Witness: Mary Anderson

Date: 2004-08-23

Proceedings held August 23, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso; Cross – Mark Geragos; Redirect – Dave Harris; Recross – Mark Geragos; 2nd Redirect – Rick Distaso

Day 1 of 1 for this witness

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

Source: https://pwc-sii.com/CourtDocs/Transcripts/AndersonMary.htm

Page/line: not available (source HTML has no page or line markers)

Text below is verbatim from the source page for this date only.

Direct Examination by Rick Distaso

DISTASO: Miss Anderson, could you tell just tell the jury where you came from?

ANDERSON: West Palm Beach, Florida.

DISTASO: And what is your, who do you work for?

ANDERSON: AT&T Wireless.

JUDGE: Can I have you get a little closer to the microphone?

ANDERSON: Yes, sir.

DISTASO: Just briefly can you tell the jury what your job is there?

ANDERSON: I'm Director of the National Subpoena and Court Order Compliance Center.

DISTASO: Okay. And does that mean that when law enforcement, or other legal process, issue you subpoenas to AT&T Wireless, your part of the company deals with getting those records out?

ANDERSON: I act as custodian of records for the company, yes, sir.

DISTASO: Do you also perform a custodian of records function for the company?

ANDERSON: Yes, I do.

DISTASO: Have you ever testified in court in that capacity?

ANDERSON: Yes, I have.

DISTASO: How many times? Just take a guess.

ANDERSON: Probably a couple dozen.

DISTASO: Okay. As part of your job, do you interpret, or do you take the records and interpret the data that we see on there?

ANDERSON: Yes, I do.

DISTASO: Let me show you People's 203A through G. I'm only really going to have you look at a couple of these. If you look at A, it says fraud records. Do you recognize 203A?

ANDERSON: Yes, sir, I do.

DISTASO: Are these the fraud records for the phone number 209-505-0337?

ANDERSON: Yes, sir.

DISTASO: Are these accurate fraud records from AT&T Wireless?

ANDERSON: Yes.

DISTASO: Do you know who the subscriber of this particular phone was?

ANDERSON: Scott Peterson.

DISTASO: Okay. I'm going to leave that up there for you for a second. Let me show you another record. For the record, fraud records come in what time zone?

ANDERSON: They are all, they are in Eastern Standard Time.

DISTASO: So when you get fraud records, they are all in Eastern Standard Time?

ANDERSON: Right.

DISTASO: Do fraud records contain cell site location information?

ANDERSON: Yes, they do.

DISTASO: Do all AT&T records contain cell site information?

ANDERSON: No.

DISTASO: Now, other types of records like, for example, when you get your phone records from the company, your billing records, what time zone do those records come in?

ANDERSON: The invoices are printed in, or come in local switch time.

DISTASO: So if you were, if I'm in California Pacific Standard Time, I'm using my AT&T Wireless phone, the billing record that comes to me is going to come to me in Pacific Standard Time?

ANDERSON: That's correct.

DISTASO: The fraud records that contains the cell site information of my use would be in Eastern Standard Time?

ANDERSON: That's correct.

DISTASO: Let me show another record 203A-1. And do you recognize that particular record?

ANDERSON: Yes, I do.

DISTASO: What is that record?

ANDERSON: This is an invoice.

DISTASO: And is that an invoice record for the phone number of 209-505-0337?

ANDERSON: Yes, it is.

DISTASO: Okay. And this invoice record comes in Pacific Standard Time?

ANDERSON: It comes in the time where the calls were placed from. If that customer were roaming, it wouldn't necessarily be in Pacific Standard Time.

DISTASO: All right. So the, so if we look through here, and we see calls in, like here is one in Modesto. That would be Pacific Standard Time?

ANDERSON: That's correct.

DISTASO: And Fresno, same thing?

ANDERSON: Correct.

DISTASO: So any call that would be in California would be Pacific Standard Time. In front of it it says Pacific Standard Time. We should probably write on here Pacific Standard Time for

California calls?

ANDERSON: Right.

DISTASO: Right?

ANDERSON: Right.

DISTASO: Okay. Let me give you that particular record too. Now, the cell site record information, is that contained in the particular fraud records?

ANDERSON: Yes, it is.

DISTASO: And just to kind of, the jury understands, in the record that you have in front of you, can you just take a look at,

JUDGE: What is a fraud record, so the jury know what you are talking about? What is a fraud record?

ANDERSON: Well, these are records that are utilized by our Fraud Department to detect anomalies in calling patterns to identify, quickly identify fraud on our system.

JUDGE: So if somebody, all of a sudden, has 500 phone calls in two days, that may raise a red flag, maybe, that something is haywire wire with that phone?

ANDERSON: Yes, sir.

JUDGE: Somebody is using this in an unauthorized manner?

ANDERSON: That's correct.

JUDGE: That's what these records are about?

ANDERSON: Yes, sir.

JUDGE: Go ahead.

DISTASO: And these particular records give you the cell or the switch information, and, if possible, the cell tower information that serviced whatever particular call you are looking at?

ANDERSON: That's correct.

DISTASO: So let's kind of take, if we can just show how a call works. When you make a call, does it go straight to a cell tower? I mean like right from AT&T to a cell tower?

ANDERSON: When you are receiving a call, it goes to a switch first, and that switch is like a giant computer. It takes the call, and it looks for your cell phone, and then identifies what cell tower your phone is currently working from. And then it directs the call from the switch to that cell tower.

DISTASO: And is that switch data contained in the records?

ANDERSON: Yes, it is.

DISTASO: So let's look at, just look at one particular call. If you look at 203A. And on December 24th of 2002, do you see a call that was made at 1:08 Eastern Standard Time?

ANDERSON: Yes, I do.

DISTASO: And that would be 10:08 in the morning on Pacific Standard Time?

ANDERSON: That's correct.

DISTASO: Does that call show that it was routed to a particular switch?

ANDERSON: Yes.

DISTASO: And what switch was it routed to?

ANDERSON: Routed to the Stockton switch.

DISTASO: Now, I guess, complicate things even further. If you are trying to find a particular cell tower location from a switch, does AT&T have some books that you can use to convert the data on those records to find an actual address location?

ANDERSON: Yes.

DISTASO: Okay. Some of the switches require a conversion table, is that right?

ANDERSON: That's correct.

DISTASO: Not all the switches do?

ANDERSON: That's correct.

DISTASO: Okay. Let me show you People's 204. And do you recognize what's contained in there?

ANDERSON: Yes.

DISTASO: This is the conversion chart for some of the switches?

ANDERSON: That's correct.

DISTASO: Hold on to that. Let me show you People's 205. You can keep that part of it for a minute. Do you recognize this document?

ANDERSON: Yes, I do.

DISTASO: And what is this?

ANDERSON: This is a list of the cell site numbers and their addresses.

DISTASO: So, in your system, cell site towers are denoted by a number?

ANDERSON: That's correct.

DISTASO: And the, for some switches, you have to go to a conversion table to find the number, is that right?

ANDERSON: That's correct.

DISTASO: Then you look in the other chart to find the address?

ANDERSON: That's correct.

DISTASO: Some cell site switches, you can look straight,

GERAGOS: Objection. Leading.

DISTASO: She is an expert, judge.

JUDGE: I'm going, you can lead an expert witness. Go ahead. I'm not, you haven't examined her.

GERAGOS: She hasn't,

JUDGE: She hasn't qualified as an expert witness, but I'm going to lead you, in the interests of time, to unravel this, I'm going to let you lead the witness.

DISTASO: Okay.

GERAGOS: Time exception.

DISTASO: You look at some cell site switches, you got to look for the conversion chart to find the number, and then go to the address?

ANDERSON: That's correct.

DISTASO: Some cell site switches, you can go straight from the number to the address?

ANDERSON: That's correct.

DISTASO: For the Stockton switch, the one that serviced this particular call, at 10:00 o'clock, 10:08 in the morning Pacific Standard Time, December 24th, 2002, for that switch, do you need to look at a conversion chart?

ANDERSON: Yes, you do.

DISTASO: So if we take that particular call, that's in front of you, the records give you two cell site locations, is that right?

ANDERSON: Yes.

DISTASO: And that is the beginning cell tower and ending cell tower that serviced the call?

ANDERSON: That's correct.

DISTASO: If we look in the cell tower conversion chart, we see what number?

ANDERSON: 64.

DISTASO: Okay. So if we look at 64, that gives us a what?

ANDERSON: That shows that it routed to a voicemail.

DISTASO: That was a voicemail call?

ANDERSON: That's correct.

DISTASO: All right. Then if we look at the cell site information, we are looking at what number?

ANDERSON: 1099.

DISTASO: And, 1099. And that gives us what number?

ANDERSON: That gives us 20.

DISTASO: So then we go to your physical cell site location book?

ANDERSON: Right.

DISTASO: And we look up 20. And that gives us what address?

ANDERSON: 1250 Brighton Avenue.

DISTASO: In what city?

ANDERSON: In Modesto.

DISTASO: That was the beginning cell tower, correct?

ANDERSON: Right.

DISTASO: Beginning cell tower of that particular voicemail

< 21 call was 1250 Brighton Avenue in Modesto?

ANDERSON: Right.

DISTASO: Ending cell tower is a different number. What number is that?

ANDERSON: That was 1033.

DISTASO: We look up 1033. That is what number?

ANDERSON: Seven.

DISTASO: We look up the seven, that gives us what?

ANDERSON: 10th and D, a watertower in Modesto.

DISTASO: And in order to use these particular charts, do you have to be an AT&T expert?

ANDERSON: No.

DISTASO: So I mean the way I took you through these particular charts is the way you showed me how to use it, correct?

ANDERSON: Exactly.

DISTASO: So anyone who knows to look at these numbers, and where to look in the charts, can find the actual physical address of the cell tower that serviced that call?

ANDERSON: That's correct.

DISTASO: Now, this particular call, and it was a voicemail type call, right?

ANDERSON: That's correct.

DISTASO: And what type of voicemail call was it? Was it someone calling the voicemail, or somebody checking their voicemail?

ANDERSON: It was someone checking their voicemail.

DISTASO: Okay. And that information is contained in another record, correct?

ANDERSON: That's correct.

DISTASO: And do you have that record in front of you?

ANDERSON: I do.

DISTASO: And what was the number on the front of that particular record? Was this 203A-1?

ANDERSON: It's 203A-1.

DISTASO: You are looking at 203A-1?

ANDERSON: Right.

DISTASO: Did you find that call?

ANDERSON: Yes, I did.

DISTASO: Was it 10:08 in the morning, Pacific Standard Time?

ANDERSON: That's correct.

DISTASO: What information in that record gives you the information that it was somebody listening to a voicemail, or checking a voicemail?

ANDERSON: It shows the message was retrieved.

DISTASO: That means somebody called in and retrieved a message?

ANDERSON: That's correct.

DISTASO: Now, the system that we're talking about here is, all this system tells us is that, this system just tells us the cell tower that serviced the call, correct?

ANDERSON: You are talking about the fraud system?

DISTASO: The fraud system with the cell site information.

ANDERSON: I'm not sure I understand your question.

DISTASO: Okay. The cell site information that we have just talked about where we get the physical location, that's just the tower that serviced the call?

ANDERSON: That's correct.

DISTASO: The towers have specific radiuses that they have, that they are, that they, kind of an area that they service?

ANDERSON: That's correct.

DISTASO: And there is towers pretty much blanketing the state at this point?

ANDERSON: That is our goal.

DISTASO: Let me show you another record. This is in People's 203. This is 203E. And do you recognize this particular record as a snapshot of some fraud records that were gathered from AT&T?

ANDERSON: Yes, sir, I do.

DISTASO: These were subscriber number 209-988-3301?

ANDERSON: That's right.

DISTASO: That has tiny little writing?

ANDERSON: Yes, sir.

DISTASO: Are those records accurate AT&T records as they are maintained in your company?

ANDERSON: Yes, they are.

DISTASO: Now, billing records for AT&T are stored in the system for how long?

ANDERSON: Well, depends on the system. In the fraud system, which was where these records came from, they are stored for 60 days.

DISTASO: So cell site information records are only available for 60 days?

ANDERSON: From this system, that's correct.

DISTASO: From this particular system?

ANDERSON: That's correct.

DISTASO: And regular billing records don't contain the cell site information?

ANDERSON: That's correct.

DISTASO: How long are those regular billing records maintained in the system?

ANDERSON: They are maintained for a minimum of seven years.

DISTASO: So if somebody wants to call in and get a, dispute a bill, or what not, they have a fairly long time to get that information?

ANDERSON: That's correct.

DISTASO: If somebody wants to call in and get the particular fraud records, pretty much you have to get it within 60 days, or it's purged from the system?

ANDERSON: That's correct.

DISTASO: These fraud records, are these unusual records to be sent out to law enforcement agencies?

ANDERSON: No. We send these records to law enforcement every day.

DISTASO: How many subpoenas per month does AT&T Wireless get for all records?

ANDERSON: We receive somewhere in the neighborhood of 4,500 to 5,000 subpoenas a month.

DISTASO: And how many of those subpoenas do you think are for this fraud record information that contains the cell site data?

ANDERSON: For the information that contains the cell site data, it's probably 10 to 20 percent of those records.

DISTASO: Just because I know this is going to come up, yesterday when we were, we were talking, correct? And we were talking with Mr. Geragos about this particular, about these

particular records?

ANDERSON: That's correct.

DISTASO: And yesterday you were saying that the voicemail message was, you thought was a incoming voicemail at 10:08, rather than someone retrieving their voicemail?

ANDERSON: That's correct.

DISTASO: Overnight did you think about it, or did you call and get some additional records sent to you that showed you the correct message retrieval information?

ANDERSON: Yes, I did.

DISTASO: And those are the records that you brought here this morning?

ANDERSON: That's correct.

DISTASO: You had them faxed to you this morning?

ANDERSON: Right.

DISTASO: So the ones that say message retrieval that we got, that is somebody calling their voicemail to retrieve a message?

ANDERSON: That's correct.

DISTASO: And that information is contained in those records you have in front of you?

ANDERSON: Yes.

DISTASO: For that, for that record, these records for 209-505-0337 that is on the AT&T TDMA network, is that correct?

ANDERSON: That's correct.

DISTASO: And has that network changed since 2002, in the sense of the cell tower coverage?

ANDERSON: Yes.

DISTASO: Okay. And do you know what has changed?

ANDERSON: Well, I know that, I can't really speak to the specifics. But we're constantly tuning the system.

DISTASO: You are constantly updating it?

ANDERSON: Right.

DISTASO: See if there is anything else to ask you. Nothing further, your Honor.

Cross Examination by Mark Geragos

GERAGOS: Good morning.

ANDERSON: Good morning.

GERAGOS: Mr. Distaso referred to the fact that we met yesterday and talked, correct?

ANDERSON: Yes, sir.

GERAGOS: Over, I won't divulge where you are staying. But pretty close here to the Court house, right?

ANDERSON: Right.

GERAGOS: Okay. And we did that specifically because the prosecution brought you in here from Florida because Mr. White, the first person they were going to have do this was unable to answer my questions as to what these records meant, correct?

ANDERSON: Right.

GERAGOS: So they brought you in as the expert, correct?

ANDERSON: Right.

GERAGOS: So when I came over to the hotel yesterday, and I got, this is the subpoena, 203A, I specifically was asking you some questions about these records, right?

ANDERSON: Right.

GERAGOS: Okay. And specifically I asked you about what's been yellow highlighted here, correct?

ANDERSON: Yes, sir.

GERAGOS: Okay. And you knew why you were coming here, right?

ANDERSON: Yes, sir.

GERAGOS: Okay. I mean they specifically told you, look, we, Mr. Geragos has talked to Mr. White. Mr. White couldn't answer these questions. Apparently they didn't make sense to him. And so we're bringing you out, right?

ANDERSON: Right.

GERAGOS: That's what you were told. That was your mindset when you came out, ready to testify to the records?

ANDERSON: Right.

GERAGOS: Now, specifically, I asked you yesterday when you, on 12-24, it looks like you have got three calls that all have the same time here; is that correct?

ANDERSON: Yes, sir.

GERAGOS: Okay. And they are all at 1:08:33 seconds, right?

ANDERSON: Yes, sir.

GERAGOS: And I specifically asked you, what does that, minute 21, and what does this, what do these three calls mean, right?

ANDERSON: That's correct.

GERAGOS: And you told me yesterday at about, what, 4:30?

ANDERSON: Something like that.

GERAGOS: Okay. And that was, you had already met with Investigator Jacobson at that point, correct?

ANDERSON: Yes, sir.

GERAGOS: And Investigator Jacobson is the one who is, I guess the prosecution wants to interpret these records, correct?

ANDERSON: I don't know.

GERAGOS: Well, you specifically told me yesterday if this shows I-n-c right there, that that's stands for "Incoming", right?

ANDERSON: Yes, sir.

GERAGOS: And if there is no phone number right there, see where my pen is?

ANDERSON: Yes, sir.

GERAGOS: Looks like it's blank right there, right?

ANDERSON: Yes, sir.

GERAGOS: Okay. Now yesterday you told me that if it's incoming, I-n-c, and it has a blank spot right there, that that means that the phone number, or what that reflects is somebody is calling in from a different phone into Mr. Peterson's phone, correct?

ANDERSON: I told you it was an incoming call.

GERAGOS: Okay. And that the next two little entries are entries meant that the phone was on, correct?

ANDERSON: Right.

GERAGOS: And that when the phone was on, this meant that when the phone call came in, that it then went to voicemail, correct?

ANDERSON: Goes to the switch and then to the voicemail system, right.

GERAGOS: That's why we have three different records, right?

ANDERSON: Right.

GERAGOS: Okay. Now, you told me, I specifically asked you, I said, now, what's the difference, how do you tell the difference between when somebody is calling in and leaving a voicemail message, if I called Scott, Scott's phone, if I understand what you told me yesterday, is I call you, and I say, "Scott, call me back. It's Mark." Boom, it's in voicemail. That yesterday you told me that's what those three records would reflect, somebody calling from an outside phone, different number, and getting his voicemail The phone is on, it's not turned on. That's why you have three records. That's why all three of those are the same time period. And that's why you don't have a 209-505-0337 right there, correct?

ANDERSON: Yes, sir.

GERAGOS: Now, today, and, well, yesterday I specifically asked you, how do we tell if it's somebody checking their own voicemail right?

ANDERSON: Yes, sir.

GERAGOS: Okay. And you told me yesterday, well, Mr. Geragos, if they are checking their own voicemail, there is going to be two numbers or two entries, like this. You wouldn't have that third one. And what you would have is, you would show right along here that the phone number was there, right?

ANDERSON: I don't remember telling you that, no.

GERAGOS: Didn't you tell me what you could look for is, you would look specifically for this area right here that is blank. And the way you tell if somebody is checking their own voicemail is if their phone number is in that area. Isn't that what you told me yesterday?

ANDERSON: I don't remember that. Sorry.

GERAGOS: Didn't you tell me that there was an additional way that you could tell the difference between somebody calling in and leaving a voicemail message and somebody retrieving their own voicemail?

ANDERSON: At the time I thought that that's what we were looking at here. As I, what I realized last night, and it was about 4:00 a.m. this morning, actually, that there was a piece of this puzzle that was missing. We were looking at the fraud records. And we were looking at the billed usage records. We weren't looking at the invoice what has when a call is placed. That actually goes through a process. The first process is, it goes to the fraud system. And that happens very quickly. It's near real time, because we need to get these records to our fraud department so that they can identify if there is any fraudulent usage occurring on the system. Once that, so

that's what you see here. You see three records for one call.

GERAGOS: But what I'm asking you specifically, I understand. I mean I get a phone call this morning that says wait a second, what you were told yesterday its not correct. That she's, you know, that she realizes what she told you yesterday is not correct. Is that because you called the DA today and said, look, all of a sudden everything I just said yesterday in the discussion, I'm mistaken?

ANDERSON: I told him I had misinterpreted two of the calls.

GERAGOS: Okay. Well, I'm not asking you for, I use this one specific call. This is what we talked about yesterday What I'm trying to get at, I assume that, I think I talked to Mr. White about, which I don't seem to get a handle on is, can anybody from AT&T explain to me how you determine the difference by looking at these so-called fraud records, between somebody leaving a voicemail and somebody retrieving their own?

ANDERSON: The answer to that is, no. Without going through the other two processes, you can't determine that. You have got to go all the way to invoices to do that.

GERAGOS: What if I told you, for a year and a half, the prosecution has been basing a theory,

DISTASO: Objection, your Honor. It's argumentative. It's not relevant.

JUDGE: It is argumentative.

GERAGOS: If I told you that Investigator Jacobson has done things for a year and a half,

DISTASO: Objection. Argumentative. Not relevant.

JUDGE: Sustained. Jury can disregard the question.

GERAGOS: When did you get this so-called invoice record?

DISTASO: Objection. It's argumentative.

JUDGE: When you got the invoice records? Overruled.

GERAGOS: When did you get it?

ANDERSON: This morning.

GERAGOS: Okay. Had you ever produced this to anybody before this morning?

ANDERSON: Not that I'm aware of.

GERAGOS: Did anybody from AT&T, that you are aware of, ever produce it to the prosecution or the defense before this morning?

ANDERSON: Not that I'm aware of.

GERAGOS: Now, the only reason that you have changed your mind from the yesterday to today is because, when you researched this document, which was marked as A-1 in the notebook, that you had, I think under this one?

ANDERSON: Yes.

GERAGOS: Is because it says "Message Retrieved", right?

ANDERSON: That's correct.

GERAGOS: Okay. If that didn't say "Message Retrieved", you wouldn't have changed your mind, correct?

ANDERSON: That's correct.

GERAGOS: Okay. Now, can you tell me, this is what we were asking yesterday. Can you tell me from looking at the billing records, both you and Mr. White, just specifically you, is there, when

you testified, or when, you didn't testify yesterday. You weren't under oath. You just talked to me, right?

ANDERSON: That's correct. For about five minutes.

GERAGOS: Longer than that. We were there for a little while, weren't we?

JUDGE: Are you testifying, Mr. Geragos?

GERAGOS: I'm going to get up there and testify.

JUDGE: Why don't you ask the witness?

GERAGOS: I have got Mr. Naljian back there. I'll have him get up.

GERAGOS: Specifically asked you about these, and you specifically said that if there is three records or two records, it makes a difference; isn't that what you said yesterday?

ANDERSON: Mr. Geragos,

DISTASO: It's been asked and answered.

JUDGE: Overruled.

GERAGOS: Isn't that what you said?

ANDERSON: At that point that's what I believed.

GERAGOS: Okay. And, today, because you have got another printout, you believe something the opposite?

ANDERSON: Well, as I was trying to explain to you, there are three pieces to this puzzle. The first set of records,

GERAGOS: You have, you told us about the fraud. What are the other two?

ANDERSON: The other two, the second, the second set of records is the billed usage, which is what we were looking at yesterday. That's what we were using. And that is just a reflection of every call that gets billed.

GERAGOS: What's the difference in the, I'll ask,

DISTASO: I object. Let her finish. That's three pieces we went through.

JUDGE: Wait, wait

GERAGOS: It's on the, it's my examination.

JUDGE: I'm going to let her finish the third part of this. You can ask her a question now, but she is going to finish the third part.

GERAGOS: Sure. What's the third part?

ANDERSON: The third part is the invoice. And that is another, it refines the record a little more. So that shows the customer exactly what happened. When a call comes off the switch, there are like 20 pieces to that call. And each one of these systems refines it a little more. So when you get to the invoice, you are getting a true picture of what occurred on that call.

GERAGOS: Let me give you another example that's right here on the same page. What happened on this call right here that says 12-24, 9:20 p.m., incoming, no number. 12-24, 9:20:40, local, 209-505-0337. I showed you that yesterday, didn't I?

ANDERSON: I'm sorry. What was the time on the call?

GERAGOS: It would have been the 9:00 o'clock right here The 9:20:40. See that? And that's, I assume that's on Eastern Standard Time. So if you are looking at your invoice, you are going to want to look at the Pacific Standard Time. There is a problem, isn't there?

ANDERSON: It's not on the record.

GERAGOS: It's not on the invoice.

ANDERSON: No, sir.

GERAGOS: Right. So when I'm looking at the invoice here, which Mr. Distaso just told you is Pacific Standard Time, here is a call at 9:20:40, it says "Incoming". There is no number. Then it says the same time, local, and that says 505-0337?

ANDERSON: Correct.

GERAGOS: Then we go looking at your invoices, invoices are A-1, right?

ANDERSON: Yes, sir.

GERAGOS: And A-1, here is the invoice records, and there is no 6:20 call on 12-24. There is no call there. So what does that mean?

ANDERSON: Probably makes it,

GERAGOS: You don't have any idea, do you?

DISTASO: Let her answer the question. He said, what does it mean?

GERAGOS: Do you understand your,

JUDGE: New question?

GERAGOS: Yes.

JUDGE: What's the question?

GERAGOS: The question is, where is that call on the invoice records?

JUDGE: Now you can answer.

ANDERSON: Okay. That was a call that was not billable for some reason. Maybe it wasn't completed. Maybe it didn't get to voicemail. But it wasn't completed. So it never got to the invoice.

GERAGOS: That call, if I have got it correctly, how long did that call that was never completed last?

ANDERSON: Looks like it was 29 seconds.

GERAGOS: Okay. And that's on the, what switch was it on?

ANDERSON: Stockton.

GERAGOS: And what cell? What cell?

ANDERSON: 64 is the voicemail.

GERAGOS: That would be right there, correct?

ANDERSON: Yes, sir.

GERAGOS: And then what is this here?

ANDERSON: That's 1055.

GERAGOS: Go to the book and find where it was?

ANDERSON: Yes.

GERAGOS: Shows that somebody would be checking the voicemail, correct?

ANDERSON: It would be.

GERAGOS: And it would be a, that call would have ended specifically at 9:21 and 9 seconds, which is why you have got that number right there for 29 seconds, correct?

ANDERSON: Yes.

GERAGOS: Now, if I understand correctly, that would mean that the call went to voicemail, right?

ANDERSON: Well, it attempted to go to voicemail, yes.

GERAGOS: Okay. And it's not on the invoice records, right?

ANDERSON: That's correct.

GERAGOS: And you are just speculating as to why it isn't, correct? Do you want me to go through and point out all the ones that indicate voicemail? I only had this right out there for about 90 minutes. Do you want me to go through and find all the rest?

ANDERSON: Remember, when we talked yesterday, these are not records that we use for billing. These are records that are coming right off the switch. So it's not unusual that these records don't 100 percent match the bill.

GERAGOS: Well, what you also told me yesterday, correct me if I'm wrong, also said what the prosecution is trying to do with these records,

DISTASO: Objection. It's argumentative.

GERAGOS: It isn't argumentative.

JUDGE: It goes to state of mind. Overruled. Go ahead.

GERAGOS: I asked you specifically, aside from these fraud billing records, can you use these to try to pinpoint, were these designed to try to pinpoint somebody's location, what did you tell me?

ANDERSON: I told you no.

GERAGOS: Okay. Because, now, they weren't for, weren't to, they are specifically designed to detect whether or not somebody is fraudulently using the phone, correct?

ANDERSON: That's correct.

GERAGOS: Now, the record that's contained in, I'm sorry, 203, that Mr. Distaso marked, let me just lay these here. I'm not going to use these. Would you take a look. Does it look to you in there that on, this is 203G, correct?

ANDERSON: Yes, sir.

GERAGOS: On the second page, do you see that 9:20 phone call?

ANDERSON: Yes.

GERAGOS: Okay. Does it look to you like somebody has said that that 9:20 phone call did go through, and that it did go to voicemail?

DISTASO: Objection, your Honor. That is a chart that Jacobson made. That's not from her records. She has no,

GERAGOS: It's not in her record, then there is no foundation that for anything that Jacobson,

JUDGE: These are from her records?

DISTASO: That's not true. He can, go ahead. I'll withdraw the objection.

JUDGE: Go ahead.

GERAGOS: I'm showing you, this is G, correct?

ANDERSON: Yes, sir.

GERAGOS: One I just slowed you?

ANDERSON: Yes, sir.

GERAGOS: And, specifically on G, here is that phone call right here. 9:20 and 40 seconds, right?

ANDERSON: Yes, sir.

GERAGOS: And it shows voicemail. It shows Keyes Road, correct?

ANDERSON: Yes, sir.

GERAGOS: So that is indicating to you that somebody is, now, does that jibe with the interpretation you just gave me, that you didn't know exactly what was happening with that call, because it didn't show up on the invoice records?

ANDERSON: Well, you said that, not me. There is a call that occurred here on the fraud record here, but on the fraud records,

GERAGOS: Right.

ANDERSON: That shows that there was this attempt to go to voicemail. And, as I said, for some reason the call didn't get billed. Typically that occurs when it's not a completed call.

GERAGOS: Okay. Does that ever occur because there is a malfunction in the system?

ANDERSON: Of course.

GERAGOS: The system is certainly not perfect, is it?

ANDERSON: No, sir, it's not.

GERAGOS: As we sit here today, if somebody were to come up and give you a better explanation for what these three entries or records are, that's what you call these entries, records, correct?

ANDERSON: Yes, sir.

GERAGOS: And so each one of these records that's here, and I think you called it a piece of the puzzle, you are just still trying to put that together, correct?

ANDERSON: No, sir. The third piece was the invoice.

GERAGOS: Okay. Well, what if somebody came there tomorrow from AT&T, told you, wait a second, I made a mistake, that really was a call that somebody had called from the outside,

DISTASO: Objection. Calls for speculation.

JUDGE: Argumentative. Sustained.

GERAGOS: I'll ask you something. How would it reflect on the records if somebody called their voicemail from a remote location?

ANDERSON: Doesn't show on the billing, on the invoice. It doesn't show.

GERAGOS: So you can retrieve your messages and it won't show?

ANDERSON: That's correct.

GERAGOS: On the, wouldn't it show the incoming call?

ANDERSON: No. Because you go straight to voicemail, and we don't bill for that, so it doesn't occur.

GERAGOS: You are saying that if somebody calls from a remote location to their phone, that that wouldn't show an incoming call?

ANDERSON: You are saying from a land line, that doesn't show an incoming call?

GERAGOS: What about a cell phone, what, they call from another cell phone.

ANDERSON: From a different cell phone.

GERAGOS: Right. Cell call from different cell phone.

ANDERSON: They are calling directly to their voicemail, it will not show. We do not bill for those calls.

GERAGOS: You don't slow any usage whatsoever. Just doesn't slow?

ANDERSON: On the invoice, that's correct.

GERAGOS: So any cell phone that calls any other cell phone doesn't show up on the bill, on the invoice?

ANDERSON: No, that's not what I said. If you are calling directly into your voicemail.

GERAGOS: How does it distinguish, how does the system distinguish between somebody who calls in and leaves a message from a different phone, okay? Do you understand?

ANDERSON: Yes, sir.

GERAGOS: Not Scott Peterson. Say Lee Peterson, his father, calls, it goes straight into voicemail?

ANDERSON: Right.

GERAGOS: How does the system know if he's retrieving his messages or if he's leaving a message?

ANDERSON: It's based on the numbers that are dialed in to get into, the system can tell whether it goes in to retrieve messages; which is why it shows retrieval on your invoice, or whether you just deposited a voicemail.

GERAGOS: So what does the system do when it first comes in? For instance, I'll show call right here. 209, right there. That's a cell phone number. Okay? If somebody calls from that cell phone number into another cell phone, how does the phone know? Does it, obviously when the call first comes in, it registers, correct?

ANDERSON: Right.

GERAGOS: Okay. When it registers, if they then go and push buttons, retrieve voicemail, does it erase that message?

ANDERSON: Remember when I told you put that steps in, when it gets to the invoice portion, it says that that was a voicemail retrieval from an outside line, and it does not put in on the invoice, because there is no charge for that.

GERAGOS: Right. But it still would be on the fraud billing record, wouldn't it?

ANDERSON: Possibly.

GERAGOS: Possibly. Why wouldn't it be?

ANDERSON: Because the fraud records are not 100 percent accurate.

GERAGOS: So everything,

ANDERSON: It doesn't capture 100 percent of every call.

GERAGOS: And the calls that it does capture are not necessarily one hundred percent accurate, correct?

ANDERSON: That's correct.

GERAGOS: Okay. Now, let me ask you something else. If you turn on, power on the phone in the morning, what is the first thing that that phone and does? You are not making a call. You just turn it on, turn on your cell phone.

ANDERSON: It registers with the switch.

GERAGOS: It what?

ANDERSON: Registers. Basically does a handshake that says, "Here I am."

GERAGOS: Okay. So when it stays, "Here I am," does it sign, it goes to a switch. So when, in these instances where you have got Stockton, right here, when you power on in the morning, it goes to Stockton, correct?

ANDERSON: Yes, sir.

GERAGOS: If you are in that switch area, right?

ANDERSON: Yes, sir.

GERAGOS: Okay. Now, if you, does it then, after it goes to the switching, to a cellular antenna as well?

ANDERSON: Well, it's backward. It goes to the cellular antenna, then the antenna then communicates back to the switch, communicates through the cell site.

GERAGOS: Okay. Now, does the phone, when it, so you are saying it goes to the antenna first, correct?

ANDERSON: Yes, sir.

GERAGOS: So if we have an, I'm thinking in one of your notebooks there you have got one of those cell site charts, correct? Somebody powers on in the morning, their phone, and they are specifically right here, okay? They power on, and without making a phone call, does the phone establish a, what did you call, a handshake with a specific cell tower?

ANDERSON: Yes, sir.

GERAGOS: Okay. Now, as the phone establishes, let me see if I can get the marker there. As it establishes with that specific cell tower, that's even if you haven't made a call, right?

ANDERSON: Yes, sir.

GERAGOS: So as soon as you, as soon as you, if I get up in the morning and get out, you go into your car, you turn on your cell phone, it's going to, in fact, my phone will do that. It shows two people, or two hands shaking as soon as you turn on the phone, meaning that you have got service, right?

ANDERSON: Yes, sir.

GERAGOS: Okay. And so it would go to whatever the primary cell tower is, right?

ANDERSON: Yes.

GERAGOS: Okay. And generally it looks for whatever the strongest usage is, right?

ANDERSON: That's correct.

GERAGOS: If you drive somewhere else, over to here, and then you receive a phone call, when you make a phone call, either one, does the cell tower switch as you are doing that?

ANDERSON: Yes.

GERAGOS: Okay. Now, when you get over to here, and you see situation here, you don't make a phone call, you go all the way over to here to this location here, will it still show, or is this something you have seen where the first cell tower that you locked on to, shows as the initial one when you make the call, but then the phone itself immediately switches to another cell tower?

ANDERSON: That's probably a question better answered by Mr. White.

GERAGOS: By Mr. White?

ANDERSON: Yes.

GERAGOS: Okay. Yesterday when I asked you about this, where you talked about this, you said was there information where the phone will keep a cell phone tower for a period of time? Do you remember when I was asking but that?

ANDERSON: Yes.

GERAGOS: How long was that that you estimated?

ANDERSON: I said it varies from switch to switch, even.

GERAGOS: But normally fifteen minutes would be, you would expect?

ANDERSON: It would be in the neighborhood of fifteen minutes, typically, before the switch queries the phone again.

GERAGOS: So it would not be unlikely for somebody to turn their phone on here, not use it, go over to here. And if that took less than fifteen minutes, the phone would still be powered on to that antenna; is that correct? That cellular antenna location, correct?

ANDERSON: I don't believe that is the way it would work. I believe that other site would pick up. As soon as he went into range of the second site, it would register.

GERAGOS: What you are saying is, as soon as he went into range and makes a call in this range, it would flop from here to here, correct?

ANDERSON: Yes, sir.

GERAGOS: You said that for as long as fifteen minutes, the phone can maintain its previous site correct?

ANDERSON: If it's sitting in one place, the switch, if there is no activity on the phone, the switch is going to query it X number of minutes. I don't know what that period is.

GERAGOS: That's what I'm asking you.

ANDERSON: If the phone is moving, when it moves into another area, that cell site is going to detect it, send a message back to the switch that says I have that number now.

GERAGOS: Okay. Does that happen when you get activity?

ANDERSON: Yes, it does.

GERAGOS: What about when you don't have activity? Does query at the same time?

ANDERSON: When you are traveling?

GERAGOS: Yeah.

ANDERSON: Yes.

GERAGOS: And what's the lag on that?

ANDERSON: I don't know.

GERAGOS: Who knows that?

ANDERSON: Mr. White.

GERAGOS: Okay. You talked to him about it?

ANDERSON: No, sir.

GERAGOS: You talked too Mr. White about any of the records that I have talked to you about today.

ANDERSON: Very little. Very little.

GERAGOS: Talk to Mr. White, have you talked to him about the invoice records that you have testified to about today?

ANDERSON: No, sir, I have not. MR.

GERAGOS: May I have just one moment, your Honor?

JUDGE: Yes, sir.

GERAGOS: Did you speak to Mr. Jacobson after I spoke to you yesterday, Mr. Investigator Jacobson?

ANDERSON: Yes, sir.

GERAGOS: And did he tell you that he was concerned about what you were saying in terms of the voicemail?

ANDERSON: No, sir.

GERAGOS: Did he tell you that that was, that he had a different interpretation?

ANDERSON: His, well, I know we talked about that, either earlier in the day or later in the day.

GERAGOS: And what did you talk about?

ANDERSON: Just basically that his notes indicated that those three calls meant voice message retrieval.

GERAGOS: And you told him that that's not your understanding, correct?

ANDERSON: Yes, sir.

GERAGOS: And he told you that he talked to somebody else. Did he tell you who he talked to at AT&T?

ANDERSON: Yes.

GERAGOS: Who did he tell you he talked to?

ANDERSON: Jeannie Mulcahy.

GERAGOS: Who does Jeannie Mulcahy work for?

ANDERSON: She works for me.

GERAGOS: She is your assistant?

ANDERSON: She's the manager of the group.

GERAGOS: Okay. And did you talk to Jeannie Mulcahy?

ANDERSON: I called her this morning.

GERAGOS: She sent you the invoice records?

ANDERSON: I'm sorry?

GERAGOS: She sent you the invoice records?

ANDERSON: Yes, she did.

GERAGOS: Is she the one who then told you that there is, you need this other piece to the puzzle?

ANDERSON: No. I realized that at 4:00 a.m. this morning, and I called her.

GERAGOS: You called her?

ANDERSON: And said, can you look at this invoice for me?

GERAGOS: Now, when you looked at the invoice, were you able to determine whether or not, from those invoice records, what I was asking you about yesterday, the difference between two records that go to voicemail and three records that go to voicemail? Were you able to answer that question?

ANDERSON: No.

GERAGOS: As you sit here today, you still don't know what the difference is; is that correct?

ANDERSON: On the fraud records?

GERAGOS: Yes.

ANDERSON: No.

GERAGOS: Thank you. I have no further questions.

Redirect Examination by Dave Harris

DISTASO: The records, the fraud records, Miss Anderson, are real time records, correct?

ANDERSON: They are near real time. They come within fifteen or twenty minutes typically of a call.

DISTASO: They are collected as the calls are being made, kind of as the day is going on?

ANDERSON: That's correct.

DISTASO: These fraud records are the only ones that give you the cell site tower that serviced that particular call?

ANDERSON: That's correct.

DISTASO: So when Mr. Geragos was asking you, the system wasn't designed to pinpoint a location, there is no GPS unit in anybody's phone saying exactly where it is at all times?

ANDERSON: That's correct.

DISTASO: What the records show us, though, is the physical location of the cell site tower that serviced a particular call?

ANDERSON: That's correct.

DISTASO: And each cell site tower has some coverage area that it's responsible for?

ANDERSON: Yes, sir.

DISTASO: So if the person is inside of that coverage area, they could be serviced by that particular cell tower?

ANDERSON: Right.

DISTASO: These records here with the voicemail retrieval, that information is contained in the invoice records?

ANDERSON: That's correct.

DISTASO: The fraud records don't really tell us if it's a retrieval, or if it's a voicemail coming in; is that right?

ANDERSON: It just shows that it's an incoming call.

DISTASO: Okay. And the fraud records give us this little code 64, though, which tells us that it is a voicemail, in some fashion?

ANDERSON: That's correct, right.

DISTASO: The invoice records are the records that the customer is billed for?

ANDERSON: That's right.

DISTASO: So we could have a lot of records in these fraud records, a lot of entries that don't show up in the invoice records, because the customer was never billed for it?

ANDERSON: That's correct.

DISTASO: For example, the call that Mr. Geragos was asking you about, 29 seconds, somebody calls into voicemail, either they are checking their voicemail, or somebody calls and leaves a voicemail, and the call fails for whatever reason, AT&T is not going to bill the customer for that particular call?

ANDERSON: That's correct.

DISTASO: But it will, it occurred for at least 29 seconds, so it shows up here in the fraud records; is that right?

ANDERSON: Right.

DISTASO: And the information that's contained in here, this system, I think Mr. Geragos asked you whether the system was perfect. Have you ever been involved, how many years have you worked at AT&T?

ANDERSON: 17.

DISTASO: In 17 years, have you ever been involved in an AT&T system that works perfectly a hundred percent of the time?

ANDERSON: No, sir.

DISTASO: So, I mean, like anything else, subject to the foibles, I guess, of the equipment that is being used?

ANDERSON: Yes, sir.

DISTASO: Some of these records show, we talked about the Stockton switch here on the right-hand side of these fraud records. There is, somewhere there is listed Stockton switch, Santa Clara switch. If the call, if somebody is traveling from one switch area to the next, will the call hand off to a different switch?

ANDERSON: Yes, it will.

DISTASO: Okay. And can the times of the switches be a little bit different?

ANDERSON: Yes, they can.

DISTASO: Why is that?

ANDERSON: Because our switches are, the time is manually set by a tech there in the switch.

DISTASO: So somebody sets the time in the computer. Like if I'm doing it, I sit down at my desk, set the time in the computer, correct?

ANDERSON: That's correct.

DISTASO: But my counterpart in the next switch over, his watch might be thirty seconds off than mine, and so the records might show thirty seconds, or some kind of discrepancy because of that?

ANDERSON: That's right.

DISTASO: And that's not unusual or any problem with the records?

ANDERSON: No, that's not unusual at all.

DISTASO: Let me have marked, I'm going to have the remainder of these binders marked, your Honor.

JUDGE: You are going to refer to them as group? Are you going to refer to something in every one of,

DISTASO: It would be easier to do them as a group.

JUDGE: We'll mark them 206. How many binders have you got?

DISTASO: A, B, C, D, E.

JUDGE: All right.

DISTASO: Miss Anderson, while she's marking those, let me just ask you this question. Do the records show a cell tower every single time, in those fraud records, show a cell tower every single time?

ANDERSON: No.

DISTASO: Okay. And let me just give you an example. If somebody has their phone off, and they are driving around throughout the day, their phone is off and I call them. Let's say your phone is off, I call you.

ANDERSON: Okay.

DISTASO: The call goes into the switch, correct?

ANDERSON: Right.

DISTASO: And then the switch goes out looking for your phone; is that what happens?

ANDERSON: Well, it pretty much knows that my phone is off, because it hasn't seen me register.

DISTASO: All right. And so in that instance, with the phone off, the call will go directly to a voicemail?

ANDERSON: Right.

DISTASO: But it won't register a cell tower?

ANDERSON: That's correct.

DISTASO: Because there is no cell tower that's been able to send the call to your phone, because it can't find your phone?

ANDERSON: That's right.

DISTASO: Would that be the same thing if you are, if your phone is on, but you are in like a no-coverage area, for example?

ANDERSON: That could happen as well, because, again, the switch can't find you.

DISTASO: So if I'm inside this building, and on some occasions in this building I don't get any coverage with my cell phone. If somebody calls me and I got no service, as far as the company, or the phone company is concerned, the switch, it can't find me, it won't register a cell tower to service that call?

ANDERSON: That's correct.

DISTASO: If the phone is on and it finds a cell tower that can service the call, it will register a cell tower location in the fraud records?

ANDERSON: That's right.

DISTASO: Let me show you this whole big stack of binders. We'll go through them.

JUDGE: I want to finish with this witness, then we'll take a recess. We'll have, how much longer are you going to be with this witness, Mr. --

DISTASO: It's not going to be too much longer.

JUDGE: All right.

DISTASO: Let's just go through these quickly. These 206, hold on one second. 206A. Can you take a look at that. Are those billed usage records from AT&T Wireless?

ANDERSON: Yes, they are.

DISTASO: And same thing with 206B?

ANDERSON: Yes, they are.

DISTASO: And 206C?

ANDERSON: Yes, they are.

DISTASO: 206D?

ANDERSON: Yes, they are.

DISTASO: Okay. 206E?

ANDERSON: Yes, they are.

DISTASO: All right. I have already asked you about these other records. 203A, A-1 and 203E, correct?

ANDERSON: Yes.

DISTASO: Okay. And let me just go through a series of questions for the record. Do, are all of those records true and accurate copies of the phone records that are maintained in the normal course of business for AT&T Wireless?

ANDERSON: Yes, they are.

DISTASO: And the records are made at or near the time that the calls are actually made, correct?

ANDERSON: Yes, sir.

DISTASO: One final question. The 203E, this particular record right here, that phone was also on the TDMA network; is that right?

ANDERSON: Yes, it was.

DISTASO: I don't have anything further, Judge.

Recross Examination by Mark Geragos

GERAGOS: The G, which is in here, I just asked you at the break if you had taken a look at this; is that correct?

ANDERSON: Yes, sir.

GERAGOS: Okay. Now, G is Jacobson's location of cell sites from the records, correct?

ANDERSON: That's my understanding.

GERAGOS: Now, I'm going to show you, maybe I'll hand you this so you've got it, A. If you would take a look at A for the corresponding calls on the 24th. Now, these are, it's my understanding that all of these are in Eastern Standard Time. And then you're looking at A, which is the, the usage record?

ANDERSON: No, sir. I'm looking at fraud records.

GERAGOS: You're looking at fraud records. So that shows all the calls, at least that the fraud billing picks up?

ANDERSON: That's correct.

GERAGOS: Even though you call it fraud, there's nothing about fraud in this case, correct?

ANDERSON: That's correct.

GERAGOS: Okay. That's just a label because what this is designed for is to detect fraud, right?

ANDERSON: Right.

GERAGOS: Okay. Now, I'm going to ask you, you see here there's a 10:09 call or a 10:14 call? Do you show those in the fraud usage records?

ANDERSON: Yes, I do.

GERAGOS: Okay. Now, do you show the location of the cell sites on there? Do you have some numbers, I guess we could do that conversion that Mr. Distaso went through?

ANDERSON: Yes, sir.

GERAGOS: Okay. It looks like, I assume what they've done here is Jacobson has already done that conversion for the location of the cell sites?

ANDERSON: I assume so, yes, sir.

GERAGOS: Okay. Now, if this is at 7:09 and 7:14 and 7:21, and the location of the cell sites, looks likes it starts off on Brighton and then at ten, 10:14 Eastern, which means 7:14, on the 24th, these are all on the 24th, correct?

ANDERSON: Yes, sir.

GERAGOS: Okay. If I told you that Mr. Peterson was standing in his front yard during that time period, from 7:00 o'clock throughout this period of time, standing in his front yard, can you explain to me why the cell sites are changing? If he's not moving? Because it looks like this call here at 7:09 to Brian Ullrich uses the 1250 Brighton, correct?

ANDERSON: Yes, sir.

GERAGOS: Okay. And the next one there flops over to the 10th and D; is that correct?

ANDERSON: Yes, sir.

GERAGOS: Okay. Now, if it flops over to 10th and D, yet he's standing in his front yard, and we know that because officers have testified to that, can you explain to me why it is that the cell site is moving? And I'll show you, if these are the two cell tower areas, and that's been marked as –

JUDGE: 203. I think it's --

ANDERSON: It was in the book. In one of the books.

GERAGOS: Right in the book. 203.

ANDERSON: Yes, sir.

GERAGOS: Okay. I'm going to just put this up, because what we've got here is we know that at 7:00 o'clock to 8:00 o'clock he's standing there. There's a call at 7:09, right?

ANDERSON: Yes, sir.

GERAGOS: And it's using the 1250 Brighton, correct?

ANDERSON: Right.

GERAGOS: And then at 10:14, which is 7:14 Pacific, it's using 10th and D?

DISTASO: Objection, your Honor. It's using 10th and D and –

JUDGE: Well, you'll have to bring her back on redirect. Otherwise you're testifying.

DISTASO: Well, I mean, he's reading –

GERAGOS: I'm going to –

JUDGE: Wait a minute. The jury saw it. The jury's not blind. They saw what it says. Now, if you want to ask her some questions on redirect, feel free to do so.

GERAGOS: So does it look to you like somebody is, if you accept hypothetically that this person is standing in their front yard using their cell phone, does it look to you, and here's the house right here, as if that particular location that the phone is, for lack of a better word, flopping back and forth between these two cell sites?

ANDERSON: Yes, sir.

GERAGOS: Okay. Now, is one of the reasons for that? Is that, or one possible explanation, the way that this is illustrated, if you will, is there's one circle here for the 1250 Brighton, and that encompasses right at the outer edges the location of Covena, correct?

ANDERSON: Right.

GERAGOS: But if we had another circle, if this yellow circle came all the way through, we would show that the Covena location's also in the 10th and D tower, right?

ANDERSON: That's correct.

GERAGOS: Okay. And if we had yet another, there's another cell tower here for 929 Woodland, right? And that would also encompass the business area, correct?

ANDERSON: I assume so, yes.

GERAGOS: Okay. And when you testified on direct, you were saying, your goal is, I know you're not Verizon so you're not that guy walking and saying Can you hear me?

ANDERSON: Right.

GERAGOS: Your goal is to get as much coverage as possible, right?

ANDERSON: That's correct.

GERAGOS: Now, isn't it a fact that the, and based upon what we've got right here, that we know that Mr. Peterson was standing in his yard, and not only does it flop right there at 7:14, but here at 8:46, it goes from Brighton at 8:17, and then it uses 10th and D at 8:46, and then, boom, at 8:48 we go right back to Brighton?

ANDERSON: Yes, sir.

GERAGOS: Okay. So it's a fair statement that you could be standing still, in the exact same location here, and your phone could go from this tower, to that tower, back to this tower, during a call, after the call, or anything else, right?

ANDERSON: Right.

GERAGOS: And one of the reasons for that is that the, the cell phone tower, when it switches, it doesn't switch because you're moving, necessarily. Your cell phone and the antenna are designed to find the strongest signal, correct?

ANDERSON: That's correct.

GERAGOS: So when we have those, those bars, if you will, on the phone for your cell phone use, or the strength of the bars, it's constantly searching for the strongest signal, right?

ANDERSON: Correct.

GERAGOS: So if it turns out, and part of whether the signal is strong is dependent on how much usage is going through a particular tower at that particular time, correct?

ANDERSON: That's one of the factors.

GERAGOS: Okay. So if I can break this down. If in this particular area here, if it turns out that there are more people on Christmas Eve calling their loved ones at that time of night than there is over here in this particular circle, the phone, because, say, if this is at percent use, will flip over to go over here because there's less usage going on at this tower, correct?

ANDERSON: That, that's one reason it would happen, yes.

GERAGOS: Okay. There are other reasons, right?

ANDERSON: Right.

GERAGOS: What are some of those other reasons?

ANDERSON: Another reason could be that it just, it, he, you know, you just move three feet and you're getting a stronger signal from the other tower, from the other site.

GERAGOS: I've had the experience, I'm sure everybody has, when they're on a cell phone when you say Wait a second, I can't hear you, then you step this direction, you step this direction, and all of a sudden it gets clear?

ANDERSON: Exactly.

GERAGOS: Okay. When do you that, that doesn't necessarily mean you've left the jurisdiction, right?

ANDERSON: Right.

GERAGOS: Okay. All that means is that the phone is trying to establish with the stronger signal; and that could mean it's searching from one tower to another tower, correct?

ANDERSON: Exactly.

GERAGOS: Okay. And that's precisely one of the reasons why these records are not designed for allowing for directional movement. To jump to the conclusion that because you go from this tower to this tower, that that means you're necessarily moving in a straight line along this way; isn't that correct?

ANDERSON: Yes, sir.

GERAGOS: Now, the, specifically in the records that we've got, there are, looks like some other voice mails. Here's December 24th again, so that the jury can see, December 24th. And, once again, this is Eastern Standard Time, correct?

ANDERSON: Yes, sir.

GERAGOS: Okay. You have the fraud billing records in front of you?

ANDERSON: Yes, I do.

GERAGOS: Okay. Now, we've been talking about these voice mails and what it means when somebody calls their voice mails. Does it appear to you that the calls at 9:15, 9:19, 9:20, and 9:24 from the fraud billing records, do those appear to all be voice mail calls?

ANDERSON: Yes, sir, they do.

GERAGOS: Okay. How about the call at 6:35, I know it says 9:35 on this exhibit, that's Eastern Standard Time, correct? Is there also a call from 6:35 and seconds?

ANDERSON: I'm sorry, are you talking about Eastern Time or Pacific?

GERAGOS: This right here, it would be in Eastern Time, 9:35, do you show a call to voice mail –

ANDERSON: At 9:35.

GERAGOS:, at 9:35 and seconds?

ANDERSON: Yes, sir.

GERAGOS: Okay. Now, one more time. If these are all voice mail, 9:15, which is actually 6:15 Pacific, right?

ANDERSON: Right.

GERAGOS: 6:19 Pacific, 6:20 Pacific, 6:24 Pacific, correct?

ANDERSON: Correct.

GERAGOS: 6:35 Pacific, right?

ANDERSON: Right.

GERAGOS: Okay. Now, does this show that at 6:15 Pacific he's out at the Stockton switch?

ANDERSON: Yes, sir.

GERAGOS: At 6:19 he's at the Stockton switch?

ANDERSON: Yes, sir.

GERAGOS: At 6:20, exactly seconds later, he's at Keyes?

ANDERSON: That's still the Stockton switch, but that's a cell site.

GERAGOS: Yeah. The cell site of Keyes. Do you know how far away Keyes is from there or where that moved from?

ANDERSON: I don't know how far that is, no.

GERAGOS: Okay. If I told you here at 9:10, when you call 911, and that's, once again, 9:10 Eastern, so it's 6:10 Pacific, right?

ANDERSON: Right.

GERAGOS: Looks like he's in Modesto, right?

ANDERSON: Right.

GERAGOS: Okay. Then we show him at Keyes, then we show him at Newman, back in Modesto, and then we show him at Manteca, all within the span of time that we know him, based on the evidence here, to be in Modesto?

ANDERSON: Right.

GERAGOS: Do you understand what I'm saying?

ANDERSON: Yes, sir.

GERAGOS: Is it a fair statement that anytime you try to determine somebody's location when they're checking their voice mail, that you just can't do that? Because, based upon what you're seeing here, this shows him, I can represent to you Manteca is not just a couple of minutes away from Modesto, Newman is not a couple of minutes away, Keyes is not a couple of minutes away. Does it appear to you, based on these records, that if somebody's checking voice mail, that you're not getting an accurate reflection of what tower appear to be used?

ANDERSON: There appear to be some anomalies there, yes, sir.

GERAGOS: Okay. When you say "anomalies," what do you mean by that?

ANDERSON: I mean there appear, if you're telling me it's farther away than a few miles.

GERAGOS: Right. That's what I'm going to tell you. If you accept the fact that Modesto and Manteca are not within a couple of miles, if you accept the fact that Newman and Modesto are not within a few miles, wouldn't that, and you used the term anomalies, wouldn't that lead you to a reasonable conclusion that, if you're trying to pinpoint somebody's location when they're checking their voice mail, that you just can't do that; isn't that correct?

ANDERSON: I think it makes it more difficult, yes.

GERAGOS: Okay. Is there any other record that we don't have, I'm not being sarcastic here, but you came up with a third record yesterday that led us to believe it was him retrieving his messages. Is there any other record that you can find or that you know of that exists that would be able to tell us, when somebody's checking their voice mail, whether they're, in fact, in Manteca or in Modesto or in Newman or in Keyes, all within the span of less than minutes?

ANDERSON: No, sir. There's no record that I know of.

GERAGOS: Okay. So as you sit here today, it's also a fair statement and a reasonable statement that, based upon these anomalies, and based upon what you see here on the voice mails, that you can't draw any conclusion whatsoever as to, with any kind of certainty, as to where somebody is located when they're checking their voice mail, correct?

ANDERSON: I think that's a fair statement.

GERAGOS: Now, the, I'm going to go back to, I apologize for skipping around, but the, I want to go back to this, for a second, which is, and I keep forgetting, Judge, it's in 203, but I don't know what the individual is.

JUDGE: Which one is it, do you know?

GERAGOS: It's the cell phone

JUDGE: Isn't it marked on the, on the

GERAGOS: I thought it was, but it doesn't look like it. No, it's just the first in here.

JUDGE: Need to mark it.

GERAGOS: Yeah. It's 203. I assume it's A because it's in the beginning.

JUDGE: All right.

GERAGOS: Now, in this here, I went through a couple of things with you that had to do with the, why it would switch. One of those was usage, right?

ANDERSON: Yes, sir.

GERAGOS: Okay. What else is there?

ANDERSON: Well, that, you've kind of reached the limit of my knowledge on this. I think you probably, you know, Mr. White I know is on board to talk about what causes the phones to switch back and forth, and he can really give you a more educated explanation than I can.

GERAGOS: Okay. The, as far as you know, at least, usage is the one thing that is, normally determines whether or not

ANDERSON: I know that's one of the factors, yes, sir.

GERAGOS: And, now, as far as you know, in terms of the records, there's, other than the three records that we have here today that you have brought, you're unaware of any other records that exist that can refine what we're doing here?

ANDERSON: Yes, sir.

GERAGOS: Is it also, just so I've got it clear, I don't want you to run back to Florida before I ask the question. Is the 205, is that also something that's better left to Mr. White to determine?

ANDERSON: This map on the front you mean?

GERAGOS: Yes.

ANDERSON: Yes, sir.

GERAGOS: Okay. And is that his function, I guess, at AT&T, to the best of your knowledge?

ANDERSON: Yes, sir.

GERAGOS: And the other phones that Mr. Distaso just marked before we went on break, the phone numbers

JUDGE: 206.

GERAGOS: Right.

GERAGOS: These here, did you bring with you the usage logs on these?

ANDERSON: No, sir, I didn't bring anything with me.

GERAGOS: Okay. You didn't have these faxed overnight?

ANDERSON: No, sir.

GERAGOS: Thank you. I have no further questions.

2nd redirect Examination by Rick Distaso

DISTASO: Miss Anderson, looking at these voice mails, the, when there's heavy usage, that can cause the, the towers to, heavy usage on one tower would cause the tower to look for another servicing cell tower?

ANDERSON: That's correct.

DISTASO: The, Mr. Geragos was asking you, basically I think he said something on the order of Oh, it's impossible to determine on a voice mail where a particular person was. But if you look at, look at 5:12 on the fraud record, do you have those in front of you?

ANDERSON: Yes, sir, I do.

DISTASO: And does that give you a cell, is that a voice mail at 5:12, which would be 2:12 on, in Pacific Standard Time?

ANDERSON: Yes, it is.

DISTASO: It's a voice mail?

ANDERSON: Yes, sir.

DISTASO: Okay. If we know from the defendant's own statements that he was leaving Berkeley around 2:12 p.m. and he checked his voice mail at 2:12 p.m. and the cell tower gives us 2600 10th Street in Berkeley, that would appear that that cell tower matches up with what the defendant's own words were, correct?

ANDERSON: Yes, sir.

DISTASO: So when we say it's impossible to tell from a voice mail what servicing cell tower it is, assuming, what I just told you, assuming that's correct, that would not be right; you can potentially do that, right?

ANDERSON: You can tell sometimes, yes.

DISTASO: Okay. Sometimes you can, sometimes you can't?

ANDERSON: That's correct.

DISTASO: If the records show, like we have in some of these anomalies, it's just something that we have to deal with as part of the system?

ANDERSON: Right.

DISTASO: The, the, these calls here on the 24th, the 1250 Brighton tower is the tower that services the defendant's home. It appears from the records that it's, it is being serviced from pretty much 5:44 Pacific Standard Time down to 6:10 Pacific Standard Time at that 1250

Brighton tower?

ANDERSON: Yes, sir.

DISTASO: And if you look at that, look at that 8:49 call. Can you look at the 8:49 call on the fraud records?

ANDERSON: Okay.

DISTASO: And is that a voice mail call, too, in some fashion?

GERAGOS: Be an objection as to vague.

JUDGE: "In some fashion."

GERAGOS: "In some fashion."

DISTASO: Well, I mean is it a voice mail call you're either retrieving or,

ANDERSON: No, this appears to be an incoming call.

DISTASO: Okay. Are there any voice mail calls in that, in that section there from, what about 8:57?

ANDERSON: That was an incoming call as well.

DISTASO: Okay. Let me see that real quick, because I'm looking for a particular call. Oh, okay. The 9:15 call. That's the one I wanted to ask you about. The 9:15 call, or 6:15, that says Voice mail to Stockton tandem. That's not a cell tower location, correct?

ANDERSON: No, sir.

DISTASO: Okay. That's the switch?

ANDERSON: Yes, sir.

DISTASO: And then if the switch finds the phone, it sends it to a specific tower that can potentially service the call?

ANDERSON: That's right.

DISTASO: Okay. And then we have these anomalies there in the, or, you know, what you call anomalies, I guess, in the system. And then it goes back to, when it found the 1250 Brighton tower, it found the tower there at the house?

ANDERSON: Right.

DISTASO: Just give me one second, Judge.

DISTASO: That's all I have, Judge.

JUDGE: Mr. Geragos, any cross? I can see by your -- your look you don't have any questions right now.

GERAGOS: I don't, Judge. I can take a hint.

JUDGE: All right. That's, thank you very much. Ms. Anderson, you may be excused.