

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

Scott Rossetto “DENIED” To Testify August 17, 2012

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

In Session
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August 17

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

Attorney Darryl Goldberg begins his cross-examination of Dr. Neri.

In Session

The jurors have been excused from the courtroom.

Judge: “There’s some issue with the next witness?”

The attorneys approach for a sidebar.

August 17 at 12:20pm · Like · 5

In Session

The sidebar ends. Brodsky addresses the judge, complains that the people in the gallery have occasionally given a response to testimony, such as a gasp or laughter.

Judge: “There are some occasions that take place during a trial where something is said that’s humorous . . . but yesterday, there was an audible gasp from the audience in front of the jury, in response to a question from Mr. Meczyk that they obviously disapproved of. The same thing happened to a lesser extent today . . . in the future, if there should be any such reactions, the Court will have to take what it believes is appropriate action to make sure the jury is free of that sort of influence. If that involves removing individuals from the courtroom, that’s a sanction that I’ll take into consideration . . . I’ll be forced to take some remedies that everybody may not be happy with.”

August 17 at 12:22pm · Like · 7

08/17/2012: Defense addresses issue of Scott Rossetto testifying

In Session

Attorney Greenberg now addresses the upcoming testimony of prosecution witness Scott Rossetto.

“I think Judge White found the events [Rossetto relates] to be unreliable . . . we’ve got different statements being attributed to Stacy, and different places the statement allegedly took place at, at different times . . . I think the unreliability finding has to be given more respect, more weight than some of the other statements . . . this is so unreliable that I don’t think it can pass the due process analysis.”

August 17 at 12:29pm · Like · 5

In Session

Prosecutor Glasgow responds: “[Pastor] Neil Schori does not know this individual, nor does Mr. Rossetto know Mr. Schori . . . [but] [Rossetto’s statement] is almost identical to the statement that one day later Mr. Schori comes forward with.”

August 17 at 12:34pm · Like · 17

In Session

Judge: “Well, as I said previously in regards to the argument of a due process claim, it doesn’t appear from a legal perspective to me to be unreliable on its face . . . so the motion to prevent the witness [Scott Rossetto] from testifying is denied.”

August 17 at 12:39pm · Like · 28

In Session

The judge says that Rossetto will be able to testify Stacy Peterson told him that Drew Peterson told her to lie.

Judge Burmila: “I excluded the alibi itself. But I said they could have admitted before the jury that he asked her to lie.”

Brodsky argues against this testimony, claiming that it’s a violation of marital privilege.

Prosecutor Colleen Griffin responds, says that the State’s recollection of the judge’s previous

rulings are very different from those of the defense.

Judge: "My recollection mirrors that of Ms. Griffin's . . . the statement is admissible."

August 17 at 12:53pm · Like · 24

In Session

It's too late to start Rossetto's testimony at this time.

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

But before he leaves the bench, he calls the attorneys to a sidebar.

August 17 at 12:54pm · Like · 12

In Session

The sidebar ends, and Judge Burmila leaves the bench.

The trial is in recess until 1:15 CT/2:15 ET.

August 17 at 12:56pm · Like · 9

In Session

August 17

Watch this thread for updates from the Drew Peterson murder trial.

Judge Burmila is back on the bench.

Brodsky has a question about some discovery regarding "Dr. Case," who is apparently an upcoming prosecution witness. He complains that there is a "presentation" that Dr. Case was part of that the State has never turned over.

The prosecution responds, and the issue appears to be resolved.

The judge sends for the jury.

08/17/2012: Prosecutor James Glasgow on direct examination

In Session

The State calls its next witness: Scott Rossetto (questioned by prosecutor Glasgow).

He now lives in Germany, and is 40 years old. He has a bachelor's degree in nursing, and is a captain in the U.S. Army.

"In 2001, did you have occasion to meet Stacy Cales?"

"I did."

He then identifies a photograph of Stacy Cales Peterson.

August 17 at 2:47pm · Like · 19

In Session

"How did you first meet her?"

"My brother was seeing her."

"Keith is your twin brother?"

"Yes . . . identical twins."

"How long did your brother date her?"

"Just a few months."

"How many times did you have conversations with her?" Objection/Sustained.

"How many times did you see her during the time your brother was dating her?"

"Approximately seven or eight times."

His brother joined the military in 2001 ("two days before Sept. 11"). In October, 2007, he received a phone call from Stacy.

"Her last name had become Peterson."

"Do you know to whom she had become married?"

"Drew Peterson."

August 17 at 2:50pm · Like · 25

In Session

In October, 2007, he had a meal with Stacy at a restaurant. Then, about two weeks later, on Oct. 25, they met again at his house. Objection.

The attorneys approach for a sidebar.

August 17 at 2:51pm · Like · 13

In Session

The sidebar ends.

The witness and the jurors are excused from the courtroom.

Greenberg: "I raised the issue of when this conversation took place . . . who am I now going to call if I have to impeach this? . . . they're prepping their witnesses, and they told us before lunch that it was the 22nd; all of a sudden, he's on the stand and he's saying it's the 25th."

Glasgow: "That was a misunderstanding."

Judge: "Did your office advise them that the conversation took place on the 22nd?"

Glasgow: "I did not do that, Your Honor."

Judge: "But previous to that, Mr. Connor, you advised them that the conversation took place on the 22nd?"

Connor acknowledges that he mistakenly told the defense just before lunch that the date was Oct. 22nd."

The judge says that the defense can call Connor as its impeachment witness, but that would end his role as a prosecutor in this case.

Glasgow instead offers a stipulation, but the defense isn't sure it wants to agree.

The judge grills Connor on what exactly it was that was said to the defense.

Judge to Glasgow: "I'm not saying you did it personally. But your office is responsible . . . you're vouching for the credibility of this witness . . . are you going to stipulate that you advised the defense of false information about this witness? I didn't create this situation. It's as if the sand is shifting on a momentary basis."

August 17 at 3:03pm · Like · 10

In Session

The judge/prosecutor exchange continues.

Judge: "Mr. Greenberg, are you prepared to go ahead with cross-examining this witness at this time?"

Greenberg: "Judge, is there someone else they call?"

Judge: "Well, to some degree, it's unfair for me to tell the State to produce another witness . . . is there a witness?"

Glasgow: "Jennifer Schoon."

"Judge: "We'll take a minute here, to see if we can sort this out."

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

August 17 at 3:09pm · Like · 8

In Session

Judge Burmila is back on the bench.

Attorney Greenberg: "Our opinion is that this is obviously unreliable, and it should be barred as testimony. It's all over the place."

Prosecutor Koch responds: "First of all, the testimony previously provided by Mr. Rossetto has always been that the statement was made in October."

Judge: "Does it say in the police report that the conversation took place at the apartment?"

Koch: "No, it doesn't."

Judge: "Does that police report say that it happened at Denny's?"

Koch: "It does."

Judge: "And you sent them an e-mail that said that the witness would testify consistent with that police report?"

Koch: "It's our position . . ."

Judge: "STOP! I'm not asking you to spin it, or put your interpretation on it . . ."

Koch: "It says that he will testify consistent with the police report . . . this particular e-mail was sent due to the continuing duty to disclose . . . the e-mail was [sent] Aug. 15 . . . basically, it comes down to the word 'report,' which should have been 'statement.'"

Judge: "I know the spin you want to put on it . . ."

Glasgow joins the discussion, blaming the confusion on a Scribner's error.

August 17 at 3:36pm · Like · 6

08/17/2012: Judge Burmilla has barred testimony from Scott Rossetto

In Session

Greenberg and Glasgow continue to argue the issue.

Connor and Brodsky then join the fray.

Ultimately, Judge Burmila makes his ruling: "I think we've addressed the issue of the facial unreliability of this statement on more than one occasion. Judge White heard this testimony, and determined that this testimony was unreliable . . . now, the Court has been informed that at the time he testified they were in possession of information that the date was wrong . . . even without knowing that, Judge White found his testimony to be unreliable. Now, the State told the defense that this individual's testimony would be consistent with the police report of Oct. 30. The police report is crystal clear there were two different conversations, one at Denny's and one at the residence. The State's Attorney now informs the Court that there was a scrivener's error . . . that's not the way discovery works in a criminal case. In addition to that, the date changed twice . . . a second change within one hour or so of him approaching the witness stand. Taking all these things into account . . . the discovery violation, the misinformation . . . it might seem that you let him come up here and testify to whatever the current version is, and then allow him to be impeached. But it does not work that way . . . I now find his testimony to raise to the level of a due process violation . . . and this witness is barred."

August 17 at 3:55pm · Like · 4

08/17/2012: Defense argues in court re: Joseph Steadman testifying

In Session

With that, Judge Burmila has banned any further testimony from Scott Rossetto. He orders the State to produce a new witness, and sends for the jurors.

However, before the jury enters, attorney Brodsky brings up another matter, regarding a life insurance policy on the life of Kathy Savio.

"I don't see the relevancy of bringing that before the jury . . . there's very, very little probative value."

Connor responds, says that the witness in question would only testify as to the statements made to him by the defendant. Brodsky continues to insist that this testimony would be more prejudicial than probative, and should be excluded.

Judge: "As to the defendant's statements, I find that they are relevant, and they are admissible . . . so the defendant's objections are overruled, and those statements are admissible."

August 17 at 4:01pm · Like · 13

In Session

Judge Burmila then sends for the jury.

August 17 at 4:04pm · Like · 4
