

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

James Coughlin Testified August 7, 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)**

08/07/12: Prosecutor Kathleen Patton on direct examination

In Session

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August 7

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

The prosecution now calls its next witness: Lieutenant James Coughlin.

He is a lieutenant with the Bolingbrook Police Department.

He is being questioned by prosecutor Kathy Patton.

"Did you know an officer named Drew Peterson?"

"Yes, I did."

He identifies the defendant in the courtroom.

In Session

In February, 2004, he was at the Will County Courthouse and saw the defendant there..
Objection/Sustained.

"It was approximately mid-February."

"What floor are you talking about?"

"The third floor . . . near the elevators . . . mid-day, just before the lunch break . . . Drew and a couple of other gentlemen approached us. We exchanged pleasantries, such as 'Hey, Drew, what's up?' . . . the two gentlemen behind Drew were having a conversation with some laughter, and Ofc. Treece (?) said they appeared to be happy. "Drew said, 'They should be, they're getting all my money . . . my life would be easier if she was just dead or died . . . I

don't recall which word at this time. He was very irritated."

"How do you remember this?"

"Because it was a couple of weeks later that Kathleen turned up deceased."

He reported the incident later, but never spoke to anyone about it again.

"Was the defendant in uniform?"

"Plain clothes that day."

This ends his direct examination.

August 7 at 5:47pm · Like · 17

In Session

Before the defense starts its cross, the parties approach the bench for a sidebar

August 7 at 5:47pm · Like · 2

08/07/12: Defense Attorney Joel Brodsky on cross examination

In Session

The sidebar ends, and attorney Joel Brodsky begins his cross.

The witness says he's known Peterson since 1978.

He also knew Kathy Savio ("I only knew her as Kathy Peterson").

On the day in question, he was at the courthouse because of a traffic court case ("I don't know what case").

"You were on the third floor of this building?"

"Most of my trials are on the third floor . . . it was the third floor."

"You remember seeing Drew by the elevators?"

"Correct."

"He came up to by the elevators?"

"Yes."

"These two people were behind him?"

"Yes, two gentlemen."

"How close was Drew to these gentlemen?"

"Four feet."

"And they were laughing?"

"Having a good time."

"What'd you say to Drew?"

"Officer Treese (?) said they appeared to be having a good conversation."

"Did you know if those two guys laughing had anything to do with Drew?"

"No . . . I didn't know who the gentlemen were."

"You still don't know?"

"Correct."

"And Drew's response was, 'Well, they're happy because they're getting all my money?'"

"Yes."

"Not Kathy, but 'THEY'RE getting all my money'?"

"Yes."

August 7 at 5:53pm · Like · 4

In Session

"Remember testifying before the grand jury, on July 17, 2008?"

"If you say so."

"It was in 2008?"

"Yes."

"You were sworn to tell the truth?"

"Yes."

“Recall a long question and a long answer . . . ‘I’d like you to tell the story of coming to court that day and what you remember’ . . . you answered, ‘I believe we were on the second floor’ . . . remember that?”

“Yes, the second floor was a misstatement.”

“And there’s no mention of the elevator, either, is there?”

“We were by the elevator; he came out of a side room.”

“You don’t say that here?:”

“If it’s not in there, right.”

August 7 at 5:53pm · Like · 3

In Session

“Also, you testified that you talked to the Illinois State Police, after you found out that Kathy had passed away?”

“Yes.”

The witness is then asked again about his July 17, 2008 grand jury testimony.

“You said you weren’t interviewed by the Illinois State Police in 2004?”

“They did not interview me. I went and met with them in our investigations room . . . it was not a formal investigation . . . they didn’t ask me any questions; I offered them what happened.”

“So were you misleading the grand jury?” Objection/Overruled.

“No, Sir. I did not consider that an interview.”

“So telling the police of your suspicions in a homicide, in a death investigation, was not an interview?”

“It was a piece of information that, in light of the time frame, I believed they needed to know.”

August 7 at 5:57pm · Like · 11

In Session

Recall back in 2008 being interviewed by an agent from the Federal Bureau of Investigation about this case?”

“Yes.”

“You can’t lie to an FBI agent, right? It’s a crime?” Objection/Overruled.

“Correct.”

Brodsky then reads from the FBI agent’s report. In the report, it says that the witness “peeked into the courtroom.”

“So you’re telling the FBI it wasn’t by the elevator, and you peeked into the courtroom?”

“That’s inaccurate.”

“The FBI report is inaccurate?”

“Yes.”

“You’ve never told that to the FBI agent?”

“No.”

“But you know that’s what the report says?”

“Yes, I do.”

August 7 at 5:59pm · Like · 2

In Session

“Assuming you heard this from Mr. Peterson, that he actually said that . . .”
Objection/Sustained.

“you didn’t think he was serious, did you?”

“No.”

“You wouldn’t think that he’d be serious about saying something like that?”

“Correct.”

“You never told the FBI that you spoke to the Illinois State Police?”

“If it’s not in there, I didn’t discuss it with him.”

August 7 at 6:01pm · Like · 5

In Session

The witness is shown two court orders pertaining to the Savio/Peterson report.

The prosecution objects, and the defense asks for a sidebar.

August 7 at 6:02pm · Like · 2

In Session

The sidebar ends.

The judge asks the jurors to leave the room.

Patton objects to the defense questioning regarding the court orders;

Brodsky says the prosecution can address the matter in redirect.

Judge Burmila: "If Mr. Peterson calls the FBI agent, the jury will have to decide for itself whether it believes the FBI agent or this witness [Lt. Coughlin] . . . the implication from the witness was that the defendant made this apparently damning statement, and they've cross-examined him with a statement he's allegedly made to an FBI hearing. So the State's objection is overruled, and the defense is going to be able to ask the officer about this. If the State chooses to redirect, they certainly will have a right to do that."

The judge then sends for the jury.

August 7 at 6:09pm · Like · 2

In Session

The witness and the jurors are now back in the courtroom.

Brodsky continues his cross-examination of Lt. Coughlin.

"You were in the Will County Courthouse that February day . . . Drew was there because of his divorce?"

"That was my perception, based on what Drew had told me."

"And these were lawyers?"

"From what he said to Ofc. Treese (?), I assume so."

"The two lawyers were laughing . . . in one version, you see them coming out of a side room?"

"I don't remember if it was a side room or a courtroom."

"Well, according to the FBI report, you peeked into a courtroom."

"That's not accurate."

August 7 at 6:12pm · Like · 2

In Session

Brodsky asks the witness to look at the two court orders.

"Those are court orders in the case of Drew Peterson v. Kathleen Peterson?"

"Yes." Objection/Overruled.

The first court order is projected, and says the case is continued until Feb. 9, 2004. The second order is also projected, and says the case is continued from Feb. 9 to April 6, 2009.

"So the only time the case is up in February is Feb. 9, 2004?"

"Yes."

The parts of the order that say "Plaintiff Present" and "Defendant Present" are checked "No."

This ends the cross-examination of Lt. Coughlin.

August 7 at 6:17pm · Like · 3

08/07/12: Prosecutor Kathleen Patton on recross examination

In Session

The witness acknowledges that he told the grand jury that he was in the courthouse hallway.

"And there are elevators in the hallway?"

"A bank of them."

"You just went into that room [with the State Police] to give them some information?"

"Yes."

"They didn't ask you any questions?"

"Correct."

“You assumed that’s why Drew Peterson was in the courthouse [for the divorce]?”

“Yes.”

“And that’s why you assumed he answered Ofc. Treese’s question that way?”

“Yes.”

August 7 at 6:20pm · Like · 2

In Session The prosecution has ended its redirect.

The defense asks for a brief sidebar.

August 7 at 6:20pm · Like · 4

08/07/12: Defense Attorney Joel Brodsky on recross examination

In Session

The sidebar ends.

Brodsky: “Lieutenant, is it true that you told the FBI that you peeked into the courtroom . . .”
Objection/Sustained.

“Isn’t it true you never told the FBI agent . . .” Objection/Sustained.

“You always said that when Mr. Peterson told you this he was joking?” Objection/Sustained.

Brodsky: “Then I guess I have nothing . . . when did you tell the State’s Attorney that the FBI report was inaccurate?”

“The first time we reviewed it, before the hearsay hearing.”

“More than two years ago?”

“Yes.”

“Who did you tell it to?”

“I believe it was Miss Patton.”

“Where?” Objection/Sustained.

“How many times did you tell her that?” Objection/Sustained.

That ends the testimony of this witness, and he is excused.

August 7 at 6:23pm · Like · 5

08/07/12: Defense addresses the court re: possible discovery violation

In Session

That ends the testimony for today. The jurors are excused, and leave the courtroom.

Judge: "During the sidebar, the defense informed the court that they'd never been told the witness told the State the statements to the FBI were incorrect."

Greenberg: "It's a discovery violation . . . we didn't have a chance to investigate that, to do anything."

Patton: "I don't recall what the witness testified to before. Something was two years ago . . . we will say to a witness, 'You testify as to what you know' . . . in this case, I don't recall; we didn't talk about it recently. Certainly, if he had told me something that I thought was discovery, was important, I would have turned it over . . . there's certainly no intent to mislead the defense."

Greenberg: "They can say it's not intentional . . . but it should have been tendered. It's Brady material, and we would ask to strike the witness' testimony in its entirety."

Judge: "It's not the usual course of events that a witness will tell a prosecutor that a statement is false. The statement to the FBI is 180 degree opposite to the other reports . . . you leave a report in the hands of the defense that the witness tells you is false. And you want me to strike the testimony?"

Greenberg: "Right."

Patton: "I don't think this is a discovery violation."

Judge: "Well, I'll give you the opportunity to show me the case law in the morning . . . but I think you have an affirmative duty . . . if you have any case law you'd like me to look at, I'll certainly do that tomorrow morning . . . if you've been advised by a witness that a report is false, I believe you have a responsibility to advise a defendant and his attorney, so they don't walk into a trap on cross-examination. We'll be in recess until tomorrow morning."

August 7 at 6:32pm · Like · 3

In Session

Judge Burmila has left the bench.

The trial is in recess until 9:00 CT/10:00 ET Wednesday morning.

August 7 at 6:32pm · Like · 4

08/08/12: Continued court re: possible discovery violation

August 8

In Session

Wednesday

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

The trial is scheduled to begin at 10:00AM ET today.

At that time, Judge Burmila will rule on a defense request to sanction the State of Illinois for a discovery violation.

Following that ruling, prosecutors are expected to call to the stand Pat Collins, an Illinois State Police investigator. Collins will likely be followed by Kristin Anderson (a friend of Kathleen Savio's), Mary Parks (a fellow nursing student with Savio), and Pat O'Neil (coroner).

In Session

The defendant is in the courtroom, but most of his attorneys are still missing.

The prosecutors, in contrast, are all at their counsel table.

Judge Burmila briefly stuck his head into the courtroom (apparently looking for something), but then withdrew.

August 8 at 10:07am · Like · 2

In Session

Judge Burmila has just taken the bench.

“We have one matter we need to address before we address Mr. Peterson.”

The judge takes care of another brief matter, then returns to the Peterson case.

“We have one matter that we have to address from yesterday, the defense request to strike the testimony of Ofc. James Coughlin.”

The judge notes he received some e-mailed material from the defense last night, but nothing

from the State.

Defense attorney Lisa Lopez: 'We're asking the court to strict the testimony of Ofc. Coughlin, based on a Brady violation. The State must disclose any exculpatory evidence to the defendant that can be used to impeach a witness.'

Ms Lopez then goes on to cite case law that the defense believes supports their position.

"We have two different versions of Ofc. Coughlin's story; I suppose there's a third version, if you accept the court order... we come to learn that Drew wasn't there, and he states the FBI report wasn't accurate. He's making this extreme allegation that the FBI agent is lying, and he told the State two and a half years ago that he disagreed with what the FBI reported... clearly the State knew that Mr. Coughlin disagreed with the FBI's testimony, the FBI's report. At that point in time, the defense had a duty to write a letter, advising that Mr. Coughlin disagrees with what was reported by the FBI special agent. They had many opportunities to bring it out to us in the last two and a half years... that's pretty significant impeachment, to point your fingers at an FBI agent and say they're lying... it certainly resulted in prejudicing the defendant. The fact that the jury has heard this has resulted in prejudice toward the defendant."

August 8 at 10:21am · Like · 4

In Session

Ms. Lopez continues to argue the defense argument that the State committed a discovery violation.

"It was a Brady violation, because the State has countless opportunities to expose it to us over the last two years... we are asking that the testimony of Ofc. Coughlin be stricken from the record. And we ask for the same jury instruction as will be used in striking Mr. Pontarelli's testimony. And because it's the second violation, we're asking for a stronger instruction."

Prosecutor Koch responds: "I think the first thing we want to make clear for the record is what exactly are we talking about? What is it that we didn't turn over? The FBI report is almost verbatim with the testimony Ofc. Coughlin provided... the ONLY difference is one sentence regarding whether Lt. Coughlin peeked into the courtroom. That's it; everything else is substantially the same. What we did turn over to them was a sworn statement by Lt. Coughlin from the grand jury, something that was in addition to what the FBI report said. What is the real material difference between seeing them in a courtroom and seeing them coming out from a courtroom or a conference room? They have to show there's some kind of material prejudicial effect here."

Judge: "Did you have a copy of Judge O'Leary's order prior to yesterday?"

"Yes."

"So you knew that the statement said no one was present?"

“The defense attorneys also had the court order. We had a duty to disclose. We disclosed... we gave them the grand jury transcript; they were here for the hearing. Mr. Brodsky has been here for this case since Day One. So to say they did not know there was this statement, I think that’s disingenuous... they knew that there was an inconsistent statement. They were impeaching the witness; we gave them the information to impeach... we complied.”

Koch then cites some case law that he believes supports the prosecution position.

August 8 at 10:29am · Like · 6

In Session

Koch continues: “They’ve had this material for over two years. They had the opportunity to investigate, to go out and question the FBI agent. So we did not withhold that particular information... they had the statement, the court order, everything they needed to properly impeach this witness... Your Honor said yesterday you believed this was a 180 degree turn; I would submit the defendant’s statement never changed in the FBI and the testimony here. It’s always been the statement that he provided, that ‘I’d be better off if she was dead.’ The testimony about the two men, about being in the courthouse has never wavered. Everything is consistent, except for the one statement about where it was he saw him. They had that information; they saw it coming... they already knew that; they knew it. We also have a second officer who provided information, Ofc. Treese (?), who would corroborate Ofc. Coughlin. The question then becomes, what is the prejudice that was given to the defendant yesterday? What was the prejudice? They got to impeach him.”

So where was the prejudice against the defendant yesterday? I submit that there was none... I would submit to you that there was no prejudice, and the State did comply.”

August 8 at 10:37am · Like · 8

In Session

Lisa Lopez makes a final argument: “In regard to the surprise, the surprise was what Lt. Coughlin told us on the stand. The FBI was lying; that was the surprise... it is a Brady violation, it is material, it is prejudicial... they did have a duty to disclose... how is Ofc. Treese (?) possibly going to corroborate what Coughlin was saying, because we know that Coughlin was lying... we ask that the testimony of Ofc. Coughlin be stricken.”

Judge: “The argument Mr. Koch made has to be corrected; he said I said the statement was 180 degree from the officer’s testimony; I didn’t... if he had actually seen Mr. Peterson in a courtroom, in front of a judge, there would be a record of that, and it would be proven. If it was an inadvertent meeting in front of an elevator, there would be no proof... so it is a Brady violation... now, I asked Ms. Lopez if this team took the opportunity to interview Ofc. Coughlin, and they did not; they had the reports, knew they were at odds, and did not interview him. The Court, in the face of a discovery violation, has several options with regards to sanctions... in

this case, striking the officer's testimony is not the appropriate sanction... I think the appropriate sanction is if they have any trouble calling the FBI agent a brief continuance to secure that presence would be the sanction imposed. The request to strike the testimony and issue another instruction to the jury is denied."

August 8 at 10:41am · Edited · Like · 9
