

1 Q. (BY MR. PIERSON) I'm going to ask you and show you  
2 Number 16 and ask you if you recognize what that is.

3 A. That's one of my journal entries.

4 Q. And is it the same type of journal entry you referred  
5 to before in terms of where you were describing --

6 A. Things that I felt.

7 Q. Among other things, in this one you indicate that you  
8 want -- sometimes you want to run away and essentially  
9 getting away from the situation that you're in?

10 A. Yeah.

11 Q. Did you -- on the second page of this one in the  
12 reference, specifically going to Number 16, you indicated  
13 that you would never leave because -- and you're referring  
14 to "them, never leave them."

15 A. Phillip and Nancy.

16 Q. You said that because you're a coward. "I've always  
17 been a coward," and that you were scared and you talk about  
18 those things. Did you ever attempt to escape from the  
19 situation?

20 A. No.

21 Q. Physically attempt to escape?

22 A. Physically, no.

23 Q. And why -- why not?

24 A. Well, in the beginning, I was scared. I was scared.

25 I didn't know what I would do. I was afraid of I guess what  
26 he would do, Phillip. And then I didn't -- I forgot to  
27 mention before -- I don't know if I should mention it.

28 Q. Sure.

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Page 92 through Page 94 were removed by Court order.

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1 you know, saying he's so sorry for what he did; he can't  
2 believe he did it. And, you know, I would tell him, "It's  
3 okay. You know, I'm okay. You don't have to worry."

2:14PM

4 Q. Now, I'm going to show you another one, which is  
5 marked Number 18, and this one is dated 7-5-04. Do you  
6 think that that -- did you put the date on there?

7 A. Yes.

8 Q. So that would be the approximate time when you would  
9 have written that?

2:14PM

10 A. Um-hum.

11 Q. And it's the same type of thing as when we talked  
12 about in terms of journal?

13 A. Yeah. My feelings.

2 M

14 Q. And in this one you referred to a number of things,  
15 including you hate being afraid and why don't you have  
16 control of your life. And these feelings -- is it fair to  
17 say that all of these different feelings that you're  
18 describing is -- by using the term "you're living in  
19 captivity," would you say that's a fair and accurate way of  
20 describing what it is that you're describing in these  
21 various journal entries of the actual situation that you  
22 were living in?

2:15PM

23 A. Yeah. It was just very confining. I mean, we went  
24 places later on as a family but never by myself, and I  
25 wanted him to teach me how to drive and stuff. And that  
26 never came. I didn't know what to do. I couldn't leave. I  
27 had the girls. I didn't know where to go, what I would do  
28 for money or anything. I didn't have anything.

2:15PM

1 Q. Let me show you March 28th of 2006. Do you recall  
2 writing this one?

3 A. Yeah.

4 Q. And can you tell us --

2:16PM

5 A. Yeah.

6 Q. Can you tell us what that is?

7 A. It's things I wanted to do. I wanted to see my mom,  
8 what I always wanted to do.

2:16PM

9 Q. And then at some point in time there was an incident  
10 where -- just over a year ago where Phil was taken into  
11 custody and then came back to the house, and then all of you  
12 went to a different location to a parole office. Do you  
13 remember that?

2 M

14 A. His parole office, yeah, the next day. I was scared.  
15 I didn't know what was going to happen, you know. He said  
16 everything was going to be okay. He just needed to, like,  
17 not set the record straight. He didn't say that. But like  
18 show them that he was not doing anything wrong. He never  
19 thought he was doing anything wrong.

2:17PM

20 And he had us all go to the parole office. I said to  
21 him, "Well, what do you want me to say?"

2:17PM

22 He said, "Just stick with the plan. And if they ask  
23 you any questions, just say you need an attorney. You just  
24 need to tell them that you're the girls' mother, and you  
25 give me permission to take them around to" -- he was trying  
26 to get his church going, God's desire.

27 He took the girls to the Berkeley campus, the FBI  
28 office, and that kind of stuff.

1 Q. You're referring to "stick with the plan"?

2 A. Yeah.

3 Q. Can you describe to us what the plan was?

4 A. Well, he said if -- you know, if anything ever  
5 happened and he was arrested for any reason or anything like  
6 that, that I just immediately need to ask for a lawyer, and  
7 keep in contact with his lawyer, and he would let me know  
8 what to do.

9 Q. And how were you to keep -- why did you need a  
10 lawyer? For what reason did you need a lawyer?

11 A. I don't know.

12 Q. Did you believe that it would be in any way -- so if  
13 you had a lawyer, he had a lawyer?

14 A. I believed that so that I could protect him, so that  
15 I wouldn't say anything wrong. You know, I think that's  
16 what he believed, and I just said, you know, "That's never  
17 going to happen. We don't need to worry about that."

18 Q. When was the first time there was a plan such as this  
19 discussed for if law enforcement came to the house, or  
20 somebody else found out when he was arrested? When was the  
21 earliest memory you have of that?

22 A. The girls always -- I mean, they grew up knowing that  
23 their dad was on parole and that we had to be -- we had to  
24 be careful when we went into the house, which wasn't very  
25 frequent. But later on, like the last year -- last three  
26 years, we were taking care of his mother. She got -- she  
27 fell and she got -- she started having dementia, and she  
28 couldn't work, Parkinson's.

1           And so we were taking care of her in the house a lot.  
2 I would go in for my shift with helping her, and she was not  
3 in her right mind. She was very angry unless he came in.  
4 And then she was very -- she loved her son. He could do no  
5 wrong. But --

2:19PM

6 Q.       During the time that -- going back to --

7 A.       But the kids always knew that we had to be careful,  
8 the parole officer is coming over. But during the last  
9 year, he just stopped -- not caring but just, like, thinking  
10 that he wasn't doing anything wrong, and why are they after  
11 him, and he needs to get off of parole.

2:19PM

12           And so the girls spent the night with their grandma  
13 in the house, and the next morning I think one of his parole  
14 officers came in. I was in the back. I didn't sleep in the  
15 house. And I guess they saw one of the girls, but he  
16 didn't -- he didn't say anything.

2 M

17           And then so the next -- Phillip told us the next time  
18 that the parole officer came in and we were in the house,  
19 that I should ask the parole officer, "Were you the one in  
20 my daughter's room?" You know, just so that we have an  
21 accounting of it. He always liked to have an accounting of  
22 anything that went on.

2:20PM

23 Q.       And this plan that -- both of your daughters grew up  
24 knowing --

2:20PM

25 A.       Knowing that we had to protect Dad. That, you know,  
26 he was on parole but, you know, just can't be seen. When  
27 the girls first went out, you know, they would duck in the  
28 car and not be seen by the neighbors. That was in the

1 really beginning.

2 Lately, it's just, you know -- I mean, we can't go  
3 out for walks by ourselves or anything like that, but just  
4 family outings and stuff.

2:21PM 5 Q. Did you feel obligated to follow along with this  
6 plan?

7 A. I really didn't think that there would be a need for  
8 it, I guess. I don't know what I thought. I just didn't  
9 want to make him mad because he would go through these --  
2:21PM 10 not physically violent but just really mad.

11 Like we had a printing business, and he would shut  
12 down the whole printing business, and then we wouldn't make  
13 any money. So we didn't want to make him mad, you know. So  
14 I tried to stay -- you know, go with the flow, that kind of  
2 4 15 thing.

16 Q. And then eventually you go to the parole office, and  
17 there is -- describe to us essentially what happened at the  
18 parole office.

19 A. We were immediately separated -- me, Nancy, and the  
2:22PM 20 two girls -- my two girls -- into this separate room. And  
21 the parole agent asked my name and what I'm doing here, and  
22 I say that I'm Alissa and that I work for them for right  
23 now, but I'm out of town. Because he asked for my contact  
24 information. I didn't know what to say, you know. I told  
2:22PM 25 him my last name was Franzen; I'm an out-of-town relative.  
26 I didn't know what to say. I didn't know how to protect,  
27 you know, anything. I was scared. I didn't know what to  
28 say.

1 Q. Did you eventually --

2 A. And then -- and then he said that we could leave. We  
3 went back to the car. And we were just waiting for Phillip  
4 to come so we can go home. It was very stressful.

2:23PM

5 Q. Eventually, they brought you back in?

6 A. Yeah. They come back out and asked me to step out of  
7 the car. And he said that I was a liar, that I wasn't the  
8 mother of these two kids, that Phillip said that they  
9 belonged to his brother. We are his brother's kids. And

2:23PM

10 I -- I looked at -- I just looked at him and said, "They are  
11 my daughters. I gave birth to them." And he still didn't  
12 believe me. And I tried to concoct this stupid story that I  
13 was running away from this guy, you know, their dad, and,  
14 you know, I can't give my name. Because he wanted my name

2:24PM

15 to check me out, obviously, but I couldn't give him my name.

16 And they said they are going to call Child Protective  
17 Services, and I said, "You can't take them away," you know.  
18 But I just -- I didn't know what to do. I said, "I need a  
19 lawyer." I did ask for a lawyer.

2:24PM

20 They're like, "Why do you need a lawyer?" And I  
21 said, "Well" -- and then I asked to see Phillip. And he  
22 wouldn't even look at me. Like he didn't even care or  
23 anything. He just said that "she needs a lawyer."

24 Q. He said that "she needs a lawyer"?

2:24PM

25 A. Yeah.

26 Q. You? He was referring to you?

27 A. Yeah.

28 Q. Eventually, though, you were sitting with the



1 officers from --

2 A. Yeah. An officer came in. Melanie. Female officer.  
3 The males were really scary, but I just -- they thought I  
4 was a runaway. And they said that they were going to arrest  
5 me, and they were going to take me downtown, and I would be  
6 eventually -- they would find out who I really was. I said,  
7 "I'm sorry. I just -- I can't. I don't know what to do."

8 And Melanie comes in and said that Phillip confessed  
9 and said that he had taken you, and I started crying. And  
10 she said, "You need to tell me your name." And I said that  
11 I can't because I hadn't said my name in 18 years. And...

12 Q. Did she have you write it down?

13 A. I wrote it down. And then I wrote down my mom's  
14 name.

15 Q. I'm going to show you Number 20. Is that a copy  
16 of --

17 A. Yeah.

18 Q. -- what you wrote down?

19 A. That's what it is.

20 Q. Now, let's talk about Nancy for just a moment. Did  
21 Nancy -- did Nancy ever admit to you or tell you that she  
22 was the other person in the car?

23 A. Oh, yeah. When she first -- when she was coming in  
24 and she would bring me things, she would -- she said that  
25 she couldn't stay long because she would always start crying  
26 and tell me how sorry she was and she can't believe he did  
27 it. She was so hoping that he got a headache that morning.

28 And it was very hard for her to come in and see me.

1 It didn't mean that she didn't like me or didn't, you know,  
2 want to see me, but it just -- because I would tell her how  
3 lonely I was and I wished she would stay longer and talk to  
4 me, and she would tell me all that.

2:26PM 5 Q. But it was clear to you from what she said that she  
6 was the other person in the car, even though you never saw  
7 her?

8 A. Yeah.

2:26PM 9 Q. During the runs, was Nancy ever present -- physically  
10 present in the room when any of the runs were --

11 A. No, she wasn't.

12 Q. But do you believe or do you know that Nancy was  
13 aware that they were happening?

2 M 14 A. Yeah. She knew that they were happening. She  
15 would -- like later on when I had the baby, she would say,  
16 "Oh, I'll take this run, you know, so you can, you know,  
17 spend time with the baby."

2:27PM 18 Phillip would say, you know, "I got to go next door  
19 and spend some time with Nancy for a little bit," that kind  
20 of stuff.

21 Q. Now, the house that we're talking about and that I  
22 showed you the picture of, that is -- just to be perfectly  
23 clear, that is the same house that you were living at on the  
24 day when you went to the Concord Police Department and you  
25 wrote the note with your name on it?

26 A. Yes.

27 Q. You lived there the entire time?

28 A. Yes.

1 Q. And that was the one that you described in terms of  
2 being in the car and going all over?

3 A. Same place.

4 Q. And I've kind of asked you this before, but I want to  
5 go back to it. The reasons -- I asked you did you ever try  
6 to physically escape, and you said no. You said it was  
7 different in the beginning than it was later.

8 But maybe if you can describe more. In terms of in  
9 the beginning, is it fair to say you never tried to escape  
10 because you were afraid?

11 A. And restrained.

12 Q. You were -- and you described being physically  
13 restrained --

14 A. Yes.

15 Q. -- during that period of time?

16 And then later on, you never tried to escape. And  
17 describe for us why it was that you -- beyond what you did  
18 in the diaries, is there -- if you can characterize it in  
19 your own words.

20 A. I felt like I didn't have anywhere else to go. I  
21 knew my stepdad. He -- I felt like he didn't like me, and I  
22 didn't -- that he would -- they would be happier, or they  
23 would be better off without me being there at home. He  
24 would always call them the Three Musketeers, him, my mom,  
25 and his daughter, [REDACTED] (Jane Doe 4).

26 And I always felt in the way. He was always sending  
27 me away. The year before, I was sent to my aunt and uncle's  
28 because he wanted alone time with my mom. I was sent there

1 for a year. And so I -- I guess I felt like I didn't have  
2 anywhere to go. And I was helping somebody, even though it  
3 was in a really sick, perverted way.

4 Q. You were helping because this --

2:29PM 5 A. Helping him, his sexual -- so that it wouldn't happen  
6 to anybody else, and I don't know.

7 Q. You believed that it would happen to someone else,  
8 given what you knew about Phil?

9 A. He said that he needed help with his sexual problem,  
2:30PM 10 that he had a real problem, and that, you know, I was  
11 helping him. And he didn't say that, that he would take  
12 somebody else, but the impression I got was that I was  
13 helping prevent something.

14 Q. I think I showed you 10 and 11. This is the outside  
2 M 15 of the Blue Room. Correct?

16 A. Um-hum.

17 Q. And it changed over time, but that was -- and then --  
18 that's 10. And then Number 11 is the inside at the point in  
19 time we're talking about where you went to the parole office  
20 and then the police department?

2:30PM 21 A. Yeah. That was the girls' room.

22 Q. Now, I'm going to show you -- since that date when  
23 you went into the police station and all the things that  
24 have happened in the last year, since that time do you  
25 recall an occasion where we had an investigator by the name  
26 of Mike Franzen? You know who Mike Franzen is?

27 A. Yes.

28 Q. Mike Franzen came, I believe -- I was actually with

1 him, and we showed you and let you watch a series of  
2 videotapes?

3 A. Yes.

4 Q. And do you recall looking at those videos?

2:31PM

5 A. Yes.

6 Q. And I'm going to -- I'm going to characterize it.  
7 You described on -- there were numerous times where Phil  
8 videotaped the runs and things that were going on?

9 A. Yes.

2:31PM

10 Q. And those videos that you looked at, were they some  
11 of the videos of that taking place?

12 A. Yes.

13 Q. And as best as you can recall, how many times would  
14 you say that he actually videotaped?

2 M

15 A. I don't know. It wasn't every run. I know he did  
16 other videotaping, but me specifically?

17 Q. Um-hum.

18 A. Maybe a total of five or ten times.

19 Q. You don't remember specifically, but that's just --

2:32PM

20 A. (Witness nods head.)

21 Q. And what would you say was the last time that that  
22 happened in terms of -- can you point to a point in time in  
23 terms of the last time you recall being videotaped?

24 A. Probably right before [REDACTED] (Jane Doe 2) was born.

2:32PM

25 Q. And you said with you. Are you aware of Phil  
26 videotaping other people?

27 A. I know Nancy used to talk about her hating summers  
28 because he would have her go out and videotape kids in the

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1 from watching the videos and from looking at those that that  
2 is you?

3 A. Yeah.

4 Q. Do you know why Phil was on parole and had been in  
5 prison?

6 A. For raping another woman.

7 Q. You learned that at some point during the period of  
8 time that we talked about?

9 A. Yeah. He told me that he was on parole. He raped  
10 another person. He did a terrible thing, but the judge  
11 sentenced him to way too much time, and it was uncalled for.

12 MR. PIERSON: At this point -- I know we had some  
13 questions that were handed to me. Were there any other  
14 questions the grand jurors had?

15 I don't see any.

16 Q. (BY MR. PIERSON) Did Nancy ever tell you that she  
17 knew why Phil had been in prison? Did she know why he was  
18 on parole?

19 A. Yeah. Yeah. They met in prison. She -- her uncle  
20 was also in the same prison that he was in, Leavenworth,  
21 Kansas. And it was like some party, some Cinco de Mayo or  
22 something. And she went to visit her uncle, and that's how  
23 they met. And then he started sending letters -- Phillip  
24 started sending letters to Nancy. And, eventually, they got  
25 married in prison.

26 Q. The stuff that you just described to us in terms of  
27 the runs and everything else and then the incident that took  
28 place at the Concord Police Department, was that the first

1 time that you told anybody in law enforcement about all of  
2 the things that had happened?

3 A. Yes.

4 MR. PIERSON: Are there any other questions?

2:38PM

5 I'm going to ask you if you could read the  
6 admonition.

7 I'm going to go ahead and read it. I've got it here.

2:38PM

8 You are admonished not to reveal to any person,  
9 except as directed by the court, what questions you were  
10 asked, what responses were given, or any other matters  
11 concerning the nature or subject of the grand jury's  
12 investigation, which you learned during your appearance  
13 before the grand jury, unless and until such time as the  
14 transcript of this grand jury proceeding is made public.  
15 Violation of this admonition is made punishable as contempt  
16 of court.

2 M

17 [REDACTED] (Jane Doe), do you understand that?

18 THE WITNESS: Yes.

2:39PM

19 MR. PIERSON: [REDACTED] (Dr. Doe), you understand  
20 that same admonition regarding confidentiality applies to  
21 you?

22 [REDACTED] (DR. DOE): Yes.

23 MR. PIERSON: One quick second.

2:40PM

24 Obviously, we went significantly past what the normal  
25 lunchtime would be, which would be noon. If it's agreeable  
26 with all of the grand jurors, I would propose that we break  
27 for one hour and then be back, and we'll have brief  
28 follow-up witnesses. Most of them are fairly short.



1 Actually, two of them will be very short, and one of them is  
2 a little bit longer.

3 So we would start at what would be roughly a quarter  
4 to 2:00.

2:40PM

5 If you could read the separation admonition.

6 GRAND JUROR GR12 [REDACTED]: [REDACTED]

7 (Grand Juror GR12).

2:40PM

8 The grand jurors are admonished that they are not to  
9 form or express any opinions about this case or discuss it  
10 among themselves until the grand jury receives the case for  
11 deliberation. In addition, no inspection of evidence should  
12 be conducted without the permission of the foreperson and on  
13 the advice of the prosecuting attorney until the case is  
14 submitted to the grand jury for deliberation. Deliberation  
15 should only occur when all jurors that heard all the  
16 testimony in the case are present.

2 M

17 MR. PIERSON: Okay. Thank you all. We'll see you  
18 back in about an hour.

19 (Whereupon, at 12:41 p.m. the luncheon recess was  
20 taken.)

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1 PLACERVILLE, CALIFORNIA

2 TUESDAY, SEPTEMBER 21, 2010, 1:43 P.M.

3 ---oOo---

4 MR. CLINCHARD: If we could have the jury  
5 foreperson -- it looks like, on my count, 19 grand jurors  
6 are here, along with myself, Jim Clinchard, and Vern Pierson  
7 and the court reporter. If you could just confirm that.

8 GRAND JUROR GR12 [REDACTED]: [REDACTED]  
9 (Grand Juror GR12). I confirm it.

10 MR. CLINCHARD: If you could administer the oath to  
11 Garrett Schiro.

12 GRAND JUROR GR12 [REDACTED]: You do solemnly  
13 swear that the evidence you shall give in this matter  
14 pending before the grand jury shall be the truth, the whole  
15 truth, and nothing but the truth, so help you God?

16 THE WITNESS: Yes, I do.

17 MR. CLINCHARD: You can have a seat.

18 TESTIMONY OF

19 GARRETT SCHIRO,

20 a witness called by the People, having been first duly  
21 sworn, testifies as follows:

22 DIRECT EXAMINATION

23 BY MR. CLINCHARD:

24 Q. If you could state your name, spelling your last name  
25 for the record.

26 A. My name is Garrett Schiro, S-C-H-I-R-O.

27 Q. What is your current occupation?

28 A. I'm a deputy sheriff for the Contra Costa County

1 Sheriff's Office.

2 Q. And how long have you been a sworn peace officer?

3 A. Over 11 years.

4 Q. Were you involved in a search of Phillip and Nancy  
5 Garrido's residence back on August 29th of 2009?

6 A. Yes, I was.

7 Q. And the address of that residence, do you recall what  
8 that was?

9 A. 1554 Walnut Avenue, Antioch, California.

10 Q. And while conducting or being part of that search,  
11 did you come across any sort of videotapes?

12 A. Yes, I did.

13 Q. Can you explain a little bit about how you came  
14 across them?

15 A. In the backyard portion of the residence was a lot of  
16 debris thrown away, old appliances. It looked like it  
17 had -- like it was used for their waste disposal. They  
18 would just dump everything.

19 So in one -- in the northeast portion of the  
20 backyard, there was a large pine tree with various  
21 appliances, like I was describing. And when we started to  
22 remove those appliances from underneath the tree, I  
23 discovered a large black trash bag filled with VHS and 8 mm  
24 videotapes. I would estimate approximately 75 or more.

25 Q. And I'm going to show you what's been previously  
26 marked as Exhibit No. 7, an aerial photograph of the  
27 residence. Do you see in the bottom photo there the portion  
28 of the residence that you were talking about where you found

1 the bag and tapes?

2 A. Yeah. It would be right -- right here underneath the  
3 pine tree.

01:46PM

4 Q. And you're pointing to the left-hand box that's  
5 entitled "Concealed Compound," the upper right portion of  
6 that box?

7 A. Yes.

01:46PM

8 Q. Can you describe -- you already did a little bit,  
9 what was in there. But what did you see when you looked  
10 into the bag?

01 M

11 A. Well, the bag was -- it was somewhat buried under all  
12 the rest of the thrown-away items and some of the dirt. We  
13 actually had to remove some of the tree. We sawed some of  
14 the tree branches away and had to use -- had to use shovels  
15 to dig out around these items.

01:47PM

16 And then there was -- like I described, the large  
17 black trash bag was all bound up in knots, and I opened it  
18 up. And there was various VHS and 8 mm videotapes with what  
19 appeared to be some sort of sticky substance melting them  
20 together, it looked like.

21 Q. And what did you do with the bag of tapes at that  
22 point?

01:48PM

23 A. At that point I set the bag aside in order for an FBI  
24 agent, who was on scene, to look through them to see whether  
25 they were of evidentiary value or not.

26 Q. And I'm going to show you what's been already marked  
27 as Exhibit 21, a photograph. Do you recognize what's  
28 depicted in that photograph?

1 A. Yeah. That's -- that appears to be the black bag  
2 with the videotapes that I found.

3 Q. And from the photo, it looks like it might be sitting  
4 inside of some sort of garbage can?

01:48PM

5 A. I put them in a metal garbage can, yes.

6 Q. So you moved them from the location where you said  
7 you found them and put them into that garbage can?

8 A. Yes.

01:48PM

9 MR. CLINCHARD: Okay. I don't have any further  
10 questions. Do any grand jurors have questions they want to  
11 write down for me to ask Mr. Schiro?

12 For the record, it doesn't appear that any of the  
13 grand jurors are indicating they have any questions for  
14 Mr. Schiro. So if the -- I guess I have the admonition for  
15 you.

01 M

16 You are admonished not to reveal to any person,  
17 except as directed by the court, what questions were asked  
18 or what responses were given or any other matters concerning  
19 the nature or subject of the grand jury's investigation,  
20 which you learned during your appearance before the grand  
21 jury, until -- unless and until such time as the transcript  
22 of this grand jury proceeding is made public. Violation of  
23 this admonition is punishable as contempt of court.

01:49PM

24 You're free to go.

01:49PM

25 THE WITNESS: Thank you.

26 MR. CLINCHARD: I'm going to call Investigator Mike  
27 Franzen. When he comes in, if you would read the witness  
28 admonition.

1 GRAND JUROR GR12 [REDACTED]: You do solemnly  
2 swear that the evidence you shall give in this matter  
3 pending before the grand jury shall be the truth, the whole  
4 truth, and nothing but the truth, so help you God?

11:50PM

5 THE WITNESS: Yes, I do.

6 TESTIMONY OF

7 MIKE FRANZEN,

8 a witness called by the People, having been first duly  
9 sworn, testifies as follows:

10 DIRECT EXAMINATION

11 BY MR. CLINCHARD:

12 Q. Can you please state your full name, spelling your  
13 last name for the record.

14 A. First name is Mike. Last name is Franzen. It's  
15 F-R-A-N-Z-E-N.

11 M

16 Q. What is your current occupation?

17 A. I'm a district attorney investigator for El Dorado  
18 County.

19 Q. How long have you been a sworn peace officer?

11:50PM

20 A. Next month will be 18 years.

21 Q. Were you involved in a search of the Phillip and  
22 Nancy Garrido residence back on August 30th of 2009?

23 A. Yes, I was.

24 Q. And what's the address of that location?

11:51PM

25 A. 1554 Walnut Avenue in Antioch.

26 Q. And in conducting the search, a portion of the search  
27 that day, did you ever come across any sort of videotapes?

28 A. Yes.

1 Q. And can you tell me a little bit about how you came  
2 across them?

3 A. There was a search that was being conducted there by  
4 Contra Costa County, Pittsburgh, and Antioch Police  
5 Departments. And during that search, a large number of  
6 videotapes was found buried under a large pile of garbage.

7 Q. And do you know, when you came across the tapes,  
8 where were they?

9 A. They were underneath the carport on the property in  
10 a -- inside of a plastic bag. It was inside of a garbage  
11 can.

12 Q. Let me show you what's been marked as Exhibit 21. Do  
13 you recognize what's depicted there?

14 A. Yes.

15 Q. What is that?

16 A. These will be the videotapes as I found them in the  
17 carport area, and I actually took this photograph.

18 Q. Okay. And what did you do with the videotapes?

19 A. I took them out of the garbage can and the plastic  
20 bag and placed them into a much larger paperwork bag so I  
21 could transport them back to El Dorado County.

22 Q. And once you got them back to El Dorado County, did  
23 you ever inventory the tapes?

24 A. Yes.

25 Q. And can you give me some more details about what that  
26 inventory showed?

27 A. I separated the tapes into VHS and Hi-8, or 8 mm  
28 sized and packaged them separately to be logged into

1 evidence.

2 Q. And do you know how many Hi-8 tapes you came across?

3 A. There were 14 Hi-8 tapes.

4 Q. And how many VHS?

11:52PM 5 A. There would have been 81 VHS tapes.

6 Q. And did you do anything specific with the Hi-8 tapes?

7 A. Yes. I packaged them into a box and provided them to  
8 another investigator who was going to be doing some work on  
9 them.

11:53PM 10 Q. And what's that investigator's name?

11 A. Richard Pesce.

12 Q. And then what did you do with the 81 VHS tapes?

13 A. The VHS tapes remained in the secured evidence  
14 storage at our office with the district attorney's office.

11 M 15 Q. I'm going to show you what's been marked as Grand  
16 Jury Exhibit No. 22, a one-page photograph, aerial. Do you  
17 recognize what's depicted there?

18 A. Yes.

19 Q. What is depicted there?

11:53PM 20 A. It looks like the San Francisco Bay Area, the  
21 Sacramento area, and up in the Sierras, South Lake Tahoe  
22 area.

23 Q. And there are two different areas there. Do you  
24 recognize what's depicted in the general location of those  
25 arrows in the overview?

11:53PM 26 A. Yes. The South Lake Tahoe location, I recognize the  
27 address as being where [REDACTED] (Jane Doe) lived at the  
28 time she was abducted. The arrow in the Antioch area



1 depicts the area of 1554 Walnut Avenue.

2 Q. And the location at 1090 Washoan Boulevard in South  
3 Lake Tahoe, that's in El Dorado County?

4 A. Yes.

11:54PM

5 Q. The other location with the arrow, 1554 Walnut  
6 Avenue, is that in Contra Costa County?

7 A. Yes.

8 Q. Unincorporated Antioch?

9 A. Yes.

11:54PM

10 MR. CLINCHARD: That's all the questions I have for  
11 Investigator Franzen. Does any grand juror have any written  
12 questions they'd like to submit?

13 GRAND JUROR GR12 [REDACTED]: [REDACTED]

14 (Grand Juror GR12).

11 M

15 Q. (BY MR. CLINCHARD) Investigator Franzen, do you know  
16 who ultimately did the preview of the tapes?

17 A. The preview of the tapes was done by Investigator  
18 Richard Pesce with our office.

19 Q. And he, as far as you know, understands the nature of  
20 what's on those videotapes?

11:55PM

21 A. Yes. He called me as soon as he saw what was on  
22 them.

23 MR. CLINCHARD: Okay. Any other questions -- written  
24 questions by grand jurors?

11:55PM

25 It looks like there's no other questions. So I'm  
26 going to read you an admonition.

27 You are admonished not to reveal to any person,  
28 except as directed by the court, what questions were asked

1 or what responses were given or any other matters concerning  
2 the nature or subject matter of the grand jury's  
3 investigation, which you learned during your appearance  
4 before the grand jury, unless and until such time as the  
5 transcript of this grand jury proceeding is made public.  
6 Violation of this admonition is punishable as contempt of  
7 court.

8 You're free to go.

9 THE WITNESS: Thank you.

10 MR. CLINCHARD: I think that this might be a good  
11 time. We're moving really quick, and I believe that the  
12 next witness is in the process of doing something. So maybe  
13 a five-minute break right now so we can make sure that we're  
14 ready to go with the next witness.

15 Read the admonition, please.

16 GRAND JUROR GR12 [REDACTED]: The grand jurors are  
17 admonished they are not to form or express any opinions  
18 about this case or discuss it among themselves until the  
19 grand jury receives the case for deliberation. In addition,  
20 no inspection of evidence should be conducted without the  
21 permission of the foreperson and on the advice of the  
22 prosecuting attorney until the case is submitted to the  
23 grand jury for deliberation. Deliberation should only occur  
24 when all jurors that heard all the testimony in the case are  
25 present.

26 MR. CLINCHARD: That's it. I would say -- I'll say  
27 five -- if you want to hold on just one second, I might be  
28 able to find out if it's going to be five or ten. I don't

1 think they are ready.

2 (Brief pause.)

3 MR. CLINCHARD: I am told the next witness is ready.  
4 Sorry about that.

01:58PM

5 MR. PIERSON: If you could.

6 GRAND JUROR GR12 [REDACTED]: [REDACTED]

7 (Grand Juror GR12).

01:58PM

8 You do solemnly swear that the evidence you shall  
9 give in this matter pending before the grand jury shall be  
10 the truth, the whole truth, and nothing but the truth, so  
11 help you God?

12 THE WITNESS: I do.

13 TESTIMONY OF

14 RICHARD PESCE,

15 a witness called by the People, having been first duly  
16 sworn, testifies as follows:

17 DIRECT EXAMINATION

18 BY MR. PIERSON:

01:58PM

19 Q. Sir, would you state your full name and spell your  
20 last.

21 A. It's Richard Pesce, P-E-S-C-E.

22 Q. Go ahead and have a seat.

23 Can you tell us where it is that you are employed?

01:58PM

24 A. I'm employed as a district attorney investigator with  
25 the El Dorado County District Attorney's Office.

26 Q. And in your capacity as a D.A. investigator, do you  
27 have any specialized background and training as it relates  
28 to -- I'm going to say technology-related issues in general?