

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

**Robert Akin Testified on August 2, 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)**

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In Session  
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August 2

Locksmith Robert Akin takes the stand in the Drew Peterson murder trial.

Watch this thread for live updates from court.

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**08/02/12: Prosecutor Chris Koch on direct examination**

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In Session

Akin: "I'm a locksmith...for 40 years."

He briefly goes over his training in that field.

August 2 at 12:44pm · Like · 4

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In Session

Akin is being questioned by prosecutor Chris Koch.

Akin says he is a “certified, institutional, and automotive locksmith.”

He currently works for Larry’s Locksmith in Bolingbrook (of which he’s been the sole owner since 1978). Currently, he has one official employee, and his son helps him out as well.

“I do regular work for the Bolingbrook Police Department, for their maintenance...and then on occasion we will have a have a call for a wellness check...when friends, family, or neighbors might be concerned...once the house is opened, officers usually go in and make sure everything is OK.”

August 2 at 12:46pm · Like · 4

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In Session

Normally, a police officer is already at the scene when he arrives to open a door for a wellness check.

“I usually jump out of the truck and ask what they want me to do. And then I just do what they tell me.”

Prosecution: “Is there a procedure typically followed with regards to verifying if anyone’s home?”

Akin: “I usually just leave it to the discretion of the person in charge at time...I just open the door, step out of the way, and let them do their job.”

If there’s no one home, the witness has to re-lock the residence before leaving the scene.

August 2 at 12:49pm · Like · 2

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In Session

Akin’s firm “used to be a 24 hours company, but I no longer do it. It’s just too much trouble... but we try...we have cell phones, and we transfer the phone from the land line at the shop to our individual phones. So we can take calls after 5:00.”

He tries to split the schedule on a rotating basis with his one employee, Chris Wolzen.

August 2 at 12:51pm · Like · 2

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In Session

On March 1, 2004 this witness was not actually on call.

“I did get a phone call...about opening up a house.”

Prosecution: “Do you know how you were notified?”

Akin: “I don’t remember; I really don’t.”

Prosecution: “Did you agree to go to that particular location?”

Akin: “I did...I arrived and parked in front of the location...Sgt. Peterson was outside.”

Prosecution: “Do you know an individual known as Sgt. Peterson?”

Akin: "Yes, I do."

He identifies the witness in the courtroom ("the gentleman with the nice tie").

He says he's known Peterson "for almost 30 years...it's been going back years."

Prosecution: "Do you associate with the defendant on a personal level?"

Akin: "I see him through business dealings; I've run into him on occasion when he was doing his patrols...so I know him."

Persecution: "Have you ever provided any services for Mr. Peterson personally?"

Akin: "Oh, yeah...he had a bar in Montgomery; we changed the locks there. He had a printing company; we changed the locks there. I personally have not been to his house, but my associate did...my associate did most of the work for him."

August 2 at 12:56pm · Like · 3

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In Session

When he arrived at the scene, Peterson was there, in uniform.

"When I got there, he was standing out front. I said, 'What's up?' and he said that they needed the house opened. Once I get into locksmith mode, I just do my job...I get blinders."

He doesn't recall seeing any external lights on at the Savio house. He describes the "pick set" that he had with him that night.

Prosecution: "Did you learn whose house it was?"

Akin: "No, I don't remember even discussing it...I was in locksmith mode."

August 2 at 12:57pm · Like · 5

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In Session

Akin: "I went to the door knob; the door knob was locked...it was the front door; there were two locks, the deadbolt and the door knob."

Prosecution: "Is there a reason you always start with the front door?"

Akin: "I always go to the front door, because that's usually the one that's used the most. It's a little bit easier...I always start on the locked ones, because you'd hate to unlock something and find it was already unlocked."

Prosecution: "Was the front door locked?"

Akin: "It was locked...the first thing I noticed was the [knob] lock was upside down...and then, after a few minutes, I went to the deadbolt. After I picked the lock, there was absolutely no resistance when I turned it. And I said, 'Wow, this is unlocked.'"

Akin then explains how he was able to tell that the deadlock was "clearly unlocked... I went, 'Wow, this is great!' ...one less lock to worry about."

August 2 at 1:01pm · Like · 4

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In Session

The deadbolt lock was a Quickset lock ("very popular in the Lowes, the Menard's, the Home Depots").

"Then I had to go back to the door knob...I came back, and it just popped right open; it was no problem...it's just a regular door knob, with a latch, with the little push button; you push the button, and then just close the door."

Prosecution: "Where was the defendant at while you were trying to get the door unlocked?"

Akin: "He was behind me, and he pulled out his flashlight...anytime anybody wants to give me a hand, I'm all over it. It was a nice flashlight!"

He heard other people talking while he was working on the lock.

Akin: "I know there were people...but that may be because later on I knew there were people."

August 2 at 1:03pm · Like · 1

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In Session

Akin: "Most of the time I try to kneel down, to see what I'm doing."

Prosecution: "Recall how long it took you to open that door that night?"

Akin: "I would say probably about six minutes."

Prosecution: "What happened after you opened the door?"

Akin: "I opened the door, and the people walked into the house. I was putting my picks away, and just chit-chatting for a minute or two."

Prosecution: "Did the defendant go into the house?"

Akin: "No, he did not."

Defense: "Were there any other police officers at the house at this time?"

Akin: "No, I didn't see any...[only] Sgt. Peterson."

Prosecution: "Did you go into that house?"

Akin: "I did not."

Prosecution: "Do you customarily go into the house after you open it up?"

Akin: "I do not, unless it's an eviction, and I've been cleared to go in...you never know what you're going to run into. And that's how it's done."

August 2 at 1:06pm · Like · 2

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In Session

As he was collecting his equipment, he was speaking to the defendant.

"I don't even remember the conversation, probably giving him the business about something."

Prosecution: "What happened next?"

Akin: "There was a commotion, like a screaming...I was standing in front of Sgt. Peterson. He just looked and said, 'I've got to go!' and went running in. And I just got the heck out of Dodge, and went and sat in my truck for a couple minutes."

August 2 at 1:07pm · Like · 1

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In Session

Prosecution: "Can you tell me where you went after you collected your tools and the defendant went into the house?"

Akin: "I walked to my truck, and got in my truck and called back to my house. I said I'd be back in a few minutes."

Prosecution: "Did you know what had happened at that point?"

Akin: "No...I just kind of figured it wasn't good. I've been through stuff where it wasn't a good situation; you don't want the locksmith around, trust me."

Once he saw the ambulance arrive, he decided to leave.

August 2 at 1:09pm · Like · 1

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In Session

During the time he and Peterson were speaking, they were probably three feet apart.

Prosecution: "After the ambulance arrived, did you leave then?"

Akin: "Yes, I did."

August 2 at 1:10pm · Like · 1

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In Session

Prosecution: "Had you ever done a wellness check for the defendant before?"

Akin: "None."

August 2 at 1:10pm · Like · 1

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In Session

Prosecution: "When you do wellness checks, do you typically charge the Bolingbrook Police Department?"

Akin: "Well, every wellness check is different...so not every situation is hard and fast. I've had situations where unfortunately there was a clear-cut deceased person...but every one is different. There are times I just don't want to get into it, and I just let it go."

Prosecution: "Did you charge on this particular incident?"

Akin: "No, I did not."

August 2 at 1:12pm · Like · 1

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In Session

That ends the direct examination of Robert Akin.

The judge decides to call the lunch recess at this time.

The trial will resume at 1:15 CT (2:15 ET).

August 2 at 1:13pm · Like · 1

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## 08/02/12: Defense Attorney Joel Brodsky on cross examination

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In Session

August 2

The Drew Peterson murder trial is set to resume at 2:15 p.m. ET.

Locksmith Robert Akin is about to be cross-examined by the defense.

Watch this thread for live updates from court.

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In Session

Judge Burmila has returned to the bench.

“Two quick housekeeping matters...I gave Mr. Connor from AT&T that some material was mistakenly subpoenaed from them, when it was really from Nextel.”

The jurors return to the courtroom, and witness Robert Akin returns to the stand.

August 2 at 2:29pm · Like · 4

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In Session

Defense attorney Joel Brodsky begins his cross-examination of locksmith Robert Akin.

The witness confirms that he comes from a family of locksmiths (including his grandparents).

“I worked at the locksmith shop on the South Side [of Chicago] with my Uncle Mack...I just didn't want to work there anymore, so I came to Bolingbrook to work with Larry.”

Defense: “You apprenticed with Larry?”

Akin: “Yes.”

Defense: “How long did you undergo training with Larry?”

Akin: “From 1973, when I started with him, until 1978, when I bought it. He was one of the best.”

The witness says that he also regularly attends seminars on locksmithing. “It's fun.”

August 2 at 2:33pm · Like · 1

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In Session

Once again, the witness goes over the locksmith certifications that he's received from professional associations in that field.

Defense: "You are one of the few certified auto locksmiths?"

Akin: "Yes, that's a new certification they've come up with...from Associated Locksmiths of America."

He is licensed by the State of Illinois.

Defense: "You have to take a test..."

"I was grandfathered, because I'd been a locksmith for such a long time. The law states that I was OK."

August 2 at 2:34pm · Like · 1

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In Session

When asked about wellness checks, the witness says "it all depends on circumstances."

Defense: "What's the most you've had in a month?"

Akin: "One or two, usually...it's not a big thing, because usually there's another way to get into the house; somebody's got a key."

Defense: "But you wouldn't just open the door for anybody?"

Akin: "No, authority has to be involved in that particular situation."

Defense: "How often would you get opening calls?"

Akin: "Summertime, especially...you could get three or four a month."

Defense: "So people could get forgetful about locking their locks?"

Akin: "Yes, Sir."

August 2 at 2:37pm · Like · 2

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In Session



Most of his wellness checks are in association with the Bolingbrook Police Department.

“They just call you up, and basically tell you what they want. And we hop to it.”

He’s had the same phone number since 1969 (“a lot of people know the number, and they call the number...everything goes through the land line. And if Chris or myself want to take the phones that night, we transfer the calls to our individual cell phones”).

August 2 at 2:38pm · Like · 1

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In Session

He first met Drew Peterson “a real long time ago.”

Defense: “Was he ever the officer there when you were called by Dispatch?”

Akin: “I don’t remember . . . he may, or may have been not.”

August 2 at 2:39pm · Like · 2

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In Session

The witness repeats that he was not on call the night of the event in question.

“It’s unusual for me to get a call to my personal cell phone that I need to go do lock work. The request was through Dispatch, but that’s all fuzzy...all I know is that Sgt. Peterson requested a wellness check... it would have gone through my associate, who had the phones that evening. Instead, I got the phone call.”

Defense: “And that was because Sgt. Peterson specifically requested your presence?”  
Objection/Overruled.

Akin: “I would assume he wanted me there instead of Chris [Wolzen].”

He admits he’s not “100% positive” that the call came through Dispatch, but is pretty sure.

August 2 at 2:42pm · Like · 1

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In Session

When he arrived, Sgt. Peterson told him “there was a wellness check that needed to be done...that was it, no specifics.”

August 2 at 2:42pm · Like · 2

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In Session

Akin is shown a photograph of the Savio house.

Defense: "This is what it looked like?"

Akin: "OK."

Defense: "To the best of your recollection?"

Akin: "Yes...to the best of my recollection."

It was dark when he arrived, but he's not sure of the time ("it was getting dark quickly").

"I walked up to the door to check the lock, to see if it was locked. I don't remember the screen door being there, honestly...I don't remember the screen door being there."

In March, 2004, he was interviewed via phone by an Illinois State officer.

Defense: "Remember telling him that when you were starting to work on the door that Drew was holding the screen door open for you?"

Akin: "I don't remember, but somebody might have opened the door; that's why I didn't work on it."

Defense: "Would the report refresh your recollection?" Objection/Overruled.

The witness is shown the police report in question, then reads it silently to himself.

Akin: "Well, it looks like he was holding the door for me."

Defense: "So that refreshes your recollection?"

Akin: "No...but in 2004, I would have had a better memory. So I'll go with that."

August 2 at 2:48pm · Like · 1

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In Session

Peterson held the flashlight as the witness knelt down to work on the door locks.

He began on the door knob lock, which was installed upside down.

Akin: "After you work on something for a little while, there's no point in just beating it to death. I try to work my way to a different lock, so I worked on the deadbolt next."

Defense: "You discovered that the deadbolt wasn't locked?"

Akin: "Correct...the bolt wasn't thrown."

Defense: "There wasn't any resistance?"

Akin: "Absolutely not."

At this time, Peterson continued to hold the flashlight.

Akin: "I would of, if it had been a normal situation, gone out and got my flashlight. I had the kindness of Sgt. Peterson to hold the flashlight for me...you don't need a whole lot [of light], you just really need enough to find the keyhole."

August 2 at 2:50pm · Like · 1

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In Session

Akin describes the locksmith tools he used to work on Savio's front door.

Defense: "This makes a bit of noise?"

Akin: "Not really. You could do it loud, like I do, or you could do it very quietly. I've done it quietly, I've done it loud."

Defense: "It takes a lot of training to be a locksmith?"

Akin: "I believe so, yes."

Defense: "You're still learning after 30 years?"

Akin: "Yes."

Defense: "So to do it quietly is a skill you've developed over 30 years?"

Akin: "Yeah."

August 2 at 2:52pm · Like · 1

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In Session

In all, it took him about six minutes to open the front door.

"I've had quicker, and I've had longer...there's any number of reasons why it could take 30 seconds one time, and ten minutes, even 15 minutes the next time."

Once the door was open, he stood aside, and the others went in.

Peterson stayed out with him.

Defense: "You didn't notice anything unusual about him?"

Akin: "No."

Defense: "Just shooting the breeze?"

Akin: "Yeah."

Defense: "And at the end, you didn't charge Sgt. Peterson for this?"

Akin: "I probably wouldn't have charged him, no...I just get a feel for when I want to do something, and when I don't want to... there's no need to charge. It's not a perk for the police officers, it's my way of helping...just helping."

This ends the cross-examination.

August 2 at 2:54pm · Like · 3

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## **08/02/12: Prosecutor Chris Koch does redirect examination**

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In Session

Koch begins his redirect.

The witness says he normally picks a lock like this by himself, and can do it by himself with his own flashlight.

Prosecution: "Based on a lot of different factors on each lock, it could be 30 seconds, or five minutes, or longer?"

Akin: "Yeah, I've had some dickens locks in my day. Sometimes you're embarrassed to let the customer see it."

Prosecution: "Do you need to be certified to be a locksmith?" Objection/Overruled.

Akin: "You have to have a license...a State license. There are certain things that the State requires to get the license...to be a locksmith, yes."

Prosecution: "Are the tools you use specific to the job?"

Akin: "Most supply houses will sell the tools to a licensed locksmith, or a licensed locksmith agency."

Prosecution: "And you make sure you don't open up a house you're not supposed to?"

Akin: "That's correct."

Prosecution: "When you do these wellness checks, is there always a police officer on scene?"

Akin: "Yes."

This ends the redirect.

August 2 at 2:58pm · Like · 2

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### **08/02/12: Defense Attorney Joel Brodsky on redirect examination**

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In Session

Defense: "If a person wanted to become a locksmith now, my understanding is they'd have to take a test...it shows that you know the answers to the questions."

"That requires a little bit of study?"

Akin: "In my view, it takes a lot of study...so you might as well know what you're doing by doing it."

Defense: "You would think?"

Akin: "You would think."

Defense: "It's easier for because of your experience?"

Akin: "Yes, I can feel my way around a lock...if I absolutely, positively needed to, I could probably [open a lock in the dark]."

Defense: "So even an experienced locksmith would require illumination?"

Akin: "I would prefer that, yes."

This ends the recross of this witness, and he is excused.

August 2 at 2:59pm · Like · 1

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In Session

The attorneys approach the bench for a sidebar.

August 2 at 2:59pm · Like · 1

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## 08/02/12: Without the Jury present, discussion regarding Harry Smith

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In Session

The sidebar ends, and the jurors are now gone.

Prosecutor Connor informs to the Court that at this time the State would intend to call attorney Harry Smith, Kathleen Savio's divorce attorney.

According to Connor, Smith's testimony will involve some prior bad acts. "I have some transcripts...in addition, there is testimony we were previously seeking to bring in...we'd like to ask him one question about the initial filing for divorce in this case, and whether that opens up testimony during the divorce trial for issues of mental cruelty. I don't know how else to get that except to just ask the witness."

Judge Burmila: "What would the relevance be of what led them to be divorced? Why would that be relevant?"

Connor: "He was seeking custody of the children. During the bifurcation hearing, it was said by both sides that this was going to trial...allegations of mental cruelty might have played some role in the subsequent trial. To make that distinction to the jury, I would be asking that of this witness...obviously, the issue of what was possibly going to be testified to during the actual divorce trial would be at issue, given the State's allegations."

Judge: "If the State is saying they want to ask Mr. Smith what issues would be before the trial court in a bifurcated hearing, they can ask those general questions. But Mr. Smith would not be allowed to testify as to what he expected the outcome of that trial to be... the issue of what he believes the judge would have done, or the outcome, that would not be admitted."

August 2 at 3:06pm · Like · 2

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In Session

Connor continues to argue before Judge Burmila.

"The jury has to consider the financial motive in this divorce. And in order to do so, they have to understand what the defendant was facing at that time, regarding his financial future, and what the judge would have been looking at."

Judge: "How is the State going to be able to demonstrate that the absence of Ms. Savio affected the outcome?"

Connor: "The issue is what further issues could she have made, and what testimony was going to be elicited during the trial that could have affected the case? We'll never know. But if I'm dead, I'm certainly less of a threat to the other side...there's all sorts of things that Ms. Savio can't assist her attorney with...Ms. Savio was long dead by the time the case was set

for trial.”

August 2 at 3:09pm · Like · 3

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In Session

Judge: “But these parties were divorced, and they entered into an agreement...the issues before the Court were already agreed upon, were they not?”

Connor: “They were going to be addressed at the April 6 hearing...but one party was dead by then, Your Honor.”

Connor asks for a moment before he continues.

“Your Honor, basically there were a number of issues; some of them were held in abeyance... clearly, in the defendant’s mind, the issue of whether Kathleen Savio was entitled to any of his pension was still in play...in addition, the bar was a subject of dispute in the case...whether that was or was not marital property was still in dispute. Both Mr. Beck and Mr. Smith indicated that this was going to trial; there were many issues that were still in dispute.”

August 2 at 3:13pm · Like · 2

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In Session

“In 2003, things might have been getting better...but, financially, crunch time was coming for the defendant. The judge was pushing the divorce toward conclusion. So the idea that this divorce was in any way solved is wrong, and Mr. Smith was involved in that front and center.”

Judge: “Once they were divorced, the defendant’s pension became a marital asset. And whether or not Miss Savio was going to get the pension was going to be up to the judge. So the pension was in play, and it was going to be resolved by the judge one way or the other?”

Connor: “I apologize; I don’t practice divorce law...the law seems to say that the pension is to be considered part of the marital assets. What portion she was going to get, her ability to fight for that went away when she died.”

August 2 at 3:15pm · Like · 2

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In Session

Prosecutor Connor: “Certainly, the pension is not going to be an issue while Mr. Peterson is alive and still working. To assert that any individual is unchanged in any legal situation by their own death is a legal fiction...Kathleen Savio cannot protect her own interest, given the knowledge that she has, once she’s in the grave...everything that was to be hotly contested was still open...at that point, the defendant was still disputing on the record that Kathleen

Savio would have any portion of his pension, and was still set to fight at a trial the financial implications of this divorce. She was prepared to fight, and was assisting her attorney greatly...the legal fiction of the estate continuing as if nothing has changed belies the real situation of what occurred...even people outside the legal community would understand they'd rather be alive than dead when they're trying to protect their assets."

Judge: "I get what the State is trying to say. But just because it makes sense doesn't mean it makes legal sense...if the question here is this is the status of two people who were now divorced...the fact that she was not there at the trial and the trial wasn't held does not necessarily extinguish her interests...I believe the right to the pension would continue to her estate; the pension was in play, and it was going to be addressed one way or the other. But you can't say she was going to get everything she wanted, and the only way she'd get everything she wanted was if she was there. I understand what you're saying...but I'm telling you once they were divorced, the pension became an asset of their marital estate, and it was going to be resolved one way or another."

August 2 at 3:23pm · Like · 2

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In Session

Once again, prosecutor Connor asks for a moment before proceeding.

"I skipped a rather obvious point. In Judge White's ruling, he would have to make a finding that Kathleen Savio was murdered to prevent her testifying at a specific hearing...in making that finding, Judge White was basically finding that the defendant's motive in murdering Ms. Savio, by a preponderance, was to keep her from testifying at that hearing."

Judge: "Well, the State's argument is absolutely incorrect...you have perverted Judge White's ruling 100%."

August 2 at 3:23pm · Like · 2

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In Session

Attorney Steve Greenberg responds for the defense.

"I believe that the hearsay statement they'd like this gentleman to testify to was found unreliable by Judge White...I don't think he's got any relevancy at this point; I don't know what it is that they want him to testify to...they can't use this to show Mr. Peterson's state of mind in any way."

August 2 at 3:25pm · Like · 1

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In Session



According to Connor, “There are many other things that Mr. Smith would testify about...such as the fact that he’d subpoenaed the Bolingbrook Police Department about Mr. Peterson’s pension information...he received that information on March 4, four days after the death.”

Judge Burmila: “But in October the defendant knew the pension was in play...so what would be the significance of having Mr. Smith say they were trying to get those records, when they had agreed in October?”

Connor: “They were still fighting...he was indicating he [Peterson] did not believe Kathleen Savio was entitled to any of his pension...that issue would not be disposed of until the trial.”

Judge: “But it wasn’t like Mr. Peterson decided what the issue was; the judge made that decision and signed the order.”

Connor: “Yes, the judge signed the order...after that hearing was over, Mr. Peterson was angry, and was observed yelling at Mr. Beck in the hallway. Mr. Smith would also testify as to the timeline...he can obviously testify as to what was being said, and where things were going. The defendant had not disclosed the sale of a bar in a timely manner... that was the first time the defendant had to pay out anything close to \$15,000 in the divorce. And Kathleen did not survive that by more than five months.”

August 2 at 3:33pm · Like · 1

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In Session

Connor: “The financial issues were never preserved, based upon the death of Kathleen Savio.”

Judge Burmila: “As far as Mr. Smith is concerned, I do believe the State is allowed to go into the timeline. As far as the questions of the legal issues before the court, they will be able to go into that with this witness as well. As far as anything touching on how Mr. Smith believed the matter would be resolved by the trial court, those things are not going to be elicited through the testimony of this witness.”

August 2 at 3:36pm · Like · 4

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In Session

Attorney Greenberg addresses the Court, and argues against the ruling Judge Burmila has just made. “It [the Peterson/Savio divorce] was a bifurcated proceeding, which the jury already heard in opening statements...they [the State] don’t have any evidence there was any motive not to have a trial...so I don’t understand the relevancy, if it’s not motive, of what happened in the divorce proceedings.”

Judge: “Well, whether or not the State will attempt to demonstrate if this was the motive for this homicide, if it was indeed a homicide, remains to be seen...he can say what the issues

were that would remain after the couple was divorced.”

Greenberg: “And how is that not privileged?...how is what Harry Smith believes not privileged?... I’d like to know what issues they’re talking about.”

Judge: “Well, I guess we’ll find out when the witness gets here...the only other way to handle it is for the State to make an offer of proof. We’ll hear what he has to say, and then determine what goes before the jury.”

August 2 at 3:42pm · Like · 1

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In Session

Connor hands the judge a copy of a letter from Kathleen Savio to the State’s Attorney’s office, and redacted by Judge White in 2010.

“The judge made some statements about it stands on its own...Harry Smith is the witness we’re going to use to introduce that letter...so we would be asking this witness to authenticate a portion of that letter, and introduce that during his testimony.”

Judge: “OK, we’ll take five minutes, to give you [the defense] time to look at that letter. And then we’ll go from there. I’ve made all the statements I’m going to make about my conversation with Mr. Smith on the record. I’m not going to say anything more on that.”

August 2 at 3:44pm · Like · 1

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In Session

Judge Burmila leaves the bench.

The court is in recess for approximately five minutes (until 2:50 CT/3:50 ET).

August 2 at 3:44pm · Like

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**08/09/2012: Court talking re: “lock pick issue” Robert Akin & Chris Wolzen**

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In Session

August 9

WATCH THIS THREAD FOR LIVE UPDATES FROM THE DREW PETERSON MURDER TRIAL!

The jurors are now back in the courtroom, and prosecutor Glasgow begins his redirect examination of witness Mary Parks.

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In Session

The judge now wants to move on to “the lock pick issue.”

He takes a moment to read the State’s written response to the defense’s original motion.

Prosecutor Marie Czech argues that the lock pick found at the defendant’s home at the time of his arrest in 2009 is relevant.

Judge: “Is there any evidence to show he had that in 2004?”

“We have evidence that the defendant had a lock pick in 2003 . . . that shows he had the ability to enter the home, and to commit the murder. The second issue is whether locksmith Chris Wolzen, the partner of Robert Akin, should be called. We believe that he should be called . . . it would be relevant to call Chris Wolzen to testify . . . our position is that the defendant’s behavior that night was highly unusual . . . we think that bypassing the normal procedures for getting a locksmith shows that the defendant was doing something to try to cover up his actions that night.”

August 9 at 4:37pm · Like · 6

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In Session

Attorney Greenberg responds. “Unless Robert Akin was somehow conspiring with Mr. Peterson . . . he said he was asked for, he got in locksmith mode, focused on the lock, opened the lock, and when he heard the screams decided to hightail it out of there. It’s just needlessly putting more things in, to say that Mr. Peterson asked for Akin for some reason . . . why the evidence becomes irrelevant about the lock pick set is because the State has no evidence that the lock had been picked beforehand, or that the deadbolt had been picked. So there’s absolutely not connection about the lock pick set that’s found five years later, and the entry into the house . . . the State is saying for the first time that Mr. Peterson did not have a key to the house . . . now they want to speculate about how he got in. Because he has a lock pick set in 2009 suddenly he got in in 2004? What is the circumstantial evidence that a lock was picked? Where is it? They have no evidence at all that the lock was picked.”

Judge: “As to the testimony of the other locksmith, I guess the State could allege there was something nefarious between the defendant and the locksmith who already testified . . . I don’t know why that would be odd, but if the State feels that testimony would be relevant, they can call that individual if they choose to. As to the issue of the lock pick, the State is not going to be able to speculate to this jury that, ‘We have a lock pick set, and we bet that’s how entry was gained.’ Unless the State can place the defendant at the scene and present entry by a lock pick in some fashion, they’re not going to be able to present evidence of the lock pick set.”

August 9 at 4:45pm · Like · 3

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In Session

Prosecutor Czech notes that the State is not arguing that Peterson did not have a key to Savio's house. When the judge points out that it's in their pleading, the prosecution asks that that argument be stricken, which the judge grants.

August 9 at 4:45pm · Like · 3

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