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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 III
Pages 289 - 422

Reporter's Transcript of
Grand Jury Indictment Proceedings
Held on Friday, August 4, 2017.
Reported by Anne Ramirez, C.S.R. 6186.

APPEARANCES OF COUNSEL

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1 (Proceedings held on Friday, August 4, 2017.)

2 - - -

3 MR. STOEN: Would you please call the grand
4 jury to order.

5 JURY FOREPERSON: We are now in order, and I'm
6 going to take roll.

7 (Roll call taken; all jurors present.)

8 MR. STOEN: Can you state whether or not
9 everybody is here?

10 JURY FOREPERSON: We are all here and
11 accounted for, yes.

12 MR. STOEN: Thank you, Madam Foreperson.

13 Just by way of announcement of what to expect
14 today, we expect four witnesses for sure. First will be
15 Mike Hermann, next will be Karyn Feiden, third will be
16 Scott Poma, the fourth will be Kay Belschner, and if we
17 have time, we'll bring in Andy Alvarado.

18 So, with that, I'll get our first witness.

19 (Brief pause.)

20 MR. STOEN: Sit right there -- this is kind of
21 informal -- right in the chair, and you'll be sworn by
22 the reporter.

23 THE REPORTER: Will you raise your right hand,
24 please.

25 - - -

1 MICHAEL C. HERMANN

2 Called as a witness, having been sworn, testified as
3 follows:

4 - - -

5 THE REPORTER: Will you please state your name
6 and spell it.

7 THE WITNESS: Michael C. Hermann,
8 H-e-r-m-a-n-n.

9 THE REPORTER: Thank you.

10 JURY FOREPERSON: And I need to read to you
11 the secrecy admonition.

12 MR. STOEN: Please do so.

13 JURY FOREPERSON: Grand Jury proceedings and
14 investigations are secret. You are therefore admonished
15 on behalf of the Mendocino County Superior Court and the
16 criminal grand jury not to disclosure your grand jury
17 subpoena or your grand jury appearance to anyone and not
18 to reveal to any person any questions asked or any
19 responses given in the grand jury or any other matters
20 concerning the nature or subject of the grand jury's
21 investigation which you learned about by your grand jury
22 subpoena or during your grand jury appearance, except to
23 your own legal counsel. This admonition continues until
24 such time as the transcript of the grand jury proceeding
25 is made public or until disclosure is otherwise

1 authorized by the Court or by operation of law.
2 Violation of this admonition is punishable as contempt
3 of court.

4 THE WITNESS: I understand.

5 - - -

6 EXAMINATION

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

9 A I'm a licensed private investigator.

10 Q And what is the name of your firm?

11 A Mike Hermann Investigations.

12 Q Where are you located?

13 A I live in Sacramento; I also have an office in
14 Lakeport.

15 Q And how long have you been a private
16 investigator?

17 A Since the end of 2009.

18 Q And what was your occupation before that?

19 A Former law enforcement officer; 19 years law
20 enforcement experience.

21 Q How many years of law enforcement experience
22 did you have?

23 A Nineteen years.

24 Q And where did you -- where were you a law
25 enforcement officer?

1 A I started in Mendocino County in 1990, I
2 worked there until the end of 1995, and I went to
3 Clearlake Police Department.

4 Q And what -- and what rank did you rise to?

5 A Lieutenant.

6 Q Thank you.

7 And as a private investigator, what type of
8 cases were you handling around October 2010?

9 A A variety. Administrative, general private
10 investigations for companies, some for the Lake County
11 Sheriff's Office, and also private individuals.

12 Q I'd like to turn your attention to October
13 8th, 2010. Did you receive a request from anyone
14 regarding investigative assistance as to a computer
15 issue?

16 A As it relates to this case, the computer issue
17 did not come up until later in October.

18 Q Okay. Did you have -- I'm going -- did you
19 have a con -- contact with any person who came to you
20 during that period of time that resulted in a computer
21 issue being discussed?

22 A Yes.

23 Q Who was that?

24 A Mr. Keegan.

25 Q Okay. I'm going to show you People's Exhibit

1 Number 4. I'll represent to you this is a DMV photo of
2 a person. I'd ask you to take a look at that and tell
3 me if you recognize it.

4 A I do.

5 Q And how do you recognize it?

6 A That is the individual I met at a Lakeport
7 office.

8 Q And who is it?

9 A Peter Richard Keegan.

10 Q Is that the same person that represented
11 himself to be Peter Keegan to you?

12 A Yes.

13 Q Okay. And what did he first ask you to do?

14 A Initially -- at the time I was subcontracting
15 through LACO Investigations in Lake County. He had
16 hired us to look into a matter with Blue Shield. He
17 claimed that there was a request for services that he
18 did not make and he wanted us to try to find out who had
19 made those on his behalf.

20 Q And what did you do in response to that
21 request?

22 A Initially I had him sign a medical release
23 waiver. I contacted his Blue Shield, tried to contact
24 the supervisor, initially tried to find out how the
25 request came in, who made it. However, Mr. Keegan later

1 recontacted me and told me he had resolved it and we did
2 not need to do anything further on it.

3 Q So do you recall when his next contact was
4 after -- what date that was when he told you he had
5 resolved the issue?

6 A According to the notes I made from that, that
7 was on October 20th, 2010.

8 Q Okay. Did you have more than one contact on
9 that day of October 20th?

10 A I did.

11 Q How many?

12 A I believe several.

13 Q And could you tell us what those contacts
14 were?

15 A The initial was the conversation I had with
16 him explaining he had spoke to them, the issue had been
17 resolved. He later called back and asked if I would
18 check a computer laptop for him.

19 Q Okay. Did he say at that time what he wanted
20 checked?

21 A Yes. He wanted me to check it for the social
22 history, to find out if there's any way to find out if
23 his wife had been looking to move, and he also wanted me
24 to check her e-mail.

25 Q Okay. And what did you -- how did you

1 respond?

2 A I told him legally I could not check her
3 e-mail and the only way I could check the laptop is if
4 it was one that they both had legal access to, they both
5 commonly used.

6 Q What was his response?

7 A He -- he stated that they both commonly used
8 the laptop, they had mutual access to it, that they
9 shared it.

10 Q So you were saying that basically you could do
11 a general search of the computer, but you couldn't hack
12 into the e-mails; correct?

13 A Correct. If it was a laptop she solely used,
14 he could not give me permission to go into it. It would
15 be illegal to do so without her permission.

16 Q Now, turning to the next day, October 21, did
17 you meet Peter Keegan?

18 A I did.

19 Q And where did you meet him?

20 A At the offices in Lakeport.

21 Q And what did you do for him, if anything, on
22 that occasion?

23 A He brought a laptop computer in. I spent
24 several hours going through the general history of it,
25 looking at the search history, like to find out what

1 sites had been accessed.

2 Q Did you encounter any deleted e-mails?

3 A There appeared to be numerous items in it that
4 were deleted in the history.

5 Q Were you able to go through any of those
6 deleted e-mails?

7 A No, I was not.

8 Q What were you able to learn from this
9 particular search?

10 A It appeared someone had been searching for
11 apartments and homes.

12 Q Were you able to determine who that person
13 was?

14 A No.

15 Q Did Mr. Keegan make any specific requests of
16 you?

17 A He again asked me to try to access his wife's
18 personal e-mail.

19 Q And did he say why he wanted that done?

20 A He believed she was preparing to possibly
21 leave him.

22 Q Did he say anything more about her activities
23 that prompted him to make that request?

24 A Not that I recall.

25 Q And what was your response?

1 A I again told him I cannot access her e-mail
2 and I would not hack it.

3 Q And how many times did he make this request?

4 A He asked me that a couple times; I had to
5 repeatedly tell him no. And then he asked me if I would
6 put spyware on her computer.

7 Q What is spyware?

8 A Spyware is generally -- it's -- it's a program
9 you can put on computers where you can monitor what
10 people are doing. There's several different types of
11 spyware. There's remote spyware where you can remotely
12 see what people are typing in, what they're searching
13 for. There's also spyware you can put directly on the
14 computer to where if he had access to it, he can go in
15 and it would get him through password-protected areas so
16 he could see what she was doing.

17 Q Did he give you a particular reason for asking
18 for the spyware?

19 A Not that I recall.

20 Q And what was your response when he made that
21 request?

22 A I told him no, that it would be illegal.

23 Q Did he say -- did he do or say anything to try
24 to get you to change your mind?

25 A He did ask me several times. And then later,

1 after he had left, he had called me back and offered me
2 additional money if I would rethink my position on the
3 spyware.

4 Q What do you mean by additional money?

5 A He offered to pay me more money.

6 Q Than your standard rate?

7 A Yes. No, above my standard rate.

8 Q Above your standard rate.

9 A Yes.

10 Q What was your standard rate?

11 A At the time we were charging 65 an hour.

12 Q Okay. Did he tell you anything as to what he
13 had told his wife prior to bringing in the computer?

14 A Not that I recall. I know he was concerned
15 that she was doing something, but I -- I didn't document
16 verbatim what was said.

17 Q Okay. Did he -- I'd like to turn your
18 attention to seven months later, particularly around May
19 19, 2011. Did you have occasion to provide this
20 information to anybody in law enforcement in Mendocino
21 County?

22 A I later did, yes.

23 Q And -- and who did you give the report to?

24 A Well, initially I found out about this -- my
25 ex-wife is a deputy sheriff here. We speak often. And

1 in general we were talking, she was mentioning this
2 case, and I realized who she was talking about. I
3 informed her about my encounter with Mr. Keegan, and I
4 later spoke with Detective Sergeant Scott Poma about it.

5 Q With who?

6 A Scott Poma.

7 Q Okay. Was he a detective or a sergeant?

8 A I believe he was a detective sergeant.

9 Q Okay. And had you prior contacts with -- with
10 Sergeant Poma before that?

11 A Him and I were friends, yes.

12 Q Okay.

13 A I knew him.

14 MR. STOEN: No further questions.

15 We'll take questions from the grand jurors.

16 JURY SECRETARY: Question number 60 from juror
17 number 610214.

18 Q (BY MR. STOEN) Did you find evidence on the
19 computer to support that Mr. Keegan did share the
20 computer with Mrs. Keegan?

21 A No, I did not. There was no way to tell on
22 that other than he was able to log -- he was able to log
23 into the computer and turn it on.

24 Q Thank you.

25 MR. STOEN: Any other questions?

1 JURY SECRETARY: Question number 61 from juror
2 616861.

3 Q (BY MR. STOEN) And, sir, what is your
4 experience with computer forensics and your schooling
5 about computers?

6 Do you have specialized software to -- well,
7 let's start with those two questions.

8 A Experience with it, during my law enforcement
9 career I was both in investigations and I oversaw the
10 investigations division. We did several cases that
11 involved taking laptop computers, taking those things.
12 We do -- I did not have specific forensic, but I have
13 had training both on the job and specific POST training
14 dealing with going through initially looking for what
15 software, history browsers, things of that nature, plus
16 my own experience with my equipment.

17 Q So when you say POST training, does that mean
18 Peace Officers Standards and Training? Is that what
19 that stands for?

20 A Yes. We covered that in homicide school,
21 covered that in child abuse investigation, which I'm a
22 certified child abuse investigator, and part of that
23 investigation is checking software, checking computers,
24 knowing how to get into them, knowing what to generally
25 look for before sending them off for forensic testing.

1 Q And do you have specialized software to
2 facilitate the requests that are made to you?

3 A I do not, not of that nature. I do not have
4 access to -- if we were to do a full -- what they call a
5 forensic dump, where you're pulling everything off, I
6 don't have that.

7 MR. STOEN: Any other questions?

8 JURY SECRETARY: No.

9 MR. STOEN: Mr. Hermann, thank you so much for
10 showing up. We appreciate it.

11 (Brief pause.)

12 MR. STOEN: Ms. Feiden, if you would be kind
13 enough to sit in the turquoise chair.

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

16 - - -

17 KARYN FEIDEN

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

20 - - -

21 THE REPORTER: Would you please state your
22 name and spell it.

23 THE WITNESS: Karyn Feiden. K-a-r-y-n, last
24 is "F", as in Frank, e-i-d-e-n.

25 THE REPORTER: Thank you.

1 I live in New York City, and my occupation is
2 a health writer.

3 Q (BY MR. STOEN) Say that again?

4 A I write about health care.

5 Q Okay. And what relationship, if any, did you
6 have with Susan Keegan?

7 A She's my first cousin.

8 Q And what kind of contacts did you have with
9 Susan over the years?

10 A It goes back a long time. We went to summer
11 camp together. I lived in San Francisco in my early
12 twenties, and we spent a lot of time. She was living
13 here then. And over the next 40 years it was a rare
14 year that we didn't spend a week or two together either
15 in New York, in California, and the four of us, my
16 husband and I and Susan and her husband Peter, traveled
17 together.

18 Q Okay.

19 A We traveled together.

20 Q So you knew Peter Keegan; is that correct?

21 A Very well. He was family.

22 Q I'm going to show you People's Exhibit
23 Number 4, which is a DMV photo of somebody, and ask you
24 if you recognize this person.

25 A That's Peter Keegan.

1 Q Thank you.

2 And what kind of contacts did you have with
3 Peter Keegan over the years?

4 A As I said, he was -- he was family to me.

5 Q Pardon me?

6 A He was family to me. I mean the -- they were
7 our closest couple friends in a way. Peter videotaped
8 my parents' 50th wedding anniversary celebration, he
9 taught me how to make burritos, he -- he taught me the
10 constellations. We spent a lot of time together.

11 Q And in the course of your travels together did
12 you ever witness any behavior regarding medications?

13 A I did not.

14 Q Okay. And when did you become aware of
15 Peter's seeking a divorce from Susan?

16 A Susan and Peter had been with us in August of
17 2010.

18 Q Try to speak up so people in the last row can
19 hear you.

20 A Okay. Susan and Peter had stayed with us in
21 New York in August of 2010, two months before she died,
22 and so that was the last time I saw them. In October,
23 early October, I got an e-mail. I'll never forget the
24 subject line. It said, "Peter wants a divorce."

25 Q Okay.

1 A So that's how I knew.

2 Q And did you have an occasion to get any -- to
3 have any e-mail exchange with Peter within a week of him
4 filing the divorce, which I'll represent to you was
5 October 21?

6 I'm going to show you People's Exhibit 39.
7 Maybe that will make it easier. Tell me if you
8 recognize that.

9 A Yeah.

10 Q What is it?

11 A It is an e-mail exchange I had with Peter.
12 Peter called me within a couple of weeks after I had
13 learned about the divorce. And I had, by then,
14 understood that Peter was calling many of Susan's
15 friends to report that she was using drugs and she was
16 being terrible and mean to him, and so I chose not to
17 return his phone call. I didn't want to hear Susan
18 attacked from Peter. So, instead, I wrote him an e-mail
19 explaining why I wasn't going to call him, and that's
20 what this is.

21 (Exhibit 39 was identified.)

22 Q (BY MR. STOEN) Let me just take one look at
23 it.

24 I'd like you to read into the record, as
25 clearly as you can, the first part of your letter to

1 Peter, and then we'll have you read what he said in
2 response. So try -- if you want to stand up to make it
3 easier, feel free.

4 A Okay. So this is dated -- the e-mail is
5 dated, to Peter from me, October 16th, 3:15 p.m.

6 "Hi Peter. I didn't want to ignore your
7 call, but I just don't feel that it would be
8 fair or appropriate to talk to you just now.
9 Look, I've known you for more than 30 years
10 and you have been a great friend and a great
11 relative. I can think of numerous acts of
12 kindness and generosity on your part to my
13 friends and family. We have shared so many
14 adventures and activities. I deeply hope that
15 it will be possible to maintain our
16 connection, but for the moment, it is Susan's
17 life that is being torn apart with a great
18 deal of speed and volume and I can't be any
19 part of the forces allowing that to happen. I
20 can understand and respect that people need to
21 make major changes in their life, but to my
22 core, I believe that should be done with
23 kindness and discretion, remembering that
24 their actions now will remain a part of many
25 people's memories for years to come. Love,

1 feel free to e-mail, Karyn."

2 Q And did he make a response to that e-mail?

3 A He did.

4 Q Could you please read that into the record.

5 A Just 45 minutes later.

6 "Thanks for your note and I understand
7 you desires" -- "I understand you desire just
8 to hear Susan's side of things and support
9 her. I doubt she's telling you what's really
10 going on for her. I've talked to several
11 mutual Ukiah friends after she told, quote,
12 'lots of people,' unquote, about our marital
13 distress and was surprised to hear that she
14 was telling people I, quote, 'kicked her out
15 of the bedroom,' unquote, which was not true,
16 and that she left out relevant details.

17 "On a different subject, we had a great
18 garden. Huge surplus. If you would like
19 some, e-mail how much and when to FedEx it.
20 Peter."

21 Q Thank you. You may resume your seat,
22 Ms. Feiden.

23 Did Peter ever tell you verbally why he was
24 seeking a divorce?

25 A He did not.

1 Q Okay.

2 A I never spoke to him until after Susan's
3 death.

4 Q Notwithstanding your not sharing his opinion
5 about the divorce and Susan, did you have ill will
6 towards Peter at the time you learned of Susan's death?

7 A No, I didn't have -- I mean I was really
8 disturbed about his behavior. I was very disturbed at
9 the speed. Susan was going to lose her Thanksgiving.
10 That was her favorite holiday. Things were proceeding
11 so, so rapidly. So I was upset on Susan's behalf. I
12 thought it was bad behavior.

13 Q Had you seen any dramatic change in Peter's
14 behavior in 2010?

15 A You know, he'd had a heart attack -- and I
16 would not swear to the date, but I think it was within
17 the year of Susan's death -- and it had a profound
18 impact on him. He -- I think he sensed mortality. He
19 became kind of angry at the world. And when Peter's
20 angry at the world, that usually tended to mean that he
21 was angry at Susan and Susan was somehow responsible for
22 his aging. So that was a change.

23 Q That's enough on that subject. Thank you so
24 much.

25 Had you ever witnessed Susan having a serious

1 drug and alcohol problem?

2 A Never.

3 Q Did you have an exchange of e-mails with Peter
4 that were part of like a continuing process?

5 A Yes. After Susan's death, she died November
6 11th, on November 15th I wrote to Peter -- I initiated
7 contact. I basically said, Peter, I'm looking at photos
8 of you, of us, of the four of us. We had such great
9 times. What happened? And that triggered a cascading,
10 in my mind, remarkably inappropriate e-mail response
11 from Peter and then a series of e-mails after -- after
12 that where he went on these riffs about how mean Susan
13 was and her drug use and behavior and how she never did
14 anything right and how she deceived them for their
15 entire marriage, their entire 32-year marriage, and how
16 Susan was somebody that nobody else -- nobody really
17 knew the real Susan. She duped everybody.

18 Q Was that -- were those comments to you new to
19 you from him?

20 A Yes. They were incredibly inappropriate to a
21 grieving cousin as to -- as to how -- how terrible a
22 person Susan was. They were amazingly inappropriate.

23 Q I'm going to show you a series of e-mails
24 between you and Peter Keegan that commenced on December
25 the 13th, 2010, and ended on January 7th, 2011, so some

1 three weeks, I guess, and I'm going to ask you to just
2 page through these and tell me whether or not -- I
3 believe there are seven from you and seven from him --
4 whether or not these -- you recognize those and you can
5 identify those.

6 That is Exhibit 20.

7 A I'm sorry, the question is -- yes, I recognize
8 them. They were part of the e-mail exchange Peter and I
9 had.

10 (Exhibit 20 was identified.)

11 Q (BY MR. STOEN) Okay. I'm going to ask you
12 some highlights from them to assist the jury, and you
13 can refer to -- did I give you some highlighted portions
14 to make it easier for you to respond to my questions?
15 Did you bring those with you?

16 A They're not highlighted, no.

17 Q Okay. So with respect to the first e-mail,
18 what -- what did you say to Peter just generally?

19 A We were up in Woodstock, which is a cabin my
20 husband and I have together, and I said we were still
21 burning the wood he had split because, I guess, earlier
22 that summer Peter and Susan had been up at our place and
23 Peter went on a wood-splitting binge. It was great. We
24 had wood that whole winter, thanks to Peter.

25 So I just said how much we had loved hanging

1 out with them. And I asked what had happened with her
2 ashes and if he knew the time of her death.

3 Q Turn to the next page. Did he respond with
4 respect to the ashes and what did he say --

5 A He did.

6 Q -- about them just generally?

7 A He had split them into several portions,
8 handed them out to about seven people.

9 If I can interject, I think I was being
10 punished because I did not get any ashes. And two
11 family members offered to give me a piece of theirs.

12 Q Let me just go on to what he said about Susan
13 on that second paragraph with respect to what happened
14 on the night before she passed away. That would be the
15 second -- just read the second paragraph into the
16 record.

17 A Okay.

18 "It's not likely to have happened on your
19 birthday." Which my birthday is November
20 10th. "Susan was visiting Will and Mary that
21 night and probably wouldn't have gotten home
22 until after 11:00 p.m. She liked to stay up
23 late, often 1:00 to 2:00 a.m., and sleep till
24 9:00 or 10:00. She was drinking lots of
25 whiskey every night, but I'm guessing it would

1 be after midnight before she was fall-down
2 drunk. The 'under investigation' death
3 certificate lists the time she was found as
4 7:45 a.m."

5 Q And could you read the next paragraph, please,
6 the full paragraph.

7 A Yes.

8 "I was originally told by the mortuary
9 that it would take three to four weeks for
10 toxicology results to come back. When a month
11 went by, I called the coroner's office. They
12 said that's true only for simple toxicologies.
13 If it's complicated, it could be eight weeks
14 or more. Since Susan was using cannabis
15 (detectable for weeks), opiates (detectable
16 for several days), and had whiskey at her
17 bedside, I don't think that qualifies as a
18 simple toxicology."

19 Continue?

20 Q Yeah, just continue.

21 A All right.

22 "Moreover, while I was told to sit in a
23 chair, the police searched the house and found
24 three legitimate prescription bottles in her
25 name for" -- these are technical --

1 "Escitalopram (antidepressant), Buspirone
2 (anxiolytic), and Zolpidem (sleeping). They
3 showed me all the stuff they were
4 confiscating, including her prescription meds,
5 marijuana, and an unlabeled bottle of pills,
6 (probably hydrocodones) they found in her
7 nightstand. So it's probably a very
8 complicated toxicology."

9 Q Go on to the next page. Basically he asked
10 you a question at the end. What did he ask you?

11 A He did.

12 "Did Susan tell you about her opiate use, you
13 were one of her closest friends, or did you hear that
14 first from me?"

15 Q And did you respond to that?

16 A I did.

17 Q And what did you say in the next letter and
18 what is the date of it?

19 A The date of it is December 16th.

20 Q And how did you respond?

21 A It's the same day. I responded:

22 "The honest answer is that we didn't
23 discuss it much. I knew that painkillers and
24 antidepressants were not unfamiliar items in
25 your household, but I never thought much about

1 how they got there, nor who was using what.
2 Once in reference to a vaguely related
3 discussion, Susan said something like, 'I
4 think our drug use is about the same as it has
5 always been.'

6 "The obvious question back to you, given
7 your concerns, why didn't you mention them to
8 me previously?"

9 Q Did you get a response to your e-mail of that
10 particular question?

11 A Yes.

12 Q And could you read that e-mail -- what is the
13 date of it and what did he write in it?

14 A That's December 16th at 11:50 p.m. So the
15 second paragraph -- the first paragraph --

16 Q Yeah, the first paragraph you can ignore. All
17 this will go into the jury.

18 A Okay.

19 "You seem to have forgotten that I did
20 reach out and phone you wanting to tell you
21 what was going on, and you were clear that you
22 didn't want to hear what I had to say. I
23 reached out to all her friends (that were also
24 friends of mine), half wouldn't listen, the
25 other half didn't believe me. Jeanne got

1 every single detail and obviously didn't
2 believe me. Susan sweet-talked her. Even if
3 you knew sooner, it wouldn't have changed
4 anything. Susan did exactly what she wanted
5 and used words to make it seem right. It has
6 become apparent to me that she duped everyone,
7 me most of all."

8 Q Read the last paragraph.

9 A Okay.

10 "Another question. Please don't take it
11 the wrong way. Remember, we're trying to
12 figure out the enigma called Susan. You knew
13 her much longer than me, and still seem
14 interested in pursuing this. So here goes:
15 Did she ever discuss self-loathing with you?"

16 Q And did you respond to that?

17 A I did.

18 Q And what date?

19 A December 17th.

20 Q Please respond -- please read into the record
21 your response.

22 A All right.

23 "Hi Peter. I don't at all mind your
24 questions, and I am interested in
25 understanding your perspective, as well as

1 Susan's.

2 "In terms of her drug use, I wasn't
3 referring to the few weeks before her death,
4 when you did try to raise it with me, but
5 given the apparent extent and duration of the
6 problem, did you consider saying something
7 earlier, or when you were in New York in
8 August? Did you feel as if the problem had
9 grown in intensity much more recently?

10 "I'm not entirely sure about the meaning
11 of the two phrases you use. Say more about
12 your sense that Susan was duping people? As
13 to self-loathing, Susan could be hard on
14 herself, but I think you are suggesting
15 something of a higher order of magnitude, and
16 again, I think there is an idea here that I'm
17 not really clear about. No, we didn't really
18 discuss the issue of self-loathing."

19 Continue?

20 Q Yeah, let me just take a look.

21 Read the last paragraph, please.

22 A Okay.

23 "So I'm giving you more questions than
24 answers, which isn't entirely fair. Susan and
25 I were of course close, and I thought I

1 understood her core personality, but I did not
2 see her day-to-day reality. So perhaps I am
3 not the best source here. What is troubling
4 is your conclusion that she was someone
5 entirely different from what others saw.
6 Could that be true?"

7 Q And did Peter Keegan write back on December
8 21?

9 A Yes.

10 "Sorry to be slow responding. Big party
11 weekend for Karen Keegan celebrating her 60th
12 birthday in San Francisco. So the answer to
13 your last question is yes. She kept diaries
14 that were hidden in several places in our
15 house that I have found. Very dark. They
16 make very clear that she was a liar with
17 everyone, including the people that she loved.
18 Things really did deteriorate starting in the
19 spring when I finally forcefully confronted
20 her about her opiate addiction. That summer
21 was horrible. She was vicious to me with a
22 newfound intensity. I didn't bring it up to
23 you because I considered it a private issue
24 between the two of us. I hoped, that as her
25 confidante, she would share it with you of her

1 own volition. I spoke up only after it became
2 apparent that Susan was spreading terrible
3 untruths about me to our friends. When I
4 reached out to Mary, Susan was furious because
5 she hadn't shared with Mary yet and I got to
6 her first and revealed what was really going
7 on. Much of what I would like to share with
8 you is very dark and deeply disturbing. I
9 need your assurance that what I tell you
10 remains confidential except for David and that
11 you both promise not to say anything about
12 what is in her diaries and letters to anyone
13 else and certainly not Stan, Jeanne, Simon,
14 Luke, Bobby, Barry, your siblings. I want
15 people to keep it in their heads the image of
16 Susan as, quote, 'the angel of Ukiah' as one
17 person put it or, quote, 'to remember the good
18 stuff' as you put it. Do I have your
19 assurance of confidentiality so I can
20 continue?"

21 Q Okay. And did Peter Keegan write you a letter
22 on December 22nd?

23 A He did.

24 Q And does he discuss the diaries in that
25 letter?

1 A He does.

2 Q Can you just read the -- the first two main
3 paragraphs, please.

4 A Yes.

5 "Duping people, as you know, means
6 deceiving them. Susan was willing to say
7 whatever was necessary to present the image
8 she desired, regardless of what the truth was.
9 She lied easily and often. For example, I
10 moved out of the bedroom for my physical
11 health because she insisted on opening the
12 windows, even when the temperature was in the
13 fifties at night, and she came to bed drunk
14 and hogged the bed and the covers. After many
15 discussions where she clearly communicated
16 that she didn't care about my discomfort, I
17 chose to move to another room, but she told
18 her friends I, quote, 'kicked her out of the
19 bedroom.' Another: Jeanne got all the
20 details of Susan's drug and alcohol problems
21 from me, but was so deceived that she urged me
22 to get a scan of my head to check for a brain
23 tumor. Or yourself, certain that she never
24 had affairs when there's no way you could
25 really know this. You weren't her chaperone,

1 you knew only what she told you, and it was
2 important for Susan to present herself to you
3 as a virtuous woman."

4 Q Read the next paragraph, please.

5 A Okay.

6 "I found three volumes of her diaries
7 initially after her death that cover the
8 period from 1978 to 1995. She wrote about
9 many daily things, but also her sexuality and
10 feelings about me. Volume 1 was hidden in the
11 far back of a desk drawer and I call it
12 '(Married Woman) Seeking satisfactory sexual
13 relationship (unsuccessfully)'. Two months
14 after our marriage, all caps, (TWO MONTHS!)
15 exclamation point, she wrote that she had lost
16 sexual interest in me and was searching for an
17 erotic relationship. (There is a reference to
18 Karen in that diary entry, but she knew
19 several Karens. Were you in San Francisco in
20 April 1978?)"

21 Q That's enough on that one.

22 What were the dates that he said the diaries
23 were from?

24 A 1978 to 1995. There's three volumes.

25 Q Did he ever -- the next page did he write to

1 you something about a poem that was written in 2001?

2 A Yes.

3 Q And I won't have you read the words in that
4 poem because it will go to the jury.

5 And what's the last paragraph there in that
6 e-mail?

7 A The reference to the, quote,
8 "dysfunctional" --

9 Q "In one of your e-mails you wrote" ...

10 A Oh, okay.

11 "In one of the e-mails you wrote that
12 Susan said that Linda came by her neurosis
13 honestly, but she's a troubled woman. Seems
14 like that was true for Susan, too. I'd
15 appreciate any analysis you might want to
16 offer, but please no more platitudes."

17 Q Thank you.

18 Did you respond to his e-mail about Susan's
19 diaries?

20 A I did.

21 Q And what did -- what's the date that you
22 responded and what did you say?

23 A That's December 23rd, and I asked him if he
24 would share the diaries with me. He was quoting from
25 them selectively.

1 Q And what was his response about your request
2 to share the diaries and what date was his response?

3 A Also December 23rd, and he said they had had a
4 cleansing burning of the diaries.

5 Q What's the first words in that?

6 A "Too late. Already had the cleansing burning
7 that Linda and I agreed was needed. I saved only the
8 complete entry from April 1978, a few choice individual
9 pages, and the three-page poem of self-loathing."

10 Q That's enough on that one to get the gist.

11 What was your response in your next order and
12 what was the date of your letter?

13 A The date was December 27th -- I assume I was
14 out of town for the holiday -- and I said that I was --
15 I said:

16 "Wow. Well, I admit this took me aback.

17 I assume you discussed burning the diaries
18 with the boys, and obviously" -- her sons --
19 "and obviously their vote is the most
20 important one. But why in the world should
21 Linda have a voice here in the decision,
22 rather than Jeanne, Stan, or me? We were all
23 so much more involved in her life. Why
24 consult Linda and not us?"

25 Continue?

1 Q Keep going.

2 A Okay.

3 "I have to respect that there were things
4 in the diaries that were deeply painful to
5 you, but it just feels like another loss. I
6 can't have my cousin back, but can't I have a
7 little bit of her past? Wearing her jacket is
8 one thing, and it's nice, but knowing what she
9 thought and felt matters even more."

10 Q Next paragraph.

11 A "Peter, I know you stopped loving Susan, but
12 if the boys don't want this material, can't you throw
13 anything that is left in cartons and ship it to me? Or
14 Jeanne, if she wants it. Can you understand how this
15 could have real meaning to us?"

16 Q Who is Jeanne?

17 A Jeanne was Susan's biological mother.

18 Q Thank you.

19 A Susan was adopted.

20 Q And did you get a response from Peter Keegan
21 on December 31?

22 A I did.

23 Q And could you just -- could you read -- go to
24 the fourth paragraph, because all of this other will
25 come in. What did he say with respect to money?

1 A "I don't think Susan kept everything hidden
2 from you. I think you knew that Susan was not happy in
3 our relationship, wanted to get out, but didn't want to
4 lose her money bag."

5 Q Go on with the rest of it.

6 A Okay.

7 "She may have hid her infidelities and
8 other stuff from you so she could appear
9 perfect, as she wanted to appear with
10 everybody, but I bet she shared her feeling of
11 stuckness in our marriage. But that was quite
12 an impassioned plea from you to send 'anything
13 that is left.' Would you like her three-page
14 'Poem of self-loathing'? I warn you, it made
15 me physically ill."

16 Q Did he put something in parentheses after
17 "self-loathing"?

18 A Yes, I'm sorry.

19 "Would you like her three-page 'Poem of
20 self-loathing,' parentheses, (my title)? I
21 warn you, it made me physically ill."

22 Q Had he -- did he ever send you anything that
23 you asked for with respect to the diaries? Did he ever
24 send you anything?

25 A He had in the past.

1 Q Pardon me?

2 A He had in the past.

3 Q Okay. But any of this new stuff, --

4 A No.

5 Q -- had he sent it to you even though you
6 requested it?

7 A I did not request it. I didn't want anything
8 from Peter at that point.

9 From the garden?

10 I'm sorry, you're asking about the diaries?

11 Q Yeah.

12 A No -- I'm sorry, my apologies -- he never sent
13 me anything from the diaries.

14 Q Okay. Thank you.

15 And on the 7th of January he wrote a two-page
16 e-mail to you; is that correct?

17 A That's correct.

18 Q And in that did he say anything about -- let's
19 go down to the third paragraph -- as when the
20 relationship became changed?

21 Why don't you just read that third paragraph.

22 A All right.

23 "Meanwhile, I had our computers searched.

24 There was no Volume 5 of her diary. There was
25 extensive correspondence which took me over

1 six hours to read. I realize now, from what
2 you said in your last e-mail, and what I read,
3 that you were not a confidante of Susan's.
4 You knew very little of what was really going
5 on. Susan and my relationship had been
6 absolutely horrendous from early summer when I
7 confronted her about her drug and alcohol
8 abuse. That she indicated to you that our
9 relationship was good and the divorce was a
10 surprise was totally bogus."

11 Q That's good.

12 Okay. Did he -- turning to the next page, did
13 he indicate anything about Susan's attitude towards
14 full-time employment?

15 The top paragraph.

16 A Yes.

17 Q What did he say? Just the third line.

18 A "Susan was pleased that she would get large
19 spousal monthly support from me, but was despairing that
20 it also required that she engage in full-time
21 employment."

22 Q Let me back up here. Knowing Susan as you
23 did, what was Susan's attitude towards full-time
24 employment? Was she afraid to be employed, to be a
25 worker?

1 A No. She had always worked; sometimes
2 full-time, sometimes -- sometimes part-time. I mean she
3 was raising her boys. She worked -- she managed Peter's
4 office at a time. She worked for the Mendocino County
5 Public Health Department. She worked for the American
6 Cancer Society, you know, different -- different times
7 in her career. There were -- there were certainly gaps,
8 but she always worked.

9 And certainly when the divorce was in the
10 offing, I was helping her with her resume. She had done
11 a lot of health writing, which is my field, so I had a
12 couple of potential freelance contacts for her.

13 Q Okay.

14 A So we were working on her resume. And I had
15 already reached out to one of my clients to ask if she
16 might be interested in some additional help.

17 Q And she responded affirmatively to that?

18 A Yeah. She sent me her resume, I edited it,
19 she sent it back. We had a back and forth. When I told
20 her my client had some interest, she said, you know,
21 great or double great with a bunch of exclamation
22 points.

23 Q Okay. Let's go on to the same -- last
24 sentence. Did he make any accusations about Susan in
25 the first line there?

1 A This third paragraph?

2 Q Where it says, "To that end".

3 A To that end.

4 "To that end, let me also clarify that
5 Susan was a thief. She tried to steal \$5,000,
6 but got caught."

7 Q Okay. Now, I just want to summarize, what was
8 your reaction to the totality of all these e-mails from
9 Peter about Susan?

10 A It seemed very self-serving. I mean he was
11 creating this -- this portrait of the Susan nobody knew,
12 which would, you know, redound to his benefit. If Susan
13 was that much of a drug user, if Susan was that bad to
14 him, if Susan was this hidden person that none of us had
15 ever seen before, then surely her death made good sense.

16 So it seemed very self-serving and it seemed
17 manic, I mean just this free-flowing dialogue he was
18 engaging in, and it seemed utterly self-absorbed because
19 clearly he had never given much thought about how a
20 grieving cousin might feel hearing Susan attacked
21 like -- like that. And also the bits and pieces
22 throughout these e-mails about what a great time he was
23 having, "Great party up in Tahoe," he said. So it
24 seemed odd.

25 Q Let me just go on. Did you attend a memorial

1 service for Susan?

2 A I did.

3 Q And did you speak at that service?

4 A I did.

5 Q Given your knowledge of Susan, if she had
6 written something that could in any way be called a dark
7 diary in the 1990s, do you know why she would have
8 written something like that?

9 A Well, first of all, Susan was very analytical.
10 You know, she looked at problems and moods and ideas
11 from a thousand different angles. So she was a -- sort
12 of an intellectual explorer about both herself and the
13 world around her. So I could see that she would be
14 working out some thoughts.

15 The nineties, I think that she was -- being
16 adopted was no small emotional thing for Susan, and she
17 was looking for a way to find peace with it. She wanted
18 a relationship with her biological mother. She felt
19 like she had parents. You know, the adopted parents
20 were her parents, I was her family, her sister Linda was
21 her family, so she wasn't -- but it was a complicated --
22 it was a complicated emotional process.

23 Q Okay. Let me ask you this: Given your
24 knowledge of Susan, what activities with Susan in 2010
25 were you aware of that were inconsistent with dark

1 things she might have written about herself in the
2 1990s?

3 A I don't know where to start. I don't think
4 the Ukiah public library had a book left that Susan
5 hadn't -- hadn't read, but fortunately she had Amazon,
6 so she could order the universe of books. She was an
7 incredible reader. She was really exploring the
8 artistic side. She was part of this music group. She
9 acted in Hamlet. She was about to start an acting
10 course because she had loved Hamlet so much. She made
11 these tiles in her backyard. She took a creative
12 book-making course, and my husband is a poet and she
13 asked for a batch of his poems. So she made a book
14 from -- in her book-making class of his poems. So all
15 this artistic stuff, all this -- all this reading. And
16 travel, she loved to travel.

17 Q Was she ever a teacher, a college teacher?

18 A She was. She taught at Santa Rosa Junior
19 College maybe earlier in --

20 Q Do you know what her subject matter was?

21 A Communications and -- and English Literature,
22 I believe.

23 Q Okay.

24 A But --

25 Q If you don't know, --

1 A Yeah.

2 Q -- don't say or speculate.

3 A I believe that's true.

4 Q Based on your personal experiences with Susan,
5 did you ever believe her, even in the 1990s, to be
6 suicidal?

7 A Absolutely not.

8 Q When you came out for the memorial service did
9 you have conversations with Peter about Susan's passing?

10 A Yeah.

11 Q What did he say?

12 A Well, he had -- his -- he explained his story
13 of what had happened and what happened when the cops
14 came. He said that he didn't know where she was that
15 night and hadn't seen her when she got home and walked
16 into -- at that point they were in separate bedrooms.
17 And when he got up in the morning, he found her lying
18 with -- as I recall, with her feet in the bedroom and
19 the rest of her body in the bathroom.

20 Q Did you have any suspicions as to his
21 explanations at that time?

22 A I did.

23 Q Okay.

24 A I had -- you know, from the moment I heard
25 about Susan's death, I had suspicions, I had questions.

1 Q Did you take any action towards investigation
2 of the death of Susan Keegan?

3 A Well, you know, from the moment that I -- I
4 heard about it -- I was actually out of the country. I
5 was in Berlin. So I heard about it functionally a day
6 late because of the time difference. But when I did
7 hear about it, the first thing I did was pick up the
8 phone and figure out who to call in the sheriff's
9 office, find out what was going on, find out what was
10 going to happen with her body, and almost immediately,
11 essentially, pleaded with them to take a very close
12 look, please take this seriously. I can still hear my
13 voice, "just take this seriously."

14 One of them in the office said, "What do you
15 want me to do?" I said, "Just take it seriously."

16 I didn't know what had happened. I needed
17 them to find out.

18 Q Okay. And then did you get any response from
19 the law enforcement community in response to your
20 plea?

21 A Not a very satisfactory -- I mean I began to
22 make a pest of myself. I figured out the system. I
23 figured out who the people were. I wrote -- I mean the
24 immediate concern obviously was -- was the -- was
25 investigating the house and -- and an appropriate

1 autopsy. So the first couple of days I didn't really
2 know what they were doing. I had made my phone calls.

3 Q Did you hire anybody to assist you in the
4 investigation?

5 A Yeah. That was six weeks later. I mean I had
6 continued to -- to call and I was -- you know, I was
7 getting these e-mails from Peter, so I was -- I was
8 concerned that there was -- you know, there certainly
9 wasn't an arrest. There was no apparent quick
10 investigation.

11 I mean I had by then written letters to
12 everyone I could figure out to write to in the sheriff's
13 department, including the Sheriff and his Captain, all
14 sorts of people. And, you know, you don't know how this
15 stuff works; I haven't actually dealt with a lot of
16 homicides in my past. So at a certain point I and Mary
17 Pierce had gotten the name of a private investigator who
18 knew all the players and met with him and asked for his
19 help.

20 Q And who was that?

21 A Gary Hill.

22 Q Okay. And what did he do for you?

23 A We -- we had some e-mail exchanges that was
24 really -- and he was -- he was asking questions for us.
25 He was asking questions for us and he was asking both

1 the sheriff's department and by then it was a new DA.
2 He was, you know, putting the piece of paper at a higher
3 place on what, I'm sure, was a big pile. He was
4 bringing it to their attention.

5 Q Did he take any money from you?

6 A He did not.

7 Q Did you offer him a retainer?

8 A We did. He said, "Let me see if there is
9 really that much I can do for you."

10 Q Okay. And did you contact any newspapers
11 regarding Susan's death?

12 A Yeah. Let's see, the first -- the first
13 contact -- I mean I had -- I talked to every reporter I
14 could find, and I tried to talk to other reporters.

15 Q Did you get a response at some time from Peter
16 regarding his opinion as to your contacting newspapers?

17 A Oh, yes, right. So the Anderson Valley
18 Advertiser did a big piece on the open questions of
19 Susan's death.

20 Q I want to -- I want to show you People's
21 Exhibit Number 40, and I'm asking if you recognize this
22 document and, if so, what is it.

23 A I do recognize it. This was not an e-mail,
24 this was a typed letter that he mailed to me with a copy
25 of the Anderson Valley Advertiser enclosed.

1 (Exhibit 40 was identified.)

2 Q (BY MR. STOEN) And what date did you receive
3 that?

4 A March 3rd, 2011.

5 Q And what does it say? Read it loud and clear
6 to the jury.

7 A Loud and clear.

8 "Greetings. Wanted to be sure you didn't
9 miss the scandalous AVA article that you
10 contributed to. Bruce got it wrong. Not
11 unusual. The toxicology report is back and
12 showed high levels of opiates, alcohol,
13 cannabis, antidepressants, tranquilizers, and
14 other very weird stuff. Susan kept secret
15 journals that I found after her death. Very
16 disturbing. She had a hard time verbalizing
17 the truth. Duped all her friends and
18 obviously thought that writing about her weird
19 psyche was satisfactory when really she needed
20 professional help. Initially I thought her
21 death was accidental overdose. Now it's
22 apparent it was suicide. 'P'."

23 Q So, in other words, Peter Keegan had two
24 explanations for Susan's death; is that correct?

25 A That seems to be correct, yes.

1 Q Now, did you come -- did there come a time
2 when you learned that law enforcement had
3 recharacterized Susan's cause of death?

4 A Yes.

5 Q And what -- what did you learn and when did
6 you learn it?

7 A I mean I learned that it had been
8 recharacterized as a homicide. Exactly when I learned
9 it, I don't -- I don't know. I'm sure within a few days
10 of it happening. By then I had made a pest of myself to
11 everybody, so somebody would have told me.

12 Q Let me ask you this: Did you then do any
13 further action besides contacting newspapers and
14 reporters and besides hiring a private -- or asking a
15 private investigator to assist you? Did you take
16 further steps with respect to the death of Susan Keegan?

17 A And besides contacting every elected official
18 I could come up with, I also started, with Mary Pierce,
19 a blog, a website on Susan Keegan.

20 Q And what's the name of that?

21 A Justice4Susan.com. That would be with the
22 number "4".

23 Q Who contributes to that website?

24 A Mary and I. I write it; she does the design.

25 Q Is it still in existence?

1 A It is.

2 Q So you have strong feelings about this case,
3 don't you?

4 A I have strong feelings about this case, yes.
5 I have come to believe that Susan was murdered, and I
6 don't believe a civilized society wants to allow that to
7 happen unpunished.

8 Q Okay. Now, did you -- and you really loved
9 Susan, didn't you?

10 A Sure. She was great.

11 MR. STOEN: No further questions.

12 THE WITNESS: I called her my cuz. "Hi, cuz."
13 "How are you doing, cuz?"

14 MR. STOEN: We'll take questions from the
15 grand jury, please.

16 JURY SECRETARY: Number 62 from juror
17 number 609424.

18 Q (BY MR. STOEN) At what point after Susan's
19 death did you begin to alter your opinion on the cause
20 of her death and Peter's possible involvement?

21 A I had questions immediately. It was too
22 convenient that Susan had just dropped dead in the
23 middle of this acrimonious divorce proceeding, thereby
24 solving all of Peter's problems for him and giving him
25 the full household assets. So I had immediate

1 questions. I became more convinced with that e-mail
2 exchange, with his bizarre manic behavior at the
3 memorial.

4 Q Explain -- what was his bizarre behavior at
5 the memorial?

6 A Well, he -- he was kind of hosting a party.
7 So I mean there was -- there was no surprise. There was
8 certainly no regret. There -- there was no --

9 Q Was there any remorse or sorrow expressed?

10 A There was no sorrow. There was no sorrow. I
11 mean, okay, they were having an acrimonious divorce, but
12 32 years and two kids and a lifetime together, he was --
13 he was not surprised and there was no kind of grief.

14 Q Okay. And what -- this probably has already
15 been answered, but a follow-up question with what
16 precipitated that change, was there anything specific or
17 was it just sort of a course of events kind of thing?

18 A It was -- it was -- it was a course of events.
19 I mean, you know, if Peter had called me up and said,
20 "Karyn, I really need to talk to you about this," you
21 know, "let's go through this because I understand you."
22 I mean we had a very personal relationship.

23 He -- he sort of -- besides the angry e-mails,
24 he just so completely -- he was very suspicious of me.
25 He knew I was asking a lot of questions. He could have

1 opened up a -- a more direct dialogue so we could
2 really -- I could really have been convinced that I was
3 just wrong on this.

4 MR. STOEN: Next question.

5 JURY SECRETARY: Question number 63 from juror
6 619185.

7 Q (BY MR. STOEN) Did Peter ever indicate to you
8 that he found any diaries written by Susan anytime
9 between 1996 and 2010?

10 A No. I knew Susan kept diaries, but Peter had
11 never indicated that.

12 JURY SECRETARY: Number 64 from juror 616861.

13 MR. STOEN: This is the multiple questioner.

14 JURY SECRETARY: Yeah.

15 Q (BY MR. STOEN) Did Mr. Keegan confide in you?

16 A Over time?

17 Q At any time. Or if he did, when did it start
18 and stop, etcetera.

19 A I mean the -- the most personal, most
20 confiding was in -- was in these e-mails. You know, I
21 would not say that I was privy to his deep emotional
22 thoughts. We talked a lot about his work life and he
23 was tired of working. He didn't tell me that he had
24 grown terrified of death after his heart attack.

25 I'd -- I'd appreciate a little elaboration on

1 this. You know, we were not -- we didn't reveal our
2 souls to each other, but we talked quite a lot about --
3 about life and things.

4 Q Okay. While traveling or during visits, did
5 you ever witness Mrs. Keegan abuse alcohol or drugs?

6 A I did not witness her abuse alcohol or drugs.
7 She smoked a lot of pot. She was a recreational pot
8 smoker.

9 Q Do you feel -- well, this is speculative, so
10 it's inadmissible.

11 Was Mr. Keegan supportive of Mrs. Keegan
12 wanting to connect with her biological mother?

13 A Oh, that's an interesting question. You know,
14 it was a long time ago. Her biological mother surfaced
15 when Susan was 18. So she and Peter knew each other,
16 but they weren't involved. But over many years, yeah, I
17 think he was.

18 Q Okay. Needless to say, you are unhappy how
19 this case was being investigated; yes or no?

20 A Needless -- I want to make sure I say this
21 right. I am unhappy about how this case had been
22 investigated.

23 Q Was there a life insurance policy on
24 Mrs. Keegan?

25 A I'm not aware of one.

1 Q Thank you.

2 JURY SECRETARY: Question number 65 from juror
3 636055.

4 Q (BY MR. STOEN) Do you think it possible that
5 Susan Keegan could have had a drinking and drug problem
6 that she kept well hidden?

7 A I do not think that's possible.

8 Q Thank you.

9 JURY SECRETARY: Number 66, juror
10 number 641677.

11 Q (BY MR. STOEN) Did Mr. Keegan tell you that
12 he had moved out of the bedroom?

13 A Only after Susan's death.

14 Oh, yeah. So the e-mails said he had moved
15 out; the fact was that Susan had moved out.

16 Q And do you know anything that would explain
17 that inconsistency?

18 A No. I noticed that, too. No.

19 Q How did Susan and Peter relate to each other
20 during their visits with you in New York the August
21 before her death?

22 A That -- that specific visit Peter was very
23 removed. He was very not engaged. Unlike most visits
24 where the four of us did all sorts of things together
25 and then in different combinations, Peter would get up

1 in the morning and come back to our apartment early
2 evening. I'd say, "Peter, what have you been up to
3 today?" "I took a walk." "Where did you go?" "I went
4 down to Battery Park City." Well, that's a ten-mile
5 walk.

6 So he -- he was kind of off on -- I mean he --
7 he joined us. They went to a Yankees game. We met up
8 with their son several times. So he was part of some
9 activities, but he was much more withdrawn than he had
10 been in the past.

11 Q So there was a difference --

12 A There was a real difference.

13 Q -- from the previous years; is that correct?

14 A There was a major difference. We all talked
15 about it.

16 JURY SECRETARY: Question number 67 from juror
17 610214.

18 Q (BY MR. STOEN) When Mr. Keegan offered to
19 FedEx things from the garden, was he not talking about
20 produce?

21 A He was not talking -- well, he was talking
22 about marijuana which he grew and which over the years
23 he had sent to me.

24 Q And how do you know that? Had he ever
25 discussed that with you?

1 A He sent it to me.

2 Q So he had discussed growing marijuana with
3 you?

4 A Yes. I saw it in the garden; I saw it hanging
5 in the garage; I saw it show up in my apartment in a
6 FedEx box.

7 MR. STOEN: Anything else?

8 JURY SECRETARY: Nothing.

9 MR. STOEN: Thank you for showing up. We
10 deeply appreciate it.

11 Let's take a break.

12 JURY FOREPERSON: Please do not form any
13 opinions or talk about this case when you exit the
14 courtroom, please.

15 MR. STOEN: The admonition.

16 JURY FOREPERSON: Before you leave.

17 MR. STOEN: I think you gave the admonition at
18 the beginning.

19 JURY FOREPERSON: Yes.

20 MR. STOEN: This is the jurors' admonition.

21 JURY FOREPERSON: Grand jurors are admonished
22 that they're not to form or express any opinion about
23 the case or discuss it among themselves until the grand
24 jury receives the case for deliberation. In addition,
25 no investigation or inspection of any evidence should be

1 conducted without the permission of the foreperson and
2 on advice of the deputy district attorney. A violation
3 of this could result in a charge of contempt against a
4 grand juror who investigates or views any matters with
5 regard to this case without the entire body of the grand
6 jury and in violation of this admonition.

7 So ten minutes. Come back at 10:55.

8 (Recess taken.)

9 MR. STOEN: Take the roll, Madam Foreperson.

10 (Roll call taken; all jurors present.)

11 MR. STOEN: If you would be kind enough to
12 take the seat there in the witness chair.

13 - - -

14 SCOTT POMA

15 Called as a witness, having been sworn, testified as
16 follows:

17 - - -

18 THE REPORTER: Please state your name and
19 spell your last name.

20 THE WITNESS: Scott Poma, P-o-m-a.

21 THE REPORTER: Thank you.

22 JURY FOREPERSON: So I'm going to read the
23 secrecy admonition to you.

24 The grand jury proceedings and investigations
25 are secret. You are therefore admonished on behalf of

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

15 - - -

16 EXAMINATION

17 Q (BY MR. STOEN) Scott, if you could speak up
18 to the last row, please. We don't have a microphone
19 here.

20 A No problem.

21 Q Kind of informal.

22 What is your occupation, sir?

23 A I work for the Mendocino County Sheriff's
24 Office.

25 Q As what?

1 A Sergeant, sergeant of patrol right now.

2 Q Do you have -- and how long have you worked --
3 how many years of law enforcement experience do you
4 have?

5 A Twenty-five out on patrol.

6 Q And I'd like to turn your attention to
7 November 2010. Did you have special duties at that time
8 within law enforcement?

9 A Yes. I was the assistant chief deputy
10 coroner, or the deputy chief deputy coroner at the time.

11 Q Okay. And you were the chief deputy coroner;
12 is that correct?

13 A I was the assistant or the deputy chief deputy
14 coroner. Rusty Noe, the lieutenant, was the chief
15 deputy coroner.

16 Q Did you have responsibilities in investigation
17 of crimes, as well as coroner activities at the same
18 time or did you specialize on one versus the other?

19 A Actually, at the time I was also in charge of
20 animal control for our patrol division.

21 Q Okay.

22 A JUROR: Can you speak up a little bit more?

23 THE WITNESS: I also was part of the Animal
24 Control Division, supervising them.

25 MR. STOEN: I wonder if could have you move

1 your chair forward a little bit into the space there and
2 everybody might hear you better.

3 Q (BY MR. STOEN) Now, did you obtain any
4 information from any deputy coroner on November 11th,
5 2010, as to a suspicious death?

6 A Yes, I did.

7 Q And who was the deputy coroner that reported
8 that?

9 A Deputy Jackie Rainwater.

10 Q And who was identified as the person whose
11 death was suspicious?

12 A Susan Keegan.

13 Q And what did Deputy Rainwater say to you as to
14 what she thought was suspicious about the death?

15 A Her injuries, injuries to her head, lack of
16 blood, injuries to her hands, and just the scene.

17 Q And did you attend the autopsy conducted by
18 Dr. Trent the next day?

19 A No, I did not.

20 Q Did you, prior to the autopsy, ask Dr. Trent
21 to do anything specific during the autopsy?

22 A Yes. I had gone down to the autopsy, but
23 there was a detective there, Detective Andy Porter,
24 there was Jackie Rainwater, Sergeant Scott, who was on
25 the scene at the time, so there was really no room for

1 me. But her hands were swollen in the pictures, and I
2 wanted to know what had happened to her hands.

3 Q And did you bring that to the attention of
4 Dr. Trent personally, that concern?

5 A Yes. Yes, I did.

6 Q And had you seen photos taken by Jackie
7 Rainwater of Susan Keegan as found?

8 A Yes.

9 Q I'm going to show you Exhibit 7, which has
10 many subsections, individual photographs 7-A through
11 7-S. Just take a look at them and tell me if you have
12 seen those before and, if so, please identify them.

13 A Yes, I have.

14 Q And what was it about the hands that concerned
15 you particularly?

16 A The discoloration, the puffiness, and mainly
17 just the --

18 Q How about the position of the hands, was that
19 of concern to you?

20 A Well, the position would basically be -- if
21 that was lividity, her hands were upside down. The
22 blood would pool on the bottom. Her hands were
23 positioned on her lap, so they were up. So there should
24 be no lividity. So that discoloration would most likely
25 be bruising or something.

1 Q Okay. Now, did you ask Dr. Trent to do
2 anything specific with respect to the hands and arms?

3 A Tell me whether -- if he needed x-rays, we'd
4 make x-rays available for him.

5 Q Okay. Did you later talk to Dr. Trent to ask
6 him if he took the x-rays?

7 A Yes.

8 Q And what did he say?

9 A No.

10 Q I'll take those off your hands.

11 What was it about the -- the lacerations to
12 the head that concerned you, if anything?

13 A Severity, their position on top of the head.
14 With the injuries, the contact on the counter, you know,
15 the blood there.

16 Q How many death investigations had you made
17 prior to November 11th, 2010?

18 A In excess of 40 death investigations and
19 probably co-lead or the lead investigator on probably 20
20 to 25.

21 Q Thank you.

22 Now, in early January 2011 did you have a
23 conversation with Dr. Trent about your concerns?

24 A Yes, I did.

25 Q And what specific concerns did you bring to

1 his attention?

2 A The injuries, the hands. Basically everything
3 that we've gone through.

4 Q Did you ask him how the hands were a certain
5 way or words to that effect or --

6 A Well, I asked him if -- you know, how --
7 what -- still what occurred to the hands, and he could
8 not explain them. So ...

9 Q What was his response when you brought that
10 concern up about the hands?

11 A Well, I asked if there was another --

12 Q Was he able to make an explanation to you?

13 A No, he could not.

14 Q Did he say that he could not or did he just
15 not make an explanation?

16 A He said he could not explain it.

17 Q Okay. What did he say at that time he was
18 going to give as the cause of death in his necropsy
19 report?

20 A Blunt force -- or trauma due to fall.

21 Q Okay. And what was your response when he told
22 you that he was going to attribute the death to a fall?

23 A I didn't --

24 Q Did you ask him for anything -- for follow-up?

25 A I asked if there was another pathologist we

1 could talk to.

2 Q And what was his response?

3 A We were going to contact a guy that used to
4 fill in for him, Dr. Ferenc.

5 Q The guy that used to what?

6 A Fill in for him when he was on vacation.

7 Q Okay. And did he name that person?

8 A Dr. Michael Ferenc.

9 Q And did he say where that person, Dr. Mike
10 Ferenc, was working?

11 A At that time he was working in Maine.

12 Q And what did Dr. Trent ask you to send to
13 Dr. Ferenc?

14 A My case file. To include blood results,
15 pictures, initial investigative reports.

16 Q Including all the photographs --

17 A Yes.

18 Q -- at the scene, as well as the autopsy
19 photographs?

20 A Both, yes.

21 Q And did you send all those items to
22 Dr. Ferenc?

23 A Yes, I did.

24 Q And turning to February 28, 2011, did you
25 speak by phone with Dr. Ferenc regarding his findings?

1 A Yes, I did.

2 Q And did he make any verbal comments about his
3 findings as to how quickly he thought Susan died?

4 A He thought it had been quickly.

5 Q And what did he say about the bruising and
6 discoloration of the hands and arms?

7 A He could not explain it.

8 Q Did he suggest any possibility?

9 A Trauma, blunt force trauma.

10 Q And what is blunt force trauma?

11 A It means having your hands struck by another
12 object.

13 Q Did he also ask you anything about the
14 decedent's activities that might have --

15 A Oh, he asked if she could have received those
16 injuries by walking around the house bumping into things
17 because there were also injuries to her feet, small
18 lacerations to -- her hands had small lacerations.

19 Q What was your response to that?

20 A Well, I told him I didn't think that, there
21 was nothing really in the house that would cause that,
22 and if she had blood injuries, that they would be -- it
23 would cause blood drops throughout the house.

24 Q And was there any indication based -- based on
25 Deputy Rainwater or anybody else to suggest that there

1 was blood in the house?

2 A Not that they observed, no.

3 Q Okay. Other than the bathroom.

4 Did he make any statements as to the pattern
5 of the wound on the hands?

6 A There was no pattern. It was -- you couldn't
7 tell what kind of a weapon was used or anything.

8 Q Did he offer an explanation for the injuries
9 to the arms and hands?

10 A No, he could not.

11 Q Did he say whether or not he had an
12 explanation?

13 A Like I said, just he thought she might have
14 bumped into something.

15 Q But did you ask him specifically: Do you have
16 an explanation for the condition of the hands and arms?

17 A I don't remember, but he never had any
18 explanation.

19 Q Okay. I'd like to turn your attention to
20 April 20th, 2011. Did you have a meeting with any
21 pathologist that was knew to the case?

22 A Yes, Dr. Jay Chapman.

23 Q And who is Dr. Chapman?

24 A He's a contract pathologist with Sonoma
25 County.

1 Q And where was this meeting held?

2 A At the sheriff's office.

3 Q And who attended it?

4 A Dr. Chapman, Dr. Jason Trent, Deputy
5 Rainwater, I believe Kevin DeVries from the DA's office,
6 and Andy Alvarado from the DA's office.

7 Q And you were there, too?

8 A Yes.

9 Q And do you know why Dr. Chapman was there?

10 A Well, originally he was there to speak to
11 Dr. Trent regarding his findings on Dr. Trent's case.

12 Q Had you seen any document from Dr. Chapman
13 prior to that meeting whereby he rendered an opinion
14 about the cause of death to Susan Keegan?

15 A Yes, he did.

16 Q Did you see that letter?

17 A Yes, I did. It should just be a single page.

18 Q Here, I'm going to show you People's Exhibit
19 Number 13. Take a look at it and tell me if you
20 recognize it and, if so, please identify it.

21 A Yes, this is a letter that he sent to the
22 district attorney.

23 Q That's the letter you saw Dr. Chapman in
24 possession of or discussing at that meeting?

25 A Yes.

1 Q And could you just -- let me take a look.

2 Could you just read the first sentence in the
3 second paragraph beginning with the word "based" real
4 loud.

5 A "Based upon this review, it is my opinion that
6 the injuries observed on the body are assaultive in
7 nature and were not reasonably produced by accidental
8 means."

9 Q Now, what impact did this meeting with
10 Dr. Chapman and Deputy Rainwater have on Dr. Trent?

11 A He changed his opinion.

12 Q And how did he change his opinion?

13 A He sent an amendment to his original report.

14 Q And what was the new amendment? Did you see
15 it?

16 I'll show you the supplemental report on
17 necropsy, People's Exhibit number 14. Do you recognize
18 that?

19 A Yes, I do.

20 Q And what does he say is the cause of death to
21 Susan Keegan?

22 A The cause of death is aspiration of vomitus,
23 but due to blunt force -- blunt force trauma to head.

24 Q And how does blunt force trauma to head relate
25 to the word "assault"?

1 A Well, if it's an assault and the cause of
2 death, it's usually a homicide.

3 Q So is there a relationship between those words
4 and the word "assault"?

5 A Yes.

6 Q Thanks.

7 In the sheriff's office are coroner duties --
8 at that time were they separated from criminal
9 investigation duties?

10 A Yes.

11 Q And in what way were they separated?

12 A Coroners were to determine manner and cause of
13 death, usually natural, or all types of deaths and the
14 manners, and detectives usually do assaults and
15 homicides.

16 Q So that's where detectives come in as
17 distinguished from coroners?

18 A Yes.

19 Q And who were the specific people in the
20 Mendocino County Sheriff's Office in charge of
21 conducting criminal investigations when there was a
22 death deemed suspicious as criminal assault?

23 A Well, there's Lieutenant Noe, who was in
24 charge of investigations, but also Sergeant Van Patten
25 at the time of detectives.

1 Q Now, what was the protocol -- after a deputy
2 coroner investigates a body, determines there's
3 something suspicious about it, what's the protocol for
4 getting the criminal investigation people involved?

5 A Well, usually when we're on the scene, if it's
6 a suspicious death, we would call the detectives at that
7 point.

8 Q Okay. Now, was there something going on on
9 November 11th, 2010, in the morning that may have been a
10 diversion?

11 A Yes, they were investigating an
12 officer-involved shooting on the coast.

13 Q And that diversion, would that have -- how
14 long would that diversion have lasted?

15 A Most of that day and into probably the next
16 day.

17 Q Okay. Now, based on your training and
18 experience, what should have been done at the outset
19 from a criminal investigation perspective based on
20 Deputy Rainwater's report as to a blood sample from
21 Dr. Keegan?

22 A Well, due to the suspicious nature of the
23 investigation, due to his statements that he made on
24 scene, you would have obtained a blood sample.

25 Q Would you have to get a search warrant for

1 that?

2 A I would first go with the thing that we're
3 investigating this death. Since you think that you're
4 going to be a suspect, I would like, you know,
5 voluntarily. But if he wouldn't voluntarily, then I
6 would get a search warrant, yes.

7 Q And would it take very long to get a search
8 warrant?

9 A Not at all.

10 Q How long would it take?

11 A An hour.

12 Q Thank you.

13 A Depending on judges and stuff, yeah.

14 Q Now, based on Deputy Rainwater's concerns,
15 what should have been done as to looking for evidence of
16 drugs that may have been taken by Dr. Keegan?

17 A Well, the whole -- at the point where there's
18 no detectives, then basically you would have to start
19 your own investigation into a suspicious death; looking
20 for items of -- maybe looking for drugs that he may have
21 taken, looking for drugs that she had taken.

22 Q So there would be a search for like a safe or
23 other container that may have had drugs in the house?
24 Would that be considered protocol?

25 A Yeah. At some point, yes.

1 Q Now, I'm going to show you People's Exhibit
2 Number 8. I'll represent to you that this is a photo
3 taken by Jacquelyn Rainwater of Peter Keegan at the
4 scene.

5 A Uh-huh.

6 Q Do you see anything about that face that is
7 suspicious to you?

8 A Droopy eyes and basically cottonmouth at the
9 corners.

10 Q What does that indicate to you based on your
11 training and experience?

12 A It's just part of it, but it's basically under
13 the influence of a narcotic.

14 Q Okay. Did you listen to any of the 9-1-1
15 calls that Peter Keegan made?

16 A Yes, I did.

17 Q Was there anything about those 9-1-1 calls
18 that was of significance to you as to the tone of voice,
19 for example?

20 A Yeah. He sounded like he was out of it,
21 sounded -- I mean unemotional.

22 Q Did that seem typical or unusual?

23 A Unusual.

24 Q And what would have been done about a search
25 for, say, a weapon? Would that have been done had there

1 been an immediate law enforcement criminal
2 investigation --

3 A Yes.

4 Q -- of the house and the grounds?

5 A Yes. We would have secured the residence and
6 done a -- I mean we actually did a horrible job at the
7 onset of the investigation.

8 Q Let me ask you this: Assuming that the
9 lacerations on the head of Susan Keegan were large
10 enough to leave blood, would there -- would it have been
11 typical or not typical for blood to have been found in
12 the bathroom with her on the floor?

13 A Well, you think there would be -- from the
14 injuries, even from the little injuries, that there
15 would be blood around and about the floor, yes.

16 Q And so if there was going to be an immediate
17 investigation criminally, would it be wise to look for
18 rags that cleaned up the blood?

19 A You would look for anything. Like I said, you
20 would look for the rags, you would look for cleaning
21 solutions, you would have looked for -- in the garbage
22 cans to see, you know.

23 Q And how about computers, what would have been
24 done about computers had there been an active immediate
25 criminal investigation?

1 A They would have been seized to go through.

2 Q Okay. Were any of those things done at the
3 outset of this case?

4 A No. They treated it as a coroner's case,
5 which I mean on a coroner's case you're feeling sorry
6 for the family, trying to do your job and not -- but at
7 a point where a coroner's case is no longer a coroner's
8 case, then basically you have to step -- step up.

9 Q Now, what steps did you or Deputy Rainwater
10 take to bring Susan Keegan's suspicious death to the
11 attention of the persons in charge of criminal
12 investigations?

13 A I went to Sergeant Van Patten, told him that
14 this death was -- looked like an assault and it looked
15 like a homicide, and he told me that he was not
16 interested.

17 Q Okay. Did he give a reason?

18 A Basically because there's now been -- we have
19 lost all of the evidence at the house that would --

20 Q Do you know who had been contacted with
21 authority for criminal investigations off the bat after
22 the finding of Susan's body?

23 A Well, the detectives would have been.

24 Q Who would that be?

25 A Sergeant Van Patten.

1 Q Okay. Did Susan Keegan's death take place
2 within the County rather than the City of Ukiah?

3 A Yes, it did.

4 Q So if it had happened within the city limits
5 of Ukiah, would it have been the City of Ukiah police
6 force that had the lead agency responsibility for
7 investigating?

8 A Yes.

9 Q But because this was in the southern part of
10 Ukiah that was not part of the city limits, it was the
11 sheriff's obligation to investigate?

12 A Yes.

13 Q I'd like to turn your attention to May 19th,
14 2011. Were you contacted by anyone concerning Susan
15 Keegan's death?

16 A I believe at that time I was contacted by Mike
17 Hermann.

18 Q How did you know Mike Hermann?

19 A Mike Hermann used to be employed with the
20 sheriff's office.

21 Q And what -- and did he give you a reason why
22 he was contacting you?

23 A He knew the investigation through the media
24 and basically knew they were investigating Peter Keegan.

25 Q Okay. And what did he tell you, just

1 generally?

2 A That Peter Keegan had contacted him to go
3 through his computer.

4 Q Did he say what Peter Keegan had asked Mike
5 Hermann to do in his search of that computer?

6 A He asked him to actually at one point go
7 through his wife's e-mails, and Deputy Hermann -- or
8 Mike said that he couldn't do it.

9 Q Did he also ask Mike Hermann for anything in
10 addition to that that you recall?

11 A Install spyware.

12 Q Okay. Now, what did you do with this new
13 information from Mike Hermann?

14 A Basically, it's just another piece of the
15 puzzle I mean.

16 Q Now, was the coroner's office responsible for
17 issuing official documents regarding Susan Keegan's
18 death?

19 A Yes. We fill out the death certificate.
20 That's our job.

21 Q Okay. I'm going to show you Exhibit Number
22 21, which is entitled "Certificate of Death," ask you to
23 take a look at it and tell me if you recognize it,
24 please.

25 A Yes, I do.

1 Q What is it?

2 A A certificate of death.

3 (Exhibit 21 was identified.)

4 Q (BY MR. STOEN) When is it signed?

5 A Well, usually for filing purposes, on any
6 death if it takes over a couple days, we'll mark it
7 pending. And this one was signed on 11/15.

8 Q So that's only four days after the discovery
9 of the body. So it's basically a pending account of
10 what happened, pending investigation?

11 A Pending investigation, yes.

12 Q Okay. Now, I'm going to show you Exhibit 11.
13 Sergeant, I'll take that back. This is entitled "Death
14 Investigation Report." I'd like you to take a look at
15 it, it's Exhibit Number 11, and tell me if you recognize
16 it and please identify it.

17 A Yes, I do. This is our face sheet of our
18 death investigation reports.

19 (Exhibit 11 was identified.)

20 Q (BY MR. STOEN) Okay. What's the purpose of
21 that report?

22 A It's our records.

23 Q And who prepared that report?

24 A Jackie started the first part and then the
25 secretary at the time would have done this.

1 Q Okay. Did you sign it?

2 A Yes, I did.

3 Q What is the meaning on item 119 with the words
4 "could not be determined"? What does that refer to?

5 A You're thinking of the face -- this is our
6 face page.

7 Q Yes.

8 A You're thinking of the amendment of the --

9 Q Right. I just wanted to see what was amended.
10 Is that the document that was amended later?

11 A This doesn't have a 119, no. This one we
12 would find --

13 Q Okay. What was the purpose of that being
14 prepared? That's my issue.

15 A Well, this is basically our records for -- I
16 mean this is our records.

17 Q Was that filed with the state?

18 A No, this is not.

19 Q Okay.

20 A You're thinking of the death certificate.
21 This is our death investigation report.

22 Q Okay. Well, let's get to that.

23 Now, I'd like to show you People's Exhibit
24 Number 23, and I believe it's two pages. Could you just
25 look at both pages and, first of all, look at the first

1 page and tell me what it is and if you recognize it and
2 then look at the second page and do the same.

3 A Well, these are certified -- there's actually
4 three pages.

5 Q Three pages.

6 A This is a certified copy of what -- basically
7 the information that we give. We don't ever have these.
8 These are filed by the county.

9 Q Okay.

10 (Exhibit 23 was identified.)

11 Q (BY MR. STOEN) Now, do you see in that
12 exhibit any reference to Susan Keegan having fallen
13 under item 107(B)?

14 A Yes, I do.

15 Q And do you know how the word "fall" got in
16 there?

17 A Because at that time I was notified by
18 Lieutenant Noe saying that we had to sign this out, it
19 could no longer be filed as a pending investigation due
20 to the time limit.

21 Q So on what basis was the word "fall" put into
22 that document?

23 A Because at the time I signed it as could not
24 be determined --

25 Q Okay.

1 A -- even though I was investigating it still as
2 an assault or a homicide. So ...

3 Q So was Dr. Trent's report or first necropsy
4 report instrumental in that conclusion as to fall, in
5 your opinion?

6 A His first one, not his -- no, not his second
7 one.

8 Q But his first one was.

9 A Yes.

10 Q So that would have been part of the mindset on
11 the preparation of that particular document; is that
12 correct?

13 A Yes.

14 Q Now, I'm going to show you -- on that same
15 exhibit do you see one that's called "Coroner's Amended
16 Death Investigation Report"?

17 A See, that's where you're -- you're confused.
18 That's our thing. This is the court clerk's for the
19 county. That has nothing to do with us. We just give
20 them the causes.

21 Q Okay. Even though you didn't -- it's not your
22 baby --

23 A Well, no, but it is. That's how they get --
24 my baby gives them these findings.

25 Q Is that the second or third page of the

1 exhibit?

2 A That's the third page.

3 Q On the third page of the exhibit, is this
4 something you had played a role in preparing?

5 A Yes.

6 Q And what is -- and what's the title on it?

7 A "State of California, Certification of Vital
8 Record."

9 Q Does it indicate whether it's an amended or an
10 original report?

11 A This is an amendment.

12 Q Okay. And is there anything in this amended
13 report that's different from the one previous with the
14 word "fall" in it?

15 A Yeah, we don't -- because it's not an
16 accidental, we changed that area to blunt force trauma
17 to head.

18 Q Okay. And did you go further and put another
19 word in there besides blunt force trauma?

20 A Yeah, we changed the manner of death to
21 homicide.

22 Q Okay. And did you -- was that your personal
23 opinion at the time that that was prepared, that this
24 was a homicide?

25 A That was my opinion the whole time, through

1 this whole investigation.

2 Q Okay. And so you were instrumental in the
3 preparation of that amended report to add the word
4 "homicide" in August of 2012; is that correct?

5 A Correct.

6 Q Thank you.

7 Do you know why or what accounted for the time
8 difference between Dr. Trent's supplemental necropsy
9 report dated April 27, 2011 and that report which is
10 dated in August of 2012? That's like a 15-month
11 difference. Do you know what the cause for that delay
12 was?

13 A Further investigation.

14 Q Was this amendment to homicide then sent to
15 the state office of vital records?

16 A Yes, that's --

17 Q And is it filed there to this day as an
18 official record with the State of California?

19 A Yes, that's what this whole packet is.

20 Q After Susan's death was declared to be a
21 homicide in August 2012, was it brought to the attention
22 of the criminal investigations unit of the sheriff's
23 office?

24 A Yeah. They knew the whole time, too.

25 Q And what actions were thereafter taken by the

1 criminal investigations unit of the sheriff's office, if
2 you know?

3 A None.

4 Q Do you know why no further action was taken?

5 A Well, at this point we had asked for
6 assistance from the deputy investigators from the DA's
7 office.

8 MR. STOEN: Okay. No further questions.

9 We have some from the grand jury.

10 JURY SECRETARY: Question number 68 from juror
11 number 624323.

12 Q (BY MR. STOEN) Do you like to be called
13 Sergeant Scott or how do you like to be addressed?

14 A Scott's fine.

15 Q Scott's fine?

16 A Scott's fine.

17 Q Good.

18 Do you know if Susan Keegan had a will?

19 A No, I do not. And that's something that we
20 would have -- when we're on death investigations, we
21 usually look for wills or -- so they're actually in safe
22 hands instead of the other party.

23 Q Do you know if it was Susan's desire -- do you
24 know whether Susan's body was cremated?

25 A Yes, the day after our autopsy.

1 Q Okay. You don't know if she had a desire to
2 be cremated, do you?

3 A No, I do not.

4 JURY SECRETARY: Question number 69 from juror
5 number 609424.

6 Q (BY MR. STOEN) What police or law enforcement
7 officer should have escalated this case to a criminal
8 investigation during the initial response?

9 A At what point or --

10 Q I believe it pertains to Jacquelyn Rainwater
11 being the deputy on scene and who should she have
12 reported this to.

13 A Well, it would have been the detectives, but
14 they were -- they were busy on an officer-involved
15 shooting.

16 Q Was anybody contacted by her, to your
17 knowledge, in the detective unit or above?

18 A I think Captain Smallcomb at the time was,
19 yes.

20 Q Okay. In your opinion, was the initial death
21 scene investigation handled inappropriately?

22 A Yes. One, we don't have any -- what she was
23 wearing that night. I mean the house is -- or her room
24 was in very clean condition. I mean there's no clothes
25 from that night that she wore that were -- I mean they

1 could have been in the hamper or it could have been --
2 but most times when you come home in the night they're
3 laying on the bed or they're laying on the floor, and
4 everything was squared away.

5 So yeah, I mean that's all the stuff we lost
6 because of not doing the first initial investigation and
7 treating it like a coroner's case instead of a homicide.

8 MR. STOEN: Next question.

9 JURY SECRETARY: Question number 70 from juror
10 616861. Questions.

11 MR. STOEN: Multiple.

12 Q (BY MR. STOEN) At what point does suspicion
13 warrant further investigation?

14 A Right away.

15 Q Would you agree that two different officers
16 thought it was odd and that there should have been
17 multiple -- and that there were multiple
18 inconsistencies?

19 A Multiple inconsistencies. What --

20 Q Do you believe -- well, is it true -- I'm just
21 quoting the question here.

22 A Okay.

23 Q Did two different officers think there were
24 multiple inconsistencies?

25 A Yes. I mean I talked to Sergeant Scott, who

1 used to be a detective with me, Deputy Dan Lockart was
2 there, all of them had questions. I mean, like I said,
3 when I came in the next day my question was: Why didn't
4 you call me?

5 But there were so many things that -- I mean
6 she had marks on her -- on her wrists that were
7 discolorations, inconsistent with the swelling of the
8 hands. I mean there were so many things that should
9 have sent up markers, that it's a tragedy.

10 Q Are you aware if the prescription meds were
11 taken as they should have been, meaning the number of
12 pills in the bottle with respect to daily normal use?
13 Are you aware if the prescription meds were taken as
14 they should be?

15 That's probably speculation or probably --

16 A Well, usually when we go to a coroner's
17 investigation we'll take the pills and the pills will
18 have a count; and if they were just given out on the
19 10th and it's ten days later and she was supposed to
20 take one pill a day and there's no pills left or there's
21 50 pills left and they started her off with 50 pills,
22 then that's how you can kind of determine if she's been
23 abusing the pills or --

24 Q Was there any attempt made to make that
25 determination in this case?

1 A I believe we did the pill counts and
2 everything. That never came --

3 Q I'm sorry?

4 A I don't know if we took the medication at all.

5 Q What kind of item would cause head trauma like
6 observed in Mrs. Keegan, what kind of weapon?

7 A I don't know because they are actually a
8 sharp -- the tears on them are not like a tear from a
9 blunt -- something that could be sharp. But the hands
10 are something that's -- and the only thing I was
11 thinking of was maybe like a book or something that
12 you -- basically would not leave a mark, but would
13 basically cause the swelling. So if you're protecting
14 yourself like this, you were --

15 Q Could the type of laceration on Susan Keegan's
16 head have been caused by something being swung at her?

17 A Oh, yes.

18 Q Okay. How heavy is a pathologist's
19 recommendation or opinion as to death considered? Is it
20 considered very important in the scheme of things?

21 A Very important.

22 Q So does it affect the ability of law
23 enforcement or the willingness of law enforcement to
24 pursue the matter?

25 A I guess not at this point because I went to --

1 we actually went to two other investigators or
2 pathologists.

3 Q In your experience, do people normally call
4 9-1-1 multiple times to report in?

5 A No, it's usually only one.

6 Q In this case was it appropriate or
7 inappropriate for the four telephone calls to have been
8 made by Peter Keegan?

9 A I mean he could have done everything in one
10 call, I believe, but --

11 Q I mean isn't there a difference between a call
12 for a medical response as distinguished from a call for
13 a patrol response?

14 A Well, we have -- they have office lines there.
15 So, basically, you wouldn't tie up the 9-1-1 lines.

16 Q Are you aware of how many 9-1-1 calls were
17 made by Mr. Keegan on November 11th, 2010?

18 A I don't know the exact count, but it was more
19 than three.

20 Q Okay. In your opinion was due diligence
21 followed in this case in terms of crime scene
22 investigation?

23 A No. And that's our -- that's the sheriff's
24 office's fault, no one else's.

25 MR. STOEN: Next question.

1 JURY SECRETARY: Question 71 from juror
2 641677.

3 Q (BY MR. STOEN) Is it unusual to have
4 secondary review of autopsies conducted by a forensic
5 pathologist on the other side of the country? A
6 California case sent to Maine, was that unusual?

7 A I just asked for another pathologist he knew,
8 and I knew Michael Ferenc because he did fill in for
9 Dr. Trent.

10 Q So that wasn't unusual for you?

11 A No. That was just a pathologist that I was
12 familiar with.

13 Q Did you help make that selection or did -- was
14 it totally Dr. Trent's?

15 A It was Dr. Trent, but I was okay with it since
16 it was -- yeah, Michael Ferenc is a really sharp
17 pathologist.

18 Q Well, if you haven't already done so, how do
19 you explain the quote, "terrible job," unquote, done by
20 the sheriff's department at the initial response to the
21 Keegan home?

22 A Only thing I can explain is they kept it kind
23 of like as a coroner's investigation and didn't take it
24 to the next step where it would have been a criminal
25 investigation.

1 MR. STOEN: Next question.

2 JURY SECRETARY: Question number 72 from juror
3 number 610214.

4 Q (BY MR. STOEN) Were fingerprints taken of the
5 non-prescription bottles found in Mrs. Keegan's dresser?

6 A Non-prescribed pills?

7 Q Non-prescription, yeah. If you have knowledge
8 of this.

9 A Well, we would never take non-prescription
10 bottles; but no, we did not.

11 Q Were Mrs. Keegan's clothing or clothing that
12 she may have been wearing that prior evening visible in
13 or around her room?

14 A No.

15 Q Was blood found on Mrs. Keegan's robe?

16 A I don't believe there was a robe.

17 Q Pardon me?

18 A I don't believe there was a robe.

19 Q Okay. As you stated "we did a lousy
20 investigation," what led to searching Mrs. Keegan's
21 car?

22 A Just for anything that -- that would be based
23 on the coroner's investigation part, too. We would do
24 that to see if there was any drugs or alcohol bottles,
25 anything like that.

1 Q Okay. How was it -- how was it determined or
2 was it determined that the marijuana brownies belonged
3 to Mrs. Keegan and not placed there by Mr. Keegan?

4 A By his statements.

5 Q Pardon me?

6 A By his statements.

7 MR. STOEN: Okay. Thank you.

8 JURY SECRETARY: Question number 73 from juror
9 620342.

10 Q (BY MR. STOEN) Approximately how much alcohol
11 would a .16 blood alcohol finding require?

12 A I don't know. Everyone's body metabolizes
13 differently, and I don't have an answer for that.

14 Q Do you have any idea like, if there was like
15 whiskey on the nightstand and assuming that that might
16 have been ingested by Mrs. Keegan, how much whiskey
17 would it have taken, in your opinion, if you know, to
18 create a .16 blood alcohol concentration?

19 A I figure maybe that whole coffee cup, but not
20 half the coffee cup.

21 Q A full coffee cup as distinguished from a half
22 of coffee cup. So a half of a coffee cup might be a .08
23 and a full one .16?

24 A Possibly, yes.

25 JURY SECRETARY: Question number 74 from juror

1 616861.

2 Q (BY MR. STOEN) Was everything, meaning the
3 inconsistencies, presented to Sergeant Van Patten?

4 A The whole case was explained to Sergeant Van
5 Patten, and he just didn't want to get involved because
6 basically the evidence that we would have needed was
7 most likely already disposed of when I talked to him.

8 Q Did it seemed to you like he was bothered by
9 having to deal with your questions? Did it seem to you
10 that Sergeant Van Patten was bothered by having to deal
11 with your questions?

12 A I don't believe he was bothered, but still
13 gave me the same answer.

14 JURY SECRETARY: Question number 75 from juror
15 640779.

16 Q (BY MR. STOEN) Are you aware of what
17 narcotics Peter Keegan might have been taking based on
18 his behavior and appearance?

19 A No, no. I mean basically we deal with people
20 that take like meth or crank, but I'm sure he would be
21 under prescription type, you know, probably pills. So I
22 would have no idea.

23 Q Is it reasonable to surmise that Peter Keegan
24 may have assaulted his wife while under the influence?

25 A I don't -- I -- I don't believe -- I don't

1 know.

2 MR. STOEN: Next question.

3 JURY SECRETARY: That's it.

4 MR. STOEN: Thank you, Sergeant Scott Poma.

5 And I appreciate you coming over.

6 THE WITNESS: I think we have one more.

7 JURY SECRETARY: Wait. Sorry, there's one
8 more.

9 Question number 76 from juror 610214.

10 Q (BY MR. STOEN) This says: It has been said
11 that Mrs. Keegan was wearing a bath robe when found by
12 the first responders.

13 That's the question regarding blood and the
14 possibility that there may have been blood on it, I
15 guess.

16 A JUROR: [Juror 610214] Or part of the
17 staging.

18 MR. STOEN: Part of staging.

19 THE WITNESS: She had pajamas on, not a bath
20 robe. She had a two-piece pajama set.

21 MR. STOEN: Okay. Anything else?

22 JURY SECRETARY: That's it.

23 MR. STOEN: Sergeant, thank you for coming.
24 We appreciate it.

25 THE WITNESS: Thank you.

1 MR. STOEN: Madam Foreperson, did you want to
2 call a lunch hour now?

3 JURY FOREPERSON: Sure.

4 MR. STOEN: It's ten to 12:00.

5 JURY FOREPERSON: Perfect.

6 MR. STOEN: It's up to you.

7 JURY FOREPERSON: That's great. So 1 o'clock,
8 does that sound good? That's one hour and ten minutes,
9 about. Is that good?

10 MR. STOEN: Thank you. Give the instruction
11 no forming opinions, no talking, no investigation.

12 JURY FOREPERSON: Yes. No talking, no forming
13 opinions, and no investigations.

14 Thank you.

15 (Lunch recess taken.)

16 MR. STOEN: Ready when you are.

17 JURY FOREPERSON: Okay.

18 (Roll call taken; all jurors present.)

19 THE REPORTER: Will you raise your right hand,
20 please.

21 - - -

22 KAY BELSCHNER

23 Called as a witness, having been sworn, testified as
24 follows:

25 - - -

1 THE REPORTER: Will you please state your name
2 and spell it.

3 THE WITNESS: My name is Kay Belschner. My
4 first name is K-a-y. My last name is spelled
5 B-e-l-s-c-h-n-e-r.

6 MR. STOEN: And you know how to speak loud,
7 too.

8 THE WITNESS: Yeah, that's not usually been a
9 problem.

10 JURY FOREPERSON: I'm going to read the
11 secrecy admonition to you.

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

1 Violation of this admonition is punishable as contempt
2 of court.

3

- - -

4

EXAMINATION

5

6

Q (BY MR. STOEN) Good afternoon. What is your
occupation, ma'am?

7

8

9

A I'm employed as a senior criminalist with the
laboratory from the California Department of Justice,
the laboratory located in Eureka, California.

10

11

12

Q And how long have you been a criminalist?

A I've been a criminalist for 35 years, 37

years.

13

14

Q How long have you been a senior criminalist?

A Probably about 28 years.

15

16

Q And could you tell us what a criminalist is?

A A criminalist is a -- is a scientist. We
perform scientific analyses on items of physical
evidence, come to a conclusion, if we can, about those
items of evidence, and present those conclusions for the
debate of the court.

21

22

Q And what is your education in your particular
case in becoming a criminalist?

23

24

25

A I have a bachelor of science degree in
forensic chemistry from Metropolitan State College,
which is in Denver, Colorado. I interned for five years

1 in the laboratory of the Colorado Bureau of
2 Investigation in their criminalists lab. In addition to
3 the formal schooling, I've taken numerous classes in
4 areas related to my expertise, and that includes biology
5 analysis, trace evidence analysis of all kinds, crime
6 scene -- various aspects of crime scene processing and
7 interpretation.

8 Q How many cases would you say you've
9 investigated for causes of death, approximately?

10 A Well, if you consider some of the basic
11 physical examinations that I've done, then I would say
12 it would be hundreds.

13 Q In coming to a conclusion as to cause of
14 death, do you need to rely on other sources besides your
15 physical examination of a scene?

16 A Yes.

17 Q I'd like to turn to February 4, 2011. Did you
18 conduct a physical evidence examination regarding the
19 death of Susan Keegan?

20 A Yes, I did.

21 Q And where did you go to perform this
22 investigation?

23 A I had a police report, I had photographs taken
24 at the scene, I had autopsy reports which included some
25 toxicology results, and then I did some physical

1 experiments within the laboratory itself.

2 Q Okay. And what was the address you went to?

3 A On February 24th?

4 Q On February 4th. I believe that was the date
5 of your visit.

6 A I don't think so. I think I have -- I have
7 June 14th, 2011, and I have January 29th of 2013 as a
8 visit.

9 Q Okay. Well, do you recall going to 120
10 Whitmore Lane in Ukiah in February of 2011?

11 A Not in February of 2011, no.

12 Q Okay.

13 A No.

14 Q Do you recall when you did a physical evidence
15 examination at that address offhand?

16 A That would -- well, the first visit that I
17 made at that point was June 14th, 2011.

18 Q Okay. Now, I'm going to show you some
19 photographs, this is Exhibit Number 7 with a number of
20 individualized exhibits, 7-A through like 7-S, and just
21 ask you to thumb through them and tell me if you
22 recognize that and, if so, could you tell me if you saw
23 them on your visit at 120 Whitmore Lane.

24 A No, I -- I saw these photographs as part of
25 the submitted police report --

1 Q Okay.

2 A -- that I used to make my first attempt at a
3 reconstruction of events.

4 Q You did see those?

5 A This was not a physical visit. I did not see
6 these at a physical visit to the residence.

7 Q But you did see them in preparation for coming
8 to your conclusions in this case?

9 A Yes.

10 Q Is that correct?

11 A I did.

12 Q Okay. Did you also take a look at the autopsy
13 reports?

14 A Yes, I did.

15 Q I show you what's marked People's Exhibit
16 Number 9, the individualized exhibits, and just ask you
17 to look it over and tell me if that seems familiar to
18 you as something you looked at.

19 A Yes, it does.

20 Q Okay. That's fine. You don't have to page
21 through any more.

22 A Do you want this set?

23 Q I'll take that back. I'll ask you a couple of
24 questions about this.

25 Now, what is your -- your normal procedure in

1 conducting a physical evidence examination regarding a
2 suspicious death?

3 A Normally we have some items of physical
4 evidence to look at.

5 Q Okay.

6 A In this case, for my initial review, I had no
7 physical evidence.

8 Q You had what?

9 A I had no physical evidence for my initial
10 review in this case.

11 Q Was that kind of unusual for you?

12 A We get asked from time to time to do
13 reconstruction based upon reports and photographs.
14 It's -- we've done it before.

15 Q Now, when you went on the scene did you try to
16 do some sort of like physical experiments to see how the
17 body ended up in the way that it was depicted in Exhibit
18 Number 7?

19 A I did, but that was done at the laboratory,
20 not -- not at the scene.

21 Q Oh, this was done at the laboratory?

22 A This was done at the laboratory, not at the
23 scene.

24 Q Okay. Now I'm going to show you People's
25 Exhibit number 38, which I have marked 38-A through

1 38-H, and it has an attractive woman in it. Can you
2 tell us what this represents?

3 A This represents some of my attempts to
4 reconstruct -- to see possible scenarios that might have
5 led to the position of -- of the victim in the first set
6 of photographs you showed me.

7 (Exhibits 38 was identified.)

8 Q (BY MR. STOEN) Okay. And I'm just going to
9 show you just the top two in Exhibit 7. Were these the
10 photographs that you were trying to sort of emulate in
11 your experiment?

12 A Yes.

13 Q So I'll put these just on the screen to see,
14 remind us all.

15 So that's 7-A that I have on the screen that I
16 just showed you, 7-A.

17 A Yes.

18 Q And this is 7-B.

19 A Yes.

20 Q Those two positions?

21 A Yes.

22 Q I'm going to put that one on the screen in
23 sequence and just ask you what you were trying to
24 accomplish and what you learned from doing what you did.

25 So this is 38-A. Could you just tell us what

1 this represents and why you went around -- went about
2 conducting that experiment?

3 A Well, this -- this represents a position
4 somewhat similar to the position of the -- of the woman
5 in 7-A.

6 Q Okay. And what were you trying to find out by
7 doing that?

8 A Well, it was -- it was -- if I recollect
9 correctly the series of this, it was a final -- it was a
10 final resting place after a series of attempted events
11 to see if you could get to that.

12 Q Okay. So I may have these out of sequence.
13 I'm going to show you another, and just feel free to --
14 again, I'm going to ask you -- that's pretty much
15 similar. Was there something new about that one?

16 A It was to see the position of the head against
17 some of the laboratory -- since -- if I could back up --

18 Q Yes.

19 A -- a minute.

20 So I used this section of the laboratory
21 because it simulated the condition of the -- of the
22 bathroom itself.

23 Q Okay.

24 A The long counter and the drawers were somewhat
25 similar to the vanity in the residence. So this was the

1 position -- because the vanity in the position of the
2 woman in 7-A, that vanity had some hardware sticking out
3 of it.

4 A JUROR: I'm sorry.

5 MR. STOEN: Excuse me?

6 THE WITNESS: She probably missed what I
7 said.

8 A JUROR: I didn't hear that last couple of
9 sentences.

10 THE WITNESS: So I used the room in the
11 laboratory that I used because it simulated the vanity
12 section of the bathroom. It was about the same height,
13 it had drawers and cabinets, and the drawers had
14 hardware on them. The vanity in the bathroom had
15 drawers, had hardware, you know, drawer pulls and knobs
16 on some of the drawers and cabinets.

17 So this particular picture was to -- and it's
18 a little out of sequence, too -- but it's to see where
19 the back of the head would hit a piece of the hardware
20 on -- on the vanity.

21 Q (BY MR. STOEN) What I've just shown you and
22 that you testified about is called 38-G. I apologize
23 for having them out of sequence. I couldn't figure it
24 out.

25 Now I'm showing you this, and this is 38-B.

1 What does that represent?

2 A Well, because I couldn't -- I couldn't put a
3 wound or a mark on my own head, I used a styrofoam head,
4 which is a little smaller than a normal human head, so
5 it's a little undersized. But I took the styrofoam head
6 around to see if it contacted various surfaces in the
7 bathroom, if that could produce a wound that was
8 described in the autopsy report.

9 Q Thank you.

10 Now I show you 38-H, which was part of the
11 report, and ask you if there's anything significant
12 about that or was that just a scene setting?

13 A It was a scene setting.

14 Q Okay. And then I show you what appears to be
15 the styrofoam head in a different position, and this is
16 38-C. What does that represent?

17 A Well, that represents if the styrofoam -- if
18 the wound at the top to the back of the head was caused
19 by contacting with the edge of the vanity, which was
20 a -- the vanity had a sharp right angle corner just like
21 our laboratory counter does, the position that the head
22 would have to be in to contact the vanity to make
23 that -- that wound, which is awkward.

24 Q Okay. By awkward -- what do you mean by
25 awkward?

1 A Well, it's pretty awkward. It's hard to
2 imagine, and I did try to get a scenario where if that
3 was -- because that's where the blood was in the vanity,
4 how that head could contact that area and get a wound,
5 what position that head would have to be in. And that's
6 a very strange position for your head to be in because
7 your neck would be so contorted. I'm not sure it's
8 physically possible.

9 Q I will show you 38-D and ask you what that
10 signifies.

11 A This is, again, trying to match up the wound
12 that I drew on the styrofoam head to the drawer pull.
13 There was a drawer pull in about the same area of the --
14 of the vanity and that -- that drawer pull would
15 actually -- if it was a sufficient force to make the
16 wound in the head, that drawer pull would make a
17 horizontal one. The wounds on the head were vertical.

18 Q I'm going to show you 38-E and ask you what
19 that represents.

20 A Well, that's actually my head now to see if --
21 if -- you know, if I could get my -- instead of using
22 the styrofoam head, which is very mobile, if I could get
23 my head in that kind of --

24 Q Were you trying to emulate anything when you
25 did that?

1 A I was. I was trying to see if somebody, for
2 whatever reason, tripped or fell or knocked their head
3 against the vanity, if they did that, what position they
4 would have to be in; if their body could actually get in
5 that position and then ultimately end up in a sitting
6 position underneath.

7 Q And did you draw any conclusions as to the
8 relationship of your experiment with what the body shows
9 in 7-A and 7-B?

10 A I didn't think it was entirely impossible, but
11 it would be very -- it was very awkward and it would be
12 very, very hard.

13 Q Okay. So if it's not impossible, would it be
14 improbable?

15 A I think it's improbable, but I think the right
16 circumstances, maybe it could get there.

17 Q Okay. And then one more question and, again,
18 this is 38-F.

19 A So this is -- this is really the picture that
20 goes right before the very first one, the very first one
21 you showed me.

22 Q Okay.

23 A And this is like once the head has contacted
24 the vanity, then how do you -- how do you fall to get
25 into the sitting position.

1 Q I'll put the first one on. Is that the first
2 one?

3 A That's the first one.

4 Q And then this one is related to -- the first
5 one was 38-A, and I've just shown you 38-F. The
6 relationship is again what, please.

7 A The relationship would be once the head has
8 contacted the vanity, can the body then twist around to
9 get into that sitting position in which she was found.

10 Q Thank you very much.

11 I wanted to ask you this: Did you examine the
12 photos of the lacerations to Susan Keegan's head?

13 A I did.

14 Q And, based on your experience, what evidence
15 of blood would normally be expected from lacerations of
16 that size on a decedent person's head? Would there be a
17 lot of blood or not a lot of blood?

18 A There would -- there would be a -- there would
19 be a lot of blood likely. It would be mixed in with the
20 hair and it would ultimately run down the back onto
21 clothing, but there would be -- there would be a lot of
22 blood, yes.

23 Q Would you expect blood to be on the bathroom
24 floor given the pictures in seven, Exhibit 7?

25 A Not necessarily strictly from that -- from

1 that wound in that position. You have to also take into
2 consideration the moving of the body afterwards.

3 Q Okay.

4 A Which then does spread some more blood around.

5 Q You mean moving of the body after the pictures
6 were taken or before the pictures were taken?

7 A After the pictures were taken.

8 Q Okay. Is -- when people have lacerations of
9 the kind depicted in Exhibit 7, is there normally a lot
10 of blood because of the vascularity in the head area?

11 A There is.

12 Q Did you examine any photos showing
13 discoloration and swelling of the arms and hands?

14 A Yes.

15 Q And did you -- did that signify anything
16 special to you?

17 A I thought it was unusual. I don't have -- I
18 don't feel like I have the medical expertise to say much
19 more than I thought it was unusual given that there was
20 no apparent edema like it elsewhere.

21 Q And what is edema?

22 A It's -- it's fluid filling up underneath the
23 tissues that cause swelling.

24 Q Now, after you've done this experiment and
25 you've looked at the case file, were you able to come to

1 a definitive conclusion as to Susan Keegan's cause of
2 death?

3 A No.

4 Q Were you able to come up with alternate
5 scenarios?

6 A Yes.

7 Q And what was the apparent scenario that came
8 to you?

9 A Well, one scenario is that somehow, for
10 whatever reason, she gets up and goes into the bathroom,
11 apparently with a fairly high level of alcohol, perhaps
12 hits a wall or something and causes her head to strike
13 the edge of the vanity, is somehow contorted
14 sufficiently that she rolls over and lands in the
15 position she was found in.

16 Q Did you feel that the evidence that you looked
17 at explained her doing what you just said?

18 A Well, as I said, it's not impossible for that
19 to happen, but it was very awkward.

20 Q And what about the alternate scenario that you
21 came up with?

22 A Well, the alternative is that she -- some --
23 some person had hit her, struck her in the head, and
24 then possibly staged the scene.

25 Q So either of those two scenarios could have

1 happened in real life is what you're saying?

2 A Yes.

3 Q And did you visit the scene to look for
4 evidence of blood that had been cleaned up?

5 A Yes.

6 Q Do you have the date for that?

7 A That was the June 14th date.

8 Q Oh, I gotcha now. Thank you.

9 Now, what is the technique that you use for
10 doing that?

11 A Well, to look for latent blood, that's blood
12 that we call -- that's blood that's not visible, that
13 might still be there in trace amounts, for this
14 particular case I used a technique call luminol. There
15 are a variety of chemicals that can be used for this
16 purpose.

17 Q And is luminol an enzyme or what is it?

18 A Luminol is a chemical known as
19 5-Aminophthalhydrazide.

20 Q An everyday expression, by the way.

21 A And it reacts along with -- if you add some
22 hydrogen peroxide, it reacts with the heme group of
23 blood and it causes a -- it causes a visible reaction of
24 a glow that can be seen in the dark.

25 Q And when you do this application of luminol on

1 a crime scene, do you take a number of sequential
2 photos?

3 A Yes.

4 Q And then did you do that in this case?

5 A Yes.

6 Q Okay. I'm going to show you what's marked as
7 Exhibit Number 37. Just take -- thumb through that and
8 see if these photos were those that you took on that
9 occasion.

10 A Yes, they are.

11 (Exhibit 37 was identified.)

12 Q (BY MR. STOEN) Okay. I'm going to select a
13 couple or a few out of there. I'm going to show you
14 what's marked as 000084 in Exhibit 37 and ask you if you
15 recognize this photo. I'll put it on the screen and
16 everybody can take a look at it.

17 Does that seem familiar to you?

18 A Yes, it does.

19 Q What does that represent?

20 A That represents the -- the condition of the
21 bathroom at 120 Whitmore Lane on June 14th before any
22 luminol was added.

23 Q I'm going to show you number 86 and ask you if
24 you recognize that.

25 A Yes, I do.

1 Q And what is that?

2 A This is the same -- this is the exact same
3 area as the previous photo. I don't remember the number
4 of it.

5 Q Eighty-four. And this is 86 I just put on the
6 screen.

7 A Okay. So it's the same exact photo as 84
8 after the luminol has been applied.

9 Q Let me get you a laser here and maybe you
10 could just point out what the blue spots and the blue
11 streaks mean. You can just push on that little button
12 there.

13 A So this area is the corner of the -- this is
14 the vanity here and this is the wall. So this is the
15 corner, and the blue area is where there's a positive
16 reaction with the luminol.

17 Some of the -- the brighter spots are a true
18 reaction that is probably like a drop of blood that's
19 still there. The really faint, faint, faint blue is
20 some background fluorescence from the chemical itself.

21 Q Okay. Thank you.

22 I'm going to show you number 85 and ask you if
23 you recognize this and how that relates to the other
24 two.

25 A Eighty-five is a picture of the similar area.

1 I think it's a little further down the vanity.

2 Q Okay. I'll just compare it with 84.

3 A It looks much the same.

4 Q Okay. So now in 85, is that considered like
5 an overlay? Is that what that's called?

6 A Eighty --

7 Q -- five.

8 A Eighty-five is actually not an overlay. It's
9 another shot of 84, I believe.

10 Q Okay.

11 A This is your -- I'm sorry, is this your 85?

12 Q It's my 85, and I apologize if it's not your
13 85.

14 A Okay. It is probably my 86-A, and this would
15 be an overlay. It's not well depicted on this screen,
16 but you can see a little bit of the luminol reaction
17 here and here and some of the brighter spots on the
18 wall.

19 Q So basically what this shows is that you've
20 taken the luminol that you showed in the prior
21 photograph and you've kind of superimposed it on the
22 original -- the natural appearance of the scene?

23 A Yes.

24 Q Is that correct?

25 A Yes.

1 Q And so can you -- with respect to the position
2 of Susan Keegan's body as you understood it in Exhibit
3 7-A and we see some blue spots here near the wall, would
4 that be consistent with the body as you found it?

5 A It's hard to say.

6 Q Okay. If it's hard to say, it's hard to say.

7 Now, I'm going to show you -- and, again, I
8 hope I have my -- I'll show you what I've previously
9 called 84, but you called something else. This is the
10 first one. Do you see that?

11 A Yes.

12 Q What number do you have for that? I have 84.

13 A I have 84 as well.

14 Q Okay, great.

15 A I have either 84 or -- yeah, I have 84 as
16 well.

17 Q For purposes of an exhibit then, we'll call it
18 84.

19 A Okay.

20 Q Even though yours was different. But you can
21 still see that this is one that you took; right?

22 A Yes, it is.

23 Q And then would it be fair to say that this --
24 I'm going to show what I have marked 87 -- you may have
25 it different -- and just ask you what that represents.

1 A That represents -- if you -- if you look
2 at the previous luminol photo, which I think is 85, --

3 Q I have it as 86.

4 A -- luminol is sprayed in a series. We don't
5 spray the entire room because it is kind of short-lived.
6 So we spray in sections.

7 Q I showed you the previous luminol here.

8 A So this spraying was of the wall and a little
9 bit of the floor. The primary tested area here was the
10 wall to the right of the door. So the next photo then
11 is spraying the actual corner and the vanity itself.

12 Q Now, what did -- what did this signify to you
13 with that sort of wide streak along the side of the
14 vanity and below that? Did that signify anything
15 particular with respect to blood?

16 A That was a lot -- there had been a lot of
17 blood there that had been cleaned up.

18 Q Okay.

19 A Or likely cleaned up because there was not
20 that amount of blood that was visible at the time.

21 Q So it looked like it was cleaned up is what
22 you're saying?

23 A Yes.

24 Q Okay. Are you able to draw any conclusions
25 from the luminol as to whether Susan Keegan's body was

1 moved before the photos of her in Exhibit 7 were taken?

2 A Not really, no.

3 MR. STOEN: Okay. No further questions.

4 JURY SECRETARY: Question number 77 from juror
5 number 636055.

6 Q (BY MR. STOEN) At what time did you mean a
7 lot of blood had been cleaned up, at the time the body
8 was found or by the time you visited?

9 A By the time I visited.

10 JURY SECRETARY: Question number 78 from juror
11 610214.

12 Q (BY MR. STOEN) You used the phrase "under
13 right circumstances." Were you able to -- were you ever
14 able to create the, quote, "right circumstances" in this
15 case?

16 A Not with the -- not with the original testing
17 in the laboratory, no.

18 Q Did you test other rooms in the house with
19 luminol?

20 A No. Well, actually we tested the bedroom
21 itself, areas of the bedroom itself, not just the
22 bathroom. But other than those two rooms, no.

23 Q Did you find anything significant in the
24 bedroom?

25 A There was some -- there was a reaction on the

1 wall outside the bathroom door.

2 Q Okay. But how about with respect to the
3 bedroom?

4 A No. There was nothing really on the carpet
5 areas that we tested.

6 JURY SECRETARY: Question 79 from juror
7 616861.

8 Q (BY MR. STOEN) This was: Were you able to
9 reconstruct the events with the same results?

10 A I'm not sure I understand the question.

11 Q I don't understand the question.

12 Were you able to hit the front and back of her
13 head?

14 If you understand the question. I'm just
15 repeating it.

16 A Not in the laboratory. It might be able to be
17 done with the corner wall of the bathroom. I didn't
18 have that wall in the laboratory to test.

19 Q Does luminol only interact with blood?

20 A No.

21 Q What else does it interact with?

22 A It interacts with other heavy metals, with
23 metals, sometimes with copper, true copper, sometimes
24 with brass. The reactions usually are a lot less.
25 They're a lot weaker and they're much shorter-lived than

1 with blood, --

2 Q Thank you.

3 A -- but there is a reaction.

4 JURY SECRETARY: Question number 80 from
5 620342.

6 Q (BY MR. STOEN) Would the deceased have to
7 have been moved to clean up the blood?

8 A Yes.

9 MR. STOEN: Next question.

10 JURY SECRETARY: That's it.

11 MR. STOEN: Kay, thank you so much for coming
12 all the way down here. And we deeply appreciate it.

13 THE WITNESS: You're welcome.

14 MR. STOEN: Our next witness will be Andy
15 Alvarado.

16 (Brief pause.)

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

19 - - -

20 ANDREW ALVARADO

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

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

25 THE WITNESS: Andrew Alvarado,

1 A-l-v-a-r-a-d-o.

2 THE REPORTER: Thank you.

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

19

- - -

20

EXAMINATION

21

Q (BY MR. STOEN) Good afternoon, sir.

22

A Good afternoon.

23

Q What is your occupation?

24

A I'm currently the assistant chief investigator

25

for the Mendocino County District Attorney's Office.

1 Q And how much law enforcement experience do you
2 have?

3 A I started in 1996 as a communications
4 dispatcher with the sheriff's office. From 1996 to
5 April of 1997 I was in that position. I left and went
6 to the police academy in 1997, was assigned as a
7 sheriff's deputy to the coastal operations for three
8 years. I transferred to Ukiah after three years and
9 spent three years as a patrol deputy in Ukiah. In 2004
10 I promoted into the sheriff's detective unit, spent
11 three years at the sheriff's detective bureau. In April
12 of 2007 I left the sheriff's office and went to the
13 district attorney's office as an investigator. I was an
14 investigator there for -- from 2010 to -- or 2007 to
15 2014, and in 2014 I promoted to assistant chief
16 investigator.

17 Q Okay. Calling your attention to June 14th,
18 2011, do you recall whether or not you made a visit to
19 any crime scene on that day?

20 A I did.

21 Q Where did you go?

22 A I went with some of my other coworkers and
23 other law enforcement individuals to 120 Whitmore Lane
24 in Ukiah in Mendocino County.

25 Q I'm going to show some photographs and ask you

1 if you recognize these from that visit. This is exhibit
2 number 25 first in the series. Do you recognize that?

3 A Yes. That is the front of the Keegan
4 residence at 120 Whitmore Lane. We're looking at the
5 front door to the residence.

6 Q Thank you.

7 I show you the next in order in People's
8 Exhibit 25 and ask if you recognize that photo.

9 A Yes, that would have been the backyard area of
10 the residence at 120 Whitmore.

11 Q Did you figure out what was behind the webbed
12 fencing there in that photo?

13 A I believe at the time there was a small amount
14 of marijuana there.

15 Q Had it been harvested?

16 A I -- I don't recall specifically. I do
17 believe there was some. It was not in the greatest
18 condition, but it was there.

19 Q And I show you just a couple other. Do you
20 recognize that photo?

21 A I do. I'm trying to remember specifically
22 where it was taken at the residence, but it's a picture
23 of some tools from the residence, either in the garage
24 or on the side of the residence.

25 Q And then just one more. Do you recognize this

1 photo?

2 A Yes. That's looking into the garage. So the
3 picture we looked at previously with the front door,
4 directly to the right in that photograph would have been
5 a two-car garage that was used for storage. There
6 wasn't the ability to park a car in there.

7 (Exhibit 25 was identified.)

8 Q (BY MR. STOEN) What kind of implements did
9 you see in the garage?

10 A Typical tools, gardening equipment,
11 refrigerators, freezers. Just miscellaneous household
12 tools and equipment.

13 Q Were they all -- were they of varying sizes
14 and dimensions?

15 A Yeah. There was a little bit of everything in
16 there. It was rather full.

17 Q Now, did you do a video walk-through of the
18 house?

19 A I did.

20 Q I'm going to show you People's Exhibit Number
21 18 and ask you if this represents your video
22 walk-through and, if so, if you'd be kind enough to play
23 it.

24 A Yes.

25 (Exhibit 18 was identified.)

1 (Video recording played.)

2 THE WITNESS: That's it.

3 MR. STOEN: Thank you. Resume your seat.

4 Q (BY MR. STOEN) When you -- you were
5 conducting the search warrant at this time; is that
6 correct?

7 A Yes.

8 Q And in the course of that did you come across
9 any front page of a newspaper?

10 A Yes. There was a -- I believe it was the
11 Anderson Advertiser.

12 Q I'm going to show you what is marked as
13 People's Exhibit 27 as an exhibit and ask you if you
14 recognize this.

15 A Yes. That is the newspaper that was found in
16 the bedroom where it appeared Mr. Keegan was staying,
17 that bedroom that came in and went off to the left of
18 the kitchen and dining room. And what drew my attention
19 to it is in the upper left-hand corner was the word
20 "saved" underlined twice, and the front page story was
21 "The Improbable Death of Susan Keegan."

22 (Exhibit 27 was identified.)

23 Q (BY MR. STOEN) And what does the number "3"
24 represent?

25 A That is basically a marker. So we identify

1 evidence as we take it and we mark it so we know what
2 item was taken and we make a list. So this would have
3 been item number 3 that we collected.

4 Q And I'll represent to you that I placed these
5 yellow stickers here so that the -- the wording could
6 not be read. Is that true, that that's been placed
7 since you found it?

8 A Yes, I don't remember those being there when I
9 collected it.

10 Q Thank you.

11 Those are all the questions I have of this
12 witness. We'll take some from the floor.

13 JURY SECRETARY: Question number 81 from juror
14 616861.

15 Q (BY MR. STOEN) Did any of the tools have
16 fresh dirt or wet spots on them?

17 A Not that I can recall. We did look -- because
18 we knew we were looking for some type of blunt object,
19 we looked for any of those items that appeared that they
20 could have been used as that. Obviously it was full of
21 tools that potentially could have been used for that,
22 but we did not see anything with the indication -- I
23 don't remember anything as far as fresh soil, fresh
24 usage at all. But we were more primarily looking for
25 biological evidence, handles, etcetera, like blood or

1 anything along those lines.

2 Q So you were with Kay Belschner when she was
3 doing the luminol on this occasion; is that correct?

4 A Yes.

5 Q Okay. Now, only answer this if you have some
6 firsthand knowledge: Did neighbors ever report any
7 disturbances originating from the Keegans?

8 A No. The neighbors were -- there's only truly
9 one neighbor the way their house is positioned on
10 Whitmore Lane. You go down Whitmore Lane and then you
11 actually take a little dirt road off of Whitmore Lane.
12 I believe there's only the Keegan residence and a
13 residence across from them. I don't -- there may have
14 been one other residence near there. But they were
15 informed why we were there because we had a lot of
16 people there. They were extremely supportive of
17 Mr. Keegan. They were upset that we were there, that we
18 were trying to conduct an investigation, and they didn't
19 see -- they just didn't see why we needed to be there.
20 So they were very supportive and had no -- nothing at
21 all negative to say.

22 Q Do you know how tall Mrs. Keegan was?

23 A I don't know her exact height, but she was --
24 I believe she's taller than me, which doesn't say a lot,
25 but probably 5'8" or 5'9", maybe a little taller. I

1 believe she was on the taller side.

2 Q What is the distance from the vanity
3 Mrs. Keegan was found at to the door?

4 A To which door?

5 Q Presumably to the door to the bathroom.
6 I'll show you a photo.

7 A From the vanity to the door was probably less
8 than three feet.

9 Q I show you a photo marked as Exhibit 7-S. I'm
10 just seeing if this would be of assistance to you in
11 answering that question. Do you see anything down here
12 like what appears to be legs?

13 A Yeah, I'm familiar with the picture here; but
14 I would say to the first side of the doorway from the
15 vanity was -- was less than three feet would be an
16 approximation.

17 Q Thank you.

18 MR. STOEN: Next question.

19 JURY SECRETARY: Anyone else?

20 MR. STOEN: Okay. Well, thank you,
21 Mr. Alvarado, very much.

22 THE WITNESS: Thank you.

23 JURY SECRETARY: Wait, one more. Sorry.

24 MR. STOEN: Have a seat.

25 JURY SECRETARY: Is that the last one you just

1 read is 80? I thought it was 81 you just read.

2 MR. STOEN: No, I didn't read it.

3 This is number 80.

4 JURY SECRETARY: Okay.

5 MR. STOEN: I moved it -- I asked it some time
6 ago.

7 JURY SECRETARY: Is that the last one? What
8 number is that one?

9 MR. STOEN: That's 81.

10 JURY SECRETARY: Number 82 from juror
11 number 620342.

12 Q (BY MR. STOEN) In our info packets you were
13 able to view Susan's journals. Will we hear your
14 evidence regarding these?

15 A Her journals, the ones that we were provided
16 or were allowed to look at by --

17 Q By Mr. Keegan?

18 A -- by Mr. Keegan -- it was through somebody
19 else that we were allowed to look at those -- were old,
20 they were from the late nineties, and there was nothing
21 more current than that provided to us. And there was
22 nothing that we -- or myself and Chief Investigator
23 Kevin Bailey felt that were at all related to the
24 incident that occurred in 2010. There was way too many
25 years that had passed and we just didn't feel there was

1 anything relevant at all to our case.

2 So we looked through them all, I believe there
3 were three or four diaries, and it just was not relevant
4 at all to this case.

5 MR. STOEN: I'll just simply state diaries
6 themselves are inadmissible; the overview is admissible.
7 We will have Kevin Bailey to give his account as well.

8 Anything else?

9 Okay. Thanks again, Mr. Alvarado.

10 THE WITNESS: Let me know if anything else is
11 needed.

12 MR. STOEN: Okay. Ladies and gentlemen,
13 sometimes it's hard for us to know how long a witness is
14 going to take, and so we try probably to shorten it a
15 little bit so that nobody has to stay beyond 4:30, but
16 obviously we're getting out a little early today.

17 So we have Monday for sure. It could
18 terminate on Monday in terms of the evidence, but it may
19 go into Tuesday. We expect that the evidence on Monday
20 will be Mary Pierce, who you heard from, Kevin Bailey
21 talking pretty much about what Mr. Alvarado summarized
22 regarding the diaries, Norm Rosen, a mediator, and
23 hopefully Dr. Chapman, who is the third pathologist in
24 this case. So that's all I have today.

25 Yes, sir.

1 A JUROR: On one of my questions I asked who
2 the district attorney was at the time and who the
3 sheriff was just so I could put it in perspective, and I
4 didn't hear you read it.

5 MR. STOEN: I'm sorry, I apologize.

6 A JUROR: It wasn't this gentleman; it was the
7 previous investigator.

8 MR. STOEN: Okay. I apologize for missing
9 your question. The district attorney in November 2010
10 was Meredith Lintott.

11 A JUROR: Okay.

12 MR. STOEN: And then in January David Eyster
13 took over.

14 A JUROR: And the sheriff?

15 MR. STOEN: I believe the sheriff was Tom
16 Allman. I'm not sure. To be honest with you, I can't
17 remember.

18 A JUROR: That's fine.

19 MR. STOEN: I know Tony and I know Tom, but I
20 don't remember when the transition happened.

21 Anything else?

22 A JUROR: Is there anyone we can talk to about
23 what prescriptions Susan had and who prescribed them?

24 MR. STOEN: That probably will not be coming
25 into this proceeding.

1 A JUROR: And we're not going to hear from her
2 doctor?

3 MR. STOEN: All we have is Jackie Rainwater
4 talking to Lynne Coen, the physician, and that's going
5 to be the extent of the evidence in this proceeding.

6 A JUROR: Okay.

7 MR. STOEN: This proceeding doesn't present
8 everything possible, I just want you to know. It tries
9 to get to the most essential areas.

10 Anything else?

11 A JUROR: Can any other parties be found at
12 fault for this, you know, for like showing negligence?

13 MR. STOEN: That's not for me to say. I
14 cannot answer that.

15 A JUROR: Okay.

16 MR. STOEN: You've heard a pretty forthright
17 set of circumstances. We're not here to judge any
18 agency. We're here to find out whether or not a crime
19 was committed and who committed it. That's what our
20 purpose is. We're not here for any other purpose for
21 this proceeding.

22 So thank you all for showing up.

23 JURY FOREPERSON: I'm supposed to read the
24 secrecy.

25 MR. STOEN: Yes.

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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 289 through 421 represent a complete, true and correct transcript of the proceedings had thereon.

Dated: August 17, 2017

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