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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MENDOCINO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PETER RICHARD KEEGAN,

Defendant.

_____ /

INDICTMENT - VOLUME I
Pages 1 - 178

Reporter's Transcript of
Grand Jury Indictment Proceedings
Held on Tuesday, August 1, 2017.
Reported by Anne Ramirez, C.S.R. 6186.

APPEARANCES OF COUNSEL

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2 - - -

3 MR. STOEN: Ms. Foreperson, would you please
4 call the grand jury to order by stating this hearing is
5 now in session.

6 GRAND JURY FOREPERSON: This hearing is now in
7 session.

8 MR. STOEN: And, Madam Foreperson, would you
9 please swear the reporter. Use the format that I have
10 previously provided to you.

11 - - -

12 (Whereupon the court reporter was sworn.)

13 - - -

14 MR. STOEN: And, Ms. Madam Foreperson, would
15 you please call the roll by numbers, not names. And
16 every person should respond by saying "present" or
17 "here."

18 JURY FOREPERSON: 636055.

19 A JUROR: Here.

20 JURY FOREPERSON: 627585.

21 A JUROR: Present.

22 JURY FOREPERSON: 616901.

23 A JUROR: Here.

24 JURY FOREPERSON: 640779.

25 A JUROR: Present.

1 JURY FOREPERSON: Do I have to say myself?

2 MR. STOEN: Yes, call yourself.

3 JURY FOREPERSON: 626897. Present.

4 632221.

5 A JUROR: Here.

6 JURY FOREPERSON: 612941.

7 A JUROR: Here.

8 JURY FOREPERSON: 610214.

9 A JUROR: Here.

10 JURY FOREPERSON: 633737.

11 He was one of the alternates.

12 MR. STOEN: Okay.

13 JURY FOREPERSON: 641677.

14 A JUROR: Here.

15 JURY FOREPERSON: 629643.

16 A JUROR: Here.

17 JURY FOREPERSON: 619185.

18 A JUROR: Here.

19 JURY FOREPERSON: 609424.

20 A JUROR: Here.

21 JURY FOREPERSON: 616861.

22 A JUROR: Here.

23 JURY FOREPERSON: 623205.

24 A JUROR: Here.

25 JURY FOREPERSON: 611538.

1 A JUROR: Here.

2 JURY FOREPERSON: 617653.

3 A JUROR: Here.

4 JURY FOREPERSON: 641103.

5 A JUROR: Here.

6 JURY FOREPERSON: 620342.

7 A JUROR: Here.

8 JURY FOREPERSON: 634889.

9 A JUROR: Present.

10 JURY FOREPERSON: 624323.

11 A JUROR: Here.

12 JURY FOREPERSON: So --

13 MR. STOEN: Madam Foreperson, may the record
14 reflect there are 19 grand jurors present and one
15 alternate; is that correct?

16 JURY FOREPERSON: That is correct.

17 MR. STOEN: Thank you.

18 And, Ms. Madam Foreperson, would you please
19 designate one of the grand jurors by number to act as a
20 clerk in this proceeding.

21 JURY FOREPERSON: Yes, I will. Juror
22 number 636055 has offered to do that.

23 MR. STOEN: And another by number as a
24 Sergeant of Arms to keep order.

25 JURY FOREPERSON: Yes. We have a volunteer,

1 610214.

2 MR. STOEN: Thank you.

3 Okay. Would you please designate then grand
4 juror number -- that's already been indicated to be the
5 clerk and the grand juror to be the Sergeant of Arms,
6 just designate them officially.

7 JURY FOREPERSON: Okay. Juror number 610214,
8 I designate you to be the Sergeant of Arms. And juror
9 number 636055, I designate you to be the secretary.

10 MR. STOEN: Now, I'm going to request the
11 foreperson to pass out to each grand juror what is
12 called a grand jury packet.

13 A JUROR: May we make notes on the packet?

14 MR. STOEN: Yes, you may make notes on the
15 packet. They will be returned at the end of the case
16 and shredded.

17 (Brief pause.)

18 MR. STOEN: Before we proceed, the schedule in
19 this case is that we're going to be presenting evidence
20 today through witnesses, possibly four, hopefully four,
21 and then tomorrow we'll have three witnesses; then we're
22 going to be dark on Thursday, which means there will be
23 no proceeding at all; and then on Friday we'll resume
24 again, and probably again on Monday, maybe Tuesday. So
25 we hope to finish this case next week. But when you

1 have 15 witnesses, or maybe more, who have schedules,
2 it's sometimes difficult to be able to bring them in at
3 the right time. So you'll have to just bear with us on
4 that, please.

5 And you should find now in your grand jury
6 packet what's called a proposed indictment; that means
7 an accusation, a list of witnesses, and the jury
8 instructions. And at the last page is a list of -- an
9 initial list of exhibits. And it may be that not all of
10 them get admitted into evidence, but most of them will
11 probably be admitted into evidence. It's just to give
12 you guidance here.

13 So, Madam Foreperson, would you please read
14 the statement of proposed charges and the admonition of
15 prejudice, which you have been handed now, to the grand
16 jury.

17 JURY FOREPERSON: I will.

18 The matter to be presented today involves a
19 possible subject and the possible charges are Richard --
20 excuse me -- Peter Richard Keegan, Penal Code 187, a
21 felony of second degree murder.

22 MR. STOEN: And would you please name the
23 witnesses as you understand them to be from the initial
24 list of witnesses.

25 JURY FOREPERSON: Yes, I will.

1 Potential witnesses are Jay Beristianos,
2 Jacquelyn Rainwater, Linda Puls, Oni LaGioia, Jason K.T.
3 Trent, Michael Ferenc, Andrew Alvarado, Kay Belschner,
4 Karyn Feiden, Kevin Bailey, Mike Hermann, Scott Poma,
5 Norm Rosen, Mary Pierce, and A. Jay Chapman.

6 MR. STOEN: Can you make a note for the record
7 whether any of the jurors have withdrawn having heard
8 your admonition.

9 JURY FOREPERSON: Would any jurors like to
10 withdraw based on the admonition?

11 A JUROR: Which admonition is that?

12 MR. STOEN: May the record reflect none of the
13 jurors have chosen to withdraw.

14 A JUROR: What was the admonition?

15 MR. STOEN: Could you please read the
16 admonition again, please.

17 JURY FOREPERSON: The admonition statement is:
18 The grand jury is about to consider a request for an
19 indictment for second degree murder, Penal Code 187,
20 against Peter Richard Keegan, brought by the District
21 Attorney. I direct any member of the grand jury who has
22 a state of mind in reference to the case or to either
23 party which will prevent him or her from acting
24 impartially and without prejudice to the substantial
25 rights of either party to retire.

1 A JUROR: Thank you.

2 JURY FOREPERSON: And there are no jurors that
3 would like to withdraw.

4 MR. STOEN: Would you please indicate for the
5 record then -- the record should indicate that none of
6 the jurors have withdrawn.

7 JURY FOREPERSON: Let the record indicate that
8 none of the jurors have withdrawn.

9 You may proceed, Counsel.

10 MR. STOEN: Madam Foreperson, would you remind
11 the grand jury that your statement of the proposed
12 charges and my opening statement are not evidence in
13 this case and are not to be considered as evidence by
14 any member of the grand jury. You may do so by stating
15 the grand jury is so advised.

16 JURY FOREPERSON: The grand jury is so
17 advised.

18 MR. STOEN: Good morning, ladies and
19 gentlemen. My name is Tim Stoen. I am a Deputy
20 District Attorney for the County of Mendocino and have
21 been assigned to present this case to you. My role in
22 this case is not that which I would have in a jury trial
23 as an advocate. With a grand jury matter, the role of a
24 prosecutor is more of that of a legal advisor.

25 The evidence that supports the charges in this

1 case is called inculpatory. The Latin root of the word
2 inculpatory means fault and blame. The evidence that
3 explains away the charge is called exculpatory. The
4 Latin root of exculpatory means free from blame. I have
5 a duty to inform you of the nature and existence of all
6 exculpatory evidence that I am aware of. You will,
7 therefore, be hearing both inculpatory and exculpatory
8 evidence.

9 Some of the documents submitted to you, as
10 well as a voice recording, will have portions removed.
11 This means they are redacted. The reason for redaction
12 is that the redacted material contains material
13 inadmissible -- legally inadmissible under the evidence
14 code.

15 In addition, there will be occasion when a
16 witness or document presents information that is
17 inadmissible except for a single purpose. When that
18 happens, I am required to do an admonishment. This
19 means I will instruct you that evidence regarding that
20 particular subject matter is admissible only for a
21 specific purpose, which I will name, and may not be
22 considered for any other purpose.

23 After I complete the examination of a witness,
24 I will ask: Does any member of the grand jury have
25 questions for this witness? All questions should be

1 submitted in writing and must not be addressed verbally
2 to the witness. They will be marked, for example, as
3 question number 1 from grand juror number 3. I will
4 review the questions for relevance and pertinence to the
5 investigation, for admissibility in this indictment
6 proceeding, and to ensure that it is not otherwise
7 improper. If the question is legally appropriate, I
8 will then ask the question of the witness.

9 My obligation in this matter is to keep the
10 questions asked strictly within the rules of the
11 Evidence Code. All of the written questions submitted,
12 whether asked by me or not, will be placed into the
13 record. Those that I am allowed to have asked will be
14 put in an official exhibit marked "Grand juror questions
15 asked of a witness," those that I am not allowed to ask
16 will be put in an official exhibit marked "Grand juror
17 questions not asked of a witness." Every decision I
18 make is subject to scrutiny at a higher level if an
19 indictment issues.

20 By way of general explanation, there will be
21 many items of evidence that you may wish to see, for
22 example, newspaper articles, websites and diaries, which
23 cannot be admitted because they contain hearsay.
24 Hearsay means statements by somebody that -- who cannot
25 be examined on the witness stand. One exception to the

1 hearsay rule is called admissions, which means hearsay
2 statements by a party to a proceeding, such as a
3 defendant. So these can be admitted.

4 What I am now presenting to you is an opening
5 statement. It is a summary, a map, if you will, of the
6 expected evidence in this case. Nothing that I say to
7 you in this opening statement is evidence. You can only
8 make your decision in this case based on evidence, and
9 the only evidence is that which comes to you from the
10 witness stand and from documents admitted into evidence.
11 If in this opening statement I make statements to you
12 that turn out not to be supported by the evidence, you
13 must totally disregard my statements.

14 To give you some overall structure for
15 understanding this case in conducting your
16 deliberations, there has been presented to you a
17 document called a "Grand Jury Packet." Keep in mind
18 that this grand jury packet is not evidence. Again, you
19 can only make your evidence in this case based on the
20 witnesses on the stand and from documents admitted into
21 evidence.

22 Madam Clerk, I will ask you now to mark as
23 received into evidence Grand Jury Exhibit Number 1. So
24 you can hold onto that or you can put it on the table
25 right here. Why don't you put it right here after you

1 receive it.

2 Now, I am now -- I am now introducing and
3 receiving into evidence the Grand Jury Packet, Exhibit
4 Number 1.

5 (Exhibit 1 was identified and received.)

6 MR. STOEN: This packet has four parts: The
7 proposed indictment, a list of witnesses, the legal
8 instructions, and an initial list of exhibits. I will
9 now go over each part by placing -- by reading them to
10 you because you have them in your hand.

11 We'll start out with the indictment. There is
12 an indictment presented to you for your deliberation.
13 The word "indictment" comes from Middle English and
14 Anglo-French. It means an accusation with a specific
15 meaning, which means a formal written accusation
16 presented by a grand jury to a court.

17 In your packet you will see a copy of the
18 proposed indictment. It is for murder in the second
19 degree. In Count 1 is set forth the basic charge as
20 follows:

21 "The grand jury of the County of
22 Mendocino, State of California, hereby accuses
23 Peter Richard Keegan of the crime of murder in
24 the second degree, a felony violation of
25 Section 187 of the California Penal Code, in

1 that between November 10 and 11, 2010, said
2 defendant did willfully and unlawfully, with
3 malice aforethought, kill a human being, to
4 wit, Susan Ettinger Keegan."

5 Next is the list of witnesses, each of the
6 anticipated witnesses being listed for you in the grand
7 jury packet. And they are: Jay Beristianos, former
8 Ukiah Valley Fire Department Battalion Chief; two,
9 Jacquelyn Rainwater, Deputy Sheriff-Deputy Coroner in
10 Ukiah who works for the County of Mendocino; Linda Puls,
11 who is a resident of Atlanta; Oni LaGioia, who is a
12 resident of Ukiah; Jason K.T. Trent, M.D., a resident of
13 Ukiah; Michael Ferenc, M.D., who is a resident of
14 Alameda County; Andrew Alvarado, Supervising District
15 Attorney Investigator; Kay Belschner, Senior Criminalist
16 for the Department of Justice in Eureka; Karyn Feiden, a
17 resident of New York; Kevin Bailey, Chief District
18 Attorney Investigator; Mike Hermann, a private
19 investigator for Lake County; Scott Poma, a sheriff's
20 sergeant in Ukiah; Norm Rosen, a Ukiah attorney; Mary
21 Pierce, a Santa Rosa resident; and A. Jay Chapman, M.D.,
22 a Sonoma County resident.

23 I will now go over the legal instructions.
24 Now, these are the rules that you must follow when you
25 deliberate the case. This occurs after all the

1 witnesses have testified and the case is submitted to
2 you for a decision on whether to find an indictment.

3 The first instruction is a basic one where it
4 tells you what your basic standard is in this case, and
5 here is what it says:

6 Grand Jury Instruction Number 1, Grand Jury's
7 Burden of Proof, Probable Cause: The grand jury shall
8 find an indictment when all the evidence before it,
9 taken together, if unexplained or uncontradicted, would,
10 in its judgment, warrant a conviction by a trial jury.

11 The California Supreme Court has explained
12 that the standard of proof for returning an indictment
13 is, quote, "probable cause," close quote.

14 From the California Supreme Court is the
15 following statement: "It is the grand jury's function
16 to determine whether probable cause exists to accuse a
17 defendant of a particular crime. In other words, the
18 grand jury serves as part of the charging process of
19 criminal procedure, not the adjudicative process that is
20 the province of the courts or trial jury."

21 "'Probable cause' means such a state of acts
22 as would lead a man of ordinary caution or prudence to
23 believe, and conscientiously entertain, a strong
24 suspicion of the guilt of the accused. 'Reasonable and
25 probable cause' may exist although there may be some

1 room for doubt."

2 That should read: "Probable cause means such
3 a state of mind as would lead a man of ordinary caution
4 or prudence to believe and conscientiously entertain a
5 strong suspicion of the guilt of the accused.

6 'Reasonable and probable cause' may exist although there
7 may be some room for doubt."

8 Grand Jury Instruction Number 2 is called the
9 Johnson Rule. The grand jury is not required to hear
10 evidence for the defendant, but it shall weigh all the
11 evidence submitted to it, and when it has reason to
12 believe that other evidence within its reach will
13 explain away the charge, it shall order the evidence to
14 be produced, and for that purpose may require the
15 District Attorney to issue process for the witness.

16 Witness Credibility, Grand Jury Instruction
17 Number 3: You alone must judge the credibility of the
18 witness. In deciding whether testimony is true and
19 accurate, use your common sense and experience. The
20 testimony of each witness must be judged by the same
21 standard. You must set aside any bias or prejudice you
22 may have, including any based on the witness' gender,
23 race, religion, or national origin. You may believe
24 all, part, or none of any witness' testimony. Consider
25 the testimony of each witness and decide how much of it

1 you believe.

2 In evaluating a witness' testimony, you may
3 consider anything that reasonably tends to prove or
4 disprove the truth or accuracy of that testimony. Among
5 the factors that you may consider are:

6 (1) How well could the witness see, hear, or
7 otherwise perceive the things about which the witness
8 testified?

9 (2) How well was the witness able to remember
10 and describe what happened?

11 (3) What was the witness' behavior while
12 testifying?

13 (4) Did the witness understand the questions
14 and answer them directly?

15 (5) Was the witness' testimony influenced by a
16 factor such as bias or prejudice, a personal
17 relationship with someone involved in the case, or a
18 personal interest in how the case is decided?

19 (6) What was the witness' attitude about the
20 case or about testifying?

21 (7) Did the witness make a statement in the
22 past that is consistent or inconsistent with his or her
23 testimony?

24 (8) How reasonable is the testimony when you
25 consider all the other evidence in the case?

1 (9) Did other evidence prove or disprove any
2 fact about which the witness testified?

3 (10) Did the witness admit to being
4 untruthful?

5 (11) What is the witness' character for
6 truthfulness?

7 (12) Has the witness been convicted of a
8 felony?

9 (13) Has the witness engaged in other conduct
10 that reflects on his or her believability?

11 (14) Was the witness promised immunity or
12 leniency in exchange for his or her testimony?

13 Do not automatically reject testimony just
14 because of inconsistencies or conflicts. Consider
15 whether the differences are important or not. People
16 sometimes honestly forget things or make mistakes about
17 what they remember. Also, two people may witness the
18 same event yet see it or hear it differently.

19 If you do not believe a witness' testimony
20 that he or she no longer remembers something, that
21 testimony is inconsistent with the witness' earlier
22 statement on that subject.

23 If you decide that a witness deliberately lied
24 about something significant in this case, you should
25 not -- you should consider not believing anything that

1 witness says. Or, if you think the witness lied about
2 some things, but told the truth about others, you may
3 simply accept the part that you think is true and ignore
4 the rest.

5 Grand Jury Instruction Number 4, Definition of
6 Evidence: You must decide what the facts are in this
7 case. You must use only the evidence that was presented
8 in this room. Evidence is the sworn testimony of
9 witnesses, the exhibits admitted into evidence, and
10 anything else I told you to consider as evidence.

11 Opening statements, questions by the attorney,
12 and closing argument are not evidence. Only the
13 witnesses' answers are evidence. The attorney's
14 questions are significant only if they helped you to
15 understand the witness' answers.

16 You must disregard anything you saw or heard
17 when the hearing was not in session, even if it was done
18 or said by one of the parties or witnesses.

19 The court reporter has made a record of
20 everything that was said during the hearing or will be
21 said in this hearing. If you decide that it is
22 necessary, you may ask that the court reporter's notes
23 be read to you. You must accept the court reporter's
24 notes as accurate.

25 Grand Jury Instruction Number 5, Direct and

1 Circumstantial Evidence: Facts may be proved by direct
2 or circumstantial evidence or by a combination of both.
3 Direct evidence can prove a fact by itself. For
4 example, if a witness testifies he saw it raining
5 outside before he came into the courthouse, that
6 testimony is direct evidence that it was raining.
7 Circumstantial evidence also may be called indirect
8 evidence. Circumstantial evidence does not directly
9 prove the fact to be decided, but is evidence of another
10 fact or group of facts from which you may conclude the
11 truth of the fact in question. For example, if a
12 witness testifies that he saw someone come inside
13 wearing a raincoat covered with drops of water, that
14 testimony is circumstantial evidence because it may
15 support a conclusion that it was raining outside.

16 Both direct and circumstantial evidence are
17 acceptable types of evidence to prove or disprove the
18 elements of a charge, including intent and mental state
19 and acts necessary to a conviction, and neither is
20 necessarily more reliable than the other. Neither is
21 entitled to any greater weight than the other. You must
22 decide whether a fact in issue has been proved based on
23 all the evidence.

24 Grand Jury Instruction Number 6, Note-taking:
25 You have been given notebooks and pens. Leave them on

1 your seat in the grand jury room when you leave each day
2 and at each recess. You will be able to take them --
3 you will be able to take them with you when you
4 deliberate.

5 A word of caution: You may take notes;
6 however, you should not permit note-taking to distract
7 you from the ongoing proceeding. Remember you are
8 judges of the believability of witnesses.

9 Notes are only an aid to memory and should not
10 take precedence over recollection. A juror who does not
11 take notes should rely on his or her recollection of the
12 evidence and not be influenced by the fact that other
13 jurors do take notes. Notes are for the note-taker's
14 own personal use in refreshing his or her recollection
15 of the evidence.

16 Finally, should any discrepancy exist between
17 a juror's recollection of the evidence and a juror's
18 notes, or between one juror's recollection and that of
19 another, you may request that the reporter read back the
20 relevant testimony, which must prevail.

21 Grand Jury Instruction Number 7, Independent
22 Investigation Prohibited: You must decide all questions
23 of fact in this case from the evidence received in this
24 proceeding and not from any other source.

25 You must not independently investigate the

1 facts of the law or consider or discuss facts as to
2 which there is no evidence. This means, for example,
3 that you must not on your own visit the scene, conduct
4 experiments, or consult reference works or persons for
5 additional information, and that includes the Internet.

6 You must not discuss this case with any other
7 person except a fellow juror, and then only after the
8 case is submitted to you for your decision and only when
9 all jurors are present in the jury room.

10 Grand Jury Instruction Number 8, Statements
11 and Information by the Court and District Attorney:
12 Statements, comments, instructions, information, or
13 advice made or given to you by the court or district
14 attorney either orally or in writing are not evidence.
15 However, you must follow the legal instructions and
16 apply them to the facts you find to be true.

17 Grand Jury Instruction Number 9, Evidence to
18 be Considered by the Grand Jury: In the investigation
19 of a charge, the grand jury shall receive no other
20 evidence than what is:

21 (1) Given by witnesses produced and sworn
22 before the grand jury;

23 (2) Furnished by writings, material objects,
24 or other things presented to the senses; or

25 (3) Contained in a deposition that is

1 admissible under Penal Code Section 686 Subdivision 3.

2 I am now going to present to you for your
3 reading and personal possession while you are in this
4 grand jury proceeding a document which is a letter to
5 the foreperson, who is [Juror 626897], Grand Jury
6 Foreperson. And I am going to first introduce this
7 document as an exhibit to go into the official record as
8 Exhibit Number 2, which I'm giving to the clerk.

9 (Exhibit 2 was identified.)

10 MR. STOEN: So I would now ask the foreperson
11 to please arrange for the distribution of this letter.

12 A JUROR: Excuse me, there was another jury
13 instruction. Are you going to be reading that later?
14 There was a number 10.

15 MR. STOEN: Oh, you're right. I overlooked
16 it. Thank you. Appreciate it. That's what happens
17 when you use a binder.

18 Before we proceed, I am going to read Grand
19 Jury Instruction 10. Basically the most important one
20 is the probable cause instruction that you got at the
21 beginning. That's your standard of proof, probable
22 cause. But then the elements that you have to apply
23 that standard to has to do with the elements of the
24 charge in question.

25 So Grand Jury Instruction Number 10 gives you

1 the elements of the crime of second degree murder with
2 malice aforethought. It's under a document called
3 CalCrim No. 520, that's a set of jury instructions, and
4 it refers to Penal Code Section 187. And this is the
5 standard that you will have to use in applying the
6 principle of probable cause. These are the elements.

7 The subject person in this case is charged in
8 Count 1 with second degree murder with malice
9 aforethought. To prove by probable cause that this
10 person committed this crime, the People must prove that:

11 (1) This person committed an act that caused
12 the death of another person; and

13 (2) When that person acted, he had a state of
14 mind called malice aforethought.

15 There are two kinds of malice aforethought,
16 express malice and implied malice. Proof of either is
17 sufficient to establish the state of mind required for
18 murder.

19 This person acted with express malice if he
20 unlawfully intended to kill.

21 This person acted with implied malice if:

22 (1) He intentionally committed an act;

23 (2) The natural and probable consequences of
24 the act were dangerous to human life;

25 (3) At the time he acted, he knew his act was

1 dangerous to human life; and

2 (4) He deliberately acted with conscious
3 disregard for human life.

4 Malice aforethought does not require hatred or
5 ill will toward the victim. It is a mental state that
6 must be formed before the act that causes death is
7 committed. It does not require deliberation or the
8 passage of any particular period of time.

9 An act causes death if the death is the
10 direct, natural, and probable consequence of the act and
11 the death would not have happened without the act. A
12 natural and probable consequence is one that a
13 reasonable person would know is likely to happen if
14 nothing unusual intervened. In deciding whether a
15 consequence is natural and probable, consider all the
16 circumstances established by the evidence.

17 There may be more than one cause of death. An
18 act causes death only if it is a substantial factor in
19 causing the death. A substantial factor is more than a
20 trivial or remote factor. However, it does not need to
21 be the only factor that causes the death.

22 If you find by probable cause that the subject
23 committed murder, it is murder of the second degree.

24 So now I would like to have you review the
25 document that has just been handed out to you, which is

1 called a letter to the foreperson of the grand jury.

2 Anybody need to take a break or can we just go
3 on?

4 Okay. I'm going to be reading from this
5 letter which will set forth our summation of the
6 evidence that is going to come in before you. It will
7 not come in in the same sequence as is written here, but
8 it gives you a map of what to expect. Again, what's in
9 here is not evidence. It's only to give you guidance as
10 to when people are going to show up or what their -- and
11 a sense of what they may say; but, again, it depends on
12 whether they say it or not.

13 So just to refresh our recollection as to what
14 this whole proceeding is about, is that the indictment
15 grand jury is the means by which the district attorney
16 can present, in a secret proceeding, evidence for
17 consideration of an indictment of a suspect for felony
18 conduct. The evidence must be admissible in a court and
19 must be sufficient to establish probable cause that a
20 felony was committed and that the named suspect
21 committed it. If the grand jury returns the indictment,
22 then the case must later be presented before a regular
23 criminal jury in order for the suspect to be convicted.

24 It will be clear from the evidence that when
25 this incident took place the law enforcement response

1 and investigation was flawed. For example, there was no
2 search for a weapon at the time of discovering the body
3 of the victim. The person then living in the house, who
4 appeared under the influence, had no blood taken. There
5 were no efforts to seize or preserve the natural
6 records, phone records, Internet records or, at an early
7 stage, computers. Nor was evidence obtained as to Peter
8 Keegan's or Susan Keegan's medical history or prescribed
9 narcotics.

10 A brief statement of the case, not to be used
11 as evidence in this proceeding, only a map.

12 On October 21, 2010, Peter Keegan filed in pro
13 per a petition for dissolution of his 32-year marriage
14 to Susan Keegan. On the same day he filed the divorce
15 petition, Peter Keegan visited a private investigator,
16 Mike Hermann, in Lake County. Peter Keegan asked him to
17 search a computer, which he shared with his wife, for
18 deleted e-mails. He said he had advised his wife that
19 he was taking the computer in to have the application,
20 quote, "Garage Band," close quote, installed.

21 He asked Mr. Hermann to hack into his wife's
22 private and personal e-mail accounts, but Mr. Hermann
23 told him that would be illegal. He had to remind Peter
24 Keegan several times it would be illegal. Peter Keegan
25 also asked him to install spyware as he thought his wife

1 was cheating on him.

2 After filing for divorce, Peter Keegan made
3 two trips on a bicycle to the Ukiah residence of Oni
4 LaGioia, Susan's long-time friend. He told her that
5 Susan was addicted to Vicodin and whiskey, which, quote,
6 "lowered her libido," close quote, and that, quote, "I
7 have a fucking right to have sex with my wife," close
8 quote. His demeanor had greatly changed in the previous
9 weeks, and he appeared to Ms. LaGioia to be, quote,
10 "highly agitated, angry and manic," close quote. He
11 also said he had to, quote, "get rid of her,"
12 quote/unquote, before he could have a sexual
13 relationship with anyone else.

14 After filing for divorce, Peter Keegan also
15 contacted Mary Pierce, a long-time friend of Susan's in
16 Santa Rosa. In a phone call he said that Susan had
17 alcohol and narcotic addictions which had destroyed the
18 marriage. Then on a Wednesday night, he called about
19 9:30 p.m. and asked to drop by. Invited to do so at
20 that late hour, he ran through the same narrative, was
21 hyper and passionate telling the story, and laid all the
22 blame onto Susan.

23 On October 26, 2010, Susan Keegan sent an
24 e-mail to Ukiah Attorney Norm Rosen, who had agreed to
25 be a mediator, asking him to, quote, "file the papers to

1 get temporary spousal support started for me," close
2 quote. Mr. Rosen met with both Peter and Susan Keegan.
3 He eventually calculated that Peter Keegan would owe
4 Susan monthly support of \$2,210.

5 On November 4th Peter Keegan sent an e-mail to
6 Mr. Rosen saying, quote, "I feel she is being deceptive
7 of her income in the recent months. Moreover, I am not
8 willing to pay any spousal support until she comes clean
9 about when she is being paid for the work she has done
10 since August," close quote.

11 On November 10, 2010, Susan Keegan left Ukiah
12 to visit Mary Pierce and her friend Will Baty in Santa
13 Rosa. She arrived shortly after 5:00 p.m. She had a
14 scotch and water over ice, which she sipped without
15 refilling throughout appetizers and dinner. After
16 dinner, they moved to the living room, turned up the
17 lights, and reviewed financial documents. It was a
18 serious working evening. No further alcohol was
19 consumed; no drugs were consumed. Around 9:00 p.m.
20 Susan left Mary's house and drove back to Ukiah.

21 Next morning, November 11, 2010, 55-year-old
22 Susan Ettinger Keegan was found deceased on the floor of
23 the bathroom in her house at 120 Whitmore Lane, Ukiah,
24 California.

25 At approximately 7:30 a.m. that morning her

1 husband, Peter Richard Keegan, who lived in the same
2 house, had called 9-1-1 to report that he had just found
3 Susan in the bathroom and believed her to be deceased.

4 At 7:42 a.m. Jay Beristianos, Ukiah Valley
5 Fire Department Battalion Chief, arrived at the scene
6 and confirmed that Susan Keegan was deceased.

7 Around 8:25 a.m. Deputy Sheriff Jacquelyn
8 Rainwater arrived to perform an initial investigation.
9 Peter Keegan told her that he had last seen his wife the
10 night prior around 5:00 p.m., that he believed that she
11 had then gone to visit her friends, that he went to bed
12 at approximately 10 o'clock p.m., that he did not hear
13 Susan return home, and that he did not move her body at
14 any time.

15 Peter Keegan indicated to the deputy that he
16 and Susan were in the process of a divorce and had been
17 sleeping in separate rooms. He said their sex life was
18 poor and this was a problem for him. He said they had
19 arguments but were never physically assaultive to one
20 another. He asked Deputy Rainwater about getting a copy
21 of the autopsy, saying he was nervous about the autopsy
22 and what the outcome might be.

23 Deputy Rainwater proceeded to examine the
24 decedent. The decedent had a four-inch vertical length
25 by three-inch horizontal length open laceration to the

1 center backside of her head. The deputy concluded this
2 was consistent with the decedent hitting her head and
3 brushing against the vanity while falling to the ground
4 to the position in which she was found.

5 That same day, November 11th, Oni LaGioia
6 called the house after hearing the news. Peter
7 responded and said to her regarding his sons, quote,
8 "The boys want to have a memorial service, but I don't
9 give a fuck."

10 On November 12th, in the morning, Peter Keegan
11 called Mary Pierce about Susan's death telling her she
12 had been out late Wednesday, November 10th, quote, "with
13 friends," that she had probably been drinking and taking
14 drugs, stumbled and fell, hit her head and died. He
15 asked Mary to write her obituary.

16 That same day, November 12, 2010, Deputy
17 Rainwater responded to Eversole Mortuary in Ukiah, where
18 she talked with Dr. Jason Trent, Chief Forensic
19 Pathologist for Mendocino County, who was performing an
20 autopsy on the decedent. Dr. Trent told the deputy that
21 he felt the injuries to the decedent's head were
22 consistent with a ground level fall and that the death
23 was not suspicious on the information he had.

24 On or about November 16th, Peter Keegan
25 created a Facebook page saying either widowed or single,

1 seeking women for friendship.

2 On November 21, a memorial service for Susan
3 was held at the Ukiah Methodist Church. Some 300 people
4 attended. Peter did not sit with his two grown sons,
5 but sat on the other side of the church. He did not
6 display sadness or remorse. He had already been
7 clearing the house of Susan's belongings by asking
8 people to stop and take things. He did not want to keep
9 Susan's ashes and was making plans for others to take
10 them.

11 On November 22, the day following the memorial
12 service, Susan's sister from Atlanta, Linda Puls, was at
13 the house to get Susan's ashes. Peter Keegan went out
14 to the back porch area of his residence, used a
15 measuring cup to scoop out Susan's ashes, place them in
16 bags -- which may have been plastic bags rather than
17 paper bags -- and stapled the bags across the top.
18 These actions struck Linda as a cold and callous way to
19 carry out a solemn task. Ashes were later left, in late
20 evening, on the doorknob of Oni LaGioia's residence in a
21 plastic bag.

22 On December 14th, 2010, one month later, Karyn
23 Feiden, the cousin of Susan Keegan and a New York
24 resident, together with Mary Pierce, contacted a
25 investigator, Gary Hill, in Lake County. They asked him

1 to help them with their suspicions that Susan Keegan was
2 possibly murdered by her husband. Mr. Hill declined to
3 accept a retainer, but collected numerous e-mail
4 messages from Karyn Feiden and Mary Pierce as to their
5 suspicions and thoughts.

6 On December 16, 2010, Peter Keegan commenced a
7 three-week exchange of e-mails with Karyn Feiden in
8 which he stated, amongst other exculpatory things:

9 December 16: Quote, "Susan Keegan was, quote,
10 'drinking lots of whiskey every night, but it would be
11 after midnight before she was fall-down drunk,'" close
12 quote.

13 December 16: "Susan Keegan, quote, 'was using
14 cannabis, opiates, and had whiskey at her bedside,'"
15 close quote.

16 December 31: "There were secret diaries that
17 Susan had kept hidden away, documenting her
18 infidelities, lusting for the erotic, dislike for me,
19 suicidal thoughts. The decision to burn them, page
20 by page, after a final reading was all mine," close
21 quote.

22 January 7, 2011: Quote, "In retrospect, I
23 think that being discovered stealing and lying, in
24 addition to having her poly drug abuse exposed to her
25 friends, and realizing that she would have to stay in

1 the workforce, coupled with her self-loathing, which I
2 was totally unaware of prior to her death, was just too
3 much for her," close quote.

4 In early January 2011, Sergeant Scott J. Poma,
5 Chief Deputy Coroner of the Mendocino County Sheriff's
6 Office, reviewed photographs of the decedent and
7 interviewed Dr. Trent. Sergeant Poma indicated that the
8 hands appeared swollen and bruised and that they did not
9 appear to be caused by lividity because the hands are in
10 two different original positions, with her right hand
11 down on the floor by her side and her left hand on her
12 lap and with the palms facing down on both hands.
13 Dr. Trent was unable to explain why the hands were this
14 way.

15 Sergeant Poma asked Dr. Trent if there was
16 another pathologist that he could send the file to so
17 that the conditions of the hands could be examined.
18 Dr. Trent recommended a Michael J. Ferenc, M.D., Deputy
19 Chief Medical Examiner in Maine, with whom he knew from
20 working with him in a prior case.

21 On November (sic) 9, 2011, following receipt
22 of a toxicological report indicating that the decedent,
23 Susan, had in her system a number of drugs, including
24 hydrocodone and a .16 blood alcohol concentration,
25 Dr. Trent issued his necropsy report. It concluded

1 that, quote, "Based on autopsy and toxicological
2 examination, the cause of death is determined to be
3 acute craniocerebral trauma due to fall, due to ethanol
4 and hydrocodone toxicity."

5 On February 11, 2011, Peter Keegan responded
6 to an article in the Anderson Valley Advertiser entitled
7 "The Improbable Death of Susan Keegan" by writing to its
8 editor stating, quote, "Can't wait to see what
9 imaginative fun you have in store for me next week.
10 Things like the truth and facts have always been the
11 AVA's weak point."

12 On February 4th, 2011, Kay Belschner, Senior
13 Criminalist for the Department of Justice in Eureka,
14 conducted an on-scene investigation. She concluded that
15 there were two possible scenarios of events as to the
16 cause of Susan Keegan's death. The apparent scenario
17 was Susan Keegan drank a large amount of alcohol, went
18 into the bathroom, and fell against the vanity, but that
19 it was not possible to have the head contact the counter
20 edge in the appropriate area and maintain the same
21 direction of travel. An alternate scenario she
22 concluded was that, quote, "another person," close
23 quote, was involved in Susan's death.

24 On February 28, 2011, Peter Keegan appeared in
25 the morning on the porch of Oni LaGioia's residence and

1 dropped off a copy of the AVA article, along with a note
2 mentioning Susan's, quote, "very disturbing," close
3 quote, secret journal and stating regarding her death,
4 quote, "it's apparent it was suicide," close quote. The
5 letter began: "Greetings: Wanted to make sure you
6 didn't miss the scandalous AVA article you contributed
7 to." The incident caused Oni to write an e-mail to the
8 sheriff saying, "I am concerned for my safety."

9 On February 28th, 2011, Sergeant Poma spoke by
10 phone with Dr. Michael Ferenc with regard to the hands
11 and arms injuries from the photos taken.

12 On March 23rd, Sergeant Poma issued a death
13 investigation report stating cause of death to be,
14 quote, "fall," close quote.

15 On April 2, 2011, Dr. Ferenc sent to Sergeant
16 Poma his report wherein he indicated (1) that the
17 inconsistent lividity could represent that the body had
18 been moved from another location; (2) that "although I
19 may not be able to definitively explain the findings in
20 the hands and wrists, I should add that their overall
21 appearance is not, in my experience, particularly
22 suggestive as defense injuries or restraint injuries,"
23 close quote; and (3) that, quote, "based upon the
24 reports and my conversation with Dr. Trent, I do not
25 find it convincing that this lady was victim of an

1 assault," close quote.

2 Later that early April the District Attorney's
3 Office requested a review of the case by a forensic
4 pathologist, A. Jay Chapman, M.D., who has a current
5 forensic pathologist contract with the sheriff-coroner
6 of Sonoma County and whose experience included being the
7 Chief Medical Examiner for the State of Oklahoma.

8 On April 12th, 2011, Chief DA Investigator
9 Kevin Bailey and Supervising DA Investigator Andy
10 Alvarado were allowed to view Susan Keegan's journals.
11 The journals consisted of two hardbound books and
12 several loose papers of notebook paper. The most recent
13 entries in the journals were completed in 1996. The
14 entries consisted of Susan Keegan documenting her daily
15 activities and emotional states. She documents feelings
16 of despair and anxiety, as well as the various highs and
17 lows she suffered during those times. She mentioned
18 doubts about her marriage and expressed thoughts of
19 infidelity. Susan Keegan did not document any specific
20 incidents of infidelity, nor did she mention struggling
21 with drug or alcohol addiction. The journals were
22 returned.

23 On April 20, 2011, Dr. Chapman sent to
24 District Attorney C. David Eyster a letter stating that
25 after reviewing the autopsy report, multiple

1 photographs, and various investigative reports, quote,
2 "It is my opinion that the injuries observed on the body
3 are assaultive in nature and were not reasonably
4 produced by any accidental means," close quote.

5 On or about April 21, 2011, Dr. Chapman met
6 with Dr. Trent, Deputy Rainwater, Sergeant Poma, and DA
7 Investigators Kevin DeVries and Andy Alvarado. At the
8 conclusion of this meeting Dr. Trent indicated he would
9 be changing his opinion as to the cause of death.

10 On April 27, 2011, Dr. Trent submitted a
11 supplemental report on necropsy indicating the
12 following, quote, "Cause of death: Aspiration of
13 vomitus due to blunt force trauma to head," with other
14 significant findings being, quote, "ethanol and
15 hydrocodone toxicity."

16 On August 8, 2012, Sergeant Poma amended his
17 March 23, 2011, death investigation report to state the
18 cause of death as, quote, "homicide," close quote.

19 On August the 27th, 2012, Peter Keegan
20 telephoned Linda Puls, the sister of Susan Keegan,
21 expressing a desire to speak with her. Three weeks
22 later Linda made a pretext phone call to Peter Keegan.
23 In that call Peter mentioned three newspapers that had
24 written that Susan's death was a homicide and that he
25 had no idea why it was, quote, "reclassified," said that

1 the police had always been hostile to him, said that he
2 had not examined Susan's body, and said that it appeared
3 that Susan had fallen.

4 After the August 2012 reclassification of
5 Susan Keegan's death to homicide, Karyn Feiden and Mary
6 Pierce, together with other friends of Susan's, set up
7 and maintained a website, along with continued public
8 relations efforts, to press law enforcement to
9 investigate Susan Keegan's death to have Peter Keegan
10 charged with murder.

11 That's my opening statement. Again, it's not
12 evidence.

13 And do you need to take a break before we
14 proceed?

15 A JUROR: It's time for a break.

16 MR. STOEN: Yes, please take a break.

17 A JUROR: Can I ask a question first, please?

18 MR. STOEN: Sure.

19 A JUROR: I don't know what hydrocodone is.

20 MR. STOEN: I'm not -- I can't comment.

21 A JUROR: Can I look it up?

22 MR. STOEN: We'll ask -- hopefully that will
23 come up. That will come up.

24 A JUROR: Also, what is a pretext phone call?

25 MR. STOEN: Madam Foreperson, would you be

1 willing to call the jurors when they have a question?

2 JURY FOREPERSON: Sure. If you'll raise your
3 hand.

4 I don't know their numbers.

5 Who had the first question?

6 A JUROR: 612941.

7 JURY FOREPERSON: Okay.

8 A JUROR: [Juror 612941] And the question was
9 what was hydrocodone, and it could not be answered at
10 this time.

11 MR. STOEN: And the Sergeant of Arms has a
12 question.

13 A JUROR: What a pretext phone call would be.

14 JURY FOREPERSON: You had the same question,
15 the pretext phone call?

16 A JUROR: Yes.

17 JURY FOREPERSON: Okay.

18 JURY SECRETARY: Am I supposed to be taking
19 these notes, these questions?

20 MR. STOEN: No.

21 Did you have a question?

22 JURY FOREPERSON: One second. Sorry.

23 A JUROR: 610214. On page 5, I thought I
24 heard you -- the second-to-last paragraph the date says
25 February 9th, and I thought I heard you say November

1 9th.

2 MR. STOEN: I could have made that mistake,
3 and I apologize.

4 A JUROR: Okay. I don't know if it's that
5 important.

6 MR. STOEN: And what page is that?

7 A JUROR: Page 5, second paragraph from the
8 bottom.

9 MR. STOEN: Okay. February 9th, 2011 is the
10 right date. I misspoke. Thank you for catching that.

11 Anything else?

12 A JUROR: 640779. I'm also interested in what
13 lividity means.

14 MR. STOEN: I'm sorry, I missed that.

15 A JUROR: Lividity.

16 MR. STOEN: That will be explained. I'm not
17 allowed to make any evidentiary comments. I'm sorry.
18 This is only to tell you what you can expect to hear
19 from somebody. And there will be an opportunity to
20 submit written questions if something is ambiguous.

21 Okay. I guess we can take a break.

22 JURY FOREPERSON: So I've been asked by the
23 Judge to remind you all that we are not allowed to speak
24 about anything that we've heard so far once we leave the
25 room and to keep it all to ourselves.

1 MR. STOEN: Do you want to set a time for them
2 to return, like 15 minutes or so?

3 JURY FOREPERSON: It's ten to 11:00. Fifteen
4 minutes, ten minutes? Ten minutes. Let's meet back
5 here at 11:00.

6 A JUROR: The restrooms, is there just one
7 here?

8 JURY FOREPERSON: Restrooms are up the stairs
9 to the back.

10 MR. STOEN: We're off the record.

11 (Recess taken.)

12 (Roll call taken; all jurors present.)

13 JURY FOREPERSON: We are now in session and
14 you are reminded that you are still under oath in this
15 matter.

16 MR. STOEN: I'd like to call Jay Beristianos.

17 THE REPORTER: Will you raise your right hand,
18 please.

19 - - -

20 JAY BERISTIANOS

21 Called as a witness, having been sworn, testified as
22 follows:

23 - - -

24 THE REPORTER: Will you state your name and
25 spell it, please.

1 THE WITNESS: Jay Beristianos.

2 - - -

3 EXAMINATION

4 Q (BY MR. STOEN) What is your occupation, sir?

5 A Currently fire chief.

6 Q Where?

7 A North Shore Fire District.

8 Q And what was your occupation on November the
9 11th, 2010?

10 A My title was battalion chief with North
11 Shore Fire District -- excuse me -- with Ukiah Valley
12 Fire District.

13 Q And what were your general duties as battalion
14 chief?

15 A I basically ran training and operations of the
16 department.

17 MR. STOEN: Can you hear okay?

18 A JUROR: I need to move. I can't see well
19 from here.

20 (Brief pause.)

21 THE WITNESS: I was second in command, so I
22 ran operations of the department.

23 Q (BY MR. STOEN) Okay. I'd like to ask --
24 turning to November the 11th, 2010, around 7:40 in the
25 morning, were you present at 120 Whitmore Lane in Ukiah?

1 A Yes.

2 Q For what purpose?

3 A If my memory serves me correctly, we were
4 dispatched to a female patient unresponsive, possibly
5 1144, or deceased.

6 Q Okay. Let me ask you this: Did you write a
7 report after this visit?

8 A Yes, I did.

9 Q And do you have insufficient present
10 recollection about all of the statements and dates in
11 that report to be able to testify fully and accurately
12 without looking at it?

13 A No, I'd have to read what I've written down.

14 Q And is that statement in writing and was it
15 made when the fact that was recorded in it actually
16 occurred and was fresh in your memory?

17 A Yes.

18 Q And was that statement or that report a true
19 statement of the facts?

20 A Yes.

21 Q And I'm going to show it to you and ask you --
22 I show you what's marked as People's Exhibit Number 5.
23 I ask you to take a look at it and tell me if that's the
24 report that you made that I have just asked you about.

25 A Yes, it is.

1 (Exhibit 5 was identified.)

2 Q (BY MR. STOEN) Okay. Would that report also
3 refresh your recollection, as well as your past
4 recollection recorded?

5 A After I read it, yes.

6 Q Okay. Now, when you arrived at that scene
7 what is -- what did you first encounter?

8 A A gentleman guided us back -- myself and my
9 partner back to a bathroom where he said his wife had --
10 was down. We walked in the door and she displayed signs
11 of obvious death.

12 Q Okay. Did you -- who was the person that
13 first -- that you first encountered when you went to
14 that residence?

15 A I believe it was Mr. Keegan.

16 Q Do you know his first name?

17 A I don't recall his first name.

18 Q Okay. But he identified himself as
19 Mr. Keegan?

20 A Yes.

21 Q Did he say anything to you at the outset?

22 A He kind of rambled a little bit, but our
23 concern was to focus in on getting to the patient.

24 Q So what's the next thing that happened after
25 you saw him and you entered the house?

1 A We went in, saw the victim laying on the
2 floor. We checked to see if there was any -- if the
3 patient was alive or not, and she was not. She had
4 showed signs of obvious death.

5 Q And how did you determine that she was not
6 alive?

7 A She was cold to the touch. She had what was
8 called lividity, which is blood pooling, in her arms and
9 her legs. And I felt for a pulse, and no pulse.

10 Q Was this the standard protocol you used in
11 determining whether a person was deceased or not?

12 A Yes.

13 Q And who was the person that was with you on
14 this occasion?

15 A Would be Captain Jeff Adair.

16 Q I'm going to show you what's marked as
17 People's Exhibit number 4, and ask you -- which I
18 represent is a DMV photo, and ask you to take a look at
19 it and tell me if that's the same person you saw at 120
20 Whitmore Lane on this occasion.

21 A Yes, I believe it is.

22 (Exhibit 4 was identified.)

23 Q (BY MR. STOEN) And that's identified as Peter
24 Richard Keegan; is that correct?

25 A Yes.

1 Q I'm going to put that on the screen.

2 So is what's on the screen the same photo that
3 I just -- that you just identified?

4 A Yes, it is.

5 Q Okay. Now, after you determined that she was
6 deceased, what did you do?

7 A Made a call to the Mendocino County Sheriff's
8 Office via radio asking for a coroner.

9 Q And after that, did you have occasion to have
10 a conversation with Mr. Peter Keegan?

11 A It was sometime afterward. Myself and my
12 partner went outside. Generally that's the time that we
13 leave family to make notifications to other family
14 members and what have you. So it was sometime afterward
15 we did go back in the house to check on him and make
16 sure he was doing okay. And yes, we did talk.

17 Q And did he make any comments to you about his
18 wife?

19 A He did.

20 Q What did he say?

21 A He discussed with us -- or discussed -- he
22 told us about his wife's drinking problem and her
23 addiction to medications.

24 Q And did he say anything about any particular
25 type of drug to you?

1 A Yeah. In my report it's stated --

2 Q You can refresh your recollection by reading
3 that report.

4 A Yes.

5 Q These are statements that he volunteered; is
6 that correct?

7 A That's correct.

8 Jameson whiskey was her -- the alcohol that
9 she enjoyed consuming the most and her drug of choice
10 was oxycodone.

11 Q Okay. And when you -- I'm going to show you a
12 photograph, just a -- one photograph of the victim in
13 this case just to see if it's the same person.

14 Showing you People's Exhibit 7-A, and I'll ask
15 you if you recognize that photo or who's in it and can
16 you identify it.

17 A That does appear to be the victim, yes.

18 Q The same person that you've just testified
19 about?

20 A Yes.

21 Q Did you get her name?

22 A It was Susan Keegan.

23 Q Susan Keegan.

24 And is this the condition that you found her?

25 A Yes.

1 Q And did you -- were you able to determine
2 whether -- how did you perceive the demeanor of Peter
3 Keegan when he was talking to you?

4 A He seemed very unconcerned and wasn't acting
5 normal for somebody who just lost their spouse.

6 Q Okay. And were you able to tell whether or
7 not -- anything about his physiology at that time that
8 appeared significant?

9 A He wasn't acting normal.

10 Q Okay. I'm going to show you another photo.
11 This is People's Number 8. I'm going to ask you if you
12 can identify that photo.

13 A It looks like Mr. Keegan.

14 Q Is that the way he looked to you at that time?

15 A It's been a long time ago, but yeah, I can say
16 that.

17 (Exhibit 8 was identified.)

18 Q (BY MR. STOEN) I'm going to put this on the
19 screen.

20 And what did you do after this conversation
21 with Mr. Keegan?

22 A We had a brief discussion with the deputy when
23 she arrived, and we were released. And that was pretty
24 much it for us.

25 Q Okay. Is there anything in your narrative

1 portion there that gives more details about your
2 encounter with Mr. Keegan or with the victim at the
3 scene?

4 A Just that he talked about his wife's alcohol
5 and drug addiction.

6 MR. STOEN: Okay. I'm going to move that
7 exhibit into evidence, this is People's Number 5. And
8 I'm going to move People's Number 4, which is the DMV
9 photo, into evidence. And I'm going to move your report
10 as Exhibit Number 5 into evidence. The DMV photo of
11 Mr. Keegan, number 4, is going to be in evidence, and
12 number 8 will be into evidence, please. And number 7-A,
13 which is the photo.

14 (Exhibits 4, 5, 7-A & 8 were received.)

15 MR. STOEN: I may be referring to those later.
16 So if you could put them there, that would be great.

17 I want to thank you, sir, for showing up. We
18 deeply appreciate it. Okay.

19 THE WITNESS: That's it?

20 MR. STOEN: We'll call for Jacquelyn
21 Rainwater.

22 A JUROR: Do we ask questions?

23 MR. STOEN: Oh, sorry. If there are some
24 questions, they have to be in writing.

25 JURY FOREPERSON: So if you have a question,

1 write your juror number down.

2 JURY SECRETARY: Question number 1 is from
3 juror number 616861.

4 MR. STOEN: Get the juror's number and the
5 question number 1 that has come in.

6 Now I want to read it to myself. Thank you.

7 I will ask this question.

8 Q (BY MR. STOEN) This is question number 1 from
9 Juror 616861: Did Susan Keegan, when you saw her, show
10 signs of sexual trauma?

11 A No.

12 MR. STOEN: Okay. Any other questions?

13 This is -- do you want to write number 2
14 there?

15 JURY SECRETARY: How about if you give them to
16 me and then I'll write them on there.

17 JURY FOREPERSON: Yeah, just write number 3 on
18 here so you don't have to rewrite every one of them.

19 I can't understand this one, 610214. I
20 couldn't understand the question.

21 Q (BY MR. STOEN) The first question is a
22 generalized question: Is there a recording of the 9-1-1
23 call?

24 Are you aware of that, whether there is or
25 not?

1 A There probably is, but I've never heard it,
2 no.

3 Q Are you in a position to be able to know
4 whether or not it's available?

5 A No.

6 Q Okay. Based on the victim's body condition,
7 what was the approximate time of death?

8 A I'm not an expert in that field, but I would
9 say it was an extended period of time.

10 Q Extended?

11 A Yes.

12 MR. STOEN: So this is the asked questions.

13 JURY SECRETARY: Got it.

14 A JUROR: I can hear you, but I can't hear the
15 witness.

16 MR. STOEN: Okay. What did you just say?

17 THE REPORTER: Do you want me to read back his
18 answer?

19 MR. STOEN: Yeah, if you would be so kind.

20 (Record read as follows:

21 "A I'm not an expert in that field, but
22 I would say it was an extended period of
23 time.)"

24 JURY FOREPERSON: Do you need the juror number
25 for those two questions on the recording or --

1 MR. STOEN: Yes, we do.

2 JURY FOREPERSON: So that was -- the question
3 was from juror 609424.

4 And the next question is juror 640779.

5 MR. STOEN: Next question is -- I'm not going
6 to ask it because this witness would not have personal
7 knowledge of this. So that goes in that pile.

8 JURY SECRETARY: Question number 4 from juror
9 number 610214.

10 Q (BY MR. STOEN) On this question: Did you
11 check to see if he was okay?

12 A Yes, we did check in with him a couple of
13 times.

14 Q What emotions did he display?

15 A Very little.

16 Q Next question is: Is Mrs. Keegan -- is
17 Mrs. Keegan propped up in the photo 7-A?

18 A Is she propped up?

19 Q Yeah, is she propped up.

20 A She's not propped up. She's laying in the
21 position that we found her in.

22 MR. STOEN: Okay. Thank you.

23 JURY SECRETARY: Question number 5 from juror
24 640779.

25 MR. STOEN: This is acceptable.

1 Q (BY MR. STOEN) Did Mr. Keegan appear under
2 the influence at the time of your arrival?

3 A I'm not an expert in that field either. He
4 did display some characteristics of somebody -- of
5 people that I have seen in that condition before, yes.

6 MR. STOEN: Okay. Thank you.

7 JURY SECRETARY: And question number 6 from
8 juror 616861.

9 Q (BY MR. STOEN) This question number 6 is:
10 Did it appear he was trying to convince you and your
11 partner about her death?

12 A No.

13 Q Pardon me?

14 A No.

15 MR. STOEN: Thank you.

16 JURY SECRETARY: Question number 7 from juror
17 number 632221.

18 Q (BY MR. STOEN) Question number 7: Did it
19 appear that she fell backwards to hit her head?

20 A I'm not an expert in the field of that either,
21 but there was blood staining on the countertop and she
22 did have a cut on the back of her head. Put two and two
23 together, I would say it looks like she slid down. But,
24 again, not being an expert in that field.

25 MR. STOEN: Okay. Thank you.

1 JURY SECRETARY: That's all.

2 MR. STOEN: Any other questions?

3 Okay. You're excused, sir. Thank you very
4 much for coming.

5 And would you ask Ms. Rainwater to come in.

6 (Brief pause.)

7 MR. STOEN: Good morning. Please be sworn and
8 give your name and spelling of the name.

9 THE REPORTER: Will you raise your right hand,
10 please.

11 - - -

12 JACQUELYN RAINWATER

13 Called as a witness, having been first duly sworn,
14 testified as follows:

15 - - -

16 THE REPORTER: Will you state and spell your
17 name, please.

18 THE WITNESS: Jacquelyn Rainwater. First is
19 J-a-c-q-u-e-l-y-n; Rainwater, R-a-i-n-w-a-t-e-r.

20 THE REPORTER: Thank you.

21 - - -

22 EXAMINATION

23 Q (BY MR. STOEN) Good morning.

24 A Good morning.

25 Q And what is your occupation, please?

1 A I'm a deputy sheriff-coroner for the Sheriff's
2 Department of Mendocino County.

3 Q And how long have you been so employed?

4 A As a deputy sheriff I've been employed since
5 2003.

6 Q And how many years of law enforcement
7 experience do you have?

8 A I have over 26 years of law enforcement
9 experience.

10 Q Now, are you a deputy sheriff or a deputy
11 coroner or both?

12 A It's both. It's all the same title, deputy
13 sheriff-coroner.

14 Q So if you are on patrol and you get a call,
15 you have to act as a coroner, as well as a deputy
16 sheriff; is that correct?

17 A Yes.

18 Q Okay. Now, when you come across a deceased
19 person is there a particular protocol that's supposed to
20 be followed by you?

21 A As far as like if we get dispatched to a
22 coroner's case?

23 Q Yes.

24 A Is that what you're referring to?

25 Q What are you looking for when you find a body

1 that's deceased, generally?

2 A Generally we -- you know, when you're going
3 in, you're taking a look around to see if things make
4 sense and what you're seeing when you're getting
5 dispatched to a call.

6 Q Can you speak up so everybody can hear.

7 A Sorry.

8 So when you get dispatched to a call,
9 generally, you know, you get dispatched and the
10 dispatcher will tell you it's a coroner's case.
11 Sometimes it, you know, can be different circumstances;
12 obviously when you get there things can change. So when
13 you're there, you're looking to make sure that
14 everything that you're seeing, hearing, taking in with
15 your senses make sense.

16 Q And if you come across something that doesn't
17 make total sense, what is the protocol if it doesn't
18 appear to be a natural sort of death?

19 A If it -- if you're seeing enough -- when you
20 get there, if you're seeing enough that concerns you,
21 then, you know, at some point in time it can get to a
22 point where they would make a separation between a
23 coroner's case and what would be a criminal
24 investigation. At some point in time that can happen
25 and should happen if a coroner's case becomes something

1 else other than that.

2 Q I'd like to call your attention to November
3 20 -- excuse me -- November the 11th, 2011, around 8:25
4 or so in the morning at 120 Whitmore Lane, Ukiah. Were
5 you present at that time and place?

6 A I was.

7 Q For what purpose?

8 A I was called there for a coroner's
9 investigation.

10 Q Okay. I prepared some Google maps, and I'd
11 just like you to -- I brought a laser here. This is
12 Exhibit Number 22, which has two parts. They are both
13 Google maps.

14 First, I'll have you look at them and tell me
15 whether or not you recognize both of those.

16 A Yes, that would be the location of the
17 investigation.

18 (Exhibit 22 was identified.)

19 Q (BY MR. STOEN) Okay. Now you just talked
20 about it, 120 Whitmore Lane in Ukiah; is that correct?

21 A Yes, correct.

22 Q So first I'll just show one portion, and could
23 you just take this laser and go up there and point out
24 where the -- for the jury where State Street is and some
25 of the other main markers would be and where 120

1 Whitmore Lane would be?

2 A Can anybody see that?

3 Q Push on the end button there.

4 A Okay. So that's -- that's going to be
5 Whitmore Lane. I can't really see that very well with
6 my glasses. This is going to be State Street here.

7 Q Okay.

8 A So we would have come in through State Street
9 and turned onto -- I think it may turn directly onto
10 Whitmore, but I'm not -- I'm not completely sure. But
11 we did -- we did go from State Street to the Whitmore
12 house.

13 Q I'll show you the satellite map of the same
14 location and ask you -- it's a little bit dark on there.

15 A It's actually --

16 Q I think it's too dark to show on the machine;
17 but, anyway, you can recognize that this a satellite map
18 of the location?

19 A Yes. That's typically what you would see on
20 Google.

21 MR. STOEN: Okay. I'll move both of those
22 Google maps into evidence, please.

23 (Exhibit 22 was received.)

24 Q (BY MR. STOEN) Now, did any sheriff personnel
25 accompany you on this -- on this visit to that address?

1 A Yes, Sergeant Derek Scott was my sergeant, and
2 he accompanied me, as well as Deputy Lockart, Daniel
3 Lockart.

4 Q Okay. And who did you first contact at the
5 scene?

6 A It was Chief Battalion Jay -- and I have to
7 look at his name -- Beristianos. He's from Ukiah Valley
8 Fire Department.

9 Q Is he the gentleman that you've seen already
10 today in the courthouse?

11 A Yes.

12 Q Okay. And when you met him did he -- what did
13 he tell you that he had done, if anything?

14 A He indicated that he had -- when he arrived,
15 he met with Peter Keegan, the decedent's husband, and
16 Peter Keegan had taken him -- directed him to the
17 bathroom where Susan Keegan, the decedent, was.

18 Q Okay. And what did you do after talking with
19 Jay Beristianos?

20 A After talking to him, I then spoke with Peter
21 Keegan.

22 Q Okay. And I'm going to show you a DMV photo
23 marked into evidence as People's Number 4, Exhibit
24 Number 4.

25 First of all, do you recognize that person?

1 A Yes, that's Peter Keegan.

2 Q Is that the person you saw?

3 A Yes.

4 Q Okay.

5 A I did see him.

6 Q It's the person -- I'm, again, putting it on
7 the Elmo machine.

8 Now, did Peter Keegan have a conversation with
9 you at this time?

10 A He did.

11 Q What did he say as to when he last saw his
12 wife?

13 A He said he saw his wife the day prior, it was
14 about 5:00 in the afternoon, and --

15 Q What time did he say he went to bed?

16 A He went to bed around 10 o'clock in the
17 evening.

18 Q And what did he say as to where he thought his
19 wife had gone or --

20 A He believed that she had gone to visit
21 friends.

22 Q And what did he say as to whether he heard her
23 return home?

24 A He said he did not hear her return home.

25 Q And what did he say he first noticed when he

1 woke up that morning?

2 A That all of the lights in the house were on
3 and he felt this was unusual.

4 Q What did he do then, did he say?

5 A He stated that he went down the hallway --
6 because at the time they were sleeping in separate
7 rooms, he went down the hallway into her room and he did
8 not see her on her bed. You can -- when the door opens
9 up to her room, you can see her bed right there. It's a
10 smaller bedroom. And so he walked into her bathroom,
11 which is going to be off to your right at the foot of
12 the bed, and saw her laying there in the bathroom on her
13 back.

14 Q And did you take a look at the bed that he
15 pointed out that she had been -- that was her bed?

16 A Yes.

17 Q And could you tell whether or not it had been
18 slept in?

19 A It didn't appear to have been slept in.

20 Q And what did he -- did he say whether or not
21 he went into the bathroom himself?

22 A Yes, he -- he -- he did go in and check for
23 signs of life.

24 Q Did he say what part -- did he say whether or
25 not he touched her body?

1 A It's my understanding that he -- he checked
2 her pulse. It felt -- she was cold to the touch -- and
3 he's a doctor, you know, so he is trained in those
4 matters -- and felt she was deceased, didn't believe she
5 was alive, called 9-1-1.

6 Q And did he say what conclusion he drew after
7 that kind of -- after doing that? Did he draw a
8 conclusion as to the condition of the body in the
9 bathroom?

10 A He felt she was deceased.

11 Q Okay. What did he say he did then?

12 A He called 9-1-1 and -- and waited for medical
13 to arrive, police, coroner.

14 Q Did he indicate whether or not he moved the
15 defendant?

16 A He --

17 Q The decedent, excuse me.

18 A He and the fire battalion chief, neither
19 one -- they both indicated they had not moved anything
20 as far as the body.

21 Q Did he discuss anything about the nature of
22 his relationship with the decedent?

23 A Well, they were -- they were going through a
24 divorce. And I think they had gone through some turmoil
25 in the last three to six months, is what he explained,

1 and they were living or staying in separate bedrooms.

2 Q Did he indicate whether or not there had been
3 arguments?

4 A They'd had some arguments. He indicated there
5 was nothing physical between them.

6 Q And did he discuss anything about drugs?

7 A He felt like she -- at least indicated that
8 she had -- she takes drugs, prescription and marijuana,
9 and drank alcohol, and he felt like she had a -- she had
10 a problem.

11 Q Did he indicate whether or not he felt that
12 the drug use of Susan Keegan was serious?

13 A Yes. He -- he felt it was serious.

14 Q And did he tell you the effect on him of this
15 problem of the decedent using or abusing drugs?

16 A He felt it was the reason for their divorce,
17 that it affected their relationship and their sexual
18 relationship, which he felt was the cause of the
19 divorce.

20 Q Did he indicate any other medical problems
21 that the decedent had?

22 A She -- I know he said that she was -- she had
23 seen Dr. Coen for depression recently and that she had
24 hypothyroidism and took medication for that for many
25 years.

1 Q And what's the name of her doctor that
2 Dr. Keegan told you?

3 A Lynne Coen is her name.

4 Q All right. And did he indicate whether or not
5 Susan Keegan had visited any other person in the medical
6 field?

7 A Oh, also Dr. Pasternak, she had recently seen
8 him, which is her dentist. She had seen him the day
9 prior, I believe, and then once before. I think within
10 the previous -- that year she had seen him.

11 Q Now, did Peter Keegan make any further
12 statements to you or ask you any questions regarding the
13 situation in front of yourself and Sergeant Scott and
14 Deputy Lockart?

15 You may refer to your notes to refresh your
16 recollection.

17 A Thank you. I appreciate that.

18 He had made some -- he made some comments,
19 which was kind of off-putting. He made some comments
20 about he was concerned about her -- the autopsy and he
21 was concerned about what the outcome was going to be,
22 and he wanted to know about the results as soon as
23 possible so that he could talk to an attorney if he
24 needed to.

25 Q Did anybody ask him a question among the three

1 of you law enforcement officers as to why he wanted a
2 copy of the autopsy?

3 A He was concerned about the -- what the outcome
4 would be and -- which is why he was talking about -- I
5 mean he said, "I'd like to get a copy as soon as
6 possible because I'm concerned about the outcome. I'm
7 concerned what people are saying."

8 Q Did he say why specifically he was concerned
9 to get the autopsy? Did he say --

10 A Because he thought -- he thought people would
11 say that he killed her and he wanted to be able to get
12 an attorney if he needed to.

13 Q Okay. And was that the response -- what --
14 what response did any of the three of you make to him
15 about his autopsy statements?

16 A Well, we -- we asked why he would -- why he
17 would believe that, you know, why he would have this
18 concern, because it's very unusual for someone to ask
19 those kind of questions at a coroner's investigation.

20 Q Okay. And what --

21 A And he -- he just said that, you know, he
22 was -- that the spouse always gets blamed, that he's --
23 that that's typical, and he was concerned about being
24 blamed for killing her and that -- and that he felt like
25 if -- depending on the outcome, that he may want to talk

1 to an attorney.

2 Q Did he indicate anything about the separation
3 in the bedrooms, what had caused that?

4 A He had -- he -- he said that there was -- I
5 think the only question that was really asked of him
6 more specifically was that, you know, he had made a
7 comment that people were saying that -- that -- how did
8 he state it.

9 It had to do with room temperature, like there
10 was this -- they had this problem and that one of the
11 problems or one of the issues that he brought up that
12 they had had to do with room temperature, that they had
13 a disagreement on it, and that's why they were staying
14 in different rooms. But he said that wasn't true.

15 Q All right.

16 A It was kind of odd, awkward.

17 Q Did you -- did Sergeant Scott ask him anything
18 about what he thought had happened given Dr. Keegan's
19 medical background?

20 A Let me see here. He -- Sergeant Scott asked
21 him -- because of his medical profession, his
22 background, he asked him what he thought -- let's see, I
23 don't want to say the wrong thing.

24 Sorry, if you can just give me a second here.
25 I just want to make sure.

1 (Brief pause.)

2 He said -- he asked him what he thought
3 happened to the decedent considering his medical
4 background. That's what he -- how he worded it. And
5 Dr. Keegan -- or Peter Keegan stated that if he was her
6 doctor, he wouldn't give cause of death. He wouldn't
7 sign or give cause of death, which we also thought was
8 an odd statement.

9 Q Now, based on your experience -- your special
10 experience as a training -- your special experience or
11 your training as a deputy coroner and deputy sheriff,
12 how did you evaluate Peter Keegan's statements to you?

13 A We thought his -- his statements and his
14 demeanor were very odd, off. This is probably the only
15 time -- I've done many, many coroner's cases in the
16 years that I've worked or been part of coroner's cases
17 and investigations, and this is the only time I've ever
18 seen people or a person there that I've contacted, a
19 family member, that has made these kind of statements.
20 I've -- I've never had people ask for those types of
21 things. We found it very odd, suspicious. That made us
22 more cautious and pay attention more to detail about
23 what's going on around us.

24 Q Did you take a look at the decedent in the
25 bathroom?

1 A Yes.

2 Q Could you describe her just generally.

3 A She's a white female, I believe she was 55
4 years old, and she -- she looked like she was about that
5 age, she had shorter gray hair, brown eyes. She was
6 wearing purple pajama tops and bottoms.

7 Q What was her general body position when you
8 saw her?

9 A Her general body position was that she was
10 laying on her back, her head was up against the vanity,
11 part of her head/shoulders were up against the vanity
12 laying on her back, her head was tucked where her chin
13 was like touching her chest, and her -- I guess it would
14 be her left hand was on her leg/stomach area and the
15 other hand was on the ground next to her.

16 Q Okay. I'm going to show you some exhibits
17 taken of the body. Do you know who took these -- I'll
18 show you Exhibit Number 7-A. Do you recognize that?

19 A Yes, I do.

20 Q Who took that picture, do you know? Was that
21 taken in your presence?

22 A Yes, yes.

23 Q And what does it reflect?

24 A It reflects a -- it's a photo of Susan Keegan,
25 how she was found on the day of her death.

1 Q I'm going to put this on the Elmo machine.

2 Is that the same person that you saw at that
3 time?

4 A Yes.

5 Q Okay. Now, I'm going to show you -- I'm going
6 to show you People's Exhibit number 7-B and ask you if
7 you recognize that.

8 A I do.

9 Q What does that represent?

10 A It's also a picture of Susan Keegan at her
11 residence in her bathroom on the day she died.

12 Q And what's on the screen reflects the exhibit
13 that you just referenced; is that correct?

14 A Yes.

15 Q I show you People's Exhibit Number 7-C and ask
16 you if you recognize that and, if so, please identify
17 it.

18 A I do. It's a -- it's an upper-half picture of
19 Susan Keegan laying on the floor in her bathroom.

20 Q And what's on the screen, does that accurately
21 represent that exhibit?

22 A Yes.

23 Q I show you People's Exhibit 7-D and ask you if
24 you recognize that and, if so, if you could please
25 identify it.

1 A It's also a -- it's an upper head shot of
2 Susan Keegan, the way her -- she was positioned when we
3 found her, her head and shoulders area up against the
4 vanity in the bathroom.

5 Q Thank you.

6 Is what's on the screen an accurate
7 reproduction of what you just testified about?

8 A Yes.

9 Q Now I show you Exhibit 7-E and ask you if you
10 recognize that and if you could please identify it for
11 us.

12 A This is a picture of Susan Keegan's -- would
13 be her left hand and --

14 Q Did you notice anything significant about this
15 based on your experience as a deputy coroner?

16 A Yes. The interesting thing that stands out in
17 that picture is that she shows lividity, which is a
18 pooling of the blood that happens after death, that
19 normally you would see -- in other words, when you die,
20 everything stops and blood goes to -- you know, it goes
21 down -- it goes downward. If this were a natural -- if
22 it was accurate with where the lividity is at, her hand
23 should be facedown.

24 Q Okay. And is what's on the screen an accurate
25 representation of the exhibit I just asked you about?

1 A Yes.

2 Q Now, did this cause you any concern as to the
3 nature of what you were doing on that occasion?

4 A Yes, because it shows that there has been a
5 change in body position after death.

6 Q Okay. And I show you People's Exhibit
7 Number 7-F and ask you if you recognize that and please
8 identify it.

9 A Yes. This is another picture of the same
10 hand. It's a little bit closer shot.

11 Q Thank you.

12 A It shows a little bit more of --

13 Q Is what's on the screen an accurate portrayal
14 of 7-F?

15 A Yes.

16 Q And I show you People's Exhibit 7-G and ask
17 you if you recognize that and please identify it for us.

18 A That would be her right hand that's laying on
19 the floor next to her.

20 Q Did you find anything unusual about that?

21 A The same thing, that she had lividity on the
22 top of the hand and she was found, again, with her hand
23 with lividity on top as opposed to where it should be.
24 According to what you're seeing, it should have been
25 facedown, which, you know, was exactly like the left

1 hand.

2 Q Thank you.

3 A Uh-huh.

4 I don't know if you wanted to know also, the
5 other thing is the -- which is a little bit harder to
6 see in the pictures, but there's swelling of the hands
7 in the wrist area.

8 Q Swelling?

9 A Swelling, yes.

10 Q On both those last two photos?

11 A On both of them. There's swelling of the
12 wrists and hands that was unusual.

13 Q So what did the swelling indicate to you based
14 on your experience?

15 A I've never seen it before. I could only
16 theorize what I think could have happened, but it's --
17 it's very unusual. I've never seen that in a coroner's
18 case where -- where you have specific swelling right in
19 the top of the hand and at the beginning of the wrist
20 area on both hands. It was very unusual.

21 Q I show you People's 7-H, ask if you recognize
22 that and, if so, please identify it.

23 A That is a picture of Susan Keegan, and the top
24 of her head shows injury, a puncture wound.

25 Q And whose glove is that that's pointing to

1 her?

2 A It's one of the deputies, but I don't know
3 specifically.

4 Q In your presence?

5 A Yes, yes.

6 Q Is what's on the screen the same Exhibit 7-H
7 that you just testified about?

8 A Yes.

9 Q I'll show you People's Exhibit 7-I, ask you if
10 you recognize that and, if so, please identify it.

11 A This is a head picture of Susan Keegan laying
12 on the floor, showing blood coming from her nostril
13 area, also depicts a small injury to the left part of
14 her mouth.

15 Q Were you able to detect the nature of that
16 injury, that small injury?

17 A No, I don't know why.

18 She also has blood coming from the forehead,
19 from her fore -- the top of the wound from the top of
20 her head.

21 Q I'll put this on the screen.

22 Is what's on the screen the same 7-I that you
23 just testified about?

24 A Yes.

25 Q I show you People's 7-J, ask you if you

1 recognize that and please identify it.

2 A This shows a picture of the side -- would be
3 the right side of Susan's head and top area. It just
4 mostly shows her head and part of her right shoulder.
5 And you can -- you can see a partial injury to the back
6 of her head from this picture.

7 Q Let me put it on the screen and then you can
8 comment about that partial injury.

9 What I'm putting on the screen is 7-J you just
10 testified about?

11 A Yes.

12 Q What is it you're saying about the head?

13 A You can see up against the -- up where the
14 door is at there on the vanity and on the door itself,
15 you'll be able to see at a closer shot there's a little
16 bit of blood on the door itself and -- but you can also
17 see part of an injury on the back of her head.

18 Q Okay.

19 A A redness.

20 Q I'll show you People's 7-K and ask you if you
21 recognize that?

22 A Yes. That is the -- that is the large injury
23 to the back of Susan's head. It's about a three-inch by
24 four-inch opening.

25 Q Same direction for each of those lacerations?

1 A I believe it's a -- I want to say it's a
2 vertical. I mean one goes -- it's like this
3 (indicating).

4 Q Okay. Is what you see on the screen 7-K that
5 you just testified about?

6 A Yes.

7 Q Is that the same one?

8 A Yes.

9 Q This is a closer shot, 7-L. I'll ask you if
10 you recognize that.

11 A I do.

12 Q And what is that?

13 A So that's a more close picture of the head --
14 the back of Susan Keegan's head, the large injury that
15 she has, along with what looks like some tissue and
16 blood in her hair.

17 Q What's on the screen, is that what you just
18 testified about?

19 A Yes.

20 Q I show you People's 7-M and ask you if you
21 recognize that.

22 A This is another close-up picture of the injury
23 of Susan Keegan, the back of her head.

24 Q Thank you.

25 A Yes.

1 Q Is what's on the screen an accurate
2 reproduction of what you just testified about?

3 A Yes.

4 Q I show you people's 7-N and ask you if you
5 recognize that. If so, please identify it.

6 A So this is an injury. It is going to be her
7 right hand and thumb is what's being indicated in the
8 picture. She has a -- a small laceration, about an
9 inch-ish in size, on the top of her right thumb.

10 Q Does that -- is there anything about that
11 laceration that would relate to anything you found in
12 the house?

13 A Yes. It's -- it correlates with a -- a pill
14 container that she has. It's one of those that cuts
15 pills. It divides them in half. I mean it's
16 speculation, but it's similar in size. She does cut her
17 pills/medication that she takes. It's possible,
18 probable that it could have come from that.

19 MR. STOEN: Well, I would ask the jury to
20 disregard the fact that this witness knows how she cut
21 her pills and disregard that for that purpose, please.
22 Disregard it for anything having to do with that
23 subject.

24 Q (BY MR. STOEN) So this is what you've just
25 testified to, 7-N?

1 A Yes.

2 Q And I show you People's Exhibit 7-0 and ask
3 you if you recognize that.

4 A So this would be the -- the edge of the
5 vanity, the very top edge of the vanity. And the wooden
6 part underneath it where the handle is at, you'll see
7 some -- you could see some blood at the very edge of the
8 vanity, a small amount, and a little bit of blood dried
9 on the -- the front face of the vanity where the handle
10 is at on the drawer.

11 Q I'll show you this on the screen.

12 Is that a fair reproduction of what you just
13 testified about?

14 A Yes.

15 Q Now, given the nature of the wounds on the
16 back of the head, what was your impression with respect
17 to the amount of blood on the floor?

18 A The -- the nature of the injuries did not
19 match the amount of blood that we found on the scene.
20 There was -- head injuries bleed a lot, even small ones,
21 and these are very large. There was a very minimal
22 amount of blood that was on the scene, and so it
23 didn't -- those two things did not correlate.

24 Q Okay. And I show you People's Exhibit 7-P.
25 Do you recognize that? Please identify it if you do.

1 A I do. It's the same picture. It's back a
2 little bit further, so you can see a little bit more of
3 the perspective of the top of the vanity and the drawer
4 and door of the vanity.

5 Q And what I'm showing on the screen is the same
6 exhibit?

7 A Yes.

8 Q Showing you 7-Q, ask you if you recognize
9 this.

10 A This is going to be Susan Keegan's right --
11 the top of her -- top and side of her right leg/thigh
12 area, and you'll see some lividity there.

13 Q Let me put it on the screen.

14 A Yes.

15 Q Is that the same exhibit?

16 A Yes.

17 Q You can point out what it is.

18 A The dark redness there appears to be lividity;
19 again, out of place for how the body is laying. The leg
20 is extended outward. This is on the inside, a little
21 bit on the upper inside of her thigh, which wouldn't
22 correlate with the way the body is laying.

23 Q And I show you People's Exhibit 7-R and ask
24 you whether or not you recognize that.

25 A So this is the top of -- this is Susan

1 Keegan's stomach area. And what you'll notice in that
2 picture is -- and she has some injury, bruising area,
3 some -- it looks like broken -- almost like what I would
4 describe as like a petechia, scraping, almost like when
5 you scrape the skin and it breaks, blood underneath it,
6 and some bruising area right in the -- where the navel
7 is at there below the belly.

8 Q And so what's on the screen is the same
9 exhibit you just testified about?

10 A Yes.

11 Q I show you 7-S and ask if you recognize that.

12 A This is a picture of the bathroom. It's
13 pretty dark, but -- so it's taken from Susan's bedroom
14 looking into the bathroom, and you can see -- it's very
15 dark, but you can see part of Susan's body laying on the
16 floor.

17 Q So what part of her body can be seen from the
18 outside of the bathroom?

19 A You can see basically from, I would say, you
20 know, part of -- a little bit of her upper, a small
21 portion of it, to down close to her knee area.

22 (Exhibit 7-A through 7-S were identified.)

23 Q (BY MR. STOEN) Before we take a break, I have
24 one more question. Did you take a photograph of Peter
25 Keegan at the time?

1 A I did.

2 Q Show you People's Exhibit Number 8, ask you if
3 you could identify that.

4 A This is Peter Keegan on the day of the
5 investigation.

6 Q In the morning when you came at that time?

7 A Yes.

8 Q And what did you notice about Peter Keegan
9 that was significant to you, if anything, at the time,
10 about his physical appearance?

11 A The significance of his physical appearance
12 and his demeanor would be, I mean he looked like and
13 talked like he was under the influence of something, he
14 had been taking something. You can see this in his
15 eyes. And the way he was talking, he was very flat in
16 his voice and the way he was answering questions. He
17 also had -- he had a lot of white pasty around his --
18 and you can -- if you look closely, you'll be able to
19 say the whites around his mouth. And when he was
20 talking, it's like somebody has cottonmouth, they're
21 making that kind of smacking noise. All that would be
22 consistent with being under the influence of something.

23 MR. STOEN: Okay. Madam Foreperson, do you
24 think it would be a good time to have lunch? It's
25 12 o'clock.

1 JURY FOREPERSON: Yes.

2 What about questions?

3 MR. STOEN: We'll have to wait until
4 afterwards. People need to eat. She's going to be on
5 the stand later.

6 JURY FOREPERSON: Okay. So before we leave,
7 again, I am supposed to remind everybody that we are not
8 to talk to one another or take anything out of the room.
9 Leave everything at your spot and do not discuss
10 anything while we're at lunch. And we'll come back --
11 we'll start at 1:15. So if you could be back, you know,
12 in your seat by then, that would be great.

13 MR. STOEN: Did you give the admonition about
14 secrecy, too?

15 JURY FOREPERSON: Do you want me to actually
16 read it?

17 MR. STOEN: Yes.

18 JURY FOREPERSON: So the grand jury
19 proceedings and investigations are secret. You are,
20 therefore, admonished on behalf of the San Diego
21 Superior Court --

22 MR. STOEN: It would be the Mendocino County
23 Superior Court.

24 JURY FOREPERSON: Sorry.

25 -- Mendocino County Superior Court and the

1 criminal grand jury not to disclose your grand jury
2 subpoena or your grand jury appearance to anyone and not
3 to reveal any person, any questions asked, or any
4 responses given in the grand jury or any other matters
5 concerning the nature or subject of the grand jury's
6 investigation which you are -- which you learned about
7 by your grand jury subpoena or during your grand jury
8 appearance, except to your own legal counsel. This
9 admonition continues until such time as the transcript
10 of the grand jury proceeding is made public or until
11 disclosure is otherwise authorized by the court or by
12 operation of law. Violation of this admonition is
13 punishable as contempt of court.

14 MR. STOEN: Thank you.

15 A JUROR: As Sergeant of Arms, do I have any
16 duties between now and coming back?

17 MR. STOEN: I'm sorry?

18 A JUROR: As the Sergeant of Arms, do I have
19 any duties?

20 MR. STOEN: Just make sure nobody takes any
21 paperwork out of the room.

22 We're off the record.

23 (Lunch recess taken.)

24 (Roll call taken; all jurors are present.)

25 MR. STOEN: Madam Foreperson, did you take

1 complete roll?

2 JURY FOREPERSON: Yes.

3 MR. STOEN: Madam Foreperson, will you remind
4 the witness she's still under oath, please.

5 JURY FOREPERSON: I'd like to remind everyone
6 they're still under oath.

7 MR. STOEN: And the witness as well.

8 JURY FOREPERSON: And you're also still under
9 oath.

10 THE WITNESS: Yes.

11 - - -

12 EXAMINATION (Cont'd)

13 Q (BY MR. STOEN) Deputy Rainwater, did you look
14 on the nightstand of Susan Keegan as to see what might
15 have been related to the cut on her hand?

16 A Yes. There was a blue --

17 Q Speak up so everybody can hear you.

18 A Sorry.

19 There was a blue container on the nightstand.
20 It's a -- it's a pill-cutting container mechanism.

21 Q What was in that container?

22 A There was -- I have to look specifically to
23 see what the drug was, but there was a drug also inside
24 the container.

25 Q Would your notes refresh your recollection?

1 A Yes.

2 Q Would you please refer to them.

3 A Okay. There's a couple different areas here,
4 so I apologize.

5 Okay, here it is.

6 Q Found it?

7 A Yes.

8 Q What was it?

9 A It was called Vicoprofen.

10 Q Do you know what kind of drug that is?

11 A I am --

12 Q If you don't know, don't --

13 A I don't know specifically. I could take a
14 guess, take a good educated guess, but no.

15 Q Did you also examine the bathroom vanity --

16 A Yes.

17 Q -- with respect to the medicine cabinet?

18 A In the medicine cabinet there were two bottles
19 of Liothyronine, two bottles of Levothyroxine, one
20 bottle of Lexapro, and one bottle of Buspirone.

21 Q All right. Did you do further examination of
22 her nightstand?

23 A Yes.

24 Q What else did you find?

25 A There was a couple of marijuana cigarettes

1 that were there. She also had a coffee cup mug on her
2 nightstand that had -- was partially full, I think about
3 half full or less, of alcohol. Hard alcoholic beverage
4 is what it looked like it appeared to be.

5 MR. STOEN: The jury is instructed that when
6 she says "she had," you have to ignore as to who had it.
7 It's just that it was found on a nightstand associated
8 with a quest -- with the guest bedroom bed.

9 Q (BY MR. STOEN) Did you examine the decedent's
10 car?

11 A Actually, I -- I did not.

12 Q Okay. Did anybody in your group do so, in
13 your law enforcement group?

14 A Yes. Either -- it was either sergeant -- the
15 only other two that were there was Deputy Lockart and
16 Sergeant Derek Scott.

17 Q Did they describe what they found?

18 A Yeah. They found a bag of marijuana brownies
19 there.

20 Q In the car?

21 A In the car.

22 Q Thank you.

23 Now, did you contact Susan Keegan's physician
24 after this?

25 A I did.

1 Q And did she tell you what kind of drugs Susan
2 was on?

3 A Yes. I'm going to refresh quickly.

4 She was taking Ambien, the Buspirone, and was
5 taking an antidepressant as well, also indicated she was
6 taking the Vicoprofen for pain.

7 Q What did she say she was treating Susan for?

8 A She treated her for the hypothyroidism and
9 back pain.

10 Q Okay.

11 A And I was looking here to see if she said if
12 she was taking an antidepressant.

13 Q Let me show you People's Exhibit Number 6, ask
14 you if you recognize this and, if so, please identify
15 it.

16 A I do. That's the -- I don't know specifically
17 if it's Susan Keegan's car, but it's the car that the
18 brownies were found in that she drives.

19 A JUROR: Could you speak up a little?

20 THE WITNESS: Sorry.

21 So this is the car that Susan Keegan drives.

22 Q (BY MR. STOEN) How do you know that?

23 A Peter Keegan pointed that out.

24 Q Okay. He said that to you?

25 A Yeah. He -- he told us as a group that that

1 was her vehicle.

2 Q Okay. Thank you.

3 A Yes.

4 Q And so what's on the screen is what you just
5 looked at, Exhibit Number 6; is that correct?

6 A Yes, parked at their house.

7 Q And also as part of Exhibit Number 6 is
8 another photo which maybe you can look at on the screen.
9 Do you recognize that?

10 A I do.

11 Q And what is it?

12 A That's a picture of Susan at the -- the room
13 Susan Keegan was staying in.

14 Q And how do you know that?

15 A That's what Peter Keegan told us when we were
16 on scene.

17 Q Could you tell whether or not that bed had
18 been slept in?

19 A It didn't appear to be.

20 (Exhibit 6 was identified.)

21 Q (BY MR. STOEN) Okay. I'd like to now ask you
22 this question: At any time in your encounter with Peter
23 Keegan on November the 11th, 2010, did he at any time
24 indicate sorrow or remorse regarding the death of his
25 wife?

1 A No.

2 Q Now, did you -- were you present at the
3 autopsy?

4 A Yes.

5 Q And when was that conducted?

6 A The following day at around noon.

7 Q And where was that conducted?

8 A At Eversole's Mortuary.

9 Q And who conducted the autopsy?

10 A Dr. Trent. I think it's Jason Trent.

11 Q Okay. And did you have a conversation with
12 Dr. Trent about the condition of Susan Keegan's body?

13 A I did.

14 Q And what was said?

15 A I shared my concerns of everything I saw at
16 the scene as far as the lividity in the areas that
17 seemed out of place for the way the body was positioned,
18 I talked to him about the swelling of her wrists and
19 hands and the unusualness of that and an inability to --
20 reason why that was there, and we talked about the cut
21 on her finger.

22 Q What was his response to your concerns?

23 A He seemed to me to, I don't know, make excuses
24 or make a reasoning behind those things. It was a
25 little -- it was a little frustrating in talking to

1 him --

2 Q Okay.

3 A -- about it.

4 Q Was anything brought up with respect to the
5 question of -- of the victim's husband?

6 A Yes. Dr. Trent knew -- I don't know if he
7 knew Dr. Keegan personally, but he certainly knew he was
8 a doctor.

9 Q Did he say that -- did he use the word
10 "doctor" with reference to Dr. Keegan?

11 A Yes, yes. We did that interchangeably when we
12 discussed things.

13 Q Okay. Did he indicate to you whether -- how
14 he saw the injuries to Susan, what it was consistent
15 with?

16 A He couldn't say why she had the swelling on
17 her wrists and hands. He had no explanation for that
18 during our discussion. He said he didn't know.

19 Q Did he tell you, in his opinion, at that time
20 what he thought the cause of death was?

21 A A fall.

22 Q Okay. And did you observe anything done about
23 blood alcohol and toxicology at that time?

24 A Yes. He -- he took samples, including blood
25 samples, that they send away for toxicology. I did

1 witness that.

2 Q And were autopsy photos taken at the time?

3 A Yes.

4 Q Who took them?

5 A Sergeant Andrew Porter. And I don't know if
6 he was a sergeant at the time, but he is now.

7 Q Okay. Now, with these concerns that you
8 voiced with Dr. Trent and many others -- any others that
9 you related to us, did you make any attempts to have
10 this case investigated more thoroughly?

11 A Yes.

12 Q What did you do?

13 A I -- at the scene we contacted -- my sergeant
14 contacted Captain Smallcomb, who was not on scene, to
15 discuss what we had found and share our concerns. When
16 we got back to the sheriff's office, Captain Smallcomb
17 was there and we, again, shared our concerns of the
18 things that we saw, Deputy Lockart, Sergeant Derek
19 Scott, and myself. And I also had a conversation with
20 Sergeant Poma, Sergeant Mike Dygert, and Deputy Darren
21 Brewster at the time who was a very seasoned deputy.

22 Q What was the response you got? Who would have
23 been responsible for authorizing further investigation
24 of the crime scene?

25 A Well, that would be -- because it started out

1 as a coroner's case, so the coroner himself, which was
2 Sergeant Poma, is the person who takes charge of that
3 investigation. So that's who we report our information
4 to. He then would -- between him and Captain Smallcomb,
5 minimally, would have a conversation discussing the
6 information, the circumstances, everything that we
7 provided to make that decision.

8 Q Did you hear any response from Captain
9 Smallcomb himself?

10 A No. He was -- he basically was asking for the
11 information, the facts, which we provided. The
12 discussion on what he decided to do and what was done
13 after that was not discussed with us.

14 Q At any time did you receive any instructions
15 from the higher-ups in the coroner's and the sheriff's
16 office as to conducting a further investigation?

17 A No. I -- after I did the coroner's case,
18 because I had been receiving so many phone calls from
19 friends within the community and concern, they did ask
20 me to document some of that information, which was
21 turned over to -- and Sergeant Poma took over.

22 Q Did anybody at a higher level than you ask you
23 to go back and search for weapons?

24 A No.

25 Q Did anybody higher than you go back to see if

1 there were any drugs kept elsewhere in the house besides
2 on the nightstand of the person that appeared to be
3 Susan Keegan?

4 A No. They -- they were telling -- they told us
5 that we were to handle it as a coroner's case at that
6 time.

7 MR. STOEN: Okay. Those are all the questions
8 I have. We'll take questions from the grand jurors.

9 I'm going to move into evidence Exhibit 6,
10 both parts.

11 (Exhibit 6 was received.)

12 JURY SECRETARY: Do I start with "1" or
13 question 8?

14 MR. STOEN: It doesn't matter. Start with
15 whoever the next person is. Just mark them in order as
16 you receive them.

17 JURY SECRETARY: Okay. Question number 8 from
18 juror number 640779.

19 MR. STOEN: Thank you.

20 Q (BY MR. STOEN) This question is: How might
21 you, based on your experience, explain the lacerations
22 in two separate sides of her head?

23 A That's a great question.

24 Q Was there -- was there two separate
25 lacerations?

1 A There were two separate lacerations. She
2 had -- she had one just past the hairline on her head
3 that was about an inch long, and then she had an
4 extremely large one in the back of her head which was,
5 as you saw with the photos, was, you know, very open.
6 I -- I think it's a very difficult thing to explain,
7 which was another reason for feeling like further
8 investigation was necessary. It -- they're on two
9 opposite sides of her head. With her position, I find
10 it difficult to be able to explain. I wouldn't be able
11 to explain why she has those two.

12 Q Are you able to give any explanation as to how
13 it might have happened if it was not a natural fall --

14 A Yes. Then --

15 Q -- based on your special experience and
16 training?

17 A My experience and training makes me feel like
18 that there was somebody else involved in this and that
19 she was assaulted.

20 MR. STOEN: Okay. Next question, please.

21 JURY SECRETARY: Question 9 from juror 616861.

22 Q (BY MR. STOEN) Okay. If you're in a position
23 to know this: Do you know where in Santa Rosa her
24 friends lived that Peter Keegan told you about?

25 A I have their address in my report.

1 Q Okay. Would that -- would that refresh your
2 recollection?

3 A Yes.

4 So her friends William Baty and Mary Pierce
5 reside -- well, that's a good question. With our old
6 computer system, it looks like it only allowed me to put
7 Santa Rosa, California. So that's all I have.

8 Q Okay. She'll be testifying, so we can ask her
9 that.

10 What time did Peter Keegan say he woke up?

11 A He -- it was -- well, it was shortly before he
12 called. He -- he woke up, found her, checked her, and
13 called 9-1-1.

14 Q Did you put a time into your report --

15 A That he --

16 Q -- that he claimed?

17 A I don't believe so. I think -- I think what I
18 stated was that he woke up with all the lights on,
19 walked into her room, found her, checked her, she was,
20 you know, cold and not breathing, he called 9-1-1.
21 So ...

22 Q Did he indicate whether he initiated CPR?

23 A He did not.

24 Q Is that what he told you, that he did not, or
25 that he didn't tell you what he did besides what you've

1 already testified to?

2 A I did not get any information that he did
3 that. It was my understanding -- the information I
4 received was that she -- she had -- she was dead, he was
5 a doctor, and -- and that he was just asking for the
6 coroner and the police to come.

7 Q Did anybody ask him if he did CPR or was
8 that --

9 A I would think medical may have gone that
10 route, but --

11 Q You don't know whether or not he initiated
12 CPR?

13 A Nobody -- the only thing I was told was that
14 he checked for her vitals for life and she was cold to
15 the touch, she had rigor mortis and, as a doctor, you
16 know, he -- he did not believe that she was alive. But
17 I was never told he ever did CPR.

18 Q Only answer this question if you know the
19 answer: Do you know what kind of doctor Dr. Keegan is?

20 A I think he's just a general M.D. is my
21 understanding, just a regular doctor.

22 Q Do you have any special knowledge of that?

23 A No.

24 MR. STOEN: Okay. Then I ask the jury to
25 disregard that answer.

1 Q (BY MR. STOEN) Was Dr. Keegan initially
2 suspected by law enforcement at the scene?

3 A I -- I -- it's a -- it's a fine line going
4 between an investigation, a coroner's -- a regular
5 investigation and trying to decipher at what point
6 somebody comes a suspect. There were suspicious
7 circumstances at the scene and by Dr. Keegan that were
8 very suspicious. And in order to be able to -- in order
9 to be able to come with that decision, more
10 investigation should have been done immediately.

11 Q Okay. Now, how -- if you know the answer to
12 this based on your training and experience: How did the
13 top of the head get injured if she fell back?

14 A That's a really good question. She had to
15 hit some -- either -- well, only two things can happen:
16 She had to hit something, you know, and/or -- I mean on
17 both injuries she had to hit something or be hit with
18 something.

19 Q Okay.

20 A But I --

21 Q That's enough of that question.

22 A Yeah.

23 Q Thanks.

24 MR. STOEN: Next question. Anybody else?

25 JURY SECRETARY: Juror number 10 -- I mean,

1 sorry, question number 10, juror number 624323.

2 MR. STOEN: Thank you.

3 Q (BY MR. STOEN) Was there evidence of blood on
4 Ms. Keegan's top and pants that she was wearing?

5 A Yes. On her right sleeve there was blood --
6 there was blood on there. There were some -- looks
7 like -- from what I recall, there were some drops there
8 and maybe a little bit more blood, but on her right.

9 That specifically I remember; other places I
10 don't.

11 Q Based on your training and experience, do you
12 have an opinion whether the bloodstain supports or
13 indicates someone who has fallen backwards and hit their
14 head?

15 A No, I -- I felt that that was an unusual spot
16 for the blood and how the blood appeared.

17 Q Thank you.

18 MR. STOEN: Next question.

19 JURY SECRETARY: Question number 11 from juror
20 number 610214.

21 MR. STOEN: Thank you.

22 Q (BY MR. STOEN) Was Dr. Keegan's recounting of
23 his relationship, his argument -- his arguing and
24 fighting, volunteered or was it a response to
25 questioning by Ms. Rainwater or Sergeant Scott?

1 A I'm sorry, could you read that one more time?

2 Q Yeah. Was -- the question as phrased: Was
3 Mr. Keegan's recounting of his relationship, arguing and
4 fighting, volunteered or was it in response to
5 questioning by you or Sergeant Scott?

6 A I believe it was -- it was under questioning.
7 They were questioning him about, you know, their
8 relationship, which would be normal.

9 Q Okay. He wasn't in custody, was he?

10 A No, no, no.

11 Q And was his recounting of his -- of Susan
12 Keegan's drug use volunteered or a response in
13 questioning by you or Sergeant Scott?

14 A No, that was -- that -- he provided that
15 information and elaborated.

16 When we ask people what kind of medications
17 they're taking, things of that nature, it's part of a
18 coroner's investigation. He elaborated further by
19 explaining "she does this, she does that," you know.

20 Q Okay. Did Mrs. Keegan have face wounds as
21 seems apparent -- to appear in the photo?

22 Then I see 7-A or 7-B, so let me show you
23 that.

24 This is 7-A I'm going to put on the screen,
25 and let me read the question so we can be on the same

1 page: Did Ms. Keegan have face wounds as seems to
2 appear in photo 7-A or 7-B?

3 A I would say with that photo you can't really
4 see it, but there are other photos that would depict
5 that.

6 A JUROR: [Juror 610214] I was wrong on the
7 number, I'm sorry.

8 Q (BY MR. STOEN) Would this be more useful in
9 answering that question, 7-C?

10 A Yes. There is -- and I think there's even
11 another one that it looks on the left she has a --
12 something on the left part of her bottom lip, and she --
13 it's hard to tell on her forehead if this -- she has a
14 mark here or if that's blood. I'm not 100 percent sure.

15 Q Here is probably one that's a little more --
16 do you see this? Is this more useful in answering that
17 question?

18 A Yes.

19 Q And that's 7-I. I'll put that on the screen.

20 A Okay.

21 Q And then you can answer the question by
22 referring to it.

23 A So yes, if you could see the lower left part
24 of her -- the bottom of her lip, there's a mark there.
25 There's -- there's something there, some sort of a sore.

1 I don't know if it's from an injury or if it's from
2 something else. I couldn't depict that by this.

3 Q Do you feel that both head wounds are
4 consistent with one fall or a result of a fall at all?

5 A I think it's -- the only thing I can base my
6 information off of is what I see at the scene.
7 Everything else has to come from something else. But
8 I -- the -- where her body is laying, you can see that
9 there is evidence of blood and hair that are on the
10 front of the -- on the vanity on the front, it's very
11 minimal, and where she's laying. That's the only
12 conclusion I can make based off the investigation we
13 made at the time, that it's -- it's possible that she
14 fell, but it's -- that's -- that's all it is, is
15 speculative.

16 Q Okay. Did Mr. Keegan have any wounds or
17 injuries?

18 A He had some marks on his hands. We took some
19 pictures of his -- they're poor photographs, but he had
20 some little -- a couple little nicks that you could see
21 that looked fairly new. They are difficult to see. We
22 did take pictures of them.

23 Q Did he comment about those?

24 A He said he -- he has a cat.

25 Q Okay.

1 A I didn't see a cat, but he said he had a cat
2 and that they could have been from the cat. That was
3 his comment.

4 Q And were any of the marijuana joints used or
5 smoked at all that you discovered?

6 A I think that at least one, maybe both of them,
7 could have been smoked. They weren't brand new ones.

8 MR. STOEN: Next question.

9 JURY SECRETARY: Question number 12 from juror
10 616901.

11 MR. STOEN: We have an active jury here.

12 Oh, this question is: Can I see the photo of
13 the dark room? I believe it was from the bedroom to the
14 bathroom.

15 Yes. I can pass it around. I hereby
16 introduce this into evidence, so I can pass it around.

17 THE WITNESS: I did see it.

18 MR. STOEN: And I introduce all of Exhibit 7,
19 A through R, S, T, whatever, into evidence.

20 (Exhibit 7 was received.)

21 JURY SECRETARY: Should we go on?

22 MR. STOEN: Yes. We can ask questions while
23 that's being passed around.

24 JURY SECRETARY: Number 13 is from juror
25 641677.

1 MR. STOEN: Thank you.

2 Q (BY MR. STOEN) This question is: Given the
3 set of seemingly suspicious circumstances, why was the
4 police work not more thorough?

5 A That's a good question. When I get dispatched
6 to the call, I'm dispatched to a coroner's
7 investigation. A coroner's investigation is separate
8 from a criminal investigation, and it should be for
9 reasons.

10 Q Okay.

11 A There's no law against a coroner's case.
12 Criminal cases are a different story. They need to be
13 investigated differently.

14 When I was there I was told -- dispatched to,
15 had a sergeant there, told that I was investigating a
16 coroner's case, and that's what I did. I did encourage
17 further investigation many times.

18 Q Are the blood marks on the vanity and counter
19 consistent with a natural fall based on your experience
20 and training?

21 A I find it -- in my experience and training, I
22 find, in hitting something, that transfer isn't always
23 necessarily -- when you hit something hard like that,
24 it's not necessarily -- blood is not necessarily
25 transferred. So I find that interesting. It's another

1 very interesting part of this investigation. When you
2 hit something hard, if you're stepping back, if you're
3 falling or whatever, it takes a moment for the body to
4 react. And so I find that interesting.

5 MR. STOEN: Any other comments? Any other
6 questions?

7 JURY SECRETARY: Oh yeah, they keep coming.
8 Number 14 from juror 620342.

9 Q (BY MR. STOEN) Who prescribed Susan's meds?

10 A Dr. Coen did.

11 Q How do you spell her name?

12 A C-o-e-n. Lynne, "L" -- I don't know if it's
13 with two N's or one.

14 Q Okay.

15 A Lynne Coen.

16 And she had another prescription that Lynne
17 Coen's office indicated, but it said other prescriber,
18 and those were the pills in the blue bottle that I
19 didn't have a prescription bottle for. So I don't
20 know.

21 MR. STOEN: Next question.

22 JURY SECRETARY: Number 15 from juror 616861.

23 Q (BY MR. STOEN) This question makes a
24 statement which I have no knowledge: Alcohol is a basal
25 dilator. I guess that's it.

1 Why is there -- I guess the question is why is
2 there not more blood; is that right?

3 A JUROR: [Juror 616861] Yes.

4 MR. STOEN: Okay.

5 THE WITNESS: Another really good question.
6 In my opinion, probably most people's opinion, when you
7 have a head injury, head injuries bleed a lot. Even
8 small ones bleed a lot. So to have those kind of
9 horrific injuries and not have a lot of blood is very
10 suspect.

11 MR. STOEN: Next question. That's it?

12 JURY SECRETARY: No. Question 16, 611538.

13 Q (BY MR. STOEN) Could her unusual hand
14 swelling correlate with her apparent facial swelling?

15 A I -- in my opinion, I -- I would say no. It
16 was a very unusual area of swelling and it was very
17 specific on both hands. It was in the same area. And,
18 you know, her face, if you look at the positioning of
19 her face, it's in a -- in a -- you know, it's in a --
20 for lack of a term, you know, it's down. It's kind of
21 like constricted, I guess. You know, I don't know if
22 that would affect the swelling in her face. I don't
23 have that kind of medical experience to be able to
24 indicate that.

25 Q Okay. That's fine.

1 A But her -- that area there was a very unusual
2 area -- specific area of swelling. It didn't go up her
3 arm. It was right in these areas right here.

4 JURY SECRETARY: Question 17 from juror
5 609424.

6 Q (BY MR. STOEN) With the typical massive
7 amount of blood loss from a head wound, why didn't the
8 lack of blood at the scene prompt a housewide search?

9 A In a coroner's case you don't do house
10 searches normally. That would not be -- that would not
11 be something normally you do. You do house searches
12 when you are looking for something criminal.

13 Q Thank you.

14 A That was -- that was --

15 Q That's good.

16 A Sorry.

17 JURY SECRETARY: Number 18 from juror 640779.

18 Q (BY MR. STOEN) It's a follow-up question:
19 What does Ms. Keegan's lack of blood indicate to you?

20 A That it was cleaned up, that the crime scene
21 was -- that the crime scene was cleaned up.

22 MR. STOEN: Thank you.

23 Next question.

24 JURY SECRETARY: Number 19 from juror 616861.

25 Q (BY MR. STOEN) This question is: Were there

1 edema at the site of swelling?

2 A JUROR: [Juror 616861] Was there bruising.

3 THE WITNESS: What area?

4 MR. STOEN: You have to use --

5 A JUROR: [Juror 616861] Sorry.

6 Q (BY MR. STOEN) Was there bruising at the site
7 of swelling?

8 A Are we talking about the arms?

9 Q The arms.

10 A Well, she -- I think there was -- I'd have to
11 really look at the pictures to see if I saw anything.
12 There wasn't anything really outstanding.

13 But you also had the lividity that you're
14 seeing in that area as well, which, again, is out of
15 character for the position of the body.

16 Q Let me see if I can find a photo.

17 Did you take -- did you take a look at the
18 autopsy photos? Would that help you to answer that
19 question?

20 A Yes. The autopsy photos do have, I think,
21 pictures of her hands, if you have them.

22 Q I'm going to show you what's marked People's
23 Exhibit Number 9. It's quite a large collection. I'm
24 just going to ask you to page through, and if you can
25 find anything in there that might help you answer that

1 question, please do so.

2 First of all, do those look like pictures that
3 you recognize were taken at the autopsy?

4 A They do. They are.

5 (Exhibit 9 was identified.)

6 THE WITNESS: So this is one photo of one
7 hand.

8 Q (BY MR. STOEN) You pointed out one photo in
9 this, and I guess it would be the fifth photo in this
10 stack of People's Exhibit 9, which I'll put on the
11 screen.

12 Is this what you're referring to?

13 A Yes.

14 Q Do you see any bruising on there?

15 A Well, I think that it's -- there is -- there
16 could be bruising where the redness is located, but I
17 also -- there's also lividity there. So, you know, I'm
18 not -- I'm not 100 percent sure of --

19 Q I'll show you another photo that is later in
20 this stack. Do you see that one?

21 I'll put that one on.

22 Does that show anything that would be an
23 answer to this question?

24 That's number 7 in the pile.

25 A Yeah. Again, it could be a mixture of the

1 lividity and bruising, but it's -- I think it's very
2 difficult to tell, to me, unless you're a doctor --

3 Q Okay.

4 A -- differentiating it.

5 Q That's all the answer we need. If you don't
6 know, you don't know. Okay?

7 A Right, right.

8 Q Anything about that picture that answers that
9 question?

10 A I think that it could be a possibility of that
11 being a bruising.

12 Q Okay.

13 A I don't know for certain.

14 Q Again, this one is number 11 in that stack.

15 A Yes.

16 Q Same answer?

17 A Same thing, yes.

18 Q So basically what you're saying, it's
19 inconclusive to you.

20 How about this one? This is 13, is that
21 correct? Anything in that?

22 A I think it's the same -- it's the same thing.

23 Q Okay.

24 A It could be. It could be a mixture of
25 lividity, bruising.

1 Q Thank you very much.

2 MR. STOEN: Okay. Next.

3 JURY SECRETARY: Number 19 from 636055.

4 MR. STOEN: Thank you.

5 Q (BY MR. STOEN) The question is: Could the
6 reason for lividity be caused by Dr. Keegan checking her
7 pulse by her wrist?

8 A No.

9 Q How long does lividity take?

10 A Lividity takes -- well, I think it starts
11 happening almost immediately. You know, it's a process
12 of a body basically dying and, as it dies, you know,
13 it -- god, I'm trying to remember. That's a really good
14 question.

15 Lividity is not -- it's a process of the blood
16 going down.

17 Q And manifesting on the body --

18 A Yes.

19 Q -- in a state of some sort?

20 A Yes, yes. And, you know, it's darker. It's
21 not a -- it's not a bruising. It's a different type
22 of -- of coloring that you'll see. And you can see that
23 in the hands. You'll see the difference of what
24 lividity looks like. It's a darker color, all the blood
25 pooling down.

1 And that's not going to happen from somebody
2 taking somebody's pulse. And taking somebody's pulse is
3 like this (indicating). You know, that's how you'll see
4 people take it, especially medical people.

5 Q This question is -- that answers the remaining
6 part of that question, so I don't have to ask it.

7 JURY SECRETARY: Number 20 from juror 610214.

8 Q (BY MR. STOEN) Mrs. Keegan, did she appear to
9 have cuts and wounds on her hand?

10 A She had the one cut on her right thumb that we
11 talked about.

12 Q That may have been the razor blade?

13 A Could have been the razor blade.

14 And I remember in a photo seeing that
15 something looked like there could have been another
16 wound on one of her hands, but I didn't note that.

17 Q Okay.

18 A But there is something -- I couldn't identify
19 it.

20 Q Were they in the autopsy photos or in other
21 photos?

22 A In the autopsy photos.

23 Q Would it help you to take another look through
24 to see if it's in there?

25 A Sure.

1 Q And you can see at the top there are some
2 numbers to help identify it.

3 A Okay.

4 Q If you would be so kind.

5 A There's a couple of them in here that show
6 hands, actually.

7 Q Okay.

8 A Yeah. So you've got --

9 Q That's number 14?

10 A Number 14.

11 Q It's Exhibit 7, number 14 in Exhibit 7.

12 A You have a couple more in here.

13 Q I'll separate them.

14 A Okay.

15 Q Okay. Is this what you're talking about?
16 That's number 14 in Exhibit 7. Is that what you're
17 talking about?

18 A Yes.

19 Q Okay. And you said there were some more.

20 A There are a couple more in there.

21 Q Okay.

22 A That's different from that one.

23 Q Just go through them and just give them to me
24 if you see it.

25 A That's the thumb one, but we already know

1 about that one.

2 There's one. This may be the same.

3 Q This is number 29 within Exhibit 7, and what
4 do you see in that photo?

5 A It looks like there she could have something
6 there on the top of her hand. I want to say that's her
7 right -- right hand --

8 Q Okay.

9 A -- there.

10 Q Is this another one?

11 A I think that's the same one.

12 Q Same one?

13 A I'm pretty sure.

14 Q This doesn't show up very well on the screen.
15 I'm going to pass these around if people want to take a
16 look at them.

17 Anything else in that packet?

18 A And we're just talking about her hand?

19 Q Yeah.

20 A That's it.

21 Q Okay. Thank you.

22 I believe I've already received these in
23 evidence. If not, they are received, all of Exhibit 7.

24 MR. STOEN: I'll pass these around.

25 Any other questions?

1 JURY SECRETARY: Yes. Number 21 from juror
2 641677.

3 Q (BY MR. STOEN) What did the blood alcohol and
4 tox screen show, if you know?

5 A That she was under the influence -- I -- I
6 want to say .16 is what I recall from the report on
7 alcohol, and tox that she had -- she had, I think, you
8 know, different drugs in there, but I don't recall
9 specifically.

10 Q Okay.

11 A Marijuana may have been one of them. I don't
12 know. I don't want to miss --

13 Q If you don't know, you don't know.

14 A Yeah.

15 MR. STOEN: Okay. Next question.

16 JURY SECRETARY: Number 22 from juror 626897.

17 Q (BY MR. STOEN) Does lividity occur only to
18 the extremities or throughout the entire body?

19 A It goes to -- well, you'll see lividity
20 anywhere where you see the body out -- I can't -- I mean
21 I don't know if it happens to the scalp. I imagine
22 anywhere where you have blood is where you're going to
23 see lividity.

24 MR. STOEN: Okay. Next question.

25 JURY SECRETARY: Number 23 from juror 616861.

1 Q (BY MR. STOEN) Was there any sign of a
2 struggle in the house?

3 A No.

4 MR. STOEN: Next question.

5 JURY SECRETARY: That's all I have.

6 MR. STOEN: Okay. Well, I want to thank you
7 for coming today. And you're excused.

8 THE WITNESS: All right. Thank you.

9 MR. STOEN: Do we have time to start another
10 witness or do you want to take a break?

11 JURY FOREPERSON: Maybe we'll go a little bit
12 longer. We're all good.

13 MR. STOEN: Okay. I'll get the next witness.

14 (Brief pause.)

15 THE REPORTER: Will you raise your right hand,
16 please.

17 - - -

18 LINDA PULS

19 Called as a witness, having been sworn, testified as
20 follows:

21 - - -

22 THE REPORTER: Please state your name and
23 spell it.

24 THE WITNESS: Linda, L-i-n-d-a, last is Puls,
25 P-u-l-s.

1 THE REPORTER: Thank you.

2 - - -

3 EXAMINATION

4 Q (BY MR. STOEN) Linda, if you would be kind
5 enough to speak up because we don't have a microphone in
6 here.

7 A Okay.

8 Q Where do you live?

9 A I live in Atlanta, Georgia.

10 Q And what is your occupation?

11 A I'm a registered nurse.

12 Q And how long have you been a registered nurse?

13 A Twelve years.

14 Q And what relationship, if any, did you have
15 with Susan Keegan?

16 A Susan's my sister.

17 Q And what kind of contacts did you have with
18 Susan over the years?

19 A We had very regular contact. I saw her very
20 frequently, both here in Ukiah and in my town.

21 Q And how would you describe your relationship?

22 A Very close, extremely close.

23 Q Is there a particular reason why it was
24 particularly close?

25 A Yeah, my relationship with my parents was

1 estranged and Susan served as my -- my family. She was
2 my mentor; she was my touchstone; she was my basis to
3 all things reality.

4 Q Okay.

5 A So we were more than just sisters, she was --
6 she was the most important person in my world.

7 Q Did you know Susan's husband, Peter Keegan?

8 A Yes, I do.

9 Q And what was the nature of their relationship
10 over the years as you observed them?

11 A I met Peter when I was about 13 or 14 years
12 old.

13 Q Speak up, please.

14 A Sorry.

15 I met Peter when I was about 13 or 14 years
16 old. I knew his younger brother, Edward. My sister was
17 on the debate team, it was a nationally ranked debate
18 team, and she was debate partners with Edward, the
19 younger brother. So I knew of him first. And then when
20 Susan went off to Radcliffe, I knew that Peter was in
21 Harvard.

22 So I knew him since I was an adolescent.

23 Q Okay. And was there a -- how would you
24 describe their personalities as compared to each other?

25 A Polar opposites.

1 Q In what way?

2 A Susan was very -- especially as she grew older
3 into adulthood, Susan was very outgoing. She was very
4 grounded. She was very comfortable in her skin. And I
5 wanted to be more like her. She was active in the
6 community and all of her interests. She traveled a lot.
7 She was in reading groups. She was in choir. So she
8 was very much an extrovert and very comfortable with
9 people.

10 Q And how about Peter?

11 A Was more of a recluse.

12 Q Okay.

13 A Peter was the kind -- is the kind of person
14 that you never really know.

15 Q Okay.

16 A You're convinced that he's letting you see
17 parts of him that he wants you to see and guards the
18 rest. So as many years as I knew him, I never felt like
19 I really knew him.

20 Q Okay. When were you informed of Susan
21 Keegan's death?

22 A On November 11th, 2010, the morning.

23 Q And how were you informed?

24 A My father called and told me.

25 Q What's your father's name?

1 A Stan Ettinger.

2 Q Was that Susan's middle name, Ettinger?

3 A No. Um, she kept it. She would use -- her
4 actual name was Susan Carol Ettinger, and then she got
5 married and used Keegan. So, yes, I believe that she
6 did still use it legally as Ettinger-Keegan.

7 Q What did you do after you got the information
8 about Susan's death?

9 A I went in shock immediately. This was
10 impossible to process. My first thought was that the
11 wrong sister had died, that this was supposed to be me.
12 It was -- I was unable to even comprehend what was being
13 told.

14 Q Did you take any actions even in that
15 emotional state?

16 A Yes. I found out around 8:30, and I waited
17 until it was about 9 o'clock here. Because I live on
18 the east coast, there's a three-hour time difference.

19 Q So it would be 12 o'clock your time?

20 A It would be about 12 o'clock my time, and I
21 called Peter.

22 Q Okay. And did you have a conversation with
23 Peter about Susan?

24 A Yes.

25 Q And what did he say in that conversation that

1 you specifically recall?

2 A He started telling me that Susan had had
3 basically what amounted to a clandestine drug and
4 alcohol problem, that she had been using and abusing,
5 that she was extremely mean.

6 He tried to basically manipulate me -- or I
7 felt like I was being manipulated because he brought up
8 my relationship with my father and the fact that we were
9 estranged and volunteered the information that he had
10 been talking to Susan all this time and telling Susan
11 that she should have been more supportive and
12 understanding.

13 Q Okay. Let me ask you this: Did he mention
14 anything about his reaction to the death of Susan?

15 A Yeah, he did.

16 Q What exactly do you recall him saying?

17 A He was saying that he was getting a divorce
18 and he had already done all his grieving.

19 Q Did he say anything about his role, if any, in
20 that situation?

21 A The situation?

22 Q Did he say anything about how things looked?

23 A Oh. He said, "Things look really bad for me."

24 Q Those are his words?

25 A Those are his exact words, "I know things look

1 bad for me."

2 Q Did you attend Susan's memorial service?

3 A I did attend it.

4 Q What date was it held?

5 A I believe it was the 21st of November.

6 Q Where was it held?

7 A It was here in -- well, it was in Ukiah at the
8 Methodist Church.

9 Q Can you estimate, to your best understanding,
10 how many people attended?

11 A Two hundred fifty, 300. There were a lot.
12 There were a lot of people.

13 Q Did Peter Keegan say anything at the memorial
14 service about his wife?

15 A No, he did not speak.

16 Q Where was he sitting in the church?

17 A I have to say I have no idea. I know where he
18 wasn't sitting. I was in the family section in the
19 front row. My daughter was to the left of me. I was
20 actually -- if you're in the congregation facing the --
21 the pulpit, I'm all the way to the right on the side, my
22 daughter's to the left, I know my cousin is behind me, I
23 know that Susan's two boys are in the pew to my right,
24 also in the family section, with their girlfriends.

25 Q Did you see Peter in that section?

1 A No. And I thought that --

2 Q You don't have to speculate.

3 A No, I did not see him there.

4 Q On the following day did you have a
5 conversation with Peter Keegan?

6 A I did.

7 Q And where was that?

8 A That was in the screened-in porch at their
9 home in the morning, early in the morning.

10 Q And did he ask you anything?

11 A Yes, he asked me if I wanted a portion of my
12 sister's ashes.

13 Q What was your response?

14 A I was shocked, but I said yes, that I did.
15 It's nothing that I had thought of. At that time I
16 didn't even know she had been cremated.

17 Q Okay. Did you observe Peter do anything about
18 that subject?

19 A When I walked into the screened-in porch, I
20 walked to the very end and sat down on a bench and I was
21 gazing out into the yard. And when he asked me that
22 question, I looked up over to him. He was on the
23 opposite side of the porch sitting to my right and he
24 was seated at a very small table, and on that table were
25 spread-out newspapers and on the top of the newspapers

1 was a small cardboard box. To the left of that box was
2 a small box of Glad baggies, Ziploc baggies. And as I
3 watched him for a second, I saw him pick up a measuring
4 cup, scoop out my sister's ashes and dump them into a
5 plastic bag, seal the top, set it down, and get ready to
6 do it again.

7 Q And what -- did he -- how did these actions
8 strike you?

9 A I -- once again, I'm in shock and I can't
10 believe what I'm seeing. This is a solemn occasion,
11 this is the death of my sister, these are her earthly
12 remains, and this is how she is being treated.

13 Q Now, what was Peter's attitude toward you
14 immediately after Susan's death?

15 A Right after Susan's death I noticed a total
16 change really in his personality. We had never had a
17 close relationship. He was always basically my sister's
18 husband. If I called to speak with my sister, which we
19 did -- which I did often, he would say, "Hey Linda, how
20 are you? How are your kids? Okay. Susan is in the
21 other room. I'll go get her."

22 Q Okay.

23 A And my thought was always, "Okay, good to talk
24 to you, too."

25 So that was our relationship.

1 believe, at this point than anyone else's. I was in
2 shock. I was still in shock.

3 Q Okay. Now, did he also send you anything?

4 A He did. First he offered to reimburse me for
5 all the costs to fly out here for the funeral. My
6 daughter flew with me. He wanted to pay for airline
7 tickets; I declined. I didn't understand that move at
8 all.

9 Q Okay. Did he offer you anything else that you
10 did accept?

11 A He gave me Susan's last paycheck. He called
12 me --

13 Q How much was it?

14 A It was approximately \$500.

15 Q Who was the employer of Susan?

16 A It was American Cancer Society.

17 What he said was, "She wouldn't want me to
18 have it anyway."

19 Q Did he also offer anything else to you on your
20 visit here for the memorial service?

21 A When we were here for the memorial service,
22 he -- the night before the funeral was to be held he
23 took us all to an Italian restaurant. I was there, the
24 boys were there and their girlfriends, my daughter, my
25 cousin. I'm sure there were other people, but I can't

1 recall who else was there. Anybody that basically was
2 visiting from out of town. And it was a very nice
3 Italian restaurant that we had never been to, and he
4 played host in a way that I found most unusual.

5 Q Why?

6 A Oh, it was -- he was congenial and talkative
7 and outgoing and laughing and smiling. It was almost as
8 if it was a wedding rehearsal dinner that he was hosting
9 or a cocktail party. I would have been really happy
10 with a bologna sandwich and a banana, staying at the
11 house, but this is what he insisted on doing.

12 Q Okay. Notwithstanding all this -- okay. When
13 you went to the house did he offer you anything?

14 A Yes.

15 Q What did he offer you?

16 A The day of the funeral, the memorial service,
17 he insisted that I take any jewelry or clothing of
18 Susan's that I wanted because, as he put it, he was
19 going to get rid of it all immediately anyway.

20 Q Okay. Now, notwithstanding all of this, what
21 was your opinion about Peter's relationship to Susan at
22 Susan's death, were you supportive or nonsupportive of
23 him?

24 A Of Peter?

25 Q Yes.

1 A I was supportive mainly from the fact that I
2 wanted to feel close to my sister and he was as close as
3 I could get. Neither scenario that was being explained
4 to me made any sense. It did not make any -- and at
5 this point in time we weren't -- nobody was discussing
6 with me the possibility that she could not have died by
7 accident.

8 Q Okay.

9 A But she was not a drug or an alcohol user, let
10 alone an abuser. So ...

11 Q Okay. That's based on your knowledge of her
12 behavior over time?

13 A We would call -- I would call her and she
14 wouldn't know I was going to call her.

15 Q Okay.

16 A And, yes, --

17 Q We can't talk about what she said to you.

18 A No, I'm not.

19 Q I'm just looking at what her behavior -- her
20 behavior was in your eyes.

21 Did she appear to be a drug user?

22 A Absolutely not, never.

23 Q Had you ever seen her intoxicated?

24 A Never.

25 Q Now, were you supportive then of Peter at

1 first after the death of Susan or not?

2 A Yes.

3 Q Okay. And when you came out for the memorial
4 service where did you stay?

5 A I stayed at Susan and Peter's house.

6 Q And did Peter mention anything about Susan's
7 use of -- Susan's behavior that was troubling to you?

8 A Yes. He kept telling me that she was an
9 addict and an alcoholic.

10 Q Did he mention any special drug?

11 A Opiates.

12 Q Okay.

13 A Hydrocodone.

14 Q What are opiates?

15 A They are pain-relieving medications that are
16 also sedatives.

17 Q Are they narcotics?

18 A Yes, they are.

19 Q What are they used for?

20 A Pain.

21 Q I want to go back to your nursing
22 qualifications now.

23 A Uh-huh.

24 Q What special training have you had as a nurse?

25 A My special training when I first came out of

1 nursing school was in the emergency room, and I spent
2 approximately six, seven years in emergency rooms, both
3 in Metro Atlanta and doing travel assignments.

4 Q What kind of patients did you have to deal
5 with in an emergency room?

6 A Ones that were anything from minor scrapes,
7 bumps, sutures, to dying to death-on-arrival patients.
8 It runs the gamut in the emergency room.

9 Q So after your emergency room sojourning, what
10 did you do as a nurse?

11 A Currently I'm doing infusion nursing.

12 Q Is that like oncology for cancer patients or
13 what?

14 A Some of the medications that we infuse are
15 chemo.

16 Q Okay. Has your training and your nursing
17 experience given you an understanding of drugs and drug
18 abuse?

19 A Yes, absolutely.

20 Q In addition to your training and nursing
21 experience as to drug abuse, have you had a personal
22 experience with drug abuse?

23 A I have. I've been in recovery since April of
24 2011. So I have six years.

25 Q For what?

1 A For opiate abuse.

2 Q And is that common within the nursing
3 profession?

4 A Yes, and it's more common within ER nurses.

5 Q Okay. And how do opiates relate to Vicodin?

6 A Vicodin is an opiate. It's a narcotic.

7 Q Okay. Now, after you learned of Susan's
8 death, how did that affect your employment, if at all?

9 A I took a leave of absence because I was unable
10 to work through and concentrate. I didn't feel like I
11 was safe for my patients. My use of opiates spiraled up
12 due to my grief, so I stepped out of work.

13 Q Okay. Did you have to go through a program of
14 recovery to be allowed back into the nursing
15 profession?

16 A That I did.

17 Q What kind of a program was that?

18 A I went into rehabilitation at a place called
19 Ridgeview. It's a hospital. So I went through my
20 program and then I also worked in conjunction with the
21 Georgia Board of Nursing and went under consent order,
22 voluntary consent order, for four years, finished that
23 program, and now I'm actually an advocate and a leader
24 for nurses coming into recovery.

25 Q Okay.

1 A So I've stayed clean and sober since April of
2 2011.

3 Q Now, in addition to being offered, I believe
4 you said, jewelry by Peter, did he offer anything else
5 of Susan's?

6 A Jewelry, clothing, anything I wanted. I was
7 to go through it all.

8 Q And when he offered you clothing, what
9 response did you take to that?

10 A That was -- again, I'm not expecting this. My
11 thought train was, okay, I'm in Atlanta, I'm really not
12 going to get the opportunity to come back and -- at a
13 better time, when a time would be better for me, when I
14 had gotten used to the idea of Susan's death. So he led
15 me into the master bedroom and he gave me her jewelry
16 box.

17 Q Okay.

18 A And what I did was look for family pieces.

19 Q And did he offer you anything else of Susan's?

20 A Clothing.

21 Q Okay. Now, what is the -- how does your
22 height compared to Susan's height?

23 A Oh, I'm much shorter. I'm 5'2"; she was
24 5'10".

25 Q And, notwithstanding the difference, did you

1 make any attempt to look -- what did you do in
2 response?

3 A What I did was I took that opportunity to go
4 through her things. My daughter and I went through --
5 me primarily -- her entire closet. I went through every
6 pocket of every shirt, of every jacket, of every
7 sweater, of every dress, of every skirt, of every
8 shoebox, of every storage box, of every desk drawer,
9 file cabinet that was encased in the room she was
10 staying, the guess room. And what I was doing was for
11 my own benefit, I was looking for basically something
12 evidentiary; a missing pill bottle that she had stored,
13 an alcohol bottle, anything that would say yes, this was
14 true, she really had a problem. And I found absolutely
15 nothing. There was nothing.

16 Q Now, had you ever seen anything in Peter's
17 Facebook related to Susan's death?

18 A Yes.

19 Q And are you familiar with Peter's Facebook?

20 A Yes.

21 Q And what have you observed -- what have you
22 become aware of on Peter's Facebook related to Susan's
23 death?

24 A He quickly changed his Facebook profile within
25 days to widowed and he posted pictures, serendipitously,

1 of the bathroom where Susan died in the -- in the guest
2 bathroom.

3 Q Okay.

4 A They were up for approximately an hour. I
5 screened -- I took screenshots of them because it was
6 years later.

7 Q I'm going to show you what's marked People's
8 Exhibit 35. It starts with page 2 of 9 and then it goes
9 through all the rest of nine. I want you to take a look
10 at Exhibit 35 and look at the photos there and tell me
11 when you first observed those photos.

12 A These are the pictures. They posted, I
13 believe, in March or April of 2016.

14 Q In 2016 they were posted?

15 A Yes.

16 Q Last year?

17 A I believe so. I immediately screenshot them.

18 Q Why did you screenshot them?

19 A Because they were so unusual. There was no
20 caption except that these were directional photos.

21 Q And what were they photos of?

22 A The bathroom where Susan had died in the guest
23 room.

24 Q I'm going to put these on the screen.

25 Is this one of the photos? This is page 2 of

1 9 of Exhibit 35.

2 A Yes.

3 Q I'll show you page 3 of 9 in that exhibit. Is
4 that one that you took a screenshot of?

5 A Yes.

6 Q How long did they last on your machine before
7 they went off?

8 A Approximately one hour. I signed onto
9 Facebook, and since Peter and I were friends, it showed
10 up on my feed.

11 Q Okay.

12 A And I was shocked. So the first thing I did
13 was just grab it, just grab pictures of it, because I
14 couldn't figure out why they would be there.

15 Q Okay. Have you ever had a discussion with
16 Peter about why he sent these?

17 A No.

18 Q I show you now page 4 of 9. Is that one of
19 the photos that you took a shot of?

20 A Yes.

21 Q And page 5 of 9?

22 A Yes.

23 Q And page 6 of 9?

24 A Yes.

25 Q And page 7 of 9?

1 A Yes.

2 Q And page 8 of 9?

3 A Yes.

4 Q And page 9 of 9?

5 A Yes, those are correct.

6 Q Now -- thank you.

7 (Exhibit 35 was identified.)

8 MR. STOEN: I move all those into evidence,
9 please.

10 (Exhibit 35 was received.)

11 Q (BY MR. STOEN) Did you change your opinion
12 about Peter and his involvement, if any, in Susan's
13 death?

14 A I did.

15 Q And when did you change your opinion?

16 A I -- my father became ill. He had an injury.

17 Q Speak up, please.

18 A My father became ill, he'd had an injury, and
19 my cousin Karyn and I started e-mailing each other.
20 Those conversations about my father sort of led into my
21 sister and her -- the circumstances surrounding her
22 death.

23 Q And you were aware that Karyn had a pretty
24 strong opinion about this; right?

25 A Yes.

1 Q And so when was it that you started changing
2 your opinion about Peter?

3 A Karyn -- almost immediately I had my
4 suspicions.

5 Q Was this in 2012 or what year would that have
6 been?

7 A No, this would have been in two thousand
8 and -- I'm bad at dates. Hold on. Yeah, it would have
9 been 2012. Yes.

10 Q Okay. What part of the year would it have
11 been?

12 A It would have been in the spring.

13 Q In the spring?

14 A Uh-huh.

15 Q Now, did you ever contact any newspapers about
16 your revised opinion?

17 A They contacted me.

18 Q Who contacted you?

19 A Glenda Anderson.

20 Q From the Santa Rosa Press Democrat?

21 A Correct.

22 Q Have you ever contributed anything to any
23 website about your revised opinion?

24 A Yes, through -- through Glenda. She asked me
25 for statements.

1 Q Okay. Have you made public statements about
2 your revised opinion?

3 A To friends and family, folks that are in my
4 social circle.

5 Q Now, after you started revising your opinion,
6 did you have any contact with any law enforcement people
7 or the DA's office?

8 A Yes. Because of the letters and the e-mail
9 exchanges that Karyn and I were having, she made the
10 suggestion that I contact the DA's office, which I did.
11 I contacted Kevin Bailey, who was the investigator on
12 Susan's case.

13 Q And what --

14 A We spoke for about 45 minutes or an hour on
15 our initial conversation.

16 Q Did you have continuing discussions with him?

17 A Yes.

18 Q And, as a result, did that -- did that
19 undermine or did that strengthen your revised opinion
20 about Peter?

21 A Strengthened.

22 Q Now, did anything happen around August 27,
23 2012, between you and Peter Keegan?

24 A He called me, I hadn't spoken to him in maybe
25 three or four months, and he left a message on my voice

1 mail.

2 Q Okay. And before this had Peter discussed
3 Susan's behavior before her death --

4 A Never.

5 Q -- with you?

6 A No.

7 Q Huh?

8 A No.

9 Q Had he told you anything about -- did he
10 mention -- did he mention his opinion about her having a
11 drug addiction?

12 A No. But it was well known that I had a
13 substance abuse problem and I would be a good resource.

14 Q Okay. I'd like to turn to this August 27,
15 2012 event. He called you?

16 A He did.

17 Q And did you answer the call or was it a voice
18 mail?

19 A It was voice mail.

20 Q What did the voice mail say?

21 A That he wanted to talk to me and asked me to
22 return his call.

23 Q Now, were you aware at that time as to whether
24 there had been any change in the Mendocino County
25 Sheriff's opinion about Susan Keegan's death?

1 A Yes, the death certificate had been changed
2 and finalized.

3 Q To what?

4 A And it was finalized.

5 Q To what was it changed to?

6 A The determination of death was now homicide.

7 Q And was -- so what effect did that voice mail
8 have on you?

9 A I did not want to call him back, and I did not
10 call him back.

11 Q Okay. Now, did you eventually call Peter
12 Keegan back?

13 A I did, but not before calling Kevin Bailey.

14 Q And did he suggest that you call him back?

15 A Yes, he did.

16 Q And did he tell you -- what did he tell you he
17 wanted you to do in the call back?

18 A He asked me if I would be willing to get Peter
19 on tape, that Peter had not as of yet spoken to anybody
20 in his office, he couldn't --

21 Q Okay. You don't have to go there.

22 Did he suggest you do anything?

23 A Tape the conversation.

24 Q Okay. Do you know what kind of a call that
25 is, that's called?

1 A A pretext conversation.

2 Q Okay. Did you eventually -- did he give you
3 some topics to discuss with Peter in this call?

4 A He did, and I wrote them down and had them
5 with me.

6 Q Okay. And did you record that phone call?

7 A I did.

8 Q How did you record it?

9 A I used a digital recorder.

10 Q And what did you do with the recorder after
11 you made this phone call?

12 A As soon as the conversation was done, packed
13 it up and overnighted it to Kevin here in Ukiah.

14 Q And what was the date of the phone call?

15 A It should have been September 17th.

16 Q 2012?

17 A 2012.

18 Q Have you seen a transcript made by the
19 district attorney's office of that phone call?

20 A I have.

21 Q And have portions of that transcript been
22 taken out?

23 A Yes.

24 Q And does that remaining transcript accurately
25 show what was said in that phone call?

1 A Yes.

2 MR. STOEN: Madam Foreperson, it might be good
3 to take a break now because we're going to listen to a
4 phone call. And we have a transcript.

5 You might give the admonition, please.

6 JURY FOREPERSON: Before we leave, you are
7 advised under the Fifth Amendment to -- the Constitution
8 of the United States and also under Article I of the
9 California Constitution that you have a privilege
10 against self-incrimination, that is to say you do not
11 have to answer -- oh, am I reading the right thing?

12 MR. STOEN: Pardon me?

13 JURY SECRETARY: I don't think so.

14 JURY FOREPERSON: Sorry. Back up. Scratch
15 that. Let me go further back.

16 MR. STOEN: The admonition could be simple,
17 that you're not to discuss this or form any opinions
18 until this case is submitted to you for deliberation and
19 not discuss this with anybody else.

20 A JUROR: What he said.

21 JURY FOREPERSON: Yes. Please don't discuss
22 the case and keep all of our opinions to ourselves and
23 enjoy your break.

24 A JUROR: What time?

25 JURY FOREPERSON: So it's 2:35. How about

1 2:50.

2 A JUROR: Ten minutes.

3 MR. STOEN: Madam Foreperson, do you have a
4 time that you wanted to --

5 JURY FOREPERSON: 2:45 let's return, ten
6 minutes.

7 MR. STOEN: What time did you want to recess
8 for the day?

9 JURY FOREPERSON: We talked about 4:30
10 recessing.

11 MR. STOEN: That's fine.

12 JURY FOREPERSON: So 2:45 we'll be back.

13 (Recess taken.)

14 (Roll call taken; all jurors present.)

15 JURY FOREPERSON: I would like to remind you
16 all that you are still under oath in this matter.

17 MR. STOEN: Thank you.

18 - - -

19 EXAMINATION (Cont'd)

20 Q (BY MR. STOEN) Before we do the tape, Linda,
21 I'm going to show you People's Exhibit Number 19 or,
22 excuse me, People's Exhibit Number 34, and ask you to
23 take a look at this, it's four pages long, and tell me
24 if you recognize it and, if so, please identify it.

25 A I do.

1 Q What is it?

2 A This is a copy of an envelope, a handwritten
3 note from Peter to me, and a copy of certificate of
4 death -- I'm looking for the date on this one -- dated
5 11/15/2010.

6 Q Read that aloud, please, again.

7 A I'm sorry?

8 Q Loud.

9 A Sorry. This is a copy of an envelope, --

10 Q Uh-huh.

11 A -- a handwritten note, and a copy of a death
12 certificate. It looks like March 29th, 2011, is
13 actually the date. Sorry.

14 Q Are there two death certificates there?

15 A This is an amended. So the amended copy is
16 here, yes.

17 Q Okay.

18 (Exhibit 34 was identified.)

19 Q (BY MR. STOEN) Now, can you see on the
20 envelope what the postmark date is?

21 A The 1st of June, 2011.

22 Q And is that the approximate date that you,
23 shortly after that, received it?

24 A Yes.

25 Q So were you still -- you had not revised your

1 opinion as of that date, is that correct, about Peter?

2 A Correct.

3 Q Okay. So was this -- how did you react when
4 you got this from Peter?

5 A We had a phone call either just before or
6 shortly after where he explained the death certificate
7 now contained multiple substances, and he was giddy
8 about it.

9 Q Was that your understanding as to the
10 relationship of that letter, because of that phone call?

11 A Yes. It was supposed to be private. It was
12 for my eyes only, as he wrote.

13 Q We'll put it on the screen.

14 This is the cover of People's Exhibit 34. Is
15 that what you were identifying?

16 A Yes, that's a copy of the letter.

17 Q And that's written to you at your Woodstock,
18 Georgia, address?

19 A It's Metro Atlanta, yes.

20 Q Could you read that into the record.

21 If you can see it okay. That's the letter.
22 That's the second page on that exhibit.

23 A So it is just after. It says:

24 "Linda, thanks for calling. I'm really
25 glad you're doing well. Keep this private.

1 Your eyes only. Love Peter."

2 Q Okay. And then the next two pages are the --

3 A The death certificate, yes.

4 Q -- Certification of Vital Record, which is the
5 death certificate; is that correct?

6 A Correct.

7 Q How did you interpret him sending this to you?

8 A To him he was -- he was excited because it
9 showed substance -- substances on the toxicology report
10 which had been returned. We were -- the first doesn't
11 have anything, the second one has substances on it, and
12 he basically felt like the whole thing exonerated him,
13 that now everybody would know the truth.

14 Q Now, when you say that -- I instruct the jury
15 to disregard that if it's speculation.

16 Did he say specifically that?

17 A No, not that word.

18 Q Okay.

19 A Not that word.

20 MR. STOEN: I'll ask the jury to disregard
21 that.

22 Q (BY MR. STOEN) Now, you had this phone call.

23 We're going to play it. This is Exhibit Number 19.

24 This is a tape recording, Exhibit 19. It's on a CD

25 that's in this tape recorder. And I'm going to have the

1 foreperson and others pass out the transcript to each of
2 you.

3 I've asked the stenographic reporter not to
4 record this. It's off the record. We're not going to
5 be recording the phone call because we have a
6 transcript. So she doesn't have to rewrite it.

7 JURY FOREPERSON: Excuse me, does one need to
8 go into evidence?

9 MR. STOEN: Yeah, there will be one going into
10 evidence that I will have an original sticker on. I'll
11 make sure that you get it.

12 Does anybody have an original sticker on
13 theirs?

14 The transcript is Exhibit 19-A. I want it
15 received.

16 (Exhibits 19 & 19-A identified & received.)

17 Q (BY MR. STOEN) So the way we're going to
18 handle this is: I'm going to ask you some questions
19 about certain portions, and you can use this to refresh
20 your recollection as to exact wording on the areas that
21 I point you to.

22 A Okay.

23 Q And then after that, we'll play the whole tape
24 and the jury can follow it with the transcript that's
25 been distributed.

1 Okay. Did -- turning to around page 10, did
2 Peter say anything about how he was doing -- it may be a
3 little bit different because of a redaction, so it may
4 be a little earlier than that -- when he called?

5 A Yes, he said he's kind of hanging in there.
6 You know, the police are trying to -- every three or
7 four months that goes by --

8 Q Okay. Just read -- say it as loud as you can.

9 What else did he say about any -- any other
10 kinds of influences on his life?

11 A That the newspaper had ran a new story. It
12 says:

13 "They sent out a press release because
14 three different newspapers ran, you know,
15 Susan's death as a homicide on the front page
16 above the fold."

17 Q And did you ask him why it was reclassified?

18 A I did. I did ask him that.

19 Q And what was his response?

20 The original was page 11.

21 A It's on page 11.

22 On line 9 I ask him: "Why do you think they
23 reclassified it? I mean, I don't understand."

24 And Peter says: "I have, I have no idea."

25 Q Did he give an explanation why he thought the

1 police were interested?

2 A On line 17 he said:

3 "The police have always had, had a high
4 level of hostility to me and I know it's, you
5 know, in February more than a year ago that
6 they, you know, uh, they figured it a homicide
7 and shouldn't he be a suspect. And they told
8 me that in February of 2011."

9 Q Okay. Before you go on, did he say why he
10 thought the police had animosity towards him?

11 A Yes. Now I need to find it.

12 Q Pardon me?

13 A Yes, and I need to find it.

14 Q The original pages were pages 11 and 12.

15 A Beginning on 11, line 26, Peter says:

16 "And then uh, so, I think there's just a
17 high level of animosity, you know, that, you
18 know, I deserve by me being antagonistic to
19 them over the years around cannabis issues
20 and, and corruption issues."

21 MR. STOEN: The grand jury is instructed that
22 this evidence regarding the police is being admitted
23 solely for the purpose of aiding in a determination of
24 Mr. Keegan's state of mind and may not be considered for
25 any other purpose.

1 Q (BY MR. STOEN) Did he make any reference
2 about anybody calling him or did you make any reference
3 about anybody calling him?

4 A Yes.

5 Q What was that?

6 A I said that I had been in contact with my
7 cousin.

8 I'm looking for this.

9 Q Turn to page 14 on line 18. Do you see that?

10 A Uh-huh, yes. Line 18.

11 Q And what does it say in the first two lines?

12 A "Karyn has been just absolutely burning my
13 phones up."

14 Q Now, who is Karyn?

15 A That's my cousin.

16 Q And you're the one that's talking; right?

17 A Yes, correct.

18 Q And did Mr. Keegan ask you anything about your
19 contacts with law enforcement?

20 A He did.

21 Q And so did he -- what did he ask you?

22 A He asked me on line 12 of page number 15:
23 "So, so the police did not actually reach out to you?"

24 Q And your answer was?

25 A "No."

1 Q And was your answer truthful?

2 A It was. I had spoken -- the police -- the
3 sheriff's office never contacted me. I had spoken and I
4 had initiated a call to the DA's office and spoken with
5 Kevin.

6 Q So you didn't interpret that as police?

7 A No.

8 Q But it was law enforcement?

9 A Yes.

10 Q So it was a pretext phone call you were
11 making; is that correct?

12 A Yes, it was.

13 Q What did he say about what the district
14 attorney's office had done?

15 A Do you have a page number, please?

16 Q Did he make any comment about the DA's office
17 having done anything to his house?

18 A Yes, that they had searched it.

19 Q And did you bring up anything about -- that
20 you -- from Karyn about the bathroom? What did you
21 bring up?

22 A The -- the way that I introduced the
23 conversation to Peter was I started out with just
24 general chitchat. I had a list of topics that I had
25 been asked to discuss, and so I had to lead into them.

1 I needed a reason for asking those questions that
2 wouldn't arise his suspicion.

3 Q Okay.

4 A So the person that I used sort of as the bad
5 guy or the fall guy was my cousin Karyn because Karyn
6 had been very outspoken in terms of her position. So
7 that would, I had hoped, open him up to offer my answers
8 to the questions that I was asking.

9 So what I said was that Karyn had been burning
10 up my phones asking for information and answers and
11 these -- and I'm left questioning, so can you answer
12 questions that she has brought up.

13 Q Okay. And what did you bring up about what
14 Karyn had said about the bathroom?

15 A Do you have a page reference?

16 Q Around page 10 or so -- or page 17 or so.

17 A On page 16 and line 19 I say:

18 "Well, let me tell you what Karyn's been
19 saying and then you can, I guess, answer her
20 accusations maybe. I don't know."

21 Q So that's what you did say on that phone call?

22 A That's how I opened up to him.

23 Q Okay.

24 A And I said:

25 "This is what I've understood um, and

1 this is of course coming from her side. Um,
2 when did they go through the house in June I
3 guess it was, um, and did their, their studies
4 or whatever they did while they were in, in
5 there. Um, apparently they use luminol in the
6 bathroom, which is that substance that makes
7 um, non-visual blood appear and they found
8 blood on the walls and from Karyn anyway,
9 apparently I don't know who her source or
10 where she's getting the information from, but
11 it looks like it had been cleaned up before
12 the police even arrived. So did you clean up
13 something that, that the police are now
14 misunderstanding? I mean, if you, if you did,
15 I'd kind of understand that Susan would, I
16 mean that it would be kind of gross to have to
17 look at."

18 Q And so going back down to the line 15, what
19 was Peter's response?

20 A Peter said:

21 "No, I didn't clean up anything. When I,
22 when I found Susan in the bathroom, I uh, I
23 uh, just could see that she was dead. So
24 anyway, I touched her foot to ascertain that
25 she was cool. I definitely did not go into

1 the, the bathroom. I thought about things for
2 a moment or two and realized, you know,
3 there's nothing for me to do except call, you
4 know, call the police. You know, I'm in
5 trouble here so don't do anything except
6 notify authorities."

7 Q Okay. Now, based on your medical training and
8 your medical experience, is there a protocol that people
9 in the medical profession should follow when they come
10 across a body that has apparent signs of no life?

11 A Absolutely.

12 Q What is that protocol?

13 A Registered nurses and physicians are all
14 taught ABCs; that's airway, breathing, circulation. We
15 are not taught to touch for temperature, we are not
16 taught to look for color because some people can stop
17 breathing, their body temperatures can cool, such as
18 somebody that's in the water or somebody that's on a
19 cold floor, and that does not mean that they're not
20 revivable. We are taught to look for pulses and to
21 check for breathing, make sure the airway is open so
22 that they can breathe on their own, start CPR, if not.

23 Q So based on your medical training, how did it
24 strike you when he said, "I touched her foot to
25 ascertain that she was cool"?

1 A That he had not rendered any aid and that, as
2 a nurse and he's a physician, we're held to a much
3 higher level of accountability because of our knowledge
4 and that that was inappropriate.

5 Q Okay. And was there any discussion about
6 blood on the counter?

7 A Yes.

8 Q And what did -- how did that discussion come
9 about? What -- did he give an opinion about what caused
10 blood on the counter?

11 A He did. Can you give me a page, please?

12 Q Must be around 18 or 19.

13 A We talk about blood both on the wall and on
14 the counter. He says on line --

15 Q That's on page 18, line 21 or so.

16 A Line 21, okay.

17 "So that, so that's your information. So
18 they, they said that there's splattered blood
19 on the wall that was what? You know, that
20 was, that was wiped up. And that could, that
21 could be the case because I did go in there
22 and clean, clean, clean up."

23 Q Okay. Did he tell you when he did it?

24 A No. He had denied cleaning up before.

25 Q Okay. Did he indicate that maybe somebody had

1 advised him in authority that he could clean it up?

2 A Yes. Several days later he expected -- I'm
3 looking for the page -- he expected another visit
4 possibly and they said no, you have the go-ahead to
5 clean, but it was days later.

6 Q And what did he say was his opinion as to what
7 caused the blood on the counter? And this is around --
8 okay, probably page -- the end of page 20, beginning of
9 the next page.

10 Did he explain what his speculation was as to
11 how Susan died?

12 A Yes. On line 27 he says:

13 "So, so, and you will, you will step from
14 the bedroom into the bathroom if you turn
15 right they're going to see that there's a
16 counter area over there and a, a mirror and
17 she was propped kind of in the corner where
18 the counter joins the wall. And on the
19 counter there was, was blood as, as, as if she
20 had fallen. And this is my, total speculation
21 on my part."

22 Q Okay.

23 A And then next he continues on line 6 and he
24 says:

25 "As if she had fallen, hit, hit the edge

1 of the counter and, and then, you know, you
2 know, fallen down and perhaps, you know, was
3 not unconscious and had propped herself, prop,
4 propped herself kind of up in the corner. So
5 she was kind of half-sitting, half-slouching,
6 leaning against the counter and, and, the
7 corner of the counter and, and, and the wall."

8 Q Okay. Did he also talk about how -- how he
9 was able to discover her body, what steps he had taken
10 to discover her body?

11 A Yes. On the same page, line 23, he says:

12 "So in the morning time, when I got up,
13 normally the house would be dark and the doors
14 would be closed. All the lights were on, the
15 doors were open. I thought, oh, Susan just
16 fell asleep before she turned things off. But
17 I was going to be in the kitchen, so I went
18 over to close the door. And when I closed the
19 door, I could see that her foot was on the
20 floor of, of the, through the bathroom door,
21 that, that, that was open."

22 And I said:

23 "So you saw the lights were on from the
24 kitchen?"

25 And he says:

1 "The lights were on in the, in the family
2 room, in the bedroom, and the doors were open.
3 There's two doors. You have to go through one
4 door from the kitchen into the kind of family
5 room and then there's another door immediately
6 around it that, that goes into the guest
7 bedroom where Susan was staying."

8 He continues on line 10 and says:

9 "And uh, and the doors were open and the
10 lights were on. So my thought was, I'm just
11 going to close the doors so Susan doesn't get
12 pissed at me if I'm making noise. I'm in the
13 kitchen. And uh, um, I could hear."

14 Q Now, were you familiar with the configuration
15 of the house?

16 A Extremely.

17 Q On what basis?

18 A I had visited there upwards of 15, 20 times
19 over the years.

20 Q Okay. Was there anything in what Peter said
21 about the way he discovered the body that was consistent
22 or inconsistent with your understanding of the
23 configuration of the house?

24 A Yes.

25 Q What was that?

1 A He should have -- the lights that are on would
2 have been visible from his bedroom. And when standing
3 at the doorway to the guest room, the line of sight
4 doesn't go into the bathroom, it goes up against -- and
5 I can -- I have that picture for you -- but it goes up
6 against a doorway, but not into the bathroom.

7 Q Okay.

8 A So it would have been very difficult for
9 things to have happened the way he's explaining them.

10 Q Did you, at my request yesterday, prepare a
11 map as to your understanding of the configuration --

12 A I did.

13 Q -- of the inside of the Keegan residence?

14 A Yes.

15 Q And you made two pages. I'm going to ask you
16 just to look at these two pages, which are Exhibit
17 Number 33.

18 First I'll give you page 1 of that, and I'd
19 ask you to tell me if you recognize this and what it is.

20 A Yes, this is the drawing that I made of their
21 home.

22 Q Okay. I'm going to put it on the screen and
23 I'm going to ask you to move up to the screen and just
24 point out, maybe with this laser, as to -- just press
25 this little button here and point out what it is that's

1 inconsistent with Peter's statement to you.

2 A Can you make this out okay?

3 Q Speak up for the reporter.

4 A This is the front entry to the home. This is
5 the master bedroom over here. To get to the master
6 bedroom --

7 Q You know what you can do, you have to kind of
8 describe "I'm describing like the lower left corner" so
9 when it's in the record, people can follow it.

10 A Okay. If you go through the front door and
11 turn to the left, you are going to be in the kitchen.
12 To the right would be the dining area. Ahead is a small
13 hallway. This master bedroom was basically made from an
14 old garage. They converted it. So that's why it's sort
15 of off by itself. This is a screened-in porch right
16 here and this is a window. This window overlooks this
17 guest room, which I'll take you to in -- in just a
18 second. It is visible from the master and through the
19 hallway. So if this is where --

20 Q Now, just tell us what you're pointing at --

21 A Okay, master bedroom.

22 Q -- and then follow the directions verbally.

23 A Hallway, dining area, the hallway makes a
24 sharp turn to the left, this is the doorway that would
25 go into the guest room.

1 Q Now, what you're doing is you're moving the
2 laser pointer to the left.

3 A Correct.

4 And then this would be the bathroom.

5 Q And just describe where you have the laser.

6 A It's off center to the left-hand side.
7 There's not a direct sight line. It's actually to the
8 left. So if you look in, it's not a straightforward,
9 it's off to your left, and there's a closet further to
10 the left.

11 Q Now, did you also make another drawing?

12 A I did.

13 Q And I'm going to put that on the screen, if I
14 can get ahold of it.

15 And what is this -- tell us what this is and
16 why you did it.

17 A This is the guest bedroom to further clarify
18 what I was trying to explain. Sort of a blowup of the
19 guest bedroom.

20 So this is the doorway. The door opens in to
21 the left. This is a queen-size bed. This is the window
22 that I say light should have been shining out of and had
23 been visible over here in the master through the
24 screened-in porch.

25 This is the bathroom. And, again, if you are

1 standing in the doorway and even if you look towards the
2 bathroom, to the right you're going to be hard pressed
3 to look in. You're going to see right there. You're
4 not going to be looking into the bathroom area. You're
5 going to be seeing the door that's open.

6 There's a linen closet here, and these doors,
7 bad design, they hit up against each other. So usually
8 that door is closed. This is the sink. This is the
9 toilet. This is a shower stall. This is a walk-in
10 closet.

11 Q As they've been labeled on there; is that
12 correct?

13 A As I labeled them, yes.

14 Q Okay. Thank you.

15 (Exhibit 33 was identified.)

16 Q (BY MR. STOEN) Okay. I think we're ready to
17 go ahead -- well, let me ask you some follow-up
18 questions.

19 Did he mention anything about a computer or
20 did you bring up anything that he responded to regarding
21 a computer?

22 A Yes.

23 Q Where is that?

24 A On page 23.

25 Q Okay.

1 A He's describing the computers that they have
2 on line 3. He says: "Yeah. So I don't know what that
3 would be" -- hold on a second. Let me back up.

4 Page 22, let's start there. It makes more
5 sense. We're still talking. And I said:

6 "Um" -- like I was trying to sort of
7 recall my memory -- "What else did Karyn say?
8 Something about the, the uh, I guess it was, I
9 guess they use the word forensic when they
10 start messing with this stuff, but when they
11 took Susan's computer in June, apparently they
12 did a forensic computer exam and Karyn really
13 wasn't specific and didn't have any details
14 that she was willing to share, uh, but
15 apparently they found information in the
16 computer system. I, I can't tell you any more
17 than that, just that it revealed something
18 that, that the police were, were questioning.
19 Anyway, so I don't know."

20 Peter answers:

21 "Yeah. So I don't know what that could
22 be. We both used, well, the three, three
23 computers. Uh, um, there's kind of a portable
24 computer. There was a PC computer and there
25 was a Macintosh computer and we both kind of

1 used them all, so."

2 Peter answers again:

3 "Um, I have no idea what, what, you know
4 what they're, what they're referring to, so."

5 We kind of keep going.

6 Peter says:

7 "I mean, it could be anything, you know.
8 It could be, uh, I mean, I can't even begin to
9 speculate what."

10 Q Okay. Did he mention anything about anybody
11 manipulating any data on the computer?

12 A On page 24 -- I remember him telling me this,
13 so I questioned him separately. I said:

14 "Didn't you take like, it was shortly
15 after Susan died, didn't you take the computer
16 in and try to get them to, or try to get,
17 they're all computer geeks, whoever they are,
18 to, to be able to get through the password
19 protection and they couldn't?"

20 And Peter answers:

21 "And uh, and, and the -- said it looked
22 like all the stuff on the computer had been
23 erased like uh, on, on a certain day in early
24 November. So a week before Susan died that
25 her stuff had all been erased. A lot of stuff

1 had been erased off, off the computer."

2 Q And then did he answer -- did he say who was
3 responsible in his mind?

4 A No. It was just that's -- that's just --

5 Q Who did he say made that conclusion, that
6 somebody had erased it in November?

7 A The computer specialist that he took the
8 computer to.

9 Q Okay.

10 A He wanted to get through the password
11 protection, so he told me.

12 Q So did he mention anything about being in fear
13 of anything?

14 A Page --

15 Q Anything was about to happen to him?

16 A Yes, he lived in fear of being arrested.

17 Q Okay. Now, did you make a response to that by
18 saying anything on page 25, line 6?

19 A Yeah. I said:

20 "Makes it kind of hard to sleep at night,
21 doesn't it? All that shit rolling around."

22 Q Okay. Now, read what his response was.

23 A This word is wrong, I believe, in the
24 transcript. It says on line 8: "Linda, I think it's
25 really good."

1 I think what he says is, "I think" -- or "I
2 sleep really good" is actually what I believe he
3 actually said.

4 Q Okay. Thank you for correcting that.

5 A And I said: "Do you?"

6 And he said:

7 "I take 30 milligrams of Temazepam, 10
8 milligrams of Zolpidem, and 100 milligrams of
9 Trazodone when I go to bed. And, and you know
10 what? I, I praise God, magic of his medicine,
11 because I fall asleep quickly. I wake up
12 seven or eight hours later, I'm not sedated,
13 I'm wide awake and I'm literally just, you
14 know, feeling, oh, thank you for letting me
15 sleep. Because I did that sleep disturbance
16 stuff but, you know, I'm on uh, you know, I
17 have to, I have, and it works just fine. I
18 don't know where I'd be if I wasn't taking
19 medicine."

20 Q Okay. Now, as a nurse, do you have an opinion
21 as to the effect of those three drugs and the amount of
22 dosage that he's saying that he's taking?

23 A Yes.

24 Q What is your opinion?

25 A That is a tremendous amount of medication.

1 The Restoril or Temazepam is -- at 30 milligrams, the
2 dose is correct. It's a tranquilizer. It's used for
3 anxiety. It's in the Diazepam family, so it's a Valium,
4 a Xanax, and Ativan relative. It's highly addictive.

5 On the Trazodone, Trazodone, again, the 100
6 milligrams is a usual dose. It's high, but it's usual.
7 And that's used primarily for anti-anxiety,
8 anti-depression, and sleep induction, to fall asleep.

9 The third one, he calls it Zolpidem, which is
10 fine, that's the generic word for Ambien. Ambien is a
11 sleep medication, also used to induce sleep. One of its
12 primary side effects is amnesia.

13 Q Okay. Now, when you -- when you heard him say
14 this, did you have a reaction --

15 A Yes.

16 Q -- to the amount --

17 A Yes.

18 Q -- I mean the type of drug and the amount of
19 drug?

20 A My first thought literally was that's enough
21 to put a horse out and you would have to have one heck
22 of a high level tolerance to drugs to be able to get up
23 the next morning, let alone breathe through the night.
24 That is a tremendous amount of medication.

25 Q Okay. Thank you.

1 MR. STOEN: Now, later he talks about his life
2 afterwards and he -- and I'm going to instruct the grand
3 jury that on this tape that you're going to hear, and
4 also in this transcript you're going to see a reference
5 to a girlfriend, and I am instructing the grand jury
6 that all references to a girlfriend are to be considered
7 only for the purpose of aiding in determination of
8 Mr. Keegan's state of mind and may not be considered for
9 any other purpose.

10 And, with that, I'm going to play the tape,
11 and I'll try to adjust the volume so everybody can hear.

12 And I'm asking the stenographic reporter not
13 to have to record it.

14 (Recording played.)

15 MR. STOEN: Back on the record.

16 The jury is instructed to totally disregard
17 the reference to, quote, "my attorney," close quote, and
18 not to consider it for any purpose whatsoever.

19 Now, are there any questions for this witness?

20 JURY SECRETARY: Yes. Question number 24 from
21 juror 609424.

22 Q (BY MR. STOEN) You said that your sister
23 didn't do drugs and wasn't an alcoholic. How do you
24 explain the multiple drugs and alcohol in her system at
25 the time of her death?

1 A I have my theory. Do you want my theory? Is
2 that a way I can answer this?

3 Q Well, do you have an explanation, based on
4 your knowledge of your sister, how she would have a .16
5 blood alcohol and multiple drugs?

6 A I do.

7 Q Okay. What's that?

8 A I have a theory. My theory is that, given
9 Peter's medical knowledge and his access to medical
10 supplies, that he injected it into her system and that's
11 how it got there.

12 MR. STOEN: Okay. Next question.

13 JURY SECRETARY: Number 25 from juror 616861.

14 Q (BY MR. STOEN) Answer this only if you feel
15 you -- let me ask you this before I preface this
16 question.

17 You have -- have you had any training in
18 psychological disorders?

19 A No.

20 Q Okay. The first part of that question cannot
21 be answered.

22 To your knowledge, amongst his peers -- no,
23 that's an inadmissible question, too, under the law.

24 A Let me qualify that first question on
25 psychological training.

1 Q Yes, you may.

2 A We do take courses in nursing school and we do
3 take psychology courses; but in terms of being a
4 specialized mental health practitioner, I am not.

5 Q I can't allow you to answer the question then.

6 To your knowledge, did Peter Keegan ever
7 grieve about his wife's death?

8 A To my knowledge, no.

9 Q In your opinion, did he use his intellect to
10 keep Mrs. Keegan suppressed?

11 A No. Susan was smarter than he was.

12 Q Okay.

13 A She was independent; he was dependent.

14 Q Okay. The next question involves hearsay.
15 It's inadmissible.

16 Next question: Did he, meaning Peter Keegan,
17 ever come in to you -- come on to you while staying at
18 their house?

19 A No.

20 Q To your knowledge, did Dr. Keegan use
21 marijuana?

22 A Yes.

23 Q On what basis do you know that?

24 A He grew it and I saw him smoke it.

25 Q Next question: Did the windows have curtains

1 or blinds on them?

2 A Most of them did not, no.

3 Q Okay.

4 A The ones I referred to when I talked about --
5 they did not, no.

6 MR. STOEN: Okay. Any other questions?

7 JURY SECRETARY: Yes. Number 26, juror
8 number 624323.

9 Q (BY MR. STOEN) Did you play any part or have
10 any prior knowledge of the newspaper articles that came
11 out?

12 I believe you testified you did; right?

13 A The only thing I did was answer questions for
14 Glenda Anderson, but that was -- she called me.

15 Q So you were part of whatever they did print,
16 through her anyway?

17 A Yes, yes. In that aspect, yes.

18 Q Did you initiate that call?

19 A No, she called me.

20 JURY SECRETARY: Question number 27, juror
21 636055.

22 Q (BY MR. STOEN) This juror has asked to see
23 the dark picture of the bathroom and saying it does
24 appear you can see her legs in the doorway and you said
25 you couldn't see her from the doorway.

1 What is your response to that?

2 A What I say is it's not a straight line of
3 vision. I have not seen the picture with my sister in
4 it. I know when you're standing in the doorway into the
5 guest room, it's not a straight-on view. Like looking
6 right down this hallway right here I can see those two
7 chairs straight on. It's not like that. It's angled
8 off to the left. So your view is occluded or blocked
9 somewhat.

10 Q Okay.

11 A And what you're going to look at is the door,
12 basically, if it's open or the door if it's closed. But
13 that's where you're going to see. It's not a straight
14 view.

15 MR. STOEN: Next question.

16 JURY SECRETARY: Number 28 from juror 610214.

17 MR. STOEN: I don't understand this.

18 Oh, I do.

19 Q (BY MR. STOEN) Did you save the original
20 voice mail from Mr. Keegan?

21 A I did.

22 Q You did?

23 A The original -- oh, voice mail?

24 Q Yeah.

25 A I thought we meant the recording.

1 Q Okay.

2 A No, no. It was just very casual, "Hey, Linda,
3 haven't talked to you in awhile. Give me a call when
4 you can."

5 Q Next question is inadmissible.

6 The third question: Who is Karyn?

7 A Karyn Feiden is my cousin, was also Susan's
8 cousin.

9 MR. STOEN: Next question.

10 JURY SECRETARY: Question 29 from juror
11 641677.

12 Q (BY MR. STOEN) Answer this only if you know
13 the answer: Is it your impression that Peter gave
14 Susan's diaries to the police or that he burned them?

15 A He told me he burned them, that he destroyed
16 them. It wasn't until that phone call that you all just
17 heard that I found out that they were even still in
18 existence.

19 Q Okay. Thank you.

20 MR. STOEN: Next question.

21 JURY SECRETARY: Question 30 from juror
22 624323.

23 Q (BY MR. STOEN) What is the time frame between
24 you going through your sister's belongings and the
25 recorded phone call that we just heard?

1 A When I went through Susan's belongings, it was
2 when I was there for her memorial service. So that
3 would have been in November of 2010.

4 Q Okay.

5 A And then the recording here is September 17th,
6 2012. So approximately two years, just a little under.

7 MR. STOEN: Thank you.

8 JURY SECRETARY: Question 31 from juror
9 626897.

10 Q (BY MR. STOEN) Did the toxicology report
11 identify -- did you read the toxicology report?

12 A No, I was not given a copy.

13 Q It's an inadmissible question.

14 A Can I -- how I even commented on it is that
15 it's on the death certificate. That's how I knew what
16 substances were listed.

17 Q Let me look at the question again.

18 Did the toxicology report you saw identify
19 lethal doses of drugs?

20 A No, it's just that they were in her system.
21 It doesn't give doses or strengths or amounts, just that
22 they are present.

23 Q A follow-up question: How could he inject
24 marijuana? Wasn't that in her system?

25 A She did occasionally smoke herself.

1 Q Yeah.

2 What about brownies in Susan's car, did she
3 use brownies?

4 A Yes.

5 Q Or eat brownies?

6 A Eat brownies, yes. Yes, but never to the
7 point of being obtunded or, you know, unable to perform.
8 You know, it was a recreational thing.

9 MR. STOEN: Next question.

10 JURY SECRETARY: Number 32 from juror 616861.

11 Q (BY MR. STOEN) Do you have knowledge as to
12 whether Dr. Keegan has copies or was able to see the
13 police photos? Do you have such knowledge?

14 A No. He never mentioned it to me --

15 Q Okay.

16 A -- either way, no. I do not believe he's seen
17 them. It would have been something he would have told
18 me in that conversation.

19 MR. STOEN: Anything else?

20 JURY SECRETARY: Question number 33 from juror
21 610214.

22 Q (BY MR. STOEN) Would you be willing to show
23 where your sister's body was on the floor plan that you
24 did? Are you in a position to answer that question?

25 A Only by Peter's description do I have any

1 knowledge of it.

2 Q Okay. That's the answer to the question.

3 A I have not seen any pictures. I only have his
4 description.

5 MR. STOEN: Next question.

6 JURY SECRETARY: That's it.

7 MR. STOEN: Well, we've reached our 4:30
8 limit. You are really an interactive group of people,
9 and I'm sorry that you had to go in all this heat. But
10 I think, Madam Foreperson, if you would like to excuse
11 everybody with the admonition, we can then resume
12 tomorrow at whatever time you deem appropriate.

13 A JUROR: What do we do with our stuff, leave
14 it here in the seats?

15 MR. STOEN: We'll have to have it taken into
16 somebody's custody. I don't know if we have a place.

17 JURY FOREPERSON: I was told that the evidence
18 would go into a locked cabinet, and I'll have to turn my
19 phone on to see if Julie got an answer, and that our
20 stuff would be locked in and we could keep it under our
21 seats.

22 MR. STOEN: I'm going to give you the final
23 admonishment when you leave in the evening.

24 JURY SECRETARY: We can write on any of this
25 stuff that we have; correct?

1 MR. STOEN: You can. It belongs to you, but
2 you can't ever take it out of the courtroom.

3 The grand jurors are admonished that they are
4 not to form or express any opinion about this case or
5 discuss it among themselves until the grand jury
6 receives the case for deliberation.

7 In addition, no investigation or inspection of
8 any evidence should be conducted without the permission
9 of the foreperson and on advice of the deputy district
10 attorney. A violation of this could result in a charge
11 of contempt against a grand juror who investigates or
12 reviews any matter with regard to this case without the
13 entire body of the grand jury and in violation of this
14 admonition.

15 We are in recess until what time, Madam
16 Foreperson?

17 JURY FOREPERSON: Until 8:30 or 9:30 in the
18 morning?

19 JURY SECRETARY: 9:30. I have to work for an
20 hour.

21 JURY FOREPERSON: 9:30. Please try to be here
22 by 9:20, like the Judge requested us to do, so we can
23 start on time.

24 (Proceedings adjourned.)

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REPORTER'S CERTIFICATE

I hereby certify that the above transcript of proceedings was taken down, as stated in the caption, and that the foregoing 177 pages represent a complete, true and correct transcript of the proceedings had thereon.

Dated: August 17, 2017

Anne Ramirez, C.S.R. 6186
Court Reporter