

1 may have a seat, sir.

2 **THE WITNESS:** Thank you.

3 **MARK WILSON,**

4 having been first duly sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 **Q.** (BY MS. REYNA) Good afternoon, Officer.

7 Could you please introduce yourself to our jury?

8 **A.** My name is Mark Wilson, employed by the
9 City of Houston, working with HPD.

10 **Q.** And are you a police officer?

11 **A.** Yes, ma'am.

12 **Q.** How long have you been a police officer
13 with HPD?

14 **A.** Nearly seven years now.

15 **Q.** And where are you currently assigned?

16 **A.** I'm assigned to the Digital Forensic Unit
17 and Secret Service High-Tech Task Force.

18 **Q.** Can you tell the jury what those are?

19 **A.** The digital forensic lab, we're in charge
20 of recovering and extracting data off computers, cell
21 phones, cameras, tablets, whatever digital media, so
22 we can provide it to the Court.

23 **Q.** And you have been there, you said, five --
24 sorry -- two years?

25 **A.** About two years.

1 **Q.** Okay. And where were you prior to your
2 assignment at the digital forensic lab?

3 **A.** I worked night shift patrol.

4 **Q.** And do you have any specialized education
5 or training in digital forensics?

6 **A.** I received my Master of Science in digital
7 forensics from Sam Houston State. And I received
8 over 500 hours of digital forensics training
9 specializing in cell phone forensics.

10 **Q.** And how does it work with the digital
11 forensics lab? How are you assigned cases?

12 **A.** The investigator will bring in whatever
13 digital media he or she wants examined. We will take
14 it on and enter it into our database. We take the
15 oldest case first. And either a cell phone examiner
16 like myself or a computer examiner, we will take the
17 case and work it as we see fit and what the case
18 agent is looking for.

19 **Q.** And you, yourself, only examine cell
20 phones; is that correct?

21 **A.** Primarily, yes.

22 **Q.** Primarily. What do you mean?

23 **A.** Once in a blue moon, I will work a computer
24 case.

25 **Q.** Okay. And how many officers are assigned

1 to your unit?

2 **A.** We have four officers and one sergeant.

3 **Q.** And how is it you became involved in the
4 case involving the defendant, Mark Castellano?

5 **A.** The cell phone was turned in by the
6 investigator. I just happened to be the one to pick
7 it up.

8 **Q.** And was it Investigator Waters or Sergeant
9 Harris?

10 **A.** I don't recall.

11 **Q.** Okay. Was it one of the two?

12 **A.** They may have come in together. I just
13 don't remember.

14 **Q.** Okay. And does your unit require any sort
15 of search warrant or signed authorization to go into
16 a phone or a computer?

17 **A.** Yes. We either need a signed consent or a
18 search warrant.

19 **Q.** And was that present in this case?

20 **A.** Yes.

21 **Q.** And what did you do once you retrieved the
22 phone?

23 **A.** When we take it from the investigator, it
24 gets locked up in an evidence vault until we perform
25 the examination. I pulled it from the evidence

1 vault. It's standard practice for me to pull the SIM
2 card out and examine that first. Then pull the micro
3 SD card out, if it has one, and examine that, put
4 them both back into the phone and examine the phone
5 as a whole.

6 Q. And do you take any photographs as you're
7 doing this?

8 A. Yes.

9 Q. What do you photograph?

10 A. We photograph the front and back of the
11 phone to document serial numbers to show this was the
12 phone that we worked on and also records any type of
13 damage it may have had when it came in.

14 Q. And are there any specific softwares that
15 you work with when you try to retrieve information
16 from a phone?

17 A. We have a number of tools. Our go-to is
18 called Cellebrite. It supports a number of the
19 different cell phones. It's an extraction tool that
20 just pulls data without altering anything.

21 Q. Showing you what I have marked as State's
22 Exhibit 150. Have you seen that before?

23 A. Yes.

24 Q. And as to State's Exhibit No. 150, what
25 kind of electronic equipment was the information

1 stored on it retrieved from?

2 **A.** I'm sorry. I don't understand.

3 **Q.** What was the information on State's
4 Exhibit 150 retrieved from?

5 **A.** Oh, this was from the phone that was turned
6 in by the investigator.

7 **Q.** And you had -- did you have an opportunity
8 to examine that phone?

9 **A.** Yes.

10 **Q.** Was that phone a standard type of cell
11 phone?

12 **A.** Yes.

13 **Q.** And what specific kind of phone was it?

14 **A.** I believe it was an HTC running
15 android-based --

16 **Q.** Was that --

17 **A.** Sorry. Sorry. Go ahead.

18 **Q.** Go ahead and finish.

19 **A.** I said android-based OS.

20 **Q.** Okay. And was that phone in good working
21 order?

22 **A.** Yes.

23 **Q.** And how was information stored on the cell
24 phone?

25 **A.** I'm going to keep it simple because it's

1 rather difficult and complex.

2 A cell phone has a number of different
3 containers. One container might be your contacts.
4 Another, your calendar. Another, your text messages.
5 There is a number of different containers, and our
6 tools seek out known locations of each container and
7 pull the data from there.

8 Q. And what process did you use to recover
9 information from the defendant's cell phone?

10 A. I used -- I used Cellebrite to record the
11 data from the SIM card on the phone, and I used
12 another software tool called FTK Imager to take
13 micro SD card.

14 Q. And without getting into it, typically, how
15 does the software take the information from the
16 phone?

17 A. The Cellebrite loads a small piece of
18 software onto the phone that allows basically a
19 gateway into the phone. From there, it pulls the
20 data directly off without altering anything. When
21 it's -- when it's done pulling that information, it
22 also pulls that initial file back out so no remnants
23 exist.

24 Q. And did you extract, recover, and save the
25 information that you took from the defendant's cell

1 phone?

2 **A.** Yes.

3 **Q.** And in what format did you do that?

4 **A.** It automatically gets output to an HTML
5 file, basically a web page.

6 **Q.** And is State's Exhibit No. 150 a copy of
7 the information you recovered and stored from the
8 defendant's cell phone in this case?

9 **A.** Yes.

10 **MS. REYNA:** Your Honor, at this time
11 the State would offer State's Exhibit No. 150 after
12 tendering to Defense counsel.

13 **MR. DAVIS:** Your Honor, I object to
14 not being properly authenticated.

15 **THE COURT:** Overruled. Admitted.

16 **Q.** *(BY MS. REYNA)* Officer, I'm going to put
17 State's Exhibit 150 on the overhead.

18 Officer, could you tell the jury what
19 we are looking at here?

20 **A.** This is a splash page created by my unit.
21 It essentially just has hyperlinks to each piece of
22 evidence that we recovered from the phone. Shall I
23 just go through it?

24 **Q.** No. I think that's fair enough for now.
25 Did you store the photos that you took off the phone

1 with this information?

2 **A.** Yes.

3 **Q.** Is that here on evidence photos?

4 **A.** Yes, ma'am.

5 **(Exhibit Published)**

6 **Q.** **(BY MS. REYNA)** What is that we're looking
7 at, Officer?

8 **A.** That is the -- that is the phone that was
9 submitted. It's a Verizon Motorola. Like I said, I
10 think it was an HTC phone.

11 **Q.** And then you took pictures?

12 **A.** That is the back of it.

13 **Q.** What are we looking at in this picture?

14 **A.** That is the serial number. Generally
15 serial numbers are on the back or inside. This
16 particular phone didn't have a back panel to remove,
17 so I actually had to flip something down to reveal
18 the serial number showing that was the actual phone.

19 **Q.** Why do you need to document the serial
20 number?

21 **A.** Just so nothing can come up saying, well,
22 it may have been the same make and model; but that
23 wasn't the phone.

24 **MR. DAVIS:** Your Honor, may we
25 approach?

1 **THE COURT:** Yes, sir.

2 **(At the Bench)**

3 **MR. DAVIS:** I'm just -- I object, Your
4 Honor, to the report being in evidence what was the
5 witness -- in terms of what the witness authenticated
6 was that the disk containing the contents of the cell
7 phone. Not that it was in the report or on report
8 format, that has obviously hearsay, has other
9 information. It is equivalent of what one could
10 argue is a police officer's report that's just been
11 introduced because it's titled "forensic report."

12 Let the record reflect that the report
13 is titled "Houston Police Department Digital Forensic
14 Unit Forensic Report." So, it's actually listed as a
15 police report, which has been introduced and not just
16 the contents of the cell phone. So, I would object
17 to that.

18 **THE COURT:** So what else is on the
19 disk?

20 **MS. REYNA:** Judge, everything he
21 pulled from the -- from the phone, including his --
22 and there is a synopsis he does, he puts in there, of
23 what he did. So the actions he took to recover from
24 the phone to what he just testified to --

25 **THE COURT:** Of course, that's just a

1 report, right?

2 **MS. REYNA:** Judge, it contains no
3 information about the case.

4 **MR. DAVIS:** Listed and called a police
5 forensic digital report, a police report. And it
6 contains hearsay. The report itself is hearsay.

7 **THE COURT:** Right. So, I mean
8 certainly you can show the data he collected, right?

9 **MS. JOHNSON:** That is the report.

10 **MS. REYNA:** Judge, this is just the
11 label they put on it. This is the forensic report.

12 **THE COURT:** I thought you said it
13 really contained what he did.

14 **MS. JOHNSON:** It --

15 **MR. DAVIS:** It does. It says DFL
16 report.

17 **THE COURT:** I know, but "report" can
18 mean different things. Is there a narrative, or is
19 it just what he did?

20 **MS. REYNA:** It's a paragraph of what
21 he did, what he pulled off the phone. Does that make
22 sense?

23 **MR. DAVIS:** It's a narrative, Judge.

24 **MS. CARPENTER:** You have seen it?

25 **MR. DAVIS:** Uh-huh (affirmative.)

1 **MS. REYNA:** Judge, similar to the
2 autopsy report, it talks about what they did. That's
3 all.

4 **THE COURT:** An autopsy report is not a
5 police report. They don't come from the police
6 department. It's a business record. Under your
7 theory, then every offense report would be a business
8 record. I think he needs to look at it.

9 **MS. REYNA:** Okay, Judge.

10 **(End of Bench Discussion)**

11 **THE COURT:** Sorry, jurors. I have to
12 ask you to step out. Thank you.

13 **(Jury released)**

14 **THE COURT:** Thank you. Please be
15 seated.

16 Can he just flip through the pages?
17 And just very quickly for the record, you can just
18 tell us what's on each page.

19 Is that okay, Ms. Reyna?

20 **MS. REYNA:** Yes, Judge. I'm clicking
21 on the link for DFL report PDF. Judge, I believe
22 it's one page or two pages.

23 **THE COURT:** You're going a little fast
24 for me. Back up.

25 **MS. REYNA:** Sorry, Judge.

1 Judge, it is just the one page.

2 **THE COURT:** Okay. This is clearly an
3 offense report. So, the Defense objection is
4 sustained. Page isn't numbered. Do you want to keep
5 going? And the submitted property, that can come in
6 just to identify. So, that may remain. So, specific
7 findings, Defense objection is sustained.

8 **MS. REYNA:** This is -- Judge, there is
9 a second page; but it's just blank.

10 **THE COURT:** Okay. I thought you were
11 listing something? No? This is just his report,
12 isn't it?

13 **MS. REYNA:** Yes, Judge. This is his
14 report of what he did with the phone.

15 **THE COURT:** Okay. But he is a police
16 officer. So, I mean, it's all hearsay.

17 **MS. REYNA:** Judge, we can redact this
18 portion out.

19 **THE COURT:** That's everything, isn't
20 it, except --

21 **MS. JOHNSON:** No, Judge. There is
22 also the forensic report that he actually pulled off.

23 **THE COURT:** I see. That's a separate
24 document?

25 **MS. REYNA:** It's a cell phone report,

1 Judge.

2 **THE COURT:** Okay. Let's see. And the
3 SIM card report and media card report, everything
4 pulled off the phone, can we see those real quick?

5 **MS. REYNA:** Judge, this is everything
6 the software pulled off of the defendant's cell
7 phone.

8 **THE COURT:** That's fine. Defense --
9 are you objecting to that?

10 **MR. DAVIS:** I think if that is the raw
11 data, Judge, I don't have any objection; but if she
12 can scroll down just to make sure that's all that is.

13 And I think that -- I don't have any
14 objection to that, other than the previous
15 authenticity objection, Judge.

16 **MS. REYNA:** It's rather long because
17 there is a lot of data; but it goes through contacts,
18 text messages, outgoing and incoming calls,
19 photographs retrieved, album covers included in the
20 photographs, and then --

21 **THE COURT:** All of that looks fine.

22 **MS. REYNA:** And at the end we have
23 videos retrieved from the phone. And that's it.

24 **THE COURT:** Okay. And then what about
25 the other topics to click on? Are there others?

1 **MS. REYNA:** The SIM card report. The
2 technical information they retrieved from it, Judge.
3 That's it.

4 **THE COURT:** Okay. That's fine. The
5 media card report. This is going to be the media.

6 Well, technically, other than improper
7 predicate, you did not -- he did not object to the
8 exhibit; but I think just as matter of fairness, the
9 offense report needs to come out. So --

10 **MR. DAVIS:** And, Judge, the way that
11 exhibit was described, it was not described as such
12 as being a report inside of it. It said it was the
13 contents of the cell phone.

14 **THE COURT:** Well, your objection to
15 that part is good, hearsay within the exhibit. So, I
16 don't know what's the easiest way. It would be the
17 DFL report, is that what I sustained the objection
18 to?

19 **MS. REYNA:** Yes, Judge. That is his
20 report.

21 **THE COURT:** So, how are you going to
22 delete that? Can you get it copied overnight with
23 that omitted?

24 **MS. JOHNSON:** We will work on it,
25 Judge.

1 **MS. REYNA:** And the officer can
2 probably help us.

3 **THE WITNESS:** Yeah, that's fine.

4 **THE COURT:** Okay. So, in the morning
5 let's be sure and take up the issue of that
6 redaction. And in the meantime, just click on
7 something else.

8 **MS. REYNA:** Yes, Judge. I won't click
9 on that.

10 **THE COURT:** All right. Then we're
11 ready for the jury. Y'all help me remember in the
12 morning to take up that matter before we start.

13 **MS. REYNA:** Yes, Judge.

14 **THE COURT:** Okay.

15 **(Jury enters the courtroom)**

16 **THE COURT:** Thank you. Please have a
17 seat.

18 **Q.** **(BY MS. REYNA)** Officer, coming back to
19 State's Exhibit No. 150, I'm going to click on the
20 link that says "cell 1 phone report." Can you tell
21 the jury what we're looking at here?

22 **A.** It is an -- excuse me. This is the report
23 that Cellebrite, the extraction device, automatically
24 generates. It starts off by telling the make and
25 model and identifying information of the phone

1 itself.

2 **Q.** So, this is everything that is retrieved
3 directly from the cell phone, correct?

4 **A.** Correct.

5 **Q.** So, I will skip to the more important parts
6 of the report. So, what exactly do you retrieve from
7 the phone from -- specifically from this phone?

8 **A.** From this phone we retrieved contacts; text
9 messages; a calendar; call logs; the MMS messages, or
10 multi-media messages; images; and videos.

11 **Q.** So, the first section, that lists all of
12 the phone contacts from the phone?

13 **A.** Yes.

14 **Q.** Okay. The next portion of the report, what
15 will that show us?

16 **A.** These are all of the stored text messages,
17 both incoming and outgoing.

18 **Q.** And so, what kind of information can you
19 get from the phone as far as text messages?

20 **A.** It automatically pulls the phone number
21 along with the contact name if it's a saved contact,
22 the date and time the text message was received and
23 where it was stored, and whether it was incoming,
24 outgoing, along with what it said.

25 **Q.** And I'm going to scroll down to the date of

1 September the 22nd. Do you see a text to a number
2 for Michelle Warner on September 22nd?

3 A. Yes.

4 Q. Is that here where I have the mouse?

5 A. Yes.

6 Q. Okay. And was this ingoing or -- incoming
7 or outgoing?

8 A. That was outgoing.

9 Q. So, it would have been sent from the
10 defendant's phone to Michelle Warner, correct?

11 A. Correct.

12 Q. And could you tell the jury what that text
13 stated?

14 A. It reads: "Called you, now calling
15 grandma."

16 Q. And about what time was that text sent?

17 A. At 11:00 -- excuse me, 12:11.

18 Q. On September 23, 2012, we see a text at
19 about 12:31 in the morning, correct?

20 A. Correct.

21 Q. And who is that text to?

22 A. Jason Castellano.

23 Q. And what does that text read?

24 A. "Passing through Austin."

25 Q. Now, September 23rd, we see another text

1 at 3:11 p.m; is that correct?

2 A. Correct.

3 Q. And who is that text to?

4 A. To Michelle Warner.

5 Q. And so, it's outgoing from the phone; is
6 that correct?

7 A. Yes, ma'am.

8 Q. And what does that text say?

9 A. "Fucking call grandma."

10 Q. I'm going to scroll down. Sorry if this
11 makes you a little dizzy. What do we see on this
12 section of the report?

13 A. These are all of the incoming calls.

14 Q. And will we get the same information; date,
15 time?

16 A. Yes.

17 Q. And on September 22nd, do we see any
18 phone calls incoming from Michelle Warner?

19 A. I see three incoming from Michelle Warner.

20 Q. Okay. And those would be at 12:47, 2:50,
21 and 3:03, correct?

22 A. Yes, ma'am.

23 Q. And it also gives us the duration of those
24 phone calls, correct?

25 A. Yes.

1 Q. And one of the contacts we see here is
2 calling?

3 A. Sarah, Dr. Phil.

4 Q. Okay. Next, what are we looking at here?

5 A. These are the outgoing calls made from the
6 cell phone.

7 Q. Let's scroll down to September 22nd. Do
8 we see any phone calls made to Michelle Warner?

9 A. Yes.

10 Q. Approximately what time?

11 A. At 12:10.

12 Q. Now looking here at September 23, 2012, do
13 we see another call to Michelle Warner?

14 A. Yes.

15 Q. On September 23rd at 6:08 p.m., correct?

16 A. Correct.

17 Q. And that was about 14 seconds?

18 A. Yes.

19 Q. And scrolling down again, on
20 September 24th, do we see another call to Michelle
21 Warner?

22 A. Yes, ma'am.

23 Q. What time was that call?

24 A. At 2:15 in the morning.

25 Q. And about how long was that phone call?

1 **A.** Nearly two minutes.

2 **Q.** Now, if -- if we got nearly two minutes,
3 will that -- that differentiate between whether it's
4 an actual conversation or voicemail message?

5 **A.** No.

6 **Q.** Okay. So, it could be a voicemail message
7 that's left for a minute and 51 seconds, correct?

8 **A.** It could be.

9 **Q.** Scroll down some more. Then we get to what
10 section of the report?

11 **A.** These are the multi-media messages, your
12 standard text messages, if you attach a picture or a
13 video or song or whatever.

14 **Q.** Okay. And the next portion of the report?

15 **A.** The images saved to the phone, whether it's
16 been downloaded or taken with the phone as a camera.

17 **Q.** And will it be able to tell us when those
18 photos were downloaded or taken?

19 **A.** Yes, in the file date and time.

20 **Q.** There are quite a few pictures on this
21 phone, correct?

22 **A.** Yes.

23 **Q.** Appears to be looking at album covers maybe
24 here?

25 **A.** Probably downloaded music.

1 **Q.** We appear to have a lot of cartoonish-type
2 images, correct?

3 **A.** The phone stores all of the different icons
4 and buttons for each app.

5 **Q.** So, these are actually the icons for the
6 apps?

7 **A.** Right.

8 **Q.** Okay. So, now we're down towards the end
9 of the report. What are we looking at here?

10 **A.** These are all of the videos that were
11 stored to the phone.

12 **Q.** And will this tell us when the videos were
13 stored?

14 **A.** The file name -- it stores videos by date
15 and time with the file name. For instance, this
16 first file link at the top is 20120915, meaning it
17 was recorded on September 15, 2012. And the 12:54:45
18 depicts the time that this was taken.

19 **Q.** So, if we click on the link, we can play
20 this first video?

21 **A.** Yes, ma'am.

22 **(Exhibit Published)**

23 **MS. REYNA:** Judge, for the sake of
24 brevity, I will fast forward to relevant parts with
25 the complainant.

1 **(Exhibit Published)**

2 **MS. REYNA:** I pass the witness, Judge.

3 **THE COURT:** Thank you.

4 **MR. DAVIS:** I don't have any
5 questions.

6 **THE COURT:** Thank you.

7 Is this witness excused?

8 **MS. REYNA:** The witness is, Judge.

9 **THE COURT:** Thank you so much, sir.

10 **THE WITNESS:** Thank you.

11 **(Witness released)**

12 **THE COURT:** Let's try to get in 10
13 more minutes of testimony.

14 **MS. JOHNSON:** Your Honor, the State
15 rests.

16 **THE COURT:** Thank you very much.

17 Then we will resume tomorrow morning.

18 Please have a good evening. Please remember all of
19 the instructions I have given you before. See you at
20 10:00. Thank you.

21 All rise, please for please.

22 Before the lawyers leave, can I talk
23 to you about a couple of legal things?

24 **THE REPORTER:** Do you want it on the
25 record, Judge?