Appellate Case No. 25A-CR-00591

STATE OF INDIANA	)	IN THE ALLEN SUPERIOR COURT
	)SS:	
COUNTY OF ALLEN	)	CAUSE NO.: 08C01-2210-MR-1

STATE OF INDIANA, Plaintiff,	)
VS.	)
RICHARD M. ALLEN, Defendant.	)

THE HONORABLE FRANCES C. GULL, PRESIDING

The Transcript

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Nicholas McLeland/James Luttrull/
Stacey Diener
Carroll County Prosecutor's Office
101 West Main Street, Suite 204
Delphi, Indiana 46923

Attorneys for Plaintiff

Bradley Rozzi
Hillis, Hillis, Rozzi and Dean
200 Fourth Street
Logansport, Indiana 46947

Andrew Baldwin
Baldwin, Perry and Wiley, PC
150 N. Main Street
Franklin, IN 46131

Jennifer Auger
42 East Jefferson Street
Franklin, IN 46131

Attorneys for Defendant

parties in the well of the courtroom hear what's going on, and I've been told that the parties in the well and the jurors are able to hear. And I apologize that those of you out in the audience outside of the credential media are having a difficult time, but I can't do anything about that. Can you gauge, Mr. Luttrull, about how much longer you think your direct's going to be?

THE BAILIFF: All rise.

(Jury in at 11:28 a.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. You may proceed, Mr. Luttrull.

MR. LUTTRULL: Thank you, Your Honor.

Q I'm gonna hand you State's Exhibit 223 and ask if you're familiar with that document, sir.

A I am.

Q And what is it?

A It is a schematic drawing of the major vessels in the neck of a human, which I helped select as a potential demonstrative exhibit.

Q I'm handing you what's been marked as 223A and 223L; are those the same diagrams, schematic drawings, with you noting the location of neck injuries on both victims?

A They are.

Q And is 223A designated as A.W.?

A Yes.

Q And 223L is L.G.?

A Yes.

MR. LUTTRULL: Would move the admission of 223, Your Honor, and 223A and 223L.

STATE'S EXHIBITS 223, 223A, AND 223L OFFERED

MR. ROZZI: No objection.

THE COURT: All right. Without objection 223, and 223A and L are admitted.

STATE'S EXHIBITS 223, 223A, AND 223L ADMITTED

MR. LUTTRULL: I would like to publish, Your Honor, the exhibits that we've entered through Dr. Kohr, and if I could ask him to come down towards the screen and proceed through these – those exhibits.

THE COURT: You may.

MR. LUTTRULL: Thank you.

STATE'S EXHIBITS 223, 223A AND 223L PUBLISHED

Q Two things, Dr. Kohr – or three things: I'm gonna hand you this pointer, ask you to stand to the side as much as you can, so that the jury can see the screen, and then ask you to project your voice to the back of the jury – jurors, if you would, as you proceed. We're looking at State's Exhibit 223, and you described injuries to the carotid artery and jugular vein on L.G. and then on A.W., the injury to the jugular vein. Would you – beginning with L.G., would you show the jury where you saw transected vessels.

A Of course, I have to make sure I don't mix the names up here.

Q On A.W.

A Okay, on A.W. A.W.'s the one with the single defect. Now, just for anatomic reference, the two large blue structures here and here – (indicates) – are the external jugular veins, very thin-walled structures, but they are literally

drawn in proportion to their actual size. These are, essentially, the diameter of a pencil, if not maybe a little bit larger. Her injury was right about here, in this general vicinity, so a partial transection of the external jugular vein – or the jugular vein, excuse me.

Q About how far below the skin surface is that jugular vein at that location?

A Roughly a half of an inch.

Q I'm sorry?

A Roughly half an inch, maybe – give or take, you know, an eighth or a quarter of an inch.

Q In terms of L.G.'s injury – injuries, would you show the jury where they were located.

A Okay. In her case, we have a partial transection of the carotid artery right in this vicinity and then complete transections of the vein and the artery on the left side.

Q And did you note those on a copy of this schematic –

A I did.

Q -- that I just showed you for the jury?

A I did.

MR. LUTTRULL: I would ask opportunity, Your Honor, to copy those and provide them to the jury at a later time.

THE COURT: So you would be talking 223A and L?

MR. LUTTRULL: Yes, Your Honor.

THE COURT: Okay. You may.

STATE'S EXHIBITS 123 THROUGH 137 PUBLISHED

Q Let's talk about the photos related to A.W. Is this a photograph taken after

the sweatshirt was removed but before any cleaning of her body?

A Yes. And you can see the white material here is the body bag, which is a plastic/vinyl tape of material. We've taken off the sweatshirt. We've still left on the camisole and the sports bra is still underneath that. We've, obviously, not cleaned away any type of blood residue, as we see it on the arms. We see it kind of obscuring what's going on here. We do see some pools and dried blood there.

Q Sorry. When you touch the screen –

A Yeah.

Q -- it reacts to that, and I apologize.

A All right.

Q Okay.

A Also shows there's no types of injuries, obviously, here or anywhere on her forehead. And this looks more like a smear-type of injury, as opposed to a direct transfer, like a bloody hand wiping that way, so this is more likely from clothing coming off, and that's one of the problems we get when we remove clothing that has to come off. Sleeves, if there's blood on the higher up and it's pulled off, it sometimes will transfer. Okay, in this photograph, we have taken off the camisole. You can see there's a gray sports bra here and then a black brassiere underneath that, as well. We still have not cleared away any type of blood residue, so it's kind of hard just to tell exactly where the wound is. Does have earrings in place. Mouth partially open. And again, we have some transfer blood here on the arms and into the body bag area.

Q Next photograph, is this displaying the gray sports bra has been removed?

A Yes. Again, we are – kind of stepwise we remove clothing, so now the gray sports bra's removed, showing us the black brassiere.

Q This photograph of the measuring device, the ruler, is showing what?
A This is showing inches, I can tell that because the way the markings are, as opposed to centimeters; but we see the wound. We've got a very sharp demarcated end here. Over here, we have a slight abrasion, irregularities of the skin, and that tells me there's been some sort of blunt impact here, possibly as the weapon was drawn across it. We also see that the wound is gaping, and that's what I described earlier, because the muscle fibers underneath the skin are gonna be pulling it apart. So this is the wound as it's been cleaned to show the edges, but kind of misrepresents the total length of the wound in this dimension because of the fact that it's gaping in that way.
Q Which side – just for clarification: Which side is A.W.'s right side of her body?
A I believe her right side is here – (indicates) – and this would be her left side. (Indicates)
Q And your opinion was that the injury you believe went right to left; although you said it was not –
A It's not definitive, but that's the more-than-likely explanation because a weapon with a hilt or some blunt – a handle part would more likely cause it on this side if it's being drawn left to right – or, excuse me, right to left, as opposed to be drawn this way where you have to have a blunt impact before the – blunt impact which strikes the skin.
Q How deep was this injury?
A This injury is only in the neighborhood of maybe an inch deep or so at most.
Q Was there any damage behind the jugular veins that you noted, any injury

to any other part of her anatomy?

A Well, you can see there are some muscle fibers here and here – (indicates) – that have been cut across that are called the strap muscles in the neck, which give your neck your ability to move it in various positions. The fact that it's only a partial transection, not all the way through the vessel to damage anything underneath it would be very difficult to explain, 'cause you'd have to cut the vessel, sneak around underneath it, and then cut things deeper to it. So basically, this came across, went through muscle and part of the thickness or the diameter of the jugular, but didn't do any other significant damage. Obviously, cut through fat, as well, though, minor blood vessels, which are gonna be here under the skin, commonly labeled, you know, superficial incisions or whatever cause bleeding.

Q You stretched that wound at some point and had it photographed.

A I did.

Q And what was the purpose of that?

A Again to show what the – without this gaping in this orientation would do to reflect more accurately the actual length of the wound.

Q And I believe that's our next photograph. Is that what you're doing here?

A That's what we're doing. So these are my hands and my fingers pulling the wound about as taut as we could get it. Again, you can see the abraded edge here on this side and the slight discoloration, none of that on this side as we draw the wound. Pulling it this way, it allows it to kind of flatten out and be a better representation what the actual length of the incision is.

Q This photograph, we're looking at the lip, top lip, and then below the bottom lip, and then just at or below the chin; would you describe to the jury

what you observed in this photograph.

A Well, we can, obviously, see for reference where the mouth is, the front teeth. We see some very, very minor abrasions of the lips. We can see the wound down here on the neck that went from the left side to the right. We can see here, parallel to this line – sorry –

Q Sorry.

A -- parallel to here, you see there's this very, very faint reddish mark here and a very faint –

Q Sorry.

A -- very faint reddish mark here. So having one here – (indicates) – one here – (indicates) – and those are roughly I'd say about two inches in width, so again, that would be possibly consistent with something like duct tape, although there's no residues, glue residues like you'd see with duct tape. It could also be caused by a cloth or something else that's caused a, you know, a very straight, very uniform line across there. The fact that these are below the mouth, as opposed to above, it would suggest that the mouth was not covered over by whatever this was.

Q This photograph is showing the – A.W.'s back.

A This just shows that, obviously, she had been exposed to various dirt on the, you know, floor of a wooded area where she was found. The purplish discoloration we see here and that we see here on the backs of the legs is something called livor mortis. That's L-I-V-O-R. It's caused by – it's a phenomenon of gravity causing blood to settle in the tissues underneath the skin. She was laying on her back for a long period and that's gonna settle to her back. Had she been found face-down, we'd expect to see this on the front. That

just kind of reiterates the fact that she'd been laying in this down on her back position for a prolonged period of time. You see that in certain areas, like here and here, we have clear areas. That's caused by the folds of clothing that prevent blood from settling in those capillaries 'cause of the pressure. You also see some sparing of where the buttocks were in contact with a surface, as opposed to right above on the thighs where the blood can settle. So we have pressure preventing the capillaries from dilating, you will not see livor. And then the areas adjacent to it where the gravity is not impeded or displaced, you will see the livor. So again, was on her back. We've got clothing indications here and possibly here, as well, so she was on her back from a prolonged period of time after death; and generally, for this to become visible it takes several hours. For it to become fixed, whereas if I push on it with my thumb in the morgue, it has to have been there at least about eight hours.

Q This is simply her lower extremities, the same that you were describing; is that correct?

A Yeah, just for completeness.

Q In terms of the examination of L.G.'s autopsy, just a few questions before we proceed to the photo documentation. You indicated height and weight for A.W. I'll put your notes closer to you, sir, for you to reference if you need to. Do you – can you tell the jury the height and approximate weight of L.G.

A Well, again, as I mentioned, I – we measure length, rather than height, so there may be some very slight differences there, but, as I indicated earlier, 64 inches in length, 5'4", and I estimated at her weight at approximately 95 pounds.

Q That was A.W.; is that correct?

A That was A.W.

Q And on L.G.?

A In the case of L.G., also 64 inches and the estimated weight was 200 pounds.

Q Did you follow the same procedure that you outlined that you – in which you do an autopsy and which you did A.W.'s autopsy with L.G.'s?

A Yes, I did.

Q And this is after L.G.'s body had been removed, the autopsy had been completed, the body removed – is there a cleaning process that takes place between autopsies?

A Yeah. We – one of which – once I leave the room, the autopsy assistant proceeds to return the organs to a plastic bag, which is then placed back in the body cavities for burial. The incisions we make, the Y-shaped incision and scalp incision, are sutured shut by the autopsy assistant. The body is washed down of any extraneous blood materials that might be there, placed back in the body bag, and then returned to the body cooler for long-term preservation. Instruments are then cleaned, rinsed, the table is washed down so we should not have any residual blood of significance anywhere on the table. Once that's done, all the containers with various samples are labeled properly to make sure they're not cross contaminated or mix up samples. And all this is taking place while I'm back in my office working on my report. When I'm finished with my report and they finish with the cleaning and we a break for quick something to drink or whatever, then we're ready to start the second case.

Q Dr. Kohr, in your second autopsy, the autopsy of L.G., did you conduct the same sexual – Indiana sexual assault collection kit process with L.G.'s body as you did with A.W.?

A Yes, we did.

Q Did you find any evidence in your examination of sexual trauma?

A Again, I saw nothing that was visible to my naked-eye examination.

Q Were there other swabs collected, items collected by the crime scene investigators, in addition to the Indiana State Police collection evidence kit?

A Not to my recollection. Basically, we just followed the protocols, which is go through the bags as they're labeled 1 through whatever, and then those are packaged, sealed, and secured.

Q If there was testimony that there was swabs of breasts or swabs of areas of L.G.'s body, could that have happened?

A It could have happened. There are, within the evidence collection kits, things for extra miscellaneous, and of course, those would then be labeled specifically of what the source was, I just don't recall things – it's been more than seven years ago we did this autopsy – what, if anything else, may have been collected beyond the labelled ones for the various sites, such as mouth, genitalia, etcetera, but there are extra envelopes there for extraneous things that may be apparent or desirable to be collected by the State Police based upon their information.

Q Did you find any defensive wounds or wounds that could be related to physical restraint on the body of L.G.?

A I did not.

Q She had how many incised wounds to her neck?

A I be certain of at least four different wounds on her neck. And I thought that there – possibility, there may also have been a fifth, some of these overlap, but there's definitely at least four.

Q And they are – they were large wounds; is that correct?

A Well, they are similar size and similar appearance as to what we had seen in A.W.

Q The – one of the wounds – or two of the wounds, were they connected in any fashion or overlap in any fashion with each other?

A Yes, they are, and that's why we say, even though it looks like, to the first glance, that there's only three wounds, when we look at the wound edges closely, we can see that there is basically a point to either end. Essentially, what we have is a very collapsed sort of X sort of appearance, but we're able to see that there is different sites of insertion or beginning of incised wounds by whatever weapon was used.

Q We'll go to the first photograph. This is prior to any cleaning of her body; correct?

A Correct.

Q And on her hand, what do you – what did you observe there?

A Well, paper bags are frequently used by various police agencies at the scene to protect physical evidence under the nails or anything else that might be present. Paper is used, rather than plastic, because plastic retains moisture and you can get condensation and then (inaudible) of evidence. Paper allows some breathability and keeps things dry, as opposed to having, again, condensation and runoff that may contaminate things. And then, those are sealed with tape. And then, to take these off, we'd cut through the tape, pull the bags off, and then note the hands separately.

Q And that would have been done before any cleaning?

A That was done before any cleaning, yes.

Q Okay.

A Because if we start cleaning, we risk getting the bags wet by water spraying or whatever, so we want to do this when they're still in kind of a dry, pristine state.

Q Let's move to the next one. This shows the farthest right wound in complete and the middle wound. What can you tell us about this right-side wound on L.G.?

A Okay. For reference, right down here we see the right earlobe, we know this is right side of the body. We see the wound here and what we see here is this little pointy tag, that's why we can say there's two separate applications of whatever type weapon was used. And because that sticks out there, you know, one had to go this way, one had to go that way or, you know, whatever direction they were travelling, but that tag should not be there if it's just a single, you know, passage of whatever instrument was used to cause the wound.

Q So that suggests to you that's two wounds there?

A It's two wounds, and again, they may have been just trying to make a deeper pass the second time, but was not exactly on track, and the result, we've got just a slight deviation off to the side, so I can't tell which – whether this was from the first and this was the second or vice versa, but there are two overlapping wounds here.

Q We'll move on, but I want to note in this photograph and the portion of right shoulder, not far from the collarbone area I guess, what is that?

A That is a very superficial, an extremely superficial type of probable incision, it really doesn't go through all the layers of the skin, so a very minor injury of really no significance.

Q Other than abrasions noted on her leg, did you notice any other injuries to L.G.'s body besides what's depicted on her neck and that injury to the right shoulder?

A Yeah. You've got a very tiny, minute abrasion here, very minute one here, maybe a millimeter in dimension, if that much.

Q Just below the neck?

A Yeah, right here. (Indicates)

Q Okay.

A And then, we've got a couple of very – again, very superficial types of probably more abrasions than incisions; but other than what we're seeing in this photograph, I saw no other significant injuries.

Q Next photograph. This is that injury that you indicated the most – the portion of the injury closest to the right ear.

A Correct. Again, here's the right ear and this was what we pointed to earlier, the one pointy part sticking out here on the opposite side. On the far right side, you can see there's a companion. So again, we've got one wound is kind of gone this way and the other that way, so we've got, again, a very narrow X-like pattern over here, but definitely this – to get this and this, you'd have to have two passes of whatever caused this wound. And I've used my forceps here just to kind of accentuate and show that this is definitely there, so it doesn't tract with the elasticity the skin.

Q Move to the next slide. Now, this shows more to the center and the left side of her neck; is that correct?

A Yes. This is the wound that's just been described with the little tag kind of out here and then this is our next wound, and again there's almost a

suggestion of a tag coming out here, so that's why I can't be 100 percent certain that this wasn't a two-pass, as well, which would make it five, but I can't say with certainty, since there's only a single point of separation here. We see in this area, obviously, hemorrhage. We see the fat that's been cut across. We see bundles of muscle tissue which have been cut across. Again, you know, the – there's a suggestion this may be a second pass of the instrument here.

Q Dr. Kohr, in your experience in conducting autopsies, have you done autopsies – many autopsies with stabbed and incised wounds?

A Yes, I have.

Q Have – can you tell the jury anything about how the victim reaction to an attack can affect the nature of the wound?

A Well, assuming that the victim is conscious and able to mount some sort of defense, usually they don't just sit there passively while they're being attacked. So if someone's trying to cut you or stab you, you're gonna be moving your body, trying to get out of the way, and defensive posturing. But again, if you try to turn away and avoid, that could affect, especially if the blade has already been inserted or an incision made, as you draw away, that may cause things to be accentuated or create artifacts. Now, one classic artifact you will see – and I don't have something really good here to demonstrate with, but I will take my two fingers – if this is a stab wound, if I go in this way and then my body jerks or the person that has stabbed me twists it and then pulls it out, I make what looks like an L-shaped or right-angled wound; it developed from a single wound, as opposed to going in once, going in a second time. And so we can see artifacts like that because of the body moving and pulling away and causing things to be extended. Again, it's very unusual for the body to remain perfectly upright. We

see that also in the case of gunshot wounds, for example.

Q Okay.

A People don't just stand there like this to be a target and will move and will change the (inaudible). If our prosecutor here, Mr. Luttrull, is shooting at me, you would expect for them to go straight through front to back, but they may go left to right, may to right to left, depending upon what position my body's in at the time the wound was being inflicted.

Q Thank you, Doctor. Next photograph. Now we're seeing more directly the left two or three wounds –

A This is the most prominent, this is the center of the three wounds, and again, this little tag here. Again it is really now strongly suggestive that this may be a double passage on this one. And now we're seeing the third wound, which is farthest to the left, this being the left here. (Indicates)

Q And this shows the three large areas of incision, but they are four and possibly five incised wounds there?

A Correct.

Q I want to focus on this portion, I don't want to go back, but I will very quickly, to this area most right in the photograph, the injury. That's the area that being focused on in the next slide; is that correct?

A Correct.

Q And while the photograph loses some clarity in this position, did you examine – in considering that – those five marks there, what did you conclude about those?

A My initial impression was this resembled something like a serrated type of pattern, like you would see from a serrated knife like we use in our kitchen that

has the scalloped edges. There's one here, one here, one here, one here, whereas this one is a little bit different in nature, so I'm not sure this is the same type of injury. Now, the problem, as I thought about this more as more time has gone by and I studied the photographs, is a typical serrated knife will have the deepest part to touch the skin would be kind of in the center and we should then have clearing on the other slide, whereas on this side, we have almost two parallel lines here of reddish with a spared clear area in the center, and so that kind of – the more I've looked at this over the last several months in preparation for the trial, the more I considered this, you know, probably is not from a serrated blade, but from something else associated with a blade or a handle of a blade or the hilt, just because the nature is such that we don't have any single deeper portion through the center of these, but almost a sparing area there. So these are more like abrasions than a serrated scraping-type weapon across.

Q And so the distance between those two lines, was that, as you consider it and look at that photograph, the distance between those two lines, is that part of your – form part of your opinion?

A Well, if we're talking about – we're talking primarily the width of these marks. Each of these marks is about one millimeter, maybe a millimeter and a half in width, and they're separated by several millimeters between each one, so we've got a marked separation of normal skin, a marked separation of normal skin, a marked separation of normal skin, whereas this one doesn't have that central pallor like we're seeing in this classic one in the middle, so that's why I'm thinking this may be something entirely unrelated from a different part of the weapon or from a different mechanism.

Q In fact, you were deposed by Mr. Rozzi and Mr. Baldwin back in February

of 2024; is that correct?

A Yes.

Q And did you – and you had put in your report – your report says a serrated edge –

MR. ROZZI: I'll object to leading.

MR. LUTTRULL: What do you – I'll withdraw –

THE COURT: Sustained.

MR. LUTTRULL: -- the question.

THE COURT: Okay.

Q What do you recall about what – do you know what your report stated in terms of a serrated edge?

A Specifically, my report used the word "serrated edge", but that's on the face sheet. Later, in my –

THE COURT: Sir, you need to be by a microphone. We're not catching you. There's a microphone back here.

A On my face sheet summary, I used the word "serrated". In the – later on – sorry, again, on the separate paragraph on page 3 of the autopsy report, again, I use the word "serrated"; but as I recall from a deposition when this was discussed in detail with Mr. Rozzi, by that point, I was saying more – it's not a typical serration, it's not a classic serration, but serrated-like, and so that's, I guess, the clarification I made later on.

Q In your deposition, did you reference to Mr. Rozzi and Mr. Baldwin that the five marks there just above that wound, adjacent to that wound, could have been caused by something other than – another part of the knife?

A I believe I did.

Q And in your opinion, what part of a knife or sharp-edged object could leave that type of mark?

A Well, most knives are not just a steel blade without anything around it, because you gotta have something of a handle, so you don't cut yourself handling the device, especially sharp knives, whether it be a steak knife or other kitchen knife. They can have wooden handles, the wooden handles can have marks on them in various patterns. They may have plastic or other types of hilts to prevent you from pushing it too far or having your hand slide down past the handle of the blade itself. There can also be, sometimes, plastic-like grips, depending upon the type of weapon. One of the things that I encountered as I was ruminating about this over the last several months was on my own work bench in my own garage, and I happened to have a boxcutter that I've used for various applications around the house. It just so happened, the box cutter has, on the side, a plastic attachment, rubberized almost, that actually has several parallel lines for a thumb grip to keep you from having the thing slip out of your hand and this somewhat resembles the size and pattern of what those thumb grips would be on a boxcutter. And so the more I thought about this, considered possible causes, I'm thinking that this may, indeed, be related to a boxcutter side, but it could be something else similar attached to the actual blade.

Q Dr. Kohr, I'm gonna ask you to return to your seat at this time and you may take your reports with you. Let's talk about the – first, I want to go through the symptomatic or the physiological effect of these injuries. Let's talk about A.W. first. When this wound was received, what would have been symptomatic or her body, how would it respond to this injury?

A Well, obviously, the first thing you're gonna do is you're gonna feel pain

because of a – you know, a sharp instrument being passed across your skin, breaking through the skin and the deeper structures. Now, from a mental standpoint, I cannot predict how an individual's gonna react mentally, but in an attack mode, they're gonna, you know, have some basic physiologic response, the fight or flight mechanism, which is called the autonomic response. Heart rate's gonna go up, blood pressure's gonna go up, breathing's gonna become more rapid. Whether or not panic set in depends on an individual. Immediately, because of this being a venous injury, rather than a arterial injury, we're gonna start to have bleeding and the bleeding is gonna be not under pressure, but more of a passive blood flow. Now, certainly, this is a large blood vessel, as I mentioned, they're gonna be similar to the diameter of a pencil, so you're gonna have blood flowing away, but it's gonna take some time before you lose enough blood volume to then have some of the more late-stage effects. As blood volume decreases over minutes, you know, heart rate's gonna try to compensate for the lack of blood volume, blood pressure may start dropping gradually, and eventually – again, we're talking many minutes – as the blood volume is dropped significantly, then we're gonna start having onset of shock. Now, shock is a physiologic response to dropped blood pressure, heart rate changes, and so forth. Eventually, certain organs stop getting the amount of blood they need to maintain function, your body automatically shifts blood away from less-vital parts of the body to more-vital parts, so it'll preferentially constrict the blood vessels in the intestines, for examine, because they really don't need blood in this situation as much as the brain or the heart might. So the brain's gonna continue getting the lion's share of the blood supply to the point where it drops enough, blood pressure drops enough, heart rate drops enough that you're

gonna lose consciousness. Once consciousness is lost, person's not dead immediately, but we're reached a level of oxygen delivery of the brain where it cannot sustain normal function; so once the function drops off, you become unconscious and, eventually then, you continue bleeding until the brain actually shuts down and death ensues.

Q Dr. Kohr, can you give a – in your opinion, can you give a range of time that it would have taken for A.W. to – once she received that injury, to be either unconscious or deceased?

A This is really a crude, ballpark estimate, because there's no way to be absolutely sure. You know, if she's sitting still, doing nothing, it's gonna take longer than if she's running around, being active. And, you know, standing upright's gonna cause less blood flowing from here, as opposed to laying down, just because of the effects of gravity. But we're probably talking, to lose enough blood from this sort of injury, at least five to ten minutes, maybe a little bit longer. So again, it's not gonna be something sudden by any stretch.

Q If she were laying down, would that be a shorter time than if standing up?

A It should be, yes, just because the laying down is gonna have a lot of blood backing up into the veins and flowing away, as opposed to being upright; blood's gonna be more likely to pool in the legs if you're upright.

Q Unconsciousness could occur sometime before that time range that you described today; is that correct?

A Well, that's –

MR. ROZZI: Object to leading.

THE COURT: Sustained.

MR. ROZZI: It was a leading question.

MR. LUTTRULL: It was, I agree.

Q The unconscious would – I'll withdraw the question. Thank you.

MR. ROZZI: Thank you.

Q In terms of the injuries to L.G., once these injuries had been received, do you have an opinion on the similar issue in terms of what would her body's reaction be in terms of how long would it be until death?

A Well, the same sequence is occurring. We're having blood loss, which is gonna cause the autonomic response, elevated blood pressure initially, elevated heart rate, increased breathing rate, but because we've hit three different vessels of considerable size in this case, blood loss is gonna be more rapid, and as the blood loss is more rapid, we're gonna be then proceeding to the stage of shock more rapidly. So these things are all going to be accelerated just because we have three bleeding sources, rather than one. The fact that we're dealing with arterial bleeders, as well, those are under pressure, not passively flowing, and so bleeding's gonna be even more rapid because of an arterial bleeder. The time –

Q When you conducted the autopsy, sir, did you observe on the hands – did you observe any blood on the hands of L.G.?

A I did.

Q And can a – is there a normal reaction by a victim to a neck wound?

A I can't say what's normal, but the instinctive reaction's gonna be the fact that any type of thing that's bleeding, you're gonna try to stop the bleeding by applying pressure; and so whether you've cut your arm or you've cut the back of your hand or like I cut my thumb yesterday doing yardwork, I'm gonna apply pressure. But again, if you got bleeding from the neck, you're gonna try to stop

the bleeding to the best degree you can. That's basic first aid, you know, Cub Scouts, Boy Scouts, Girls Scouts all learn, but yeah, you're gonna try to stop the bleeding, that would explain why she has as much blood on her hand as she does.

Q And can that slow down an arterial bleed in the – applying pressure to the neck, can that affect the blood loss?

A Certainly.

Q Do you have a range of time that you can give in terms of when you think death would have occurred with L.G.?

A Again, we're talking five to ten minutes as a crude estimate. Maybe, in her case, closer to the five minutes, just because, again, we've got three vessels that are bleeding aggressively. I don't know how well she applied pressure, how well her, you know, application was. It's one thing if I see a patient on the table in the emergency department and I can see where the bleeding's coming from to apply pressure directly to it. It's quite another thing if I'm bleeding from my neck and I'm just blindly trying to grab where I think the bleeding might be. But again, five or ten minutes is probably the best ballpark estimate I can give.

Q You found evidence of cerebral edema in the body of L.G. and not in A.W.; is that correct?

A That's correct.

Q And I don't want to go into great detail on that, but what can you summarize for the jury in terms of what that told you?

A Well, cerebral edema literally means swelling of the brain and there's a couple ways we can look at that at an autopsy, one of which is the weight of the brain, and normal adults should have a brain weight of no more than 1500

grams, and so when we see some that are 16- or 1700 grams, then that's kind of a very simple call. The other things are a little more subtle and they involved as the brain – and again, we've all seen pictures of kind of what a brain looks like, it's got the hills and valleys. As it swells, the valleys tend to get squished together and the hills get plumper, and because the brain is encased in a solid, bony structure, it's really got no place to go, so as it swells against the confines of the skull, the hills get flattened, the valleys get squished, and it has a little different appearance than a normal brain. Instead of having some, more or less, dead space around the brain, it gets all kind of squished together. Now, cerebral edema can be seen in a number of situations, it can be caused from closed head injuries, but it can also be caused by anything that reduces the amount of oxygen getting to the brain. So if I have a drug overdose, if somebody's strangling me slowly, if I've had something else that's caused blood loss, as the brain gets less and less oxygen, one of the few responses it does is it starts swelling, retaining fluid. And so, generally that's an indication that there's been some survival for at least several minutes after the initial injury's occurred. It's not something that happens instantaneously, but develops over several minutes.

Q Dr. Kohr, would you – is – are you able to determine time of death, the time going back from the time of the autopsy that occurred on Wednesday, the 15th at, the first autopsy, 8 a.m., did you – can you, with any precision, determine time of death?

A Precision, no.

Q Dr. Kohr, was the condition of A.W. and L.G.'s body consistent with having been – having died 40, 41 hours prior to the autopsy?

A Yes, they were.

MR. LUTTRULL: I have no further questions, Your Honor.

THE COURT: Mr. Rozzi.

MR. ROZZI: Thank you, Judge.

CROSS EXAMINATION OF DR. ROLAND KOHR

QUESTIONS BY MR. ROZZI.

Q Nice to see you, Dr. Kohr.

A See you, sir.

Q So you testified in the state of Indiana and the state of Illinois, and you said even virtually in Montana; is that right?

A Yes, sir.

Q And I think when we talked before you told me that you testified about 98 percent of the time on behalf of the State of Indiana; right?

A Well, I wouldn't say – when you throw in the Illinois counties, it's probably closer to 90 percent, maybe 10 percent in Illinois and elsewhere.

Q You told me 98 when we talked –

A Well –

Q -- here when I took your statement; right?

A That's quite possible, yes.

Q Okay. And just to make sure we'll all clear, you and I and Mr. Baldwin and the prosecutor were sitting in this room here in the courthouse on February 27th, 2024, weren't we?

A I believe that was the date, yes.

Q And on that date, basically, I conducted – myself and Mr. Baldwin conducted an autop – a deposition, I should say – sorry about that – a deposition of you in that room; right?

A Correct.
Q And in that room, there was a court reporter that was with us?
A Correct.
Q And that court reporter administered an oath to you before we started that statement; right?
A Yes, sir.
Q And you swore that you'd tell the truth and the whole truth and all that kind of stuff; right?
A Correct.
Q And you've done those many times, haven't you?
A Yes, I have.
Q Probably hundreds, I'm guessing.
A Yes.
Q And you would agree that you were questioned for a couple of hours in general?
A Yes.
Q And that, at the end of that questioning, one of the options you have is to review that report; is that right?
A Correct.
Q And you have the option of reviewing it and, if there are any changes that need to be made, you can make those changes; right?
A Correct.
Q And then you can sign off on those changes?
A Correct.
Q In this case, you chose to waive your ability to review that report.

A After talking to the court reporter and she assuring me that she thought she got the overwhelming majority of the medical terminology correct, I did waive that, yes.

Q Now, let's talk about A.W. first. You didn't reference any time of death on the autopsy report that you generated for A.W.; is that right?

A That's correct.

Q And you don't know when she died, do you?

A No, I don't.

Q You told me at the autopsy – strike that, I'm gonna keep doing that – at the deposition, you told me that you know that she died sometime between the last time that she was seen alive and the time that she was discovered in that woodlot.

A That's an absolute yes.

Q And that's about the best you can do?

A Well, we can do a little bit better than that, but that's our beginning parameters, yes.

Q Well, you even said at one point 28 – 24 to 48 hours before she was discovered; right?

A Correct.

Q And do you agree that, generally speaking, death investigations, from the standpoint of identifying time of death, can be very difficult and really challenging?

A That's one of the biggest barriers we face in forensics, unlike what's portrayed on the various TV shows.

Q And you saw some photographs of the crime scene, either before or shortly

after you did the autopsies in this case?

A I actually didn't see crime scene photographs until earlier this year.

Q Okay. But you saw them?

A Yes, I have.

Q Before you took – we participated in this deposition; right?

A I believe so.

Q Well, do you recall telling me that you really couldn't draw any substantive conclusions as to time of death based on those photographs?

A Yes, I do.

Q Talk about the autopsy report on A.W. You told me during the deposition that you couldn't really say much about the type of instrument that was used to create the wounds on her, didn't you?

A Well, we obviously described it as a sharp-force instrument or a sharp-bladed instrument, but in terms of the exact type, whether it be knife versus scalpel versus whatever, I could not tell you specifically, no.

Q And, in fact, you said that you couldn't say anything definitively.

A Correct.

Q Basically, what you could say was that it had a sharp edge; right?

A Correct.

Q And you couldn't draw any conclusions about the length of the instrument that was used?

A Correct.

Q And you said specifically that a person could inflict these types of injuries with anything from a pocket knife to a kitchen knife; that's what you told me, didn't you?

A Correct.

Q You didn't say anything about a boxcutter, did you?

A Nope.

Q You said short-bladed instrument, long-bladed instrument, either one of those could have caused those types of injuries to A.W.

A Correct.

Q And there was no way for you to make a determination about whether or not those injuries were caused by someone who was right-handed or left-handed?

A Correct.

Q And you said earlier, and it was one of the last things you talked about, A.W.'s injuries, it was an injury to her vein; right?

A Yes.

Q And if I were being a student of your profession, I think you said that the blood is flowing toward the heart when it comes to a vein; is that right?

A That's correct.

Q So the pressure in that area of that vein, it is particular case, is much less?

A Yes.

Q Whereas with the arteries, the blood is flowing from the heart, away from the heart, and so the heart's pumping that away; right?

A That's correct.

Q 'Cause that pressure's greater.

A Right.

Q So a layperson would draw the conclusion that, because the pressure's less, you would just bleed slower.

A Reasonable.
Q Was that the lesson you gave us all earlier?
A That is, yes.
Q And so we talked at that deposition about how long this might have taken for her to expire; right?
A Right.
Q And you agree that death certainly would not happen instantaneously with A.W.?
A Correct.
Q And you suggested that there would be a much slower pace of bleeding because of that level of pressure?
A Yes.
Q And that there could be several minutes before sufficient blood loss would result in unconsciousness; right?
A Right.
Q Not necessarily death, but unconsciousness?
A Right.
Q And you even said it could be anywhere from four to six to maybe ten minutes, it's hard to say is what you said, didn't you?
A Um-hmm, yes.
Q And so it's – it is – do you agree that it's fair to conclude that she may have had an opportunity to react to these injuries before she became unconscious?
A Definitely.
Q To run around, to make noises, fight back, all those kinds of things could have been going on?

A Correct.

Q Her trachea was not damaged; is that correct?

A That's correct.

Q Which means that there was no blood flow re – or air flow restricted to her; right?

A Right.

Q So she could have spoken, there's no reason why she couldn't have talked?

A Not reason at all, no.

Q Could have cried, she could have screamed, any of those things?

A Yes.

Q And so her ability to breathe basically had remained intact despite the gruesome nature of that injury?

A Correct.

Q You said there was a mark on her neck. I could pull the photo up, but I'm not in charge of the technical stuff here right now. Do you agree that – well, strike that, I'm gonna do it with another question. We talked about this mark that kind of went linearly across the bottom of her mouth; do you recall that?

A Yes.

Q And that was certainly not restricting her, whatever caused that, restricting her from breathing; right?

A No.

Q But you think that that mark was created sometime around the time of her death or that – which I think you said perimortem.

A Perimortem, yes.

Q P-E-R-I mortem; right?

A That's right.

Q Did you draw any conclusion that somebody might have placed something over her mouth? Is that your opinion?

A It's a possibility. It could have been that, it could have been clothing tightly around there, it could have been any one of a number of different things.

Q Speculation is involved in that; right?

A True, yes.

Q Tried to collect evidence from her fingernails or, at least, you did; right?

A We attempted. We weren't real successful because they were so short there's really nothing to be able to get underneath them to, but nonetheless, we scraped the base of the fingernails on each finger, yes.

Q But as far as you know as you sit here today, nothing of real value was obtained?

A Not that I've been made aware of.

Q And there was no trauma to her sex organ; right?

A Correct.

Q And as to whether or not she engaged in any kind of sexual activity leading up to her death, you don't have any opinion about that either way as you sit here, do you?

A I do not.

Q There's certainly no proof that that did occur; right?

A None that I'm aware of.

Q And there were samples collected from various parts of her body, in addition to what – I think you said maybe that there was – law enforcement was doing the same thing, taking samples; right?

A Well, basically, we work in tandem. When we get the body to the morgue, I'm the one actually plucking the samples, for the most part, and handing them off to them to package and label.

Q Let's talk about L.G.'s autopsy report; okay? You said there were four, maybe five injuries, you were having a hard time counting because of some of the physical circumstances; right?

A Correct.

Q And again, same – kind of the same questions as before, you can't tell whether or not those injuries were inflicted by somebody that was right-handed or left-handed; right?

A That's right.

Q A lot of issues involved with that, angles and if someone's standing behind somebody versus in front of them, those kind of things; right?

A Well, there's forehand versus backhand, there's, you know, from behind, same things sort of go on, so yeah, there's really no way to tell.

Q Okay. And you told me that one of the differences in the wounds that you saw or the injuries to L.G. was that there were these serrated marks that you just spoke at – about in some length; right?

A Yeah.

Q You told me –

A Um-hmm. (Affirmative response)

Q You used – you shaking your head yes?

A Yes.

Q And you used that word twice in your autopsy report; right?

A Right.

Q On the first page, which is the cover sheet that contains all the conclusions?

A Yes.

Q And then on page 3 at the top, "This is a 9 centimeter in length and shows an area of serrations along the medial and lower edge of the wound." So that's the second reference you made earlier; right?

A Correct.

Q That was one of the three or four or five wounds that you noted?

A Yes.

Q Do you agree with me – strike that. Did you tell me that that serrated area could have been caused by the handle of an instrument?

A I believe so.

Q And did you tell me that it was possible that two different instruments could have been used to create those wounds on L.G.?

A I believe I said possibly two, possibly three, possibly four.

Q And in fact, there's only one of those wounds where there are any of those serrated marks that even exist; right?

A That's right.

Q And you don't see any of those on any of the other wounds?

A Correct.

Q And the same is true with regard to A.W.'s wound?

A Correct.

Q So that might be suggestive that there might have been more than one instrument?

A That or it could also be affected by the angle of insertion.

Q Or the force of it; right?
A Correct.
Q But it might also be suggestive that there might have been more than one instrument?
A That's a possibility.
Q More than two?
A Correct.
Q We talked about cerebral edema?
A Yes.
Q And we discussed that that was the mild – or that that was the swelling of the brain I think is what you told the jury earlier; right?
A Yes.
Q And that's significant here because it helps you determine whether or not there was any oxygen flow that was cut off to the brain while this process was occurring in general; right?
A Yes.
Q So in other words, if there's more swelling to the brain, that means there was less oxygen, somebody was either being, you know, asphyxiated or they were – just weren't able to breathe, for whatever reason; right?
A And that, plus the fact that there's a time element. It takes, obviously, a certain time for the cerebral edema to accumulate, it's not like an on and off.
Q Okay. But in L.G.'s case, the edema was mild, you noted it was mild; is that correct?
A Yes.
Q And that would also suggest that death was not instantaneous for her?

A Definitely.
Q And we talked – you said she had at least a few minutes before the – from the initial injury before her death; right?
A Right.
Q And you told me specifically, when we got into talking about real times, it could be three minutes, it could be ten minutes, even up to 20 minutes, didn't you?
A Yes.
Q We talked about the fact that that injury, because it was to an artery, could have caused – been cause for the projection of blood around the area where she died; right?
A Yes.
Q And I believe we even got into some details about how far that could have been?
A I believe so.
Q Maybe six feet or so?
A It can be that way, yes.
Q You've seen some examples of that actually have happened?
A I have.
Q You noted some debris on her leg?
A Yes.
Q And you suggested that maybe she was drug from another location, that would be indicative of that, the way that debris looked on her?
A Based upon the appearances, yes.
Q There's nothing contained in either one of your reports that would help

you draw any conclusions as to who is responsible for the death of the two girls; right?

A No, there's not.

Q Now, earlier, the prosecutor asked you – Mr. Luttrull was asking you some questions about these serrated injuries; is that right?

A Yes.

Q Actually, we'll leave that there for one second. I've noticed in the images that were offered up that the girls, I think both girls – correct me if I'm wrong – were laying on a white sheet. Did you see that?

A Yes.

Q I've seen a few of these pictures in my day. Is it unusual for – was that how they were delivered to you was wrapped in a white sheet?

A Well, oftentimes, there's a white sheet inside the body bag just to, you know, keep blood from flowing out; it's gonna, more than likely, retain it so it doesn't get through the zippered ends, but yeah, that –

Q Does that happen in all occasions?

A Not every single occasion. It depends upon the county, what their budget is, who collects the body, how they preserve them, but it's not uncommon, but it's not universal.

Q Do those sheets get reused sometimes?

A They can be, yes.

Q Is there always a concern, when that's the case, that there could be some contamination because those sheets have been used for somebody else's body?

A Well, generally the sheets that are used in situations like that are – come from a hospital ambulance, and the ambulance gets their sheet supplies from

the hospitals, which go through a sterilization process, you know, for disinfection at a little bit higher level than the average washer/dryer in your home.

Q In this case, do you know if those sheets came from an ambulance?

A I do not know for certain, no.

Q Do you have any idea where those sheets came from?

A Well, generally scenes like this are removed from the scene – or bodies at a scene out there are removed by medics or fire department personnel do the actual physical lifting and carrying, so it would usually come off of an ambulance or a, you know, fire department vehicle, but again, that's what's usually done and I can have – I have no way of knowing for sure what was done in this case.

Q You don't know where those sheets came from?

A I do not.

Q So let's talk about these serrated marks again. I – after I took your deposition in February, February 27th, you apparently went back to Terre Haute and started thinking some more about these conversations that we had; right?

A Yes.

Q And it sounds as if you were a little unsettled in your mind about what might have caused those serrated marks.

A Well, as we discussed in the deposition and as I considered it, the fact that the – I think I said multiple times in the deposition these were certainly not classic serrations, they looked different, and serration was just kind of the best match I could think of at the time of the autopsy. But it's not unusual for me, after we do a case, after, you know, speaking with various people, the more I consider cases, I'm preparing to come to trial and have to answer questions from prosecution or defense attorneys, and I try to consider things that may help

clarify. And again, I was unsettled with trying to call these classic serrations, because they're not classic serrations. So at that point, I consider, "Okay. What else might explain these sort of marks?"

Q And so you mentioned serrations in the depo, that they weren't classic; right?

A Correct.

Q But you didn't take an opinion about what type of an instrument was used when we took your statement back there, did you?

A No.

Q And when you left this courthouse in February, did you ever contact my office again with any new information regarding your opinions in this case?

A I did not.

Q Did you prepare any new reports that suggested, "Hey, I've changed my mind about what I said back in February under oath"?

A I have not.

Q Would that have been a reasonable thing to do with something this important?

A Well, if I made a definitive call the first time, then it would have been appropriate. The fact that I'm saying that these are possible explanations is not quite at the same level, so it's not routinely that I would do such, no.

Q Did you talk to the prosecutor between February and now?

A I have.

Q How many times?

A I believe three separate occasions.

Q On any of those occasions, was it suggested that maybe you should

prepare a supplemental report?

A No.

Q You don't have any way of knowing whether or not that instrument – that injury was caused by a boxcutter, do you?

A Nothing definitive, no.

Q And there are lots of different kinds of boxcutters, aren't there?

A I've got two different types in my garage.

Q How many times have you testified in your life, if you could just estimate?

A Combination of depositions and actually in court, probably 200, 250.

Q And how many times do you think you've walked into court – strike that. How many times do you think you've changed your mind between the time that you took a deposition, a sworn statement, and the time you walked into a courtroom?

A Probably ten percent of the time, just because of new information coming to me.

Q And in any of those past circumstances, did you ever think, "Hey, I should prepare a report, because I've dealt with this before and the lawyer's probably gonna question me about this"?

A There was one occasion, because I was kind of set up by the prosecutor in that case and it became necessary, unfortunately.

Q This case has got a lot of notoriety, hasn't it?

A It does.

Q So much so that you even met with a reporter at one point a couple years back, didn't you?

A Yes.

Q Sat and had coffee with that reporter?

A Correct.

Q So you knew the significance of this case in terms of the attention it was getting from the public?

A Yes.

Q You think it would have been a good idea to generate a supplemental report so that the Defense would have had an idea that you were gonna come in here and change your statement today?

A Well, a supplemental report would have considered speculative ideas, as opposed to a definitive changing of statements that are on the report. So generally, if I'm gonna do a report, it's gonna be something that I've got definitive evidence to support, as opposed to speculation.

Q Do you think it would have been a good idea?

A It might have been, but I can't say with assurance, no.

Q Either way, it's all speculation; right?

A Correct.

MR. ROZZI: Pass the witness.

THE COURT: Mr. Luttrull.

MR. LUTTRULL: Thank you, Your Honor.

RE-DIRECT EXAMINATION OF DR. ROLAND KOHR

QUESTIONS BY MR. LUTTRULL.

Q What's the minimum number of knives that would have been needed to cause the at least five wounds between the body of A.W. and the body of L.G.?

A Minimum number is one.

Q Did you note on your report whether or not the bodies were received in a

body bag or not?

A Would note that on my worksheets. In the case of L.G., she was received in a body bag. In the case of A.W., she was also received in a body bag.

Q Would the fact that there's an artifact – if that's an appropriate term – next to that one wound, the wound that's farthest to the left of L.G., would that, by itself, indicate that there probably was more than one instrument?

A Not necessarily, no.

MR. LUTTRULL: Thank you. I have no further questions.

THE COURT: Mr. Rozzi.

RE-CROSS EXAMINATION OF DR. ROLAND KOHR

QUESTIONS BY MR. ROZZI.

Q You don't know how many instruments were used, do you?

A I do not.

MR. ROZZI: Nothing further.

THE COURT: All right. Does anybody on the jury have any questions for the doctor?

(No response or indication from any juror.)

THE COURT: All right. Thank you, Doctor. You may step down. All right. Well, ladies and gentlemen, we're gonna go ahead and take our noon – our lunch break. While you're outside of the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discuss the evidence that you've heard so far, but please, only do that if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 12:38 p.m.)

THE COURT: All right. Let's resume at two o'clock, please. Jodie, you can go off the record.

(Off record at 12:39 p.m.)

(On record at 1:59 p.m.)

MR. MCLELAND: We'd be calling Mr. Cecil next. I've got him in the courtroom, ready to go, Judge.

THE COURT: Okay. Could we get that screen off of there, since it has news.

MR. MCLELAND: Oh, Judge, I'm sorry.

THE COURT: Thank you.

MR. MCLELAND: I hope that doesn't pop up – well, Judge, we've stipulated – I guess before we bring the jury in, we've stipulated to the extraction and the reports from Mr. Cecil.

THE COURT: Okay.

MR. MCLELAND: I plan to use this one and I'd defer to Ms. Auger, but I can leave that popped up.

THE COURT: That's fine.

MR. MCLELAND: That's the first exhibit I plan to use.

THE COURT: Okay.

MR. MCLELAND: And I'll turn down the sound.

THE COURT: Okay. Yeah. I mean, that way, we just don't have any inadvertent media story about this case –

MR. MCLELAND: I agree, Judge.

THE COURT: -- that we've been trying very hard to keep from the

jury.

MR. MCLELAND: I've been failing miserably with technology during this trial, so –

THE COURT: All right. Is the Defense ready to bring the jury back in?

MR. BALDWIN: We are, Judge.

THE COURT: All right. Let's go, gentlemen. And you had indicated that the – that particular witness's testimony is like a couple of hours?

MR. MCLELAND: I think it's gonna be lengthy, Judge.

THE COURT: For direct?

MR. MCLELAND: There's at least two reports to go through. I don't know if direct will be a couple hours, I think total will be. It'll be lengthy.

THE COURT: Okay.

MR. MCLELAND: So is the Court anticipating us calling additional witnesses after him?

THE COURT: Probably not, 'cause it's two o'clock.

MR. MCLELAND: That's –

THE COURT: I –

MR. MCLELAND: That was our hope, Judge, 'cause we're not really prepared for that, but –

THE COURT: All right. Well –

MR. BALDWIN: We're ready, then.

THE COURT: Well, then you've kind of forced my hand. Okay. All right. No, I mean, it's – the morning was a lengthy morning for the jury, that's why we took a little bit more of a break for them to kind of decompress a little.

And I appreciate that counsel for both sides have sanitized those types of photographs as best you can for the jury. That's difficult testimony to hear.

MR. MCLELAND: This is gonna be dense material is the other issue, Judge.

THE COURT: Okay.

MR. MCLELAND: And I want the jury to have an opportunity to absorb it all I guess is really the issue.

THE COURT: Okay.

THE BAILIFF: All rise.

(Jury in at 2:02 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. All right. Well, welcome back, ladies and gentlemen. I hope lunch was okay. We are ready to continue. Mr. Luttrull.

MR. LUTTRULL: Thank you, Your Honor. At this time, I would like to publish to the jury copies of 223A and 223L that Dr. Kohr marked on relating to injuries.

THE COURT: Okay. You may.

STATE'S EXHIBITS 223A AND 223L PUBLISHED

MR. LUTTRULL: So each juror should have an A and – a copy of an A and an L.

THE COURT: Okay.

MR. LUTTRULL: Thank you.

THE COURT: Are we – do we need a – oh, okay, they're still going. I think we need one more in the back. Of which one? A or L?

UNIDENTIFIED JUROR: A.

THE COURT: A. We need one more A, please.

MR. MCLELAND: We'll make an additional copy, Judge, and we'll have to ask the Court to publish that.

THE COURT: Okay.

MR. MCLELAND: We don't have an extra copy right now.

THE COURT: Okay. Where are we short back here? Who didn't get – okay. So – okay. So the gentleman in seat 12.

MR. MCLELAND: So just one copy of A?

THE COURT: A.

MR. MCLELAND: It's – is that correct?

THE COURT: Right. And everybody else got L; right? Okay. Perfect. We're in good shape, then. All right. Thank you, Mr. Luttrull. You'll make that additional copy.

MR. LUTTRULL: Yes.

THE COURT: Anything else, Mr. Luttrull?

MR. LUTTRULL: No, Your Honor.

THE COURT: All right. Mr. McLeland, you may call your next witness.

MR MCLELAND: Thank you, Your Honor. The State of Indiana would call First Sergeant Christopher Cecil, please.

(Witness sworn.)

DIRECT EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

Q Mr. Cecil, before we get started, I'm gonna ask you to use your best outside

voice when you're testifying. The microphone amplifies for the crowd, but it does not amplify for myself, the jury, or Defense, and we all need to be able to hear you. Fair enough?

A Yes, sir.

Q Okay. Will you state your name for the record, please.

A Christopher Cecil.

Q And will you spell your first and last name for me, please.

A C-H-R-I-S-T-O-P-H-E-R C-E-C-I-L.

Q And how are you employed?

A With the Indiana State Police.

Q And what is your rank with the Indiana State Police?

A First sergeant.

Q First Sergeant Cecil, how long have you been in law enforcement?

A Twenty years.

Q And what is your role within the Indiana State Police currently?

A I'm the commander of the Indiana Internet Crimes Against Children Task Force.

Q Did you go – did you have to go through special education or training to be a law enforcement officer?

A Yes.

Q And did you have to go through special training or schooling to be involved in the Internet Crimes Against Children Task Force and the commander of the ISP IPAC Unit?

A Yes.

Q First Sergeant Cecil, I'm gonna show you what's been marked as State's

Exhibit 224; can you identify that, please.

A This is my CV.

Q And does that document have a list of the various training, educational programs, and experience that you've had through your 20 years of law enforcement?

A Yes.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibit 224, I believe – yes, 224.

STATE'S EXHIBIT 224 OFFERED

MS. AUGER: No objection.

THE COURT: All right. Without objection, 224's admitted.

STATE'S EXHIBIT 224 ADMITTED

MR. MCLELAND: And, Your Honor, I'd ask permission to be able to publish that to the jury.

THE COURT: You may.

STATE'S EXHIBIT 224 PUBLISHED

MR. MCLELAND: Was there enough copies for everybody on the jury?

THE COURT: Yeah.

Q Okay. First Sergeant Cecil, I want to direct your attention first to page 7 of your CV. After graduating high school, what did you do?

A I enlisted in the Marine Corps.

Q And how long were you in the Marines?

A Four years.

Q And where did you go to college?

A University of Evansville.
Q And did you graduate?
A Yes.
Q And what kind of graduate-level certificate did you have upon graduation?
A So I earned a graduate certificate in computer forensics.
Q And did you then proceed on to graduate school?
A Yes.
Q And what – are you currently in graduate school?
A Yes.
Q And what is your major?
A Cybercrime investigations.
Q And when are you anticipating on graduating?
A December of this year.
Q I now want to direct your attention to pages 7 through 11 of your CV. What additional training have you gone through involving computer forensics?
A I've been through multiple different vendors in computer and cell phone forensics, namely the National White Collar Center, Cellebrite, Magnet.
Q And when you go through those different training seminars are you trained and educated in how to use those various programs?
A Yes.
Q And those pages 7 through 11 list the various vendors or various training you have on those various programs; is that fair?
A Yes.
Q And do you use this training and education to help you investigate criminal offenses through your employment with law enforcement?

A Yes.

Q And have you examined or reviewed various digital evidence in other cases before?

A Yes.

Q And just a rough estimate, how many other cases have you been involved in where you were tasked with examining or reviewing digital evidence?

A Hundreds.

Q And I want to direct your attention to page 13 of your CV. Have you gone as far as to provide training and education to other law enforcement officers?

A I have.

Q In what topics have you provided training and education to other law enforcement officers?

A Basic cybercrime investigations, basic information on mobile device forensics and vehicle information – infotainment system forensics, child exploitation.

Q Now, First Sergeant Cecil, I may ask you on occasion to give me a definition of a term you use or give me a definition – or, in basic terms, tell me what you're talking about. I am not a forensic examiner, I know very little about cell phones besides how to make calls, send text messages, and take pictures, so I'm gonna need you to dumb it down for me a little bit so that I can ask you questions. Fair enough?

A Yes, sir.

Q So let's talk about the vehicle infotainment system, just give me a grief – what do you mean when you say that?

A That has to do with the – your – a car that has a – sort of like a computer

inside of it. So we're talking about where you connect your cell phone to your car and you would be able to play music through it, you'd be able to take phone calls, so that concerns a forensic examination of that type of computerized device.

Q And along with that information and training and education you give to other law enforcement officers – well, let me back up. How often do you give that training to other law enforcement officers?

A Usually two or three times a year.

Q And is that on a consistent yearly basis?

A It has been, yes.

Q And have you testified in court before?

A Yes, I have.

Q How many times, if you know, have you testified in court?

A Over 20 times.

Q And in at least some of those instances, have you been declared an expert in the field of digital forensics?

A Yes.

Q I want to draw your attention to 2019; how were you employed in 2019?

A I was a computer forensic examiner with the Indiana State Police.

Q And as a digital forensic examiner, what were your duties in that role?

A I conducted digital forensics of cell phones, computers, and at times, vehicle infotainment systems.

Q And what unit were you with in 2019?

A The cybercrime unit.

Q At some point in 2019, did you become involved in the investigation of the

murder of A.W. and L.G.?

A Yes.

Q How did you become involved?

A The Indiana State Police had taken – acquired a new piece of equipment called the GrayKey, which allowed law enforcement to be able to unlock Apple devices like iPads and iPhones. It also allowed law enforcement to gain access to information that was encrypted that law enforcement had never had access to from a Apple device. This information became – was critical for law enforcement. We never had seen something like this before, and this piece of equipment allowed us to be able to take an investigation further. And then, as such, I volunteered to re-examine L.G.'s iPhone 6S.

Q I'm gonna back you up just little bit and make sure I understand. This is a new piece of equipment that ISP acquired; and did it allow you to get more information from an electronic device?

A Yes.

Q And so it allowed you to get more information than the other programs and equipment and systems that you had prior to getting this?

A Yes.

Q Okay. And you volunteered to re-examine L.G.'s iPhone 6?

A Yes.

Q And did you do that?

A Yes, I did.

Q What did you do to examine that phone?

A So I performed a full file system extraction utilizing the GrayKey of her phone.

Q Can you tell me what that means?

A So a full file system extraction is specialized digital technique that allows an examiner to extract the full contents of a Apple device. Contained within that contents are gonna be active files, deleted files, system data, metadata. And devices like the GrayKey is one of the things that could be used to obtain this type of extraction.

Q And is it fair to say GrayKey allowed you to capture more of that information than prior equipment and programs that you had?

A Yes.

Q When you extract data using the GrayKey, what product do you get out?

A So you get a raw, comprehensive, detailed data extraction.

Q And what do you do with that raw data?

A With that raw data, I can ingest it into computer forensic software like Cellebrite or Magnet and then, when I ingest it, I'm processing it; and part of the processing is – also concerns parsing, which you're looking – it automatically is looking for information and putting it into human-readable form. It's also file carding, so it's looking for deleted or lost data. And then, it's also kind of doing some analysis for the forensic examiner who is conducting the processing. And then, from there, the investigator can conduct manual deeper dives into it once the process is completed or start generating reports for the investigator to review.

Q So let me make sure I understand this: GrayKey is a piece of equipment you use to get the information out of the phone; is that correct?

A Yes, sir.

Q But that information is not in a readable format; is that correct?

A It's in a readable format, but one that's not processed so everyone in the

room would be able to understand what the contents are.

Q So then do you take that information that GrayKey extracts and you plug that into other programs to make it readable?

A Yes.

Q And then, when you plug it into those other programs that make it readable, does that mean it makes it easier for – well, what does that mean when you say to make it readable?

A What it's doing is it's going through databases and it's putting it into human readable form so you understand what those databases contain, like dates and times, text messages, photos, videos, Internet history. It's putting all that together so you can actually be able to quickly review through it.

Q Does it also separate that information into different logs?

A Yes.

Q And so you would have various log titles and, underneath, you would have the information that came from those logs; is that a fair representation?

A Yes.

Q Once you get it into that readable format, what do you do next?

A So I could do one of two things, I could just generate reports or I can mainly go through and look at it and compare both softwares together, side by side, and validating my findings and looking – just looking at the data, see what's there.

Q Which one did you do in this case? Did you just print the report – produce the report and pass it on or did you perform the analysis yourself?

A I performed an analysis.

Q And when did you start that analysis?

A June 26, 2019.

Q And when were you completed with that analysis?
A August 21st, 2019.
Q So this is not a situation where you look at a report, look at what you see, and then produce your findings immediately; this takes you some time?
A Yes.
Q Once you extracted the data from L.G.'s iPhone, tell me specifically what you did in this case; what did you do with that data? Once it was extracted using GrayKey, what did you do next?
A Again, I ingested it into Magnet and Cellebrite and allowed it to process. And then, once it's processed, I went through and looked at the data, analyzing – utilizing both of them. I used both tools because there is no end-all, be-all, there is no one tool that's better than all. I have to have both of them to be able to do this examination and analysis thoroughly.
Q And when you looked at that data in 2019, what date range or what time period did you look at?
A I specifically looked at February 13th, 2017.
Q Why did you pick that date to look at?
A Based on the information that I was provided by the investigators, I knew that L.G. and A.W. were out on the Monon High trail on that day and then I knew that L.G. had recorded a video depicting A.W. and a person who was believed to be her abductor walking across the Monon High Trail Bridge.
Q And so what was your goal with examining the cell phone in 2019? What were you trying to do?
A I was trying to determine like a – I was trying to establish like a sequence of events, a chronological timeline, and compare what was going on on the phone

– what L.G. or whoever was using the phone in comparison to also what was going on behind the scenes with the phone, so I'm trying to be very, very thorough, I'm trying to compare data, trying to establish a timeline that may help the investigators.

Q And through that process, did you generate a report?

A I did.

Q I'm gonna show you what's been marked as State's Exhibit 225; can you tell the jury what that is.

A This is the first written report I completed in 2019.

Q And it has your name on it; is that correct?

A Yes.

Q And it has the date that you finished the analysis; is that correct?

A Correct.

Q Can you give me that date again, please.

A August 21st, 2019.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibit 225.

STATE'S EXHIBIT 225 OFFERED

MS. AUGER: No objection.

THE COURT: All right. Without objection, 225 is admitted.

STATE'S EXHIBIT 225 ADMITTED

MR. MCLELAND: And, Your Honor, the State would ask permission to publish that report – or that exhibit, sorry, to the jury.

THE COURT: You may.

MR. MCLELAND: Thank you, Judge.

STATE'S EXHIBIT 225 PUBLISHED

Q First Sergeant Cecil, before you testified in court today, you had an opportunity to review this report; is that correct?

A Yes, sir.

Q And you went through that report and – in anticipation for questions that you might be asked today; is that right?

A Yes, sir.

Q And on the report that you reviewed, did you make notes, highlights, and comments that would assist you in testifying today?

A Yes.

Q And have you provided that to the State of Indiana in this binder?

A Yes.

Q And would looking at that report and your notes and highlights, would that assist you in testifying today and answering various questions from the State?

A Yes.

MR. MCLELAND: Judge, the State would ask permission to allow the witness to review his report in this binder to assist him in testifying.

THE COURT: Okay. That's fine.

Q First Sergeant Cecil, I want to go through your report and I'm gonna attempt to stand up here to do this and we'll see how it goes. Do you recognize this as the first page of your report?

A Yes.

Q And so this is what is produced after you take the raw data – data, sorry – and plug it into the various programs, Cellebrite, Magnet?

A This was my written report, yes.

Q Okay. And the report, in summary, what does that give you? What is produces – what is in this report?

A A summary of my findings.

Q And so I want to draw your attention to the first page of the report, and I want to go through that to – sorry, I'm gonna scroll down. I want to draw your attention to looks like page 5 of your report; can you turn to that page, please.

A Yes, sir.

Q Can you explain to the jury what information is on this page, starting with the top; what does that information tell you?

A That's the – the first thing is the Cybercrime Unit case number and then we have the State Police case number and the – then the date that I began the examination.

Q And it gives you a short introduction; is that correct?

A Yes.

Q And then it identifies the piece of electronics that you're examining; is that right?

A Yes.

Q In this case, a grey smart phone inside a slim, burgundy rubber Harry Potter phone case – I'm not gonna try to pronounce the other name of it – is that correct?

A Yes.

Q I want to move on to the next page. The next page shows a picture not of the phone you examined, but a stock photo; is that correct?

A Yes, sir.

Q And then we get into what you actually did and the information about the phone and what you did to get the information off the phone; is that correct?
A Correct.
Q And so when we talk about this forensic acquisition of data, tell me about that portion of the report.
A So here I'm describing what type of extraction I obtained from L.G.'s iPhone, and then I also talk about the SIM card.
Q And the SIM card is the next section; is that correct?
A Correct.
Q And does that give you a summary of what you did to download information off or extract information off the SIM card?
A It talks about the contents of the SIM card and what it is.
Q Then, as we move to the next section on page 8, it talks about the user account information.
A Yes.
Q Can you explain to the jury what that is.
A So this would have been the user account information that I would have found on L.G.'s iPhone.
Q And what did that user account information tell you as you reviewed it?
A It told me that at least two people were using this phone.
Q And which two people were using the phone?
A L.G. and A.W.
Q And how did you come to that conclusion?
A Much of the user account information is attributed to those two young girls.

Q And can you see that user account information in this section of your report?

A Yes.

Q And when you say user account information, do you mean, for example, L.G.@icloud.com?

A Yes.

Q Is that what you consider user account information?

A Yes.

Q And so you're basing your belief on this user account information that you see in this section of your report; is that correct?

A Correct.

Q I want to move on to page 9, when it talks about biometric data, and specifically touch ID. Can you tell the jury about what information is in that portion of your report.

A Touch ID has to do with this phone because it had Touch ID, it was a feature that was common with the Apple iPhone 6S, and I determined that there were three biometric fingerprints that were saved to it: right, left, and A.W.

Q And you were able to acquire that information from your extraction; is that correct?

A Yes.

Q I want to move on to the section that says Health – Apple Health – or Apple Health application, page 9. Can you tell the jury what information is within the Apple Health application?

A So Apple Health is a app, it's a factory app that is on iPhone starting with iOS 8 and newer, so any phone that would have supported iOS 8 has Apple

Health. And what it does is it aggregates information from applications or other Apple devices that you may have connected it, that could be your watch, an iPad, or a tablet, and it's health data that it aggregates together into a repository which is within the Apple Health data. So the other things that it's also tracking, too, is walking, distances you've walked, and elevation changes.

Q And is this always on?

A It's always on.

Q Does the user of an iPhone have to do anything to turn this on initially?

A No.

Q Is it always working in the background?

A Yes.

Q So it's always tracking – well, refresh my memory, what is it tracking?

A Tracks a user's steps, calculates distance, and it – changes in elevation.

Q And I want to draw your attention to this portion of the report in regards to this iPhone that you were examining. What were you able to determine from the Health app data in this phone?

A I was able to call – well, determine some steps and some distances that were walked or ran, and changes in elevation.

Q So it not only gives you the activity, meaning what the person was doing, it also gives you a value of what they're doing; is that correct?

A Correct.

Q And how was that value measured?

A So steps – your iPhone has an – has what we call an accelerometer, a tri-axle accelerometer, and it has a gyroscope. It's built in, it's always on. So when you're walking, it's detecting your steps as you walk, and then your iPhone, it's

a computer, so it's trying to calculate how far you walk based on the number of steps it detected.

Q And it also gives you a start and end time; is that correct?

A Correct.

Q So when I'm walking, if I have a phone and I'm walking, is there equipment within the phone that tracks that?

A Yes.

Q And is that the equipment you're talking about, the accelerometer and barometer and all those fancy words you used?

A Yes.

Q And that tracks the steps and the meters that I travel?

A Correct.

Q It also tracks the time and date when I travelled?

A Correct.

Q And again, specifically, you're looking at February 13th of 2017, in this extraction; is that correct?

A Yes.

Q Tell the jury, what did you find in the Health app data for February 13th of 2017.

A So the first line – actually, there is an error, a mistake that I need to correct. So if you look at the end date time, February 13th, 2017, 14:18:48, it should actually be 14:08:48.

Q So this area right here? (Indicates)

A Yes.

Q And why is that messed up?

A It's a typo. And you'll see a continuation of where the start starts back up again for the walking in the next line, it starts at 14:08:08.
Q So this should be 14:08:48?
A Correct.
Q In direct lineation with the next line underneath it; correct?
A Correct.
Q Okay. So tell the jury what you found from the information that you viewed on the Health app?
A I calculated – or it's – the forensic software's calculated the number of steps that was walked with the phone and the distance.
Q And it gives you the time; correct?
A The time that you start walking, the time that the person stopped walking.
Q When you say start walking and stop walking, this is a silly question, but at those times does that mean the phone is moving?
A Yes.
Q Time is 13:31:40, can you – that's military time; correct?
A Yes.
Q Can you convert that to standard time, please.
A 1:31:40 p.m.
Q So at 1:31:40 p.m., the phone moves 1682 steps?
A Yes.
Q When does that movement stop?
A At 2:18:48 or 14:18 – excuse me 14:08:48.
Q Will you convert that to standard time, please.
A 2:08:48 p.m.

Q Do you mind just converting that to standard time from here on out?
A Yes, sir.
Q I don't know military time, so I want to make sure I have the times right.
A Yes, sir.
Q So when did that movement stop?
A It stopped at 2:08:48.
Q Did that movement pick back up again?
A Yes.
Q When?
A At 2:08:48.
Q And how far did that phone move?
A 414.38 meters.
Q And when did that stop?
A At 2:18:48 p.m.
Q And then picked back up again at 2:25:22 p.m.; is that correct?
A Yes.
Q And then, when did that end?
A At 2:32:39 p.m.
Q Now, this last line says "flights climbed"; can you explain that to the jury.
A So that's an elevation change.
Q There are things in the phone that will register when you change elevation?
A Yes.
Q And so did the phone change elevation in this case?
A Yes.
Q When did it change elevation?

A At 2:31:22. That's the date and time.

Q And how much elevation did it change? What does the report say? Let's start there.

A It says two floors.

Q Do you know how much distance two floors are?

A I learned later on what that distance is in my next report.

Q Okay. But at the time of this report, you didn't have a calculation of what the distance was for two floors?

A Correct.

Q Okay. 2:32:39 p.m., last movement of the phone; correct?

A Correct.

Q In your report that you did in 2019, was there any other information within the Health app data that showed movement of the phone?

A No.

Q So from this information, what conclusion did you come to?

A I concluded that the phone stopped moving at 2:32:39 p.m. on February 13th, 2017.

Q Had the phone moved after that, would it have registered in the Health app data?

A Yes.

Q How do you know that?

A Because the Apple Health app data is always on and the tri-axle accelerometer, the gyroscope is always detecting movement.

Q What if my phone is sitting still, will it detect movement?

A No.

Q What if my phone is on the console of my car, will it detect movement?
A It could.
Q How could it?
A If the car runs over a bump or something that would cause it to jump, bounce.
Q Another silly question: If the phone moves, does Health app data record that movement?
A Yes.
Q Whether the phone's dropped, bounced, walked, whatever the case may be?
A Yes.
Q Okay. I want to move on to 2019. We've talked about knowledgeC database analysis, we've talked about it with other witnesses. Explain to the jury this section of your report.
A So knowledgeC is an important database for investigations because it's logging activity that your phone's doing. Some of this is activity that you're not even aware that it's logging. So this is a database that's very volatile, the information doesn't stay there too long, and it's logging activity like something as simple as when your phone lights up; when you – when it lights – when it dims down; when you unlock it; when it locks; very, very simple things.
Q 2019, you were aware that knowledgeC database information existed.
A Yes.
Q When did you become aware, in your career, that this information was available?
A Since 2018; however, the science behind it wasn't fully developed at the

time, it was just becoming known to law enforcement.

Q The science behind it. Are you saying that before 2019, the extraction community didn't know about knowledgeC information?

A Correct.

Q The program that you had to make the extraction information in readable formats, did it have areas within those programs for knowledgeC information?

A Sir, I don't understand your question.

Q Fine. It was a horrible question, let me re-ask it. Prior to 2019, prior to getting GrayKey, what is the program that you primarily used within the Indiana State Police to extract information from phones?

A It would have been the Cellebrite UFED or Universal Forensic Extraction Device.

Q And that device and that program, did it grab knowledgeC information from the devices you were extracting?

A No.

Q Is GrayKey the first equipment/program that you had that would grab that knowledgeC information?

A Yes.

Q And it would turn that knowledgeC information into readable information?

A Yes.

MS. AUGER: Objection: Leading.

MR. MCLELAND: I'll rephrase the question, Judge.

THE COURT: Rephrase it.

Q What would GrayKey do with that knowledgeC information once it was extracted from the phone?

A GrayKey's pulling it out and then you're using software to process it, to put it in human-readable form.

Q Now, back to your report. In this section of your report, you have a list of various things here. Can you explain what this list of things are to the jury.

A From my research at the time, these are just some of the things that knowledgeC logged or it could detect.

Q And then, what is the next part of your report that we get into?

A This is a timeline that I developed utilizing knowledgeC and some other activity on L.G.'s phone at the time.

Q And when do you start your timeline?

A Start my timeline at 1:38:49 p.m. on February 13th.

Q And what does this timeline – give the jury an idea of what information is in this timeline.

A So we're talking about phone calls, when the phone was plugged in and charging, so we're getting battery power.

Q But you're able to go further than that; correct?

A Yes.

Q What other things are you able to see and that you put in this timeline?

A I could see that she's – or someone is utilizing different applications like Snapchat and then they've created a snap, created a picture.

Q So you're able to get phone calls that come in to – that are coming in to the phone during this time period?

A Correct.

Q You're able to get whether or not the phone is plugged in and charging?

A Yes.

Q You're able to get whether or not the user is viewing posts on various applications?

A Yes.

Q You also have a battery life; is that correct?

A Yes.

Q And this timeline progresses through the day; is that correct?

A Yes.

Q I want to focus your attention on February 13th at 1:41:44 p.m.; what is the phone doing at that time?

A There's a picture, a snap, that's posted to Snapchat.

Q And does that entry mean that this phone posted a picture to Snapchat?

A Yes.

Q Were you able to find that picture on the phone?

A Yes.

Q Where were you able to find it?

A I found it within the Snapchat application.

Q I want to move on, I want to move on to February 13th at 1:43:59 p.m.; can you tell me what's going on with the phone at that point.

A That's another snap or another picture from Snapchat.

Q And can you describe the picture that you were able to see that was posted on Snapchat.

A It's a picture depicting an up-close view of L.G. wearing a tie-dyed t-shirt with silk-screen print of surfers on the front, she's got a grin on her face. A.W. was in the background over L.G.'s shoulder wearing a burgundy shirt, grey hooded jacket, and it appeared to be taken inside of an automobile. A.W.'s

wearing a seatbelt and appeared to be looking directly at the camera and she had a – what appeared to be a blank expression on her face.

Q Now, how precise are these times that you have on this timeline?

A Precise.

Q Where did you get those times?

A These are times that are gonna be logged in the knowledgeC.

Q So it's coming right from the phone?

A Yes.

Q I want to draw your attention to 2 – February 13th of 2017, 2:05:10 p.m.; can you tell me what happened with the phone at that time.

A This is another snap or another picture from Snapchat.

Q And were you able to tell – find that picture on the phone?

A Yes.

Q And what did that picture show?

A Depicted the Monon High Trail Bridge, likely prior to somebody walking across it.

Q I want to draw your attention to 2/13 of 2017 at 2:07:20 p.m.; what happened on the phone at that point?

A That was the last time the phone was unlocked.

Q And what happened at 2:13:51 p.m. on that day?

A A video was recorded.

Q And what does the video – have you had an opportunity to watch the video?

A I have watched the video.

Q And what does the video depict?

A It depicts A.W. walking across a bridge and a person walking behind her

across the bridge.

Q And how long is the video?

A Forty-three seconds.

Q And is there anything that happens after the video stops? What is the next entry after the video stops?

A Tried – someone tried to biometric unlock the phone.

Q When does the video stop?

A At 2:14:34 seconds.

Q And when does someone try to unlock the phone?

A 2:14:41 seconds.

Q And were they successful in unlocking the phone?

A No.

Q I want to move down to 2:32:39 p.m.; what happens then?

A That's the last recorded movement of the phone.

Q And is that information gathered from the Health app data?

A Yes.

Q Does the phone move after that?

A No.

Q Now, you have in your report at 10:32:26 p.m. was the last recorded data received from the iPhone; is that correct?

A Yes.

Q And you have in here the phone's battery was likely depleted; is that correct?

A Yes.

Q Knowing what you know now, is that information correct?

A No.

Q We're gonna come back to that in your next report. Want to move on to this report, and we're almost to the end here, want to talk about the mobile analysis worksheet. The device description, self-explanatory, talks about the condition of the device when you got it; is that correct?

A Yes.

Q And then, this page 13 of the report, what is that describing?

A It shows the different hardware and software that was used to complete the analysis back in 2019.

Q Once you did this analysis, what did you do next?

A I provided the reports to the investigators.

Q And again, that was in 2019; is that correct?

A Yes.

Q As time progresses, do your capabilities with extractions, do they change?

A Extractions?

Q Let me back up, that was a bad question. As time progresses, are programs – service providers, are they continuing to update their equipment and programs?

A Yes.

Q Why do they do that?

A So software developers update their programs because it's competition, it's about money, and also what drives this is feedback and support from the digital forensic community.

Q And so as time goes on, do new programs, new hardware come out that allow you to extract more data from an electronic device?

A Yes.

Q Between 2019 and 2024, do you get – continue to get updates on how those programs change?

A Yes.

Q So what programs in 2019 are you using to extract data to make this report?

A Cellebrite and Magnet.

Q And between 2019 and 2024, did you get updates to those programs – answer that first, did you get updates to those programs?

A Yes.

Q And what do those updates do? What's the point of those updates?

A These are software updates that would allow decoding of more data from different devices, whether it's a cell phone or a computer, because applications are changing, so you may have a – an application like Facebook that – where one day it's written in one code, but then, the next time Facebook updates the app, it may be written differently, so software developers have to constantly stay up on how programs or how applications are changed, so they can be able to parse this information and get it to whoever's using their software.

Q Do these updates allow you to extract more or less data from an electronic device?

A It allows you to decode more information from an electronic device.

Q And so did that occur in this instance, that by 2024 through an updated program/software that would allow you to decode more information?

A Yes.

Q And so what did you do?

A So I updated Magnet and Cellebrite and then I reprocessed the original extraction that I did in 2019 with the newly updated software.

Q Why did you do that?

A Because I wanted to see what new information potentially I could decode I didn't know about. And I knew – again, I knew from experience that the digital forensic community drives the software developers, and I wanted to be able to see if there's something else that maybe I overlooked.

Q And did you perform a new extraction on L.G.'s iPhone?

A No.

Q What did you do?

A I just reprocessed the original extraction.

Q So the original raw data that you had from the extraction, you just reprocessed that information?

A Yes.

Q Did you, in 2024, or sometime between 2019 and 2024, did you compare that raw data to other raw data that had been extracted from the phone?

A I did – sorry, you have to rephrase that question.

Q The raw data that you had in 2024 that you reprocessed, you were aware that Lieutenant Bunner had also extracted data from the phone?

A I was aware.

Q And did you have access to that data?

A I had access.

Q And did you compare the data that he extracted in 2017 to the data that you extracted in 2019?

A No.

Q Did you compare it to the data that you extracted in two thousand – or that you used in 2024?
A Yes.
Q And tell me about that; what did you find?
A So I took only his first extraction from 2017, the first one that he did.
Q The method 1 extraction?
A Correct.
Q Okay. And what did you do with that method 1 extraction?
A I reviewed through it to help develop my – to write my second report.
Q And can you expand on that a little bit; what did you do to help you write your second report?
A I reviewed through his – the timeline that had been developed from the Cellebrite extraction to help me write my report, because I knew that at some point during Lieutenant Bunner's examination later – in the weeks later, he had connected it to the cell phone network, so I knew there was more data had been added to the phone that wasn't originally on there in 2015 – on February 15th.
Q And this data that you comprised in your second report, was it different than the data that Lieutenant Bunner gathered in 2017?
A I'm sorry, you have to repeat that again.
Q Sure. The data that you collected to form your second report, was it different than the data that was collected by Lieutenant Bunner in 2017?
A No.
Q Then, why the need for the new report?
A I got more system information that Lieutenant Bunner didn't have.
Q That is the need for the new report?

A Yes.

Q So the information's not different, you just got more of it?

A Correct.

Q Okay. Let me back up: If that's true, were you able to compare the information that Lieutenant Bunner gathered to the information that you gathered?

A Yes.

Q Was there any difference between the two?

A No.

Q Were they mathematically equal?

A You'll have to rephrase that question.

Q Let me just strike that question, let me back up. So even though Lieutenant Bunner – you noted that Lieutenant Bunner connected the phone to the network.

A Yes.

Q When he did that, did it change the data in the phone?

A It added more information to the phone.

Q Did it change the data that he had previously collected?

A No.

Q First Sergeant Cecil, I want to now go through your second report, talk about the information that you gathered in your second report. First, I want to start off with when did you begin the analysis this second time around?

A May 10th of 2024.

Q And when did you end it?

A August 18th, 2024.

Q So you took nearly three months or just over three months to go through the information before you created this report?

A Yes.

Q And what kind of things are you using to analyze the information that you extracted or that you gathered? Sorry.

A So I'm using – these are forensic software like Cellebrite and Magnet, I'm also utilizing some other open-source digital forensic tools that's recognized in the digital forensic community, and then I also – I did research, I had to go through and look at various different white papers, do research, what Apple would say regarding certain things that they will – they've been able to confidently or comfortably provide it to the public about their device. So a lot of it was research, looking at what other researchers had done, what they had tested, because a lot of these things I can't go back and test, so I'm relying on other people's information to kind of complete this examination.

Q And did you find additional information – did you find information in addition to your first report?

A Yes.

Q And so let's focus first on page 4 of your second report, do you have – oh, I'm sorry.

MR. MCLELAND: Sorry, sorry, sorry. I got ahead of myself, Judge.

Q I'm gonna show you what's been marked as State's Exhibit 227; can you identify that?

A Yes.

Q And is this the second report that we've been referring to?

A Yes.

Q And is your name on that report?

A Yes, it is.

Q And when did you complete the report?

A August 18th, 2024.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibit 227 into evidence.

STATE'S EXHIBIT 227 OFFERED

MS. AUGER: No objection.

THE COURT: Without objection, 227 is admitted.

STATE'S EXHIBIT 227 ADMITTED

MR. MCLELAND: And, Judge, I'd ask for permission to publish that to the jury again.

THE COURT: You may.

MR. MCLELAND: Or in addition.

STATE'S EXHIBIT 227 PUBLISHED

Q First Sergeant Cecil, I want to draw your attention first to page 4, and I want to go through this report in the same fashion as we did the last one and, hopefully, it'll be a little quicker. But you start with introduction and then you identify some mistakes and misprints you made.

A Yes.

Q Tell me about those.

A So the first mistake identified was I mistakenly said that L.G.'s phone, in 2019, had been unlocked by Cellebrite, and that's incorrect. We had – well, I should say law enforcement had her passcode, so that's incorrect.

Q And so the statement you corrected, the phone was opened with the

passcode, not using Cellebrite?

A Correct.

Q What was the next correction?

A The next correction is regarding the Apple Health data where I made the typo and it should have been 2:08:48 on February 13th, 2017, the end date.

Q And then, what is the last correction that you have there?

A The last one is my premature conclusion that the last recorded activity of the iPhone was at 10:32:26 p.m. on February 13th, 2017.

Q I then want to move on, you then talk about knowledgeC information at the bottom of page 3 and then into page 4; can you explain that to the jury, please.

A So I go a little bit more in depth in the knowledgeC, because when I did the original examination in 2019, a lot more research is out there that we could find, so a lot more – it's been more thorough, so I'm providing some more information about what knowledgeC does, what it contains, what type of records of user activities that it's collecting; and I talk about how it's usually collecting one month of records, which is typically most useful for investigations and for trying to like basically develop a timeline of events or trying to get a pattern of life of the person who's using the device.

Q And then, on page 4, what does that explain in regards to knowledgeC information?

A These are just some events – it's not an exhaustive list, this is just some events that knowledgeC is tracking on a person's Apple device.

Q Now, you said knowledgeC information is volatile.

A Yes.

Q What do you mean by that?

A So what that means is some of this information can be stored for a few weeks, a few months, some of it can persist a lot longer. So it's just whenever the phone decides it wants to delete it or when new information comes in and overwrites it.

Q And page 5 of your report, is this the type of information that would be contained in knowledgeC databases?

A Yes.

Q And is that the kind of information that you would consider volatile?

A Yes.

Q And so that – is that information that may be deleted as part of the knowledgeC database?

A Yes.

Q This may be a complicated question, but is – in the knowledgeC database, if you know, when a new entry is logged, is the oldest entry deleted?

A It's a first in, first out.

Q Explain that to me.

A So the first entry in, later on, at some point, that's gonna be the first one that leaves, goes.

Q I don't see listed on this list pictures and videos from the camera roll. Are pictures and videos from the camera roll, are they included in knowledgeC information?

A They could be in the sense that like the camera application was being used; but the actual pictures and videos, no.

Q Explain that to me a little bit, make sure I got it right.

A So pictures and videos are not stored in knowledgeC, this is just tracking user activity. It could track that someone used a camera, but it's not gonna track that – it's not gonna save pictures and videos.

Q So knowledgeC would track that the camera was used, but wouldn't track what – the product from the camera?

A Right.

Q Is it true that when – well, do you lose knowledgeC information when the phone is turned on and turned off?

A You could.

Q Pictures and videos aren't part of knowledgeC information, you testified to that; correct?

A Yes.

Q So would those be lost as part of knowledgeC information when the phone is turned on and off?

A It depends.

Q Explain that to me.

A So if it's Internet cache, it could be deleted, but if it's something that a user created, it's gonna stay there.

Q What would something that a user created – give me an example of something a user created.

A It'd be a picture or a video that was recorded with the phone and it's saved to the camera roll.

Q So pictures and videos in a camera roll, would those be user created?

A Yes.

Q So would those be deleted as part of knowledgeC when the phone is turned

on and off?

A No.

Q Let's move on to Health app data; is that part of knowledgeC information?

A No.

Q Is that something that would be deleted when a phone is turned on and off as part of knowledgeC information and databases?

A No.

Q What about – well, let me back up. I want to focus on your report again and I want to focus your attention – I'm gonna scroll through here. We come to the Health app data on page 7 of your report. Besides the correction that you made from your 2019 report, was there any additional information that you gathered from the Health app data information?

A No.

Q And so everything you gathered in this report, was it the same as the last report?

A Yes.

Q Was the information you gathered in this report more extensive than the last report?

A Yes.

Q How so?

A I go through and do a little research on how an iPhone is calculating steps based off of research done by various individuals around the world.

Q Can you give me a brief summary of what your research showed?

A So in a controlled environment, steps are pretty accurate. The distance calculated by your iPhone, if it's short, it's pretty close to how far a person would

have walked or run; but if it's longer, there is a underestimation by your Apple device.

Q What about when a – the Health app data when the phone is riding in a car, did you gather information about that?

A From research that was done by the Netherlands Forensic Institute, which is part of The Hague, they said that an iPhone could mistakenly interpret a car driving over a speedbump as a step, could.

Q In order for that to happen, from your research, what would have to happen to the phone?

A The phone would have to be in the car.

Q And?

A On.

Q And?

A And just in the car.

Q Would it have to move in some fashion?

A Well, the car would have to be moving.

Q But would the phone, would it have to be moving –

A No.

Q -- in some fashion?

A No.

Q Okay. I want to move on to the chart that you have, it is more expansive than the one in the first report. Why is it more expansive?

A I took it back a little earlier into the morning of when – earlier in the day, 'cause I took it back to like around like almost 11 a.m. in the morning on February 13th, 2017.

Q Why did you do that?
A Try to show a little bit of a pattern of what is – what this phone is doing, what's – what would be maybe considered its norm.
Q Now, does the Health app data give you longitude and latitude or any kind of location data?
A No.
Q Are there other applications within a phone that will give you location data?
A Yes.
Q How is it determined which application within a phone will give you the location data?
A Can you repeat that?
Q Sure. Which applications within a phone will give you location data, meaning longitude and latitude?
A Whatever application you have designated to have access to location services.
Q So the user of the phone has to manually turn that on for those various applications to register longitude and latitude or some kind of location data?
A Right.
Q Specifically in this iPhone, do you recall which applications L.G. had the location – this is gonna be a bad question – which applications within the phone had the location data turned on?
A Yes.
Q Can you tell me which applications those were?
A So for – location services were enabled for while using the application

would have been the App Store, Camera, Goodrich, Maps, Photos, Safari, Siri, and Snapchat; always enabled for Weather; and never enabled for Walmart.

Q And those applications are listed on the bottom of page 10 of your report; is that correct?

A Right.

Q And you also have a picture there in your report on page 10; what is that a picture of?

A That's a picture of the enabled applications from L.G.'s iPhone.

Q Tell me a little bit about how those applications are able to register GPS location; what do they use to register that?

A It's using the phone, it's connecting to the GPS network to connect to – to generate a GPS coordinate, or it could be utilizing cell towers, it could be utilizing Wi-Fi, so it depends on what degree of accuracy the application needs to be able to pinpoint where you are.

Q Let's talk about that accuracy. How accurate is the GPS location for these various applications?

A For GPS, it's really good, very, very good.

Q That brings me to page 11 of your report. What does page 11 of your report talk about?

A So this talks about the video that L.G. captured with her iPhone, it's the video of A.W. coming across the bridge and then the person walking behind her.

Q And when is this video captured?

A This video's captured at 2:13:51 on February 13th of '17.

Q And looking at your report, when the video is initiated, when the video starts, where is the GPS location?

A The GPS location goes out near Delphi High School.

Q And is that area marked on the map within your report?

A Yes.

Q Talk about this second picture in your report; what happens as the video records?

A Okay. So first off, there is an error in that – on this page of the report, there's two errors.

Q What are the two errors?

A The first error, at the very, very top upper right corner, you'll see where it says 14:31:55, that should be 14:13:55, so I just flipped the 1 and the 3.

Q Is that typo on your part?

A Yes.

Q Okay. So it should say, approximately four seconds later, after the video starts, 14 –

A 13:55.

Q Okay.

A And then the –

Q What was the other correction?

A The other one would be in the second part of the table there, it should read 14:13:55.

Q Again, a typo on your part?

A Yes.

Q So explain to the jury – the GPS location on the video when it starts, you've testified to that. Explain what happens to the GPS location as the video progresses.

A So when the video starts, the GPS, with the metadata, the lat and long that's embedded into it, immediately goes out to where right around the near Delphi High School. Within four seconds, it comes back and it's on the trail and it has a 30-meter horizontal degree of accuracy within a circle, so it brings it back to the trail. So what's happening is when the camera is first being used, it's using something – it's low accuracy, so it's not wanting to use a whole lot of battery power. This is what Apple encourages its application developers to do, try not to use a whole lot of battery power, because we want our customers to be able to enjoy the product. So when it's recording a video, it initially goes out, likely capturing what's – the cell phone tower data to try to pinpoint where it is. There's no Wi-Fi out there – to my knowledge, out there on the trail, we're out in the middle of the woods, so it's utilizing the cell towers to kind of triangulate, determine where it is. But as the video's recording, it's like it actually utilizes the satellites to provide a more-accurate location of where the video really is, and utilizing the satellites causes it to use a little more power.

Q So when the video starts, this is the long and lat – longitude and latitude that it produces?

A Longitude, latitude, and the elevation.

Q Does it give you a range of accuracy when the video first starts?

A No.

Q And then, within four seconds, the long and latitude changes?

A Yes.

Q And does it give you a range of accuracy when it changes?

A Yes.

Q Well, how do you know the girls didn't just go from here to here in four

seconds?

A I would think that would be kind of impossible.

Q What's the distance between here and here?

A I do not know.

Q Is it more than a mile?

A I don't know.

Q You also were able to view the video that was found on the phone; is that correct?

A Yes.

Q What you viewed on the video, does it match the long and lat of what was found?

A It puts it in the area.

Q Of the area of the long and lat of the four seconds that the video's running?

A Yes.

Q I want to move on to your report; and in your report, I want to move on to the Snapchat application. Did you have an opportunity to examine the information within Snapchat on your second report?

A I did.

Q And can you tell me what you found.

A So this is a database that – it's utilized for cataloging (inaudible) to the satellites, basically GPS information, and I was able to attribute that data to someone utilizing Snapchat on the phone.

Q And did L.G. have the location data on Snapchat turned on?

A She did.

Q And what does this chart at the bottom of page 12/start of page 13, what

does that show?

A These show the lat and long of when Snapchat's being used, when it's in the – when it's in the foreground of her – of the phone, and it's giving you a horizontal precision of five meters, so it's not exactly where the phone was or where L.G. or A.W. were, they're within a five meter circle.

Q Now, why is it – why doesn't the longitude and latitude just run – she's got it turned on in Snapchat, why doesn't it just run consistently –

A 'Cause it would run –

Q -- continuously?

A It would run the battery down and, again, Apple doesn't want its developers running the battery down like that unless it's for something like for mapping.

Q And so is it fair to say from your report, Snapchat only logs the long and lat at what times?

A At intervals when the application's being used.

Q She has to have the application open?

A Yes.

Q Okay. I want to move on to the battery-power part of your report, the bottom of page 14. Your first report, you said the phone died or lost power around 10 p.m. on the 13th. What did you find in your second analysis?

A The battery of an iPhone is very complex and the operating system of the iPhone has some power management where, once it gets below 20 percent, it does a lot of throttling, because it's trying to stay connected to the network, it's trying to do things to – so the user can still try to use the device. So once it gets around 20 percent, it will – you'll get an alert, a notification on your phone that

says, "Hey, you might want to put this in lower-power mode." If you don't and you keep using it, then your power's gonna significantly decrease. And then, right around ten percent, it's gonna give you another notification, it's like, "Hey, you're at ten percent. Do you want to put your phone in lower-power mode?" So when your phone is getting down to where it's been throttled and it's in low-power mode, what's happening is your – the CPU, the processor inside the phone, starts slowing down. So if you unlock the phone, it may quickly lock back real quick, as opposed to having that delay that maybe you originally had set into it to lock. The screen's gonna dim. Games or anything that you might want to play, any applications, may be slow to open because it's trying to preserve as much power as it can to allocate to other things that are more important like receiving phone calls, getting text messages. Applications in the background won't refresh. But your triaxle, accelerometer, your gyroscope, all those things are still gonna work on your phone. You're still gonna be able to use Apple Pay; so if you've got your phone, you're in low-power mode, and you want to go up and buy something at the gas station, you'll still be able to do that. Location accuracy, it doesn't affect that. It doesn't affect your cell phone call quality. It doesn't affect the quality of the pictures that you're capturing with it.

Q And so you might have said this and I might have missed it, you said it doesn't – the low battery, it doesn't affect – or does it affect the Health app tracking data?

A No, it doesn't.

Q So if you get the low battery, is your Health app gonna shut off and say, "Okay, we're not tracking data anymore, 'cause that takes too much power"; is that gonna happen?

A No.

Q Initially, you said the phone shut off around ten o'clock on the 13th. With this new analysis, what were you able to determine?

A I believe the phone at least stayed on past – up until or after around 4:30 in the morning on February 14th.

Q And how did you come to the conclusion?

A So I'm looking at other data that is going on on the phone. The phone received a bunch of text messages right around 4:30 in the morning on February 14th, a bunch of SMS messages.

Q And does the phone have to be on to receive those?

A Yes.

Q Did you see any indication that the phone was turned off between the time the video was taken on February 13th and the time those SMS messages came in at 4:30 a.m. on the 14th?

A No.

Q From the time that the movement stopped at 2:32 p.m. until the time the text messages came in at 4:33 a.m. on February 14th, did you gather any information to show that the phone turned off?

A No.

Q From the time the phone stopped moving at 2:32 p.m. on February 13th to 4:33 a.m. on February 14th – did I say that right, the 13th to 14th? – was there any movement tracked in the phone?

A No.

Q The last part of your report, tell the jury what the last part of your report displays.

A This is another timeline where I'm focusing on events after the phone had stopped moving.

Q Now, does this timeline cover all the events that are covered in the timeline in the first report?

A A few of those, a few.

Q Where does this timeline start?

A This one starts at 2:33 p.m. on February 13th.

Q Where did your last timeline start for your first report?

A Right around like I think – it started at 1:38:49 p.m.

Q Your timeline in your first report starts before this one?

A Yes.

Q And there is some overlap?

A Yes.

Q And this report or this timeline, what does it display in addition to the timeline in your first report?

A So besides the screens lighting up and dimming down and the battery power, I'm talking – I actually add some information about SMS messages, phone calls it receives, Facetime, or Facetime video calls that the phone receives.

Q And so during this time, is the phone receiving Facetime calls?

A Yes.

Q Is the phone receiving phone calls?

A Yes.

Q What about SMS messages?

A Yes.

Q What is an SMS message?

A Short message service, so this is gonna be a message that would go over the cellular network, as opposed to the data side, the Internet side.

Q And so I want to draw your attention to February 13th, 21:06; are you there in your report?

A 21:06 UTC?

Q Yes.

A Okay.

Q Can you tell me what – can you convert the time for me, please.

A So that would be 4:06 p.m. on February 13th.

Q And what happens in the phone at 4:06:46 p.m. on the 13th?

A It receives a SMS message.

Q From who?

A From Becky Marchand Patty.

Q And what does the message say?

A "You need to call me now" and multiple exclamation points.

Q And that's at 4:06 p.m. on the 13th; is that correct?

A Yes.

Q Are there additional calls and SMS messages that come in after that?

A Yes.

Q In the following pages of your report, did it document those phone calls and SMS messages?

A It does.

Q Does it give you the time and the date of when those phone calls and messages came in to the phone?

A Yes.

Q Does it also give you the phone number of who's calling or sending those messages?
A Yes.
Q And when it has a name like Tate or like Becky Marchand Patty, where is the phone collecting that name from or how is the phone getting that name?
A It's pulling that from a database, so it'd be the call history database.
Q And if there's a name saved in there, would that mean that the user has that phone number saved under that name in their phone?
A Correct.
Q And do these phone calls and messages progress into February 14th?
A The messages do.
Q And then, there are several messages that come in at 4:33 a.m. on the 14th; is that correct?
A Yes.
Q Can you explain why there's a lull, meaning why there's messages coming in and then there's a big gap of time and then, at 4:33 a.m., I think there's 15 to 20 different messages that all come in at once, can you explain that?
A Based on the data I have here, I don't know.
Q I want to move down to the end of the chart in your report, and it's gonna be page 25 of your report. Drawing your attention to February 14th at 4:34 a.m., is that the last activity that you see for your report that occurs on February 14th?
A Last activity that the operating system's doing, yes.
Q What happens after that?
A I'm not sure.
Q At some point, when it says the iPhone booted up, what does that mean?

A That's the iPhone powering on.

Q And when does that happen?

A It happens at 3:06 p.m. on February 15th.

Q And do you have an explanation of why the phone was turning on at that date and time?

A Sometime between 4:34 a.m. on February 14th and that time is – it lost power.

Q And do you know how it gained power on February 15th of 2017?

A This would be Lieutenant Brian Bunner charging it to prepare it for an examination.

Q So at some point after 4:33 a.m. on the 14th, it loses power and did not turn back on until Lieutenant Bunner has the phone; is that an accurate statement?

A Yes.

MR. MCLELAND: Judge, I don't have any other questions. Thank you.

THE COURT: Do we need a break or anything? Do you guys need a break? Yes? All right. We'll go ahead and take a quick break between direct and cross. While you're outside the courtroom, please, keep your minds open. Please don't form any opinions or anything about anything. You can talk about the evidence, but please, only do that if you're all present in the room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 3:23 p.m.)

THE COURT: All right. Let's take until about 3:40. And if – folks,

if you'd just wait until the jury gets back into their jury room, the bailiff will let you out here in a few minutes. Thank you. Jodie, you can go off the record.

(Off record at 3:24 p.m.)

(On record at 3:46 p.m.)

THE COURT: Okay. Ms. Auger, are you ready?

MS. AUGER: Yes, Your Honor. Thank you.

THE COURT: Okay.

MR. MCLELAND: Judge, could I ask the Court permission for leave to ask a few omitted questions before Ms. Auger goes? I have four admitted questions and I wanted to ask leave to request that prior to the jury coming in.

THE COURT: Okay. Are you okay with that? We'll just push you back just a little bit. Okay, sure.

MR. MCLELAND: Okay.

THE COURT: Okay.

MR. MCLELAND: Thank you, Judge.

THE COURT: You're welcome.

THE BAILIFF: All rise.

(Jury in at 3:48 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. All right. Mr. McLeland, you indicated before the jury came in you had a couple of omitted questions that you would like permission to ask.

MR. MCLELAND: Yes, Your Honor, if the Court would allow me to ask those questions at this time.

THE COURT: You may.

Q First Sergeant Cecil, I forgot to clear up a few things with you and I want to take that opportunity and do that now, questions I said I would come back to and that I just omitted. And so I'm gonna draw your attention to your first report and I'm gonna show you and hand you what's been marked as State's Exhibit 225, and I'm gonna draw your attention to page 10 of that report, and there's a portion of that report I wanted to clear up for the jury 'cause it may be confusing. I want to draw your attention to 2/13 of 2017, at 14:07:10 p.m., 2:07. Are you there in your report?

A Yes.

Q What I forgot to ask you: Are there two asterisks by those two entries in that report? And I never got to ask you, what do those asterisks mean?

A So if you go to page 11, I indicate what those asterisks mean on – in my report.

Q And can you tell the jury what they mean?

A So I'm referring to a uploaded still image to Snapchat depicting A.W. walking across the Monon High Bridge, that I didn't find it in the Snapchat database, I didn't find that picture on her device.

Q Any explanation of why you didn't find that picture on her device, but you found the other pictures?

A I don't know.

Q I'm gonna show you what's been marked as State's Exhibit 226; can you identify that, please.

A This is a picture that I found on the Internet that depicts what I'm referencing.

Q Now, the date and time on that, was that on there when you found it or

did you put that on there?

A It was on there when I found it on the Internet.

Q And that time and date coincide – does that time and date coincide with the entry on your report?

A That's what I'm relating it to.

Q Okay. And do you believe this is a picture that was posted on Snapchat at that time?

A I believe it is.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibit 226.

STATE'S EXHIBIT 226 OFFERED

MS. AUGER: No objection.

THE COURT: All right. Without objection, 226 is admitted.

STATE'S EXHIBIT 226 ADMITTED

MR. MCLELAND: And would ask to publish that to the jury quickly, please, Judge.

THE COURT: You may.

STATE'S EXHIBIT 226 PUBLISHED

THE COURT: Go ahead.

Q The next clarification, First Sergeant Cecil, I want to clear up for the jury is, you and I, in your first report, talked about whether or not you were able to find a measurement for the information in the health application as it applies to the elevation change; do you recall talking about that in your first report?

A Yes.

Q I'm gonna show you what's been marked as State's Exhibit 227, and draw

your attention to page 7 of that report. I told the jury that we would talk about this in your report, and I omitted the question. Were you able to find information in your second analysis that gives the jury an idea of the distance measured or the amount of distance that equals two floors?

A Yes.

Q Can you tell the jury that, please.

A So this is from Cellebrite, Cellebrite says that a flight of stairs is counted as approximately ten feet or three meters of elevation gain, so they're saying it's approximately 16 steps.

Q And so in this case, with two floors being travelled, approximately 20 feet; is that correct?

A Yes.

Q And then I want to – finally, the last area I want to clear up, I want to draw the attention to the next page of your – that report, page 8, and this is a table of the Health app data that you gathered that's more extensive, as opposed to your first report; is that correct?

A Yes.

Q And I meant to draw your attention to 2/13/2017, the entry that begins at 12:01 p.m. Are you there?

A Yes.

Q And it looks like after that entry when does the next entry start?

A At 1:31:40 p.m.

Q So what does that mean? From 12:01 to 1:31, is the phone moving during that time?

A No.

Q And then, after 1:31, it begins to move again; is that correct?

A Yes.

MR. MCLELAND: I don't have any other questions, Judge. Thank you.

THE COURT: Ms. Auger.

MS. AUGER: Yes, Your Honor. Thank you. With permission?

THE COURT: Yes.

MS. AUGER: Thank you. Sorry.

MR. MCLELAND: Ms. Auger, do you want these up?

MS. AUGER: I don't think so.

MR. MCLELAND: Okay.

CROSS EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q All righty. First Sergeant Cecil, I want to follow up first on this Exhibit 226.

A Yes.

Q You found this on the Internet?

A Yes.

Q Where?

A I believe I found it from Google.

Q Do you remember what you searched to find it?

A No, ma'am.

Q Okay. Now, you put it in your report as – the asterisks have it at 2:07; is that right?

A Yes.

Q All right. And the time here just said seven hours ago; right?
A Yes.
Q How do you arrive at 2:07?
A 'Cause it's imprinted on that picture.
Q Which one?
A The one in your left.
Q So this is im – this wasn't on the original picture, February 13th, 2:07; right?
A Right.
Q The original picture says, in fact – I'm gonna show you Defendant's Exhibit A. That's the original picture; right?
A I believe so.
Q Okay. Thank you. And there's no date or timestamp on the original picture; correct?
A Yes.
Q Is that correct?
A Yes, it's correct.
Q So you have no idea who put February 13th, 2:07 on there, do you?
A No.
Q Just someone out in the wide, wide web?
A Yes.
Q All right. Now, how precise is "seven hours ago"?
A It depends.
Q Do you have any idea?
A No.

Q All right. And you don't know when this picture was actually posted?
A No.
Q Now, L.G. posted a photo on Snapchat on February 13th, 2017, at 1:40; correct?
A Yes.
Q And again at 1:41?
A Check with my –
Q Sure.
A -- report. 1:41, yes.
Q Again at 1:43?
A Yes.
Q And 2:05?
A Yes.
Q Now, the picture she posted at 1:40 you were able to find in the Snapchat cache?
A Yes.
Q And Snaps – that's a lot of esses – Snapchat cache is just a cache of information that is associated with Snapchat on the phone; is that right?
A Yes.
Q Probably not a great way to say it, but kind of a bag of information?
A Yes.
Q All right. And so the picture that she posted at 1:40 was contained in the Snapchat cache?
A Yes.
Q And the picture she posted at 1:41 you found in a Snapchat cache?

A Yes.

Q And the picture she posted at 1:43 you found in a Snapchat cache?

A Yes.

Q And the picture she posted at 2:05 you found in a Snapchat cache?

A Yes.

Q But you didn't find the one at 2:07?

A Correct.

Q Nor is it on her camera roll?

A Correct.

Q Could someone else have posted it from her account from a different device?

A Could have.

Q Okay. And these are the same clothes A.W. was wearing in the video recorded on the phone at 2:13 p.m. on the 13th?

A Yes.

Q So it appears to be the same time and place as February 13th?

A Yes.

Q But not on her phone?

A Correct.

Q Now, you said that it was likely uploaded, the still image was likely uploaded to Snapchat; correct?

A Correct.

Q All right. But in order to be uploaded, it would have been on her phone?

A Correct.

Q Now, the data – you stay very busy, don't you?

A Yes, ma'am.

Q Unfortunately. And by unfortunately, there's a lot of crimes. And in investigating those crimes, cell phone data is routinely used?

A Yes.

Q And it has been for over 20 years routinely used in criminal investigations?

A Yes.

Q Okay. And the phone, the data that you find, obtain in extractions and examinations is used in investigations and trials because it's accurate?

A Yes.

Q And it's reliable?

A Yes.

Q And that includes the Apple Health data?

A Yes.

Q And that includes the data from the knowledgeC database?

A Yes.

Q Now, you listed some things in I think your second report that identify the different categories contained in the knowledgeC database.

A Yes.

Q Those aren't everything con – those aren't all the categories contained in knowledgeC; right?

A Right.

Q And there's also an encrypted cache database.

A I'm not following you.

Q All right. Is there a database or set of files contained in knowledgeC that are entitled "encrypted cache"?

A I'm not aware of encrypted cache.
Q Okay. Now, Cellebrite you referred to in your direct examination, did – I call it the UFED reader, but you have a better name for it, Universal Digital –
A Universal Forensic Extraction Device.
Q Okay, Universal Forensic Extraction Device; correct?
A Correct.
Q All right. And that's been around since 2007?
A Yes.
Q And that allows you to get a physical extraction from the phone; correct?
A No.
Q No? All right.
A It could.
Q Could, okay. And it's had that capability since before 2017; right?
A Depending on the make and model of the phone.
Q Okay. Now – and there are different levels of extractions that you can obtain from a phone; correct?
A Yes.
Q So there's a logical extraction?
A Yes.
Q Okay. And that's kind of the over-the-hood data, if you will, the – what – if I have my phone and I'm using it, that's the data that I, as a user, can see on my phone?
A Correct.
Q And then, you can do an advanced logical extraction?
A Yes.

Q What is that?
A That's a little bit more than a logical. Typically, it's associated with like an iPhone, so it'd be the back-up.
Q And you can get a full file system extraction; right?
A Yes.
Q And that includes kind of the under-the-hood data?
A Yes.
Q Those are the system files and the things like knowledgeC?
A Yes.
Q Okay. And there are other logs, there's a revision B, container management, power log, lots of different kind of source files and system files that you can see with the full file system extraction?
A Yes.
Q And as Apple develops these products, they don't tell you, as digital forensic analysts, what's in there and how to get it?
A Correct.
Q You guys, as a general field there, and software engineers, cell phone engineers, all kinds of people who kind of work through and try to figure out what's on there and decipher it?
A Correct.
Q And so that's why it took people a while to figure out about the knowledgeC database; right?
A Right.
Q Even though it was there, people didn't really know about it?
A Right.

Q Until 2016?

A Maybe 2016.

Q Now, one of the logs that is recorded in kind of the under-the-hood data is the power-off log.

A I don't understand your question.

Q There's a power-off log; right?

A There's a shut-down log.

Q Okay. There's also – would you agree with – well, would you agree with the premise that a lot of data in phones are contained in several different spots on the phone?

A Yes.

Q Okay. And so there might – the power-off log, what did you call it?

A Shut-down log.

Q Shut-down log? All right. How long does the shut- down log keep information?

A From what I gather, it's volatile, so every time you would restart the phone and shut it down, it's gonna change it.

Q It overwrites the data?

A Yes.

Q All right. And so when Lieutenant Brunner – Bunner, excuse me – Lieutenant Bunner charged the phone on the 15th and then later powered it down, that wiped out the shut-down log; right?

A It would reset it.

Q Reset it. But what it did was now we don't have access to when the phone was shut down on the 14th; right?

A Right.

Q Okay. And so the jury will never have that information?

A Right.

Q Now, you said – I'm gonna switch gears and talk about SMS messages and iMessages. So two users of the phone can communicate in different ways via cell phones?

A Yes.

Q And if one person has an iPhone and person B has an iPhone, they can use what's called iMessaging?

A Yes.

Q Okay. Can you tell us what iMessaging is?

A iMessage is something that's proprietary to Apple, it's their encrypted messaging service, so two iPhone users can chat back and forth in an encrypted mode.

Q And people – if – let's say User A has an iPhone and User B has an Android, how, if I want to send a message between, that's communicated via an SMS?

A Yes.

Q Okay. And can you tell us what an SMS message is?

A Short message service. So SMS does not need the Internet, it utilizes the cellular network to communicate across the network.

Q And so those are delivered differently; is that fair?

A Yes.

Q And isn't it true – you said in your direct that during this time – and I believe you were talking after 4:06 p.m. on the 13th –

A Okay.

Q You there?
A Yes, ma'am.
Q All right. During this time, the phone continued to receive calls and SMS messages throughout the night, you recall testifying to that?
A Yes.
Q Okay. But the – L.G.'s iPhone received zero SMS messages between 4:06 p.m. on the 13th and 4:33 a.m. on the 14th.
A It received iMessages.
Q But that wasn't my question. My question was: Between 4:06 p.m. on the 13th and 4:33 a.m. on the 14th, it received zero SMS messages.
A You're correct.
Q And SMS messages need the tower to be transmitted; correct?
A Yes.
Q Okay. And at 4:33 a.m. on February 14th, 2017, L.G.'s cell phone received 15 SMS messages.
A Approximately 15.
Q And you don't know why?
A I do not know why.
Q Now, the phone did get iMessages throughout the night; right?
A It received some, yes.
Q Some, okay. And if I am, let's say – well, let's say if I'm in my office and I don't have cell service and I'm there for ten hours and I walk out of the building and, suddenly, I get service, I get a bunch of mess – my phone starts ding, ding, ding, ding, ding, and all those messages come through on my phone; have you had that happen?

A Yes.

Q Now, when that happens, the SMS messages that are delivered via the tower are timestamped on the time my phone receives them; correct?

A Yes.

Q But the iMessages are timestamped as of the time they're sent.

A Yes.

Q So even though the phone is receiving iMessages from 4:06 p.m. on the 13th until 4:13 – 4:33 a.m. on the 14th, that doesn't mean that that phone has tower connection; correct?

A Can you repeat your question? I'm sorry.

Q Sure. So even though those iMessages are timestamped between 4:06 p.m. on the 13th and 4:33 a.m. on the 14th, that doesn't mean that the phone received them at the time they're timestamped?

A Correct, that could be correct.

Q And even though they're timestamped throughout that period, they're still received at 4:33 a.m. on the 14th?

A Yes.

Q Now, First Sergeant Cecil, I think I might have confused you earlier, and that's my fault. We were talking about the encrypted cache –

A Yes.

Q -- and you said you did not know about that.

A Yes.

Q There is a cache_encryptedB.DB; correct?

A I'm not familiar with what you're asking, ma'am.

Q Okay. Well, do you recall giving a deposition on September 12th of this

year?

A Yes.

Q Right back there in the jury room?

A Yes.

Q Okay. And I asked you questions?

A Yes.

Q And you answered those questions?

A Yes.

Q And we went through a lot of the different logs and databases and files saved on knowledgeC –

A Yes.

Q -- you recall that?

A Yes.

Q All right. I'm gonna show you your deposition and the – you – I don't know where you want to start, but I'm gonna definitely point your attention to page 21, lines 18 to 20, and I can give you the pages before that to get context.

A Okay.

Q When you've had a chance to review that and refresh your recollection, just let me know.

A Okay.

Q All right. And in your answer, you were telling me about the encrypted cache.

A As it relates to cell tower.

Q Okay. But that's a database that's contained in knowledgeC; right?

A I don't believe so.

Q All right. Is it – but encrypted cache is on the phone?

A It's a cache that Cellebrite is parsing, but here I'm – if you read the entire sentence – if I may?

Q Sure.

A It says, "There's once that's logging, says it's got cell towers, this would be under cache_ecryptedB.DB." I'm just reading something that Cellebrite's parsing as part of my deposition. You were asking me a list of databases that potentially I would have looked at or Cellebrite would have looked at.

Q Okay. And can we agree that encrypted cache B is a database that exists on the phone?

A Yes.

Q Okay. Thank you. And that database contains information?

A Yes.

Q Sir, in working on this case, you used all the information from Lieutenant Bunner's report, the Magnet information you were able to obtain, the GrayKey, the Cellebrite, all of those extractions, you took all of that information and you prepared a very detailed and color-coded timeline.

A Which report are you referring to regarding Lieutenant Bunner?

Q Well, which re – well, whatever one you looked at.

A Okay. So you're talking about the 2015 report.

Q No –

A Excuse me, 2017 report, the February 15th, 2017, report.

Q Okay.

A Okay.

Q There were three reports in –

A Right.
Q -- 2017; right?
A Right. But I always want to make sure we're talking about the right one.
Q Sure. And you took all that information and you made a timeline?
A Yes.
Q And I'm gonna show you what I've marked as Defendant's Exhibit P, as in Paul. Is – now, your timeline was about that big, if I printed it out; do you recall that?
A Yes, ma'am.
Q All right. And so I distilled it down into something a little bit easier, from the February 13th, the first entry, until the end on February 15th.
A Yes.
Q And is that a true and accurate portion of the timeline that you created?
A If this is previously what I looked at that you had given the prosecution, then yes.
Q Okay. And are all of the entries on that timeline that you created true and accurate?
A Yes.
Q And they're reliable?
A Yes.
Q Anything that we need to correct or change, edit, modify on that?
A Not that I know of right now, no.

MS. AUGER: Move to admit Exhibit P.

STATE'S EXHIBIT P OFFERED

MR. MCLELAND: No objection, Judge.

THE COURT: All right. Without objection, P is admitted.

STATE'S EXHIBIT P ADMITTED

Q Sir, I'm gonna switch gears again. You talked about whether – in your direct examination, whether the phone would track movement if it were in the car and moving; do you recall that?

A Yes.

Q And there – the way the technology works with cell phones, people are still researching, studying, conducting experiments, trying to figure out what all this means and how it's recorded in the phone; is that fair?

A I would agree.

Q And you did – you found some things and you weren't sure about them; right? In your examinations, there were some things you weren't sure about?

A Like?

Q Well, steps climbed.

A Yes.

Q Okay. And so you went and looked at that and you found out that each flight Apple defines as three meters or ten feet?

A Yes.

Q And then, you also did a little research about movement?

A Yes.

Q And you quoted – and you said in your direct that cars – that if the phone is in a car and driving, it might record movement if it hits a bump?

A Yes.

Q The big word there is "might"; right?

A Right.

Q We don't know whether it does or doesn't?
A Correct.
Q And the research that you cite says, first of all, it's a preliminary research report; correct?
A Correct.
Q Right. And it says an iPhone sometimes mistakenly interprets a car driving over speedbumps as user steps; you recall that?
A Yes.
Q Speedbumps?
A Yes.
Q It doesn't talk about other potholes or anything like that, it specifically says speedbumps?
A Yes.
Q And it says sometimes?
A Yes.
Q Which means sometimes it doesn't?
A Correct.
Q When you did your examination in 2019, one of the things that – and a way that GrayKey is helpful is it can recover deleted files?
A Yes.
Q And, in fact, GrayKey did recover some deleted files; correct?
A Yes.
Q And there were some files on L.G.'s iPhone that had been deleted?
A Yes.
Q And you were able to recover those with GrayKey?

A Some of those, yes.

Q Okay. Now, you talked about Lieutenant Bunner, that he hooked up the phone, or connected the phone is probably a better term, on February 23rd, 2017, to this – to a network; is that correct?

A I know he connected it to a network, I don't know when he connected it.

Q All right. And that's something that, as a digital forensics analyst, you really don't want to do; right?

A Typically not.

Q Okay. Because you can get – if you're trying to get the information from the Cloud, you would get a warrant for that?

MR. MCLELAND: Judge, I guess I'm gonna object to outside the scope. I'm not sure that I understand the relevance of asking whether or not he needed to get a warrant for information on the Cloud.

MS. AUGER: Well, it – I mean, it's relevant because he brought it up and he said you shouldn't do that, and so I'm trying to explore that a little bit.

THE COURT: And how do you respond to it being outside the scope?

MS. AUGER: Well, he talked about it in direct, that he – that Sergeant – or Lieutenant Bunner – the phone connected to the network and information was downloaded onto the phone when Bunner did that.

THE COURT: Overruled.

A I'm sorry, you have to ask your question again.

Q I know, I get it. Give me one moment, let me refocus. There are other ways you can get information from Cloud storage other than hooking the phone

up to the network?

A Correct.

Q And as a digital forensics analyst, the first time you plug the phone in, you want to keep going and get – do all of the extractions and get all of the data you can that first time; right?

A Yes.

Q Because every time you plug it in, every time you do something else, you're overriding data and you're losing data?

A Potentially, yes.

Q And you're also losing data over time; right?

A Yes.

Q So when you wait from February until September to October to 2019 to 2024, data's coming off that phone?

A When it's powered on?

Q Yes.

A Yes.

Q Now, would you agree with me that it's sometimes helpful to have a second set of eyes review data?

A Yes.

Q And in 2019, the FBI requested the full file extraction from the State Police?

A Yes.

Q And you asked your – you asked Lieutenant Holeman if you could provide the data to the FBI?

A Yes.

Q And sometimes, different agencies have different resources?
A Yes.
Q That's why, in 2017, the phone was sent to Customs or Homeland Security?
A Correct.
Q And so knowing that sometimes different agencies have different capabilities, knowing that the FBI requested the extraction, what did you do to follow up with them?
A I did not.
Q Now, First Sergeant Cecil, you also did some extractions on Richard Allen's devices?
A Yes, ma'am.
Q Okay. And you performed extractions on them?
A Yes.
Q And there's nothing on any of those devices that ties Richard Allen to L.G.?
A Correct.
Q And there's nothing on those devices that ties Richard Allen to A.W.?
A Correct.
Q There's nothing on those devices that ties Richard Allen to the murder of A.W.?
A Correct.
Q And there's nothing on those devices that ties Richard Allen to the murder of L.G.?
A Correct.

MS. AUGER: I have nothing further. Thank you.

THE COURT: Mr. McLeland.

MR. MCLELAND: Thank you, Judge.

RE-DIRECT EXAMINATION OF FIRST SGT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

Q The data that is potentially lost when the phone is turned on or turned – turned on and turned off, is that only data within the knowledgeC databases?

A No.

Q In this case, when you compared your extraction to Lieutenant Bunner's extraction, nothing was lost between those two extractions; is that correct?

A You'll have to rephrase that.

Q Earlier, you testified that the information you gathered from your extraction matched what Lieutenant Bunner extracted; am I saying that correctly?

A The user content – user-created content matched.

Q What is the – and the user-created content would be photos, videos, Health app data, that kind of content?

A Photos, videos, messages, calls.

Q So none of that data was lost?

A Right.

Q And you know, from the data that you did collect, that the phone wasn't shut down until sometime after 4:33 a.m. on February 14th?

A Correct.

Q And you also know from the data that you collected that after 2:32 p.m. on February 13th, the phone doesn't move again until it powers down, there's no other – let me rephrase that: You know at 2:32 p.m., the phone stops moving

and it registers no other movement at least until after 4:33 a.m. on February 14th?

A Correct.

Q How many devices from Richard Allen's house did you analyze?

A May I refer to my –

Q Would referring to your report help refresh your recollection as to how many devices you analyzed that were collected from Richard Allen's house?

A Yes.

Q And do you have your report in front of you?

A I do have both of them.

Q And was that report made close in time to your analysis of those devices?

A Yes.

MR. MCLELAND: Judge, I would ask permission for the First Sergeant to take a look at his report to refresh his recollection.

THE COURT: You may.

A Approximately 23 devices.

Q And do you know, from reviewing your report – let me back up. When you analyze those devices, in your reports do you note the date those devices were released to the public?

A You'll have to rephrase that.

Q Sure. When you do – when you analyze a device, do you note in your report when that device – say it's an iPhone 6 – when those devices are released to the public, meaning what year and sometimes month they're released to the public?

A Yes.

Q And so when you analyze a device, you can say, "This device came out in October of 2024"?

A Correct.

Q And did you do that with all of Richard Allen's devices?

A With all his cell phones.

Q And so you were able to get – were you able to – well, let me back up. And at some point in the investigation, you became aware that Richard Allen had a cell phone in 2017; is that correct?

A Yes.

Q And were you made privy to the identification number on that cell phone?

A I was told of a – I think it was an MEID.

Q And what is an MEID?

A Mobile equipment identifier.

Q And what is that used for?

A That's a serial number for a mobile device.

Q Does each mobile device have a different MEID?

A It can have a MEID or an IMEID – excuse me, IMEI.

Q So is there any cell phone that's gonna have the same MEID as my cell phone?

A No.

Q And so it's a unique number to identify a cell phone; is that fair?

A Correct.

Q Once you have that MEID of the cell phone that Richard Allen had in 2017, did you compare it to the list of devices that you analyzed from his house?

A Yes.

Q Out of the devices that you analyzed at his house, did you analyze the phone from 2017 that had that IM – what was the number – what was it again?

A MEID.

Q -- the MEID number?

A No.

Q So the phone that he had in 2017 wasn't found in his house and wasn't a phone that you analyzed?

A Correct.

MR. MCLELAND: I don't have any other questions, Judge.

THE COURT: Ms. Auger.

MS. AUGER: Yes.

RE-CROSS EXAMINATION OF FIRST SGT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q First Sergeant Cecil, when did you get these devices of Mr. Allen's to analyze?

A May I refer to my report?

Q Sure.

A Looks like I received them on November 8th of 2022.

Q So – my math skills aren't the best – five and a half years after the murders of A.W. and L.G.?

A Yes.

Q People generally don't keep their – use their cell phones for –

MR. MCLELAND: Objection, Judge, that calls for speculation.

THE COURT: Sustained.

Q Now, you said after 2:32 p.m. the phone stops moving.

A Yes.

Q But you don't really know that; right?

A I only know what the Apple Health data tells me.

Q Okay. And the Apple Health data records steps?

A Yes.

Q And so if the phone is in a car, it may not be reporting movement?

A Correct.

Q So just because the phone doesn't record steps doesn't mean the phone's not moving.

A Correct.

MS. AUGER: Nothing further.

THE COURT: All right. Does anybody on the jury have any questions for First Sergeant Cecil?

(Sidebar conference conducted.)

THE COURT: "How did you determine Mr. Allen had no connection with A.W. and L.G. and murder from the phone data?"

MR. MCLELAND: I'm okay with that. I was gonna re-call him because of what we talked about (inaudible)

THE COURT: So will you be re-calling him back up?

MR. MCLELAND: Well, we may not have to now. I'm okay with it.

THE COURT: Any objection?

MS. AUGER: Nope.

MR. MCLELAND: Well, we've got to talk about something. If we're gonna go down this road and the Defense is gonna open the door to this, there is information on one of the devices, like he searched, there was a Google search

about A.W. and L.G. and how to best kidnap someone, all these different things.

THE COURT: Oh.

MR. MCLELAND: And so if we're gonna open this door about there's no connection, I just want to make you aware of it.

MS. AUGER: Well, and that's way after.

MR. MCLELAND: I'm just –

MS. AUGER: Okay.

MR. MCLELAND: I just have concerns, that's not – we can talk about the sketches and opening the door – I'm gonna ask to bring it up I guess is my opinion, so anyways.

THE COURT: "On the first report, on 2/13/17 at 2:05 p.m., the photo depicting Monon High Bridge with no one depicted in the still image, did you ever locate or print this photo?"

MS. AUGER: I'm fine with that.

MR. MCLELAND: I thought that was a photo of the bridge with no one on it.

MS. AUGER: You have it, (Inaudible)

MR. MCLELAND: I thought we did it in one.

THE COURT: Was one that one of the girls took?

MR. MCLELAND: That's what I thought.

MS. AUGER: Was what?

THE COURT: Weird, it's a weird –

MS. AUGER: What's it look like?

THE COURT: It looked like it was, like, filtered.

MS. AUGER: Kind of black and white?

THE COURT: Yeah, black and white, that one.

MS. AUGER: Or sepia or –

THE COURT: Yeah.

MR. MCLELAND: Is that the photo that –

THE COURT: I don't know.

MR. MCLELAND: Can you read that again?

MS. AUGER: And that's the (inaudible) photo.

THE COURT: "2/14/17, 2:05, the photo depicting the Monon High Bridge with no one depicted in the image, did you ever locate or print this photo?"

MR. MCLELAND: On her cell phone? I'm okay with it, I'm okay with the question.

THE COURT: Okay. "What are all the blank spaces under the events section on the timeline in your first report?"

MR. MCLELAND: That's a good one. I'm okay with it.

THE COURT: "How does the phone receive iMessages, Facetime calls, telephones calls, but no SMS messages after 2/13/17 at 4:06 p.m. and before 4:33 a.m. on 2/14 without a signal via cell tower or Wi-Fi connection?"

MR. MCLELAND: I'm good with that.

THE COURT: "Have you ever checked to see if AT&T had any cell tower issues between 4:06 p.m. February 13th and 4:33 a.m. February 14th?"

MR. MCLELAND: I'm okay with the question.

THE COURT: "Are you aware if Snapchat saves photos not uploaded to the story?"

MR. MCLELAND: I'm okay with the question.

THE COURT: "Do the pictures that get sent via Snapchat get saved

anywhere?"

MR. MCLELAND: I'm okay with that.

THE COURT: Are you having any objection to these?

MS. AUGER: No.

THE COURT: Okay.

MS. AUGER: You know – you know me, that's –

THE COURT: No, I don't. That's why I'm asking.

MS. AUGER: Okay, sorry.

THE COURT: "Can iMessages be sent via cellular service?"

MR. MCLELAND: I'm fine with that question.

THE COURT: "How much data would be lost if the phone has been off and it stores a month of records? For example, if the phone is shut off 2/15 after method 1, then on/off February 21st, then in 2019." That doesn't make sense, I don't even know what I'm saying.

MR. MCLELAND: I'm okay with the question, but I don't think I even understand it –

MS. AUGER: Yeah.

MR. MCLELAND: -- but I'm okay if you ask it that way and see what he says.

THE COURT: Well, I'm just – I mean – I'm just gonna leave off the "for example" –

MR. MCLELAND: That's fine.

THE COURT: -- okay?

MR. MCLELAND: That's fine.

MS. AUGER: Leave off what?

THE COURT: Leave off the "for example", all of that. That doesn't make –

MS. AUGER: Okay.

THE COURT: I mean, the question is: "How much data would be lost if the phone's been off and it stores a month of records?"

MS. AUGER: Okay.

MR. MCLELAND: Yep.

MS. AUGER: And what was the "for example"?

THE COURT: "For example, the phone is shut off February 15 after method 1" – I don't know what that means –

MR. MCLELAND: Then on/off on 2/21.

THE COURT: -- "then on/off, 2/21, and then 2019."

MS. AUGER: Yeah, okay.

THE COURT: Okay. "Is the cumulative data of a month in terms of total days or consecutive 30 days from last power on and off?"

MS. AUGER: That's a good question.

MR. MCLELAND: Good question.

THE COURT: "Did method 1 extraction garnish knowledgeC data even though at the time the knowledge didn't" – there's no end to it. There's no finish, it just says, "Did the method 1 extraction garnish knowledgeC data even though, at the time, the knowledge didn't –

MR. MCLELAND: I'm okay with the first half, just take off the "even though". It's an incomplete though, I suppose.

THE COURT: It just an incomplete thought.

MS. AUGER: Even though – oh, yeah, it's –

THE COURT: So just keep it out? 'Cause I think it's completed without – assuming that's what it means, but it's kind of confusing. "Can Snapchat videos and photos be deleted in knowledgeC data with app usage?"

MS. AUGER: Okay.

MR. MCLELAND: I'm okay with it.

THE COURT: "Could a picture not be added to the Snap cache based on battery life?"

MR. MCLELAND: Okay with that.

MS. AUGER: Yeah.

THE COURT: "Could Snap cache pictures not exist depending on the way it was posed, story versus –

MR. MCLELAND: I'm okay with that.

THE COURT: Okay. "How long does the iPhone 6S need to register floors climbed?"

MR. MCLELAND: How long does the app – is the –

THE COURT: "How long does the iPhone 6S need to register floors climbed?"

MR. MCLELAND: I'm okay with the question, but I don't understand it.

THE COURT: I don't either.

MS. AUGER: I don't know.

THE COURT: So if we don't understand it, should it not be asked?

MR. MCLELAND: Probably.

THE COURT: Okay. So –

MR. MCLELAND: Probably correct, I mean.

THE COURT: "Does the data from the iPhone 6S tell us a start and end time for the two floors climbed?"

MS. AUGER: Yeah.

MR. MCLELAND: It does, but that's an okay question.

THE COURT: It does but what?

MR. MCLELAND: It does, that's – I'm okay with the question –

THE COURT: Oh, okay.

MR. MCLELAND: -- now, too.

THE COURT: "What happened to the Apple Health app data between 2:18:48 and 2:25:22?" Is that – is there a gap there?

MS. AUGER: It doesn't – it says like when it started and when it stopped, and then it started again.

THE COURT: Is that – in which report is it? In case he asks me, which report would that me?

MS. AUGER: Two.

THE COURT: Report two?

MS. AUGER: Well, it's in both of them.

MR. MCLELAND: It's in both of them.

THE COURT: Both of them, okay. So he would know.

MS. AUGER: Yeah.

THE COURT: Okay. "So what happened to the Apple Health app data between 2:18:48 and 2:25:22?"

MS. AUGER: Yeah.

MR. MCLELAND: I'm okay with it.

THE COURT: Okay. Lots of questions.

(Sidebar conference concluded.)

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Sergeant, in your first report, the photo depicting the Monon High Bridge with no one depicted in the still image, at 2/13/17 at 2:05 p.m. – let you get there –

A What was the time again, Your Honor?

Q 2:05 p.m. February 13, 2017.

A Yes.

Q Okay. So the photo depicting the Monon High Bridge with no one depicted in the still image, did you ever locate or print this photo?

A I did not.

THE COURT: Any follow-up, Mr. McLeland?

MR. MCLELAND: No, Your Honor.

THE COURT: Ms. Auger?

MS. AUGER: No.

Q And in the first report, what are all the blank spaces under the event section on the timeline in your first report?

A Those blank sections have to do with the battery, so I'm keeping track of the battery, trying to segregate it from other things that's going on, so that's why they're empty fields, I just kind of colored them in.

THE COURT: Any follow-up, Mr. McLeland?

MR. MCLELAND: Yes.

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

Q First Sergeant Cecil, so in those grey spots, are you using them to denote – I guess separate the battery life usage from the other information?

A Yes.

Q So you're not covering up information you found?

A Correct.

MR. MCLELAND: Okay. Nothing else, Judge.

THE COURT: Ms. Auger.

MS. AUGER: Your Honor, can I ask an omitted question about the first question?

THE COURT: Sure.

MS. AUGER: Thank you.

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q Sergeant Cecil, you – did I hear you right that you testified you did not see the picture posted at 2:05?

A No. I saw it. I didn't print it.

MS. AUGER: Okay. I appol – thank you.

THE WITNESS: You're welcome.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Sergeant, how does the phone receive iMessages, Facetime calls, and telephone calls, but no SMS messages after 4:06 p.m. on February 13 and before 4:33 a.m. on February 14 without a signal via cell tower or Wi-Fi connection?

A I don't have an answer.

THE COURT: Okay. Any follow-up?

MR. MCLELAND: No, Your Honor.

MS. AUGER: No.

Q Did you ever check to see if AT&T had any cell tower issues between 4:06 p.m. on February 13th and 4:33 a.m. on February 14, 2017?

A No.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge. Thank you.

THE COURT: Ms. Auger?

MS. AUGER: Yes.

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q That's not something you would have done; is that right?

A Correct, ma'am.

Q That's something you would have other teams of investigators look at?

A Correct.

MS. AUGER: Thank you.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Are you aware if Snapchat saves photos not updated to the story?

A They don't.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge.

THE COURT: Ms. Auger?

MS. AUGER: Yes.

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q But you would expect a photo that was uploaded to Snapchat to be saved on the phone?

A Correct.

THE COURT: Anything else?

MS. AUGER: No. Thank you.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY THE JURY, READ BY THE COURT.

Q Do the pictures that get sent via Snapchat, not to – not on a story, but to a friend, do those get saved anywhere?

A That I don't know.

THE COURT: Okay. Mr. McLeland?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

Q If the photos – I guess I'm trying to get this clear in my mind, First Sergeant. If the photos are uploaded to the story, do you know, are they saved to the phone?

A That I don't know.

Q As opposed if they're sent to a friend via the other Snapchat avenue, not the story, do you know if those are saved to the phone?

A They could be cache, but I'm just – I'm speculating here.

MR. MCLELAND: Okay. I don't have any other questions, Judge.

THE COURT: Ms. Auger?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q Well, some photos are saved in the Snapchat cache; correct?

A Correct.

Q Because at least three from February 13th were saved in that cache?

A Correct.

MS. AUGER: Nothing further.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Can iMessages be sent via cellular service?

A Yes.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge.

THE COURT: Ms. Auger?

MS. AUGER: Yes.

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q While they're sent through the cell towers, they're timestamped as of the time they're sent and not the time they're received?

A They're converted into an SMS if they're going through the – if it's actually going through a tower versus utilizing the Internet, it will be an SMS.

MS. AUGER: Okay. Thank you.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q How much data would be lost if the phone has been off and it stores a month of records?

A I don't have an answer, I don't know.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge.

THE COURT: Ms. Auger?

MS. AUGER: No questions.

Q Is the cumulative data of a month in terms of total days or consecutive 30 days from the last power on or off?

A I don't know.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge. Thank you.

THE COURT: Ms. Auger?

MS. AUGER: No questions.

Q Did the method 2 extraction garnish knowledgeC data?

A No.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions.

THE COURT: Ms. Auger?

MS. AUGER: No questions.

Q Could Snapchat videos or photos be deleted in knowledgeC data with app usage?

A I'm tying to understand the question. Could you repeat that again?

Q Could Snapchat videos or photos be deleted in knowledgeC data with app usage?

A I'm not following the question, I'm not understanding the question, Your Honor.

THE COURT: Anything, Mr. McLeland?

MR. MCLELAND: No, Judge.

THE COURT: Ms. Auger?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q Snapchat photos are saved in the Snapchat cache?

A Correct.

Q Not in knowledgeC?

A Correct.

MS. AUGER: Nothing further.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Could a picture not be added to the Snap cache based on battery life?

A I don't believe battery life would cause a problem, Your Honor.

THE COURT: Any follow-up?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

Q Is it possible for a Snapchat picture to not be added to the Snapchat cache? Or is it possible for a picture not to be saved in Snapchat cache?

A I don't know.

MR. MCLELAND: Okay. No other questions, Judge. Thank you.

THE COURT: Ms. Auger?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q The Snapchat cache saves pictures because of the inner workings on the phone and not because of any user activity?

A It could be both.

MS. AUGER: Thank you. Nothing further.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Could Snap cache pictures not exist depending on the way it was posted?

A I don't know.

THE COURT: Okay. Mr. McLeland?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

Q First Sergeant, there are some pictures from Snapchat that you were able to recover; correct?

A Correct.

Q And there's at least one picture you were not able to recover?

A Correct.

Q And on your timeline, you have an asterisk by that, that was the 1407 picture

A Correct.

Q Do you have any explanation why you were able to get some of the pictures, but the one at 407 [sic] you were not able to collect?

A I don't have an answer.

Q Not 407, I'm sorry.

A 2:07.

Q 1407, which is 2:07. That was a bad question, sorry. So again, do you have any explanation of why you would not be – why you were not able to collect the picture that was uploaded to Snapchat at 2:07?

A No, don't have an answer.

MR. MCLELAND: I don't have any other questions, Judge.

THE COURT: Ms. Auger?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q Could it be that L.G.'s Snapchat account was accessed from a different device?

A Could be.

MS. AUGER: Nothing further.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Does the data from the iPhone tell us a start and end time for the two floors climbed?

A No. It falls within the other movement that's going on at that time.

THE COURT: Mr. McLeland?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

Q In your report, First Sergeant, I want to draw your attention to the first report, page 8.

A Yes.

Q And the last line there, where it says, "Flights climbed, two floors, 2/13, 1431" – when you say it falls within the other data, what do mean?

A So what I'm getting at is those two floors, whether they're climbed up or down, I don't know, they're just an elevation change, and it falls in line between the 1425:22 or 2:25:22 and 1432:39 or 2:32:39 p.m., falls in line when that

activity's happening.

Q So on February 13th of 2017, there were 50.64 meters travelled from 2:25 p.m. to 2:32 p.m.; is that correct?

A Correct.

Q And those two floors or two flights were climbed during the movement of that 50.64 meters?

A Correct.

Q And that's what you mean within that time; is that correct?

A Correct.

MR. MCLELAND: Okay. No other questions, Judge.

THE COURT: Ms. Auger?

MS. AUGER: Nothing.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q What happened to the Apple Health app data between 2:18:48 and 2:25:22?

A The phone was not detecting any movement at that time.

THE COURT: Any follow-up, Mr. McLeland?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

Q So again, First Sergeant, draw your attention to page 8; that gap, 2/13 at 2:18:48 and February 13th at 2:25, your testimony is that there's not Health app data missing, the phone was just not moving at that time?

A Correct.

MR. MCLELAND: No other questions, Judge.

THE COURT: Ms. Auger?

MS. AUGER: No, thank you.

JUROR QUESTIONS OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS OF THE JURY, READ BY THE COURT.

Q How did you determine Mr. Allen had no connection with A.W. and L.G. and to the murder from the phone data?

A Which phone data, Your Honor?

Q I'm assuming it's the phone data that was asked by Ms. Auger.

THE COURT: I think you were asking about his devices.

MS. AUGER: Devices.

Q Yeah, his devices.

A From his devices, when I went through, I didn't find any information regarding like L.G. or A.W.'s contact information, no interaction or communication about them. I mean, there might have been some Internet history where he – regarding like what was going on with the news, but there's = there was no direct communication or that Mr. Allen even knew the victims.

THE COURT: Mr. McLeland?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MR. MCLELAND.

Q You did locate Internet search history regarding A.W. and L.G.?

A Yes.

MR. MCLELAND: I don't have any other questions.

THE COURT: Ms. Auger?

FOLLOW-UP EXAMINATION OF FIRST SERGEANT CHRISTOPHER CECIL

QUESTIONS BY MS. AUGER.

Q That was after the murders?

A Correct.

Q And you don't know who actually performed that search?

A Correct.

MS. AUGER: No – nothing further.

THE COURT: All right. Thank you, Sergeant Cecil. You may step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: All right. Well, ladies and gentlemen, that's it for the day. While you go on about your own business now the rest of the afternoon and into the evening, please, remember what I've told you repeatedly. You're gonna be able to repeat all of this back to me in a couple of days. Please don't talk about the case amongst yourselves, since you will be in the company of the bailiffs. Have a safe and peaceful evening and we will see you all tomorrow morning. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 4:56 p.m.)

THE COURT: All right. Is there anything we need to do outside the presence of the jury?

MR. MCLELAND: No, Your Honor.

MR. BALDWIN: No, Your Honor. Thank you.

THE COURT: Okay. And those in the audience, if you'll just wait a minute, so we can get the jury out towards their vans. Jodie, you can go off the record.

(Off record at 4:57 p.m.)

(On record October 24, 2024, at 9:02 a.m.)

THE COURT: All right. Well, good morning, ladies and gentlemen. We are back on the record in *State of Indiana versus Richard Allen*, 08C01-2210-MR-1. I'll show the Defendant's here in person with counsel. State is here by the prosecutor and his deputies. We are outside the presence of the jury and the jury has been reassembled. Are we ready to proceed, Mr. McLeland?

MR. MCLELAND: Yes, Your Honor.

THE COURT: Mr. Rozzi?

MR. ROZZI: Yes.

THE COURT: Let's go.

THE BAILIFF: All rise.

(Jury in at 9:05 a.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you. I'll always give you time in the morning, ladies and gentlemen, to get your things out and get ready for the – before we start the process. Take your time. And, please, let Jodie know if you need any additional pens or paper or anything like that; okay? All right. Well, good morning, ladies and gentlemen. It is nice to see you back here this morning. I know when we part company, I give you the admonishment. I know over the evening, under the supervision of all three of our bailiffs, one of which who is not here today, throughout the course then of the evening you've had access to your phones to communicate with your families and to check work emails and kind of touch base with everybody. So in light of that, have you read, seen, or heard any media accounts concerning this case?

A (All jurors answer in the negative.)

THE COURT: Have you discussed this case with anyone?

A (All jurors response in the negative.)

THE COURT: Have you permitted anyone to discuss this case with you?

A (All jurors respond in the negative.)

THE COURT: And have you conducted any research into this case?

A (All jurors respond in the negative.)

THE COURT: And has anybody persisted in attempting to discuss this case with you?

A (All jurors respond in the negative.)

THE COURT: Okay. And again, I appreciate your continued compliance with the Court orders, so that you make a decision on the evidence and not on any extraneous, outside information. We are ready to proceed. Ms. Diener, you may call your next witness.

MS. DIENER: The State would call Kathy Shank.

(Witness sworn.)

DIRECT EXAMINATION OF KATHY SHANK

QUESTIONS BY MS. DIENER.

Q Okay. Would you, please, state your first and last name and spell both of them for the court reporter.

A My name is Kathy Shank, K-A-T-H-Y S-H-A-N-K.

Q And are you a Delphi native?

A I was originally from Flora, I lived in Delphi 40 years, and I'm now in Flora, yes.

Q Okay. But you're very familiar with Delphi –

A Very familiar with Carroll County, yes.

Q And how did you become familiar with Carroll County?

A Well, I was raised here, and I attended Purdue University for four years, and then, once I had graduated from Purdue, I acquired a job with the – at then time, the County-run Welfare Department, back in '71, that is now known as the Department of Child Services, and I was with them for 40 years.

Q And so when you worked for 40 years with the Department of Child Services, was that servicing the area of Carroll County?

A Primarily, yes.

Q And did that job involve you working in conjunction with or getting to know local law enforcement?

A I worked with them quite extensively during those years, yes.

Q Now, in 2017, specifically February of 2017, were you still working for the Department of Child Services?

A No, I was not.

Q Were you retired?

A Yes. I had left there after 40 years in 2011.

Q Did you, at some point, become involved in assisting with the A.W. and L.G. death investigation?

A Yes, I did.

Q And how did you become involved?

A I was in Florida in February and, when this horrible tragedy occurred, I think there was breaking news over my telephone, and I followed that through to the first press conference I believe that I saw. And I – because I had worked

with law enforcement and with the former prosecutor, Rob Ives, and I knew Rob well, he had been our attorney for some time through the Department, and I contacted Rob and I said, "I would really like to help in any way that I can." And then returned home the end of February. And on March 1st of 2017, I began working with this investigation.

Q And did you work as a volunteer at that point?

A Yes.

Q And did you continue to volunteer up until the present time?

A Yes, I did.

Q When you came to help with the case, tell us in what capacity you were helping in March of 2017.

A I was initially assigned to be, basically, a receptionist. We were, at that time, at what is now considered the old REMC building here in town, and I was placed behind the counter and, when persons would come in with tips regarding this situation, I would greet them and then I would refer them to a detective, who would come downstairs and speak with them about their tip.

Q And then would you pass that information along to law enforcement, the information of the name and contact number?

A Yes. We had what was called an information sheet at that time where I would write down their name and their identifying information and a little – just a summary of what they would like to speak with a detective about, and then I would take that information upstairs, where the detectives were, and a detective would come down and speak with them at that time.

Q This REMC building, was that a building that was normally used in relationship to police investigations, if you know?

A Not – obviously, not initially, it was the REMC headquarters. They had moved and I believe – this was prior to me coming in on March 1st, the initial investigation I believe was up at the City Building and there was numerous, numerous officers there and it was a very cramped quarters for them. And the old REMC, then they graciously agreed to allow us to be there.

Q Now, from your position at the reception desk, did you have a sense of how many law enforcement officers were working on this case?

A I'm going to give you a best guesstimate, obviously, I don't know for sure, but there were 50 or more coming in and out of there at that time.

Q And at that time, did you have any idea who was working on what –

A No.

Q -- with regard to the investigation?

A No. I was primarily downstairs.

Q Okay. And you indicate that you've been assisting on a volunteer basis since March of 2017 until now. Was there a point when you took on more responsibility, were given more responsibility?

A Yes, there was.

Q And who was it that decided they would give you additional duties?

A At this point, I can't exactly remember who decided to give me the special duties, but as I was given the responsibility of numerous banker's boxes full of investigative reports, and I'm an organizer, so they decided possibly I could arrange these in a way that would be easily accessible to the detectives. And so at that point, I asked one of the detectives, "Could you, please, get me filing cabinets?" Which they did, they went to Purdue, got five filing cabinets. And I sat down at a card table and, at that time, was asked to put these reports or

narrative summaries, as I call them, into file folders, labeling them with the name of the what we called person of interest.

Q And the name that you would put on the folder could be a witness, could be a person of interest; did you have any idea?

A I had no idea. I was just looking at names. At that time, we were – I was directed not to get into exactly the report narrative, but just look at a name and place it on a file folder.

Q And were you doing this – you said at a card table. Was this in the REMC building?

A Yes, it was.

Q And do you know how many file folders you created?

A Five filing cabinets jam-packed full.

Q And when you say filling cabinets, are we talking about metal file cabinets that you –

A Five –

Q -- would use in an office?

A Yes, yes.

Q And that have multiple drawers each?

A Yes.

Q Now, when you created these folders, did the tab on the folder just have a first and last name?

A Sometimes a middle name, but yes.

Q Okay. And was there anything else you were directed to do in creating those folders?

A No, not at that time.

Q Okay. And so were you the only one making the folders?
A No. A former co-worker of mine and a friend of mine was vetted, as well, to be able to put the names on the folders, but again, we were both instructed not to read the reports, just to put the names on the file folders.
Q Okay. And when you say vetted, did you have to have some sort of background check?
A No, not necessarily. I had worked with law enforcement throughout the years and they felt comfortable with me doing that.
Q Okay. And did they do the same thing with Carol, to your knowledge?
A Same – very same thing, um-hmm.
Q Okay. Do you know when you started making this file system?
A Not exactly. It was some time after, obviously, I had just been greeting people and doing the tips. They decided that they were slowing down a bit with people coming in at that time and felt that I could be of more benefit to them and that's when they brought the boxes of reports down and asked me to begin that.
Q So were you doing that particular task the same time you were being receptionist at the REMC building?
A Yes, I was.
Q Did you then take on – did you, at some point, finish the file folders and then you were just doing it on an on-going basis?
A Took me a while, but yes, eventually we finished, yes.
Q And that meant that the banker boxes that were brought to you full of narrative reports or lead sheets were put in folders?
A Yes, ma'am.
Q Then did you take on additional responsibility?

A Yes.
Q And what was that additional responsibility?
A I was requested to enter narrative summaries that had been completed by various officers into a database.
Q And how did you receive these narrative summaries?
A The narrative summaries were, many times, already – there was – they were in the reports, and I was looking to put whatever narrative summary in there in that report at that time.
Q And how is – how – what were you doing that – did it further organize the information by putting it into the database?
A The database required a covered lead section, and I was wanting to complete those sections, and that's what I was doing.
Q Okay. So when a lead come in, how was it distinguished from another lead or – in your database?
A It was distinguished by a numbering system.
Q Okay. So did each lead get a number assigned to it?
A Yes, it did.
Q And was that done within the database?
A Yes.
Q Was this database used for cases outside of the A.W./L.G. investigation?
A Absolutely not.
Q And so you said you would enter narrative summaries into this database?
A Yes.
Q Did you enter anything else into the database?
A Once I began doing that and we had moved from the REMC to the City

Building here in Delphi, I was asked to begin entering tips into the database.

Q Did you have to be given special access to receive the tips?

A They were forwarded to me and then I entered them initially.

Q And how were they forwarded to you?

A Through I believe now-Sheriff Tony Liggett was receiving those. There were several officers receiving them, and now-Sheriff Liggett stated, "Kathy, you can do this, no problem." And showed me how to do it, taught me how to do that, and I began entering those tips into the database. And then, eventually, they were forward – I was a part of the A.W./L.G. referral line, so they could just come directly to me through the tip line.

Q Okay. So a tip line would receive information –

A Yes.

Q -- and they would come to you in what format?

A Through the email.

Q Through the email.

A Email system.

Q Okay.

A Yes.

Q Now, you said, at this point, you've moved from the REMC building to the City Building; is that correct?

A Correct.

Q And at that point, you're entering information into the computer database?

A Correct.

Q Who would you go to with questions or who was giving you direction about your tasks?

A Generally, there was what was called a Unified Command, there were different detectives there different days, whomever happened to be there at the time. Tony was – Tony Liggett, the current sheriff, was probably my main go-to person, but there were others that I would ask questions if I had questions, because it wasn't my responsibility only to look at them, I – it was their decisions to make.

Q Would you – did you notice that they were, at this point – and I don't know if you know the year in which we're talking, but there were less law enforcement present to work on these tips as they came in?

A Yes. There was quite a difference between working at the REMC building and when we moved over to the City Building. It became more of a cohesive group then of Unified Command within the detectives that have worked on that since that time.

Q What happened to your file cabinet system once you started entering these things into the computer? Where was it?

A It moved with me to the City Building.

Q And still exists today?

A Absolutely, yes.

Q At that time, when you received information, did you receive it and put it only into the computer database or was it also put in a file cabinet in a folder?

A When I received the tip information, it went into the database.

Q Okay. And were you then asked to do something more with the file cabinet information?

A Yes.

Q And do you remember when that was?

A That was approximately, I would guess, I'm going to say around September of '20.

Q Okay. And so what did you do with the file cabinet information?

A I was asked then to begin scanning the information from each file into the database.

Q And so at that time, you were creating a duplicate of your file cabinet, file system, in the computer?

A Yes. The tips, obviously, were in there and I would say a majority of the narrative summaries I had entered in there that I had access to that there were, but there were other documents within the file folders that needed to be scanned into that database.

Q And how long did it take you to scan all the file folders and put it in the computer system?

A Approximately two years.

Q And while you were doing that, were you reading the content of every file folder as you put it into the computer system?

A Not every one, no.

Q And so where were you working on this project?

A Well, it began at the City Building, but then, once they needed the rooms that we were in in the City Building, we had to find another location.

Q And so then this home base for the investigation moved again?

A Yes, it did.

Q Then did all your cabinets move with you?

A Absolutely. They were my filings cabinets, I was very protective of them.

Q I don't know if I asked you this already, but how long did it take for you to

put the file cabinet information in the computer system?

A Approximately two years.

Q Okay. Now, after you get done with the filling cabinet scans, do you know, at that point, how many tips or leads you've processed?

A My best – the last time I looked, which the database did show the number of tips that I had entered, it was over 14000.

Q And do you work on this all day, every day, like a regular job?

A No. I would usually go in probably around 12:30, 1, and stay till 5:30 or 6, depending, and most days, five days a week.

Q Now, after you finished the filing cabinet scans, were you working on something that led to the attention being brought to Richard Allen?

A Yes, I was.

Q And can you explain what you were doing that led to that.

A Yes. When we had moved from the City Building to our current location, I had brought with me materials that I had not yet gone through to determine exactly what they were and where they needed to go, whether it needed to be filed, whether it needed to go to other detectives for review. As I was doing that, I had located a box, which what I would call – would be like a file folder box that had – I had placed in my desk drawer for further perusal when I had finished scanning. And I began going through that box, and when I noticed that, basically, I was observing handwritten tip numbers, and my concern was that these tip numbers needed to coordinate with the tip numbers that had previously been entered into the system prior to me. I didn't – hadn't done any handwritten tip numbers, mine were all directly from the A.W./L.G. tip line and I entered them directly into the database. So these were written out prior to me, I didn't

know by whom or when, and I wanted to ensure that they would coordinate, because I didn't want to miss any tips that had been entered, in case there would be an important tip that needed to be reviewed. And as I went through that box, that's when I found a lead sheet.

Q And so at this point, your role had changed I would say significantly from when you started as a receptionist; is that correct?

A Yes, it did.

Q And at this point in the investigation, because you were maybe brought into the fold a little bit by doing the tasks with the documents, you had more information about just general facts; would that be true?

A That is correct.

Q And so when you come across a particular lead sheet, what was it that caught your attention?

A This lead sheet stated that I believe it was February the 16th is when it was entered, that a Richard Allen Whiteman had self-reported being out on the trails between the hours of 1:30 and 3:30 and had seen three girls.

Q And so why did that catch your attention at this point?

A I had previously read that a young girl, on February 13th of 2017, had been on the trails and had seen a man at that approximately time and place that he had self-reported earlier.

Q And so why was this of particular concern to you when you read the Richard Allen Whiteman self-report?

A To me, it seemed like a possible correlation. Obviously, I wasn't privy to a lot of information, but it just seemed like there could be a correlation, enough to cause me to take that concern to a filing cabinet which would have been labeled

"Richard Allen Whiteman", and I pulled that file and that's how I put it together.

Q So the tip you had in your hand from the box of miscellaneous documents you were checking on, you then compared to the file cabinet file; is that correct?

A Correct.

Q And is there some significance to the fact that the box was from a tip that came in in February of 2017, with relationship to the work you were doing?

A I honestly don't know how that lead ended up in that box, I do not know.

Q Well, were you helping with the case in February of 2017?

A I was, but I was – I was helping with it, but I don't know how that exact lead sheet became in that box. I had filed, obviously, a lead and the narrative I found at some point way back in 2017, but I certainly hadn't remembered it by that time.

Q Okay. Well, I thought you said you didn't start helping with the case until March 1st of 2017.

A I did. I'm sorry if I said February, I apologize.

Q So if this lead sheet was created in February of 2017, that was created prior to you starting to help; is that correct?

A Yes. I started March 1st of 2017.

Q Were there other things in the box that were from before March 1st of 2017?

A I assume so, because these handwritten tip numbers would have been done prior to my knowledge of that, because I – as I stated, I – when I received a tip on the A.W./L.G. tip line, I would enter those directly myself, I did not write them down as far as that being my way of entering them.

Q And so was it your understanding then that handwritten tip lead numbers existed before the database you were using?

A I assume so or they were writing them in conjunction with, but I don't know that for sure.

Q You don't know that, okay. So you go to the file and it's labeled "Richard Allen Whiteman", with Whiteman as the last name?

A Correct.

Q So it's filed under W?

A Correct.

Q And when you go to that file folder, do you find something that then increased your attention to this tip?

A Yes, I did.

Q And what was that?

A There had been a narrative summary entered in the database prior to me, it was entered in February, and stating that Richard Allen had been interviewed and lived on Whiteman Drive.

Q So did that information coincide with the tip number for Richard Allen Whiteman?

A Yes, it did.

Q And at the time it was put in that folder, were you reading the content of the tips or narratives?

A No, I was just labeling them.

Q And was there something about the tip that related to you never going back to that particular file until this time?

A I had no reason to. I had cleared – the tip narrative or lead narrative, as I call it, that I found had the word "cleared" on it, and I had developed a system of coding those files who were cleared by a green mark on the file, and this had a

green mark, and that's why.

Q And so it was not your job to decide if something was cleared; is that correct?

A Oh, no, no, no, not at all.

Q And it wasn't your job to decide who followed up on a tip; is that correct?

A No, not at all.

Q Organizing the information, would that be fair?

A That's fair.

Q What did you do with the documents that you found?

A I believe Tony was a chief deputy at that time, one of our directors, Tony Liggett; and Tony and I happened to be at the center when I found this and I took this information to Tony to have him look at it.

Q Okay. At that point, did you make any changes to your file folder with regard to the name and where it was placed in the file cabinet?

A Not that day, but later, I did.

Q And what did you do?

A I changed it to "Richard Allen".

Q And so then it became filed in the As?

A Well, it wasn't ever filed back in the filing cabinet, it was given to Tony Liggett at that time.

Q Okay. Do you know when you made that discovery?

A Yes, I do.

Q And what day did you make that discovery?

A It was on September 21st of 2022.

Q Now, some people might think it's odd that you remember that day. Can

you tell us why you remember it?

A Yes, I can. That was the date of my deceased husband's birthday.

MS. DIENER: Judge, may I approach the witness?

THE COURT: You may.

Q Kathy, I'm gonna show you what's marked as State's Exhibit 228. It has three pages, please look at all of them. Do you recognize those documents?

A I do.

Q Do they accurately reflect a image of the manila file folder that you created and your notes on that file folder in the tab area?

A Yes.

Q And does it also accurately reflect the two pages that you found in the physical folder when you went to look for it on September 22nd of 2022?

A Yes.

Q Did I say the right date?

A September 21st.

Q 21st, I apologize.

A Yes. This was the initial sheet that I found, and then the second sheet was in the file folder. They were both in the file folder, this is the one I found in the box.

Q Okay. The first one is the one you found in the box?

A Yes.

Q Then you went to the folder and both of them were there?

A Yes.

MS. DIENER: State would move to admit Exhibit 228 and publish it to the jury.

STATE'S EXHIBIT 228 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 228's admitted, and you may publish.

STATE'S EXHIBIT 228 ADMITTED

STATE'S EXHIBIT 228 PUBLISHED

MS. DIENER: Judge, once the jury has had an opportunity to take a look at that, I would pass the witness.

THE COURT: Okay. All right, Mr. Baldwin, you may cross.

MR. BALDWIN: Thank you, Judge.

CROSS EXAMINATION OF KATHY SHANK

QUESTIONS BY MR. BALDWIN.

Q I just have a few questions. Is it okay to call – what would you like me to call you?

A Kathy's fine.

Q Kathy's fine? Thank you. My name's Andy Baldwin. Good to see you.

A Thank you.

Q You have no idea if the information on exhibit – the third page I should say of Exhibit 228, which is the – this sheet –

A Yes.

Q -- you have no idea if the information on there is accurate, do you?

A I wasn't there, no.

Q You don't know if the person that reported here said, "I was on the bridge from 12:30 to 1:30" or off of the bridge? You don't have any –

A I wasn't privy to that conversation, no.

Q And in fact, it could – there could be a mistake there. Would you agree it's possible?

A Anything –

MS. DIENER: Objection, Judge. It calls for speculation.

THE COURT: Sustained.

Q There was a mistake made in this case related to the Richard Whiteman; correct? That's not – well, you don't know who that is. There is no Richard Whiteman; correct?

A I don't know. I –

Q Well –

A I don't know that there's not a Richard Whiteman, but that wasn't the proper name that –

Q Okay. And I was trying to figure out who made that mistake; was that you or was it the other – the person that drafted that report? Do you know?

A I don't know. It wasn't me, I just wrote what was on the report.

Q So somebody made a mistake on Dan Dulin's report; is that correct? I'm trying to understand.

A I believe the initial entry, the initial entry, from what I read, which would be that first one that says "cleared" on it, not the second page, but the – the second page, not the third – that initial entry was made Richard Allen Whiteman.

Q You don't know who that – who did that?

A No. I wasn't there then. I didn't come until March 1st.

Q You don't know who – if the police entered that, if somebody else entered it, you just don't know?

MS. DIENER: Objection, Judge. Asked and answered.

THE COURT: Sustained.

Q You said you are an organizer; is that correct?

A I hope to be, yes.

Q Details matter to you?

A Most generally, yes.

Q Accuracy matters to you?

A Well, as best as I can control, yes.

Q Especially when the stakes are high, like when you worked for what they called in the old days Welfare; right?

A DCS, yes, correct.

Q DCS now, the Department of Child Services. Those details matter.

A Of course they did.

Q And they mattered in the A.W. and L.G. death investigation, as well?

A Of course they did.

Q Just so the jury understands, 'cause it's – there's – got some stuff in here that they may not know about, like ORION, that's on the third page – or – yeah, on the third page, kind of in that – there's a thing that says ORION right here, if you can see that.

A Yes, um-hmm, I can see it.

Q Do you know what ORION is?

A Yes, I do.

Q What is ORION?

A It's basically a database.

Q Okay. Is that the database you were putting information into?

A Yes.

Q Okay. So I just want to be clear, 'cause I'm a little – and I'm – I'm a little confused and I'm not – and I just want to be unconfused; okay? So when – there was a point in time where you were putting tips into ORION?

A Yes, sir.

Q And – but is that different than narrative reports?

A Yes, sir.

Q Okay. Can you describe the difference between tips and narrative reports?

A Well, sir, tips are when we would receive at – there was an A.W./L.G. tip line, and tips would come in through email. We did not have phone tips, they were coming in through email, and I was privy to receiving those on my work email. And as I would receive those, I would enter those into the database.

Q I see. All right. And so that's tips.

A That's tips.

Q The other one was narrative; what's narrative?

A I called them narrative summaries, some people might call them reports. Narrative summaries work better for my lingo with the database. When a report was completed by an officer, when they had talked with someone of interest, written a report, then that was given to me to enter in to a certain section of the database called "covered leads", and I would literally type that in and enter it into there, and there it would be saved, and I believe that was what was done prior to me with the narrative in there, yes.

Q Okay.

A Um-hmm. (Affirmative response)

Q And is the narrative report section in ORION?

A Yes, sir.

Q And the tips is also in ORION?
A Yes, sir.
Q And you did both?
A Yes, sir.
Q All right. And on page 3 of 228, that is not a tip it sounds like to me, that is more of a narrative report; is that correct?
A The bottom part is, yes. The top part was considered a tip that was entered to generate a lead, which would generate the narrative report. That was kind of the hierarchy of that, if that helps you understand.
Q Kind of the combo of the two a little bit?
A It's – that's the hierarchy, it would be a tip entered, and then, if the tip was deemed to be made a lead, it would be – that would be generated in the database, and then the lead would be assigned, not by me, but it would be assigned, and then that would be followed-up by talking with a person of interest where the tip had come in, and then they would make a report or, as I called it, a narrative summary, and then I would receive that and I would enter that into the database.
Q Okay. You're doing a great job of explaining. Do you know which came first or did they come at the same time, page 2, where it says "lead cleared", or page 3, where the narrative report is at the bottom?
A I really couldn't tell you that. It was put in the file, that's all I can tell you.
Q Okay. You did see lots and lots, hundreds, thousands of tips; correct?
A Yes, sir.
Q There was, to your knowledge, no other tip – if that is even called a tip – concerning Richard Allen?
A That is correct.

Q And there was no other tip, to your knowledge, concerning even a Richard Whiteman?

A That is correct, not to my knowledge, no, not that I ever saw.

Q But you said that one of the things that piqued your interest was that there was a girl that had seen a guy on the trail; is that right?

A A girl that had seen a man on the trail on February 13th of 2017, at the approximate same place and time that Richard Allen had self-reported he had been on the trails from 1:30 to 3:30 –

Q Do you know – oh, I'm sorry. Do you know if that – do you remember if that tip described the guy as tall and muscular?

A You know, at that time, I did not peruse that part of it, I just saw time, place, date, and that's why I correlated those two. I wasn't looking, because the initial self-report of Mr. Allen didn't have any description of him, so that was not my concern at that time.

Q So you wouldn't have known if it was – that person was with three other girls or –

A I really – no, I didn't. It just seemed to be – because same place and time, same date, he had self-reported, they had said it was between those hours, I thought, "Well, maybe it's something we need to look at," and that's how it happened.

Q Now, on page 2, his phone number, Mr. Rick Allen Whiteman, is shown in the middle section; correct?

A I think so.

Q A little bit above the middle section, 612 something or other?

A Let's see here. Yeah, I see it right there, Richard Allen Whiteman with a

phone number, yes, sir, I see it.

Q So even the name – though the name was wrong, the phone number – well, you don't know if it was right?

A I was just putting names on files at that time.

Q Gotcha. You said on direct examination there were lots of police that – at the beginning and then kind of whittled down over time?

A Yes, sir.

Q Were there lots of different agencies involved in interacting with you?

A Yes, sir.

Q County police?

A Yes.

Q Delphi local police? Tony Liggett, for example?

A Well, Tony's Carroll County, but –

Q Oh, Carroll County.

A Yes.

Q Steve Mullin? Did you see him?

A Steve was the police chief at that time and, yes, he was there.

Q So we've got Delphi local police, Carroll County police. State Police?

A Yes, sir.

Q Jerry Holeman?

A Yes, Jerry was there, um-hmm.

Q Some others?

A Some others, yes, sir.

Q And then FBI, as well?

A I believe so. I – again, I was not privy initially to working with any of law

enforcement. I was downstairs, they were upstairs, and all I did was go upstairs and ask for a detective to come down and speak with someone.

Q You said on direct though that once you moved into a certain building, it was more of a cohesive group?

A I was still in the back room, I wasn't out in the main room with them, and basically, again, was just doing what I was assigned to do. I wasn't a part of that team at that time.

Q But yet you recognized that there was a cohesive group of law enforcement?

A There was a co – yes, absolutely, um-hmm.

Q And was FBI involved in that cohesive group of law enforcement, if you know?

MS. DIENER: Objection, Judge. It's been asked and answered. She already said she was working in the back and did not have direct knowledge.

THE COURT: Sustained.

MR. BALDWIN: Judge, she said that she recognized it was a cohesive group I think is how she put it. I want to explore it.

THE COURT: And you have. Sustained.

Q You said there were 14,000 tips and narrative tips just in – was that in the file cabinets, that was –

A I said through the database there was – when I would put in tips, I would notice, "This is your number" – and I'm paraphrasing there –

Q Yeah.

A -- and the last time I actually looked, it showed for me 14,000 plus tips I had entered over the years.

Q You don't know if it ended up being 100,000 or –

A Well, obviously, they dwindled down over the year. They were coming in really, you know, by the droves initially, but they started dwindling down some, but yes, I know there were 14,000 at one time, yes –

Q And the tip –

A -- not too long ago.

Q I'm sorry, I keep interrupting you. The tips that you would receive, some of them would be – 'cause I've seen some of these – "This guy sounds – the guy on the bridge sounds like my neighbor"?

A Yes.

Q "The guy looks like my neighbor"?

A Yes, sir.

Q "Looks like my brother-in-law"?

A Yes, sir.

Q Yeah. Lots of people look like the bridge – the guy on the bridge in these tips?

A Yes, sir.

Q Lots of people sounded like the guy on the bridge?

A Yes, sir.

Q Did you have any memory of tips of a man in his 20s with brown, fluffy hair?

A Sir, I had so many, to ask me about individual ones, I just don't know that I could tell you that honestly.

Q Well, you would remember if there was a tip about somebody walking down a road bloody, I would presume.

A I would imagine so, yes.

Q See any tips about a man walking down 300 North westbound with blood all over him, like he'd been slaughtering a pig?

A I want to answer this honestly. I can't tell you that I remember a tip. I remember reading about that, that's the best I can tell you.

Q Thank you. So September of 2022 is when you handed this file over to Liggett, Tony Liggett?

A September 21st of '22, correct.

Q And at that time, Mr. Liggett was running for sheriff of Carroll County?

A Yes, sir.

MS. DIENER: Objection, Judge: Outside the scope of direct.

THE COURT: Sustained.

Q I want to just clear up kind of a verbiage that you used when you said Richard Allen self-reported, I want to make sure – he didn't self-report, "I killed those girls"; correct?

A That isn't –

Q When you said self-reported –

A That isn't the statement that I read on the lead sheet, no, sir.

Q I understand that, and I'm not trying to – but when you said self-reporting, you just mean –

A I mean he reported that himself.

Q Yeah, that he had been out there on the trail.

A That he had been on – yes, sir.

Q So the one, if you want to call it a tip or a narrative report that came in that day related to Richard Allen was Richard Allen himself?

A Richard Allen had come in and self-reported that, on February 13th of 2017, that he was at the trails between 1:30 and 3:30 and saw three girls, as I recall, yes.

Q Thank you very much, I appreciate it.

A You're certainly welcome.

MR. BALDWIN: No other questions.

THE COURT: Ms. Diener.

RE-DIRECT EXAMINATION OF KATHY SHANK

QUESTIONS BY MS. DIENER.

Q Now, you've described that there became a time when you were receiving tips by email and entering them into a database, which has now been established as ORION.

A Correct.

Q Did you do that from the very beginning?

A No.

Q Was it years later or months later, after March 1st, 2017, that you started to do that?

A I didn't begin entering tips until we had moved to the City Building, which I think we'd been at the REMC possibly for a year or so –

Q So there were a lot –

A -- so I don't have the direct date, but it was when we moved to the City Building.

Q There were lots of tips processed before you had any access or knowledge of tips that you entered?

A Oh, absolutely, yes, many.

Q And you did not go back and read all those, did you?

A Oh, no, no.

Q And if there are people identified that might be talked to from a roadblock, did that information get given to you to enter into the tip line?

A No. I think those had already been entered.

Q By someone else?

A By someone else. I – it's difficult to remember, that's been a long time ago and I entered so many. I might have – if there had been a narrative summary, I might have added to that in the narrative summary, but I may not have entered it as a tip. I honestly can't recall that for sure.

MS. DIENER: Okay. No other questions.

THE COURT: Mr. Baldwin.

RE-CROSS EXAMINATION OF KATHY SHANK

QUESTIONS BY MR. BALDWIN.

Q So to your knowledge, Richard Allen came forward, according to this report, to assist in the investigation?

MS. DIENER: Objection, Judge: Speculation.

THE COURT: Sustained.

MR. BALDWIN: No other questions. Thank you.

THE COURT: All right. Does anybody on the jury have any questions for Ms. Shank? Okay, I see one. All right. Counsel, if you'd approach.

(Sidebar conference conducted.)

THE COURT: "How did you determine the name was incorrect?"

MR. BALDWIN: That's a good question.

THE COURT: Um-hmm, they've been asking some great questions.

MS. DIENER: Smart jury. I like them.

THE COURT: And they're paying very close attention.

MS. DIENER: They are.

(Sidebar conference concluded.)

JUROR QUESTIONS OF KATHY SHANK

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Ma'am, how did you determine the name was incorrect?

A I determined the name was incorrect when I had gone to my file and I saw that the name written in the narrative summary was Richard Allen, and from being from this area, I knew there was a Whiteman Drive, and I believe it said, "Richard Allen of Whiteman Drive" and I put that together that way.

THE COURT: Ms. Diener?

FOLLOW-UP EXAMINATION OF KATHY SHANK

QUESTIONS BY MS. DIENER.

Q And that was in September of 2022 –

A Yes.

Q -- when you were going through the box of items that you had not gotten to from early on?

A When I pulled the file.

Q But the reason you pulled the file was because –

A Was because I had seen that lead going through the box, yes, correct.

MS. DIENER: Thank you.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No other questions. Thank you.

THE COURT: All right. Thank you, Ms. Shank. You may step

down.

THE WITNESS: Thank you.

THE COURT: You may call your next witness.

MR. MCLELAND: Your Honor, the State of Indiana would call Department of Natural Resources Officer Dan Dulin, please.

(Witness sworn.)

DIRECT EXAMINATION OF CAPTAIN DANIEL DULIN

QUESTIONS BY MR. MCLELAND.

Q Mr. Dulin, before we get started, I'm gonna ask you to speak up and use your best outside voice. You don't need to lean into the microphone. The microphone amplifies for the audience, but not for the attorneys and for the jurors, so I just need you to speak up as best you can. Fair enough?

A Yes, sir.

Q Will you state your name, please.

A My name is Daniel Dulin.

Q And, Mr. Dulin, how are you employed?

A I am a conservation officer with the Indiana Department of Natural Resources Law Enforcement Division.

Q And how long have you been employed as a DNR officer?

A This is my 26th year.

Q And what is your rank currently?

A It's captain.

Q Captain Dulin, did you have to go through special training and/or schooling to become a law enforcement officer with the Department of Natural Resources?

A Yes, sir, I did.
Q Can you tell me a little bit about that.
A Conservation officers attend a recruit school where they learn a lot about natural resource laws and the primary duties of conservation officers. Upon completing that, we attend the Indiana Law Enforcement Academy, like any other Indiana law enforcement officer, to get the criminal law, the traffic law, the defensive tactics, everything that's associated with being a law enforcement officer in Indiana, and then we participate in a several-month-long field training portion of our training, where we interact with seasoned or training officers to get us trained on how to perform in the field as a conservation officer.
Q And so are your primary duties to enforce the Department of Natural Resources laws?
A So our primary duties are DNR property enforcement, resource laws like hunting and fishing, boating, off-road vehicles, but our duties include a lot of traditional law enforcement. We have authority to enforce any law in Indiana anywhere in Indiana as a state law enforcement officer.
Q And have you performed all of those duties during your career here in Carroll County?
A Not all in Carroll County. I have worked throughout the state. I was assigned, the first 15 years of my career, in Newton County, and then I've been in Carroll County for about ten years now.
Q I want to take you back to February of 2017; were you employed in the same capacity that you're employed now?
A No, sir. At that time, I was a lieutenant, I was in charge of a district, the district out of the Lafayette office, so same law enforcement responsibilities, just

a different assignment.

Q And at some point in 2017, did you become involved in the investigation in the death of A.W. and L.G.?

A Yes, sir, I did.

Q When did that – or when did you become involved?

A I believe it was on the 16th of February.

Q 2017?

A Yes, sir.

Q And when you initially came on to the investigation, what was your role?

A My role was basically to assist the investigation team in any way that they needed.

Q And when you started, how did you assist?

A I had been out of town through the 14th – or 15th of February, so my first day back to work was the 16th I believe, and I went to the command center, I offered my services of however they needed to. I kind of received a briefing of the basics of the case and then I just – I began assisting by following-up on whatever they asked me to follow up on; and if they didn't have a specific task for me that day, then I would just follow-up on the leads that they had received.

Q When did you first start following-up on leads that they had received?

A I believe it was the 18th of February.

Q Of 2017?

A Yes, sir.

Q And tell me how that process worked; how would you follow-up on a lead?

A So there was always a briefing in the morning, I would attend the briefing in the morning, we'd get updates on the case. They would have leads printed

out, lead sheets printed out, and they would just distribute those to the officers that were following-up on leads. The role was we would follow-up on the lead, make contact with the person somebody had reported or self-reported, we'd make contact with them in person, ask them why somebody might have called them in, find out where they were on the 13th of February between whatever times, try to obtain –

Q Let me back you up – let me slow you down just a little bit. When you got a lead sheet, what information was in the lead sheet?

A They were pretty basic. It would be, you know, the name of the individual we needed to follow-up on, usually a way to contact them, either an address or phone number, and then whatever the person that reported the lead – a basic sentence or two about why they felt this person was pertinent or why they needed somebody to follow-up on them.

Q So a short sentence or two of information about I guess the content of the lead or the subject of the lead?

A Yes, sir.

Q And then you would take that lead and – lead sheet and make contact with the person on the lead sheet?

A Yes, sir.

Q How many of these were you doing a day?

A That would vary, because I would also have other tasks as being somebody that was local to the area and familiar with the area, so it wasn't every day that I did leads. There might be something that they needed me to follow-up on with somebody locally or an investigator might ask me to try to track down a case report or a – some court information from a different person that they were

looking into, so I would help out with those administrative tasks, as well. And then, it also depended on how complex the lead was. There were times where a lead was, "Check with this person and get their story for the day and then turn it back in," and then there were also situations where they would say, "Look into this lead and then follow it through until you have completed the investigation into this person." So –

Q So let's explain those two different kinds of leads. On certain lead sheets, you're told to make contact with the person, gather that information, and then turn the lead back in?

A Yes, sir, that's correct.

Q On other leads, you were told to contact the person, follow-up with the lead, and follow that lead as far as you could follow it?

A Yes, sir, that's correct.

Q And those are the two different kinds of leads that you dealt with?

A Yes, sir.

Q Okay. Do you recall getting a lead sheet concerning Richard Allen?

A Yes, sir. I received a lead sheet –

Q Well, hold on, hold on a minute, you're getting ahead of me here.

A Sorry.

Q I want to show you what's been marked as State's Exhibit 229. Can you describe just what that is to the jury.

A So this would be the original lead sheet that contains the person who was the reporting person, how they contact investigators, it would have a brief narrative, which explains why this person either needs to be contacted or wants to be contacted by law enforcement, and then it would have administrative

information on it like the lead number, the status or the disposition of the lead.

Q And so do you recognize this as a lead sheet that you would follow-up on?

A Yes, sir, I do.

Q And do your recognize this as a lead sheet concerning Richard Allen?

A Yes, sir.

MR. MCLELAND: Judge, State would move to admit what's been marked as State's Exhibit 229.

STATE'S EXHIBIT 229 OFFERED

MR. ROZZI: No objection.

THE COURT: All right. Without objection, 229 is admitted.

STATE'S EXHIBIT 229 OFFERED

MR. MCLELAND: And I'll ask permission to publish that to the jury, Judge.

THE COURT: You may.

MR. MCLELAND: Thank you.

STATE'S EXHIBIT 229 PUBLISHED

THE COURT: You may proceed.

MR. MCLELAND: Thank you, Judge.

Q Captain Dulin, I'm gonna have you hold up a lead sheet. As you're identifying the lead sheet, you identified different sections of that lead sheet; is that correct?

A Yes, sir.

Q I'm gonna have you hold the lead sheet up, now that it's been admitted into evidence, and explain to the jury the different sections you were talking about.

A So the top section under the heading of "work package", it just simply explains who received the lead and likely who created it in the system. The source of information is the person who's reporting the lead; and in this case, it indicates Rick Allen Whiteman. The narrative section is the brief summary of what I'm supposed to inquire about. And then, the bottom portion I would describe as the disposition portion and it gives the identifying number, the status of the lead or the disposition of the lead, who it was provided to, and then, again, a description of what I'm supposed to do and find out when I meet with the person listed above.

Q Thank you, Captain. And is this the lead sheet that you picked up or is this identified as the lead sheet that you picked up to investigate?

A Yes, sir.

Q And do you know when you picked up this lead sheet?

A It would have been on February 18th, 2017.

Q And after you picked up the lead sheet, what did you do next?

A I would have made contact with the persons I'm supposed to contact by the phone number provided on the lead sheet.

Q Let's specifically focus on this lead sheet concerning Richard Allen; what did you do once you picked up that lead sheet?

A I contacted him by phone.

Q And how did you have his phone number?

A It was listed on the lead sheet.

Q And did you speak with him?

A Yes, sir.

Q And typically, when you would call someone on a lead sheet, where would

you meet them?

A My first preference would be to meet them at their house.

Q And what was the second preference?

A At one of the law enforcement facilities in the county where we have an opportunity to have an interview room available.

Q And when you called Richard Allen, did you request to come to his house?

A Yes, sir.

Q Did you request to meet him at one of the law enforcement facilities?

A Yes, sir.

Q Did he deny both of those requests?

A Yes, sir.

Q Where did he want to meet you at?

A He wanted to meet me at the grocery store parking lot.

Q And why did that stick out in your mind?

A It just – again, typically, my preference is to meet somebody at their house and, since he was the caller of the lead, I felt like I would just go to his house, it wasn't far away, we'd ask a couple questions, figure out what I needed to gather for my lead, and then move on from that point.

Q Now, on the lead, it says Richard Allen Whiteman; correct?

A That's correct.

Q When you spoke to him on the phone, did you address him as Richard Allen Whiteman?

A I don't recall exactly how the phone conversation went.

Q At some point, did you find out that his name wasn't Richard Allen Whiteman?

A Yes, sir.
Q When did that happen?
A I believe it would be when we met in person.
Q Okay. So you did meet him in person; correct?
A Yes, sir. Yes.
Q And you met him in the I think you said grocery store parking lot?
A Yes, sir.
Q What happened next?
A We just had a conversation about the lead. I went through the lead that he reported. It indicated that he was on the trail between 1 p.m. and 3 p.m., so we went through those details. At the time that we met, he indicated that it was more – he changed it to being there at 1:30 to 3:30, so he just, basically, adjusted the times by a half hour later in each direction.
Q And did he confirm that he was there on February 13th of 2017?
A Yes, sir, he did.
Q But the time was adjusted, instead of 1 to 3, to 1:30 to 3:30?
A Yes, sir.
Q What else did he tell you?
A As the lead sheet indicates, I was supposed to find out if he had seen anybody else on the trail that day or anything that could have been suspicious, and he indicated that he saw three girls at the Freedom Bridge at the beginning of his hike, but then saw nobody else after that.
Q Did he give you an indication of where he parked that day when he went onto the trails?
A Yes.

Q And where did he tell you?
A I documented that he said that he parked at the Farm Bureau parking lot I believe is what I documented, and then I'm not sure if he told me that or if I documented the wrong name of the building, but we had a conversation about it and it was clear that he had parked at the old office building on the east side of the Heartland, which would be commonly known as the old DCS office.
Q And did he tell you where he walked once he got onto the trails?
A He indicated that he walked from his vehicle to what we call the Freedom Bridge, the blue bridge, which is where he saw the three girls, and then he walked towards the High Bridge.
Q And did he notify you if he had seen anybody else on the trail besides the three girls that he indicated?
A No, sir. He indicated that he did not see anybody else and he was not paying attention really to his surroundings because he was looking at a stock ticker on his phone as he walked.
Q Now, as you're talking to Richard Allen, how are you recording what he's telling you?
A So I'm taking notes on the back of the lead sheet. So, I mean, it was a pretty brief encounter, I would say no longer than ten minutes. I just flip over the lead sheet that I have and I handwrite notes as he's talking.
Q Did you video record it?
A No, sir, I did not.
Q Did you record it with some kind of audio device?
A No, sir, I did not.
Q Why did you not do that?

A I don't know if I didn't have my voice recorder with me that day, I don't know – it was one of the first leads that I conducted – if I had not started using the voice recorder yet. You know, I recorded several of the investigations that I conducted. If it – especially if the lead turned into the – a full investigation on a person, I recorded those interactions. I – to double check to make sure I don't have any recordings of the event, I've checked my phones, I've checked my files, and found no recording of the interaction.

Q But as you're interacting with Richard Allen, you are taking notes?

A Absolutely.

Q Now, before you ended the conversation with Mr. Allen, did you gain additional information from him?

A Yes, sir.

Q And what was that concerning?

A So I asked him for his phone information.

Q And he noted that he had his phone with him that day?

A Yes.

Q And you gathered his phone information that you could at that time; is that correct?

A Yes, sir, for the phone that he had with him that day.

Q Did that include the MEID number?

A Yes, sir, that sounds correct.

Q And did that include the MEID HEX number?

A Yes, sir, that sounds accurate.

Q Once you concluded the interview with Richard Allen, what did you do next?

A So after the interview was conducted, I would have taken his – taken my notes, I would have transferred them or typed them into a Word document that I would then – like a summary and that I would turn in to the investigation center. I would have ran his driver's license information and printed that off and a picture, a BMV picture, from my computer and printed that off; and when I submitted a packet back to the investigation center, it included my notes, the person that I was investigating's driver's license information, and a BMV picture.

Q I'm gonna show you what's been marked as Exhibit – State's Exhibit 230 and 231. Start with State's Exhibit 230; can you describe that, please.

A Sir, this would have been a Word document that I would have taken my handwritten notes and put on a Word document that I would have turned in to the investigation center as my completed, you know, lead.

Q And specifically, are these your notes from your interview with Richard Allen?

A Yes, sir, they are.

Q And when did you create this Word document from your notes that you gathered at the interview?

A It would have been within an hour or I mean like I would have left the parking lot, likely drove to the fire department across the street from the City Building and sat in the parking lot and typed my notes immediately after the interview.

Q The same day as the interview?

A Yes, sir.

Q Okay. I want to draw your attention to what's been marked as State's Exhibit 231; can you describe what that is.

A It is Mr. Allen's driver's license return that I would have gotten on my car computer and the BMV photo that I would have obtained from my car computer.

Q And was that common practice for you to do that while you were investigating these leads?

A Yes, sir.

Q And is that, in fact, the BMV summary that you ran for Richard Allen after you conducted the interview with him?

A Yes, sir.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibits 231 and – sorry, 230 and 231.

STATE'S EXHIBITS 230 AND 231 OFFERED

MR. ROZZI: Is this my copy?

MR. MCLELAND: Yes.

MR. ROZZI: One second, Your Honor. Judge, I don't have any objection to 230. 231, I don't have any objection to it. There's a Social Security number on there that probably ought to be redacted.

THE COURT: We can redact it.

MR. ROZZI: I mean, the media's gonna get their hands on this at some point and – otherwise, I don't have any objection to it.

THE COURT: All right. I'll show 230 and 231 admitted without objection.

STATE'S EXHIBITS 230 AND 231 ADMITTED

MR. MCLELAND: Judge, I would ask to publish to the jury 230. What I'll do is, if this Court would allow me, I'll mark out the Social Security number and make a copy, so that you can't see through it, and then I would just

ask to publish that to the jury at a later time.

THE COURT: Okay.

STATE'S EXHIBIT 230 PUBLISHED

THE COURT: You may proceed, Mr. McLeland.

MR. MCLELAND: Thank you, Your Honor.

Q Captain Dulin, I want to back up just a little bit, I have an omitted question I forgot to ask you. When you spoke to Richard Allen, he notified you or he told you that he ran into three young girls near the Freedom Bridge.

A Yes, sir.

Q And he was headed towards the Monon High Bridge?

A Yes, sir.

Q Did he give you an indication of which direction the three girls were headed?

A Not that I recall.

Q Okay. After you completed the interview with Richard Allen, you've done your Word document, you ran the BMV information, after you've gathered all that, what do you do – what did you do next?

A I make a – essentially, a packet of the lead sheet that was provided to me and I put my Word document and then I put the BMV information and photo and staple it together, and I return to the command center, I provide the phone information to the investigators that are working on the technology aspect of the case, and then I submit the lead sheet and packet to – back in to the command center.

Q On this particular lead, is this a lead that you followed-up on after that?

A No, sir.

Q So this is not a lead that you followed all the way to fruition or all the way as far as you could take it?

A No, sir.

Q This is the lead of the first kind, where you gathered the initial information and dropped it back off at the command center?

A That's correct.

Q I want to – well, I want to show you what's been marked as State's Exhibit 232; do you recognize this document?

A Yes, sir.

Q And what do you recognize that as?

A This would have been after I submitted my information back to the investigation center –

Q That was a bad question, let me stop you. What is this?

A This is, essentially, an updated lead sheet.

Q So you recognize the top half as a lead sheet?

A Yes, sir.

Q And this specifically is the lead sheet that you picked up involving Richard Allen?

A The top half, yes, sir.

Q But this has additional information on it, as opposed to State's Exhibit 229; is that correct?

A Yes, sir, that's correct.

Q What additional information is on this?

A So there's a disposition included in this lead sheet where somebody has taken my narrative that I submitted in a Word document and then retyped it into

the ORION system that they were using to track leads, and it's printed on the – my information that somebody retyped is printed on the bottom of the lead sheet.

Q And you've had an opportunity to review this document prior to court today; correct?

A Yes, sir.

Q And you're seen this document before?

A Yes, sir.

Q And does the narrative in the disposition accurately reflect your Word document that you turned in with the lead?

A Yes, sir.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibit 232.

STATE'S EXHIBIT 232 OFFERED

MR. ROZZI: No objection.

THE COURT: All right. Without objection, 232 is admitted.

STATE'S EXHIBIT 232 ADMITTED

MR. MCLELAND: Gonna ask to – permission to publish that to the jury, please.

THE COURT: You may.

STATE'S EXHIBIT 232 PUBLISHED

THE COURT: You may proceed.

MR. MCLELAND: Thank you, Your Honor.

Q Captain Dulin, I now want to fast forward to September of 2022; what happened during that time?

A I was at my office, working on some administrative work, and I received a

call from Investigator Mullin, asking if I recalled any interactions with Richard Allen.

Q And after he asked you that, what did you do?

A I told him I had – like the name didn't sound familiar to me, I said, however, I'm at my office and I have a binder, several binders with all of the information that all of the conservation officers had conducted during that time period and I would look for whatever I could find.

Q And did you look through those binders?

A I did eventually. Actually, the first thing that I did was I just – there's a little search bar at the bottom left of your computer, I just typed in Richard Allen and it immediately brought up my Word narrative that I had submitted that you had in the exhibit earlier on my computer, so I knew, obviously, that I had interacted with him. And then I went and found my binder and found the lead packet that I would have submitted the day of February 18th.

Q After reviewing those things, did it help refresh your memory about the interview with Mr. Allen?

A Yes, sir, it did.

Q After you did that, what did you do next?

A I met with the investigators – Investigator Mullin at the investigation center in Delphi. I brought the documents that I had from the case and, you know, just to let them know that, "Here's what I remember from it and here are the documents that I have in my file."

Q After you did that, did you do any further research on Richard Allen?

A Yes. Knowing that they were obviously looking into information on Mr. Allen, I utilized some of the resources we have at the DNR to find information on

Mr. Allen.

Q What resources do you have available at the DNR – what resources did you look at to find information?

A So our – it's called our point-of-sale system, it's our outdoor licensing system, so anybody who buys a fishing license or a hunting license, checks in a deer or a turkey, it goes into a database. So –

Q Well, let me stop you. What kind of information is put into that database when you purchase a fishing license or hunting license or turkey license?

A Yeah. So the physical information that's put into that system would be your name, your phone number, email, your address, your height, your weight, you know, physical information, and then it also contains, you know, every license that somebody would have bought over the years for 10 or 15 years back to when we started using that system.

Q And did you utilize this database on that day to search Richard Allen?

A Yes, sir.

Q Tell me what you found.

A So I was able to locate phone number, email addresses. I located – something that stuck out to me was that on April 1st –

Q Well, let me stop you. Do – were you able to locate various fishing licenses?

A Yes, sir.

Q For whom?

A I located fishing licenses for Mr. Allen and for his wife.

Q And did those fishing licenses have identify – let me back up. Did the fishing licenses pertaining to Richard Allen, did they have identification information within them?

A Yes, sir.
Q What kind of information did they have in them?
A So it has, again, his name, his address, phone number, height, weight, date of birth.
Q And are you able to view these various fishing licenses that have been acquired over the years?
A Yes.
Q And are you able to view them in a way that you can compare one – compare them to each other?
A Not necessarily compare them to each other from the initial screen, but I had asked the administrator of the program to pull information from the database that I thought might be helpful from a historical standpoint, so that would have had, you know, what credit card he used, what the IP address was when he was online buying the license, if there was changes in emails, but that secondary search also includes any changes that he made in his profile, like his physical profile.
Q When changes are made in the profile, is that something the administrator within the Department of Natural Resources does or is that something that the person purchasing the license does?
A It's something the person purchasing the license does.
Q And what stuck – when you were reviewing those fishing licenses that Richard Allen had purchased and acquired, what stuck out to you about that information?
A So when he purchased his fishing license on April 1st, he changed his height from 5'4" to 5'6".

Q He increased his height?
A Yes, sir.
Q He grew two inches?
A Yes, sir.
Q April 1st of what year?
A It was the – 2017.
Q So April 1st of 2017 is when the change was made?
A Yes.
Q Did he also – did you notice any other changes to his physical appearance that he made on that license?
A He decreased his weight.
Q And so he – were there other changes that he made to that license besides his height and his weight?
A Not that I recall.
Q Why did the change in height and weight – well, let me back up. Is it fair to say that sometimes people change their height and weight on fishing license?
A Absolutely.
Q Why did this stick out? Why did you make note of this?
A I just thought it was uncommon for an adult to increase their height two inches, as opposed to – I mean, we might – as we age, we might get a little shorter, but to grow two inches just seemed an anomaly to me.
Q Did the date those changes made in correlation with the date of the murders influence you at all?
A It was in the back of my mind that I'd spoke with him a month and a half prior, and then he changed his height by two inches.

Q Is Richard Allen here in the courtroom today?
A Yes, sir, he is.
Q Can you describe what he's wearing, please.
A He's wearing a long-sleeved, light blue, button-up shirt.
Q And where is he seated?
A He's seated at the defense table.

MR. MCLELAND: I don't have any other questions, Judge. Thank you.

THE COURT: Mr. Rozzi.

MR. ROZZI: Thank you, Judge.

CROSS EXAMINATION OF CAPTAIN DAN DULIN

QUESTIONS BY MR. ROZZI.

Q Good morning –
A Good morning.
Q -- Officer Dulin. How are you today?
A I'm doing well.
Q Good. So back in 2017, you received some notification that Mr. Allen may have reached out to law enforcement; right?
A Yes, sir, that's correct.
Q And the tip actually suggested that he reached out to law enforcement.
A That's correct, yes, sir.
Q That he was cooperating with the investigation; right?
A Yes, sir.
Q And turns out, he actually made a call to speak with an officer himself, didn't he?

A I'm not sure how they received the initial call or tip.

Q The tip, at least, indicated that he had called to speak with an officer; right?

A Yes, sir, it indicated that he self-reported.

Q All right. In other words, it wasn't an email or a text or anything that reportedly came from him, it was a phone call?

A Yeah. It did not indicate on the lead, it – I believe on the lead sheet it says email, but I'm not sure if it was emailed from whoever he talked to, I have no idea how he contacted law enforcement, I just know that the lead indicates that he did, himself, contact law enforcement.

Q And definitely told them he was out on the trail that day on February 13th –

A Yes, sir.

Q -- 2017?

A Yes, sir, that's correct.

Q And left his phone number that first call; right?

A Yes, sir, he did.

Q And, as far as you know, that number was an accurate number?

A Yes, sir. That's how I contacted him.

Q You were able to use it to get ahold of him –

A Yes, sir.

Q -- right? And you ended up meeting him at the grocery store?

A Yes, sir.

Q And that was shortly after you reached out to him, within just very short time, wasn't it?

A Yes, sir.
Q Same day?
A Yes, sir.
Q Within minutes or maybe an hour or two?
A I would say that is an accurate –
Q Okay.
A -- statement.
Q And he showed up at the store when he said he was gonna show up; right?
A Yes, sir.
Q He was on time?
A Yes, sir.
Q And you said earlier that, you know, your first preference is to meet with people at their homes; right?
A Yes, sir.
Q Okay. And you believe that you asked to meet him at his home?
A Yes, sir.
Q Richard Allen told you that he was on the way to the grocery store, didn't he?
A I don't recall that, sir.
Q Okay. Is it possible that he could have told you that?
A It's possible that he could have told me that.
Q Okay. You don't have any notes to suggest either way at this point; right?
A That's correct.
Q It's not unusual for people that you're in contact with to not want to meet law enforcement officers at their homes; right?

A Yeah, I don't disagree with that.

Q I mean, sometimes people are just uncomfortable with that concept altogether?

A Correct.

Q And so you met him at the grocery store down here near – or at least maybe past the Pizza Hut, Dairy Queen?

A Yeah, I would describe it as just northwest of McDonald's.

Q Okay. I think I'm pointing in the right direction; correct?

A I believe so.

Q Basically, kind of west of – just on the western edge of town; right?

A Yes, that's correct.

Q The Save A Lot grocery store?

A Yes, that's correct.

Q Place where a lot of people go; right?

A Yes, sir.

Q There's only, by my count, two grocery stores in this town; right?

A That's accurate, yes, sir.

Q One of them's right over here off the town square?

A Yes, sir.

Q And the other one's Save A Lot. Is that a bigger grocery store? I've actually not been down there.

MR. MCLELAND: Judge, I'm gonna object to relevance at this point. I think we're getting a little far off topic here.

MR. ROZZI: I'm asking him if it's a place where people commonly go.

THE COURT: And the objection is relevancy.

MR. ROZZI: It is relevant, 'cause it has a tendency to prove that he would have wanted to meet him at the grocery store because that's where people commonly go.

THE COURT: Overruled.

Q Place where people frequent around here; right?

A Yes, sir.

Q Not a lot of grocery options?

A That's correct.

Q And that meeting you described earlier as being brief; right?

A Yes, sir.

Q And he told you at that meeting that he was on the trails between 1:30 and 3:30; correct?

A That's correct.

Q He didn't say exactly when he got to the trail, did he?

A No, sir.

Q He just used those time references?

A Yes, sir.

Q And even the lead sheet that said – I think it said 12:30 – I think it was 12:30 to 3:30, excuse me –

A I thought it was 1 to 3.

Q Oh, 1:30 to 3:30, the same; right?

A The lead sheet I believe says one o'clock to three o'clock, and he told me 1:30 to 3:30.

Q Yeah, right. Thank you for that. I saw the other part of the lead sheet.

A Okay.

Q But it doesn't say – the lead sheet doesn't say when between those time periods that you reported he was there; right? It just says between.

A That he was there between 1 and 3, according to the lead sheet. I might not understand your question, I'm sorry.

Q Well, it doesn't say – it doesn't reference specifically what time he got there and what time he left, there are just blocks of time?

A Like – I felt like when he told me he was there between 1:30 and 3:30, I felt like that was the time that he was physically there.

Q I'm talking about the lead sheet.

A Yeah. I felt like when I read the lead sheet, it was indicating that he was at the location between 1 and 3.

Q Okay. That was your interpretation of the lead sheet?

A Yes, sir.

Q And we have the lead sheet in evidence, we can make our own interpretation.

A Yes, sir, that was my interpretation of the lead sheet, yes, sir.

Q Okay. You don't know how long he was there that day; right?

A Aside from him saying that he was there till 3:30. I don't know how long he was physically there. He told me he was there till 3:30.

Q Okay. One second, please.

A Yep.

Q If your report, Exhibit 230, says Mr. Allen was on the trail between 1330 and 1530; right?

A Yes, sir.

Q Between those two times?
A Right.
Q That's what you said.
A Right. Which would indicate that he got there at 1:30 and he left there at 3:30.
Q That was your interpretation?
A Yeah, based on what he told me.
Q Okay. And there was nothing about Mr. Allen on the day that you – by the way, was that February the 7th – February 17th that you met him?
A No. I have it documented as the 18th.
Q 18th, I'm sorry. Yeah, that's not on Exhibit 230; right? You didn't reference the date on there?
A No, there's no date on 230.
Q Okay. So the 18th that you met him, and on that day, there was nothing about him that struck you as unusual, was there?
A No, sir.
Q And he wasn't armed; right?
A Not that I know of.
Q That's something you would kind of pay attention to; right?
A Yep.
Q And you don't recall what he was wearing that day?
A I do not.
Q Or what his overall appearance was?
A I do not.
Q You told me you thought it was probably a five to ten minute conversation

you had with him.

A That's an estimation. It wasn't a very long conversation.

Q And there was nothing so unusual about that, that you felt the need to direct him to the police department or take him there and interview him; right?

A That's correct.

Q And you said earlier, Mr. McLeland ask you, that you probably took some notes on the back of your tip sheet?

A That's correct.

Q And you don't know what happened to those notes, do you?

A No, sir.

Q They're lost?

A Well, I would say after I put them in the Word document, then I no longer needed the notes because I've transcribed them over to the information I was turning in, so –

Q You told me before you threw them away.

A Yeah, I would say I probably threw them away when I was done with them.

Q And those notes would be the best evidence of what he told you on that day; right?

MR. MCLELAND: Judge, I'm gonna object. It's a characterization. He's testified he put those notes directly into a Word document, so I'd object to the question.

THE COURT: Characterization.

MR. ROZZI: I'm asking him about his notes, it's relevant.

THE COURT: Well, it's the characterization. Sustained.

Q Those notes – do you agree with me those notes would be the most

accurate –

MR. MCLELAND: Judge, same objection.

THE COURT: Sustained.

Q And you don't have any independent recollection as you sit here today about your conversation with him on that day, do you?

A The specific –

Q Beyond what's in your report.

A No. I mean, the specific recollection I have is the part about him telling me about being on his stock ticker, looking at his phone. And I can say that when Investigator Mullin called me and asked if I had any recollection of Mr. Allen, I didn't; but as soon as I read my notes on that and read the part about the stock ticker, then I remembered the rest of the conver – like the rest of the stuff in my notes. I re – that was the part that stuck out to me. So if you ask if I remember anything specific, I definitely remember the conversation about him being on his phone, looking at a stock ticker.

Q I took your statement in this room back here back on March 20th; right?

A Yes, sir.

Q It was a deposition?

A Yes, sir.

Q You've taken depositions before?

A Yes, sir.

Q There was an oath administered and you swore to tell the truth –

A Yes, sir.

Q -- all that stuff; right?

A Um-hmm. (Affirmative response)

Q I asked you that question back in March, didn't I? And you told me that you didn't have any independent recollection of what he had told you at that point; right?

A I would say that I don't remember exactly what the question was, and I'm sure you could read it to me, but as far as an independent recollection that was specific of the entire meeting with Richard Allen, there was no independent entire recollection of that.

Q Would it help to look at your deposition transcript to refresh your memory about what you told me?

A I can. That's – I'm –

MR. ROZZI: May I approach, Judge?

THE COURT: You may.

Q Let me just direct your attention to page 29, lines 18 through 23; just take a quick look at those.

A Okay.

Q Take as long as you need.

A No, that's fine. Do you want me to read them?

Q Did you read it?

A Did –

Q No, I don't want you to read it out loud.

A Oh, okay.

Q I just want you to take a look at it.

A Um-hmm, yep.

Q So on that day, I asked you whether or not you had any independent recollection beyond anything that you said in detail on that – strike that. I asked

if you had any independent recollection of what he said to you that day, didn't I?

A Yes, sir.

Q And you told me, "No, sir"; right?

A Yes, sir.

Q And you had spoken with Mr. Mullin at that point in time, hadn't you? You'd already had that conversation with him?

A Oh, yes, sir, um-hmm.

Q You didn't know Rick Allen before the day you met him in 2017?

A Not at all.

Q And you never made any attempt to reach back out to him after that; right?

A No, sir.

Q Now, you testified earlier – well, let's talk about your report for a minute. You had the wrong name on your report from the beginning; right? The Richard Allen Whiteman?

A I was provided the wrong name –

Q Okay.

A -- and then I –

Q So it wasn't your mistake?

A I corrected the name in my report that I submitted back to the investigation center.

Q So somebody else made a mistake about the name?

A I have no idea if that's what Mr. Allen told the person he talked to and used the wrong name or if the person who took the initial report entered the wrong name. I know that the lead sheet that I was provided, which is the one

that the jury has for the exhibit, has the name as Rick Allen Whiteman, and then, when I met with him and found out that his name was Richard Allen, I corrected that, which is why I thought it was important to include the BMV information and I started my narrative with "Mr. Allen", so that would be corrected.

Q Just to make sure we're all clear: You're not suggesting that he was using some kind of an alias or anything are you?

A No. You asked me how I thought the name got put on there, that somebody else made that mistake. I don't know if somebody else made that mistake or if that's what they were provided.

Q But you're not suggesting, as we sit here today, that he was using an alias?

MR. MCLELAND: Judge, objection. Asked and answered.

MR. ROZZI: He asked me a question when I asked him a question.

THE COURT: Sustained.

MR. ROZZI: I'm sorry?

THE COURT: It was asked and answered. Sustained.

Q Was he trying to hide his identity?

A Not –

MR. MCLELAND: Judge, I'm gonna object. It calls for speculation, one. Captain Dulin's testified as to what his thoughts are on why the name was what it was on the lead sheet, and so I think it's – it calls for speculation, one, and I think it's been asked and answered, two.

MR. ROZZI: Judge –

THE COURT: It's speculative. He can't say what he – this witness can't say what your client thought.

MR. ROZZI: He testified earlier that he was changing his identity on his driver's license – on his fishing license.

THE COURT: That's correct.

MR. ROZZI: So it's relevant.

THE COURT: It's been asked and answered, and his thought about your –

MR. ROZZI: I'll move on.

THE COURT: -- client's is speculation.

MR. ROZZI: Thank you.

Q You asked to look at his phone; right?

A Yes, sir.

Q And he gave that phone to you?

A Yes, sir, he did.

Q And your goal was to get the serial number off that phone.

A Identifying numbers, I don't know the serial number, but yes, sir.

Q Lots of numbers on the phone; right?

A Yes, sir, that's correct.

Q And you just wanted to get something to make sure you could identify it?

A Yes, sir, that's correct.

Q And you got that; right?

A Yes, sir.

Q And he actually assisted you in finding that?

A He did.

Q And there was a reference on the report about some possible follow-up; isn't that right?

A Yes, sir.

Q Suggesting that there might be some more questions to ask if someone chose to follow-up later; right?

A That's correct.

Q You didn't ask him what he was wearing on February 17th, 2007 – February 13th, 2017, when he was at the trail, did you?

A That's correct.

Q And you didn't ask him what he was driving on that day, did you?

A That's correct.

Q And there was some discussion about him possibly parking at the old Farm Bureau building; right?

A Yes, sir.

Q But you weren't really sure if he used those words or not?

A Correct.

Q So at first you weren't really sure if you were talking about the same place, the way I understood –

A So –

Q -- that conversation at first.

A So the name of the building is the part that's an error on my report, but we'd discussed about the physical location or described the physical location of where the vehicle was parked, so I am 100 percent confident that, based on our conversation, he was at the building that is slightly north of the Freedom Bridge on the east side of the Heartland near the Andersons Grain facility, and if I put that it was the Farm Bureau building, that was an error on my part, but the knowledge of the exact building where he was parked is – there's no question in

my mind that it's the old DCS office.

Q You thought you cleared it up with him?

A Yes, sir.

Q Did you guys get out a map or anything or take a look at a map?

A No, sir.

Q So whatever was cleared up, was just cleared up by a conversation?

A Yes, sir.

Q All right. And you mentioned that there was a reference to a change in the height and weight on his 2017 fishing license.

A Yes, sir.

Q Or fishing and hunting license, it was – was it a fishing license?

A It was a fishing license, yes, sir.

Q Okay. And that license was – would have been purchased in April of 2017; right?

A Yes, sir.

Q And you don't know who changed or who – I guess, to be more technical, you don't know who inputted that information into that software program, do you?

A No, sir.

Q It's possible for somebody to get online and buy a license for somebody else, isn't it?

A It is.

Q I mean, actually, I've got the app on my phone. You can get on the app and have subaccounts in your app, can't you?

A Yes, sir.

Q You don't know if his wife was purchasing that license for him?
A I don't know.
Q Or somebody else?
A No, sir. It only tells me – it does tell me whose credit card was used, and without looking at the document, I couldn't tell you that; but you have to have a username and a password to get into the system and then it authenticates by calling a phone or sending a text message, so someone has to be able to verify that, and then it also documents the credit card that was used, so –
Q And so you noted that there was a change from 5'4" to 5'6"; right?
A Yes, sir.
Q 5'4" to 5'6"; right?
A Yes, sir.
Q And there was a weight change that was about 15 pounds or so?
A Yes, sir.
Q All right. But you also had a chance to look back on his historic records, as you said; right?
A Yes, sir.
Q And as it turns out, if you look – I think you said you looked back all the way around to 2005 maybe?
A Yes, sir.
Q So roughly 12 years?
A That's correct.
Q And there were many other references on those licenses to him being 5'6", weren't there?
A Yes, sir. In fact, when we had the deposition, you asked the same question

and I provided the same answer, and –

Q There were many other references to him being 5'6", weren't there?

A Yes, sir. And then I went after –

Q No, there's no question.

A Okay.

Q Thank you. And so the change in April of 2017 was, at least, consistent with what had been reported on his license historically?

A On the printed copies that you were provided, yes, that's correct.

Q Okay. And so there's really not much that you can discern from seeing that information, is there?

A Aside from, after our deposition, I looked back into the system and when you change something and print previous licenses, it updates the header with the physical information. So what I did to prove that is I looked at my son's hunting licenses. He's 20 years old currently and he's 5'10" and 200 pounds. And as he updated his height and weight as he aged in the system, it changes that heading. So if I go and print a license from him from 2011, when he was seven years old, that license, if printed today, now also says that he's 5'11" [sic] and 200 pounds. So it – if you were to print his licenses – if he had his licenses from the time he printed them, at the time they would have all said 5'4". If I print the licenses today, they all say 5'6". The document that I have from the point-of-sale system shows the current changes in one column and the new data in the second column, and that remained consistent until the April 1st of 2017, where he changed the date from – or changed the height from 5'4" to 5'6", if that makes sense.

Q You finished?

A Yes, sir.

Q So let me see if I understand it. What you're saying is that if somebody reported in 2016 that they were 5'4", and then in 2017, they changed it to 5'6", then all the historic records would automatically be changed?

A If you printed it after that change. It prints the current physical information on any document that you print after that change.

Q So your system then is changing information because the software causes that to happen?

A Only if the information was changed by the user.

Q But you don't really know then, because you've never actually seen his actual licenses from all the way back to 2005 and what they said, you just know they've changed; right?

A Based on the data that's collected from the user input.

Q When I talked to you back in March, you said that you didn't have any reason to believe that he was trying to be deceptive with you, did you?

A That's correct.

Q And you told me that there was nothing unusual about the fluctuations in someone's weight, 10 to 15 pounds in a year, is there?

A I agree with that.

Q Now, Mr. McLeland, when he was questioning you earlier, you said you got involved in this investigation in 2017, just after the girls were found, and then I think you said that you had many tasks, is that the word you used? Other tasks; right?

A Yes, sir.

Q And you talked a little bit about some of those today; right?

A Yes, sir.
Q One of those tasks was for you to go out and interview people; is that right?
A That's correct.
Q You were given a list of cell phone numbers that were associated with the towers?
A Yes, sir.
Q And, if I recall, you followed-up on a lot of those cell phone leads; right?
A Yes, sir.
Q There was dozens of them; right?
A There was.
Q So basically, these numbers would be – I'm just kind of trying to envision, would be just a sheet of raw data with a bunch of numbers that were associated with one of the nearby towers; correct?
A Yes, sir, just a list of phone numbers.
Q And you're just kind of making cold calls, for lack of a better phrase; right?
A That's very accurate, yes, sir.
Q And there were lots of people that you talked to during those conversations that reported being in that particular area around that trailhead on that date and time?
A It was a larger area than the trailhead. So it included people passing through on the Hoosier Heartland or State Road 25, it included several people that lived in an area around that trail, so it wasn't specific to just the trail.
Q Okay. But you told me there were lots of people out in that area, that's what you told me back in March?
A Absolutely, there were a lot of numbers on that list.

Q You also did a canvass of the crime scene as part of your other tasks in this case?

A Yes, sir.

MR. MCLELAND: Judge, it's outside the scope. I'm gonna object.

MR. ROZZI: He testified earlier he was involved in other tasks.

THE COURT: Overruled.

Q And tell the jury when you went out to the crime scene.

A I had been out at the crime scene numerous times throughout the investigation. I don't have a exact list of dates and times that correlate to it, but I have officer logs on our time-management system that we enter every day, and there are several entries that indicate that I was at a crime scene throughout the first week of my involvement.

Q Throughout the first week?

A I mean, at least during the first week. There were several times that we would go back out there to do different things very early on. As far as a canvass that you reference, we had officers that included our dive team members, and we walked from the bridge on 300 North down to – you know, down the creek, looking just for evidence, things that we would possibly find. We canvassed a lot of the wooded area, looking for evidence that may have been left behind or –

Q When do you think the first time was that you were out there? Was it before you talked to Rick or after?

A I would say, if I remember right on my officer logs, it would have been on February 17th, so the day before I talked to Rick.

Q Three days after the girls were discovered?

A Yes; yes, sir.

Q And when you got out there, you found some items that caught your attention; right?
A Yes, sir.
Q And those items were sticks and branches; right?
A That's correct.
Q And those – of different shapes and sizes?
A Yes, sir.
Q Were they kind of piled up? Stacked up together or at least in a similar area?
A They were within a – (clears throat) – excuse me – a four or five-foot area, probably.
Q Okay. And you –
A (Coughs) Excuse me.
Q -- immediately thought, "Hey, you know, I need to get a hold of somebody about these sticks and branches"; right?
A Yes, sir.
Q One of the reasons why you thought that was because there was blood on them?
A Yes, sir.
Q And so – but you knew the scene had already been processed, hadn't it?
A Yes, sir.
Q I mean, the crime scene techs were done at that point, weren't they?
A There were several times the crime scene techs had been back to the area.
Q Right, but it had been released.
A Yes, essentially.

Q And just for those people that don't read police reports all the time, released means, essentially, the tape – did people have access to the crime scene other than just CSIs; right?

A There was still crime scene tape around the area, but it was a very remote, wooded area, so –

Q But no security?

A Exactly.

Q Anybody – I could walk down there and walk through the tape?

A Yes, sir.

Q And you felt free to walk in there, too; right?

A I don't know that I felt free to walk in there. I mean, I was there for work reasons. It wasn't like I would go back just to – on my day off and check it out.

Q That's probably a poor question. My point is, is that there was not anyone there controlling the traffic flow in and out of a crime scene, like there is in a technical sense when these things originate; right?

A I would agree with you, yes.

Q Okay. And so you called the crime scene techs and suggested that they get out and collect these sticks; right?

A I don't know if I spoke directly with the crime scene tech. I contacted somebody at the investigation center and just relayed the information that that – those materials were still out there.

Q And so they eventually came out and collected those items?

A That's correct.

Q You spend a lot of time in the woods –

A Yes, sir.

Q -- as part of your job in this ca – job as a DNR officer?
A Yes, sir.
Q And you spent time in the woods in this case?
A Yes, sir.
Q And in particular, in that woods out there by the Monon High Bridge?
A Yes, sir.
Q And it's not unusual for you to spend time in areas that are on waterways, like that creek out there, like Deer Creek?
A That's correct.
Q Are you actually familiar with that area kind of generally I thought you told me?
A As far as, I would say, the route of the creek. I mean, not – I'd not been specifically in that woods or on foot in that section of creek.
Q I think what you said is you've worked this general geographic –
A Yes, that –
Q -- greater geographic area is what you told me; right?
A Absolutely, yes, sir.
Q This being here in the Delphi area.
A Yes, sir.
Q And one of your responsibilities as a DNR officer is to work the waterways, too?
A Yes, sir.
Q That's kind of your office; right?
A That's correct.
Q And when you went out there that day, at least one of those days, you

immediately noticed that there were some deer stands out there, didn't you?

A That's correct.

Q Those are things you kind of catch to, 'cause you're – it's part of your job; right?

A That's correct.

Q It's noticeable?

A Yes.

Q They're some signs that people had been out there and hunting; right?

A Yes, sir.

Q And that – you would agree with me that that area appears to have gotten some hunting and fishing pressure?

MR. MCLELAND: Judge, I'm gonna object to the form of the question.

THE COURT: Sustained.

Q Do you believe that there are people that hunt out there?

A That's correct, yes, sir.

MR. MCLELAND: Judge, I'm gonna object –

Q Based on what –

MR. MCLELAND: -- it calls for speculation.

MR. ROZZI: He's –

THE COURT: Sustained.

MR. ROZZI: Judge, he's got first-hand knowledge. He said he saw a deer stand.

THE COURT: I've sustained the objection.

Q It's not uncommon to find shell casings, both spent and unspent, in a

wooded lot like this, is it?

A As it relates to hunting?

Q Yeah, just any kind of shells.

A Yeah, so I would say that the type of cartridge or caliber would be then associated with something that would be legally hunt – like that you could legally hunt with. So a 12-gauge shotgun slug on the ground or 12-gauge shells from someone that had been hunting squirrels or ducks, you would find that kind of stuff on the ground.

Q It's not uncommon – is it? – to find spent shell casings or other types of unspent shell casings in the woods, is it?

MR. MCLELAND: Objection: Asked and answered.

THE COURT: Sustained.

Q You didn't tell me – that's not the way you answered this when I asked you that back in March, is it?

MR. MCLELAND: Judge – withdraw the objection. Go ahead.

Q You told me in March –

THE COURT: If you're gonna impeach him –

Q -- it wasn't uncommon –

THE COURT: -- impeach him properly.

MR. ROZZI: Thank you, Judge.

THE COURT: Thank you.

Q Did you tell me when I took your deposition that it was not uncommon to find spent and unspent shell casings?

A That's correct.

Q And this is a .40-caliber round we're talking about here; right?

A Yes, sir.

Q Do people out in the countryside often have handguns?

A Yes, sir.

Q Is there anything unusual about people shooting those handguns in wooded areas?

A I'm not exactly sure where people shoot them, but there's no prohibition against it.

Q Okay. You've seen that happen; right?

A Yes, sir.

Q And do you agree with me that there are even hunters and fishermen that carry handguns with them when they go out hunting and fishing?

MR. MCLELAND: Judge, I'm gonna object to the form of the question.

THE COURT: Sustained.

Q Is it common to see hunters and fishermen who carry handguns with them when they go out to hunt and fish?

A Yes, sir.

MR. ROZZI: One second, Your Honor.

Q Sig Sauers were a standard law enforcement issue back in 2017?

A Yes, sir.

Q And it's a pretty popular firearm to see in your line of work, isn't it?

A Yes, sir.

Q You familiar with the words "Smith and Wesson"?

A Yes, sir.

Q Very popular manufacturer of firearms and ammunition?

A Yes, sir.

Q One of the most popular that you'll see in the market; right?

A I believe so, yes.

MR. ROZZI: I don't have anything further.

THE COURT: Mr. McLeland.

MR. MCLELAND: Thank you, Your Honor.

RE-DIRECT EXAMINATION OF CAPTAIN DAN DULIN

QUESTIONS BY MR. MCLELAND.

Q Captain Dulin, I want to focus on the fishing license that Richard Allen purchased. You stated you didn't remember the –

MR. ROZZI: Judge, I'm gonna object. He testi – because it's not consistent with the testimony. He testified that he doesn't know who purchased that license.

THE COURT: That's correct.

MR. MCLELAND: I can rephrase the question.

THE COURT: Rephrase it.

MR. ROZZI: Thank you.

Q You testified you didn't know who purchased the license; correct?

A That's correct.

Q Were you able to, in your search, find identifying information about who purchased that – those licenses? Were you able to find the IP address of where they were purchased from?

A Yes, sir.

Q Were you about to find the credit card that was used to purchase those?

A Yes, sir.

Q Were you able to find emails associated with who purchased those?
A Yes, sir.
Q And you testified that you didn't recall what credit card was used to purchase those; is that correct?
A That's correct.
Q If you had an opportunity to look at your report, would that refresh your memory?
A Yes, sir.
Q Did you document it in your report?
A Yes, sir.
Q I'm gonna show you a document; does this accurately reflect what's in your report?
A Yes, sir.
Q And by reviewing that, would it help refresh your recollection about which credit card was used to purchase those fishing license?
A Yes, sir.
Q And so whose credit card was used to purchase the fishing license?
A My report indicates Richard Allen's credit card ending in 2968 was used for both purchases.
Q When you say both purchases, what do you mean? Were there two licenses purchased?
A It says – yes, one for Kathy and one for Richard Allen.
Q And were you able to determine the IP address for who purchased those?
A Yes, sir.
Q And was it the same IP address?

A Yes, sir.
Q And when someone purchases a license, do they have to use a username or login to be able to purchase those license?
A Yes, sir.
Q And do you recall – if you recall, do you know what username was used in this case?
A I do not recall that.
Q I want to take you back to the interaction with Richard Allen. He allowed you to look at his phone; is that correct?
A That's correct.
Q And you gathered some identification information or ID number from that phone?
A That's correct.
Q Did you go into the phone, meaning did you open the phone and look at text messages?
A No, sir.
Q Did you look at pictures in the phone?
A No, sir.
Q Did you go to the phone and look at any applications that he had?
A No, sir.
Q Did he allow you to go into the phone?
A I don't believe that I asked him to do that –
Q Okay.
A -- I don't – so it's not something that he said, "Absolutely not."
Q The ID number, was that got – did you get that from the exterior of the

phone or by going into the phone, opening the phone up?

A I don't remember exactly, but I know that he and I had – were both looking. I was originally looking for what is referred to as an IMEI number, and he didn't immediately find that, and he had I had a discussion about, "Well, try going to your settings," and then about – you know, just, you know, how to find that, and that's where we obtained the numbers. I don't remember if it was off the back of the phone or off – inside the phone, but we kind of worked on that together.

Q But during the time the phone was being manipulated, was that something he was doing?

A Yes, sir.

MR. MCLELAND: I don't have any other questions, Judge. Thank you.

THE COURT: Mr. Rozzi.

RE-CROSS EXAMINATION OF CAPTAIN DAN DULIN

QUESTIONS BY MR. ROZZI.

Q You don't know if he was manipulating anything, do you?

A No, sir.

Q And what you're saying is, is that the software program, essentially, autopopulates retroactively when you enter current information; is that my understanding of what you're saying?

A Yes, sir.

Q So you really don't know what the information said before?

A It lists in one column current information, and it actually lists it in inches, and then it has another column that shows the information that was changed and then the date that it was changed, it's all on one print-out so –

Q Right. But in this case, it's just 2016 and '17; correct? Just those two years? You're looking at the year prior and then the year that the information was changed?

A Essentially, I – yes, I believe –

Q Right. It doesn't compare every year all the way back to 2005?

A Correct. Correct, it's only saying the change from the last time he, you know, made a purchase, yes, sir.

Q After you met with Richard in 2022, you didn't hear another thing about him – did you? – in 2017. You didn't hear anything else until 2022; right?

A That's correct, yes, sir.

Q This case drew a lot of media attention, didn't it?

A It did.

Q Coast to coast.

A Yes, sir.

Q And I'm sure there's been times when you sat and thought about what happened out there on that bridge; right?

A Yes, sir.

Q And not one of those times did you ever think, "Hey, Richard Allen, that guy I talked to at Save A Lot, might be a guy."

A That's correct.

Q And you work on hunches, don't you? You're a police officer.

MR. MCLELAND: I'm gonna object, Judge, to the form of the question. It's well outside the range of direct.

THE COURT: Well outside.

MR. ROZZI: I'll withdraw it.

THE COURT: Sustained.

MR. ROZZI: I have nothing further.

THE COURT: Does anybody on the jury have any questions for Captain Dulin? Oh, there's one, I see one.

MR. MCLELAND: Judge, while the Court's reviewing that question, would they allow me to publish the – we now have a redacted State's exhibit to publish to the jury.

THE COURT: You may.

MR. ROZZI: No objection.

THE COURT: That would be 231. Counsel approach.

STATE'S EXHIBIT 231 PUBLISHED

(Sidebar conference conducted.)

THE COURT: "The first time you interviewed Mr. Allen, what was his hair like?"

MR. ROZZI: No objection.

THE COURT: "The packet you turned in was stated to contain a lead sheet, Word document, and BMV info. Was this a new lead sheet you could print from your car computer if the one lead sheet you wrote on was thrown away?"

MR. MCLELAND: I'm okay with it.

THE COURT: And we're gonna have to break.

MR. ROZZI: I'm sorry? Yeah.

THE COURT: We're gonna have to break after this, then.

MR. ROZZI: Okay.

(Sidebar conference concluded.)

JUROR QUESTIONS OF CAPTAIN DAN DULIN

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Captain, the first time you interviewed Mr. Allen, what was his hair like?

A I don't recall.

THE COURT: Any follow-up, Mr. McLeland?

MR. MCLELAND: No, Your Honor.

THE COURT: Mr. Rozzi?

MR. ROZZI: No, ma'am.

Q The packet you turned in was stated to contain the lead sheet, Word document, and BMV info. Was this a new lead sheet you could print from your car computer if the one you wrote on was thrown away?

A No. The only lead sheet that – like I did not have access to the system to print new lead sheets, so what I would have done is I would have taken a – what – my Word document and the BMV information that I included in the packet, and then I would run it through their printer, you know their copier, so it's only copying the top sheet of the lead sheet and everything that I had. And then, after I got done with that, I would staple the information and submit it to the command center, and then I would hold on to that stuff probably, you know, just as I was making my notes at the end of the day or the end of the week of the things that I accomplished and, once I no longer needed that, I would scan that information into my – you know, like scan it and email it to me, so I had a copy of it, which is the stuff that I found when I was contacted by Investigator Mullin, and then I would just get rid of the hard copy after I had it scanned into my files.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge.

THE COURT: Mr. Rozzi?

MR. ROZZI: No questions.

THE COURT: All right. Thank you, Captain. You may step down.

THE WITNESS: Thank you.

THE COURT: All right. Well, ladies and gentlemen, this is a good time for us to take a quick break, give you an opportunity to get up and move around a little. While you're outside the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discuss the evidence that you've heard so far, but please, only do that if all 16 of you present in the jury room at the same time, and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 11:17 a.m.)

THE COURT: All right. We'll take 15 minutes. Jodie, you can go off the record.

(Off record at 11:18 a.m.)

(On record at 11:35 a.m.)

THE COURT: We're back on the record. And are we ready to continue?

MR. MCLELAND: Yes, Your Honor.

THE COURT: Mr. Rozzi, we ready?

MR. ROZZI: Yeah.

THE COURT: Bring them up. And would counsel approach real quick, please.

(Sidebar conference conducted.)

THE COURT: We're gonna break at 12:15 for lunch, just so you –

MR. MCLELAND: Okay.

THE COURT: Okay?

(Sidebar conference concluded.)

THE BAILIFF: All rise.

(Jury in at 11:37 a.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. Mr. McLeland, you may call your next witness.

MR. MCLELAND: Your Honor, State of Indiana would call Investigator Steve Mullin, please.

(Witness sworn.)

DIRECT EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. MCLELAND.

Q Will you state your name, please.

A Stephen L. Mullin.

Q And again, how are you employed?

A Investigator for the Carroll County Prosecutor's Office.

Q Investigator Mullin, you've testified in this court proceeding prior to this; is that correct?

A Yes, I have.

Q And so I want to fast forward to September 21st of 2022; what happened on that day?

A I received a phone call from Tony Liggett.

Q And what was the phone call concerning?

A The phone call was from the – Tony Liggett, he advised me that he had located some paperwork consisting of a report generated by Lieutenant Dulin about a Richard Allen, saying –

Q Once you got that information, what did you do next?

A I then reached out to Detect – excuse me, Lieutenant Dulin and spoke with him regarding this information and asked if he had anything additional regarding that information he provided in the report that we had discovered.

Q And did then-Lieutenant Dan Dulin, at that point, forward the information that he had pertaining to Richard Allen on to you?

A Yes, he did. He forwarded it to myself and Tony Liggett.

Q And did you go back and review if anyone had spoke to Richard Allen since Dan Dulin contacted him in 2017?

A Yes. We looked carefully to find out if anyone had talked to Richard Allen since the time that Dulin had taken this information, but we found out that no one had spoken with him.

Q After that, did you review Richard Allen's BMV information?

A Yes, we did, and we found that he had two vehicles that were registered to him.

Q Can you describe those vehicles.

A One was a, I think, 2006 Ford 500 and the other was a 2016 black Ford Focus hatchback.

Q With that information, what did you do next?

A Well, we went to the Hoosier Harvestore security video and wanted to see if we could locate either one of those vehicles specifically within that time period specified on Lieutenant Dulin's report that Mr. Allen had told him he had been

to the location.

Q Can you tell me that timeframe.

A The time period that was specified in the report was around 1:30 p.m. on the 13th.

Q Prior to that, were you able to obtain any kind of photographs of Richard Allen's vehicles?

A Yes.

Q Tell me about that, please.

A So Tony Liggett had stopped at the CVS location where Mr. Allen worked at and had found the vehicle which he drove, identifying it by the license plate number or registration number, and took pictures of it and brought it back out to the central – when we were looking at the Hoosier Harvestore video so that we could see if we could find that vehicle on the video.

Q I'm gonna show you what's been marked as State's Exhibits 244 and 245; what are those?

A This is the picture that Tony Liggett took of Richard Allen's vehicle as it was parked in the parking lot at the CVS parking lot in Delphi.

Q Do you know when Detective Liggett took these photos?

A It was a matter of days, a few days, after we had found the report. I'm not sure if I could say what day it was exactly.

Q And have you seen these photos prior to court today?

A Oh, yes.

Q And are these the photos Detective Liggett at the time showed you once he completed the photog – or photographing that vehicle?

A Yes.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibits 244 and 245.

STATE'S EXHIBITS 244 AND 245 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 244 and 245 are admitted.

STATE'S EXHIBITS 244 AND 245 ADMITTED

MR. MCLELAND: And would ask to publish those to the jury, Judge, please.

THE COURT: You may.

STATE'S EXHIBITS 244 AND 245 PUBLISHED

Q Once you obtained those photos, what did you do next?

A Well, as I said, we went back and looked at the Hoosier Harvestore video to see if we could find a vehicle matching that description in the basic time area – zone, of that time period that Lieutenant Dulin had specified in his report.

Q What time period did you look at on the video?

A I looked from noon, or before that even, until sometime around one o'clock and beyond that.

Q And on that footage, were you able to find a vehicle that matched that description?

A Yes, I did.

Q When did you see that vehicle come into frame on that video?

A The vehicle was seen entering the frame of the area between where – well, at the edge at the Hoosier Harvestore security video, which started on County Road 300 North, entering the frame around 1:27 p.m. on the 13th, and I believe

1:27:35 when it was – first appeared.

MR. BALDWIN: Judge, I'm gonna – it's a little bit late perhaps, but I wanted to object to the form of the question, or at least ask preliminary questions, if I may.

THE COURT: What about the form of the question?

MR. BALDWIN: I'll strike that and ask a preliminary question.

THE COURT: You may.

MR. BALDWIN: Thank you. A minute ago, the prosecutor asked you if you saw a vehicle that matched the vehicle on the Hoosier Harvestore – that you think is Richard Allen's vehicle; is that correct?

A I believe so, yes.

MR. BALDWIN: But that's just your opinion that it matched; is that correct?

A Yes, it's my opinion based on facts concerning how the vehicle appears, characteristics, descriptions, shape, size, time period when it was there, yes.

MR. BALDWIN: It's your opinion, you don't know that it's an actual match?

A I believe it is.

MR. BALDWIN: Okay. I understand what – that's what your belief is, but I'm asking you don't know that it's a match.

A I believe that it is.

MR. BALDWIN: I'm gonna object to the question being formed that this is a match. I think the proper way is that "you believe that this is a match, that is your opinion."

THE COURT: Any response?

MR. MCLELAND: Judge, my only response is that I believe Investigator Mullin can testify about his opinions as to whether or not the vehicle he sees on the Hoosier Harvestore video matches the description of Richard Allen's vehicle, and so I would ask the Court to allow me to ask that question. He can testify as to his opinion.

THE COURT: Overruled.

Q Investigator Mullin, I'm gonna show you what have been marked as State's Exhibits 233 through 242.

A Yes.

Q I want you to describe what those exhibits are.

A These exhibits here show a kind of frame-by-frame or second-by-second of the vehicle belonging to Mr. Allen that travelled past the –

MR. BALDWIN: Objection to his characterization – did you just say it was Mr. Allen's?

A I did.

MR. BALDWIN: I would object to that.

THE COURT: Refer to it as a vehicle.

THE WITNESS: Yes, Your Honor.

A -- the vehicle as it passes the camera from second-by-second – well, I think nine seconds, from 1:27:35 to 1:27:44.

Q And these progression of photos, they show the vehicle entering from which direction?

A The vehicle enters from the east and travels to the west until it disappears off the camera frame.

Q And do these series of photos show that vehicle as it travels from east to

west?

A Yes, it does.

Q And where are these photos taken from?

A These photos are taken from the Hoosier Harvestore video camera, the security camera, which is located on the west side of the Hoosier Harvestore building.

MR. MCLELAND: Judge, State would move to admit what's been marked as State's Exhibits 233 through 242.

STATE'S EXHIBITS 233 THROUGH 242 OFFERED

MR. BALDWIN: No objection.

THE COURT: Without objection, 233 to 242 are admitted.

STATE'S EXHIBITS 233 THROUGH 242 ADMITTED

Q I'm gonna show you what's been marked as State's Exhibit 243; can you describe what that is?

A This is a close-up to – a little bit closer view of the vehicle as it is travelling on 300 North that shows –

Q And where is that picture from?

A It is taken from the Hoosier Harvestore security camera.

Q And it's a zoomed-in version of the vehicle that you see?

A Yes, it is, zoomed-in.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibit 243.

STATE'S EXHIBIT 243 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 243 is admitted.

STATE'S EXHIBIT 243 ADMITTED

MR. MCLELAND: And then would ask to publish those set of exhibits to the jury. I've got them in one packet for ease of handling.

THE COURT: Okay. You may.

MR. MCLELAND: Thank you, Judge

STATE'S EXHIBITS 233 THROUGH 243 PUBLISHED

MR. MCLELAND: Did everyone on the jury get two, one packet and one photo?

THE COURT: You may proceed.

MR. MCLELAND: Thank you, Judge.

Q Investigator Mullin, I'm gonna ask you to approach the map for a moment, please, and can you explain for the jury – thank you – can you show the jury on the map which direction the vehicle was headed.

A The vehicle that was depicted in the picture is headed this direction. I can show –

Q That's fine, go ahead.

A -- show that it's travelling in front of the Hoosier Harvestore, it appears here – (indicates) – and then travels west on County Road 300 North. I think it disappears somewhere in this vicinity. (Indicates)

Q And you're able to tell from the time on the Hoosier Harvestore security footage when that vehicle was travelling on that road; is that correct?

A Yes.

Q And what was the time that it entered the spectrum of view of the security camera?

A According to the security camera footage, again the camera – that's time

on the camera, adjusted for 54 minutes fast, as we were told and it appears it is, it would have been – appeared here at this location at 1:27:35, and then – may I continue?

Q Nope, that's fine. Go ahead and have a seat back at the witness stand, please. Investigator Mullin, you believe the ve – or do you believe the vehicle that's in the Hoosier Harvestore video at that time matches the description of Richard Allen's vehicle?

A I do.

Q I'm gonna show you again what's been admitted into evidence as State's Exhibits 244, 245, which are the pictures of Richard Allen's vehicle at CVS, and then State's Exhibit 243, which is the blown-up picture of the vehicle from the Hoosier Harvestore surveillance video. Will you take a look at those three photographs, please.

A Yes.

Q Now, is it fair to say in the Hoosier Harvestore video you can't see the license plate of the vehicle that's on the video?

A Yes, that is correct.

Q You also can't see the identification or the VIN number of the vehicle; is that correct?

A That's correct.

Q You also can't see the driver; is that correct?

A That is correct, you cannot see the driver.

Q What distinctive characteristics from Richard Allen's vehicle leads you to believe that the vehicle in the Hoosier Harvestore video is his vehicle?

A I think I could start, first of all, by detailing that the general shape and

appearance of the vehicle is consistent with the one in the Hoosier Harvestore video. It is a hatchback, and the shape, if you look at it with the vehicle that's depicted at the CVS parking lot, is in general shape and appearance to be the same, the taillights, the bumper, and other features.

Q What other features?

A Other features that I'd like to talk about are the rims and wheels on the vehicle. If you'll notice, the – at the picture that shows the vehicle parked at the CVS parking lot, the vehicle has a black sports-type rim, which have spokes on the rim, which make it possible to be able to see through, see daylight through the other side. This is important, because when you look at the vehicle depicted on the Hoosier Harvestore video, you can see daylight coming through from the other side of the vehicle as it's travelling westward on County Road 300 North.

Q The time that you see the vehicle on the Hoosier Harvestore video, is that also significant?

A It is.

Q Why is that?

A In Lieutenant Dulin's report, he detailed that Mr. Allen told him that the vehicle had arrived at the location where he said he parked at, which would be the CPS building, or as they described it, at the Farm Bureau building, at about 1:30. The vehicle depicted in the security video shows it at almost 1:30, which would be 1:27 p.m.

Q And just for clarity – I'm not gonna ask you to step down here, I'm gonna try to make this go a little quicker. Where on the map that you see depicted, which is State's Exhibit 5, is the old CPS building or the Farm Bureau building?

A If you look at the – I think the left-hand portion of the map and about

maybe 5 or 6 inches down from the top, maybe 12 or 15 inches from the left-hand side, there is a building situated next to the –

Q Is it this building here? (Indicates)

A -- Hoosier Heartland Highway and – yes, it's the – if you'll point to it again, I'm sorry.

Q This building here? (Indicates)

A That building right there.

Q Okay. After you gathered this information, what did you do next?

A Well, naturally, we followed-up on this information. We wanted to talk with Mr. Allen, so we drove to the location Mr. Allen's residence is at, which is 1967 Whiteman Drive located in Delphi off of County Road 200 North.

Q Do you know what date you did that?

A Yes, we did – I do. We talked to him or made the arrangements to do this and did it on October the 13th of 2022.

Q And did you drive to his residence?

A I did.

Q Did you make contact with Richard Allen?

A Yes. We knocked on the front door, he came and answered the door, and we spoke with him at his residence.

Q And I may have missed this, but who were you with?

A Tony Liggett, now Sheriff Tony Liggett.

Q And once you spoke to Richard Allen at his residence, what happened next?

A We advised Mr. Allen we wanted to ask him questions concerning our investigation, we specified what the investigation was about. We advised Mr.

Allen he was under no compilation [sic] to come with us. We informed him he was not under arrest and he was not in custody and he could leave at any time. Mr. Allen agreed to come with us and we transported him, with his consent, to the investigation center of the station where we talked to him at.

Q Was he put in handcuffs?

A No, he was not handcuffed and he was in plain clothes. We were in plain clothes, as well, too.

Q Did you transport him in a police vehicle?

A I have a – I think it's a 2014 Buick, that's what I went to pick him up in.

Q But it's unmarked; is that correct?

A It was unmarked and it's not necessarily, in any way, interpreted to be a police car.

Q And what happened next?

A Once at the location where we were at, in the interview room, we – I advised him of his rights in accordance with *Miranda* and made sure he understood his rights, he said he understood his rights, and we started asking him questions about what happened on February the 13th, 2017.

Q And what information did you gather from Mr. Allen on that date, February – let me back up, that's a poorly asked question. What information did you gather from Mr. Allen as to his whereabouts and what he did on February 13th of 2017?

A In essence, Mr. Allen told us that he had gone to his mother's house – which she lives in Miami County, north of Peru – that morning and had visited with her. He said he was off that day. His wife, Kathy, was working that day, as well. He said that he left his mother's house around eleven o'clock to 11:15, and

then returned to his residence and picked up – got a jacket, and then he drove out to the trails and went to park. He said that he – when he first got to the trials, he walked, at the head of the trails, past three girls and didn't see anybody else. He said he was on his stock ticker or his phone, looking at his stock ticker, as he walked towards the High Bridge.

Q And did he tell you where he parked?

A He couldn't remember exactly where he parked at, believe he had – but believed he had parked at an old building at that location.

Q Did he tell you what time he arrived at the trails?

A Mr. Allen said that he had arrived at the trail at twelve o'clock and had left at 1:30 p.m.

Q And did he tell you where he was headed or which direction he was travelling on the trails?

A He told us that he had started at the entrance to the trail or the trailhead and walked to the High Bridge – toward the High Bridge, which would be towards the end of the trails.

Q And did he tell you what happened or what he did when he got to the Monon High Bridge?

A Mr. Allen said that he went out to the bridge and looked at the fish and said he had walked all the way out onto the bridge to at least the first platform.

Q So I'm gonna ask you to approach the map again, please, and from the information you collected from Richard Allen, can you explain to the jury the route of travel that he took once he got to the trails.

A Well, Mr. Allen told us he had started at this location, which he said he parked by old buildings, so we assumed it's this location here – (indicates) – and

then walked down the trails from this – what we call – at least I call it the trailhead, and then come – came on the trail towards the east and walked towards the High Bridge, which is not shown here.

Q And so he would have walked – or he told you that he walked to the Monon High Bridge?

A That's correct.

Q And he also indicated to you that he had ran into or met three girls?

A Yes.

Q Did he indicate where he ran into those girls at?

A From what we could tell from his conversation, we believed it was somewhere at the beginning of the trailhead.

Q And which direction – did he tell you which direction the girls were travelling?

A They were walking away and he was walking towards the High Bridge. I interpreted that to be he was coming this direction – (indicates) – and they were walking that way. (Indicates)

Q Ask you to have a seat back at the witness stand, please. Did he describe what vehicle he was driving on February 13th of 2017?

A He believed it was his 2016 Ford Focus, black Ford Focus.

Q Is that the same vehicle he had – or let me back up. Is that the same vehicle that he had in 2022?

A Yes.

Q Did he recall the route that he took to get to the trailhead?

A He possibly believed that he had gone through the country, wasn't sure. He said normally he goes to the trail through the city, but may have gone through

the county.

Q And I'm gonna ask you to approach the map again. For the record, we're looking at State's Exhibit 5. Again, point out the trailhead on the map, please.

A The trailhead is here. (Indicates)

Q And where – you're familiar with where Richard Allen lived?

A Yes.

Q You went to his house to pick him up?

A Yes, I did.

Q Where does he live?

A Well, it's not pictured on the map, so the best coordinates I could give you would be it would be probably down in this area here, south of the location. (Indicates)

Q And he told you that he possibly went through the city or through the country; is that correct?

A That's right.

Q And did you build upon what he meant by those two descriptions?

A Yes.

Q And so what would be – show the jury what would be the city way to the trailhead.

A Well, the best way to describe it to you with this map would be showing you that if he came through the city, he would have traveled on what – this is called East Main Street to County Road 300 North, which is this road that goes around and underneath the Hoosier Heartland Highway. That's the city route.

Q What about the county route?

A Oh, there's another way, too.

Q Well, let's just focus on what about the country route.

A The country route would have taken him from his residence, travelling east on County Road 200 North, out into the country and about in here, it's not shown, this area – (indicates) – and over to 300 North and back towards the parking area.

Q And which road would he have come in on had he taken the country route?

A He would have come in off of 300 North.

Q And would he have passed – if he had taken that route, would he have passed the Hoosier Harvestore business?

A In order to get to this location, he would have had to go past the Hoosier Harvestore security cameras.

Q Okay. I'll have you have a seat back at the witness stand, please. And did he give you an indication of how long he was out on the trails?

A I believe he estimated somewhere around an hour.

Q And once he left the trails, what did he do? Or do you – did he tell you what he did?

A He told us. I think I asked the question what precipitated him making the report to the police about – excuse me – that he had been out to the trail, and he told us that he had told his wife that he had been out on the trails the day the girls had become missing and –

Q Did he describe – sorry. Did he describe to you what he was wearing that day?

A Yes. He said he wearing a either black or blue Carhartt jacket, blue jeans, a skull cap, and military style – excuse me – style boots or tennis shoes.

Q Did he indicate that after he saw the three girls, whether or not he saw

anybody else on the trail?

A Mr. Allen said that he didn't recall seeing anybody else out on the trails.

Q Did he describe how the three girls looked?

A He said that one of the girls appeared to be older and maybe babysitting the other two, the other two were younger.

Q Did you ask him to look through his phone?

A Yes, I did.

Q And did he agree?

A At first, Mr. Allen agreed to allow us to look into his phone, he even gave us his passcode, but then he changed his mind.

Q Did you then continue to question him?

A At some point, Mr. Allen became agitated with Sheriff Liggett and I, and he terminated the interview by walking out of the room.

Q Prior to him leaving the room, did he recall what information he'd given to Lieutenant Dulin at the time about when he was out on the trails?

A He could not recall exactly what information he had given to Lieutenant Dulin about what time he had been out on the trails. He wanted – excuse me. He said he didn't believe he was out there as late as 3:30 p.m.

Q Did you show a picture of what we've commonly referred to as Bridge Guy?

A I did.

Q Did you ask that of – did you ask him if that picture was of him?

A I asked him – the question was, that I posed to him, in essence, was we needed to work out if the person depicted in the picture of Bridge Guy was him. And his response was strange, odd. It's – he said if the picture was taken with the girls' camera, there's no way it could be him.

Q And then the interview was terminated; is that correct?

A Somewhere after that, he left the room, yes.

Q After the interview was terminated, what happened next?

A We gave Mr. Allen a ride back to his residence and then began the process, with the information we had accumulated at that point, to get a search warrant for his house.

Q And was his house searched?

A It was.

Q Were you able to confirm – I think I've asked you this, but I can't remember. Were you able to confirm that the black Ford Focus, that he owned that vehicle back in 2017?

A Yes.

Q How were you able to confirm that?

A When we were initially at Mr. Allen's residence, before he came to the police department or the – our investigation center to talk with us, we asked him questions about the car, it was parked in his garage. He said that the car had been purchased when it was new in 2016 by him.

MR. MCLELAND: I don't have any other questions, Judge.

THE COURT: All right. Well, ladies and gentlemen, we're gonna go ahead and take our lunch break. While you're outside the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discuss the evidence – folks, we're working here. Please be quiet. Thank you. Forgot where I was. You may talk about the evidence that you've heard so far, but please, only do that if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 12:08 p.m.)

THE COURT: All right. We'll resume at 1:30. Jodie, you can go off the record.

(Off record at 12:09 p.m.)

(On record at 1:30 p.m.)

THE COURT: Okay. Are we ready to bring the jury back in?

MR. BALDWIN: Yes.

MR. MCLELAND: Yes, Your Honor.

THE BAILIFF: All rise.

(Jury in at 1:32 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. You may proceed with your cross, Mr. Baldwin.

MR. BALDWIN: Thank you.

CROSS EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. BALDWIN.

Q You are so desperate in needing Richard Allen's car to be heading west on 300 North, to be his car, that right before lunch, you lied to this jury.

MR. MCLELAND: I object to the form of the question, Judge.

THE COURT: Sustained.

Q You testified to this jury under oath that Rick told you in that October 13th interview that he possibly drove the country route westbound on February 13th. That's what you testified to under oath before lunch.

A Is there a question?

Q Answer the question.

A What's the question?

Q Did you testify under oath before lunch that Rick Allen, at your October 13th interview, told you that he possibly drove the country route west on 300 North when he inter – when you interviewed him?

A Yes.

Q And that's the impression you wanted this jury to have –

MR. MCLELAND: Objection, Judge, to the form of the question.

THE COURT: Sustained.

Q Richard Allen's videotape is available for this jury to watch, isn't it?

A I'm not sure if I understand your question.

Q You don't understand my question?

A Which videotape are you talking about, sir?

Q The videotaped interview from October 13th, 2022?

A Yes, yes.

Q And they, then, could see Rick's actual words and his body language and everything that was going on in that interview; correct?

A Yes.

Q But we have to trust your words?

MR. MCLELAND: Objection, Judge, form of the question.

THE COURT: Sustained.

Q I'm gonna hand you the transcript of Richard Allen, October 13th, 2022, interview. I'd like you to point out to me and the jury where it is that Richard Allen says that he may have gone west on 300 North on February 13th, 2017, and let me know when you find it.

A Mr. Baldwin, I'm having a trouble locating it, but I can tell you what I'm looking for is where he told us he had driven by the Mears entrance and was talking about seeing vehicles there.

Q Was that a question?

A Just a statement.

Q My question is not about that, it's about whether or not – well, strike that. I'm asking you to find where it is that you said – that you testified under oath before lunch that Rick Allen told you he went westbound – he may have gone westbound on 300, that's what I'm asking you to find.

A So Mr. Allen reported that he had gone past the High Bridge entrance, which is also covered at the Mears entrance, and so he said –

Q What page are you on?

A Page 45, I believe, yes – said there were a couple of vehicles there and may have – he thinks one of them was a sedan, he wasn't sure when he passed, and that's what he was referring to, having possibly gone that direction. Yes, that was my interpretation of possibly saying that.

Q He also told you that he went his normal route, which is really his only route, through town, eastbound on –

MR. MCLELAND: Judge, I'm gonna object to the form of the question. Mr. Baldwin's imputing his own opinion into the questions. He's forming questions "his only route". I'm just objecting to the form of the questions, Judge.

THE COURT: Sustained on the form of the questions.

Q When Richard Allen wasn't telling you the typical route that you wanted him to take –

MR. MCLELAND: I'm gonna object to the form of the question again, Judge.

THE COURT: Sustained.

Q You want – you were trying to find out if Richard Allen's vehicle was the same vehicle that was headed westbound –

A I think it's upside down, sir.

Q You're trying to find out if that was Richard Allen's vehicle when you were interviewing him; correct?

A We had already surmised it was his vehicle, but yes, it was nice to know, have him say that's his.

Q You surmised that it's his vehicle?

A Um-hmm. (Affirmative response)

Q That's my surmising that you have – you're trying to figure out if it actually was his vehicle; correct?

A We would like for him to been able to confirm that.

Q And then go to page 35 – if you want to go back to 34 for context, that's fine, 34, 35, 36, read those and tell me when you're done.

A From the top?

Q Just read it to yourself. I'll have some questions about it.

A Okay.

Q You asked him very particularly, "What day – which way do you think that you would have travelled to get to this building that particular day? Do you remember?" You asked him that; correct?

A Yes.

Q And he said, "The loop around, which is in town –

MR. MCLELAND: Judge, can we approach?

THE COURT: Sure.

(Sidebar conference conducted.)

MR. MCLELAND: Judge, I guess I don't with what we're doing. He's trying to impeach what he's saying, but use a deposition, but it seems like you're wanting (inaudible) to testify using the deposition. That's not the proper way to impeach a witness at trial.

THE COURT: What are you trying to do? If you're trying to impeach him, then use the deposition, but using this is not proper impeachment. This is his statement, your client's statements.

MR. BALDWIN: Well, he misled the jury in what he said and I'm trying to show that he misled the jury with what he said when he testified that Richard Allen may have gone – said that he may have gone this way, but Richard Allen actually told him, "I didn't go that way."

MR. MCLELAND: Well, you can ask him – I don't have a problem with you asking him these questions, but this other thing where you're using the transcript, you're having him read from the transcript –

THE COURT: And that's improper.

MR. MCLELAND: -- and you're trying to impeach him.

THE COURT: That's improper.

MR. BALDWIN: All right.

(Sidebar conference concluded.)

Q Richard Allen told you that he took the loop, which is 300 North eastbound, that's what he told you, isn't it?

A Mr. Allen, if I remember right, said he had possibly gone around the other

way at different times and knew how to get there that way.

Q I'm not gonna have you go through and look for that again, but my questions is – 'cause I – when you asked him on that particular day, "Which route did you take," he told you he took the loop that takes you 300 North headed east.

A He said that was one possible route that he took, yes.

Q Look at page 35, line 15 through 18. And I haven't done this the proper way. You were deposed by me and Brad Rozzi; correct?

A Yes.

Q And that was on October the 13th – I'm sorry, that was – you interviewed Richard Allen – you're the one that was in the interview room with Richard Allen on October the 13th, 2022; correct?

A Yes, I was.

Q So you're familiar with this document?

A Yes. Which are you referring to, sir?

Q Line 15 through 18.

A Go ahead.

Q So you asked Richard Allen, "On that particular day, which route did you take?" And he said, "The one that loops around," which would be 300 headed – 300 North headed east.

A Is –

MR. MCLELAND: Judge, I'm gonna object. He's imputing facts into the question that are just inaccurate, and so I'd object to the form of the question.

THE COURT: Sustained.

Q You asked Richard Allen, "Well" – later, after that area we just talked about, "Well, was there any other way that you drove?" Do you remember asking him that?

A Yes.

Q And you asked him that because, right before that, he had told you in the video when he was pointing that he had gone through town and down 300 North headed east; right?

A Yes.

Q Okay. So that was the first thing he told you, and then, when he didn't tell you he was headed westbound, you said, "Well, did you take another way?" That's what you asked him; correct?

A I'd have to look at it, but possibly.

Q Well, page 36, lines 3 through 5.

A Yes, I'm familiar now.

Q Yeah.

A The question is?

Q You asked him, "Did you – is it possible you had gone a different way?"

MR. MCLELAND: Judge, object. Again, the form of the question. He's misquoting what questions are being asked in the interview and he's putting in his own words, he's forming them the way he wants them formed. Those are not the questions that are asked in the interview. We have the transcript, he can read from the transcript what the questions are.

MR. BALDWIN: I'll do that.

THE COURT: Sustained.

Q You asked Rick Allen, "Was it ever an occasion where you might have gone