

1 please.

2 (Witness sworn.)

3 THE WITNESS: Yes, sir, I do.

4 THE COURT: All right. Feel free to
5 walk over here and have a seat there on the witness
6 stand. And feel free to adjust the chair and adjust
7 the microphone, and answer as directly as you can.
8 The Rule has been invoked and you know what that
9 means, right?

10 THE WITNESS: That's correct.

11 THE COURT: You may proceed.

12 **OFFICER ROBERT BROWN,**

13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 BY MS. COOPER:

16 Q Good afternoon.

17 A Good afternoon.

18 Q Can you introduce yourself to the jury,
19 please.

20 A My name's Officer Robert Brown. I am --

21 Q How are you employed?

22 A I'm employed with the Houston Police
23 Department.

24 Q Can you tell the -- well, how long have you
25 been with the Houston Police Department?

1 A I've been with the department over 21 years.

2 Q Are you -- did you go through the basic
3 training through the police academy?

4 A Yes, I did.

5 Q Do you have additional training outside of
6 the police academy?

7 A Yes, I do. And the particular unit that I'm
8 in is the communications intelligence unit. And I've
9 had 40 hours of training when I first took that job.
10 And then I've had probably an additional 300 plus
11 hours in training since I took that job almost four
12 years ago.

13 Q Can you tell the members of the jury --
14 well, you said -- what division is it that you're
15 assigned to right now?

16 A It's the criminal intelligence division.
17 And the unit that I work for is the communications
18 intelligence unit.

19 Q What's the communications intelligence unit?

20 A Well, we -- we work with cell phone
21 technology. My day-to-day job is to find valid
22 fugitives. I'm a deputized US marshal. We go out
23 and -- with -- doing cell phone analysis and
24 reviewing those records and doing just day-to-day
25 intelligence, go out and track these fugitives.

1 Q Did you have to go through a class or a
2 training when you first got assigned to the criminal
3 intelligence division?

4 A Yes, I did. It was the 40 hour class.

5 Q Okay. And what does that class entail?

6 A It covers call detail record analysis, the
7 mappings of those records, that's -- the major
8 portion of that goes over our legal demands that we
9 have to issue to district court judges to go able --
10 which enables us to go the carriers, like Sprint,
11 Verizon, and to get individual cell phone records.

12 Q And you've mentioned that you have 300 plus
13 hours of training?

14 A That's correct.

15 Q And what area are those hours of training
16 in?

17 A They're in the cell phone technology. Like
18 I said, analyzing call detail records, mapping,
19 networks. We also are -- in a group of a limited few
20 that do interactive traces for the Houston Police
21 Department. And we that on a statewide basis for US
22 Marshals, FBI, State agencies, as well as local.

23 Q So of the position that you're in, how much
24 of your time is dedicated to cell phone work?

25 A I do it every day. I've worked probably

1 thousands of cases as far as looking at call detail
2 records.

3 Q What -- if you can tell the members of the
4 jury, what kind of information that we get from cell
5 phone records?

6 A Well, when we get the legal demand, we send
7 it off to the carrier. We usually request subscriber
8 information, which is who's subscribed for the phone
9 when they got the service. And we also get the
10 incoming and outgoing calls on these records. The
11 phone numbers that are calling in or calling out.

12 And we get the location of the cell
13 towers that this event is taking place, the phone
14 transaction towers, and the location of those towers.
15 And that's the main information that we're looking
16 for.

17 Q Did you -- were you -- did you review cell
18 phone records pertaining to the defendant in this
19 case, Gareic Hankston?

20 A Yes, I did.

21 Q And do you know about how many months of
22 records it was that were reviewed in this case or
23 obtained?

24 A I believe six month, six, seven months were
25 represented. Five, six, seven months, something like

1 that.

2 Q Did you prepare a PowerPoint presentation to
3 help aid your testimony to the jury in this case?

4 A Yes, ma'am, I did.

5 MS. COOPER: May I approach the
6 witness, Judge?

7 THE COURT: You may.

8 Q (BY MS. COOPER) Showing you what's been
9 marked as State's Exhibit No. 118 for demonstrative
10 purposes.

11 Do you recognize that PowerPoint?

12 A Yes, I do.

13 Q All right. And is that the PowerPoint that
14 -- you actually gave that to me?

15 A Correct.

16 Q And will this help aid your testimony in
17 describing cell site information, and the calls --
18 cell phone records to the jury?

19 A Yes, it will.

20 Q All right. And then I want to show you
21 State's Exhibits No. 119, 120, 121, 122, 123, 124,
22 125 and 126.

23 A Correct.

24 Q Do you recognize these?

25 A Yes, I do.

1 Q Are these actually some of the pages of the
2 PowerPoint separately pulled out?

3 A Yes.

4 Q Are these State's 119 through 123; what are
5 those?

6 A Individually or all together?

7 Q Just what are they?

8 A They're maps. The maps of the cell phone
9 towers involved in this case.

10 Q All right.

11 A And the sectors of the cell -- the cell
12 towers and locations of the -- of some of the events.

13 Q And are those maps -- were they created
14 based on the cell tower information and cell phone
15 records of the defendant in this case?

16 A Yes, they were.

17 Q And then State's Exhibit No. 124, 125 and
18 126.

19 What are these?

20 A Those are just diagrams depicting the call
21 detail records, events, first one through May 1st to
22 October 31st. And that's the number of calls that
23 were placed on a month-to-month basis from the target
24 phone.

25 And then the second tier are calendars

1 of events that -- same thing, cell phone activity on
2 the -- the date of the incident, the shooting.

3 Q The actual cell phone records -- the
4 defendant's cell phone records in this case, is it
5 about 1,000 pages or more?

6 A I would assume so. We don't print them all
7 out, we get e-mail copies of that stuff.

8 Q All right. So is it a bunch of records?

9 A It's a lot of records. It's months of
10 records.

11 Q All right. Is 124, 125, 126 just kind of a
12 summary of -- the frequency summary of the voluminous
13 records that are there?

14 A Yes, correct.

15 Q All right.

16 MS. COOPER: Your Honor, at this time
17 I'm tendering to opposing counsel State's 118, to be
18 offered just for demonstrative purposes. And then
19 119 through 126 to be offered into evidence?

20 MR. MORTON: Your Honor, at this time,
21 we just reurge our pretrial objection to the cell
22 phone record under the Texas constitution, the United
23 States Constitution and the Texas Code of Criminal
24 Procedures?

25 THE COURT: All right. Same ruling.

1 MR. MORTON: Your Honor, we'd ask for a
2 running objection to the testimony regarding that?

3 THE COURT: That's granted. That's
4 granted.

5 MR. MORTON: And other than that, I
6 have no objection to State's Exhibit 118 for
7 demonstrative purposes. And as to State's Exhibits
8 119, 120, 121 and 122, if I may take the witness on
9 brief voir dire?

10 THE COURT: You may.

11 **DEFENSE'S VOIR DIRE**

12 BY MR. MORTON:

13 Q Officer Brown, in these maps, you have
14 several things added on top. You have locations that
15 are the tower locations?

16 A Correct.

17 Q And how did you determine these tower
18 locations?

19 A By lat and long from these call detail
20 records.

21 Q By lat an long, do you mean their -- their
22 coordinates?

23 A Their coordinates, correct.

24 Q Okay. And you have some lines radiating out
25 from that location?

1 A Correct.

2 Q What do those lines indicate?

3 A Those are sectors of the tower.

4 Q So in between these lines is the individual
5 sectors?

6 A Well, in this particular diagram, there's
7 three sectors of this tower.

8 Q Now, how did you put these on the map? Did
9 you just draw these lines?

10 A We use a tool on MapPoint. MapPoint is the
11 program that we use, and we use tools to draw those
12 out. And we draw it out 120 degrees in this case for
13 that tower.

14 Q Now, I noticed that some of these lines are
15 longer than others?

16 A Yes.

17 Q Is that just by the way you drew them?

18 A Just by the way I drew them, correct.

19 Q And it has no indication on how strong the
20 signal was at these towers?

21 A No, it does not.

22 Q Or how far that signal reaches?

23 A No.

24 Q It my reach further than these lines?

25 A Correct.

1 Q It may not reach as far as these lines?

2 A Correct.

3 Q And in several of these maps you have some
4 shaded areas?

5 A Correct.

6 Q And those shaded areas would be sectors
7 within -- that the cell tower covers?

8 A Correct.

9 Q Now, the sectors only go out so far?

10 A The drawing, yes, only goes out so far.

11 Q That doesn't indicate how far the signal
12 could go?

13 A Correct.

14 Q It could go further?

15 A It could go further or shorter.

16 Q Or shorter.

17 A Uh-huh.

18 Q And that's just estimates to illustrate your
19 point that you're trying to make?

20 A It's just a depiction.

21 Q But it's not there to represent --

22 A The actual --

23 Q The actual area?

24 A It's not there -- the actual distance from
25 the tower.

1 Q So there may be some lines that delineate
2 where the signal could be, and others that could not.

3 A No. Once I go through the PowerPoint it
4 will be clearer. But RF signals are just not
5 straight lines. It's more of a block that it is just
6 a sector. That's just for demonstrative purposes.
7 It gives a -- it's basically depicting the side of
8 the tower that the signal is reaching the cell phone.

9 Q And these lines that you put on there to
10 delineate the 120-degrees.

11 A Uh-huh.

12 Q Those are just -- where you put them on
13 here, that's an estimate on -- by drawing it?

14 A Well, the 120 degrees is accurate. We use a
15 tool to do that.

16 Q I notice that in this line, it appears
17 that's it's not completely straight?

18 A Okay. Well, it's -- like I said, it's a
19 tool we use. It there to depict 120-degrees, so it's
20 pretty close.

21 Q It's pretty close but not accurate?

22 A Well, I'd have to look again at the tool.
23 But, you know, see if it's calibrated or not. But
24 it's usually pretty accurate, as far as degrees. So
25 360 degrees divided by three, that's going to depict

1 close to 120 degrees.

2 Q But that tool's not a GPS tool, that's a
3 drawing tool.

4 A It's drawing tool, correct.

5 MR. MORTON: I have no further
6 questions on voir dire.

7 THE COURT: All right.

8 MR. MORTON: And with that
9 clarification, I have no objections to State's
10 Exhibit 119, 120, 121, 122 and 123. And I have no
11 objections to State's Exhibits 124 and 126 is a
12 summary of the volume of this document.

13 MS. COOPER: And 125?

14 MR. MORTON: No further objections,
15 other than the previous objection and the running
16 objection that we have too, total.

17 THE COURT: All right. How about 125?

18 MR. MORTON: And 125 as well. Just the
19 previous objections.

20 THE COURT: All right. 118, the
21 PowerPoint demonstrative item, no objection?

22 MS. COOPER: So 118 for demonstrative
23 purposes?

24 MR. MORTON: For demonstrative
25 purposes, no, Your Honor.

1 THE COURT: All right. Thank you. You
2 may proceed.

3 And for the record 118 (demonstrative),
4 119, 120, 121, 122, 23, 24, 25, 26 are admitted for
5 the purposes stated.

6 (State's Exhibit Nos. 118
7 (demonstrative), 119, 120, 121, 122, 123, 124, 125,
8 and 126 were admitted.)

9 Q (BY MS. COOPER) I'm going to give this to
10 you.

11 A Okay. Need some help?

12 Q All right. So you have had the opportunity
13 to look and go through State's Exhibits 109, 110 and
14 111; is that right?

15 A That's correct.

16 Q But you had it all on a disk, obviously not
17 paper records?

18 A Correct.

19 Q Is that right?

20 All right. And on reviewing those
21 records, were you able to -- to -- did you gather
22 information regarding this case?

23 A Yes, I did.

24 Q All right. If you can tell the members of
25 the jury -- just kind of briefly explain what it is

1 -- what cell phone records are?

2 A Okay.

3 Q And what we're doing?

4 What was the phone number that you got
5 off the records for the defendant in this case?

6 A The phone number is -- that was given to me,
7 was (832)754-6108.

8 This first slide just -- it just
9 describes a cell phone that -- how it works. It's
10 somewhat a half duplex or full duplex radio. And I
11 guess, it compares it to a walkie-talkie or -- a
12 phone is when you talk, you can talk and hear at the
13 same time, the voice speaking back to you.

14 A walkie-talkie is different, but it's
15 a radio. And walkie-talkie is when -- when you talk,
16 you push the button, you talk until y'all let go and
17 wait for the other person to talk back to you. So
18 that's -- that's what we're talking about, when we're
19 talking about cell phones versus a walkie-talkie.

20 Q All right. What is a cellular antenna?

21 A The cellular antenna is a tower basically.
22 It's the same thing. It's what the cell phone
23 communicates with to complete a transaction phone
24 call, or it may be a text or SMS, MMS, which is, you
25 know, I think most people are familiar with that, if

1 you've seen the pictures, MMS, multimedia --

2 MR. MORTON: I'm going to object to
3 nonresponse, Your Honor.

4 Q (BY MS. COOPER) All right. If we switch to
5 the next slide, which is --

6 THE COURT: Sustained. Go ahead.

7 Q (BY MS. COOPER) Slide No. 5, do you have some
8 pictures kind of illustrate to the jury what cellular
9 antennas look like and what they are?

10 A Well, they vary. You can see, here's some
11 towers here. And they're just different structures,
12 but basically they have the capability of doing the
13 same things because the structures are different.
14 They have panels on them.

15 Maybe I can point those out, whoops,
16 what happened? I'm not used to your clicker. I'm
17 sorry.

18 Q Just hold on.

19 A Which is the red?

20 Just on your computer just put the
21 PowerPoint back on.

22 MS. COOPER: Can I have the witness
23 step off the stand, Judge?

24 THE COURT: You may.

25 (Witness exits witness stand.)

1 Q (BY MS. COOPER) All right. You can come
2 down here. We're going to have to do this the
3 old-fashioned way.

4 A Do you want this light on?

5 Q It's on.

6 (Confers.)

7 (Witness returns to witness stand.)

8 Q (BY MS. COOPER) Do you want to use your
9 clicker?

10 MS. COOPER: Sorry, Judge. Can we have
11 just a second?

12 THE COURT: That's all right. These
13 things happen. No problem.

14 Q (BY MS. COOPER) All right. If we go back to
15 the PowerPoint. What are we looking at here?

16 A Okay. Let me start back. Okay. You have
17 the -- about cellular antennas and the towers, as I
18 said. And these are examples of towers.

19 Q And just -- hold on.

20 MS. COOPER: Once again, for the
21 record, this is Slide Number 5 of the PowerPoint.

22 A Okay. And the red arrow indicates the
23 panels that are used to talk to the -- or send out
24 the RF to talk to your phone when you're using it.
25 This is just another type of tower. There's a panel

1 at the top. And this is on top of a building. Those
2 are panels.

3 Q (BY MS. COOPER) So are there different kinds
4 of cell tower antennas or cellular antennas?

5 A Well, there -- yes, each carrier has their
6 antennas and they're placed on different objects.
7 Some are disguised as trees, palm trees. It just
8 depends on the location where they want to put them,
9 as you can see. But generally they all operate, as
10 far as cell phone technology, the same. They're
11 sending out RF and receiving RF.

12 Q What do you mean by "each carrier has their
13 own antenna"?

14 A Well, when you have a Sprint phone, there's
15 Sprint towers. When you have Verizon phones, Verizon
16 towers. So they use their towers to communicate with
17 the people -- the handsets -- devices.

18 Some -- some companies don't have their
19 towers, they're called MVNOs and they -- they use --
20 like Cricket sometimes will use Sprint towers
21 depending on what part of the country they're in. So
22 they share -- they share their towers. But generally
23 designed like something to this fashion.

24 Q Are cellular towers important to the use of
25 cell phones in -- just in everyday life?

1 A Absolutely.

2 Q And in what ways?

3 A Well, I mean if -- if -- you know, for
4 emergency purposes and you dial 911, you're going to
5 want to have to get it connected to the police. So a
6 cell tower is critical on that, you know.

7 In the day-to-day business we do, we
8 track fugitives and we want to know where they're
9 located, so we can find -- there are people that have
10 been kidnapped or people that have murdered other
11 people or, you know, robbed people and stuff like
12 that. So it's very valuable to have --

13 MR. MORTON: I'm going to object to
14 nonresponsive.

15 THE COURT: That's overruled. Go
16 ahead. Question and answer, please.

17 Q (BY MS. COOPER) In order for a cell phone to
18 work, does some kind of signal have to go to a tower?

19 A Yes.

20 Q Okay. Can you explain that to the jury?

21 A It's -- a signal has to be transmitted to a
22 tower for it to be able to be communicated to the end
23 user. So when you -- when you dial a number, it's
24 going off over a RF signal to a tower. And
25 generally -- hopefully the closest tower to you, but

1 not necessarily always.

2 Q And about -- do you know how many cell
3 towers there are in the State of Texas?

4 A Well, I can give you an example. This is an
5 example of cell towers in our State per area.

6 Q This is slide No. 6.

7 A They give you some idea that, you know, for
8 you to complete your call, it's got to hit a tower.
9 When you lose -- when you lose a call, it's
10 because -- there's different things that cause you to
11 lose, but these -- when you're -- say you're moving,
12 and you're on one tower and you're getting out of
13 range, these towers are set up to hand you off to the
14 next tower, which is somewhat seamless, because you
15 never see it.

16 But if it doesn't happen -- doesn't
17 occur, then that's when you get a dropped call. So
18 the tower's important to be able to communicate.

19 Q Does each tower have a limited range?

20 A They -- the people that design the networks,
21 they set the ranges on these towers, so they're
22 different. It just depends on the area of Texas or
23 Houston or the population.

24 So, yes, to answer your question, there
25 are limits.

1 Q Okay. Are there any towers that like cover
2 the whole State of Texas?

3 A I don't -- I don't --

4 Q Well, like, I mean, you said that, you know,
5 your call -- how close do you have to be to a tower
6 in order for your phone to connect to a tower? Is
7 there any set distance?

8 A Well, again, it's set by the network
9 engineers, and it's based on a lot of variables. The
10 one thing about a tower is, you don't want to set the
11 limits so far that they're all convoluted. And in
12 this particular case, these towers, they are -- when
13 you look at their coverage, they sort of overlap, so
14 that you get that seamless call transfer. So you
15 don't -- your don't drop a call.

16 So, it's not just strict boundaries of
17 the RF signal. It's -- it's generated out in a
18 certain distance, but not to cover too much of an
19 area to where they get convoluted.

20 Q Uh-huh. So, if someone's in a vehicle and
21 they're driving their vehicle from one side of town
22 to another side of town, is their phone, as they're
23 moving, going to go from one tower range in to
24 another tower range?

25 A Yes, it should. If they're traveling a

1 distance it, you know -- yes, to answer your
2 question, yes.

3 Q Okay. All right. If you go to the next
4 slide, slide No. 7, what are we show -- what is this
5 slide depicting?

6 A This just shows the same thing, but it's a
7 little bit closer in. And it just shows the towers
8 that are along major highways and how, you know,
9 basically, where you'll see towers if you're
10 traveling and how they work, so that you continue on
11 your phone talking and not drop a call.

12 It's depicted using the San Antonio and
13 Austin. And you can see where the towers are more
14 dense in those areas, when you get in a major area.
15 So, you have less towers in rural areas and more
16 towers because of the population and more phone
17 activity in the dense areas.

18 Q And can you see the Houston area on slide
19 No. 7?

20 A I -- that's not numbered. Are we on seven
21 now?

22 Q No. Seven was the one we were just on.

23 A Okay. Okay. To the right, there's a major
24 cluster of towers to your right, it's a red area.
25 That's Houston area -- surrounding area.

1 Q All right. So is it fair to say there's
2 lots of towers in Houston?

3 A There's lots of towers.

4 Q Okay. If you go to the next slide. If you
5 can describe the -- to the jury what's going on here
6 in this slide?

7 A Well, yes. You know, when you're on your
8 cell phone, it's -- it's looking for a tower to
9 communicate with. And it's usually, in this
10 technology which is CDMA on a Sprint phone, it's
11 trying to find the strongest signal.

12 And so, it's sending out a mess of RF,
13 hey, I'm here, I'm here, I'm trying to make a call,
14 and it's trying to find the tower that will accept
15 that call. And then when they connect, they
16 communicate and make this process work. So, that's
17 what this is depicting, someone standing in a cell
18 phone and that phone is looking for the closest or
19 strongest tower.

20 Q Okay. If you can switch to slide number 8,
21 which is the next slide.

22 All right. If you -- were the records
23 in -- the defendant's records in this particular
24 case, which carrier were they?

25 A Sprint.

1 Q Okay. What are we looking at here?

2 A Well, to put it in basic terms, it's sort of
3 convoluted here. But it's a tower and it shows the
4 makeup of the tower and the panels on the tower. And
5 carriers are different, but in Sprint specifically,
6 their panels are set up in these three sectors. And
7 that is represented by the triangle. And they
8 numbered those sides. And they can number the north
9 side 1, and the side one clockwise 2, and the third
10 side of the triangle 3.

11 Or they can put letters on them, alpha,
12 beta, gamma. Or they can put A, B, C or whatever
13 they want to number them. But in this particular
14 case, since they're using what is called a Nortel
15 panel, they're using 1, 2 and 3 to describe the sides
16 of that tower. Which is basically -- that's usually
17 the traditional way, 1, 2, 3 are the sides of that
18 tower.

19 Q All right. And where is -- which side is
20 side 1 of the tower?

21 A Side 1 would be the north side.

22 Q All right. Which is the --

23 A It points up.

24 Q Okay. So is that the flat side on top of
25 the triangle?

1 A Let me see if this will reach. There you
2 go. It's the top side of that triangle, flat side,
3 correct.

4 MS. COOPER: Your Honor, may I have the
5 witness step down?

6 THE COURT: You may.

7 Q (BY MS. COOPER) So -- and you can step down.
8 You can just point to it with your hand.

9 (Witness exits the witness stand.)

10 Q (BY MS. COOPER) Which is the -- side one of
11 the tower?

12 A It's -- this is the side one. Let's see
13 Nortel one, that's the type of panels these are, and
14 it's on one side, Nortel's the second side, and then
15 Nortel third side.

16 (Witness returns to the witness stand.)

17 Q (BY MS. COOPER) Okay. And are all of the
18 Sprint towers designated, tower one, tower two --
19 well, I know there's different ways to designate
20 them, but are they -- are they all similar in the way
21 that they're -- the sides are located?

22 A No. They can be what is called canted.

23 Q Okay.

24 A And that will be shown in their spreadsheets
25 that we get.

1 Q Okay.

2 A They can be numbered differently, 2, 3 or 4,
3 depending on the panels. So they can change. In
4 this particular case, they were traditional 1, 2, 3.
5 They were not canted. They were all 120 degree sides
6 to them.

7 Q Okay. If we can go to the next slide, which
8 is slide No. 9.

9 A (Witness complies.)

10 Q What are we looking at here?

11 A Okay. This is just a compass. And it's
12 sort of talking about, you know, the towers too and
13 how they work, as far as direction and the sectors.

14 As you see, North is sector one that we
15 discussed, sector 2, southeast, and the sector 3 is
16 basically Southwest.

17 Q And all these towers -- when you get cell
18 phone records, within the cell phone records, are
19 there locations where the towers are?

20 A Yes. In the records you will get the towers
21 that identify where the call's being placed or
22 received.

23 Q Okay. So, when a call is being made, in
24 addition to like the phone number and the time and
25 date that the phone call is made, does it also have a

1 space in the records for the cell tower location?

2 A Yes, it does.

3 Q All right. So when you're reviewing cell
4 phone records, are you able -- do you know, based on
5 the records, which cell tower the phone is hitting
6 off of when a call is being made?

7 A Yes.

8 Q Okay. And if you can go to the next slide,
9 which is slide 10?

10 A Okay. And this just puts the compass on a
11 map. And there's sector 1, again, that we talked
12 about. And it adds the azimuth. An azimuth is
13 basically a center line of a sector. And as you can
14 see, if -- you know, a compass is 360 degrees, that 0
15 degrees is north, and that is called the azimuth of
16 that sector, 0 degrees. It's just the center line,
17 okay?

18 And if a call -- if a call is being
19 placed in that area, that -- that green zone just
20 came up would be reflected in that area. Or it could
21 be a little bit bigger. And as you can see, the
22 lighter green area sort of goes beyond the checkmark
23 line.

24 But, you know, that's -- that's -- you
25 can't say that the sector's exactly 120 degrees.

1 It's -- RF does not work like hit that. It's a
2 signal. It moves. And when they designed these
3 towers in mind, they -- like I said earlier, they
4 have to overlap. And as you can see, it overlaps the
5 edges a little bit, so you that you can continue on
6 with your call.

7 Q Okay.

8 A So sector 1 is the center line, because we
9 use azimuth also, or the center line, that's sector
10 0. And as we move to the next one, there's sector
11 2, which is southeast, and it covers this area where
12 the center line -- or the azimuth is 120 degrees,
13 okay?

14 So when you do the math of it, the
15 sectors going to be from 60 degrees to 180, because
16 the azimuth is 120. It's in between.

17 Q Okay. Let me stop you right there.
18 Whenever you -- with cell phone records, in addition
19 to the actual tower, the location of the tower, are
20 you also provided by the records which sector of the
21 tower that the call is hitting off of?

22 A Yes.

23 Q Okay. If -- so we have sector 1, sector 2
24 and sector 3 for all of the Sprint towers; is that
25 right?

1 A Correct.

2 Q Okay.

3 A And this last one is sector 3, with the
4 azimuth or center line being 240 degrees. And that
5 completes the 3 sectors that we're talking about on
6 the tower.

7 Q Okay. If we go to slide No. 11, the next
8 slide, when you get cell phone records -- or what
9 kind of information do cell phone providers keep
10 within their records?

11 A Well, most people do have cell phone and are
12 familiar with the records that, you know, they bill
13 you. And so they want to make sure they have the
14 right detail.

15 And they will show the telephone
16 number, your telephone number, if you received a call
17 or you made a call, and the duration -- how long that
18 call is, is back when they used to bill you how long
19 you were actually on the call.

20 So they give you this type of
21 information in your detailed billing. And that's
22 basically what we're getting is that information,
23 maybe a little bit more. But you know, the major
24 components we pull out of there. Or we don't use a
25 lot of it because it's -- the information's very

1 lengthy, it's engineeral (sic) talk. So we pull out
2 what we need to do in our daily job.

3 Q And so with the cell phone records, are they
4 used for many different purposes?

5 A Let's see, like I said, billing, and these
6 others here, fraud prevention, network diagnostics,
7 which a normal customer would probably not be
8 familiar with. This is more engineer stuff,
9 maintenance, and this is balancing the cell
10 messaging.

11 There too, it's basically -- if a
12 tower's being overloaded, they want to make some
13 adjustments to that tower to accommodate for light
14 flow, let's say on highway 45 during the 5:00 o'clock
15 traffic. So they change these towers and -- by doing
16 that. So that's where they get -- gain that
17 information.

18 Q Okay. What else do cell phone providers
19 keep records of?

20 A I think we've covered this. It's -- they
21 keep the records of their networks, and in the access
22 points, there's information about their towers. And
23 in the slides previously were shown maps of the red
24 and the towers in Houston, Austin, San Antonio.
25 These network engineers, they got to know where these

1 towers are located.

2 So, for obvious reasons, they want to
3 know where their towers are. And if one goes down
4 or, you know, they can go repair them or take a look
5 at the traffic on that tower and make adjustments to
6 the network, to provide basically better service for
7 our phones to operate on.

8 Q Okay. Slide No. 13. Were -- obviously,
9 we've talked about the next slide -- were the cell
10 phone records obtained in this case by a court order?

11 A Yes. It's -- we have to -- to -- we have to
12 issue a legal demand. In our case it's to a District
13 Court judge, and they have to sign for us to be able
14 to contact the carrier to get any of this
15 information. They will not release it unless we have
16 the right legal demand, which in this situation, for
17 historical cell data, is reasonable suspicion.

18 Q Okay. And if we move to slide No. 14. In
19 this particular case, does this kind of give -- or
20 what kind of information did we get from the records
21 in this case?

22 A We got the subscriber information and who
23 signed up for the phone. And again, this -- date and
24 time, duration of the call, and the subscriber, it
25 gives identifying information about the phone itself,

1 the serial number, phone number, et cetera.

2 Again, the numbers that this phone has
3 communicated with, and the tower that are used when
4 it makes these communications. And they're unique
5 identifiers. You know, what tower is this compared
6 to the other towers in that area? And they do that
7 by lat and long.

8 Q And you mean latitude and longitude, what is
9 that?

10 A Latitude longitude it's just -- it's all
11 around the globe, you've got lat and longs. And it's
12 a particular slot where you're at. It's only given
13 to that spot. So it's not -- it's not replicated.

14 Q Okay. If we move on to the next slide,
15 State's Exhibit No. 15. Are there -- obviously,
16 we've already mentioned that this is a Sprint case,
17 or Sprint -- Sprint is the carrier in this case?

18 A Correct.

19 Q Are there certain ways to -- switch to the
20 next slide, slide No. 16.

21 What are we looking at here? What is
22 this?

23 A This is a -- this is carrier --
24 characteristic of a Sprint call detail record.

25 Q All right. And a Sprint call detail record,

1 is that referred to as a CDR?

2 A Yes.

3 Q Okay.

4 A That's the acronym, correct.

5 Q Are print records -- are -- do they all come
6 in the same? Like as in how you read them?

7 A Well, it depends. I mean, over time they
8 change.

9 Q Okay.

10 A I would say. And we generally are looking
11 for the same type of information on requests, but
12 they can give you a lot more.

13 Q Okay.

14 A Or you know what I'm saying? The record has
15 a lot of information on it.

16 Q Right.

17 A And we're only looking for specific -- and
18 this slide depicts basic -- the basics that we're
19 looking for.

20 Q What are the basic things that you're
21 looking for? If you can use slide No. 16 as a --
22 just to help aid your testimony to the jury.

23 Go back, 16 is the one we were on. If
24 you can just kind of point out to the jury what
25 you're looking at -- what you're looking for, when

1 you get -- when you got the records in this case?

2 A Okay. The first thing is in I think the
3 first column there. Let's see if I can read it
4 myself.

5 Q And I can have --

6 MS. COOPER: Your Honor, may I have the
7 witness step down?

8 THE COURT: You may.

9 (Witness exits the witness stand.)

10 Q (BY MS. COOPER) If we start all the way over
11 to the left, and we look in the first column of --
12 the first column all the way to the left, it's titled
13 -- what is this entitled? Calling number?

14 A It's calling number. And that's --

15 Q If you can turn so the jury can hear you and
16 make sure you keep your voice up.

17 A It's real basic. That's the calling number.
18 That's the call that initiates -- or the number
19 that's -- it's the caller in this case.

20 Q Okay. So is every number going to be --
21 like you do mean the caller as in the person -- like
22 the defendant because it's his records?

23 A No. It's who's easy placing the call. So
24 if I'm placing the call, my number would be there --
25 my cell phone number would be there. If I'm

1 receiving the call -- I'm not the caller, I'm the
2 recipient of the call, that person's number will be
3 there. So that will change in a column.

4 Q All right. So whoever -- whatever number
5 initiates the call is going to be in this first
6 column under call number?

7 A Right.

8 Q The second column is "Called Number." What
9 does that mean?

10 A Basically, who received the call? What
11 number received the call?

12 Q All right. And then the dialed digits, what
13 does that mean?

14 A Dialed digits gives the actual numbers that
15 you punch to get -- to make the call. Say like if
16 you don't somebody to know, you -- you push star 67,
17 that would show up in front of the number in that
18 column, star 67, 832, that -- or if you're doing bank
19 routing and you're putting digits in, those are the
20 actual digits that you're pressing to make that
21 transaction or place that call.

22 Q What does MR number mean?

23 A MR is either -- 0 in this case, 0 is
24 outgoing call, 1 is -- it indicates it's an incoming
25 call and then 2 you have a routed call.

1 Q And then we have the start date, what is
2 that?

3 A That's when the event took place. It's when
4 you pick up the phone, you call, it's going to put
5 the date and the time the call is initiated.

6 Q Okay. And then the end date?

7 A Is the end of the call.

8 Q Right. And is that also the date and the
9 time?

10 A Date and time.

11 Q And then the duration, what is that?

12 A Duration is in seconds. So as that top
13 line, it's a three-second call.

14 Q All right. So all of the durations are done
15 in seconds?

16 A Correct.

17 Q So if it's like a thirty-minute call, it's
18 going to -- not going to say 30 minutes. It's going
19 to be however many seconds.

20 A Hundred-eighty.

21 Q All right. So what's the repoll number
22 mean?

23 A The repoll number is pretty much the
24 identifier of the tower. And repolls are like a zip
25 code. And that's how carriers like Sprint, they want

1 to know what area are we talking about with these
2 towers or these calls are being placed. So it's
3 something like an area -- like a zip code. So in
4 this particular -- on this particular line we're in
5 zip code 57. Just a -- it's just a group of towers
6 in a certain -- specific area.

7 Q Do you have like maps and things in your
8 office to tell you where these towers are located?
9 Or you just using that all based on the records?

10 A Well, they send us the tower information
11 also that goes along with these records, that will
12 identify those repolls and those cells.

13 Q All right. So what does the first cell mean
14 -- first cell and last cell?

15 A The first cell, it has to do with the --
16 where the call is initiated at, where the call began.
17 So if I made a right call now, it's -- that's where
18 it's going to put me, right here, right now, that's
19 where you initiated the call.

20 Q And then the last cell?

21 A If I travel across town and I terminate my
22 call, that tower that I land on, it will show last
23 cell there.

24 Q All right. So, could -- like if you start
25 your call and bouncing off of one tower, but you end

1 your call somewhere else, bouncing off another tower,
2 is that going to be depicted as the first cell and
3 last cell?

4 A Correct.

5 Q All right. You can have a seat.

6 (Witness returns to witness stand.)

7 Q (BY MS. COOPER) These last three columns,
8 the repoll numbers, the first cell and the last cell,
9 is that what you use to look at the cell tower
10 information?

11 A Yes, I do.

12 Q All right. And if we can -- we were on
13 slide 16. If you can switch to the next slide, which
14 is 17, we've actually -- this is what we just
15 covered, so we can switch to slide No. 18.

16 All right. So the repoll is just -- is
17 that something that's important to a analysis of cell
18 site information?

19 A Yes, it is.

20 Q Okay. Why is that important?

21 A It is the -- defines the area of where the
22 tower's located at that's making the referral, where
23 the transaction of the call is being made.

24 Q Okay. And then the cell number, the CID,
25 what is that?

1 A It gets more specific as you -- which side
2 of that tower that that call is being made or
3 received from.

4 Q Okay. So not only are the -- is the repoll
5 dealing with the entire tire -- the entire tower, I'm
6 sorry.

7 A Well, then, yes, in this particular case
8 when you see a repoll number, it is the number on
9 that tower.

10 Q All right. And then the CID number is what?

11 A Is the 1, 2 or 3 in this particular case,
12 which is this -- the side of the tower.

13 Q Right. And then what's latitude and
14 longitude, why is that important?

15 A Latitude and longitude is important --
16 again, it says where the tower's located on a map.
17 And that's important to know that you've got the
18 right tower that you're looking at.

19 Q And if we switch to slide No. 19, the next
20 slide, the -- this murder -- well, in -- did you meet
21 with Officer Burrow and Officer Condon and go through
22 these cell phone records?

23 A Yes, I did.

24 Q And did you talk to them about the facts of
25 the case?

1 A Yes, I did.

2 Q And about the times in which certain things
3 happened in the case?

4 A Yes, I did.

5 Q And then you've also reviewed the call slip
6 in this case; is that right?

7 A That's correct.

8 Q Regarding slide No. 19, did you receive
9 information that the 911 call -- no, go back.

10 The 911 call in this case was actually
11 made at 9:32 p.m.?

12 A That's correct.

13 Q And then the police officers were
14 dispatched, according to this call slip, at
15 9:34 p.m.?

16 A That's correct.

17 Q On -- both on May 19th of 2011?

18 A Correct.

19 Q All right. Did you also receive information
20 regarding the location that the murder took place?

21 A Yes, I did.

22 Q And if you can switch to the next slide,
23 which is slide No. 20.

24 What are we looking at here?

25 A Well, if you can see there's a -- well, here

1 it is -- a red dot indicating the murder scene, 4206
2 Groton, Houston, Texas.

3 Q Is this obviously within Harris County?

4 A Yes, it is.

5 Q Now, if you switch to slide 21, which is the
6 next slide.

7 Did you do an analysis of the
8 defendant's Sprint cell phone records in this case?

9 A Yes.

10 Q If you go to slide 22.

11 What are we looking at here?

12 A Well, we get information back from the
13 carrier, part of this subscription information --
14 subscriber information. And from that phone number,
15 we found that the subscriber for that phone number is
16 Linda Hankston.

17 Q Okay. And what was the phone number.

18 A The phone number is 832-275 -- excuse me,
19 (832)754-6108.

20 Q Now, within this PowerPoint that you've
21 created, have you taken just certain pages from the
22 records here in State's Exhibit 109, 110 and 111?

23 A Yes. Specifically the date of the
24 occurrence, which is May 19th.

25 Q Okay. And you placed just those -- those

1 dates in to the PowerPoint presentation?

2 A Correct.

3 Q Just to aid the jury in understanding all
4 this; is that right?

5 A That's correct.

6 Q Okay. If we go to slide No. 23, which is
7 the next slide.

8 What are we looking at here?

9 A Okay. What's significant about this is, is
10 prior to the incident time, we want to look at where
11 the phone's located. So we looked at the records,
12 and the -- the top yellow line, the date is
13 5/19/11 and the time is 8:17 p.m., military time
14 2017. And there was an outbound call made to the
15 particular number that shows.

16 And what is critical here is the repoll
17 information and the first and last cell. And with
18 that -- those three pieces of information, we can map
19 where that phone call was placed.

20 Q All right.

21 A Repoll 566, that's the tower, and -- I'm
22 sorry, that's the repoll, so it's the area, 566. And
23 then the first cell, as you can see, is 3109. And
24 the way Sprint works is that the first digit is the
25 sector. So we're looking at sector 3, on tower 109.

1 Q All right.

2 A Okay.

3 Q If you -- okay. And that's the call at
4 8:17?

5 A Well, it's that call. And what's -- what's
6 really significant here is that the phone activity,
7 we're looking at the location. So we have a starting
8 point and a time. And then we go down the records,
9 and we are looking again, on the same day, 5/19, and
10 we're just looking at incoming-outgoing calls and the
11 phone activity. And we're noticing that it is
12 staying on the same tower.

13 Q From 8:17 until when does it stay on the
14 same tower?

15 A It stays on the same tower from 8:17 p.m. to
16 8:49 p.m.

17 Q All right. If you can switch to the next
18 slide, slide No. 24, what --

19 A Can I add one thing there?

20 Q Yes. Go back to State's Exhibit --

21 A The other thing that's significant about
22 this is, is that when we map -- map these numbers --
23 these towers, it is consistent with where the
24 defendant's mother lives, which is on Jutland Drive.

25 Q Okay. And that's --

1 A So -- so, when I look at this, and deal with
2 this on a daily basis, it's a good starting point for
3 me. And it's significant, because it's something
4 that's familiar. It shows that, you know -- it shows
5 that this is probably his phone, it is in the area
6 where it should be, where he possibly lives with his
7 mother.

8 Q Okay. If you switch to the next slide,
9 which is slide No. 24.

10 A This is -- this is a slide that's sort of a
11 duplicate, but we have a software system called
12 Pen-Link that let's us run other programs and do
13 other frequency charts and so on and so forth. And
14 it also gives us the ability to put in some of the
15 subscriber information on some of the other calls.

16 So now it let's us know who's calling
17 him and maybe who he's calling. So that's all this
18 slide shows is that, he's having some phone
19 conversations. As you can see, some of it is from
20 Jordan -- Crystal Jordan.

21 Q Now, are you able to put numbers with actual
22 subscribers for every single phone that there is?

23 A No, we're not able to do that.

24 Q Why do some of them does it say "no
25 subscriber"?

1 A Because we have to get legal demands in
2 place to do that at times. There's some times we can
3 look in databases and find subscribers, but that
4 doesn't mean that's them.

5 Sometimes the investigator says, hey,
6 this number belongs to this person, because we've
7 talked to them and they gave us this number. So we
8 can put that in also.

9 Q All right. So just because it says "no
10 subscriber," that doesn't mean that there's not
11 really a subscriber?

12 A No, it just means that we have not gone out
13 and searched that.

14 Q All right.

15 MS. COOPER: May I approach the
16 witness, Judge?

17 THE COURT: You may.

18 Q (BY MS. COOPER) I want to -- if we look at
19 this slide. I want to start at -- is this in
20 military time?

21 A Which column?

22 Q The time column. It has like 2017 and 43
23 second?

24 A That's correct. It's in military time.

25 Q So would that be 8:17 p.m.?

1 A 8:17 p.m.

2 Q All right. And is there a call made -- a
3 call to Crystal Jordan at 8:17 p.m.?

4 A Correct.

5 Q And are you able to see the duration of that
6 call?

7 A It is 2 minutes 44 seconds.

8 Q Okay. And then the beginning and ending
9 location, is that -- deals with the cell tower; is
10 that right?

11 A Yes. It's just like the other screen. It's
12 just in a different format, but it's the same tower.
13 It's tower 19, sector 3.

14 Q And then after 8:17 p.m., is there
15 anymore -- when is the next call between the
16 defendant's phone and Crystal Jordan?

17 A It's -- well, if you look in the "no
18 subscriber" -- the dialed name, you can see where her
19 name just begins again. And I can't see the time
20 right there. It looks like 8:40.

21 Q In you look to your left, you can see the
22 slide up close?

23 A Okay. It's 8:40 p.m.

24 Q All right. And if you touch the bottom
25 right corner, you can clear that mark off. Just push

1 it. Hold on one second.

2 THE COURT: Okay. Excuse me. Go ahead
3 and do that. We're going to take a break, last break
4 for the day, 15 minutes. We'll resume this trial at
5 5:15.

6 And members of the jury, remember the
7 instructions, don't discuss the case, don't do any
8 kind of independent research or investigation of
9 whatever nature.

10 Just have a good break, 15 minutes.

11 THE BAILIFF: All rise.

12 (Jury exits courtroom.)

13 (Recess taken.)

14 THE COURT: Both sides ready?

15 MS. COOPER: Yes, Judge.

16 MR. MORTON: Yes, Judge.

17 THE COURT: All right. Bring them in,
18 please.

19 (Jury Panel enters courtroom.)

20 (Open court; defendant and jury panel
21 present.)

22 THE COURT: Be seated, please.

23 You may proceed.

24 MS. COOPER: Thank you Judge.

25

DIRECT EXAMINATION (continued.)

1
2 BY MS. COOPER:

3 Q So Officer Brown, if we're at -- the first
4 call on this shown here, on slide number 24, we have
5 87 -- or to Crystal Jordan is at 8:17, so it's two
6 minutes long.

7 When is the next call involving Crystal
8 Jordan?

9 A 8:40 p.m.

10 Q All right. And that's 2040 and 49 seconds?

11 A That's correct.

12 Q All right. And is that an incoming call or
13 outgoing call?

14 A That is incoming.

15 Q Okay. And between 8:40 and 8:48 p.m., are
16 there any calls to anyone other than Crystal Jordan?

17 A No, there's not.

18 Q How many calls between the defendant and
19 Crystal Jordan occur between 8:40 p.m. on May 19 of
20 2011 and 8:48 p.m. of May 19 of 2011?

21 A I believe it's 13 calls.

22 Q And the duration of the calls, they're
23 pretty short; is that fair to say?

24 A Yes, they are.

25 Q The one at 8:40 we have at 53 seconds.

1 They're all pretty seconds, until we get to the one
2 at 8:48 p.m. and that's a minute and two seconds.
3 And then there's another one that's a minute and
4 three seconds; is that right?

5 A That's correct.

6 Q Okay. So 13 calls between the defendant and
7 Crystal Jordan between 8:40 p.m. on May 19th and
8 8:48 p.m.; is that correct?

9 A Correct.

10 Q And then there's some outgoing calls that
11 you don't have the subscriber information after that,
12 at 8:49 and past that?

13 A That's correct.

14 Q Okay. During this time between 8:17 and
15 8:49, are you able to determine a cell tower that the
16 defendant's phone is hitting off of?

17 A Yes, I am.

18 Q And which tower is that?

19 A It's tower 109.

20 Q Okay. Are you -- with tower 109, is that
21 information given to you on this slide here, slide
22 No. 24?

23 A Yes, it is.

24 Q And where is that?

25 A It is in the beginning location column and

1 the ending location column.

2 Q Any indication at all that the defendant was
3 moving during this time period?

4 A No indication per the towers, no.

5 Q What would you expect to see if the
6 defendant was moving or changing locations in a --
7 what would you expect to see if that were the case?

8 A Well, the sector could change, where 3 would
9 change to a 2 or a 1, or the tower number would
10 change.

11 Q Okay. And then at some point on slide No.
12 24, does the sector or the tower change?

13 A Yes, it does change on -- on the second to
14 the bottom.

15 Q And that's around -- between 8:49 and
16 8:52 p.m.?

17 A That's correct.

18 Q When you look over -- when you say sector,
19 what do you mean by sector?

20 A That is the side of the tower.

21 Q Okay. So when you say 109, you have the
22 locations of where those -- that tower is?

23 A Yes, I do.

24 Q And then as far as the side of the tower,
25 which side of the tower was the cell phone pinging

1 off of at that time, or during that time period?

2 A Side 3.

3 Q All right. If you switched to the next
4 slide, which is slide No. 25.

5 What are we looking at here?

6 A That is actually a record from Sprint that
7 gives you the actual location of the tower -- towers,
8 and we're looking for tower 109, and that's the
9 highlighted area. And you have three lines of
10 information that represent the three sides.

11 So tower 109 gives you location, and at
12 the very end, it will give you a latitude and
13 longitude of that tower.

14 Q All right. And if you switch to -- well,
15 did you use this?

16 A And I'm sorry. It also gives you at the
17 very end, the sectors 1, 2 and 3 and the degrees, the
18 azimuth that we talked about.

19 Q And the sectors are the sides 1, 2 and 3?

20 A Correct.

21 Q One, 2, 3. All right. If you switch to the
22 next slide, which is slide No. 26, what are we
23 looking at here?

24 A These are two towers and it has locations on
25 there also. In this particular one, it says from

1 8:17 p.m. to 8:49 p.m., the cell phone is consistent
2 with the area down by 12718 Jutland. So you're
3 dealing with two towers in our records here.

4 And the first blue area -- shaded area
5 is the tower 109 that we've been discussing. And if
6 you count 1 from the north, clockwise, 2, 3, that's
7 where his phone is located when he's making those
8 calls and getting called from Crystal Jordan.

9 Q Okay. So sector 1 would be to the north?

10 A The north.

11 Q Sector 2 is --

12 A Southeast.

13 Q East and then sector 3 is what?

14 A Southwest.

15 Q Southwest. These locations that you have in
16 these towers, is that where -- did -- you did that
17 site based on the latitude and longitude information?

18 A Correct. The slide's -- the last slide you
19 gave, 109. I have a slide further that will show you
20 the lat and long of 854.

21 Q Okay.

22 A But it's from Sprint.

23 Q So between 8:17 and 8:49, when the calls are
24 going on between Crystal Jordan and the defendant, is
25 his -- his phone is located -- is that shown here on

1 State's -- or slide No. 26 in the area?

2 A Yes.

3 Q And this is just shaded area?

4 A It's a shaded area.

5 Q All right. Can we pinpoint exactly the
6 exact location, like GPS location, with this
7 information?

8 A No, we can't.

9 Q Can you describe that to the jury -- explain
10 that to the jury?

11 A Well, historical information we're getting
12 is what's happened in the past, is information from
13 the carrier that describes where the call -- what
14 tower the call was received or -- or where the
15 trans -- where the event took place.

16 This case is 109 and the third side of
17 the tower. But it doesn't give what we call
18 geolocation, which would be -- give an exact pinpoint
19 of where somebody's standing or driving or sitting or
20 whatever. It gives an area. And so we know in this
21 -- with all of these particular records, he's in that
22 blue area. He could be further out, but he could be
23 anywhere in that area.

24 Q Do you have a -- like a certain mile radius
25 that it covers -- each area it covers?

1 A We can get the mileage -- we can get the
2 miles that the tower's transmitting, if we need to
3 drill that deep. In this case we did not do that.

4 Q Okay. Then how big of an area -- like you
5 have this shaded area here in slide No. 26. I mean,
6 what are we -- how large -- or big of a -- how far
7 will these towers reach?

8 A Well, if -- you can look on this map, and
9 the little triangles indicate other towers. And, you
10 know, you don't want to just blast out too far. You
11 want to blast out just a certain distance, because
12 they want to service all their customers. So they
13 make it, you know, in these distances that will
14 accommodate that.

15 And what happens is, one tower will
16 send out a certain distance and the neighboring tower
17 will send out a certain distance and they meet. So
18 if the towers are only a mile apart, you know, you
19 could say, well, one tower only needs to send one out
20 a little bit over a half a mile and the other one a
21 little bit over a half a mile and they'll have
22 coverage.

23 So, like I said, the distances change
24 from tower to tower, depending on what the network
25 engineers want to achieve. But this is only a

1 depiction. It just says that we know he's on this
2 side of the tower and he's not ten miles away. He's
3 within probably a mile or whatever that tower will
4 accommodate.

5 Q All right. All right. So, he's -- you
6 don't know where he was obviously, specifically
7 between 8:17 and 8:49 p.m.?

8 A No.

9 Q But you put on here it is a location that's
10 consistent with his parent's house?

11 A Correct.

12 Q He could have been somewhere else?

13 A Correct.

14 Q Within the area of that tower?

15 A Correct.

16 Q All right. And then is there -- if you
17 switch to the next slide, which is slide No. 27.

18 What are we looking at here?

19 A This slide starts at 8:52 p.m., and it shows
20 that his cell phone transitions to a different tower.
21 This is the second tower we've shown on the previous
22 screen, and it's tower No. 854. And it goes to
23 sector 3.

24 And the way we get that is, that a
25 transmission has been made. So you called somebody

1 or received a call. So, he goes from one tower to
2 the next tower, and to -- ends up on sector 3. And
3 that is consistent with the murder scene on 44206
4 Groton. He remains in that area, off that tower and
5 sector, for approximately 40 minutes, according to
6 his records.

7 Q Okay. And until what time?

8 A 9:32 p.m. So from 8:52 p.m. to 9:32 p.m.,
9 according to his records, he's hitting -- his phone
10 is hitting off that side of the tower.

11 Q Okay. You've got some highlighting here on
12 slide No. 28. You've got a red highlight and a
13 yellow highlight.

14 Can you tell the members of the jury
15 what the significance of those highlights are?

16 A Well, yes, I can tell you, you know, being
17 the block of slides to come, that it's transition.
18 It shows movement. And that's what we look for,
19 especially when we're doing live tracking is, what's
20 -- what's happening. Is this device moving? And
21 when it changes a sector or changes a tower number,
22 that indicates movement.

23 In this particular case, when he's in
24 that area for 40 minutes, the time indicated on that
25 red line, he is changing sectors. He's on the same

1 tower, but he's changed sectors. He's gone from
2 sector 3 on tower 854 to sector 2.

3 Q If you switch to the next slide, which is
4 slide No. 29 -- no, 28. I'm sorry.

5 A Can I add one more thing here?

6 Q Yes.

7 A What's significant about this red line here,
8 is that is right in the time when the call for
9 service was being placed, the 911 in regards to this
10 incident.

11 Q Okay. And prior to that -- and that's at
12 9:32:08; is that right? 9:32 p.m. and 8 seconds --
13 or, yeah.

14 A Well, if you look at the line above at 9:26,
15 he's -- he is -- excuse me, the -- yeah, 9:26 p.m.,
16 he's on sector 3. And then a call -- an outbound
17 call is placed. So there's six minutes in between
18 9:26 and 9:32. So there's six minutes in there that
19 he's making a transition.

20 We can't specifically say exactly what
21 time it is, because there's no call in that six
22 minutes. Something else is -- nothing's happening as
23 far as that cell phone. So there's no activity. So
24 we can't really tell you exactly when he's made that
25 transition. But we do know when he makes his next

1 call, that he is sitting on a different sector.

2 Q So if I understand you correctly, can you
3 only tell where a phone is if it's being used?

4 A Correct.

5 Q So if it's not being used at all, do you
6 have any indication of where the phone is?

7 A Well, we have the prior -- the prior call to
8 give us an idea where the phone is. But let's say he
9 hasn't used it for an hour, he could be an hour away.

10 Q Okay.

11 A So we're looking for phone activity whether
12 it be a text that he receives. If he's looking at
13 the Internet on his phone if it's capable. He
14 receives a picture, sends a picture. So we're
15 looking at some transaction that will place him at a
16 different location.

17 Q But if there's no transaction at all, you
18 don't -- you don't -- you can't --

19 A Correct. If I make a call and I drive to
20 Galveston, never get of that call, come back, all
21 you'll know is that I never moved.

22 Q So, if you look at the activity on May 19th,
23 9:52, 9:53, 9:59, 10:00 o'clock, 10:01, 10:02, 10:08,
24 10:10, 10:11, 10:17, 10:19, are there activities
25 constantly being made with this phone?

1 A Yes.

2 Q All right.

3 A There's inbound calls and outbound calls,
4 and sometimes you can have a call that calls in,
5 maybe routed to voice mail. So's there activity
6 going on, because anything else from the column is
7 duration -- duration of the event.

8 Q Is there any activity at all going on
9 between 9:19 p.m. and 9:26 p.m.

10 A Yes, there is.

11 Q And what is that?

12 A There is a -- a routed call after 9:19.

13 Q I'm saying between 9:19 and 9:26, is there
14 any activity during that time?

15 A Yes, there is. There's an outbound call and
16 a routed call.

17 Q Okay. If you can explain that? What do you
18 mean by that?

19 A Okay. At 9:19 and 21:26 hours, he's getting
20 a call that was a duration of 141 seconds, okay? And
21 then there's a six-minute gap. And at 21:32, he
22 places another phone call.

23 Q Okay. But my question is, there's -- if you
24 look up at -- there's a call at 9:19 p.m., three
25 calls from the red highlight.

1 A Okay.

2 Q That last 35 seconds?

3 A Yes.

4 Q And then there's not another call until
5 9:26 p.m.; is that right? Which is the one right
6 under that.

7 A Okay. I think I lost you on that. Give me
8 the time again.

9 Q At 9:19 --

10 A There's a call that ends at 9:19:46,
11 21:19:46, there's a call that ended, and it was a
12 duration of 35 seconds.

13 Q Okay. Okay. And then another call begins
14 at 9:24?

15 A 9:24 is another call -- that is a call that
16 lasted for 102. But it looks like it's a call over
17 to voice mail.

18 Q Okay. All right. So we have a -- I'm
19 sorry, I think I had gotten confused. We've got the
20 start date which is -- also includes the start time
21 of the call. And then the end date, which includes
22 the end time of the call?

23 A Correct.

24 Q Okay. So there's pretty frequent calls?

25 A Correct.

1 Q Then when you look at the time period
2 between 9:26 p.m. and 9:32 p.m., are there any calls
3 at all during that time period?

4 A No.

5 Q Any activity at all?

6 A No.

7 Q And then if you switch to the next slide,
8 slide No. 28, are we able to -- I want to talk to you
9 about a call at -- is this the same slide that was --

10 A Yeah. This is just sort of a redundant
11 thing. It's the same slide. It just puts in
12 subscriber information on the -- who's calling who.

13 Q Okay. So you can actually see the
14 subscriber information for the numbers that we know?

15 A Correct. Same slide, we're just filling in
16 the -- who's talking there.

17 Q All right. So is there a call to Crystal
18 Jordan at 8:52 p.m.?

19 A Yes. Yes. An outgoing call, Crystal
20 Jordan.

21 Q All right. When is the next call? What
22 time is the next call between the defendant and
23 Crystal Jordan that night?

24 A That's 9:16 p.m., 21:16.

25 Q And at 9:16 p.m., how long does that call

1 last?

2 A Forty-one seconds.

3 Q When is the next call between the defendant
4 and Crystal Jordan?

5 A It's 21:19 for 35 seconds.

6 Q Okay. Which is 9:19 p.m.?

7 A Correct.

8 Q And then we've got a lot of calls to a guy
9 by the name of Walter Williams, during that time
10 period, between 8:52 and 9:32 -- or 9:24? I'm sorry.

11 A Correct.

12 Q And then -- so, between 9:24 and 9:32
13 there's nothing, at 9:32 and 15 seconds, who's the
14 call to?

15 A Crystal Jordan.

16 Q And how long does that phone -- that call
17 last?

18 A Two minutes and 27 seconds.

19 Q Is there another call to Crystal Jordan
20 after that call?

21 A Yes, there is.

22 Q And how long does that call last?

23 A A minute 47 seconds.

24 Q What time is that call?

25 A 21:33 or 9:33 p.m.

1 Q Is there another call after that?

2 A It's a continuation. Let's see, it's 9:33,
3 for a minute 48-second duration.

4 Q Okay. And then -- so there's calls between
5 the defendant and Crystal Jordan immediately after
6 9:32 p.m.?

7 A That's correct.

8 Q All right. Now, if you look all the way
9 over to the furthest two column on the right, that
10 have the beginning location and the ending location,
11 are these the cell tower -- do these provide you
12 information on the cell towers for this area -- this
13 point in time?

14 A Yes.

15 Q All right. Can you tell the members of the
16 jury, what is significant about the cell towers
17 around the time of the murder at 9:32?

18 A Well, it will be depicted in a map here in a
19 second. But it shows movement from the third side of
20 that tower 854, to the second side of that tower.

21 Q Okay.

22 A And then it ends going back to the tower
23 where this started at, down in the area of Jutland.

24 Q All right. So from 8:52 p.m. to whenever
25 the phone -- well, from 8:52 p.m. to 9:32 p.m., do

1 you have the phone or the defendant in one consistent
2 area?

3 A Yes, I do.

4 Q And then right at 9:32 p.m., is the area --
5 is the cell tower changing?

6 A Yes.

7 Q What does this indicate to you?

8 A Movement.

9 Q All right. Well, what do you mean by that?
10 Explain that.

11 A Well, it's the phone has changed sides of
12 the tower. So, you know, when a phone is constantly
13 on the side of a tower and it's hitting that tower,
14 you will see the consistent tower information.

15 And then once that device is moved into
16 another sector, it shows that there -- you know, it's
17 just movement. Well, that's what we look for is this
18 -- what's changed, what location has changed?

19 Q So we have, from 8:52 p.m. to 9:24, with all
20 the activity, we know that we're in -- the defendant
21 is in cell -- pingging off cell tower 854 on side 3 of
22 the tower?

23 A Correct.

24 Q And then there's no activity from 9:26 to
25 9:32. So between 93 -- 20 -- 9:26 and 9:32, do you

1 have any idea, you know, do you know at what point
2 during that time period the phone starts moving?

3 A Well, according to the records, the records
4 will reflect when it hits side 2. But in that
5 six-minute period again, there -- if he's not using
6 his phone, he could be in either/or.

7 Q Okay. So when it picks back up -- when the
8 activity picks up at 9:32, are we in a different --
9 on a different side -- pingging off a different side
10 of tower 854?

11 A Correct, side 2.

12 Q And that's side 2. Okay. And so from the
13 transition from side 3 to side 2, you said that
14 indicates movement?

15 A Correct.

16 Q And then very shortly after that, at 9:32,
17 are we moving into a completely different tower?

18 A Correct.

19 Q What tower is that?

20 A Tower 109.

21 Q I want you to switch to -- well -- and
22 during the whole time, when the movement is taking
23 place, are there calls to Crystal Jordan?

24 A Yes, there is.

25 Q If you move to the next slide, slide 29.

1 What are we looking at here?

2 A This is just -- this is the information --
3 the spreadsheet from Sprint, that gives us the lat
4 and long again of the tower off 854.

5 Q All right. So if you switch to slide 30.

6 What are we looking at here?

7 A This is going to -- this is going to depict
8 the transition. It shows that when we start looking
9 in the records, that he was off of the first shaded
10 area in that tower, that sector.

11 And then during his call activity, it
12 shows him moving from the tower, south 109 -- the
13 south tower 109, up to tower 854. And more
14 specifically, it shows you had this movement from
15 tower 109, sectors 3, the shaded area, to tower 854.
16 And that's sector 3 area.

17 And what's significant about that is,
18 that is the location of where the murder scene is and
19 I believe the address of Crystal Jordan.

20 Q Okay. So from 8:17 to 8:49, we're pinging
21 off of tower 3 of 109.

22 A Sector 3, 109.

23 Q All right. And then at, you said 8:52,
24 we're at tower 854?

25 A Correct.

1 Q And is that consistent with Crystal Jordan's
2 address at 9703 Scott Street?

3 A That's -- that's correct.

4 Q Okay. And then from -- on side 3 of tower
5 854, is that also consistent with address at 4206
6 Groton?

7 A Yes, it is.

8 Q Which is the site of the murder?

9 A Correct.

10 Q All right. So from 8:52 to 9:32 p.m., we
11 have the defendant's phone pinging off of tower 854,
12 side 3?

13 A That's correct.

14 Q Any way to know whether or not he's moving
15 between the two locations, 9703 and 4206?

16 A No.

17 Q All right. Just that he's in the area that
18 encompasses both?

19 A Correct.

20 Q Okay. And then at -- if you switch over to
21 the next slide, is there something significant?

22 A Well, this is something we covered that's
23 from the 9:26 to 9:32, that six minute gap, where
24 he's making a transition from the murder scene area
25 to the -- which is sector 3, to another area, which

1 is sector 2 of the same tower.

2 Q All right.

3 A And then it also shows where he goes south.
4 So this indicates eastbound and southbound movement
5 of the phone.

6 Q From 9:26 to 9:32. All right. If you can
7 switch -- that's slide 31. If you can switch to the
8 next slide, which is slide 32.

9 A Okay.

10 Q What are we looking at here?

11 A This is a duplicate, and just fills in the
12 subscriber or the dialed name again.

13 Q Okay. And is there -- at 8:52, do we have a
14 call to Crystal Jordan?

15 A Yes.

16 Q Or an incoming call?

17 A This is the same duplicate as the other one.

18 Q And then at 9:15 we have a call? Yeah.

19 Okay. So this the same duplicate. All right. So,
20 if you can switch to the next slide.

21 What are we looking at here?

22 A Okay. This shows again, on the map that the
23 transition from sector 3 of tower 854, to sector 2.

24 Q Okay. And that happens when?

25 A That happens between from 9:26 p.m. to 9:32

1 is when he's making that transition.

2 Q And again, from 9:26 p.m. to 9:32, that's
3 the window that we have no activity at all. So at
4 9:26 p.m., his phone's pinging off of side 3; is that
5 right?

6 A Correct.

7 Q And then when it picks back up at 9:32,
8 we're on side 2?

9 A Side 2. And then it goes down south on
10 tower 109.

11 Q At -- right after that?

12 A It just shows rapid movement, because it's
13 -- it's in a sector -- those two sectors intersect,
14 okay? And it's in -- where they intersect in 854 and
15 109, he could be in that area. Because it didn't
16 choose which tower it wants to make a transaction on.
17 So...

18 Q So what does this indicate to you?

19 A It shows that -- just movement. It shows
20 that when we look at this on a day-to-day basis
21 tracking people, we know that, hey, we need to get to
22 this area, because this device is moving.

23 Q If you are over where Crystal Jordan's house
24 is, which is further away from the center of the
25 tower, as you move closer to the center of the tower,

1 like Keith Brown's residence is located, are you
2 starting to -- or could you ping off of a different
3 side of the tower?

4 A Well, no, I don't think so.

5 Q Okay.

6 A These -- it's too far away.

7 Q Okay.

8 A Because of the timeline that we're talking
9 about. That's a further distance to travel to get to
10 that sector 2. So when you're looking at that time,
11 in my opinion, he's close to that sector line.

12 Q All right. So if you're on -- if you're
13 pinging off of side 3 of tower 854, then you're on
14 side 3 of tower 854?

15 A Correct.

16 Q All right. And then at 9:26, when we're on
17 side 3, when you pick up again, the first call at
18 9:32, when we're on side 2, do you have any way of
19 knowing how far in to side 2 that the phone had gone?

20 A No. I don't know exact locations. Except
21 these are areas. But I know when you travel over
22 those lines, it gives me a better idea. I would know
23 it's closer to this area than another area.

24 Q Okay.

25 A There's one effect that happens when you're

1 close to a sector line, because RF it's not just a
2 straight line. The closer you get to sector line, it
3 could put you into a different sector, okay?

4 But his call records don't indicate
5 that. There's no toggling back and forth. It is
6 constantly in that area. And then it moves and then
7 it moves. There's no bounce. And I can illustrate
8 that in another -- in another slide. But we're also
9 aware of that, okay? Sometimes you're getting so
10 close it could hit either side.

11 Q All right.

12 A But it's called a toggling.

13 Q So at 9:32, when it picks up in to -- or
14 9:32 and 3 seconds, we pick up in to tower 854,
15 sector 2?

16 A Correct.

17 Q And then at 9:32 and 15 seconds, which is
18 just ten seconds later, we're now in tower 103,
19 sector 3?

20 A Correct.

21 Q What does that indicate to you?

22 A It's a southward movement from where he was
23 at.

24 Q So indicating, during this time period at
25 9:32, we're traveling -- is there some kind of

1 traveling going on?

2 A In my opinion, yes.

3 Q Okay.

4 A It's a eastward travel and then south.

5 Q All right. From sector 3 all the way in --
6 of tower 854, all the way in to and towards tower
7 109, sector 3?

8 A Correct.

9 Q Which is consistent with where the
10 defendant's mother or parents live?

11 A Correct.

12 Q All right. And all this at 9 -- right at
13 9:32?

14 A Correct.

15 Q If you can change to the next slide.

16 What are we looking at here?

17 A Okay. This is a -- the slide depicts that
18 from 9:32 on the same date, to approximately 10:25,
19 that device stays off tower 109, sector 3. Which is
20 consistent with Jutland. Puts it in the same area.
21 So -- excuse me, it's 9:32 p.m. on May 19th through
22 the next day, the 20th at 10:25, it stays consistent
23 in that area.

24 Q Is that same area that's consistent with the
25 defendant's parents' house?

1 A Correct. Yes.

2 Q And if you can switch to the next slide,
3 please.

4 What are we looking at here?

5 A This is the continuation of his records.
6 And if you look in the right column -- the last two
7 columns, it's just another slide shows that he's
8 staying off that tower 109, sector 3, for that period
9 of time, from 9:32 to 10:25, he's staying in that
10 area.

11 Q All right. And how do you know that?

12 A The last two columns as you can see, the
13 3109 is side 3 of tower 109. And it doesn't change.

14 Q All right. And can you switch to the next
15 slide. Do we have -- actually if you can go back one
16 more slide. The -- we don't have the slide with the
17 pin register information during these times, but
18 Crystal Jordan's number, was that the (832)893-0339
19 number?

20 A Correct. Yes.

21 Q And you have -- all right. So is there a
22 call between the defendant and Crystal, there's the
23 one at 9:34; is that right?

24 A That's correct.

25 Q 9:35?

1 A Correct.

2 Q 9:36?

3 A Correct.

4 Q Another one at 9:36?

5 A Correct.

6 Q Then we go down to 9:41?

7 A Okay. Hold on. Correct.

8 Q Then there's another call -- let me see.

9 A That's it.

10 Q Okay. And that's it, on that slide?

11 A That slide.

12 Q All right. Switch to the next slide.

13 What are we looking at here?

14 A This is just a continuation of his calls.

15 And this -- this slide represents what I mentioned

16 earlier about toggling. As you can see, he's on that

17 tower 109, but when he gets down to the yellow

18 highlighted area, it hits tower 854, side 2.

19 And that is what we call a toggle. The

20 towers -- where he's at, he's in between tower 854

21 and 109 -- or tower 109 is busy with calls and the

22 call is then switched to the next closest tower,

23 which is 854. And the reason we know that, if you

24 look at the time, he cannot move that fast out of

25 those sectors. It's at 22:17 hours and 22:17:30, and

1 then 22:17:54.

2 So he can't run up there and run back
3 real quick. It's just that RF for that tower is
4 something that has occurred, for that phone to go to
5 a different tower. And then if you see after it does
6 that, it still stays on 109 for the duration that the
7 time he's down there. So...

8 Q Can you -- what do you mean by toggling?
9 Explain that to the jury.

10 A Toggling means that -- it means several
11 things. If a -- if you're trying to place a call and
12 the tower is full, it will then -- it won't say,
13 well, you can't make a call. It will -- it's set to
14 where it says, you can go to this tower, and that
15 tower will complete your call.

16 So that's what we call a toggle. You
17 have not moved, but your call -- your call has been
18 placed on another tower.

19 Q All right.

20 A And then the next call you make, it may back
21 on the tower because it's not busy, and they may
22 process your call. But what you're going to see if
23 -- if that occurs, you're going to see it all through
24 the records, if somebody is standing still. When you
25 get close to those lines where it divides a sector,

1 remember RF, it can pick a side.

2 And when you're on those lines -- and
3 we know this, that's really good for us, because when
4 we see somebody toggling like that, we know they're
5 not somewhere in this huge sector. We know they're
6 right on the line, and that's where we'll go. We
7 know that that phone is bouncing from tower to tower,
8 and he's in that area.

9 Q All right.

10 A He's not way over here, he's right there.

11 Q All right. So, toggling basically is when
12 you're bouncing off of one tower and for whatever
13 reason, you're staying in the same area but you start
14 bouncing off another tower?

15 A Correct.

16 Q And is that indicated and apparent on cell
17 phone records when that happens?

18 A Yes.

19 Q And is that illustrated here on this slide,
20 the timing of the toggling that you observed on the
21 defendant's cell phone records is at what time, on
22 May 19th of 2011?

23 A It is at 22 -- it's at 10:16 p.m.

24 Q All right. Any indication at all, prior to
25 10:16 p.m., that there was any toggling going on?

1 A No. That's why I had the slide in there.
2 During the time before and during the murder, there's
3 no toggling. So it's -- it depicts that it's stable
4 and it's -- it's solid in that sector.

5 Q So the phone -- or the defendant is, during
6 the time of the murder, solid in the areas that -- on
7 the sides of the sector that you have, there's no
8 indication that there's any toggling going back and
9 forth?

10 A Correct.

11 Q All right. And the next slide, please.

12 All right. What is this?

13 A This is just a map that depicts this.

14 Q That illustrates the toggling?

15 A Correct.

16 Q Okay.

17 A And that's at 10:16 p.m. This is way after
18 the incident occurred or somewhat after the incident
19 occurred. Those are two towers. There are your
20 locations. And here is the toggle?

21 Q All right.

22 A And can I stand up and show something real
23 quick?

24 MS. COOPER: Your Honor, may the
25 witness step down?

1 THE COURT: Sure.

2 (Witness exits witness stand.)

3 THE WITNESS: What you see also here is
4 that --

5 Q (BY MS. COOPER) You got to keep your voice
6 up.

7 A Okay. On the south -- when you're going
8 south, you're coming out of this sector. Let's say
9 he's coming down Cullen -- or the device is coming
10 down Cullen, it's hitting off this -- this sector 2
11 up here. But once it starts getting in this area,
12 you see they sort of overlap. So he can be right
13 here and hit it off either tower. It just depends on
14 the coverage of these towers. So that can be
15 indicate -- indicate that he's moving. He's going
16 from tower 2 to 3, and it maybe just in this area,
17 okay?

18 Q And that's --

19 A Or it can be the other factors. But that
20 helps us know that he's mobile, he's moving.

21 (Witness returns to witness stand.)

22 Q (BY MS. COOPER) Okay. All right. If you go
23 to the next slide.

24 What are we -- what are we looking at
25 here?

1 A Just -- I think that's just another slide
2 showing that he's consistent in the 109 after the --
3 after the incident. This shows from 9:32 p.m. on
4 May 19th, to the next day. And I think we've covered
5 this slide already. But it's -- it just shows that
6 he went down the Jutland area -- that area off that
7 sector 2 of 109.

8 Q All right. And the next slide.

9 A I think that's -- I think we're going back.
10 And that's that. And then that is the date and time
11 that it's not on that tower any further.

12 Q All right.

13 A So on May 20th at 10:25 a.m. in the morning,
14 that's the last transaction we show that he's on
15 tower 109. And then you can see the tower picks up
16 later at 11:07, off of tower 2 -- tower 853 side 2.

17 So that's really the end of our cell
18 phone records that we analyzed on that date and time.

19 Q All right.

20 A Those two days.

21 Q I want to -- well, you are aware that the
22 911 call in this case came in at 9:32?

23 A That's correct.

24 Q What does the analysis of the cell phone
25 records and cell tower locations indicate to you,

1 regarding the location of the defendant at the time
2 of the 911 call?

3 A It indicates that he's in the area. That
4 the time of the call being placed, in regards to this
5 incident, that he's in that area and that he's moving
6 in and about that area. And he's moving from that
7 sector 3, of that tower, to the next sector and then
8 south. In a very rapid succession or time wise.

9 Q And obviously, an incident -- you know, when
10 911 is called, an incident happens before the 911
11 call is made, could be -- is that right?

12 A Repeat that?

13 Q When a -- when the call is made, that
14 doesn't necessarily mean that's the time of the
15 murder?

16 A Correct.

17 Q I mean, usually there's an event, such as a
18 murder that happens, and then a 911 call is made?

19 MR. MORTON: I'm going to object to
20 speculation.

21 THE COURT: That's overruled.

22 Q (BY MS. COOPER) You can answer.

23 THE COURT: If he knows.

24 A Yes. There's a delay.

25 Q (BY MS. COOPER) Okay. We don't know how

1 long the delay was, right?

2 A I don't know, no.

3 Q Could be a minute, could be five minutes,
4 anything like that?

5 A Correct.

6 Q All right. But we do know that the murder
7 is committed and then we have a 911 call made at
8 9:32 p.m.?

9 A Correct.

10 Q And at 9:32 p.m., we have the defendant --
11 what -- what is he doing?

12 A He's trans -- well, the device is
13 transitioning and it's moving.

14 Q Fleeing the area? Would that be consistent
15 with someone fleeing the area?

16 MR. MORTON: I'm going to object,
17 speculation?

18 THE COURT: It's overruled.

19 A Yes.

20 Q (BY MS. COOPER) Would the activity on the
21 defendant's cell phone be consistent with him fleeing
22 the area at that time?

23 A Yes.

24 Q The officers arrive on scene at 9:40 p.m.,
25 is the defendant's cell phone device in the area of

1 4206 Groton at 9:40 p.m.?

2 A No, it is not.

3 Q Where is it?

4 A It's off tower 109, sector 3.

5 Q And there's calls during all this time
6 between the defendant and Crystal Jordan?

7 A Correct.

8 Q All right. Did you -- if you can move on to
9 the next slide, please.

10 What are we looking at here?

11 A We took the call detail records and put it
12 in Pen-Link software, that's able to make these
13 colorful charts. This is a frequency chart. We took
14 one month out of the months of records. And
15 basically, it tallied up how many calls were made in
16 that particular month.

17 And it looks like here, May is the
18 month that had most of the calls.

19 Q So what months do we have here?

20 A It is May through October -- May 1st through
21 October 31st.

22 Q Of what year?

23 A 2011.

24 Q All right. And what do we -- what did you
25 observe when you -- when you made -- what does this

1 tell you?

2 A Well, this just tells me that looking at his
3 patterns for those months, that for some reason May
4 has a lot more activity than any other months.

5 Q Were you able to go in individually and look
6 at the dates in May?

7 A Yes, we were.

8 Q All right. If you can switch to the next
9 slide.

10 What are we looking at here?

11 A I guess it's hard to see this. But on the
12 date of the incident -- well, first let me back up.

13 This is the month of May 2011. We took
14 the month where the incident occurred, we looked at
15 the calls each day of that month and out of 31 days,
16 the day with the highest number of call activity was
17 on the incident date of May 19th, 2011. It shows the
18 incoming and outgoing calls. I think it's 328 --

19 Q Okay. And is that --

20 A Calls.

21 Q Significantly higher than all the other days
22 in the month of May?

23 A Yes. I think on the -- I can't read it.
24 Let me look at this. It's the highest day, and the
25 next highest day, I think, is on the 26th. But it

1 beats it by over a hundred calls.

2 Q And then the next slide.

3 A The next slide, we just took a time slot and
4 the time where the incident occurred, from 9:30 p.m.
5 that night to 10:00 o'clock p.m. We wanted to look
6 at the call activity for that time slot for the month
7 of May.

8 And again, most calls or most activity
9 was on the incident date. There were 38 total
10 incoming and outgoing calls on that day. And I
11 believe the next closest one was on the 16th, with
12 20 calls. But most of the days in the month are
13 considerably less. So, the significance of the 19th
14 was it had the most calls -- the most activity.

15 Q This is going to be a totally random
16 question, but you're obviously a police officer; is
17 that right?

18 A That's correct.

19 Q Is firing a gun in the direction of a person
20 an act clearly dangerous to human life?

21 A Yes, it is.

22 MS. COOPER: I pass the witness.

23 THE COURT: All right. Mark your
24 spots. We're going to resume this at 10:00 o'clock
25 tomorrow morning. Tomorrow we're going to have the