

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

Teresa Kernc Testified August 14, 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)**

08/14/12: Judge, Prosecution, Defense on what Teresa Kernc can testify.

In Session

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

August 14

Watch this thread for live updates from the Drew Peterson murder trial!

The jurors have been excused from the courtroom.

Judge: "There's a matter we have to address before the next witness?"

Prosecutor Kathy Patton says that the next witness may be Bolingbrook police officer Teresa Kernc.

In Session

Prosecutor Kathy Patton says that the next witness may be Bolingbrook police officer Teresa Kernc.

"At the hearsay hearing, Judge White allowed her testimony in a redacted form . . . he admitted the July 5th statement without the redacted portion. . . in his opinion, the judge did allow the redacted written statement . . . the State allowed the witness to testify for the reason Kathleen Savio crossed out the words about the knife, and she told her why . . . Judge White said in his holding on that day, 'No, no, you want me to let in more hearsay, why Kathleen Savio scratched out . . . why she scratched it out, that's hearsay.' That was before the decision of the appellate court. The State, subsequent to that decision, filed our motion in limine requesting additional hearsay statements, and asked for the complete statement. We explained in that motion the reasons we need to go into that."

Judge: "Her testimony will be that she saw her [Savio] write the word 'knife,' and then saw her scratch it out?"

Patton: "We're asking her to be allowed to put in what she [Savio] told her . . . I have advised the witness not to talk about any other things that could be construed as bad acts, only to talk

about the July 5 incident.”.

August 14 at 12:01pm · Like · 7

In Session

Judge Burmila is clearly confused about exactly it is that the prosecution is trying to elicit through witness Teresa Kernc.

The State and the defense can't agree on what exactly Judge White said Kernc could testify to, and what White said was allowed.

Patton: “She went to the residence and had a conversation with her [Savio]. We certainly do not wish to go into anything that would mention other acts.”

August 14 at 12:07pm · Like · 7

In Session

According to Patton, Kernc will say that Savio claimed she didn't want Peterson to lose his job (despite the fact that she filed a complaint against him).

Judge: “Focus only on what Judge White didn't let in after the word 'knife' is mentioned.”

Patton: “She didn't want him to lose his job.”

Judge: “That's the extent of it?”

Patton: “We want her to be able to testify on the rest of their conversation as well.”

August 14 at 12:08pm · Like · 8

In Session

Judge: “What is the other material you want to get out of this witness?”

Patton: “Just what she told this officer prior to her writing this statement . . . she [Savio] will tell the officer what occurred on the 5th, starting with the fact that the defendant came in her home unannounced . . . he came into the foyer area, pushed her backwards on to the stairs, told her not to move . . . he made comments to her, told her that she was a mean bitch, that he wanted to talk to her, and she should would have to listen . . . she finally said, 'Do what you came for, kill me!' . . . he took out a knife . . . he left . . . she called some people after . . . she didn't' call the police . . she didn't want him to lose his job; she was conflicted about that . . . she had fear of losing her children and losing her job; she wanted a divorce . . .then she said things we cannot go into . . . I've instructed the witness not to say those things . . .

basically, Judge, I think that's the extent of it. But it's very important to get in the information she told her, as well as the written statement."

August 14 at 12:13pm · Like · 12

In Session

Attorney Steve Greenberg responds and joins the discussion.

Greenberg: "They now want to put in the July 5th incident twice, orally and in the hand-written statement . . . I think that's much broader than what they said in the addendum that they recently filed."

Patton: "These are things we did not ask for in many cases at the hearing . . . if she [Savio] was here today, she would explain everything . . . there is additional information which the jury needs to hear of this entire incident."

August 14 at 12:17pm · Like · 9

In Session

Once again, Greenberg responds to Patton's argument.

Patton then defends the State's position, saying that both Kernc's testimony and her written statement are necessary to give the jury the full story of what happened.

"We're asking to allow the State to put out the reason she [Savio] crossed it out, along with things she told this police officer."

Judge: "If the written statement is admissible, it's admissible . . . and then it would be subject to any cross-examination by the defendant . . . if the State can get the statement in, it comes in . . . if they're both before the jury, they're both before the jury."

Greenberg responds, argues that the prosecution should not be allowed to put in "both an oral statement and a written statement . . . they didn't ask for that before. They want to put in her description of the interview, and then the written statement. I don't think they should be able to do that."

August 14 at 12:23pm · Like · 6

In Session

Greenberg: "They should be able to do one or the other. But not both . . . it's speculation . . . we would ask that that still remain out."

Judge: "Well, the State's argument that the appellate court decision in this case is a game-changer to a degree . . . I do believe that the statement that Kathleen Savio made to the police officer is admissible, as is the written statement that she made of the incident. The testimony with regards to an order of protection, because she was afraid he would lose his job, is inadmissible. And the reasons why she crossed out the 'knife' is totally speculative . . . so that portion of her testimony will not be allowed."

Patton: "Kathleen Savio did indeed tell her that was the reason [for crossing out 'knife,' so there should be no question about that."

The judge asks to see a transcript of the pre-trial hearing where Ofc. Kernc spoke of this action.

August 14 at 12:31pm · Like · 5

In Session

According to Patton, Savio kept saying to Ofc. Kernc that she wanted to tell her what happened, but didn't want Peterson to lose his job.

"In her [Savio's] mind, if it was in a report that would mean somehow that he would lose his job . . . she wanted something done; she was paralyzed . . . this is a woman who is conflicted; she wants everyone to know what happened, but she doesn't want him to lose his job . . . it's the truth, Judge; we're giving the jury the truth . . . we want them to have all of the information, all of the evidence, so that they can decide on that."

Greenberg interjects, says that Savio's call to the police is shortly after she's been served with a complaint of her own.

Judge: "That's for cross-examination."

August 14 at 12:34pm · Like · 9

In Session

Judge: "If she's going to testify that that specific reason was given to her by Kathleen Savio, she'll be allowed to testify. If she says it was her interpretation, that will be a different situation . . . she will be able to testify to the reasoning that Kathleen Savio told her."

August 14 at 12:35pm · Like · 12

In Session

Because of scheduling problems, there may be another witness or two who need to testify prior to Ofc. Kernc.

The judge calls a two minute recess to sort out the witness issue.

He leaves the bench, and the trial is in a short recess.

August 14 at 12:35pm · Like · 3

In Session

With that, the judge decides to take the lunch recess at this point.

He leaves the bench, and the trial is in recess until 1:15 CT/2:15 ET.

August 14 at 12:55pm · Like · 1

In Session

August 14

Watch this thread for the latest from the Drew Peterson murder trial!

Judge Burmila is back on the bench.

The next witness will apparently be Ofc. Teresa Kernc.

08/14/12: Defense Greenberg argues re: allowing Kernc's testimony

In Session

Greenberg addresses the Court, calling it “cumulative and prejudicial” to allow the State to go into her testimony.

“It’s going to become a mini-trial whether this actually took place . . . we would seek to exclude it.”

Prosecutor Patton responds: “We did go through all this with Judge White. He did make a ruling . . . it goes to motive intent . . . in the ruling, he said the report was coming in. I don’t know how much more clear that could be.”

Greenberg: “I do not believe that’s correct.:

Patton responds with a transcript of the hearsay hearing in question.

Judge; “I might be mistaken, but I thought I already ruled on this, right before we went to lunch.”

Greenberg: "Our understanding is that it was not admitted as a prior bad act . . . all that was discussed was the knife . . . there was no ruling admitting it as a bad act."

Judge: "The ruling I had made prior to the lunch hour today was not exclusive only to that issue . . . it is admissible. Judge White made the ruling regarding the written statement; the oral statement is a corollary to that. Mr. Peterson's motion is overruled."

August 14 at 2:40pm · Like · 14

In Session

Attorney Greenberg says that he believes the defendant is entitled to a contemporary jury instruction regarding this testimony. There is a long pause while the defense attempts to locate the pertinent law regarding this issue.

August 14 at 2:42pm · Like · 4

In Session

Judge Burmila. "I've been handed a copy of the comments. They say it's discretionary with the Court . . . the appellate court has spoken that the better action is to give the instruction prior to the testimony. So I will exercise my discretion by reading the instruction prior to the testimony."

Prosecutor Patton: "One more thing . . . she also took a statement from the defendant. And we will also ask her about that statement."

The judge then sends for the jury.

August 14 at 2:50pm · Like · 5

08/14/2012: Prosecutor Kathleen Patton on direct examination

In Session

The jurors are now back inside the courtroom, and the judge reads the instruction to the jury (they've heard it before, about other conduct the defendant may have been involved in).

The State calls its next witness:

Teresa Kernc (questioned by prosecutor Kathy Patton).

She is currently the mayor of the village of Diamond; prior to that, she worked as a Bolingbrook police officer for 22 years.

"What was your rank when you retired?"

“Lieutenant.”

“Was an officer named Drew Peterson working there while you were an officer?”

“Yes.”

She then identifies Peterson in the courtroom.

On July 18, 2002, she was asked to take a “delayed domestic abuse report” (the original incident took place on July 5, 2002). To do so, she headed to Kathleen Savio Peterson’s home. She then identifies a photograph of Kathleen Savio.

August 14 at 2:51pm · Like · 10

In Session

“She [Savio] was there, Lt. Malloy was there, and I took a report from her”

She says that Lt. Malloy is now deceased.

“I believe her two sons were at day camp.”

“Did you establish who she was married to?”

“Yes, I knew who she was married to . . . Drew Peterson.”

“What did you ask her?”

“I asked her tell me why she had called, and she proceeded to tell me.” Objection/Overruled.

“She said that on July 5th, she had taken her two sons to day camp, in the morning. And gone to the market. And when she returned from the market, she entered her home and went upstairs to collect her laundry. As she came down the stairs, she saw the defendant in his SWAT uniform, wearing black leather gloves . . . he pushed her back onto the stairs, and when she tried to rise he pushed her back again. And he told her she was a mean bitch, that she wouldn’t speak to him when he called, when he brought the boys to the door, and he wanted to speak to her now. And she said he spent the next three and a half hours talking about their lives, and he wanted her to say that what had happened was her fault.” Objection/Sustained.

“He asked if she was afraid of him, and she said, yes, she was . . . she said she got tired of sitting there on that stair, and she told him, ‘Go, or do what you came to do: kill me.’ She said he said, ‘Where do you want it?’ and she said ‘in the head.’ He took his knife out, and told her to turn her head. She did turn her head, and waited. And then he said, ‘I can’t hurt you.’”

August 14 at 2:56pm · Like · 8

In Session

“She said that he was very tired and upset that day. And he asked her, ‘Are you going to call the Bolingbrook police?’” Objection.

The defense asks for a sidebar.

August 14 at 2:57pm · Like · 5

In Session

The sidebar ends.

The jurors and the witness are excused from the courtroom.

August 14 at 2:57pm · Like · 4

In Session

The witness and jurors are now gone.

The judge notes that the defense is objecting to this questioning, based on the fact that it claims the State disclosed this information.

Prosecutor Patton reads from Kearnc’s earlier statement. “It is in the written statement.”

Judge Burmila: “Let me see the statement . . . anything else?”

Greenberg: “There’s a different statement; we’re talking about two different things . . . that was not something that we were given.”

Judge: I find that discrepancy to be insignificant; there’s no discovery violation.”

Greenberg: “There’s two different things they’ve now asked you to admit . . .it’s not reflected in the report of the interview; it’s not in her summary that the defendant said these things; it’s in the separate document . . . they’re putting in two totally separate things here.”

Judge: “The State has the obligation to advise the defendant of every statement they have of his. They did that . . . there’s no discovery violation.”

With that, the judge asks that the witness and jurors be brought back to the courtroom.

August 14 at 3:02pm · Like · 9

08/14/2012: Prosecutor Kathleen Patton resumes direct examination

In Session

The witness and jury are now back in the courtroom, and prosecutor Patton resumes her direct examination.

“Did she tell you whether or not the telephone rang while she was talking with Mr. Peterson?”

“It rang three times.”

“Did she express whether she was surprised to see him?” Objection/Sustained.

“After he looked out the window, what, if anything, happened next?” Objection/Overruled.

“He threw down the garage door opener and he removed the earpiece from his ear. And he quickly left the residence.”

August 14 at 3:05pm · Like · 4

In Session

“Did she, on that day, say whether or not she’d filed a report about what happened?”
Objection/Sustained.

“Did you have a conversation about whether she filed a report on July 5?”

“Yes, she did not file a report . . . she felt the defendant was unstable. And she felt that if she did, in fact, report it, he would deny what she said.”

“Did you have any discussions about her about...” Objection.

The parties head to a sidebar.

August 14 at 3:05pm · Like · 4

In Session

The sidebar ends.

The witness and jurors are again excused from the courtroom.

August 14 at 3:06pm · Like · 3

In Session

The witness and jury are now gone.

Judge: "Now, we had a hearing about what would or would not be admissible in the oral portion of the conversation between this witness and the defendant. And I specifically pointed to the sentence referring to the order of protection, and said that statement was out. I was absolutely specific . . . I said order of protection is out. And then the State, apparently not paying any attention to what I said, asked the witness, 'Did she say anything about getting an order of protection?' . . . I think that's what I said. It's not like she interjected it; you asked her."

Patton: "I wasn't trying to go against what Your Honor said . . . there isn't an order of protection."

Judge: "I said specifically that this is out. That didn't mean partially, what you thought I meant . . . order of protection was out. I specifically said not to do that . . . you interjected order of protection into the case when I said don't do that . . . whether it's good, bad, or neutral for the State is of no consequence. There's only one thing I asked you not to go into, and that's exactly what you did."

Patton: "I just say to the Court that I was trying to ask this witness if she suggested that she do something."

Judge: "But your question was about the order of protection . . . but we're belaboring the point."

Patton: "That was my fault. I don't know what else to say. I was thinking of it from a different perspective . . . I guess there's nothing more I can say. I certainly didn't mean it to be harmful to the defense."

August 14 at 3:13pm · Like · 9

08/14/2012: Defense wants MISTRIAL w/Prejudice or Strike testimony

In Session

Attorney Brodsky responds. "It was clearly an intentional violation by the State's Attorney. We have no remedy. The jury heard it. There are two options: a mistrial with prejudice . . . the other option would be to strike this witness' testimony in total from the record . . . and ask the State to call its next witness."

Patton: "I understood that we didn't want to go into this because the Court felt perhaps it would be prejudicial to the defendant. The manner in which I asked the question, I apologize for that; I can't take it back. But she didn't do the things the witness urged her to do; that doesn't help the State."

Judge: "This is a situation where the Court makes a ruling and it's completely ignored by the State, because they believe could interject that explosive subsection of an order of protection after I specifically said not two hours don't do that . . . the State just decided they weren't

going to do what I said. And now we have that subject interjected in front of that jury, which I didn't want to happen. The defense now says for, I think, the third time, that their client can't get a fair trial."

Greenberg: "I don't know how many times they can put prejudicial evidence that you've excluded . . . we can't just tell these jurors to keep wiping their minds free of this. It's a direct court order you gave two hours ago, and they've burst right through the wall with this . . . at some point, it gets to be too much . . . you haven't once had to instruct the jury about things the defense has done. Not once! And we're supposed to be the slimy defense attorneys!"

August 14 at 3:20pm · Like · 7

In Session

Patton: "This is my fault. I've had a lot of experience, and I can't believe I did it . . . I know that you said that now, when we talk about it, but I did not recall that. That is no excuse." J

udge: "Is there some case law that you're aware of that I have to weigh the malignancy of the State's actions? I'm not aware of any . . . that is completely irrelevant. The only issue is whether or not the defendant can get a fair trial. And the reason that it happened is inconsequential. I'm not sitting here to pass judgment; I could hold you in contempt right now, and I'm not doing that . . . if I bring the jury back in and give them another instruction and tell them that you did it on purpose, now we're verging on the point where is the State going to be able to get a fair trial?"

The judge asks the State how long it would take them to come up with what they think is an appropriate remedy in this case ("if there is a remedy").

Glasgow asks for a hour.

Judge: "OK, we'll be in recess then until 3:00 . . . if you find something that leads to a need for more time than that, let me know. We'll take a brief recess.

August 14 at 3:24pm · Like · 3

In Session

The judge has left the bench.

The trial is in recess until 3:00 CT/4:00 ET.

August 14 at 3:25pm · Like · 2

In Session

During this recess, the defendant and most of the defense attorneys are staying inside the courtroom.

The prosecution team gathered down at the opposite end of the hallway – except for Kathy Patton, who I just saw alone in the courtroom next door. Just a moment ago, the rest of the prosecution team entered the same room and joined her.

August 14 at 3:37pm · Like · 5

In Session

Both sets of attorneys are going into the courtroom.

The trial should be resuming shortly.

August 14 at 4:06pm · Like · 17

In Session

Judge Burmila is back on the bench.

Judge: “The State has provided the court with a copy of a case from New York. Attorney Greenberg repeats that the defense is asking for a mistrial with prejudice, or striking the witness’ testimony.

Prosecutor Patton: “I wish to apologize to the Court for my error . . . I say that, because it is my error, not the team’s error . . . I would ask that the sanctions be against me, and not against the State, because I’m the one who made the error.”

Prosecutor Koch: “We believe both of the defense suggestions are too extreme of a remedy for the jury . . . when we’re looking at what is a remedy, with regards to the jury, I think there are two separate issues. As it relates to a remedy for the jury and for Mr. Peterson, I think the proper remedy is to strike the question, and to disregard the question . . . I submit that there was no prejudice to the defendant, since there was no answer given to that question. There is no prejudice; it’s a fleeting response . . . the appropriate remedy is to simply strike the question and move on. And then if Your Honor has reason for any other sanction or remedy toward the State, that can be done outside the presence of the jury . . . we believe that striking the entire testimony or granting a mistrial would be extreme.”

August 14 at 4:19pm · Like · 14

In Session

Judge: “Is there any case law you’ve seen where the prosecution intentionally defies a court order? Is there a case where the State defies the court, and then there isn’t a mistrial

motion?”

Koch: “No, but I don’t see a case that a mistrial with prejudice should be granted.”

Judge: “Do I isolate this incident, or do I now take into account all three major incidents in which the defendant asked for a mistrial? Do I now look at an accumulation of intentional error by the State, and take that into account?”

Koch: “Isolation is the proper way to look at it, Your Honor.”

August 14 at 4:20pm · Like · 8

In Session

Koch repeats that “the appropriate remedy would be to strike the question and move on.”

Judge: “So each of the State’s errors is a separate issue?”

Koch: “Yes . . . as far as a curative instruction beyond anything other than striking it, we believe that’s the appropriate remedy.”

Judge: “If there is a sanction to be imposed, it certainly isn’t going to be treated as a Sword of Damocles . . . that would be the worst thing I could do in this case, because that would hamper the way in which the State proceeds. If there is going to be a sanction in this case, it’s going to be immediate . . . it isn’t going to be put over; if there’s a sanction, it’s going to be discussed.”

Attorney Brodsky responds: “Actually, there were five errors here: first in the opening statement, about the so-called hit man. Then with Mr. Pontarelli, the bullet. Then the FBI report. Then this one, with the order of protection . . . it was Kathy Savio’s state of mind being fear, which Judge White ruled was absolutely irrelevant. It’s an avalanche, Your Honor, of prejudicial error, illegal evidence that is polluting this jury. I heard people say, ‘Well, the State’s got to get a fair trial, too.’ Well, I’ve read the Bill of Rights, and there isn’t one thing that protects the rights of the State. The State has all the power, and the defendant is the one whose rights are protected. Here, we have what can only be intentional and prejudicial introduction of material to this jury time after time after time . . . with such a small number of witnesses, and such a short period of time, to have this many prejudicial errors of putting matters before the jury that are clearly irrelevant, how can the defendant get a fair trial?”

“So you only want the mistrial?”

“Yes . . . with prejudice, yes; without prejudice, no.”

August 14 at 4:27pm · Like · 8

In Session

In the alternative, Brodsky believes that the Court should strike Kernc's testimony in its entirety, instruct the jury to ignore it in its entirety, and to tell jurors that if they find the State has purposely misled the jury . . . "the jury can't infer from this conduct of the State, a consciousness by the State of the weakness of its case, this fact alone may create a reasonable doubt in the minds of the jurors which would require a verdict of not guilty. Unless we're going to end this case by a mistrial with prejudice, this kind of language is the only thing that can let this trial go forward."

Judge: "You said there isn't anything in the Constitution that grants any specific rights to the State . . . I'm not sure I agree with that. The citizens of this community are entitled to a fair trial, a trial that they can rely on. The question I have for you, though, is I've already instructed the jury once on the actions of the prosecution. If I believe now that the State defied my order, and did so purposely, and give the jury the instruction you've suggested, what am I telling the jury? That the government is unlawful, out of control? How is that a fair trial? How does that create a trial the people in the community can look at and find confidence in? What does that accomplish?"

Brodsky confirms that the defense does not want a mistrial at this point, only a mistrial with prejudice.

August 14 at 4:31pm · Like · 10

In Session

Brodsky: "The protections in the Constitution are not against the people, they're against the government functionaries . . . if the police or the State violate the law, then the rights of the accused must take precedence over that." Prosecutor Connor then offers a cite, "People v. Hall," a 2000 case. "In that case, there were two violations of the Court's motion in limine . . . I'd certainly argue that under these circumstances this would be far less of a violation."

Attorney Greenberg: "I agree with the Court that the remedy is for the proceedings here; Mr. Peterson is entitled to a fair trial . . . [but] I don't think we can characterize this as inadvertent . . . the fact is that the question shouldn't have been asked. I believe the transcript reflects that the day the bullet testimony came out that it was purposeful. And I don't think we can characterize this as inadvertent; it was in there, and it was done, and it was done for a reason. What kind of a trial, what kind of evidence are we dealing with here? This is probably a situation that will never come up again; we're already talking about dangerous evidence. They have a special duty to be careful about presenting this evidence. It's explosive evidence, and if it's mishandled the prejudice is undeniable . . . they are the attorneys not just for the people of Will County, but also for Drew Peterson . . . they are under obligation to make sure they give him a fair trial, Judge . . . they keep repeatedly striking these foul blows. I actually think the only remedy at this point is a mistrial with prejudice. And if you then felt that wasn't the right remedy, that's the point to talk about secondary remedies."

August 14 at 4:40pm · Like · 5

In Session

Greenberg: "When Your Honor considers a motion to suppress, you don't consider whether ruling in the defendant's favor is going to harm the people of Will County, or the people of Illinois. You do it because it's what the law requires. It doesn't say that in a murder case you're supposed to read the Fourth Amendment . . . there's no different standards . . . there is no case anybody's going to be able to cite to you that says the people's right to a fair trial is a reason not to grant a mistrial with prejudice. The case law is clear in saying you can consider a accumulation of errors."

August 14 at 4:42pm · Like · 7

In Session

Greenberg: I think you can consider the amount of times this has happened, and I think each one builds on the one before . . . we should not be made to pay for that. If you think a mistrial with prejudice is not appropriate, then I think we'd have to access whether a mistrial without prejudice would be appropriate, and whether Mr. Peterson would have to remain in jail for what would probably be another year? And only after those sanctions had been rejected would an instruction be considered."

Greenberg cites the case against W. R. Grace. "In that case, the prosecutors repeatedly violated court orders. The 9th Circuit Court of Appeals said it was indeed appropriate to give the kind of instruction we're asking for . . . people are human . . . are we going to just tell them to ignore the evidence? It still is there . . . if this hurts the prosecution, shame on them! If they have to stand up and be accountable to the people of Will County for the problems they caused, then they have to be accountable for the problems they caused . . . the sole consideration at this point was is it intentional, and can Mr. Peterson get a fair trial? That's really the consideration."

August 14 at 4:48pm · Like · 6

In Session

Judge: "How does the defendant make the argument, 'I can only get a fair trial if I can't be tried again?' I'm frankly surprised Mr. Peterson would urge up on the court, 'Give me a mistrial, but only in the way I want a mistrial' . . . if I believe this case cannot go forward, whether I believe that's with or without prejudice is a separate situation."

August 14 at 4:48pm · Like · 17

In Session

Judge: "What I was advised of was that it was all or nothing . . . give us the mistrial with

prejudice, or forget it.”

Greenberg: “Judge, the issue is first of all whether or not there should be a mistrial, with or without prejudice; that’s up to you. That is a decision you have to make. I suppose the issue that Mr. Brodsky was arguing is that Mr. Peterson does not feel that given what has transpired that he should have to go through this again. We feel we’ve been goaded through this repeatedly, and a mistrial with prejudice is the appropriate remedy. If you feel a mistrial is appropriate, but without prejudice, then perhaps we’d like to fashion a different remedy.”

Judge: “I’m not going to come back here and say, ‘This is what I’m going to do, if it’s all right with Mr. Peterson. That’s not going to happen. If you want to withdraw your request for a mistrial, please feel free to do so . . . but to say the defendant can ask for one kind of a mistrial or not another, that’s not going to happen. I think I’ve heard enough from everyone . . . I’m going to take this under advisement until 9:00 tomorrow morning . . . I’ve already sent the jury home. We’re in recess.”

August 14 at 4:51pm · Like · 10

08/15/2012: Wednesday: Decision on Mistrial motion

WEDNESDAY AUGUST 15

In Session

August 15

The Drew Peterson trial is scheduled to start up at 10 A.M. ET.

We're waiting for Judge Burmila's decision on the mistrial.

Do you think Peterson should get a mistrial?

In Session

The spectators waiting outside the Will County courthouse are split between whether Judge Burmila will grant a mistrial or strike testimony.

August 15 at 10:00am · Like · 4

In Session

The Peterson prosecutors all appear to be inside the courtroom.

The defense, however, is nowhere to be seen . . . they may be off somewhere in a conference room discussing strategy with the defendant.

August 15 at 10:12am · Like · 6

In Session

Prosecution PIO just came into the overflow room to give us the list of today's witnesses.

Assuming the mistrial motion is denied, first up will be retired Bolingbrook police lieutenant Teresa Kernc, who will return to the stand to complete her testimony. Following Kernc, the prosecution expects to call Dr. Larry Blum (who performed Kathleen Savio's second autopsy).

August 15 at 10:14am · Like · 5

In Session

The defendant and his attorneys are now in the courtroom. We should be starting soon.

August 15 at 10:16am · Like · 5

In Session

There is a new thread.

August 15 at 10:28am · Like · 2

08/15/2012: Defense wants to strike ALL previous and future hearsay

In Session

August 15

Watch this thread for live updates from the Drew Peterson murder trial!

Judge Burmila takes the bench.

"Good morning, everyone . . . when last we were on the record, the defendant had made a motion for a mistrial."

In Session

Joseph Lopez: "If it pleases the Court, the defendant wants this jury to decide this case, a jury of his peers. He does not want to hide beyond any legal technicality. But he requests that the State does not violate any more of the Court's orders . . . he does not want to start over . . . he wants to keep this jury, in this composition . . . however, we would ask, besides the

curative instruction, we believe the only way to make sure the State will follow the orders of the Court is to strike all the hearsay testimony already entered . . . and to bar further hearsay testimony . . . it's the third time that it's happened, and we don't want to see it again. So we are ready to proceed."

Judge Burmila then personally questions the defendant, who affirms that this is indeed his wish.

August 15 at 10:28am · Like · 11

In Session

Prosecutor Chris Koch responds: "It's the State's position that two times now with its request for a mistrial the defense has included quotes from a case they call 'the Grace case' . . . we were finally able to go back and look at that case, and Mr. Brodsky says the Grace instruction was approved by the appellate court; that's just not true . . . in fact, when that case went to trial, the defendants were acquitted, so it never went up on appeal . . . that instruction they continually submit to the Court is not an instruction that was taken up on appeal . . . the instruction Your Honor has proposed, the issue with regards to the court order . . . Your Honor, in your ruling, talked about the context of the order of protection . . ."

Judge: "Mr. Koch, stop! My order yesterday was crystal clear . . . we're not going to revisit the Court's order."

Koch: "The reason I bring it up is the instruction you're proposing to give today . . . the purpose is to give an instruction to the jury that clears any prejudice that might have been committed . . . we would ask that not be submitted; again, this is to cure what, if any, prejudice was put onto the defendant . . ."

Judge: "If you don't want me to express the Court's displeasure with the State's flagrant ignoring of my ruling, what sanction do you think I should impose?"

Koch: "I'm going to leave that to the Court's discretion."

Judge: "Well, I'm asking you."

Koch: "The alternative would be to impose a sanction outside the presence of the jury . . . if Your Honor is not inclined to do it, then we're ready to proceed with the trial this morning. And Ms. Kernc will be on the stand momentarily."

August 15 at 10:33am · Like · 9

In Session

Joe Lopez suggests a final alternation to the proposed instruction Judge Burmila may give. "There was never any order of protection, and there has to be a way to say that to the jury.

There has to be a way to add that.”

Judge: “Well, I’ve included the word ‘alleged’ in the first paragraph . . . your suggested alteration of the order is denied. The defendant’s request that I strike all the hearsay testimony, that’s denied . . . can you bring the jury in, please?”

Steve Greenberg: “When I now cross her, there’s sort of that, ‘why didn’t the judge want us to hear about the order of protection?’ out there . . . it leaves them to speculate that we weren’t supposed to hear about it . . . it’s something, frankly, that I would then have to go into on cross, to show that she didn’t do anything about the incident. And since it was mentioned, we are dealing with human beings, with their minds . . . I think the Court can communicate that in its instruction.”

The prosecution suggests a stipulation that would point out that no order of protection was sought.

Judge: “Can you agree on one?”

Greenberg suggests that this should be part of the judge’s instructions;

Koch says that it should be two separate things.”

Judge: “We’ll take a brief recess . . . let me know when you have the stipulation prepared.”

He calls a brief recess, so that the prosecution can type up the proposed stipulation.

August 15 at 10:37am · Like · 13

In Session Judge Burmila has left the bench.

The trial is in a brief recess, awaiting a copy of the stipulation in question.

August 15 at 10:37am · Like · 5

In Session

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

August 15 at 10:50am · Like · 5

In Session

The jurors are now in the courtroom.

Judge Burmila: “Good morning, everyone. Before we proceed, I have two matters that I need

to bring to your attention. The first is an instruction: 'You are now going to hear the continued direct examination of Ms. Kernc. But you cannot consider any issue pertaining to an order of protection . . . the State's Attorney violated an order of the Court . . . you are not to consider, confer, or ponder an order of protection . . . it remains your duty to give dispassionate consideration to the proof in the record, within the confines of my instructions.'

Then the judge moves to the matter of stipulation: "Kathleen Savio did not seek an order of protection regarding the July 5, 2002 incident."

August 15 at 10:53am · Like · 6

08/15/2012: Prosecutor Kathleen Patton continues on direct examination

In Session

Prosecutor Kathy Patton resumes her direct examination of retired Bolingbrook police lieutenant Teresa Kernc.

"Did you ask Kathleen Savio to make a written statement?"

"Yes, I did . . . this is the written statement that she provided me."

"Is this a true and accurate copy?"

"Yes."

"Did anyone sign that report?"

"Yes . . . Kathleen Savio . . . [and] I did on the bottom, and also put my badge number."

"After that report was written, did you read the statement?"

"Yes."

"And after reading the statement, did you ask her to add anything?"

"I realized that she had neglected to put something in, and I brought that to her attention. She did, as a result of that, put it into the report . . . the knife."

"What, if anything, did she do?"

"I watched her write it . . . and a short time later, she actually scribbled the portion about the knife out . . . it mentioned the knife; it said he pulled the knife out."

"Did you ask her why she did?" Objection/Sustained.

The prosecutor asks for a sidebar.

August 15 at 10:57am · Like · 7

In Session

The sidebar ends.

“Did Kathleen Savio Peterson tell you why she crossed out the word ‘knife’?”

“After she crossed it out, she said quite a bit . . . she said specifically that she did not want him to lose his job; she did not want him to be arrested.”

August 15 at 10:58am · Like · 9

In Session

Prosecutor Patton asks for a moment.

The jurors are then excused from the courtroom.

The judge instructs the witness not to refer to any part of the document being missing (or redacted) – she previously mentioned that something was missing when she identified the report.

Kenrc: “I understand completely.”

With that, the jurors reenter the courtroom.

August 15 at 11:02am · Like · 6

In Session

Kernc’s report is admitted into evidence, and published for the jury.

The witness is then asked to read the report out loud.

“On July 5, I left my home at 8:45 to take my children to day camp. At 9:00 I went to pick up some items I needed from the market, and arrived home around 9:45 am . . . I walked upstairs . . . my room, to collect my dirty laundry. I started down the stair, only to be knocked down by my husband, Drew Peterson. At that time, Drew demanded that I sit down on the stairs and not get up . . . he proceeded to go over how awful and bitchy I was, and I should stop being so terrible to him. I don’t talk to him over the phone, or I never talk at the door when I pick up the kids. He made a statement how he did nothing wrong, and how he had to leave me. He wanted to be my friend . . . he wanted me to admit that it was all my fault . . . he looked very tired and upset, so I thought I would be wise not to make angry . . . I got very tired of the abuse, and not being able to go anywhere, and told him to go home or do what he

came to do. If he wanted to kill me, to do it. He was dressed in his SWAT uniform, and he had black leather gloves on . . . I got up and told him to leave; he said that he'd go when he wanted . . . he looked out the window, took out his ear piece, and threw down my garage opener on the stairs. He waited until no one was around, and then left. I called my attorney . . . and Steve Maniaci . . . and my sister . . . and Mary Pontarelli. I was afraid to file anything; he was very unstable . . . and I thought he would deny it . . . I told him I'd wait a few days until we could talk. Hopefully, by then, he'd get help . . . so that we could get the divorce quicker . . . I said, 'Go ahead, just kill me.' He said where do you want it, and I said in the head. He said, 'OK, then turn our head,' and I did it. And then he said that he would never be able to hurt me. And then he left."

This concludes the direct examination of this witness.

August 15 at 11:10am · Like · 5

In Session

there is a new thread.

August 15 at 11:16am · Like · 4

08/15/2012: Defense Attorney Steve Greenburg on cross examination

In Session

August 15

Watch this thread for live updates from the Drew Peterson murder trial!

Attorney Greenberg begins his cross-examination of Officer Kernc.

In Session

Attorney Greenberg begins his cross.

The witness acknowledges that she personally has been through three divorces (it may have been two divorces at the time she interviewed Savio). She started at the Bolingbrook P.D. in 1983 (but can't remember when Drew started.)

"You led the day team, and he led the night team?"

"Yes."

"It was very competitive, wasn't it?"

"No."

"You talked to the State Police at some point, and to the FBI?"

"Yes."

"I would imagine you weren't interviewed as a witness by the FBI too often?"

"When they spoke to me, I considered it an interview, not 'talking.'"

"Were you interviewed by the FBI and the State Police?"

"Yes."

"And did you tell either of those agencies that it was very competitive? Ever tell them that?"

"If I may speak more than a yes or no . . . I believe when I spoke to them it was in relation to when I originally started. At that time, we were very competitive . . . I don't think I ever told them that my day shift was competitive with his night shift . . . it would be a fair statement that we never were friends, but were co-workers."

August 15 at 11:15am · Like · 9

In Session

"You talked to Ms. Savio, and took as long as you needed to talk to her?"

"Yes."

"She wrote out this statement for you?"

"Yes."

"Could have written as long or as much as she wanted?"

"Yes."

"You got called out there on July 18th?"

"Yes."

"You knew before you went out there that it was a call about something that happened on July 5th?"

"Yes."

"Were you aware that Ms. Savio had had contact with the Bolingbrook Police for . . ."
Objection/Overruled.

“Where you aware that Ms. Savio had spoken to the police on July 11 about some visitation issues?”

“No . . . I did not know that.”

“You did have the ability to run a search for other information?”

“Absolutely.”

“You guys just didn’t do that?”

“I did not.”

August 15 at 11:17am · Like · 6

In Session

“When you talked to her, you didn’t observe any injuries?”

“No.”

“She didn’t tell you she had been injured at all?”

“Correct.”

“Did she tell you she didn’t want to file a police report?”

“Yes.”

“But she called the police, right?”

“Yes . . . I told her ‘I have to file a police report.’”

“Did you tell her you were going to investigate?”

“Basically.”

“Did you tell her these were serious allegations?”

“I’m sure I did,.”

“She was making allegations of very serious criminal conduct, right?”

“Yes.”

“A whole litany of felonies?”

“Right.”

“You can’t have a policeman or any citizen going around and doing this kind of conduct?”

“No police department can.”

August 15 at 11:19am · Like · 5

In Session

Prior to her testimony, she spoke to prosecutor Patton.

“Once before the hearing, once before this, and then one conversation on the phone.”

“Did you have a chance to review any of your police reports?”

“Yes.”

“Have a chance to review the report the FBI prepared?”

“I may have heard about it when I sat down with the State’s Attorney, but I don’t have access to it.”

The same is true for the Illinois State Police report.

“When you spoke to the Illinois State Police, they made notes, didn’t they?”

“Correct.”

The witness is then shown a copy of this report. Objection/Sustained.

“I asked you if you’d told the state police that you didn’t care for Mr. Peterson?”

“Right.”

“And you said you didn’t care for him?”

“I considered him a co-worker; I didn’t consider him a friend.”

The witness says that she doesn’t think she said that to the ISP.

“You can show me the notes, but they may have misconstrued what I said at that time.”

The witness is directed to a specific part of the state police report.

“It says ‘teams were very competitive; each though they were best, and didn’t care for each

other' . . . I believe when they wrote that, it was about my early days at the police department, and sometimes they didn't care for the opposite team."

August 15 at 11:24am · Like · 5

In Session

"When you spoke to Ms. Savio, she told you that earlier that day she had been served with a summons?"

"No . . . she did not specifically tell me that anything had occurred that day."

"You later found out that she had been served with a complaint that day?"

"Drew Peterson told me that." Objection/Overruled.

"You then learned that she had been served with a criminal complaint that day?"

"From Mr. Peterson."

"Are you telling me that Miss Savio didn't tell you that she called the police ten or fifteen minutes after being served with that complaint?"

"You are correct."

"When Mr. Peterson told you that, you didn't go out and check it?"

"You are correct."

"You just took him at his word?"

"I wrote down what he reported to me."

August 15 at 11:27am · Like · 5

In Session

"You forwarded your information to the State's Attorney's office?"

"Yes."

"And you indicated to them that you believed Mr. Peterson?" Objection.

The attorneys go to a sidebar.

August 15 at 11:27am · Like · 6

In Session

The sidebar ends.

The jurors and the witness are then excused from the courtroom.

Judge: "There are two issues with this witness, whether she's believable and whether what she was told by Miss Savio was believable."

Greenberg: "She was not certain it actually happened."

Patton: "Your Honor, there are several statements . . . I'm looking at the FBI report . . . she talks about Savio wavering back and forth . . . but the reason she was vacillating was because she was concerned about Peterson losing his job. So she never said that she believed the defendant's side of the story. She also said at the hearing that she didn't know whether it happened or not."

Judge: "OK . . . the objection is sustained."

The judge then sends for the witness and the jury.

August 15 at 11:31am · Like · 8

In Session

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

"You said that you weren't aware or don't recall Ms. Savio mentioning she had been served with any papers that day?"

"Not that particular day, no. I knew she had two batteries that were pending, but she did not say anything about that particular day."

"Did you interview her on other occasions, or just that particular day?"

"Just that day."

The witness is presented with a transcript of her testimony at the hearsay hearing.

"You had a chance to review this before you testified in court today?"

"Not today . . . the Assistant State's Attorney referred to it when she spoke to me, but I've never had an opportunity to read it."

"But you were sworn to tell the truth when you testified?"

“Yes.”

According to the witness’ earlier testimony, Savio had been served earlier that day.

“I’m not going to dispute you . . . apparently, if that’s what the transcript says.”

The transcript also indicates that Kernc testified that Savio was upset on the day she interviewed her.

August 15 at 11:38am · Like · 5

In Session

Greenberg then asks Kernc about the report she completed on the July 18, 2002 incident.

“It’s five pages, single spaced?”

“Correct.”

“It’s the report you prepared of this incident, summarizing all of your interviews, and from your notes?”

“Yes.”

“And you made sure it was accurate?”

“Yes.”

“And then you forwarded it to the State’s Attorney’s office?”

“Yes.”

The witness is directed to a specific paragraph of the report, and asked to read it silently to herself.

“In fact, you wrote ‘she mentioned that he had filed complaints against her . . . she had a job opportunity at a hospital, but feels that due to her battery complaints she had lost that opportunity’?”

“Correct.”

“So she told you she had been served with battery complaints, and she was mad about it?”

“Yes.”

“And she had been served with those complaints that morning?”

“Yes.”

“And she called the police shortly afterward?”

“Drew Peterson told me that she had been served that day . . . I did not know that day . . . I did not know that day that she had been served that day. And that is my error.”

August 15 at 11:42am · Like · 6

In Session

“She told you Drew Peterson was dressed in a SWAT uniform?”

“Yes.”

She describes what a SWAT uniform looks like (it’s mostly black).

“Some officers carry knives?”

“Some do.”

“In fact, didn’t she tell you that Sgt. Peterson was in a black sweatshirt and blue jeans, not a SWAT uniform?”

“No.”

“Well, again, you testified previously?”

“Yes.”

“And didn’t you answer, ‘I think the pants she said were blue jeans, but black shoes . . . she said he had black gloves’ Didn’t you answer that under oath?”

“Well, if it’s in that deposition, I obviously did . . .I’ll take your word for it that that’s what it says.”

“And you were asked some follow-up questions about his clothing by Ms. Patton?”

“Yes.”

“And Mr. Peterson told you what he was wearing that day?” Objection/Sustained.

“Well, you had a conversation about this with Mr. Peterson, didn’t you?” Objection/Sustained.

The defense then asks for a sidebar.

After a moment, the judge asks to have the jurors removed from the courtroom.

August 15 at 11:45am · Like · 6

08/15/2012: Defense wants to impeach hearsay with hearsay!

In Session

The jurors and the witness are now gone.

Judge: "We're in a brief recess, while the State needs to locate some case law. As soon as you find that, let me know."

With that, Judge Burmila leaves the bench, and the trial is in a brief recess.

August 15 at 11:46am · Like · 7

In Session

The parties are reassembling inside the courtroom.

The trial should be resuming shortly.

August 15 at 12:12pm · Like · 11

In Session

Judge Burmila is back on the bench.

"State, do you have your case law?"

Prosecutor Connor replies that he has two cases for the judge to consider – one of which, coincidentally, is a case attorney Greenberg says the defense is also relying on.

Copies of the case law are handed up to the judge, who reads them.

August 15 at 12:21pm · Like · 7

In Session

Greenberg: "When you present hearsay evidence, you are then allowed to bring in hearsay to attack that testimony . . . we can attack it in any way, shape, or form that we want, basically, as long as it's otherwise admissible evidence. They brought in the statements of Mr. Peterson through Miss Savio. We're now trying to impeach that by bringing in what Mr. Peterson actually said . . . it's not being offered for the truth; it's being offered for impeachment

purposes. So we should be able to do it.”

Judge: “How does the defendant’s self-serving statements to the police officer impeach Miss Savio?”

Greenberg: “He gives a written statement and speaks to the officer. It totally contradicts her description of what happened that day. It is one thousand percent consistent with what Miss Savio told her friends. She talks to Mary Pontarelli later that day, and tells her that she had Drew had “a nice conversation,” and never says anything about a confrontation or a knife. And that’s consistent with what Mr. Peterson said . . . it’s not hearsay; it’s impeachment.”

Judge: “The defendant cannot normally use his self-serving statements to avoid taking the witness stand . . . is there a distinction between [another witness’] statement as impeachment, as opposed to using the defendant’s statement?”

Greenberg: “We’re putting it in for impeachment, which is entirely different. It’s not a self-serving statement; it attacks the credibility of Ms. Savio. We should not be denied the opportunity to show that this did not happen . . . I don’t think they should be able to call a witness to testify to this kind of evidence and force the defendant to take the stand to rebut it.”

August 15 at 12:27pm · Like · 5

In Session

Prosecutor Patton responds: “The defendant cannot bring in his statement through someone else . . . I think it’s important to remember that in the hearsay hearing, that hearing is allowed because it is to benefit, to allow the State to put on hearsay testimony because the defendant forfeited his rights to do so.”

Judge: “If there were nine or ten people that Ms. Savio testified to, and she told one person the defendant said he was going to kill her, and she told the other nine that she made it up to get even, are you saying that those other nine people could not be called to testify?”

Patton: “It sounds like the defense wants to challenge Kathleen Savio’s statement by putting in Mary Pontarelli’s hearsay statement. They want to do something that’s never allowed: to bring in the hearsay statement of another to impeach.”

Greenberg: “These are not defendant’s statements about the crime he is charged with. I think that’s a very big distinction . . . it’s not hearsay, because we’re trying to bring it to attack her credibility.”

Judge: “This case the State has just given me, from Colorado, seems to say exactly what counsel has just said . . . this is a case that you gave me, isn’t it exactly what they said? Is there a distinction?”

Patton: “I’m not familiar with the case you’re referring to; I’ll have to talk to Mr. Connor. I beg the Court’s indulgence in that . . . the State believes, as I said, that neither the federal rules

nor our rules allow for this procedure . . . and we have a reliability issue.”

Judge: “I said it was self-serving.”

Greenberg: “We can do it. The rules say we can do it. And I should be able to do it.”

Judge: “If Kathleen Savio was here testifying, and said those things, how would it impeach her testimony if you said, ‘Didn’t the defendant deny saying these things?’ How does that impeach her testimony?”

Greenberg: “I would like to go through his statement of what he said, that contradicts what Miss Savio said.”

Judge: “Even if it’s admissible, it has to be impeaching in some manner. You want to impeach what Kathleen Savio told this officer. And you say the defendant’s self-serving statement accomplishes that?”

August 15 at 12:35pm · Like · 7

In Session

Judge: “I don’t know how it is that that statement impeaches Kathleen Savio’s statement to the officer. I understand the argument the defendant is making . . . but I don’t find the defendant’s statement to be relevant, because I don’t think it impeaches the statement.”

Greenberg mentions another statement he’d also like to bring in, which prosecutor Patton objects to.

Judge: “I think the State’s objection will be sustained; you won’t be able to go into that with the defendant’s statement, either. The fact that he made a statement, you can ask her that.”

With that, the judge sends for the jury and the witness.

August 15 at 12:38pm · Like · 7

08/15/2012: Defense Attorney Steve Greenburg continues cross

In Session

The jurors and the witness are now back in the courtroom, and Greenberg continues his cross-examination.

“You went over there that day, and took this statement from Miss Savio-Peterson?”

“Yes.”

“The statement that she hand wrote is three pages?”

"Yes."

"You talked to her orally also for about an hour?"

"Yes."

"She was upset with being served with papers that day for battery?"

"She was upset that she had been arrested for batteries."

"She told you that she was upset that Mr. Peterson, the whole time he was in the house, never spoke about their property?"

"No."

"His pension?"

"No . . . she did not tell me that they discussed those issues."

"She said he told her that she was behaving awfully?"

"Yes . . . that she didn't talk to him."

"And that she should just admit that it was all her fault?"

"Yes."

"You've been through some divorces; that's not unusual behavior?" Objection/Sustained.

August 15 at 12:41pm · Like · 6

In Session

"He wasn't angry; he was tired and upset?"

"According to what she said, yes."

"Did you ever contact [divorce attorney] Harry Smith?"

"No."

"Are you aware that Mr. Smith's records do not reflect speaking to her?" Objection/Sustained.

"She told you that Mr. Peterson said he would deny being there?"

"He said that if she called he would deny it . . . yes."

“And when he left, he actually left the garage door opener there?”

“Yes.”

“And you then spoke to Sgt. Peterson, that same day?”

“Yes.”

“And he did not deny going over to the house . . .?” Objection.

The parties approach the bench for a sidebar.

August 15 at 12:44pm · Like · 4

In Session

The sidebar ends.

The witness and the jurors are then excused from the courtroom.

Patton: “The defendant is not allowed to impeach the statement of Ms. Savio by bringing in a self-serving statement. I thought that’s what you just ruled.”

Judge: “If Kathleen Savio were on the witness stand and were here, she said the defendant said, ‘If you tell the police about this, I’m going to deny it.’ And he didn’t deny it. And this particular statement does impeach Kathleen Savio’s statement, and you [the State] presented it.”

Patton: “It would impeach, but it would be improper impeachment.”

Judge: The State’s objection is overruled . . . I’ve made a ruling, Mr. Glasgow. You can have a seat.”

The judge then sends for the witness and the jury.

August 15 at 12:49pm · Like · 4

In Session

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

Greenberg continues his cross-examination.

“Ms. Kernc, after you left Ms. Savio’s house, you then went and spoke to Sgt. Peterson?”

“Yes.”

“As an investigator, not as a co-worker?”

“Yes.”

“Did you give him an opportunity to review anything Ms. Savio said or wrote?”

“No, I don’t believe I did.”

“And you advised him he didn’t need to speak to you?”

“I’m sure I did.”

“And Ms. Savio said that he would deny being at the house that day?”

“Yes.”

“And he didn’t deny it, and in fact told you he went over to the house that day?”

“Yes.”

“And after speaking to him, you continued your investigation, and spoke to Mary Pontarelli?”

“Yes.”

“And Ms. Savio had told you she had called Mary Pontarelli immediately after this incident?”

“I know she called her after; I don’t recall her saying ‘immediately.’”

“Did Mary Pontarelli tell you that Kathleen Savio had described the incident?”
Objection/Sustained.

The defense asks for a sidebar.

August 15 at 12:51pm · Like · 5

In Session

The sidebar has now ended.

“Did Kathy tell you that when she spoke to Mary Pontarelli she never told her anything about pulling a knife?”

“No.”

“Did she describe the conversation as Kathy and Drew having a nice conversation?”

“ No . . . she did not tell me the contents of her conversation.”

“Did she tell you that she told Mary Pontarelli that she told Drew to get out of the house if he wasn't going to help?”

The witness asks to look at her report before answering, then asks to see the written statement written by Kathleen Savio.

Greenberg: “Is your recollection now refreshed?”

“It is.”

“Do you recall that Kathleen told Mary Pontarelli that Kathleen and Drew had a nice conversation?”

“She did not tell me what her conversation entailed at all, other than they'd had a conversation.”

“Are you aware that Kathleen told Mary Pontarelli that she wanted Drew to drop the battery case?”

“When I talked to Kathleen, she did not tell me the contents of her conversation with Mary Pontarelli.”

August 15 at 12:58pm · Like · 6

In Session

Kernc denies that Savio “went back and forth” about Drew's having had a knife.

“She did not vacillate about the knife . . . not in conversation. She vacillated by scribbling it out [of the written statement]. But not in conversation about it.”

August 15 at 12:59pm · Like · 6

In Session

“She added the portion about the knife after it [her statement] was written?”

“Yes . . . she included the knife in her verbal to me.”

“She never told you when during the conversation the knife was pulled?”

“Not specifically, no.”

“And she didn’t include it until you prompted her to add it?”

“When I read it, I saw that it wasn’t there . . . I told her to put in the report what happened. I said, ‘The knife part isn’t in here. You need to put in here what actually happened’ . . . then she wrote it in there, and a short time later she crossed the knife part out. She expressed concern about him being arrested, and losing his job.”

“Mr. Peterson was never charged with this incident?”

“Right.” Objection/Overruled.

“She didn’t want him arrested.” Objection/Overruled.

Greenberg then reads from prior testimony, in which the witness says that Savio was indeed vacillating.

“You had some concerns about whether that actually happened?”

“Right.”

“And that was based on your complete investigation?”

“Yes.”

“And she never said anything about this until she was served that day?” Objection/Sustained.

That ends the cross-examination of this witness.

August 15 at 1:05pm · Like · 2

In Session

Judge Burmila decides to call the lunch recess at this time.

He leaves the bench, and the trial is in recess until 1:15 CT/2:15 ET.

August 15 at 1:06pm · Like · 4

In Session

Prosecution PIO Chuck Pelkie has just confirmed that Dr. Larry Blum should be the next prosecution witness. According to Pelkie, Blum’s direct examination will be conducted by lead prosecutor James Glasgow.

August 15 at 2:27pm · Like · 4

In Session

There is a new thread

August 15 at 2:30pm · Like

In Session

August 15

Watch this thread for live updates from the Drew Peterson murder trial!

Prosecution PIO Chuck Pelkie has just confirmed that Dr. Larry Blum should be the next prosecution witness.

In Session

Judge Burmila is back on the bench.

Greenberg: "I just want to clarify . . . I just want to make sure there won't be some objection down the road if we, for example, call Mary Pontarelli."

Judge: "I don't know what the State is going to do. I guess we'll cross that bridge when we get to it."

With that, the judge sends for the jury and the witness.

August 15 at 2:29pm · Like · 5

In Session

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

Prosecutor Patton says she has no questions for redirect, and so the witness is excused.

August 15 at 2:31pm · Like · 5
