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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 IV
Pages 423 - 497

Reporter's Transcript of
Grand Jury Indictment Proceedings
Held on Monday, August 7, 2017.
Reported by Anne Ramirez, C.S.R. 6186.

APPEARANCES OF COUNSEL

For the Plaintiff: TIMOTHY O. STOEN
Deputy District Attorney
Mendocino County Courthouse
Ukiah, California 95482

ADAIR, POTSWALD & HENNESSEY
Certified Shorthand Reporters
P.O. Box 761, Ukiah, California 95482
(707) 462-8420

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(Chronological)

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VOLUME IV

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1 (Proceedings held on Monday, August 7, 2017.)

2 - - -

3 (Roll call taken; all jurors present.)

4 MR. STOEN: Good morning, ladies and
5 gentlemen. I understand that we've lost a grand juror.
6 I wonder if the foreperson could make that announcement
7 and tell me who we lost as to the number and who has
8 replaced that person as to the number.

9 JURY FOREPERSON: I can let you know juror
10 number 641103 is not present today, and in his place we
11 will have 616901.

12 MR. STOEN: Thank you.

13 I'll get our first witness.

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

16 - - -

17 KEVIN BAILEY

18 Called as a witness, having been first duly sworn,
19 testified as follows:

20 - - -

21 THE REPORTER: Thank you. Please state your
22 name and spell it.

23 THE WITNESS: Kevin Bailey; K-e-v-i-n,
24 B-a-i-l-e-y.

25 THE REPORTER: Thank you.

1 JURY FOREPERSON: Good morning. I'll read the
2 secrecy admonition to you.

3 Grand Jury proceedings and investigations are
4 secret. You are therefore admonished on behalf of the
5 Mendocino County Superior Court and the criminal grand
6 jury not to disclose your grand jury subpoena or your
7 grand jury appearance to anyone and not to reveal to any
8 person any questions asked or any responses given in the
9 grand jury or any other matters concerning the nature or
10 subject of the grand jury's investigation which you
11 heard about by your grand jury subpoena or during your
12 grand jury appearance, except to your own legal counsel.
13 This admonition continues until such time as a
14 transcript of the grand jury proceeding is made public
15 or until disclosure is otherwise authorized by the Court
16 or by operation of law. Violation of this admonition is
17 punishable as contempt of court.

18 MR. STOEN: Off the record.

19 (Brief pause.)

20 MR. STOEN: Back on.

21 - - -

22 EXAMINATION

23 Q (BY MR. STOEN) Good morning, sir.

24 A Good morning.

25 Q And what is your occupation?

1 A I'm the chief investigator for the Mendocino
2 County District Attorney's Office.

3 Q Could you speak up so the people in the last
4 row can hear. We don't have a microphone today.

5 And how long have you been employed with the
6 district attorney's office?

7 A Approximately 12 years.

8 Q And how long have you been the chief
9 investigator?

10 A Approximately four years.

11 Q Okay. And I'd like to ask you to try to
12 remember in April of 2012 whether or not you had
13 occasion to review some diary entries that were
14 allegedly made by Susan Keegan.

15 A Yes, I did.

16 Q Okay. Do you recall the date offhand?

17 A It was in April of 2012. I don't recall the
18 exact date.

19 Q Okay. And were you shown some diary entries
20 that Peter Keegan had allowed you to look at?

21 A Actually, I saw two hardbound journals and
22 some loose notes. I don't believe Peter was present
23 when I reviewed those documents. I was allowed to look
24 at them in their entirety.

25 Q Okay. And what were the most recent entries

1 in the documents that you were provided?

2 A 1996.

3 Q And were these journals or diaries or a
4 combination?

5 A I would say a combination of both.

6 Q And what did the entries consist of?

7 A They consisted basically of Susan documenting
8 her daily activities, her emotional highs and lows,
9 her -- her anxieties. She mentioned some -- some
10 concerns that she had about possible infidelity with her
11 husband; although, she had no specific incidents
12 documented. It was just strictly a concern.

13 Q Did she mention any struggles that she had
14 with any problems of herself?

15 A Anxieties and, like I say, daily struggles,
16 highs and lows, but it was -- and I was looking for
17 information on alcohol addiction, drug addiction or just
18 usage, and there was no mention of any of those.

19 Q There was no mention of that?

20 A That's correct.

21 Q Okay. And with respect to infidelities that
22 you were looking for, was it her infidelities?

23 A It was Peter's infidelities in their marriage;
24 it was not hers.

25 Q Okay.

1 A And, again, she had no specific incidents
2 documented. It was just generic concerns.

3 MR. STOEN: I would instruct the jury to
4 disregard anything with respect to anybody's
5 infidelities other than what was represented in the
6 journal by Susan Keegan as to herself; ask the jury to
7 disregard it except it's only to show the mindset of the
8 person that authored the diaries.

9 Okay. We'll open it to any questions.

10 None? Okay.

11 Thank you, Kevin Bailey, for coming all the
12 way up here.

13 THE WITNESS: Thank you.

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

16 - - -

17 NORMAN ROSEN

18 Called as a witness, having been first duly sworn,
19 testified as follows:

20 - - -

21 THE REPORTER: Please state your name and
22 spell it for the record.

23 THE WITNESS: Norman Rosen, R-o-s-e-n.

24 THE REPORTER: Thank you.

25 JURY FOREPERSON: Good morning. I'm going to

1 read this secrecy admonition.

2 Grand Jury proceedings and investigations are
3 secret. You are therefore admonished on behalf of the
4 Mendocino County Superior Court and the criminal grand
5 jury to not disclose your grand jury subpoena or your
6 grand jury appearance to anyone and not to reveal to any
7 person any questions asked or any responses given in the
8 grand jury or any other matters concerning the nature of
9 the subject of the grand jury's investigation which you
10 learned about by your grand jury subpoena or during your
11 grand jury appearance, except to your own legal counsel.
12 This admonition continues until such time as the
13 transcript of the grand jury proceedings is made public
14 or until disclosure is otherwise authorized by the Court
15 or by operation of law. Violation of this admonition is
16 punishable as contempt of court.

17 - - -

18 EXAMINATION

19 Q (BY MR. STOEN) Good morning, sir.

20 A Good morning.

21 Q And what is your occupation?

22 A I have been an attorney for 43 years.

23 Q And where do you practice?

24 A I practice in Mendocino County. My office is
25 in Ukiah.

1 Q Would you be kind enough to try to speak up.
2 We don't have a loud speaker, a microphone here.

3 A Yes. I have law offices at 280 North Oak
4 Street in Ukiah, California.

5 Q And what type of law do you specialize in?

6 A Right now I'm in the process of retiring, but
7 before I was a Certified Family Law Specialist and I did
8 a lot of civil litigation and estate planning.

9 Q Turning to October 2010, did you perform
10 mediation services for clients as distinct from attorney
11 representation services?

12 A Yes.

13 Q And were you asked in October 2010 to conduct
14 mediation services between Peter Richard Keegan and
15 Susan Keegan?

16 A Yes.

17 Q And who made the initial request for your
18 mediation services, if you recall?

19 A I don't remember. I had individual phone
20 conversations with each of them prior to the mediation.

21 Q Okay. And did you become aware of a petition
22 for dissolution of marriage that was filed by Peter
23 Keegan in pro per?

24 I'll show you People's Exhibit number 3 and
25 ask you if you recognize that.

1 A Yes.

2 Q Okay. Were you instrumental in any way in
3 preparing that?

4 A Probably I was.

5 Q Pardon me?

6 A I probably was.

7 Q Okay. But he was -- Peter was representing
8 himself; is that correct?

9 A As a mediator, you don't represent either
10 side.

11 Q Okay.

12 A But you can prepare papers for either side to
13 self-represent.

14 Q So when it says on there pro per, what does
15 that mean?

16 A A person does not have an attorney; they're
17 acting as their own attorney.

18 Q Okay. Thank you.

19 Now, after that was filed, did you receive a
20 request from either party for temporary spousal support?

21 A I don't recall that either party made that
22 request, but you're talking about seven years ago.

23 Q Okay. Did you have occasion to meet with both
24 Peter Keegan and Susan Keegan with respect to your
25 mediation services in your office?

1 A Yes.

2 Q How many times did you have a conference with
3 the two of them together?

4 A I would say two or three times. I don't
5 recall.

6 Q Now, do you recall when the subject of
7 temporary spousal support was first brought up? Do you
8 recall that -- being in the room when that was brought
9 up?

10 A The issue of spousal support was brought up.
11 I don't remember if it was temporary or permanent.

12 Q Okay. And when it was first brought up do you
13 recall what the reaction of Peter Keegan was?

14 A Nothing unusual.

15 Q Okay. What does that mean, nothing unusual?
16 What's usual?

17 A People want to know what their rights are,
18 what the law is. You're explaining to them what the
19 rules in California are. You may be explaining to them
20 what possible support orders could happen on a temporary
21 or permanent basis. People have questions. Of course,
22 that's based upon what your earnings are and what the
23 supported spouse's earnings are. So each side would
24 have had questions about that.

25 Q And what are the -- what's the general

1 standard for spousal support? Who -- is it based on
2 relative income as to who gets the spousal support?

3 A There are many factors in the Family Law Code,
4 but to answer on the particular part you're talking
5 about, the person who earns more money is going to wind
6 up paying support, assuming they are earning
7 substantially more than the other party.

8 Q Now, did you make a determination in this case
9 who made the most money on a monthly basis?

10 A I don't recall specifically, but I -- there
11 were discussions about Susan Keegan earning more money
12 through different types of things. So I assume
13 Dr. Keegan earned more money at that time.

14 Q Okay. Did you make a determination -- is
15 there a process you follow to determine how much a
16 person should pay as monthly support?

17 A There's a computerized program called a
18 DissoMaster, it's often used by courts as well as
19 lawyers, to determine temporary support. It is
20 reversible error to use it to determine permanent
21 support. There are other factors the court considers.
22 So there may have been a temporary support DissoMaster
23 printout to show the parties what possible support would
24 come from the court on a temporary basis.

25 Q Did you make a determination as to what the

1 monthly support would be for Peter Keegan to owe Susan
2 Keegan?

3 A I have no recollection of that.

4 Q Would it be over \$2,000, as best you recall?

5 A I couldn't tell you that.

6 Q Pardon me?

7 A I don't recall that.

8 Q Okay.

9 A But, again, that's a seven-year-old file.

10 Q I'm going to show you the next exhibit, which
11 I'm going to be -- which I'm going to call as Exhibit
12 Number 24-A, and ask you to take a look at this and tell
13 me if you recognize it.

14 A Yes, I can identify it.

15 Q What is it?

16 A It's correspondence dated November 9th, 2010,
17 from myself to both of the Keegans.

18 Q Now, could you please read the -- into the
19 record the first paragraph?

20 A Read the first paragraph?

21 Q Yes.

22 A "Peter had asked for DissoMaster printouts of
23 various scenarios. Based upon the income shown for his
24 wage stubs to date, I have calculated his gross income
25 to be \$9,864 a month. I've also used as a cost of

1 health insurance the sum of \$476 a month. If that is
2 inaccurate, let me know."

3 Q And please read into the record the first
4 sentence of the second paragraph.

5 A "If we use those numbers in the DissoMaster,
6 which is only binding for temporary support in this
7 county and cannot be used to determine permanent
8 support, and if we consider Susan's income to be 2,000 a
9 month gross, then the monthly spousal support is
10 \$2,210."

11 Q And who would owe that \$2,210 monthly support?

12 A Peter, as the higher wage earner, would owe
13 that to Susan.

14 Q Now, did you indicate in there that \$2,210 was
15 less than what you had told him previously?

16 A Yes, because apparently in this letter it
17 indicates that Peter's income is somewhat less than an
18 earlier number that had been discussed at the mediation.

19 Q Okay. Do you know what that earlier number
20 was that you discussed with Peter Keegan?

21 A According to this letter, it was \$10,417 a
22 month.

23 Q How much?

24 A \$10,417 a month income that Dr. Keegan had.

25 Q And did you calculate, based on that amount of

1 income, what the monthly support to Susan Keegan would
2 have been, approximately?

3 A I assume I did.

4 Q Do you have any idea, just based on your
5 expertise, how much more than \$2,210 that would have
6 been?

7 A There's an algorithm in the DissoMaster
8 program that basically, when you add all of the support
9 together and there are no children involved, 40 percent
10 of the net income is going to be -- wind up with the
11 supported spouse and 60 percent of the net income is
12 going to wind up with the spouse that's paying the
13 money. So I don't know without a calculator or the
14 DissoMaster program what that calculation was, but it
15 would have been a little bit higher than the 2,210.

16 Q Do you recall what dates you discussed with
17 the two of them the monthly support?

18 A What dates?

19 Q What dates.

20 A No, I do not recall that.

21 Q And was this mediation carried on in the month
22 of October 2010?

23 A If my file indicates that's when they came,
24 then it would be. I don't have an independent
25 recollection of when we started the mediation.

1 Q So it would have been related to the filing of
2 the petition for dissolution, which was on October 21,
3 right, and would be following that that you had these
4 conversations on support?

5 A Sometimes in a mediation people are not ready
6 to file and we may do several mediation sessions before
7 the party that's designated to be the petitioner would
8 be so designated.

9 Q Do you recall in this case whether or not
10 there was mediation sessions conducted before October
11 21?

12 A 2010?

13 Q 2010.

14 A I don't recall.

15 Q Okay. Now, had -- I'm going to show you
16 People's Exhibit Number 4 and ask you if you recognize
17 the person depicted in this and, if so, please identify
18 that person.

19 A It's a picture of Dr. Keegan.

20 Q Is that the same person that met with you in
21 the mediation sessions that you've just testified about?

22 A Yes.

23 Q Thank you.

24 Now, was there an agreement reached
25 tentatively between Susan Keegan and Peter Keegan as to

1 separation of finances?

2 A I don't recall if there was a temporary
3 agreement or permanent agreement reached.

4 Q I'm going to show you two -- I'm going to show
5 you next Exhibit 24-B, which I'll represent to you is
6 dated November 4th, 2010, and ask you if you recognize
7 that.

8 A So this would have been an e-mail that
9 Dr. Keegan sent to me with a copy to his wife.

10 Q Okay. And could you read into the record
11 Peter Keegan's statements six lines from the bottom,
12 beginning "I am voiding".

13 A "I am voiding my statement made earlier today
14 to separate finances on November 8th because I feel
15 she" -- that's referring, I assume, to Susan -- "has
16 been deceptive about her income in recent months.

17 "Moreover, I am not willing to pay any spousal
18 support until she comes clean about when she is being
19 paid for the work she has done since August.

20 "Moreover, I request that you review her wage
21 stubs before making any estimate of what spousal support
22 should be this month.

23 "Thank you, Peter."

24 Q So the word "deceptive" was used by Peter
25 Keegan in this e-mail with reference to Susan; is that

1 correct?

2 A The document would speak for itself, yes.

3 Q Thank you.

4 Now I'm going to show you People's Exhibit --
5 or Grand Jury Exhibit, I should say, that has a date of
6 Friday, 5 November 2010, and ask you if you could look
7 at that and tell me if you recognize it and, if so,
8 please identify it.

9 A This would be another e-mail from Dr. Keegan
10 to myself, copied to his wife.

11 Q Okay. And could you please read into the
12 record the entire first paragraph.

13 A "Norm, so definitely I am not agreeing to
14 separate our finances on November 8th since Susan is
15 holding her paycheck and obviously planning to deposit
16 it after that date. That money is community property.
17 I consider it to be a deception on her part to be
18 holding the check and simultaneously urging that we make
19 a prompt date for separation of finances. As your (sic)
20 recall, she initially wanted the date for financial
21 separation to be October 19th, which would have allowed
22 her to take the community resources of her earned income
23 in September."

24 (Exhibit 24 was identified.)

25 Q (BY MR. STOEN) Did you make any -- did you

1 have an opinion as to the significance of what he was
2 saying?

3 A I'm not sure I understand your question,
4 Mr. Stoen.

5 Q Had he -- had Peter Keegan, besides these two
6 e-mails that were indicated, accused Susan Keegan of
7 deception in your presence?

8 A The only issue that I can recall was that he
9 believed that she had an alcohol and drug dependency
10 that she was not admitting to, that was keeping her from
11 finding work that might require a urine test, and that
12 he felt that was something that had been shared at a
13 therapy or some other place and that was keeping her
14 from contributing her share to the community resources.

15 Q So did that -- he made those representations
16 to you that she was not contributing her fair share; is
17 that correct?

18 A Yes.

19 Q And was he -- did he -- was he angry about
20 that?

21 A I don't think he was angry; I think he felt it
22 wasn't fair.

23 Q Okay. Did he show any emotion when that
24 subject came up in your presence?

25 A There's always emotion in a family law

1 context. There was nothing -- didn't raise his voice
2 that I recall, didn't get excited about it, but it was
3 an issue. And I think Susan denied the allegation. So
4 they had a difference of opinion about whether she had
5 an alcohol or drug dependency.

6 Q So did Peter Keegan ever discuss rage about
7 having to pay spousal support given those factors of
8 non-contribution by his wife?

9 A No.

10 MR. STOEN: I have no further questions.
11 Thank you.

12 We'll have some questions from the jury maybe.
13 Thank you, Mr. Rosen. I appreciate it.

14 JURY SECRETARY: Question number 83 from juror
15 616861.

16 Q (BY MR. STOEN) The question's a little
17 confusing: Was the basis of the divorce, as you
18 understood it, irreconcilable differences or something
19 else?

20 A So under California law we have "no fault"
21 divorce. So it doesn't really matter which spouse has
22 done something bad or they don't -- we have no fault,
23 and that's called irreconcilable differences. Unless
24 you're getting a divorced based upon an annulment or
25 some other grounds, I always tell my clients all you

1 have to say is "I don't get along with the other
2 person." That's enough.

3 Q What was your initial impression about how the
4 Keegans -- I believe it's interacted, I can't read the
5 spelling on this -- I'm going to just -- I'm not going
6 to admit that question because it seems vague to me.

7 Did the spousal support figure that you came
8 up with seem to bother Dr. Keegan?

9 A I'd say every person who has to pay spousal
10 support who is the high wage earner, whether it's the
11 woman or the man, are always bothered by what they have
12 to pay to the supported spouse. That's just the way it
13 works. And it's not just the men, it's the women as
14 well.

15 Q But it -- so is the answer then it did seem to
16 bother Dr. Keegan?

17 A I would say it bothered him as much as anybody
18 else, but not in any particular way that I recall.

19 Q Okay. Next question: Was the amount of
20 spousal support a cause for financial hardship in your
21 opinion?

22 A I don't really have an opinion about that
23 because these are things that are determined by support
24 schedules by the Judicial Council and the State of
25 California. We use the Santa Clara County schedule.

1 So when people pay support, particularly if
2 there's also child support, there's usually not enough
3 money to go around. So it's always a problem and a
4 financial hardship when you have two households. The
5 person who is earning a lot of money doesn't always
6 think it's fair that they have to share what they are
7 earning with the other spouse, but under California law
8 we have spousal support rules.

9 So I don't have an opinion as to financial
10 hardships. You tell people in mediation they have to
11 decide whether they want to agree with what I am telling
12 them, whether they want to go to court and duke it out
13 between themselves. I'm giving them a path where they
14 could save money on attorney's fees and have a less
15 acrimonious way of reaching an agreement.

16 Q Thank you.

17 A I don't have an opinion on the financial
18 hardship for people.

19 Q Thank you.

20 MR. STOEN: Anybody else?

21 JURY SECRETARY: Which one did you not read?

22 MR. STOEN: I did not read this -- I did not
23 read the second one because I did not understand it.

24 JURY SECRETARY: Okay. Question number 84
25 from juror 610214.

1 Q (BY MR. STOEN) Mr. Rosen, are you aware if
2 either spouse had life insurance?

3 A I would not recall that. It might be
4 something in the file that you subpoenaed. I don't know
5 if -- I don't know if we got -- that would show up on a
6 schedule of assets and debts that at some point is
7 prepared. It would not show up in the DissoMaster.

8 Q It would not, okay. Thank you.

9 MR. STOEN: Any other questions?

10 JURY SECRETARY: Yes.

11 MR. STOEN: I don't know if I finished them
12 all.

13 Q (BY MR. STOEN) If the dates of mediation are
14 determined to be important to this case, do you have
15 documentation that would determine the dates in
16 question, the dates of your mediation?

17 A Other than the notes in my file, I would
18 probably have an appointment book that we would still
19 have that would show the dates they came in for
20 mediation.

21 Q As best you recall, did the mediation -- was
22 the mediation initiated after the divorce petition was
23 filed, as best you recall?

24 A My guess is that the divorce petition was
25 filed after the mediation was started.

1 Q After.

2 Do you have any estimate -- what's your best
3 estimate as to how soon before that, the filing of the
4 divorce, which was on October 21, 2010, the mediation
5 would have been initiated?

6 A Because I knew both Susan and Peter
7 personally, I had phone calls with each of them before
8 they were willing to participate in the mediation. They
9 wanted to understand the process. And that, I would
10 assume, would have been in the few months before the
11 actual mediation began.

12 Q Thank you.

13 MR. STOEN: Next question.

14 JURY SECRETARY: Number 85 from juror 609424.

15 Q (BY MR. STOEN) Did you know either of the
16 Keegans apart from your legal dealings?

17 A Yes.

18 Q How did you know them?

19 A I live in Ukiah, and Peter and Susan lived on
20 the same street that I still live on.

21 Q Is that Whitmore Lane?

22 A No, Clay Street. They lived on Clay Street
23 and then they moved to Whitmore Lane.

24 Q Okay.

25 A So I know Luke and Simon, their two children.

1 So I know the family. I don't know them well, but I
2 know the family.

3 Q Thank you.

4 JURY SECRETARY: This is the same one.

5 MR. STOEN: Okay.

6 JURY SECRETARY: We have one more coming.

7 A JUROR: [Juror 616861] It's kind of sloppy,
8 but I apologize ahead of time.

9 JURY SECRETARY: Number 86 from juror 616861.

10 Q (BY MR. STOEN) What were the ages of the
11 children during the time of this dissolution, do you
12 recall?

13 A I just -- no, I don't recall specifically.
14 But I just saw one of the children about three weeks
15 ago, he was a photographer at a party, was married with
16 a child. So he must be around 30.

17 Q Would you say that they were probably grown at
18 the time of --

19 A I would say late teens to early -- I attended
20 Susan's funeral, and I would think they were late teens,
21 early twenties at that point.

22 Q Thank you.

23 MR. STOEN: Anything else?

24 Thank you very much for taking time from your
25 busy schedule. And welcome back from your trip.

1 THE WITNESS: All right. Thanks, Tim.

2 MR. STOEN: Good to see you.

3 (Brief pause.)

4 THE REPORTER: Will you raise your right hand,
5 please.

6 - - -

7 GARY HUDSON

8 Called as a witness, having been sworn, testified as
9 follows:

10 - - -

11 THE REPORTER: Please state your name and
12 spell it.

13 THE WITNESS: Gary, G-a-r-y, Hudson,
14 H-u-d-s-o-n.

15 THE REPORTER: Thank you.

16 MR. STOEN: Do you want to give the
17 admonition, Madam Foreperson.

18 JURY FOREPERSON: Grand Jury proceedings --

19 MR. STOEN: I'm sorry.

20 A JUROR: We didn't hear the name.

21 THE WITNESS: Gary Hudson, H-u-d-s-o-n.

22 MR. STOEN: Gary, if you could speak up to the
23 last row. We don't have a microphone in this
24 courthouse.

25 THE WITNESS: I'll put on my stage voice.

1 JURY FOREPERSON: Perfect.

2 A JUROR: He's not on our list.

3 MR. STOEN: No. There will be other witnesses
4 that are not on your list. The list is initial. You'll
5 see the word "initial."

6 JURY FOREPERSON: Grand Jury proceedings and
7 investigations are secret. You are therefore admonished
8 on behalf of the Mendocino County Superior Court and the
9 criminal grand jury not to disclose your grand jury
10 subpoena or your grand jury appearance to anyone, not to
11 reveal to any person any questions asked or any
12 responses given in the grand jury or any other matters
13 concerning the nature or subject of the grand jury's
14 investigation which you learned about by your grand jury
15 subpoena or during your grand jury appearance, except to
16 your own legal counsel. This admonition continues until
17 such time as the transcript of the grand jury
18 proceedings is made public or until disclosure is
19 otherwise authorized by the Court or by operation of
20 law. Violation of this admonition is punishable as
21 contempt of court.

22 - - -

23 EXAMINATION

24 Q (BY MR. STOEN) Good morning, sir.

25 A Good morning.

1 Q And what is your occupation?

2 A I'm retired from the Mendocino County
3 Sheriff's Office.

4 Q And how long did you work for the Mendocino
5 County Sheriff's Office?

6 A Twenty-seven years.

7 Q And what was your last position with that
8 office?

9 A My last position, my civil service rank was
10 sheriff's captain. My assignment was as undersheriff of
11 the County of Mendocino, second in command.

12 Q And when did you retire?

13 A I retired effective January 1st, 2011.

14 Q I'd like to turn your attention to October
15 2010 and November 2010. Were you involved in any
16 theatrical productions?

17 A Yes, I was. I was cast in a production of
18 Hamlet at Mendocino College.

19 Q And what was your role?

20 A I had a couple of them. I played the Player
21 King, which is a small part that features in the play,
22 and also as the priest who officiates at the funeral of
23 Ophelia.

24 Q Okay. And are you -- are you a long-time
25 participant of theatrics in Mendocino County?

1 A I am. I became involved in theater in Ukiah
2 first in 1998 with Ukiah Players Theater doing several
3 productions there. I later served on the Board of
4 Directors of the theater, including as president of the
5 board, and then later began doing shows at Mendocino
6 College.

7 Q Now, did you work with Susan Keegan in that
8 play of Hamlet in October and November 2010?

9 A I did.

10 Q And what was her role in that play?

11 A Susan played the Player Queen, opposite my
12 Player King. She -- that was her -- her major part in
13 it. We all had smaller bit parts throughout the show
14 requiring costume changes and so on, and in the last
15 scene we were bit players in the background.

16 Q Okay. And did Susan Keegan have to audition
17 for that role as queen?

18 A I believe so. I wasn't present at that
19 audition.

20 Q Okay. And what were the dates, if you recall,
21 that the play was publicly performed?

22 A It only ran for two weeks. Actually, I wrote
23 it down here.

24 Q If that refreshes your recollection, that's
25 fine.

1 A Absolutely.

2 Let's see, we had performances on the weekends
3 of October 28th and November 7th. Typically that would
4 be a Thursday, Friday, Saturday, Sunday, and then
5 another Thursday, Friday, Saturday, Sunday. We also did
6 school performances.

7 Q What was the last day of the public
8 performance of that play?

9 A That would have been November 7th.

10 Q November 7th?

11 A I believe so, yes. That's --

12 Q Now --

13 A I don't have my official notes from it, but
14 that's what we sold tickets for.

15 Q Did Susan Keegan act in the play on each of
16 the dates there was a public performance?

17 A Yes.

18 Q And approximately how many rehearsals had
19 there been before the first public performance?

20 A Oh, I actually went looking for my rehearsal
21 schedule and couldn't find it, but we rehearsed for
22 about two months.

23 Q Two months. And what type of costume was
24 required of Susan Keegan?

25 A Susan's costume as the Player Queen was quite

1 bulky. It was a large bulky dress, sort of a Marie
2 Antoinette powdered wig, and a lot of makeup.

3 Q And do you know what kind of shoes she had to
4 wear?

5 A They would have been character shoes. I don't
6 recall the exact type.

7 Q Okay. And how often had she been required to
8 wear that costume during rehearsals and performances
9 would you say?

10 A We generally don't go with the costume until
11 the last week of rehearsals, and then it would be for
12 the final week of rehearsals and then during every
13 performance.

14 Q Okay. I'm going to show you an exhibit marked
15 29, ask you if you recognize this.

16 A Yes, I do.

17 Q If you do, could you please -- let me put it
18 on the screen.

19 What is it first? What is this?

20 A This is the costume of the Player Queen.

21 Q And who is that?

22 A That is Susan.

23 Q And approximately when would that have been
24 taken?

25 A Well, it was taken in the green room. I'm not

1 quite -- I'm not sure if that was during production or
2 during one of our dress rehearsals.

3 Q Okay.

4 A It would have been during the final stages.

5 Q Well, I put it on the screen and nothing
6 happens. Well, for now -- there we go.

7 Do you see that on the screen, Exhibit 29? Is
8 that the same?

9 A Yes, it is.

10 (Exhibit 29 was identified.)

11 Q (BY MR. STOEN) And could you just sort of
12 explain the costume to us that you see on that screen?

13 A Yes. It's a red, somewhat bulky dress. She's
14 in a white face. She has a large wig on. This was the
15 costume for the Player Queen, and the picture was taken
16 in the green room. You can see other actors preparing
17 in the background.

18 Q I'm going to show you another exhibit which
19 I'll represent to you is a -- is a close-up of Susan's
20 hand, and I ask you if you can recognize that from that
21 photo.

22 A Yes.

23 Q And I'll put that on the screen here.

24 (Exhibit 30 was identified.)

25 Q (BY MR. STOEN) Were you able to work close

1 with Susan during this production?

2 A Yes, I was.

3 Q And does that hand represent the condition or
4 does that photo represent the condition of her hand as
5 you witnessed it during your time with her at and after
6 the play?

7 A I don't have any specific recollection of
8 Susan's hands.

9 Q Do you recall ever seeing any swelling on her
10 hands or wrists?

11 A I -- I don't specifically recall any.

12 Q Do you recall seeing any bruising on her hands
13 or wrists?

14 A No.

15 Q Would that have been something you were in a
16 position to notice?

17 A I might have; but, there again, I was also
18 focused on my own role and my own costume.

19 Q Okay. What were the conditions backstage and
20 on stage that Susan Keegan had to negotiate wearing her
21 costume?

22 A Chaotic.

23 Q Like what?

24 A It's a crowded space. Even though it's a good
25 size green room, there are a lot of people in it, all

1 jockeying for space, all jockeying for mirrors and
2 lights and a place to put on makeup and costumes. It's
3 noisy, sometimes problematically so.

4 And then on the stage itself there are any
5 number of tripping hazards. There's a -- on that
6 particular stage it featured a raised portion, a
7 platform, that made it difficult to move quickly. You
8 had been to be careful. You could easily lose your
9 balance.

10 Q Did you notice that Susan Keegan had any
11 problems negotiating those obstacles?

12 A No, she negotiated them better than I did.

13 Q Did she ever show any problems of balance?

14 A None that I saw.

15 Q Was there a cast party after the last
16 performance?

17 A Yes, there was.

18 Q And who hosted it?

19 A Susan.

20 Q Do you know where it was held?

21 A It was held at her house.

22 Q At 120 Whitmore Lane in Ukiah?

23 A Yes.

24 Q And do you recall the date that it was held?

25 A No.

1 Q Was it after the last performance?

2 A It was.

3 Q And the last performance was?

4 A My notes say the 7th.

5 Q Okay. It would have been the week before her
6 passing?

7 A Yes.

8 Q Okay. And during all of this time of working
9 with her in rehearsals, in performances, and at the cast
10 party, did you ever observe Susan Keegan to be under the
11 influence of a drug or alcohol?

12 A No.

13 Q And you have had experience, being a member of
14 law enforcement, to note the signs of that sort of
15 thing; is that correct?

16 A Yes, I have.

17 Q And what was -- did Susan Keegan have any
18 conversations with you about her domestic situation?

19 A Not with me personally, no.

20 Q Did you overhear her talking about her
21 divorce?

22 A Not about her divorce. She was -- she was
23 upset during a period of time during the rehearsals.
24 This actually came to me secondhand.

25 Q And what -- how was she in her thought process

1 during all of this time?

2 A Clear and focused.

3 Q And did she talk about the future?

4 A Not to me.

5 Q Did you overhear her say anything about the
6 future?

7 A Not that I recall.

8 Q Okay. And how did she speak?

9 A Clearly. She had excellent diction, a very
10 good voice for theater. I didn't detect any kind of
11 slurring, anything to indicate that she was under the
12 influence of anything, whether alcohol or prescription
13 or illicit drugs.

14 Q Did she indicate anything at all, even to the
15 slightest degree, of contemplating any harm to herself?

16 A None whatsoever.

17 MR. STOEN: No further questions. There will
18 be some from the jury.

19 JURY SECRETARY: Question number 87 from juror
20 616861.

21 Q (BY MR. STOEN) Was Mr. Keegan ever present
22 during rehearsals, to your knowledge?

23 A No.

24 Q Had you seen marks on Susan Keegan's hands,
25 would your law enforcement training have raised

1 questions?

2 A Well, at that time, although I hadn't retired,
3 I was off -- I had been off work for almost an entire
4 year and I tried to distance myself from my law
5 enforcement role.

6 Q Okay.

7 A So would I have paid particular attention to
8 it? Gosh, I don't know.

9 Q Okay. That's fine.

10 MR. STOEN: Next question.

11 JURY SECRETARY: Question number 88 from juror
12 609424.

13 Q (BY MR. STOEN) Was Susan drinking at the cast
14 party so far as you know?

15 A Seems like everyone else was. She may have
16 had a glass of wine, but I -- I just have this image of
17 her holding a glass of wine, but that's all.

18 Q How did she conduct herself at the cast party?

19 A Oh, she was completely in charge.

20 Q What did she do at the cast party?

21 A She ran the whole thing. She made sure
22 that -- as far as I know, she cooked everything.

23 Q She cooked. Do you know what -- what did she
24 cook?

25 A We had a whole turkey. We had a lot of food.

1 It was a broad assortment of food.

2 Q This is a follow-up to that question: Was she
3 drunk?

4 A No.

5 Q Was Peter at the party, Peter Keegan?

6 A I was trying to remember that this morning,
7 whether -- I think he was in the house. I can't recall
8 if he -- if he showed up. I -- I know Peter, so I would
9 have recognized him.

10 Q So you're not in a position to note what his
11 demeanor was then based on what you just said?

12 A No. I don't have a real clear recollection of
13 whether he showed up and, if so, what his demeanor was.

14 JURY SECRETARY: Question number 89 from juror
15 611538.

16 Q (BY MR. STOEN) Did Peter Keegan attend any
17 performances of Hamlet?

18 A Not that I know of, but, you know, --

19 Q Were you in a position to know if he would
20 have?

21 A No.

22 Q Okay.

23 MR. STOEN: Anything else?

24 JURY SECRETARY: I think that's it.

25 MR. STOEN: Well, thank you, Gary, for coming

1 on short notice. Good to see you.

2 THE WITNESS: You're welcome.

3 JURY FOREPERSON: Excuse me, Mr. Stoen. We'd
4 like to take a break.

5 MR. STOEN: A break is fine.

6 JURY FOREPERSON: Please don't discuss the
7 matter with anyone or come to any conclusions. Please
8 be private.

9 Let's see, it's 10:40. Let's come back at
10 10:50. Ten minutes.

11 (Recess taken.)

12 (Roll call taken; all jurors present.)

13 THE REPORTER: Will you raise your right hand,
14 please.

15 - - -

16 MARY PIERCE

17 Called as a witness, having been sworn, testified as
18 follows:

19 - - -

20 THE REPORTER: Will you please state your name
21 and spell it for the record.

22 THE WITNESS: Mary Pierce; M-a-r-y,
23 P-i-e-r-c-e.

24 THE REPORTER: Thank you.

25 JURY FOREPERSON: Good morning.

1 THE WITNESS: Good morning.

2 JURY FOREPERSON: Grand Jury proceedings and
3 investigations are secret. You are therefore admonished
4 on behalf of the Mendocino County Superior Court and the
5 criminal grand jury not to disclose your grand jury
6 subpoena or your grand jury appearance to anyone and not
7 to reveal to any person any questions asked or any
8 responses given in the grand jury or any other matters
9 concerning the nature or subject of the grand jury's
10 investigation which you learned about by the grand jury
11 subpoena or during your grand jury appearance, except to
12 your own legal counsel. This admonition continues until
13 such time as the transcript of the grand jury proceeding
14 is made public or until disclosure is otherwise
15 authorized by the Court or by operation of law.
16 Violation of this admonition is punishable as contempt
17 of court.

18 - - -

19 EXAMINATION

20 Q (BY MR. STOEN) Good afternoon.

21 A Good afternoon.

22 Q Maybe we can move the chair up a little closer
23 so you can speak to the back.

24 Good morning.

25 A Good morning.

1 Q What is your occupation, Mary?

2 A I'm a professor at Santa Rosa Junior College,
3 and I have taught there full-time for over 20 years.

4 Q And where were you living in November 2010?

5 A At the same place that I live currently, which
6 is 4040 Quartz Drive in Santa Rosa, California.

7 Q Okay. And who were you living with, if
8 anybody?

9 A My husband, Will Baty.

10 Q Okay. And did you know Susan Keegan?

11 A I knew Susan Keegan well.

12 Q And how long had you known Susan Keegan?

13 A Susan and I had been close friends for about
14 20 years.

15 Q And how did you first get to know her?

16 A Susan and I met in grad. school. We were
17 getting our master's of English Literature together at
18 Sonoma State, and a professor that we both had in common
19 that we loved introduced us. Helen Dunn introduced us
20 thinking that, because we both loved to write, that we
21 would be friends. And she was right. That's how we
22 met.

23 Q Did you do any projects together in the early
24 part of your relationship?

25 A We did. We decided we would start to swap our

1 writing with each other. You know, it was risky to do
2 with anybody, but it was -- we just hit it off
3 immediately and had a real trust of each other. So
4 we -- we read each other's master's thesis together
5 and -- and helped each other with that. We both started
6 working on fiction. We swapped all of our fiction and
7 we edited all of that. I got a contract to write a book
8 on the Mexican Revolution, and because I so enjoyed
9 working with Susan, I decided to ask her if she would
10 like to write that book with me, and she agreed.

11 Q And was it published --

12 A It was.

13 Q -- with the coauthors?

14 A That's right. In 1996 we were the coauthors
15 of that book.

16 Q And what was your overall evaluation of her
17 character in November 2010?

18 A Susan was sad about what -- her pending
19 divorce, and she really loved her family and the
20 largeness of the family and she was worried about losing
21 touch with people that were -- that were Peter's
22 relatives through the divorce. But she was so engaged
23 and -- and always forward thinking and always a very
24 rational person and I think really involved in a lot of
25 things and looking forward.

1 Q And did you know her husband, Peter Keegan?

2 A I knew Peter Keegan.

3 Q I show you People's Exhibit number 4. Do you
4 recognize this?

5 A That's Peter Keegan.

6 Q Okay. Now, what was the nature of the
7 relationship between Susan and Peter Keegan as you
8 witnessed it over the years?

9 A I think a lot of -- a lot of my experience
10 watching them together as a couple was very comfortable
11 and -- and I -- and I thought loving. I knew them for a
12 long time, both of them. I went camping with them.
13 They came and visited me when I was teaching abroad in
14 Italy and stayed in my apartment. I -- I really knew
15 them well as a couple. We -- I also knew that Susan had
16 problems in her marriage because we were close friends
17 and we talked about intimate aspects of our lives with
18 each other. She --

19 Q Okay.

20 A Yeah.

21 Q Now, what was the -- when Peter -- did you
22 become aware of Peter filing for divorce on October 21,
23 2010 or so, at that time period?

24 A Yes. I became aware that he was asking for a
25 divorce about the first week in October of 2010.

1 Q And when you learned that Peter was divorcing
2 Susan, what was your reaction?

3 A I was shocked.

4 Q And were you aware of Susan's reaction when
5 she found out?

6 A I called --

7 Q What was her reaction, not what she said.

8 A Oh, she was also shocked.

9 Q Okay. Now, had you noticed any change of any
10 significant -- of any significance as to Peter's
11 demeanor preceding the divorce filing, say in the summer
12 of 2010?

13 A I -- I -- they came to our house for Susan's
14 birthday. I was the person who always made Susan a
15 chocolate birthday cake, and they came to our house for
16 that.

17 Q And what date would that have been?

18 A That was close to -- it was either on or close
19 to her birthday, July 23rd, 2010.

20 Q Okay. Was there anything significantly
21 different about Peter's demeanor on that date than
22 before?

23 A Just that he was perhaps more quiet or
24 withdrawn than usual.

25 Q Okay. Now, did Peter Keegan ever discuss with

1 you why he was divorcing Susan?

2 A He did.

3 Q Okay. And when was the first conversation
4 that you had about that subject?

5 A When he called to tell me that he had asked
6 for a divorce in the first week of October.

7 Q Do you recall when he called you?

8 A He called me in the afternoon. It was a
9 weekend.

10 Q What month and week, if you know?

11 A October. It would have been about the first
12 week of October.

13 Q Okay. And what did he say about Susan that
14 had caused him to seek a divorce?

15 A He -- he said that she had duped us all and
16 that we didn't realize that she was really this secret
17 alcohol and drug -- narcotics abuser.

18 Q Okay.

19 A And that that had destroyed their marriage.

20 Q And what was your reaction?

21 A Just shock.

22 Q Why?

23 A Because she wasn't.

24 Q Okay. Were you aware of any drugs that Susan
25 took?

1 A Recreational, yes.

2 Q Yes. Any -- any prescription drugs?

3 A She -- I know she took some Vicodin for pain
4 that she had.

5 Q Okay. Now after that phone call in late
6 October, did you -- did Peter Keegan have a further
7 discussion with you about divorcing Susan?

8 A He did.

9 Q And when and how did that come about?

10 A In about -- about a week and a half before
11 Susan died Peter called us on a Wednesday night at --

12 Q At what time?

13 A Nine -- 9:30 p.m. at night.

14 Q Okay.

15 A We don't usually take a lot of callers at 9:30
16 at night, but it was Peter. And so he asked to come by.
17 He said, "I'm in town." We live in Santa Rosa. He
18 said, "I'm driving through town on my way to my
19 brother's. Could I stop by?" And we said of course.
20 And -- and --

21 Q Did you welcome him?

22 A We did.

23 Q Okay. And did he talk to you at that time
24 about the divorce?

25 A He did.

1 Q What did he say to you?

2 A The same narrative that he had shared when he
3 called to talk about the divorce in the first place,
4 which was really articulating passionately that Susan
5 had a drug and alcohol problem and that she had
6 destroyed the marriage. He --

7 Q Did --

8 A Yes.

9 Q Did he put any blame on himself?

10 A He did not.

11 Q What was his demeanor on this occasion?

12 A Wired, he was manic, he was insistent, des --
13 like desperate to have us hear his story.

14 Q Do you notice anything physiologically about
15 him at that time?

16 A I thought he looked healthy, but -- you know,
17 in terms of like physical. He had been working out a
18 lot, and -- and so I think that -- that's all.

19 Q Okay. Do you know anything about his facial
20 features?

21 A I -- I don't.

22 Q Okay. Now, was that behavior normal for Peter
23 or not normal for Peter?

24 A Completely abnormal.

25 Q Okay.

1 A Yes, completely not normal.

2 Q And how did you evaluate his demeanor?

3 A We were perplexed that he should stop by at
4 such a late hour on a working night and -- and -- and --

5 Q Did you have an opinion as to his state of
6 mind?

7 A That he -- he did not seem normal to us.

8 Q Okay.

9 A He -- he -- he just -- he seemed sort of over
10 the top, desperate, energetic, very animated, very wide
11 awake for such a late hour.

12 Q Okay. I'd like to turn your attention to
13 November 10, 2010. Did you have occasion to meet with
14 Susan Keegan on that day?

15 A Yes.

16 Q Where did you meet?

17 A At our house.

18 Q And how had that meeting been set up?

19 A We invited Susan to dinner. She needed help
20 and requested our help to talk about her personal
21 financial situation, to get advice about how to sort of
22 position herself for going forward as a single woman.
23 And so we -- so I -- and I wanted to make dinner for her
24 and see her, so she came to our house for dinner.

25 Q I'm going to show you Exhibit Number 41, and

1 I'm going to ask you if you recognize this. Read it
2 first and tell me if you recognize it, and then please
3 identify it.

4 A Yes, I recognize this.

5 Q What is it?

6 A It's an e-mail that I wrote to Susan
7 confirming that she was going to be coming to our house
8 for dinner.

9 (Exhibit 41 was identified.)

10 Q (BY MR. STOEN) Now, does that e-mail reveal
11 the purpose of the evening which you were seeking Susan
12 Keegan to respond to?

13 A It does.

14 Q So would you please read that into the record,
15 that entire e-mail. Loud.

16 A On Monday, November 1st, 2010, at 10:45 a.m.,
17 Mary Pierce wrote:

18 "Hi Susan. Was thinking about you over
19 the weekend, competing with the World Series
20 for Shakespeare fans and hoping you were
21 having a royally good time as the queen. How
22 did it go? Did your extra-long fingers work
23 out? I hope you were having pictures taken in
24 the outfit. We are looking forward to seeing
25 you November 10th for dinner and relaxing,

1 hopefully helpful conversation. You are
2 welcome to spend the night, if you wish. I am
3 going to cook up a dinner you won't be able to
4 resist. And in case you are following the
5 Giants, a delightful distraction, here is a
6 very funny YouTube video that went viral a few
7 days ago, surprise hit by a very dedicated
8 fan." And there's the URL for that. "Love
9 Mary."

10 Q Okay. And was that indeed what the evening
11 was to be about?

12 A That's what it was to be about.

13 Q And what time did Susan arrive on November 10,
14 2011 -- 2010?

15 A Close to -- a little after 5:00 p.m.

16 Q Okay. So if you had to summarize the purpose
17 of meeting with Susan, what would it have been for?

18 A To -- to really talk about her financial
19 situation and -- and look at the -- the way that -- that
20 Susan and Peter were planning to -- to split their
21 assets.

22 Q And what, besides discussions, were you
23 planning to do with Susan?

24 A To -- to make sure she understood community
25 property.

1 Q And did you provide a dinner for her?

2 A And I -- and I made a dinner for her.

3 Q Yeah. And what kind of a dinner did you
4 provide for her?

5 A I really love to cook for people, so I made
6 comfort -- comfort food for the night. I chose a
7 favorite dish of mine; it was a chicken tagine with
8 lemons and olives and red peppers over couscous.

9 Q And what was the first thing you did when
10 Susan arrived? Did you have anything to drink, for
11 example?

12 A We each had a drink.

13 Q What was the drink that Susan had?

14 A She had a scotch and water over ice.

15 Q And with anything?

16 A With appetizers.

17 Q Okay. And did she refill it?

18 A She did not.

19 Q Okay. And did she eat a full meal or less
20 than a full meal?

21 A She ate a full meal.

22 Q Okay. And did Susan have anything else to eat
23 after that full meal?

24 A Yes. I had purchased a tart from a bakery.
25 It was an almond paste tart with pears on the top.

1 Q Did she have any of that?

2 A She did.

3 Q After dinner what did you specifically do?

4 A We went from the dining room into the living
5 room, we turned up the lights, she got her computer, I
6 got my computer, we sat next to each other on the sofa,
7 and we really went to work.

8 Q So if you were characterizing the evening, how
9 would you characterize it?

10 A A work -- a serious working evening.

11 Q Now, what did you notice about Susan's
12 demeanor in the course of this serious working meeting?
13 Was she depressed?

14 A She was sad, but -- and -- and I -- and of
15 course we talked about that, but -- but she was also
16 really very -- she was very interested in what we had to
17 say. We talked with quite a bit of detail.

18 I had -- had been divorced; my husband had
19 been divorced. We talked about those processes so that
20 she would have kind of a context for advice we were
21 offering. And it was a very serious, very intimate
22 conversation designed to help her to orient herself
23 around her pending divorce.

24 Q What was her mental state as you were going
25 through these discussions?

1 A Totally clear and observant, paying attention.
2 She took quite a few notes. She -- she was writing in
3 her laptop. She was keeping some kind of a -- a journal
4 of everything that was happening and she would say,
5 "Wait, let me get that down," and then she would write.
6 And we spent, I'd say, a couple hours like that.

7 Q Did she say anything specifically that caused
8 you to think she was determined to get on with her life?

9 A Yes. We talked about where she might move if
10 she was to sell the house in Ukiah, and she had looked
11 up real estate and showed me on the computer places she
12 was interested in. There was one in particular that was
13 about a mile from our house. I was so excited. I told
14 her, "We're going to go look at these places, we're
15 going to find you a place," and we determined to do
16 that.

17 Q And how did she respond when you made that
18 offer?

19 A Oh, she was delighted. We were -- we were --
20 we were excited about going to do that together.

21 Q Was there anything in her words or behavior
22 that was unusual or in the slightest way
23 self-destructive?

24 A No.

25 Q Do you recall what she was wearing that night?

1 A She was wearing some kind of a light-colored
2 top, not a heavy sweater or anything like that, some
3 kind of light material, and -- and she had on pants that
4 were like a gray or a taupe corduroy. She had brought a
5 jacket, but she wasn't wearing it. It was not a really
6 cold night.

7 Q Were you in a position to observe her wrists
8 and her hands?

9 A I was. We --

10 Q Did you notice any -- anything unusual, such
11 as injuries on her wrists or her hands?

12 A Nothing.

13 Q Would you have noticed such?

14 A I would have. I would have asked her.

15 Q Were you aware of any recent projects that
16 Susan was involved in?

17 A She had just played the Player Queen in
18 Hamlet.

19 Q Okay. And what was her attitude about playing
20 the Player Queen in Hamlet?

21 A She loved it. She called -- she -- it was
22 a --

23 Q What did she manifest on your evening meeting?
24 What was her emotional position about that play?

25 A It had been a wonderful distraction for her.

1 She loved Shakespeare and the people that she was
2 playing in the play with and was interested in doing
3 more acting.

4 Q Now, did she send you anything about herself
5 in that play?

6 A She sent me a picture of herself in her
7 costume.

8 Q Okay. Do you recall approximately what day
9 she sent that?

10 Take a look at the screen. This is People's
11 Exhibit Number 29. Tell me if you recognize that.

12 A Yeah, that's Susan dressed as the Player Queen
13 for Hamlet.

14 Q Okay. Is that the picture she sent you?

15 A Yes.

16 Q Did she indicate in an e-mail that she was
17 sending it to you or had sent it to you or anything?

18 A She did. She wrote an e-mail and said, "My
19 first days as a blond" and it's something like, "It's
20 truly fabulous." She -- she just -- she thought that
21 the costume was just over-the-top fun to wear.

22 Q Would you please speak up. I can't hear you.

23 A I'm sorry. She thought it was over-the-top
24 fun to wear this costume. It was one of the most
25 elaborate --

1 Q Okay. We can't talk about what she said.

2 A Okay.

3 Q To the extent you're repeating what her words
4 was, I ask the jury to disregard it, but you can talk
5 about attitude, demeanor, behavior.

6 A It was -- she -- she loved being in the play.

7 Q Okay.

8 A She loved reciting the lines.

9 Q Now, did -- do you recall how many days before
10 Susan's death that photo was sent to you, approximately?

11 A In -- in less than ten days.

12 Q Okay. I'm going to show you something, it's
13 not an exhibit, but just to see if it refreshes your
14 recollection as to the date that that may have been sent
15 to you.

16 A Yes. November the 2nd, 2010.

17 Q So does that refresh your recollection --

18 A Yes.

19 Q -- as to when that photo was sent to you?

20 A Yes.

21 Q Okay.

22 A Thank you.

23 Q Thank you.

24 What types of literature did Susan discuss
25 with you?

1 A Susan was the most voracious reader I've ever
2 known. She -- and we loved to talk about literature.
3 Obviously when we were getting our master's degrees in
4 English Literature we had classes together and really
5 talked extensively about English Literature and American
6 Literature.

7 Q And did she seem to know -- what was -- how
8 much knowledge did you think she had about
9 Shakespeare?

10 A She loved Shakespeare. In particular, she had
11 taken -- she had studied Shakespeare in graduate school
12 and taught a class on Shakespeare at Mendocino Community
13 College.

14 Q Now, did she ever perform or practice anything
15 from her Hamlet role before you shortly before her
16 death?

17 A She did.

18 Q Okay. And where did this take place?

19 A We met for lunch in Healdsburg on November
20 15th, 2010.

21 Q What date?

22 A November 15th, 2010.

23 Q No. Well, she passed away on November 11th.

24 A I'm sorry, October -- October 15th, 2010.

25 Q Okay. And where did you meet?

1 A We met at Ravenous, a cafe in Healdsburg.

2 Q And what did she do specifically with respect
3 to Shakespeare, performing for you?

4 A She recited her entire monolog for me over
5 lunch and then we discussed it.

6 Q Okay. Were you aware of any singing group
7 that Susan was involved in during October and November
8 2010?

9 A She was in a singing group for years called
10 "The And Who Sisters."

11 Q The what?

12 A "The And Who Sisters."

13 Q And what kind of a group was it?

14 A A -- a trio of singing. They sang.

15 Q Do you know what type of songs they sang?

16 A Kind of old-fashion Andrew Sisters type songs.

17 Q Okay. And do you know anybody else that was
18 in it, that singing group?

19 A Oh, I did know who was in it.

20 Q If you don't recall, that's fine.

21 A I -- I'm -- I don't recall.

22 Q So it was called "The And Who Sisters"?

23 A It was a play-on.

24 Q So it was like after The Andrew Sisters?

25 A Exactly.

1 Q Us older folks will remember.

2 A Yeah, okay. Yeah.

3 Q Returning to Susan's visit to your house on
4 November 10, 2010, do you recall what time she left your
5 house that night?

6 A She left our house at about 9 o'clock that
7 night.

8 Q Do you recall anything about -- about her when
9 she was leaving your house? Did she make any comments
10 about anything or note anything?

11 A She did. We -- we had urged her to stay, we
12 were worried about her, and she said -- and she -- and
13 she was confident about going home.

14 Q Did she make any observations about the
15 environment at that point?

16 A We did. We -- in front of our house we have a
17 little pond. And -- and there were lilies still
18 blooming, which is late -- in November is late for them
19 to be blooming, and she stopped and admired them and
20 said -- and just commented on how beautiful they were.

21 Q Where did Susan say she was going when she
22 left you?

23 A Home.

24 Q Now, based -- and do you know how long it
25 took -- takes for a person driving the speed limit from

1 your house to her house?

2 A About an hour.

3 Q Okay. Based on your relationship, would
4 Susan, in your opinion, have told you if she was going
5 anywhere else besides home?

6 A She would surely have told me.

7 Q Now, how did you learn of Susan's death?

8 A Peter Keegan called me on Friday morning.

9 Q On what day?

10 A On Friday, November 12th.

11 Q Okay. So when Susan came to visit you was a
12 Wednesday night; right?

13 A That's correct.

14 Q And so far as you know, she passed on a
15 Thursday -- her body was discovered on a Thursday; is
16 that correct?

17 A That's correct.

18 Q Okay. Now, what did Peter say to you in this
19 conversation?

20 A He said, "Mary, Susan has died."

21 Q Did you know it before he said that?

22 A I didn't.

23 Q Okay. And what else did he say?

24 A He -- he said that she had overdosed on
25 narcotics and alcohol and had fallen and hit her head

1 and died.

2 Q Okay. Did she -- did he say where he thought
3 she had been the evening before?

4 A He said that she had been out late with
5 friends Wednesday night and maybe until 11 o'clock at
6 night.

7 Q Okay. Did Peter ask you to do anything?

8 A He asked me to write her obituary.

9 Q Did you do so?

10 A I did.

11 Q Now, what was Peter Keegan's demeanor when he
12 told you about Susan's death and asked you to do this
13 obituary? How would you characterize his demeanor?

14 A Astonishingly businesslike and unemotional.

15 Q Okay. Did you attend the memorial service for
16 Susan?

17 A I did.

18 Q Did you speak?

19 A I did.

20 Q Did you note Peter Keegan's demeanor during
21 the memorial service?

22 A Peter was rational, calm, businesslike, even
23 sort of cheerful.

24 Q Did he offer a eulogy for his wife at the
25 memorial service?

1 A He did not.

2 Q Did he display any sorrow or remorse at all?

3 A None at all.

4 Q Was Susan cremated?

5 A She was.

6 Q Did Peter ever make some comment in your
7 presence about the ashes?

8 A That he was just -- he talked about the ashes
9 as if it was just something to get rid of.

10 Q Did he say whether or not he wanted the ashes?

11 A He didn't -- he did not want the ashes.

12 Q Okay. Were you aware of Peter Keegan at this
13 time having a Facebook page?

14 A I became aware that Peter had a Facebook page
15 after Susan's death.

16 Q And how did you become aware?

17 A Because Karyn Feiden, Susan's cousin, e-mailed
18 me to say --

19 Q Okay. You don't have to say what she said.

20 A Okay.

21 Q Did you notice any Facebook -- did you make a
22 point to search?

23 A So then I went to look and saw for myself that
24 Peter had in fact changed his Facebook -- on his
25 Facebook page.

1 Q What did you see when you saw it?

2 A That it -- that it said that he was interested
3 in finding female companionship.

4 Q Did he indicate his status?

5 A Widowed.

6 Q Pardon me?

7 A Widowed.

8 Q Okay. And how soon after Susan's death did
9 you notice this -- this portrayal of Peter Keegan's
10 status on Facebook?

11 A It was five days.

12 Q Okay. Now, in your 20 years of friendship
13 with Susan had you ever seen her stumble or lose her
14 balance?

15 A Never.

16 Q And in those years had you ever seen her rush
17 or act irrationally?

18 A No.

19 Q Turning back to November the 10th, after Susan
20 left your house at 9:00 p.m. did you make any attempts
21 to have any further communication with Susan?

22 A I did.

23 Q And what did you do?

24 A I thought about her driving home to a -- to a
25 bad situation, and I -- I wanted to send her a message

1 of love. So I sent -- I wrote an e-mail to her while I
2 knew she was driving so that when she got home she might
3 open that.

4 Q Were you familiar with her e-mail address?

5 A Yes.

6 Q Do you recall what it was?

7 A Oh, well --

8 Q I'm going to show you People's Exhibit next in
9 order, Exhibit 42. Take a look at this and tell me if
10 you recognize it and please tell us what it is.

11 A Oh, yes.

12 Q What is it?

13 A Oh, Susan Keegan's e-mail address.

14 Q Does that have Susan Keegan's e-mail on it?

15 A It does. This is an e-mail.

16 Q And what is the e-mail address?

17 A That is susankeeg@gmail.com.

18 Q Is that one you were familiar with before you
19 wrote that e-mail?

20 A Yes.

21 Q That address?

22 A Yes.

23 (Exhibit 42 was identified.)

24 Q (BY MR. STOEN) I made a mistake. That was
25 Exhibit 42, but I'm going to show you Exhibit 41 and ask

1 you if you recognize this.

2 A Yes, this one.

3 Q What is this?

4 A This is the e-mail that I wrote to Susan.

5 Q To Susan?

6 A To Susan to confirm the -- the date that she
7 was coming to our house for dinner.

8 Q Did she ever respond to that dinner?

9 A Are you --

10 Q I hope I have the right one. There are so
11 many documents floating around here.

12 No. Sorry, I confused you. I didn't mean to.

13 Okay. This -- what I'm giving you is Exhibit
14 42. Take a look at that and tell me if you recognize
15 that.

16 A Yes, I recognize this.

17 Q What is that?

18 A This is -- this is the e-mail that I wrote to
19 Susan when I knew she was driving home.

20 Q At what time did you send that e-mail out?

21 A This is dated Wednesday, November 10th, 2010,
22 at 9:47 p.m.

23 Q Now, would you have insufficient present
24 recollection about the statement to be able to testify
25 fully and accurately about it?

1 A I would have insufficient recollection.

2 Q Okay. Was this e-mail made when the facts
3 recorded in it were fresh in your memory?

4 A Absolutely.

5 Q And is that a true statement that you made in
6 that e-mail? Is whatever -- is whatever in that true?

7 A Yes.

8 Q And was this e-mail made by you personally?

9 A Yes.

10 Q Would you please read it slowly and loudly
11 into the record.

12 A Subject: Hello there. To: Susan Keegan.

13 "Hi Susan. I just wanted you to have a
14 friendly message in your e-mail box when you
15 next open it up. We were so glad to see you
16 tonight though the subject was so sad. Come
17 back often. Stay if you like. I'll check out
18 real estate with you or we can walk around the
19 lake and space out, whatever you need. I wish
20 I could do more, but at least I can promise to
21 be your sturdy friend through this ordeal."

22 Q Are you okay?

23 A I am.

24 "We can have as many conversations about
25 this as you like. I think tonight was just a

1 starting point. Links to consider" --

2 Do you want the URL or?

3 Q No, that's okay.

4 A Okay. "We'll talk soon. Love Mary."

5 Q Did that reflect the dates or the evening you
6 had with her when she left at 9 o'clock?

7 A Yes.

8 MR. STOEN: No further questions. We'll take
9 some from the grand jury.

10 JURY SECRETARY: Question number 90 from juror
11 636055.

12 Q (BY MR. STOEN) Why were you worried about her
13 going home? Was there a specific reason? Did you think
14 she was in danger?

15 A I thought she was in danger.

16 Q Based on what?

17 A I felt that she was enduring an extreme amount
18 of emotional abuse from Peter.

19 Q That was your personal --

20 A My husband --

21 MR. STOEN: I instruct the jury that that goes
22 to the state of mind of the witness and is not to be
23 considered for any other purpose.

24 Thank you.

25 JURY SECRETARY: Question number 91 from juror

1 609424.

2 Q (BY MR. STOEN) Do you know if Susan ingested
3 pot brownies the night of her visit to you?

4 A No, she didn't.

5 Q Did Susan phone or text you to say she made it
6 home safely?

7 A She didn't.

8 Q Was Susan keeping an active diary or journal
9 at the time of her death?

10 A She was.

11 Q Did you ever see or read it?

12 A I watched her type into it.

13 Q Pardon me?

14 A I watched her typing into it.

15 Q Did you ever get a chance to see it after
16 this?

17 A Not after that.

18 Q Do you know what happened to it? I mean do
19 you have personal knowledge of what happened to it?

20 A I don't have personal knowledge of what
21 happened to it.

22 JURY SECRETARY: Question number 92 from juror
23 616861.

24 Q (BY MR. STOEN) Was Mrs. Keegan hesitant to
25 leave your house that night?

1 A No.

2 Q Are you aware of what assets the Keegans had
3 to split?

4 A Yes.

5 Q What were they?

6 A About \$500,000. They owned their house
7 outright and they had some other --

8 Q And how do you know that?

9 A Because that's what the conversation was that
10 night.

11 Q Okay.

12 A We looked at spreadsheets.

13 Q Okay. Again, that doesn't go to --

14 A Okay.

15 Q -- anything that Susan said to you. It goes
16 to your state of mind.

17 A Okay.

18 Q The jurors are instructed to disregard it for
19 any other purpose.

20 Was Mrs. -- well, just based on your knowledge
21 of Mr. Keegan, do you have an opinion as to whether he
22 was the jealous type?

23 A There's a lot of ways to interpret that,
24 but --

25 Q If you can't interpret it, just say so. You

1 don't have to answer something that's hard to interpret.

2 A Yeah, I don't know how to respond to that.

3 Q Okay. And what was your mood after
4 Mrs. Keegan left your house?

5 A I was deeply worried about her.

6 Q Did you sense your friend's mortality?

7 A I had a moment when Susan was in her car. And
8 we both walked her out to her car. It was a nice night.
9 We were sorry she wasn't staying with us and that she
10 was going home, she was determined to go home. I didn't
11 always do this, but I was compelled to say, "Susan, I
12 love you."

13 Q Okay.

14 A And those were the last words I said to her.

15 Q Thank you.

16 JURY SECRETARY: Question number 93 from juror
17 620342.

18 Q (BY MR. STOEN) When Peter told you she had
19 been drinking and taking drugs, did you tell him that
20 Susan had spent the evening with you?

21 A I did.

22 Q And what -- if so, what was his reaction?

23 A He seemed unaware that she had been with us.

24 Q And did you say anything about the subject of
25 her taking drugs or not taking drugs?

1 A I said she left our house completely sober.

2 Q Those are your words to Peter Keegan?

3 A Yes.

4 Q Thank you.

5 MR. STOEN: Anything else?

6 JURY SECRETARY: That's it.

7 MR. STOEN: Okay. Well, thank you so much,
8 Mary. It's know it's been hard.

9 THE WITNESS: Thank you.

10 MR. STOEN: Ladies and gentlemen, my intention
11 was to try to wrap up the evidence today; but as life --
12 as you all know being people who participate in life,
13 things changed. We have been made aware there are some
14 additional witnesses that wish to appear in this case.
15 They are not available today. They will be available,
16 so far as we know, tomorrow morning. So I have no --
17 there is nothing further that I can do today with you.

18 And I apologize for those of you who have made
19 a long trip here, but we're going -- I have no more
20 evidence to submit, Madam Foreperson, today. We can
21 resume tomorrow whenever the reporter can get back from
22 her medical exam.

23 JURY FOREPERSON: Just out of curiosity, we
24 have A. Jay Chapman on here.

25 MR. STOEN: Pardon me?

1 JURY FOREPERSON: A. Jay Chapman.

2 MR. STOEN: He's going to be my last witness.

3 JURY FOREPERSON: Oh, okay.

4 A JUROR: How many more witnesses do you have?

5 MR. STOEN: It's beyond my control. Put it
6 that way. I don't know.

7 A JUROR: Well, who's calling these witnesses?

8 MR. STOEN: I have made an invitation for
9 witnesses -- put it this way, I'm calling them all, but
10 I have made overtures for any witnesses that have
11 anything to bear on this subject to appear.

12 Yes.

13 A JUROR: Seems there's a discrepancy in what
14 she said. I think if you look back at the record,
15 didn't she say that Susan had come to visit her on
16 November 10th and that Peter called her on November
17 12th?

18 MR. STOEN: That's what she said.

19 A JUROR: Wouldn't that be incorrect? Because
20 if she visited her on the 10th and she went home that
21 night, she was killed that night or died that night. So
22 wouldn't Peter have called her the next morning?

23 MR. STOEN: That's for you to -- that's not
24 for me to say.

25 A JUROR: Okay. So he did call her on the

1 12th.

2 A JUROR: Yes.

3 A JUROR: That's what I'm trying to clarify,
4 that he did call her on the 12th, not the 11th. So an
5 entire day went by. All right. Thank you.

6 MR. STOEN: So I thank you all for your
7 diligence in this case.

8 JURY FOREPERSON: I need to read the secrecy
9 admonition.

10 The jurors are admonished that they are not to
11 form or express any opinions about this case or discuss
12 it among themselves until the grand jury receives the
13 case for deliberation. In addition, no investigation or
14 inspection of any evidence should be conducted without
15 the permission of the foreperson and on advice of the
16 deputy district attorney. A violation of this can
17 result in a charge of contempt against a grand juror who
18 investigates or views any matters with regard to this
19 case without the entire body of the grand jury and in
20 violation of this admonition.

21 So tomorrow morning we'll come back at 9:30.

22 MR. STOEN: Yes, please.

23 We're off the record now.

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 pages 423 through 496 represent a complete, true and correct transcript of the proceedings had thereon.

Dated: August 17, 2017

Anne Ramirez, C.S.R. 6186
Court Reporter