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CNN LARRY KING LIVE

Panel discusses Scott Peterson murder trial

Aired August 23, 2004 - 21:00 ET

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(BEGIN VIDEOTAPE)

LARRY KING, HOST: Tonight before a packed hushed courtroom. Scott Peterson's lawyer Mark Geragos begins cross examining Amber Frey. How has Scott's other woman held up so far? And did the prosecution timeline take a hit in earlier testimony? Here with all the latest, CNN's Ted Rowlands inside the courtroom today. Court TV's Nancy Grace, the former prosecutor. High profile defense attorney, Chris Pixley. And more experts who were inside court today. Michael Cardoza, leading defense attorney in the area. Chuck Smith, former prosecutor in San Mateo county where the trial is being held. And Richard Cole, the veteran court reporter with the Daily News Group. Plus Gloria Allred, Amber Frey's attorney. They're all next on LARRY KING LIVE.

(END VIDEOTAPE)

KING: As always we start with Ted Rowlands, on the scene from the get-go. We understand, Ted, before Amber Frey there was another key witness.

TED ROWLANDS, CNN CORRESPONDENT: Yes, court started today and really this was the most important development of the day at least from the defense standpoint. The morning was spent with an AT&T specialist talking about cell phones, specifically cell phone towers.

And when this witness was done, I think it was pretty much established by the defense that you cannot use a cell phone tower to place someone in a specific location. And this is key to the prosecution's case. They have Scott Peterson in his neighborhood, presumably near his house at 10:08 on the morning that his wife was reported missing. And by the end of the testimony from this AT&T representative, it was clear that you cannot bank on that. Mark Geragos, in fact, brought up another example where he was was -- where he was at his house in his front yard and he was being bounced from tower to tower. It was really a hit, I would think, to the prosecution's timeline. And Nancy's talked about it. It really could go a long way in establishing that Peterson may not have been directly in the neighborhood at 10:08 in the morning, as the prosecution has said.

KING: Ted, but he was -- was it a she?

ROWLANDS: This was a woman. A representative from AT&T out of Florida.

KING: And she was...

ROWLANDS: She was brought in out of order.

KING: She was a prosecution witness?

ROWLANDS: Yes. A prosecution witness that on cross-examination basically admitted that you can't use these towers to place someone in a specific location which prosecution was relying heavily on.

KING: Why did the prosecution use her?

ROWLANDS: Because they're inconsistent. Well...

KING: Why did they use her?

ROWLANDS: Well, they have to address this. And they have to address this with their timeline. They brought her up to establish that these records were accurate and, indeed the records are accurate. But the technology is not. And the fact is, that if somebody is using their cell phone in a certain area, yes, the tower in the general area is going to be used but they can sometimes be bounced around to different areas.

KING: I got you.

ROWLANDS: And the defense, by bringing that out, will bring out some doubt as to Peterson's location. It doesn't mean he wasn't sitting in his front yard. It just means he may not have been.

KING: Before we get to Amber Frey, Michael Cardoza, was it significant to you?

MICHAEL CARDOZA, LEADING AREA DEFENSE ATTORNEY: It was very significant, Larry. This case on the D.A.'s half is imploding. I'll tell you what, whether Scott Peterson did it or didn't do it, should the jury bring back a not guilty verdict, people should be really clear about what's going on here. The district attorneys haven't thought this case through. They gave it no thinking at all. As witnessed by Mrs. Anderson this morning, when she came up, and absolutely blew up one of the prosecution's theories. And in opening statement they said, look, he is near his house. Because we triangulated to that cell tower. As Ted said, she said today, no, you can't tell where a person is. He could be anywhere. And that means even at the warehouse, as he said. I don't know what they're doing in this case.

KING: Chuck Smith, did the prosecution know that she was going to say that?

CHUCK SMITH, FMR. SAN MATEO COUNTY PROSECUTOR: Well, if the prosecution had done their homework and prepared the case properly, they should have known that. It wasn't really evident as it unfolded in the courtroom today whether this was a surprise to the prosecution or not. They had to put her on the stand for the reasons that have already been described. They put her on the stand to try to establish that he was in the neighborhood. It was on cross-examination that these bad facts came out for the prosecution. Should they have known these things? Absolutely, if they had done the kind of preparation that they should be doing for this case.

KING: We'll get Nancy Grace's thoughts on that when she's with us in a little while. Ted Rowlands, what's the sum-up of the Amber Frey first day with the defense?

ROWLANDS: Well, Mark Geragos treated her cordially. But he prodded her throughout. She hung tough whenever he would press her on certain aspects of her testimony. He did establish a few things, and most importantly, one would think he established a possible reason why Scott Peterson told those elaborate lies about being in Europe.

He established with Frey that within three hours of meeting her, he sat down to dinner at a restaurant and was boasting about being an international salesman and had told her at that point, three hours after meeting her, that he had planned trips to Alaska, to visit his parents in Maine, and then off to Paris and Brussels.

And the theory would be from the defense standpoint that he boxed himself in. He tried to get Frey to go to bed with him originally, and then when his wife was missing he was boxed into the story and had to play it out, act it out on the phone. That's what the jury heard during the audiotapes. He also brought out the fact that the Modesto police went to Frey on the 30th of December and said to her that Scott Peterson is a major suspect in this case, that goes to the rush to judgment theory. But otherwise, you know, she hung tough and he wasn't able to really break her down. She admitted that she drank and had sex with Peterson on numerous occasions. But she hung tough. She was truthful. And I think she came across pretty well for the jury.

KING: Mark Cardoza, was she a good witness?

CARDOZA: Very, very well prepared. One thing I did note, as they went through questioning, any question that she thought would help the defense, she'd say in certain instances, well, I don't recall. Anything that would help the prosecution, oh, remembered it clearly. But I'll tell you what, I don't get what all the hullabaloo is about with her. She is not the star witness here. It was the tapes last week. Scott Peterson testified. I mean, Geragos, no matter how good he is at the art of cross-examination, is not going to affect the jury's perception of what's on those tapes.

I mean, Geragos is going in making points now. He's made one point where the police say Amber didn't tell us about all the phone calls. Amber on the stand today said, yes, I did tell them everything. So you've got people pointing at each other. Either way, the defense wins there. But so what? Even if Amber can be proved to be a liar, you still have to deal with the tapes. So I think people are focusing way too much on this cross.

KING: But even with the tapes, Chuck Smith, he doesn't admit to being a murderer?

SMITH: Oh, that's true. He does not admit to being a murderer. Let's remember something. Before she testified most of the experts were saying that the prosecution was in trouble. But after she testified and those tapes were played, a lot of people thought this case had turned around. So the expectation is that Mark Geragos has to destroy her or hurt her credibility or do something to defeat her. Now if he doesn't, he could be in trouble, and this case could still be going in the direction towards a conviction. So it's the issue of expectations.

KING: Do you expect him to be rougher tomorrow?

SMITH: You know, I think so. He scored some points today. But he's doing things that, as I observe them, he's trying to build on these, and if he does not knock her down, if he doesn't defeat her, he may come across losing some points with the jury. If they believe that he had to hurt her and he doesn't hurt her it's going to hurt his client.

KING: We'll take a break and come back. Our complete panel will assemble. Although we'll spend a few moments first with Gloria Allred who represents Amber Frey. You're watching LARRY KING LIVE. Republican convention starts Monday. We'll do two shows nightly Monday through Thursday next week at 9:00 Eastern and midnight Eastern. Two live shows nightly from Madison Square Garden and a live show Sunday night at 9:00 Eastern on the eve of the convention. We'll be right back. Don't go away.

(BEGIN AUDIO CLIP)

AMBER FREY, SCOTT PETERSON'S FMR. MISTRESS: Yes, she's the one that's missing.

SCOTT PETERSON, ON TRIAL FOR DOUBLE MURDER: Yes.

FREY: I'm the girlfriend. You have a perfect marriage. You got quiet.

PETERSON: Well, I mean, we can't talk about this. You don't know the facts.

FREY: You keep saying that, I don't know all the facts, Scott...

PETERSON: I know and I want to tell you.

FREY: And all -- and all I know is Scott, is that you told me that this will be the first holidays without my wife. But then you tell me yesterday that you...

PETERSON: I lied to you about that.

FREY: You lied to me because you weren't going to be able to be with me during the holidays because you're going to have to be with her. How does that make sense, Scott? Explain that one to me.

PETERSON: I can't explain that to you now.

FREY: I think you better start trying.

PETERSON: I wish I could, Amber.

(END AUDIO CLIP)

(COMMERCIAL BREAK)

KING: Before our panel assembles, joining us in Redwood City is Gloria Allred, the attorney for Amber Frey.

What's your assessment of today?

GLORIA ALLRED: Well, hi, Larry. My assessment is Mr. Geragos, said he was giving a PowerPoint presentation, but the problem was, his presentation had no power, and it had no point. I think that Amber did very well. Larry, if this were a prize fight and this were the fifth round, I think it would be five for Amber and zero for Mr. Geragos. He never touched her. He never even came close. He didn't do anything to even make it interesting. Where were the facts?

KING: All right. He showed that she made a lot of the calls, right?

That he wasn't calling her as much as she was calling him.

ALLRED: No. That's not what he showed. He showed that on one particular day...

KING: 14 calls on one day.

ALLRED: Well, OK, that's what I was starting to say. He showed on one particular day on December 26th, that she made a number of calls to Mr. Scott Peterson. He didn't show that they were completed calls. Many of them, perhaps most, in fact, were just attempts to reach Mr. Peterson. And why, Mr. Geragos, Larry, brought into the courtroom the answer to his own question. He held up the gift that Scott Peterson had sent to Amber, which she received on that day, December 26th. And she was calling Scott Peterson, she testified, to thank him for the gift. That's all that was.

KING: He got her to admit that she was going to tell Scott she was pregnant with his child, in a ruse to get him to confide in her in order to help police, true?

ALLRED: Well, number one that wasn't an admission of any sort. What that was, was that she suggested to the police that she could say that she was pregnant, but that might help to elicit information from Mr. Peterson. And that's nothing to be ashamed of. I think she should be commended for helping to assist the police in trying to elicit information from Mr. Peterson, if he had any about the disappearance of his pregnant wife.

KING: Well, no, she thought that he would admit harming his wife to her?

ALLRED: No...

KING: Did she think that? ALLRED: She didn't know what he would admit or what he would deny or what he would say. The point of taping the telephone conversations with Scott, and her talking with him on the telephone, was to see what he would say. That might, in fact, lead to his elimination as a suspect or it might mean that he would be a person ultimately charged with a double murder.

KING: Got you. So to this point, though Gloria, when it all comes to substances, we have shown that he is a cad, not the nicest person on earth, and he lies. And that she had sex with him, and was involved with him. But nothing shows that he's a murderer, is that -- you don't know if he's a murderer, do you, Gloria?

ALLRED: Do I personally know?

KING: No, does your client know?

ALLRED: Larry, my client has always maintained the position...

KING: Does not know?

ALLRED: May I complete my thought, please.

KING: Hopefully.

ALLRED: My client has always taken the position that he is for the jury to decide whether Scott Peterson is guilty of murder or not. That is not a decision that she should be making or that I should be making.

KING: I got you. So you have no opinion?

ALLRED: It's for the jury to decide.

KING: OK. So, I'm glad -- so, you no opinion as to the guilt or innocence of Mr. Peterson and certainly has no knowledge nor does client?

ALLRED: I do have an opinion that, frankly Larry, the way you stated the facts, I wouldn't agree with. This prosecution has shown far more that Mr. Peterson is a cad. Mr. Peterson has been shown to be a liar, and what's more, not only a liar, and not only an adulterer, but a person who said and these are in Scott Peterson's own words, that he had lost his wife. And that these were his first holidays without her, and this is two weeks before Laci went missing. And further he admits to being 90 miles away, fishing is what he says, and his wife's body washes up just a couple miles from there.

That's a whole lot more than just cheating on your wife.

KING: I agreed, but in summation, you have no opinion.

ALLRED: I have an opinion that the prosecution has presented very compelling and riveting facts that he have...

KING: But you don't know -- you don't know if he's a murderer, do you, Gloria? ALLRED: Do I, that is again for the jury to decide.

KING: OK, thank you.

ALLRED: However the prosecution has supported -- has shown, I think, compelling evidence the jury can find a motive for...

KING: Why can't you say you have an opinion?

ALLRED: Because my opinion, Larry...

KING: And she's your client -- you have no opinion.

ALLRED: My opinion is not relevant. What is relevant is the opinion of the jury after they deliberate and decide all the facts in this case.

KING: That's the key. And Amber's opinion is not relevant?

The only relevant opinion is twelve people?

ALLRED: Well, Amber's opinion I suppose would be relevant if she had one. But her opinion is not -- she doesn't have one. Her only opinion is that the jury should decide this matter, Larry.

KING: Thank you, Gloria. Gloria Allred. Let's move to our panel. Always good to see you.

No opinion, but good to see you. Nancy Grace, who may have an opinion on all of this. How did she hold up, Nancy?

GRACE: Well, Larry, I think she held up very well. But I don't think that Geragos threw her any hardballs. But let me be blunt about this, just because a wolf dresses in sheep's clothing, doesn't fool me. There's still a wolf. There's a whole another day or two of cross-examination to come. And so far in a very lighthearted manner, with a big smile, and a very charming and affable demeanor, as our Mark Geragos is famous for, he basically called Amber Frey a drunken sleep-around. Now, that's very common. I'm not shocked at all. That's typical. That always happens when a female takes the stand and has to be cross-examined.

KING: Why wouldn't he do that if she's testifying and damaging his client, who faces death penalty?

Why wouldn't he try to discredit a witness? Wouldn't you?

GRACE: There's absolutely no reason he wouldn't do it. But you asked me how she fared...

KING: But you acted like you were condemning him. You acted like he was a wolf's in sheep's clothing, he was being a smart kind of guy and cute.

But that's what you're supposed to do if you're good, right? NANCY GRACE, COURT TV: Well, Larry, as you well know. As you have asked me personally myself why I have never been a defense lawyer, is because I don't want to stand in front of a jury and lie threw my teeth. So, the fact that he is suggesting this woman is a drunk and a sleep-and a tramp, do I agree with it, no? But do I expect it as a tactic to save his client, yes. Do I condone it, no, I do not.

But I think Ted Rowlands hit on a very good point, and I think that deals with the cell phone records, Larry. There's been a lot of confusion from what I'm hearing tonight about why this witness was called to the stand. She was called specifically to bring in cell phone records. If the state wants to prove any type of triangulation, they're going to have to bring on an expert to do that not an AT&T employee, that's my call.

KING: Ah. Richard Cole, did you watch her testify?

Is -- Richard Cole is not there.

You watched her testify, Michael -- Chris Pixley, did you read the testimony?

CHRIS PIXLEY, DEFENSE ATTORNEY: I've read the transcript, I have, Larry. And I disagree with Nancy, actually, about why you go after Amber Frey.

KING: Well that's a shock.

PIXLEY: You know, it's fair, it's worth talking about. I understand why Nancy would say that this is just an attack on this poor, defenseless woman. I think we've learned through the course of the testimony that she's not poor and defenseless. This is a woman who had friends in law enforcement, who even before Laci Peterson went missing were looking into Scott Peterson's background, checking up on him. So she's not as fragile as she seems. But there's a reason for talking about the fact that this was a fairly recreational relationship between Scott and Amber, one that centered around drinking and karaoke bars and hotel rooms. And that's to show simply at this 30-day relationship didn't amount to a whole lot. That this was a physical relationship between the two of them. These were not two people that were planning a future together. At least not during the 30 days preceding Laci's disappearance. And that's important because the state is charged with proving premeditated murder. Meaning that they have to demonstrate that during the period of this relationship, if they believe Amber is the motive that Scott Peterson came to fall in love with Amber Frey and decided that he had to kill his wife. And the most damaging piece of evidence that came out of Amber's mouth in response to cross-examination today, in my opinion, was when she admitted to Mark Geragos that between December 15th and December 24th, the day that Laci went missing, she only spoke to Scott Peterson three times. Three times in a 10-day period. And yet the state wants to try to say that this woman had some role in Laci Peterson's disappearance. I think Scott -- I think Mark Geragos proved that Scott Peterson did not do this for Amber Frey.

KING: Before we bring in Richard Cole, Chuck Smith, Is the state attempting to say that the motive was Amber Frey?

CHUCK SMITH, FORMER SAN MATEO COUNTY PROSECUTOR: You know, it hasn't really been clear. It wasn't very clear in the opening statements given by Rick Distaso, and I don't know how much they're putting in to that position, that it's Amber Frey as the motive as opposed to just a huge change in the lifestyle that he wanted. I think they make a huge mistake for the reasons that all our panelists have been talking about, if they put a lot of eggs in the basket of Amber Frey was the reason, and Amber Frey was the reason alone. I mean, they make a mistake if they do that. They haven't really gone there terrifically. They have left themselves room to be able to argue that it was not really just Amber Frey. It was a change in lifestyle.

KING: We'll take a break, come back, go to Richard Cole for his thoughts and then bring Nancy Back in on the question of this witness earlier before Amber Frey. We'll be taking your calls at the bottom of the hour. Don't go away.

(BEGIN AUDIO CLIP)

AMBER FREY, EX-GIRLFRIEND OF SCOTT PETERSON: The only part that I'm seeking to find is the truth, in which case I haven't faced yet.

SCOTT PETERSON, ON TRIAL FOR DOUBLE MURDER: The truth is that Laci disappeared on Christmas Eve and we haven't seen her.

FREY: Yes, that true. That's one truth of it, but everything else.

PETERSON: I lied to you about, you know, where I was.

FREY: You didn't only lie to me, you've lied to a nation, Scott.

PETERSON: No, I haven't.

FREY: Oh, yes, you have.

PETERSON: No, I haven't.

FREY: I beg to differ.

PETERSON: How have I lied to the nation.

FREY: One, you have not spoke in public.

PETERSON: True.

FREY: Husband of missing pregnant women.

PETERSON: Right. I've been told the wrong the thing too.

FREY: I'm sure you have. I've already told me you really don't care what they say or it doesn't affect you in any way.

PETERSON: Well, no, of course it affects me. But not as important as finding Laci. I mean she is the missing person here.

(END AUDIO CLIP)

(COMMERCIAL BREAK)

KING: Let's bring Richard Cole in now. He's in Redwood City.

What's your assessment of this telephone witness?

RICHARD COLE, "REDWOOD CITY DAILY NEWS": One of the things that I've agreed with Nancy Grace on from the beginning is that the timeline issue that the prosecution set up is extremely important. If you believe Scott was at his house at 10:08, and you believe that Karen Service (ph) found the dog at 10:18 a.m., that doesn't leave much time for Laci to leave the house, get in trouble, and have the dog somehow wander back to the house. It's really difficult to buy that.

What happened today with the telephone testimony is basically the prosecution's own witness got up there and said that when you're checking messages, which is what Scott was doing, you could be at any tower at all. At one point they have him checking messages in Modesto and the tower reading is in Manteca which is, I don't know, 30, 40, 50 miles away. It's quite clear that that's not a reliable way to position someone if you're talking about retrieving messages, which is what he was doing.

Now, on the other side there's something that happened outside court that's going to hurt the prosecution again, which is Karen Service, the neighbor who found the dog, and swore on the stand that it had to be 10:18 because she worked her way back from a cell phone call, has apparently now contacted the court, and said, oops, that cell phone call was apparently later than I thought it was, so maybe my timeline is off.

So now, the prosecution's timeline is in trouble at the beginning, because Scott perhaps could have been at the warehouse and not at home when he checked his calls. And it's in trouble at the 10:18 side because Karen Service said oops, I may have done that wrong. That could be fatal. If you start extending that 10 minutes to 20 minutes, a half hour, 45 minutes, that leaves plenty of time for it to happen just the way the defense says.

KING: Nancy, as a veteran prosecutor, are they poorly prepared on this, what's your read?

GRACE: Well, my prediction is that Mark Geragos, in court today, did something very, very wise. He took a woman that was essentially supposed to verify some cell phone records, and twisted her around on cross-examination, and got her to testify about triangulation, and made some fantastic points in front of the jury. Now, it's back in the prosecution' court. They need to bring on an expert to clear up any and all of these issues. Can they do it, don't know. Should they do it, yes.

KING: If they can't do it, what does it mean, Nancy, if they don't find a witness who will contradict that?

GRACE: Well, it's not -- it's not the end of the case. It's not even close to a mortal blow. But it does hurt the timeline. In my mind all along on day one, Larry, when you and I were talking about this off set one day...

KING: I remember...

GRACE: ... I said the timeline is killer. The timeline is killer. So the state has got to establish that timeline as best they can.

KING: Michael, why are you laughing?

MICHAEL CARDOZA, DEFENSE ATTORNEY: I'm laughing because you asked Nancy a question, are they prepared? That's Nancy's way of saying no, the prosecution is not prepared.

GRACE: That's not what I said, Michael. That's not at all what I said.

KING: One at a time.

CARDOZA: Nancy, you didn't answer the question. But Nancy, let me get back to your comment earlier about why you don't want to be a defense attorney, because you don't want to lie to a jury. Number one, that's very offensive to defense attorneys.

GRACE: Sorry.

CARDOZA: In this case our D.A.s have been giving half-truths to the jury. The defense has stood up and cleared things up. Everybody in that courtroom has witnessed that, Nancy. You may never want to be a defense attorney, but I'll tell you, it's an honorable profession that's getting at the truth in this case. But for the D.A.s doing the half-truths this jury might convict. But they'll see the whole picture in this case because of the defense and they cross, which you loathe.

GRACE: Nice speech. Let's talk about the evidence, OK?

CARDOZA: Yes, let's talk evidence. I know you're usually not fettered by evidence, but let's talk evidence, Nancy, go ahead.

GRACE: Well, what I find interesting is that the whole cast of characters tonight is suggesting that this was all about sex and booze. But I think that if anyone had actually listened to these tapes in their entirety, they hear Scott Peterson saying things and I'm quoting, "I hold in my heart the hope that we would have a relationship in the future. I could care for you in every way for the rest of our lives. We could raise Aiyanna, your daughter, and fulfill each other forever." Hello! the guy has already slept with her.

Why is he making all of these promises?

CARDOZA: Does that prove murder, Nancy? no, It doesn't. And you know that. That doesn't prove that beyond a reasonable doubt. As usual, you're going on an emotional check. You should off emotionally, it's not going to work with an intelligent jury.

KING: One at a time. Let me get a break. None of us know what twelve people are thinking. We'll take a break, come back, go to your phone calls. I'll reintroduce the panel, too, don't go away.

(COMMERCIAL BREAK)

KING: Let's reintroduce our entire panel. In Redwood City, Ted Rowlands of CNN. He's covered this case from the beginning. One of the few on-camera interviews conducted with the defendant.

Nancy Grace is in Sea Island, Georgia -- vacationing, I trust. Court TV anchor and host of "Nancy Grace Live" specials, the former prosecutor.

In Atlanta is defense attorney Chris Pixley. In Redwood City is Michael Cardoza, local defense attorney and former Alameda County prosecutor. Also in Redwood City is Chuck Smith, former San Mateo County prosecutor, including six years as a homicide prosecutor, now in private practice. And Richard Cole. Mr. Cole has covered the Peterson case for "The Daily News Group," including "The Redwood City Daily News." He's a veteran crime and trial reporter, also in court today.

Let's go to calls. Mount Sterling, Kentucky. Hello.

CALLER: Yes. Good evening. My question is for the two investigative reporters, and I'd like to know if Laci entered the water, and the fetus was in utero, would there be any evidence to show water in the lungs or anything of that nature to prove where the baby died?

KING: Ted, do we know?

ROWLANDS: Yeah, no, there was no indication that there was water in the lungs. That was one of the first things that came out. Of course, that would have possibly proven that the baby was handled outside of the body. The defense contends that that is what happened, and that the fact that the baby was found in one location and Laci in another, in different levels of decomposition, that they will try to prove that that indeed, happened. But water in the lungs, no evidence of it.

KING: Richard Cole, you agree?

COLE: Yes, absolutely. I think the defense is not going to contend that the baby was alive in the water. They have said that they will show the baby was born alive. I think their thesis is that somehow the baby was born alive outside the water, and that the bodies were later thrown into the water by whoever the real killers were.

KING: Auburn, Georgia, hello.

CALLER: Hi. I was just kind of curious, I guess this is for the whole panel, when are they finally going to draw the line on the Amber questioning? I mean, what else could they possibly expect to get from Amber other than what we already know?

KING: Chris?

PIXLEY: I think the line is going to be drawn tomorrow. And our understanding is that Mark Geragos originally told the court he only had an afternoon worth of questions for Amber Frey. And we've talked quite a bit about whether that's wise, or not wise.

One of the interesting things is you can talk a lot about how it's important not to overdo the cross-examination of a critical witness. But remember, Scott Peterson's life is on the line here. His life and his freedom. And you're talking about a witness who, through tapes or through her own testimony, has been put on the stand for over a week.

So, multiple phone conversations from one witness, played by the prosecution for over a week, deserves some response. And I think that you really have to toe the line and be very careful. If you give too little of a response, and we see it happen all too often, by defense attorneys, when they don't take the state's case seriously or they trivialize it or they just don't think that it measures up, and then their jaws hit the floor when the guilty verdict comes back. I think that's what happened in the Martha Stewart case.

I don't think that's what will happen here, but I do expect more from Mark Geragos tomorrow.

KING: Nancy, what was the delay all about? She was supposed to be cross-examined last Thursday and the judge put it off to today?

GRACE: Well, apparently Mark Geragos told the judge, and told the prosecution that he had learned new evidence that would bear on his cross-examination of Amber Frey.

Now, a lot of people speculated. The word within the courthouse was that it had something to do with her association with Detective Byrd, a guy on the Modesto police force -- a guy with the police that she got to check out Peterson, simply to find out if he was married. Don't know if that was the reason, but we did see an extensive line of questioning on that very thing today.

KING: And you're shaking your head, Michael?

CARDOZA: Yeah. Larry, I think it was somebody, some third party outside of the courthouse gave the court some information that had to be checked out. It wasn't anything to do with the DA, or the defense. I know a lot of people speculate, oh, this is a Geragos trick. That's a bunch of baloney. It was somebody outside gave information to the court that had to be checked out. Simply that.

KING: Louisville, Kentucky. Hello.

CALLER: Hi. Yes, love you, Larry. And love you, Nancy Grace and all the panel. I also love Chuck. I did want to have a question for Nancy Grace.

KING: Go ahead.

CALLER: Nancy, you were in the courthouse and saw the pictures of Laci's body.

GRACE: That's right.

CALLER: And so then you saw the clothing that she was wearing. And so she supposedly had on the black and white, you know, the next morning when she was out walking her dog. But she still had the same clothing on from the night before, the beige pants. And I just wondered if that wasn't some kind of, you know, evidence that...

GRACE: Yes, you're right, Louisville. It's very important evidence. Because Scott Peterson told police when he left her to go walk the dogs, she was wearing black pants and a white top. She was found wearing tan pants, drawstring, that were similar to what she was wearing the day before when Scott Peterson got his hair cut, along with her there at Salon Salon by her half-sister Amy Rocha.

Now when Rocha took the stand, several pair of pants were shown to her, and she said I can't be positive as to which.

But one thing we do know, she was wearing something totally different from what Scott Peterson told police, and something very similar to what she wore the evening before. That could indicate to a jury that she was killed on 12/23.

KING: Drummondville, Quebec. Hello.

CALLER: Hi, Larry. Thanks for taking my call.

KING: Sure.

CALLER: My question is, the the -- according to -- according to the police, or -- and according to Amber, Scott has had -- said to the police that -- oh, I'm sorry. Said to the police that...

KING: What's your question, ma'am?

CALLER: OK, I'm slowly getting there.

KING: No, let's get it quickly.

CALLER: OK. It was two weeks prior to the 24th of December, when his wife disappeared. How did he know that -- how did the police know not to set up an appointment with Peterson and Amber so that they could track what was going on prior to the two weeks.

KING: You know what she's saying, Richard?

COLE: Not exactly. I think she's confused about the fact...

KING: Does anyone on the panel know what she's...? COLE: I think she's confused about the timing of when they started tracking the calls. Amber did testify about some calls a couple of weeks before that, but they were not taped. That was just her recollection of the telephone calls. And maybe the listener is a little confused about that.

KING: Pleasanton, California. Hello.

CALLER: Yes, hello. I was in the courtroom today, and this is not to be disrespectful, but not everyone was laughing when Geragos said, "I have no questions to ask." But anyway, my question is for anybody on the panel. Does anybody know if Scott called Laci that day from the fishing trip or otherwise? Thank you.

KING: Anyone know, Chris, do we know?

GRACE: Yeah.

PIXLEY: Yes, we do. And Nancy's right.

KING: Chris and then Nancy.

PIXLEY: Scott did call around 2:00, sometime early afternoon, after he had left the marina. Left her a voicemail message, just a very normal message. Of course, we also know that he called his father that afternoon. We also know that he called his friend, Greg Reed. Had very normal conversations with his father and with Greg Reed. And of course Greg Reid testified as well, that the conversation he had with Scott, which was about plans they had for New Year's Eve, was a far cry from the voicemail message that he got later that evening when Scott was looking for his wife Laci.

KING: We'll take a break and come back with more phone calls on this edition of LARRY KING LIVE. Don't go away.

(BEGIN VIDEO CLIP)

PETERSON: I'm asking to see you...

FREY: I said I don't know how that would be possible without being spotted by somebody.

PETERSON: Yes.

FREY: Unless you have ideas. I -- I don't know.

PETERSON: No, my idea was, like, tonight.

FREY: How is that?

PETERSON: I thought I could come to wherever you are. Like tonight just for (UNINTELLIGIBLE) to see you or to talk to you.

FREY: I can't have you come to my house, Scott.

PETERSON: OK. FREY: And I have Ayianna.

PETERSON: I know. I can't say I understand but OK.

FREY: Scott.

PETERSON: You know I'm not a monster, Amber.

FREY: I never said you were, Scott.

PETERSON: Thank God, I know. But you know I could never hurt you or her or anyone. You know that, don't you?

(COMMERCIAL BREAK)

KING: We're back. Arlington, Texas, hello. Arlington, Texas, are you here? Good-bye. We go to Huntington Beach, California. Hello.

CALLER: Hi, Larry.

KING: Hi.

CALLER: This is for anyone on the panel.

KING: Sure.

CALLER: Is it a possibility that Scott Peterson would -- was setting up Amber Frey to take the rap for Laci and Conner's murder?

KING: A little far-fetched. Chuck, what do you think of that?

SMITH: Well, I don't think so. That theory which at one point people thought that Geragos might try to go there, I don't think he's going to go there at all. He doesn't have to go there. And there's really no -- no -- there's nothing that I can think of that would ever support any such notion.

KING: Chuck, does the defense in summation have to present a theory or do they just have to say the prosecution didn't prove it?

SMITH: They just have to say the prosecution didn't prove it. They don't have any obligation to prove anything. The prosecution has to prove these things to a very, very, very high standard. And the defense can rely upon failure of proof. And that's the way Mark Geragos has been trying his case. He's not trying to prove who the real killers are. He's trying to prove that the prosecution evidence pointing towards Scott Peterson is just not credible, is just not valid. He's

doing it the right way. And the prosecution is having problems.

KING: Nancy, would it be effective if Geragos presented no defense, just acted as has happened in some trials? They haven't proved a thing?

GRACE: Well, I've actually seen lawyers do that. And in my experience, the jury doesn't like it very much. They expect the defense to do something. We already know Geragos has lined up about 18 witnesses that we know of. Plus other evidence. I don't see him doing that. Listen, Geragos is a trained prize fighter. He's going to go in there, guns ablazing come time for the defense case.

KING: Polk, Pennsylvania. Hello.

CALLER: Hello. My question is for Nancy Grace.

KING: Sure.

CALLER: A week or so ago on Court TV one of your panelists suggested that -- that Scott Peterson was a sociopath or a psychopath and not one member of the panel disagreed with that. It was like a proving silence there. If he is mentally ill, can a judge order some kind of counsel -- psychiatric evaluation to say, look, this guy's nuts, let's move this case on?

KING: Before Nancy responds, were the panel members professional psychiatrists?

GRACE: Yes, we did have a professional.

KING: How would you know unless you examined someone whether they were a psychopath?

GRACE: They were just giving their opinion. But that's completely moot. Because, psychopath or a sociopath doesn't necessarily rise to the level of legal insanity. So if you say somebody's a psychopathic liar, or they have a split personality or they have A.D.D., that doesn't rise to insanity, a defense under the law. So you can be a sociopath or a psychopathic liar. That does not mean it's a legal defense. And that's why nobody complained about it.

KING: I see. Paradise, California. Hello.

CALLER: Hi. Yes. I'm calling -- and thank you for taking my call. I just wanted to find out, obviously Scott Peterson is a scum bag and I want to know if Scott Peterson is found guilty, does Amber Frey have any reason to fear for her life?

KING: Well, that's a bit of a stretch, too, since if he's found guilty he'd be incarcerated and possibly given the death sentence. So who would be out to get her? Anyone want to respond? Chris?

PIXLEY: Well, if he's found innocent, obviously the question becomes is he a danger to anyone? I don't think that they've demonstrated he's a danger to anyone at this point in time. In fact I think one of the most disconcerting aspects of these phone calls, whether it's the phone calls between Scott and Amber and all of Amber's questions and the grilling that she gives Scott on some occasions or the phone call that he endured from Sharon Rocha, whoever is asking the questions, Scott Peterson seems to be the person that his family has always described him to be, which is a very even-keeled, very gentle person. That's what's come through on the tapes. So while he may be telling some big lies, he hasn't come across as a dangerous guy.

KING: Michael?

CARDOZA: I'll tell you, if he's found innocent, no, that's all television-type stuff. People going back. Remember, I mean, who would be the first suspect if Amber went missing or went dead? It would be Scott Peterson. So he's not going anywhere -- he'll run in the opposite direction if he's found innocent, believe me. And if he's convicted he's doing 25 to life or life without possibility, or death in this case.

KING: Or he might call her from his cell and say he's in Budapest.

CARDOZA: Say that again?

KING: It's a little joke, Michael.

CARDOZA: I missed it, I'm sorry.

KING: We'll take a break and come back with our remaining moments. Don't go away.

(COMMERCIAL BREAK)

KING: Grants Pass, Oregon, hello.

CALLER: Hi.

KING: Hi.

CALLER: Hi. Good evening. I would like to know if -- this question is for Chris -- would like to know, I noticed on the bottom of the screen it says that Amber was ready to tell Scott that she was pregnant, and was that true? And what were they thinking of gaining from that? And my other question is, maybe I missed something somewhere, but how did the tapes -- how were the tapes allowed in court when they -- when Scott didn't know that he was being -- being recorded?

And, Chris, I think you're great. You explain everything to people so that we understand.

KING: All right, thank you.

CALLER: And Nancy could take some lessons from you.

PIXLEY: Well, that's kind. I appreciate that.

KING: Nancy I'm sure will attend to Chris Pixley's seminar on legal facts. Go ahead, Chris.

PIXLEY: Yeah, well, Amber's testimony is -- or excuse me, Amber's phone calls with Scott Peterson are allowed into this case, you know, with the background that she's provided. And of course, as you know, when she went on the stand initially she laid the foundation. Scott Peterson's -- whether or not a call can be recorded in that fashion really has to do with privacy laws and wiretap laws.

And of course in all states, almost every state follows the federal standard, which says if one of the two parties to a conversation are aware that the conversation is being taped, there's nothing illegal about that.

So, it was legal for her to tape those phone conversations. Of course, the police were assisting her in that process.

And with respect to your first question about whether or not the police were posing the question to Amber, or Amber suggested it herself, Amber suggested to the police early on in one of her first meetings, this is how it's come out in the testimony, that she might possibly be able to elicit more information from Scott if she suggested to him that she was pregnant. I don't think that the police went with that idea. And they certainly didn't have her offer up that suggestion to him over the telephone in any of her conversations.

So it just kind of died. But I think the point of it for the defense was, look, this is -- this is not some fragile woman who's been dragged through the mud by Scott Peterson. This is a woman who is actively engaging the police and actively working with them to the point of suggesting how she might be able to entrap Scott Peterson from the very beginning of her work with the police.

KING: Ted Rowlands, when is this supposed to end?

ROWLANDS: Well, the entire trial was supposed to end by the end of October. That's what the judge told the jury at the outset of this thing. For a while, the judge kept reassuring the jury that we were ahead of schedule, and there seemed to be this upbeat attitude.

Well, today the judge definitely made a point of moving things along, and he seemed irritated with the delays that we've experienced over the past couple of weeks. Safe to say I think we're a little bit behind schedule now, and this thing may bleed into November. Especially when you're talking about deliberations.

KING: Just picture a verdict election night.

Athens, Georgia, hello.

CALLER: Hi. My question is for the panel. What is Scott's reaction to Amber actually while he's in the courtroom?

KING: Chuck?

SMITH: You know, that's funny. That's a great question, especially today. Because today, the defense team had a computer, and a computer monitor set up on the table, defense table, and I was sitting right behind Scott Peterson, and from where Scott Peterson was sitting, he would have to move around the monitor to even see Amber Frey.

And I was thinking to myself, I wonder if that is deliberate. They don't make eye contact. They don't look at each other. When she had to identify him the other day, she looked over and they made eye contact, as she identified him. But that's really been it. There's no -- there's no interchange, no dynamic between the two of them at all.

KING: How is this trial going, Nancy? Where do you -- as a reporter now, where is it? Where are we?

GRACE: As it stands right now, I think it's going well for the state. But it's expected to go well for the state during their case. This could all turn around during the defense case.

But I'd like to clear something up very quickly. The reason these phone calls are coming in is not because of consent by the parties in California -- by the way, it's a two-party consent. These calls are coming in because there was a warrant to tap the lines by the police. That's why they're coming in.

And as far as looks between Amber and Scott, I don't know that there were any today or not, but at the beginning there were looks, and I was a little worried that Amber might stumble. She didn't.

KING: All right. And your assessment, Richard Cole? You watch a lot of trials. We only have about 30 seconds. Where does this trial stand right now?

COLE: Well, I would respectfully disagree with Nancy. I think that the Amber Frey tapes have certainly been a high point for the prosecution. But even the prosecution has admitted they don't really have any evidentiary value for the trial.

And as of today, we've gotten back to that same horrible situation we always see where the prosecution puts up a witness and they shoot down the prosecution's theory. I think today we're back to that. I think they've put up very little evidence that is going to be reliable. And we'll see if they can turn that around before the end of the trial.

KING: Thank you all very much. We'll be seeing you again, probably tomorrow night, based on how tomorrow goes. In fact, I'll tell you about tomorrow right after this. Thanks to our whole panel. Don't go away.

(COMMERCIAL BREAK)

KING: Tomorrow night, barring some major developments in the Peterson trial, our guests will be Katie Couric and Matt Lauer from Athens, Greece. A look at their coverage of the Olympics. What did you say? Somebody just said something? Oh, and Al Roker, too. A-ha, the threesome.

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