

1 IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
2 IN AND FOR MARION COUNTY, FLORIDA

3
4
5 STATE OF FLORIDA,

6 Plaintiff,

7 v.

 Case No.: 2008-CF-004862-A-Y

8 ADRIAN DEON BROWN,

9 Defendant.
10 _____ /

11 DEPOSITION OF JEFF BENSON

12 Taken on behalf of the Defendant

13
14 DATE TAKEN: Friday, January 21, 2011

15 TIME: 1:02 p.m. to 2:38 p.m.

16 PLACE: 851 Trafalgar Court
17 2nd Floor
 Maitland, Florida 32751

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23 Stenographically Reported By:
24 Victoria Lane, Stenographic Shorthand Reporter
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APPEARANCES:

Counsel for the State of Florida:

ANTHONY TATTI, ESQUIRE (via telephone)
Office of the State Attorney
110 NW 1st Avenue, Suite 5000
Ocala, Florida 34475

Counsel for the Defendant:

NICOLE HARDIN, ESQUIRE
Marion County Office of the Public Defender
204 NW 3rd Avenue
Ocala, Florida 34475

ALSO PRESENT:

Thomas Cougill
Marion County Office of the Public Defender

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E X H I B I T S

(None marked)

1 P R O C E E D I N G S

2 Jeff Benson, called as a witness by the defendant,
3 having been first duly sworn, testified as follows:

4 THE WITNESS: Yes, I do.

5 DIRECT EXAMINATION

6 BY MS. HARDIN:

7 Q Can you tell us your name?

8 A It's Jeffrey Scott Benson.

9 Q And how are you employed?

10 A I am, right now, employed with Ericsson United
11 Services. I was with Sprint for 11 years, and they
12 outsourced the network department. So I now work for
13 Ericsson, but my primary function is to work on the
14 Sprint network as an RF managing engineer.

15 Q What does RF mean?

16 A Radio frequency.

17 Q Okay. So you work on the Sprint network?

18 A Correct.

19 Q But you're employed by Ericsson?

20 A Nothing really changed. I have the same job,
21 same people work for me, we just get a paycheck from a
22 different place.

23 Q Do you have a CV that you have used in
24 testifying in court or anything?

25 A No, I don't.

1 Q Have you ever been qualified as an expert or
2 testified?

3 A No.

4 Q Okay. So you said you have 11 years with
5 Sprint?

6 A Eleven years with Sprint.

7 Q And what did you do primarily for that time?

8 A I started as an RF engineer. Worked my way up
9 to senior. I ran the Orlando market. And eventually --
10 now I'm the area manager for Central Florida and Puerto
11 Rico, so I manage Miami, Orlando, Southwest Florida, and
12 Puerto Rico. Tampa too.

13 Q And how did you become to get involved in this
14 case in particular, Mr. Brown's case?

15 A I was contacted -- I was contacted by
16 Mr. Tatti at one point. I can't tell you exactly when,
17 but apparently this kind of went around and around.
18 It's tough to -- it's tough to track down local market,
19 I guess, expertise in these cases. So once it finally
20 got to us, I was on vacation. I was out of the
21 country --

22 Q When you say got to you, do you mean to your
23 company or --

24 A When it got -- I would say -- because it was
25 very close. The call records were sent to my engineer

1 on January 10th.

2 Q Okay.

3 A At that point, I discussed it with my -- my
4 engineer, who's in charge of that area and determined
5 that we just don't have the resources right now to --
6 for one of my engineers to support this. So. . .

7 Q Do you mean to send them to testify, is that
8 what you mean by support?

9 A Correct. Analyze the call records and
10 testify.

11 Q Analyze and testify.

12 How long do you think does it usually take to
13 do the analyze -- like, analysis part?

14 A It depends on the number of call records.
15 There's a little over four hundred here. I've seen
16 thousands of them that take weeks and weeks. And I --
17 fortunately, we didn't have that many, and I think we
18 have a good handle on the records. And I guess just the
19 locations in the network architecture.

20 Q How long does it take when you have about 400
21 typically? Or how long would it take in this case,
22 just --

23 A Well, if it weren't a crunch case, I would
24 have taken probably two or three weeks. I think I've
25 been digging through these now for only seven days, if

1 that.

2 Q Okay. So they sent the call records. And
3 then when did you get involved yourself personally on
4 the --

5 A It must have been around the 12th of January.
6 That's probably when we made a determination that I was
7 going to support this.

8 Q And when you say made the determination, do
9 you mean that's when you personally were assigned to it,
10 or assigned yourself to it?

11 A Assigned myself to it.

12 Q Okay. Is it normal for this to be a crunch
13 kind of situation; do you know?

14 A No. I -- it's not the -- it's not the norm.
15 Like I said, I was out of the country, and there's just
16 a lot of logistics, trying to find the right people to
17 talk to. And not only is it -- it's hard enough just to
18 get Sprint and find the right people, but now that we've
19 outsourced, Sprint has to come to Ericsson, Ericsson has
20 to agree to it. So it went around and around. I don't
21 know if -- it's certainly not the norm.

22 Q Okay. Did Sprint contact you, or did the
23 state attorney contact you at first?

24 A The state attorney -- no. You know what,
25 it's -- the state attorney would have contacted us. We

1 would have sent them to Ericsson to sign an agreement
2 that we would work with the state attorney's office.
3 There's a contract, I believe, between the state
4 attorney and Ericsson right now.

5 Q Oh. Okay. And then what happens?

6 A Yeah. Well, Ericsson just can't give out
7 resources, so they have to make sure it's coordinated.

8 Q So after the contract's signed, then what
9 happens?

10 A Once it's -- once it's signed, then our legal
11 department will give us the okay to proceed with
12 analyzing call records and basically starting the case,
13 working with the call records.

14 Q Okay. So you've got the call records, like,
15 in your hands for the first time about January 12th?

16 A Sounds about right.

17 Q Okay. And what did -- what do you do as soon
18 as you get those call records? Can you walk me
19 through --

20 A Well, we -- sometimes we get them in different
21 formats. So in this format here, it had all the calls
22 that were made. I looked at a certain period of time.
23 Calls were placed and received -- sure.

24 MS. HARDIN: Okay. I'm just going to show him
25 the State's exhibit call records.

1 MR. TATTI: Okay.

2 MS. HARDIN: From evidence item 79.

3 BY MS. HARDIN:

4 Q Is this what you looked at?

5 MR. TATTI: Item 79?

6 MS. HARDIN: That's what it says on the top.

7 It was from a CD that you provided to us.

8 THE WITNESS: Yeah. Absolutely, these are the

9 call records that I --

10 BY MS. HARDIN:

11 Q Okay.

12 A There's 12 pages here. I don't see the actual
13 number.

14 What was this last call -- first call -- yeah.

15 I've been looking at these so much, my head's been

16 spinning.

17 Yes, I would say --

18 Q This is how you would get the data, though, at

19 first?

20 A Yeah.

21 Q Okay. And then what do you do once you get

22 this record?

23 A Once I get that -- because this was a 2008

24 case, I had to go back and pull the -- the network

25 architect -- architecture back in 2000H --

1 THE WITNESS: 2000H. Don't put H. Put "8."

2 BY MS. HARDIN:

3 Q You said network arch --

4 A Yeah, yeah. The layout of the network, which
5 cell sites were on the air, basically, at that time, and
6 their configuration.

7 Q And where do you get that information?

8 A We have databases that are very up to date,
9 and we go back many years.

10 Q So you archive that information?

11 A Yeah.

12 Q The company does?

13 A Yeah.

14 Q Okay. Is that internal information?

15 A Yes, that would be internal.

16 Q Okay. So you went and pulled the -- the
17 internal records of how they would've appeared in 2008?

18 A Correct.

19 Q Is it -- how often do they change these towers
20 or add things to them or --

21 A Not very often anymore. Rarely do we make
22 configuration changes. Rarely does Sprint add sites
23 anymore. After 2007 -- Sprint stopped kind of at 2006
24 maybe, stopped building out the network. So there
25 really haven't been that many changes. I would say

1 maybe a handful of new sites, none of which are in this
2 area, and just some maintenance work that really
3 wouldn't affect the call processing or anything.

4 Q Okay. So you get the records, and you contact
5 the network.

6 You look at the architecture from 2008?

7 A I -- it's a database that will give me the
8 site, and it will give me the coordinates, and it will
9 give me the height of the towers. It's -- it's the
10 layout of the network, where the sites are and what
11 antennas are used, the heights, what equipment's out
12 there. My -- my primary focus, of course, is on where
13 the sites are and their -- their coverage footprint.

14 Q What is a coverage footprint?

15 A It's the actual area around a tower on that --
16 that that tower serves. Let's say it's a radius of one
17 mile. People within that coverage footprint, when they
18 go to make a call, they'll access that tower.

19 So we -- we designed it to where, you know,
20 when you leave the footprint of one site, you enter the
21 footprint of another site so that you can hand the call
22 off and so that the call isn't dropped.

23 Q Do the footprints vary by tower?

24 A Yes.

25 Q Okay. And what causes that to vary?

1 A It's the height.

2 Q Okay.

3 A The height of the tower really determines your
4 coverage footprint. Of course, the taller the tower.

5 Q Does it also matter if there's, like, tall
6 buildings, or, like, tree lines and stuff like that --

7 A Absolutely. That's -- when sites are
8 designed, that's all factored in. We call that clutter,
9 which are tree heights, buildings. It's -- it's all
10 factored in when you -- you know, you come up with an
11 objective, I want to cover this area, I need this
12 antenna to cover that area based on the obstructions.
13 And we have a tool that runs through it, a propagation
14 tool, and it says, you know, well you're going to need
15 to be at 170 feet if you want to meet your coverage
16 objective, based on the terrain, based on morphology,
17 urban/suburban.

18 But it's a -- a very accurate tool. But
19 it's -- it's what we use to plan network coverage.

20 Q I won't be able to tell it by looking at the
21 records I showed you, right?

22 A Tell what?

23 Q The heights of the tower and the --

24 A No.

25 Q -- footprint of the tower?

1 A No. That was -- that was after getting the
2 call records. Then I start matching up the coordinates.
3 First I look at my cell site database, because for all
4 voice calls, it references a cell site. It will tell
5 you which cell site that -- that -- that phone was
6 utilizing for the call.

7 Q Now, when you start to make a phone call, will
8 it register at multiple towers but only be picked up by
9 one? Is that how it works?

10 A No. You always have a primary tower, primary
11 server that's exchanging all the overhead information.

12 Q How does -- how does your phone figure out
13 which tower, like, to pick, so to speak, or which would
14 have the best signal when you first make a phone call?

15 A It -- it uses algorithms to look at -- at the
16 interference levels. It looks for the -- the tower with
17 the cleanest, strongest signal. And actually, the
18 tower -- these towers are always radiating and always
19 looking at -- at phones. Because when you go to make a
20 call, it's routed from the switch, that cell -- the
21 switch knows which cell site you were just registered
22 on --

23 Q Uh-huh.

24 A -- and routes the call to the -- it's kind of
25 the same way -- you're always talking to a tower. Like,

1 right now, this phone's talking to a tower, telling
2 the -- telling the switch where I am so if somebody
3 calls me, they'll route it right to me.

4 But on the other hand, when you're out -- the
5 tower's always talking to the phone, the phone is always
6 looking for the cleanest signal, cleanest tower.

7 Q Okay.

8 A And it will lock in, basically, on that.

9 Q Okay. Does -- does your company maintain the
10 records of -- if it was to, like, from the towers, where
11 it -- it also would have gotten coverage from?

12 Does that make sense?

13 A The --

14 Q Like, if I was to make a call, and there was a
15 tower to my left and a tower to my right --

16 A Uh-huh.

17 Q -- and the tower to my left is the clearest
18 signal, so it picks it up --

19 A Uh-huh.

20 Q -- would the -- would that tower on the right
21 have a registry that I placed a call or that I tried to
22 use its service and bounced off --

23 A No.

24 Q Okay.

25 A No. But they -- you know, there's -- what --

1 what these sites have are neighbor lists, so that when
2 you access this site, all the neighbors around it are in
3 constant communication. But it wouldn't register on
4 that adjacent site.

5 Q So it -- but it would register on this
6 neighbor list or --

7 A No. The neighbor list is just a look-up
8 database. It's a software database.

9 Q Okay. When you pulled the architecture, I
10 guess, or the internal database, does that tell you the
11 frequency of those towers?

12 A Yeah. I can pull frequencies, but they
13 don't -- they haven't changed, and we use
14 1,800 megahertz, and that's just -- right now, it's just
15 the standard till we get more space.

16 Q Now, does the tower have more and less power
17 at different times of the day?

18 A Actually, yes, it does. CDMA technology that
19 Sprint uses, code division multiple access, is power
20 limited. The more users that are on the site, the
21 smaller the footprint.

22 Q Okay.

23 A It -- it adjusts based on the number of users.

24 Q Would --

25 A So --

1 Q Go ahead. Finish. Sorry.

2 A It will -- it will set a footprint, a steady
3 footprint. And as users come on it, on the site, it
4 will reduce the power, so it can use that power for the
5 voice calls instead of radiating, looking for other --
6 other calls.

7 Q Okay.

8 A I mean, the phones will see it, and the tower
9 will say, I don't have any capacity, you know, try this
10 one next door, my neighbor.

11 Q Okay. Is there a -- do you have the records
12 of the -- how much power was going on at certain times
13 back in 2008?

14 A I would have to look. That -- I would -- I
15 would guess probably not. It's not really something in
16 our OMs, our data collection. But actually, it's a --
17 it's a steady footprint, though. I mean, you know, if
18 we have a standard ERP of 100 watts, it's going to be --

19 Q Okay.

20 A I'm not sure exactly what you're looking for.

21 Q I'm just trying to figure out if it records,
22 like, how many users are using it at a given time.

23 A That, I can -- not from 2008, I don't think I
24 could go back. But certainly --

25 Q That was the question.

1 (Brief interruption.)

2 BY MS. HARDIN:

3 Q Okay. So you get the records, and you get
4 these internal records of what it was like in 2008. And
5 then what do you do?

6 A The first thing I do is do a cross-reference
7 between the cell ID, which is all I have on these call
8 records. Sites have a cascade, which is, in this case,
9 OR03XC.

10 Actually, you wouldn't have it on there.

11 Q What is that, OR --

12 A Let's say OR03XC --

13 Q Okay.

14 A -- 204, something like that. But all the
15 calls -- all -- the only thing that's registered with
16 the font and the tower is the cell ID. So, like, in
17 many of these cases, like, the first call records -- oh,
18 I took the cell IDs off, because I did the
19 cross-reference.

20 First thing I can do is cross-reference the
21 cell ID to a cascade.

22 Q And what's a cascade?

23 A Cascade is the site designator or site ID.

24 Q Would that be on these records (indicating)?
25 Because maybe you could point it out.

1 A No, but I can let you see this one.

2 THE WITNESS: Anthony --

3 BY MS. HARDIN:

4 Q We have something labeled "cascade ID." Is
5 that what it is?

6 A Yes.

7 Q Oh. Okay. So you cross-reference that
8 cascade ID to the cell ID?

9 A No. The cell ID is on the record. Let me see
10 what you're looking at.

11 Q Yes.

12 A Oh. Oh. This is the database. I thought you
13 were looking at the call records.

14 Q Okay.

15 A This is the actual database that I would have
16 used to do the cross-reference. The -- the call records
17 will have the cell ID --

18 Q Uh-huh.

19 A -- then we have to cross-reference to a
20 cascade ID. Once we have the cascade ID, we have all
21 the information. We have the location, as you can see,
22 the site name, address, the city, and most importantly,
23 the coordinates so I can plot where that site is.

24 Q Okay.

25 A So I go through and I -- and I basically, you

1 know, build a network as it was based on this database
2 here.

3 Q And how would you go about building a network
4 based on that database?

5 A I would do -- I use Microsoft Excel, and I --
6 ID look up -- I look up the cell ID to a cascade. I
7 build my file. Once I've looked up the cascade, I have
8 the coordinates.

9 Q Is that also from the database?

10 A Yeah. Actually, that's probably the most --
11 besides the calls themselves.

12 So I plot each one of those sites on a map,
13 and that's how I start analyzing. And then I start
14 looking at, okay, this call at this time utilized this
15 tower in this location at this time.

16 Q Okay. So, like, per -- you just chart the
17 calls based on these latitude and longitude?

18 A Yeah. The lat-lons are for specific sites, so
19 you'll see a ton like that site 204 -- I don't know if
20 you're looking at the record, the ID. I'm sorry.

21 Because there's multiple calls made on the
22 same cell site, each call's registered. So if it's on
23 the same cell site, you're going to see the same -- the
24 same record for as many calls as were made.

25 So every time you make a call, there's a

1 record created of what cell site you are using at that
2 time.

3 Q Okay.

4 A So if I have an outbound call at 2:50 on this
5 cell site at these coordinates, I -- I know exactly what
6 site -- what tower that phone was utilizing at that
7 time. So I -- I map it out, and then I start placing
8 the calls in the footprints. It's -- it's kind of
9 complicated, but -- but accurate.

10 Q If you didn't know the cellphone footprint of
11 the tower, would you just have to go on, like, the
12 typical mileage of a cell tower?

13 A Yeah. But we have these propagation tools. I
14 can go in there and get a very good idea of what that
15 one cell site covers.

16 Q And where does that information come from?

17 A That comes from a database called Planet.
18 It's a propagation network design tool.

19 Q That's not this (indicating)?

20 A No. This is a totally different tool.

21 Q And you need that tool to figure out the
22 cellphone -- the footprint of the tower, of each tower?

23 A Yeah.

24 Q Okay. I'm assuming that unique cellphone
25 tower footprint is not available to the public?

1 A No. That's not something we --

2 Q Okay. So you have -- I assume this Planet
3 thing is an internal database of your company?

4 A It's an internal database. We use it to
5 create plots when we're designing network or making
6 network changes so we can see how the change will affect
7 the footprint of the site.

8 Q So after you plot the towers, then you go into
9 Planet next? Is that the next step for an --

10 A For the analysis?

11 Q Analyzing the data?

12 A Yeah. I would -- I didn't, but you can use
13 Planet to pull the actual footprints. But I -- I have
14 files that I can open up that already have -- they're
15 called map info tables, that already have those files
16 that I can load and look at the footprint, the coverage
17 footprint of the site.

18 Q Okay. So you had that separate, like, in your
19 computer?

20 A Correct.

21 Q Okay. And how does having the coverage
22 footprint increase the accuracy of where you -- of where
23 that cellphone -- of pinpointing the cellphone?

24 A Especially when there's multiple calls made, I
25 can -- well, I can isolate to some extent where that

1 telephone was within a -- within that footprint.

2 Q Okay. And how -- I'm sorry. You said the
3 footprints differ from each one.

4 Maybe we can -- would you be able to tell me,
5 if I gave you the coordinates, how big a footprint is on
6 a certain tower now?

7 A If you gave me the coordinates of a site?

8 Q Of a cellphone tower.

9 A If you gave me the coordinates of a cellphone
10 tower, I would have to go look at a database and see the
11 height of the antennas -- I mean, the center line, and
12 look at the general footprint. It's not something I
13 would know just --

14 Q Okay.

15 A -- given the coordinate.

16 Q So after you got -- so after you -- you look
17 inside your computer and got the coverage footprint.
18 And having that, what does that enable you to do with
19 these records?

20 A That gives me a good idea of where the --
21 where the phone was. It gives me -- it isolates the
22 area of where that phone could have been to access that
23 cell site.

24 Q Okay. How big of an area can you isolate it
25 to?

1 A Well, in this case, it's -- because I don't
2 have sector data on this, which -- I don't know if
3 that's common to have, because this is my first one. I
4 have to look at the entire footprint around the site,
5 let's say, you know, there's a cell site, and it has a
6 coverage footprint of three miles. I have to say that
7 that phone was within three miles -- a three-mile radius
8 of that cell tower.

9 Q So like a --

10 A Correct.

11 Q Three miles in every direction of a circle --

12 A Yeah.

13 Q -- sort of?

14 A Correct.

15 Q Okay.

16 A But when I see -- when there's multiple calls
17 off different cell towers, then you can start to
18 isolate. You know, if he used this one here and this
19 one here, he must have been in this -- or she, in this
20 general area.

21 Q Is that where the triangulation part comes in,
22 when you're looking at another data -- when you're able
23 to go between two or three or more towers?

24 A The more towers, yeah --

25 Q Okay.

1 A -- the easier it is to narrow it down.

2 Q Let me see. I think there's --

3 (Brief interruption.)

4 MS. HARDIN: Okay. Back on.

5 BY MS. HARDIN:

6 Q Let's see.

7 Do you have these records that I'm going to
8 refer to?

9 A Yes, I do.

10 Q Okay. There's a call, it looks like at
11 2:54:55. It says incoming.

12 A Darn. Wish I had my glasses.

13 2:54:55. Is that a.m., p.m.?

14 Q A.M.

15 A And that would be on the 25th?

16 Q Yes. And it's listing zero first cell, zero
17 last cell?

18 A Yeah.

19 Q What would that mean?

20 A Text messages, you cannot get a cell site,
21 because text messages are just sent over -- on overhead
22 messaging. It's not like a phone call. So it does not
23 record the cell site used.

24 Q Okay.

25 A So the only information I'd really have is --

1 COURT REPORTER: Excuse me. I'm sorry.

2 Okay.

3 BY MS. HARDIN:

4 Q So the text messages do not record the cell
5 site, is where you were.

6 A A text message call record will not give you a
7 cell site. It will give you the time. If it was
8 incoming, it will give you the phone numbers. But not
9 the tower that it utilized.

10 Q You may not be able to answer this question,
11 but I ask just in case.

12 This -- this record, did you pull this? I
13 assume you didn't pull this, you were given this?

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

15 Q I'm referring to the call records for
16 (352)361-9482.

17 A Would that be the subject phone or --

18 Q Huh?

19 A Would that be the subject's phone?

20 Q Yes, it would.

21 A Okay. I'm sorry. Where are we going?

22 I see the call. That was actually a text
23 message --

24 Q Okay.

25 A -- so all I can tell you --

1 Q Is that why it says 00?

2 A Yes.

3 Q Okay.

4 A I can -- I can see if it was incoming or
5 outgoing, so I can tell if the subject sent a text
6 message or received a text message, and the numbers, and
7 who it came from.

8 Q Can you tell on this if he opened it, the text
9 message?

10 A No, no.

11 Q Okay. Would these call records include every
12 text message that was sent from that phone or to that
13 phone?

14 A These 400 call records, I can't say every one,
15 because there's a lot of messaging going on. But I
16 would say I'm pretty certain most of them are --

17 Q You wouldn't have, like, separate records for
18 text messages?

19 A No, no. They're all included.

20 Q Okay.

21 A So --

22 Q And then it says, like, at 3:38, a routed
23 call.

24 What would that mean?

25 A Routed call -- honestly, they -- the routed

1 calls I didn't use, because they're not a -- they're not
2 a definitive cell site. I can't say for sure that it
3 was this cell site. So if it says routed, I really
4 didn't use that record, just -- just because it's kind
5 of vague.

6 Q Okay.

7 A You know, where the routing took place,
8 so. . .

9 Q As far as for the starting time of a call, is
10 this -- are these billing records that you --

11 A Yeah.

12 Q Okay. When do you, like, start to register a
13 call? Well, for this number, like, as soon as the
14 person --

15 A It's soon as --

16 Q -- places it or answers it? Or how does that
17 work?

18 A Well, if you're placing an outgoing call, as
19 soon as you press talk on your phone.

20 Q Okay.

21 A And, of course, if you're receiving a call,
22 it's the same. As soon as you hit talk and establish
23 that contact with the end user, the billing starts --
24 well, the recording starts.

25 Q Is that a -- fairly accurate, to the second?

1 A Oh, yeah.

2 Q Okay. So there's the next one at 3:50, right
3 after that. And that's the first one where I see a
4 first cell, last cell.

5 A Call at 3:50?

6 Q 3:51:30?

7 A I'll find it, I'm sure.

8 Q Oh, I'm sorry. 3:50:41. I'm sorry.

9 A I'm sorry. 3:50?

10 Q 3:50:41.

11 A Oh. On 11/25, I see an outgoing voice call.
12 Is that what you're --

13 Q Yes.

14 A Yes. At 3:50, the -- I'm sorry. The voice
15 call was made, an outgoing call. So the subject called
16 at 3:50, called this number, (786)362-0193. So he
17 pressed talk at 3:50:41, established a connection. And
18 the record ends at 3:51, so it was 40 -- it was a
19 49-second call.

20 Q How does the duration affect your subject to
21 pinpoint it, or does it?

22 A It doesn't. Immediately when it starts
23 recording, I have a cell site, so I have -- I have
24 coordinates, and I have a basic coverage footprint --

25 Q Okay.

1 A -- right away, so --

2 Q If it has first cell and last cell of the same
3 number, does that mean he continued to receive service
4 from just one tower?

5 A Yeah.

6 Q Okay. And when it's different, that would
7 mean that another tower picked it up before the call
8 ended?

9 A Uh-huh.

10 Q Okay. And how does it getting picked up later
11 affect accuracy? Does it make it more accurate?

12 A It would actually make it more accurate.

13 Q Okay. Because you were saying, like, in a
14 circle, because you are able to -- is it basically one
15 circle, and then another circle --

16 A Uh-huh.

17 Q -- and you can put them in the overlap? Does
18 that --

19 A Yeah.

20 Q It increases the accuracy?

21 A Uh-huh. Very close.

22 Q So the 3:50 one is all within the same tower,
23 I guess?

24 A Yeah. I'm looking at a different one. I'm
25 sorry. I just have the originating cell site here.

1 Yeah. If the -- if the beginning cell ID --
2 and I can pull it up on my computer.

3 Q It's listed as starting -- first cell, 12:20,
4 last cell, 12:20?

5 A Yeah. Absolutely. It was -- it was -- the
6 call was originated and terminated within that
7 footprint.

8 Q Okay. And do you -- do you know offhand what
9 the, like, footprint is of that 12:20?

10 THE WITNESS: Mr. Tatti, how -- how far can I
11 go into this? I haven't really discussed it with
12 you. I really --

13 MR. TATTI: If you can answer the question, go
14 ahead. I -- I know we haven't talked about that,
15 but --

16 THE WITNESS: Okay. Well, let me --

17 MR. TATTI: Can I stick a question in here,
18 Nicole?

19 MS. HARDIN: Yeah. Yes.

20 MR. TATTI: Mr. Benson, the records that I
21 originally had and that I forwarded to you, the 12
22 pages of information --

23 THE WITNESS: Yes.

24 MR. TATTI: -- that have calling number,
25 called number, dialed digits, the start date, end

1 date, it has columns that indicate first cell and
2 the last cell. And my understanding -- and I don't
3 even know where I got this understanding.

4 But my understanding was that the cell tower
5 number is designated by the last three numbers in
6 that column that identifies the cell, that the
7 first number is the sector.

8 Is that correct?

9 THE WITNESS: Not in these call records.

10 MR. TATTI: Not in these call records. Okay.

11 What does that -- it's a four-digit number.

12 What does the first digit indicate?

13 THE WITNESS: Hold on, if you don't mind.

14 Do you mind if I pull up those call records?

15 MS. HARDIN: I do not mind.

16 MR. TATTI: Those are the ones she has, as

17 well.

18 MS. HARDIN: I can just hand you mine.

19 THE WITNESS: No. I have them.

20 Okay. No. If you're looking at first cell

21 and last cell --

22 MR. TATTI: Yes, sir.

23 THE WITNESS: -- the cell sites have multiple

24 carriers, just --

25 MR. TATTI: Okay.

1 THE WITNESS: -- for capacity, so that --

2 MR. TATTI: Okay.

3 THE WITNESS: That actually designates what we
4 call a DCG. The same site, but it designates if
5 you're on 1DCG or another DCG.

6 DCG is a digital control group. So the
7 cascade -- the cell site is the same, but it may --
8 it may say 22:23 --

9 MR. TATTI: Right.

10 THE WITNESS: -- there, which means it was on
11 the same cell site but it was utilizing a different
12 control group.

13 MR. TATTI: I understand. All right.

14 BY MS. HARDIN:

15 Q What does a different control group mean?

16 A We have -- the DCG is a digital control group.
17 It -- it actually routes calls from the radios out to
18 the switch.

19 Q Okay.

20 A The DCG says, all right, I'm going to handle
21 this call, and I'm going to send it back to the switch.
22 It's -- it's -- the more -- the more capacity you need,
23 the more radios, the more DCGs you have to handle the
24 traffic.

25 Q Does that mean it could use a different part

1 of the tower, even though it was the same tower?

2 A Same tower.

3 Q I don't understand.

4 A Same tower. Same tower, just a -- I won't say
5 different -- it's a different frequency, but it's all in
6 the same band.

7 Q Okay. And how does that change your ability
8 to -- if it does --

9 A Doesn't change at all.

10 Q Oh. Okay. Do you know the cellphone
11 footprint of the tower that was used at 3:50:41?

12 A I actually -- let's see. At 3:50:41. Let me
13 see. I want to make sure it's included.

14 3:50:41. You know, let me look at the
15 original call -- can I see?

16 Q Yeah.

17 A Because I know I was just looking at it.

18 Cell 220, which is OR03XC220. Well, actually,
19 here -- is this an exhibit now? I just -- I just want
20 to show you this one page --

21 Q Okay.

22 A -- to give you kind of an idea of this. This
23 is -- this is the footprint of the site. This is the
24 tower itself. This tower is 220 feet. Okay? So based
25 on our propagation tool, it's telling me this is the

1 basic footprint, and you can see, this is -- that's a
2 usable signal till it tapers off. And usually a call
3 will drop at that point, or it won't have good service.
4 So that call's actually made on cell site 220 at
5 3:50 a.m.

6 Q Yes.

7 A You know, and I didn't draw the footprint
8 here, but you can see the basic footprint, which would
9 be -- you have to kind of -- see how these other ones
10 are put together? You always have a small overlap so
11 you can hand off from site to site. But if I had --

12 Q What the site -- what is the size of the
13 circle? That's based on the height and everything else
14 you were saying?

15 A Correct.

16 Q Okay.

17 A That's a 220-foot tower --

18 Q You don't know that for that one, offhand?

19 A Yeah, I do.

20 Oh. That's 155 feet. I'll check and verify
21 that, but I believe it's 155 feet. So it would have
22 roughly the same footprint as site 03XC220. 03XC220
23 would have roughly the same footprint as this site, so
24 we're looking at 2.3-mile radius.

25 Q Okay.

1 A So that call was made within -- grab a pen. I
2 guess I can write on this. Based on this, I would
3 say -- this is terrible. That call would have been made
4 within that area (indicating).

5 Q And the one right before, we can't tell,
6 because it's a text, so it could have bounced off of --

7 A Correct.

8 Q Okay.

9 A Yeah. That's the problem with text messages.

10 Q And you had said that the more calls that are
11 placed, the more accurate that you're able to pinpoint?
12 How does that work? Why does that matter --

13 A Well --

14 Q -- over the frequency?

15 A Not -- not more accurate to pinpoint, but
16 more -- it get -- it lets me know that he probably
17 wasn't on the border where he was teetering between two
18 sites. If there's -- if there's ten calls made in a
19 row, and they're all made on the same tower --

20 Q I see.

21 A -- he's definitely in the footprint of that
22 site, and that's the best call served -- the best
23 server, is the tower that they see and utilize.

24 Q Okay.

25 A And --

1 THE WITNESS: Well, Anthony, I haven't
2 discussed -- I haven't gone through this with you
3 yet, but I've -- you know, I've tried -- tried to
4 pinpoint some of these locations.

5 MR. TATTI: Yes, sir.

6 THE WITNESS: I don't -- I don't know what the
7 protocol is here for -- I mean, they're obviously
8 going to get a copy of this eventually.

9 MR. TATTI: Right. I -- you -- you should
10 feel free to answer any question she asks you, even
11 if we haven't talked about it. We'll -- we'll get
12 a chance to talk at some point.

13 THE WITNESS: Okay.

14 And I -- I can see -- make some additions to
15 this.

16 BY MS. HARDIN:

17 Q Are you able -- I know -- I notice on the map
18 that you had marked a star where the crime scene is.

19 A Uh-huh.

20 Q Is there any way to tell based on that address
21 what tower would pick up calls made in that house, or
22 would it change?

23 A It could change based on the structure of the
24 house, because RF acts different -- penetrates
25 differently through different materials. That may sound

1 kind of funny, but --

2 Q Does it matter if you're inside or outside of
3 the house?

4 A Yes, it does.

5 Q Okay. So it could pick -- it could pick up an
6 entirely different tower if you're outside of your
7 house, even though --

8 A Yes.

9 Q -- it's pretty close?

10 That's interesting. Okay.

11 A Depends on what side of the house you're on
12 possibly. But in this case, the -- the crime scene is
13 well into the footprint of that cell 204.

14 There's the crime scene. That's the address.

15 Q Uh-huh.

16 A This is the cell site it serves, that area.
17 It's only 2.6 miles from the center. That tower covers
18 basically a 5.2-mile radius, so chances are that that
19 was the primary server. Certainly, if they were outside
20 on the other side of the house, it could have picked up
21 a different tower.

22 Q I see.

23 A But a majority of the calls were originated on
24 that cell tower.

25 Q But there's no way to tell for sure?

1 A Yeah. I can tell you they originated on that
2 tower somewhere within that coverage boundary.

3 Q Okay.

4 THE WITNESS: How are you supposed to record
5 when they're whispering?

6 MS. HARDIN: This is the --

7 THE WITNESS: That's the 3:51 call.

8 MS. HARDIN: We're just trying to figure out
9 from the first cell numbers to these things on your
10 map.

11 THE WITNESS: Yeah.

12 BY MS. HARDIN:

13 Q Which tower is that one (indicating)?

14 A That's 219. That would be -- oh, that's OR.
15 That's probably BTS2219. Is that what you're seeing
16 there? Or -- that's page five. Can I take these?

17 THOMAS COUGILL: Yes. That's the -- that's
18 the first couple pages of your exact copy there.

19 THE WITNESS: Okay. Now, let's see. Now I
20 just forgot what we were looking at.

21 What were you asking?

22 MS. HARDIN: Does this match that
23 (indicating)?

24 Huh?

25 THOMAS COUGILL: No. This is more zoomed in.

1 MS. HARDIN: Oh. I see. These are the
2 approximate placements.

3 BY MS. HARDIN:

4 Q Does this go -- can you tell on this map if
5 those are the distances between towers?

6 A I can probably --

7 Q I think it's just -- run the coordinates that
8 we got.

9 THOMAS COUGILL: What I have here on this
10 Google map that I pinpointed, based upon the
11 coordinates that was given off this key with the
12 latitude-longitude, I looked up the cell site
13 address. What I have marked "A" is -- is given
14 as -- it -- it would be referenced as this
15 particular one with the last portion of it C -- or
16 OR03X Charlie 204.

17 THE WITNESS: Correct.

18 THOMAS COUGILL: Which would be cell number
19 304.

20 THE WITNESS: You can see it's right on that
21 page.

22 MS. HARDIN: So 304 is A on that?

23 THOMAS COUGILL: So based off -- right.

24 Off -- off this map here we have labeled A --

25 MS. HARDIN: And that's the tower that's

1 closest to the crime scene?

2 THE WITNESS: Correct.

3 MS. HARDIN: Okay.

4 BY MS. HARDIN:

5 Q Are you able -- I notice that you were sort of
6 charting calls between -- or earlier, like 1:30 and up.

7 Are you able to tell if the person was in the
8 same place from, say, like 10:00 o'clock to 1:00 in the
9 morning, or are you able to tell that they must have
10 moved from that location?

11 A I can tell you that there are -- I looked at
12 17 voice calls that were made between 12:27 a.m. and
13 2:54 a.m. They were all made on these three cell
14 towers, so that phone was within that footprint.

15 Q Between the hours of?

16 A At this point, 12:00 a.m. -- 12:27 a.m. and
17 2:54 a.m.

18 Q Can you tell if that phone was moving around
19 or if it was stationary?

20 A I can't tell you if it was moving. I can tell
21 you that the majority of the calls were placed on this
22 cell site right here (indicating), so I can't -- those
23 calls were placed somewhere within the footprint of --
24 of this site. So those seven -- those 17 calls were
25 made within the footprint of this. My note's 17. I'm

1 sorry. We're within the footprint of these three.

2 Q I notice there was two outgoing calls at
3 1:03:04 and 1:03:41, and they're using -- oh, never
4 mind. They're using the same -- these are all. . .

5 So the -- the -- the same tower was used from,
6 I think you said, like, 11:00 till about that call at
7 3:50, and that is the first time that it doesn't use a
8 phone in that footprint, that you can tell?

9 A Yeah. It was -- that call at 3:50 was made on
10 an adjacent cell site. There it is. Yeah. He had --
11 the phone had moved out of the footprint of that site
12 into the footprint of another site.

13 Q So at 3:50, he was somewhere in that -- I
14 forgot what you said.

15 A 3:50.

16 Q What was the mile radius?

17 A 220, I believe.

18 Q Somewhere in a 2.3 radius of that --

19 A Of this site.

20 Q -- southern most tower?

21 A Yeah.

22 Q Okay. And then I think the next one's at
23 3:55, and that's a -- a different tower again.

24 A 3:55. 3:55.

25 Yeah. That was OR03XC078, and that was at

1 3:56. So there was a call made --

2 Q There was one at 3:55:23, I'm showing?

3 A 3:55:23?

4 THOMAS COUGILL: It was using that same CID.

5 THE WITNESS: Was it?

6 THOMAS COUGILL: Yes. That you had
7 referenced, the OR03, X-ray, Charlie, 078.

8 THE WITNESS: Yeah. That's -- that was one
9 that south -- actually, that one was here. The
10 phone had moved into the footprint of, then, this
11 site here (indicating). That call was originated
12 on this site, so there's -- you know, there's a
13 pattern origination on those sites there.

14 BY MS. HARDIN:

15 Q Do you know the cellphone footprint of that
16 bottom-most site?

17 A I'm going to have to look that up for you.

18 Q Is it easy or --

19 A Yeah.

20 Q Oh.

21 A I think I can.

22 I say that. Original -- I'm sorry.

23 Q That's okay.

24 A All right. Here we go. Actually, I can also
25 give you the exact height of, I think, 220 we were --

1 this is just right from our database that gives me all
2 the information, address, height of the tower, all that.

3 So we're on OR03X -- OR33XC. It's not on
4 here. Sorry, guys. It's not on this database.

5 Q Okay. It's not?

6 A It's not included on this database. I'm
7 sorry. I can certainly get that. I can get it now, if
8 you want.

9 Q That's okay. So the -- but primarily, you can
10 identify a cell -- a cellphone is within the footprint
11 of a tower if the first cell and last cell are within
12 the same tower? That's pretty much as far as you can
13 pinpoint it, somewhere in that --

14 A Somewhere in that footprint.

15 Q Okay. And if they -- if they start in the
16 first -- if the cellphone starts in the first cell and
17 moves to the last cell, it's possible that you can
18 narrow it more because of the overlap area, is this
19 about right?

20 A Absolutely.

21 Q Okay. I notice at -- I think it's 12:37 in
22 the morning, is a first cell of 304, last cell of 318.

23 A Where are you now, what time?

24 Q At 12:37:47.

25 A A.M., P.M.?

1 Q Would that require the cellphone to physically
2 move, to bounce to another tower, or not necessarily?

3 A I have to -- where exactly -- which record are
4 you looking at?

5 Q 12:37:47. I can just share it with you.

6 A On 11/25? 12:37. You mean the outgoing voice
7 call?

8 Q Yes.

9 A Outgoing voice --

10 Q Voice call?

11 A Voice call from subject's phone to
12 (786)306-5201. That call ended at 12:38 a.m. It was
13 35 seconds.

14 THOMAS COUGILL: Negative. The one that she's
15 looking at, it's -- it's utilizing as a last
16 cell -- or let me make sure you're looking at the
17 right one.

18 THE WITNESS: Well, yeah.

19 THOMAS COUGILL: Is that the one?

20 MS. HARDIN: Uh-huh.

21 THOMAS COUGILL: Yup. Yes. 12:37:47 was the
22 exact time that --

23 MS. HARDIN: Start time.

24 THOMAS COUGILL: Start time --

25 MR. TATTI: Which date?

1 THOMAS COUGILL: On the 25th of November.

2 THE WITNESS: 12:37 a.m., the call was
3 originated. It was a voice call made from the
4 subject's phone to this number here, and it
5 originated on cell site 204, the one with the
6 largest footprint in the area.

7 THOMAS COUGILL: 204, or would that be 304?

8 THE WITNESS: That would be -- well, the cell
9 site's 204. Is it saying 304? So it's a different
10 DCG within that site. That that -- the ID would be
11 304. It's a little -- it's a little --

12 MS. HARDIN: Now I'm confused.

13 THE WITNESS: Where's my lookout?

14 MS. HARDIN: Even he's confused.

15 THE WITNESS: Where are you looking?

16 BY MS. HARDIN:

17 Q I'm just going to walk these over to you.

18 A Some of these -- sometimes the IDs are not
19 exactly --

20 Q There's this, and that goes over, and that
21 says first cell this and last cell that.

22 A 1304. 1304.

23 Q Oh. You're on a different day. That's why.
24 I'm on 11/25.

25 A Oh. Yeah. Probably.

1 THOMAS COUGILL: Yeah. This is just the first
2 pages.

3 MS. HARDIN: Oh. These are our records?

4 THOMAS COUGILL: Right.

5 MS. HARDIN: Okay.

6 THE WITNESS: Told you.

7 MS. HARDIN: I'm sorry.

8 BY MS. HARDIN:

9 Q This is -- right here.

10 A Call, 11 -- oh, that's at midnight. Oh, yeah.
11 12:37:47, originated on cell site 1304. 304. 304 is
12 the cell ID for OR03XC204. They're -- they don't always
13 correspond the way -- logically. Let me --

14 Q How would one know that?

15 A We have a database.

16 Q Okay. That's not that one? Different from
17 that? (Indicating.)

18 A I think that only has the -- the base ID, like
19 the first DCG that was put in that site. And as -- can
20 I see one of those as an example?

21 Q Yeah. Well, this is it, too.

22 MR. TATTI: Nicole, you have the -- the REPOLL
23 records, don't you?

24 MS. HARDIN: Yes. That's what he's looking at
25 now, because he's --

1 MR. TATTI: The latitude and longitude will
2 take you to that tower.

3 THE WITNESS: Yeah, which is how I plot it.
4 These cell IDs are the basic cell IDs, like, for
5 the -- like I said -- like, for the first DCG.
6 Once you add carriers to the site, we're both in
7 increments. Instead of 296, we'll make that 1296
8 to designate another DCG. And these don't -- these
9 don't --

10 MR. TATTI: Nicole, do you have the REPOLL
11 record in front of you --

12 MS. HARDIN: Yes.

13 MR. TATTI: -- for the Orlando area?

14 MS. HARDIN: Yes.

15 MR. TATTI: If you look on page five of nine,
16 go down to cell number 304, it has the OR03X number
17 right next to it.

18 MS. HARDIN: Uh-huh.

19 THE WITNESS: Or we could have done it that
20 way.

21 THOMAS COUGILL: Well, that's how I was doing
22 it.

23 MR. TATTI: It shows that --

24 MS. HARDIN: Okay.

25 MR. TATTI: -- 304 is OR03XC204.

1 MS. HARDIN: All right. I think we've got it.

2 THE WITNESS: Yeah. That was -- probably be
3 the easier way I could have explained it, but --
4 thank you. Yeah. I didn't -- I didn't realize
5 your -- what do you call these, REPOLLs?

6 MS. HARDIN: That's --

7 THOMAS COUGILL: Well, that's what the
8 REPOLL --

9 MR. TATTI: Says on the record.

10 THE WITNESS: Oh. The REPOLL database. Okay.

11 BY MS. HARDIN:

12 Q So -- well, my -- my question originally was,
13 if there's a first cell, different last cell, does that
14 mean the phone has physically moved?

15 A It doesn't necessarily mean it physically
16 moved.

17 Q Okay.

18 A You know, the RF environment could have
19 changed.

20 Q So there's no way to tell?

21 A He could have been on a border of a cell site,
22 which is, you know, that overlapping -- overlapping
23 footprint here. He could have handed off -- actually,
24 this one was -- it originated on 204 and 3318, which
25 would be probably 218.

1 Do you have that on here? 218, yeah, which is
2 the site actually to the north of the crime scene. So
3 that call --

4 Q That one?

5 A Yeah. So that call would have been made
6 somewhere in the vicinity of that.

7 Q So you can't tell if the phone physically
8 moves necessarily based on the fact that --

9 A No.

10 Q -- first and last cell?

11 A No, I cannot tell that it physically moved.

12 Q Okay. It could just be the frequency change,
13 you said?

14 A It could be -- yeah. It could be on the
15 border of two cell sites, and, yes, it can -- it can
16 switch --

17 Q Okay.

18 A -- in mid call. But in that case, it even
19 narrows it down more, because I know he was on the
20 fringe. So it was probably -- the phone. I keep saying
21 "he." I don't know. The phone was on the boarder of
22 those two.

23 Q Okay.

24 A Or it moved from the footprint into the
25 footprint of a different site.

1 Q What factors change a cellphone footprint, if
2 any?

3 A The cellphone, or the tower? A cell ---

4 Q The tower footprint.

5 A Atmospheric conditions can cause problems.

6 Q Is that basically, like, if there's bad
7 weather?

8 A Yeah, degradation. But for the most part,
9 you're looking at clutter, which are trees, which we try
10 to overcome with the -- with the cell height.

11 If you want to make sure you penetrate a home,
12 because there's a -- there's this loss between outside
13 and inside, we want to make sure that that signal's
14 strong enough outside to overcome that penetration loss
15 so the user can use the phone inside. So -- yeah,
16 everything affects the signal. You know, it's -- it
17 reflects, and -- you know, in the user holding a phone,
18 you hold it down on your lap while you're driving, it's
19 going to affect the signal. If you hold it up to your
20 ear, depending on where the phone is, it -- just the
21 receivers in those phones are very sensitive. So as you
22 move it around, it's going to see different levels on
23 different sites.

24 Q Okay. In order to -- I assume you're going to
25 present some sort of report for -- at the trial, you

1 said, a presentation --

2 A Sure. I'm working on it, and I'll talk to
3 Mr. Tatti, go through it.

4 Q What materials did you use to develop that? I
5 think you went through some of them. I just want to
6 make sure -- if you could just list them.

7 A What materials? You mean what software
8 programs?

9 Q Just anything you used to compile that. Like,
10 I had to use the call records, this, that.

11 A Certainly the call records. I used our site
12 database to get the configuration and the locations for
13 those sites based on the coordinates so I could build
14 the network as it was --

15 Q Is that what's contained in that REPOLL list?

16 A Yeah.

17 Q Okay.

18 A And then --

19 THOMAS COUGILL: Well, minus the
20 configurations, correct?

21 THE WITNESS: Correct. This doesn't tell you
22 the cell site height or -- all this gives you is
23 where it is -- basically where it is and the
24 address.

25

1 BY MS. HARDIN:

2 Q So you used the database that has the
3 additional information of heights and everything?

4 A Correct.

5 Q And then what else?

6 A Then you -- you manipulate the data using --
7 not Microsoft Excel, to build files. To import. Those
8 files can be imported into a program like Streets &
9 Trips, like this.

10 Microsoft Streets & Trips allows you to
11 download or import an Excel file with coordinates and
12 cell site names, and it will put dots where the cell
13 site is. And if I were able to click on the dot right
14 now, if we were on a computer, it would give me more
15 information. So the key is for me to identify the site
16 and the configuration and where it is.

17 Q What information does it give you if you click
18 on it on your computer?

19 A This one, probably the cell ID, the cascade,
20 cell ID, address, probably city, state. I can select
21 the information that I --

22 Q Okay.

23 A -- the way -- depending on the way I import
24 it.

25 Q Okay. Is that pretty much what you used to

1 make it?

2 A That's what I use, yeah --

3 Q Okay.

4 A -- to create these maps.

5 Q And you -- I think you had mentioned on the
6 phone that you've revised it a lot of times?

7 A Yes. I -- I want to make sure it's accurate,
8 and I -- I just keep going back and back. And I want to
9 make sure it's clear and concise for whoever's looking
10 at it, the jury, you guys. So I keep tweaking it a
11 little bit.

12 Q Did you decide to make the revisions --

13 A Yeah.

14 Q -- or did you have someone look at it and say,
15 this is too confusing or anything like that?

16 A No. I -- I've been knee-deep in this for a
17 few days, and it's like looking at stars; the more you
18 stare at it, the more you see.

19 Q Okay.

20 A And it's -- it's really -- you really have to
21 interpret the records. It's not -- it's not just cut
22 and dry. You know, you have to really look at the
23 details of the records and build the network as it was.
24 I don't know if that makes sense.

25 Q It does.

1 A I mean, it's not, "I just import the lat and
2 lon, and that's it." I import the lat-lon, and then I
3 have to look at each and every call and where it was
4 made.

5 Q So is it fair to say someone -- a lay person
6 like me, not having a background in this, probably
7 wouldn't be able to create that map with just these
8 lists?

9 A Probably not.

10 Q Okay. How did you know to create the map?
11 Like, how did you know what they wanted you to do?
12 Because I know you said you haven't spoken with
13 Mr. Tatti, so how did you know?

14 A Well, the theory behind this is to analyze
15 these call records and find out where the phone was on
16 which tower at what time. And, you know, from an RF
17 engineering standpoint, I know that I have to know what
18 the network architecture is so I can match up that call
19 record with a cell site.

20 Q And that would have come from that original --
21 I think you said there was an original -- a request
22 filed with your company.

23 Is that where it would have listed, like --

24 A Well, that's --

25 Q -- we would like you to do X, Y, and Z, or --

1 A Yeah. They -- they would -- they say, work
2 with them -- they say work with the attorneys and plot
3 these calls, tell them where they are, give it your
4 best -- give them the best understanding of the
5 architecture of the network, where the phone was when
6 the call was made.

7 Q Okay. And as far as you know, you got that
8 request, or your company did, around -- I think you
9 said, like, January 10th of 2011?

10 A Well, Mr. Tatti could -- I'm not sure when he
11 actually started. I know there was a lot of running
12 around trying to find the right people. But as far as
13 when I received the records, it was, I guess, around
14 January 12th.

15 Q Okay. And then you started working on it when
16 you got it?

17 A Uh-huh.

18 Q All right. I assume you couldn't work on it
19 before you got the records, so -- all right. Let me
20 see.

21 In case you know, and just -- you may not be
22 the person to ask. But if there is, like, a text
23 message that appears on his phone, and it has the
24 time -- a time on it --

25 A Uh-huh.

1 Q -- but that text message doesn't show up in
2 these call records, do you know why that would be?

3 A Well, the time actually does, for a text
4 message. The time. I don't know what cell site he
5 used.

6 Q There's, like, physical text messages on the
7 phone --

8 A Uh-huh.

9 Q -- that don't show up in these call records.

10 A Well, it's -- there's so many -- there's so
11 much going on with the -- the overhead messaging between
12 a cellphone and a cell site. It's -- it's possible that
13 a text message wasn't captured -- that was received on a
14 phone that wasn't captured in a phone record. That's a
15 very rare occurrence, but -- if I had that phone and I
16 looked at a text message with a time stamp, I should be
17 able to go back to the call record and find that.

18 Q Would the time stamp be the same as --

19 A Yeah.

20 Q -- what should be on the call record?

21 That's weird. Okay.

22 THOMAS COUGILL: The exact time, or is there
23 a -- a variance, maybe one, two minutes?

24 THE WITNESS: No, no. If anything, seconds,
25 but I -- I think it might be exact. Because the --

1 the call records are -- are very accurate, so it
2 would not.

3 BY MS. HARDIN:

4 Q Did you use the call record, this exact same
5 one, the 12-page call record? I think it was printed at
6 12 -- I don't know --

7 A Yes.

8 Q Okay. I just want to make sure.

9 A I -- I've manipulated it so I can import it
10 into these tools.

11 Q But you're --

12 A The date --

13 Q This is what you received originally?

14 A Yeah.

15 Q You didn't run, like, a new one off or
16 anything?

17 A No.

18 Q Okay. Does the -- does the footprint of the
19 cell tower change depending on the time of day and the
20 call volume, or no?

21 A Absolutely.

22 Q Okay. How does that work?

23 A Well, like I said, the -- the cell site is --
24 well, is power limited. So let's say during busy hours,
25 there's a lot of people driving down the street, driving

1 down I-4, there's a lot of people on cell site X. That
2 cell site -- the footprint will shrink somewhat to
3 accommodate those extra users.

4 Because instead of radiating that large --
5 that high power level, it's going to use that power
6 to -- to pass the phone calls back and forth to -- to
7 establish good RF.

8 Q Right.

9 A So it's like robbing -- stealing power from
10 the footprint and utilizing it for the voice calls.

11 Q Okay. When there's less calls, does it expand
12 the footprint, or does it --

13 A It doesn't expand the footprint. It allows
14 more calls within that footprint.

15 Q Ah. Okay. Is there any way to tell the type
16 of volume that was going on at the time of those calls?

17 A I'd have to talk to the call -- the custodian
18 of records and see. I would have to look into that, to
19 be honest with you on that.

20 Q Okay. Because I notice that -- I mean, you --
21 you had given -- like, this was a 2.3-mile footprint.

22 Is that sort of, like, in normal
23 circumstances?

24 A That's an average.

25 Q An average?

1 A That's the footprint with -- with normal
2 loading on it.

3 Q Okay.

4 A And we're not talking about any major changes
5 when it reduces power. It's just -- just something
6 automatic that's done to accommodate more users.

7 Q Does it -- do you, like, program them to
8 change at different times of the day based on if you
9 know there's high usage, say, at 5:00 p.m. when everyone
10 gets off work? Or does it change depending on when
11 people are actually using it?

12 A It changes based on its -- its intelligence
13 says, you know, when I have all these users right now, I
14 need to -- I need to -- I need to consolidate the power,
15 pull in the power for those users.

16 Q So it's --

17 A We have the ability to -- to change. We don't
18 do that, but maybe for --

19 Q Okay.

20 A Maybe for a big football game or something, we
21 can -- we can allocate more power to the users, shrink
22 the footprint. We can do that manually.

23 Q All right. But normally it's depending on the
24 people calling in that determines it?

25 A Uh-huh.

1 Q Okay.

2 A And we're talking hundreds of users before
3 it's really going to affect, you know --

4 THOMAS COUGILL: Can anything else make
5 that -- simulate users being accessed at -- or
6 users accessing that particular tower or anything
7 else, whether it's other radio frequencies around,
8 wireless networks, hospitals, whatever else?

9 THE WITNESS: No. We -- you know, the FCC has
10 set guidelines. I mean, we have to have frequency
11 separation where that's not going -- not going to
12 happen.

13 THOMAS COUGILL: And that's kind of basically
14 set on the channels that they operate off of --

15 THE WITNESS: Correct.

16 THOMAS COUGILL: -- as well, too.

17 THE WITNESS: Yeah. The spectrum that's
18 allocated to the different carriers.

19 BY MS. HARDIN:

20 Q So for the -- the most part, when you chart
21 it, if there's a call that starts and finishes on the
22 same one, and it's sort of isolated, like there's not
23 another call for five minutes, you really can only say
24 it was somewhere in that footprint?

25 A Yes.

1 Q Okay. And the way it narrows down is if
2 there's repeated calls and that's within different --

3 A Yes.

4 Q Okay.

5 A Absolutely.

6 Q And that's what makes it more --

7 A Accurate.

8 Q Like, it's sort of -- I'm envisioning it as a
9 circle pie, and you can, like, slice out more narrow
10 areas as they travel from -- like, into a different
11 place, sort of like a Venn diagram, and the overlap is
12 where it's narrowed? Is that --

13 A Oh, yeah, absolutely.

14 Q Okay.

15 A I mean, it's follow the dots, pretty much.

16 Q I think I have a better understanding.

17 Do you have questions, Mr. Tatti?

18 MR. TATTI: No, ma'am.

19 BY MS. HARDIN:

20 Q Do you know -- okay. Do you know when you're
21 planning to finish the report?

22 A I -- man.

23 THE WITNESS: When am I supposed to be on the
24 stand? Tuesday?

25 MR. TATTI: Probably Tuesday.

1 phone when that call ends. But I think the time
2 stamp -- and, you know what, I don't want to give you a
3 definitive answer. I'll look and find out exactly on
4 how that works. But phone calls, text messages,
5 they're -- they have priorities.

6 Q Okay. What -- what would cause a particular
7 text message not to register on the record?

8 A All I could think of is network congestion
9 maybe. You know, there's -- there's just so much going
10 on in that messaging between that cell site and that
11 phone and that switch and where those calls are being
12 routed. You know, I cannot -- I can't tell you
13 definitively why we would miss one.

14 Q Okay.

15 MR. TATTI: I don't have any other questions.

16 THE WITNESS: And --

17 MS. HARDIN: I have here the text messages. I
18 was just going to show him to see if he can find
19 them, like, in a surrounding area of anything.

20 MR. TATTI: That's fine.

21 THE WITNESS: And you know what, I'm going
22 back -- the phone will -- now, I was thinking back
23 in the old days. The text messaging --

24 MS. HARDIN: It was 2008, so I don't know if
25 that changes your answer.

1 THE WITNESS: Oh. Now, I -- nowadays, you'll
2 hear the text -- you'll be talking on the phone,
3 and you'll hear it beep that you received a text
4 message.

5 MS. HARDIN: Right.

6 THE WITNESS: In 2008, I'll -- I can go back
7 and find out exactly. I got --

8 MS. HARDIN: These are the ones, and I -- I'm
9 not finding them on here. I was wondering if you
10 can explain it. They copied the face of the --

11 THE WITNESS: I see that. It was a pleasant
12 conversation, I can see.

13 I guess we can start with the first one. This
14 is -- is this the subject's phone?

15 MS. HARDIN: Supposed to be.

16 MR. TATTI: This is the subject's phone.

17 THE WITNESS: Okay. Well, 11:25 -- is that
18 11:55 a.m.?

19 THOMAS COUGILL: 11:55, yes, sir.

20 THE WITNESS: 11:25 -- oh, excuse me.

21 11:25 to 11:55. Oh, that's a.m. I don't see
22 it on this record.

23 THOMAS COUGILL: I've got here on page nine of
24 12 the closest record. It's 11:53:26, which is an
25 outgoing telephone call, and then that -- that

1 would end at 11:54:34.

2 THE WITNESS: Uh-huh.

3 THOMAS COUGILL: The record of the photograph
4 of the text message has a time of 11:55. Nothing
5 shown on these phone records, but a phone call was
6 out -- placed out at 11:59 -- or, I'm sorry,
7 11:58:42.

8 MS. HARDIN: So it wouldn't have been use --

9 THOMAS COUGILL: So there was no usage going
10 on. And both phone -- both of those phone calls
11 were utilizing the exact same --

12 THE WITNESS: Yeah --

13 THOMAS COUGILL: Within that vicinity of that
14 particular --

15 THE WITNESS: Yeah. Let's see. 11:25, 11:55.

16 I mean, so 11:54, that call ended. The next
17 call was at 12, so -- is that a four? I can't --

18 MS. HARDIN: Or nine.

19 THOMAS COUGILL: That's a -- that's a nine.
20 And that was when that particular phone call ended.

21 THE WITNESS: Okay. I'm sorry.

22 THOMAS COUGILL: Because the next -- because
23 that next phone call was at 11:58.

24 THE WITNESS: So the text message came in
25 between that?

1 THOMAS COUGILL: Correct.

2 THE WITNESS: And wasn't recorded. That -- I
3 can't give you a definitive answer on that, on why
4 it wasn't recorded here. Or if it's the one
5 that -- well, actually, where did it come from?
6 From 305?

7 THOMAS COUGILL: Correct.

8 THE WITNESS: Okay. So it's not this one.

9 MS. HARDIN: Because I notice that you had
10 said it would be a rare occurrence. But there's
11 19, and we can only find one on the call records.
12 So it seems not very rare.

13 THE WITNESS: Unless -- I would -- I would
14 like to look at the times before and after to see
15 if maybe there was a slight delay.

16 Did you guys analyze before and after too, or
17 are we -- are you saying that these were actually
18 missed?

19 THOMAS COUGILL: Well, I know -- I know in
20 particular that one that we just referenced --

21 THE WITNESS: Uh-huh.

22 THOMAS COUGILL: -- that was not on there.
23 I'm pretty sure that the one -- I'm -- Mr. Tatti,
24 I'm not sure if you have the complete layout
25 photograph that shows the nine photos.

1 MR. TATTI: I have them all in front of me.

2 THOMAS COUGILL: Okay. I'm looking at one of
3 them. It's -- has a name of Nicky at the top of
4 it, and it says "man, call me."

5 MR. TATTI: What time?

6 THOMAS COUGILL: 11:48. On the 25th of
7 November.

8 MS. HARDIN: A.M.

9 THE WITNESS: That's from Nicky to --

10 THOMAS COUGILL: It's from Nicky to our
11 client, I believe.

12 MR. TATTI: Yeah, I see it.

13 THOMAS COUGILL: I believe that was the only
14 one -- 11:48, yes. If -- if, in fact,
15 quote/unquote, Nicky's phone number is
16 (786)362-0193.

17 MS. HARDIN: That's the only one we can find
18 on the records.

19 THOMAS COUGILL: That's the only one that I
20 can find on the record. But again, this doesn't
21 show me a telephone number. It only gives me a
22 name. So --

23 MR. TATTI: Telephone number is stored in the
24 address book on the phone.

25 THOMAS COUGILL: Right. And we have to look

1 at the report to see.

2 MR. TATTI: I'll agree with my friends on your
3 end of the phone. I had a very difficult time
4 corresponding what is in the phone with what is on
5 the record.

6 THOMAS COUGILL: Right. Because I believe --
7 I know Nicole had said 19, but I believe that there
8 was 17 --

9 MS. HARDIN: I'm just --

10 THOMAS COUGILL: -- photographs that we had.

11 MS. HARDIN: -- trying to figure out if this
12 phone is --

13 MR. TATTI: Four outgoing texts that were
14 saved, and then the rest were all incoming.

15 THE WITNESS: Yeah. I know some text messages
16 were purged, and I would like, you know, some time
17 to go back and -- and research this to understand,
18 especially back in 2008.

19 MS. HARDIN: You purged the content, but you
20 would hang on to the billing part, right?

21 THE WITNESS: Yeah.

22 MS. HARDIN: And he -- you would be billed if
23 you got these texts? Or you're only billed if
24 they're opened?

25 THE WITNESS: No. You're billed --

1 MS. HARDIN: Just for receiving --

2 THE WITNESS: -- per text message.

3 MS. HARDIN: Whether you open it or not?

4 MR. TATTI: And that's a question I'd like to
5 know the answer to, as well.

6 THE WITNESS: I will find that out. It will
7 be the next revision.

8 Now, it's not necessarily being billed, you
9 know. Well, this is 2008.

10 MS. HARDIN: Yeah.

11 THE WITNESS: So, yeah, it was probably being
12 billed.

13 THOMAS COUGILL: Yeah. I know just from,
14 like, personal experience. My wife's cellphone, we
15 have the ability for text messaging. But
16 anytime -- we don't have for multimedia. So
17 anytime she receives a multimedia message, even
18 though that we delete it, we still get billed that
19 we received multimedia. So --

20 THE WITNESS: Yeah.

21 THOMAS COUGILL: -- I kind of know we're
22 automatically getting billed for receiving that
23 text, even though we're actually not --

24 THE WITNESS: I get that question a lot --

25 THOMAS COUGILL: -- looking at it.

1 THE WITNESS: -- as a matter of fact.

2 You know, I'm not in the billing department.

3 I can look at the records. But as far as how
4 they're interpreted, when they bill, when they --
5 when the clock starts ticking --

6 THOMAS COUGILL: Right. But if -- okay.

7 MS. HARDIN: I was just going to ask you as an
8 engineer, because it's just weird to me that all of
9 these are not on that record, if it's the same
10 phone.

11 THE WITNESS: I'm sure I probably cannot get a
12 copy of these --

13 MS. HARDIN: These?

14 THE WITNESS: -- for my final -- yeah. I'd
15 like to look at these with the records.

16 MS. HARDIN: Do you want me to provide him a
17 copy of these text messages, Mr. Tatti?

18 MR. TATTI: Yes.

19 Mr. Benson, I'll email you copies of the
20 images.

21 MS. HARDIN: He can make copies here, too, so
22 he can start, if he wants.

23 MR. TATTI: However.

24 THE WITNESS: Okay.

25 MR. TATTI: I mean, they're actually

1 photographs of the phone on, and then scrolling
2 through the texts that are stored on the phone.

3 THE WITNESS: Yeah. I'm looking at that right
4 now.

5 MR. TATTI: But I can send you JPEGs of each
6 of them, so -- or you can make copies of theirs.

7 THE WITNESS: I have a copy machine outside
8 the door. That's -- that's up to you guys. I
9 would like to look at these time stamps and start
10 doing --

11 MS. HARDIN: Okay. You can copy these.
12 That's fine.

13 THE WITNESS: Okay.

14 MS. HARDIN: I'm very curious about your
15 answer. So -- because it's just been a weird thing
16 that doesn't make sense to me.

17 THE WITNESS: Yeah. The issue with this is,
18 back in 2008 with the -- with all the messaging
19 and, you know, the technology, it -- just how
20 messaging goes back and forth between a phone and
21 the amount of messaging that can go on at one time.

22 Because now, for sure, if you're talking on
23 the phone, you'll hear a beep, you know you got a
24 text message.

25 THOMAS COUGILL: Similar to a call waiting; if

1 you were on the telephone call --

2 THE WITNESS: Exactly.

3 THOMAS COUGILL: -- and you received another
4 phone call?

5 THE WITNESS: Uh-huh. So, you know, the --
6 the capabilities now, you know, are such that, you
7 know -- well, if you're on the phone, you're going
8 to know that there's a text message, or that
9 somebody's beeping in.

10 MS. HARDIN: And that may not -- you're not
11 sure if that's true in 2008?

12 THE WITNESS: You know, I'm not.

13 MS. HARDIN: Okay.

14 THE WITNESS: So I'll find out.

15 MS. HARDIN: Okay.

16 MR. TATTI: And this was a Boost Mobile phone,
17 as far as I know, if that has any impact. A
18 buy-it-off-the-rack sort of phone.

19 THE WITNESS: Yeah. Do we know for sure --
20 well, we know it was on the Boost network. This is
21 the --

22 MR. TATTI: Motorola phone.

23 THE WITNESS: Your client's phone?

24 MS. HARDIN: That's what they say.

25 MR. TATTI: Yeah.

1 MS. HARDIN: It's in a different name.

2 THE WITNESS: Okay. That's for you -- you,
3 and I don't need to know.

4 MR. TATTI: It's in the dead guy's name.

5 MS. HARDIN: No, it's not.

6 MR. TATTI: So he took his life and his phone.

7 MS. HARDIN: It's in John Brown's name, or
8 something.

9 MR. TATTI: Well -- but we know the victim's a
10 drug dealer, so it works.

11 MS. HARDIN: We do know the victim's a drug
12 dealer.

13 THE WITNESS: The victim was a drug dealer.
14 Does this really need to go to trial?

15 MR. TATTI: Now, the kingpin is a big, fat
16 guy, and he was already in jail.

17 THE WITNESS: Am I allowed to say that?

18 I would like to get, yeah, copies of these,
19 and then I can talk to some of -- some of my
20 handset guys about the handsets and the Boost --

21 MS. HARDIN: Sounds good.

22 THE WITNESS: I mean, it's a Boost phone, but
23 I need to know the manufacturer.

24 MR. TATTI: I -- it's a Motorola, and I know
25 that for sure. I can get you the model. I got to

1 have somebody pull it out of evidence and look at
2 it.

3 THE WITNESS: Okay. Or if you can provide me
4 with the actual phone.

5 MR. TATTI: I can do that, too.

6 MS. HARDIN: I would like to see the phone
7 itself, too.

8 THE WITNESS: Let me look through these
9 records -- I mean, looking through these snapshots,
10 look at the time stamps, and see if I can
11 understand why we're not seeing them on the call
12 record.

13 MS. HARDIN: That would be good.

14 All right. Do you have any other questions?

15 MR. TATTI: Well, if he could hang on a
16 second, I may have something that has the phone
17 model number on it.

18 MS. HARDIN: Okay.

19 THE WITNESS: Would you mind if I wrote that
20 on your copy, or not?

21 MS. HARDIN: No, I don't mind if you --

22 THE WITNESS: Just the model number. So when
23 I copy it, we'll both have it.

24 MS. HARDIN: That's fine.

25 THE WITNESS: So Boost.

1 MS. HARDIN: We can be off the record while
2 we're waiting.

3 (Brief pause in proceedings.)

4 MR. TATTI: Okay. I have some success here.

5 THE WITNESS: Okay.

6 MR. TATTI: It is a Motorola. The phone model
7 is KRZRK1M.

8 THE WITNESS: That's a 1M?

9 MR. TATTI: Yes. I can give you the ESN on
10 it, if that will help.

11 THE WITNESS: Yeah. Actually, I'd like to
12 have the ESN.

13 MR. TATTI: The ESN is 14, B as in baker,
14 84159.

15 THE WITNESS: Okay. We call that the
16 hexadecimal.

17 14B84159?

18 MR. TATTI: Correct.

19 THE WITNESS: Okay.

20 THOMAS COUGILL: Are those -- those, as well,
21 do they still have an MEI, a Mike, Echo, India?

22 THE WITNESS: Yeah. I'm not sure.

23 THOMAS COUGILL: Can you pull more information
24 from a --

25 THE WITNESS: If I had the phone, yeah.

1 THOMAS COUGILL: Well, I mean, if you had that
2 number.

3 THE WITNESS: No. Because a lot -- I don't
4 know for sure. I know a lot of that is assigned
5 after the user gets the phone, when it's being
6 programmed.

7 THOMAS COUGILL: Okay.

8 THE WITNESS: Yeah. The ESN, the electronic
9 serial number lives. That is the phone. That's
10 how you can always track the phone. Unless the
11 MEID is the hexadecimal maybe, which would mean,
12 yes, that's exactly the same. MEID.

13 MS. HARDIN: What could you pull off the phone
14 if you had it physically?

15 THE WITNESS: I could -- obviously, text
16 messages. I can -- you know, call records, address
17 books. I can see what type of -- the receiver
18 sensitivity, I can look at it and do some
19 comparisons with other phones just to see how this
20 phone would compare to some other phones. I can --
21 I can just -- I can see the quality of the phone,
22 and -- you know.

23 I think most of the important information is
24 what's stored in the phone. But that ESN is -- is
25 that phone till the day it's destroyed.

1 MS. HARDIN: Okay.

2 MR. TATTI: And Nicole, you know you have a
3 download of the phone contents that the sheriff's
4 office did and we provided some time ago.

5 MS. HARDIN: The address book, you mean?

6 THOMAS COUGILL: Mr. Tatti, are you referring
7 to the internal address book?

8 MR. TATTI: Yeah. The -- the product of the
9 search warrant on the phone. The discovery number
10 is 1345. It begins at 1345. It has all of the
11 particulars about the phone. It has how many
12 contacts, call history. It has pictures, the
13 images that are in the phone. There's a few
14 pictures of jewelry that he had stored in the
15 phone.

16 All of that we gave you. It has missed
17 call -- a missed call log. It has its phone book.
18 All that in printed form.

19 MS. HARDIN: I don't have any further
20 questions, unless you do.

21 MR. TATTI: No, I do not.

22 COURT REPORTER: Read or waive?

23 MR. TATTI: You may have to explain that to
24 him, Nicole.

25 MS. HARDIN: Yes. When you give a deposition,

1 if it's transcribed, you have the right to go back
2 and read over the transcription if there's
3 something basic, like I said red shirt, and they
4 wrote blue shirt --

5 THE WITNESS: Uh-huh.

6 MS. HARDIN: -- you can circle it and tell
7 them to correct it, or you can waive your right to
8 do that. And it's your decision.

9 THE WITNESS: Would that have to be done right
10 now?

11 MS. HARDIN: You just have to decide, I want
12 to read it --

13 THE WITNESS: I --

14 MS. HARDIN: -- or waive it.

15 THE WITNESS: I would like to read it.

16 MS. HARDIN: Okay.

17 THE WITNESS: Certainly.

18 COURT REPORTER: Are you ordering?

19 MR. TATTI: Mr. Benson, I can assure you, you
20 will get a copy of it when it is typed. The
21 reading and waiving, what it accomplishes is -- is
22 pretty simple.

23 She'll give you the book, and she'll give you
24 an opportunity to look at it. And if you think she
25 typed something incorrectly, she'll give you a page

1 that you can indicate that, on page three, line
2 four, I said red, not blue. And that page would
3 get attached at the back of the book.

4 She's not going to change what she types, but
5 it gives you an opportunity to comment on it before
6 it's actually released to us. You do not have to
7 do that. In order to do that, you'd have to go
8 back to where she is, read the deposition before
9 she sends it to us.

10 And frankly, at this point, I'd be concerned
11 that doing that would delay it getting to us. But
12 I can assure you I'll get you a copy of it once
13 it's typed.

14 THE WITNESS: That's fine. So I'll waive.

15 COURT REPORTER: Okay. Were you ordering?

16 MS. HARDIN: I was just going to get your
17 contact information. I have to get approval from
18 her.

19 COURT REPORTER: If it's ordered, do you want
20 a copy?

21 MR. TATTI: Yes, ma'am.

22

23

24

25

STIPULATIONS

1
2
3 IT WAS STIPULATED between counsel for the
4 respective parties, with the consent of the witness, that
5 reading and signing of the foregoing deposition by the
6 witness be waived.

7
8 THEREUPON, the deposition of Jeff Benson was
9 concluded at 2:38 p.m.

10
11 NOTE: The original and one copy of the foregoing
12 deposition will be held by Nicole Hardin, Esquire; copy to
13 Anthony Tatti, Esquire.

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CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA
COUNTY OF ORANGE

I, the undersigned authority, hereby certify that
Jeff Benson personally appeared before me and was duly
sworn.

WITNESS my hand and official seal this 21st day of
January 2011.

Victoria Lane, Court Reporter
NOTARY PUBLIC - STATE OF FLORIDA
MY COMMISSION NO.: DD978833
COMMISSION EXPIRES: July 31, 2013
SCLAFANI WILLIAMS COURT REPORTERS, INC.

1 REPORTER'S DEPOSITION CERTIFICATE

2
3 STATE OF FLORIDA

4 COUNTY OF ORANGE

5
6 I, VICTORIA LANE, Stenographic Shorthand Reporter
7 and Notary Public in and for the State of Florida at large,
8 do hereby certify that I was authorized to and did
9 stenographically and electronically report the foregoing
10 deposition of Jeff Benson; that a review of the transcript
11 was not requested; and that the foregoing transcript,
12 pages 4 through 79, inclusive, is a true record of my
13 stenographic notes.

14 I FURTHER CERTIFY that I am not a relative,
15 employee, attorney, or counsel of any of the parties'
16 attorneys or counsel connected with the action, nor am I
17 financially interested in the action.

18 DATED this 25th day of January 2011, at Orlando,
19 Orange County, Florida.

20
21 _____
22 Victoria Lane, Court Reporter
23 SCLAFANI WILLIAMS COURT REPORTERS, INC.
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25

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