

1 (Proceedings.)

2 THE COURT: Both sides ready for the
3 jury?

4 MR. MORTON: Defense is ready.

5 MS. COOPER: State's ready, Judge.

6 THE COURT: All right. Bring them out,
7 please.

8 THE BAILIFF: All rise.

9 (Jury Panel enters courtroom.)

10 (Open court; defendant and jury panel
11 present.)

12 THE COURT: Be seated, please.

13 Good morning.

14 JURY PANEL: Good morning.

15 THE COURT: Both sides ready?

16 MS. COOPER: State's ready, Your Honor.

17 MR. MORTON: Defense is ready, Your
18 Honor.

19 THE COURT: All right. Mr. Morton, you
20 may proceed.

21 MR. MORTON: Thank you, Your Honor.

22 **OFFICER ROBERT BROWN,**
23 having been first duly sworn, testified as follows:

24 **CROSS-EXAMINATION**

25 BY MR. MORTON:

1 Q Good morning, Mr. Brown.

2 A Good morning.

3 Q Yesterday we left off, we were talking about
4 historical cell phone data?

5 A Correct.

6 Q And you work with that on a daily basis in
7 the unit and division that you're assigned to?

8 A Yes.

9 Q You also use live cell phone data to track
10 down fugitives, along with the US Marshal's Office,
11 correct?

12 A That's correct.

13 Q And there were some differences between
14 looking at historical data and doing live tracking?

15 A Yes.

16 Q But today we're just talking about
17 historical cell phone data?

18 A Correct.

19 Q Now, there are limitations to that kind of
20 data that you have to work with, correct?

21 A Correct.

22 Q For instance, I'm going to refer to what's
23 been admitted as -- for demonstrative purposes,
24 State's Exhibit 118.

25 That was your slide -- your PowerPoint

1 presentation?

2 A Okay.

3 Q And I'm going to refer to slide No. 3. And
4 this is what you use to describe how cell phones
5 work, correct?

6 A Correct.

7 Q Now, one of the limitations with cell phone
8 data -- historical cell phone data, is it -- it
9 doesn't so much track a person as it tracks a device?

10 A Correct.

11 Q So, when you and the prosecutor were talking
12 about calls made between one person and another
13 person, that wasn't exactly accurate was it?

14 A It depends on when --

15 Q It depends on who's holding the phone.

16 A It depends on the investigation.

17 Q It depends on who's holding the phone?

18 A Correct.

19 Q So if, for instance, my wife had my cell
20 phone across town, and you were to look at historical
21 data, you may think that I was making calls when, in
22 fact, it was someone else?

23 A Depends on the call pattern.

24 Q Right. And then you have to look at other
25 patterns. But that is one of the limitations you

1 have to deal with?

2 A Yes, who has the device.

3 Q Right. So, when you and the prosecutor were
4 referring to calls that were made between Gareic
5 Hankston and Crystal Jordan, it would have been more
6 accurate to say, calls made between a cell phone that
7 you believe belonged to Gareic Hankston, and a cell
8 phone that you believe belonged to Crystal Jordan; is
9 that correct?

10 A Depends.

11 Q Well, the cell phone data that --

12 MR. MORTON: Your Honor, may I
13 approach?

14 THE COURT: You may.

15 Q (BY MR. MORTON) The cell phone data that you
16 received from Sprint, and that would be State's
17 Exhibit 110, State's Exhibit 111 and State's Exhibit
18 109.

19 Nowhere in all of these documents does
20 the name Crystal Henderson -- Crystal Jordan appear.

21 A That's correct.

22 Q Okay. And, in fact, Gareic Hankston's name
23 doesn't really appear here either.

24 A Correct.

25 Q Because the cell phone that you believe

1 belonged to Gareic Hankston, was registered to a
2 Linda Hankston?

3 A Correct.

4 Q Now, that just means you have reason to
5 believe that it's Gareic Hankston's cell phone,
6 correct?

7 A Correct. That's the information that I
8 received, that it was his cell phone.

9 Q Right. And that's from a source completely
10 different from the historical cell data?

11 A That's correct.

12 Q So, that's outside information and that's --

13 A Okay. Correct, I guess.

14 Q Okay. So it may be more likely than not,
15 that he has this cell phone, but you don't know from
16 the cell phone records who's holding the cell phone
17 when an individual call is made?

18 A That's correct.

19 Q And that also applies to when you assign a
20 phone number to Crystal Jordan, you don't know for a
21 fact that Crystal Jordan is on the other end of that
22 call. It's just maybe more likely than not?

23 A Correct.

24 Q But that -- but the possibility that someone
25 else is making those calls, is something that you'd

1 have to deal with when interpreting historical cell
2 phone data?

3 A That's correct.

4 Q And you can't eliminate that possibility
5 completely?

6 A Correct.

7 Q Now, I want to refer you to what was slide
8 number 4 from your PowerPoint presentation.

9 These were examples of different
10 configurations for cell phone towers, correct?

11 A Correct.

12 Q And as you see, one of these is on a water
13 tower?

14 A That's correct.

15 Q One is on a power line tower?

16 A Correct.

17 Q One is on a roof?

18 A Correct.

19 Q And one is what we typically think of as a
20 cell phone tower?

21 A Correct.

22 Q Now, there were two specific towers that
23 were referred to in your presentation with the
24 prosecutor.

25 A Yes.

1 Q That would be Sprints cell phone tower 109
2 and tower 854?

3 A Yes.

4 Q Those towers aren't represented here by any
5 of these pictures, are they?

6 A No.

7 Q These are just examples?

8 A Correct.

9 Q And these may not even be Sprint cell phone
10 towers?

11 A Correct.

12 Q These are just examples, to show the jury
13 possible configurations?

14 A Yes, sir.

15 Q Now, you talked about how a cell phone makes
16 contact with the tower. And oftentimes with the
17 prosecutor you would say, or the prosecutor would
18 indicate that it's contacting the closest tower,
19 correct?

20 A Correct.

21 Q Now, in your presentation you were careful
22 not to say that. You said that your cell phone is
23 looking for the best signal; is that correct?

24 A Well, generally it's the strongest signal,
25 or in some cases it's the quality of the signal.

1 Q Exactly. That doesn't necessarily mean it's
2 going to be the closest tower?

3 A Correct.

4 Q For instance, a cell phone may make contact
5 with the closest tower, or it may make contact with a
6 tower that's a little further away?

7 A Correct.

8 Q And that's because cell phone towers and the
9 signal they send out, they overlap?

10 A That's correct.

11 Q Now, what are some of the reasons that a
12 cell phone may contact a tower further away than the
13 closest tower?

14 A The tower may be too busy to handle the
15 calls.

16 Q So -- so cell phone volume is one
17 indication. What's another?

18 A Tower may be down, not working.

19 Q Malfunction?

20 A Correct.

21 Q Are there other reasons?

22 A Other than those -- those are the three that
23 I can think of.

24 Q Three. Okay. Could the signals be blocked
25 by construction?

1 A Well, that would affect the quality of the
2 signal. Yes, a building -- yeah, it could be rain,
3 building, there's various different things that could
4 get in the way of the RF signal. That's correct.

5 Q So, it's possible that the closest tower is
6 not the tower that a cell phone is connected to?

7 A Generally speaking, yes.

8 Q Now, you described something, I believe it
9 was about toggling?

10 A Correct.

11 Q And that's when you can be in a location
12 that -- close to a tower, and your signal goes to a
13 different tower?

14 A Correct.

15 Q And then back to the tower that's closer?

16 A Correct.

17 Q And that's something that you actually
18 include in a slide specifically to show that?

19 A Yes, I did.

20 Q Okay. Now, generally that's going to be
21 where cell phone signals overlap?

22 A It could be overlapping, yes.

23 Q Well, if you're in one spot and you make a
24 call and it goes off signal 109 -- if it goes off
25 tower 109. And then you make another call --

1 A Oh, I see what you're saying. Yes, to reach
2 another tower they have to have that same coverage,
3 yes.

4 Q Right. So toggle would be an indication of
5 where cell phone signals from towers overlap?

6 A Correct.

7 Q Now, when you are tracking or trying to
8 track movement based on historical cell phone data,
9 the more cell phone sectors and cell phone towers
10 that you have to refer to, the easier it is to
11 indicate direction of travel or locations traveled?

12 A Yes.

13 Q For instance, I'm going to refer you to your
14 slide No. 6. And for the record, this is an example
15 that you made showing Houston and several other
16 cities and routes of travel and where cell phone
17 towers are?

18 A Yes.

19 Q If you were looking at historical data and
20 you have data hitting off of several towers over
21 time, in a westward direction along I-10, that would
22 tell you what?

23 A That the phone is moving or the device is
24 moving westwardly.

25 Q Along I-10?

1 A Correct.

2 Q Now, if you have a very limited number of
3 sectors and cell phone towers, that limits how
4 accurate you would be able to determine movement of a
5 cell phone device?

6 A If it's moving, yes, correct.

7 Q Because if the start tower and sector is the
8 same as the end sector and tower, that could indicate
9 two things, movement within that sector and standing
10 still?

11 A Correct.

12 Q Now, I'm going to refer you to your slide
13 No. 33. Now, this slide shows points of interest and
14 the two cell phone towers that are of interest in
15 this case, correct?

16 A Correct.

17 Q The upper left, I guess, it's circled, would
18 indicate the location of tower 854?

19 A Well, tower 854 covers that whole
20 circumference, 360 degrees.

21 Q And the center point here would be the
22 location of that tower?

23 A Correct.

24 Q And you based that location off of reported
25 latitude and longitude contained in those cell phone

1 records?

2 A That's correct.

3 Q Did you verify that that is the correct
4 location of that tower?

5 A What do you mean verify?

6 Q Did you go out to tower 854 and verify with
7 GPS, that that was the location of that tower?

8 A No, I did not.

9 Q To your knowledge, did any other
10 investigator verify the location of that tower?

11 A No.

12 Q Now, this lower right-hand tower, the center
13 point would indicate tower 109?

14 A That's correct.

15 Q And you've -- you put that on this map,
16 based upon the latitude and longitude reported to you
17 by Sprint?

18 A That's correct.

19 Q And just like with tower 854, you did not
20 verify that that was the correct location?

21 A No, I did not.

22 Q And to your knowledge, no other investigator
23 verified that that was the correct location?

24 A No, I did not. No, sir.

25 Q But you know that over time, cell phone

1 providers they change the locations of the towers to
2 improve or change their coverage?

3 A Yes, they do that.

4 Q And they add new towers?

5 A Yes, they do.

6 Q And they may even change the -- what you've
7 referred to as azimuth of the sectors?

8 A That's correct.

9 Q Did you go out and confirm whether or not
10 these towers had the correct azimuth as reported, or
11 the correct location?

12 A No, I did not.

13 Q Did anyone else to your knowledge, go out
14 and confirm?

15 A No.

16 Q And we talked briefly yesterday about signal
17 strength from these towers?

18 A Uh-huh.

19 Q And you spoke about that with the
20 prosecutor, as well?

21 A Correct.

22 Q And the signal strength would be set by the
23 provider?

24 A Correct.

25 Q Now, how strong the signal was from tower

1 854 and tower 109, that wasn't reported in these cell
2 phone records?

3 A That's correct.

4 Q Did you go out to the scene and -- and
5 measure the signal pulse?

6 A No, I didn't. No.

7 Q To your knowledge, did anyone else?

8 A No.

9 Q So, what you've drawn here as the sectors,
10 they may actually be larger or smaller than what
11 you've actually drawn here?

12 A That's correct.

13 Q For instance, when we refer to sector 3 of
14 tower 854, that could possibly stretch all the way
15 out to the South Freeway, Highway 288?

16 A Yes, it could. It doesn't -- the map does
17 not depict the other tower out there, but they both
18 have distance. So they want to be close and not
19 overlap, so I can't say exactly where it would end
20 up. But it could be further, it could be -- it could
21 be shorter.

22 Q Now, you drew -- you drew here a location
23 that's described as the murder scene?

24 A Correct.

25 Q Now, that is in sector 3 of tower 854?

1 A Correct.

2 Q But could it also be overlapped by sector 3
3 of 109?

4 A It could be.

5 Q And to make this clear, let me -- I want to
6 use that piece of paper and extend out this
7 borderline that you've drawn. That would show that
8 this murder scene is actually on the border of sector
9 3 of tower 109, correct?

10 A Correct.

11 Q And as you stated during the direct
12 examination, the radio signal is a wave, so it's not
13 bounded by this line that you've drawn?

14 A That's correct.

15 Q It's just a estimation?

16 A Uh-huh.

17 Q So it could actually go out further to the
18 north?

19 A Or shorter.

20 Q Or shorter.

21 A Correct.

22 Q And houses near there could be covered by
23 tower 109?

24 A Could be.

25 Q Now, the three sectors you have here laid

1 out, that's the three sectors that the cell phone
2 that your purporting that Gareic Hankston had on May
3 19, 2011. That's the three sectors that he's hitting
4 on in the hours around this murder?

5 A Correct.

6 Q Is there a location that could possibly be
7 covered by all three of those sectors on this map?

8 A It's possible.

9 Q So it's possible that his cell phone hit off
10 of all three of those sectors and never moved once?

11 A Not according to the records.

12 Q I'm just saying it's possible?

13 A Yes, it's possible.

14 Q Okay. So this -- this area right here, it's
15 covered, in theory, by sector 3 of tower 854, right
16 along this borderline?

17 A It's possible.

18 Q It's covered by sector 2 of 854?

19 A It's demonstrative. It may or may not be.

20 It's --

21 Q But it's a possibility?

22 A It's a possibility.

23 Q And as far when you're trying to determine
24 whether or not movement takes place, you're having to
25 guess, based upon what you're looking at?

1 A Well, we use the information that we see to
2 make a decision, yes.

3 Q It's an educated guess --

4 A Yes.

5 Q But it's still a guess?

6 A Yes.

7 Q Okay. And this same spot could be covered
8 by sector 3 of 109. So that's a possibility?

9 A Correct.

10 Q In fact, when a cell phone is hitting off of
11 sector 3 in tower 854, that could be in any one of
12 these locations?

13 A That's correct.

14 Q Now, what I'd like to do is, because when
15 you're trying to track the movement, you're looking
16 -- basically building a timeline.

17 A Yes. We're looking at the timeline of the
18 records, correct.

19 Q And that's based on the cell phone records
20 that you had?

21 A Correct.

22 Q And other things that are provided to you by
23 other investigators?

24 A Correct.

25 Q Now, are you aware that prior to this murder

1 that took place on May 19, there was another incident
2 that's of interest in this case?

3 A Correct.

4 Q That's when Crystal Jordan called 911?

5 A Yes.

6 Q Do you know what time she called 911?

7 A Not off my memory. It was prior to the
8 9:30 -- 9:32 incident. It was 8:00 something. I
9 don't know exactly when, 8:47 maybe, I'm not sure.

10 MR. MORTON: Your Honor, may I
11 approach?

12 THE COURT: You may.

13 Q (BY MR. MORTON) Mr. Brown, I'm showing you
14 what's already been admitted into evidence as State's
15 Exhibit 100. This is a -- this is the call sheets
16 for a 911 call. And this would be the call sheet by
17 Crystal.

18 A Okay.

19 Q Okay. What time was the -- were officers
20 first dispatched on this call?

21 A Well, the record indicates that the date is
22 May 19th, 2011 at 20:47 hours, which is 8:47 p.m.

23 Q And when was this call closed out?

24 A The record reflects 9:31.

25 Q So, Mr. Brown, what I want to do is, I want

1 to write these down and try to create a timeline?

2 A Correct. Okay.

3 Q You said 8:47 p.m., that's approximately the
4 time the call was first dispatched?

5 A Correct.

6 Q That would be Crystal Jordan's 911 call.

7 A That's when the call was received looks
8 like, yes.

9 Q And at 9:31 and 6 seconds is when police
10 cleared that call?

11 A What do you mean by "cleared"?

12 Q That's when they closed this out. They
13 close out their investigation of Crystal Jordan's
14 case?

15 A They closed it out, yes.

16 Q And that would have been the investigation
17 at Crystal's apartment, correct?

18 A When you ask that question, you mean the
19 police were there until 9:31 in her apartment? I
20 don't know that -- what's the question?

21 Q I don't know you that you or I know exactly
22 where the police were?

23 A Okay. So, repeat the question.

24 Q So the police closed the call that was
25 at Crystal -- or closed the investigation that was at

1 Crystal's apartment?

2 A Correct.

3 Q Okay. So -- so we have from 8:47 to 9:31,
4 the police have an ongoing investigation at Crystal
5 Jordan's apartment?

6 A Okay.

7 Q Now, you stated on your direct that Crystal
8 Jordan's apartment is here, in sector 3 of tower 854?

9 A Correct.

10 Q In your statements to the prosecutor
11 yesterday, you said that the 911 call for the
12 shooting, that would have been at 4206 Groton, that
13 occurred at 9:32?

14 A Correct.

15 Q And would be the murder scene, correct?

16 A That's correct.

17 Q Did I write that correctly or close enough
18 to your understanding?

19 A Yes.

20 Q And police were later dispatched out there,
21 but -- but pretty quickly?

22 A I believe at 9:34.

23 Q Now, I'm going to refer you to page 27 of
24 your presentation.

25 These are taken directly from the cell

1 phone records that are already in evidence, correct?

2 A Correct.

3 Q And you referenced a call, occurred on
4 May 19th, 2011 at 8:49 and 42 seconds. And you've
5 highlighted that here, right?

6 A Correct.

7 Q And that indicates that the first cell
8 sector that it was in was sector 3 of 109?

9 A Yes.

10 Q And then the last cell sector was sector 3
11 of cell phone tower 854?

12 A Correct.

13 Q And you said that indicates movement?

14 A Yes.

15 Q And that's because we see actually a change
16 during the call, from one cell tower and sector to
17 another?

18 A That's correct.

19 Q And that would be consistent with whoever
20 had the cell phone moving from a location that you
21 referred to as the home of Linda Hankston, to the
22 apartment of Crystal Jordan?

23 A That's correct. Let me -- that one line
24 information -- that one line information --

25 Q Let me stop you right there. That would be

1 consistent with that kind of movement, correct?

2 A No. I'll have to say that I would need more
3 information than that one line of information.

4 Q Okay. So, you --

5 A Like --

6 Q You would look at the other calls around
7 that?

8 A Correct.

9 Q So, for instance, you would look at calls
10 earlier, and if that shows that he was in sector 3 of
11 109 consistently, and you were hitting off of that
12 tower consistently, and then after this transition
13 point, he's hitting consistently off of sector 3 in
14 tower 845, that would indicate movement?

15 A Yes. With those -- with more calls,
16 correct.

17 Q Right. And the more --

18 A Not just that one line.

19 Q And the more data you have, the better.

20 A Correct.

21 Q Because when we just look at the transition,
22 that could be a toggle during a call?

23 A Correct. Correct.

24 Q And it's still possible that maybe cell
25 phone tower 109 has a malfunction, and it transitions

1 to cell phone tower 854. And if those sectors
2 overlap, then that could show no movement at all?

3 A Correct.

4 Q Did you look at any maintenance records from
5 Sprint?

6 A No, I did not.

7 Q So you don't know if there was any
8 malfunction on tower 109 or tower 854 on the date of
9 May 19, 2011?

10 A My opinion there was no problem.

11 Q And your opinion is based purely off of what
12 was sent to you from Sprint?

13 A Looking at the records, correct.

14 Q But you didn't view any maintenance records?

15 A I didn't feel I needed to.

16 Q Did you request any maintenance records?

17 A No, I did not.

18 Q Did you contact anyone at Sprint to see if
19 it was possible?

20 A No. The information that I had, I didn't
21 feel that I needed to. The tower was operating.

22 Q So you don't know if it went down for a
23 while and came back up?

24 A No, I don't. The records don't reflect
25 that.

1 Q But you never asked?

2 A I never had the need to.

3 Q But it's a possibility?

4 A It's a possibility.

5 Q Okay. Did you look at any, I guess, usage
6 rates for those towers at the times that we're
7 interested in in this case?

8 A No, I did not.

9 Q So you didn't -- you didn't request any
10 records about how many calls or how busy those towers
11 were at that time?

12 A No, sir.

13 Q So it's possible they could have been very
14 busy?

15 A I's possible.

16 Q And it's possible that he could have been
17 the only person making a call on that -- at that
18 time?

19 A If the tower's working.

20 Q If the -- yes, that's correct. If the tower
21 was working?

22 A Correct. It could be one person, it could
23 be however many it will hold.

24 Q But that's not something that you
25 investigated?

1 A No, I did not.

2 Q To your knowledge, did anyone else
3 investigate that?

4 A No.

5 Q Now, a cell phone hitting off of sector 3 on
6 tower 854, that would be consistent with being at the
7 location that you know was Crystal Jordan's
8 apartment?

9 A That's consistent, yes. In the area, yes.

10 Q And so when we look at the call that
11 ended -- let me zoom in here -- at 20:52 and 17
12 seconds. It's 8:52. That would be consistent with
13 that cell phone being located at Crystal Jordan's
14 apartment?

15 A It's in -- at the end of the call, it's in
16 that sector, sector 3 of 854. That is consistent,
17 yes.

18 Q That's sector 3, tower 854; 8:52 and 17
19 seconds, correct?

20 A Correct.

21 Q Let's look at a call made at 8:24 and 20
22 seconds.

23 A That would be 9:24, sir.

24 Q 9:24. I'm sorry, 9:24?

25 A That's correct.

1 Q That is still in sector 3 of tower 854,
2 correct?

3 A And can you zoom -- just put it all together
4 for me, so I can verify that.

5 Q (Defense attorney complies.)

6 The call starts at 9:24 and ends at
7 9:26, it is in sector 3 of 854 at the beginning of
8 the call and the end of the call, correct?

9 A That's correct. Yes, sir.

10 Q And that would be consistent still with
11 being at Crystal Jordan's apartment?

12 A It's in the area.

13 Q It is in the area.

14 A I'm not saying it's at the apartment.

15 Q It would be consistent?

16 A Yes.

17 Q Now, you have this one call highlighted in
18 red, that would be at 9:32. Call starts at 9:32 --

19 A That's correct.

20 Q And 3 seconds.

21 A Uh-huh.

22 Q The call starts at 9:32 and 3 second and
23 ends at 9:32 and 8 seconds?

24 A Correct.

25 Q It's a 5-second phone call?

1 A Correct.

2 Q And that shows a different sector?

3 A That's correct.

4 Q But the same tower?

5 A Correct.

6 Q But if we were to look at your map, it would
7 be consistent with that phone being somewhere in this
8 area?

9 A Correct.

10 Q On the other side -- the other sector, away
11 from the murder scene?

12 A Correct.

13 Q Do you know -- because every second counts,
14 but do you know the exact time that the 911 call was
15 made to the second?

16 A To the second?

17 Q Yes.

18 A No. I don't think I have that information.
19 I know it's 9:30 something, I think at 07 seconds.

20 Q Zero 7 seconds?

21 A I think so. If my memory serves me.

22 Q Have you listened to the 911 call?

23 A No, I haven't.

24 Q You have not?

25 A No.

1 Q That's just information that would be
2 provided to you?

3 A That is correct.

4 Q You're aware that this jury has heard the
5 911 tape?

6 A No, I was not aware of that.

7 Q If they have heard that the call took place
8 at 9:32 and 7 seconds, would you have any reason to
9 disagree with that?

10 A No.

11 Q And that confirms -- and that -- that
12 corresponds with what you believe you were told?

13 A Correct.

14 Q So if I added the 7 seconds to the time of
15 that 911 call, you would have no reason to argue with
16 that or disagree with that?

17 A No.

18 Q And this call was made at least 4 seconds
19 prior to that 911 call?

20 A That's correct.

21 Q And during that 911 call, this -- it was
22 when this call was being made?

23 A Correct.

24 Q And that would in a sector that would be
25 inconsistent with the scene of the murder?

1 A That's correct. It's -- it's --

2 Q That call ended at 9:32 and 8 seconds?

3 A Are you talking about the last call we were
4 talking about?

5 Q Yes. This call right here (indicating).

6 A That's correct.

7 Q And that means the phone was in sector 2?

8 A Or very close to it, because of the
9 overlapping.

10 Q There's a possibility of overlapping, but
11 you're not -- you can't be sure from looking at this?

12 A No, I cannot.

13 Q He could be anywhere within sector 2, in
14 theory?

15 A Well, if he's -- no, he can't be anywhere in
16 sector 2 if he was just in sector 3. It's -- if you
17 got a time. He's not -- he's not going to be deep
18 into sector 2, because time would not allow that.

19 Q And you're assuming what time -- the last
20 time that he was in -- in sector 3 was what time?

21 A Well, it's anywhere between 21:26:41 and
22 21:32:03.

23 Q So at 21:26 --

24 A And 6 minutes.

25 Q So at 21:26 and 42 second, he could have

1 been in sector 2?

2 A Could have been sector 2 or sector 3,
3 correct.

4 Q And he would have several minutes to move
5 deeper into sector 2?

6 A He could.

7 Q You just don't know?

8 A We just don't know.

9 Q And that's one of the limitations we have
10 when we're looking at cell phone tower or historical
11 cell site records. Just don't know?

12 A When you just look at the raw records, yes.

13 Q So you have to make guesses based upon these
14 records?

15 A That's correct.

16 Q And you're basing those guesses off of
17 theories that the other investigators -- other
18 investigators have given you?

19 A What do you mean by that?

20 Q Well, they have a theory that they presented
21 to you about how this crime occurred?

22 A Yes. They give me information of details of
23 people's movements, correct. Where they were located
24 at the time, yes.

25 Q And they asked you to look at these

1 historical cell phone records?

2 A Correct.

3 Q To see if you could give a story based upon
4 them, that could match that theory?

5 A Whether they come to me to get a records
6 analysis, to either confirm or refute statements
7 they've received in this case. If it's somebody in
8 the area or not in the area.

9 Q Well, when we look at this area of these two
10 cell phone towers, Gareic Hankston lives in this
11 area?

12 A Yes. He lives off tower 109.

13 Q And Crystal Jordan lives in this area?

14 A Off 854, correct.

15 Q You would expect them to be moving around or
16 be located in an area that they live in?

17 A Yes, correct.

18 Q So there's nothing unusual about that?

19 A Not until you get more information about the
20 case.

21 Q And this is the information that the other
22 investigators are giving you?

23 A Correct.

24 Q And they've made some assumptions based upon
25 that -- their evidence. And they tell you about

1 those?

2 A This -- this -- these weren't assumptions.
3 These were certain statements from the defendant in
4 this case.

5 Q Let's talk about that.

6 You're understanding is that he went to
7 Crystal Jordan's apartment?

8 A Correct.

9 Q And then he and Crystal Jordan went to
10 another location and then to her parents' place -- or
11 her parents' home?

12 A I wasn't aware they went to another
13 location. I was told that -- I'm under the
14 information that he went four houses -- two to four
15 houses down to her parents' house, which is at the
16 crime scene.

17 Q Did you review the statements made by
18 Crystal Jordan?

19 A No, I did not.

20 Q Did you review statements made by Gareic
21 Hankston in this case?

22 A No, I did not.

23 Q So you just went off of what the officers
24 told you?

25 A Correct.

1 Q So if they did not give you information that
2 Crystal Jordan and Gareic Hankston went to her
3 grandmother's house, and then to her parents' house,
4 you would not have taken that into consideration in
5 your evaluation of historical cell phone records?

6 A Correct.

7 Q So without you having that information,
8 you -- you can't accurately say whether or not the
9 movement is consistent with the other officer's
10 theory?

11 A Not -- not with theory. Not without
12 relative information.

13 Q And we already discussed that it's possible
14 that this location could hit off of tower 109, sector
15 3?

16 A It's possible.

17 Q So given that information, it is possible.

18 A It's possible.

19 Q That Gareic Hankston, once he's called by
20 Crystal Henderson -- I'm sorry, Crystal Jordan, goes
21 to her apartment. He stays there and moved to
22 another location in sector 2, and then to her
23 parents' house, which is two houses down from the
24 murder scene. And the cell phone records could bear
25 that movement out, as well?

1 A Well, the records do not show them moving to
2 sector 2 prior.

3 Q I'm not saying prior to the murder or after.

4 A Okay.

5 Q The murder took place close to 9:32. At
6 9:32, the cell phone of Gareic Hankston is in sector
7 2, not sector 3, correct?

8 A Correct.

9 Q And it's highly unlikely that this location
10 would be hitting off sector 2 of cell phone tower
11 854?

12 A According to the records, no.

13 MR. MORTON: Pass the witness.

14 THE COURT: All right. Any questions?

15 MS. COOPER: Yes, Judge.

16 THE COURT: You may proceed.

17 **REDIRECT EXAMINATION**

18 BY MS. COOPER:

19 Q First of all, Officer Brown, when you get
20 information regarding cell phone numbers, is the
21 source of that information important?

22 A Yes.

23 Q Does that help you to understand who
24 actually was in possession of the cell phone?

25 A Yes.

1 Q And the source of the information provided
2 in this case, regarding the defendant's cell phone
3 number was given by who?

4 A Detective Michael Burrow.

5 Q But where did he get that information from?

6 Well, let me ask you this way: Would
7 it be helpful if the number -- the defendant's number
8 was actually provided by the defendant?

9 A Yes.

10 Q Would it be helpful if Crystal Jordan's
11 phone number was provided by Crystal Jordan?

12 A Absolutely.

13 Q Would that be helpful in placing the phones
14 in their hands?

15 A Correct, yes.

16 Q Is that information that you used and relied
17 on in this case?

18 A Yes.

19 Q Now, I want to talk to you about the
20 information that you received, other than the phone
21 records in this case.

22 Do you have a working relationship with
23 the homicide detectives in this case?

24 A Yes, we dealt with them on a daily basis.

25 Q Do you -- when you're analyzing records, is

1 the information provided by witnesses and the
2 investigation important, when analyzing the phone
3 reports?

4 A Yes, it is. Because it -- we're taking that
5 information to either confirm or refute their
6 statements.

7 Q And do you get information in this case
8 regarding statements made by Crystal Jordan?

9 A Repeat that.

10 Q Well, in this case, did you get -- were you
11 provided information that was given to the detectives
12 by both Crystal Jordan and the defendant in this
13 case?

14 A Yes.

15 Q And did you use that information when you
16 analyzed the cell phone records?

17 A Yes, I did.

18 Q Now, the actual -- well, I want to ask you
19 this: Would it be important to place someone -- in
20 placing Crystal Jordan and the defendant at the
21 scene, if information was provided to you that at the
22 -- when the murder occurred, they heard the gunshots?

23 A Absolutely.

24 Q And if someone hears gunshots --

25 MR. MORTON: I'm going to object to

1 leading and assuming facts not in evidence.

2 MS. COOPER: Your Honor, that is in
3 evidence.

4 THE COURT: That's overruled.

5 MS. COOPER: It was provided by Crystal
6 Jordan.

7 THE COURT: It's overruled.

8 Q (BY MS. COOPER) Crystal Jordan saying that
9 they heard the gunshots, does that provide
10 information to you that they were in the scene -- at
11 somewhere in the area?

12 MR. MORTON: I'm going to object to
13 leading.

14 THE COURT: It's sustained when you say
15 "they." Go ahead.

16 Q (BY MS. COOPER) Was that information that --
17 that the -- that the gunshots were heard, did that
18 weigh in to your analysis of the cell phone records?

19 A It's very important, because it -- it --
20 again, we're trying to confirm or refute that
21 information. And when we get information like that,
22 it narrows our scope, and we don't have to dig or
23 drill as deep in to engineering studies and stuff of
24 that nature, because they are putting themselves
25 there.

1 So, you know, when we see something
2 like that it makes -- it makes our analysis easier,
3 especially in this case.

4 Q And was it important to you that Crystal
5 Jordan actually put the defendant there with her?

6 A Yes.

7 Q And did you also consider, without going in
8 to what was said, did you also consider statements
9 that were made by the defendant in this case?

10 A Yes.

11 Q I want to talk to you about --

12 MS. COOPER: Can I have one second,
13 Your Honor?

14 THE COURT: You may.

15 (Pause in proceedings.)

16 Q (BY MS. COOPER) We learned about yesterday,
17 that there's three different sides or sectors; is
18 that right?

19 A That's correct.

20 Q Here in slide No. 8. And in this case, we
21 have sector 1's on the north side and sector 2, and
22 then we have sector 3; is that right?

23 A That's correct.

24 Q Okay. Whenever you're analyzing records --
25 I want to show you, for instance, here in slide

1 No. 23, not only are you given the tower information,
2 you were also given the sector information?

3 A That's correct.

4 Q All right. So, for instance, if we have
5 here -- well, could you explain -- let me get it up.

6 Could you explain the numbers, when we
7 have 3109. What does that mean in relation to the
8 sector and the towers?

9 A Well, it's tower 109, and it's the third
10 sector of tower 109.

11 Q So if you're in the third sector of tower
12 109, we go over here to slide No. 30.

13 The third sector is -- we have --

14 A That's tower 854. I don't know if that
15 matters, it's the lower tower, that's 109. There you
16 go.

17 Q If we have the third sector, what does that
18 indicate to you in regards to the other two sectors?

19 A Well, it's -- it's a different area. It's
20 real simple. It's -- out of the three sectors, it's
21 in the area of the third sector, which is sort of the
22 southwest area.

23 Q And if it was in sector 2, is it going to
24 tell you that on the records?

25 A Yes, it would.

1 Q And if it's toggling between the two, are
2 you going to be able to see that on the records?

3 A You should -- you can see that on the
4 records if a call's being placed, yes.

5 Q Why was it that you didn't have to go out
6 and actually measure the latitude and longitude?

7 A Well, those records are given to us by
8 Sprint. They are updated. They give us -- this case
9 happened in May of 2011, so they give us their Sprint
10 maps of that date and time. So, we rely that they're
11 accurate.

12 Plus the information that we're seeing,
13 the call detail records, it shows that in this
14 particular case, that that tower was working. He's
15 hitting off that tower. And he's not toggling, he's
16 consistent in that area, which is in the area where
17 he lives. So there was no reason for us to go verify
18 anything, when this is matching what he's telling us.

19 Q So when you receive the records from Sprint,
20 is Sprint actually -- they're actually the one that's
21 providing you locations, the latitude and longitude
22 locations?

23 A That's correct.

24 Q So you don't need to keep those in a
25 computer stored somewhere?

1 A Well, we -- we -- when they send us that, we
2 keep those for future reference, when we have cases.
3 But any time we want to get them to send us
4 electronically towers, or we have questions about
5 towers, we can do so and they can send it to us.

6 Q And when you get records thought, like for
7 instance, the records that you received in this case,
8 included with those records is you also receiving the
9 locations of the cell towers?

10 A That's correct. And that's where these are
11 derived from.

12 Q Okay. If we go to slide 23, between 8:17
13 and 8:49 p.m., do we have a certain consistency with
14 the sectors and the towers during that time period?

15 A Yes. That's what we would consider being
16 solid in sector 3 of 109. There's no other sector or
17 other tower in that time span.

18 Q Why do we have a bunch of zeros? What's --
19 you know, what is that?

20 A Because that could indicate texts or
21 indicate data, anything else. And it's not giving --
22 the tower's reporting any information at that time.

23 Q And is this also consistent -- if we go to
24 State's 24, the information on this slide, between
25 8:17 and 8:49 p.m., is this consistent with the

1 information that was provided to you regarding this
2 case?

3 A Yes.

4 Q Is this consistent with -- well, the 911
5 call for the stalking came in at 8:44, by Crystal
6 Jordan. Do we see calls -- well, there's 13 calls
7 between Crystal Jordan and the defendant; is that
8 right? We went through this a little bit yesterday,
9 between 8:40 and 49 seconds and 8:48 p.m.?

10 A Yes, that's correct. And I -- when I
11 reviewed these -- these records, it's -- you can
12 definitely see there's activity between those two
13 numbers. They're holding those devices.

14 So that seemed consistent with the
15 information that I was receiving, that there was an
16 event going on. And these calls were being made
17 because of that event.

18 Q And during those calls being made, is the
19 defendant steady in a -- on a particular side of a
20 particular tower?

21 A During that time span, yes. Tower 109,
22 sector 3.

23 Q And then at -- if we switch over to -- well,
24 let me go down to the bottom. At 8:49 p.m. --
25 8:49 p.m.

1 A Correct.

2 Q Do we see a difference in the towers and the
3 sectors?

4 A Yes. If you go back over, the start of that
5 call is 8:49, it's off tower -- which is consistent
6 tower 109, sector 3. And then at the end of the
7 call, if you would show the time, that it now goes to
8 tower 3 of 854.

9 Q And just this call alone, does that give you
10 enough -- that doesn't give you enough information to
11 say definitely the person is moving; is that right?

12 A Well, if the tower's being -- that they are,
13 it's not alone by itself, we do know there was a two
14 minute 35 second call. So it does show a tower
15 change, but it -- you know, you have to look further
16 into the records to confirm that.

17 Q All right. And if we move over to State's
18 Exhibit No. -- I'm sorry, slide No. 28, let me show
19 you this. Back on slide 24, we have this call at
20 8:49 and 42 seconds.

21 If we go to slide 28, at the top of it,
22 do we have that same call 8:49 and 42 seconds?

23 A Yes.

24 Q All right. So is this just kind of a
25 continuation --

1 A Yes, it is.

2 Q Of the records for that time period, right?

3 A Correct.

4 Q If we go over to the towers, what was
5 significant to you -- well, we see this -- the call
6 is at 8:49 and 42 seconds, was the call where we have
7 the change from tower 109, sector 3, to tower 854,
8 sector 3?

9 A Yeah. What's significant there is now, is
10 you can see that the call pattern puts it solid -- we
11 consider solid into tower 854, sector 3.

12 And what we mean by "solid" is that,
13 when we actually track people, it gives us a better
14 location than if it's on the sides of the sector,
15 because you may see that toggling or it's going back
16 and forth on towers. But this is solid.

17 That means it's in the center of this
18 sector, or it's solid -- away -- far away -- far
19 enough away from other towers where there's jumping
20 or some of the other things that can happen when they
21 switch towers.

22 So this is solid, consistent
23 information. This is where we go, we would say, he's
24 in the sector and he's solid in there. So it sort of
25 narrows down the scope of our -- our location.

1 Q Okay. And was this information around this
2 time consistent with the information that was
3 provided to you in the investigation?

4 A Absolutely.

5 Q And the -- the stalking calls that took
6 place?

7 A Correct.

8 Q And the information provided by Crystal
9 Jordan, that the defendant actually came to her
10 apartment?

11 A Yes, absolutely.

12 Q So in slide 30, from -- from what we've
13 talked about, 8:17 to 8:49, you've got him
14 consistently on sector 3 of tower 109. Is that shown
15 here in State's Exhibit No. 30?

16 A Yes, it does.

17 Q And that from -- at 8:52, is that when you
18 -- or 49, you start to see him moving. And then from
19 8:52 to 9:32, do we have him now on sector 3 of tower
20 854?

21 A That's correct. It starts at 8:52. And
22 again, this -- these times are predicated off phone
23 transactions. So if he's on a call and gets off a
24 call, that's why you wouldn't see anything in
25 between. You wouldn't see the sector 2, if he were

1 in the sector 2 of 852 and made a call, then you see
2 that sector. But in this case, it's solidly in 109
3 and it's solid in this other sector, 854.

4 Q And is that consistent with the defendant
5 being present at Crystal Jordan's apartment during
6 the stalking investigation, while the police were
7 there?

8 A Yes, it's consistent. Puts him in the area.
9 Correct.

10 Q And the information provided to you in this
11 investigation, did it corroborate what you saw in the
12 cell phone analysis?

13 A Yes.

14 Q Now, when you say on State's Exhibit No.
15 100, which is the call slip regarding the stalking,
16 at 9:31 the investigation's cleared.

17 What does that mean? Does that mean
18 that that's necessarily when the officers left the
19 scene?

20 A That's just when they clear the report and
21 they're available for service again.

22 MR. MORTON: I'm going to object to
23 speculation.

24 THE COURT: Well, that's sustained as
25 to what that means to those officers?

1 MR. MORTON: And, Your Honor, I'd ask
2 that the jury disregard his answer.

3 THE COURT: All right. Jury is
4 instructed to disregard that last question and
5 answer, as to what it means to those officers.

6 You may ask whatever questions you want
7 of this officer.

8 Q (BY MS. COOPER) You're a police officer,
9 right?

10 A Yes, ma'am.

11 Q You're familiar with dispatch?

12 A Yes, I am.

13 Q Familiar with patrol?

14 A Yes.

15 Q You used to be a patrol officer yourself at
16 one time?

17 A Yes, I was.

18 Q What does it mean when you clear an
19 investigation?

20 A Specifically is when you get a call and
21 you're dispatched, you have the option to clear that
22 call when you feel you're ready to clear it. And if
23 you want go eat and not clear your call, you can do
24 that. It doesn't mean that you were there at that
25 location that whole time. It's open.

1 So when you finally clear it, that lets
2 dispatch know, I can send you to another call. So,
3 it may take ten minutes to do your report. You can
4 take 30 minutes to do your report.

5 Of course, there's some standards.
6 You're not going to spend four hours on a call and
7 not be in the loop for service. But it doesn't mean
8 that you're still at that scene, you're still
9 processing the scene. It can mean several things.
10 It means you're ready, you finished this call, and
11 you're ready to proceed and go on to the next call.

12 Q And if we go back to State's Exhibit No.
13 20 -- I'm sorry, slide No. 28, during this time
14 period from 8:52 all the way through to --

15 A There's another -- there's another slide.
16 This is the one that's the duplicate.

17 MR. MORTON: I'm going to object to
18 nonresponsive.

19 THE COURT: That's sustained.

20 Q (BY MS. COOPER) The actual cell phone
21 records -- let me show you here State's -- slide No.
22 27. What we're looking at here -- this is actually
23 what the page -- the cell phone records look like;
24 Is that right?

25 A Correct.

1 Q The cell phone records don't have the name
2 of the other callers in the records, do they?

3 A No. We -- we do that in a software program.

4 Q All right. So when we look here at slide
5 No. 27, how is this one different from what you've
6 done here in slide No. 28?

7 A It -- the slide before shows the raw records
8 from Sprint. This one is a slide that we have put
9 through Pen-Link Software System, so that we can have
10 the subscriber information for those phone numbers
11 that are listed in the raw records.

12 Q So is this information that's done by the
13 cell phone company or you?

14 A It's done by me.

15 Q Okay. And is this -- did you do this to
16 kind of aid the jury and help them understand which
17 calls are coming from which person?

18 A Yes. We like to know what kind of -- what
19 kind of phone calls are -- they're making and
20 receiving or who.

21 Q But as far as all the times the numbers, the
22 duration, the tower locations, is all that the same?

23 A The same.

24 MS. COOPER: May I approach the
25 witness, Judge?

1 THE COURT: You may.

2 Q (BY MS. COOPER) I want to show you State's
3 Exhibits 132, 133 and 134.

4 Do you recognize those?

5 A Yes, I do. Yes.

6 Q What are those?

7 A The first one, 132, is a slide that contains
8 subscriber information, as we see on the screen here.
9 One thirty-three is also the same and so is 134,
10 where we've added subscriber information regarding
11 cell phone numbers listed in these records.

12 Q Are those the same slides that that -- the
13 jury's actually getting to look at in the
14 demonstrative PowerPoint presentation?

15 A Yes.

16 Q The one where you added the names in to aid
17 them in seeing which calls are made to which people?

18 A Correct.

19 MS. COOPER: And, Your Honor, at this
20 time, after tendering to opposing counsel, I'd offer
21 State's 132, 133 and 134 into evidence?

22 MR. MORTON: Your Honor, I'd object to
23 first cumulative, since the actual cell phone records
24 are already in. Also to hearsay, since he's
25 testified that he's added things in that he's heard

1 from other officers, outside of -- outside of the --
2 outside of court. Also the top banners, while I had
3 no objection to these being used demonstratively, in
4 order to aid the jury in understanding his testimony,
5 I would raise those objections now for them to be
6 actually admitted into evidence.

7 THE COURT: Approach the bench.

8 (Bench Conference.)

9 THE COURT: Let me see those.

10 (Ms. Cooper tenders documents to the
11 Court.)

12 MS. COOPER: The numbers like Crystal's
13 number, we actually got the phone records for. So we
14 have --

15 THE COURT: I sorry, I can't hear you.

16 MS. COOPER: The numbers, as far as
17 Crystal's number, I'd have to ask him. I don't
18 remember who, but a lot of the people that he
19 actually got the records for and was able to verify
20 their phone numbers.

21 MR. MORTON: And, Your Honor, by this
22 witness' own testimony, these were documents created
23 and manipulated from the actual cell phone records.
24 The cell phone records will be the best evidence of
25 the calls. They're already in evidence and this

1 would cumulative and also containing hearsay that he
2 received from other investigators.

3 MS. COOPER: No. He didn't say he
4 manipulated them, Judge. They're exact duplicates.
5 The only thing that's different is he's put a name in
6 where the phone number was for the people that are
7 known.

8 MR. MORTON: Your Honor, also he has
9 removed end times and end dates for the calls. And
10 he has changed the formatting of some of the data.
11 And namely the cell tower and cell location or cell
12 sector data.

13 THE COURT: Repeat that. Somebody came
14 up here and made noise. Repeat that. Hold that.
15 Say that again.

16 MR. MORTON: Well, Your Honor, he has
17 deleted the end times and end dates from those
18 records. He has also changed the format, added
19 hearsay for -- as far as the subscriber information
20 for Crystal Jordan. There are no cell phone records
21 that were admitted into evidence for Crystal Jordan's
22 phone call. And so that would be hearsay.

23 All of those things would make this
24 objectionable to be admitted into actual evidence.

25 MS. COOPER: It's an aid for the jury,

1 Judge, to be allowed to take -- all it is is letting
2 them know who the calls are to and from, so they
3 don't have to actually go through and pick out phone
4 numbers and --

5 MR. MORTON: And, Your Honor, that's
6 why we had no objection to this being for
7 demonstrative purpose, to aid him in explaining a
8 very difficult subject matter. But to have that
9 admitted into evidence, it's cumulative, it's hearsay
10 on multiple levels.

11 MS. COOPER: It's not cumulative,
12 because it hasn't be admitted.

13 MR. MORTON: Well, it's cumulative
14 because it -- the cell phone data has been admitted.

15 THE COURT: Well, it won't aid unless
16 they have it in front of them.

17 MR. MORTON: The cell phone records --

18 MS. COOPER: And I can make it clear
19 this is not -- and I've already had -- this isn't the
20 cell phone. This is an aid for the names, so that
21 they know the names of the calls that were being
22 made. And these have been verified phone numbers.
23 That's it. That's the purpose of it. The only thing
24 that's different is the names.

25 MR. MORTON: And that is not the only

1 thing that's different, Your Honor.

2 THE COURT: Well --

3 MS. COOPER: Well, the only thing I'm
4 using to -- in this that's different is the names. I
5 mean, they have the records. They have the records
6 and the mapping and all that is -- the purpose of it
7 is to aid them with the names.

8 MR. MORTON: Your Honor, because they
9 have that, that's what makes this cumulative.

10 THE COURT: Okay. Well, he's testified
11 to all of this already. But I think it will aid the
12 jury, and your hearsay objection's overruled.

13 MR. MORTON: One second, Judge, so if I
14 summarize an offense report and I put it in diagram,
15 because it's going to aid the jury, and I want to
16 admit it. That means that the summary of an offense
17 report's going to get admitted into evidence. That's
18 not how it's supposed to work.

19 It's supposed to -- it's supposed to --
20 they're supposed to get it when they're listening to
21 the testimony. But to take it back, to make it
22 admissible, to take it back into the jury room when
23 it contains hearsay after hearsay after hearsay.

24 THE COURT: What hearsay are you
25 talking about?

1 MR. MORTON: It -- it -- all of this --
2 all of this -- all of -- who the calls are from.

3 THE COURT: Every --

4 MR. MORTON: Yeah. It -- that contains
5 information -- you know, who those numbers belong to,
6 are assuming facts not in evidence. It's based on
7 hearsay that we haven't had an opportunity to
8 confront.

9 So, no, it's fine to let them explain
10 the testimony, but to actually consider that in
11 evidence, it's -- the rules clearly prohibit that, as
12 well as our client's constitutional rights to
13 confrontation.

14 MS. COOPER: Crystal Jordan's phone
15 number is in evidence. It's been verified. She has
16 said --

17 THE COURT: She's testified about it.

18 MS. COOPER: Yes, she testified about
19 it.

20 MR. MORTON: Your Honor, if we thought
21 that they were going to admit these into evidence, we
22 would have objected to them for demonstrative, as
23 well. Because it is changing the cell phone records,
24 changing the formats, adding information that doesn't
25 come from that. Any hearsay that he does not have

1 personal knowledge of, just what he's given by other
2 investigators.

3 MS. COOPER: No. He has personal
4 knowledge that that's Crystal Jordan's phone number.
5 Those records were requested. I can cross out the
6 other names, Walter Williams was verified and given
7 to me and the detective by Walter Williams himself.
8 And that's when that was put in there. I can cross
9 that name out if you want me to cross that out.

10 It's -- the Crystal Jordan is the one
11 that I want them to see the purpose of it. Her
12 number is in evidence, it's been confirmed by her.
13 Her records were obtained and reviewed by this
14 officer.

15 MR. MORTON: Her records were not put
16 into evidence, Your Honor.

17 MS. COOPER: Her phone number has been
18 put into evidence and confirmed by her.

19 MR. MORTON: But that would not be in
20 this officer's knowledge. And he's the one who made
21 this -- this document.

22 MS. COOPER: He has her records.

23 I will mark through Walter Williams'
24 name and all the other names, if you want me to do
25 that.

1 MR. MORTON: Your Honor, that does not
2 change the fact these were altered records by this
3 officer. The best evidence will be the actual
4 records which are already in evidence.

5 THE COURT: Well, I think it's
6 admissible under voluminous records. But I don't
7 like this up here, this "Statements/Conclusions."

8 MR. MORTON: We'd object to that as
9 well.

10 MS. COOPER: We can take them out,
11 Judge.

12 THE COURT: All right.

13 MR. MAYR: And hold on. We also want
14 any reference to any other callers, like Walter
15 Williams, because you talked with them, but we don't
16 know --

17 MS. COOPER: I will cross it out.

18 MR. MAYR: Okay.

19 THE COURT: All right. The objection
20 to the hearsay part of the top portions of the
21 State's Exhibits 132, 33 and 34 are sustained.

22 As to the none on Crystal Jordan -- as
23 to the none on Crystal Jordan, dialed names, entries,
24 the objection's sustained.

25 MR. MAYR: Thank you.

1 MS. COOPER: Okay. So I can -- when we
2 take a break or whatever, I'll fix one. I'm not
3 going to do it right now. I'll just use them for
4 demonstratives.

5 MR. MAYR: We'll let you admit them at
6 some point --

7 THE COURT: All right.

8 MR. MAYR: At some point, after you've
9 made those changes.

10 (Bench Conference Concluded.)

11 (Attorneys confer.)

12 Q (BY MS. COOPER) Okay. So we have -- shown
13 here in slide No. 28, is it consistent or what does
14 it tell you about whether or not there's any kind of
15 -- between 8:52 p.m. and 9:20 -- 9:26 p.m., was when
16 the last call was completed. What -- do you have any
17 indication at all that there's any kind of
18 overloading of the tower -- of tower 854.

19 A No.

20 Q What would you expect to see if you had
21 that?

22 A Well, you would see no tower information
23 whatsoever from 854. And in this case, you do see
24 tower information. You can see that the tower is
25 operating.

1 Q When -- if a tower -- can like one sector of
2 a tower overload or is it just a whole tower?

3 A Well, I don't know about overloading, I know
4 they can adjust their towers. It's called cell
5 breathing. That's if they have heavy traffic certain
6 times of the day things, stuff like that, they can
7 shorten the distance, they can lengthen the distance,
8 they can -- they can cut it down from 120 degrees to
9 60 degrees.

10 So they can change it, but I don't
11 think this is really close to any -- not in the
12 middle of a highway or anything like that, to be able
13 to do that. And the records reflect that it's just
14 solid in 854 in sector 3.

15 Q Why don't you need to request the
16 maintenance records for the towers?

17 A Repeat that?

18 Q Why don't you need to request the
19 maintenance records for the towers?

20 A Well, in some cases we do. But in this
21 particular investigation and with the information
22 that I received. It's basically going to confirm or
23 refute some statements that were made. And so it's
24 sometimes it's a simple deduction of what's going on.
25 Sometimes it's more complicated and we'll request

1 that.

2 But we do hundreds of these cases and
3 it's time consuming -- you know, it take a lot of
4 time to do them. So, in this case it was somewhat
5 simple to confirm what the defendant's saying is
6 where he's at and it refutes where he went. So, it
7 wasn't complicated. And it doesn't take to know,
8 hey, was the tower working or not? The record
9 reflects the tower was working.

10 Q All right. If there's any indication at all
11 on the record that towers aren't working, could you
12 have requested their maintenance records at that
13 point?

14 A Could have, yes.

15 Q All right. Was there anything at all in
16 these records that indicate to you that the towers
17 were working improperly or anything wrong with them?

18 A No.

19 Q All right. So we have the defendant
20 consistently on sector 3 of tower 854, from 8:52
21 until that call is over. Let me go back to slide No.
22 31, which is the actual records.

23 So, the last call that we had from the
24 defendant before the time of the murder, is from what
25 -- from what time?

1 A It's 9:24:20 second to 9:26:41 seconds.

2 Q During that call which lasts how long?

3 A A hundred and forty-one seconds.

4 Q What tower -- hold on -- okay. If you look
5 at slide 31, which is what we're looking at now, when
6 you look at all these towers, you have on this one
7 3854, which is consistent?

8 A Correct.

9 Q If we go back to the slide we were looking
10 at a second ago, slide 32, we have the numbers 8543.

11 What -- can you explain that to the
12 jury, what that means?

13 A Well, the software program, it takes these
14 records and it takes records for many different
15 carriers. There's hundreds of carriers. So they
16 look at those, kind of like digest that and puts it
17 in a format like this.

18 And it just takes that 8543 and puts it
19 in a format that is maybe consistent with other
20 carriers. So they don't have to duplicate different
21 softwares for each individual carrier.

22 So it's the same information, it's
23 just -- it's just put in a different order. It's the
24 same tower, 854, sector 3.

25 Q On the actual phone records, which is shown

1 in slide No. 31, do you still have the same tower
2 and sector?

3 A Yes, I do.

4 Q But do we have the sector number now in
5 front of the tower number?

6 A Yes, we do.

7 Q All right. So that would be sector 3 of
8 tower 854?

9 A Correct.

10 Q Which is same thing over here on slide
11 number 32?

12 A Correct.

13 Q Tower 854, sector 3. Okay. So we know that
14 he's still in tower 854, sector 3?

15 MR. MORTON: I'm going to object to
16 leading.

17 Q (BY MS. COOPER) Well, when --

18 THE COURT: Sustained.

19 Q (BY MS. COOPER) Whenever --

20 MS. COOPER: I'm sorry, Judge.

21 THE COURT: Sustained. Go ahead.

22 Q (BY MS. COOPER) Whenever the call ends at
23 9:26 p.m. and 41 seconds, what tower do we have him
24 in.

25 A Tower 854, sector 3.

1 Q And is that the -- going to slide No. 30,
2 the side of tower 854 said it's consistent with the
3 location of the murder?

4 A Correct.

5 Q Is that also consistent with the location of
6 Crystal Jordan's house?

7 A Yes, it is.

8 Q And is this -- all right. Let me move on.
9 So then we pick up again with another
10 phone call. We don't have any phone calls at all
11 from 9:26 p.m. to what time?

12 A Nine thirty-two p.m. and 3 seconds.

13 Q And at 9:32 p.m. and 3 seconds, what's going
14 on with the towers?

15 A The tower's changed -- I mean, the tower's
16 stayed the same, it's just -- it's a different
17 sector, sector 2.

18 Q So with now looking at sector 2 of tower
19 854, what -- do you have any idea or is there any --
20 do you have an opinion as to -- well, let me ask it
21 this way:

22 You stated earlier that you -- can you
23 make a decision off of just one line?

24 A Not normally, no.

25 Q What do you need to do --

1 A I mean, you can make a decision of whether
2 or not it's valid and it's precise. And you could,
3 but you -- really with all we do, you want to have
4 more information to validate it.

5 Q Do you get more information in this case?

6 A Yes.

7 Q What do you do to have -- to determine
8 whether or not -- let me go back to slide No. 32.
9 It's a little easier to read.

10 We're looking at -- well, if you can
11 tell the members of the jury what information you
12 used to determine -- or to form your opinions
13 regarding the tower locations at -- ending at
14 9:26 and picking back up at 9:32?

15 A It's quite a bit of information. The
16 information of prior to that, of the defendant saying
17 that he went to Crystal Jordan's.

18 Q Do you continue to look at the phone
19 records?

20 A What do you mean?

21 Q Like do you -- you know, how you said
22 earlier, you look at consistency with tower
23 locations.

24 Do you do that in this case?

25 A Yes. In this case, he was consistently in

1 sector 3 of 854. And then there was a change. And
2 what's significant about this is that -- several
3 things. Number one is, is there is a gap when prior
4 to there was a lot of phone activity, specifically
5 with Crystal Jordan. And the phone activity changed
6 of who he's talking to and then there was none. And
7 what's significant about that is, there's an incident
8 occurred at a certain time where he has no phone
9 activity.

10 MR. MORTON: I'm going to object to
11 nonresponsive.

12 THE COURT: That's sustained. Go
13 ahead, ask your questions.

14 Q (BY MS. COOPER) What was significant
15 regarding the gap in the calls to the information you
16 have regarding the case?

17 A The particular gap -- the six minute gap?

18 Q Yes?

19 A It -- what's significant about that is that
20 he's not -- the device is not having any activity.
21 When it was having a lot of activity. So that's very
22 significant. And it also indicates at the end of
23 that six minute gap, that he was very close to that
24 sector line that we're talking about, that's the
25 dividing line between sector 3 and sector 2.

1 MR. MORTON: Object to speculation.

2 THE COURT: It's overruled. It's what
3 it indicates to him. You say he, now, that's
4 sustained if he was.

5 THE WITNESS: The device was close to
6 that sector line.

7 THE COURT: All right.

8 Q (BY MS. COOPER) I want to go to slide 33.

9 Regarding the end of the call at
10 9:26 and the beginning of the call at 9:32, what do
11 you -- what information are you using to come to the
12 opinion that there is movement during that period?

13 A Repeat the question.

14 Q You've indicated that between 9:26 and
15 9:32 p.m., based on the tower change here in slide
16 No. 32 -- well, the sector change and then the tower
17 change, how do you -- the defense attorney asked you
18 about the device hitting off of -- you know, he could
19 be standing still and the device hitting off of
20 different towers at one time. Why does it -- what
21 information are you using to make your opinion that
22 the device is actually moving?

23 A Well, I had information of where the
24 defendant was located. And it was solid in that
25 sector. There was no toggling at that time. And

1 then -- it then moved from sector 3 to sector 2, and
2 then it moved southwardly in a small amount of time.
3 Which shows that he was close to the sector line,
4 because he had to get from sector 3 to sector 2 to
5 sector 109 in a very short amount of time, according
6 to those records.

7 Q And then the slide No. 32, and the actual
8 record, slide No. 31, we see after 9:32, we have the
9 phone pinging off of tower 109, sector 3; is that
10 right?

11 A That's correct.

12 Q And then if we go to slide No. 35, from
13 9:33 all the way through 9:47, what do we see
14 regarding the towers?

15 A The tower is -- is what we call strong in
16 that area. It's tower 109, sector 3, which is
17 consistent to where his mother lives or he lives, off
18 Jutland, in that area.

19 Q Any indication at -- after 9:32, was there
20 any bouncing back and forth during this time period,
21 between the towers?

22 A There was only one bounce-back. And at the
23 time -- the interval -- the time was very small, in
24 seconds, which indicates that it's probably what we
25 call a toggle, where maybe the tower is full or he

1 may be in that area right between.

2 But it only happens one time. It's not
3 a thing that consistently happening. So when he gets
4 to 109 and it's solid there, that's where he's at.

5 Q And that's shown here in slide No. 36?

6 A That's correct.

7 Q Which was at what time?

8 A It was 9:16 or 22:16 -- it was 9:16 p.m. and
9 19 seconds, and 9:17 and 30 seconds.

10 Q And 22:16, is that actually 10:00?

11 A I'm sorry, 10:16 -- between 10:16:19 and
12 10:17:30.

13 Q Okay. And is that the only time that you
14 can tell that there's some kind of bouncing off of
15 another tower?

16 A Correct.

17 Q And then again, in addition to the
18 locations, the cell site information, did you also
19 use the information with the call frequency analysis,
20 to help aid in coming to your opinion?

21 A Yes, I did.

22 MR. MORTON: I'm going to object to
23 asked and answered.

24 THE COURT: That's overruled.

25 Q (BY MS. COOPER) How did you use the frequency

1 information to assist you with the information you
2 gathered in the cell site analysis?

3 A How did this frequency chart and how was it
4 developed? Is that what you're saying?

5 Q No. I mean, what -- how did you use this
6 information to help you form your opinions with the
7 cell site information?

8 MR. MORTON: Your Honor, I'm going to
9 object to asked and answered. He's testified to all
10 of this yesterday. These are the same questions, the
11 same testimony.

12 THE COURT: Well, it's overruled. I
13 don't think it's the same question. Go ahead.

14 A Well, in this particular case, there's six
15 months here, and through our software system, it
16 takes those call detail records and it formulates
17 this graph. And it's based on the number of calls
18 per month. And May being the month of the incident,
19 it's significant.

20 It shows that for some reason for this
21 month, it's -- it's -- for those six month period
22 there's a lot of call activity.

23 Q (BY MS. COOPER) And then the actual day of
24 May 19th, how did you use the actual -- the number of
25 calls that day compared to all the other days in that

1 month, to help with your interpretation of the cell
2 site information?

3 A Well, it's -- it shows that the cell sites
4 are, you know, are working. There is phone activity,
5 but on that particular day it was a high volume
6 activity. If you add those two numbers,
7 outgoing/incoming calls, it's 328 calls. Which is
8 significant, based on the other days of that month.

9 Q And is that consistent with some kind of a
10 significant event happening that month?

11 A I would say so, yes.

12 MR. MORTON: Object to speculation.

13 THE COURT: That's sustained.

14 MR. MORTON: Ask that the jury be
15 instructed to disregard --

16 THE COURT: The jury's instructed to
17 disregard the last answer.

18 Q (BY MS. COOPER) And the actual hours from
19 9:30 to 10:00 o'clock, on May 19th, how did the call
20 frequency during that time period, in relation to all
21 the other hours in the day -- or I'm sorry, that same
22 hour and all the other days of the month, assist you
23 with your interpretation of the cell site information
24 in this case?

25 A Well, that was a 30-minute block of time

1 that we compared to every day of that month, of that
2 30 minute block of time, from 9:30 p.m. to 10:00 p.m.
3 On the 19th, there's 38 calls. And I think the next
4 amount of calls were like 20. So out of 31 days,
5 that was -- that was the highest volume of calls that
6 this device had for that 30 minute time span, which
7 is the time when the incident occurred.

8 Q And did that aid you in determining the
9 reliability of your opinions in regards to the cell
10 site location?

11 A Absolutely.

12 MS. COOPER: I pass the witness, Judge.

13 THE COURT: All right. We're going to
14 take our 11:30 break and resume this. Mark your
15 spots, counsel both sides. We'll resume court --
16 this trial in about 20, 30 minutes or less.

17 Remember the instructions I gave you,
18 don't discuss the case at all. Don't make any
19 independent investigations by whatever means
20 concerning any issue in this case. We'll resume in
21 about 30 minutes or less.

22 THE BAILIFF: All rise.

23 (Jury exits courtroom.)

24 (Recess taken.)

25 THE COURT: Both sides ready for the

1 jury?

2 MS. COOPER: Yes, Judge. And I'm going
3 to -- I've got the redacted versions of State's 132,
4 133 and 134, that -- I don't remember if the exhibits
5 were admitted or if we were going to wait till we
6 redacted them.

7 THE COURT: I overruled the objections,
8 and the assumption was that they hadn't been admitted
9 in front of the jury, because they hadn't been
10 redacted.

11 MS. COOPER: Okay. Well, they've been
12 redacted now. So I'm going to admit them and then
13 I'm going to rest.

14 THE COURT: Okay.

15 (Discussion off the record.)

16 THE COURT: The record will reflect the
17 jury is out. It's 12:00 o'clock -- well, past 12:00
18 noon. Today's date is September 20, 2013.

19 Jury sent out a note through the
20 bailiff, reads as follows. And it's file dated
21 today's date, 12:04 p.m. It's dated in handwriting
22 on one side of the page, 9/20/2013.

23 I wanted to let the Court know that I
24 have postponed my trip scheduled for tomorrow,
25 Saturday, September 21st. I will incur the \$200 fee

1 necessary to change my airline ticket, and have
2 canceled my hotel reservations. Copy of my E ticket
3 is on the other side of this page.

4 Thank you. Suzanne Maloch, S. Maloch.

5 And the other side is an E ticket or
6 receipt for confirmation on page 1 of 4.

7 I have tendered this to both sides,
8 informed both sides.

9 And both sides ready to proceed?

10 MS. COOPER: Yes, Judge.

11 MR. MORTON: Yes, Judge.

12 THE COURT: All right. Bring in the
13 jury, please.

14 This will be filed in the Court's --
15 the papers of the Court.

16 (Discussion of the record.)

17 THE BAILIFF: All rise.

18 (Jury Panel enters courtroom.)

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

21 THE COURT: Be seated, please.

22 All right. You may proceed.

23 I believe that you passed the witness
24 to the defense. But...

25 MR. MORTON: No further questions.

1 THE COURT: Okay.

2 MS. COOPER: Your Honor, at this time
3 State's offers State's Exhibits 132, 133 and 134,
4 which are the redacted versions of the slides that we
5 had earlier discussed. And I've already tendered to
6 opposing counsel, Judge.

7 THE COURT: All right. They're
8 admitted.

9 (State's Exhibits Nos. 132, 133 and 134
10 were admitted.)

11 MS. COOPER: And the State rests.

12 THE COURT: All right. What says
13 defense?

14 MR. MORTON: Judge, may we approach?

15 THE COURT: You may.

16 And Officer Brown, thank you, sir.
17 You're free to go.

18 THE WITNESS: All right. Thank you,
19 Judge.

20 (Bench Conference.)

21 MR. MAYR: Judge, at this time, we
22 would move for a directed verdict on the indictment,
23 as there has been no evidence presented by the State
24 to support all of the necessary elements for the
25 charge in the indictment. As well as the evidence