

1 Q Okay. And at some point in time from State's
2 Exhibit Number 1269 in discussions with Candace
3 Gonzales, did you all take out duplicates?

4 A Yes.

5 Q Okay. So the list that you have, the total
6 number after duplicates, was less than 3,000?

7 A It was, I want to say 3,138 after unduplicating
8 the list of people that we didn't identify on the first
9 round.

10 Q Okay.

11 MS. VOLLMAN: Pass the witness, Judge.

12 MR. MARTIN: No questions for this
13 witness, Judge.

14 THE COURT: May this witness be excused?

15 MS. VOLLMAN: Yes, please.

16 THE COURT: Thank you. You are excused.
17 Call your next witness.

18 MS. VOLLMAN: Bill Brown.

19 WILLIAM BROWN

20 DIRECT EXAMINATION

21 BY MS. VOLLMAN

22 Q Can you please tell the ladies and gentlemen of
23 the jury your name?

24 A My name is William Brown.

25 Q Where do you work?

1 A I work for the Harris County District
2 Attorney's office as a lieutenant investigator assigned
3 to digital forensic unit.

4 Q Can you give the ladies and gentlemen of the
5 jury the benefit of your background, experience, and
6 training that qualifies you to be in that particular
7 unit with the DA's office?

8 A Yes. I started in digital forensic unit at the
9 Houston Police Department back in 1995 and at that point
10 we began training with the Microsoft software, learning
11 about the different levels of computers and the
12 nomenclature of computers, so forth. At that particular
13 time there wasn't any industry that had created software
14 that would go into computers and different digital
15 images or machines and devices to extract data from it
16 in a manner that they could be introduced into court.
17 But as time went on, we -- the industry developed
18 different software. And right now the leading industry
19 is In Case which is made by Vantage Software and Access
20 Data, which is made by Access Data Corporation.
21 Consequently, we spent many hours in training with that
22 particular organization.

23 Q Okay. Where were you before this?

24 A With the Houston Police Department.

25 Q And how long were you with them?

1 A 35 years.

2 Q What sort of investigations were you involved
3 with at the Houston Police Department?

4 MR. MARTIN: Objection. Relevance.

5 MS. VOLLMAN: Goes to his training, Judge.

6 THE COURT: Allow it briefly.

7 A I was involved in all kinds of investigations,
8 from fraud investigations to homicide investigations and
9 that sort of thing.

10 Q (By Ms. Vollman) Did you also have an
11 opportunity to work in forensic unit?

12 A Yes. We established the unit and I supervised
13 it till 2001.

14 Q Okay. Now, can you explain to us how you go
15 about doing a digital forensic analysis?

16 A Well, the device that we're trying to extract
17 the data from is hooked up to another device called a
18 write lock. From that write lock we actually extract
19 the data from a particular device, such as a computer or
20 a flash drive, that sort of thing. The principle that
21 we operate under is that we do not change anything on
22 the targeted device. The computer is never booted up in
23 its own environment. It is actually extracted with the
24 software that we use.

25 Q Okay. And how many cases have you worked on as

1 the digital forensic analysis?

2 A Hundreds.

3 Q How many open cases do you have at any given
4 time?

5 MS. VOLLMAN: Objection. Relevance.

6 THE COURT: Sustained.

7 Q (By Ms. Vollman) Now, can you describe for us
8 what does the In Case program do? How does it work?

9 A Well, like I said before, it will actually
10 extract the data at a bit level from the device that
11 you're trying to retrieve the information from. And
12 then it will store it in what they call an E01 file on
13 your computer. From that then you can read the actual
14 data in the environment that In Case provides.

15 Q At some point in time did you become involved
16 in an investigation involving several defendants,
17 including Marcus Jefferson and Tajuana and Dyain
18 Frazier?

19 A Yes, I have.

20 Q How did you become involved in that
21 investigation?

22 A Members of the Attorney General's office
23 submitted nine different digital devices to our office
24 for the extraction of the data.

25 Q Do you remember who was the lead investigator

1 that submitted those devices to you?

2 A I believe it was Sergeant Acker.

3 Q Okay. Wasn't also Gillie there at the same
4 time?

5 A Yes, Officer Gillie was there as well.

6 Q Do you remember when they brought it to you?

7 A Yes, it was I believe around April 3rd of 2008.

8 Q Now, at the time that you get evidence in to
9 the, your forensic unit, can you tell us what type of
10 inventory do you do to insure that you're going to be
11 keeping everything separate as far as what's on it and
12 the device itself?

13 A Any time something is submitted, it is first
14 entered into a database and that database generates a
15 control number. And from that control number each item
16 is Tagged with a number or letter so that it can be
17 associated back with that control number.

18 Q Okay. Did you do that for the devices that you
19 mentioned that you obtained from Acker and Gillie?

20 A Yes, ma'am, we did.

21 Q Now, can you describe for us what those devices
22 were?

23 A They were computers, both desk tops and
24 laptops, and I believe there was two thumb drives or
25 flash drives.

1 Q Okay. Did you do an analysis on those?

2 A Yes.

3 Q Describe for us what you do on those particular
4 devices.

5 A Well, as I recall, one of the devices had no
6 data. I believe that was Tag number 9. But Tag number
7 8, which contained the data, was acquired using the
8 software In Case. In Case provides its own self
9 write-lock when it's a USB connection, which a flash
10 drive is a USB connection. Therefore, you can stop it
11 from actually writing to the flash drive on USB.

12 Q And what is the purpose of that?

13 A The primary purpose is so you don't disturb or
14 change any original evidence. That is our primary goal,
15 that we never change anything that is submitted when --
16 into the office.

17 Q Let me show you what has been marked State's
18 Exhibit Number 1074A and 1075A. Did you have an
19 opportunity to review and analyze those two devices?

20 A Yes.

21 Q Can you tell us what are they, number one?

22 A They are both thumb drives.

23 Q Okay. And you said that one of the thumb
24 drives did not have anything on it?

25 A That's correct.

1 Q Which Tag was that?

2 A Number 9.

3 Q Would that be State's Exhibit Number 1074 and
4 its contents, State's Exhibit Number 1074 with a Tag
5 number 9 on it?

6 A That's correct.

7 Q Okay. So let's take a look at State's Exhibit
8 Number 1075A. You did an analysis on that thumb drive?

9 A Yes, I extracted the data from the thumb drive.

10 Q Can you tell us what do you do with that
11 information? What do you do with the information that
12 was on Tag 8?

13 A That information was extracted from the thumb
14 drive and placed on the forensic computer. And from
15 that point the information was copied to a CD or DVD.

16 Q Okay. And what is the purpose of doing that?

17 A That is to provide the investigators,
18 prosecutors, those that are involved in the case, with
19 the evidence so they can review it.

20 Q And what type of technique do you use to make
21 sure that none of that information, once it leaves you,
22 is altered, tampered with, changed, or anything
23 regarding that disk?

24 A Well, we take a software called Roxio, which is
25 a DVD, CD creator. It writes to a DVD. And every DVD

1 or CD can actually close it out. Once a DVD or CD is
2 closed out, it cannot be written to or changed in any
3 manner.

4 Q Did you do that on the disks we're talking
5 about in this case?

6 A Yes, we did.

7 Q Now, would you agree with me that there is a
8 lot of data that can be contained on any type of
9 computer device?

10 A Absolutely.

11 Q How is it that you know what to search for on
12 any type of computer device?

13 A Well, that information is forthcoming from the
14 individuals that are involved in the case, be it
15 investigators, prosecutors, and those that are actually
16 doing the investigation.

17 Q Is it fair to say that those are the folks that
18 would know what is important in that particular case?

19 A Yes, it is.

20 Q And did you get search terms in this case?

21 A I did.

22 Q And let me show you what has been marked as
23 State's Exhibit Number 1157. And I'm going to ask if
24 you can identify State's Exhibit Number 1157.

25 A Yes. That is a list of names and initials to

1 be searched for on the different computer items.

2 Q Okay.

3 MS. VOLLMAN: Judge, at this time we would
4 offer State's Exhibit Number 1157.

5 MR. MARTIN: May I take the witness
6 briefly on voir dire, Judge?

7 THE COURT: You may.

8 MR. MARTIN: May I approach the witness,
9 Judge?

10 THE COURT: You may.

11 VOIR DIRE EXAMINATION

12 BY MR. MARTIN

13 Q Sir, I'm handing you State's 1157 that
14 Ms. Vollman just handed to you. Is this list of search
15 terms and document that you personally prepared?

16 A No, sir, it is not.

17 Q To your knowledge, who personally prepared this
18 document?

19 A I'm not sure. I think it was either Officer
20 Gillie or Stan Clark, who is an AG prosecutor.

21 Q Somebody in the prosecution's office?

22 A Yes, sir, that's correct.

23 MR. MARTIN: Thank you, sir.

24 Defense would object on the basis of
25 hearsay. It is a document he himself did not create.

1 THE COURT: Sustained.

2 DIRECT EXAMINATION (CONTINUED)

3 Q Can you tell us, what search terms you use to
4 analyze the computer evidence in this case?

5 A The search terms contained in this list.

6 MR. MARTIN: Objection, Judge. He's
7 talking about search terms on a list that you just
8 sustained the objection to.

9 THE COURT: Sustained.

10 Q (By Ms. Vollman) Can you tell us, does State's
11 Exhibit Number 1157 refresh your memory as to the search
12 terms that you used in this case to analyze you computer
13 devices?

14 A Yes, ma'am, it does.

15 Q Can you tell us what search terms you used?

16 A I used all these search terms.

17 MR. MARTIN: Objection, Judge.

18 THE COURT: Overruled.

19 Q (By Ms. Vollman) Just tell us what -- don't say
20 all. Tell us what each search term was that you used.

21 A The search terms were Marcus Jefferson,
22 Broderick Carter, Vincent Walker, Mr. (sic) Boston, a
23 Kinshasa Carter, Jefferson Scales, Lamén Easley, Charles
24 Wickware, Wilma Gibson, Jacqueline Briscoe, Steven
25 Johnson, Arbury (spelled phonetically) Johnson, and a

1 Jaie Brown, C and M, Tops, First American, Dreammakers,
2 Resource Solutions, RS, TMHP, Maximus, Title XIX,
3 diapers, hand wipes, contract, agreement, enrollment,
4 deposit, marketing, billing, loan.

5 Q Okay. Those are all of them?

6 A I believe so.

7 Q Okay. Now, you said that --

8 A There is one I missed, was Ken Demas. (spelled
9 phonetically)

10 Q Okay. When you analyzed State's Exhibit Number
11 1074, Tag 8, did you find any documents on that
12 particular computer evidence?

13 A Yes, I did.

14 Q Let me show you State's Exhibit Number 1158.
15 And can you tell us what State's Exhibit Number 1158 is?

16 A It's a DVD containing information that was
17 extracted from the thumb drives.

18 Q Okay. Thumb drives or thumb drive?

19 A Thumb drive.

20 Q Okay. And that would be the information that
21 came off of Tag 8, the thumb drive that is contained in
22 State's Exhibit Number 1074?

23 A That is correct.

24 Q Okay. Now, when you analyzed the thumb drive,
25 did you make an image of the thumb drive? Explain to us

1 how you analyze the device from getting it to the
2 documents that you obtained on it transferred to State's
3 Exhibit 1158?

4 A Well, once the information is extracted from
5 the thumb drive, it is placed in the computer and the
6 computer will allow us to go through file by file and
7 look at each document or graphic or whatever it may be.
8 From that point we can actually export all the documents
9 and all the files to a CD or to a computer or to a
10 computer file.

11 Q Did you do that in this case?

12 A Yes, we did.

13 Q Is that what is documented on State's Exhibit
14 Number 1158?

15 A Yes, ma'am, it is.

16 Q Now, when you were analyzing Tag 8, can you
17 tell us what you found on State's Exhibit Number 1074?

18 A Well, there was approximately 200, I believe,
19 46 spreadsheets and forms that were located on that.

20 Q Now, let me ask you this: As far as the 246
21 spreadsheets, was it a one page, two page spreadsheet?
22 How many pages were attached to each of the 246
23 spreadsheets that were on Tag 8, State's Exhibit Number
24 1074?

25 A Each of the spreadsheets ranged from five or

1 six pages up to hundreds of pages each.

2 Q And did we ask you to download nine examples of
3 those spreadsheets that came off of State's Exhibit
4 Number 1158 that were taken from Tag 8?

5 A Yes.

6 Q Let me show you what has been marked as State's
7 Exhibit Number 1170, 1171, 1172, 1173, 1174, 1175, 1176,
8 1178, and 1177. Can you tell us what those particular
9 documents are?

10 A These are documents and spreadsheets that
11 actually came off of the thumb drive that was submitted.

12 Q Okay. And that's Tag 8, 1074?

13 A Correct.

14 MS. VOLLMAN: Judge, we would offer
15 State's Exhibits Numbers 1170 through 1178.

16 MR. MARTIN: No objections, Judge.

17 THE COURT: They are admitted.

18 Q (By Ms. Vollman) And is it, as far as the
19 number from the other document that composed these 246
20 spreadsheets, is that a fair representation of what
21 those are without printing all of them out?

22 A Yes, ma'am, it is.

23 Q Now, did you also happen to look at a couple
24 other of the devices --

25 A Yes.

1 Q -- that you analyzed.

2 I want to kind of focus on two.

3 State's -- Tag 5, which is what?

4 A I need to refer to my notes.

5 Q Okay.

6 A Tag 5 was a desktop computer, brand name HP.

7 Q Okay. And did you find -- was that taken from
8 the Fraziers' residence, if you know?

9 A I don't remember.

10 Q Okay. Can you tell us what the identification
11 you had for Tag, for that Tag?

12 A For Tag 5 would have been -- or for that
13 particular computer would have been Tag 5 with the
14 control number of 2008-14.

15 Q Okay. Can you describe what that computer
16 looked like other than HP on it? Was it a laptop,
17 desktop?

18 A I can't remember. I believe it was laptop, I
19 believe.

20 Q Black in color?

21 A It's possible.

22 Q Let me show you State's 897.

23 A Yes, that was it.

24 Q Okay. Now, did you have an opportunity to run
25 through that computer as far as analyze it?

1 A Yes, we did.

2 MS. VOLLMAN: Judge, may I approach?

3 THE COURT: You may.

4 Q (By Ms. Vollman) Let me show you what has been
5 marked State's 1161, 1162, 1163, 1164, 1165, 1166, and
6 1167 and State's Exhibit 1168. Do you recognize those
7 exhibits?

8 A Yes, I do.

9 Q Can you tell us what they are?

10 A They are spreadsheets. They are the documents,
11 Medicaid documents, that were taken from also insurance
12 health claim forms, so forth, that were taken from Tag
13 5.

14 Q Okay. Let me also show you State's Exhibit
15 Number 1156A, State's Exhibit Number 1156B, State's
16 Exhibit Number 1156C, 1156D. And that's it for now. Do
17 you recognize those?

18 A Yes, I do.

19 Q Where did they come from?

20 A They came from Tag Number 5.

21 MS. VOLLMAN: We would offer those
22 exhibits into evidence.

23 MR. MARTIN: "Those" is a general term,
24 Judge. I would like to have some numbers, if I could,
25 please.

1 MS. VOLLMAN: Not a problem, Judge.
2 State's Exhibit Numbers 1156A through 1156D, 1161, 1162,
3 1163, 1164, 1165, 1166, 1167, 1168.

4 MR. MARTIN: To those exhibits, Judge, no
5 objections.

6 THE COURT: They are admitted.

7 Q (By Ms. Vollman) Let's go with State's Exhibit
8 Number --

9 MS. VOLLMAN: Can we published these,
10 Judge?

11 THE COURT: Yes.

12 (Exhibits Published)

13 Q (By Ms. Vollman) -- 1156A. Can you tell us
14 what that is?

15 A Yes. That is a synopsis of the registry
16 readout on Tag number 5.

17 Q When you say that, what do you mean?

18 A Well, in the registry of any computer it will
19 give you basic information as to the computer, the type
20 of software that it's using, the individual that created
21 the image on the computer that registered it at the
22 time, that name would be in there as well.

23 Q Okay. Take a look at State's Exhibit Number
24 1156B. Can you tell us what that is?

25 A Yes. This is a document that shows on the

1 computer through the registry as to who was actually
2 mapped. And when I say "mapped," that actually means
3 who was able to connect to that computer.

4 Q State's Exhibit Number 1156C?

5 A This is the accounts on that computer. The
6 accounts, when you allow someone to actually access a
7 computer through a network or any process, a profile is
8 developed for that user and it is contained within the
9 registry accounts.

10 Q Okay. And let's take a look at State's Exhibit
11 Number 1156D.

12 A This is software information that is also
13 extracted from the registry and it tells us what
14 software has actually been installed on the computer.

15 Q So the one that is highlighted, TDH Connect, do
16 you know what that is?

17 A From what I understand, that particular is a
18 software that is used to connect to Medicare.

19 Q Let me show you 1161.

20 A And that is a screen shot of the tree. When I
21 say "tree," the programs and files on that computer.

22 Q Okay. And let's go to the second page of
23 1156D. I'm sorry, probably the fifth or sixth page.
24 Okay. Can you tell us what that is?

25 A Yes, that is also another program that is

1 installed within the computer system itself.

2 Q Okay. And as far as State's Exhibit Number
3 1162, could you show -- could you tell us what that is?

4 A Yes, that's a flier that was on the computer as
5 a representative sample.

6 Q Okay. And the same thing as far as 1156D.

7 A It's showing that that computer was at one time
8 connected to the TDH.

9 Q Let me also show you State's Exhibit Number
10 1163 and is that also part of the TDH Connect?

11 A Yes, it is.

12 Q State's Exhibit Number 1164?

13 A That is a document that was found on the
14 computer that appears to belong to the Texas Medicaid
15 free stand information.

16 Q State's 1165?

17 A That is also a PDF document found on that
18 computer.

19 Q And State's Exhibit 1166?

20 A Yes, that is another document that was found on
21 the computer itself.

22 Q Is that your Tag at the top, how you -- the
23 path on it?

24 A Yes, that is created within the computer itself
25 that the shows the path as to where the document or file

1 could be found.

2 Q 1167?

3 A That is also a PDF file found on the computer.

4 Q And State's 1168?

5 A Another document that was also found.

6 Q And can you tell us what is contained on the
7 folders in State's Exhibit Number 1158?

8 A What is contained on the drive is similar items
9 that we just went through such as spreadsheets and
10 documents and so forth.

11 Q Those are all from the download from Tag 8?

12 A Correct.

13 Q Okay.

14 MS. VOLLMAN: Judge, at this time we would
15 offer State's 1158.

16 MR. MARTIN: No objections, Judge.

17 THE COURT: It's admitted.

18 Q (By Ms. Vollman) Do you have an estimate, just
19 a general estimate if you were to print out the 246
20 spreadsheets from Tag 8, that thumb drive, how many
21 documents -- just give us an idea of how much that would
22 be?

23 A You're probably looking at something close
24 to -- and I'm guessing -- probably something about six
25 feet tall, maybe larger.

1 MS. VOLLMAN: Pass the witness, Judge.

2 THE COURT: Mr. Martin, may I see both
3 lawyers briefly.

4 (Discussion at the Bench, off the record)

5 THE COURT: Ladies and gentlemen, we may
6 run just a couple minutes past 5:00 o'clock. Hopefully
7 that won't present a problem with any of you, but I
8 would like to get finished with this witness.

9 CROSS-EXAMINATION

10 BY MR. MARTIN

11 Q Good afternoon, sir. I have just a couple of
12 questions for you. We can pull these exhibits if we
13 need to, but it's a central report question on each one
14 of them. The first one from the group of spreadsheets
15 that you say you took off the thumb drive, that was Tag
16 8?

17 A Yes, sir, that's correct.

18 Q State's Exhibits 1170, 1171, 1172, 1173, 1174,
19 1175, 1176, 1177 and 1178?

20 A Yes, sir, appears to be correct.

21 Q Kind of keep that in your mind right now for
22 just this question. On all of those spreadsheets that
23 I'm going to use a general term, a layman's term,
24 downloaded?

25 A Okay.

1 Q There was no identifying information of Marcus
2 Jefferson on those spreadsheets, correct? Did you see
3 his name appear on any spreadsheet?

4 A I can't remember seeing his name but I'm not
5 sure I even looked for it.

6 Q That was one of the search terms that you had
7 according to one of the State's exhibits that they tried
8 to introduce?

9 A That's correct.

10 Q So that was a term that could have popped up in
11 the review of your analysis?

12 A Right.

13 Q But it didn't pop up when you pulled those
14 spreadsheets?

15 A Yes, but those would have been identified.

16 Q But his name was not identified to you on those
17 spreadsheets, was it?

18 A I can't recall.

19 Q Would your notes reflect if it were there?

20 A No, sir. The only reason that those particular
21 files would have been recognized would have been as a
22 result of one of the search terms.

23 Q And his name was one of the search terms,
24 right?

25 A Correct.

1 Q Now, at the very end Ms. Vollman was going
2 through a whole list of items that were taken out of the
3 Fraziers' computer, a Tag 5?

4 A Uh-huh.

5 Q You confirmed that Tag 5 was the Fraziers'
6 computer?

7 A Correct.

8 Q You did that by your visual looking at the
9 picture that Ms. Vollman showed you to confirm, yes,
10 that's the computer I looked at?

11 A Correct.

12 Q I'm not going to go through each one of those.
13 You talked about a registry, mapping, talking about
14 profile, software, something called a tree. You
15 remember that general testimony?

16 A Yes, sir, I do.

17 Q There is nothing in any of those that
18 identified or relate or connect to Marcus Jefferson by
19 name, is there?

20 A No, sir.

21 MR. MARTIN: Pass.

22 THE COURT: Anything further?

23 MS. VOLLMAN: Can I just look one more
24 time at those exhibits real quick?

25 (Pause)

1 MS. VOLLMAN: Judge, there is an exhibit
2 that I had at one point in time. I can't seem to find
3 it now that I would like to offer into evidence. But in
4 order to do the predicate, can the witness step down,
5 view what I have on the screen before I offer it? We
6 can print it out, as far as having a hard copy.

7 THE COURT: Yes.

8 REDIRECT EXAMINATION

9 BY MS. VOLLMAN

10 Q Can you take a look at State's 1159 and can you
11 tell us what that is, without saying what is on it?
12 Just tell us what it is.

13 A That is a contact sheet or contact list of
14 individuals.

15 Q Where did you get those contact lists from?

16 A That --

17 MR. MARTIN: Objection. He's not --
18 testifying on an item that has not been admitted into
19 evidence.

20 MS. VOLLMAN: I'm trying to prove up the
21 connection as to is it from this case as far as where
22 the contact list come from, what Tag.

23 THE COURT: Overruled.

24 Q (By Ms. Vollman) What Tag?

25 A It's from Tag 2.

1 Q Okay. Was Tag 2 also one of the exhibits that
2 you reviewed in this case?

3 A Yes, it is.

4 Q And the --

5 MS. VOLLMAN: Judge, at this time could I
6 have the defense attorney look at this exhibit?

7 THE COURT: Yes.

8 MS. VOLLMAN: And we would offer State's
9 1159.

10 MR. MARTIN: May I take the witness
11 briefly on voir dire, Judge?

12 THE COURT: I think we are going to go
13 ahead and break for the day. I was trying to finish
14 this but we'll finish it tomorrow. I'm going to let the
15 jury go.

16 And I would like to ask the members of the
17 jury a question about scheduling for tomorrow. We're
18 not quiet as far along as I had hoped to be by today.
19 If we were to start tomorrow at 9:30 instead of 10:00,
20 would that present a problem to any of you?

21 No one has indicated that. And I don't
22 know that we will need to, but if we need to work until
23 6:00, would that present a problem to anyone? No.
24 Sure? Okay.

25 Then please be back tomorrow at 9:30

1 instead of 10:00. And let me just say that between
2 8:15 -- I'm sorry. 8:45 and about five after 9:00, the
3 lobby and the elevators tend to be pretty congested. So
4 if you arrive during that time it may take a little
5 while to get up here. So my recommendation would be
6 come closer to 9:30 if you can. That way you probably
7 won't be delayed so much.

8 Please remember all your earlier
9 admonishments about not talking about the case or do any
10 independent research.

11 *(Jury leaves courtroom)*

12 *THE COURT:* Thank you, please be seated.
13
14
15
16
17
18
19
20
21
22
23
24
25