UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

UNITED STATES OF AMERICA,	)	Case No. 3:21-CR-00089-BJB
Plaintiff,	)	
v.	)	
SALVADOR ABDUL JONES	)	
Defendant.	)	October 4, 2022 Louisville, Kentucky

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VOLUME I
TRANSCRIPT OF TESTIMONY OF DETECTIVE TIM O'DANIEL
AT JURY TRIAL
BEFORE HONORABLE BENJAMIN J. BEATON
UNITED STATES DISTRICT JUDGE

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APPEARANCES:

For United States: Alicia P. Gomez
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[Defendant present.]

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Proceedings recorded by mechanical stenography, transcript produced by computer.

(Begin proceedings in open court at 2:34 p.m. Jury in.)

THE COURT: All right. Welcome back. Ms. Gomez.

MS. GOMEZ: Yes, Your Honor. United States calls Timothy O'Daniel.

(DETECTIVE TIM O'DANIEL, called by the Government, sworn.)

DIRECT EXAMINATION

BY MS. GOMEZ:

Q. Will you please introduce yourself to the jury by telling them your name?

A. Yeah. I am Tim O'Daniel --

Q. Okay.

A. -- with the Louisville Metro Police Department.

Q. Okay. And you indicated you're employed by the Louisville Metro Police Department. How long have you been employed by LMPD?

A. Yes, ma'am. I've been there approximately -- almost 12 years.

Q. Okay. And what -- where are you assigned?

A. I'm currently assigned to the digital forensics unit.

Q. Okay. What is the digital forensics unit?

A. So part of this, I was assigned to the homicide unit, and I ran kind of a de facto digital forensic unit. We were established last year. And what it is is we also -- we do -- we do take physical cell phones, but we also do cell site analysis

using cell phone numbers. We also will serve search warrants and subpoenas to Facebook and social networking, Google and Apple.

Q. Okay. And what is your title within the digital forensics unit?

A. I am a detective.

Q. Okay. And -- so in this case, did you receive some search warrant returns on two cell phone numbers and process those?

A. Yes, I did.

Q. Okay. Tell me, how do you do that?

A. So what happens at the Louisville Metro Police Department is a detective will draft a search warrant based on his investigation, his or her investigation, and -- to an appropriate company.

In this case, with a cell phone number, without having the actual physical cell phone, we can actually get subscriber information, location information, and kind of like a beefed-up version of your cell phone records but with location information.

That's all applied for in a search warrant. The detective will bring it to the Court. The Court will allow it, and then someone from LMPD will serve either T-Mobile, Verizon or AT&T with a search warrant, and the search warrant will be provided -- or the returns will be provided to LMPD.

Q. By returns, what do you mean by that?

A. If I could -- if I could use my -- I actually made a PowerPoint, but if I could use -- so there is a -- so when they serve LM -- or when LMPD serves T-Mobile, for example, in this case, they will give -- or return a giant Excel spreadsheet, basically, and it will have incoming and outcoming calls, the date and time of the incoming and outcoming calls, location information, and also the duration of the call and the cell site that the device was using.

Q. Can I show you -- I'd like to show you Government's Exhibit 40A and 40B, and tell me if you recognize what these are. This is 40A.

A. Yes.

Q. Do you recognize what that is?

A. Yes.

Q. Okay. And 40B.

A. Yes.

Q. You recognize that? Okay. What is in those exhibits that we've just -- before I show them to the jury.

A. Okay. So -- yeah. So these are the actual returns, what I was talking about. So the detective has served, for example, in this case, T-Mobile with the search warrant, and T-Mobile has a massive legal department. Well, a good-sized legal department where they will process hundreds and thousands of these types of search warrants every year.

They provide back a standard report from -- from their

network, and that's what this is. This is -- this is the actual return of the search warrant or the things that were asked for in the search warrant.

Q. Okay. Are the things on the screen, Government's Exhibits 40A and 40B, these documents that we're seeing, do they fairly and accurately depict what was the search warrant returns in this case?

A. Yes, ma'am.

MS. GOMEZ: Okay. I would move to introduce Government's Exhibits 40A and 40B.

MR. RENN: Objection. No foundation, Your Honor.

THE COURT: Go to headphones, please.

(Bench conference on the record.)

THE COURT: What else do you think he should have testified to?

MR. RENN: Your Honor, according to the information on 40A, it shows that the requester of the information was Thomas Hod -- Hodgkins, and I guess he is the one that received these records pursuant to a search warrant.

Again, there's no -- been foundation that the warrant was executed, who executed the warrant, who received these records. All we know is he ultimately received these.

THE COURT: All right. Ms. Gomez, do you think you could ask him if he could explain how these records came to be, and why he understands what they say?

MS. GOMEZ: I can absolutely do that, Judge.

THE COURT: Okay. Anything else you anticipate taking objection with?

MR. RENN: There is going to be an issue with this witness, I believe, and it's going to be a Bullcoming problem.

This witness is ultimately going to be talking about cell tower and pinging of a cell tower. When I reviewed this in anticipation of this case, there is an e-mail to this particular witness, and it's from a company ZetX TRAX. It appears they're the ones that did the mapping here, not this witness. So under Bullcoming, it would be improper for this witness to talk about what someone else did.

MS. GOMEZ: Judge, I don't expect that that's going to be the case. He prepared the PowerPoint presentation. He's going to be showing the jury explaining the cell phone mapping and the pings.

THE COURT: And is he going to explain why it is he knows the information he's talking about?

MS. GOMEZ: Yes, Your Honor.

THE COURT: Okay. All right. Well, if you have a specific objection later, you can take it up, but for now, let's just ask questions that demonstrate why he's competent to discuss these records, and we'll go from there.

(End of bench conference.)

BY MS. GOMEZ:

Q. Detective O'Daniel, before we go into the records. How do you -- how did you receive the records in this case?
A. I was given these records by the lead detective, Detective Dean.
Q. Okay. And, to your knowledge, are they the records that were received pursuant to a search warrant?
A. Yes.
MS. GOMEZ: Your Honor, I would move to introduce Government's Exhibits 40A and 40B.
MR. RENN: Same objection, Your Honor.
THE COURT: Sir, I guess, what's -- could you just explain, if it's easy, what's the relationship between Dean, who you mentioned, and Hodgkins, whose name is on the records?
A. Yes, sir. So at the time, there was a -- there was a unit that would just send this stuff off, and it was really just for billing information. Because these records cost money, every time that we send one in.
When we received it back, I guess I would assume that Hodgkins sent it to Dean, and then Dean would send it -- Dean sent it to me.
BY MS. GOMEZ:
Q. Okay.
A. So that's how I came to be involved in the historical part of these -- of the search warrant.
Q. Is Thomas Hodgkins an individual employed by LMPD?

A. He is, yes.
Q. Okay. Is he generally who received the records?
A. Him or someone in that unit, yes.
Q. Okay. And then is it common practice that they be provided to the detective who got the search warrant signed for the records?
A. To -- yes. To the best of my ability, yeah. I mean, that's from -- they would -- would receive it, and then they would send it out to whoever the lead investigator is on that -- on that case or who initiated the search warrant or wrote the search warrant.
Q. Are these cert -- were those records certified?
A. One -- one -- I don't -- I don't recall if the -- if the T-Mobile ones were or not.
Q. Okay. But they were received pursuant to a search warrant?
A. Yes.
MS. GOMEZ: Okay. Your Honor, I would move to introduce Government's Exhibit 40A and 40B.
MR. RENN: Same objection.
THE COURT: Okay. I'll overrule the objection and allow these in, but I think you should really tailor your questions to what -- his role in this, and how he knows what he's testifying to. Okay?
MS. GOMEZ: Yes, Your Honor.
(Government Exhibits 40A and 40B admitted in

evidence.)
BY MS. GOMEZ:
Q. Okay. So you received these records. Explain what it is that you get out of these records.
A. So if your -- or these -- if you --
Q. And, actually, I'm sorry. Let me take that back. Before we go into that.
A. Yes.
Q. How many records would you say you have reviewed in the past?
A. Oh. I've been doing this job since around 2018, so thousands.
Q. Okay. And what do you normally do with the records?
A. So now what happens is the detective -- and in this case, the detective will send me the records. I take the records and ingest them into a software that we use is -- and if we're -- if you're looking at these records, and if you go a little farther off to the -- to the right, it will have cell site information, and this software reads the actual cell site location, and, basically, these records are your -- your device's interactions with those cell sites.
Q. Okay. And you indicated that you put -- you, essentially, put these records inside of a software; is that correct?
A. Yes.
Q. Okay. Are you trained in using that software?

A. I am. Yeah. So I've taken a 40-hour basic course, a 40-hour subject matter expert course through the company that we use to -- to provide this information. Not only that. I've done forensic examinations of cell site analysis and other -- other law enforcement investigative courses used for cell site analysis.

Q. Okay. How many times would you say you have used this software by putting in cell phone records into it and ingesting, essentially, the PowerPoint-type product you are going to be showing the jury?

A. Hundreds of times.

MS. GOMEZ: I would like to publish Government's Exhibit Number 40A.

THE COURT: Okay.

BY MS. GOMEZ:

Q. Okay. If you could explain to the jury what they are looking at here. You talked a little bit about the records, but if you could explain what they're looking at.

A. So this is the response from T-Mobile. Obviously, the top is self-explanatory. These were the -- the information was provided on May 20, 20 -- 2021, in response to a search warrant for the target number, which is that, if I can -- I think I can do this.

Q. Yes.

A. You see the (615) 351-3671. This was the -- the number the

search warrant -- or I believe that the search warrant was written for, and those -- and if you keep on going down to the next sentence.

T-Mobile provides these records in a date that they receive it but also what they call Universal Coordinated -- or Universal Time Coordinated or Coordinated Universal Time, which is otherwise known as Prime Meridian Time, Greenwich Mean Time. In the -- in the military, we called it Zulu time.

It's just -- it's a standard that a lot of companies use so that they don't have to adjust for the difference between Louisville Metro Police Department and, for example, Paducah Police Department, because we're on two different time zones. So they provide these records back in the standard time zone. And if I can delete that.

Q. And we can see here on this page that this is one of one thousand four hundred eighty-five; is that correct?

A. Yes.

Q. So are -- these records, you had indicated, generally, when received back, are pretty voluminous?

A. They are -- yeah. They are very large.

Q. Okay. So you indicated that you received the records for this phone number here, the (615) 351-3671; is that correct?

A. Yes.

Q. Okay. And what did you do once you received these records in this case?

A. So, again, I take this -- this is provided in an Excel-type format, and I take them and I ingest them into our software, and our software will spit out what's a -- what is a KMZ or it's a -- it's a ZIP file of a Google Earth mapped location, and -- yeah.

Q. And did you prepare a presentation today of the records -- using those records provided by T-Mobile?

A. Yes, ma'am.

Q. Okay. And just to be clear. Was this a presentation you created yourself?

A. Yes.

Q. Okay. Using the software that you've been trained on?

A. Yes.

MS. GOMEZ: Okay. Your Honor, I would move --

BY MS. GOMEZ:

Q. And the information that's in the records -- or in this presentation, does it fairly and accurately depict what you did with these records?

A. Yes.

MS. GOMEZ: Your Honor, I would move to introduce Government's Exhibit 41 and allow the wit -- publish -- allow for it to be published, and for the witness to be able to show it to the jury.

MR. RENN: Same objection, Your Honor.

THE COURT: Can you give Mr. Renn and me copies of

this presentation?

MS. GOMEZ: I have provided -- I have provided it prior.

THE COURT: So it's in my binder?

MS. GOMEZ: Yes, Your Honor. And I provided a zip -- a thumb drive as well with the entirety of the records and the presentation. And slide number five, Your Honor, is interactive, so it can only really be viewed on the thumb drive.

THE COURT: Can we go to headphones, please?

(Bench conference on the record.)

THE COURT: All right. So looking at 41. First slide is just excerpts of what we've -- the type of record that we've -- that I admitted and we've been discussing, right?

MS. GOMEZ: That's correct, Your Honor.

THE COURT: Okay. What's the next slide?

MS. GOMEZ: The next slide is just -- it's just photographs so the jury can understand that cell sites are essentially everywhere. They're essentially hidden in the city without us knowing they are placed at different locations. It's just an example of where cell sites are located.

THE COURT: All right. Mr. Renn, do you have any objection to this slide? I mean, I'm assuming if you ask him about it, you're going to make clear that these aren't necessarily the cell sites he's talking about, right? These are purely --

MS. GOMEZ: Examples.
THE COURT: -- examples?
MS. GOMEZ: That's correct, Your Honor.
MR. RENN: I understand, Your Honor. Yes. Thank you.
THE COURT: That's fine?
MR. RENN: Yes.
THE COURT: All right. Next slide. What do we have here?
MS. GOMEZ: This is what the returns look like for them once he puts it in the software, Your Honor.
THE COURT: Tell me in plain English what the software does.
MS. GOMEZ: Essentially, when they are -- when they get back the cell phone location information, the tower is set up, not like a triangle, but it's sort of like a slanted T. And so it's split up into three quadrants, and so you can tell which face of the tower the phone is using.

And so when they receive the records, this has the phone number that was connected to, they can tell -- it says outgoing voice, so they can tell from the records that it was a phone call that was made to this number. The duration would be 12 minutes.

With the tower that was used in the sector, that's how the software is able to -- that's how the detective is able to look at the -- from the software and know that it's correct, and he

has actually -- he knows from doing this multiple times exactly how it -- for example, in this case, there is a cell tower directly outside of the defendant's house.

And so he has driven to some of the cell towers, not all of them, and can know, essentially, the way the cell tower provides that information. And then it tells you --

THE COURT: Hold on. He ran the data he got for a warrant through a program which produced an image like the one on the left of this sheet?

MS. GOMEZ: That's correct.

THE COURT: And he then recreated or corroborated or what did he do in person?

MS. GOMEZ: He does what's called a drive test, not to every cell site, but that he goes to see if there is a cell site close by.

THE COURT: Close by what?

MS. GOMEZ: Close to -- so the records are indicating -- well, this -- this black dot on the -- on the fourth slide is where the cell site is located.

So he wants to make sure that, obviously, it's accurate. So that's why he looks at, okay, there is a cell site in this area. But it provides, essentially, this radius, it's quite a big radius, in terms of the -- what is provided.

THE COURT: So his testimony is that when he -- when these two numbers connected on this twelve-second call, this was

the area in which the target number would have been located?

MS. GOMEZ: That's correct. It's using that tower to place the call.

THE COURT: Okay. Why can't he explain it in plain English like we're talking about it now? If this is his job, and he does it all the time, we're really not doing a great job of connecting his knowledge to the facts he was given, and to explain why he knows what he knows. I'm not doubting that he can, but I just think it's been quite confusing --

MS. GOMEZ: I think he's --

THE COURT: -- thus far.

MS. GOMEZ: -- used to using his PowerPoint to explain it, Judge, and so I think that's what he's struggling with is that, normally, he uses his PowerPoint to explain this.

THE COURT: Isn't this his PowerPoint?

MS. GOMEZ: This is.

THE COURT: All right. So, Mr. Renn, I think on this cell site analysis tab, I don't know if you have a specific objection here, but to the extent he is able to say, you know, "Here is the information we received. This is the depiction of what I know to be true on the ground, and this is what I, through this typical method, sort of derive from it, and that's what I'm showing here," then that seems to be all right.

I don't want him to get up there and just say, "Oh, we know, because here's what the program, you know, spits out, and take

my word for it," you know, but I don't think we're going to -- I don't think we're headed there. So in light of what I said and what she said, do you have a concern about this particular slide?

MR. RENN: Your Honor, I'm not sure about the slide, but, again, I've got an e-mail that was sent from the company, it's a LexisNexis company, ZetX TRAX, and it says, "Hello, Timothy O'Daniel. TRAX was able to map the file CDR mediations," and that's what T-Mobile calls their data records, and it has the number. You can view this on Google Earth map here, and then you go to the download.

So this is clearly saying that TRAX did it, and he may say he put it into the software, be he's being advised by the company that they're the ones that was able to map this out.

And then they say some of the rows from the file cannot be mapped. "In order to fully map the cell sites and rows listed below, we'll need more information from T-Mobile. You can discard this e-mail if you do not need the rows listed below and mapped."

So, again, based on this e-mail, it seems very plain someone other than this witness did this PowerPoint or, you know, mapped these -- mapped this information out.

THE COURT: And even if someone else was involved in the creation of this image, if it represents what he knows and methods he can understand and apply, then what would the problem

be?

MR. RENN: Your Honor, and go --

THE COURT: Not just that someone else put it together, right? What's the missing information?

MR. RENN: No. It's Bullcoming, Your Honor.

THE COURT: How does the holding of Bullcoming limit his ability to present information that -- that he knows and understands?

MR. RENN: In Bullcoming, Your Honor, they sent a lab personnel who actually did not do the testing in to testify, and the United States Supreme Court said that's not -- that's not accurate. That's not enough. You have to have the person that actually did the testing.

And here, it sure looks like to me that this LexisNexis company was the one that was able to map these CDR mediations, again, the call detail records from T-Mobile. They're sending this e-mail to this witness saying, "We were able to map it."

THE COURT: All right. Ms. Gomez, I'm confident this isn't the first time this has arisen. How do you normally --

MS. GOMEZ: Judge --

THE COURT: -- overcome an objection that, you know, the witness on the stand isn't the one who actually computed all of this?

MS. GOMEZ: Judge, but he said he is who did it. That's why I don't -- I don't --

THE COURT: So what's your answer to this objection that Renn is raising about LexisNexis having done it? What's the difference here?

MS. GOMEZ: I mean, I think he can cross him on that. You're saying that you made it --

THE COURT: No, but --

MS. GOMEZ: -- or not, but it says that he made -- he made the --

THE COURT: It can't be true that both he did it and Lexis did it, and, surely, that it's something complimentary, right? Not the exact same day.

MS. GOMEZ: I have that Detective Dean gave him the raw data, and that he created this PowerPoint. So, I mean --

THE COURT: So what's this Lexis thing he's talking about? Do you know?

MS. GOMEZ: Honestly, I provided the e-mails in Jencks, but I don't -- I don't even know -- I didn't pay that much attention to it, Judge. I provided the e-mails, but I don't know even what he's talking about.

And I didn't realize he was citing a case when he was saying Bull something or other, I thought he was using a slang term, so I apologize. I didn't realize he was citing a case when he --

THE COURT: Okay. The US Supreme Court decision about the confrontation clause and DNA analysis.

MS. GOMEZ: To the extent that a different map was

cre -- I don't -- I don't have that, Judge. I don't -- I'm not moving to introduce something somebody else made. My understanding is Detective O'Daniel used the raw data and made this, Judge.

MR. RENN: But from the software provided by LexisNexis.

MS. GOMEZ: From the software he is trained to use. I don't --

THE COURT: Hold on. If he used this software, whether it's from Lexis or -- so it's TRAX? That's what -- you're talking what we see here on the fourth slide?

MR. RENN: That is correct. Z-E-T, capital X, and then TRAX, T-R-A-X.

THE COURT: Okay. If he used this tool to create this map, then there's no Bullcoming problem, because you can cross-examine him on how he used the data to produce this map or these results, right?

MR. RENN: Again, all I -- I'm not sure what he did, but all I can say is this e-mail said TRAX was able to map, and it gives the number --

THE COURT: Right.

MR. RENN: -- and the cell tower.

THE COURT: Look, if he didn't do any of the analysis, then we may have a problem, but she believes he did. In which case, you can cross him on it.

So let's use this PowerPoint, and, again, let's stick to sort of what he knows and what he did, not from -- not what he heard from someone else, and then you'll have a chance to cross him on it, and I think we'll be okay. All right?

But let's just make very clear, clearer, hopefully, than he has so far, what his role in using this information to create this presentation is. Okay?

MS. GOMEZ: Thank you, Your Honor.

THE COURT: All right.

(End of bench conference.)

BY MS. GOMEZ:

Q. Detective O'Daniel, this software -- and just so we're clear, did you use the software to create what -- the PowerPoint we're about to see?

A. Yes.

Q. Okay. And what's the name of the software you use?

A. So it's a product by LexisNexis, it's called TRAX, and what it is is you take the actual -- the search warrant return, which is that Excel file like I was talking about, and you put it into the TRAX.

And what it does is it helps you map but also analyze those -- those records. It converts the records that were provided in that -- that Universal Time Coordinated into Eastern Time, depending on the time of year. And in this case, I think it was UTC -- we were UTC minus four.

But -- but it also -- it will provide what they -- what they have as a cell site, an estimated location for the -- for a device using -- with -- with what it's -- with the cell site that it's interacting with. Yes.

Q. Okay. And, again, just to be clear, you used the records you received from the search warrant return to input them into this software to get this presentation we're going to see?

A. Yes. I was provided those records by Dean. Yes.

Q. Okay. And you made this presentation?

A. Yes. Yes, I did. Yeah.

MS. GOMEZ: Your Honor, I would move to introduce and publish Government's Exhibit 41.

MR. RENN: Objection for the same reasons previously stated.

THE COURT: Okay. Let's admit this, but let's move through it methodically. Okay?

MS. GOMEZ: Okay.

MS. ALIC: We're frozen. Just a second. There we go.

BY MS. GOMEZ:

Q. Okay. All right. What are we looking at here?

A. So these are just -- I took a snippet of -- this is the actual search warrant return, and there was -- this is a long -- the long form of what we just saw earlier.

This is, again, what we get back. This is provided on May 20, 2021. And if you go down, if you start from the left and go

right, it will be the date that a communication was made with the target cell phone. And, again, the -- or the cell phone number.

So the target cell phone number was this (615) 351-3671. The records were provided in UTC, and this is the date of this call or text message, this is the date of -- or this -- I'm sorry. This is the time of that.

And, again, this is in -- excuse me. That -- that U -- that UTC time. So to get to Eastern Time, you will -- typically, what we do is we subtract four or five hours, and, in this case, we subtracted four hours.

The -- if you would take this -- this line as an example, this call was made on the 1st of April, 2021, at approximately 0105 and 29 seconds, and the time is in a 24-hour format similar to military time.

There is -- the duration of the call was 19 seconds. The call type was mobile. Terminating, which is the device or the phone number that we're -- that we're looking at received an incoming call from that (615) 947-5291.

Q. Sorry.

A. Oh, yeah.

Q. I'm trying to help you. Are you talking about this --

A. Yes.

Q. -- part in the record?

A. Yeah. Right.

Q. Okay.
A. So you can see that it received or it was -- it received an incoming call from that number to our target number for 19 seconds. And if you go just further on, this is the -- just to explain these records.
This is the IMSI, which is the international mobile subscriber identity, and, really, this is just a number for the subscriber. If you were to change phone numbers, this number would stay the same.
Q. Where -- where was that number on there?
A. I'm sorry. It's -- it's right here on the --
Q. Okay.
A. This is what we would call the IMSI.
Q. Okay.
A. And that's the actual subscriber number, and if I can, like --
Q. I'll delete it.
A. There you go. The IMEI is the actual -- for lack of a better term, it's the serial number for the phone that -- that we -- that was requested.
So the detective will request a search warrant on the phone number and then get all this information back, the IMSI, the IMEI, which is the actual type of phone, and he can look up -- or he or she can look up the actual type of phone.
And then if we get -- if you move a little further down, we

start talking about the actual cell site ID, the sector of the cell site, and the latitude -- longitude and latitude of cell site. And this is where the software derives its location information from. So if I can go -- well --

Q. Want to go forward?

A. So -- yeah. Can I?

Q. Okay.

A. Yeah. If I can go forward, I can -- and clear it.

Q. Go one more?

A. No. That's -- that's fine.

Q. Okay.

A. That's fine where --

Q. Okay.

A. Just -- just right there. So when you -- when your phone or your mobile device receives or makes an outgoing phone call or a text message or data, it connects to what's generally known as a cell site. Some people call it a cell tower, and this is the old school kind of cell tower where these -- there's these giant, massive things, these giant, massive towers with -- with all these radio antennas on it, but, really, a cell site could be the side of a building, a street post and another street post, and --

Q. And just so we're clear, these are just examples, these aren't the cell sites in this case; is that --

A. Yes, ma'am.

Q. -- correct?
A. Yeah. These are -- these are pure examples of something that I've observed, and then it makes it easier to explain how a cell phone connects to a cell site.

So when you -- for example, when you make a phone call, your cell site -- your cell phone interacts with that cell fight -- cell site. And these cell sites, years ago, used to be these giant towers. Well, now, they're virtually everywhere. They're on -- are on the side of buildings. They're on the street posts.

And as cell phones become more common, and more data is shuffled through cell phones, and all this information is provided, they need more towers or they need more cell sites to provide this information.

And so what happens is if you make a phone call -- let's say you're in Shepherdsville, and you're coming to the federal courthouse. When you make a phone call, your phone is not going to reach out to the cell site closest to the federal courthouse, it's going to reach out to the cell site that it is closest to you, maybe.

And it may -- it may reach out -- depending on geography and weather, but it may reach out to a cell site in Shepherdsville, and then you will -- as you're -- as you're driving in, you will make handoffs.

And the same thing goes with receiving a phone call. When

someone calls you, it goes to the site that's -- that's somewhat closest to them. It goes through T-Mobile's network, for example, and they find you on wherever you're at, and then they send you the phone call, and it happens very, very, very quickly.

And that's what we're looking at when we see -- excuse me. This information is that T-Mobile is saying that it used this cell site at this location, and this is the address of the -- of the cell site. And so that's what LexisNexis, the TRAX software, will use to derive that location information.

THE COURT: So may I ask?

A. Yes, Your Honor.

THE COURT: The site ID is just a label for the tower, right?

A. Yes. Yes, Your Honor.

THE COURT: The first thing you circled?

A. Yes.

THE COURT: The second thing you've circled, those two columns --

A. Is --

THE COURT: -- first tower lat and long, that is some sort of locational designation, like -- like latitude and longitude or something like that --

A. Yes.

THE COURT: -- but they're on a map, right?

A. Yes, Your Honor.

THE COURT: And then the first tower address is the street address where that numbered tower is found --

A. Yes, Your --

THE COURT: -- right?

A. Yes, Your Honor.

THE COURT: And so how is that phone call associated -- how do you know that phone call is associated with that tower site?

A. Through the T-Mobile records. So T-Mobile is saying that this -- this phone call was used as the cell site ID. That was 25778. I will take these records, ingest them into the LexisNexis software, and then to corroborate this -- this information, I will use -- the Department of Justice has a -- actually, it has a website that you go to to look up these cell sites to see the sectors and to see the actual location information for them.

THE COURT: All right. I don't want to highjack this, but can you just walk through his role in sorting this out, and what you may or may not know from it?

MS. GOMEZ: Yes.

BY MS. GOMEZ:

Q. So tell us, when you're looking at this, exactly as the Court just said, you get -- we saw that the cell phone records really were over 1,000 pages; is that correct?

A. Yes.
Q. And then you put that in the software, and does the software use -- you indicated that this is the cell site tower; is that correct?
A. Yes.
Q. And then that these are the latitude and longitude coordinates for where that tower is?
A. Yes.
Q. And then this right here, this physical address there is actually where the cell tower is located?
A. Yes. That's the address --
Q. Okay.
A. -- of the cell tower.
Q. And you can look that up on a website, you indicated, to verify that that's where the tower is located?
A. Yes.
Q. And you could also drive there; is that correct?
A. Yes.
Q. Okay. And so when you receive these records that has -- that have this information, the date, the duration of the call, the phone number that made the call or received it, and the towers, what do you then do with that information?
A. So I take the information and I ingest it into the software.
Q. Okay. And we have another portion here at the bottom. What is that that we're looking at?

A. So -- so this is one -- one part of the actual search warrant return was the actual -- the -- what they call -- the call detail records. This other part down at the bottom is the subscriber information provided by T-Mobile.

And in this case, you can see that, you know, the subscriber name, which can be whatever the subscriber either signed up for, who is on the account, the account details, which, typically, will provide someone's name, and the account number, the account effective date, the type of phone. So if you see the account name and number and effective date the account -- or the actual phone model, which is -- in this case, was the Apple iPhone SE2.

The ICCID is the SIM card serial number. The IMSI, again, is the subscriber information. The MSISDN is, essentially, the phone number, and then the device information is the IMEI.

Q. Okay. So you indicated -- once you put it in, what does the product -- what does it look like once you put in this -- these records for the system to process, the software to process?

A. Yeah. So I'll take these records. Again, I'll ingest them into this software. The software will produce a Google Earth file. And what we do is we -- we will take the Google Earth file, and then we'll analyze the location data from the actual Google Earth file using -- using this -- these -- these -- the product of LexisNexis.

Q. Okay. And does the Goo --

THE COURT: Well, hold on. What's a Google Earth

file?
A. It's a -- it's a KM -- it's a KML file. Sorry. It's a KML file.
THE COURT: What's a KML file?
A. So it's -- it is -- it uses Google Earth Pro, and what you can see is --
BY MS. GOMEZ:
Q. What is Google Earth Pro?
A. Google Earth Pro is a program -- to the best of my knowledge, is a program put on by Google, and you can see satellite images and street-level views of specific addresses, states, and, in this case -- or, typically, what I work with is Louisville and the surrounding areas.
THE COURT: Is it just a map or is it spitting out places on the map? Does that make sense? Are you taking data and just putting it in a map or is it telling you -- is it processing information?
A. So it's -- it is spitting out the map as the base layer, and then this -- this information from T-Mobile will be layered on top of that using the location information.
So -- and it is a -- it is a point where -- like, the way I believe that TRAX works is they -- they take this location information, it plots it, and then it goes on the specific sector of the cell site, and then --
MR. RENN: And I'm going to object to all this.

THE COURT: All right. Let's go back to headphones.

(Bench conference on the record.)

THE COURT: Are you going to ask this guy anything else besides the TRAX program?

MS. GOMEZ: Judge, I just want him to be able to play the cell -- the physical cell phone pings he got here and show where they showed.

THE COURT: What do you mean play it?

MS. GOMEZ: It's a PowerPoint that will show the different location pings.

THE COURT: I think we should press pause and let this guy -- I mean, I would -- if you want to cross him now, you can, but I would rather just pause, and then when it's time for a break, have this guy take the stand, and we can just talk in plain English outside the earshot of the jury about what he knows and what he doesn't know.

But some of this is very hazy, and I don't think I'm in a position yet to rule one way or another on the admissibility or objections without hearing, in more detail, what he knows and what he doesn't know, and how this all operates.

And -- and then I don't know where -- we could take a break and do that now or we could just move -- move on and come back to him. We've been going, I don't know, only about 35 minutes or so, but I just -- I don't think I'm in a position right now to give you a thumbs up or thumbs down on this, and I'm nervous

about exploring it in front of the jury.

MS. GOMEZ: Judge --

THE COURT: And I think Mr. Renn is wor -- has the same concern.

MS. GOMEZ: I would ask that we take a break. Detective O'Daniel is out of town, so I have to -- it's kind of an odd time to put him on. Obviously, he's out of order, but he is going out of town, which is why I had to put him on today.

MR. RENN: Your Honor, I would object to doing anything that is going to change where we are right now. Like any other witness that gets flustered and appears unsure, that's what cross-examination is all about, and that's what this jury is going to be determining. In fact --

THE COURT: Well, I don't think he's flustered. I think what -- what I'm trying to do is understand your objection and how it applies, and I'm not totally clear on your objection either.

So that's fine, we can just take a break, let them go, and then we can talk through this information out of the earshot of the jury. Okay?

MR. RENN: And, again, I would object to anybody talking with this witness. He is on direct examination, so I don't think he is --

THE COURT: Ms. Gomez is not going to coach him during a break. Okay?

MR. RENN: And, again, the same way with us. Again, I would object to talking through things. I think he needs to continue his direct examination, and when the direct examination is finished, then I would start my cross-examination. I would object to any stoppage of that right now.

THE COURT: No. I need to hear it from out of the earshot of the jury to know, with an informed basis, whether to grant your mo -- your objection or not.

(End of bench conference.)

THE COURT: All right. As you-all can infer, we have some things we need to talk through, and I don't want to waste your time sitting here while the -- listening to the white noise. So we're going to take what I hope will be a short break. You guys can go back to the jury room, use the restroom.

It's a little bit in advance of when we would, but that's okay, because we'll be able to keep making progress without you just twiddling your thumbs. We'll bring you back when we're ready to move on. Okay? Thank you.

(Jury out 3:24 p.m.)

C E R T I F I C A T E

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

s/Rebecca S. Boyd
Official Court Reporter

November 26, 2022
Date

INDEX

GOVERNMENT WITNESS:

DETECTIVE TIM O'DANIEL PAGE

Direct Examination by Ms. Gomez 2

EXHIBITS

GOVERNMENT:

Exhibit 40A 8
Exhibit 40B 8

DEFENDANT:
No exhibits