Witness: Lydell Wall

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris (continued from previous day); Cross – Mark Geragos

Day 2 of 4 for this witness

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August 4, 2004

JUDGE: Do you remember where you left off, Mr. Harris?

HARRIS: Yes.

JUDGE: Go ahead.

HARRIS: Detective, we were about to start marking some exhibits yesterday, and before we do that, I want to ask a couple different and additional questions. How long have you been a police officer?

WALL: For approximately 26 years. 24 years with the sheriff's department, and I was with another agency prior to that.

HARRIS: And how long have you been assigned to the high tech task force?

WALL: Since 1999.

HARRIS: You were describing for us yesterday the EnCase software that you were using to do this forensic examination, and did you print out a screen print of what it looks like when you're doing one of these EnCase reviews?

WALL: Yes, I did.

HARRIS: I'd like to have that marked People's next in order.

JUDGE: All right. That will be 177. And what's the official title of that?

HARRIS: A screen print of the EnCase software.

JUDGE: A screen print of the Intake (sic) software.

HARRIS: Yes. Detective, let me show you what's been just marked as 177. Do you recognize that?

WALL: Yes, I do.

HARRIS: Is that the screen print that we're talking about?

WALL: Yes, it is.

HARRIS: All right. The People will go ahead and project this up there so we can see what it is that we're talking about. Now, putting up on the screen 177, I know it's kind of hard to read, can you describe for us what this is.

WALL: Yeah. This is the graphical user interface of the software product known as EnCase, manufactured by Guidance Software. And this one particular instance it shows clearly what I see when I conduct a forensic examination on a computer. The left pane shows the typical file structure that you would see in a Windows environment. You can see the folder structure, and on the right is the individual files that would be associated with the folder that is chosen.

HARRIS: So I know it's, it's kind of fuzzy from across the room, but the software pretty much takes all the data that's on a computer and puts it into a file structure format much like a regular operating system?

WALL: Exactly. It's like a database.

HARRIS: I don't think we can get this focused any more, but I'll try.

That's about as good as it's going to get. And there's a highlighted portion up here. Are you looking at a particular file with that highlighted portion?

WALL: Yes.

HARRIS: And what does it indicate that it is?

WALL: Well, I'm having trouble seeing it from here.

HARRIS: Let me present it to you.

WALL: Thank you. The file is called boats bracket one dot htm.

HARRIS: So when you were doing this examination, you were describing for us yesterday how it pulls up data, you can actually go in and kind of click on the individual file and see what it is?

WALL: That’s correct.

HARRIS: All right. Now, you described for us yesterday that you started looking at stuff and you were finding stuff related to fishing or boating or the Bay, and the first thing you found was on December 7th of oh two?

WALL: That’s correct.

HARRIS: And that was some kind of want ads or classifieds?

WALL: Yes.

HARRIS: If I could have marked as People's next in order.

JUDGE: 178.

HARRIS: This would be five documents, which counsel has already seen and been provided.

JUDGE: Five documents. A through E.

HARRIS: I'll try and see if this focuses.

HARRIS: Detective, showing you 178 A through D, do you recognize these as being documents that you printed off of the forensic copies or the forensic files?

WALL: Yes, they are.

WALL: And with these particular documents, give counsel a second to write this down

HARRIS: While he's doing that, let me ask you some other questions. There's some writing that appears on these documents. Did you put that writing on there?

WALL: Yes, I did. That writing is the date that the file was created and the time that the file was created on the computer.

GERAGOS: Thank you.

JUDGE: The original date and time? The original date and time?

WALL: That's correct.

HARRIS: Let me go ahead and put up 178A. Now, looking at the top of this document, does it indicate where or what this is related to?

WALL: I'm going to have to find a frame of reference because it is difficult for me to see as well.

HARRIS: Give you back the original. Does that indicate ModBee dot com at the top?

WALL: Yes, it does.

HARRIS: And is that some type of acronym or something from a web site?

WALL: Yes. That is the known URL for the Modesto Bee.

HARRIS: What is a URL?

WALL: It's a Uniform Resource Locater. It's the way that the Modesto Bee allows people to go into their web site. So if you would enter in WWW dot ModBee dot com, you would go to the Modesto Bee's web site.

HARRIS: Now, looking at this particular document, if you need to look at them in your hand, let me know. There are some boxes at the top of this document with little squares and red Xs. What does that indicate?

WALL: Those would have been where banner ads or images would have been located on the original document as it appeared on the web site.

HARRIS: All right. And as you were describing for us, at the bottom of the document there's the handwriting. Can you see that from where you're at?

WALL: Yes, I can.

HARRIS: And that's your handwriting?

WALL: Yes, it is.

HARRIS: So this particular file, as it resided on the computer, the defendant's computer, was that created, accessed, that three terms that you're using, on December 7th of 02?

WALL: That’s correct.

HARRIS: And the time for this particular document?

WALL: It looks to me like 9:44:20, if I'm reading it correctly, a.m.

HARRIS: All right. Showing you 178B. Again, is this a printout from the Modesto Bee?

WALL: Yes, that's what it appears that it is.

HARRIS: And the bottom it has, again, times there?

WALL: Yes. The date of December 7th 02, and the time that it was created.

HARRIS: And the time for that, this one is?

WALL: I'm having a hard time seeing it. I'm sorry.

GERAGOS: I can see that it says 4:41. If you want I'll just stipulate that's what you wrote on there. Is that your handwriting on the lower right?

WALL: Yes, my handwriting appears on all of these documents.

GERAGOS: Okay.

HARRIS: So at the bottom right of the document where it says 4:41:32 p.m. that would be your handwriting?

WALL: That’s correct.

HARRIS: Does that represent the time of the original file?

WALL: That it was created on the computer, that's correct.

HARRIS: The next one, 178C, this is another printout for the Modesto Bee?

WALL: Yes.

HARRIS: Can you see that at the top?

WALL: Yes.

HARRIS: And this is the, basically their electronic classified ads?

WALL: That’s correct.

HARRIS: The time for this particular document 178C is December 7 at 4:41 and 52 seconds p.m.?

WALL: That’s correct.

HARRIS: 178D, is this going further into the classified ads?

WALL: Yes, it is.

HARRIS: The time for this one is December 7th 02 at 4:42 and 12 seconds p.m.?

WALL: That’s correct.

HARRIS: And the last one, 178E, is this, again, more ads for the Modesto Bee?

WALL: That, that would be more specific where selections have been made to get to that specific area where boat ads appear.

HARRIS: And the time for this particular document is December 7th, oh two, at 4:42 and 50 seconds p.m.?

WALL: That’s correct.

HARRIS: Now, to take you through this, or take us through this particular process, if you're on the Internet, and so you're looking for something or you want to search something on a web site, give us the basic rundown how this works in terms of what we're looking at with these documents.

WALL: Well, basically you would start at a specific starting point, in this case ModBee dot com classifieds. And from there you can navigate or select a hyperlink, which takes you to the next page. And so you can narrow your search and get to the specific area that you're interested in.

HARRIS: So as we go through the file times here, would this indicate that somebody started at that kind of outside and moved into the ads that we see here for boat ads?

WALL: Yes, that's correct.

HARRIS: And the second ad up there, that's for a 14 foot aluminum boat and trailer?

WALL: Yes.

HARRIS: Now, after you find that particular information, do you pass that along to the police detectives from the Modesto Police Department?

WALL: Yes.

HARRIS: Do you continue looking to see if there's other searches in terms of what's going on, either water, boating, fishing, bays, maps, charts, something along those lines?

WALL: Yes, I did.

HARRIS: Were those specific things that you were asked to look for by the police department?

WALL: Yes, they were.

HARRIS: And you indicated that this was the first thing that you found on December 7th?

WALL: That’s correct.

HARRIS: And that was across the four laptops that you originally had?

WALL: Actually across the four hard drives. I wasn't working with any of the actual physical hardware. The laptops or the computers. I didn't have any of those.

HARRIS: So as you searched across the hard drives, this was the first time that any kind of boating, fishing any information comes up?

WALL: Yes.

HARRIS: As you move forward in time, do you also check out December 8th?

WALL: Yes, I did.

HARRIS: Did you find more activity related to boating, fishing, bays, charts, anything on December 8?

WALL: Yes, I did.

HARRIS: Was there a lot of documents from the files of the computers, all four of the computers at that time?

WALL: No, they were primarily on one computer that was identified as DELL laptop Home 1.

HARRIS: And that was the, again, that's the naming convention that came from Detective Stockham?

WALL: That’s correct.

HARRIS: I'd like to have marked People's next in order.

JUDGE: 179.

HARRIS: And subparts. It's a binder, we previously marked the pages inside A through U.

JUDGE: Okay.

HARRIS: What we've done is on each separate document written in red in the lower right a letter, to make it easier for the clerk.

GERAGOS: Is that 179?

HARRIS: Yes.

JUDGE: Yes. 179 binder and contents, A through U.

GERAGOS: Just going to do it binder and contents?

JUDGE: Right.

HARRIS: Detective, let me show you 179. And do you recognize the contents of this, this binder?

WALL: Yes, I do.

HARRIS: And are these printouts that you were aware of or had some involvement with?

WALL: Yes. These are documents that I created as a result of the analysis of the computer systems that I did.

HARRIS: Now, each one of these documents, does it have a handwritten letter in the lower right hand corner?

WALL: Yes it does.

HARRIS: And do you know how they got there?

WALL: Yes, I placed them there.

HARRIS: And also on the bottom of the documents, does it have dates and times, like we've looked at in the previous exhibits?

WALL: Yes, they do.

HARRIS: Who placed those there?

WALL: I placed those dates and times as well.

HARRIS: Did you also write on the back of these documents?

WALL: Yes, I did.

HARRIS: So for these documents, as you find them on the computer with that EnCase software that we were looking at, it tells you the date and time that this information was obtained on that computer?

WALL: That’s correct.

HARRIS: And so you have now printed that out, and that's what this, these documents represent?

WALL: Yes. You can even see by the print document at the base that it was conducted by me, my network name, WALLLYD, is at the bottom of each of the documents as well.

HARRIS: Okay. We have one, we'll take this from you and we'll put this up there, but we have one up on the screen right now that we're looking at, the previous exhibit, 178 E. Let's go back through that. You're saying that your information is at the bottom of these documents?

WALL: That’s correct. Whenever a document is printed, the file that's created grabs the information, your network information, in my case where I'm connected to a network, and adds that to the document, as well as the date on the right-hand side that the document was printed.

HARRIS: So we're looking at 178E right now. Let me just highlight this with a laser pointer. So you're saying this is your information right there?

WALL: Yes. That's my network access name.

HARRIS: And then to the far right there's another date, and that date is different from what you've written, you've handwritten on the documents. What is it in that one, 178E, the 8/1/2004 date?

WALL: That is the date that the document was printed by my printer. And computer.

HARRIS: All right. So, again, the handwritten information of these documents is your, your examination of all the files and that specific information related to those documents?

WALL: That’s correct. Written in my hand.

HARRIS: And then the printed information is just the information that goes to the printer?

WALL: That’s correct.

HARRIS: Now, going through this binder 179. Now, looking at this particular item, this is 179A, can you describe for us what we're looking at here?

WALL: I would have to take your word for it because I'm having trouble seeing it. I apologize.

HARRIS: All right. We, tell you what. Let me just kind of help you out here. Looking at the top of this document, does this indicate Fresno Bee?

WALL: Yes, it does.

HARRIS: So this is from Fresno Bee's dot com, and it indicates in the middle that it's a classified ad?

WALL: Yes.

HARRIS: Now, at the bottom of this particular ad, this printout, again we see the date and time information that you've written down?

WALL: Yes.

HARRIS: And so, on December 8th, this computer was kind of pinging this web site looking for, appears to be boats?

WALL: Yes.

HARRIS: And that was at 12/8/02 at 7:52 and 48 seconds?

WALL: Yes. And that was from the DELL laptop Home 1 computer as well.

HARRIS: Going to the next item, which is B, does this appear to be some type of search that's being conducted?

WALL: Would it be all right if I got closer to that? Is that possible?

JUDGE: You know, I tell you what, why don't you go stand right by there, and we'll give you, Detective Wall, take that pointer. We'll ask you to keep your voice up so everybody can hear you.

WALL: Sure.

HARRIS: Try not to look into the light.

WALL: Okay.

JUDGE: Does that help if you stand close? That close?

WALL: Yeah.

JUDGE: Okay.

HARRIS: All right, Detective, looking at this particular document, B, do we see the same basic information down at the bottom, 12/8/02 at 7:57:58 a.m.?

WALL: That’s correct. Right here at the bottom where I printed it. Where I wrote it on this document.

HARRIS: Now, looking at the top, this indicates that it's a search results. Are there words that are actually typed in to be searched?

WALL: Yes.

HARRIS: And this is the first time that you saw there was some kind of boat or bay or any of these things that was being inputted for a search?

WALL: Yes. There was a number of these documents that contained specific words that were entered in. In this case boat, ramp, pacific. You can see the entry block here, and these are the results of those.

HARRIS: So the first some kind of search, other than somebody going to a web site and clicking to get to a particular thing, where somebody goes to, let me back this up. This appears to be, I don't know if you can see it up there. Up in the upper left corner, does that appear to be where a graphic for Yahoo would be?

WALL: Yes, it does.

HARRIS: So this, what is Yahoo

WALL: Yahoo is a web search engine. In this case where they operate web pages where you can enter in key words and it will search out those key words for you and return specific results on the web pages that you're interested in.

HARRIS: So the first search by somebody using this computer, that you found, looking across those four hard drives that you were describing, for anything dealing with boats or fishing or bays, or any of that, is this boat, ramp, pacific at 7:57:58 a.m. on December 8th?

WALL: That’s correct.

HARRIS: Now, you described for us before that up here at the top, there's a box up there that indicates the graphics is not there. Can you explain to us why when you print these out it doesn't look like the regular standard print that we would get from a computer?

WALL: Sure. And I explained that yesterday. What happens when you access a web page, it goes into the cache files, or the temporary Internet folder. At that the documents and the images are separated. They're stored in the same folder but they're separated. So when I'm accessing these documents, all I'm asking for is this specific document. I can refer to images, as well, that were created within that, you know, close in proximity to that time frame, but the way computers work with different access methods, like dial-up or high speed, graphics may load up in front of or behind the actual document file.

HARRIS: All right. Turning to the next particular item, C, can you tell us what you this is?

WALL: This is another Yahoo search results web page. And you can see here at the top boat, ramps, and it says Watsonville.

HARRIS: And what date and time was this done?

WALL: This was created on December 8th, 2002, at eight and 20 seconds a.m.

HARRIS: Now, this particular binder that we're looking at, all of the exhibits in here, these are all from December 8th?

WALL: That’s correct.

HARRIS: And these were all from roughly the morning of December 8th?

WALL: In this particular binder, yes.

HARRIS: Was there another binder prepared for December 8th in the p.m.?

WALL: Yes, there was.

HARRIS: Let's go, finish going through this one. Looking at D. Can you tell us what this document is

WALL: Yeah, this document was created on December 8th, 2002 at 8:01, 8:01:26 a.m. and it is a web page that deals with specific areas or maps of lakes within, I believe it's California

HARRIS: Now, this particular document, it, you can't see it. Let me move it a little bit. At the top does it indicate one of 34 pages?

WALL: Yes.

HARRIS: And so this document has 34 pages of, of lakes in Northern California?

WALL: Yes. It would be text content on those 34 pages.

HARRIS: Not including any of the graphics, as you previously described?

WALL: That’s correct.

HARRIS: And this also includes maps or lakes in the area of Modesto?

WALL: Yes, I believe it does.

HARRIS: Looking at E. If you can tell us what this is.

WALL: Yeah. This is another Yahoo search results page that was created on December the 8th, 2002 at 8:02:48 a.m. and in this case the results are for boat, ramps, Watsonville, and pacific. So you can see that the search is being expanded.

HARRIS: Turning to F. If you can tell us what this document is?

WALL: Likewise created on December the 8th at 8:02:56 a.m. Similar Yahoo search results page where, again, the search is being expanded boat, ramps, Watsonville, pacific, and ocean was added. I might add the return of these, you can see this in blue, and the text describes, the text describes the web page, and it gives the user the ability to then go to these individual web sites to conduct additional research.

HARRIS: And the next document, G?

WALL: Again created on December 8th 2002 at 8:04:16 a.m.

HARRIS: And there seems to be a lot of blank space at the top, top of this document.

WALL: Yes.

HARRIS: Is that, again, because the graphics are not recovered or printed out at the same time?

WALL: That’s correct. If I can take a look at it on there?

HARRIS: All right.

WALL: Okay. Yeah, basically shows that, right here says map of California. Would have been embedded on the original web site as a normal user would have seen it on the, on the web page.

HARRIS: And this, again, does this have, this particular document in the upper right corner, does it indicate it's page one of 30?

WALL: Yes, it does.

HARRIS: And all 30 pages are here?

WALL: Yes, they are.

HARRIS: And this information is about, well, the document speaks for itself.

WALL: Yeah. On this page it says Antioch Dunes National Wildlife Preserve, that information. Bear Valley is another one.

HARRIS: So just going through this, this gives the basic information that was there: Lakes, water areas, habitat?

WALL: That’s correct.

HARRIS: All right. Going to H.

WALL: This document was created on December 8th, oh two, at 8:06:06 a.m. And this is a search results for eBay, and in this case it was 679 items found for this key word search of dragon shirt. And the results, you can see the prices and the information about each one of those listings on eBay.

HARRIS: Turning to I.

WALL: This is another eBay search results web page created on December 8th, 2002 at 8:06:54 a.m. And the category that was requested was for embroidered shirts, and it looks like 1302 items were found on EBay concerning that search request.

HARRIS: And J.

WALL: Another eBay search request results created on December 8th 2002, 8:07:32 a.m. And it's for an Asian embroidered shirt.

HARRIS: And all of these document that we're talking about in this binder, they came from a that same DELL laptop you're describing?

HARRIS: All of these document were from the DELL laptop Home 1 computer. Going to the next item.

WALL: Again an eBay search results request. 21 items found for dress embroidered shirt. And that was created on December 8th, 2002, at 8:07:56 a.m.

HARRIS: Going to L.

WALL: This is a document, a web page document that appeared on December 8th, 2002, at 8:11:22. And it, and the first page it shows Coyote Reservoir, and it gives some description of that region and fishing type information.

HARRIS: And at the top of this document does it indicate San Francisco Bay area fishing?

WALL: Yes, it does.

HARRIS: And is that one of five?

WALL: Yes. It's actually Ishi dot com was the web site. I don't know if you can see that at the very top.

HARRIS: Turning to M.

WALL: Again, created, this document was created on 12/8/02 at 8:12:32 a.m. And it is a web site describing the Central San Francisco Bay.

HARRIS: N?

WALL: Another document created on 12/8/02 at 8:13:48 a.m. describing trailering to San Francisco Bay, and it gives a description of information pertaining to that topic.

HARRIS: Now, looking at the top of this, up here, this information, I don't know if you can see that or if you need to come look at the actual document, but is that boat U.S. dot com?

WALL: Yes. That is the name of the web site is boat U.S. dot com.

HARRIS: And this is a document that talks about navigating a boat and trailer near San Francisco or around San Francisco?

WALL: I scanned it briefly, and I believe that it has that type of documentation in it.

HARRIS: The next document, O.

WALL: This is another document created on December 8th, oh two, at 8:15:52 a.m. It's a Yahoo search results page requesting search, results for San Francisco Bay, boat, ramp.

HARRIS: And P?

WALL: This is a specific web page called OCSC, San Francisco Bay. It is, it was created on December the 8th, 2002, at 8:15:02 a.m. And I believe it is information about the Berkeley Marina.

HARRIS: I'm going to have you look, do you see the big bold up there where it says Maps?

WALL: Right here? Yes, it says Maps right here.

HARRIS: Yeah. Looking two lines down below that, what does that say here?

WALL: It says: Click here for map of Berkeley Marina and OCSC.

HARRIS: And this document was found to exist on the computer with the creation date or time that it was there of

WALL: Created on December 8th, 2002, at 8:17:02 a.m.

HARRIS: Now, again you described those boxes for us up there. Would that have loaded the graphics file when this web page was pulled up?

WALL: Yes. The graphics would have been loaded within a close proximity of time of the document being created on the computer.

HARRIS: As you did your examination, did you find the graphics for this particular web page?

WALL: Yes. There were graphics that were available that showed maps of the parking area of the Berkeley Marina

HARRIS: Turning to the next one.

WALL: This is a web page called USAfishing dot com. It's a San Francisco Bay Report, is what it's titled. It was created on December the 8th, 2002, at 8:19:10 a.m. And it has specific information about that web site.

HARRIS: Now, this particular document, it says at the top the USAfishing San Francisco Bay Report, and towards the middle left side of this document says Today's Headline is Thursday, December 5th?

WALL: That’s correct.

HARRIS: But the time that you find it coming on to the computer is December 8th at 8:19?

WALL: That’s correct.

HARRIS: And just for clarity, in terms of sequence, the previous document that we were looking at, the one that dealt with the, I think it was the OCSC, this document, P, with the map for the Berkeley Marina, that was, the Berkeley Marina one is prior to the USAfishing one?

WALL: Well, I believe the previous one was at 8:17; is that correct?

HARRIS: 8:17:02.

WALL: And this is 8:19 a.m.

HARRIS: Going to R.

WALL: This is, again, the OCSC San Francisco Bay web site page created on December 8th, 2002, at 8:19:52 a.m.

HARRIS: Going to S.

WALL: This one was created on December 8th, 2002, at 8:21:42 a.m. And it's a Yahoo search page showing the results for Suisun Bay map, and the results corresponding to that request.

HARRIS: T.

WALL: This is a nautical chart for Suisun Bay web page created on December 8th, 2002, at 8:22 I believe oh six a.m. If I can take a closer look.

HARRIS: All right.

WALL: Actually it's 16. 8:22:16 a.m.

HARRIS: And U?

WALL: This is a web page showing the National Defense Reserve Fleet Suisun Bay, California. It was created on December 8th, 2002, at 8:23:04 a.m. And there's a place here for a graphic, as well, in the middle of the page.

HARRIS: You can go ahead and resume your seat. Now, you had mentioned, before we go into the second binder that you did for the p.m., you were talking about how you recovered the, or you found the, the graphics with some of those particular web sites that we were looking at. If I could have marked as next in order three documents.

JUDGE: 180. Three?

HARRIS: Yes.

JUDGE: A through C.

GERAGOS: As one total document, 180?

HARRIS: If we could do this A, B and C.

JUDGE: Right.

GERAGOS: 180 A, B and C?

JUDGE: Correct.

HARRIS: Detective, I'm going to present to you 180 A, B and C. Have you look at these. Do you recognize those?

WALL: Yes, I do.

HARRIS: And what are these documents?

WALL: These are map images that were obtained off of the DELL laptop Home 1 computer.

HARRIS: And put up 180A. Can you describe for us what this is?

JUDGE: What number is that?

HARRIS: 180A.

JUDGE: 180A?

HARRIS: Yes.

WALL: This, this image is an image of the OCSC Berkeley Marina area that was created on December 8th, 2002, at 8:17:32 a.m.

HARRIS: Now, on the top of this document there's printing up there. Is this printing of the location and the information that you included in your report about these particular files?

WALL: Yes. This, the very top of the page shows the name of the actual graphics. It's called marina map bracket one dot gif. Gif is the file extension that shows this is a graphic image. This report was actually created from EnCase software. When we view an image, we're able to actually isolate that image on it's own specific page and show specific information about that image and where it's resident on the computer.

HARRIS: And down towards the bottom on the printed information it says: Evidence file and full path. Is that how you identify that this particular file came from DELL laptop home?

WALL: Yes. It says DELL laptop Home 1. That's the naming convention that was given to this computer by Officer Stockham of the Modesto Police Department. It was under the C, or the root directory, under Windows, temporary Internet files under the content folder that had the Internet Explorer, IE 5 is the version, and then it gives the specific folder name, where that folder was at. This is the name of the folder under that Internet Explorer, and then it gives the name of the file, marina map bracket one dot gif.

HARRIS: Now, this particular, the marina map, this is one of the those graphics that would have been embedded in the folder we were just looking at, 179 I believe it was P, where you were describing that as the OCSC?

WALL: Yes. And if you'll pay attention to the times, it would probably coincide very closely with the document file, the document portion of the web page.

HARRIS: When you say they would correspond closely, what do you mean by that?

WALL: Well, depending on the type of connection that a computer has, whether it's a dial-up or high speed access, it depends greatly on how files are loaded onto that person's computer. If the graphics are large, it may take a little bit longer. The document may load first. If the graphics aren't as large, the graphics may load before the document does. So it just depends on how the computer handles it depending on the speed and the access to the web site.

HARRIS: So if a graphic is loaded, you click on the web page, and we all kind of experienced that when we're waiting for the page to come up,

WALL: That’s correct.

HARRIS: the computer is accessing all of this stuff off of the Internet, off of the networks where it resides?

WALL: Yes. Sometimes you can actually see that process with a slow connection. If you waited before for a web page to load, you'll see it's slowly starting to appear. It does the same thing as those files are being created onto the computer.

HARRIS: And as part of the file is completed, it's kind of given this date, name, stamp that says when it was loaded?

WALL: That’s correct.

HARRIS: Looking at 180B. What is 180B?

WALL: 180 B shows a map of the designated parking area. The OS, I'm sorry, the OCSC marina area. And that was, that file was labeled: Parking bracket 1 dot gif. And you'll see the same information applies as to where that file resides.

HARRIS: Let me see if I can zoom in a little bit. In this red area, see if we can get this focused. Just won't focus that closely. If you want to come look at this.

WALL: Sure.

HARRIS: The red area that we're talking about, what does that say?

WALL: There's actually two red areas. The one on the left says "boat yard," and the one on the right, larger red area more towards the middle says "boat trailer parking."

HARRIS: Right. If you could go and point that out for us so we know which one you're talking about.

WALL: This is the one that says "boat yard." And "boat trailer parking."

HARRIS: And again, the time that this file appears on the computer is 12/8, 8:7:17? Basically in the morning?

WALL: Yes.

HARRIS: Moving to the next one, 180C. What is that?

WALL: This is a map of looks like the East Bay area. I can't really tell.

HARRIS: If you want to come look at the original. It gets washed out up on the screen.

WALL: Yeah. This map's file name is called Suisun Bay bracket one dot gif.

HARRIS: Is there a little kind of box on that map?

WALL: Yes. There's a box, if this is the one you're referring to, right here, and it says National Defense Reserve Fleet –

HARRIS: And this is?

WALL: with an arrow pointing to this box.

HARRIS: This particular map would have been one of the graphics from one of those last exhibits on 179 where you were talking about where the reserve fleet was at?

WALL: That’s correct. That would have been the graphic associated with that web page.

HARRIS: And the date and time for this particular file?

WALL: This one the file was created on December 8th, 2002, at 8:23:06 a.m.

HARRIS: You can go ahead and resume your seat again. Now, as part of the, actually, to save my knees from bending down there, instead of going through the p.m. binder, we'll come back to that a little bit later. Were you also asked to look to see whether there was any e-mail activity on these four computers?

WALL: Yes, I was.

HARRIS: And did you, did you find any?

WALL: Yes. A substantial amount of e-mail.

HARRIS: Now, going through, through the process of this, when you're looking at e-mail on the computer, tell us how that works.

WALL: Well, it can happen in a variety of ways, depending on the software that I use. I can shape a search and carve the data out based on key words that I'm looking for, and then find the surrounding text of that key word that's isolated by the forensic software. Or I can actually use other software products that allow me to view the e-mail, similar to how the person would, would view it, but more in a forensic format, where I can see more data that's associated with that e-mail.

HARRIS: Now, what, again, for anybody who uses e-mail, you get an e-mail in, you're done with it, you delete it or send it to the trash. Does e-mail work the same way that you were talking yesterday about the files and data that's still on the hard drive, even though it's been deleted?

WALL: Yes. It's still there.

HARRIS: In this particular case did you find e-mails that had been deleted?

WALL: Yes, I did.

HARRIS: So you were able to recover that information?

WALL: Yes, I was.

HARRIS: Were you asked to search specifically for e-mails from a person by the name of Shawn Sibley?

WALL: Yes.

HARRIS: Or information about certain information or where her e-mail address was from?

WALL: Yes.

HARRIS: If I can have marked next in order.

JUDGE: 181.

HARRIS: A four page document.

JUDGE: This is 181, Mr. Geragos.

GERAGOS: Right. I believe part of 181 has already been marked as a defense exhibit.

JUDGE: As a defense exhibit?

GERAGOS: Yeah. I, it was used on the cross-examination of Shawn Sibley.

HARRIS: With Ms. Sibley.

JUDGE: So that goes way back when.

GERAGOS: That's four pages? One document?

HARRIS: What I'm going to do is it's paper clipped together, and what I ask is if the clerk can staple it together so it doesn't come apart.

HARRIS: Detective, let me show you what's been marked as 181, ask if you recognize that?

WALL: Yes, I do.

HARRIS: And what is this and how do you recognize it?

JUDGE: It's double U, Mr. Geragos. Mr. Geragos, it's UU.

GERAGOS: UU? Thank you, your Honor.

WALL: This is a document that I created while conducting a computer analysis, where I recovered e-mail from the unallocated space of the computer, of DELL laptop Home 1, DELL work PC 4. Those two.

HARRIS: All right. And the, this particular document is a printout of what you actually recovered from the computer?

WALL: That’s correct.

HARRIS: Start with page one of 181. Now, at the top of this particular document, actually, let me just back up. There's some parts that are highlighted. What are the highlighted portions?

WALL: Those pertain to the actual text of the document, and it would be the time, the date and time that the message was either received or sent.

HARRIS: And above, at the top, very top it says Thursday, 14 November 2002, and has a time. Before that you, there's some information that, it has that naming thing that you were describing, the file naming system?

WALL: That’s correct. It says one, and there's a paren there. It says DELL laptop or LPTP Home 1. When I refer to DELL laptop Home 1, I'm just saying it from the abbreviation that was given by Officer Stockham. And it comes from the C drive, the logical C drive, unallocated clusters. That would be the unallocated space of the hard drive of that computer.

HARRIS: So this was a basically, basically it's a deleted e-mail?

WALL: That’s correct.

HARRIS: And this particular e-mail there, looking at the second highlighted portion, does it indicate who it's going to? Looking right here?

WALL: Yes.

HARRIS: What is it?

WALL: Says from bior@theworks dot com to Scott Peterson, slp, I'll just spell it out, slpete1@email.msn.com.

HARRIS: And that particular account, the slpete1@email.msn.com dot msn dot com, did you find the e-mail account on this computer?

WALL: Yes, I did.

HARRIS: And this particular one, does it indicate in the text of the message that it's to Scotty?

WALL: Yes, it does.

HARRIS: And at the bottom: See ya later H.B.?

WALL: Yes, it does, at the very bottom of the highlighted text.

HARRIS: Now, looking to the right side of the highlighted text, there's some of these characters over there. Can you explain what's going on there?

WALL: Yeah. A lot of those characters that you see are formatting characters that appear in the e-mail program, the document that's created. So if it was seen in its natural format, it would appear naturally, and those characters wouldn't necessarily be there. It's a formatting issue that the software creates.

HARRIS: All right. Going to the second item on page one of 181, can you tell, can you read for us from there? If you need to come look at it, that's okay.

WALL: This portion right here?

HARRIS: No, I'm talking about number two.

WALL: Oh, I'm sorry. Down here. This is from, says bracket 2 DELL work PC 4. It comes from the logical C drive, the unallocated cluster, that unallocated space from the hard drive. It says Thursday 5 December 2002, 11:11:57, and then there's a minus 800 (sic) beside it.

HARRIS: Now, this one indicates that it's from that same address, and it seems to be to the same address as the previous e-mail; is that correct?

WALL: That’s correct. From bior@theworks.com and it's from slpete1@email.msn.com.

HARRIS: So you found e-mail for that account, the slpete1@email, on two separate computers?

WALL: That’s correct.

HARRIS: So this one that's from Mr. Sibley, it was on the work PC?

WALL: DELL work PC 4, as Officer Stockham named that computer.

HARRIS: And the previous one was on the DELL home laptop?

WALL: Laptop Home 1, yes.

HARRIS: Going to page three, this particular item here?

WALL: Yes.

HARRIS: Which particular computer was this e-mail found on?

WALL: This one is number 3, it was from the DELL work PC 4, came from an unallocated space.

HARRIS: So, again, that means that it's been deleted?

WALL: That’s correct.

HARRIS: It continues on to the next page. And, again, there's all this character information in there that you're talking about?

WALL: Yes. The formatting information from the software.

HARRIS: Go ahead and resume your seat, if you would. To go back through this just a little bit, so we, you do the forensic examination of the computer and you find these deleted e-mails on two separate computers, the ones that we've been looking at. This is for an account for the defendant? Or for Scott Peterson?

WALL: Yes, it is.

HARRIS: And it's an MSN account?

WALL: Yes.

HARRIS: Can you explain to us a little bit about what an MSN account is?

WALL: Yes. Microsoft offers e-mail in a free format. You can sign up for a Hotmail account or MSN, they call it a passport account. There's a variety of different names, depending on how you

choose to sign up for it. But it's basically a free e-mail service that allows you to send and receive e-mails through their server system to your computer.

HARRIS: Now, when you say to your computer, since you're going out to this place to, to get your e-mails, is it much like going to a web page?

WALL: That would be the starting point. You would go to a specific log-in page for either Hotmail or the MSN passport account. You would log in with your e-mail name and a specific password. Then it would then allow you to access your mailbox folders and settings, where you can then see all the e-mail that you've received and where you can manage those folders and that e-mail. So you can save it on the server or delete it, if you wish.

HARRIS: And is this particular type of account something that you can access from any computer?

WALL: Yes.

HARRIS: But it's password protected?

WALL: Yes. Specific to the user.

HARRIS: So the user creates a password and that's how they get into their own account?

WALL: That’s correct.

HARRIS: The, I want to go, going to start going through the binder, but I think that will take a while.

<morning recess>

HARRIS: Detective, where we stopped at, I was about to take you back to December 8th. You said that there was a second binder of these searches that you were looking at of December 8th for the p.m. session. Did you print those out as well?

WALL: Yes, I did.

HARRIS: And put them in another binder like the previous binder we have seen?

WALL: Yes, exactly in the same way.

HARRIS: If I can have that marked next in order.

JUDGE: 182. And how many pages?

HARRIS: We have

GERAGOS: Binder contains

HARRIS: Binder contents, we have marked it A through EE.

JUDGE: A through EE. [People's 182 not available at this time]

HARRIS: Yes. Binder and Contents Detective, let me show you 182, have you look at this binder see if you recognize it.

WALL: Yes, I do.

HARRIS: In this particular binder, there is a number of separate documents that appear to be printed out in there. Do each one of those bear, in the lower right corner, red letters again?

WALL: Yes, they do.

HARRIS: And did you write those on there?

WALL: Yes. I did.

HARRIS: Then above that, does it have the same date and time information as you had done in the previous binder?

WALL: That’s correct. The date that the file was created, and the time that the file was created.

HARRIS: This is the printouts from looking in this general period, that 12/8 p.m. session?

WALL: That’s correct.

HARRIS: All right. I'm going to start by showing you 182A. If you need to go back up there and look, can you describe for us what that is?

WALL: Yes. This is a document created on December 8th, 2002, at 9:41:10 p.m. And the website is USA Fishing San Francisco Bay, Fishing Reports Dot Com.

HARRIS: Now, in the previous binder there was USA Fishing San Francisco Bay report. There was another document. Was this the same website?

WALL: Yes, it was.

HARRIS: And so this is later in the day, same website. This page appeared to be different than the previous one.

WALL: Yes. This is a portion of a larger website that has quite a few pages to it.

HARRIS: And this one indicates, it has a headline. What's the headline, looking up here, what's the headline?

WALL: Says "Today's Headlines, Sunday, December 8th, 2002".

HARRIS: The other one said December 5th, 2002. Can you explain how that occurs?

WALL: That’s correct. The one that said December 5th, this is actually the document that's created by the author, and they are obviously including the day of the headline that that date is created. So everything on this document is controlled by the author of this web page, not an individual user that's accessing that website. So the one that we saw previously in the a.m. that had today's headline, although it was created on the computer Dell Laptop Home 1 on December the 8th, similar to this one, it had not been updated like this one had.

HARRIS: So if you go to a website in the morning, and the website hasn't changed any date, or updated something, you might get an old date?

WALL: Absolutely.

HARRIS: If you go back later in the day, the website updates it, is that why it might change?

WALL: Yes, it would.

HARRIS: Looking at B. Can you describe for us what this is?

WALL: Yes. This is another Yahoo Search Results page. Created on December 8th, 2002, at 9:46:42 p.m. Keywords were entered into the computer, and these are the results of that keyword request. That said "San Francisco Bay Fishing Report", and then the corresponding document associated with those keyword requests.

HARRIS: When you say keywords are put into the computer, does the computer do this?

WALL: No, it's, these are the words that are entered into a box by the user saying this is the information that I'm requesting. So they type in the specific text that you see appear here, "San Francisco Bay Fishing Report".

HARRIS: And the date and time of this document?

WALL: December 8th, 2002, at 9:46:42 p.m.

HARRIS: C?

WALL: This is an Ebay web page that shows that an item has been relisted, and saying to review and submit the listing. So it's probably been finalized for the content of the user, whoever

created this web page listing a placing diamond bezel ladies watch, Croton to the topic. Then, of course, here on the bottom edge would be a larger image and two smaller images.

HARRIS: Did you actually find, recover from the computer the, those gifs, or those image files?

WALL: Yes, I did.

HARRIS: There is a text box underneath right here. Is this something that has to be input by the person? Is that, again, something the computer fills out?

WALL: Are you referring to the, this description box?

HARRIS: No. Just beneath there where there is this text language.

WALL: Oh, yes. I can see the text that's in there. It's a description of the item that was listed. So the creator of this web page listing this item would have entered this text into that document.

HARRIS: When you say creator of this web page, if this is somebody selling something on Ebay, they go into Ebay and they type in the description of the item and supply the pictures to Ebay?

WALL: Yes. Although I have seen a lot of Ebay listings, I have never participated in any Ebay listings myself. So I don't have any personal experience about Ebay listings of documents.

GERAGOS: There would be a motion to strike as no foundation. Have an Ebay witness on for today.

JUDGE: You have no firsthand knowledge of Ebay, Detective Wall?

WALL: My knowledge of Ebay is by seeing numerous Ebay websites on forensic analysis. But I have never created one myself.

JUDGE: So to the extent that you have seen them, that can come in. Anything about he created it, how it's done, can be, the jury can ignore it. May be stricken. Go ahead.

HARRIS: In particular page that we are looking at here, this is the top, it says "Sell Your Item 5 of 5 Verification"?

WALL: That’s correct.

HARRIS: Then it talks in the header, "Relist Your Item, Review and Submit Listing"?

WALL: That’s correct.

HARRIS: And this was found on which computer?

WALL: Dell Laptop Home 1.

HARRIS: What's the date and time for this one?

WALL: Created on December 8th, 2002, at 9:46:54 p.m.

HARRIS: Going to D, actually, let me back up for a second. Part of this particular C, in terms of the second page, some of these web pages we're looking at we have seen before. They are 1 of 30, 1 of 34. This one appears to be 3, looks like Page 3 for C. Does this indicate information about this?

WALL: Yes, it does.

HARRIS: This is, again, what was found on the computer?

WALL: Yes.

HARRIS: Does it indicate where payments are supposed to go to?

WALL: Yes. Payment address and information is filled out. Scott Lee Peterson, 523 Covena Avenue, Modesto California, 95354. There is a space, and says USA

HARRIS: Looking at page three of three. Just continues on this particular document, how it would be on the screen?

WALL: Yes. That would be the last page of the document that was printed out.

HARRIS: Now, attached to that is this particular file. Do you recognize this file?

WALL: Yes, I do.

HARRIS: And what is that?

WALL: This is a gif image, gif page of the Croton watch.

HARRIS: That would have been on that previous page?

WALL: That’s correct.

HARRIS: That would –

WALL: That would have been the larger box image.

JUDGE: That's D, or is that Page 3?

HARRIS: Part of C.

JUDGE: Okay.

HARRIS: Turning to the next page.

WALL: There is two other boxes on that first page. It showed graphic spaces for the two smaller images. This is the first of the smaller images.

HARRIS: And the next page?

WALL: This would be the second of the smaller images, showing the watch and the dark background.

HARRIS: So these particular images would have been coupled with that previous Ebay page that you found on the computer?

WALL: That's right.

HARRIS: Turning to D. Can you tell us what this is?

WALL: Again, this is an Ebay web page that's titled, "Sell Your Items. Congratulations." It says, "You have successfully listed your item." And the title of it is, "Amazing Diamond Bezel Ladies Croton Watch." Gives the actual listing number, Ebay listing number.

HARRIS: And again at the bottom of this particular document it has your writing with the 12/8/02 at 9:47 and six seconds p.m. date, time.

WALL: That’s correct. I wrote that on there.

HARRIS: Turning to the next document, E.

WALL: This is a web page entitled "Steve's SFBay Fishing Page." That was created on December 8th, 2002, at 9:49:42 p.m.

HARRIS: And F?

WALL: F is another Yahoo search results page showing the corresponding search results for the keywords "Map", "San Francisco Bay", and "Chart".

HARRIS: So at this point in time somebody is doing a Yahoo search where they typed in those words, "Map", "San Francisco Bay", "Chart".

WALL: That’s correct.

HARRIS: And what's the date and time for this?

WALL: That was created on December 8th, 2002 at 9:51:54 p.m.

HARRIS: Did this pull up results for maps and charts of the San Francisco Bay?

WALL: Yes. There are many results specifically for the listing of those keywords that were added.

HARRIS: Going to G.

WALL: This is a web page for the State of California Department of Fish and Game. It's the Licensing and Revenue Branch. Providing specific information for the Department of Fish and Game. It was created on December 8th, 2002, at 9:52:20 p.m.

JUDGE: Mr. Geragos, do you want to put your microphone down? We can hear the conversation.

GERAGOS: I don't mind turning it off all together.

JUDGE: Why don't you do that. Go ahead.

HARRIS: Going to the next one.

WALL: This is an additional Department of Fish and Game Licensing Revenue Branch. And it lists the types of licenses that are available through the State of California. It was created on December 8th, 2002, at 9:53:04 p.m. This is the Near Real Time Current Velocity Map. SF Ports. SF Ports is the title of a web page that directs you to that location. It was created on December the 8th, 2002, at 9:53:20 p.m. And right here in this area would be a graphic that's called Central Bay Current Velocity map.

HARRIS: Did you also search in the computers for whether the graphics were there for this particular website?

WALL: Yes, I did.

HARRIS: And did you document and find those particular graphics?

WALL: Yes, I did.

HARRIS: And mark them as part of your EnCase software process?

WALL: Yes.

HARRIS: We'll come back to that on I. Looking at the second page.

WALL: This is the graphic associated with that web page. You can see here the graphic was created on December the 8th, 2002. And here, December the 8th, 2002, 9:52:54 p.m., is when it was created on the computer.

HARRIS: The user in this particular computer has now pulled up this particular website that has what is going on for the San Francisco Bay in terms of its current?

WALL: That’s correct. This graphic is associated with that previous page that you just showed.

HARRIS: That's on December 8th?

WALL: That’s correct.

HARRIS: Next page.

WALL: Here we're back to the State of California Laws and Regulation, Department of Fish and Game, I believe it is, website. Created on December 8th, 2002, at 9:54:58 p.m.

HARRIS: That's J?

WALL: That would be item J, correct.

HARRIS: Going to K.

WALL: This is another web page titled "San Francisco Bay Safe Boating Hints." Bottom title called San Francisco Bay, which would have a graphic image embedded here on the original web page. This was created on December 8th, 2002, at 9:55:34 p.m.

HARRIS: Going to L.

WALL: This is the State of California website, and it gives the specific listing for California Fish and Game Code. And this document is one of seven pages that lists each of the Fish and Game Codes. That was created on December 8th, 2002, at 9:55, and I believe it's 50, p.m. Let me take a closer look at that.

HARRIS: All right.

WALL: Yes, 9:55:50 p.m.

HARRIS: Going to M.

WALL: This is a 2002 Ocean Sport Fishing Regulations web page. Again, associated with State of California Department of Fish and Game website. Created December 8th, 2002, at 9:57:26 p.m.

HARRIS: Looking at N.

WALL: Again, the California Department of Fish and Game Sport Fishing Regulations web page. It talks specifically about a geographic location, 40 degree, I think it's 10 minute line to Point Conception, and does show a graphic here in this box. And it talks about what's open during that time period in that geographical location, along with the State of California for December 8. It was created December 8, 2002, at 9:57:38 p.m.

HARRIS: Going to O.

WALL: This is, again, State of California web page. Talks about Marine Sport Fish Identification. It's bolded here. Talks about Green Sturgeon. Would show an image here. And that document was created on December 8th, 2002, at 9:59:04 p.m.

HARRIS: This particular document at the upper right, does it indicate 1 of 27?

WALL: 1 of 27 pages.

HARRIS: Did this have a number of fish that are listed?

WALL: Yes. It talks about specific types of fish.

HARRIS: And those particular fish, each one have a graphic associated with them that you found in the computer?

WALL: There was also images showing pictures of the fish as well.

HARRIS: Going to P.

WALL: P is the San Francisco Bay and San Pablo Bay area. It is actually a map page where you can go to order specific maps. It was created on December 8, 2002, at 9:59:44 p.m.

HARRIS: Q.

WALL: This is another Yahoo Search Results page for the, requested was Maps, San Francisco Bay Chart. That was created on December 8th, 2002, at 10 and 50 seconds p.m.

HARRIS: Is that 10:00 o'clock or 10:10?

WALL: Let me take a closer look. It's 10:00:50 p.m.

HARRIS: Looking at R.

WALL: This would be, again, Marine Sport Fish Identification web page. And this one is titled Striped Bass on this, one of six different pages. Gives a description, history of the striped bass.

This one was created on December 8th, 2002, at 10:01:18 p.m.

HARRIS: S.

WALL: We're back again to the 2002 Ocean Sport Fishing Regulations, California Department of Fish and Game, I believe. December 8th, 2002, at 10:03:14 p.m.

HARRIS: T.

WALL: This is another Yahoo Search Page results for map, San Francisco Bay chart. And it was created December 8th, 2002, at 10:03:32 p.m.

HARRIS: And this indicates that it's a page one of three, right here?

WALL: That’s correct.

HARRIS: So there were three pages of hits or returns that came on this?

WALL: That’s correct.

HARRIS: U?

WALL: U is a map collection web page, CPNWS map catalog. I have no idea what that stands for. Created on the computer, 12/8/02, at 10:04:54 p.m.

HARRIS: Pointing out to you, one, here, towards the bottom of this, which says a description on this particular document. What does it indicate that is?

WALL: Where it says comments? Oh, descriptions. I see what you are talking about. Right here it says, "Description, navigation chart shows soundings in San Francisco Bay area."

HARRIS: These are, looks like, look at the dates up there. These appear to be old?

WALL: I'm not sure where you are talking about dates.

HARRIS: Right here where it says creator, date published. Do you see that?

WALL: S. Stuart, then it has a forward slash, and says 1850?

HARRIS: Which would represent the year 1850?

WALL: One could assume that, yes.

HARRIS: V.

WALL: This is a web page entitled "Map Masters Online". It's titled nautical charts of California. And I think it says, have to look closer. And Mexico Waterways. That was created on December 8, 2002, at 10:06:04 p.m.

HARRIS: And looking at this particular one, item number 52, is that for the San Francisco Bay? Right here, what you are seeing 52? Yes?

WALL: San Francisco Bay, covers the entire Bay Area from Vallejo, San Pablo Bay, south to Redwood City and, Redwood City and Palo Alto. Covers all of the main ship channel to the Suisun Bay detailed below.

HARRIS: W.

WALL: This is another Yahoo Search results page. The keywords entered were "sturgeon", "fishing", "tackle". And it gives the results for those keywords, where the keyword would appear in these documents. And it was created on December 8th, 2002, at 10:07:42 p.m.

HARRIS: X.

WALL: This is another Yahoo Search results page. That is "Sturgeon", "Fishing", "Tackle" is what was entered in to obtain the results. Created on 12/8/02 at 10:08:14 p.m.

HARRIS: Y.

WALL: Y is a dated archived fishing report that dates from December of 2000 to February of 2001. And it talks about specific information. That was created on December 8th, 2002, at 10:07:56 p.m.

JUDGE: What happened to X? You went from W to Y. Unless I'm missing something.

HARRIS: I believe X was the sturgeon fishing.

GERAGOS: Hold on. Go one before. Just want to show him something. W, sturgeon fishing tackle is t-a-c-k-e-l on W. And then if you turn on X, it's t-a-c-k-l-e.

JUDGE: Okay. Corrected the spelling.

GERAGOS: Right.

JUDGE: All right. Now I'm straightened out. Go ahead.

HARRIS: Going to Z.

WALL: This is another Yahoo Search page with the keywords "Sturgeon", "Fishing", "Tackle", "San" Francisco". That is created on December 8th, 2002, at 10:08:36 p.m.

HARRIS: Double A.

WALL: I believe this is a portion of that USA Fishing Reports website. This is the daily fishing reports, "Hi's Tackle Box Presents." And it has a graphic image that would have been here in the middle. This document was created on 12/8/02 at 10:09:00 p.m.

HARRIS: BB.

WALL: This is another portion of that Daily Fishing Report page, "Hi's Tackle Box Presents", "Ten Tips For Better Sturgeon Fishing." created 12/8/02 at 10:09, and I believe, I'll have to look closer. Looks like 10:09:28 p.m.

HARRIS: CC.

WALL: This is, again, part of that same fishing highlights. This one titled "Moss Landing Daily Fishing Reports." Says "Today's Headlines, Monday, December 2nd, 2002." Talks about Dabs and Crabs. On December 8th, 2002, at 10:19:34 p.m. is when it was created on the computer.

HARRIS: DD.

WALL: This is a Yahoo maps page. Address of Moss Landing was requested. Moss Landing, California. And in this area would have been a map the Moss Landing vicinity. That was created on 12/08/2002 at 10:20:08 p.m.

HARRIS: All right. Go ahead have you resume your seat. Now, detective, you were talking about, in that particular binder that there was that graphic file, you showed it to us a little bit in terms of what was connected with that website for the USGS. Did you also go actually out on the internet yourself, go to that web site to see what the whole thing would look like?

WALL: Yes, I did. I authenticated it.

HARRIS: If I can have this marked next in order.

JUDGE: 183.

HARRIS: Two photographs, two documents.

JUDGE: A and B. Documents Marked as Exhibit 183A&B for identification.

HARRIS: Show you what was marked as 183A and B. Have you take a look at

GERAGOS: Mark them has A and B?

JUDGE: Right 183A and B.

GERAGOS: A is the smaller?

HARRIS: Yes.

GERAGOS: Thanks.

HARRIS: Do you recognize these?

WALL: Yes, I do.

HARRIS: And are these the documents that you were just describing?

WALL: Yes, they are.

HARRIS: All right. Go ahead and use these. Now, you showed us before what the document looked like without the graphics, and then you were also showing us the graphic. So let me just go back and orient 183A. Is this that particular graphic that you were describing?

WALL: Yes, it is. From the U.S. Geological Survey website. Was created on 12/8/02 and 9:52:54 p.m.

HARRIS: And it has a same evidence file path?

WALL: Yes. Where the file resides on the computer. And the file name is cb, bracket, 1, dot, g-i-f.

HARRIS: Now, looking at this particular picture that was found on the computer, does it actually have on the picture itself the date and time that it's being looked at?

WALL: Yes. It's embedded right here in the image itself says 2200, 12/8, and then a forward slash, 2002.

HARRIS: You said you went to the website to authenticate it. So you went to go see what it really looks like on the website?

WALL: That’s correct. Using the web page as a resource from the computer, with my computer connected to the internet, I activated that web page, which took my computer to it. And I believe that's the next image that you are going to show.

HARRIS: Put up 183B. And describe for us what we see here.

WALL: This is the Near Real Time Velocity, or Current Velocity Map that I looked at on June 28th, 2004. It was updated 1500 hours, or 3:00 p.m. This is what the web page looks like with the graphic attached to it.

HARRIS: To the upper right portion the graphic, we can see better in this particular print, does it have something that indicates velocity?

WALL: I'm not sure what you are talking

HARRIS: Looking at the graphic itself.

WALL: Yes, I do. It shows the word "velocity" with an arrow pointing this way. And then it has some numbers that I would imagine says what the velocity is.

GERAGOS: Objection. Calls for speculation.

JUDGE: Sustained.

GERAGOS: Motion to strike.

JUDGE: Answer may be stricken. Go ahead.

HARRIS: Do you see where it says, "4, parentheses, k-t-s, parentheses"?

WALL: Yes, I do.

HARRIS: And is "knots" somewhat of a nautical term?

WALL: Yes, it is.

HARRIS: And then to the right of that there is, I can't quite make out that symbol, but appears to be like an approximate 2, parentheses, M, slash, S?

WALL: Yes, it does.

GERAGOS: Objection. Calls for speculation. No foundation.

JUDGE: Overruled.

WALL: Yes, looks like there is a squigglyline sideways, 2, paren, M, slash, S, paren.

HARRIS: Does M slash S stand for miles per second?

WALL: Yes, it does.

HARRIS: Go ahead, resume your seat. After you had gone through and found this particular information, so that the, if I understand you correctly, let's put the binder down. Prior to December 7 when we see those want ads, classified, for looking for a boat, that's the first time you see anything on those computers that you are looking at forensically, boats, charts, bay, anything along that line?

WALL: That’s correct.

HARRIS: And then there seems to be a lot of activity on the 8th involving that information.

WALL: That’s correct. Both in the a.m. and the p.m.

HARRIS: And do you provide that information to the Modesto Police Department?

WALL: Yes, I did.

HARRIS: You had described for us earlier about some of the e-mails that you found. And we are looking at the Shawn Sibley e-mails. Did you also find an e-mail from Eric Olsen?

WALL: Yes, I did.

HARRIS: And which account was that to?

WALL: I believe it was to the S-L-P-e-t-e-1 at email dot MSN dot com.

HARRIS: When you went through and looked at these four computers, did you find if Laci Peterson had an e-mail account?

WALL: Yes, I did.

HARRIS: And did she?

WALL: Yes.

HARRIS: What was her e-mail account?

WALL: I think, I'd have to look to make sure.

HARRIS: To be accurate, go ahead and look at your report. If I were to refer you to page 28.

WALL: That would help.

HARRIS: Bates stamp 37088.

WALL: Okay, I'm with you.

HARRIS: Do you see her e-mail address there now?

WALL: Yes. It's Laci Peterson, L-a-c-i-P-e-t-e-r-s-o-n at MSN dot com.

HARRIS: That would be a separate MSN account other than that SLPete1?

WALL: That’s correct.

HARRIS: This is one that requires that the user have a password to get into it?

WALL: That’s correct.

HARRIS: Like to have this marked next in order.

JUDGE: 184. Printout of a

HARRIS: Printout of an e-mail.

HARRIS: Showing you 184. Going back to where we were with Mr. Olsen. Do you recognize what this is?

WALL: Yes. This is a document that was recovered from a computer, that was to Scott from Eric Olsen.

HARRIS: And does this indicate that Mr. Olsen is resigning?

WALL: Yes, it does.

GERAGOS: Objection. Calls for speculation. The document speaks for itself.

JUDGE: What does the document say? Comes under the Evidence Code 1552, I believe. What does it say?

GERAGOS: We have had Olsen here. He would have been the person to ask.

JUDGE: He's conducting the direct examination, not you. Go ahead. What does it say?

WALL: The document states, Scott, and then comma, new line, I have accepted job opportunity with another company. Period. I'm resigning my position as District Sales Manager for TradeCorp. Period. I will work with you in order to get the contact information on the customers that I have been working with. Period. Space. Space. Space. Eric Olsen.

HARRIS: This particular document, when does it show its existence on the computer?

WALL: This document was created December 26th, 2002, at 11:37:58 a.m.

HARRIS: I want to talk about this a little bit when we're talking about e-mails. You are saying that the computer existence date, so to speak, is at 12/26, 11:37. If somebody sends you an e-mail, does your computer, or let me try this again. If I'm sending you an e-mail, does my computer say what time it is that I'm sending it?

WALL: If you are sending me an e-mail, it's going to have the time that you sent it to me. When it is accessed on my computer it will then have the time that it was created, or when that document was created to view that e-mail.

HARRIS: Now, when you look at those forensically, so you are looking at the date and time that it shows up on the computer. That creates a date that we're talking about. Does that match that e-mail time that it is sent?

WALL: Not always.

HARRIS: Why is that?

WALL: Well, the sender may be in a different time zone and may not match. It may have been looked at one time, closed, and opened again. Depends on where we found it on the computer. It could also vary depending on the type of e-mail program that's used. If an e-mail program such as Outlook was used to access the e-mail, or if it was accessed through a web page, which MSN accounts give you that flexibility, where you can use Outlook as your e-mail client, or your e-mail program, to use, see your e-mail; or if you are not at your computer, you can access the MSN web page and look at it in a web interface or a web document format.

HARRIS: So if you have a printout of an e-mail, and the time that you have written down in the lower right portion doesn't correspond to the time, that's the explanation that it is just coming

from a different computer?

GERAGOS: Objection. Calls for speculation. There is no foundation.

JUDGE: I think he can answer that. Can you answer that?

WALL: Yes.

JUDGE: Go ahead.

WALL: The times that I write on the bottom of these documents is consistently the time that that file is created on the computer, and doesn't necessarily reflect the time that the e-mail would have been sent.

HARRIS: May we have this marked next in order?

JUDGE: 185. Document Marked as Exhibit 185 for identification.

HARRIS: Let me present this up to you, 185, have you look at that, see if you recognize it.

WALL: Yes, I do.

HARRIS: And what I want to do is kind of move forward in time. As part of the process did the Modesto Police Department, part of your forensic process, did they ask you to look for specific dates, or look to see if there was computer activity on specific dates?

WALL: Yes, they did.

HARRIS: Moving forward to December 23rd. We have been talking about the 8th most of the morning. Did you look at December 23rd to see if there was computer activity?

WALL: Yes, I did.

HARRIS: And was there?

WALL: Yes, there was.

HARRIS: Now, the document that you have in front of you, is that a document that you found from December 23rd?

WALL: Yes, it is.

HARRIS: What is that document?

WALL: This is a faxed document with the name of Scott Peterson, Company TradeCorp, that has voice numbers and fax numbers and addresses associated at the top of the page. It also has the date that the fax was created, the number of pages, and the subject that he states, Address change for TradeCorp.

HARRIS: Now, this particular document, you are saying it's a fax, it's got fax information on there?

WALL: That’s correct.

HARRIS: Is this a document you found on the computer?

WALL: Yes, it is.

HARRIS: I want to go through this. Can you send faxes through computers?

WALL: Yes, you can.

HARRIS: And so you can use your computer, and you go in and do whatever you do, just like typing something up, and then the computer will send it as a fax?

WALL: Yes. There is many fax programs that you can have installed on your computer. I use one in particular called E-Fax, where I can send and receive fax transmissions directly through a number that comes to my e-mail.

HARRIS: Now, this particular fax, would it have the information from whatever a person types in to create it, or would it have some type of internal time from the computer?

WALL: I believe this document came from a temporary file that was created when the document was created, and from there it could be handled in a variety of different ways, depending. If there is a fax program on the computer, it could be faxed that way. Or it could be printed out and faxed over a standard fax machine.

HARRIS: And this particular document appeared to be work related from TradeCorp?

WALL: Yes.

HARRIS: And which computer did this come from?

WALL: It came from the Dell Work PC 4, that was titled by Officer Stockham.

HARRIS: And it indicates that TradeCorp has got a new mailbox?

WALL: Yes. It's a note to Elenor. Says, Elenor, comma, and then new space, TradeCorp has established a postal box for future security of our mail. Period. There is a space. The next line says, please send all mail to, and then there is a space, and it says TradeCorp, P, as in Paul, M as in Mary, B, as in Boy, pound sign, 290, 1801 H Street, Suite B5, Modesto, California. 95354. And it ends by saying, well, it's misspelled. T-h-n-a-k you, comma, Scott. And then it says 209-505-0337.

HARRIS: This document was sent on December 23rd?

WALL: This document was created on December 23rd, 2002, at 1:26:36 p.m. And there is a fax receipt that states that it was sent Monday, December 23rd, 2002, 1:26 p.m. to Elenor, A slash P, from Scott Peterson, comma, the number 209 dash 578 dash 0344. And it's page one of one. This actual document was created on 12-23-02 on the Dell Work PC 4 at 1:26:36 p.m.

HARRIS: Now, you, as part of the looking at this, and moving forward in time, did you find if there was Ebay activity on the computer, or computers, I should say?

WALL: Yes, there was a substantial amount of Ebay activity on the computers.

HARRIS: When you say substantial, can you define that for us?

WALL: There was searches for clothing, golf clubs, jewelry.

HARRIS: You say

WALL: Tools.

HARRIS: searches for. Did it appear that anyone using these particular computers, the four that you were looking at forensically, were selling items as well?

WALL: Yes.

HARRIS: Did it appear there they were selling a lot of items?

GERAGOS: Objection. Speculation.

JUDGE: Sustained.

HARRIS: Were they selling more than one item?

WALL: Yes, there was appearance of more than one item being sold.

HARRIS: You were describing for us earlier in one of the binders that Amazing Diamond Bezel Ladies Watch. I'll show you what's been marked previously as People's Number 4. Does this appear to be an Ebay item for that same watch?

WALL: Yes, it does have the same appearance.

HARRIS: And if you turn to the second page, do you see the same graphics that you found on the computer?

WALL: Yes, I do.

HARRIS: Does this appear to be the first page of that particular item?

WALL: Yes.

HARRIS: And does this indicate that there was a, do you need to go up and look at it?

JUDGE: Would you mark that, or is that,

HARRIS: This has previously been marked as People's Number 4.

JUDGE: This is 4. Okay. I don't see it on there. I'll take your word for it. It's on the back. Go ahead.

HARRIS: And does this indicate what day this particular auction ends?

WALL: Ends December 15th, hyphen, 02, at 21:45:32.

HARRIS: That would be p.m.?

WALL: That would be 9:45:32 p.m.

HARRIS: Like you to look at Page 2, People's Number 4. Does this show how it looked on the actual Ebay page?

WALL: I was not able to see the actual Ebay listing page. All I observed was what was residual on the computer.

HARRIS: At the time that the document was created that had these three gif images, or these pictures of the watch associated with the web page, in the same time proximity there as you previously showed us, had this information without the graphics?

WALL: That’s correct.

HARRIS: You can go ahead and resume your seat. We talked about the 23rd.

WALL: Mr. Harris, do you want this one back?

HARRIS: Yes. Thank you. Talked about the 23rd. Without going through and marking all the content of what was occurring on the 23rd, was there activity on that work PC on the 23rd?

WALL: Yes, there was.

HARRIS: Moving to the 24th, December 24th, did you look to see if there was any computer activity or usage across those four computers on the 24th?

WALL: Yes, I did.

HARRIS: Starting with the Home PC, that, call it Dell Laptop?

WALL: Home 1.

HARRIS: Home 1. Was there, back up for a second. Now, if it's a laptop, does that mean that it's portable?

WALL: In most cases, yes, it can be moved to any location to be used.

HARRIS: So when it was described as being Home Laptop 1, or Laptop Home 1, does that mean that it was only used at that particular location?

GERAGOS: There is an objection. It's vague and,

JUDGE: I think that was just a designation.

HARRIS: Let me ask that. When it's described as Home Laptop 1, is that just the designation where it was found? Does that mean that was kind of anchored to that particular house?

WALL: Just where it was found.

HARRIS: When we're talking about Work PC, the Work PC, that is, from your understanding, a desktop?

WALL: Found at the place of work.

HARRIS: Desktop a little bit more difficult to take with you?

WALL: Yes.

HARRIS: Why is that?

WALL: They are bulky. They are heavy. You would have to take not only the actual computer, you would have to take the monitor, which is a separate piece, keyboard, mouse. Just isn't feasible to move them around a lot. Most people leave them stationary.

HARRIS: Do most desktops also have to be plugged in?

WALL: Yes, they do.

HARRIS: So to run it, you would have to take the cord with you and find someplace to plug it in?

WALL: That’s correct. Along with the monitor.

HARRIS: And a laptop, do they have batteries?

WALL: Yes.

HARRIS: Did you find any computer activity on the 24th?

WALL: Yes. It was found on Dell Laptop Home 1. And Work, Dell Work PC 4.

HARRIS: Let's go through that. What was the earliest activity that you found?

WALL: Earliest activity was on Dell Laptop Home 1 as it was accessed at 8:40 a.m.

HARRIS: And how long did whoever it was stay on the computer?

WALL: The last access was at 8:45 a.m.

HARRIS: Five minutes?

WALL: Yes.

HARRIS: And was there something that would indicate to you, or did you have something that would indicate to you, based on looking at the files, what was being accessed from that particular laptop at that time?

WALL: Yes. We're able to see each of the files that were accessed.

HARRIS: If I can have marked next in order.

JUDGE: 186.

HARRIS: Detective, let me show you what's been marked as 186 now and ask you if you recognize it.

WALL: Yes, I do.

HARRIS: And what is this?

WALL: This is an e-mail document that was created from a temp file from the Dell Laptop Home 1 computer on December 24th, 2002, at 8:45:50 a.m.

HARRIS: And what does this appear to be?

WALL: It's an e-mail from, or between Scott Peterson and a person by the name, I believe it's is the e-mail address of jschockley.

HARRIS: And this particular e-mail, is it dealing with some type of Ebay transaction?

WALL: Yes. They are talking about a bag.

HARRIS: And this particular item, does it have the date and time, or does this correspond to being the last file from the Dell Laptop Home that morning?

WALL: Yes, it does.

HARRIS: So this is 12/24 at 8:45 and what seconds?

WALL: 50 seconds.

HARRIS: Was there any additional computer usage on the Dell Home that day?

WALL: Not after 8:45 a.m.

HARRIS: Was there other computer activity?

WALL: Yes, there was.

HARRIS: What computer was that?

WALL: That would be on the Dell Work PC 4. That computer activity started at approximately 10:30 a.m., and ended at 10:56 a.m.

HARRIS: Did you look to see what kind of files, or what type of activity that was?

WALL: Yes, I did.

HARRIS: And did it appear that websites were accessed?

WALL: I don't recall at this point exactly what was accessed. I could refer to documentation to see what that was.

HARRIS: If I was to just point you in the direction, was there something about a Delta tool?

WALL: Yes, I do recall that.

HARRIS: What was the last entry on that particular computer?

WALL: At 10:56 a.m.

HARRIS: And how many seconds?

WALL: I don't know the seconds.

HARRIS: So between, basically it was 10:30 though 10:56 at the Work PC?

WALL: That’s correct.

HARRIS: I'm now going to the mark a couple more exhibits. I don't know if the Court wants to

JUDGE: Do you want to take the recess now?

HARRIS: Yeah.

JUDGE: All right. Going to mark some more exhibits.

<noon recess>

DISTASO: Detective Wall.

JUDGE: Detective Wall, where are you?

HARRIS: Should be outside.

JUDGE: Okay.

JUDGE: Do you remember where you left off?

HARRIS: I believe so. Detective, I'll give you another second to get set up there. All good to go now?

WALL: I'm ready.

HARRIS: Okay. We were starting to have some documents marked. We were starting in the area talking about eBay activity. And before we mark those documents, I want to go back to this exhibit we were looking at earlier, which is People's number 4. I don't know if you can see it, actually, let me show it to you. Kind of trained to go up and look at the screen now. Looking at this one right now, number 4, do you see to the center of that document where it says something in red, something next to the price? Do you see what it says there?

WALL: Yes. It says: Reserved, not yet met, in red.

HARRIS: And from your experience in looking at eBay auctions, not participating in it, but does that mean that,

GERAGOS: Be an objection. It's leading. There's no foundation. We do have the eBay person here.

JUDGE: Sustained.

HARRIS: As part of your review in looking at the eBay material, did you find any e-mails related to eBay activity on the computer?

WALL: Yes, I did.

HARRIS: I'd like to have marked next in order three documents.

JUDGE: 187 A through C.

HARRIS: Detective, let me present what's been marked to you as 187 A, B and C. See if you recognize these.

WALL: Yes, I do.

HARRIS: And what are these documents?

WALL: These are e-mails that involve the e-mail address of slpete1@email.msn.com.

HARRIS: All right. Now, referring to these particular documents, did these appear to be about eBay transactions?

WALL: Yes, they do.

HARRIS: And these were e-mails that were going to someone? Or were they going from someone?

WALL: Well, I didn't look at them quite that closely, but they are to three different people from the e-mail address of slpete1@email.msn.com.

HARRIS: And is there a text that indicates who is sending it or a name that says who is sending it?

WALL: Yes. Each one of them either have the name of Scott or Scott Peterson associated with each individual e-mail.

HARRIS: Now, going through these, the first one, 187A, just put them up on the screen. Maybe we can get the lights dimmed a little bit so you can see them. And if you want to go up there. In 187A we see at the bottom there's a print date. Is that when this document was printed out?

WALL: Yes. This date on the bottom of 7/24/2004, that is the date that my computer assigned to that file when it was printed.

HARRIS: Now, I notice that there's no handwriting on this particular document as to when the file was recovered from the computer. Why is that?

WALL: Because there's no create date that's associated with the file in the computer system.

HARRIS: And why, why is that so with these items?

WALL: Because this e-mail was received through an e-mail client. That means it's an e-mail software program that relies just on the date that the e-mail was sent.

HARRIS: Now, when we talk about the date that the e-mail was sent, again with this particular slight difference that you're describing for us in the computer, how does that particular date and time get assigned to this particular document?

WALL: The e-mail software, the e-mail client, assigns the date to it.

HARRIS: And that's based,

GERAGOS: Be an objection as to relevance. This is a June 20,

JUDGE: Well, I think he's trying, I think he's trying to clear that up, because we've got 7/24/04,

GERAGOS: 7/24 is just the day that he printed it, if I understand correctly.

HARRIS: Right.

JUDGE: Well, I think this is what he's trying to clear up.

GERAGOS: Right, but this is 352 and irrelevant. This body of this,

JUDGE: I don't know if it is or not.

GERAGOS: Okay.

JUDGE: So I'm going to overrule the objection. I don't know if it is or not. If it is, the jury can take that into consideration. I don't know if it is or not. I don't know what he's driving at. I mean, it may turn out to be relevant. You have a leg up on me because you know what the evidence is that's coming in and I don't.

GERAGOS: I do not believe there's any relevance.

JUDGE: Is there any relevance to this e-mail?

HARRIS: Yes.

JUDGE: He says there is, so let's find out.

GERAGOS: Surprise, surprise.

JUDGE: Yeah. Okay.

HARRIS: Detective, going back to, does this indicate at the top of the date that this was sent, and that's by the computer?

WALL: That’s correct.

HARRIS: Now, does this e-mail indicate that this was a transaction that could not be completed through eBay and that they were going to do the sale kind of on a secondary basis?

GERAGOS: Objection. The documents speaks for itself.

JUDGE: Well, I think he can explain it. Overruled. Go ahead.

GERAGOS: He can explain, just so I've got it correct. He's going to explain what the body of the document is?

JUDGE: He can read it to the jury.

GERAGOS: As can the jury, and the state of the law is that the document speaks for itself.

JUDGE: I know, but you can read it if you want. Go ahead.

WALL: It says in the, in the text the document is legal: Yes, it is legal to sell the magazine. No problem there. Just wanted to ask about the shipping. USPS Priority Mail is only $3.50 cents, comma. Is $28.50 cents okay with you, question mark. Please let me know and I will get a check in the mail to you and provide my address. Thanks, Barrett. And then there's a p.s. listed below: Just in case you didn't know, e-Bay does not allow sales of high capacity magazines, and that's the reason your auction was removed. No problem for private sales.

HARRIS: All right. Then at the top this is, there was a response from a Scott Peterson, from Scott Peterson to this individual?

WALL: That’s correct. From Scott Peterson to Harold R Bray, and it states: Sure, send it to me. And then it has Scott Peterson, 509 13th Street, Suite #2, Modesto, California 95354.

HARRIS: So this was an e-mail that was sent from the defendant's computer involving a transaction that couldn't take place on eBay?

WALL: That’s correct.

HARRIS: Looking at 187B, what is this?

WALL: This is another e-mail similar to the last one. It's dated Monday, 16th December 2002. At 18:42:52 minus 0500 hours. And the body of the message states: Which watch? And then it's, below it says: Scott. And then again it has original message, who it's from. roddyr@earthlink dot net to slpete1@email.msn.com. The date sent is Monday, December 16th, 2000 and 2 at 6:58 p.m. Subject: Question from eBay member.

HARRIS: And this particular date, again at the top, that's Monday, December 16th, and that's the date and time assigned by the computer, would be the defendant's computer in this case?

WALL: That’s correct.

HARRIS: And is this the date after People's number 4, that eBay watch we were looking at? Which was, have you look at that one. Showing you People's number 4, does that appear that that particular auction ended on December 15th?

WALL: Yes, did it. December 15th at 21:45:32, or 9:45:32 p.m.

HARRIS: All right. Looking at 187 C. Can you tell us what this is?

WALL: Yes, this is another such e-mail from the e-mail software. The date is Tuesday, 17th December 2002 at 06:41:46 a.m. It's to Chrissy0424@aol dot com. The message body text states: It is a solid gold, it is a solid gold, comma, rope chain, comma, very high quality, period. There's a space. The next text says: Sorry can't go less on the price, period. Scott.

HARRIS: And, again, this would be an e-mail that is being sent from the defendant's computer?

WALL: Yes.

HARRIS: You can go ahead and resume your seat. Now, at some point in time did the Modesto Police Department ask you to basically look or see if there was anything involving Amber Frey on any of these, the computers that you were looking at?

WALL: Yes.

HARRIS: And were you provided with information about a particular gift and to try and look for that gift?

WALL: I wasn't provided information about a gift, no.

HARRIS: Not, not a gif but a gift?

WALL: G-I-F-T. Is that what I understood you to say?

HARRIS: Yes. So you were not provided with that information?

WALL: No.

HARRIS: Did you come cross such a gift when you were looking for something on the computer?

WALL: I didn't come across a gift, but I found reference in an e-mail to a gift.

HARRIS: And in that information, did you obtain that in the same process of doing this examination of the computer?

WALL: Yes, I did.

HARRIS: If I could have this marked next in order.

JUDGE: 188.

HARRIS: Showing you 188, do you recognize this?

WALL: Yes, I do.

HARRIS: And what is it?

WALL: This is an e-mail that was recovered from the unallocated space of DELL laptop Home 1, and it was a purchase confirmation e-mail that was sent to the e-mail address of slpete1@email.msn.com on Friday, 20th of December 2002 at 11:39:20.

HARRIS: Now, let me go through this a little bit. You said it's from unallocated space. Does that mean that it's been deleted?

WALL: That’s correct.

HARRIS: And this was, this e-mail, was it from a person or from a business?

WALL: It was from a person by the name of Martha Tead from Checkmate dot com.

HARRIS: And what was this e-mail about?

WALL: This was a order, or a purchase confirmation that a Star Theater II product had been purchased and shipped to Amber Frey.

HARRIS: Now, we were talking earlier about all of these, the different Bay charts and the graphics, and you were showing us that one, the kind of blue image, let's see if I can find that real quick.

JUDGE: 183.

HARRIS: Looking at 183. Now, with regards to this particular image in the Bay, you can just stay there for a minute. We're going to have something for you to mark. You were talking about how this was part of a web site, and we also marked the, kind of the whole web site page. If you were, if you were to click on this map on the web site, what would happen?

WALL: Well, when I authenticated this web site, that means when I went to the web site myself to check it, I actually clicked on that map and it gave me a zoomed-in version of the area that I clicked on. So what happens is when you put your cursor on any portion of this map, depending on what portion of the map you put your cursor on, it will then give you a zoomed-in area on the next web page.

HARRIS: Did you look to see if that had been done by the person who was pulling up this particular web page?

WALL: Yes, I did.

HARRIS: And did you see if that person, if that zoom-in process had occurred?

WALL: Yes, I did.

HARRIS: And did you find those documents on the computer and print them out and bring them with you?

WALL: Yes, I did.

HARRIS: If I could have two documents marked. Do this as A and B.

JUDGE: 189 A and B.

HARRIS: Detective, let me show you these now which have been marked 189 A and 189 B. Do you recognize those?

WALL: Yes, I do.

HARRIS: Are these the documents that we were talking about?

WALL: Yes, they are.

HARRIS: Start with 189. So what you were describing for us is you would click on that gif, that graphic. So we're looking at 189 A. And explain to us what we're looking at here.

WALL: This is a web page for the San Francisco Bay currents from December 8th, 2002, and the file name is called files backslash zoom underscore cb bracket one, and then it has another set of numbers 204383 in brackets dot htm. This is the zoom page that I was explaining when you click, put your cursor over the previous image that's titled cb bracket one dot gif, if you put your cursor on any portion of that map and then do a left mouse click, it will zoom in on that portion that you select. And this is the web page that represents that zoom feature, and this is where the graphic would typically lay on that document.

HARRIS: And looking at this particular document, it appears to have handwriting on it. Is this, again, your handwriting of December 8th, 9:53 and 52 seconds p.m. of when this file was created on the computer?

WALL: That’s correct.

HARRIS: Looking at 189B, can you describe for us what this is?

WALL: Yes. This is the image as a result of that zoom function. It tells you where the file is on DELL laptop Home 1, the temporary Internet files, Internet Explorer 5 and it's titled cb 16 underscore 16 bracket one dot gif. And the date it was created was 12/8/02 at 9:53:54 p.m.

HARRIS: I'll zoom in. I don't know if you can read it from there, but is this the Central San Francisco Bay?

WALL: Yes. I recognize it as being the, the Bay area

HARRIS: And over here to the, maybe you need to come up and look at the actual one, but is this the Southampton Shoal over here?

WALL: Yes, that's called the Southampton Shoal, the area you're pointing to.

HARRIS: And it's difficult to read here, but what is that portion in the upper right?

WALL: That marking is called Point Potrero Reach, and it's also got another portion that says Channel. And I can't read this portion of it right here, but right here it says Channel. Point Potrero Reach, and then that says Channel.

HARRIS: And looking at this portion here, does that appear to be the tip of Brooks Island?

WALL: I recognize that area from, from a map, as a matter of fact, that I see right here in the courtroom.

HARRIS: You're looking at a map over here that would be People's 109?

WALL: Yes.

HARRIS: Does that appear to be Brooks Island?

WALL: Yes. That area that you described as being right in here.

HARRIS: You can resume your seat.

WALL: Thank you.

HARRIS: The People have no other questions.

Cross Examination by Mark Geragos

JUDGE: Mr. Geragos.

GERAGOS: Does it look to you, good afternoon.

WALL: Good afternoon.

GERAGOS: Does it look to you like, I apologize, I shouldn't have just started off asking you questions. Does it look to you like the zoom feature was used to get a particular area of the map?

WALL: That, that was the, the only zoom that I observed on the computer.

GERAGOS: Yesterday I marked two documents D 5 L 2 and D 5 L 1. Take a look at those two. Do those look like the black and white copies of the, what's been marked as 189 B?

WALL: They appear to be similar, yes.

GERAGOS: Okay. So the jury can understand, I assume the first one I showed you is how the map looked, and then the second is the zoom; is that right?

WALL: Well, without seeing, yes, it has the same file name, and one is zoomed in, correct.

GERAGOS: Okay. Could you identify for the record which one of these is zoomed?

WALL: Well, this one obviously looks bigger than this one.

GERAGOS: Okay. That would be D 5 L 1; is that correct?

WALL: Yes.

GERAGOS: So it looks like there's, you first get a, up comes this location, correct?

WALL: That's correct.

GERAGOS: And then there was a zoom, and that's on D 5 L 2. And then there's a zoom, which would be this right here, correct?

WALL: Correct.

GERAGOS: Okay. Does it appear to you that Brooks Island had been all, all of Brooks Island has been zoomed in? Or does it appear that the Southampton Shoal has been zoomed in?

WALL: It's a general area. I don't know what the intent of the zoom was

GERAGOS: Okay.

WALL: when it was designed.

GERAGOS: Well, you indicated before that you recognize from the map that you had, this one, that you recognized it on one of the maps you saw here?

WALL: That's correct.

GERAGOS: Doesn't appear to me, you tell me, does it appear to you that all of Brooks Island is there?

WALL: No.

GERAGOS: Okay. Does it appear that all of the Southampton Shoal is there?

WALL: Not being familiar with all of the Southampton Shoal...

GERAGOS: Well, how about being familiar with a portion of the map that's got the line drawn around it, like this, that says Southampton Shoal? Does that kind of look to you like maybe that's all there?

WALL: Yes, it does.

GERAGOS: Okay. Now, the item that you have here, this, which is marked as 180, 187 A, what, this is not how it was when the user goes to the computer, correct?

WALL: Well, I don't specifically understand what you're saying, "when the user goes to the computer."

GERAGOS: Well, when he goes, when there's a computer screen, it does not look like what we have right here, correct?

WALL: It does not look like this document, no. This is individually the gif image by itself.

GERAGOS: Okay. So that I understand, do you have the page where this image, which you call the gif image, which if I understand correctly, is going to be, the gif image is this right here, this square, actually probably a little wider. Right around there, correct?

WALL: That's correct.

GERAGOS: Okay. Now, it doesn't come up just on a blank piece of paper, right?

WALL: No, it does not. It's associated with a web page document.

GERAGOS: Okay. Do you have that web page document that it's associated with this? So we know what it is we're talking about?

WALL: Yeah. It was introduced as an item of evidence in one of the books.

GERAGOS: Okay. Was it in one of the binders?

WALL: I believe so.

HARRIS: Well, is counsel referring to the, the witness testified he went to it to verify. We marked a more current one with the whole page. He also testified as part of the binder that there's the one without the graphics in there that's in the binder.

GERAGOS: Right. I want the one without the binder, If I understand correct, this one, which is 183B, this also has nothing to do with the, what was on the computer because you just went to the web site on June whatever that is, 26 or 28th, of this year, correct?

WALL: That's correct.

GERAGOS: Okay. And you just clicked on this USGS real-time current velocity map at that web site and came up with this and then printed it, right?

WALL: That's correct.

GERAGOS: Okay. Now, this was not on the computer; you produced this, 183 B?

WALL: The, the image was not on the computer, that's correct.

GERAGOS: Okay. And then what I had previously marked as D 5 K, right here, this is what you're saying was on the computer; is that right?

WALL: I would have to get a closer look.

GERAGOS: Sure.

HARRIS: I'd refer counsel to the p.m. binder. I believe it's Exhibit I.

JUDGE: 182 I?

WALL: I need to get the date on that.

GERAGOS: Okay. Looks like it's the 8th. Okay. Do you see, do you see that? Can you take a look at that?

WALL: Sure.

GERAGOS: And is that the same item?

WALL: That is the, that is the gif image that was created on December the 8th of 2002.

GERAGOS: Okay. That gif image, once again, on this, is also not the way that the person saw it who was using the computer, correct?

WALL: That's correct. It would have been associated with the web page document. Those two get separated when they're stored on the computer.

GERAGOS: Okay. Now, the web page document, I'm going to take Mr. Harris' word, is I. Is this the web page document?

WALL: Yes, it is.

GERAGOS: Okay. And where would the picture have been on this document?

WALL: It would have been right here where it says Central Bay Current Velocity Map, and there's a little red X. Says: Click here to print this chart.

GERAGOS: So this, if you put this here, you're talking about

WALL: Something slipped in on the computer there.

GERAGOS: So what you're talking about is when you go there, right there is where you call this gif image would be when you pull it up on the computer, right? This image here would actually be on there, correct?

WALL: It would be right in this area. So it would take up more space, so all this would actually move down on the document.

GERAGOS: Okay. Is there any way to put this –

JUDGE: Does anybody know how to fix the computer to get that out of there?

GERAGOS: If I can get the notebook back together first.

JUDGE: There you go.

GERAGOS: Now, the, if I understand correct, you've got some times here as well, right?

WALL: That's correct.

GERAGOS: Okay. And it looks like the times are, starting on the first page, which would be the, when the web site pops up, it's right here, the time is 9:53 and 20 seconds?

WALL: That's correct. On December the 8th, 2002.

GERAGOS: Okay. Then it's clicked and it says 9:52 and 54 seconds; is that right?

WALL: I can't see it, but, now I can, yes. 9:52 and 54 seconds.

GERAGOS: Okay. How is it that the gif image is earlier? Is that what that, that explanation you gave before, that the image loads first?

WALL: Sometimes they load first, sometimes they load after.

GERAGOS: Okay. So when, I'm assuming that somebody clicks on to the web site, and this item, the, the content, if you will, loads, and the graphic loads, right?

WALL: Correct.

GERAGOS: Okay. So sometime prior to 9:52 and 54 seconds, the user clicks on the web site, right?

WALL: Yes.

GERAGOS: Okay. Take a couple of seconds before the web site comes up?

WALL: It can take longer than that, depending on the speed of the connection.

GERAGOS: Okay. Do you know what the speed of the connection was on the computer that this image was taken from?

WALL: No, I do not.

GERAGOS: Did you, is there a way to test that?

WALL: I was told that it was a dial-up modem connection, but I don't know what the speed was, and I know of no one way to test it.

GERAGOS: Okay. If you were told that it was a dial-up modem, do I understand correctly that that's about as slow as you can currently get?

WALL: Yeah, it sure is.

GERAGOS: Okay. Is it a safe bet that somebody would have had to dial-up at least at 9:52 for the graphic to come up at 9:52 and 54 seconds?

WALL: It would have had to be prior to that time, yes.

GERAGOS: Okay. And the entire web site, meaning the content and the picture, would not have come up on the screen until 9:53 and 20 seconds; is that right?

WALL: That's when this file was created.

GERAGOS: Okay. Now, is there any place that you showed in the computer where this web site was saved?

JUDGE: Was what?

GERAGOS: Saved.

JUDGE: Saved.

GERAGOS: S-A-V-E-D. You can save, if I go to a site, if I like the site, I want to refer to the site, I can do one of two things to preserve that. I can preserve it virtually by saving the location, true?

WALL: You can bookmark them.

GERAGOS: Right.

WALL: And you can bookmark it for off-line viewing so it saves the web page.

GERAGOS: Right. Now, when you say bookmark for off-line viewing, you've got a web page that's updated on a daily basis, for instance, and if you want to save that web page so that the information that I'm looking at, if I go on to it this morning, for instance, on one of those, USAfishing, and I want to save Today's Headlines, I can bookmark that so I can off-line view it, correct?

WALL: That's correct.

GERAGOS: Okay. I can also save it as a favorite so that I can return to that same web site, correct?

WALL: That's correct.

GERAGOS: Okay. Was either of those things done, let's just start with the favorites. Was this saved as a favorite?

WALL: I do not know that.

GERAGOS: Did you ever check that?

WALL: No, I did not.

GERAGOS: Okay. You found it, however, I believe, in a temporary Internet file; is that correct?

WALL: That's correct.

GERAGOS: Now, I've got this back here on D 5 K. It looks like there's some writing here. It looks like it's a path; is that right? So this would have been the DELL computer, if I understand correct, right?

WALL: Yeah. DELL laptop Home 1.

GERAGOS: Okay. So presumably this was the DELL that was, the DELL computer that was seized from the house, right? That's what you were told?

WALL: That's what I was told.

GERAGOS: Okay. And then you go into Windows and it's temporary Internet files, correct?

WALL: That's correct.

GERAGOS: Temporary Internet files means what?

WALL: It means it's a, a folder, directory structure; a folder that's created by the Internet Explorer program that is a place for temporary Internet files that are accessed by the user to store them and, for future reference.

GERAGOS: Okay. The computer stores it, correct?

WALL: That's correct. Automatically.

GERAGOS: Automatically. The user, in this case we've got absolutely no indication anywhere that the user stored this, correct?

WALL: That's correct.

GERAGOS: Okay. We have absolutely no indication, what was, by the way, what was the next, the very next thing that happened after this site was visited? Do you need to take a look at your documents to check that out?

WALL: I could.

GERAGOS: Okay.

JUDGE: Mr. Geragos, maybe this would be a good time

GERAGOS: Sure.

<recess>

GERAGOS: Thank you, Judge. Good afternoon. Did you have a chance to take a look at the times on the work that you did in terms of pulling these up?

WALL: Yes, I have them prepared to review in time sequence. And I might add that this software that I'm looking at is a product of another forensic software suite that I use to analyze the data. It's known as Access Data Forensic Toolkit that created this report.

GERAGOS: So what I'm going to try to do, if we could, is to go through the binders that we have. Looks like you have, at least when you called up the information, you have done in the binders themselves, put one up, for instance, looks like the back –

HARRIS: They are on the front too.

GERAGOS: You have done it in the two different spots. You have put the timing on the bottom, right there, that 8:01:26, correct?

WALL: That's correct.

GERAGOS: You have also put on the back. Harder to see, right there, in pencil.

WALL: Correct. That's correct.

GERAGOS: You have got in order how these things were; is that right?

WALL: I don't know if they are in specific time-created sequence order or not.

GERAGOS: Okay. What's easier for us to with the, I want to start with the a.m. or p.m. one you have up on your computer.

WALL: You told me you wanted to starts with the cb, bracket, one, gif.

GERAGOS: The cb, bracket, one, gif, which is, which was the, make sure we're talking the same language here. Okay. Now we have got, that's 187A. That was brought up at what time?

WALL: 12/8/2002 at 9:52:54 the file was created.

GERAGOS: As we went through before the break, the gif is just a picture, and the specific content that was connected to it came up at what time?

WALL: I have that logged on the computer as December 8, 2002 9:53:20 p.m.

GERAGOS: And see if I can pull out that particular item, pull out the contents out here. That's the, so at 9:53 and 20 seconds, at that point then you would have had, the web page would have been up, correct?

WALL: Yes.

GERAGOS: Picture and end content?

WALL: Whatever has the last or the latest time.

GERAGOS: Is what it's up?

WALL: Is where it would be at.

GERAGOS: In actuality what we know is that this item here, what you call a gif?

WALL: Cb, bracket, one, dot, gif, that's correct.

GERAGOS: In this particular case, this came in first into the computer. Then the content came, and then the page comes up at 9:53 and 20 seconds, or shortly thereafter; is that correct?

WALL: That's correct.

GERAGOS: Is there some kind of time lag when this information comes into the computer before it actually pops up on to the monitor?

WALL: It depends. Varies with each individual case. I'm sure most people have seen how web pages load. Sometimes the text comes up. Just depends on how the connection speed is.

GERAGOS: Okay. And we have already established this is a, were you told it was a dial-up modem? You don't have anything, any information that would lead you to believe that it's not a dial-up modem, correct?

WALL: That’s correct.

GERAGOS: And that would be the slowest in terms of the loading into the computer, correct?

WALL: That’s correct.

GERAGOS: Now, some time after 9:53 and 20 seconds, this website comes up. Then what is the next time that comes in?

WALL: The next time that I have logged is 9:53 and 46 seconds, p.m.

GERAGOS: Do you know what that is?

WALL: Name of the file is Sport Fishing, bracket, 1, and then it has the number sequence 20. The document is titled Sport Fishing, bracket 1, bracket, 233789 dot HTM.

GERAGOS: Now, do you know if that, did you pull that up in the Sport Fishing and print it out? Do you know what I'm talking about?

WALL: I'm looking at it here. But we could check. It's the Department of Fish and Game Licensing and Revenue Branch web page.

GERAGOS: Let's see if see if you can pull that up here.

WALL: A.m. book.

GERAGOS: I have got it here. What time did you say that was?

WALL: It's 9:53:46 p.m.

JUDGE: Maybe it's M. N as in nun.

GERAGOS: N like in Nancy.

JUDGE: There is a bunch of California Fish and Game,

GERAGOS: I'm sorry, it says on the back, maybe. That's not G?

WALL: That's a different one.

GERAGOS: 9:53:04.

JUDGE: Which one are you referring to, Mr. Geragos?

CLERK: H.

GERAGOS: Looks like G. Is that right?

WALL: Yes.

JUDGE: Licenses available?

WALL: That's what you are pointing to is G.

GERAGOS: Pointing to G. Is this the next item after 9:53:20? What's the next item that comes up?

WALL: 9:53:46 is what I show here.

GERAGOS: 9:53:46 is not going to be G.

WALL: It's not in here.

GERAGOS: So we don't even have, well, I do have what looks like here, we have got 9:53:20 is that correct?

WALL: I have 9:53:20.

GERAGOS: Now, it looks like, correct me if I'm wrong, but it looks like the Fish and Game Regulations came up already at 9:53:04, before we even got ten. Am I wrong there?

WALL: No, that's correct.

GERAGOS: Okay.

WALL: It was logged into the computer at 9:53:04.

GERAGOS: Does that mean that before this website was even completely downloaded into the computer, that the person who was operating it had already moved on to the Fish and Game one?

WALL: That's entirely possible.

GERAGOS: So somebody could click on the, looks like they clicked on this current thing, what you call a gif file, and that loads into the computer. And we know that, I assume that the content wouldn't have come up until 9:53:20, but the picture starts to come up, it appeared what happened was, as soon as he saw that picture, whoever it was that was the operator of this computer, that he already skipped over, left the current, and went right into the Fish and Game, right?

WALL: There would be no way of me knowing that based on the connection speed and how it loaded. I wouldn't have any idea

GERAGOS: We know for a fact that the person didn't stay on that, on the, this is where, the one that I'm pointing to, which is I, which would be the Real Time Current Velocity Map with the other, we know the whole thing didn't come in until 9:53. And looks like that before the whole thing even came in, the person already, when the, the operator had already clicked on to the Fish and Game. So they left these, the tides, or the current, whatever it was, as soon as, even before it even practically all fully downloaded, they were on Fish and Game already, correct?

HARRIS: I'm sorry, but counsel is saying that 9:53:04 is after 9:53:20?

GERAGOS: No counsel is saying that, unlike what I was led to believe I, guess that the currents that are right here, that came in at 9:52:54, which loads, as your expert says, prior to the content which loaded at 9:53:20. Means that whoever the operator was had already gone on, because he didn't care about it, to the Department of Fish and Game. Isn't that what that means? He clicked on, as soon as he got to, before that thing is fully loaded, he already clicked on to Fish and Game, right?

WALL: That’s correct.

GERAGOS: Okay. What was the next thing he clicked on to?

WALL: The Sport Fishing Fees website at 9:53:04.

GERAGOS: I have got a 9:54:58. Is that the next thing?

WALL: You have to give me a frame of reference, what the last time was that you are looking at.

GERAGOS: Right here. We have got Fish and Game Regulations. So this, would this be the first page?

WALL: That's, does that say 9:53:04 on it?

GERAGOS: Yes.

WALL: The very next thing is 9:53:20, which is the Near Real Time Current Velocity Maps is created on the computer, how it's viewed.

JUDGE: That's I, right?

GERAGOS: Yes, right.

GERAGOS: Now, the next spot that the person goes to

WALL: Would be 9:53:46.

GERAGOS: Do you know what it was?

WALL: Yes. It's the Department of Fish and Game.

GERAGOS: Okay.

WALL: I'm just going in sequence here, how the files are created.

GERAGOS: Okay. So the person then goes to Department of Fish and Game, and then does the person then go to, I have got, what I got here is J, 9:54 and 58 seconds?

WALL: No. The next file that loads is another gif image, a g-i-f.

GERAGOS: Okay.

WALL: That is called Rows 1, brackets 1, bracket 205018, dot, gif. And it's created at 9:53:52. That's the next file created.

GERAGOS: Okay. The next, and we didn't, you didn't print that up to put it into the binder?

WALL: The binder selection was made by Mr. Harris.

GERAGOS: Okay. So you have printed out everything that was actually seen, but what, everything that was actually seen has not been included in this binder?

WALL: No, I didn't print everything out because everything won't print out. Some of them are buttons, and

GERAGOS: The next thing I show in the binder, well, you tell me. What's the next thing that went? You said there was a g-i-f image. Does that mean the person has clicked on to another website similar to what happened with the velocity, that first, the picture comes into the computer before the content?

WALL: It varies.

GERAGOS: Okay. I show at 9:54 and 58 seconds, some time after which would have been about a minute and 54 seconds after the Fish and Game, I show Laws and Regulations.

WALL: Actually there is several files before that.

GERAGOS: Okay. What's before that?

WALL: The next file after the Rows 1, brackets 1, file, the gif file was created at 9:53:52 p.m., and it is entitled, Zoom, underscore, c-b, bracket, 1, bracket 204383, dot HTM.

GERAGOS: Did you print that up?

WALL: Yes.

GERAGOS: And is that included in here?

WALL: This was the item that was presented by Mr. Harris after the break, I believe, the Zoom website.

GERAGOS: The one that I said looks like the entire shoal area?

JUDGE: I think it's 189.

GERAGOS: 189?

WALL: That’s correct. That's the same one.

GERAGOS: That's the gif. And then that's at what time?

WALL: That's at 9:53:22, bottom.

GERAGOS: 9:53:52. The next thing?

WALL: The file, cb16, underscore, 16, bracket 1, bracket 2045631, dot, g-i-f.

GERAGOS: It's another picture?

WALL: Yes.

GERAGOS: That shows the same, shows the area, that Southampton Shoals, that I showed you before?

WALL: That’s correct.

GERAGOS: We have got, all of that is done within with less than a minute before the Law and Regulations come up at 9:54 and 58 seconds?

WALL: The next time I have is another gif image at 9:53:54.

GERAGOS: Okay. So this has been another already, how many seconds have elapsed between those last two gif images?

WALL: Well, the previous file, the cb16, underscore, 16, gif was at 9:53:54. And the very next file has the exact same date and time stamp of 9:53:54. And it's titled, b-e-c,underscore, k-e-y, bracket, 1, bracket, 205634, dot, g-i-f. Do you want to see that?

GERAGOS: Is that the another gif picture?

WALL: Yes, it is.

GERAGOS: Okay. And that does not show up, correct? Just shows, Just shows some arrows, and showing some knots, numbers in knots.

WALL: Numbers within knots as to speed.

GERAGOS: Well, it has, let's say, for example, that is a very small arrow. And it has a 1.0 with a line under it. Then the next one is a little bit larger arrow, different color. It goes to an orange. And there is a little, the next number is 2.0 with a line under it. Then the next portion of that image is an orange, darker orange, reddish orange arrow with a 3.0 with a line under, then a larger red arrow with 4.0 knots, with a line under it. Now, is it, is that item that you just described to the jury, is that something that would have been connected to one of the previous websites that had been clicked on to?

WALL: That's possible. But without being able to actually authenticate that website, I wouldn't know for comparison.

GERAGOS: It does not look like that that's something that, it's a website in itself. What you just pulled up?

WALL: That’s correct. That the image that's embedded into a website.

GERAGOS: So your best, I don't want to say your best guess, but your best analysis what that is, is that he's clicked on to a website, that content is coming, but these gif files, which are the pictures, are coming, either one of them, two of them, are simultaneous?

WALL: That’s correct.

GERAGOS: And then you have got, one kind of trails behind it?

WALL: That's right.

GERAGOS: And with this kind of low speed internet it's loading into, it looks like very quickly the user is moving to another website; is that correct?

WALL: Well, not necessarily moving to another website; but looks like those images are loading in a sequence to a specific website within close proximity of one another. The one we talked about was Zoom cb. That's the website. And then it's going to have some gif images associated with it. That might potentially be the cb16 gif and having the underscore, bracket, 1, gif.

GERAGOS: Similarly to what I go to a web site, sometimes I go do it on my phone, which loads pretty slowly, I will see where content will come up, and then pictures on the phone itself will download rather slowly. And then if I hit the address location, go to WWW something else, and immediately hit that, takes a little bit for the computer to catch up and then go to the next one?

WALL: I can only assume that would be the case. I have never been able to use a telephone that has internet access.

GERAGOS: Okay. If you were to do it from a computer that was slow, and I assume you have done that?

WALL: Absolutely.

GERAGOS: Okay. If you do from it a computer that's slow, is it your analysis as to what's going on here, because we're dealing with a fairly short period of time; is that correct?

WALL: Slow connection speeds typically a smaller image is going to load faster than a larger image.

GERAGOS: Is it a fair statement that somebody clicks, they are going from link-to-link, most probably, correct?

WALL: From one website, then the images are loaded on to it so it can be displayed to the user.

GERAGOS: Okay. And at a certain point, what we have got is is that within a minute and 54 seconds here, we have got how many different things coming into that computer? From H to J? H is what we previously identified as this Department of Fish and Game, and J is what was previously identified as the Law and Regs that came in at 9:54; is that right?

WALL: After that, there is two more gif images, and then there is another web page document that loads at 9:54:58.

GERAGOS: Okay. So we have got apparently, right, four, separate items that have come in within that one minute and 50 second span?

WALL: Yes.

GERAGOS: Is it a fair statement that if the Laws and Regulations, the content, loaded at 9:54 and 58 seconds, that the person who hit on this site, or this link, and maybe I'll ask you. Is there a link between Department of Fish and Game and what's called Laws and Regulations?

WALL: What's the time on the Laws and Regulations?

GERAGOS: Time on Laws and Regulations is 9:54:58.

WALL: Yes, there is other links there.

GERAGOS: Okay. So is it a fair statement that the user goes to this current, is only on there for a very brief period of time, and then goes to the Department of Fish and Game, then he goes to Laws and Regulation?

WALL: Well, there is enough time in between there where that, you got to remember that internet file where the Zoom occurred, that brought up that. Southampton Shoals is a portion of the map that occurred in between that time as well.

GERAGOS: So person goes on, they press, they go on to Southampton Shoals, and then they exit, go to another, either link or another website, and all of that takes place in the span of roughly a minute?

WALL: Times are very clear when those files are created. So one could draw the conclusion of how much time is spent on each one of those, yes.

GERAGOS: The conclusion would be less than a minute; isn't that correct?

WALL: Well, it would be hard for me to say less than a minute, because there is two other web links that are redirecting the user to another website that you haven't discussed yet.

GERAGOS: Okay. We know that there is, it's less than two minutes, right, don't we?

WALL: Yes.

GERAGOS: Okay. It's clearly less than two minutes. And that's if you don't account for how slow it is loading, and gifs coming in, correct?

WALL: That’s correct.

GERAGOS: So the maximum that it is a minute and high change, less than two minutes. And then you said there was two other links?

WALL: Yes at 9:54:28.

GERAGOS: Which would have been 30 seconds before J. What happens then?

WALL: That's another website. It says the times of that web page is, states, I just lost it. The regulations page is now located at WWW dot DFG dot CA dot Gov, forward slash, FG, underscore, c-o-m-m, forward slash, regs, r-e-g-s, period, dot HTML. It's saying it goes to another website. Typically what happens in those cases, you can see an example of it here in the computer is, if you don't click on that link within a certain period of time, it will automatically take to you that next web page that it describes, and that's what happened here.

GERAGOS: And so does that mean that the person, I would assume that that has now taken us down even to a lesser period of time that the person would have been on the gif that we identified before as I?

WALL: Okay. Tell me again time of what you are talking about on that gif again.

GERAGOS: I is 9:52 with the gif. 9:53 and 22 seconds and the

WALL: We're now at 9:54 and 36 with that last.

GERAGOS: We have already, we already know the Department of Fish and Game is up at 9:53:04, correct?

WALL: Yes.

GERAGOS: That's H. We already know that 9:54. And I don't have, you didn't print it out. We know in between the 9:53:04 and the 9:54:58 that there were four other things that were done, correct?

WALL: Yes, there is a lot going on.

GERAGOS: There is a lot going on, which means somebody is literally surfing the net at that point, correct?

WALL: I don't know what they would be doing surfing.

GERAGOS: We know they have left the, what's been marked as I, correct?

WALL: Yes. And another web page has been activated, yes. Another web document.

GERAGOS: So, and as far as you know, there is nowhere, at least you haven't done, if I understand correctly, you haven't done the analysis on it, but there isn't anything that you have seen that indicates that it was either saved as a bookmark, correct?

WALL: That’s correct.

GERAGOS:, or that it was, other term cached?

WALL: It was cached, because that's what we are looking at.

GERAGOS: Not, no, but the user?

WALL: It's done automatically by the operating system by the Internet Explorer.

GERAGOS: That's, there is nothing that indicates that it is user-saved, that picture, for, obviously, what period of time that we have gone through, correct?

WALL: That’s correct.

GERAGOS: And there is nothing to indicate, that indicates the user printed out any of this material; isn't that correct?

WALL: I have no indications that, the only thing that we know is that cursor activity occurred for a Zoom to occur, for the next stage of the Shoals area that showed up.

GERAGOS: So somebody has got the, they are using the mouse, presumably. Was there a mouse attached to this particular computer?

WALL: I was told that there was typical input-output devices that were attached.

GERAGOS: So somebody is clicking on this, they click onto the picture, the picture comes up, and it looks like, as you said, a lot was going on after that, very shortly, correct?

WALL: That’s correct.

GERAGOS: There is no indication that there was any printing of any of the things that you know of?

WALL: That’s correct.

GERAGOS: So no indication they were bookmarked or saved so somebody could come back it to later on and view it, as you said, on line, correct?

WALL: That’s correct.

GERAGOS: Okay. The entire book that we have, that was produced, do you have any indication in what was marked as 182, which of these documents in 182, which would be A through double D, which of these were printed?

WALL: Yes. I believe there was a document that was printed that was discovered at the shop.

GERAGOS: Okay. And that would be, I believe I got that handy. USA Fishing document? Did I give it to you?

JUDGE: I think it's quadruple G.

GERAGOS: The only indication of anything that was printed during this period of time would be what's previously marked as, Judge is right again, four G; is that right?

WALL: I don't see any evidence markings on this piece of paper.

GERAGOS: You can pick it up. Just turn it over. It should be a green piece of paper on the back.

WALL: Okay.

GERAGOS: Okay. Now, is this, as far as you know, the only item during any of this, detective, was it about an hour, how long is this session in the

WALL: Now, I don't know this document was created on December the 8th, if I'm not mistaken. And I could check real quick in the book.

GERAGOS: Sure.

WALL: To see what time that was created. At least make sure we're the same page here.

GERAGOS: Literally.

WALL: That was the same document that we're referring to.

GERAGOS: Looks like USA Fishing SFBay Report, correct?

WALL: That’s correct.

GERAGOS: Okay.

WALL: Got the day's headline, December.

GERAGOS: We're referring to item Q; is that correct?

WALL: Yes.

GERAGOS: Okay.

WALL: It looks like that has the same content. It has the same day's headlines, Thursday, December 5th, 2002. And I have a created time of December 8th, 2002, at 8:19:10 a.m.

GERAGOS: Now, is that, does that mean that the document itself would have been created in the morning, somebody would have gone to this website, USA Fishing, and then by, marked as Q, in the morning, the 8th, at 8:19 a.m.; is that correct? Is that right?

WALL: That's right.

GERAGOS: And then it would have been printed presumably some time after that, right?

WALL: Yes.

GERAGOS: It was 12/9?

WALL: That’s correct.

GERAGOS: And still got today's headlines there as the 5th. Does that mean that it could have been saved on line?

WALL: That's very possible. Is this a representation of the documents that was seized in the warehouse?

GERAGOS: This is a copy of the document that was seized in the warehouse. By that, we're referring to 4G.

WALL: Yes. My experience is that this date of 12/9/2002 that's printed at the bottom right hand corner right here, this is a result of the page being printed when a print request was made to the printer from a specific computer. And if you look at some of my documents that I have created, you will see that same date on the bottom right hand corner as well. When I created the documents, this one in particular, it says July, or 7/29/2004. That's done basically by the operating system. When a file print request is sent to the operating system, a file is created, actually two files are created at first, for the printer to be able to handle it, be able to handle that print job. Now, we have a lot of different printers that are manufactured, and lot different computers, so we have to have a standardized format that these pages can be printed, where they are all don't look like this, but they have the content, the images associated with them as well. And that process, sending that job to a print spool file actually creates what we call an Enhanced Metafile. That's a type of file that every computer system and every printer understands, to be able to take that document and send it directly to the printer.

GERAGOS: Now, does, and that's also something that, if you wanted to, you could go take a look at the printer and use the software to show you if there was some orders that were given by the user to see if there was a print job?

WALL: Actually, that wouldn't be the case. You wouldn't really use the printer to do that.

GERAGOS: If I said printer, I misspoke. The software that you have, you have the ability, one of the versions of the software you have has the ability to determine whether a print job was done, correct?

WALL: Yes. That's possible to be able to go and look in the unallocated space for that enhanced metafile.

GERAGOS: Now, I'm going to ask you if I could return to, do you have your computer still up? As to the, in terms of the timing.

WALL: Yes.

GERAGOS: Okay. And the times, let's see the next –

WALL: Excuse me?

GERAGOS: Sure. The next thing that was done after this, that's when, last one we talked about was the Laws and Regulations, correct?

WALL: What time are we at?

GERAGOS: 9:54 and 58 seconds?

WALL: I can get there. There is no, there is other files that occur prior to that.

GERAGOS: Okay. See what we got. Are they all, right now are we all in, fishing? Basically?

WALL: Yes.

GERAGOS: Okay.

WALL: As an example, there is another website that was accessed at 9:54:48 that's called Site Map, brackets 1, brackets 203793 dot HTM. And that web page is titled Marine Regions Research Lab.

GERAGOS: Okay. And that is at what time?

WALL: That is at 9:54:48 p.m.

GERAGOS: And that would be approximately ten seconds before we get to the Laws and Regulations, which was 9:54 and 58 second?

WALL: Yes. 9:54 and 58 seconds is the California Department of Fish and Game Marine Region Laws and Regulations web site.

GERAGOS: And then do we get to 9:55 and 50 seconds, or is there something in between?

WALL: There are some image files, gif images, JPEG images, that are associated with the websites in question.

GERAGOS: Would it be a logical conclusion, or would it be logical to assume that the gif files that are coming in after 9:54 and 58 were related to these areas right here that I have my pen on?

WALL: Yes, that's entirely possible. They would be associated with that website.

GERAGOS: Okay. What's the next website that we go to?

WALL: Give me the time reference again.

GERAGOS: I've got the next thing that I have in the binder is 9:55 and 50 seconds.

WALL: What was the last file, last one?

GERAGOS: Last file that we had was 9:54 and 58 seconds, which was Laws and Regulations. And then I believe you said there was some gif files?

WALL: Yes. That follow that.

GERAGOS: Okay. Okay. Then the next thing that I have is California Fish and Game Code.

WALL: Let me see.

JUDGE: Well, was there San Francisco Bay Safe Boating Hints in between those two?

WALL: Yes, the next one, you are correct, is the Safe Boating Hints for San Francisco Bay.

GERAGOS: What file is that?

WALL: That one is created at 9:55:34 p.m.

GERAGOS: Okay. So the person goes from Laws and Regs to Safe Boating Hints for San Francisco Bay; is that correct?

WALL: That’s correct.

GERAGOS: And is that a link from the California Department of Fish and Game?

WALL: I don't know.

GERAGOS: If we were to go to, you see in the left hand column here of Laws and Regs?

WALL: I have to go back to it. Okay, I'm on the Laws and Regulations web page.

GERAGOS: Same as what I'm looking at right here?

WALL: Yes.

GERAGOS: Okay.

WALL: You can come check if you like.

GERAGOS: Sure. Just tell me, do you know if that links up to what's been marked as K?

WALL: That's the Safe Boating Hints. I didn't see anything for Safe Boating Hints.

GERAGOS: Okay. How about Fish and Game Code?

WALL: Yes, there is a link from California Fish and Game Code.

GERAGOS: So presumably Laws and Regs is pulled up at 9:54:58,and then the user clicks on to at some point, we don't know, Fish and Game Code at some point. We don't know how they got to Safe Boating Hints at this point, correct?

WALL: Yes. The San Francisco Bay Safe Boating Hints would have been the next web page that was viewed.

GERAGOS: Okay. Is it possible that it's in one of these Information and Publications, or Fishing, or News, or –

WALL: It could have been from one of the Yahoo Search pages.

GERAGOS: Okay. Then we get to Fish and Game, and then, 9:55 and 50 seconds; that's correct?

WALL: 9:55 and 50 seconds, yes.

GERAGOS: Okay.

WALL: That's the very next web page that loads.

GERAGOS: What's the next page after that?

WALL: It's called California Department of Fish and Game Marine Region, California Ocean Fishing Regulations Map. And that occurs at 9:57:26.

GERAGOS: Now, when I looked here on what was marked as J, you see on J, the left, that I have talked about before?

WALL: I have to go back there.

GERAGOS: Okay.

WALL: That's the Regulations fishing page.

GERAGOS: Yeah, Laws and Regulations. See how it has the, looks to be blue, and what I would call links on the left side?

WALL: If you would give me the time on the bottom of that page, makes it easier for me to sort it by file.

GERAGOS: Sure. 9:54:58.

WALL: Okay.

GERAGOS: Okay. Now, I'm going to show you, you said the next one was California Ocean Fishing Regulations Map; is that right, at 9:57:26?

WALL: After the California Fish and Game Code.

GERAGOS: Right. Just going to show you this. I have got you have got, though, that printed up at 9:57:26. Assuming this 9:57:26 is also laws and regulations at 9:54:58, looks like to me, like you have got the same links right here, all the way across.

WALL: Looks like it's a portion of that State of California Department of Fish and Game web page.

GERAGOS: Okay. So looks, is it a fair assumption what's going on here is the person is in the State of California website, going through it, and clicking links on there?

WALL: That's very possible, yes.

GERAGOS: Okay. The next one that you have got 9:57 and 48 –

WALL: California Department of Fish and Marine, that's the one that says the 40 degree, 10 degree line to Point Conception.

GERAGOS: Once again it's got those blue things on the left; is that right?

WALL: Yes, it does. It's part of that State of California web page, 9:57 and 38.

GERAGOS: Then does it appear that the next, by the way, this particular web page then has regulations here on this page, right? Second page of three?

WALL: It's all one large page. Computer has to manage it some way for the 11 inch paper. Different colors for species.

GERAGOS: And it will be, does that indicate anything, two of three. Does that indicate –

WALL: If necessary, have to look closely.

GERAGOS: Tell me

WALL: It's in black. Black Surf Perch and Striped Surf Perch are in black. They are not blue. So you probably have to check with the author of the website to determine why it's in black and not in blue. This blue is, typically it's a hyperlink that would take you to another web site, or another portion of that website.

GERAGOS: Does it also, sometimes if I go to, if I use one of the links, that when you return to look at it, it's a different color so that you can tell that you have already been there.

WALL: It doesn't necessarily mean that, no.

GERAGOS: But is that one of the explanations for what could be?

WALL: One the default settings is that when you activate a link it will turn a different color. But I don't know what the default setting would be. And –

GERAGOS: Let me just ask you a question. If somebody were to hit on Black Surf Perch, or Striped Surf Perch, and they had a default setting, and when you hit on the link it then turns the color, would that be saved such that when you print it out, we would see the changed color default setting?

WALL: I couldn't answer that without testing that theory. There is no way for me to know that the default setting would be black.

GERAGOS: Okay. And you haven't tested that in this case?

WALL: No, I have not.

GERAGOS: That's something that can be done?

WALL: It's possible.

GERAGOS: Okay. Now, I'm going to show you the next one, which is identified as O. And this says Green Sturgeon. Looks like 9:59:04; is that correct?

WALL: That’s correct. 9:59:04 p.m.

GERAGOS: Does that appear to be a link, or can you tell if that's a link to the Fish and Game website?

WALL: Does appear to be a link from the Fish and Game website.

GERAGOS: Yes. Does that appear to be something that came, that was accessed via the Fish and Game website?

WALL: Okay. What is the time on that one again?

GERAGOS: 9:59 and four seconds. 9:59 and four seconds.

WALL: I have no way of knowing if it's a link from a specific site. We could go back to that site that you are wondering if it's linked to and take a look at it very closely, see if there is anything that would resemble that.

GERAGOS: Now, when it says Page 1 of 27 on here

WALL: Yes.

GERAGOS: Now, does that mean, I think you just alluded to it to the jury. When you access the information that's in the computer, it is not paginated, correct?

WALL: That’s correct.

GERAGOS: So when we have Page 1 of 27, that does not mean that somebody clicked on to this particular website, or this link, and scrolled through 27 pages; is that correct?

WALL: That’s correct.

GERAGOS: What it means is that the information, when that website loads into the computer, that 27 pages of information doesn't come in as 27 pages, but the total volume of information comes in in the computer, correct?

WALL: That's right. And it takes 27 pages, with page breaks, to be able to print that entire website out.

GERAGOS: Okay. Is there a way to determine if, for instance here, we have got Page 1 of 27, and we start off with Green Sturgeon, and then if you go into some of the other pages, you will see that there is Salmon, and very just different kinds. Grunion. Is there a way to determine if somebody, if this is a link, for instance, that somebody went specifically to look for Sturgeon, and that's why, that's the first thing that comes up in this block that went into the computer? Make that clear?

WALL: No, not really.

GERAGOS: Say, if there is a link, and you wanted to pick the previous, for instance, if you had a list here.

WALL: If it was a link, it still had to be clicked on to be on the computer to be viewed. So whether it's a link

GERAGOS: What if you had this link, it says other species here, okay? I'm referring to specifically N.

WALL: Yes.

GERAGOS: And what if you hit on Sturgeon. And I'm assuming that these are links?

WALL: Yes. Typically when you see something in blue, that means it's a hyperlink to that website. So –

GERAGOS: So is it?

WALL: Based on your previous theory, that if you click upon a link, and that was a link to the Green Sturgeon, that would change color, then that wouldn't necessarily hold true.

GERAGOS: But would it, if it didn't change color from a default, and you clicked on Sturgeon, would it necessarily go to Sturgeon in the body of all the information that you have on the species? Have you tested that?

WALL: No, I have not. And I don't know.

GERAGOS: Okay. Now, the after the

WALL: Do you want me to

GERAGOS: I'm going to give you some more exercise.

WALL: Okay.

JUDGE: Tell you what, Mr. Geragos, I think we're going to exercise the jury, let them go home now. All right?