly intended. The media actually focused *more* on Scott, determined to figure out why he was acting so suspiciously. Some in the media, such as TV anchor Nancy Grace, would give their opinion on Scott, brazenly voicing their opinions of his guilt. Those like Grace have since been accused by advocates of Scott's innocence of swaying the public's perception on Scott, in order to fire up their viewer base. Due to anchors like Grace prosecuting Scott on television, they claim, he was convicted in the court of public opinion long before the trial (and jury selection) started. Despite the public's intuition, credible incriminating evidence on Scott could not be found that could more directly indicate his possible involvement in Laci's

disappearance. However, when it was revealed that Peterson was having an extramarital affair at the time of his wife's disappearance, the case became a national story. The affair provided a motive for Scott to be involved in Laci's disappearance, which many followers of the case already suspected he was (Berry, 2017).

Scott Peterson's affair with Amber Frey, which was revealed to the press on January 23rd, 2003 in a press conference with various networks present, elevated the case from a mysterious tragedy to a bombshell soap-opera story. The press conference for Amber Frey was "...breaking news on every station, everybody was taking this press conference live because we didn't know what they were gonna announce" (Berry, 2017). Coverage of the Peterson case sometimes overtook political coverage of the Iraq War, which was happening around the same time. After Amber came forward, new stories involving the case were on the cover of almost every magazine in the grocery store. The story of these attractive people involved in lies, affairs, and (possible) murder seemed impossible to be happening in real life, which made the case a sensational story. After his affair with Amber came out to the press, Scott felt he had to talk to the media, despite those on his defense team's efforts to convince him otherwise. He did four interviews- one with Diane Sawyer for Good Morning America, and three with local reporters which were done at his home. These interviews, especially the one with Diane Sawyer that was aired on national television, did not go well for Scott. They actually caused Scott and his credibility more harm than good, making him the most hated man in America (Berry, 2017).

### **Diane Sawyer Interview**



On January 28th 2003, Good Morning America aired a taped interview between Scott Peterson and renowned interviewer Diane Sawyer (Crime Archives, 2014). The likely goal of this interview was to diffuse the suspicion surrounding Scott, and address his affair with Amber Frey, which had just come out to the press. After the affair was publicly revealed, the case made national headlines, and the already suspicious Scott became the most hated man in America (Dunn, 2015). By telling his side of the story, and showing that he was truly devastated over Laci's disappearance, Scott figured that the suspicion surrounding him would likely be cleared. The problem was, Scott still seemed dishonest and not forthcoming for a variety of reasons. One thing viewers picked up was that he referred to Laci in the past tense (Crime Archives, 2014). An innocent man would have more faith that his wife was still alive, and Scott's use of past tense suggested to viewers that he already knew Laci was dead. Interestingly, he refers to his affair with Amber Frey in the present tense, and then corrects himself. Secondly, while he does cry during the interview, viewers noticed that he does not make any effort to wipe the tears away (Crime Archives, 2014). Normally, when one cries, they wipe their tears, unless they tried really hard to make those tears. Viewers suspected that his tears were manufactured, to try to show devastation that was not really there. Then, he is asked by Sawyer outright if he murdered his wife. He says no, and that he had nothing to do with her disappearance, but then goes on to say, "You use the word murder...and right now everyone's looking for a body. And that is the hardest thing because that is not a possible resolution for us" (Crime Archives, 2014). He says these words with a smirk-like smile on his face. Viewers questioned why he would ever be smiling when discussing the possibility of finding his wife's dead body.

In the interview, Scott does not try to deny his affair with Amber Frey. When asked by Sawyer why he had the affair with Frey he replies, “I can’t answer that, I don’t know” (Crime Archives, 2014). It is frustrating and strange to viewers that a man who has cheated on his now-missing wife would not be more remorseful for his infidelity, providing a response that shows more self-reflection. He apologizes to Amber and her family and friends, as well as he and Laci’s family and friends. When asked if he told police about the affair, he claims he told them “immediately” (Crime Archives, 2014). He states that “...from December 24th [the day Laci went missing] on”, police knew of his affair with Frey (Crime Archives, 2014). This is a blatant lie, since investigators did not know of any affair until Frey came forward. In an even more ridiculous lie, Peterson claims that he told Laci of the affair in early December. When asked if it caused a “rupture” in their marriage, Peterson claims that Laci was “...not ok with the idea”, but it was “...nothing that could tear [them] apart” (Crime Archives, 2014). When asked if there was a lot of anger between them after the alleged revelation of the affair, Peterson says no. Diane Sawyer then asks what viewers all around the country would ask, “Do you really expect people to believe that an eight and a half month pregnant woman learns her husband has had an affair, and is saintly and casual about it? Accommodating? Makes a peace with it?” (Crime Archives, 2014). To this, Peterson replies, “No one knows our relationship but us” (Crime Archives, 2014). When asked why he told his wife of the affair, Scott says it was because it’s the right thing to do (Crime Archives, 2014). Viewers have been quick to argue that Peterson’s claim that he told his wife of the affair is utterly fanciful. Men usually never tell their wife of an affair unless they are caught. Even when they do, it causes a major break of trust, which most relationships fail to recover from. In fact, it is hard for a normal person watching to imagine any

circumstances in which a partner would reveal an affair, and the other partner would merely be “not happy about it” as Peterson dismissively claims. Also, it is hard to believe that Laci, if she did learn of the affair, would not confide it in anyone. It is reasonable to suspect that Peterson would not have answers on how the “revealed” affair affected he and Laci’s marriage, because it was probably never revealed. Scott says yes when asked if he continued seeing Amber after he told Laci of the affair (Crime Archives, 2014). This is even more confusing, because if he is suddenly concerned with “doing the right thing” and coming forward with the affair to Laci, it is assumed that he is going to stop having the affair. He also admits that he did not tell Amber of his wife at home, who has allegedly been informed of their romantic relationship. He ends the interview by telling Diane Sawyer that he still wishes to help Laci’s family in their search, despite their distrust in him (Crime Archives, 2014).

Throughout the interview, it is fair to say that Diane Sawyer is honestly trying to understand what was going on in his mind as this case unfolded. She is speaking for the people at home, who have imagined that Scott killed Laci because of his love for Amber Frey, or that he killed Laci because of an angry confrontation over Amber Frey. Peterson denies both of these theories, but instead works himself into an unbelievable theory that he told Laci of the affair, which she confided in no one, and she conveniently goes missing weeks later while he is still seeing Amber Frey. Even if one could somehow believe Peterson, the statement that he told police right away of the affair is an indisputable lie. The interview might normally be a smart move for someone who is truly innocent and forthcoming, but the interview does even more damage to Scott’s already unfavorable image. Steve Helling, Senior Crime Editor for People Magazine, has said that he has “...never seen an interview do so much damage to someone’s

credibility” (Dunn, 2015). Helling recalls how viewers watched Scott’s interview and thought “Oh, well now we know he did it!” (Dunn, 2015). Not only does Scott talk in circles and dance around truths in his interview, his creepy mannerisms indicate that he is guilty of something. While advocates for Scott’s innocence may argue that his interview performance was hindered by “nerves” or some other factor (though usually advocates for Scott’s innocence stay away from this interview, probably for good reason), this is not an excusable circumstance. If one imagines themselves being interviewed for a crime they did not commit, they would probably not see themselves struggling because they know that what they are saying is the truth. Even if there is damning evidence against them, if one is innocent they will answer questions genuinely and naturally, which is not what Scott did. Guilty people, on the other hand, lie, stall, and dance around the truth, much like Scott did in the interview. While Scott cannot be arrested on the basis of one interview, it certainly implicates him even further as a suspect in Laci’s disappearance.

### **Laci and Conner are Found**

After the revelation of Peterson’s affair with Amber Frey during the time of his wife’s disappearance, and his bungled TV interviews, many were certain that he had murdered Laci. Police were eager to arrest Peterson, but could not make a solid case against him at trial without finding Laci’s body. The case had gone silent for a while, with no leads on Laci’s disappearance (or Peterson’s guilt). Media coverage of the case also slowed. Police had noticed that Peterson was making trips to San Francisco Bay, but would only stay there for a few minutes at a time. He would observe the Bay, presumably observing the progress of divers who were searching the

Bay (where he had been fishing) for Laci's body. However, the divers had been unsuccessful in finding Laci or Conner in the Bay.

Following a storm, a decomposing human fetus washed up on the shores of San Francisco Bay on April 13th, 2003. The following day, a couple walking their dog found the remains of a female torso on the shore of San Francisco Bay, not far from where the fetus had washed up. The female body was missing its head, arms, and legs. It lacked internal organs, and the only organ that remained inside the torso was the uterus. The body of the fetus was mostly in-tact, but its skin was jellylike and translucent. Both the female torso and the fetus washed up not far from where Scott had been fishing on the day of Laci's disappearance. It would take several days for an autopsy to confirm that the torso and fetus were those of Laci and Conner. Those in Scott and Laci's family had a bad feeling it was her, yet detectives were apprehensive that Laci and Conner would conveniently be found where their prime suspect had been during the disappearance (Berry, 2017).

During the time that these bodies were found, Scott was staying in San Diego, having been hounded by media in Modesto. Detectives had an arrest warrant drafted for Scott after the bodies were discovered, but they were advised not to make the arrest until the DNA results confirmed that the bodies were those of Laci and Conner. On April 18th, Scott had plans with his brothers Mark and Joe and their father Lee to play golf at Torrey Pines Golf Course in San Diego. While driving to the course, Scott noticed suspicious vehicles that were following him. Scott called his brother Joe and told him he would not be able to play golf because the media following was him, and he did not want the media harassing his brothers and his father. Scott started driving aggressively, trying to lose the cars that were following him. These cars

following him were actually those of police. Even though the police did not want to arrest Scott until the DNA results of the autopsy came back, the manner in which he was driving on the highway gave police probable cause to make an arrest. They followed him to Torrey Pines golf course, where he was arrested (Berry, 2017).

### **Scott's Arrest**

The circumstances surrounding Scott Peterson's arrest are a subject of debate by those who consider him guilty and those who consider him innocent. The media was quick to portray Scott's police chase on the San Diego highway as a get-away attempt to flee to Mexico. Proponents of Scott's innocence, such as Scott's sister-in-law Janie, argue that Scott, Joe, Mark and Lee had planned to play at Torrey Pines that day. The fact that San Diego is close to the Mexico border is just a coincidence. Janie Peterson also argues that if Scott *were* going to flee, the time to flee would be when the bodies were found, not pending the DNA confirmation. The search of Scott's car unveiled suspicious items such as roughly \$15,000 in cash, four cell phones, camping equipment, and his brother's drivers license. The media argues that these items were possessions that Scott would use to start a new life in Mexico. Janie has said that his possession of his brother's drivers license was for getting a discount at Torrey Pines. The large amount of cash was accidentally withdrawn by Scott's mother from their joint account, and was given to him in cash to prevent a hold on the account. Detective Buehler said that they items found in Scott's car were consistent with what one would have, "...if you were living out of your car, which would be consistent with what he was doing" (Berry, 2017). He also possessed weapons, and a map to Amber Frey's workplace. Some in the media have perpetuated the narrative that Scott was planning on killing Amber, a witness against him, and fleeing to Mexico (Dunn, 2015).

His possession of these items is not sufficient evidence to believe these claims, since the weapons could just be for self defense (in collection with the camping equipment), and the map could have been used prior. Scott's hair was also dyed blond, and he had a blond goatee. Those who advocate for the Mexico theory argue this as evidence of Scott looking to dodge police, flee to Mexico, and start a new life. Scott argued that he disguised himself to avoid media (Berry, 2017). Thus, while most who have seen coverage of the Peterson case on TV believe that Scott was about to flee to Mexico at the time of his arrest, there is evidence to the contrary.

After he was arrested, Scott rode with detectives back to Modesto from San Diego. During this drive, the detectives received a call from detective Craig Grogan, who confirmed that the decomposed torso and fetus that had washed ashore days prior were Laci and her unborn son. Scott had little reaction to this news, shedding only a single tear out of his right eye. When they arrived at Stanislaus County jail in downtown Modesto, a large crowd had amassed even though it was around 11pm. Some of them had signs, and many of them were chanting "Murderer!". At his arraignment on April 21st, Scott was formally charged with two felony counts of murder for the murder of his wife and unborn son (Berry, 2017). According to CNN, "There are 2 counts because of California's fetal homicide statute, any fetus -- meaning eight weeks of development and onward -- is considered an equal victim" ("Scott Peterson trial fast facts", 2019). After meeting with Laci's family, the District Attorney announced that the state would seek the death penalty against Scott Peterson (Berry, 2017).

### **Peterson Defense Team**

On December 30th, 2002, Scott Peterson hired Kirk McAllister to represent him prior to his arrest. Once Scott was arrested, however, McAllister quickly informed Scott and his family that he would not have the resources to be able to take on a case of their size. He advised the family that they would not be able to afford an attorney for this case, and that they should hire a public defender. However, Lee Peterson and the family had taken note of Mark Geragos, who frequently appeared on Larry King Live, defending Scott. Geragos was a popular attorney in the media, and had taken on many high-profile cases before. Figuring that Geragos would fight for Scott's innocence as he had done on Larry King Live, and guide Scott and his family through the media storm, the Petersons hired Geragos as Scott's defense lawyer. Lee Peterson said that hiring Geragos to the case cost the family a million dollars (Berry, 2017). A lead attorney on the defense team was Matt Dalton, who worked for the Geragos & Geragos firm. He lived in Modesto full time for six months, tirelessly investigating any possible leads that would exonerate Peterson. Dalton looked through 30,000 pages of discovery (the compilation of all police documents related to the Peterson case, including but not limited to police reports, transcripts of phone calls, transcripts of interviews, receipts, and other records). He also spent over 100 hours at Stanislaus County jail, visiting Scott (Berry, 2017). Private investigator Gary Ermoian had also worked on the case extensively, even prior to Geragos' involvement. He too investigated leads, namely witnesses who claim they saw Laci walking her dog after the time Peterson left for Berkley Marina. However, Mark Geragos and Pat Harris would be the ones representing Peterson at trial (Berry, 2017).

### **Jury Selection**



Per Mark Geragos' request, Scott Peterson's trial was moved from Stanislaus County in Modesto to San Mateo County in Redwood City. Geragos argued that it was impossible for Peterson to receive a fair trial in Modesto, where everyone knew of the case and was already certain of his guilt. The jury pool would be too tainted to hold a fair trial in Stanislaus County. Geragos tried to move the trial to Los Angeles, but this request was denied (Beratlis et al., 2006).

The jury selection process began in February 2004. Potential jurors were summonsed, and then given a questionnaire, where they were asked various questions relating to their ability to judge the case fairly. The potential jurors were asked various questions relating to programs or magazines that they had watched or read, whether they had been exposed to anything relating to Scott Peterson, or if they had any beliefs that would make them opposed to giving the death penalty. There were questions on whether the jurors were interested in golfing or fishing, which were relevant to the Peterson case. Some of the 116 questions on the questionnaire included:

- Do you have any knowledge of boats?
- What television and radio programs do you view or listen to on a regular basis?
- Have you, any friends or relatives ever been involved in law enforcement (for example, FBI, DEA, Sheriff's Department, County Prosecutor's Office) or been employed by any such agency?
- Have you formed or expressed any opinions about the guilt or innocence of the defendant, Scott Peterson?
- Has anyone expressed any opinion as to his guilt or innocence to you? (Beratlis et al., 2006, pp. 24)

Overall, they were asked about anything that may cause bias in how they process evidence and determine the verdict in the case. The jurors were then put through voir dire, where they are questioned by both the prosecutors and the defense. This is done in a courtroom with the defendant present. In this case, there were also reporters and spectators present. Jurors would be questioned on any factor that may infringe their ability to be impartial. Then, a computer would randomly select eligible jurors to go through the final stages of jury selection, in what Judge Al Delucchi called “The Big Spin”. The goal was to produce 12 jurors and six alternates, the required amount of jurors for a death penalty case (Beratlis et al., 2006).

Both the defense and the prosecution hired expert jury consultants to help them strategize their jury selection. Geragos hired Jo-Ellan Dimitrius, who had helped Johnny Cochran with jury selection in the O.J. Simpson murder case. The prosecution hired Howard Varinsky, who had just previously helped federal prosecutors pick the jury that convicted Martha Stewart in her infamous insider trading case. During voir dire, the jury consultants would look for any indication of how each of the potential jurors might vote on Peterson’s guilt (Beratlis et al., 2006).

The trial was expected to last six months, and potential jurors were allowed to be excused of their civic duty if their employers could not give them paid leave. Over 900 potential jurors were dismissed in the Peterson case out of 1,500 summonses that were issued, primarily for financial reasons, health reasons, or peremptory challenges (Beratlis et al., 2006). The final randomized computer selection, which took place on May 27th, 2004, would select 12 jurors and 6 alternates from 76 potential jurors (Beratlis et al., 2006). The jury of six men and six women were selected as follows:

- Juror No. 1: Greg Beratlis, a PG&E engineer who coached youth sports on weekends.
- Juror No. 2: Thomas Marino, a retired postman. Marino was a golfer like Peterson.
- Juror No. 3: Lorena Gonzalez, a social services worker and the only Hispanic on the jury.
- Juror No. 4: Michael Belmessieri, a Marine Vietnam Veteran and former police officer who is a project manager for a major manufacturer.
- Juror No. 5: Justin Falconer, a disabled airport security screener and single parent.
- Juror No. 6: Steve Cardosi, a firefighter and paramedic.
- Juror No. 7: Frances Gorman, a Filipina, the only Asian on the jury, and an auditor for PG&E.
- Juror No. 8: John Guinasso, who works for San Francisco Parking Garage Inc.
- Juror No. 9: Julie Zanartu, a clinical trial inspector at Genentech.
- Juror No. 10: Mary Mylett, who had suffered the loss of her young son. This was discussed with the Judge in voir dire, but not revealed to the other jurors until during deliberations.
- Juror No. 11: Fairy Sorrell, an accountant and the only African American juror.
- Juror No. 12: Kristy Lamore, a former social worker who once handled child abuse cases.

Like Peterson, she was also a golfer. (Beratlis et al, 2006, pp. 27-29)

The four alternates, who would listen at the trial but not participate in deliberations unless a member of the jury was removed, were selected as:

- Alternate No. 1: Greg Jackson, a doctor and lawyer.
- Alternate No. 2: Richelle Nice, a single mother of four.

- Alternate No. 3: Dennis Lear, a retired United Airlines mechanic whose son-in-law worked for Laci and Scott Peterson in the restaurant they formerly owned, The Shack.
- Alternate No. 4: Debbie Germanis, whose nickname was Shannon.
- Alternate No. 5: Sharon McNeal, the only one to not attend the jury press conference after the trial.
- Alternate No. 6: Michael Church, a British-born San Mateo County employee. (Beratlis et al, 2006, pp. 29-30)

Even though some of these jurors had what seem to be glaring biases that would keep them from serving on the trial, both sides seemed happy with the final result. For example, one would think that a firefighter/paramedic in charge of saving lives, or a social worker who handled child abuse cases, would be biased against Scott in a potential (unborn child) murder case. Also, considering all the questions on the juror questionnaire relating to any interest in golf, a couple of golfers were selected to the jury, whom one might think would show bias towards Peterson. There was also a lawyer present on the jury in Greg Jackson. Normally, one would not think that lawyers, similar to law enforcement professionals, would be wanted as jurors. However, according to Beratlis et al. (2006), Varinsky explains that this is a myth. If Jackson were a criminal defense lawyer or legal aid lawyer, he would have likely been removed, but Jackson worked for a biotech firm. Varinsky valued that Jackson was upper-middle class and well-educated, making it unlikely that he would acquit a murderer. Juror Mary Mylett revealed to other jurors during deliberations that she accidentally hit and killed her 22-month-old son with her car, when she did not see him as she pulled into her driveway. One would think such a horrific experience would make her biased against Scott, knowing the pain of losing a young child. However, the tragedy

she faced may have made her an ideal juror, Mylett later telling the Modesto Bee, “I know what it’s like to lose a life, and I know what it’s like to take one” (Beratlis et al, 2006, pp. 147).

Perhaps most glaring of all potential juror biases, Dennis Lear’s son-in-law worked for Laci and Scott Peterson. One would normally assume that having some sort of relation to the defendant (and victim) would be a cause for automatic disqualification from the jury. However, Geragos approved of Lear after questioning him during voir dire, to Lear’s surprise. According to Varinsky, it seemed that the jurors were chosen more on the grounds of their upstanding moral character. Jurors’ ability to process the evidence and make logical, responsible decisions regarding Peterson’s guilt superseded interests or experiences that would, at first glance, indicate potential bias for or against Peterson.

Jurors never knew each other’s real names during the judicial process. Instead, on the day of the trial, they were told to select aliases. This would preserve their anonymity throughout the trial. The jurors had to pick their aliases on-the-spot, and all had different meanings behind their aliases. The jurors picked their aliases as follows:

- Greg Beratlis, Juror No. 1, became Zane, joking that “this was in-zane” (Berry, 2017)
- Tom Marino, Juror No. 2, became Mario.
- Lorena Gonzalez, Juror No. 3, chose Crystal.
- Mike Belmessieri, Juror No. 4, was Treadhead, a reference to him being a Marine tank commander.
- Justin Falconer, Juror No. 5, was Kekoa, a reference to his years of living in Hawaii.
- Steve Cardosi, Juror No. 6, chose Cap because of his aspirations to become a fire captain.
- Frances Gorman, Juror No. 7, nicknamed herself Leilani.

- John Guinasso, Juror No. 8, chose Bill, because of his fear of bills piling up if the jury needed sequestering.
- Julie Zanartu, Juror No. 9, chose the nickname, Joe, a genderless, generic name that would identify as little about herself as possible.
- Mary Mylett, Juror No. 10, chose the name Sean, the name of her deceased son.
- Fairy Sorrell, Juror No. 11, became Tracy.
- Kristy Lamore, Juror No. 12, became Juliet (Beratlis et al., 2006, pp. 59)

The alternates chose aliases as well:

- Alternate No. 1, Greg Jackson, chose the nickname D-Day, because he was reading about the Allied landings at Normandy.
- Alternate No. 2, Richelle Nice, chose Ricci. Nice would later be nicknamed by the media as Strawberry Shortcake, because of her bright red hair.
- Alternate No. 3, Dennis Lear, chose Montara, the name of the town where he lived at the beginning of the trial.
- Alternate No. 4, Debbie Germanis, chose the nickname Shannon.
- Alternate No. 5, Sharon McNeal, chose Jazz.
- Alternate No. 6, Michael Church, chose Neo, the character from The Matrix (Beratlis et al., 2006, pp. 60)

Jurors were not allowed to make any gestures or facial expressions, or verbalize to anyone in the courtroom. They were not allowed to talk about the trial to anyone, including each other (until deliberations). They were not sequestered for the trial, meaning that they could go home after each day in court. Jurors were paid once a month for their service, receiving \$15 a day, and \$10

for travel one-way. They were told to report back to court on June 1st for the first day of trial (Beratlis et al., 2006).

### **Trial Begins**

The Scott Peterson trial started on June 1st, 2004. The normally sleepy town of Redwood City was alive with giant media trucks, tents, and crowds surrounding the courthouse. Reporters and jurors, as well as members of the Peterson and Rocha families, went through metal detectors before entering the courtroom. Judge Alfred Delucchi's courtroom was filled to capacity for the first day of the trial. There were about 150 people in the room, some sitting in aisles. The Peterson and Rocha families sat on opposite sides of the courtroom (Beratlis et al., 2006).

The Scott Peterson trial case is viewed by law professionals as a circumstantial evidence case. According to Hill and Hill, circumstantial evidence is "evidence in a trial which is not directly from an eyewitness or participant and requires some reasoning to prove a fact" (Hill & Hill, 2019). Such evidence is thought to be insufficient to secure a conviction, but circumstantial evidence can be so powerful that there is little doubt that it can be taken seriously. Hill and Hill (2019) explain,

"Prior threats to the victim, fingerprints found at the scene of the crime, ownership of the murder weapon, and the accused being seen in the neighborhood, certainly point to the suspect as being the killer, but each bit of evidence is circumstantial" (Hill & Hill, 2019).

In the context of the Peterson case, Peterson's affair with Amber Frey is a piece of circumstantial evidence. It is not direct evidence that Peterson killed Laci, but raises enough suspicion that may secure a conviction. Even though the affair is circumstantial evidence, it is powerful because a person could fairly reason that an innocent man whose pregnant wife was missing would not be

having an affair. The prosecution and the defense's opening statements, as well as the trial itself, would be based on circumstantial evidence. This means that they would have to speculate on Scott's possible motive for committing the crime, as well as the manner in which Laci was killed (Beratlis et al., 2006).

### **Opening Statements**

The trial began with the prosecution and the defense giving opening statements. The jurors noticed right away that Geragos and his primary opponent, prosecutor Rick Distaso, conducted themselves very differently. Geragos was flamboyant, wearing designer suits and confidently strolling about the courtroom, whereas Distaso was more subtle and sometimes seemed unsure of himself (Beratlis et al., 2006). Jurors noticed that Geragos was dressed in the best suits, while the Modesto prosecutors' clothes looked off-the-rack. As juror Richelle Nice describes them, "I just looked at it like this big Hollywood attorney versus these little Modesto Country Bumpkins" (Beratlis et al., 2006, pp. 63). Moreover, Geragos' opening statement was captivating, whereas jurors felt that Distaso's opening statement lacked conviction. According to jurors, Distaso sometimes talked abstractly, and it would take him a while to make a point. Rick Distaso's opening statement took all day, whereas Mark Geragos' opening statement was finished within a morning (Beratlis et al., 2006).

Prosecutors are not allowed to present an argument during opening statements, and are only allowed to give a recitation of the facts. Therefore, the main focus of the prosecution's opening statement was to attack Scott Peterson's character. Distaso pointed to Scott's affair with Amber Frey, as well as his various other lies, to illustrate Scott's moral deviance. He painted



Scott as a master manipulator of women, and that he premeditated Laci's murder after he met Amber Frey. His fishing trip to San Francisco Bay was merely an alibi, as well as a way to dispose of his wife's body, on the day of her disappearance. Distaso argued that this case was a common sense case, and that Scott was the only one who could have committed this crime (Beratlis et al., 2006). When Geragos began his opening statement, he was quick to dispel the notion that Scott Peterson was the all-American boy. He confronted his infidelity head-on. He argued that many married men have affairs, and just because Scott Peterson is an adulterer does not make him a murderer. He said that the members of a jury, "...may want to call him a cad", but there was no evidence to support Scott's guilt (Beratlis et al., 2006, pp. 71). Geragos held up a stack of reports from the Modesto Police, representing reports from searches conducted on Scott's home, truck, and warehouse. He loudly dropped the stack of reports onto the defense table, and emphasized that the Modesto Police were able to find no incriminating evidence against Scott from these searches. Geragos also claimed that he would prove that Laci was alive on the morning of December 24th (after Scott went to his warehouse). If such were true, jurors would have to acquit Peterson. Geragos concluded his opening statement by saying, "The evidence will show that not only is Scott Peterson not guilty, but Scott Peterson is stone cold innocent" (Beratlis et al., 2006, pp. 72).

Jurors agreed that the phrasing of Geragos' remark was strange. Jurors thought it was counterproductive for the defense to describe Scott as cold in some way, which the prosecution had just done. Furthermore, a defense lawyer does not have to prove their client innocent. They simply have to refute the prosecution's arguments, raising reasonable doubt in jurors' minds that their client did not commit the crime. To promise to prove his client innocent, Geragos set the

standard unnecessarily high for himself. As Beratlis et al. (2006) describes, the jurors were left wanting more by the end of the trial. They felt that Geragos did not live up to his claim in his opening statement that his client is innocent (Beratlis et al., 2006).

### **Early Stages of Testimony**

The prosecution's first witness was Margarita Nava, the Petersons' house cleaner. The prosecution's idea behind calling Nava to testify, was that she would recall/establish what Laci was wearing the day before her disappearance. Nava also testified that Laci was heavily fatigued further into pregnancy, which the prosecution argued would make it unlikely that Laci would take her dog on a long walk to the park. The defense countered this argument, claiming that Laci's fatigued state would make her more vulnerable to criminals (Beratlis et al., 2006). Furthermore, legal experts believe that it is stronger to open with more major witnesses, as jurors most clearly remember what they heard first and what they heard last (at trial). A testimony from a more powerful witness such as Sharon Rocha would be more captivating for the jurors. The prosecution could have also called upon Amy Rocha, the last person to see Laci alive (besides Scott). They could have started with testimony about the decomposed bodies of Laci and Conner, which would have stuck with jurors throughout the trial. The opening with Nava, and the five lesser witnesses that would follow (such as a Trader Joe's employee who testified about Laci shopping there sometime before her disappearance), weakened the prosecution. This is because, by calling on obscure witnesses first, they mystified jurors instead of captivating them (Beratlis et al., 2006).

Following this, the prosecution made even more fumbles that seemed almost impossible to recover from. In his very first interview with Detective Brocchini, Peterson stated that he and Laci were watching a Martha Stewart show episode on the morning of her disappearance. He did not recall the episode entirely, but said the program mentioned something about meringue. Distaso claimed that this was a lie, that the program on that morning did not mention meringue. Distaso used this to fuel his argument that Peterson was a compulsive liar. However, Geragos returned the following day with a tape of the episode from the morning of December 24th. When the tape was showed to the courtroom, they discovered that the episode did mention meringue. This made the prosecutors look incompetent, or worse, like fabricators. Also, the prosecution appeared unethical when they called upon a Modesto Police officer to testify about Peterson's demeanor. The officer testified that during a search at the Peterson home, Scott allegedly threw a flashlight on the ground and cursed through gritted teeth. With this, the prosecution tried to create the narrative that Scott had a dark (possibly violent) side. This not only negates the prosecution's previous argument that Scott is cold and uncaring, but this evidence was not included in discovery. Discovery means that, prior to trial, both sides are legally mandated to be informed of any and all evidence that can be used for or against a defendant at trial. Despite what is depicted in movies, neither side is allowed to present "surprise" evidence that has not been made known to both sides. On these grounds, Geragos objected the testimony from the police officer. This flaw was damaging to the prosecution's integrity, and made jurors wonder what other evidence was being hidden. The prosecution was not off to a good start, which the media (who were constantly monitoring the case) was quick to

point out. Those in the media began to contemplate the possibility that Scott Peterson might be acquitted, if the prosecution continued their unimpressive performance (Beratlis et al, 2006).

### **The Dismissal of Justin Falconer**

In the middle of June, the trial began to take a turn that would impact on the fate of Scott Peterson. Juror number five, Justin Falconer, was caught on June 17th making a passing comment to Brent Rocha (Laci's brother) upon entering the courtroom. The story was initially told that he told Rocha "You lose today", but it was later revealed that he actually said something more like "I'm ruining all your [TV] shots, I guess you're not going to be on the news today" (Beratlis et al., 2006, pp. 82). Jurors are not allowed to talk with anyone about the trial, so the impression that Falconer said "You lose today" could remove him from the trial. However, Judge Delucchi ruled that Falconer had not done anything wrong, and the issue was resolved.

The issue of Falconer stepping outside of juror guidelines would not be resolved, however. According to Beratlis et al. (2006), Falconer discussed evidence presented at trial with other jurors. Falconer also told other jurors that he was discussing the trial with his girlfriend at home. This is not allowed, as jurors are to only discuss the evidence with each other, at deliberations. They are not to deliberate evidence ahead of deliberations, and certainly not allowed to talk about the trial to anyone on the outside. According to Beratlis et al. (2006), the other jurors tried to warn Falconer that he should not be discussing the trial, but he would continue to do so. Falconer's behavior particularly concerned juror number eight, John Guinasso. Guinasso feared that Falconer's words might influence the views of more

impressionable jurors. Wanting to preserve the integrity of the judicial process, Guinasso wrote a letter to the Judge, informing him of Falconer's inappropriate conduct. The Judge questioned each of the jurors privately in his chambers about Falconer's alleged behavior (with the defense, prosecution, and Peterson present). Falconer was then promptly dismissed from the trial.

After his dismissal, Falconer was happy to indulge reporters on what was happening behind the scenes at the trial. He mirrored the media's belief that the prosecution was performing poorly, saying that "I see no reason whatsoever to find Scott Peterson guilty" (Beratlis et al., 2006, pp. 84). This feedback from Falconer in favor of Peterson fueled media speculation that Peterson could very well be acquitted, if other jurors felt similar to Falconer. According to Beratlis et al. (2006), juror number four, Mike Belmessieri, felt that Falconer would have voted to convict Peterson if he had gone through deliberations at the very end. However, most believed that if Falconer had remained on the jury, Peterson would have been acquitted based on the first two weeks of testimony (or at least received in a hung jury). Not only was Falconer's pro-defense remarks echoed on television, they were also revealed to both the prosecution and defense, when questioned by Judge Delucchi. This was a clear sign to the prosecution that their case against Peterson had been mediocre, and that they needed to perform better if they were to convict Peterson. Not only did the dismissal of Justin Falconer shake up the jury, it challenged the belief that the Peterson case was a "slam dunk" case, as the District Attorney had previously claimed.

### **Amber Frey Testifies**

In July, the trial followed the same momentum that it had the previous month. The prosecution kept calling witnesses, whom Geragos would cross-examine, and manipulate their testimony in his favor. It was the August 10th testimony of Amber Frey, Scott's mistress at the time of his wife's disappearance, that would begin to turn jurors against Scott.

Frey was represented by Gloria Allred, of Allred, Maroko & Goldberg. Gloria Allred is well known for taking on (often high profile) cases involving women's rights (Allred, 2018). Amber entered the courthouse with her attorney in black pantsuit and lightened blonde hair, and stunning contrast to how she appeared (in casual clothes) at the Modesto Police press conference 19 months earlier (where she revealed her affair with Scott to the public). Though nervous upon taking the stand, Amber had been carefully prepped by her attorneys for the questioning that would ensue. Jurors noted that while Amber was on the stand, Scott Peterson stared at her eerily, almost looking through her (Beratlis et al., 2006). After Amber testified on the stand, jurors would hear several tapes of recordings of Scott Peterson and Amber Frey's phone conversations. After she gave her testimony about her relationship with Scott Peterson, Geragos jokingly started his rebuttal with "I have no questions" (Beratlis et al., 2006, pp. 97). Attempting to make light of the damaging evidence to his case, Geragos actually rubbed some people the wrong way. Judge Delucchi and spectating legal analysts were shocked at his quip, and jurors were starting to become irritated with Geragos' humor. They felt that this trial was a very serious matter, where the Rochas had lost their daughter who was about to have her first child, and the Petersons were fighting for Scott's life. Even though Geragos' light hearted comments were likely meant to put jurors at ease, they felt it was inappropriate to make jokes at a capital murder trial (Beratlis et al., 2006). Upon his actual cross-examination of Amber Frey, he did not attack her in the way jurors

suspected he might. This is likely because Amber is undeniably a credible witness, and bullying her on the stand would make Geragos look bad. Amber was clear and well-coached in her testimony, unshakeable by Geragos upon cross-examination. It was agreed that Amber Frey delivered as the prosecution's so-called star witness (Beratlis et al., 2006).

Despite popular belief that Amber Frey's testimony was the deciding factor in Scott's guilt, jurors had mixed feelings on how big of a role her testimony played in the final verdict. Some, such as legal analyst Anne Bremner, consider her testimony the turning point in the trial, stating that, "Once the jury saw that he was such a liar, it was no longer a quantum leap to finding that he murdered Laci" (Beratlis et al., 2006, pp. 97). Some jurors were unimpressed by her testimony, but were impressed by her courage and bravery in coming forward and working with police. Julie Zanartu, juror number nine, agreed that Amber was the turning point, stating that up until then, she believed that Peterson might be innocent. Mike Belmessieri, juror number four, agreed that Scott "...might have walked if there were no tapes" (Beratlis et al., 2006, pp. 99). The jurors seemed to agree that even though listening to the vast amount of taped conversations between Peterson and Frey for many hours was strenuous and exhaustive, the tapes were important in hindsight. John Guinasso, juror number eight, was less impressed with Amber Frey. He disliked aspects of her character, such as deciding to leave her daughter in the care of Shawn Sibley to embark on a sexual relationship with Peterson, and letting him pick up her daughter at school only after just meeting. Guinasso and some other jurors felt that Amber's testimony held more weight in the penalty phase of the trial than the guilt phase. The tapes did not directly show that Scott had committed murder, they argued, but were detrimental to his character. Even though the individual jurors weighed Amber's testimony (and the taped

conversations between her and Scott) differently when deciding Scott's guilt, they agreed that her information provided motive for premeditation of Laci's murder. They were incredibly damaging to Scott's credibility, because the recorded conversations showed how easily he could lie. However, Amber's testimony was not the sole factor in deciding Scott's guilt, but was a piece of the puzzle that depicted his guilt (Beratlis et al., 2006).

### **Birgit Fladager, and Detective Grogan's 41 Reasons**

Amber Frey and the tapes she provided were a major boost for the prosecution, but the jurors agreed that the person who brought the case home for the prosecution was attorney Birgit Fladager. Fladager had been supervising Distaso and Dave Harris behind-the-scenes. Even when her involvement in the trial grew, she sat in the first row of the galley with Laci's family, instead of with the prosecution. A strong lawyer, Fladager matched Geragos' presence in the courtroom, which Rick Distaso was previously unable to do. She also brought Laci to life, showing photos and home videos of the mother-to-be. This made the jurors feel Laci's loss as a real person, not just autopsy photos. The first time she presented to jurors was when she called on Detective Craig Grogan to testify. Grogan had worked on the Peterson case since the beginning, and constructed a list to break down the reasons why Scott was guilty. The list touched on the major pieces of evidence in the prosecution's case. Even though the evidence on the list was mostly circumstantial, the prosecution laid out this list to show jurors just how much circumstantial evidence there really was against Peterson. This list was called the 41 reasons. A partial listing of the 41 reasons includes:

- Cement debris on the flatbed trailer in Peterson's warehouse.



- The secretly bought fishing boat found in the warehouse.
- The parking stub from the Berkeley Marina, dated December 24th.
- Cell phone data that he made phone calls near the San Francisco Bay.
- Dog scent of Laci detected at the Berkeley Marina.
- Scott Peterson said he was at the marina.
- He had a two-day fishing license bought on December 20th and filled out for December 23rd and 24th.
- He made three trips to Berkeley Marina after December 24th, which directed the investigators back to the Bay.
- The authorities discovered that Peterson had been searching the internet for fishing sites and places to launch boats throughout California.
- The usually meticulous Peterson left a mess of concrete debris his warehouse, creating the suspicion that he never thought anyone would return to search the facility for the fishing boat.
- Records showed little activity on his cell phone on December 24th until after 2pm when he began leaving messages to Laci that he would be late, in a possible attempt to create an alibi.
- A probe of his computer searches on the Internet showed that Peterson was looking for areas in the Bay with deep water currents.
- He paid cash for his fishing boat and did not register it (Beratlis et al., 2006, pp. 115-116).

The jurors found this list incredibly helpful, since it was an easy-to-follow outline of the prosecution's case. This list was shown to jurors as part of detective Grogan's testimony, for which he was on the stand for eight days. Her presentation of easily understandable evidence, as well as her physical presence in the courtroom and her capturing of Laci's humility, elevated the trial in favor of the prosecution. Amber Frey and her testimony had done damage to the defense, and Fladager helped secure a conviction for the prosecution.

### **Testimony of Dr. Brian Peterson**

Another critical testimony that helped secure Peterson's conviction was that of forensic pathologist Dr. Brian Peterson (who has no relation to Scott Peterson). Dr. Peterson presented the harrowing autopsy photos of Laci and Conner to the courtroom. Laci and Scott's families (as well as Scott Peterson) looked away from these images, but jurors had to examine them. Dr. Peterson described how the bodies of Laci and Conner were found. He described how Laci's skeletal remains looked more like the carcass of a devoured animal than a human (Beratlis et al., 2006). Dr. Peterson testified that Laci's head, neck, forearms, and lower legs were missing. There was no brain to examine because there was no head, and no heart or lungs to examine because the chest was empty (Beratlis et al., 2006). The abdomen was empty as well, but the only organ that did remain was the uterus. Conner's remains were better preserved, likely as a result of being protected by Laci's uterus. He almost looked like a full term baby, but his skin was translucent. Juror Richelle Nice recalled the baby having some facial features (Beratlis et al., 2006).

The most important conclusion from Dr. Peterson's testimony was that Conner "...could not have been born by Caesarean section or in any natural way" (Beratlis et al., 2006, pp.113). This, Peterson claimed, is supported by the fact that the baby's umbilical cord was torn, not cut. This contradicted the defense's theory that Laci was kidnapped, and gave birth some time after December 24th. Peterson stated that if Conner had spent substantial time in the water as Laci did, he would have been eaten. The fact that the unborn child's body was mostly intact suggests that Conner was protected by Laci's uterus for a majority of the time that they were in the Bay. He speculated that Conner likely died in utero, and, "...was finally expelled from Laci's uterus when gases built up in what is called a coffin birth" (Beratlis et al., 2006, pp. 113). Based on Dr. Peterson's conclusions, the defense's theories of Laci's kidnapping were not logical. Conner could not have been removed from the womb, either after natural birth or by some other means, and disposed in the Bay separately, as the defense had proposed. This undermined the defense's kidnapping theory, which was at the heart of their case.

#### **Dr. DeVore versus Dr. March**

Other most notable testimonies came from Dr. Gregory DeVore and Dr. Charles March, who would each give expert testimony on Laci's estimated time of death. Dr. DeVore was a high-risk obstetrician and an expert at reading ultrasounds. By calling on Dr. DeVore, the prosecution wanted to prove to the jurors that baby Conner was killed before Scott left his home on Christmas Eve morning. By proving that Conner was killed on or before the morning of December 24th, it would suggest that Scott was culpable for the crime (as he was the last one to see Laci between the evening of the 23rd and the morning of the 24th). This would undermine the defense's theory that Laci was kidnapped, and that her and her baby were killed after

December 24th. Dr. DeVore claimed that baby Conner had died on December 23rd, hours after Laci's last visit to an obstetrician and the day before Laci disappeared. He estimated that the gestation period for Conner was 33 weeks and one day. DeVore based his findings on the size of the child's femur post-mortem, as well as ultrasounds taken during the first trimester. He told Geragos upon cross-examination that this method was "the gold standard" (Beratlis et al., 2006, pp. 120). Jurors viewed DeVore's testimony as straightforward, indisputable, and overall credible- a win for the prosecution.

To raise doubt about the prosecution's witness, Mark Geragos called his own expert witness, Dr. Charles March. March was a former USC medical professor and expert on fertility, but not on gestation period of a fetus (as Dr. DeVore was). The heart of the defense's case rested on March- if he could prove Conner was killed after December 24th, jurors would likely have to acquit Scott Peterson. March concluded, based on a pregnancy test taken in June and an ultrasound in September, that Conner did not die on the 23rd, but on the 29th. However, he admitted that it is nearly impossible to determine the time of conception of the fetus, and there is no way to completely guarantee the age of a fetus at death (Beratlis et al., 2006). March testified that one of his key calculations was, "...news from a baby shower that Laci was pregnant on June 9 when she tested positive to a home pregnancy test" (Beratlis et al., 2006, pp. 125). March said that, "...Laci, who had difficulty conceiving, would not have told her friends she was pregnant on June 9, if her condition weren't true" (Beratlis et al., 2006, pp. 125). However, the prosecution (Dave Harris) was quick to point out that there were no medical records indicating that Laci used a pregnancy test on June 9th. Harris attacked March for forming a medical opinion based on an assumption. He also got March to admit that the prosecution's witnesses

were more qualified at picking a death date for Conner. Furthermore, March admitted that he had done no testing himself to prove his claims, but merely relied on the tests and testimony of the prosecution's witnesses. The previously confident March started to break down on the stand, saying, "I am sorry; I made an error; I made a mistake" (Beratlis et al., 2006, pp. 126). He also asked the prosecution to "cut [him] some slack" (Beratlis et al., 2006, pp. 125). As a result of March's failed testimony, the defense's case was badly wounded. March was not as well-researched as the prosecution's witnesses to be making conclusions about Conner's time of death, and clearly not as well-coached. The defense's credibility was essentially destroyed, and jurors began to question other parts of the defense's case.

### **Closing Arguments**

On November 1st, 2004, the prosecution and the defense began to give their closing arguments. Rick Distaso presented first, and astonished the courtroom with an impassioned closing argument, contrasting his dry opening statements. He attacked Peterson, showing photos of the smiling expecting mother Laci, on a split screen with her autopsy photos. Distaso emphasized how Peterson was undoubtedly at San Francisco Bay on the day of Laci's disappearance, just two miles from where Laci was found. He explained,

"The only person that we know without any doubt who was there in the exact location where Laci and Conner Peterson's bodies washed ashore at the exact time they went missing is sitting right there [pointing at the defendant]. That alone is proof beyond reasonable doubt" (Beratlis et al., 2006, pp. 129).

Distaso went on to dismiss the defense's theory that Laci was kidnapped. He also dismissed the notion that Peterson killed Laci to be with Amber Frey, explaining that Amber was merely a symbol of the freedom that Scott strongly desired. Distaso showed a portion of Peterson's interview with Diane Sawyer, particularly the part where he claims he told Laci of his affair (with Amber Frey). The prosecutor hammered home how this claim is unbelievable. He admitted that the prosecution did not know exactly how Laci was killed, but the evidence suggested that she was likely strangled or suffocated in the Peterson home. Distaso concluded that it was a straightforward case, where a man murdered his wife. The only person who could have killed Laci, and her unborn son, was Scott Peterson.

The following day, Mark Geragos gave the defense's closing arguments. He emphasized that his client might be a liar and a cheater, but not a killer. He supported this claim by reminding the jury that Peterson had no history of (domestic) violence. Geragos explained, "I don't think he's the kind of person, one with absolutely no history of domestic violence, who just snaps and one day murders his wife. What the stark reality is, is this guy got caught with his pants down" (Beratlis et al., 2006, pp. 130). Geragos reminded the jury that there was no (forensic) evidence that can prove Laci was murdered in the Peterson home, as the defense claimed. He argued that this is because she was not killed in the home, and was alive when Peterson left to go fishing on Christmas Eve. Geragos stated that Peterson did not have any motive to murder his wife, because even the prosecution believed that Amber Frey was not a motive. The theory that Scott wanted freedom was just a theory, proving nothing. Geragos claimed that his client was a victim of a rush to judgement by police, and was wrongfully accused of the crime at hand. He concluded by saying that there is not clear and convincing

evidence that Peterson is guilty of murder. Distaso made a brief rebuttal, discussing how Laci's struggle for survival may have caused the cuts on Scott's hands.

### **Deliberations and Verdict**

After months of testimony, the jurors entered deliberations to determine the innocence or guilt of Scott Peterson. While sitting through the trial was exhaustive for jurors, deliberations would be even more stressful. There was no specific conference room for jury deliberation, so jurors were kept in a break room behind Judge Delucchi's courtroom. While jurors could now finally discuss the evidence they had been hearing for months, they could not discuss the evidence (to other jurors or anyone else) outside of the deliberations room. Jurors could only discuss evidence that was presented at trial, and not any outside information. The jurors were sequestered for the process of deliberations, meaning they had to be kept away from home where they could be subjected to outside information. After each day of deliberations, jurors were driven by bus to the Crowne Plaza hotel in Foster City. Juror Greg Beratlis "...equated it to being in an old folks home" (Beratlis et al., 2006, pp. 145-146). They could not read any magazines or newspapers that mentioned the Scott Peterson case, and only had a select few TV channel choices that would not discuss the case.

Juror number five, Greg Jackson, was nominated to be the jury foreman. The foreman is given the responsibility, alongside being a juror, to be the leader of the group. His job was to facilitate discussions/deliberations and remind jurors of guidelines. Jackson seemed like the obvious choice because he was the most well-educated of the group. Jurors suspected Jackson's legal and medical background, while he was not a criminal lawyer or a practicing physician,

might be helpful. However, jurors conflicted with Jackson on multiple issues. In short, they felt that he did not do a sufficient job facilitating discussions, and often got sidetracked despite being the foreman. He also took copious amounts of notes during the trial, filling up 19 stenography notebooks. Jackson felt it was difficult for him to make a decision on evidence without going through his notes, which most times would be difficult to do. Juror John Guinasso complained that Jackson was writing so much during trial that he was not actually listening to the evidence being presented (Beratlis et al., 2006). Jackson also tirelessly deliberated the testimonies of Dr. March and Dr. DeVore, when it seemed obvious to other jurors that DeVore's testimony triumphed over March's, who crumbled on the stand. His ineffective facilitation of deliberations, and his inability to stay on-task, led to Jackson being removed as a foreman later on in deliberations. He was replaced by Steve Cardosi, juror number six.

One of the first things that the jurors requested to see during deliberations was the first (taped) interview Peterson gave to detective Al Brocchini on the night of Laci's disappearance. (jurors could revisit evidence presented, such as photographs or videos, during deliberations). One of the things the jurors found suspicious was how Peterson answered the phone (during the interview) when his sister-in-law (Amy Rocha) called. Jurors focused on how Peterson blithely answered the phone, saying "Hi Amy, what's going on? What are you doing?" (Beratlis et al., 2006, pp. 140). Considering that the call took place at around 12:30 at night, while his wife is missing, jurors did not expect Peterson to be so calm and casual when answering a call from his missing wife's sister. Normally, jurors reasoned, one would expect him to answer a phone call in the middle of the night from his sister-in-law and immediately ask if she had found Laci. Not asking if Laci has been found indicated to jurors that he might already know she was not going to



be found. Also during the interview, Peterson tells Brocchini that the family is going to need grief counseling. This is only after six hours of Laci being missing, when there is still hope that she might return. However, Peterson allegedly told Brocchini, “We’re going to need it” (Beratlis et al., 2006, pp. 141). This further supports the theory that Peterson knows his wife is not coming back. Also during trial, jurors were told that Scott ordered pornography channels to his cable package following his wife’s disappearance. He also tried to sell her Land Rover (Scott has claimed that he tried to sell the Land Rover to get another truck, since his was seized as evidence) and the couple’s home. Even though these pieces of evidence alone do not point to Scott’s guilt, they insinuate that he already knows his wife has passed, and is already trying to move on with his life. This contrasts with the feelings of Laci’s friends and family, who held out hope that Laci was alive until her body was found.

Jurors also requested to see Peterson’s fishing boat. They wanted to assess if the boat seemed capable of carrying the weight of Laci and the concrete anchors, as the prosecution had alleged. If the fishing boat would capsize when trying to throw all that weight overboard, Peterson would likely be acquitted. Geragos conducted his own tests on this, and found that the boat would capsize when trying to unload a body of Laci’s size attached to anchors. However, Geragos’ test was not submitted into trial (Berry, 2017). They also wanted to see if a body laying on the floor of the boat would be visible to onlookers. Jurors were presented with Peterson’s fishing boat, which was in a room with the prosecution, defense, and Judge Delucchi present (as well as Peterson). Jurors were allowed to touch and look inside the boat. They were also allowed to get inside the boat, but they were reminded that the boat was on a trailer, and not in

San Francisco Bay. One of the things jurors noticed about the boat was that it was not well-maintained. Juror Greg Beratlis said of the boat,

“And now, there was a pair of pliers inside and they were rusting. And there was water left in it. Scott Peterson was the kind of guy who put coasters under everything.

Everything had its place from what I picked up at the trial. Now I look at the boat and he’s abusing the boat. It just didn’t fit” (Beratlis et al., 2006, pp. 148).

Also noted by jurors was the gasoline-soaked tarp that was suspected to have covered Laci’s body in transit to San Francisco Bay. Jurors reasoned a similar argument, that Peterson was orderly and would not normally have allowed such a spill to happen. This led jurors to conclude that he neglected the boat because it only served as a means of disposing his wife’s body. They also concluded that the gasoline spill on the tarp was intentional, to mask any forensic evidence of Laci being wrapped in the tarp.

When discussing the boat upon returning to the deliberation room, juror number seven, Fran Gorman, revealed that she had independently investigated evidence that was presented at trial. She disclosed that, during the trial, she used her home computer to investigate the fishing website that Peterson researched in December 2002. Jurors pleaded for her to not reveal her findings, which would taint the deliberations. The only juror who was not eager to stop her was Greg Jackson, who ironically was the foreman at the time. John Guinasso, who had previously reported (former) juror Justin Falconer’s misconduct, reported Gorman’s illicit investigation to the judge, seeing that Jackson did not already do so. Gorman’s independent research could be cause for a mistrial, meaning that all the jurors efforts would be wasted. Guinasso was firm on ensuring a fair trial for not only Scott’s sake, but for the sake of Laci and Conner. Other jurors

supported Guinasso's concern, and Fran Gorman was removed as a juror. Alternate number two, Richelle Nice, became her replacement.

At this time, Jackson was also replaced as foreman by Steve Cardosi. While a new juror and a new foreman would hopefully speed up the deliberation process while maintaining judicial integrity, the jurors had to start deliberations from scratch. They had to re-deliberate topics that had already been discussed, so the new ad improved jury could be in agreement. However, Jackson soon informed the court that he wanted to be removed from the trial. He admitted that he talked about the trial with another juror outside of deliberations. The jurors learned that the juror with whom Jackson spoke of was Cardosi, the new foreman. The jurors believe that Jackson wanted to "...derail the process and cause a mistrial. He didn't want to be part of something he had no control of" (Beratlis et al., 2006, pp. 154). Jackson was replaced by alternate number three, Dennis Lear, whose son-in-law used to work for the Petersons at The Shack.

Despite having to start from scratch yet again, deliberations moved much more efficiently with the removal of Jackson and the addition of the alternates. On November 12th, the jurors had perhaps their most productive day of deliberations yet. They tore up a piece of paper into 12 ballots, and took a vote on whether Scott was guilty of murdering Laci. The jurors unanimously voted that Scott was guilty. They then voted on whether Peterson would be found guilty of first degree or second degree murder for Laci. In basic terms, first degree means that the murder was done, "...in a way that is willful, deliberate and premeditated" ("California Murder Law- Penal Code 187 PC," n.d.). Second degree murder means that the murder, "...is also willful but is not deliberate and premeditated" ("California Murder Law- Penal Code 187 PC," n.d.). In

Peterson's case, the case was elevated to a capital case because of special circumstances- the special circumstance being that Laci was pregnant. According to California law, a fetus such as Conner is considered an additional victim in a violent crime. Therefore, he was charged with two counts of felony murder instead of one, making Peterson eligible for the death penalty. First degree murder means that Peterson would be eligible for the death penalty, where second degree murder would give Peterson a life sentence. Once again, jurors voted unanimously to convict Peterson for first degree murder of Laci. Jurors also agreed that Peterson was guilty of the murder of Conner, but had some trouble deciding whether to convict Peterson of first or second degree murder of Conner. Some jurors such as Richelle Nice felt that, by common sense, killing Laci meant killing Conner. Therefore, Peterson must have willfully and deliberately premeditated the murder of Conner. Mike Belmessieri felt that the murder was even more directed at Conner than at Laci, believing that Laci's pregnancy was Scott's motive for murder. However, the law considers Conner as a separate human being, and jurors had to decide whether there was enough evidence of forethought for a first degree conviction. Even though jurors such as Nice and Mike Belmessieri believed in a first degree conviction for the murder of Conner, they relented after further deliberations, and the jury found Peterson guilty for the second degree murder of Conner. According to juror John Guinasso, "This conclusion was based on a lack of evidence of forethought to kill Conner and a lack of malice of tool marks on Laci's uterus" (Beratlis et al., 2006, pp. 160). The lack of evidence of direct intent to harm Conner (such as wounds to the uterus) was what decided the second degree conviction.

Even though the jury had concluded a verdict after less than a day of deliberations, they were confident in their decision. Even though it is not clear how or when Laci was killed, there

were so many pieces of (albeit circumstantial) evidence that pointed to Scott's guilt. In *We the Jury: Deciding the Scott Peterson Case*, the jurors cite various pieces of evidence that convinced them of Peterson's guilt. This includes Peterson's own admission that he was at San Francisco Bay on the day Laci went missing, placing himself near where her body was found. They noted the scars on his hands, which could have been the result of Laci's struggle for survival. They believed the strong possibility that he made anchors to weigh down Laci's body. They also considered Peterson's infamous interview with Diane Sawyer. They examined the timeline of the morning of December 24th, 2002, and concluded that Laci would have had a very narrow amount of time to be kidnapped while walking her dog. They cited the purchase of the fishing boat in cash, and his study of the currents in San Francisco Bay. The jurors also believed he had a motive- not necessarily to be with Amber Frey, but to be free of the impending permanent responsibility of fatherhood. They also felt that Mark Geragos did not do a sufficient job of raising doubts about his client's innocence, noting his lack of witness testimony (from those who allegedly saw Laci walking her dog after Peterson left home) and the failed testimony of Dr. March. Regarding the recorded phone conversations between Peterson and Amber Frey, Beratlis et al. (2006) said the following,

“The revelation that Peterson was an adulterer hurt his character but didn't make him a murderer. Peterson's lying, manipulating and dissembling in the police tapes that Amber secretly recorded of their conversations, however, went beyond merely showing that he was an adulterer and helped the jurors conclude that it was a stone cold killing” (Beratlis et al., 2006, pp. 154)

Thus, while people believe that Amber was the deciding factor in Scott's guilt, this is not necessarily true. It was not so much the affair that indicated his guilt, but the lying and lack of remorse or concern for his missing wife that helped convict him.

The verdict to convict Peterson of the first degree murder of Laci and second degree murder of Conner was delivered on November 12th, 2004. Spectators waited outside for the verdict, and cheered when the guilty verdict was read. Peterson did not show any outward signs of emotion when the verdict was read.

### **Penalty Phase**

After going through the grueling process of deciding a verdict in the Peterson case, jurors had to meet and deliberate yet again on the penalty Peterson would receive. There were only two options: death by lethal injection, or life in prison without the possibility of parole. Initially, jurors were divided on whether or not to impose the death penalty. The decision was not a matter of the jurors own opinions (or their personal views on the death penalty), they had to decide the sentence according to the law. Before deliberating on the sentence Peterson would receive, jurors had to listen to more testimony from defense and prosecution witnesses. This time, each side would try to convince jurors whether or not Peterson deserved the death penalty. Those who knew Peterson would testify in his defense, in hopes of raising sympathy to spare Peterson's life. Those who knew Laci would testify as to how her loss affected them, and why Peterson deserved the death penalty.

During the trial, the prosecution called 147 witnesses, while the defense only called 14. During the penalty phase, however, the prosecution only called four witnesses, while the defense

called 39. However, the four witnesses for the prosecution were the most powerful- Sharon, Brent, and Amy Rocha, and Ron Grantski. Their testimonies were extremely emotional, and the pain that they were suffering as a result of their loss resonated with the courtroom. They talked about how much they missed their beloved Laci, and how she was a positive force that brought everyone together. They mourned the grandson they were expecting, and could not get the image out of their minds of how Laci and her baby could have died. Brent Rocha and Ron Grantski's testimonies were vengeful, showing their anger at Peterson for his betrayal of their trust in him. Sharon Rocha, who testified last for the prosecution, had the most heart-wrenching testimony. She screamed at her former son-in-law, condemning him for his crimes while he sat impassively at the defense table. In her testimony, she said to Peterson, "Laci had motion sickness very easily, and that's the place you took her, the Bay. You knew she'd have motion sickness for all eternity" (Beratlis et al., 2006, pp. 183). She added that while Laci and her baby were buried together, she had no arms to hold her own child. She would not even see her child, because she had no head. Sharon Rocha's testimony painted a vivid image for the jurors of the manner in which Laci was killed, and eight of the jurors cried openly while she spoke. Spectators in the courtroom wept as well (Beratlis et al., 2006). Even though the prosecution only called a small amount of witnesses during the penalty phase, they clearly called upon the ones that mattered most.

The defense opened their witness testimony by calling upon Peterson's father, Lee. Lee described Scott's life growing up, and how he brought their family closer together. He testified that he was, "frightened and depressed" at the thought of losing his son (Beratlis et al., 2006, pp. 187). He said that he never thought he would have to go through something like this. He

expressed his love for his son, and how his loss would be devastating to him and his family. Scott started to cry uncontrollably while his father testified (Beratlis et al., 2006). Scott's sister, Susan Caudillo, testified, "I don't think my parents will make it if he goes" (Beratlis et al., 2006, pp. 188). Other relatives of Scott testified, as well as family friends and others who knew Scott throughout his life. They all testified that he did not have a violent bone in his body, and that it was unimaginable that he could commit such a heinous crime. However, the jurors felt that most of the witness testimony was redundant at times. Juror John Guinasso said,

"There were 37 other witnesses sandwiched between Lee and Jackie Peterson. These 37 witnesses were ineffective in their testimony. Most of them spoke about Lee rather than Scott, and when they spoke about Scott, it was about his golf swing and not his character" (Beratlis et al., 2006, pp. 189).

Scott's mother would be the last to take the stand. Needing an oxygen tank to help her breathe, she was a sympathetic figure. She detailed how the loss of Scott would devastate her family, and also talked about her own rough upbringing. She begged the jury to consider how both her and Sharon Rocha would lose their whole families if they sentenced Scott to death. Scott cried at his mother's testimony as well as his father's. Jurors, however, found it hard to be sympathetic with Jackie after the overpowering testimony of Sharon Rocha. Scott ultimately had a cushy lifestyle growing up, and despite Jackie's rough upbringing, it was hard to feel sorry for him.

In their closing statements, the prosecution concluded that Peterson was a monster, who deserved the ultimate penalty. In the defense's closing statements, Pat Harris summarized Peterson's redeeming qualities. Geragos reaffirmed how Scott's death would affect his loved ones (and more specifically, his parents' mortality). Despite Geragos' pitch, the jury is not



supposed to consider how sentencing Scott to death would affect his family (Judge Delucchi reminded the jury of this). Jurors were only supposed to consider the aggravating and mitigating circumstances when deciding on the penalty for Scott Peterson.

Jurors did not rush to a decision, and considered the aggravating and mitigating factors that would determine Peterson's sentence. The jurors considered the testimony from those who worked with him at Pacific Cafe, or played golf with him, to have little redeeming value for Peterson. They felt that Peterson's knowledge of Laci's body in the Bay, during the months that Laci's family was desperately searching for her, "...outweighed any mitigating factors by tenfold" (Beratlis et al., 2006, pp. 195). They also weighed Peterson's conversations with Amber Frey heavily in their deliberations. They felt that these conversations showed who the real Scott Peterson was- a manipulator, who, "...planned events to accomplish a devious and heinous goal" (Beratlis et al., 2006, pp. 195). Richelle Nice, Mike Belmessieri, Julie Zanartu and John Guinasso voted on the death penalty for Peterson early on, while Greg Beratlis and Tom Marino had more difficulty. Upon reiterating the rules of aggravating and mitigating circumstances, and further deliberations, the jury came to a unanimous decision. The jury sentenced Peterson to die by lethal injection on December 14th, 2004, which Judge Delucchi upheld. Peterson again showed little reaction when the verdict was read.

### **Unborn Victims of Violence Act**

One of the outcomes of the Scott Peterson trial was the passing of the Unborn Victims of Violence Act under George W. Bush. Passed on April 1st 2004, the law recognizes an unborn child as a victim of a crime. In other words, if a pregnant woman is the victim of a violent

offense, the fetus/embryo that she is carrying is counted under this law as an additional victim if the fetus/embryo is injured or killed as a result of said crime. This law holds for the over sixty listed federal crimes of violence. The Act does not hold for state crimes, but thirty eight states still recognize a fetus as a victim of violent crimes such as homicide and feticide. The Unborn Victims of Violence Act has a provision, however, that excepts abortion. Therefore, this law does not prohibit or seek to prohibit a woman from having an abortion. This Act is widely referred to as “Laci and Conner’s Law” due to the Peterson case being highly publicized during the formation/debate of the bill in 2003 and 2004 (NRLC, 2004).

Prior to The Unborn Victims of Violence Act, the “born alive” rule was the legal principle that was generally followed in violent cases against a pregnant woman. This rule states that, simply enough, the various criminal laws regarding i.e. homicide and assault only apply to a child that is born alive. This principle comes from British common law that was carried to the United States and other British colonies (Casey, n.d.). As described under this principle, abusive acts towards an unborn child were not considered a crime until the child was born (Casey, n.d.). Only after birth would criminal punishment be sought out against child abusers. Therefore, under this law, if an English man in the 1500/1600s were to murder his pregnant wife, he would only be charged with the murder of one victim (his wife). This is unless it could be proven that there was a live birth, and the child died soon after birth of injuries sustained prenatally. Or, perhaps he would be fined monetarily (or punished in some other less severe way) for causing the termination of the pregnancy (Alongi, 2008).

The advancement science and medicine led to the enactment of feticide laws across the United States. Prior to the scientific knowledge we take for granted today, it was very difficult to

determine how fetuses were affected by the surrounding environment. In some cases, it could not be verified that a woman was pregnant at all (Alongi, 2008). As more was learned about prenatal development, many people came to view an unborn child as a living organism that should be treated with great care. Society evolved to view the harm or death of a fetus to be equated/held in considerable measure with that of a human. Therefore specific laws were created to give unborn children similar victimhood status.

Many states already had feticide laws in place before The Unborn Victims of Violence Act. The exact protections provided varied by state, but most of them are similar to the UVVA. These laws provided that a prenatal entity, for the purposes of state law, is a person (Alongi, 2008). Massachusetts was the first state to abandon the born-alive rule in favor of feticide legislation. (Alongi, 2008). According to the NCSL, “Currently, at least 38 states have fetal homicide laws: Alabama, Alaska, Arizona, Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wisconsin. At least 29 states have fetal homicide laws that apply to the earliest stages of pregnancy” (NCSL, 2018). This means that these 38 states all have some sort of state legislation already in place to protect the rights of fetuses. At least 29 of them use language such as, “any state of gestation/development,” “conception,” “fertilization” or “post-fertilization” to indicate fetal rights from very early on in the pregnancy (NCSL, 2018).

The California statute (prior to/regardless of the UVVA) states that, "...murder is the unlawful killing of a human being, or a fetus, with malice aforethought" (Alongi, 2008). In the California case of *People vs Davis*, the defendant- who was charged with murder under a state statute after he shot a woman, causing her to lose so much blood that her fetus was stillborn- argued that the fetus was not viable under *Roe vs Wade*. Essentially, he did not think he could be charged with murder of a non-viable fetus, which at the same time, could have been aborted by the woman. The court determined that there was no requirement of fetal viability to convict a defendant of murder (Alongi, 2008). The California statute is important relating to the *Laci Peterson* case, since it is the reason why Scott Peterson was charged with two murders before the passage of the UVVA. When police arrested Scott Peterson and charged him with two felony counts of murder, CNN noted that, "There are 2 counts because of California's fetal homicide statute, any fetus -- meaning eight weeks of development and onward -- is considered an equal victim" ("*Scott Peterson trial fast facts*," 2019). Scott Peterson was charged and tried for two counts of felony murder even before the UVVA was passed because of California's state law which already protected fetuses like baby Conner. This is why Peterson was eligible for the death penalty.

The bill that would become the Unborn Victims of Violence Act was authored in 1997 by Republican House of Representatives member Melissa Hart from Pennsylvania. The bill was referred to as H.R. 1997 (Alongi, 2008). It was introduced to the House on May 7th 2003. It was passed through the House on February 26, 2004 and passed through the Senate on March 25, 2004 (Alongi, 2008). In that time, it received a lot of criticism and debate, particularly from liberal politicians who were pro-choice. Many of them felt that the language of the bill granted

too much personhood to an unborn child. They felt that giving a fetus the same criminal victim rights as a living person would pave the way for more rights for unborn children. The more an unborn child was treated like a living human being, the harder it would be to argue legislation in favor of abortion. The National Association for the Repeal of Abortion Laws (NARAL), Planned Parenthood, and the American Civil Liberties Union (ACLU) were vehemently opposed to the Unborn Victims of Violence Act for these reasons. Senator Dianne Feinstein and Congresswoman Zoe Lofgren (both democrats) attempted to please both sides by offering a substitute bill that used less pro-life language. Instead, the substitute bill would consider a crime against a pregnant woman a single-victim crime, but would make it a new federal crime to “interrupt to the normal course of the pregnancy” (NRLC, 2004). Supporters of the Unborn Victims of Violence Act strongly opposed this single-victim doctrine, arguing that when an unborn child is killed in a criminal attack, the parents and society mourn the death of a separate individual, rather than viewing it simply as an additional injury to the mother. While the Unborn Victims of Violence Act and the single-victim substitutes were being considered in Congress in 2004, Sharon Rocha (the mother of Laci Peterson) shared with legislators that “...adoption of such a single-victim amendment would be a painful blow to those, like me, who are left alive after a two-victim crime, because Congress would be saying that Conner and other innocent unborn victims like him are not really victims — indeed, that they never really existed at all. But our grandson did live. He had a name, he was loved, and his life was violently taken from him before he ever saw the sun” (NRLC, 2004). The single-victim Feinstein Substitute Amendments were rejected in both houses, and failed 49-50 in the Senate on March 25th, 2004 (NRLC, 2004). President George W. Bush signed the bill on April 1st at a ceremony in the East Room of

the White House. Present at the ceremony, immediately behind the President, were seven women and men who had lost loved ones, born and unborn, in violent crimes. Among them were Sharon Rocha and Ron Grantski, the mother and stepfather of Laci Peterson (NRLC, 2004).

The operative portion of the law, now codified as Title 18, Section 1841 of the United States Code, reads as follows:

“Sec. 1841. Protection of unborn children

(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

(B) An offense under this section does not require proof that

(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section....

(c) Nothing in this section shall be construed to permit the prosecution—

(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

(3) of any woman with respect to her unborn child.

(d) As used in this section, the term "unborn child" means a child in utero, and the term "child in utero" or "child, who is in utero" means a member of the species homo sapiens, at any stage of development, who is carried in the womb.” (Alongi, 2008)

Even though Peterson may never actually be executed, his death penalty sentence was due largely in part to the California law on feticide. If such rights for unborn children had not existed, Scott Peterson would have likely received only a life sentence. Baby Conner would not have even been considered a victim in this case. Laci’s friends and family would not think of the crime this way. Laci’s mother, Sharon Rocha, was especially emotional over the death of her unborn grandchild, and often emphasized Scott’s crime against baby Conner during her sentencing hearing testimony (Murphy, 2004). As the New York Times puts it, “Ms. Rocha and the other family members did not talk directly about the sentence, but it was clear from the emotion in their comments that they wanted Mr. Peterson to receive the ultimate penalty” (Murphy, 2004). In modern view, most would agree without hesitation that baby

Conner was a victim in this crime, and feel that two counts of murder as opposed to one would more accurately capture the heinousness of the crime and the tremendous emotional pain felt by Laci's friends and family. This is why many Americans agree with the Unborn Victims of Violence Act- it is just to protect unborn victims, and adequately punish perpetrators who harm pregnant women, like California state law provided.

### **In Popular Culture**

The Peterson case is still remembered as being one of the most notorious murder cases in recent history. In addition to the substantial media coverage received during the case, the case would still be covered by various television specials after the case. In 2004, Peterson was portrayed by Dean Cain in the television movie *The Perfect Husband: The Laci Peterson Story*. The Peterson case was featured on the crime shows *Dateline NBC* and *Snapped*. In 2017, ABC aired a two-hour documentary on the case called *Truth and Lies: The Murder of Laci Peterson*. The A&E network also covered the case in a six-part series called *The Murder of Laci Peterson*. Investigation Discovery and HLN aired two two-hour documentaries called *Scott Peterson: An American Murder Mystery* and *How it Really Happened*, respectively. With the exception of *The Perfect Husband*, which is a movie based on the events of the case, these various programs serve as documentaries detailing the events of the case. Additionally, the film *Gone Girl* is based on the Scott Peterson case (Dunn, 2015). Ben Affleck, one of the film's main characters, bears a resemblance to Peterson.

Perhaps more valuably, several books have been written on the Peterson case as well, often by people who had some direct involvement in the case. For example, Amber Frey



released a book in 2005 called *Witness: For the Prosecution of Scott Peterson*. As well as giving some background on her life, Frey's book details the unfolding of her relationship with Peterson as she experienced it. She shares her reaction to learning that Peterson is involved in the disappearance of his wife, and her experience recording her phone calls with him for evidence. Some members of the Scott Peterson jury have collaborated on a book as well, titled *We the Jury: Deciding the Scott Peterson case*. The book details the juror selection process, events of the Peterson trial, and subsequent impact on their lives as described by the jurors. Anne Bird, Scott Peterson's half-sister, has also written a book called *Blood Brother: 33 Reasons My Brother Scott Peterson is Guilty*. This book appears to offer an inside look at Peterson's life from the perspective of a family member. Ann Bird also appears to be the only member of the Peterson family who believes in his guilt. Matt Dalton, a former member of Scott Peterson's defense team, penned *Presumed Guilty: What the Jury Never Knew About Laci Peterson's Murder and Why Scott Peterson Should Not Be on Death Row*. Dalton's book details his investigations into other leads in the early stages of the Peterson case. Dalton believes that these leads were not followed up on thoroughly enough, and firmly believes in Peterson's innocence. Sharon Rocha has also written a book in honor of her daughter titled *For Laci: A Mother's Story of Love, Loss, and Justice*. It became number one on The New York Times Non-Fiction Best Seller list (Garner, 2006).

### **Donna Thomas**

In 2009, a woman named Donna Thomas released a book called "*I'm Sorry I Lied to You*": *The Confession of Scott Peterson*. She claims to have known Peterson since before his marriage to Laci. Even though she did not work on the case in any extent, Thomas is a legal advocate and

firmly believes in Peterson's innocence at the start of the book. She alleges that they were pen pals during his first years at San Quentin, and that she has visited him at San Quentin several times. She includes some letters between her and Peterson, and other records (particularly of her visits), but does not have any hard proof that Peterson confessed (i.e. in a letter). In the book, Thomas recounts her (alleged) conversations with Peterson. Even though some of the information is consistent with facts presented in the case, she quotes Peterson as saying things unlike he has ever said before. He makes many sarcastic, arrogant quips in the book (according to Thomas). They are chatting like old friends, when one day he slips, and accidentally implicates himself in the crime. Specifically, he tells Thomas that he was very anxious (at the time) about making sure he had his launch slip from Berkeley Marina, securing his alibi. Once she catches him on this mistake, he allegedly confesses to her (Thomas, 2009).

The "confession" is mostly consistent with how the prosecution alleged Scott killed Laci. Peterson says he started to consider murdering Laci in January 2002, before Laci became pregnant and long before Amber Frey came into the picture. Laci's pregnancy only put the plan into action. Peterson allegedly premeditated the murder to be on Christmas Eve, to avoid presence of other boaters at the marina. Peterson "confesses" that he strangled Laci in their kitchen on Christmas Eve morning. As the prosecution alleged, Peterson wrapped Laci in a tarp and loaded her into the back of his truck, covering her with heavy blankets and umbrellas before driving to his warehouse. Before leaving for the warehouse, he attaches a leash on their dog and leaves the dog outside, creating the illusion that Laci was kidnapped while walking the dog. After retrieving his boat (and trailer) and answering some emails at his warehouse, Peterson went to Berkeley Marina. There, he takes his boat (with Laci concealed inside) to the Brooks Island

area, and reads Playboy Magazine for a short time while keeping an eye out for nearby boats. Then, with the homemade anchors theorized by the prosecution, Peterson disposes of his wife's body. The boat nearly capsizes in the process. Peterson changes his clothes (he brings a separate set of clothes in a duffel bag), disposes of his old clothes and other tools he brought with him, and drives back to his warehouse. While backing out of the marina, he claims, he hits a curb and a dockworker asks him if he needs help. Being noticed at the marina leads Peterson to change his alibi from golfing to fishing. After returning to his warehouse and then his home, he cleans very thoroughly (Thomas, 2009).

Peterson's alleged confession is detailed, and, like his comments in the rest of the book, make him appear very cruel and callous. Thomas tries to give the reader a glimpse of the "real" Scott Peterson, unfiltered. Her book attempts to provide answers on how and why Scott killed Laci. However, despite being "the answer" to what everyone involved in the Peterson case wants to know, the book was hardly publicized upon release. The Modesto Bee alleges that this is because Thomas' book is not factual. An article for The Bee by Stapley (2008) details suspicious behavior from Thomas, such as Thomas reneging on sharing results of a polygraph test, and original copies of her records between her and Peterson. The article states that Thomas wrote another book about Peterson, *Conduct Unbecoming: How the Scott Peterson I Know is Innocent*, under a pseudonym. This book details a sexual relationship that Thomas allegedly had with Peterson long prior to Laci's disappearance. Thomas told The Bee that she would deny the affair to protect her reputation. Also, Thomas claimed she would donate a portion of the proceeds from "I'm Sorry I Lied to You" to the Haven Women's Center of Stanislaus, but the director of the Women's Center had never heard of Thomas. Interestingly, Thomas told The Bee

that she was fluent in French, but failed to respond when addressed in French (Stapley, 2008). Thus, Thomas' lack of credibility is likely the reason for "*I'm Sorry I Lied to You*"'s lack of legitimacy. While her book is certainly entertaining, it does not guarantee that Peterson's confession is accurate or even truthful, and is most likely fabricated.

### **Comparison to the Casey Anthony Case**

The Casey Anthony case was one that received similar notoriety to Peterson's, and involved a similarly heinous crime, but resulted in an acquittal. Furthermore, both cases had a majority of circumstantial evidence. Casey Anthony was born to Cindi and George Anthony. Her parents, like Peterson's, gave Casey and her brother Lee a loving home. Casey Anthony became pregnant when she was 19, and did not know who the father of her child was. She had her daughter, Caylee Marie Anthony, on August 9th, 2005 (Short, 2017). Casey lived with her parents while raising Caylee, and, even though Cindi and Casey occasionally fought, Casey's parents were happy to help take care of their new granddaughter. Like Peterson's situation, they seemed like a happy, normal family, not prone to crime in any way.

After Casey left her parents' house in 2008, Cindi and George had not seen their granddaughter for a month. When they would ask where she was, Casey would say she was with a nanny. After finally demanding to see their granddaughter, Casey told her parents that she did not know where her daughter was. Casey said she had been looking for her independently for the past month, claiming Caylee was abducted by her nanny. She did not tell anyone, and did not get the police involved for fear that the nanny would harm Caylee (Short, 2017).

After finding Casey's car abandoned, her parents opened the trunk to an appalling smell. In a 911 call to police, Cindi claimed, "...it smells like there's been a dead body in the damn car" (Short, 2017). She later retracted this claim, saying that the smell was likely due to rotting garbage, which had been found in the car.

Once police did get involved in Caylee Anthony's disappearance, Casey proved unhelpful, lying to police. She claimed she worked at Universal Studios, but failed to show police her office there. It was revealed that she used to work there, but had not worked there for some time. She also claimed she last saw Caylee when she dropped her off at a supposed nanny's apartment, even though no one in Casey's life had ever met this nanny. When police investigated this nanny, named Zenaida "Zanny" Fernandez Gonzalez, they could not identify anyone with that name who knew Casey or her child. After indicating Zanny's alleged apartment to police, police researched the apartment and found that no one had lived in the apartment for months. Furthermore, after Caylee's disappearance, Casey was seen partying at nightclubs. She seemed carefree in photos taken of her at the nightclubs, even though she is missing her young daughter. She also got a tattoo, which read "Bella Vita", meaning beautiful life. Many questioned why Casey Anthony would be partying, and getting a tattoo saying "beautiful life", while her young daughter is missing. Her demeanor, similar to Peterson's in the weeks following his wife's disappearance, suggested that she already knew Caylee was gone, and furthermore did not care.

Media picked up the Anthony case as well, desperate to find this adorable little girl who was missing so close to Disney World. When media learned of Casey Anthony's suspicious behavior, such as not immediately reporting Caylee's disappearance, partying while her daughter

is missing, and lying to police, they were alarmed. It seemed very clear that Anthony had murdered her daughter, due to her lack of concern for finding her. Similar to the Peterson case, TV anchor Nancy Grace was outraged at Casey, referring to her as “tot mom”. She, like many others who were following the case, considered Casey Anthony’s behavior and found it unlikely that Casey did not have something to do with Caylee’s disappearance.

Caylee’s remains were found in a wooded area near a highway close to the Anthony home. She was discovered accidentally by a maintenance worker. After being arrested for various charges related to Caylee’s disappearance, Casey Anthony hired Jose Biaz as her attorney. During the trial, he proposed a variety of theories to raise doubt about Casey’s guilt, some of which were quite outlandish. The media, especially Nancy Grace, continued to follow the trial, and dissected the theories Biaz presented in court. Biaz claimed that Caylee died accidentally, and that George (a former cop) and Cindi Anthony helped Casey dispose of her body to avoid criminal charges. He proposed that Caylee may have drowned in the family swimming pool, pointing the finger at George and Cindi for leaving a ladder in the pool, which was a hazard. He further alleged that George molested Casey when she was a child, which is how Casey learned to keep secrets, like the one of her daughter being missing. Unlike Mark Geragos (Peterson’s defense attorney), Biaz did a thorough job at exploring alternate theories of Caylee’s death. While criticized as ludicrous by the media, Biaz and his theories were successful at creating reasonable doubt in jurors minds.

The jury found Casey Anthony not guilty for the murder of her daughter. Anthony and her attorney were relieved at hearing the verdict. While she was convicted of a few lesser charges, she was able to be released from jail after only ten days, given her time already served

while waiting for trial. The media was outraged at the verdict, and to this day most Americans strongly believe that Casey murdered Caylee.

What is similar about the Peterson and Anthony cases is that they are mainly comprised of circumstantial evidence. There is no direct evidence evidence that shows Peterson and Anthony are responsible for the murders of their victims, such as DNA or other forensic evidence. Instead, Casey not reporting her daughter missing, and partying while her daughter was missing point to her guilt. This is similar to how Peterson's affair with Amber Frey was used as circumstantial evidence against him. Arguably, Casey Anthony had more implicating evidence against her, considering she was shown to be a compulsive liar time after time, even lying to police. However, compared to Peterson, she received a drastically lesser sentence. When speculating, one could say that perhaps this is because of the difference in genders, juries, defense council, or states where their cases were tried. However, it is probable that the differences in defense council played a part in their contrasting sentences. Biaz did a successful job of creating reasonable doubt in jurors' minds about the guilt of his client, even with so much incriminating evidence against his client, which Geragos did not do. Geragos did not call upon many witnesses during trial, namely those who claim to have seen Laci alive on the morning of December 24th, 2002. Perhaps he had a valid reason for not calling upon these witnesses, but doing so could have helped his case. He also did not exercise his best judgement when promising to prove his client was "stone cold innocent" at the beginning of the trial (Beratlis et al., 2006). Doing so set an unnecessarily high standard for himself, since he technically does not have to prove his client is innocent. Once more, he really did not do much to create reasonable

doubt about Peterson's involvement in the crime. Perhaps if Peterson had an attorney like Biaz, his case could have gone differently.

### **Scott Peterson's Fate**

Scott Peterson has been on death row at San Quentin Prison, California's only death penalty facility, since 2005. His automatic appeal was filed in 2012, and he is still in the process of appealing his case. According to Baker (2015), he is housed in one of the nicer parts of the prison, which includes, "...a basketball court, an outdoor shower and toilet, tables and a roof shielding the inmates from the sun" (Baker, 2015). In 2019, California Governor Gavin Newsom signed an executive order, establishing a moratorium on the death penalty in the state. This means that California's death sentences will be suspended for the time that Newsom is in office (Arango, 2019). California has had mixed opinions on the death penalty- while the country has mainly moved away from capital punishment in recent years, some conservatives still believe it is a deterrent. Families of crime victims, such as Sharon Rocha, believe it is needed to serve justice. This makes capital punishment legislation (in California and across the nation) ever-changing. For this reason, combined with the lengthy appeal process, California's death penalty process is very slow. Thus, regardless of Newsom's executive order, it is debatable whether Peterson will ever be executed.

### **Peterson Letter**

In November 2019, correspondence was mailed to Peterson at San Quentin, asking various questions about the case and how it has impacted his life. The letter reads as follows:



November 3rd, 2019

Dear Scott,

My name is Paige, and I am pursuing my Bachelor's Degree in Criminal Justice from a college on Long Island. I am a participant in the school's honors program, which requires that I write a student thesis of at least 50 pages. Your case was what initiated my interest in criminal justice in high school, so it is what I chose as my thesis topic. Your case interests me because it shows how crime, and subsequent media coverage, affects upstanding citizens with seemingly normal, crime-free lives. Like most, I learned about your case through television, but I've read several books and countless articles relating to your case. In my thesis, I am going to discuss the background of the case, the trial, the people involved, the sentencing of the case and the case's impact on the criminal justice system. I am going to discuss leads to your case that were not followed through, the media's perception of your case and how it impacted your trial. I plan to compare why you were given the death penalty when cases similar to yours (i.e. Casey Anthony) resulted in lighter sentences. In short, I plan to cover your case extensively, going beyond the superficial coverage your case normally receives on television.

I am currently working on my thesis, which is to be completed by the end of this semester (mid-December 2019). Considering all of the information on the case from various sources, I feel that it would be interesting and beneficial to hear from you. Having your voice would set my student thesis apart from anything that has been done before, regarding your case and regarding student theses. What about you or your case is rarely or never known or discussed, that you feel should

be more widely understood? What are some misconceptions about you and your case? How many of the books or TV shows (do you watch TV?) on you and your case have you read or seen? Which ones do you consider the most accurate or inaccurate? One of my many sources is "*I'm Sorry I Lied to You*": *The Confession of Scott Peterson* by Donna Thomas, who alleges she had contact with you about 10 years ago. Her book has been deemed unreliable by i.e. The Modesto Bee- how much of her book is factual? Is there anything you regret doing or not doing, during the case and in your lifetime, that you wish you had done differently? I've read articles and watched videos about life on death row at San Quentin, but what is your life like now? How is your appeal going? What are some things you miss most about life outside San Quentin?

Finally, I feel that I should emphasize that any correspondence from you is for my own academic research- not for media disclosure.

Any correspondence from you before December regarding your life and your case would be highly appreciated.

-Paige

A letter was returned from Peterson a few weeks later:

Paige,

Sorry that a guy in my situation really cannot comment on such, but I would like to help with your project. No doubt I also chafe at the mention of Donna Thomas and want to defend myself ~~about~~ <sup>against</sup> her fiction too.

I can offer the following:

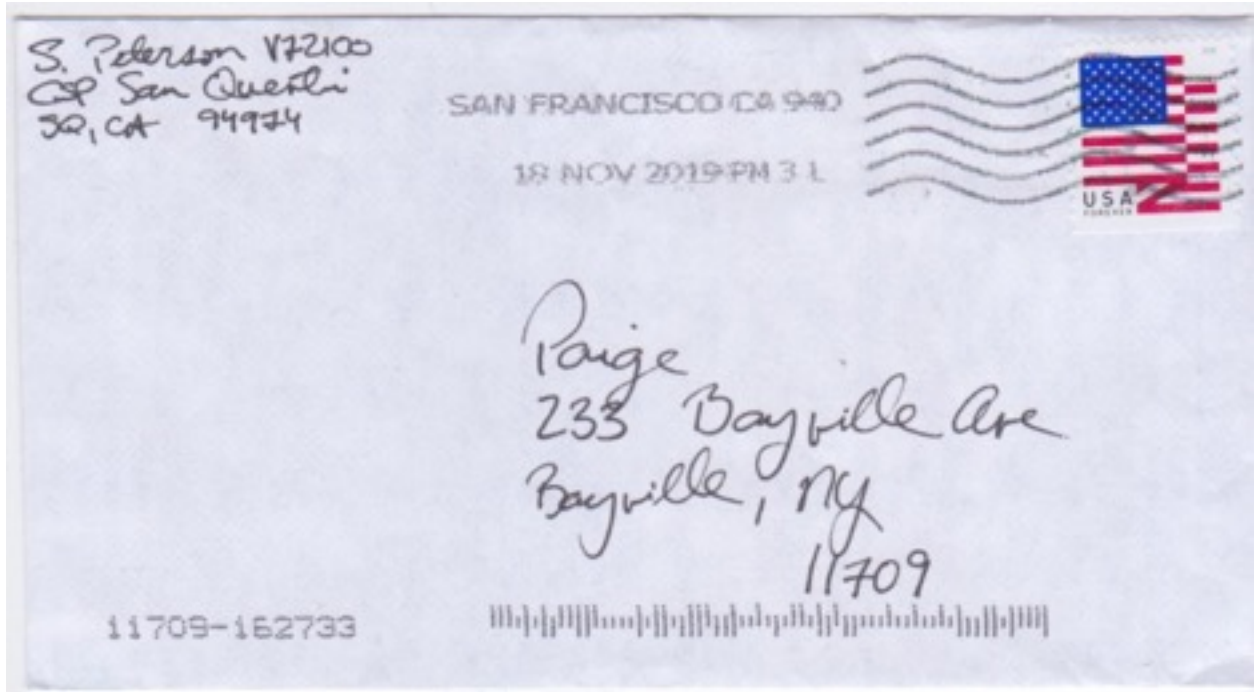
- ① Before you include Donna Thomas in anything, you should be aware that she has also published books under a pseudonym claiming other fiction about me. She has a wild imagination when it comes to her claims of what I said.
- ② Any look at the reality of what my family has endured would do well to include a look at the obsession with emotional and pejorative ideas over real, scientific fact.
- ③ As for a book that I consider accurate Paige, on Holmes Corpus

filing, and its "Statement of Fact" is the best reference.

- (4) You may think this cryptic, but check out how allegations about Mary Corduit ~~impacted~~ <sup>destroyed</sup> the search for Chandra Levy. The Medford Police said of me: "we convict people like Mary Corduit."

I hope that it helps. Best of luck.

Scott



### Analysis of the Letter

As Peterson has maintained his innocence during the case, trial, and during his sentence, he continues to do so in this letter. As his appeals are still pending, he is still involved in the judiciary process and cannot disclose a great amount of information, however he offers a few tidbits of helpful information.

He starts by discrediting Donna Thomas, claiming that her book is not factual and based on her own imagination. This is the response one would expect from Peterson, because he will obviously deny making any confession in order to preserve his appeal efforts. If his appeals can show that he was not given a fair trial, he could theoretically be given a new trial and possibly be exonerated. Even though this is highly unlikely, it is still worth preserving his chances.

Alternatively, perhaps Peterson has convinced himself that he really is innocent. Peterson notes a second book by Donna Thomas, which he claims is also not factual. According to Stapley of *The Modesto Bee*, this book is called *Conduct Unbecoming: However the Scott Peterson I Know is Innocent*. It is written by a Kathryn Belmont, which is allegedly a pseudonym of Thomas'.

While it is important to note that Scott Peterson is a known liar, it is reasonable to conclude, in combination with Stapley's report, that Thomas' book is largely fiction. Peterson does not say whether he even knew Thomas personally at all (enough for her to visit him, as she alleges).

Therefore, given the Stapley's claim that Thomas never produced the original documents and letters shown in her book, one can only speculate if the alleged visits even happened at all.

Despite whether Thomas actually visited Peterson as she claims, it is fair to conclude that her book (and therefore Peterson's alleged confession) is not credible.

Peterson then says that any look at the case, "...would do well to include a look at the obsession with emotional and pejorative ideas over real, scientific fact". This alludes to the theory that Peterson was villainized by the media, who rushed to judge him without considering any other leads. It is true that many outsiders, particularly in the media, suspected Scott was guilty long before he was charged with the crime. However, their judgement it is not without a cause. Many reporters remained neutral at the beginning of the case, only talking about Laci's disappearance and not speculating on murder. It was only after Peterson himself was not forthcoming, that the media began to focus on him. His lack of willingness to speak to media about his wife, the revelation of his extramarital affair(s), and his interviews with the media (Diane Sawyer) were why media began to speculate on Peterson's guilt. Even if the public's opinions of Peterson based on his media appearances are "emotional and pejorative ideas", his affair with Amber Frey is still a fact. The affair does not make him a murderer, but his conversations with Frey during his wife's disappearance show his lack of concern for his missing wife. Even if, by some means, the public still misjudged him, there is little "scientific fact" that shows that Peterson could be innocent. One of the defining features of this case is that there is really no scientific fact available at all, and that the evidence is mainly circumstantial. Peterson is likely trying to argue that he should have been acquitted, because there is no scientific fact proving that he murdered Laci. There is essentially no scientific facts proving either side, but there is still a considerable amount of circumstantial evidence that points to Peterson's guilt. In a case where there is no scientific evidence, circumstantial evidence becomes all the more important. Circumstantial evidence can still secure a conviction, especially considering the

overwhelming amount of circumstantial evidence against Peterson that the jury considered while reaching their verdict.

Peterson also notes his Habeas Corpus appeal and its Statement of Fact as a reliable source when gathering information about the case. His appeals obviously serve the purpose of dissecting flaws in the trial, that could prove he was not given due process. Therefore, his appeals are biased to an extent, but the Statement of Fact does give unbiased facts from the case. While his appeal documents are court documents, and are thus accurate/valid, it is important to consider the California State Attorney General's office response briefs, which refute his arguments. According to Peterson's appeal website, "Eventually, oral arguments will be heard before the Supreme Court of California. The Court will then rule on the brief" ("Appeal Information," 2018). Therefore, the Court will decide if Peterson's claims are valid, and if he deserves a new trial.

Peterson lastly compares his case to that of Gary Condit, who was accused of murdering intern Chandra Levy. Peterson has previously mentioned in a phone call from jail with his father that he did not uncover his affair (with Amber Frey) immediately when Laci went missing, in fear that no one would then take the search (for Laci) seriously (Berry, 2017). According to Peterson, when it was discovered that Gary Condit was having an affair with Chandra Levy before she went missing, everyone presumed that he was responsible for her disappearance. Subsequently, the search efforts for Levy declined. Allegedly, Peterson wanted to keep his affair in the dark to maximize the search efforts for Laci. Even though it is widely speculated that Condit had something to do with the disappearance of Levy, he was never formally charged with the crime (therefore associating himself with Condit does not make Peterson a murderer).



However, Peterson's alleged logic behind withholding his affair is flawed. Upon meeting with police, he should have immediately disclosed that he was having an affair (presuming the affair had nothing to do with Laci's disappearance). Being more forthcoming (with the affair and in general), police could have eliminated him as a suspect. Withholding, and continuing to pursue the affair with Amber Frey after Laci's disappearance, ended up doing him more harm than if he had just told police of the affair in the first place. Therefore, it is reasonable to conclude that Peterson likely did not tell police of his extramarital affair in hopes of it never being discovered. His motivation for hiding the affair is most likely not because he does not want to incriminate himself, but because he wants to hide his (potential) motive. What is even more bizarre is that Peterson continues to romance Frey over the phone while his wife is missing. This is not something an innocent person would do. Even if he no longer loved Laci (giving him reason to pursue an extramarital affair), he should still have the decency to care to find her, especially since she is carrying his child. Juror Tom Marino, when considering imposing the death penalty for Peterson, said, "The tapes showed Scott's actions and attitude to be one that shows a lack of respect and concern for all parties involved" (Beratlis et al., 2006, pp. 200). Therefore, while Peterson may argue that his situation is similar to Condit's, there is far more evidence connecting Peterson to the crime than Gary Condit. Lastly, while Peterson claims that the Modesto Police said of him, "We convict people like Gary Condit", there is no solid evidence to support this claim.

Peterson's letter offers direction from his perspective on how to pursue his case, aside from what normally is presented by the media. It presents information that is not typically discussed in regards to his case, such as the comparison to Gary Condit, Habeas Corpus appeal,

and Donna Thomas. With his letter, Peterson understandably advocates for his innocence, and makes valiant attempts at arguing this. However, it is simply impossible to get around glaring factors in his case that point to his guilt. While this letter is an incredibly valuable source, considering it comes from the man at the center of the case himself, it does not provide enough evidence to overcome his conviction.

### **Conclusion**

The Peterson case is one of the most notorious murder cases in America. It combined all the elements one would expect in a true crime novel, except all of it actually happened in real life. It is unfathomable that the lives of Scott and Laci Peterson, the average upper middle class couple who seemed to have everything going for them, could be irreparably damaged by such a heinous crime. It is an incredibly tragic story that Laci, and mother-to-be who radiated positive energy all her life, had everything taken away from her at the hands of the man she loved most. It is even more unthinkable that Scott Peterson, a regular, good-looking, clean-cut guy could commit this brutal crime, with no history of violence in his background whatsoever. In many ways, Americans across the country identified Scott and Laci Peterson as being just like them, or people they would know. This is what made the case even more captivating.

The Peterson trial also shows how powerful circumstantial evidence can be, even in a murder case, when securing a conviction. There was no direct forensic evidence linking Peterson to the crime, but he was still convicted due to the overwhelming amount of circumstantial evidence against him, such as his affair with Amber Frey, and his research of the currents in the Bay prior to Laci's disappearance. The Peterson case is an example of how it is

not the evidence itself that secures a conviction, but how the evidence is presented and refuted by the prosecution and defense. Even though the prosecution in the Peterson case could not conclude exactly when, where, or how Laci died, they still presented the evidence they had in a way that suggested that Peterson must have been responsible for Laci's murder. Geragos, despite being the most well-known of all the attorneys involved, was unsuccessful at raising doubts about the prosecution's theories. While boldly claiming that his client was innocent, he did not present much evidence to support this. This shows that even though Geragos was one of the most famous lawyers in the country at the time of the trial, the money spent on hiring him to represent Peterson was not worthwhile, when the local Modesto prosecutors would ultimately triumph.

Despite the flawed assistance of counsel, it is reasonable to conclude that Scott Peterson committed the crime he was accused of. While there are certainly some who believe Peterson's innocence, it is fair to conclude that the jury made the correct decision based on the evidence presented. The jury very carefully considered all the evidence that was presented, and took pride in ensuring no juror misconduct that could result in a mistrial. While Peterson and his family await the results of his appeal efforts, most Americans, including the Rochas, feel that justice was served with Peterson's sentence. It is unlikely that Peterson will be executed in the near future, but it is even more unlikely that he will ever be a free man again.

The media continues to recirculate the Peterson story, years later. Time and time again, the case proves to be a thrilling tale, never losing the public's interest. While various programs and other accounts about the Peterson case are mostly accurate, it is worthwhile to take a closer look at the case, to sort facts from media dramatization. Above all, it is most important to

consider the lives involved by the horrible tragedy of Laci's murder. The Rocha family will never be able to meet baby Conner, and he and Laci's death will haunt them for the rest of their lives. They can never again participate in the joy of Christmas, as it is the time of year that Laci went missing. Sharon Rocha will forever dread mother's day, never again being able to celebrate it with her own daughter, who would have been a mother herself. The Peterson family is also damaged as a result of Scott's crime, losing the perfect family they once had due to a selfish act. Amber Frey is also affected by the case. Not only was she hounded by the media during the case, as a result of unknowingly dating a married man, she will forever be known as the woman who had an affair with Scott Peterson. The jurors will also remember the Peterson trial, including the horrific autopsy photos they saw, for the rest of their lives. The consolation, besides Peterson's verdict and lifelong sentence, is the Unborn Victims of Violence Act, which protects the rights of fetuses like baby Conner, who are never given a chance at life due to unreasonable violence.

When people think of the Peterson case, they often ask, "Why couldn't he just get a divorce?". It is important to study how criminals like Scott Peterson do not think in the same way other people do. Criminals like Scott Peterson are often narcissistic, like Casey Anthony, and do not realize the consequences of their actions. They are often used to being the center of attention, and cannot stand when they cannot have the freedom that they thrive on. Peterson, like Anthony, did not want to be tied down with a child, a responsibility that cannot be avoided. Getting a divorce would mean spousal and child support, which would have been a burden to Peterson. Even with a divorce, he would forever be obligated to Laci. Getting rid of Laci and Conner would free him from the responsibilities of being a husband and father, which would be

Peterson's own personal prison. Peterson likely never thought of the possibility of being incarcerated for life (or receiving the death penalty), because he believed he would never get caught. While the Peterson case is covered to this day, it is important to consider why the crime was committed and the consequences of Peterson's actions, that affect all involved.

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