

People v. Drew Peterson - In Session facebook updates 8/22/12

Judge Burmila is on the bench. Before the first witness can be called, defense attorney Brodsky objects to the potential testimony of an upcoming witness named Michael Miles. However, Prosecutor Patton informs the Court that the State has decided not to call this particular issue, and so the matter is moot. With that, the judge sends for the jury.

The jurors are now in the courtroom. The State calls its first witness of the day: Jeffrey Pachter (questioned by prosecutor Connor). In 2003, he was working as a technician for a cable company. "Were you issued a badge at that time that had your picture on it?" "Yes." He identifies his I.D. badge from that time period. "Was there a place you met in the morning for your job?" "Yes, we had a central location in Downer's Grove." "Did you have occasion to meet Drew Peterson?" "Yes, I did." He identifies the defendant in the courtroom. The witness admits that when he was 18 he had a sexual relationship with a 15 year girl; he pled to a misdemeanor, and was ordered to stay away from the girl. He did not stay away, however, and was then forced to register as a sex offender for 10 years. "I was working in 2003, and it was late summer. I asked him if he could run my background and check it for me; I was having some problems getting a job, and I didn't know why, because I was never convicted of a felony." "After he did that, did he explain anything?" Objection/Overruled. "Yes, he told me that he looked into what I asked him to, and he told me I had an FBI number. He said I could not have an FBI number unless I was a convicted felon." "Because of that, were steps taken?" "Yes." "So you were grateful the defendant had helped you?" "Yes."

"You indicated the defendant asked you to help find someone to take care of his third wife?" "Yes." The defense objects, and the parties go to a sidebar.

The jurors and witness are excused from the courtroom. The judge continues to speak to the attorneys at a sidebar.

The sidebar ends. The judge has apparently decided to instruct the jurors about something. He then sends for the witness and the jury.

The witness and jurors return to the courtroom. Judge Burmila instructs them that the defendant has been charged with conduct other than that in the indictment, and they are to decide what weight should be given to this evidence regarding intent. Connor: "What did the defendant indicate?" "He said his ex-wife was causing him some problems." "He indicated he would give me 25,000, and if I could find somebody to do it for less, I could keep the balance . . . this was November, 2003 . . . he told me that she used to have a drug problem, and she worked at Red Lobster . . . he told me at the end of the ride-along, 'This is something that you will take to your grave.' He said if I called him on the phone to use some kind of key phrase; it had something to do with cookies." Objection/Overruled. "He asked me if I found somebody to let him know . . . he wanted to make sure that he had an alibi . . . he told me he either wanted to be on vacation out of the country, or at Great America where he'd cause a fight, or something like that . . . so there'd be a record of him being at Great America at the time." The witness concedes that he's currently in a tax problem with the IRS, and they automatically take his refund. "Did you call the state police to impart this information?" "No, I did not." "Did someone call you from the state police?" "Yes."

The witness says he spoke to Peterson on the phone in July of 2004. "The phone call you had with the defendant . . . can you explain what you said?" "I called the defendant and asked him how his family was doing. And then after that he said, 'The favor that I asked of you, I don't need it anymore.'

That concludes the direct examination of this witness. Attorney Joe Lopez then begins his cross. The witness concedes that he doesn't remember if he told authorities at the time that Drew told him that he was to take this to his grave. "That's because you made this up today, didn't you?" "No." He denies that he lied to his bookie, but admits that he helped a friend fake a drug test. "Didn't you commit insurance fraud?" "I did not commit insurance fraud." "You can't even pay your taxes?" "At one time, no." "You owned over \$25,000 in back taxes at one time, didn't you, Sir?" "Yes, I did."

Pachter denies that he actually contacted the state police after he'd seen something about the case on the Nancy Grace show. "You came forward in this case because you expected to make money?" "No, I did not." "You expected to get your 15 minutes of fame?" "No, I did not."

"On Jan. 23, 2009, remember speaking to some police officers?" "Yes." "Remember telling them that your co-worker asked you to help him with a worker's comp scam?" "No, I do not . . . I do not remember that." "Is there something wrong with your memory?" "No." "It's hard to remember when you're making it up, isn't it?" "I am not making it up." "You were involved in a worker's comp scam?" "I did drive him to the hospital." "The person he defrauded was your friend?" "No." "Because that's your character, isn't it?" "No."

He knew Drew as friendly and hard-working. "You described him as an honest person?" "Yes." "You said that Drew helped you clear up the sex conviction?" "He got me on the right path." "You registered for ten years?" "Yes." "So when you claim you went on this ride-along, you were a convicted sex offender?" "Yes." "And you say you went to the Bolingbrook P.D. and filled out a form?" "Yes." "You prepared for your testimony in this case?" "Yes." "At no time, have you ever seen that permission slip?" "No." "It doesn't exist, as far as you know?" "No." "You weren't shown that slip before you testified today?" "NO." "How many people have you killed?" "None." "You're not in a street gang, are you?" "No." "You don't even own a gun, do you?" "No." "You don't even know what it's like to plan a killing, do you?" "No." "Did Drew ever use the words 'kill my wife'?" "NO, he did not." "When he told you this, you didn't go to the FBI?" "No." "It was only after you saw Nancy Grace that you came forward?" "After I saw Nancy Grace, yes."

The witness repeats that he and Drew had "several conversations" about going into a bar/pizzeria business together. "And it never happened, did it?" "No." "You had plenty of personal conversations with Drew at work?" "Yes . . . we talked almost every day that we were there." "During those conversations, is it your testimony that Drew never once asked you that question?" "Not then." "He only asked you after you signed a document, when he was in uniform?" "Yes." "That was the only time he ever did it?" "Yes." "And you worked with him for almost two years?" "I don't recall how long it was; I don't know when he started there . . . I don't remember what year it was." "Anything refresh your memory?" "No." "You'd talk about your wives and your families and other things?" "Yes." "At work?" "Yes."

The witness denies a police report that says Drew asked him to go on a ride-along after the men had gone bowling. "Remember stating to these state police officers, saying Drew asked you to go on a ride-along after you'd gone bowling?" "I did not tell them that." "Is that wrong?" "Yes." "So they didn't get that right, either, right?" "No."

"What month was this ride-along?" "November, of 2003." "Did you know he was divorced at this time?" "No." "Well, didn't you previously use the word 'ex-wife'?" "I don't know if I did or not." "He didn't give you a picture of her?" "No." "He didn't give you an address of where she lived?" "No." "He

didn't give you a personal itinerary?" "No." "Didn't give you a down payment?" "No." "Didn't give you a gun?" "No." "But he asked you?" "He asked me to find somebody else." The prosecution has an objection, and so the parties go to a sidebar.

The sidebar ends. "He never asked you if you committed any murders?" "No." "He didn't tell you how to break into a house?" "No." "He didn't drive by her house and point it out to you?" "Correct." "Didn't tell you if she was Caucasian or not, right?" "Yes." "He didn't give you any information?" "Correct." "You thought it was a joke, didn't you?" "No, I didn't think it was a joke . . . I didn't know how to take it." "You didn't know if he was joking?" "I don't know." "He didn't call you up any time between when you said he made this statement until you called him?" "Right." "He didn't do anything?" "No." "And you didn't do anything?" "No." "Because you didn't make much of it?" "Correct." "You saw him at work the next day, and he didn't say anything at work?" "No."

"You told the grand jurors that he referred to her as his 'ex-wife' . . . those were your words?" "Yes." "During this conversation in the car, he never once mentioned the word 'pension,' did he?" "No." "He never mentioned property settlement?" "No." "Child support?" "No." "Maintenance?" "No." "You told the grand jury that he said his ex-wife had something on him?" "Yes." "She was going to go to the police station?" "I don't know if she was going to go there, or just call somebody." "Didn't you say she was going to go to the chief of police?" "No."

"Are you sure you weren't charged with a felony?" "Yes." "Have you seen any documents from your case?" "I have the original documents." "Isn't it true the charge was amended to a misdemeanor from a felony?" "Not that I'm aware of." "Would you like to see a document to refresh your memory?" "No, thank you." Objection/Overruled. "Would you like to see a copy of this document to refresh your memory?" "No, thank you." "Agree that says 'felony' at the top of this document?" "Yes." "So your case was reduced?" "Yes."

"You also testified at the hearsay hearing, and told the court that you didn't know why Drew wanted this done?" "Correct." "And today you're saying it was because his wife had something on him?" "He did not tell me why he wanted it done...he said she had something on her, but that's not why he wanted it done." "Then why did he want it done?" "I don't know." "He also said he wanted to start a fight at Great America?" "Yes." "With his uniform on?" "If he wanted to." "He wanted you to call him and tell him when you found somebody?" "Yes." "You could have used that money to pay the IRS off . . . you don't want to pay the IRS off, do you?" "Yes, I do. I'm in the process of doing that now." "You never once mentioned in the grand jury or during the hearsay hearing..." Objection. The prosecution asks for a sidebar.

"The ride-along that you had with him...how many hours was that?" "About a half hour to 45 minutes...we drove around Bolingbrook." "You didn't do any police activity?" "Correct."

"Do you remember when you gave the videotaped interview in November of 2007?" "Yes." "It was the second time you talked to the police?" "Yes." "Do you remember that you were sleeping at the beginning of the tape?" "No." "Remember saying that the last time you talked to Drew was in December of 2003?" "Yes." "And you know Ms. Savio passed away in 2004?" "Yes." "You also told the grand jurors, 'I didn't think he was really serious about it'?" "No, I do not remember saying that." This portion of the grand jury transcript is read back. "Do you remember giving that answer?" "I do remember the question... yes, that's the answer I gave." "During this conversation, he didn't put a time frame on your ability to do this, right?" "No." "HE didn't tell you how he was going to pay you?" "No." "You didn't know if he was trying to set you up, do you?" "No." "But you never talked about it

again?” “Right.”

The witness confirms that he had a company phone when he worked for AmeriCable. “There was no recoding of that phone call, was there?” “No.” “And you say during this phone call Kathy was found dead, in a bathtub?” “Yes.” “He didn’t tell you he did it?” “Correct.” “He didn’t tell you he paid anybody to do that?” “No.” “Didn’t say, ‘hey, I took care of it myself?’” “Correct.”

That concludes the cross-examination of this witness. Before the redirect can begin, the State asks for a sidebar.

The sidebar ends. Prosecutor Connor begins his redirect. The witness says that he has “exhausted his memory” as to whether he told the state police that Peterson told him this was a conversation that he was to take to the grave. The attorneys then go to another sidebar.

The sidebar ends. “Is there anything that would refresh your recollection as to whether or not you mentioned that to the state police?” “No.” “Counsel asked you a question about your grand jury testimony about whether you thought the defendant was serious?” “Yes.” Objection/Overruled. “In fact, you gave a longer answer when you were asked that question at the grand jury?” “Yes.” The witness is shown a transcript of his grand jury testimony. The State then asks for a sidebar.

The sidebar ends. The witness reads some of his grand jury testimony. “What was your full answer?” “It was that his demeanor was very laid back... his demeanor never changed, so you didn’t know if he was serious or not.” “Counsel asked you some questions of whether you made anything of the defendant’s request in the car. Had you ever heard a request like this before?” Objection. The attorneys go to another sidebar.

The sidebar ends. “Had anyone ever asked you to do anything like this before?” “No.” “Before the Illinois state police called you, did you have any intention of coming forward?” “No, I did not.”

“Counsel asked you about you indicating the last time you talked to Drew was in 2003... did you physically talk to the defendant in person after 2003?” Objection/Overruled “After the year 2003, only on the phone.” “Did he tell you specifically about what had happened to his ex-wife?” “Yes.” “Did he tell you anything specifically about her head?” “No, he did not.” Objection/Overruled.

The redirect is now finished. Mr. Lopez then begins his recross. “When you went to the grand jury, the first thing you said was that you didn’t think he was really serious about it?” “Yes.” The witness repeats that he last spoke to Peterson in person was in 2003. That ends the testimony of this witness, and he is excused from the stand. The judge excuses the jurors for a five minute break prior to the next witness...

Judge Burmila has left the bench. The trial is in a short recess.

Judge Burmila is back on the bench. He sends for the jury, and asks the State to bring in the next witness.

Master Sgt. Bryan Falat takes the stand to be questioned by prosecutor Koch. He is an officer with the Illinois State Police.

Illinois State Trooper Bryan Falat has taken the stand. He says that on March 1, 2004 he was asleep when he received a call asking him to report to a scene regarding the death of the ex-wife of a

Bolingbrook police office. "When I arrived there, Sgt. Pat Collins had not arrived yet. There were several Bolingbrook police officers out in front." He left his vehicle, and then waited for Collins to arrive "a couple minutes later." "Then myself and Sgt. Collins entered the residence... we went upstairs... we went to the master bedroom." "Did you go anywhere else?" "Yes, into the master bathroom..." Objection. The parties approach for a sidebar.

The sidebar ends. "I observed Miss Savio, naked, deceased in the bathtub." He identifies a photograph of the bathroom. "When I entered, I walked up to the tub area, and looked around. There was no water in the bathtub; the plug for the drain was down. There were parts of her hair that were wet...there was blood or what appeared to be blood coming from her head area, and going down to the drain area." He identifies a second photograph of the same bathroom area. "Did you make any observations of the tub area by her feet?" "Yes, I was looking around. From her head area, there appeared to be blood. At that point, I did not see any wounds or cuts from the head area." "After you made your initial observations, what was the next thing you did?" "I looked around the bathroom area . . . I was looking for an area in which she would have struck head . . . we were investigating a death at that time, and I didn't know anything that had happened." "Did you move any of the items that were there?" "No, Sir; I'm not a crime scene tech." "As it relates to Ms. Savio, did you touch her at all?" "No, I wasn't going to contaminate the scene."

I was looking at the area around the tub, the counter top, any items that might have been knocked over, or that she could have hit her head on." "Did you find anything knocked over?" "No, Sir...I looked around the tub area . . . I didn't find any blood or visible, hair, anything like that." "Did you find anything of significance?" "No, Sir." At this time, only he and Sgt. Pat Collins were inside the bathroom.

On March 2, 2004, what were your duties?" "I was to assist Sgt. Collins with the death investigation of Ms. Savio." He walked back into the master bedroom, and then walked throughout the residence. "There was a time period from when we got there until Sgt. Deel got to the scene... I was just looking for anything that would have told me what happened." "Do you recall what areas you went into?" "Yes, the master bedroom; I didn't move anything or disturb anything." "Did you see anything of significance to you?" "Not at that time...I looked in another room, did not find anything. And then I walked down to the kitchen area . . . there were three things I found: a glass of orange juice on the counter, a package of some kind of pills next to it, and in the microwave a cup of what I believed to be tea or coffee." "Was there an entrance door from the outside into the kitchen?" "Yes, from the garage... I did go through the kitchen, out into the garage...there was an SUV in the garage; there appeared to be a large purse on the front passenger seat . . . it looked just like a big purse to me." "Where did you go next?" "Back into the residence." "Did you go into the basement?" "Yes...I saw the windows; I didn't touch the windows or the locks. I did observe they weren't broken. There wasn't anything I found to inform Sgt. Deel about." "Where did you go next?" "Back upstairs." "Was there any type of exit door from the kitchen area to the back yard?" "I don't recall . . . once Sgt. Deel arrived, we walked back upstairs to show him where Miss Savio was found. I pointed out an item for him . . . I observed what appeared to be a used condom in the basket or a garbage can in the bathroom. I was told by Sgt. Collins that we were going to leave the residence, and let Sgt. Deel process the scene. And we had to go interview some people." With that, he and Sgt. Collins left the Savio residence.

The parties approach the bench for a sidebar.

The sidebar ends. The witness says he and Sgt. Collins went next door to Steve Carcerano's house, where they met Mary and Tom Pontarelli, Steve Carcerano, and Steve Maniaci. "Mary Pontarelli was

visibly upset; her eyes were red and glassy...during the interview, she began to cry at times. Tom's eyes were red and glassy, Steve Carcerano's eyes were red and glassy...Mr. Maniaci's eyes were again red and glassy; he teared up several times during the interview." After these four people were interviewed, he was told by Sgt. Collins that they needed to go to the Bolingbrook Police Department to interview Drew Peterson. "I told Sgt. Collins that I didn't think it was a good idea to interview Mr. Peterson at the police headquarters." However, Sgt. Collins was his boss, and was in charge of the investigation. "Where did you end up going?" "To the Bolingbrook Police Department."

At the Bolingbrook P.D., the men went to the lunch room. "I recall a big table, and glass." He identifies the defendant in the courtroom as the man he interviewed that night. "When you met with the defendant..." Objection. The defense asks for a sidebar.

The sidebar ends. "Do you recall what time you began to speak with the defendant?" "Approximately 6:10 am." "Who was present?" "Just myself, Sgt. Pat Collins, and Drew Peterson." "Did other people come and go out of that room?" "Not during our interview...the majority of it was conducted by Sgt. Pat Collins." "What was your role?" "To take notes, and write down what was said." "What question did you ask the defendant?" "There was a question Sgt. Collins asked about any financial gain...I asked exactly what financial gain Mr. Peterson might get from Ms. Savio's death. He said they had a \$300,000 house that was all his now." The witness describes the defendant as "jovial...he was joking almost with us." "What other observations did you make about his demeanor?" Objection. The parties go to a sidebar.

The sidebar ends. The interview with Peterson lasted until 7:15 am, after which he and Sgt. Collins went back to their headquarters. "Was there another interview you conducted?" "Yes, with Stacy Peterson...at her residence, the following day, March 3rd, at 3:00 pm." "When you found out you were going to interview Stacy Peterson at her house, what if anything did you say?" "I was told by Sgt. Collins that Drew Peterson would be there during the interview, in the same room." "Who was Stacy Peterson?" "His wife."

"When you got there, do you recall where you went?" "We walked into the residence and met with Stacy Peterson and Drew Peterson, and walked down into the basement area ...we walked down the stairs, and it was at that time that Sgt. Collins told me that Drew was going to actually be in the interview. And so we moved to the side and talked about it ...I told Sgt. Collins that I did not think it was a good idea that Drew was in the same room as Stacy, that we never interview two people in the same room." "What's the next thing that happened?" "We began the interview: myself, Sgt. Collins, Drew Peterson, and Stacy Peterson. We were sitting at a table in the basement; Sgt. Collins was on my right. Drew and Stacy were sitting right next to each other, less than a foot away." "What was your role during the interview?" "To assist with the interview and take notes." "How long did that interview take place for?" "Approximately an hour...during the interview, Stacy Peterson became upset at times, and began to cry when she talked about the death of Miss Savio and the children." "After you conducted the interview with Stacy Peterson, what's the next thing you did?" "I believe we went back to our headquarters, and began to talk about the case... after we interviewed Stacy on March 3, 2004, I did one further interview with a paramedic on the 10th. But on the 9th I was assigned to two other cases, so I was off the case about a week later... I believe my last day [at Investigations] was at the end of April or beginning of May, 2004." "Did you have any other involvement in this investigation?" "No, Sir."

The witness attended Kathleen Savio's original autopsy. That concludes the direct examination of Sgt. Falat.

The witness repeats that he Sgt. Collins was his supervisor in this investigation. He arrived at the scene about 45 minutes after he was first called about it. He did not see Drew Peterson at the scene. "There were Bolingbrook police officers on the scene?" "Yes." "The paramedics were not there, were they?" "Yes...we interviewed one a couple days later." "Did somebody brief you before you entered the residence?" "Commander George and Sgt. Collins." "When was it that Sgt. Collins came?" "A little after I did...we walked in there together." "Did you see the paramedics exit the residence?" "Well, they were outside." "So you never saw them inside the residence?" "No." "Nobody told you that it was a homicide, did they?" "No."

Judge Burmila is back on the bench. He sends for the witness and the jury.

The jurors are back inside the courtroom, and defense attorney Joe Lopez resumes his cross-examination of Illinois State Police Master Sergeant Bryan Falat. "In regard to the purse, you said you left it in the vehicle?" "Yes." "Did you see Deel take a photograph of it?" "No, Sir." "You were basically with Collins most of the time?" "Yes." "This was your second homicide investigation?" "This was the third homicide investigation I was at." "But it wasn't being treated as a homicide investigation, was it?" "That's not true...it was a death investigation, that I said might be a homicide." "You know that it was declared an accident?" "No, I do not know that." Objection. The prosecution asks for a sidebar.

The sidebar ends. "Did you attend a coroner's jury?" "No." "But you subsequently learned it had been declared an accident?" Objection/Sustained. "Did you prepare any reports in this case?" "I typed two of them: Stacy Peterson, and I believe there was one other one?" "Was it the paramedic, maybe?" "I do not recall...all the reports were Sgt. Collins' reports; a couple he asked me if I could type them up for him, because he had fallen behind." Objection/Sustained. "Whenever you'd prepare a report, you would read it before you signed it?" "Correct...in Investigations they'd initial them." "You didn't make any mistakes in your reports?" "I can't say there's no mistakes in there." "You took notes, didn't you?" "I took some note, and Sgt. Collins took some notes." "You're trying to make these reports as accurate as possible?" "Yes." "The report itself becomes part of the investigations?" "Yes, Sir." "When you had this interview with Stacy, that was at the house?" "Yes." "And you spoke to Steve Maniaci, and that was at someone's house?" "Yes." "And you spoke to Tom Pontarelli?" "Yes." "At his house?" "At Steve Carcerano's house." "You never spoke to Nicholas Pontarelli?" "No, Sir." "And when you went to speak to Mr. Peterson's wife, you did that at her house?" "Yes, hers and Mr. Peterson's house." "Sgt. Collins was present, and Mr. Peterson was present?" "Yes." "And someone else was present?" "That's not true." "Wasn't a baby present?" "No." "Nowhere in that report does it reflect that Sgt. Peterson was present?" "That's true."

The witness denies knowing anything about who placed the blue towel in the Savio bathroom. "But you never saw Sgt. Peterson in that house?" "No, Sir." He repeats he got the call around midnight, and responded to the scene about 45 minutes later. "The paramedics and other people were outside?" "That's right."

"You were present for the interview with Mary Pontarelli?" "Yes." "Did you prepare that report?" "That may have been the other one I did; I'd have to see the report." "In the reports, how can you tell when you write the report?" "It shows who typed it." "It has the person's initials?" "Yes, Sir." "If it says 'typed by B.F.' who would that be?" "That would be myself." "Were other people present when you were speaking to people in the basement?" "No." "So did you single them out one-by-one?" "Yes." "Remember which house you went to?" "It was within proximity, next door, two houses down, three houses." "How did you know it was Carcerano's house?" "That's what we were told when we got

there.” The witness repeats he saw no broken windows at Savio’s house. “After you went upstairs, where did you go next?” “To the kitchen . . . I searched the kitchen, and then went to the garage or the basement next.” “What were you looking for?” “Anything . . . anything that could tell me what happened to Miss Savio . . . we found someone deceased in a bathtub with no water. So it raised my suspicions right away, Sir.”

“You looked through that entire first floor living area for anything in particular?” “Anything out in the open.” “And you didn’t see anything?” “No, Sir.” He repeats that he searched the basement, but didn’t see anything.” “You looked carefully, and thoroughly?” “Until I was told to go next door by Sgt. Collins . . . we were only in the house for approximately half an hour.”

“Her hair, there were parts of it that were dry. The back part appeared to be damp, or soaked with damp material, which I believe to be blood.” “Was Nick Pontarelli present at the Carcerano house when you went to interview the individuals?” “Yes, he was upstairs sleeping.” “Do you know where Nick Pontarelli was?” Objection/Sustained.” “Whose responsibility was it to collect anything from the residence?” “Sgt. Deel.” “Know how many paramedics were there when you arrived?” “No.” “Know how many were there to begin with?” “No.” He repeats that the covers on Savio’s bed were drawn back, but doesn’t know how they were originally situated.

Lopez begins his recross. “Wasn’t Sgt. Peterson a witness to Stacy’s statement?” “Yes.” “But you didn’t put that in your report?” “No.”

The witness denies that he opened the vertical blinds in Kathleen Savio’s bedroom. “When you went through the residence, you did not have to collect evidence?” “No, that was Sgt. Deel’s job.” “But you did point out items to Sgt. Deel, such as the juice and the condom?” “Yes.” That concludes the testimony of Sgt. Falat, and he is excused from the stand.

Judge Burmila has left the bench, and the court is in a brief recess. The next witness is going to be Dr. Vinod Motiani, one of Kathleen Savio’s personal physicians.

The State calls its next witness: Dr. Vinod Motiani questioned by prosecutor Connor. “I’m a general internist.” He goes over his educational and professional background. “Did you have an occasion to treat Kathleen Savio or Kathleen Peterson?” “Yes.” “Did you begin treating her in 1992?” “If I can look at my records . . . my first visit with her was on May 8, 1992.” “And your last contact with her was on Oct. 21, 2003?” “That was my last telephone contact with her.” “Did you conduct physicals of Kathleen Savio?” “Yes.” “Did you conduct a physical on June 3, 2003?” “Yes, I did.”

“When she came in, she complained about night sweats, constipation, and (?).” “Those were her only complaints?” “Yes . . . somewhere down in the history, she told me she had a heart murmur. The best way to confirm the significance of that is to do an echocardiogram . . . this is an ultrasound of the heart . . . it will tell you if there’s something wrong in the walls of the heart, the valves of the heart. I did review my records, and it was recorded as normal . . . the chambers of the heart were pumping naturally.” “Did you ever have occasion to diagnose Kathleen Savio with M.S.?” “No.” “Based on your interactions and your treatment of Kathleen Savio through 1992 through 2003, did you encounter any condition that would cause her to be more likely to have a slip and fall fatal accident in the tub?” Objection/Sustained. “She was at normal risk as any other person.” “Did she ever complain about any inability to balance?” “She didn’t complain out of the usual . . . no more than usual.” “During your June 3, 2003 physical of her, did she have occasion to complain of dizziness or fatigue?” “As the form shows, one of the questions asked was, ‘Is there any incident of dizziness or fainting?’ and she did not answer positively.

So it was not recorded as such.”

The sidebar ends. “She did not indicate anything about heart palpitations or heart murmur?” “The only thing I have circled on my report was ‘constipation’ . . . she said her menstrual flow was normal, and her last period was a few days prior to the office visit. That’s all she checked off.” This ends the direct examination of this witness.

Darryl Goldberg begins his cross-examination. “Do you have a vivid recollection as you sit here of June 3, 2003, when you did this physical?” “Just what’s written on the chart.” “You’re really just relying on a habit?” “I’m going purely by what’s written over here.” “Fair to say when your patients come to see you, their medical condition or symptoms can change rather quickly?” “It’s possible.” “People’s weight can fluctuate?” “Yes.” “Her cholesterol would go up and down?” “Correct.” “She had a history of high cholesterol?” “Correct.” “The cholesterol medication caused some aches and pains, and at one point she stopped that?” “There’s no way to prove or disprove it . . . so she stopped it, to see if that went away . . . we always will consider it.” “There was a time when her cholesterol level rose, and you made a note to make sure she was actually taking the medication?” “It was borderline high.” “You first saw her on May 8, 1992?” “Yes.” “You understand she weighed 124 pounds on that date?” “Correct.” “And the last time you saw her she weighed 136 pounds?” “Yes.” “You just had this one phone call in Oct., when she asked you for a prescription for Zoloft, because she couldn’t get a hold of Dr. Neri?” “Yes.”

“When Ms. Savio passed, she weighed 154 pounds . . . that would be a significant weight gain that you would be concerned about?” “If she stated she did nothing out of the usual, then it would be significant. But people do change their habits.”

“She never came to you when she fell down the stairs in October of 1999?” “Based on my records, no.” “So you have no recollection of that?” “No.” “You do know of her complaints to Dr. Neri, her neurologist?” “After reading the records, yes.” “Dr. Neri said Ms. Savio came to see him because in April, 1999 she developed numbness in her left arm?” “That’s what the records reveal.” “And the blood tests revealed that she had some kind of arthritic condition?” “That’s right.”

The witness is shown a medical record that was previously shown to earlier witness Dr. Gene Neri. “You recognize this as a letter from Dr. Neri, dated April 3, 1999?” “Yes.” “She feel very unsteady in her gait . . . that’s the symptom in this letter?” “That’s what she’s reporting to him.” “Very irritable and slightly depressed?” “Yes.” “She made the same complaints to you, about being fatigued?” “If I go by the records, it’s possible . . . yes, she has on a couple of occasions ticked off the symptom ‘fatigued.’” “Your impression was that she suffered from fatigue on more than one occasion?” “I’ll have to look at the records; please bear with me . . .” “Let’s just finish up with Dr. Neri’s letter . . . if you flip back to it in your file . . . she also had some pain in her feet, particularly in the mornings?” “Correct.” “And there’s a strong family history of diabetes and high cholesterol?” “Yes.” “And her sleep is described as ‘horrible’?” “Yes.” “The reason you discuss family history is that it signifies that some people are more likely than others to suffer from a specific disease?” “That’s correct.”

“She talked about the pain on the left side of her chest that she was having?” “According to the record, she complained of chest pain often.” “In 1993, she had left side chest pain?” “Yes.” “And that’s when a murmur was detected?” “September 2, 1993 . . . I found the murmur.” “Now let’s go to Jan. 30, 1995 . . . there’s again left chest soreness that was her complaint to you?” “Yes.” “There came a time when you were asked about the murmur, when you sent her out for an echocardiogram?” “That’s correct.” “Because she had some sort of chest abnormality, it wasn’t a perfect test?” “Yes, it does say that.”

“On Dec. 14, 1995, she complained of shortness of breath?” “Yes, of wheezing and some numbness in the left chest.” “And she told you about heart palpitations on that day?” “Correct . . . those are the symptoms given to me.” “Over the next year or so, she kept complaining of lower back pain?” “Correct.” “On Jan. 6, 1997, she had numerous complaints for you?” “Yes.” “You followed up with a physical?” “On Jan. 6, I did part one of the physical . . . I split it into two days.” “You noted she was fatigued, and she’s been tired for a few years?” “Yes.” “She wasn’t sleeping well, and considered herself as having two jobs, one at work and one at home?” “Yes.” “She had numbness and tingling in her hands, and she felt blah?” “Yes . . . I document what they tell me.” “And there was peptic ulcer disease?” “Correct.” “She also told you she often felt like something was stuck in her throat?” “That’s correct.” “On October 21 of 1997, you noted some fluid retention and joint stiffness?” “That’s right . . . basically, when you have fluid retention purely by gravity, you have fluid that goes down to the lower extremities.” Dr. Motiani lists several of the most common causes for fluid retention. “She told you she wanted to try medications, and she was prescribed a water pill?” “That’s right.”

“In May of 2000, she was bloated again at that particular time?” “She said bloating off and on.” “And her habitual constipation was after that Jenny Craig diet, for three months?” “Yes.” At one point, the doctor thought Savio might have fibromyalgia. “It’s a lot of muscle aches and pains. There’s no test; it’s a clinical diagnosis . . . if multiple muscle groups are aching, we may diagnose it as fibromyalgia . . . it’s a diagnosis of exclusion, but that was my assumption.” The witness is then asked about Savio’s medical form filled out on Feb. 6, 2001. “This is after she’s already seen Dr. Neri for her cervical vertigo?” “That’s right.” “She reported ‘feeling dizzy at times’?” “That’s true.” “She lists Zoloft and lorazepam as drugs she’s taking, and a fat blaster pill?” “That’s true.”

“You also had a chance to see her on August 20th of that same year?” “That’s right.” “On that day, she continued to have lower back pain and neck pain?” “That’s right . . . she was frustrated about pain.” “And it was recommended she have a breast reduction?” “Yes.” “But as far as you know from the last time you saw her, that didn’t happen?” “That’s true.” “In March, 2002, she was sent out to have a routine mammogram?” “Yes, you’re right.” “At that time, you discussed that she had an abnormal mammogram, but she didn’t want to have any additional testing?” “Yes.”

“In May of 2002, she came in because her tongue was inflamed, and you thought she may have bitten her tongue?” “That’s correct.” “If someone were to bite their tongue, that could be an indication of a seizure?” “It’s possible, yes.”

“On March 4, 2003, you wanted her to take a blood test, because she still complained of being dizzy?” “Apparently Dr. (?) wanted her to have some tests. And she requested a test for diabetes . . . to justify for the insurance companies to pay, we have to put a diagnosis. And that was dizziness.” “She had gestational diabetes, and her weight would fluctuate like a diabetic’s would?” “Yes.” “If someone was diabetic and they didn’t eat for a long amount of time, they could have an event of hypoglycemia?” “No, that’s not correct. The human body will never let the sugar level go too low . . . but when they’re taking medications, that’s when the sugar goes down if they don’t eat.” “She told you she was continually constipated on April 11, 2003?” “I don’t have anything in April . . . there is a phone message, that’s right”.

“Recall testifying in 2010?” “If it’s in the transcript, yes.” “And you said you had some communication from Dr. Neri about giving her adovane?” “If it’s in the record.” “Perfectly healthy people can fall?” “Yes.” “And that’s what you called clumsy?” “If it’s there, it’s there.” “You wouldn’t expect every patient of yours to come and see you every time they fall?” “No.”

Dr. Motiani is now asked about the possible side effects of some of the drugs Savio was taking. “You know that almost every prescription drug may interact with another prescription drug?” “That’s true.” “And it can cause some problems?” “That’s true.” “Do you know that if someone were to take Lipitor with niacin...niacin is found in vitamins?” “Yes.” “One of the interactions between Lipitor and niacin is right upper muscle discomfort?” “Right.” “This was in March of 2003?” “That’s right.” “And nausea and vomiting?” “Yes.” “And she was taking Celebrex?” “Is that something that I prescribed?” “Well, you do know that Ms. Savio was taking Xanax?” “Yes.” “If someone was taking Xanax and stopped taking it, that could cause side effects?” “Yes.” “And Zoloft...people are sensitive to it?” “They’re no more sensitive than with other medications...every side effect is listed for most medicines.” “One of the side effects of Xanax is convulsions or seizures?” “If it’s listed.” “There’s increased side effects of those kind of drugs of increased bleeding?” “Not that I’m aware of.”

The witness is shown a document, which he reads from. “It says that Zoloft can cause increased bruising and bleeding?” “That’s right.” “She told you she had night sweats?” “That’s correct.” “One of the side effects of Zoloft, of stopping it too quickly, is headaches, night sweats, sweating, irritability, changing sleep habits...and also dizziness?” “That’s true.” “Changes in appetite or weight is also a side effect?” “That’s true.” “When she was found in March of 2004 at 154 pounds, that was obviously a gain in weight?” “That’s correct.” That concludes the cross-examination of Dr. Motiani.

“During the course of your treatment of Kathleen Savio, did you see any of these things that would have risen to a clinical level of significance?” Objection/Sustained. “Did Kathleen Savio complain to you about falling down?” “No.” “Did she ever complain to you that she was falling down at the home, based on a clinical condition?” “Based on the records, no.” The witness says that he did not diagnose Savio with diabetes. Although it’s possible she had fibromyalgia, “it’s a diagnosis just thrown out many times by doctors.” “Was she complaining of those same symptoms after 1992?” “It’s an ongoing complaint.” “Did Kathleen Savio ever indicate that she had ever had a seizure?” “No.” “Did she have any symptoms of epilepsy, or anything that would have caused a seizure?” “She never gave any indication.”

That concludes the redirect or this witness. There is no recross, and so Dr. Motiani is excused.

The judge decides to take a recess at this time, to allow the jurors “to stretch their legs.” He leaves the bench, and the trial is in a brief recess.

The jurors are gone, but the judge is back on the bench. Attorney Joel Brodsky is addressing the court about the limits to the scope of witness Harry Smith and his testimony about Kathleen Savio. “If the statement leads to the fact that maybe he knows that Miss Savio lied under oath, that goes to the issue of her credibility.” Judge: “Well, I directed both sides to interview Mr. Smith if they wanted to. Did you do so?” Steve Greenberg: “I talked to him today...what she [Savio] told him about the incident is different from what she then testified in court.” Judge: “Well, then, you’ve got your impeachment.” Greenberg: “I think they should be asked to disclose that before he testifies.” The judge says that the defense may call Smith in an offer of proof prior to his testimony before the jury. Judge: “If he’s going to testify about something she said to him, and he knows that she testified under oath, they’ll be able to impeach her through cross-examination... if that alters your plans about calling him, then don’t call him now, and call the other witness.”

The judge notes that the jurors have complained about a defense printer running too loudly during testimony. He tells the parties that the printer in question will no longer be allowed to run during

witness testimony.

The judge leaves the bench, and the trial is in a brief recess.

The parties are still milling around in the hallway. It now appears that the next prosecution witness will be Nick Pontarelli, the son of earlier witnesses Mary and Tom Pontarelli.

The jurors are now in the courtroom. The State calls its next witness: Nick Pontarelli (questioned by prosecutor Koch). He is 22 years old, and lives with his parents, Tom and Mary Pontarelli. "I'm an I.T. recruiter for Tech Systems . . . this is my second week."

The witness says he knew Kathleen Savio. He identifies a photograph of Savio, and says that she lived directly next door to his home. He then identifies a photograph of her house.

"Do you recall when Kathleen moved in next door?" "It was in 2000, from what I remember." "How old would you have been?" "I was ten years old . . . she also lived with her husband, Drew, and their two children, Tom and Kris." He identifies the defendant in the courtroom. "What type of relationship with you have with Tom and Kris?" "They were just the boys next door . . . we used to go on family vacations, went camping together . . . I went with the Petersons on one occasion. We also went to Lake Geneva together." "How often would you see Tom and Kris?" "Pretty often, a couple of times a week . . . they were good friends."

Drew Peterson moved out of the house "in approximately 2000." "Did you ever do anything with the children after school?" "Yes, sometimes I would walk home with them after school, and just wait with them until their mom came home . . . they had a garage door opener." "After the defendant moved out, what kind of work would you do for Kathy?" "I would just watch the kids, while she was at work or at school." "Did there come a time when you did any work to the house?" "Yes." "What kind of work would you do to the house?" Objection. The defense asks for a sidebar.

The sidebar ends. The judge asks to have the jurors taken out of the courtroom.

The jury is now gone, and the witness leaves the courtroom. Judge; "One of the jurors has advised the bailiff that he or she knows the witness. I want to see all of the witnesses with the court reporter in the judge's conference room. And then, Donna [the bailiff], I'll want you to bring back the juror." The judge and the attorneys leave the courtroom.

Judge Burmila is back on the bench. "The issue involving the juror was resolved, and the juror will remain seated." He then sends for the witness, and the jury returns to the courtroom.

The jurors are back, and the prosecution resumes its direct. "After the defendant moved out, did you do any work on the house?" "Yes . . . I helped her change her locks to the front door and the garage door . . . both the deadbolt and the bottom lock." "Would you have occasion to continue to babysit after the defendant moved out?" "Yes." "When you would go to the house, how would you see Tom and Kris?" "I would ring the doorbell." "How many times did you go over to see Tom and Kris?" "Multiple times a week."

"Did there come a time when you learned that Kathy had a boyfriend?" "Yes, Steve Maniaci." "Did you meet Steve Maniaci?" "Yes."

“Did there come an occasion when you took a photograph of Kathleen Savio?” “Yes . . . it was in 2003 . . . that’s Kathleen Savio.” “Was she working when you took this photograph?” “Yes.” “Why did you take that particular photograph?” “There were just a couple of pictures left on a digital photograph, and I just snapped some pictures.” The witness is then asked about the weekend that Savio died. “My family and I had been on vacation in Florida, and had just gotten back on Friday.” “What kind of relationship did you have with Kathy?” “Kathy was like a second mother to me . . . I was over there a lot of the time, hanging out with the boys. And Kathy was always there.” “On Saturday, Feb. 28, did you see Kathy that day?” “Yes, in the afternoon. She was unloading groceries out of her car, and she came over and talked to us . . . I went over to help her unload groceries out of her vehicle, and went inside her house for lunch. I was just in the kitchen.” He describes the layout of Savio’s kitchen. “What were you talking about?” “I was just telling her about my vacation; I had also brought over some of the stuff that we brought back from Florida . . . she made us both a salad.” “Recall what she was wearing?” “She had on a T-shirt and some sweat pants.” “Did you observe anything unusual about Kathy that day?” “Nothing out of the ordinary.” He was at Kathy’s house for 45 minutes to an hour. That day, Tom and Kris were at their father’s.

Monday was a holiday, so he didn’t have school. “I had CCD, and then I went to a friend’s house. Then I went home . . . I had just gotten Season One of THE SIMPSONS . . . and then the doorbell rang [this was at approximately 10:00 pm].” “Where were you when the doorbell rang?” “Inside my bedroom . . . it was Drew Peterson, asking if we had heard from Kathy.” “Know who answered the door?” “My mother did . . . I could hear Drew Peterson, and then when I walked out I could see Drew Peterson. He was in his police uniform . . . he’d been trying to bring the kids home, and he hadn’t had any communication with Kathy . . . I called Kathy’s house; I called her cell phone a couple times. There was no response. My mother got off the phone with Steve [Maniaci]; Steven hadn’t heard from her either.” According to Nick, Peterson wanted them to go into the home, to make sure everything was OK.

“We all convened around this little stoop that was right outside the door . . . from what it looked like, there were no lights on in the house.” After the locksmith opened the door, Steve Carcerano, his mother, his father, and this witness entered the house. “Steve and my mother went upstairs; my father and I went into the kitchen.” Peterson “stayed outside . . . he wanted to make sure that Kathy didn’t come home and see Drew in her home; she would be upset . . . when I walked in the kitchen, there was an open carton of orange juice still on the counter; I put the cap back on it and put it in the refrigerator . . . she was the kind of person who would put it away and would be on the kids about putting things away. I opened the microwave; there was a mug of water in the microwave . . . I went to the garage, to check and see if her car was in the garage.” “Was the door locked?” “The door was deadbolted; it was locked. I saw her car was in the garage; at that point I headed toward the staircase.”

Despite his father’s instructions not to go upstairs, the witness went up. At that time, his mother and Steve Carcerano were looking through her bedroom. “I observed Steve entering the bathroom; the door had been creaked open, it wasn’t closed . . . the door looked like it had been closed, touching the wood, but not all the way in the latch . . . I observed Steve walking into the bathroom, turning the light on; my mother was following Steve.” “What’s the next thing you recall?” “My mother going into the bathroom and screaming . . . I did go fully into the bathroom, just enough to see her in the tub.” “Where did you go next?” “I just kind of stood back; I leaned against her bed. Drew did come upstairs . . . I don’t think he had anything in his hands. My father was upstairs with us; he came upstairs after he heard my mother scream. “I left the house at this point; I was kind of in shock. I just went home . . . I went upstairs and tried to go to sleep.” “Did you see your mom and dad later that night?” “Yeah, I was tossing and turning, I couldn’t sleep. I saw them downstairs, but I just stayed in the house.”

The next day, Tuesday, the witness did not go to school. He saw Drew, Stacy, and Stephen Peterson at Savio's house. "Did you go over to Kathy's house that day?" "No." "Where did you see him?" "I saw him going into the house, and taking stuff out."

The direct examination of Nick Pontarelli is now concluded, and defense attorney Joe Lopez begins his cross. "What time did you make this observation of Mr. Peterson and his son at the house?" "It was early in the morning, probably 9:00 or 10:00?" "Did you see Susan or Anna Doman there?" "No, but I know that they were there that day." "You never saw Drew and Anna and Susan and Henry that day together?" "Never together." "Did you know Angela?" "Yes . . . she's Susan's daughter." "Did you see her there?" "No." "She's married, right?" "I don't know." "You didn't see her there that day?" "No."

The witness estimates that he and Savio had lunch around 1:00 pm on Saturday, Feb. 28. "You were very close to her?" "Right." "And you were also very close to Tom and Kris?" "Right." "How long were you there?" "Forty-five minutes to an hour." "You were close to the family?" "Yes." "Even when Drew was living there?" "Yes." "Drew was fun, wasn't he?" "Yeah." "You enjoyed your relationship with Tom and Kris?" "Yes." "Since Kathy's death, you've at least been in touch with Tom through Facebook?" "Yes."

Pontarelli says that there was a time when Drew lived in the basement. "You have a porch?" "Yes." "Where is your bedroom at?" "The rear of the house." "Do you have a side window that looks at that house?" "No."

In a photograph of Savio's home, he points out her bedroom and bathroom windows. He says Savio's cat was named "Tess," but can't remember where its litter box was. He says he was also close with Susan Doman, Kathleen's sister. "Did you know her sister, Anna?" "Yes . . . I never met her father, Henry." "Ever see her father at the house?" "Never."

The witness recalls that Drew moved out "around 2003." "Did you help move Drew's stuff out?" "No." "Up until the time Drew moved out, you would go to the house regularly?" "Yes." "And you and Drew and boys would play together?" "Right." "He was always good to you?" "Yes." "And he was good to his children?" "Yes." The witness also knew Stephen Peterson, Drew's older son.

Pontarelli is asked about his family's regular Sunday pasta dinners. "A lot of times, Kathy and Drew would come over?" "Yes . . . I would say she came over more frequently after they separated."

"Steve Carcerano would also spend time with Drew and your family?" "Yes." "All the neighbors were fairly close?" "Yes." "You were only 14 that night, and you were very upset when Kathy died?" "Of course." The witness repeats that he helped Savio replace her front door locks "right after he moved out." "The night you went to the house, Drew called your mom?" "He came over to the house." "The next day was a school holiday?" "It was." "Did Tom go to the same school at that time that you did?" "No . . . we're in the same district, but we all didn't have school." "And you attended some CCD classes that day, on Monday?" "Correct."

The witness repeats that he went to a party on Saturday night, Feb. 28. He repeats that he and his parents left around 3:00 and 4:00 in the afternoon. "So between 1:00 and 4:00 you didn't see her, and don't know what she was doing?" "No." "Know if anyone was visiting her?" "No." "When you go home, you don't know if someone was visiting?" "Right." "But the light you saw was upstairs on the second floor?" "Right." "You assumed she was up there studying at that time?" "Right . . . I went to

bed right away.” “Recall when you got up the next morning?” “No . . . around that age, I was more of a heavy sleeper . . . sometimes 11:00.” “You didn’t hear any unusual noises coming from Kathy’s house?” “That’s right.” “You didn’t hear any car doors banging, or anyone speaking loudly?” “No.” “Do you have a dog?” “I do; I had a different dog when Kathy was alive.” “The dog wasn’t barking at night, waking you up?” “No . . . that dog would always sleep in my parents’ bedroom.”

The witness repeats that brought some pasta to Savio’s house on Sunday. “You called before you went over there?” “Yes . . . around 1:30 or 2:00.” “There was no answer?” “Right.”

The witness says Kathy and Steve Maniaci had a good relationship. “When Drew came to the house, did he have Tom and Kris with him?” “When I seen him, he was just by himself . . . he had his police uniform on.” “That was Sunday?” “No, we’re talking about Monday night . . . it was at 10:00, 10:15.” “Know if your mom had talked to Drew earlier?” “I don’t.” Later on, Peterson came back. “And there was a locksmith who came?” “Yes.” “All the lights were off in the house?” “That’s right.”

According to this witness, everyone was ‘a little bit nervous’ that something might have happened to Savio. He recalls that Drew was present when the locksmith worked on the door. “Remember who went in first?” “No.” “But you went in, too?” “Right.” He repeats that he saw the orange juice on the counter, and the mug in the microwave. “You saw a pack of pills there?” “Next to the glass of orange juice, there was a pack of pills there.” “The garage is attached to the house?” “Right.” “And the garage door had been locked from the inside?” “Right.”

As he went up the stairs, his dad grabbed him and told him not to go up there. Nevertheless, he proceeded. “Your mom was looking under the covers?” “Yes, under the comforter, because it was all rustled.” “Did Steve go into the bathroom first?” “Yes.” “And switched on the light?” “Right.” “That’s when Kathy was found?” “Yes . . . I witnessed Drew come upstairs and go into the bathroom . . . I was there for at least two to five minutes after that.” “Did you try to comfort your mother?” “Yes . . . she was VERY upset.” After that, he left and went back to his own house. “You left because you were upset?” “Yes . . . it was very shocking.” “You didn’t expect to see that?” “No.”

“The day after this happened, did Drew come to your house, too?” “No,” “Did he bring anything to your house?” “No.”

“Between the time you left at 1:00 on Saturday and all day Sunday, did you see any cars in Kathy’s driveway?” “No.” “When you helped her with the groceries, was her car parked in the driveway?” “No, it was in the garage.” “She had a green Mountaineer?” “Yes.”

“The light you saw that evening when you came home . . . you’ve described that previously as a reading light?” “It was a reading lamp in her bedroom.” “You knew that was the area she would study in?” “Right . . . it was just a lamp she would use to study.” “She would study by lamp light, not by ceiling light?” “Right.”

“When you were talking to Sgt. Turner that day, remember telling him that less than 12 hours after Kathy was found, Drew was giving a patio set to your mother?” “I don’t remember a patio set to my mother . . . no, we did not get any patio set. The patio set was his mother’s, formerly.”
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“You took four photos?” “I’m not aware of how many photos I took.” “You took a picture of Kathy in the bathroom, and a picture of her bedroom, too?” “Yes . . . and her kitchen and her living room. Just

around the house.” Objection. The parties approach for a sidebar.

Pontarelli testimony concludes. Court in recess until 9 a.m. Thursday.