Witness: Lydell Wall

Date: 2004-08-26

Proceedings held August 26, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Cross – Mark Geragos (continued from previous day)

Day 3 of 4 for this witness

Court: San Mateo County Superior Court, Redwood City (People v. Scott Peterson)

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August 26, 2004

JUDGE: We're all ready for you, Mr. Geragos.

GERAGOS: Okay.

JUDGE: Now, when Detective Wall was here last time on August the 5th, you remember where you left off? Do you have your notes?

GERAGOS: Green sturgeon.

WALL: Green sturgeon, yes, sir.

GERAGOS: Do you want to call that up? If I move this to where you were,

WALL: I don't know what exhibit number it is.

GERAGOS: You are not connected up? Doesn't hook it up. I'll just use the exhibit, make it simple.

JUDGE: Wall starts with probably 182.

GERAGOS: 182 and 179.

JUDGE: 182A through EE.

GERAGOS: Where you left off Detective Wall, this left side exhibit, this was the page that had been clicked on to?

WALL: Yes, that's correct.

GERAGOS: Okay. And if I remember correctly, that you have got a, looks like 9:59 what's marked in the right, correct?

WALL: Yes.

GERAGOS: And that would be the time at night that that was done?

WALL: Yes, that's correct.

GERAGOS: And then how long was this page viewed for?

WALL: There is no way to tell how long that page was viewed by the user.

GERAGOS: What was the next site that came up? I have got the next one in the exhibit book. I have got the 9:59 and 44 seconds. Is that the next one? Or is that just the next one you put in the exhibit book?

WALL: I'm checking right now.

GERAGOS: Okay.

WALL: Yes. 9:59 and 44 seconds.

GERAGOS: Depending on whether or not, how long it takes, we went through ad nauseam, I think, before the fact that sometimes the pictures come first, sometimes the pictures come second, text comes first, depending on whatever that may be. And there is no way to know that, correct?

WALL: That's correct. Most people are familiar how a web page is viewed, how they load what with a dialup connection. And usually the images, you know, slowly appear.

GERAGOS: Okay. Is it a safe bet that potentially the next thing that comes up is this web page, which is the San Francisco and San Pablo Bays, right?

WALL: Yes, sir. That's the one that I have.

GERAGOS: Okay. And safe bet that comes up some time after the Green Sturgeon?

WALL: Yes, in time sequence. It would be after that, after that one.

GERAGOS: So when you are saying time sequence, the first place that they come, first place that whoever is operating the computer comes to is this particular website that's got Green Sturgeon, correct?

WALL: That's correct.

JUDGE: Mr. Geragos, can I just have the witness sort of orient the jury as to where we are now, where these items came from? These, remember these are the items,

GERAGOS: I can lead it. It's been a while. This is, you made a copy or an image of the four computers that were seized on the 26th and the 27th, correct?

WALL: That's correct.

GERAGOS: And the images that you made of the four computers, you labeled them. I don't know if you did. The other gentleman did who testified here. And they were labeled as Home and Work, correct?

WALL: Yes. There were four different designations that were made by Officer Stockham.

GERAGOS: Right. Kirk Stockham?

WALL: Yes.

GERAGOS: Now retired?

WALL: That's correct.

GERAGOS: Now retired?

WALL: Yes.

GERAGOS: There was a fifth come computer that was seized in February, correct?

WALL: Yes.

GERAGOS: We're not talking about that now?

WALL: No.

GERAGOS: We're talking about the computer that was seized from the second bedroom of the house on the 26th or 27th of December, correct?

WALL: I don't know where it was geographically located. All I know is the designation is "Dell Laptop Home 1" is what we are referring to in these documents.

GERAGOS: Dell Laptop Home 1. And what we did last time you were here is started at approximately, at least Exhibit A, started at approximately 9:30, correct?

WALL: That's correct.

GERAGOS: And we were going through what these exhibits were, and the time that people were, whoever the viewer was was spending on it, correct?

WALL: That's correct.

GERAGOS: Now, have you checked to see whether this Green Sturgeon website, if that has a link to the San Francisco or San Pablo Bay website?

WALL: I could look at it right now. There does not appear to be any links to the next web page. However, without being able to authenticate it while it's live on line, I wouldn't know for certain.

GERAGOS: Okay. And when you say live on line, indicating, if you were to go to that location right now, that site right now, the sturgeon one, call it up, you had all the boxes where it says "Click Me", so you could see all of that, and then know whether or not there is some kind of a link that goes from Green Sturgeon, or one of these pages that are connected to the website, whether that takes you quickly to San Francisco, San Pablo Bay?

WALL: That would be one way, yes.

GERAGOS: Now, after that San Francisco and San Pablo Bay, which is P, came up, the next search is a search, is it Yahoo?

WALL: If you could show me which one you are referring to.

GERAGOS: Sure.

WALL: If you could give me a frame of reference time wise.

GERAGOS: And I apologize. I can't read whether that's 10:10 or 10:18.

WALL: If I could come take a look.

GERAGOS: Sure. Any time you need to, just tell me.

WALL: 10:00:50. I think I may have said 10:10.

GERAGOS: It's actually 10:00:50; is that correct? If you could just write it on there. It's a little bit easier to tell.

WALL: That's 10:00:50.

GERAGOS: So this Q looks like went back to, whoever is on the computer is on the, popped up this bay listing at 9:59 and 44 seconds. And then the next thing that pops up is this, which is 10:00 o'clock and 50 seconds, correct?

WALL: Well, this just doesn't pop up. This is in response to a request made by the user, where the user enters in the words "Map San Francisco Bay Chart". And these are the results of that search request.

GERAGOS: Right there?

WALL: That's correct.

GERAGOS: All right. So let me get one of the, one website that you just saw comes up with the Bay, somebody types in another search, done fairly quickly; is that correct? Within fifteen or sixteen seconds of the last one?

WALL: Well, the issue may be very simply that there are multiple windows open.

GERAGOS: Correct.

WALL: Most people that do internet searching, and I have done this myself, are where I have a search page that's open, where I have asked for my research, or my search materials that I'm looking for, that I have on one page, and I can simply activate another e-mail, or, I'm sorry, an internet browser, so I can have another window open. Or when I click that specific link on the search page, say if you took anyone of those links, you can have your browser set to where it will open another page separate of this one. So you can actually to go back and forth to your original search page, and then to your research page based on the link that you choose.

GERAGOS: And whatever it is you are looking for?

WALL: Exactly.

GERAGOS: All right. So, and we have seen repeatedly that the user comes back and modifies the search to get some other item, correct?

WALL: Yes. It's being something more specific.

GERAGOS: All right. So this is the search that comes up at 10:00 o'clock. Then the very, I assume the very next thing it says 10:01 and 18 seconds, is R, which is the Striped Bass, correct?

WALL: Yes.

GERAGOS: He doesn't go, user does not go from the San Francisco Bay chart. Didn't put in tides, or currents, or anything like that, did he? He put in tides or current?

WALL: No. It's very specific what it says at the top.

GERAGOS: And then the next thing that we have is this Striped Bass website or web page, correct?

WALL: That's correct.

GERAGOS: Now, the Striped Bass web page bears a pretty close resemblance to what's been marked as O; isn't that correct? I'll walk it up and show it to you before I publish it to the jury, just to ask you. These two look like, these two look like whoever did these web pages seem to have the same format, and seem to be the same web page?

WALL: Yes.

GERAGOS: Okay. So the first thing that pops up that he's looking at, if I have got it right, he's got, he goes to read sturgeon, Green Sturgeon at 9:59, goes back to the search results, depending on, we're guessing because, I wouldn't say guessing. We're surmising, I guess, because you don't have any way of detecting whether or not he's got more than one window open, correct?

WALL: That's correct. But that would be a reasonable assumption.

GERAGOS: Based upon how quick these things are coming up, correct?

WALL: That's correct.

GERAGOS: And so Green Sturgeon goes back, and then we have got Striped Bass right there. That basically what happens?

WALL: Yes. That's the next one in sequence that he created on the computer.

GERAGOS: Okay. And then next thing that pops up, and I know you indicated before that some of the sites you didn't put on, or some of the things you clicked on you didn't put on. But like some of these other witnesses, you have culled out what you thought was important?

WALL: They were chosen specifically by Mr. Harris.

GERAGOS: Now, the next thing that you chose to put in the Striped Bass area at 10:01 and 18, the next thing that pops up is S. And this is at 10:03, correct?

WALL: 10:03:14.

GERAGOS: And that's an, does that appear to be a, back to this California Department of Fish and Game website?

WALL: If you will give me just a moment.

JUDGE: Go ahead. He is trying to research your answer.

GERAGOS: Thank you. You are researching him whispering in my ear?

WALL: That's the 2002 Sport Fishing Regulation. Be part of the Department of Fish and Game.

GERAGOS: And without, I don't know if the jury remembers. This has been a while. Do you remember that one of the websites that he had hit on prior the Department of Fish and Game?

WALL: There is quite a few that were actually viewed.

GERAGOS: So to be specific, I think it was G. Which is G, right here? At about 9:52?

WALL: Is that 9:52 p.m.?

GERAGOS: Says 9:52 and 20 seconds.

WALL: That would have been prior to that. It's possibly just a different, I don't know if it's the same one exactly.

GERAGOS: Are you able to tell?

WALL: Well, if I could see that one more closely.

GERAGOS: Sure.

WALL: No. They are different pages.

GERAGOS: Different pages. They look to be the same website.

WALL: From the same website, yes.

GERAGOS: So appear, at least there are one or two explanations. Either there is a window open which holds up Department of Fish and Game, then somebody goes, finds the kind of fish they are looking for, either sturgeon or bass, and then comes back and finds what the regulations are. Is that a reasonable assumption of what happened?

WALL: That's very possible. You can have as many windows open as your computer memory will handle.

GERAGOS: Is there any way to determine when you are doing this forensically, which is you take an image of the computer, and now you are kind of looking at it retrospectively, is there any way to determine how many windows he had open at a time?

WALL: It might be possible, but it's not something that I specifically analyzed.

GERAGOS: It wasn't done in this case?

WALL: No. No.

GERAGOS: But a reasonable assumption of what happened here is that first he opens up Department of Fish and Game, then he goes to the other location, finds this fish, and then the information about these two fish, sturgeon and striped bass, then goes back and gets the Ocean Sport Fish Regulation?

WALL: It's very possible. As long as it's in that sequence.

GERAGOS: As long as it's in the sequence. That's the sequence I have. I mean the sequence that the jury has been shown is the sequence by which you withdrew or pulled these things out of the computer, correct?

WALL: By the time that they were created, that's correct.

GERAGOS: Okay. And when you say by the time they are created chronologically, this is where you were going through the image on this particular date, and,

WALL: Yes.

GERAGOS: And were you pulling them off one after another after another, correct?

WALL: That's correct.

GERAGOS: Okay. Now, the other thing I noticed on this one particular exhibit that's up there, you see near the top where it says web matches?

WALL: You are back to the search results one?

GERAGOS: Yes. The search results one, exactly. Where it says web matches.

WALL: Yes.

GERAGOS: Now, is there anything, explain to me what, see where it says 41 of 60?

WALL: Yes.

GERAGOS: And then first page, Previous 20 and Next 20. Can you explain what that means?

WALL: Yes. The first page is going to basically say there is 41 through 60 of those matches. So as the search is being conducted, the first request is going to have one through like twenty. The next one will be 21 through 40, or whatever the case may be, and in sequence.

GERAGOS: Okay. So is it, as you are doing the search, you can go, and when you say first page, Previous 20, Next 20?

WALL: You can skip around.

GERAGOS: You can skip around. If somebody wanted to, they could just click on to the first page. That would presumably give 1 through 20. Then click on this, or this, that will take you either forward or backward?

WALL: Forward or backward.

GERAGOS: Okay.

WALL: Do you want me to stay here?

GERAGOS: I'll let you sit there. Give you some exercise.

WALL: Thanks.

GERAGOS: Now, this comes in at 10:03:32, correct? Now, the next two that come up are, would be the first one, U and V. First one is a map of, navigation map.

JUDGE: Skip, did you skip T, Mr. Geragos?

GERAGOS: Which one, judge?

JUDGE: T.

GERAGOS: I don't see it here.

JUDGE: San Francisco Bay Chart.

HARRIS: T is on the screen.

JUDGE: That is T there.

GERAGOS: That's

JUDGE: There it is. Okay. That's T. Okay. Now, we are going to U?

GERAGOS: Yeah.

JUDGE: All right.

GERAGOS: U is here. That's a 10:04 and 54 seconds?

WALL: 10:04:54?

GERAGOS: Yes. And then the next is V, which is 10:06:04, correct? As long as you are here. Next then we go back to 10:07:42. And now I'll walk you up here if I could. You have got a different search this time, correct? What is this search that's done now?

WALL: The results are for "Sturgeon Fishing Tackel (sic)". T-a-c-k-e-l.

GERAGOS: The web matches, if somebody wants to, they click on to one of these things; is that correct?

WALL: Shows one of sixteen.

GERAGOS: Then it shows the, time for that one, that search, is 10:07:42, right?

WALL: That's correct.

GERAGOS: Within fourteen seconds we get to a place called, looks like "Archive Fishing Report", 10:07:56?

WALL: Yes.

GERAGOS: Does that look to you to be connected to this somewhere?

WALL: Fishing report?

GERAGOS: Yes.

WALL: There is only nine of them showing here. So,

GERAGOS: Your best guess that somebody clicked on that from a web page?

WALL: From,

GERAGOS: From that web page.

WALL: No. That wouldn't be a guess I would want to make. I could look at it here real quick to make sure we're in the, what is the search time reference again?

GERAGOS: The search time is 10:07:42.

WALL: Okay. What is the next. I'm there. So if you tell me what the next page.

GERAGOS: Says "Archived Fishing Report".

WALL: Archived Fishing Report. And what is the time on that one?

GERAGOS: 10:07:56. Looks like it's about 14 seconds later.

JUDGE: This might be a good time for the reporter. We'll take a 20 minute recess until 3:00 o'clock, pick up where we left off.

<RECESS>

GERAGOS: Now, this Y, which is this archived report, Detective Wall, this looks like that this is somebody who is now searching for old fishing reports in February and January and late December. Like here we've got Wednesday, December 27, 2000: Ahoy, my fishing friends, the sturgeon are here, the sturgeon are here, and talking about, here it is, the December 18th report. Talking about sturgeon fishing still being swell on the 18th and on the 14th. Is this, it

says archived, but I assume that one of these fishing sites, you can go back and right here select where it's blue on the, some particular time period to check in previous years what, what the fishing's like?

WALL: Yes. These, these areas that are here in blue are typically considered hyperlinks, and they're associated with an additional web page. So if you click on one of these areas and the blue is the default that is selected by the computer, that color is a hyperlink, and it will take you to a specific web page associated with the site tag to this text.

GERAGOS: So it looks like, what, the fifth one down, December 2000 to February 2001 archived report, somebody specifically went to that particular archived fishing reports and, lo and behold, there are people talking about sturgeon fishing?

WALL: Well, I believe this is the stapled document. There are multiple pages on here.

GERAGOS: Right.

WALL: So if you look, it's the same document, just listed again in, on that page that you were on with the hyperlinks.

GERAGOS: The one right,

WALL: Just showing a list of this specific document.

GERAGOS: Okay.

WALL: What you're referring to is the December 2000, February 2001, now, if you go back to the first page, so it's exactly the same, showing a list of all the archived reports. But if you, the question you had before the break was is this web site, did it have any relevance to the search page that you showed previously.

GERAGOS: Right. Does it?

WALL: Yeah. If you pull that web page up and if look at this, the December 2000

GERAGOS: Okay.

WALL: February 2001 archived fishing report, and if you look up, I'm sorry, if you would go back one more real quick.

GERAGOS: I'm sorry, I thought I saw it there.

WALL: And look at this link here to show that it's the same. And then if you look at the very first one, December 2000, February 2001 fish report from rapid transit. So that matches that this, one could assume that this link was activated to get to this page, because this was the search page that was previous in time to this document.

GERAGOS: So if I've got, I've got it right, what happens is at 10:07 the person, or sometime shortly before that types in sturgeon, fishing and misspells tackle, right?

WALL: Yes.

GERAGOS: Okay. They get the report, and then the top one right here is December 2000, February 2000 fishing report from rapid transit; is that right?

WALL: Okay.

GERAGOS: And the sturgeon fishing is definitely picking up so, if you do...and then,

WALL: Okay. Gives a brief synopsis.

GERAGOS: Right. Brief synopsis of what it is. And then if you look at the very top, and this is Y, at 10:07:56, which is 14 seconds later, so one is assuming that, I would assume that what the person does, clicks on the blue, right? And you go to here, and you've got your December 2000, February 2001 archived fishing report; is that correct?

WALL: Yes.

GERAGOS: Okay. Then the next one is Z, and it looks like at this point, this is 10:08:36, there in the corner?

WALL: Uh-huh.

GERAGOS: And this is Z. And it looks like at this point, you need to go back to take a look?

WALL: Well, just to make sure. Okay. Did we go to the 10:08, what was the time again?

GERAGOS: It looks like 10:08 either 36 or 56. I think it's 36.

WALL: There's one at 10:08:14 as well.

GERAGOS: I don't show that one here. Maybe you didn't, maybe that wasn't selected by Mr. Harris. Is that another fishing site?

WALL: It's another search results page where tackle is spelled correctly.

GERAGOS: Okay. So it punches in one of these searches, again for sturgeon, fishing, tackle, San Francisco, and then the next thing that we get, I believe, is, from Z, is double A, right?

WALL: And what time is that one?

GERAGOS: That one is 10:09, I'll show it to you. Is that, looks like 10:09 exactly?

JUDGE: 12/8, 10:09 p.m. I have.

WALL: There's another search that's at 10:08:36 where sturgeon, fishing, tackle, San Francisco, is entered.

GERAGOS: Okay. Is it possible that, instead of windows popping up, that somebody is, I notice on your computer, it's the same thing on mine and I think everybody else's, you have this back arrow that you could, that what could be happening here is that the person does a search, does the Yahoo search, presses, like you get here, go back one, go, you do your search, you get this, the top one, then you press that and you go to this December archived report, okay? Then is it possible that the next thing that happens, if it's a different search term, that you press back on your computer, the back arrow.

WALL: And go back to the search page.

GERAGOS: Go back to the search, change the search, and then, boom, you get some more results?

WALL: Absolutely. That is possible.

GERAGOS: Is that possible what's going on here?

WALL: Yes.

GERAGOS: Okay. That's a reasonable explanation for what's happening here

WALL: Yes.

GERAGOS: in terms of the times and everything else?

WALL: Yes.

GERAGOS: Okay. So we go from Y to Z, and now we're at sturgeon, fishing, tackle, and San Francisco? Okay. Now, my question is,

WALL: What time is that one?

GERAGOS: That one is the 10:08:36. That's the one I gave you just a minute ago.

WALL: Okay. Okay.

GERAGOS: Okay. Then did you, did I understand you correctly the next thing that happened is that then there's a search again? Go back to the,

WALL: At 10:08:36 there's a search.

GERAGOS: Okay. So that would be consistent with what we were just hypothesizing, that somebody's gone to this, seen this, the, search result, then goes back, does another search, correct?

WALL: Yes.

GERAGOS: Okay. The next thing that comes up is this double A, the 10:09 exactly, as the judge just indicated?

WALL: Yeah, that's Hi's Tackle Box Presents.

GERAGOS: Okay. Is this something that is, are you able to tell, this is a daily fishing report, correct?

WALL: Yes.

GERAGOS: Okay. Is there a way to tell if this USA School of Fish is something that related right in number three? See where I've got, what I've done is I've laid double A, the top of double A. USAfishing School of Fish over number three on the search results, which is USAfishing School of Fish. Does it appear that what happened here is the person went back, looked at the, did the search, and then clicked on number three?

WALL: Yes, that's very possible.

GERAGOS: Okay. Is that a reasonable explanation of what's going on?

WALL: Yes.

GERAGOS: Okay. Then the next would be this double B, which is 10:09 and I think it's 28 seconds, correct?

WALL: Yes.

GERAGOS: And Ten Tips for Better Sturgeon Fishing?

WALL: Yes.

GERAGOS: Okay. Once again, that's sturgeon fishing right up here. Is that something that one would, I put double C up there, okay. Is it possible that from USAfishing, you've got the search results, USAfishing, then you go USA School of Fish?

WALL: Yes.

GERAGOS: And then is it likely that what happened is that somewhere on this USAfishing School of Fish that you press on sturgeon fishing and up comes this thing?

WALL: Well, that's entirely possible. Without being able to analyze any of the hyperlinks that are on this web site to get you to this one, and without being able to authenticate it, I couldn't answer that correct.

GERAGOS: Okay. So you would need to what, go online to check that out?

WALL: Well, that's one of the ways that we do it is authenticate it by activating the links that are online. We can also look at the time sequence and, you know, other factors associated with the web page. You can look at the web site itself, see if it has any actual reference to that page. But I know that web site is a very extensive web site.

GERAGOS: The USAfishing?

WALL: Yes.

GERAGOS: Okay. When you say very extensive, it seems to have quite a few,

WALL: A lot of information out.

GERAGOS: A lot of information. I'll show you. Looks like there are daily fishing reports, which is B. Got, it lists all the local fishing areas, correct?

WALL: Yes.

GERAGOS: And,

WALL: These would be hyperlinks that would take you to specific areas.

GERAGOS: Okay. Now, it would, one of the hyperlinks that it could take you to would be this Moss Landing; is that correct? Is there a Moss Landing there that you can,

WALL: Yeah. Says Monterey Bay. Moss Landing is on there.

GERAGOS: Okay. The next one that we've got, which is CC, which is at 10, what is it, 19:34?

WALL: 10:19:34.

GERAGOS: Okay. So looks like the daily fishing report has at least been up there for ten minutes, Ten Tips for Better Sturgeon Fishing, before somebody clicks on, presumably from USAfishing School of Fish, to sturgeon fishing, and then on the sturgeon fishing, when you said Moss Landing, that was right here, correct?

WALL: Yes. That would have been one way to get to it.

GERAGOS: Okay. So if I've got it right, you go, boom, hit there, you get on to this USAfishing School of Fish, hit sturgeon fishing, hit Moss Landing and you get to today's headlines, Monday, December 2nd. So we're assuming, if this was done on the 8th, and if you're assuming that the internal clock is correct, that either they haven't updated this, or, that's one likely explanation, correct?

WALL: Yeah. We covered that in my last testimony where this is just created by the author of the web page, and it's information that was the last time that this web page was updated. This is what, this date is, only changes if the author changes that date with an update.

GERAGOS: Okay. Once again, we've got that same situation where the pictures haven't been pulled up, correct?

WALL: Yeah. The pictures get separated from the web page, and they go into potentially different folders that are created through the access of the Internet, the Internet Explorer web browser, so the pictures aren't associated with the web page as I see them.

GERAGOS: Now, this is at 10:19, and we're at the Moss Landing report, correct?

WALL: Yes.

GERAGOS: Okay. And the very next one that was pulled out looks like 10:20:08, on the same date, and that's double D. And it appears that what happened here is that somebody's done a Yahoo maps, correct? Or there's a link, one or the other. Either they've got to Yahoo and done a map, or there's a link somewhere on this Moss Landing which takes you to the map, correct?

WALL: That's very possible, yes.

GERAGOS: And the only way you would know that is to get onto that web site, actually, they've got what looks like right there; is that possible it's in there?

WALL: What is the time on that one? 10:19:34.

GERAGOS: 10:19:34, right. Which is double D, this Yahoo map which looks like 10:20:08.

WALL: Okay. This, if we could go back to that Moss Landing web site.

GERAGOS: Okay.

WALL: These right here, in looking at my computer, these are hyperlinks that will take you to, it says zoomable driving maps, and one of them, it says right here, Moss Landing.

GERAGOS: So let me just zoom that in, if I can.

WALL: And that's 10:19:34 on that page.

GERAGOS: Okay. Want to do that one more time?

WALL: Here's Moss Landing right here.

GERAGOS: Okay.

WALL: And these are all links.

GERAGOS: Hyperlinks. Okay. So it looks like what happened was, if you go the Moss Landing, once again, this looks like a reasonable explanation of what's going on, is somebody has done the search, hit the USAfishing, hit sturgeon fishing, Ten Tips for Better, Moss Landing, this is the Moss Landing, they hit the hyperlink, and they go to what is marked as double D, which comes up at 10:20:08, which is fairly quick from the double C, which is 10:19:34. So that would seem to be consistent with the idea that they hit a hyperlink, correct?

WALL: That's possible, yes.

GERAGOS: Okay. Is that reasonable?

WALL: Yes.

GERAGOS: Okay. And then the last thing that was marked by the district attorney is this item, and that's the Yahoo map of Moss Landing?

WALL: That would have been the map that was embedded on that previous web site.

GERAGOS: So the, you have this space right here?

WALL: Yes.

GERAGOS: Okay. So, once again, we've been talking about this is the text that we got, which is double D, and then here's the picture that follows up that would naturally go right in there; is that correct?

WALL: Yes.

GERAGOS: Okay. Now, I'm going to, if I could, I'll show you the, the other binder. Can I have just one moment?

JUDGE: Yeah.

GERAGOS: Before I start another one. Now, I've got one, very interesting, you know, Judge, I've got it as 197, but I assume it's 179.

CLERK: Dyslexic.

GERAGOS: Sorry, Marilyn. I owe you one.

JUDGE: Yeah. 197 in my notes is envelope and contents.

HARRIS: It should be 179.

JUDGE: Should be 179.

GERAGOS: Okay.

GERAGOS: The, do you have your computer set up?

JUDGE: Yeah. 179 binder A through U with contents.

WALL: What is the time frame on this?

GERAGOS: Looks like started 7:52 a.m.

WALL: Takes a second.

GERAGOS: Sure.

WALL: 7:52 and how many seconds?

GERAGOS: 7:52 and 48 seconds.

WALL: Okay.

GERAGOS: Okay. Now, you pulled out, is this the same situation as we had with the other search whereby the DA picked out what he wanted to mark as exhibits and it's not everything you searched for?

WALL: That's correct.

GERAGOS: Okay. Now, A, the first item, this is the one that was 7:52, correct?

WALL: Yes. Classified ads.

GERAGOS: Okay. Now, there is a number of boats for this classified ad that are listed there; is that correct?

WALL: Yes, that's correct.

GERAGOS: Okay. And your experience is online, when somebody posts the classifieds, they also put the prices here? 3800, generally, 800, this is an expensive, 895. That's a house. We've got 3800. Twenty-one five. So somebody's doing a search for boats. We have 800 or best offer. The, the next, or the second page of the search also lists boats as well? Basically there isn't really a second page, you explained that to me before. This is, when the web page comes up on your screen, you just scroll down. It's only on pages when you print, right?

WALL: That's correct.

GERAGOS: Okay. And so these three, all of these came up; is that correct? It would have

WALL: Yes.

GERAGOS: would have, would have been accessible to whoever was doing the search, right?

WALL: That's correct.

GERAGOS: There's another 800 dollar boat, right?

WALL: Aluminum 14 foot boat, motor an accessories, 800?

GERAGOS: Yeah.

WALL: Yeah. Second to the last one?

GERAGOS: Right.

WALL: Yep, it's there.

GERAGOS: Okay. Now, from there, and I think we, I think you covered this on direct, but it appears that that's an online Fresno Bee classified ad; is that right?

WALL: Yes.

GERAGOS: Now, the B, this says action canceled up there. What does that mean? Right here?

WALL: I don't know.

GERAGOS: Okay.

WALL: I really don't know.

GERAGOS: The, somebody does a search for boat, for ramps, Pacific, right?

WALL: Okay. You know, I can probably give you an explanation for that. Typically that top header area where it says "action canceled," that's an area for ad banners typically associated with a web site. That's how they get paid, so that might be a web banner that is,

GERAGOS: Didn't make it,

WALL: they make allowance for it to be there, but when I print it out it's not going to show because I'm not connected to the Internet to be able to print it out.

GERAGOS: Okay. It looks like here, when you enter in boat, ramps, Pacific, you get, what, eight, over eight thousand hits?

WALL: Yeah, it says one of 20 of 8010 hits.

GERAGOS: Okay. Now, then C looks like it refines that search; is that correct? And this one was at 8:00 o'clock is that right? 12/8/02?

WALL: Yeah. The previous one said boat, ramps, Pacific.

GERAGOS: Uh-huh.

WALL: This one says boat, ramps, Watsonville. So it narrowed the number of searches to the area specifically to Watsonville, and there's only 87.

GERAGOS: Okay. The next one would have been D. Looks like somebody does a, goes to a site that says FishersNet Fishin' Maps?

WALL: Yes.

GERAGOS: Okay. Do you know if that FishersNet Fishin' Maps on C appears to be number 18 right there? Does that line up. I'm putting the top of,

WALL: Yeah. I,

GERAGOS: D with number 18 from C.

WALL: It's possible that that is what it is. Without being authenticated. It's very reasonable that that's the hyperlink to this web page.

GERAGOS: Right. That somebody went on the search, saw the Fisher, FishersNet Fishin' Maps, came out onto this and got this Northern Region of fishing maps, correct?

WALL: Yes. Because if I'm not mistaken, this is quite a few pages in printout form.

GERAGOS: Yeah, it looks like 34 pages. So,

WALL: It shows a lot of, a lot of different areas within that web site.

GERAGOS: Right.

WALL: Yeah, it shows local lakes.

GERAGOS: Okay. Now, the next that comes up is after D, E, looks like, now, using that same premise that we had before for C, boat, ramps, Watsonville, and this was C, and then assuming that somebody went from C and number 18 to FishersNet Fishin' Maps, then if they press and went back to a search results, and they then pull the boat, ramps, Watsonville, Pacific, that would give them a more refined search; is that correct?

WALL: Well, that, what time is on that one?

GERAGOS: This one is 8:02:48.

WALL: Yeah. So basically what this one would mean is ne 21 that the user entered in, you know, those specific key words, or added them to the list boat, ramps, Watsonville, and added Pacific.

GERAGOS: And by doing that,

WALL: You get different results.

GERAGOS: Right.

WALL: Some of them may be the same.

GERAGOS: Right. But it refines it. Instead of having 87 results, we now have got 41 results, even though the first 20, for all you know, they could be all overlapped, could be a portion, whatever?

WALL: Exactly.

GERAGOS: Okay. Then from E, the next one that's pulled out is F. And F looks like somebody has now added a search, another search word, which is ocean, correct?

WALL: That's correct.

GERAGOS: Okay. And then, once again, now we've refined the search from 87 to 41 to 31, correct?

WALL: That's correct.

GERAGOS: Okay. And that's a reasonable explanation of what's going on here?

WALL: Yes.

GERAGOS: Now, the, is G the next because there's a substantial amount of time. It looks like 8:02:56, and I've got G as 8:04. Can you take a look and tell me if 8:04:16?

WALL: Okay. Was 802, 8:02 and how many seconds?

GERAGOS: 8:02:56 is F?

WALL: Okay. And then the next?

GERAGOS: The next one I've got is 8:04:16.

WALL: No, there's some other web pages that were accessed during that time.

GERAGOS: Okay. Now, the...

WALL: (Inaudible)

GERAGOS: Another commercial fishing site?

WALL: Yes.

GERAGOS: What's the next one?

WALL: They (inaudible) htm.

REPORTER: I'm sorry, I can't

WALL: They will have an htm.

JUDGE: Mr. Geragos, you're having a tete-a-tete. The court reporter can't hear it.

GERAGOS: Yeah. He said they would have an htm.

REPORTER: Thank you.

GERAGOS: You're welcome.

WALL: Next one is Antioch Dunes National Wildlife Reserve.

GERAGOS: Is that the one at 8:04:16?

WALL: Yes.

GERAGOS: Now, I'm putting that up here. This is it right here?

WALL: Yes.

GERAGOS: Okay. Now, at the top it's got a header which says California, right? And it appears to me, at least,

WALL: It says map of California on the top left. Is that what you were referring to?

GERAGOS: No, the header right here. Looks like, I'm looking at the search results from 12/8 at 8:02, and then I'm comparing it with what's here. Does it look like that's a reasonable explanation is that somebody's hit the hyperlink to go from this to this?

WALL: No. I don't think so. Because there's no reference on this number four hyperlink. There's no reference in this number four hyperlink here that refers to the National Wildlife Reserve, the Antioch Dunes. So I couldn't say that this number four.

GERAGOS: Is necessarily,

WALL: pertained to this.

GERAGOS: That these two are related?

WALL: No, I couldn't say that. Some of them have a pretty clear indication. Four miles west of Watsonville on San Andreas Road, and then,

GERAGOS: I'm sorry, I didn't mean to cut you off.

WALL: That's all right. And then this next one, where it says map of California right here, this is, this site that you're trying to center up was the Antioch Dunes National Wildlife Reserve site.

GERAGOS: Okay. So, as far as you know, this and this, you can't say, as you sit here, are related?

WALL: No. I can't.

GERAGOS: Okay.

WALL: No, I couldn't.

GERAGOS: And the next one that pops up I've got, or what you pulled up is H, which is, looks like at 8:06:06; is that right? Now, I don't, I hate to do this to you, but I assume you've got to go back to,

WALL: That's all right. I don't mind.

GERAGOS: go back to the computer.

WALL: 8:06.

GERAGOS: 8:06:06.

WALL: eBay auction.

GERAGOS: Okay. Now, this eBay auction is for, up here where it says items matching dragon shirt, what does that mean? Do you know?

WALL: Uh, yes. These are the search results. A search request was made for a dragon shirt, which is indicated here, a basic search was conducted, and eBay returns a list of any auctions that they have that have the word dragon shirt in them.

GERAGOS: Okay. And then is there any, all of these that are listed, I guess, on all the pages, there's four pages total?

WALL: Yes. That's what it indicates at the top.

GERAGOS: Okay.

WALL: Four printed pages.

GERAGOS: Okay. Now, the next item that's marked after H is I, which also, this one says items matching embroidered shirt. Does this mean there was a different search on eBay?

WALL: Yeah. Yes. Because, I'm looking for the part where it says embroidered.

GERAGOS: Right there.

WALL: Right there. Embroidered shirt was entered, and it gave the results of, the search for any of the eBay auction that had embroidered shirts in them.

GERAGOS: Okay. This is a five page list. It just shows somebody who is looking to buy, go on eBay and make some type of, possibly make some type of a purchase?

WALL: And we discussed this previously, where I only know this because I see these in the analysis that I conduct, because I'm not a eBay user.

GERAGOS: Okay. Now, the, did you find any, how did he get from the search results for the boats and ramps over to eBay?

WALL: How did he?

GERAGOS: On the computer? I mean were you able to detect how that happened?

WALL: All you have to do is open another Internet Explorer browser and ask it what you want to search for. You could pull up eBay, or whatever you want to do, and ask for that specific search.

GERAGOS: Okay. The next that you have got is J, which looks to be at 8:07:32; is that right? That's another eBay Asian embroidered, looks like the "shirt" was cut off; is that right?

WALL: Yes.

GERAGOS: Okay. So the, I guess the two terms that had previously been searched had been combined at this point? You had the dragon shirt and embroidered shirt, and now somebody's gone and put Asian embroidered shirt on there?

WALL: Yeah. That would have been a specific search request separate from the other two.

GERAGOS: Okay. Then after that, the next, the next search is a San Francisco Bay Area Fishing? Is that right?

WALL: What, what is the time, because there are other searches that are done on eBay.

GERAGOS: Okay.

WALL: But may not necessarily,

GERAGOS: This time is 8:11:22?

WALL: Okay. 8:11:22. That's where I'm at.

GERAGOS: Okay. That's for San Francisco Bay Area Fishing?

WALL: Well, what I show is a date of 12/5/2002. It says Coyote Reservoir.

GERAGOS: Okay. Do you have where that up here where it says San Francisco Bay Area Fishing?

WALL: Yeah it says ICHTHY dot com, San Francisco Bay Area Fishing at the top.

GERAGOS: Okay. That was one of these within five minutes of the Embroidered shirt on eBay?

WALL: You still have that Asian embroidered shirt?

GERAGOS: Yeah. Yeah. The Asian embroidered shirt is J at 8:07, looks like I skipped K. K comes in at 8:07:56. It says dress embroidered shirt. That's also an eBay category?

WALL: Yes, it is.

GERAGOS: And after that we've got L, where we go up to whatever site this is which includes San Francisco Bay Area Fishing, correct?

WALL: Yes.

GERAGOS: Now, as they go into that, the, is there a search that's done before this pops up and after eBay? Can you tell me that? A search request like in Yahoo that we saw before? I'll tell you what I'm asking, too. If it speeds things along. On O, marked as O, it looks like that, even though the time is afterwards.

WALL: Yeah. 8:15:52 a.m.

GERAGOS: Yeah. Here you've got,

WALL: You want to put that up there?

GERAGOS: 8:11:22. And if you take a look, it looks like the number one search result at 8:15 is what the search was, what shows here as the search of, see what I'm talking about, number one?

WALL: Yes.

GERAGOS: It's I-C-H-T-H-Y dot com, San Francisco Bay Area Fishing. And that's the header on this search, except what's throwing me off a little bit here is that this one at 8:11, I mean this search at 8:15, is it possible, let me give you a possible explanation. Is it possible that this search here was done prior to accessing this? That whoever did the search hit that, however you want to pronounce it ICHTHY dot com, goes to this, and then goes back here and when, going back to here that the time comes out differently, or is saved differently?

WALL: No. Let's, let's pull these times back up so we can see them and match the search with this web page.

GERAGOS: Okay. I've got, like that?

WALL: This is the search. And it's at 8:15:52, and this is 8:11. So just because it's on that, ICHTHY is on this web page, doesn't mean that this one was activated by this.

GERAGOS: It would be an awful coincidence, though, wouldn't it, that four minutes later you do a search and the number one search result comes back as the same web site?

WALL: No, not necessarily, because this is based on the number of times that it's been accessed, is how it's going to rank. And, and it could have came from a variety of different places.

GERAGOS: Okay. Now, the, could that have come from the previous search for fishing? On the computer? Did you notice, or did you look on the computer for a previous search for fishing?

WALL: I can. That, the one that we're talking about, the ICHTHY, is --

GERAGOS: Right?

WALL: at 8:11?

GERAGOS: Yes. That's at 8:11:22.

WALL: There was a search done at 8:02:48, another one that was done at 8:02:56. I would have to check each one of the hyperlinks to see if there was any,

GERAGOS: What was, what was the search term, search terms at 8:02?

WALL: At 8:02:56 the terms were boat, ramps, Watsonville, Pacific, Ocean.

GERAGOS: Okay. And then the other one, that was right after that?

WALL: Boat, ramps, Watsonville, Pacific.

GERAGOS: Okay. Was there a, did something come back at BoatUS dot com for one of those searches, which is marked as N?

WALL: I'd have to look it over.

GERAGOS: Want to take a look at that?

WALL: I didn't see anything on either of those two previous searches.

GERAGOS: Now, the next one, which I just showed you, which was N, is for boat, trailer; is that right? Do you have that up there?

WALL: Yes, I have that in my hand. Trailering...San Francisco Bay.

GERAGOS: That's at what time?

WALL: 8:13:48.

GERAGOS: Okay. And then, this is N, and then O is the search that we just talked about, correct? San Francisco, bay, boat, ramp?

WALL: Yeah. This is the one that we have that says 8:15:52.

GERAGOS: Now, the, once again, even though this one is at 8:13, when you take a look at the header here, BoatUS dot com, Trailering Club Plus!

WALL: Uh-huh.

GERAGOS: Do you have an explanation as to why, these appear to be the same, correct?

WALL: Why is this one after this one?

GERAGOS: Yes. I mean now we've got even more of a coincidence, don't we? We've got the ICHTHY dot com, which was our previous exhibit, and we've got this BoatUS dot com Trailering Club Plus!, which would be awfully coincidental for these two to pop up after the fact of the search of the San Francisco, bay, boat, ramp, wouldn't it?

WALL: Well, what we're looking at here is results for this set of key words. And this web page doesn't necessarily have anything to do with whether these hyperlinks are activated to get to this web site.

GERAGOS: Is there,

WALL: So if, if this was the case, if someone would have clicked on from this page to this page, as we have shown in previous examples of one web page to the next, it would have fallen in sequence. Now, at any given time you could enter in a specific address from having written it down, from writing this down and doing it at a later time. There's a lot of plausible explanations as to how that you could occur. A lot of times people will document, write down the web page they want to go to, write it down on a piece of note paper, and then they will activate it by going to the actual web site. It doesn't have to go directly from the search page you are on. Now, in this case, exactly what happened, how this came out I don't know, but I do know that this web page happened at the time it was created, and that the previous page that you were showing happened at the time it was created.

GERAGOS: Okay.

WALL: Whether it went from that link or not

GERAGOS: You don't know.

WALL: I don't know.

GERAGOS: Okay.

WALL: Well, I, I should correct my answer. I do know, because they don't coincide time wise.

GERAGOS: Okay. Unless there's some other explanation for why the time is different on the search request. If somebody, if you were to refresh the search request at 8:15, and you had

previously done this search at, say, ten minutes after 8:00, would that explain why this appears to be after the fact? If you pressed refresh?

WALL: That is possible, but I, without testing that theory, I couldn't say for certain.

GERAGOS: Okay. Then you would go from N, we have O, then we've got P. And P looks like San Francisco Bay directions. And that's at 8:17, correct?

WALL: Yes.

GERAGOS: And once again, from O, we've got a number of these search requests that, viewing the San Francisco Bay, correct? You don't know whether or not somebody had gone and hit this and then received it? Looks to me like number 18, OCSC San Francisco Bay Direction, it would appear, at least, to have been the one there; is that correct?

WALL: Yes.

GERAGOS: Okay. Then it looks like what is marked as Q, this is Q, right? Today's Headlines: December 5th again. We've got San Francisco Bay Report and this USAfishing S.F. Bay report?

WALL: Yes.

GERAGOS: Okay. Looks like, once again, if you take a look at O, that on number 14, it would seem to match up there?

WALL: Yes.

GERAGOS: Okay. And then the, looks like the next is Central San Francisco Bay, and that's at 8, this one says, I'm sorry. Looks like we've got a new search at 8:21 and 42 seconds; is that right? Suisun Bay.

WALL: If you could pull it up a little bit. 8:21:42, yes.

GERAGOS: Okay.

JUDGE: Mr. Geragos, I'm going to interrupt you now because I've got a, to do a few other things before we excuse you today.

GERAGOS: Okay.

JUDGE: Has the jury had enough for today, you think, about fishing.