

**Drew Peterson Trial 2012 - Murder of Kathleen Savio
People of the State of Illinois v. Drew Peterson (09CF-1048)
Will County, Joliet, Illinois**

Thomas Pontarelli Testified on August 1, 2012

**A Personal Collection of Found Materials (“as is”)
(Note: This is “not” an official legal court transcript)
(Dialog spacing done below for format and reading ease)**

In Session

<https://www.facebook.com/InSession>

August 1

Kathleen Savio's neighbor Tom Pontarelli is expected to be the first witness called to the stand this morning in the Drew Peterson murder trial. Court is expected to resume shortly. Follow this thread for live updates on the events in court.

In Session

Cameras aren't allowed in the courtroom, but we have producer Michael Christian sending up to second updates from court. We will post those updates on Facebook and Twitter as soon as we get them.

August 1 at 10:01am · Like · 6

In Session

The parties are gathering in the vicinity of the Peterson courtroom, but it doesn't look as if they're ready to start within the next few minutes. Some of the defense attorneys are milling in the hallway, while a couple of the prosecutors are inside the courtroom. But much of each team is still missing.

August 1 at 10:01am · Like · 4

In Session

Prosecution PIO Chuck Pelkie has just given us the expected lineup of today's witnesses. In addition to Tom Pontarelli, Robert Akin, and Chris Wolzen, we may hear from Louis Oleszkiewicz, a paramedic or EMT who responded to the house after Kathleen Savio's body was discovered.

August 1 at 10:07am · Like · 5

In Session

Judge Burmila has just taken the bench. The prosecution asks for a few more minutes, “to plug in,” which the judge grants.

August 1 at 10:08am · Like · 2

In Session

Both sides are now ready to go. Judge Burmila sends for the jury.

August 1 at 10:09am · Like · 4

In Session

It appears that the prosecution will want upcoming witness Tom Pontarelli to identify a photograph of Stacy Peterson, to which the defense objects. Prosecutor Kathy Patton explains the prosecution’s reasons for wanting the identification.

Steve Greenberg objects, says that “there’s no reason for it.”

The judge rules for the prosecution, so they will be allowed to have Mr. Pontarelli identify the photograph.

August 1 at 10:12am · Like · 6

08/01/12: Prosecutor Kathleen Patton direct examination

In Session

All rise as the jurors enter the courtroom.

The prosecution calls Thomas Pontarelli as its next witness.

The direct examination will be by prosecutor Kathy Patton.

August 1 at 10:14am · Like · 2

In Session

Thomas Pontarelli takes the stand. He lives in Bolingbrook (with his wife, his son, Nick, and

other family members).

Prosecution: "Do you know Drew Peterson?"

Pontarelli: "Yes, I do." He identifies the defendant inside the courtroom.

August 1 at 10:32am · Edited · Like · 1

In Session

Pontarelli says Drew and Kathleen Savio Peterson moved in next door "in approximately 1999."

He identifies a photograph of Kathleen Savio.

August 1 at 10:15am · Like · 2

In Session

Prosecution: "Did you become friends with the Petersons?"

Pontarelli: "Yes, we did."

Prosecution: "Did your wife also become friends with them?"

Pontarelli: "Yes . . . we had neighbor barbeques, we went to Lake Geneva together, and a camping trip, out to dinner, things like that, holidays."

Prosecution: "You knew that he was a police officer?"

Pontarelli: "Yes."

At some point, he came to realize that the Petersons were undergoing divorce proceedings.

Pontarelli: "She [Kathleen] was attending school to become a nurse."

Prosecution: "Are you aware that the first portion of the divorce was final before Kathleen's death?"

Pontarelli: "Yes."

Prosecution: "Who were the children living with at that time?"

Pontarelli: "They were living with Kathy."

He says Drew moved to a new home "down the block and around the corner...a block and a

half [away], or two blocks.”

At this time, Drew was married to Stacy Peterson. He now identifies a photograph of Stacy Peterson.

August 1 at 10:20am · Like · 3

In Session Pontarelli says his house and the Savio house were “about 15 feet apart.”

Using a laser pointer he notes on a projected photograph the two homes.

August 1 at 10:21am · Like · 2

In Session

Prosecution:

“In early 2002, about the time the marriage began to break up, did Kathleen ask you to do anything with a lock in her house?”

The witness starts to answer, “Yes, she did” ... but before he can go any further, the defense objects.

The attorneys are now all at a sidebar.

August 1 at 10:22am · Like · 2

In Session

The sidebar ends, and Pontarelli confirms that Kathleen Savio asked him to install a lock “on her bedroom door.”

He identifies a photograph of the door and lock in question.

The photo shows a hole in the door, but the witness says he had nothing to do with that.

August 1 at 10:23am · Like · 2

In Session

Mr. Pontarelli is shown another photograph.

Pontarelli: “That looks like the door we just seen; that’s the inside of the door.”

Once again, the photograph shows a hole that the witness said he didn't have anything to do with.

Prosecution: "There are scratches on the inside of the latch lock."

"And also there are scratches around the hole?"

Pontarelli: "Yes. There are scratches on the lock."

Prosecution: "Was that like that the day you installed it?"

Pontarelli: "No."

August 1 at 10:25am · Like · 3

In Session

Prosecution: "Did the defendant call you about a new lock on the front door at any time?"

Pontarelli: "We had a conversation about that, yes...it was on the phone...he called me."

Prosecution: "What, if anything, did he tell you?"

There is a defense objection to this, which is sustained.

Prosecution: "What did he say to you?"

Pontarelli: "That he didn't want me helping her change the locks...I said that I got his message...this was about the front door, and he told me not to be changing the locks on the front door. And I told him I didn't do it."

August 1 at 10:27am · Like · 3

In Session

At one point (he can't remember the date), the witness helped Savio move some things from her home into his garage. Drew showed up while this was going on.

Pontarelli: "He told me he didn't want anyone moving my stuff, and 'any friend of hers was an enemy of mine.'"

August 1 at 10:28am · Like · 2

In Session

The witness last saw Savio alive on the afternoon of Saturday, February 28, 2004. They had a conversation when the Pontarellis returned from a vacation; they spoke briefly outside her home.

Prosecution: "Did you ever see Kathleen Savio alive again?"

Pontarelli: "No."

August 1 at 10:28am · Like · 3

In Session

On Saturday evening, the Pontarelli family went to a party, returning approximately 12:20 am. When they returned, he noticed "her bedroom light was on."

Prosecution: "Is that the only light you saw on?"

Pontarelli: "Yes."

Using a photo and a laser pointer, the witness points out this bedroom window.

Prosecution: "Did you say anything about that?"

Pontarelli: "Just that she must have been up studying."

Prosecution: "Did you see any other lights on in the house?"

Pontarelli: "No."

Prosecution: "Any outdoor lights on?"

Pontarelli: "No."

August 1 at 10:31am · Like · 3

In Session

Around 10:00 pm on Monday, March 1, "my wife got a call from Drew."

Peterson reported that he couldn't get a hold of Kathleen, and he was getting a locksmith. Mr. and Mrs. Pontarelli, their son (Nick), and neighbor Steve Carcerano came over.

Pontarelli: "He [the locksmith] was already working on the front door...the locksmith left, and we walked in...Steve, Mary, Nick, and myself."

Prosecution: "Was the light on inside the house?"

Pontarelli: "We had to turn the light on; I don't know who turned it on."

Prosecution: "Where did you go?"

Pontarelli: "I went down the hallway, through the kitchen, and to the service door entrance to the garage. I opened the service door to see if the car was there...then I heard screaming...I went up the stairs."

At this time, Drew "was standing in the voyeur, right next to the front door."

August 1 at 10:35am · Like · 3

In Session

Pontarelli ran by Drew and started up the stairs.

Prosecution: "Did he follow you?"

Pontarelli: "Yes."

August 1 at 10:35am · Like · 3

In Session

Using a laser pointer, the witness points out on a home diagram where Peterson was standing. He then identifies a photo of "the entrance to her bedroom, Kathleen's bedroom." When he came in, there was a light turned on.

Prosecution: "What did you do?"

Pontarelli: "Went into the bathroom."

He now identifies a photograph of the bathroom door.

Prosecution: "Is that the entrance from the bedroom?"

Pontarelli: "Yes ...I seen Kathy laying in the tub."

He now identifies a photograph of Savio lying in the tub.

Prosecution: "What did you observe about her body in the tub?"

Pontarelli: "I didn't observe nothing, except there was no towel there...it was clean, pristine, no ring around the tub, no soap scum. It was clean."

Prosecution: "Did you see water in the tub?"

Pontarelli: "No...I made a comment, 'Where was her clothes that she had on, that she was going to put on?' There was no rug, there was no towel."

Prosecution: "Where was the defendant at that time?"

Pontarelli: "Standing next to me."

Prosecution: "What did the defendant do when he entered the bathroom?"

Pontarelli: "He checked her pulse, her wrist...he said, 'What am I going to tell my children?'...Mary and Steve left, and I stayed up there with Drew. Then we walked out to the landing right outside the bedroom door ...he made a phone call; I believe it was his cell phone...he says to the person that he just found his wife dead in the bathtub, and people are going to think he did it."

August 1 at 10:42am · Like · 2

In Session

At this point, Pontarelli left Drew there and went home. He later went to Steve Carcerano's home.

Prosecution: "When you said you didn't know when Nick left after he'd been upstairs, did he remain upstairs?"

Pontarelli: "No."

Prosecution: "So Nick left the area of the second floor while you were still up there, and your wife also?"

Pontarelli: "Yes."

Prosecution: "You and the defendant were the only ones up there at the time?"

Pontarelli: "Yes."

August 1 at 10:43am · Like · 1

In Session

"No other questions." This ends the direct examination.

Look for new thread as defense begins cross-examination.

August 1 at 10:44am · Like

08/01/12: Defense Attorney Joseph Lopez on cross examination

In Session

August 1

Defense begins cross-examination of Kathleen Savio's neighbor Tom Pontarelli in the Drew Peterson trial.

Follow this thread for live updates on the events in court.

In Session

Defense attorney Joseph Lopez begins his cross-examination.

Defense: "You're married to Mary Pontarelli, and have a son named Nick?"

Pontarelli: "Yes."

Defense: "The house Drew moved into was some time in 1999 or 2000?"

Pontarelli: "'99."

Defense: "They lived right next door to you, and you spent time with them, right?"

Pontarelli: "Yes."

Defense: "Drew was a fun person, a nice guy to you?"

Pontarelli: "Yes, he was."

Defense: "You were friends?"

Pontarelli: "Yes."

Defense: "He was mad you and Steve had moved his stuff out of the house and into the garage?"

Pontarelli: "Yes."

Defense: "He felt that was a violation?"

Pontarelli: "Yes."

Defense: "That men shouldn't do that to one another?"

Pontarelli: "Yes."

Defense: "And your wife was best friends with Kathy?"

Pontarelli: "Yes...I was in the middle."

Defense: "You really wanted to stay out of it?"

Pontarelli: "Right...I just tried to help each other out, remain neutral...it wasn't easy."

Defense: "You would hear things from your wife about Drew?"

Pontarelli: "Right."

Defense: "You didn't know if they were true or not?"

Pontarelli: "None of my business."

August 1 at 10:49am · Like · 3

In Session

Defense: "You understood why he was mad, right?"

Pontarelli: "Sure."

Defense: "He really didn't want you to have anything to do with Kathy?"

Pontarelli: "Nothing...he didn't want me to help her."

Defense: "In the beginning, when Drew moved out, that was sometime in 2002?"

Pontarelli: "Yes."

Defense: "Drew got remarried?"

Pontarelli: "Yes."

Defense: "Kathy got a boyfriend, Steve?"

Pontarelli: "Yes."

Defense: "You and Mary and Kathy and Steve go out?"

Pontarelli: "Yes."

Defense: "Things settled down eventually between Drew and Kathy?"

Pontarelli: "Yes."

Defense: "In fact, he lived down the street, a few blocks...you'd see him in the neighborhood?"

Pontarelli: "Yes."

Defense: "You'd wave?"

Pontarelli: "Yes."

Defense: "He wouldn't give you the finger or anything like that?"

Pontarelli: "No."

August 1 at 10:52am · Like

In Session

The witness denies that he has any animosity toward Peterson ("we were friends . . . we talked").

Defense: "When Drew moved out, there was a big interruption between you and Drew?"

Pontarelli: "We didn't see each other as much ...one time I had a clogged drain, and I had to go to Drew's house; he had a power router...he was cordial."

Defense: "So after Drew moved out, you'd been to the new house?"

Pontarelli: "Yes, I was there...three or four times."

Defense: "When you knew Drew and Kathy, Drew worked nights?"

Pontarelli: "Correct."

Defense: "That caused friction?"

Pontarelli: "I don't know."

Defense: "Drew lived in the basement?"

Pontarelli: "He had an apartment down there, yes."

August 1 at 10:53am · Like · 1

In Session

Defense: "During the divorce, in the beginning, Drew and Kathy would play goofy games against each other?"

Pontarelli: "They each had their own tactics, I guess you could say."

Defense: "Each one trying to get the upper hand?"

Pontarelli: "Yes."

Defense: "You don't really want to be here testifying today, do you?"

Pontarelli: "Not really, no."

August 1 at 10:54am · Like · 2

In Session

Defense: "Do you remember when it was that Kathy started her relationship with Steve?"

Pontarelli: "Not off hand, no."

Defense: "In February, 2004 you took your family to Orlando?"

Pontarelli: "Yes." Defense: "You came back on a Friday, do you remember that?"

Pontarelli: "I don't remember the date, but we came home...I believe it was a Friday."

Defense: "You saw Kathy the next day?"

Pontarelli: "I saw Kathy."

Defense: "It was a Saturday?"

Pontarelli: "I don't remember...I remember her in our driveway, so she came up to us."

Defense: "You had plans to go out that evening?"

Pontarelli: "Yes...some type of get together."

Defense: "You invited Kathy to come with you?"

Pontarelli: "Not me personally...I believe it was Mary...she didn't come."

Defense: "There was an invitation, and she declined the invitation?"

Pontarelli: "You're correct about that."

August 1 at 10:57am · Like

In Session

The Pontarellis left for the party around 6:00 pm. When they returned shortly after midnight, they saw a light on in Savio's bedroom.

With the use of a photograph, Mr. Pontarelli describes the view of the Savio home that he would have seen when he returned that night.

Pontarelli: "I would say it was about 12:20."

Defense: "Then you went into your house?"

Pontarelli: "Right."

Defense: "You rose the next morning?"

Pontarelli: "Yes."

Defense: "Do you remember if you saw any vehicles in the [Savio] driveway?"

Pontarelli: "That night? There were no cars in the driveway."

Defense: "That night, you didn't hear anything unusual?"

Pontarelli: "No."

Defense: "No doors slamming, screaming, scuffles, motor noise from a car, banging or crying?"

Pontarelli: "No."

August 1 at 10:58am · Like · 1

In Session

Sunday morning he got up about 8:00.

Pontarelli: "We would have Sunday dinners; every once in a while we would invite [Savio] over."

Defense: "Did Mary call her, or did you call her?"

Pontarelli: "I believe my wife sent Nick over there to invite her over for dinner."

Defense: "And Nick came back and said there was no response?"

Pontarelli: "Correct."

August 1 at 10:59am · Like

In Session

He was home Monday, March 1, but didn't see or hear from Kathy.

That evening, Drew called Mary, to see if she'd heard from Kathy.

Pontarelli: "It was 9:30ish, something like that, in the evening."

Defense: "Did Mary go over to the house and knock on the door?"

Pontarelli: "I don't recall."

Defense: "Did you do anything to see if Kathy was home at that time?"

Pontarelli: "No, I did not...all I know is that Mary received a call from Drew, stating he'd been trying to drop the kids off, wasn't able to get a hold of Kathy, and had a locksmith coming over...he wanted Mary there, just in case of anything...when I showed up on the front porch, the locksmith was already working on the front door."

August 1 at 11:01am · Like

In Session

Defense: "Remember Drew saying that he didn't want to go in there, in case something was wrong?"

Pontarelli: "I don't remember hearing that, but that was why."

Once again, Mr. Pontarelli describes how they entered the house.

Pontarelli: "I believe Steve and Mary went in first; Nick was with me."

Defense: "Know who turned the light on?"

Pontarelli: "No, I do not."

August 1 at 11:02am · Like

In Session

When he entered the house, Drew remained in the foyer.

Pontarelli: "My intention was to go right to the garage...I went through the kitchen without seeing anything."

Defense: "There was a deadbolt on the garage?"

Pontarelli: "Yes...it's a latch lock... from the garage, there's a key."

Defense: "Did you install that?"

Pontarelli: "No."

Defense: "That door was locked, wasn't it?"

Pontarelli: "Yes."

Defense: "And you saw her vehicle there?"

Pontarelli: "Yes."

Defense: "Did you open the door to see if she was in there?"

Pontarelli: "Yes."

Defense: "And you didn't see her, did you?"

Pontarelli: "No." He says that his son, Nick, was with him at this time, adjacent to the mud room/laundry room.

Defense: "You told us you heard a scream?"

Pontarelli: "Yes."

Defense: "That was your wife screaming?"

Pontarelli: "Yes...I don't remember what she said; I heard screaming."

Defense: "At the time you heard this, you were on your way to go up the stairs to the second floor?"

Pontarelli: "I was still in the laundry area."

Defense: "You ran past Drew, and you, Drew, and Nick went up the stairs?"

Pontarelli: "We ran up the stairway past Drew, and Drew came up behind us, like two or three

steps.”

August 1 at 11:08am · Like · 1

In Session

Pontarelli: “As soon I went in to the master bedroom, Mary was there.”

Defense: “And you made observation of Kathy in the tub?”

Pontarelli: “Yes.”

Defense: “Drew appeared upset and shocked?”

Pontarelli: “Seemed upset, yes.”

August 1 at 11:08am · Like · 1

In Session

Defense: “After the discovery of Kathy in the tub, you and Steve and Drew waited for the paramedics?”

Pontarelli: “No...I stayed up there with Drew...they [the others] left.”

He repeats that he heard Drew ask, ‘What am I gonna tell my kids?’”

August 1 at 11:09am · Like · 1

In Session

Defense: “Drew made a phone call?”

Pontarelli: “Yes.”

Defense: “And he said, ‘They just found my ex-wife dead in the bathroom, and people are going to think I did it?’”

Pontarelli: “Yes...he didn’t want to go into the house alone.”

Defense: “Because he thought he’d be blamed if something was amiss?”

Pontarelli: “Probably.”

August 1 at 11:10am · Like · 2

In Session

Defense: "Safe to say that you were a bit concerned about Kathy, too, before you went in the house?"

Pontarelli: "Yes."

Defense: "Because that was a bit unusual?"

Pontarelli: "Yes."

The witness is then asked about a November, 2007 interview he had with two Illinois State Police troopers.

Defense: "Remember telling them that you waited with Drew and Carcerano in the master bedroom until the paramedic arrived?"

Pontarelli: "No, I do not remember that."

Defense: "Do you remember the paramedics coming?"

Pontarelli: "I was already out of the house by then, but they came right after I left."

Defense: "Remember telling the troops that once the paramedics arrived you left the residence with Carcerano?"

Pontarelli: "No, I don't."

August 1 at 11:12am · Like

In Session

Defense: "During your conversation, you never mentioned to these troopers anything about any missing towels?"

Pontarelli: "Not that I recall."

Defense: "You noticed there were no clothes on the floor?"

Pontarelli: "Right."

Defense: "You don't know what Kathy was doing before she went into that bathroom?"

Pontarelli: "That's right...don't know."

Defense: "All you notice is there weren't any clothes on the floor?"

Pontarelli: "That's right."

Defense: "You didn't mention anything to them about a bath mat, either, like a rug?"

Pontarelli: "I don't recall what I said to them."

August 1 at 11:13am · Like

In Session

Defense: "The night it happened, you, Mary, and Steve went to Steve's house?"

Pontarelli: "Yes."

Defense: "You went to his basement?"

Pontarelli: "Right"

Defense: "Everybody was upset and shocked?"

Pontarelli: "Yes."

Defense: "Before you left, you also spoke to the Bolingbrook police?"

Pontarelli: "Did not."

Defense: "Did there come a time you spoke to the Bolingbrook police?"

Pontarelli: "Did not."

Defense: "Remember an Ofc. Sud (?) from Bolingbrook being there that night?"

Pontarelli: "No."

Defense: "Remember a Bolingbrook police car at Kathy's house, before the state police arrived?"

Pontarelli: "I think so, yes."

Defense: "Remember speaking to this Ofc. Sud (?) in the kitchen area of the house?"

Pontarelli: "I don't."

August 1 at 11:16am · Like · 2

In Session

The witness repeats that he has no memory of speaking to a Bolingbrook police officer on the night in question (“I don’t remember”). Despite a lengthy series of questions about things he allegedly said that night, nothing jogs his memory.

Prosecutor Patton objects, and the parties go to a sidebar.

August 1 at 11:16am · Like · 2

In Session

The sidebar ends.

Once again, attorney Lopez asks Mr. Pontarelli about things he might have said to a Bolingbrook police officer on the night in question; again, Pontarelli says he has no memory of ever speaking to any such officer that night.

“I don’t remember telling a Bolingbrook policeman anything; I don’t remember ever speaking to a Bolingbrook police officer.”

August 1 at 11:18am · Like · 2

In Session

Pontarelli acknowledges that in late November, 2007 he spoke to some Illinois State Police troopers.

Defense: “The evening that Kathy was found, while you were in Steve’s basement, it was you, Steve, your wife, and Steve’s wife?”

Pontarelli: “Yes... but they spoke to us separately... I remember two guys, but I don’t remember their names.”

Defense: “And they asked you questions about Drew and Kathy?”

Pontarelli: “Yes.”

Defense: “And you told them about the history of the divorce?”

Pontarelli: “I’m sure I did...I’m not sure what they asked me.”

Defense: “But you do remember these two detectives asking you numerous questions about the relationship between Kathy and Drew?”

Pontarelli: "Yes."

Defense: "And they were focusing on Drew?"

Pontarelli: "No."

Defense: "And you were answering their questions?"

Pontarelli: "To the best of my ability."

August 1 at 11:22am · Like · 1

In Session

Defense: "You didn't mention anything about the towel, about the soap scum, about not seeing any clothes?"

Pontarelli: "I don't know...whatever they put in their notes...I don't remember; whatever their notes say."

Defense: "Would you like to see the notes, to refresh your memory?"

Pontarelli: "Sure."

Pontarelli is given a copy of the police report in question.

August 1 at 11:23am · Like · 2

In Session

At this time, Judge Burmila decides to call the morning recess.

Court is in recess for ten minutes, until 10:30 CT.

Check the In Session page for another thread with live updates once court resumes.

August 1 at 11:24am · Like · 1

In Session

August 1

Defense continues its cross examination of Kathleen Savio's neighbor Tom Pontarelli in the Drew Peterson trial.

Follow this thread for live updates on the events in court.

In Session

Judge Burmila has just returned to the bench.

He sends for the jury and the witness.

August 1 at 11:46am · Like · 1

In Session

Defense attorney Joseph Lopez resumes his cross-examination of witness Thomas Pontarelli.

Defense: "When you were speaking to police that evening, you didn't mention that Drew was on the phone and said that people would think he did it?"

Pontarelli: "I don't remember."

The witness is then shown a copy of the police report in question (which he reads silently to himself).

Defense: "You didn't see any of those things in there?"

Pontarelli: "Correct."

August 1 at 11:51am · Like · 1

In Session

Defense: "On November 27, 2007, you didn't mention about the towel, the bath mat, or any soap scum that day?"

Pontarelli: "I don't remember, but it's hard to believe that I didn't."

Defense: "Would you like to see a police report from that day?"

Pontarelli: "Sure."

Once again, Mr. Pontarelli is handed a police report pertaining to the interview in question, which he starts reading silently. But to save time, both sides stipulate that the information at issue is indeed not mentioned in this particular police report.

August 1 at 11:53am · Like · 1

In Session

The witness identifies a photograph of a lock, says that he installed it.

Defense: "That's from the inside of the master bedroom?"

Pontarelli: "Right."

Defense: "You didn't make those marks on the door?"

Pontarelli: "I did not."

Defense: "What was in that hole before?"

Pontarelli: "Nothing, it was a solid door."

Defense: "You don't know when that hole was made?"

Pontarelli: "I don't remember."

Defense: "You don't know who made it, or when it was made?"

Pontarelli: "Right."

Defense: "All you know is you didn't make that hole?"

Pontarelli: "Correct."

August 1 at 11:55am · Like · 1

In Session

In another photo, the witness is asked to point out a cat.

"That was Kathy's cat?"

"I don't know."

August 1 at 11:56am · Like · 1

In Session

The witness is shown still another photograph.

Defense: "Did you know that your son, Nick, took that photograph?"

Pontarelli: "I have heard that."

The witness acknowledges that he's met with police "a couple of times" prior to his testimony.

August 1 at 11:56am · Like · 1

In Session

Defense: "In Mr. Carcerano's basement, they didn't ask you anything about that hole [in Savio's bedroom door]?"

Pontarelli: "No."

Defense: "Is this the first time you've been asked about the hole?"

Pontarelli: "Other than the hearsay trial, yes."

Defense: "Did any investigators ever come to your house and ask you about that hole?"

Pontarelli: "I can't remember."

August 1 at 11:58am · Like · 1

In Session

In October, 2008, the witness was apparently questioned by an investigator about "the installation of a deadbolt on the bedroom door."

Pontarelli: "I do not remember."

Defense: "Remember you telling her that you were asked to install a deadbolt lock on the bedroom?"

Pontarelli: "No."

Defense: "When was the first time you saw that photograph of the door, with the hole?"

Pontarelli: "I don't remember."

Defense: "Was it two or three years after she was discovered in the bathtub?"

Pontarelli: "No...when did I discover the hole was there? That was prior to her passing, so it had to be 2003."

Defense: "So before you entered in 2004, that hole had to have been there before?"

Pontarelli: "Oh, yes, that hole was there already...it was [there] before, yes."

August 1 at 12:01pm · Like · 1

08/01/12: Prosecutor Kathleen Patton redirect examination

In Session

There are no more questions on cross-examination.

So, after a pause, Kathy Patton begins her redirect.

Prosecution: "It's very nerve-racking to be here, isn't it?"

Pontarelli: "Yes."

Prosecution: "That's the reason you don't want to be here?"

Pontarelli: "Yes."

Prosecution: "You have been willing to come and testify in this case, haven't you?"

Pontarelli: "Yes."

August 1 at 12:03pm · Like

In Session

The witness repeats that he and Drew Peterson generally got along.

Prosecution: "But there was a time, wasn't there, when you were questioned by the defendant about changing the locks that you felt he was intimidating you?" Objection sustained.

?Defense: "Did there come a time when you felt intimidated by him?"

Pontarelli: "~~Yes...we had a conversation; he accused me of changing the locks on the front door. I says I didn't, but I got his message...I found a .38 bullet out on the driveway.~~"

Attorney Greenberg objects, and the judge asks the jurors and witness to leave the courtroom.

August 1 at 12:05pm · Like · 2

In Session

The witness/jurors are now gone.

Attorney Greenberg says this is a prior bad act that is not admissible in trial.

Judge Burmila to prosecutor: "Are you going to be able to prove that the defendant left that bullet in that driveway?"

Patton: "No."

"What is the purpose of trying to let this jury think this defendant put a bullet in this driveway to send a message to this witness? Why would you do that?"

Greenberg: "Judge, I think we're going to have to ask for a mistrial."

Judge: "All right, we'll take a break so you can discuss this."

The judge leave the bench.

August 1 at 12:08pm · Like · 1

08/01/12: Defense Team Asks for a Mistrial

In Session

August 1

Drew Peterson's defense team has asked Judge Burmila for a mistrial after witness Tom Pontarelli testified about finding a .38 bullet in his driveway.

Pontarelli said the bullet was placed there by Peterson in an attempt by to intimidate him. Defense attorney Steve Greenberg says it is a highly prejudicial prior bad act that is not admissible at trial. Watch this thread for live updates from court.

In Session

Judge Burmila is back on the bench.

Greenberg: "On behalf of Mr. Peterson, we're asking for a mistrial...with jeopardy attached...it was mentioned at the prior hearsay hearing, a question was asked, there was an objection, there was no follow-up. There's no way of showing that Mr. Peterson did this///this is not negligence, inadvertence, or overzealous advocacy; this is intentionally bringing before the jury evidence the court had excluded...evidence that everyone knows is improper in a criminal trial. It's intentional...the only reasonable sanction is for you to find a mistrial with prejudice, and that's what we're asking for."

August 1 at 12:33pm · Like · 4

In Session

Prosecutor Kathy Patton responds. "To say that we were somehow trying to lead the jury... clearly, we were not ever going to suggest to this jury that that door was cored that evening. So I don't know how you can lump that in with this. We wish to show her [Savio's] fear, that's why she had the door done. And counsel brings up the hit man...we are preparing a motion; we believe we had good reason to bring that evidence into this case. We certainly have a good argument to make to get that evidence in. In regard to what happened this morning, I was just asking questions about what happened...we did not deliberately try to put that in. But counsel continues to impress upon the jury how close these people [Peterson and Pontarelli] were, how he held nothing against him...at the end of the day, you'd think they were so close...this witness told them in this report that he was intimidated by the defendant, because of this incident that occurred. He said he had a conversation with Drew, and he told him he didn't change the lock. 'I got your message last night'...he would not have been intimidated if he completely trusted Drew, if he had this wonderful relationship with him. But because he did not, the first thing that came to his mind was that it was Drew. That's how he responded to something that he saw."

August 1 at 12:39pm · Like · 5

In Session

Patton denies that "a bell has been rung that can't be un-rung."

She says that an instruction from the judge to the jury can take care of this situation.

"We would ask the Court find this is not reason for a mistrial in this case, that this can be cured either by allowing the State to finish the examination, to show that this witness did see something and thought Drew did it, even though he had no idea if he did. Or the Court can ask the jury to disregard that statement; it was in no way intended for any other reason than to rehabilitate this witness and his relationship with the defendant."

August 1 at 12:41pm · Like · 1

In Session

Greenberg responds to Patton's comments.

"What is the relevancy of the scratches around the door? If the State knew it was there since 2003, why are they bringing it up? Had Mr. Lopez not asked that one question, this jury would be back there thinking she was locked in that bedroom and someone came in...that hole in the door had absolutely nothing to do with this case. They want to benefit from this...there's been rulings; they shouldn't be able to benefit by goading us into asking for a mistrial."

August 1 at 12:43pm · Like · 1

In Session

Greenberg repeats that the State has “absolutely no evidence” that any bullet in Tom Pontarelli’s driveway was placed there by Drew Peterson.

“We’re asking for a mistrial with prejudice, that they not be allowed to benefit from their own actions...it’s absurd, and we’re asking for a mistrial.”

Patton responds, insists “there is no intent here.”

August 1 at 12:45pm · Like · 1

In Session

Judge Burmila first addresses the issue of the hole in the door.

“I don’t see the problems the defendant claims exist with regards to the question about the hole in the door...in regards to the question about the hit man, the State is always able to ask the Court to reconsider its rulings...that leads us, however, to the incident that just occurred, which is completely troubling to the Court. I have to say that their [the State’s] argument makes absolutely no sense to the Court whatsoever...it makes no sense whatsoever, the argument the State just put forward...I’m going to take the motion under advisement, and I’ll have a ruling for you at 1:15.”

August 1 at 12:52pm · Like · 3

In Session

August 1

We are awaiting the judge’s ruling on the defense’s motion for a mistrial in the Drew Peterson murder trial at 2:15 ET. Witness Tom Pontarelli testified Wednesday about finding a .38 bullet in his driveway. Pontarelli said the bullet was placed there by Peterson in an attempt to intimidate him. Defense attorney Steve Greenberg says it is a highly prejudicial prior bad act that is not admissible at trial. Watch this thread for live updates from court.

In Session

The hallway outside Judge Burmila’s courtroom is a beehive of activity, as spectators and media folks gather to get into the courtroom. I can see through the courtroom door that several of the defense attorneys are already inside, and are assembled at their table. On the other hand, the entire prosecution team is huddled in an adjacent courtroom.

August 1 at 2:13pm · Like · 8

In Session

Prosecutor Kathy Patton has now entered the courtroom.

August 1 at 2:14pm · Like · 5

In Session

Will County State's Attorney James Glasgow has just entered the courtroom.

August 1 at 2:16pm · Like · 2

In Session

There are more people in the overflow courtroom than we had for opening statements. Even some members of the court's media office have come in, so that they can hear Judge Burmila's ruling firsthand.

August 1 at 2:23pm · Like · 3

In Session

Judge Burmila has just taken the bench.

"In reviewing the appropriate case law...there are a few things I think the Court has to take into account. One of them is the manner in which the complained of testimony came to be in this case. Having sat in the seat of prosecutors and defense counsel, I understand during the course of any prosecution the people have a habit of becoming single-minded...the State Attorney cannot be single-minded, because he also has the duty to ensure that the defendant gets a fair trial. In this particular instance, there's no doubt in my mind that the testimony they presented was a low blow, and should not have been presented to this jury. However, courts are also loathe to grand mistrials...in this particular instance, in the Court's mind, there's another sanction, which would be to strike in total the testimony of that witness [Tom Pontarelli]...so the momentary delay is of no importance to me; getting this right and making sure Mr. Peterson gets a fair trial is what's important. So we're going to take a little bit of a delay, and I want to hear from the defense of the sanction I'm proposing affects their case, given that they conducted cross-examination."

The defense is offered the use of another room to discuss this issue, after which they will presumably come back to the courtroom.

August 1 at 2:27pm · Like · 4

In Session

During this break, the defense team is holed up in Courtroom 401, which is directly next to the overflow courtroom. Because the defendant is inside with his attorneys, there is a deputy posted directly outside 401's front door.

The prosecution team is now gathered in Courtroom 402, which is a bit down the hall.

August 1 at 2:37pm · Like · 2

In Session

It appears that the attorneys are heading back into the courtroom.

August 1 at 2:40pm · Like · 4

In Session

Now some of the attorneys from both sides have left the courtroom again.

It may be a while before this is all resolved...

August 1 at 2:52pm · Like · 2

In Session

Defense attorney Steve Greenberg is in the trial courtroom.

But most of the defense team – including the defendant, based on the presence of courthouse deputies – is back in conference in an adjoining courtroom.

August 1 at 2:57pm · Like · 5

In Session

Once again, it appears that the attorneys are all going back into the courtroom.

August 1 at 3:06pm · Like · 3

In Session

Judge Burmila is back on the bench.

Attorney Joel Brodsky: "We'd like to request an adjournment until tomorrow morning at 9:00, so we have an opportunity to consider our options and do some legal research."

The prosecution has no objection, so the trial is in recess until tomorrow morning at 9:00.

August 1 at 3:14pm · Like · 1

In Session

August 1

Court is in recess for the day in the Drew Peterson murder trial. In Session's live coverage of the trial will continue tomorrow morning at 9a.m. ET.

In Session

Judge Burmila has changed his mind, decides that he wants to address the jurors himself. He tells them that a legal issue has come up that the attorneys would like to research further.

"I'm going to discharge you for the rest of the afternoon."

With that, the jurors are officially released, and they leave the courtroom.

August 1 at 3:19pm · Like · 11

In Session

August 1 via HootSuite

In Session's live coverage of the Drew Peterson trial will continue at 9am ET on truTV.

In Session

August 2

Day 3 of the Drew Peterson murder trial is scheduled to begin at 10 a.m. ET.

The defense is expected to argue again for a mistrial with prejudice. Judge Burmila suggested yesterday that the defense consider the possibility of striking witness Tom Pontarelli's testimony from the record as a remedy for the prosecution having elicited testimony that was ruled to be inadmissible.

Follow this thread for live updates on the events in court.

In Session

There's a lot of anticipation in the hallway outside the Peterson trial courtroom, as people jockey to get in this morning.

August 2 at 9:47am · Like · 6

In Session

The prosecution team has just arrived; lead prosecutor James Glasgow is standing right outside the courtroom, speaking to some deputies.

August 2 at 9:57am · Like · 3

In Session

Steve Greenberg just walked into the overflow courtroom.

In answer to a reporter's question, "What's happening?"

Greenberg responds, "Nothing's happening. The judge is going to deny our motion. And then we'll go another two hours, and they'll [the prosecution] screw up again."

August 2 at 10:03am · Like · 3

In Session

Chuck Pelkie has just informed us that the attorneys are talking to the judge in the back hallway behind the courtroom.

"They should get going pretty soon."

August 2 at 10:21am · Like · 4

In Session

Judge Burmila has just taken the bench.

"Good morning everyone...the matter comes on in regard to a memorandum filed yesterday regarding a double jeopardy issue and a motion for a mistrial. Is someone going to address that?"

Attorney Steve Greenberg responds: “We are still seeking a mistrial, a mistrial with prejudice. We don’t want to just simply come back and start over. I think it’s justified, because in the two days we’ve been here, not only have we got these instances like with the bullet yesterday, which I think is just so outrageously prejudicial...it’s as if they’d said to the witness, ‘Hey, do you know Mr. Peterson likes fishing?’ and the witness said ‘One day I got a box with a fish in it, it made me feel intimidated.’ ‘Do you have any evidence that he didn’t send the box?’ ‘No, I don’t have any evidence that he didn’t send the box’...it’s undeniably prejudicial. They’re trying to show the fear that Kathleen Savio went through...[but] her fear is not admissible. They’re showing these instances, and they can’t tie it up.”

August 2 at 10:30am · Like · 1

In Session

Greenberg continues to argue for a mistrial with prejudice.

“They have no evidence that Drew Peterson made that hole [in Kathleen Savio’s bedroom door]...are they hoping that if we spend 15 minutes talking about this hole in the door maybe it’ll get lost? I know this isn’t the grand jury situation, but I know there are many cases where prosecutors present deceptive evidence before the grand jury. It’s a due process question at that point, whether the prosecutor has mislead the grand jury...they are going to try and continue at this trial to put in evidence that people were fearful of Mr. Peterson...and it has nothing to do with anything. We’re two days into this trial, and they’re doing it. And they’re trying to show her fear, trying to show his [Tom Pontarelli’s] fear...so far, we have a jury that thinks everybody’s afraid of Mr. Peterson. How is that fair to Mr. Peterson? How is that fair at all? They want to make everyone think he’s a bad guy.”

August 2 at 10:33am · Like · 2

In Session

Greenberg continues: “Jurors can’t un-ring the bell. It’s a fallacy. If this were a bench trial, we’d have said go ahead. But it’s a jury trial...and the prosecution wants to show things they know they can’t show. To me, that’s intentional...and they want to start over. That’s why they did it, Judge. We would like a mistrial with prejudice...it’s appalling; we don’t think it’s fair that we have to continue. We don’t think your solution of striking the testimony...I couldn’t find any support for that. I have not seen any basis in a criminal case for striking testimony like this, and it won’t solve the harm that’s occurred...we tried to follow the rules, to bring all of this in pre-trial motions to the Court’s attention...you kept saying, ‘I can’t rule pre-trial, they know the rules.’ Well, they obviously don’t know the rules...this is the time to stop it...we’d like a ruling on the mistrial before we go any further.”

August 2 at 10:38am · Like · 2

In Session

Prosecutor Chris Koch responds for the State of Illinois:

“When he stands here and argues how we’re intentionally misleading the jury, he’s intentionally misleading the ruling from Judge White.”

He reads from a transcript reflecting Judge White’s previous ruling regarding prior bad acts.

“This testimony the State wants to bring in has not been barred, as Mr. Greenberg has said for the last two days.”

To this, Greenberg tries to interject a comment, but Judge Burmila asks him to wait until the prosecutor is finished.

August 2 at 10:39am · Like · 2

In Session

Koch continues. “For them to stand there and say we’re intentionally trying to mislead the jury...we never did that...we never got to that point...I don’t believe their proposition that we’re intentionally trying to mislead them about the hole in the wall has any merit. Regarding the \$25,000 [that Peterson allegedly wanted to pay a hit man], we will be filing a motion to admit that...we’ll be filing that motion this afternoon, and asking the Court to revisit that.”

August 2 at 10:43am · Like · 8

In Session

Koch continues to argue against the mistrial request by reading a transcript from a pre-trial hearing held while Judge Stephen White was still in charge of the Peterson case.

“For them to sit here and suggest that we’re trying to bring inadmissible evidence in front of the jury, Judge White has not ruled that it’s inadmissible. And in regard to the bullet testimony yesterday, you heard the explanation offered by Miss Patton...right or wrong, Your Honor gave a ruling. And the State accepts that ruling. But to sit here now and say that was intentionally done to goad a mistrial is patently absurd. They can’t have it both ways.”

August 2 at 10:45am · Like · 4

In Session

Koch: “We are two witnesses into this trial. There hasn’t been any testimony to suggest that that [bedroom] door was locked that night, and somebody broke it and broke in. The testimony has been about security. There hasn’t been testimony that she [Savio] was in fear of Mr. Peterson. The purpose of putting this testimony in is because of security. Again, they

want to speculate and suggest the State is trying to do something misleading...they want to suggest we're trying to mislead this jury; that's absurd, Your Honor."

August 2 at 10:46am · Like · 4

In Session

Koch: "The State is entitled to a fair trial, just as the defense. That's what we're trying to do... to support the position that the defendant is guilty of murdering Kathleen Savio. We're asking that you deny the motion, and we are ready to proceed today. Thank you."

August 2 at 10:47am · Like · 8

In Session

Greenberg responds: "Wow! This is a wow moment, because they're trying to say that the rules of evidence don't apply to them. I'm genuinely shocked...it's our fault? We shouldn't be up here complaining; it's shameful that we're up here complaining!"

August 2 at 10:50am · Edited · Like · 2

In Session

Greenberg continues to argue for a mistrial.

"The rules say they're supposed to give us notice, 404b, character evidence, in a reasonable amount of time before trial. They have to explain why character evidence should come in. That's the procedure. They have to give notice of it. We had hearings on it. And now they say, 'Well, Judge White found that it wasn't a bad act.' Judge White said, 'It's out as a bad act.' If it's not a bad act, what is it? And why aren't they addressing the Court outside of the presence of the jury...they were trying to sneak that in...they don't know the rules of evidence, and I'm sorry, they don't think they have to follow the rules of evidence, 'that doesn't apply to us.' These are not intentional violations of court orders? Then what are they? They're violations of court orders that they agreed with? You found it was intentional, Judge."

August 2 at 10:53am · Like · 1

In Session

Greenberg: "We're going to be sitting here, 'objection, objection, objection,' and the jury's going to be going on. Very specific rulings from Judge White, 'It's not coming in.' We can't object until the question comes out; that's the problem, Judge. I'm starting to question about the bone fides of doing things the right way...I've never seen people who think they can ignore the rules of evidence, ignore the rulings of Court, and just go on and do what they want

to do. What are the jurors going to think? The questions stick in their minds, just like the answers. They can do it on direct. And that's what they're going to do."

August 2 at 10:55am · Like

In Session

Greenberg: "The Court was very specific regarding statements from people about whether Kathleen Savio was afraid...that was the ruling. So I don't just make this motion based on what they've already done; I make it based on what they say they're going to do also. If you let this trial go on, it's going to be an unfair trial."

August 2 at 10:56am · Like · 1

In Session

Greenberg: "With the bullet, they're trying to get in Mr. Pontarelli's state of mind...whether at some point he was afraid of Drew has nothing to do with what he observed that particular evening...his state of mind is not relevant. Ms. Savio's state of mind when she slipped and fell in that tub is not relevant... 'everyone was afraid of Drew Peterson, so he must have done this.' I'm done."

August 2 at 10:58am · Like

In Session

Judge Burmila addresses the attorneys.

"One of the matters we're going to have to deal with is what Judge White ruled, as if he came down from the mountain with tablets...whether things are admissible at trial is completely different from the pre-trial hearings...I'm not clairvoyant; I don't know what else the State is going to try to elicit...one of the things Mr. Greenberg said was his fear that by objecting the jury would think we were trying to keep things from them. During jury selection, didn't I tell them that no one is trying to hide anything from them; haven't I done that?...if the State's case is entirely circumstantial, based on hearsay, they must do it under the rules of evidence."

August 2 at 11:00am · Like · 2

In Session

JUDGE DENIES MISTRIAL:

"The defense says there should be a mistrial...there's no question that the State asked that purposely, and the witness' answer was not a surprise; it was the specific answer the State

sought to elicit. However, the sanction of striking the testimony in its entirety is too severe, and might hurt the defendant more than the State...I find the State did not ask the question with the intent of causing a mistrial...so the motion for the mistrial is denied. I have drafted a cautionary instruction I intend to give the jury.”

August 2 at 11:03am · Like · 8

In Session

The attorneys are apparently reading over the judge’s proposed instruction.

The Court is now in a five minute recess.

August 2 at 11:04am · Like · 4

In Session

August 2

Judge Edward Burmila has denied the defense's motion for mistrial in the Drew Peterson case. The attorneys are reviewing a cautionary instruction for the jury right now.

Watch this thread for live updates from court.

In Session

Judge Burmila has returned to the bench.

Joel Brodsky addresses the cautionary instruction proposed by the Court.

“At the end of the first paragraph, you do say the State asked a question which they knew would draw an inadmissible answer. We think that needs to be a little bit stronger...we’d like you to add ‘this was a purposeful violation of the rules of evidence by the State.’ The next paragraph, where it states ‘the State’s Attorneys will not be allowed to continue its redirect examination of Mr. Pontararelli, we’d add at the beginning of that, ‘as a result,’ so the jury knows the State is being sanctioned.”

And he asks the judge to stress that “Mr. Peterson knew nothing about the bullet...there is absolutely no proof.”

Finally, he asks the judge to note that trials are ‘a defined process, with rules that must be obeyed.’ We think with those additions, the cautionary instruction would be sufficient.”

August 2 at 11:20am · Like · 2

In Session

Prosecutor Koch responds, argues against the requests made by the defense.

“We don’t believe it’s necessary to put in there that this was a purposeful violation.”

Judge Burmila: “The defense’s suggested wording is denied by the Court...but I will include the additional factual information about the bullet...the inclusion of the phrase “with rules that must be obeyed” will also not be granted...the only change I’m going to make is the phrase, ‘or anything regarding the bullet.’”

August 2 at 11:23am · Like · 4

In Session

The judge sends for the jurors.

Once they arrive, he will read them the cautionary instruction.

August 2 at 11:23am · Like · 2

08/02/12: Judge Burmila's Cautionary Instructions To Jury

In Session

The jurors have just entered the courtroom.

Judge Burmila greets them, and reads them the cautionary instruction in question.

“I have an instruction on the law I’m going to read to you before we proceed any further in the case. I will re-read this instruction at the end of the case. You have heard the testimony of Mr. Thomas Pontarelli...during the redirect examination, the assistant state’s attorney asked the question which she knew would draw an inadmissible response. You cannot consider any of the testimony given by Mr. Pontarelli during his redirect examination, and more specifically whether he said he had gotten a message from Mr. Peterson, felt intimidated, or anything about a bullet...the Court does not mean to suggest that you must necessarily disregard the remainder of Mr. Pontarelli’s testimony...it remains your duty to reach a verdict on the facts before you, and not on any other grounds.”

August 2 at 11:28am · Like · 3
