Appellate Case No. 25A-CR-00591

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

STATE OF INDIANA,
Plaintiff,

VS.

RICHARD M. ALLEN,
Defendant.

THE HONORABLE FRANCES C. GULL, PRESIDING

The Transcript

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ground?

A No.

Q Okay. Are you aware that there was a blood spatter expert hired in this case just this year to take a look at that tree?

A I'm aware that an expert was contacted, but that's the extent of my information.

Q Were blood spatter experts available to you in the course of your line of employment back in 2017?

A I believe so, yes.

Q Okay. Did you employ one or recommend to anyone that one be employed in this case?

A To meet the definition of the Indiana State Police's lab manual for an expert on that matter, no. To have someone trained at the scene to examine it, I would say yes, Sergeant Page has been trained, but he's not a qualified expert as to the lab manual's definition of an expert.

Q Okay. So after you cleared the scene, did you employ a blood spatter expert to assist you in this case?

MR. LUTTRULL: Asked and answered.

THE COURT: Sustained.

Q Is it possible that a blood spatter expert could have assisted in helping determining the chronology of events that occurred out there in terms of when the girls were disrobed and clothed again?

A I'm not aware of a technique in blood spatter that would have given that information.

Q Would it be helpful to know, if somebody has blood on them and they're

clothed, how that blood might move on their body because they're clothed?
A Yes.
Q Okay. Would that be something a blood spatter expert might be able to help with?
A They may.
Q We talked a little bit earlier yesterday a little bit about scavengers. You acknowledge there was not much disturbance, if any, with regard to the two girls' bodies out there in terms of outside factors having influenced them before you guys got there?
A I'm not aware of any outside factors influencing the bodies.
Q Are those things that you're concerned about from time to time when you have outdoor crime scenes, that other animals and insects and things can be – can impact those scenes?
A I don't know that I'm worried about it. I mean, I'm – it's part of the crime scene and I would deal with it as it came.
Q Fair enough. It's a poorly worded question. Are those things you take into consideration?
A I would take them into consideration.
Q And they could be helpful in determining timing in a way that – chronology, the way things happen at the scene; right?
A They can be useful in giving a varied range of time.
Q In terms of time, do you acknowledge that you were not able to determine the time that these girls were deceased based on the work that you did in this case?
A I can't give you a precise time of death, and I think time of death is a very

imprecise science.

Q And so what you're telling me – or would you agree with me, I should say, that it happened sometime between they were last seen on the 13th and when they were found on the 14th; right?

MR. LUTTRULL: Objection to the form of the question, "Would you agree with me?"

THE COURT: To the form of the question.

MR. ROZZI: I'll rephrase it.

THE COURT: Rephrase it.

Q Do you agree with me that it happened sometime between those times?

MR. LUTTRULL: Objection to the word "agree" being used in the question. The attorney's opinion is not relevant to this jury, it's improper to share that with them.

THE COURT: Okay. Sustained on that. Rephrase it.

Q Did it happen sometime between those time periods?

A Which time periods?

Q The time they were last seen on February 13th and the time they were found on February 14th?

A I would say yes, if they were seen on the 13th alive and found dead on the 14th, then their death occurred sometime in between the last time they were seen alive and the time they were found deceased.

Q Okay. Thank you for that. You talked about water levels a little bit. Did you go out into the creek or ask anybody else to go out in the creek to determine what the water's levels were on that day?

A Yes, I spoke with members of the dive team, asked them to determine. To

my knowledge, I don't know that they took an actual ruler out there, but there – the bottom of the creek is not a flat plain, it is undulating I would say, and it varied, as I asked the officers to move about, from areas of an inch or two of water up to about two, two and a half, maybe three feet in some areas from where there were some undulations that went much deeper, up to about that three-foot point.

Q The – thank you. Are you finished?

A Yeah.

Q The area closer to the north shoreline appeared to be deeper; is that fair?

A There were areas which were deeper, but I would say again that the undulations of the entire area move and change on a daily basis with the movement of rock, silt, and sediment in the water. So if we went back out there today, it may be a completely different scene. Even days later, it may be completely different in that creek. It's a living, breathing creek.

Q We're talking about on February 14th, 2017.

A I mean, there were –

Q Did the area closer to the north shore appear to be deeper than it did on the other side?

A In some areas, yes.

Q Were you able to discover any location on that north shore where you could conclude that one or more individuals travelled up that shore?

A Conclusively, no.

Q You're a hunter, you said?

A Yes, sir.

Q And so you spend some time out in the woods from time to time?

A More open field.
Q Okay. A bird hunter?
A Yes, sir.
Q All right. Is there anything unusual about finding a spent or unspent round in a woodlot in Indiana?
A To – from a hunting cartridge capability in that area, I would find it more odd to find a .40-caliber round. I would find it much more likely to find a shotgun round of a 12-gauge, a 20-gauge, a 410-gauge, or some round of ammunition approved for hunting of wild game as a handgun round.
Q Is there anything unusual about finding a spent or unspent round in a woodlot in Indiana?
A I wouldn't find it odd to find a round anywhere in the state of Indiana.
Q Okay. Thank you. Now, in this particular – well, let me ask you this: Is it unusual for people to take handguns out into the woods and fire them?
A I – what other people do – it would be unusual for me to do that on someone else's property.
Q You ever lived out in the country?
A Yes, sir.
Q Okay. People out in the country have guns?
A Some do.
Q Okay. And do those people shoot those guns from time to time?
A They do occasionally.
Q And are wooded areas a place where people might shoot those guns?
A They may.
Q Is there any – would you be surprised if somebody was out in this wooded

area along this creek, at some point in time prior to those girls' deaths, firing a gun?

A I would not be surprised.

Q You have a Sig Sauer?

A I do not.

Q Okay. Was that what was issued to you back in 2017?

A That's correct.

Q There's been many references here to different models, P227; do you remember that?

A I was issued a P227, yes, sir.

Q And then a 239 – or a 226 did you say?

A No, I've never had a –

Q A 227; right?

A A 227, which is a .45-caliber.

Q Okay. And then, a – you said a P365, which is a 9-millimeter?

A That's correct.

Q And there are other Sig Sauer P – and then insert the numbers – for other types of Sig Sauer handguns; right?

A I'm not sure about the P designation, and I'm not that familiar with the other designations for other models of – there are P365s with different words after them that are also 9-millimeter, but I'm not aware of any other – I don't know Sig Sauer's nomenclature well enough to give an opinion.

Q Okay. Well, let's stick to the 227 and the 365, those were the two numbers – models that you mentioned; right?

A That's correct.

Q And are those basically – are those guns very similar in terms of their platform, if you will? As how they're designed?

A No, not at all.

Q Okay. They're totally different?

A Yes, very different.

Q Okay. Do you know anything about what the inside of those guns looks like, what the tools are inside of those guns?

A Beyond basic operation and basic systems of the firearm, to include my ability to clean my firearms and utilize my firearms, no.

Q But how those are – those tools are manufactured that are placed in those guns, you don't know anything about that?

A I'm not – no.

Q So you would defer to somebody who was an expert in that?

A I would defer to an expert on firearms.

Q I was looking at this top photo –

MR. ROZZI: May I approach, Your Honor?

THE COURT: You may.

Q -- the photo, which is State's 78. Have you seen this –

A Yes, sir.

Q -- photo before? I'm gonna try to – we're not publishing here, 'cause I just put it right here so the jurors can look at it; is that okay?

A Yes, sir.

Q This is a photo of the north side of the creek; is that correct?

A It's taken from the north side.

Q Okay. And if there's – in the left side here, just close to the creek line or

the shoreline, I should say, there are a couple of places where there's some debris, you see that? One up on the – kind of the top center and then the other one down here on the bottom center, if you will?

A Yes, I see it.

Q Okay. And are those two of the locations where some of these items that we've talked about today were collected?

A They are.

Q Okay. This creek is flowing downstream, so from the top left to the bottom right of the photo; right?

A That's correct. I would call it an east-to-west direction.

Q Okay.

A Generally, generally speaking.

Q So one could conclude that those items that were stuck on those parts of debris could have come from upstream?

A It's possible.

Q And you don't know where those items were discarded originally before they met their final resting location on those pieces of debris; right?

A I don't know where or how they were discarded.

Q Now, in terms of the scope of your search – I'm not gonna pull the TV over, just in the interest of time. Do you acknowledge where 300 North is, County Road 300 North?

A Yes.

Q You know where that is relative to the crime scene?

A It's to the north.

Q Yeah. The road north of the cemetery?

A That runs along the north edge of the cemetery, yes.
Q Okay. That's kind of an east/west road; is that fair?
A I would say yes, that's – generally speaking.
Q At any point in time in this case, were you ever asked to inspect any areas north of 300 – County Road 300 North?
A Not to my knowledge, no.
Q Okay. Do you know where the Mears connector is?
A I'm sorry, the mirror?
Q Do you know where the Mears connector is?
A I'm not familiar with that term.
Q Okay. I'm gonna help you out, I just – do you understand that there was a trailhead at the time, back in 2017, up on 300 North that, essentially, cut in to the Monon High Bridge trail somewhere in the middle?
A I'm not aware of the full extent of the trail system.
Q Okay. Did you ever – were you ever asked or did – strike that. Did you ever conduct any kind of a search for clothing, discarded items of clothing or anything like that anywhere near the Hoosier Heartland north of 300?
A I did not.
Q Okay. You know where the CPS building was located at the time?
A No.
Q Okay.
A Not specifically.
Q All right. What about the area –
MR. ROZZI: One second, Your Honor.
Q Let me hand you what's been marked as –

MR. ROZZI: May I approach?

THE COURT: You may.

Q -- State's Exhibit 5. I'd like to just throw this up, but I don't want to manipulate the TV, and the jury already has it. So do you generally recognize this as being the Deer Creek that runs through the center of State's 5?

A Correct. Then, the bridge is – the High Bridge is visible in the photograph.

Q Okay. Can I turn this –

A Yes.

Q -- just so the jury can see it? Thank you. And with regard to State's 5, I was asking you about 300 North, which is right here. (Indicates)

A That's correct.

Q Okay. And I asked you if you had searched anywhere north – anywhere north of 300 North and your answer is simply no; right?

A No.

Q Okay. At any point in time during this investigation? It's not a trick question. Did you ever go out and search a cornfield around this part?

A I have – I did search areas north of Carroll County Road 300 North, yes.

Q As part of this investigation?

A Yes.

Q When did that occur?

A Within the weeks afterwards, places – locations in Monticello and White County and –

Q Okay. All right. I'm talking about immediately north of 300.

A Immediately north within this picture, there's nothing in this picture that I recall ever being asked to search north of the country road.

Q Okay. And the Andersons is located over here in the corner, it's the top left corner; is that right? The grain elevator?

A Yeah, grain elevator. I don't remember the name.

Q Okay. And you never – you were never asked to search anywhere over there?

A I was not, no.

Q Okay. Let me direct your attention to this farm here, this farmhouse that's just north of 300 North; do you see that?

A I do see an area.

Q And do you see where the High Bridge trail runs to the northwest and kind of almost meets that particular area across the street from the farmhouse?

A It appears to.

Q Have you ever or are you familiar with the fact that there was what I referred to as the Mears connector earlier, there's a little trail that connected the main trail there, or not?

A I'm – I wasn't aware of that, no.

Q So that probably answers my questions. You never searched any of the area along that part of the trail, between 300 North and the trail, either?

A No, sir.

Q For discarded items and clothing or anything like that?

A No, sir.

Q Okay. Item 148, this is what we, the Defense, have referred to as the magic bullet; right?

MR. LUTTRULL: Objection, Your Honor. It's an inappropriate reference and question.

MR. ROZZI: I'm asking if he acknowledges that we refer to it as that.

THE COURT: It's a little argumentative.

MR. LUTTRULL: It's irrelevant if he has anyway, but it – improper question.

THE COURT: It's improper. Rephrase your question.

Q Have you heard that phrase in the course of this investigation?

MR. LUTTRULL: Objection, Your Honor. It's irrelevant.

THE COURT: How is this relevant, Mr. Rozzi?

MR. ROZZI: I'm using it to identify the exhibit instead of talking about the –

THE COURT: Then, use the identity –

MR. ROZZI: -- exhibit as item 148.

THE COURT: Then, use the identity that has been accepted and relayed to this jury as 148. Your characterization is improper.

MR. ROZZI: Yes, ma'am. Thank you.

THE COURT: Thank you.

Q 148; right?

A I –

Q You can't see it from there?

A Yeah. That is State's Exhibit 148.

Q Smith and Wesson .40-caliber round; right?

A That is the caliber, yes.

Q I saw maybe six or seven photos of that round that were taken at the crime scene. Have you seen more than that?

A I have not.

Q Okay. Have you looked for more?

A I have not.

Q Okay. Did anybody ask you like, "Hey, are there any more than five or six rounds – six, seven rounds of this – photographs of this round?"

A Not to my – I don't recall being asked that, no.

Q Okay. Do you acknowledge that there were no photographs of that unspent round that were taken of the ground where it sat after it was removed?

MR. LUTTRULL: Objection. Asked and answered.

THE COURT: Sustained.

MR. ROZZI: May we approach?

THE COURT: Sure.

(Sidebar conference conducted.)

MR. ROZZI: I think the question was whether or not there were any photographs of the ground where it was removed. That's the first time I've asked that.

MR. LUTTRULL: Then, I misunderstood the question.

THE COURT: Oh, okay. All right.

MR. LUTTRULL: I apologize.

THE COURT: Withdraw the objection?

MR. LUTTRULL: (Inaudible)

THE COURT: Okay.

(Sidebar conference concluded.)

MR. ROZZI: Thank you.

Q Do you acknowledge that there were no photographs of the ground where

that unspent round was removed after it was removed?

A I believe other photographs were taken at the scene which would have depicted the ground after it was removed.

Q Okay. Fair, fair enough. But highlighting that particular area so you could see how that ground was laying – or how that round was laying on the ground after it was removed?

A I'm not aware of any photographs specifically detailing the close-up area of where the bullet was removed after it was removed.

Q And do you acknowledge that there are no photographs of that round, that unspent round, in its true state, the entirety of it, after it was removed?

A I did not take any, no.

Q And do you agree with me that it would be helpful in an investigation like this to see a picture of that round after it was removed from the ground?

MR. LUTTRULL: Objection to the form of the question. It's improper to ask if he agrees with the lawyer.

THE COURT: Form of the question, sustained.

Q It's important in these investigations to document, document, document, isn't it?

A It can be, yes.

Q The most important thing that you're doing out there is preserving information and items; correct?

A I would say yes.

Q And I think I heard Officer Page at one point saying you can never take too many photographs. Have you heard that in the context of one of these investigations?

A I think the conversation I've had with people is film is free.

Q Say that again.

A Film is free, doesn't cost.

Q Okay. So the logical extension of that is you can take a lot of photographs?

A You can.

Q And this particular item was a pretty significant find at that crime scene, wasn't it?

A It potentially was.

Q And would you agree with me that you did a poor job of documenting that particular item as it relates to collecting it as evidence?

MR. LUTTRULL: Objection. His opinion is not relevant, it's not – it's part of argument, it's not part of question and answer. I'd object to the form of the question.

MR. ROZZI: It's his own work product, Your Honor. It is –

THE COURT: It's the form of the question.

MR. LUTTRULL: I'd object to asking if he agrees with Mr. Rozzi.

THE COURT: Sustained.

Q Do you wish you would have taken more pictures of that round?

A Not particularly, no.

Q Okay. Is there any – is it – strike that. Is it unprofessional to pick that round up, hold it, and take a photograph after it's – while it's being collected? Anything unprofessional about that?

A I would say having an individual in the photograph would be considered potentially unprofessional. Placing it into a clean area and an unobstructed area, which was not present at the scene, would be a more proper way to

document that photograph.

Q That wasn't done in this case, was it?

A It was not.

Q State's Exhibit 82, a picture of a sock; right?

A That's correct.

Q Somebody's holding the sock; right?

A They are.

Q Picked it up with their hand?

A They did.

Q And took a picture of it?

A They did.

Q No face in the picture; right?

A There is not.

Q Is this unprofessional?

A It wouldn't be my preferred method. I wouldn't call it unprofessional, but I wouldn't call it the preferred method.

MR. ROZZI: One second, Your Honor.

Q You did mention at one point that you had inspected L.G.'s – I think you said wrist areas for defensive wounds. Do you generally remember that testimony, I think it was yesterday?

A Generally, yes.

Q Okay. Did you discover any type of defensive wounds in – on her body?

A I'm sorry?

Q Did you discover any type of defensive wounds on her body?

A I did not.

MR. ROZZI: Pass the witness.

THE COURT: Mr. Luttrull.

MR. LUTTRULL: Thank you, Your Honor.

RE-DIRECT EXAMINATION OF BRIAN OLEHY

QUESTIONS BY MR. LUTTRULL.

Q How many items of ammunition were collected in your investigation at ground zero?

A One.

Q How many items of ammunition were found anywhere in that crime scene on the 14th?

A One.

Q Of all the evidence that you collected and packaged in this investigation on the 14th and on the 15th, how many items of ammunition did you place into a package under this case number?

A One item.

Q When you were packaging the evidence in this case, were you – did you have evidence from other investigations, other cases, positioned, located within the area you were packaging?

A No.

Q Did you package each item individually one at a time?

A I did.

Q Mr. Rozzi asked you the most important thing is to do all you can to preserve the evidence, something like that. Regardless of what he said, I'm gonna ask you is that the most important thing?

A I would say the documentation of the scene and preservation of the items

at the scene are the two most important things.

Q And after photographing the round, the cartridge, in the ground, did you place it in its individual package to preserve any evidence that might be on it?

A That's correct.

Q Is a .45-caliber distinct from a .40-caliber?

A By size and weight, yes.

Q Is there any way that you would confuse one for the other?

A I don't believe I would, no.

Q Were you surprised – let me ask this differently. If the girls were overnight in the condition that you found them, would you be surprised the next afternoon, when you arrived at the scene, not to find any evidence of critter activity or scavenger activity on the bodies of the girls?

A I would not be.

Q Would it be your expectation not to find them in that fashion after being overnight in the condition in which you found them?

A I would expect to find them in a very similar condition left overnight as I found them.

MR. LUTTRULL: No further questions.

THE COURT: Mr. Rozzi.

RE-CROSS EXAMINATION OF BRIAN OLEHY

QUESTIONS BY MR. ROZZI.

Q You're talking about the condition of the bodies; right?

A Yes.

Q But the – expect that they might be exposed to some predators or scavengers, that wouldn't be unusual, would it?

A Wouldn't necessarily be unusual, but I would also say at the time of year, insect activity is very much non-existent in northern Indiana, and insect activity is one of the things that often brings other animals, small and large, to the bodies; and the fact that there's no insect activity at that time of year I think lends itself to the fact that there was no animal activity on the bodies.

Q Ever seen turkey buzzards in Indiana?

A Yes.

Q Ever seen them on the highway on roadkill?

A I have.

Q Pretty common around these parts, isn't it?

A It's very common, yes, I would say.

Q They can be pretty quick at getting to those things, can't they?

A Sometimes.

Q Now, you said you collected only one round in this case; right?

A That's correct.

Q You could have spent some extra time or given that some extra attention, because it was the only one you collected, wasn't it?

A I could have.

Q If you had it to do over again, would you have taken more photos of that round?

A I would not, based on the fact that it did identify, to my knowledge, a firearm that was used with it, so protecting it and preserving it I feel is the right thing to do and taking no attempt to do anything else that I might do to damage or transform and taking every attempt to preserve that evidence.

Q If you had it to do all over again, would you have taken more photos of the

area, close-up photos of the area on the ground where that round had lied before you picked it up?

A I mean, I think I took five or six photographs of one item.

Q Close-ups?

A There were two or three that were close-up.

Q Did you ever take a close-up photograph of that round, a close-up, where you got down – or did you ever see a photograph of that round when it was under those leaves that were moved before it was photographed?

A Yeah, I believe there was one photograph where it was visible before we found it.

Q Before you found it?

A Yes.

MR. ROZZI: Okay. All right. I have nothing further.

THE COURT: Does anybody on the jury have any questions for Mr. Olehy?

(Sidebar conference conducted.)

THE COURT: And we're gonna break after this.

MR. ROZZI: Okay.

THE COURT: We're gonna break after this.

MR. LUTTRULL: May I grab my notepad?

THE COURT: Sure. "Did the undergrowth appear to be disrupted under A.W., to indicate she was dressed as she laid there?"

MR. ROZZI: I'm okay with that.

THE COURT: "When the evidence is being tested at the lab, how is it that – how is that logged and resealed in the same bag?"

MR. ROZZI: I'm okay with that.

THE COURT: Jim?

MR. LUTTRULL: I think he's answered.

THE COURT: "Is it common practice to change gloves at any point during evidence collection?"

MR. ROZZI: I'm okay with that.

THE COURT: "Was the bullet collected in an envelop or pill box?"

MR. ROZZI: Yeah, it's been answered, but I'm okay with that. He said pill box.

MS. AUGER: He said pill box.

THE COURT: Well, I think sometimes people get it. I think isn't it in an envelope now? 'Cause it was collected in a – okay. They heard it, but they're not listening. Okay. "What identifies which collected items were reopened or seal broken by a lab personnel? Is their initials on the item?"

MR. ROZZI: I'm okay with it.

THE COURT: Okay. So we'll go through all these questions and then we'll take a break.

MR. ROZZI: Thank you.

(Sidebar conference concluded.)

JUROR QUESTIONS OF BRIAN OLEHY

QUESTIONS OF THE JURY, READ BY THE COURT.

Q All right. Mr. Olehy, did the undergrowth appear to be disrupted under A.W., to indicate she was dressed as she laid there?

A I'm sorry, can you read that again, please.

Q Yes, sir. Did the undergrowth appear to be disrupted under A.W., to

indicate she was dressed as she laid there?

A I don't recall any area under her directly that was disturbed beyond just small movement or movement of the body during the examination of the scene.

THE COURT: Mr. Luttrull, any follow-up?

MR. LUTTRULL: I have none.

THE COURT: Mr. Rozzi?

MR. ROZZI: No, ma'am.

Q When the evidence is being tested at the lab, how is it that – how is that logged and resealed in the same bag?

A So an analyst – and may I illustrate?

Q Certainly.

A So to use item 151 as an example, the top portion is sealed with my initials and my seal. These are my initials, this is my identifying officer number, and my seal's over the complete area of the opening of the flap. The bottom is also sealed by me, even though it's factory sealed. The side is actually opened with a sharp-edged instrument, like an Exacto knife or a small pair of very sharp scissors, and it's opened actually along the side and the item is removed. And then, once it's removed, it is resealed by the evidence person dealing with it, whether it be a chemist, an analyst, whoever it is in the lab, and then they place it back in and reseal it in the exact same container. As well, it does have the identifying number on it for the individual item that the laboratory would use to track it. And then also, this square here and the handwriting here indicates that it was removed by the same initials, which is S.B., and S.B. up here, indicating the lab evidence number and the lab item number, so this box is affixed and added on each item examined by an analyst.

THE COURT: Any follow-up, Mr. Luttrull?

FOLLOW-UP EXAMINATION OF BRIAN OLEHY

QUESTIONS BY MR. LUTTRULL.

Q Do you recognize the initials S.B. relating to the laboratory system at Indianapolis Indiana State Police?

A Based on this case, I would assume them to be the initials of Stacy Bozinovski.

Q And who is she?

A She is a DNA analyst and lab analyst for the Indiana State Police Laboratory at the Indiana State Police Lab in Indianapolis.

Q And what is your – in your experience, what is the situation if you deliver a package not fully sealed to the Indiana State Police Laboratory?

A It would be rejected by the lab for acceptance.

MR. LUTTRULL: Thank you. No further questions.

THE COURT: Mr. Rozzi?

MR. ROZZI: No questions.

JUROR QUESTIONS OF BRIAN OLEHY

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Is it common practice to change gloves at any point during evidence collection; for example, different gloves for evidence collection on each victim?

A Yes, absolutely. Gloves are – I go through boxes of gloves at a crime scene. I think I described yesterday wearing often two pairs of gloves for the ease of change. The gloves underneath protect my hands; and most often, my practice was to wear two pairs of gloves so I could more quickly change them and still put a pair of gloves on without the sweaty hands or wet hands or anything like

that.

THE COURT: Any follow-up?

MR. LUTTRULL: No, Your Honor.

THE COURT: Mr. Rozzi?

MR. ROZZI: No.

Q Was the bullet collected in an envelope or a pill box?

A It was collected at the scene in an envelope, and in order to preserve its integrity and not touch, damage, or destruct it in anyway, it was never removed from its initial packaging. That was packaged at the scene directly by me at the scene.

THE COURT: Mr. Luttrull?

MR. LUTTRULL: No questions.

THE COURT: Mr. Rozzi?

MR. ROZZI: No questions.

Q What identifies which collected items were re-opened or your seal broken by a lab personnel? Are there initials on the seal?

A As I previously stated, yes, the seal is – it's – the item is opened by a lab analyst with their individual seal and resealed by them. They'll have their specific mark or initials. And in this case, in item 151, the item is opened by Stacy Bozinovski, resealed with packaging tape, and then resealed and signed on both sides to indicate that she was the one who opened and resealed the item.

THE COURT: Mr. Luttrull?

MR. LUTTRULL: I have no questions.

THE COURT: Mr. Rozzi?

FOLLOW-UP EXAMINATION OF BRIAN OLEHY

QUESTIONS BY MR. ROZZI.

Q You'd agree with me that item 148, for example, would be treated similar to 151 in terms of the – your testimony just a second ago?

A I would say yes.

MR. LUTTRULL: To which I would object to the form of the question, "Would you agree with me?"

THE COURT: Form of the question.

Q Would item 148 be treated the same as item 151 in terms of your testimony just now?

A It would.

Q And would there also be – with item 148 specifically, the bullet, the round, would there also be a log sheet that chronicles the travels of that round from the time it was collected by you to the time that it met – that it landed here in this courtroom?

A There would be a chain of custody maintained on it from the time I collected it up until this date.

Q You ever seen that chain of custody log in this case with that 148?

A I have not, and it would not be uncommon for me not to review or see chain of custody logs after an item leaves me.

MR. ROZZI: Okay. I don't have any further questions.

THE COURT: All right. Thank you, Mr. Olehy. You may step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: Yeah, you can just put that back in the box. Thank you. All right. We're gonna go ahead and take a quick break. Again, ladies and gentlemen, while you're outside the courtroom, please, keep your minds open.

Please don't form any opinions or conclusions about anything. You may discuss the evidence that you've heard so far, but please, only do that if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 10:49 a.m.)

THE COURT: All right. Let's take 15 minutes.

(Off record at 10:51 a.m.)

(On record at 11:06 a.m.)

THE COURT: All right. Are we ready to continue? Is the State ready with your next witness?

MR. LUTTRULL: Yes, Your Honor. Prior to that, I wanted to publish to the jury hard copies of three slides identified by Sergeant Page yesterday. I did not want to pass any crime scene photos –

THE COURT: Okay.

MR. LUTTRULL: -- but I do have diagrams that I want to pass to the jury.

THE COURT: Okay. And that was State's Exhibit –

MR. LUTTRULL: One is State's Exhibit 182.

THE COURT: Okay. So the – I've got 182, 183, and 184, those were the – are those what you're talking about?

MR. LUTTRULL: I'm talking about the topography –

THE COURT: Oh, okay.

MR. LUTTRULL: -- and the –

THE COURT: So you want to publish 182, okay.

MR. LUTTRULL: I need to find the evidence number of these, I apologize.

THE COURT: Okay. Well, can we bring the jury in while you're doing that?

MR. LUTTRULL: Absolutely, Your Honor.

THE COURT: Okay. Let's go bring them in. 182 is the topographical, and then there were aerial photos that – and those were – they were given copies of those. The jury was given copies of 183 and 184, those were the photos with the helicopter.

MR. LUTTRULL: Right, correct.

THE COURT: They were given those –

MR. LUTTRULL: Correct.

THE COURT: -- but they were not given the photo of the Google Earth map depicted in 182.

MR. LUTRULL: Correct. And also, it's the topography slide that he identified. I just do not see it in the collection here.

THE COURT: What is it? You've been marking those. What is –

MR. ROZZI: These are just my copies. I just wanted to make sure –

THE COURT: Oh, you didn't have them?

MR. ROZZI: -- I didn't take his, in all honesty.

THE COURT: Oh, okay. But you've been marking on your copies what they are? I mean, you didn't on –

MR. ROZZI: Yeah, yeah.

THE COURT: Okay.

MR. ROZZI: She's got them all filed back there, but these are just –

THE COURT: Yours.

MR. ROZZI: Yeah.

THE BAILIFF: All rise.

(Jury in at 11:09 a.m.)

THE COURT: Okay. So it's just 182, then?

MR. LUTTRULL: 182.

THE BAILIFF: Thank you. You may be seated.

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

MR. LUTTRULL: Thank you, Your Honor. Prior to the next witness, we want to provide to the jury hard copies of State's Exhibit 182 that they have seen yesterday. It is a Google Earth illustration and it does contain some measurements of the area of the bridge and the crime scene.

THE COURT: Okay. You may.

STATE'S EXHIBIT 182 PUBLISHED

THE COURT: All right. You may call your next witness, State.

MR. MCLELAND: Judge, the State of Indiana would call Trooper Brian Bunner, please.

(Witness sworn.)

DIRECT EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY MR. MCLELAND.

Q Will you state your name, please.

A It's Brian Bunner.

Q And will you spell your last name for me, please.
A B-U-N-N-E-R.
Q And how are you employed?
A With the Indiana State Police.
Q And how long have you been employed with the Indiana State Police?
A About 24 years.
Q And were you employed in law enforcement before you started with the Indiana State Police?
A I was.
Q And how long have you been employed in law enforcement in total?
A About 27 years.
Q And did you go through special schooling or training to become a law enforcement officer?
A Yes. The Indiana State Police 22-week recruit academy.
Q And what is your role currently in the Indiana State Police?
A Right now, I'm the lieutenant and I oversee the Digital Forensics Program for the entire state.
Q And to be involved with the digital forensic portion of the Indiana State Police, did you have to go through additional specialized training to be qualified for that position?
A Yes.
Q Can you tell me – well, first of all, I'm gonna show you what's been marked as State's Exhibit 185; can you tell me what that is.
A This is a statement of qualifications or a CV or resume, if you will, of my training and experience, a summary of.

Q And the – does that accurately reflect the training and qualifications and different classes and seminars you've been through to become a digital forensic examiner?

A Yes.

MR. MCLELAND: Judge, the State would move to admit – or marked as State's Exhibit 185.

STATE'S EXHIBIT 185 OFFERED

THE COURT: Any objection?

MS. AUGER: No.

THE COURT: I'm sorry, is there any objection?

MS. AUGER: I said no. I'm sorry.

THE COURT: Oh, okay. I'll show that 185 is admitted without objection.

STATE'S EXHIBIT 185 ADMITTED

MR. MCLELAND: Judge, the State would move to publish that to the jury.

THE COURT: You may.

STATE'S EXHIBIT 185 PUBLISHED

Q Trooper Bunner, can you outline for the jury just briefly the course of your progression through the Indiana State Police. You graduated from the law enforcement academy, you then became a trooper, and what happened from there?

A Eventually, I became a district detective at Connersville district. From there, I moved on to the Digital Forensics Unit within the State Police out of Indianapolis, and at that time, it was called the Cyber Crime Unit. It's been

changed now to Digital Forensics Unit.

Q And what year did you move to the Cyber Crimes Unit?

A It's 2009.

Q And have you been with that unit, which is now the Digital Forensic Unit, since that time?

A Yes. I've either worked as an examiner or been a supervisor within the same unit.

Q And is it fair to say that since 2009, you've gone through annual training as part of being part of that unit?

A Yes, sir.

Q Can you talk about that a little bit.

A So with the evolution of technology, it's always changing, and so we make sure that we always go to yearly training, if not more than one training a year, webinars, including just trying to keep up on the technology to stay current.

Q Is it safe to say that – said this already, but that technology evolves each year?

A Yes, sir.

Q And so is it important for you to have yearly training to stay up with that technology?

A Yes, sir.

Q Or the changes in that technology?

A Yes, sir.

Q Okay. I heard the term "network intrusion", is that the same as cell phone forensics?

A No, that's totally separate.

Q Can you describe the two.

A So cell phone forensics – well, digital forensics is a overall discipline. There's different disciplines within the digital forensics realm, so you have computer forensics, you have cell phone forensics, you have, you know, drone forensics, Internet things – forensics, you have network intrusion or incident response types of crimes, so there's different specialties within digital forensics, as well.

Q And you specialize just in digital forensics; is that right?

A Digital forensics, specifically computers, cell phones, and other digital devices that are brought to us.

Q And what type of equipment and/or programs do you commonly use to perform your duties?

A So we have paid programs, commercial programs that we purchase to do cell phone and computer forensics. Some of them are named Cellebrite, Magnet Axiom, X-Ways, so on and so forth. There's different paid-license programs that we use to get into phones or get into computers.

Q And your specialty again is phones and computers; is that what you testified to?

A Yes, sir.

Q How many phones do you think you've examined since 2009?

A Oh, it's in the hundreds, of not a thousand or more.

Q And have you testified at court about prior examinations?

A Yes, sir.

Q In those prior hearings, some of those, have you been declared as an expert?

A In some, yes, I have.

Q I want to talk a little bit about cell phone forensics. Can you explain the process that you go through when you do a cell phone extraction.

A Yeah. So in 2017, when this case was brought to us, the procedure was basically you get the phone in, you do a manual examination to kind of see, you know, what packaging it's in, you know, what condition it's in, is the screen cracked, so and so forth. So I have a digital camera that I document all those things. You open up the settings, you take pictures of the serial number, the name of the accounts, you know, the screens. You take a digital picture of the screens, what applications are on the phone, all that, that's the first line. And then, the second part of that is picking a software to try to extract the data, so extracting the data using one of the commercial tools that I talked about. And then, at that point, you take that data and then you put it in another software to process, and so you have all this technology, the digital, you know, things that you get off the device, and then you process it with this software. And then, from there, you process that into a report form or readable format so the investigators and/or the prosecutors can read what was on that phone.

Q I want to break that down a little bit more, you were talking really fast, and so I want to make sure I understand. The first thing you do when you get a phone for an extraction is that you examine the outside of the phone?

A Yes, sir.

Q And when I say examine the outside of the phone, what do you do to examine the outside of the phone?

A You take pictures, take pictures of the packaging, the phone, the case that's on it. You remove the case. You know, you take pictures of all these

things, including the settings and serial numbers and all that type of thing.

Q So you not only take a picture of the outside of the phone, meaning the phone outside the case, you also remove the SIM card and take a picture of that?

A Yes, sir.

Q Then, do you turn on the phone and open the screen of the phone and take pictures of what you see on the screen?

A Yes, sir.

Q And while you're doing that, do you open different applications within the phone?

A It just depends. It depends on what is needed for the case. In this case, I believe there is a Snapchat application on there, so I was able to open up the Snapchat and take a screenshot.

Q We'll get to that part, but –

A Okay.

Q -- in the typical forensics examination, do you tend to open apps that are on the phone and take a look at those apps?

A Yes.

Q And then do you photograph what you see?

A Yes.

Q After you've done the physical examination and taken those photographs, what is the next step that you do?

A So you find the piece of software that you need to extract that data off and then you plug that phone into a computer with that software and you basically download that information off that phone.

Q How do you know what software to use on what phone?

A Different softwares support different phones, not one piece of software supports everything, and so it just depends on the make, the model. The version of software that's on the phone could be a factor. And so it just – it depends really.

Q So you take a look at the phone. Depending on what kind of phone it is, if it's an iPhone, and then you'll determine what program would work best on that phone to extract the data?

A Yes, sir.

Q Okay. Then you plug the phone in to your computer?

A Yes, sir.

Q You use that program to extract the data?

A Yes, sir.

Q And do you – when you extract the data, what do you get?

A Well, you get an exact copy of everything that's on that phone that's supported for the extraction of that device.

Q And with that raw data, what do you do?

A So you take that raw data and then that's where you put it in another program to process that information and that's where you – it deciphers the information to understand what the contacts are or the text messages, the calls, the pictures, the videos, all that type of thing.

Q This raw data, my understanding is the raw data is in basically computer format where it's ones and zeros; is that fair?

A Yes, sir.

Q And something that can't be read by someone like me that's looking at it?

A Yes, sir.

Q And so it's necessary for you to put that raw data into a program that deciphers it and makes it readable to someone who can't read ones and zeros?
A Yes, sir.
Q Once you do that, the information that's produced, what do you do with that information?
A Then you – once it's deciphered in that program, then you create a report, and when you create a report, there's, you know, basically four different ways that we can produce reports in different formats: So a PDF report that people can read; an Excel spreadsheet that people can read as far as the messages and so on and so forth; it's called an HTML file, which is basically a web browser file, it doesn't use the Internet, but it uses a web browser like Edge or Outlook – or Edge or Safari or a web browser to look at it; and then, the fourth type is basically it's a – called a portable case, where it's like a small little program that the investigator can install in their computer that can read the data in electronic form, kind of like what I see in the electronic form on that process, Cellebrite extraction.
Q I want to talk about some of the data that you're able to retrieve from phones when you go through this process. Are you able to retrieve text messages?
A Yes, sir.
Q What about photos?
A Yes, sir.
Q What about videos?
A Yes, sir.
Q What about activity within the apps on the phone?

A Possibly, yes.
Q Okay. And all this information is put into that report that you're talking about?
A Yes.
Q I want to take you back to 2017; what position were you in at that time?
A I was a fully-trained forensic – digital forensic examiner, sergeant by rank, but practicing digital forensics, working cases day to day.
Q And where were you stationed?
A Out of the Indianapolis office.
Q And is that out of the Cyber Crime Unit in Indianapolis?
A Yes, sir.
Q And at some point, did you become involved in the investigation into the murder of A.W. and L.G.?
A Yes.
Q Can you tell me how you became involved.
A We were contacted that investigators found a phone that they believed was part of the investigation, and so that phone was relayed down to Indianapolis at my office on February 15th of 2017, by Trooper Larry Mote. Once he brought the phone down, then I –
Q Hold – let me ask you a few questions in there –
A Okay.
Q -- okay? You're getting ahead of me. You kind of answered my next question. When did you get the phone?
A It was February 15th of 2017.
Q And when you first received the phone, what did you do?

A I – like I mentioned before, I did that manual examination of taking digital photographs of the phone, the condition, the packaging, and so forth.

Q I'm gonna show you what's been marked as State's Exhibits 186 through 199, I want you to take a look at those photos for a moment. Trooper Bunner, did you get an opportunity to look at those photos?

A I did.

Q And are those photos you took?

A Yes.

Q And are those photos that you took while doing the physical examination of the phone that was brought to you by Trooper Mote?

A Yes, sir.

MR. MCLELAND: Judge, the State would move what's been marked as State's Exhibits – let me look at the numbers one more time – 186 through 199.

STATE'S EXHIBITS 186 THROUGH 199 OFFERED

MS. AUGER: No objection.

THE COURT: All right. Without objection, 186 through 199 are admitted.

STATE'S EXHIBITS 186 THROUGH 199 ADMITTED

MR. MCLELAND: Judge, I would ask permission to publish those pictures, I've stapled them in a packet for ease, to the jury.

THE COURT: You may.

MR. MCLELAND: Thank you, Judge.

STATE'S EXHIBITS 186 THROUGH 199 PUBLISHED

Q Sergeant Bunner, I'd like to go through the photos and describe to the jury

what the pictures are of and what you're doing as you're taking the pictures. So the first picture that we come to, explain to the jury what that is a picture of.

A So the picture is just a manila envelope. This is the packaging that the phone was inside.

Q And now I want to go to State's Exhibit 187.

A This is a copy of the PR and R, the property record and receipt for Indiana State Police, that's how we keep chain of custody. I just took a picture of it as it was brought to me.

Q And is that typical that you would take a picture of that?

A Yes.

Q I'm gonna show you what's been marked as State's 188 and 189, put them together; can you describe what those are.

A These are the pictures of the front and back of the phone that I examined with the –

Q And are those pictures that you took after it was taken out of the package?

A Yes.

Q Okay. I'm gonna show you pictures of 190 and 191; can you describe what those are.

A 190 is a picture with the case removed, the back side of the phone. And then, the 191 is a close-up of the back side of the phone, and I do that so that you see the model number and the identifiers on the back of it.

Q And what kind of phone is this that you were examining?

A It's an Apple iPhone 6S.

Q I'm gonna show you a – what's been marked as State's Exhibit 192; can you tell me what that is.

A This is a copy of the – or a picture of the SIM card tray and the SIM card that was removed from the item I examined.

Q So as part of your physical examination, you not only photographed the outside of the phone, but you take the SIM card out and photograph that, as well?

A Yes, sir.

Q Why do you do that?

A It shows, basically, that – what kind of carrier it is. So in this instance, it was a AT&T SIM card, and then it has the SIM card number etched in the top of the card.

Q And so by seeing the name AT&T on that SIM card, does that tell you which carrier would be a provider for the phone?

A Yes, sir.

Q And so, in this case, who is it?

A AT&T.

Q I'm gonna show you what's been marked as State's Exhibits 193 and 194; can you describe to the jury what those are.

A 193 is a picture of the screen lock to show that it was a locked phone or it had a lock code on it. And then, 194 is a picture of it unlocked at the home page.

Q Now, I want to back up a little bit. When you got the phone, was the phone powered on?

A It was not.

Q How did you get the phone to power on?

A I plugged it in to the charger and charging the phone.

Q So was the battery dead on the phone when you got it?

A Yes, sir.
Q Okay. And you plugged it in?
A Yes, sir.
Q When the phone came on, is that lock screen the first thing that popped up?
A Yes, sir.
Q Did you have the code to the phone to be able to get into it?
A Yes, we had been provided with it.
Q And so you punched the code into the phone and then State's Exhibit 194, is that the screen you saw when you opened the phone?
A Yes, sir.
Q Is that – did you manipulate the phone in any way before you opened it?
A No.
Q Meaning you didn't delete phone calls, you didn't delete messages, you didn't do anything to the phone prior to punching in the code and opening that phone?
A No.
Q And so that picture, State's Exhibit 194, is that a true and accurate copy of what you saw on the phone when you opened it?
A Yes, sir.
Q Okay. After that, did you then continue on with your physical examination?
A Yes.
Q And did that entail opening the settings and different app within the phone to see what information you could gather?

A Yes, sir.

Q So I want to go through these. I want to show you what's been marked as State's Exhibit 195; can you tell the jury what that is.

A That is in the settings portion, under the general settings, where it has the name of the phone. By default, a phone is just named iPhone. In this instance, it's been edited to be named L.G.'s iPhone.

Q I want to show you what's been marked as State's 196; can you tell the jury what that is.

A That is a picture of the settings, of the iCloud. Each iPhone has an iCloud associated with it, an iCloud account, and this is the name of the iCloud account, which it names L.G. or L.G.@iCloud.com.

Q I'm gonna show you what's been marked as State's Exhibit 197; can you tell the jury what that is.

A That is another screenshot of the Apple ID that was associated with that Apple iPhone, and it's mirrored towards the iTunes and the App Store. You have to have an Apple ID in order to purchase an app or download an app, and so the L.G.@iCloud is the account that was used to do that.

Q I'm gonna show you what's been marked as State's Exhibit 198; can you tell the jury what that is.

A So I took a screenshot or a digital picture of the settings, particularly in the iMessage settings, where, on iPhones, they have regular text messages, but they also have iMessage as a feature, and so an iMessage can be attached to an Apple ID, it can be attached to a phone number; and in this case, both were check-marked, the phone number and the Apple ID L.G.@iCloud.com was used for iMessage.

Q And then finally, State's Exhibit 199, can you tell the jury what that is.

A So it says settings. This is a screenshot or a pic – digital picture of in the Snapchat settings menu, where it shows the name is L.G. and the username is L.G. with a date of birth and mobile phone number.

Q And that is within the Snapchat application?

A Yes, sir.

Q Okay. Sergeant Bunner, I'm gonna show you – this is out of sequence numbering-wise. I'm gonna show you what's been marked as State's Exhibit 206; can you just identify what this is.

A So this is another – a digital photo in the settings general app, where I take a picture of –

Q Well, wait, let me stop you. Did you take that photo?

A Yes, sir.

Q And was that part of your physical examination of the phone?

A Yes, sir.

Q And specifically, was that part of your examination when you're looking in the phone and gathering information once the phone is opened, meaning once the passcode is punched in and you're looking at the screen?

A Yes, sir.

MR. MCLELAND: All right. Judge, the State would move to admit what's been marked as Exhibit 206.

STATE'S EXHIBIT 206 OFFERED

MS. AUGER: No objection.

THE COURT: All right. Without objection, 206 is admitted.

STATE'S EXHIBIT 206 ADMITTED

MS. AUGER: No objection.

MR. MCLELAND: Judge, the State would move to – sorry, we've already done that. I'm sorry.

Q Can you now – this has been admitted, and I realize it's out of sequence, I realized it wasn't in the group of pictures that I handed you before. Can you explain to the jury what State's Exhibit 206 is.

A So it's a digital photo I took of the settings and the general app, but basically it shows the time zone that the phone is set in and then – which is America, Indiana, Indianapolis, which is commonly known as Eastern Time Zone. And it's checked or the box is set for – to set automatically, and that means that, basically, the phone will receive and set automatically to that specific time zone according to the cell phone towers.

Q And can you tell me a little bit how that works? The cell phone towers, how do they get the time to make sure it's accurate?

A So the carriers, in this case AT&T, sets a date and time and that is synced to phones that are set to set automatically with the date and time that's set for that particular phone.

Q And you took this picture in 2017?

A Yes, sir.

Q And it was on Eastern time?

A Yes, sir.

Q Are we on Eastern time yet today?

A Yes, sir.

Q And are we Eastern time in this geographical location?

A Yes, sir.

Q And so the time that was on that phone, that was set to that phone, should be the time that we are here currently today?

A Yes, sir.

Q Okay. After you do the physical – after you did the physical examination of this iPhone 6S, what did you do next?

A At that point, since you've taken the digital photos and documented that part of it, you move on to the next phase, which is to extract the data off the phone.

Q And how did you do that in this case?

A So in this case, I used Cellebrite, it's a commercial program that we purchase, a license, and it supports a lot of phones around the world. And so I used that to extract the data off the phone.

Q Cellebrite is a program that you've purchased, you said. And how often have you used Cellebrite?

A So the State Police specifically purchases it, the licenses for that; but in 2017, we were using Cellebrite on a daily basis to work cases.

Q And is it a program that you were familiar with?

A Yes, sir.

Q Is it a program that you had used several times in various phone extractions prior to this?

A Yes, sir.

Q And tell me the kind of information that Cellebrite will gather from or extract from the phone?

A So it depends on what make and model of the phone, what version of software it is and in what Cellebrite – what other forensic programs support. But

in this case, the Cellebrite was able to extract the contacts, the messages, the phone calls, the voice mails, the Internet history, the pictures and videos, so on and so forth, so –

Q And is there – I guess I'll just ask you: Is this commonly referred to as a method 1 technique?

A For this iPhone extraction, it was a method 1 extraction off that device.

Q Do you know why it's called a method 1 extraction?

A I do not. That's just the way that Cellebrite named that extraction method.

Q How is that different than other extraction methods, if you know?

A So with iPhones, they have a method 1, later they come up with a method 2, method 3. But with – iPhones are a little bit different, 'cause you'd hook it up to your computer. With Androids at the time, we had a little tablet box, if you will, it's a Cellebrite, that you would plug in – the Android phones in to and extract the data through that device; but with iPhones, it was specifically you used a computer to plug the phone in to extract the data.

Q On February 15th of 2017, is the method 1 extraction the only capability that you had on this type of phone?

A For the Cellebrite program, yes.

Q For the Cellebrite program, okay. Did you then run the phone through the Cellebrite program?

A Yes.

Q And what product did you get?

A So I got – basically, I received the extraction, the data that – whatever it could support off of that phone.

Q And did you look at the data that you were able to extract from that phone?

A Yes. Once I put that in the Cellebrite program to analyze it, I could see where it's deciphered all the phone calls, the messages, the pictures, videos, and so on and so forth.

Q In the Cellebrite report – you were able to look at the Cellebrite report that was produced?

A Yes, sir.

Q And was that report several hundred pages long?

A Yes, sir.

Q Did you go through each page of that report individually?

A No.

Q What did you do?

A So typically, there's a ton of information that's brought off the phone. We take that and we put it into report form and then we report that or give that to the detectives that's working the case so that, hopefully, they can further their case, their investigation.

Q And is that what you did here?

A Yes, sir.

Q Now, why didn't you take the time, after you extracted the information, to go through that report?

A If we went though every single database, it would probably take weeks, if not months, or years to go through every single phone line by line.

Q Did you have time to do that on February 15th of 2017?

A On February 15th of 2017, this was a day after they found the victims, to my understanding of limited knowledge of the case, and so time was of the essence, so we wanted to get the information off that phone and into the hands

of the investigators as soon as possible.

Q And in fact, while you did the extraction, did Trooper Mote sit and wait on you to get it done?

A He did.

Q And so Trooper Mote was there to rush that information back to investigators as soon as you were done?

A Yes, sir.

Q Did you look at any of the data before you handed the information back over to Trooper Mote?

A I looked at a little bit of the data, yes.

Q Tell me what kind of data you looked at.

A So typically, when we extract data off of phones, there's easily seen information, and part of that is the last user activity, basically, and that's probably important for the case. I'm assuming, you know, being the district detective prior to, that looking at the prior day or two before, that may deem some valuable information off the phone, and so that's what I did.

Q And let's just – I guess let's break it down to the nuts and bolts of this: Did you look at the camera roll on the phone?

A I did.

Q And the camera roll is what?

A The camera roll is the application that stores the photos and videos on an iPhone specifically.

Q And why did you look at that specific section or data from the phone?

A I noticed that –

Q No. Why did you do that?

A Why did I do that?

Q Yes.

A Because that's – in the timeline feature of the Cellebrite report, that showed a video was taken in the last day or two of that phone activity.

Q And is it fair to say that could be important evidence in an investigation?

A Yes, sir.

Q The last photos, videos, the last things on that camera roll could be important pieces of evidence for any investigation?

A Yes, sir.

MS. AUGER: Objection: Leading.

THE COURT: Sustained.

Q Why is it that you went to that section of the phone first?

A That was the last user activity on the timeline report.

Q And were you able to see the last photos and videos taken with that phone?

A Yes, sir.

Q And what did you find?

A I found a video was taken on 2/13 of '17.

MR. MCLELAND: Judge, the parties have stipulated to the video that Sergeant Bunner found on the phone. I'd ask the Court permission to play that video now.

THE COURT: What is the iden – what is the exhibit number?

MR. MCLELAND: It's – I'm sorry, Judge – State's Exhibit 200. I apologize, Judge. I got ahead of myself.

STATE'S EXHIBIT 200 OFFERED

THE COURT: That's all right. So without objection and by

agreement of the parties, State's 200 is admitted and published.

STATE'S EXHIBIT 200 ADMITTED

Q Sergeant Bunner, does this video have sound?

A It does.

Q And I'm gonna play the video now.

STATE'S EXHIBIT 200 PUBLISHED BY PLAYING

Q Sergeant, is that the video that you saw on the iPhone 6 that you were examining?

A Yes, sir.

Q And at this point when you examined the video, did you know anything about the investigation?

A I know there's two girls that were possibly killed and that's about all I knew about the investigation.

Q Were you able to examine the timestamp that was on the video?

A I was.

Q And what did you find?

A It was taken at 2:13 p.m.

Q And what date?

A On 2/13 of 2017.

Q And how do timestamps on videos work? How does a video get a timestamp of when it was taken?

A It usually deems that from the date and time that's set on the phone.

Q Would that be a correlation with the other exhibit that we examined, stating the phone was on a certain time standard?

A Yes, sir.

Q Okay. When you do an extraction, a cell phone extraction, does it give you a true and accurate copy of the information that's on the phone?

A Yes, sir.

Q And so would this video have been a true and accurate transfer from what was on the phone?

A Yes, sir.

Q Once you viewed the video, what did you do with the video next?

A I basically sent that with Trooper Larry Mote with the reports to the investigators. I also was able to send a copy to Sergeant Jeremey Chapman, who's a State Police digital forensic examiner who's been trained in audio/video enhancements. I also sent that to our fusion center and my boss, Chuck Cohen, Captain Chuck Cohen, at the time.

Q Did you attempt to enhance the video in any way?

A I did not.

Q Did you do anything else to examine the video, take pictures of it, anything like that?

A I took screenshots.

Q And how did you take those screenshots?

A When I play a video, we play it outside of the forensic software, and I played it in – it's called a VLC player, it's a free player that you can download the Internet, and we use that player because it plays a lot of different file types, CODEX. And so I was able to play that video on the VLC player, pause it, and then take screenshots, if you will.

Q I'm gonna show you what's been marked as State's Exhibits 201 through 205; can you review those, please. Sergeant, have you had an opportunity to

go through those photos?

A Yes, sir.

Q And did you take those photos?

A Yes, I did.

Q And what are those photos?

A These are the video played, but paused to take a screenshot with the VLC player, to take a snippet, basically, of a still photo, as you see here.

Q And those are photos you took?

A Yes, sir.

MR. MCLELAND: Judge, State would move to admit what's been marked as State's Exhibit 201 through 205.

STATE'S EXHIBITS 201 THROUGH 205 OFFERED

MS. AUGER: No objection.

THE COURT: Without objection, 201 to 205 inclusive are admitted.

STATE'S EXHIBITS 201 THROUGH 205 ADMITTED

MR. MCLELAND: And, Judge, the State would ask permission to publish those to the jury at this time.

THE COURT: You may.

STATE'S EXHIBITS 201 THROUGH 205 PUBLISHED

Q Sergeant Bunner, when you do the screenshots, do you do them in chronological order as the video plays?

A Yes.

Q And I want to explain something to the jury, as you look through that packet – that packet is Exhibits 201 through 20 – what was the last number?

THE COURT: 205.

Q -- 205, thank you. Those are not in chronological order, are they?
A No, I guess they're not.
Q And that's a – and so which picture is really first in the video?
A It's probably 205.
Q And so inadvertently, when I handed you the packet, it looks like I put the first picture last; is that fair?
A Yeah.
Q And so really, it should go 205, then back to 201, and then through the process?
A Yes.
Q And in picture 205, can you see a man behind A.W.?
A No.
Q In the pictures following that, you can; is that correct?
A Yes, sir.
Q After you gave the phone and the information back to Trooper Mote, did you examine the phone again on a later date?
A I did.
Q Can you tell me about that, please.
A The phone was brought back to me on February 21st of 2017.
Q Let me stop you. Why was it brought back to you on that day?
A I don't know why it was brought that day, but that was the day that it was brought to us and there was other phones that we examined at that point, too.
Q Once you got the phone on February 21st, 2017, what did you do with it then?
A So knowing that this was an ongoing case, that the first time that I

examined it, we did it quickly, and I wanted the phone back so I could use every tool that I had in my toolbelt and our forensic arsenal to try to get more data off that phone.

Q And did you do that?

A Yes. I used everything that I could to get data off that phone.

Q Did you – what other programs did you use to get additional data off the – or to reexamine the phone?

A So in totality, I've used a program called Lantern, a program called Blacklight, a program called Elcomsoft, Magnet Axiom, Magnet Acquire. We tried to do an iTunes back-up. We did an iTunes Cloud extraction. We tried to do as much as we could to try to get as much information off that phone or off that Apple ID to further the case.

Q What did you do with that information after you gathered it?

A Well, we try to give that over to the investigators if it was relevant, but there was really nothing that was in addition to what we found already through just the Cellebrite extraction from the initial extraction.

Q So this additional or second extraction that you did, your testimony is that it didn't produce anything new from the first extraction?

A No, sir.

Q Did you get the phone back a third time?

A Yes, I did.

Q Tell me about that.

A So in September, in the fall of 2017, on September 5th, I received the phone back again. At that point, Cellebrite had released a method 2 extraction, and then I had learned that there's a new method 3 extraction, as well.

Q Why do you keep extracting the same phone? What's – why do you do that? Why don't you just take the first extraction, give it to investigators, and move on?

A So there's different levels of extractions in cell phone forensics, without getting too deep in the woods, but basically, you have a logical extraction, which is a basic extraction; you advanced logical, which is a little bit more; you have a file system; you have a full file system; and then you have a physical extraction. So each level gains more information off the phone.

Q And is it safe to say that technology continues to develop month after month, year after year?

A Yes.

Q And so why is it important to reexamine phones as technology develops?

A Because there's new capabilities and new information and more information that we can gather off that phone as time and technology improves.

Q When you did the method 2 extraction, did you gather anything new in addition to the method 1 extraction you did back on February 15th of 2017?

A There was some new information, but it was minimal, nothing that was relevant to the case.

Q What did you do with the phone after that?

A To get the method 3 extraction, that was beyond the State Police's capabilities, and so we reached out to our Federal partners at Homeland Security, and I was able to ship that phone to Washington D.C. for their lab to extract the method 3 extraction from that phone.

Q And did you get a report from the method 2 and the method 3 extractions?

A So once we received the – I did the method 2 and we received the method

3 back, then I created a report within – you know, analyzing that data and then creating a report from that new additional data.

Q A new report in addition to the one you created in – on February 15th?

A Yes, sir.

Q Okay. After that, was the phone examined again?

A Yes, sir.

Q When?

A In 2019.

Q Who examined it in 2019?

A That was Sergeant Chris Cecil, who was a digital forensic examiner in the same office.

Q Why was it reexamined in 2019?

A So at that point, we had received newer technology now, which is called GrayShift, a product called GrayKey at the time, and it extracted even more data from iPhones at that point.

Q Why didn't you do the extraction? Why was it given to Christopher Cecil?

A In late 2017, I was promoted to First Sergeant, and so I was still in the Digital Forensics Unit or Cyber Crime Unit at the time, now Digital Forensics, but I wasn't an active examiner doing day-to-day extractions. And so we wanted to make sure that we had one of our best examiners to do that phone, because I had stepped down and started doing more admin duties, so we wanted to make sure it had the best person to do that exam that was practicing.

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

THE COURT: Ms. Auger.

MS. AUGER: Thank you.

CROSS EXAMINATION OF LIEUTENANT BUNNER

QUESTIONS BY MS. AUGER.

Q Sergeant Bunner, you said that you sent off the phone for the method 3 after you did the method 2 extraction.

A Yes.

Q Okay. But the method 2 extraction report was dated October 12th, 2017; correct?

A I'd have to look at it.

Q Okay. And you sent off and had the – who did you have do the method 2?

A It was Homeland Sec – or – you said method 2?

Q Yes.

A It was myself.

Q Or, I'm sorry, method 3.

A Method 3 is Homeland Security.

Q Homeland Security?

A Um-hmm. (Affirmative response)

Q Not Customs?

A Well, U.S. Customs and Homeland Security kind of merged and it's kind of one agency.

Q Okay. So same thing to you?

A Yes.

Q All right. And the method 3 extraction was done on September 5th of 2017; right?

A It was sent off, yes.

Q Okay. And the report was dated September 5th, 2017; right?

A I would have to go back and fire up my computer if you want exact dates.

Q Okay. Now, I want to show you – now, you took pictures of the phone when you originally received it in order to kind of document the state that it was in and the manner in which you received it and also for chain of custody purposes; is that correct?

A Yes, ma'am.

Q Okay. And I'm going to show you State's Exhibit 186; and can you tell us what that is a photo of.

A I believe I already explained it before, this is a manila envelope that the phone was in when I received it on February.

Q And it's just labeled with a Post-It note; right?

A Yes.

Q Is that how you normally label things, with Post-It notes, for chain of custody?

MR. MCLELAND: Judge, can we approach?

THE COURT: Yep, come on up.

(Sidebar conference conducted.)

MR. MCLELAND: The parties have stipulated to the chain of custody, so (inaudible) –

THE COURT: Oh.

MR. MCLELAND: -- so we're not confusing the jury that chain of custody is at issue.

THE COURT: Okay. Why are we doing this?

MS. AUGER: (Inaudible)

THE COURT: You've already stipulated to it.

MS. AUGER: We stipulated to it, but well, part of the – our whole case is that –

THE COURT: You stipulated to it?

MS. AUGER: Yes, we did.

THE COURT: Okay.

(Sidebar conference concluded.)

THE COURT: Ladies and gentlemen, the parties have stipulated to the chain of custody of the phone.

Q Now, Cellebrite has different levels of certifications of people using it.

A Yes.

Q And you're not certified in Cellebrite; right?

A State Police does not actively do certification – vendor certifications.

Q So that's no?

A No.

Q Now, the method 1 logical extraction you did on February 15th, that kind of gets the over-the-hood information; is that fair in saying? The – w hat you can see you're using – if I have my phone and I push all my buttons and click on things, that's the information I can see; right?

A It's an advanced logical extraction.

Q That's what you did on February 15th?

A Yes.

Q Okay. And there are – is it logical, an advanced logical, a full file system, and then physical extraction; correct?

A There's different levels, yes.

Q Are those the different – four of the different levels?
A That's some of them, yes.
Q Okay. And so a logical extraction is different than an advanced logical extraction; correct?
A It depends on what's supported, what's not within a certain IOS or phone or whatever.
Q Okay. For iPhones in Cellebrite, a logical extraction is different from an advanced logical?
A It could be, yes.
Q Okay. Sir, I'm going to show you what I've marked as Defendant's Exhibit M; can you identify that?
A This is the front page of the PDF extraction report that I created for this case.
Q And Cellebrite automatically generates in that report the type of extraction; correct?
A It does.
Q And what type of extraction does that say it was?
A Says logical method 1.
Q Thank you.

MR. MCLELAND: No objection, Your Honor, to Defendant's Exhibit M.

THE COURT: Are you moving to admit?

MS. AUGER: Yes.

DEFENDANT'S EXHIBIT M OFFERED

THE COURT: All right. I'll show, without objection, M is admitted.

DEFENDANT'S EXHIBIT M ADMITTED

Q Now, you can also perform a full file system extraction on an iPhone 6S using Cellebrite; right?

A You can now, yes.

Q Well, you could in 2017, too.

A No.

Q No?

A No. There was only a method 1 extraction.

Q Okay. But you did a full file system extraction in October of 2017; right?

A That would be the method 3.

Q And is that a full file system extraction?

A To my understanding, yes.

Q Okay. That you did in 2017, when you just said it wasn't available, that one?

A Not in February of 2017.

Q Oh. It was available to other people, but you didn't have the capability yet?

A I don't know when the method 3 was available.

Q And the method 3 extraction gets all of the information, the under-the-hood kind of stuff; right?

A There's not one program that gets every single bit of information.

Q Well – okay. It gets the file system files, all of the data on the phone you can't see if you're just looking at your phone; right?

A Correct.

Q All right. And that includes things like when you turn the phone on?

A Possibly, yes.
Q There's a power on log; right?
A Possibly, yes.
Q Okay. And there's current power logs that show battery health; right?
A Possibly, yes.
Q Okay. And there's a knowledgeC database that shows different types of what apps are on, when the screen is on, when it's off, kind of the whole life of the phone; right?
A In 2017, we did not know anything about a knowledgeC database.
Q Okay. Well, there's a knowledgeC database included in your October, 2017, extraction; right?
A It appears it is, yes.
Q Okay. You just didn't know about it then?
A We didn't know that the capabilities were there; and when we hit it with new updated software, then now that we know of the knowledgeC database exists and the Cellebrite programmers have programmed the software to read that information now that we can see that in the method 3.
Q And you had that information available to you as of October, 2017; right?
A No.
Q Now, was it not available to you or did you just not see it?
A We did not know about knowledgeC database in 2017.
Q Okay. Now I want to talk to you a little bit about the video on the phone. Actually – and you looked at the camera roll to get the video; right?
A Yes, ma'am.
Q Okay. Do you recall what was on the camera roll from February 13th,

2017?

A I'm sure you'll refresh my memory.

Q Okay. All right. I'm gonna show you – well, maybe. I'm gonna show you Defendant's Exhibit A, and that is the Monon High Bridge that's in the video; is that right?

A Appears, yes.

Q Okay. Was that photograph on L.G.'s camera roll?

A Not that I recall.

Q And this is the photograph of A.W. on the Monon High Bridge?

A Yes.

Q Sergeant Bunner – Sergeant; right?

A Lieutenant.

Q Ah, I copied Nick.

A It was in 2017, yes.

Q Okay. Well, I apologize, Lieutenant Bunner. When you look at photographs and video, is there data associated with that that you can see?

A Sometimes yes, it does retain.

Q Okay. And there was data associated with the video; is that correct?

A Yes, ma'am.

Q And some of that data was longitude and latitude?

A Yes, ma'am.

Q And Cellebrite has the ability to map that; is that right?

A Yes.

Q Okay. And did you actually map it?

A I did.

Q Okay. And I want to show you Defendant's Exhibit N; is that a map that shows where the video – the longitude and latitude of the video – associated with the video?

A Yes.

Q And, sir, could you circle, please, where the longitude and latitude was for the video?

A I've not been privy to that information as far as where the bridge and bodies and everything were found –

Q Okay.

A -- and so I couldn't answer that question.

Q All right. Well, but the longitude and latitude aren't anywhere near the bridge; right?

A It is close within the vicinity, yes.

Q That showed up on your February 15th, 2000 [sic] extraction?

A So this coordinate, specific coordinate, is a coordinate in Delphi, Indiana.

Q Okay. And is that the coordinate that has the longitude and latitude?

A This coordinate, yes.

Q Okay. Can you circle that for me.

A This one right here?

Q Yes, sir.

A (Indicates)

Q Okay. And can you put your initials on there.

MR. MCLELAND: Judge, I'm gonna object. She's – I guess I'm not sure what the identification purposes of that are for when she's telling him where to circle and what to put on the picture.

MS. AUGER: It's an identifier as to the longitude and latitude coordinates of the video.

THE COURT: I guess it would go to the weight the jury would give to –

MR. MCLELAND: That's fine, Judge.

THE COURT: -- the exhibit.

Q Can you just initial that for us, please.

A (Indicates)

Q Thank you.

MS. AUGER: Your Honor, can I go ahead and publish this, please?

THE COURT: Perhaps we should admit it.

MS. AUGER: Oh, admit it first? Thank you. Yes, move to admit Defendant's Exhibit N.

DEFENDANT'S EXHIBIT N OFFERED

MR. MCLELAND: No objection, Judge.

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

DEFENDANT'S EXHIBIT N ADMITTED

MS. AUGER: May I publish it?

THE COURT: You may.

MS. AUGER: Thank you.

DEFENDANT'S EXHIBIT N PUBLISHED

Q Sergeant Bunner, did you point that information out to investigators?

A No.

Q Okay. Did you have it pulled up on the map before you gave it back to Trooper Mote?

A No. I did not look at the GPS data on – in 2017.
Q Earlier, you talked about iMessaging and whether that's turned on on the phone; is that right?
A Yes.
Q Okay. And while I'm talking about that, I'm gonna show you State's Exhibit 195; is that the photo you took?
A Yes.
Q Is that how – it looks to me, that's printed off on landscape. You can print a picture out landscape or portrait; right?
A Oh, yes.
Q Okay. And that's printed landscape?
A Yes.
Q And so some of the information down here on the bottom was cut off?
A Yes.
Q Okay. Is – did you take the picture that only included the top part of the screen or is it just because it's the way it's printed?
A I just took the top portion of the screen.
Q Okay. And there's other information below that could be helpful; right?
A Yes.
Q All right. And the same with Exhibit 196?
A Yes.
Q 197?
A Yes.
Q And 199?
A Yes.

Q Now, iMessaging was enabled on L.G.'s phone; is that correct?

A Yes.

Q And iMessaging is a service by – you may – my words may not be accurate, so just bear with me. It's a service provided by Apple so that if user A has an iPhone and user B has an iPhone, they can use that Apple Messaging to send pretty secure messages.

MR. MCLELAND: Judge, can I ask a few foundational questions?

THE COURT: You may.

MR. MCLELAND: Lieutenant Bunner, have you – are you familiar with the operating systems that the Apple Company uses?

A I'm familiar with them, yes.

MR. MCLELAND: Are you familiar with iMessaging and how it works?

A A limited capability, yes.

MR. MCLELAND: Judge, I'm gonna object to the question. I'm not sure he's in a position to be able to answer the technicalities of how iMessaging works from one phone to another, and so I'm gonna object under speculation, Judge, as he doesn't have the foundational I guess knowledge to be able to answer that question.

MS. AUGER: He says he has limited capability. If he doesn't know, he doesn't know, but he can answer.

THE COURT: Overruled.

A What –

Q I'm gonna have to re-ask it, aren't it?

A Yep. What's the question?

Q Okay. All right. So Apple has iMessaging so if user A has an iPhone and user B has an iPhone, they can send messages, iMessages, back and forth through the Apple server?

A Yes.

Q Okay. And there are other capabilities associated with two users who have iPhones.

A Can you be more specific?

Q Yes, I can. Find My iPhone.

A Yes.

Q Okay. And so if user A has an iPhone and that's – what do you say? – approved by user B, they can share their locations and find their locations?

A Yes, that's my understanding.

Q Okay. And L.G. had Find My iPhone enabled on her iPhone 6S.

A You're asking or?

Q Yeah.

A I don't know. I'd have to specifically research that.

Q Okay. Sure. I'm gonna show you Defendant's Exhibit M, and you'll probably want to look at the last three lines.

A Yes, it appears that Find My iPhone was enabled on this phone.

MS. AUGER: Your Honor, may I publish Defendant's Exhibit M?

THE COURT: Do you have copies for the jury?

MS. AUGER: I don't. I can make –

THE COURT: Why don't we make copies. That's a lot of information for –

MS. AUGER: Okay.

THE COURT: It'll take an hour to pass that.

MS. AUGER: Sure.

Q If you know, is Find My iPhone an app that parents often use to kind of track their children?

A They can.

MR. MCLELAND: Judge, I'm gonna object to the question as speculation.

THE COURT: Sustained.

Q Sir, would you agree with me that every time you plug in the phone to do some kind of extraction or analysis, you are losing data?

MR. MCLELAND: Judge, I'm gonna object to the form of the question.

MS. AUGER: Yeah.

THE COURT: Sustained.

MS. AUGER: That's a hard habit to break. I'm sorry.

Q Is it true that when – every time you plug the phone in to the computer to download, extract information, you lose some data from that phone?

A In 2024, yes, we know that's true.

Q And it was true in 2017; right?

A We weren't sure that capabilities or not.

Q Okay. So it was true, you just didn't know it to be true?

A True.

Q Okay. And so when the phone was plugged in on February 15th, some data was lost?

A Not necessarily.

Q Okay. What about the power off log, that just logs the last power off; right?
A We know that now, in 2024, that there is a log, yes.
Q Okay. And let me be clear: I understand you may not have known it, but that doesn't mean it didn't happen; right?
A True.
Q Okay. And so when it's powered off then on February 15th of 2017, we lost some data?
A Possibly, yes.
Q And then, when you got it again on February 21st, you lost some data?
A Yes.
Q And part of that is things are overwritten and part of it is data kind of falls off over time?
A Sure.
Q Okay. And so when – September 5th, when Customs did their – or Homeland Security did their extraction, same thing?
A Yes.
Q Okay. And then, on October 11th, when you did another one, same thing?
A Sure.
Q And then in 2019, when Chris Cecil did his extraction, some more data was lost and overwritten?
A Sure.
Q And that's data that you can never get back?
A Yes.
Q And data the jury will never know?
A Sure.

Q And, sir, I want to show you State's Exhibit 187 –

MS. AUGER: If I could just have a moment, Your Honor?

THE COURT: Sure.

MS. AUGER: Thank you.

Q Sir, when we say too that Find My iPhone is enabled, that means it's on?

A Yes.

MS. AUGER: Okay. Nothing further. Thank you, sir.

THE WITNESS: Thank you.

THE COURT: Mr. McLeland.

MR. MCLELAND: Thank you, Judge.

RE-DIRECT EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY MR. MCLELAND.

Q Lieutenant Bunner, I apologize for calling you the wrong rank before, I was used Sergeant, but, Lieutenant Bunner, we talked about the different levels of certification on Cellebrite, and through ISP, the policy is that you don't get those certifications through Cellebrite; is that your testimony?

A So each vendor, cell phone vendor, forensics vendors have their own certifications. We can choose to take those certifications or not. It doesn't negate the fact that we can go through the training and get trained in how to use that software, it's just a – I've been told by the vendors –

MS. AUGER: Objection: Hearsay.

THE COURT: Sustained.

Q Let me – you're getting ahead of me here, and you kind of answered the question –

A Okay.

Q -- that I was gonna ask next. Because you have – don't have the certification from Cellebrite, does that equal that you're not trained on the program?

A No, not at all.

Q Do you get training on how to use the program?

A Absolutely.

Q Is your training different from the training that people get when they're certified?

A No.

Q And so the only difference is you don't have the paper saying you're certified?

A Correct.

Q Okay. So you have the same training?

A Yes.

Q As of 2017, how many years have you – had you worked with Cellebrite?

A About eight years.

Q Okay. And through those eight years, you continued to get training on the capabilities and how to use the program; is that fair?

A Yes.

Q Okay. I want to talk a little bit about – and again, I'm couching this in 2017, 'cause that's when the phone was first extracted; correct?

A Yes.

Q Talked a little bit about photos and videos and GPS location. In 2017, what can you tell me about the GPS location of a video taken on an iPhone at that time?

A So it's – the data associated with GPS coordinates, the type of phone or camera that was taken, all that is called EXIF data, E-X-I-F, and that's attached to a picture, a video, whatever, that's not seen by the naked eye, but can be seen by our forensic programs.

Q And is the GPS location – I gotta go back, not is. Was the GPS location on videos taken in 2017, was it common for those GPS locations to be accurate?

A It's within a reasonable area. The GPS location shows it's in Delphi. If I use an example, if you have a Find My iPhone app, if you want to – for instance, if I want to track my wife, I'll open up the Find My iPhone app and, initially, it'll show a big circle that says, "She is within this general area," but we don't know exactly the pinpoint accuracy of within a meter or a yard or a foot of where she is until maybe 30 seconds, a minute later, maybe even five minutes later will it hone in to exactly – to pinpoint exactly where she's at.

Q And so is that the same I want to say methodology – was that the same methodology that occurred with the GPS location of a video back in 2017?

A Yes. I mean –

Q And so when you start a video, would the GPS location range be larger?

A Yes, it'd be larger.

Q And what would happen as that video records?

A Eventually, that circle will get smaller and it'll get pinpoint accuracy depending on the cell phone towers and satellites and possibly Wi-Fi or anything else that it uses to triangulate to figure out exactly the pinpoint accuracy of that phone.

Q So when a video first starts, when it first started recording, you may have a map or a location – or a large location?

A Yes.

Q And as that video plays, what would happen?

A Eventually, if it's trying to figure out where that phone is at, then it'll triangulate and that circle will get smaller and smaller and it'll have pinpoint accuracy eventually to where it is located.

Q And does it give you that accuracy within a range?

A The initial one or the precise one?

Q Both of them.

A So according to Cellebrite and what information was gathered off, it said it's in this area and it just picked a GPS location and said, "This is the location."

Q Okay. Well, let's follow up on that. Specifically with this video, the GPS location that you were shown, do you know how accurate that is within a range?

A I – prior to this, I mapped it out and it looks like a little over a mile away.

Q Okay.

A To the area, it's a mile area.

Q And so is the GPS coordinates that you were shown today – are those pinpoint accuracy?

A The one that Ms. Auger showed is – it is within a general range –

Q Okay.

A -- of accuracy, yes.

Q So the specific GPS location, that may not be where the video was taken, but it's within a range of that GPS location; is that what I'm hearing?

MS. AUGER: Objection: Asked and answered.

THE COURT: Sustained.

Q When you plug in a phone or when you turn on a phone – let me back up.

When you turn on a phone, your testimony was that there was data that is lost?

A So constantly with cell phones, there's underlying things going on in the operating system behind the scenes that the user doesn't know about, and so the phone is constantly changing and moving things around and possibly deleting databases it doesn't need anymore, so yes.

Q Do you know – this may be an unfair question, maybe a silly question: Is there any way to tell what data is lost?

A Not to my knowledge, no.

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

THE COURT: Ms. Auger.

MS. AUGER: Yes, please.

RE-CROSS EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY MS. AUGER.

Q Lieutenant Bunner –

A Yes, ma'am.

Q -- in 2017, the only location data you had to provide investigators was on – was the GPS coordinates on our exhibit; is that correct?

A I believe there's other GPS locations within the phone.

Q And you had those available to you in 2017?

A They were provided on the report, yes.

Q Okay. Do you mean GPS coordinates associated with other videos and pictures?

A Yes.

Q Okay. Did you map those?

A No.

Q Okay. You mapped the video from February 13th?

A Later on, yes.

Q Okay. And in 2017, the only coordinates you had were these coordinates on Defendant's Exhibit N; correct?

A Yes.

Q Later, in 2024, First Sergeant Cecil found additional coordinates; is that right? Do you know?

A I can't speculate to what he found.

Q Okay. All right. You haven't looked at any of his work?

A I have not looked at his reports, no.

Q Okay. Fair enough. Thank you very much.

A Thank you.

THE COURT: Does anybody on the jury have any questions for the Lieutenant?

MR. MCLELAND: Judge, while the bailiff's collecting those, I do have copies of State's Exhibit 206 to publish to the jury. I can do that afterwards, Judge, but I wanted to make the Court aware that we were able to get those copies done.

THE COURT: Oh, all right. So you can go ahead and publish while we're talking.

MR. MCLELAND: Okay.

STATE'S EXHIBIT 206 PUBLISHED

(Sidebar conference conducted.)

THE COURT: "Did you ever document or take a photograph of the lock screen before the phone was unlocked to show notifications on the phone

since it was last accessed?"

MR. MCLELAND: I don't have a problem with that question.

THE COURT: "Can you share what relevance the sticky note on Exhibit 186 represents? The date looks to be 2/17/24. Can you elaborate on why the date doesn't reflect 2017?" I mean, you guys stipulated to that –

MR. MCLELAND: Yeah.

THE COURT: -- so –

MS. AUGER: Well, I think it's – you're right –

THE COURT: You stipulated.

MS. AUGER: I understand.

THE COURT: Okay.

MR. MCLELAND: I object, Judge. I think this is gonna confuse the jury. It was – yeah.

THE COURT: I mean, had you not stipulated, then yeah, you could have gone all over the place with that; but you were agreeing that there was no issue with the chain of custody, now you're questioning the chain of custody.

MS. AUGER: Well, I'm questioning the investigation is what we're questioning.

THE COURT: I know what you're doing, you're questioning the chain of custody on this specific exhibit that you'd stipulated to, that's my issue.

MS. AUGER: Over our objection.

THE COURT: "Could the iPad associated with the same iCloud account have pulled the location of Memorial Park from the map exhibit?" Wow.

MR. MCLELAND: I don't know if he can answer that. I don't know if he –

THE COURT: Did he look at the iPad?

MS. AUGER: I think he did.

MR. MCLELAND: He extracted it, but team – team (inaudible) is the one that looked at it, yeah.

THE COURT: Okay.

MR. MCLELAND: You can do it "if you know", that's fine.

THE COURT: "Was there software in September/October 2017 that could take the method three knowledgeC export to disseminate into a readable, usable extracted report?" Software person there.

MR. MCLELAND: Yeah. I'm fine with that question.

THE COURT: I don't even know what that means. Are you okay with that?

MS. AUGER: Yeah.

THE COURT: "As of 2/15/17, were you aware of any deleted photos or videos?"

MR. MCLELAND: That's a good one. We're good with that.

THE COURT: "Do Snapchat photos save to the person's phone?"

MR. MCLELAND: He probably can't answer that, but I'm okay with it.

MS. AUGER: If he knows.

THE COURT: "If you know"?

MR. MCLELAND: Yeah, I'm okay with that.

THE COURT: "In 2017, were there capabilities to filter or remove people from photos?"

MR. MCLELAND: I'm okay with the question, Judge, but I don't

know. I mean, it's not relevant, no, at all.

THE COURT: So no? I mean, I –

MS. AUGER: I mean, I think that – I can see where someone could be trying to go there –

MR. MCLELAND: We're not gonna have any experts –

MS. AUGER: -- but I do think that –

MR. MCLELAND: -- testify that you can do that, you're not gonna have any experts testify to do that, but if we ask it and he says, "I don't know," it could confuse the jury is my concern. We're not gonna have anybody that testifies –

MS. AUGER: No, that's –

MR. MCLELAND: -- that he could remove –

THE COURT: Okay.

MS. AUGER: Yeah, no, that's fine.

THE COURT: They're in rabbit holes.

MR. MCLELAND: Yeah.

THE COURT: "Was the report from October, 2017, from ISP or Homeland Security?"

MR. MCLELAND: I'm okay – this report here?

THE COURT: I assume.

MR. MCLELAND: I'm okay with the question.

THE COURT: Is that the report?

MS. AUGER: Yeah.

MR. MCLELAND: If we can clarify that it's the report.

MS. AUGER: Well, that's not the report.

THE COURT: Is that in Defendant's M?

MS. AUGER: No, it's not.

THE COURT: Okay. "Was the knowledgeC database –

MS. AUGER: But they do talk about it.

THE COURT: -- produced by the Homeland Security?"

MR. MCLELAND: Was the knowledgeC?

THE COURT: "Was the knowledgeC database produced by Homeland Security?"

MS. AUGER: If he knows.

MR. MCLELAND: I'm fine with the question. I'm surprised that – well –

THE COURT: Okay. Three more. "What information is on the knowledgeC database?"

MR. MCLELAND: That's a good one.

THE COURT: "What was the February 13 time when the longitude and latitude was taken on the picture of L.G. on the bridge?"

MS. AUGER: Yeah.

MR. MCLELAND: They mean video maybe? I assume they mean video instead of picture.

THE COURT: Well, no, because that was her picture, so they're talking about her picture.

MS. AUGER: Yeah.

MR. MCLELAND: Oh, from Snapchat?

MS. AUGER: Yeah.

MR. MCLELAND: Okay.

THE COURT: "Is there a transcript of what was said in the video shown?"

MR. MCLELAND: He's not gonna know that. There's not –

THE COURT: Okay.

MR. MCLELAND: -- but he's not gonna know that –

MS. AUGER: No.

MR. MCLELAND: -- and that's part of that motion in limine that we need to discuss at some point.

THE COURT: Yeah, we need to talk about that. I'm glad you said that. We'll talk about it later. Okay. And then we'll break.

(Sidebar conference concluded.)

JUROR QUESTIONS OF LIEUTENANT BRIAN BUNNER

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Lieutenant, what was the February 13th time when the longitude and latitude was taken on the picture of L.G. and A.W.'s location?

A February 13, 2017, at 2:13 p.m.

THE COURT: Any follow-up, Mr. McLeland?

MR. MCLELAND: No, Your Honor.

THE COURT: Ms. Auger?

MS. AUGER: No.

Q What information is on the knowledgeC database?

A From my understanding, the knowledgeC database is something that, essentially, Apple tracks a lot of data and says it's not there, but in law enforcement we were able to figure out or Cellebrite and some other providers were able to figure out that this database existed and that it – and the database

consists of some of your health data, GPS coordinates, recent location – frequent locations, how many steps that you've ran or walked, all kinds of data, elevation data, all kinds of data that the phone uses to help the user experience, if you will, but that's a limited amount. There's so much data there that we've been able to – you know, the power logs, the screen on/screen off, a second-by-second activity of what is happening on that phone.

THE COURT: Mr. McLeland?

FOLLOW-UP EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY MR. MCLELAND.

Q Did you know that data existed on February 15th of 2017?

A No, we did not know anything about – we didn't know the name of knowledgeC database or even that that database existed at that point.

Q Do you know when you found out that data existed?

A It was probably around 2018 or 2019, just guessing.

Q And when Ms. Auger asked you about information that's lost when the phone is turned on and off, is it information within that knowledgeC information that is lost?

A Possibly, yes.

Q Okay. Can other information outside the knowledgeC information be lost?

A Possibly, yes.

Q What about pictures and videos and text messages, can those things be lost?

A If they're deleted, yes.

Q Bad question. Can they be lost by turning the phone on and off?

A No.

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

THE COURT: Ms. Auger?

MS. AUGER: No.

JUROR EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Was the report from October, 2017, from Indiana State Police or Homeland Security?

A So it was from Indiana State Police. We talked about, you know, the extractions, so the extraction is what Homeland Security or U.S. Customs, either way you look at it, that's what they did. They gave me the extraction. I took the extractions 1, 2, and 3, put it in my Cellebrite program, it's called Physical Analyzer, put it all together, and then spit out one report that has all the data in it.

THE COURT: Mr. McLeland?

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

MS. AUGER: No.

Q Was the knowledgeC database produced by Homeland Security?

A I believe so, yes, now that we know that it exists, that we believe that was in the method 3 extraction, but we did not know that existed at the time in 2017.

THE COURT: Mr. McLeland?

FOLLOW-UP EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY MR. MCLELAND.

Q A clarifying question: So you believed it was in the method 3 extraction, but you didn't know that it existed within that extraction?

A Correct. And neither did Cellebrite, because they did not parse or pull that

information out –

MS. AUGER: Your –

A -- in 2017.

MS. AUGER: Objection, Your Honor, as to what Cellebrite may or may not have known.

THE COURT: Overruled.

Q When you put the extraction data into Cellebrite, it spit out a report; correct?

A Correct.

Q And I'm talking about October of 2017, I want to be clear.

A Yes.

Q Once you got the method 3 back, you put the method 1, 2, and 3 in Cellebrite and it spit out a report. Was there information within that report notifying you that knowledgeC information existed?

A No.

Q Because Cellebrite didn't track that information?

A No.

Q Okay. So it may have been in the extraction, but it didn't produce any information, didn't make you aware of that, in the Cellebrite report?

A Correct.

Q Okay. Clarifying question: When you say "we", who do you mean? Do you mean the Cyber Crimes Unit? Do you mean you? Who do you mean when you say "we"? You said, "We didn't know that knowledgeC existed," who you talking about?

A Myself included, but also the digital forensic community nationwide,

worldwide, we didn't know that that database existed 'cause that was –

Q The knowledgeC database?

A Yes.

MR. MCLELAND: Okay. No other questions, Judge. Thank you.

THE COURT: Ms. Auger?

FOLLOW-UP EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY MS. AUGER.

Q Lieutenant Bunner, just because you didn't know it existed doesn't mean it didn't exist; right?

A That's correct.

Q You knew – it was there, you just didn't know about it?

A We didn't know it was there.

Q And we can use that information now; correct?

A Possibly, yes.

MS. AUGER: Thank you.

JUROR QUESTIONS OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY THE JURY, READ BY THE COURT.

Q As of February 15th, 2017, were you aware of any deleted photos or videos?

A No, I was not.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge. Thank you.

THE COURT: Ms. Auger?

MS. AUGER: No.

Q If you know, do Snapchat photos save to a person's phone?

A I would have to dive deeper into that. My understanding is it possibly may

save that in the Snapchat database, but I'd have to do further research.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge.

THE COURT: Ms. Auger?

MS. AUGER: No.

Q If you know, could the iPad associated with the same iCloud account have pulled the location of Memorial Park in the map exhibit?

A We did examine – or I did examine the iPad associated with L.G., it did have the same iTunes username and Apple ID, but it would not have miscued the location for where that video was taken. That stamped-out location was – it came from the phone.

THE COURT: Mr. McLeland?

FOLLOW-UP EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY MR. MCLELAND.

Q Could you have used the iPad to find the location of the phone, if you know?

A If it was synced up with the Find My iPhone feature, possibly, yes.

Q Do you know if it was or not?

A I do not off the top of my head, no.

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

THE COURT: Ms. Auger?

MS. AUGER: No.

JUROR QUESTIONS OF LIEUTENANT BRIAN BUNNER

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Was there software in September and October of 2017 that could take the

method 3 knowledgeC export to disseminate into a readable, useable, extracted report?

A Just a regular report? I'm sorry, can you repeat the question.

Q Was there software in September/October of 2017 that could take the method 3 knowledgeC export to disseminate it into a readable, useable, extracted report?

A No. You asked specifically about the knowledgeC database; at that point, we didn't know it existed and Cellebrite or any other forensic tools that we had did not parse that database at – into the fall of September/October, 2017.

THE COURT: Mr. McLeland?

FOLLOW-UP EXAMINATION OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY MR. MCLELAND.

Q So, Lieutenant Bunner, the way I understand the question is there's nothing – no tool that you had that would take that knowledgeC information and produce it into a report where you could read – that would tell you what that information is or read what that information is?

A No.

MS. AUGER: Objection: Leading.

THE COURT: Sustained.

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

THE COURT: Okay. Ms. Auger?

MS. AUGER: No.

JUROR QUESTIONS OF LIEUTENANT BRIAN BUNNER

QUESTIONS BY THE JURY, READ BY THE COURT.

Q Did you ever document or take a photograph of the lock screen before the

phone was unlocked to show notifications on the phone since it was last accessed?

A I don't believe I did. I try to do that, but I don't remember if I did that for this case or not.

THE COURT: Mr. McLeland?

MR. MCLELAND: No questions, Judge.

THE COURT: Ms. Auger?

MS. AUGER: No questions.

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

THE BAILIFF: All rise.

(Jury out at 12:47 p.m.)

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

(Off record at 12:48 p.m.)

(On record at 2:01 p.m.)

THE COURT: We're back on the record. Is – are you guys ready? The State ready?

MR. MCLELAND: Yes, Your Honor.

MS. AUGER: Yes.

THE COURT: Okay. Bring in our jury, please.

THE BAILIFF: All rise.

(Jury in at 2:03 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. All right. Well, welcome back, ladies and gentlemen. I hope your lunch was satisfactory. We are ready to continue. Mr. McLeland, you may call your next witness.

MR. MCLELAND: Your Honor –

MS. AUGER: Your Honor, I'm sorry, can we published our Exhibit M from the last witness?

THE COURT: Yes, you may.

MS. AUGER: Thank you.

DEFENDANT'S EXHIBIT M PUBLISHED

MR. MCLELAND: Judge, while she's doing that, is it okay – do you want me to go ahead and call my next witness?

THE COURT: Sure.

MR. MCLELAND: Judge, the State would call Jeremey Chapman, please.

(Witness sworn.)

THE COURT: You may proceed.

MR. MCLELAND: Thank you, Your Honor.

DIRECT EXAMINATION OF JEREMEY CHAPMAN

QUESTIONS BY MR. MCLELAND.

Q State your name for the record, please.

A It's Jeremey Graham Chapman.

Q And I've done a poor job of this in the past, will you spell your last name for the record, please.

A C-H-A-P-M-A-N.

Q Are you currently employed?

A I am.

Q How are you employed?

A With the Indiana State Police as a system administrator, civilian.

Q How long have you been employed with the Indiana State Police?

A For over 30 years.

THE COURT: Could you just sit back just a little bit. That's great for the mic, but you're –

THE WITNESS: Okay.

THE COURT: We're getting a little reverb.

THE WITNESS: Okay.

THE COURT: That's even better. Thank you, sir.

Q So the microphone, as the Court said, it amplifies out to the crowed, but not for us, but they need to have an accurate recording, so if you'd just sit back, I think she'll be able to pick you up. If she can't, she'll let you know. Fair enough?

A Yes, sir.

Q All right. I forget where I left off. Been employed with the Indiana State Police; how long you been employed with them?

A Over 30 years.

Q And to be a trooper or involved with the Indiana State Police, did you go through specialized education or training?

A Yes.

Q Can you tell me about that?

A Well, I went to the Indiana Law Enforcement Academy in 1994, and then subsequently, proceeded my career throughout the State Police. I'm a retired State Police officer now and I have been for three years, but before that, when I retired, I was sworn, I was with the sworn side.

Q And before your retirement, in the Indiana State Police, where – what was your role?

A Specifically, it was forensic examiner, and I had a dual role of an audio/visual technician, as well.

Q And did you have to go through specialized education and training to fulfill that role?

A Yes, I did.

Q I'm gonna show you what's been marked as State's Exhibit 208; can you just identify what this is.

A That's my curriculum vitae, my CV.

Q I want you to look at this one, please, first.

A Yes.

Q All right. And is that an accurate I guess snapshot of the various training, education, things you've gone through throughout your career?

A Yes, sir.

MR. MCLELAND: Judge, the State would admit – or move to admit what's been marked as State's Exhibit 208.

STATE'S EXHIBIT 208 OFFERED

MS. AUGER: No objection.

THE COURT: All right. Without objection, 208 is admitted.

STATE'S EXHIBIT 208 ADMITTED

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

THE COURT: You may.

MR. MCLELAND: Thank you, Judge.

STATE'S EXHIBIT 208 PUBLISHED

Q Mr. Chapman, your role in the Indiana State Police or the duties you were assigned with before you retired, can you give me the title of that role again?

A Audio/visual technician.

Q How long were you in that role?

A That role became several years after I was a forensic examiner, so 2006 till I retired in '21.

Q And prior to 2006 is when you were a forensic examiner?

A I was – well, I'm sorry, I was a forensic examiner from 2006 to the present, about 2000 – it's in my CV – 2014 and '15, I got additional training to be the audio/visual technician, so –

Q Tell me about that role as an audio/visual technician, what were your duties in that role?

A That would be to work with evidence and enhance audio or, in most cases, video or images.

Q And did you have go to through specialized training and education to do – to complete that function or that role?

A Yes, sir.

Q And was that here?

A I'm sorry, that was –

Q Did you go through updates and training here?

A Yes, sir.

Q Okay. And what kind of equipment and/or programs did you use to complete your role as a video/audio technician?

A Well, there's several different ones that we would use over the course of my career, but the main one would be Amped or Axon Five, which is a video forensic suite that helps work with the video and make images better, make images or video better.

Q And so what are your – as an audio and visual technician, what are your capabilities? When you receive a video or a picture, what kind of capabilities do you have to work with that kind of material?

A So the basic role of an audio/visual technician will be to take the media and make it presentable and clear for the trier of fact.

Q And you use those programs you talked about – I think you said Amped, you use those programs to do that?

A Yes, sir.

Q And so within those programs and within the equipment you have, are you able to make pictures and videos I want to say clearer or crisper?

A Yes. The – a good analogy that we like to use in the industry is if all the data is in there in a picture or video and my goal is to turn a light on or brighten it up so you can see all the data that is in there, so just make things a little more articulate and clear to the juror.

Q Does that include the audio that goes along within the video that you get?

A It did, but the audio's different software and different techniques to –

Q What kind of software and techniques do you use with the audio?

A The audio would be – Adobe suite would be Audition, with the help of some plug-ins from Cardinal MiniLabs, which is – they create filters specifically to make things sound better.

Q And when you make things sound better you said you use filters?

A Yes.

Q What does that – what is the goal of using that filter? What are you trying to accomplish?

A Well, it might be to eliminate some kind of background noise or, you know, a fan noise, or just pull a siren from a police car out so you can hear without the siren. There's multiple different reasons for filters and there's multiple different filters to apply to get an end result.

Q I want to take you back to 2017. In 2017, what position were you in? What was your position within the Indiana State Police?

A I was sergeant with the Indiana State Police doing the dual role of a forensic examiner and an audio/visual technician.

Q So on top of what you testified about being an audio/visual technician, you were also doing forensic extractions?

A Yes, sir.

Q And what kind of items were you doing – were you doing forensic extractions of phones?

A Yes.

Q What other kind of items?

A Computers, laptops, iPads, thumb drives, hard drives, anything digital where the data can be stored.

Q And how did you get involved with the investigation into the murder of A.W. and L.G.?

A I was sent a video recovered by one of our forensic specialists.

Q Do you know who sent you the video?

A I think it's Lieutenant Brian Bunner now, I think he was sergeant back then.

Q And what was the video of?

A It was a video of two girls and guy walking on a bridge.

Q I'm gonna show you what's been marked –

A Or a railroad track.

Q I'm sorry?

A Or a railroad track, railroad bridge.

Q I'm gonna show you what's been marked as State's Exhibit 200, and I'm gonna play this video for you and I want you to observe the video, please.

STATE'S EXHIBIT 200 PUBLISHED BY PLAYING

Q Is that the video that you received from Lieutenant Bunner?

A Yes, sir.

Q And does that accurately represent the format that it came to – or that you got it in?

A Yes, sir.

Q Once you got that video, what did you do?

A I insert that video – I import it into the Amped Five software, and I used the Amped Five software to break it down frame by frame and look for candidates for enhancement.

Q What makes a good candidate for enhancement?

A A lot of pixels and a lot of detail.
Q And you were able to – are you able to tell through the programs that you use which frames have a lot of pixel and a lot of detail?
A Yes, sir.
Q Okay. Did you put this video through that program?
A I did.
Q Tell me what you did next.
A I specifically drove to – let the video play toward the end where we tried to get a visual of the suspect's face and try to identify – or the person in the blue coat's face and try to identify or get a working picture of what that gentleman may look like.
Q And I know this may be elementary, but the person you're referring to is the male at the end of the video?
A Yes, sir.
Q Is that who you're talking about?
A Yes, sir.
Q Okay. And so specifically what did you do?
A I looked for frame candidates that would provide me with enough information to try and get a good image of that person.
Q And did you find frame candidates?
A I found three that were decent candidates for assistance in the investigation.
Q And can you tell me about what you were able to find through putting those candidates through the program?
A Well, once I identified a potential candidate, I went on to try and enhance

those images, because they become – they stop becoming a video and become a picture, essentially. And then you work with that picture to try to get some enhancement to get a better idea of who that may be or better, you know, detail about that person in question.

Q And in this case, how many pictures were you able to get that you had an opportunity to enhance?

A Well, there were hundreds of – in there, but these three that I will present are the best of them. The others would be fuzzy and littered with artifacts and not really workable images.

Q And did you enhance those photos?

A I did.

Q And after you did this, did you draft a report about what you did?

A I did.

Q And would it assist you in looking at that report to help you testify about what enhancements you were able to make to those photos?

A Yes, sir.

Q I'm gonna show you what's been marked as State's Exhibit 209, 209; can you identify this for the record, please.

A Yes, that's my report for this case.

Q And can you tell me the date your report was made.

A February 16 of '17.

Q Is that the date that you received the video from Lieutenant Bunner?

A I don't believe so. I just did the day I wrapped the – wrapped up my investigation on the case.

Q Was this report done close in time to when you made the enhancements

to the video?

A Yes.

Q And this report, would it assist you in testifying as to what you did to enhance the video?

A Yes.

MR. MCLELAND: Judge, the State would ask the Court to allow the witness to review the report to assist in his testimony.

THE COURT: That's fine.

Q So, Mr. Chapman, your report consists of photos, as well; is that correct?

A Yes, sir.

Q And so I want to go through your report. Can you talk about which photos within your report you were able to enhance.

A So there are three and they are – the 370 would be the first one, and that's a frame number of all the frames, so we got all the way to 300; and then 347 would be the second one; and then 343 would be the third one. These all presented a decent candidate for enhancement.

Q And all three of those frames are within your report; is that correct?

A Yes, sir.

Q And within your report, you also talk about what you did to enhance those three frames –

A Yes, sir.

Q -- is that true?

A Yes, sir.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibit 209.

STATE'S EXHIBIT 209 OFFERED

MS. AUGER: Your Honor, I don't necessarily object to the photos contained in the report, but to the admission of the entire report, I think it would be cumulative of his testimony, unduly suggestive. Yeah, at this point, there hasn't been a foundation for it, either.

THE COURT: What foundation are you asking for? He's testified it's his report.

MS. AUGER: Pardon?

THE COURT: He's testified it's his report, what foundation are you asking for, I'm sorry?

MS. AUGER: Well, Your Honor, I mean, there are all types of – I mean, there are references to scientific articles, there's references to different – what different – what he's done, different tools that he's used, and while it might be helpful to his testimony, I don't know that the report itself would be admissible.

THE COURT: Any response, Mr. McLeland?

MR. MCLELAND: Judge, I think the report is admissible and I think it'll assist the jury, at the very minimum, at least the five pages with the pictures the Defense is not objecting to, and so, at the very minimum, ask the Court to admit those five pictures that can assist the jury to look at those pictures that he's gonna testify about that he enhanced.

MS. AUGER: We don't have any objection to the first five pages.

THE COURT: All right. So I can – you're not objecting to those, so I'll show that is admitted without objection as it relates to the pictures that are contained therein.

STATE'S EXHIBIT 209 ADMITTED

MR. MCLELAND: And, Judge, I would ask to publish it to the jury, I'd like to have them follow along. The problem is, I'm gonna have to tear off the back page, so it may take me a second here.

THE COURT: Yeah.

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

THE COURT: You may.

STATE'S EXHIBIT 209 PUBLISHED

THE COURT: You may proceed, Mr. McLeland.

MR. MCLELAND: Thank you, Judge.

Q Mr. Chapman, I want to start on page 2 of your report, at the bottom of page 2, on frame 370. Is that the first image or the first frame that you were able to capture and enhance?

A Yes, sir.

Q And tell me what you did to enhance that.

A Can I refer to page 6 and throughout on my report? I have it.

Q That's a good point. The Judge did allow you to do that, so let me give you the rest of the report back.

A Okay. Starting with –

Q Okay. Have you had an opportunity to review your report?

A Yes, sir.

Q And does that help refresh your recollection of what you did to enhance frame 370?

A Yes, sir.

Q And so can you tell the jury now what you did to enhance that frame.

A So, basically, this is pulling the video back into the Amped Five software and it starts, basically, with the video loader, so it loads the video in. Then, the next thing I did was rotate the image to the correct perspective. Then I cropped the region of this image, resized the image, used a optical deblurring to try and get rid of any of the artifacts that were blocking, adjusted the levels, which is a Photoshop term of bringing the lights up and down to try and increasing the contrast and colors to try and make it as pure as – desirable as possible. And then – I'm sorry, and then the deblocking. This is where – when video tends to jump up in frames or they use a lot of compression and it causes the blocking to happen. This item reduces some of that blocking. And then, the unchart masking is basically sharpening, adding detail to the edges of pixels to make a picture better.

Q After you did all of that, what was the finished product?

A It would have been what you see on – it would be the second 370, which was on page 3.

Q On page 3 of your report, the photograph labeled unchart masking frame 370 –

A Yes.

Q -- that's the end product?

A Yes.

Q And that is the product that you got after you ran it through those various programs or various techniques that you used?

A Yes, sir.

Q Okay. What is the next image that you attempted to enhance?

A The next one was 347.
Q Is that on the top of page 4 of your report?
A Yes, sir.
Q And what did you do to enhance that photo or that frame?
A Again, I loaded the video, I made the rotation, I cropped it down to that specific part of the picture, resized it, adjusted the levels and the sharpening.
Q And what is the – where is the finished product that you came up with after you did all those steps?
A Beneath the first one.
Q I'm sorry?
A Beneath the first one, it's –
Q Okay. On the bottom of page 4; correct?
A Yep. Yes, sir.
Q Okay. What is the next frame that you enhanced?
A It would be 343.
Q And is that on page 5 of your report?
A Yes, sir.
Q And is that the smaller image at the top of that page?
A Yes.
Q What did you do to enhance that image?
A That one again, I loaded the video, rotated it, cropped it, resized it, adjusted the levels, and applied a little bit of optical deblurring.
Q What is optical deblurring?
A That is basically setting the focal point to try to – bringing the focus that's not in focus, so you're changing the focal point in a way to make other things

sharp. It's not always – it's – it does the best it can. Once something's blurry, it's blurry, so –

Q Where is the – what finished product did you get from – as a result of those techniques?

A It'd be the one directly under it, as well.

Q The one labeled optical deblurring frame 343?

A Yes, sir.

Q And that's at the bottom of page – well, the middle of the bottom of page 5 of your report –

A Yes.

Q -- correct?

A Yes, sir.

Q Were you able to or did you enhance any of the frames from that video?

A No.

Q Did you attempt to enhance the audio?

A Just a specific portion of the audio.

Q What specific portion?

A The last portion of that video where the male voice says, "Down the hill" – or where the male voice says something.

Q So there's a male voice at the end of the video and you tried to enhance that audio?

A Yes.

Q Okay.

MR. MCLELAND: Judge, can we approach?

THE COURT: Yes.

(Sidebar conference conducted.)

MR. MCLELAND: I was trying to not let him get into that, but they filed a motion in limine in part I think on the loop of the audio as to what was said on the loop, so I wanted to address that. I do have an exhibit I'd like to play for him, "Down the hill", it's looped four times, and I just didn't want to go into the question – I was hoping he wasn't gonna say that until we have a chance to talk about it and get your thoughts on it.

THE COURT: Go ahead.

MS. AUGER: I just think it's – you know, this is me saying that you can't put the toothpaste back in the tube.

THE COURT: Um-hmm. (Affirmative response)

MS. AUGER: Once you hear something over and over, it becomes unduly suggestive. I don't have a problem with them playing the enhancement once.

THE COURT: Okay. I don't disagree. I think the loop is excessive.

MR. MCLELAND: Okay. I don't have that alone, so I'm gonna have to – you know, I don't have it. What about him testifying as to what he believes he hears?

MS. AUGER: I think that is – do you – he may not – I mean, what the girls say is – it's hard to understand and it becomes very suggestive once someone, you know, claims, with all of this he's using – and now – he's no expert in listening, and to suggest what these words are, that's prejudicial, plus it is leading, potentially.

MR. MCLELAND: There's no case on point in Indiana, but –

THE COURT: No, there's not.

MR. MCLELAND: I've looked and looked and looked. The closest case I could find was from Florida from 2023, actually, and they talk a lot about it. I – the State's belief is it comes in under his opinion as a skilled witness, and that's what they kind of said in the case in Florida. It's not binding, but that's what I could find, it comes in under the 701/702, that he is a skilled witness, he's listened to it, he's enhanced it, he can testify as to what he believes he hears.

THE COURT: And I don't have a problem with that, but I do have a problem with the loop.

MR. MCLELAND: I won't play the loop, but I'll just have him testify about it. It goes to – 'cause I don't have the – I don't have "down the hill" once, it's a loop. I don't know how – I would have to work a little bit to separate that out.

MS. AUGER: I don't think he's – he may be a skilled witness in terms of enhancement, but he's not a skilled witness in terms of hearing or linguistics or on listening. I mean, what those sounds are on the video, that's up to the jury to decide, that's not for him to say.

THE COURT: Well, I think what – your objection there goes to the weight that they're gonna give to that, 'cause they're gonna hear it, too.

MS. AUGER: Yeah, and they can decide what it says, but for him to suggest what it says –

THE COURT: But I think he can, based on his expertise as a skilled witness, testify what he believes it says, and you are free to argue that that's not what you hear, but I don't want it on the loop, loop, loop, loop.

MR. MCLELAND: I'm not gonna play the loop, I'm just gonna have

him testify.

THE COURT: Okay. And then you can –

MR. MCLELAND: I don't have it singled out.

THE COURT: Well, then you can modify your exhibit in that fashion.

MR. MCLELAND: You guys have it, but he's not the one that singled it out.

MS. AUGER: Oh.

MR. MCLELAND: You see what I'm saying? So I'd have to play it and stop his – I mean, I could try to play it and stop it.

MS. AUGER: We have it on our computer, if you want to –

MR. MCLELAND: If you're willing just to play – he didn't create that one-time play.

MS. AUGER: I mean, it is what it is, I don't care.

MR. MCLELAND: Okay. Then, I can do that.

THE COURT: Okay.

MS. AUGER: See how easy and helpful I am?

MR. MCLELAND: I made copies for you.

MS. AUGER: You did.

MR. MCLELAND: Yeah.

(Sidebar conference concluded.)

MS. AUGER: Your Honor, may I ask a preliminary question?

THE COURT: I'm sorry?

MS. AUGER: Before the audio exhibit.

THE COURT: Yes.

MS. AUGER: Sergeant –

A Mister.

MS. AUGER: Okay, I'm sorry. Mr. Chapman, do you have any specialized background or expertise in linguistics?

A No.

MS. AUGER: Do you have any specialized background, training, skills in listening?

A Other than through the filters and the audio, but not as far as his speech goes.

MS. AUGER: Okay. And do you have any specialized skills, training, education in hearing?

A No.

MS. AUGER: Your Honor, I would just renew my objections.

THE COURT: Noted. Thank you.

MR. MCLELAND: Okay, Judge, thank you.

Q Mr. Chapman, the audio enhancement that you – or you were talking about the audio enhancement that you did from the video; is that correct?

A Yes, sir.

Q And I believe you testified you focused on the male voice at the end of the video.

A Yes.

Q And were you able to pull out or enhance the audio from that?

A I attempted to lay a couple filters on it to try to improve the quality of that audio.

Q And were you able to do that?

A I did that.

MR. MCLELAND: Okay. Judge, the State's gonna move to admit what's been marked as State's Exhibit 207. The State's gonna move to admit State's Exhibit 207.

STATE'S EXHIBIT 207 OFFERED

THE COURT: Any objection other than that which we've already discussed?

MS. AUGER: No.

THE COURT: I'll show 207 admitted over objection.

STATE'S EXHIBIT 207 ADMITTED

MR. MCLELAND: Judge, I'd ask the Court permission to play that now.

THE COURT: You may.

STATE'S EXHIBIT 207 PUBLISHED BY PLAYING

Q And was that the audio that you enhanced from the video?

A Yes, sir.

Q That's the male voice that you pulled out of the video to enhance?

A Yes.

Q And how many times did you observe the video during your enhancement of the photos? Let's go back: How many times did you view the video when you enhanced the photos?

A A dozen or so times I would say.

Q Did you continue to view the video as you enhanced the audio?

A No.

Q When you were able to – did you pull the audio out of the video?
A Yes.
Q And did you listen to that?
A Yes.
Q And did you listen to that as you tried to enhance the different aspects of that audio?
A Yes, that specific portion.
Q And as you've listened to that specific portion, what do you believe the male is saying?

MS. AUGER: Your Honor, I would just ask that any testimony that Mr. Chapman gives about what he believes the words to be – you can't put toothpaste back in the tube – occurs after the jury hears this. Otherwise, it is unduly suggestive.

THE COURT: I'm sorry, they've heard that now. It's already played.

MS. AUGER: I'm sorry, I apologize.

THE COURT: Okay.

A Well, my opinion is he says, "Down the hill." That's my opinion.

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

THE COURT: Ms. Auger.

CROSS EXAMINATION OF JEREMEY CHAPMAN

QUESTIONS BY MS. AUGER.

Q Mr. Chapman, on – if you could pull up your report, sir. Is it 209? Now, so you put the video in the software and it does its magic, if you will?
A Yes.
Q In simplified, non-scientific –

A It does the work, yeah, I just tell it where to go.
Q Okay. And so when I look at the picture on the bottom of page 2 and the picture on the bottom of page 3, page 2 is the, if you will, unenhanced frame; is that correct?
A They're right next to each other; the unenhanced and then the enhanced is right next to it.
Q Two and three?
A Two and page three, yes.
Q Okay. And so page 2 is the unenhanced image?
A Yes.
Q Page 3 is the enhanced image?
A Yes.
Q Okay. And page 3 is a little different than page 2?
A Yes.
Q Okay. Because you changed it?
A Yes.
Q So that's no longer the original image?
A Correct.
Q And the software does some I think – I probably can't even pronounce this word – interpolation?
A Interpolation, yes.
Q Interpolation. See, I told you.
A Yeah.
Q Thank you. Interpolation. And interpolation is a method that uses known values to estimate some unknowns?

A Yes.

Q Okay. And it could be a method of constructing new data points based on a range of discrete – of unknown data points?

A Right.

Q So we're kind of doing the best we can, but maybe –

A It's – what's your question? I'm sorry.

Q In terms of what the software does to change that image.

A Yeah, it – the software gives me a few different choices to choose the interpolation for that – for the resizing. You're specifically talking about resizing the picture.

Q Okay.

A 'Cause that's where you would use the interpolation.

Q All right. And it says unchart masking.

A Unchart masking would be the sharpening tool, basically.

Q Okay. In all the – in the three frames that you've enhanced, basically, at the end of the day, they're changed?

A Yes.

Q You took some sounds out?

A Of the, yes, the audio.

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

THE COURT: Mr. McLeland.

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

THE COURT: Does anybody on the jury have any questions for Mr. Chapman?

(No response or indication from any juror.)

THE COURT: All right. Thank you, Mr. Chapman. You may step down. Okay. You may call your next witness.

MS. DIENER: The State would call Railly Voorhies Garrison.

ELECTRONIC VOICE: Calling Railly Voorhies Garrison, home.

MS. DIENER: She's in my phone, sorry.

(Witness sworn.)

DIRECT EXAMINATION OF RAILLY VOORHIES

QUESTIONS BY MS. DIENER.

Q Ms. Garrison, would you state your full name.

A Railly Ann Voorhies.

Q And –

THE COURT: Could you spell your name for me, please.

THE WITNESS: My first name?

THE COURT: All – your whole name.

A R-A-I-L-L-Y, Ann, A-N-N, and Voorhies, V-O-O-R-H-I-E-S.

THE COURT: Yeah, you're really gonna have to speak up nice and loud; okay?

A Okay.

Q Yeah, that microphone will not amplify.

A Okay.

Q Okay? In 2017, did you live in Delphi, Indiana?

A Yes, I did.

Q And were you a student at Delphi High School?

A Yes.

Q Do you recall how old you were and what grade you were in?
A Sixteen, sophomore year, tenth grade.
Q Okay. Did you know A.W. and L.G.?
A I knew of them, but I did not know them personally.
Q And as a high school student in 2017, did you have a cell phone?
A Yes, I did.
Q And did you use social media?
A Yes.
Q What kind of social media applications did you use to maybe keep in touch with your friends at school?
A Snapchat, Instagram, and Facebook.
Q And were either A.W. or L.G. in your friend group of your applications?
A I do believe I had them as friends on social media.
Q Do you remember Monday, February 13th of 2017?
A Yes.
Q Do you recall that it was a day when there was no school?
A Yes.
Q Do you recall what you did on that day?
A I took a walk on the High Bridge trail to go take pictures with my camera.
Q And is that something that you did often?
A Yes.
Q Okay. Would you tell the jury about how often you would go to the High Bridge and what you would do when you were there.
A Yes. I would go at least two or three times a week, sometimes every day, and sometimes I'd go twice a day. I'd usually just go to take pictures or

sometimes just to take a walk when it was nice out, that's about it.

Q Would you go alone? With friends? What was your habit?

A I went by myself pretty often, but sometimes I would bring friends or a sibling with me if someone wanted to tag along.

Q And so what did you do on Monday, February 13th of 2017?

A I was at my dad's house and I wanted to go take pictures, and my sister who lived there with me wanted to go with, so I left with her to walk towards the bridge. And you have to walk all the way through town, and I passed my friend Bre Wilber's house, so I asked her if she wanted to come, too. And then, farther along the path to the bridge, I stopped at my mom's house and brought my other sister with me, as well, so then the four of us took the trail up to the High Bridge.

Q Okay. You mentioned taking a sister with you from your dad's house; and what sister would that be?

A Isabelle Voorhies.

Q And what was Isabelle's age in relationship to you? Younger? Older?

A Younger. She was maybe 12, and she's my half-sister.

Q Okay. And then you say you stopped at Bre Wilber's house?

A Yes.

Q And how do you spell Bre Wilber, if you could, for the court reporter?

A B-R-E-A-N-N, Breann Wilber, W-I-L-B-E-R.

Q Thank you. And so did she live along the path that you would take to go to the High Bridge?

A She – yeah, you would walk past her house to get to the road to take the trail, yes.

Q And did she go with you that day?

A She did.
Q Was Bre Wilber in your grade?
A Yes.
Q So she would be of similar age?
A Yes.
Q Did you and Bre Wilber go to the High Bridge often?
A She went with me a few times. I wouldn't say often, but we had gone together before.
Q So she did not go maybe as often as you would?
A No, I wouldn't say so.
Q And then you said you stopped at your mother's house. Was her house also along the path?
A Yeah.
Q And you picked up another sister?
A Yes, Anna.
Q And was Anna of similar age or what would be –
A She would have been about 13 or – 12 or 13, as well.
Q Okay. So maybe you could show us on the map your path.
MS. DIENER: Would that be permissible, Judge –
THE COURT: Yes.
MS. DIENER: -- to have her come down? Can everyone see the map?
Q You should be able to – I'll give you a second to take a look at – okay. Does this map look familiar to you? Do you see where town is?
A Yes.

Q Okay. And then, do you see Highway 25?

A Yes. Here's 25 –

THE COURT: Okay, you need to talk – you need to speak up. These folks cannot hear you.

THE WITNESS: Sorry.

A So this is Freedom Bridge; right? So my mom's house would be over here somewhere. (Indicates)

Q Okay. You don't have to find her house.

A Okay. So then if you follow here, you come up right here on this trail. (Indicates)

Q Okay.

A And then cross Freedom Bridge, then follow through down here until you get to the nature preserve trail – is that where we're at? Sorry, I can't really read a map.

Q That's okay. So I'll make this a little closer, put this down. Okay. Can you see where the High Bridge is?

A Is it right here? (Indicates)

Q That's up to you. Does that look like the High Bridge to you?

A I think so.

Q Okay. So you would come from town –

A Yes.

Q -- across Freedom Bridge –

A Yes.

Q -- and follow the trail –

A Yes.

Q -- and go to the High Bridge?
A Yes.
Q Did you go to the end of the High Bridge?
A That day, I did not go all the way down to the opposite end. I think the farthest I went was the first platform.
Q Okay. All right. You can have a seat. Thank you. So that particular day, you had three other people with you?
A Um-hmm. (Affirmative response)
Q And that was a yes?
A Yes. Sorry.
Q Okay. That's all right. And you walked to the High Bridge –
A Yes.
Q -- correct?
A Yes.
Q Okay. When you get to the High Bridge, do you go out onto the old railroad trestle portion?
A Yes.
Q And how far do you go?
A Probably out – only out to the first platform.
Q Okay. And do all of you go?
A I don't believe either of my sisters went all the way – I don't believe either of my sisters went onto the bridge and I don't think that Bre went any farther than a couple planks.
Q And what time of day did you make this walk to the High Bridge?
A I believe I left home around 11:30, so I probably got to the bridge around

12.

Q Okay. So you're at the High Bridge. What do you do besides walking to the platform?

A I went on the platform to take pictures and then I came back off of it, and I went down underneath the bridge to take pictures down by the water.

Q Okay. What camera were you using to take these photographs?

A A Nikon picture – a Nikon camera, I think it's a D500.

Q So not your phone?

A No. An actual camera.

Q When you get to the High Bridge, you go out onto the platform. You said you come back and you said you go down off the side. If you're looking at the High Bridge and you're on the walking trail, which side do you go down?

A The right side.

Q Okay. Is there a path on the right side?

A No.

Q And so how do you decide how you're going to navigate down the hill?

A There's an area where there's less brush and trees and it – as if someone else has walked down it. You can kind of see that it's walkable. It's not an easy walk, it's a little bit steep, but it's – you're capable of walking down if you're careful.

Q Did the whole group of you go down the hill?

A Yes.

Q And when you went down the right-hand side at the beginning of the bridge, do you go all the way down to the water?

A Yes.

Q What do you do while you're down there?
A Just took some pictures of the water and like the – like nature behind the area, just the woods, wood and rocks and stuff.
Q Okay. And then, where do you go from there?
A We went back up the same way we came down and then we started to walk back towards Freedom Bridge to go home.
Q Now, when you leave that day to go to the Freedom Bridge, do you remember what the weather was like that day?
A It was a nicer day, it was sunny, it was 47 degrees. We were wearing light jackets. It was a nicer day, that's why we decided to take the walk.
Q And some people might say, "Well, why does she know it was 47 degrees back on that particular day?" Can you explain why you know that?
A My dad was worried about me being too cold without a jacket on, so my stepmom checked the temperature at the time before I left home.
Q So after you take your pictures down by the water and you're back up at the trail, did you see anyone on the High Bridge while you were there?
A No, I did not.
Q And when you turned to walk back, are you walking back toward home, toward town?
A Yes.
Q Do you see anyone on your way back to town?
A Yes. When I was almost back to Freedom Bridge, a man walked by, walking towards the bridge, and I said hi to him.
Q Was he the first person you saw?
A On the way out, yes, but I had seen another person walking their dog when

I was – when I myself was walking towards Freedom Bridge – or High Bridge, I'm sorry.

Q So you saw a person walking a dog on your way to –

A High Bridge.

Q -- High Bridge?

A Yes.

Q And then you saw someone on your way back to Freedom Bridge?

A Yes.

Q Okay. Now, was it unusual to see people or was it usually pretty quiet out at the trail? I don't know what you observed.

A I don't think that there were often people. I would – on nicer days, I would see people walking their dogs or jogging occasionally, but not super often.

Q Did you recognize the person that was walking a dog?

A I did not.

Q Did you recognize this person that you saw when you almost got to Freedom Bridge?

A I did not.

Q Did you have a particular time that you needed to be home that day?

A Yes. I had to be home at 2:30, because my sister was with me.

Q Was there anything noteworthy about this person that you saw on the way out?

A I just – I remember that I waved at him and said hi, and he did not say hi back and he like kind of glared at me a little bit and did not seem to be a happy person.

Q Now, after you go home that day, do you learn, at some point, that L.G.

and A.W. had gone to the Monon High Bridge trail?

A Yes. I found out at cheer practice later that day.

Q And did you also learn that they were missing that evening?

A Yes.

Q Do you remember how you learned that?

A Bre told me at practice.

Q And did you have any thoughts about the fact that they were missing from the High Bridge when you had been there?

A I thought it could perhaps have something to do with the man that we saw walking in, because he didn't – he seemed grumpy at the time –

Q Okay.

A -- and was kind of unsettling.

Q Did you or the other girls with you have any conversation about this particular man as you were walking out of the trail?

A I just told them that he seemed to be unhappy. They didn't notice him particularly, so they didn't have a lot to say in response.

Q After you go home and you find out that L.G. and A.W. are missing, are you then asked to give a statement about the person that you saw on the bridge?

A Yes.

Q Do you believe you did that rather soon after that particular day?

A I believe it was the next day at school. I'm sorry, it would be the following – not the day after – the day after they were found, I believe. Tuesday – or Wednesday, sorry.

Q And I'm gonna backtrack a second. You have you Nikon camera. Do you take any pictures with any other device that particular day?

A On our phones for social media.
Q Okay. Did you use other people's phone besides your own?
A I think Bre and I both took photos on phones, maybe with each other's phones of each other.
Q Okay. And you said for social media; can you explain what that would be for?
A Like if you open the Snapchat and take a picture, it has the option to immediately post it on your story, so directly to a platform, not just to be in a camera roll.
Q And so did you do that for your own social media?
A Yes.
Q And did you take any pictures with someone else's phone for their social media?
A Yeah. I took a picture of Bre on the bridge for her to post with her phone.
Q Did you have any communication with L.G. or A.W. during the time you were on the High Bridge?
A I did not.
Q So at some point then, are you asked by law enforcement to give a description of the person that you saw?
A Yes.
Q And what were you able to tell them?
A That they were overdressed for the weather, in my opinion. They were wearing darker clothes. They had their face covered and a hood on with a hat, also.
Q Was it a male or a female, if you knew?

A A man.
Q Was that person Caucasian or of another ethnicity?
A From what I could tell, a Caucasian.
Q And why did you draw the conclusion that he was Caucasian?
A White skin, not dark, just regular white skin.
Q Were you able to see the man's full face?
A No. He had something up over his nose and mouth, like a running mask of sorts.
Q And so motioning on your own face, how far up did that mask come?
A Like around the nose; not up under the eyes, but above the nose.
Q Over the tip of the nose?
A Yeah.
Q And you said it was a hat, as well as a hood?
A Yes.
Q You said darker clothes. Did you notice anything more than just the fact that they were dark in color?
A Not particularly, just that it was overdressed for the nicer weather, when we were only wearing jackets and they had on a, like, heavier coat and a hood and a hat.
Q Okay. What about hands, did you see the person's hands?
A I believe that his hands were in his pockets at the time that we passed him.
Q So then after L.G. and A.W.'s bodies are found, was – do you hear about that the same day that they're found?
A Yes.

Q And in the days that follow, there was information released that had a still image of a person, a male, on the High Bridge and he became known as the Bridge Guy; do you know who I'm speaking of?

A Yes.

Q The photo image –

A Yes.

Q -- not who, but the photo image?

A Yes.

MS. DIENER: May I approach the witness, Judge?

THE COURT: You may.

Q Ms. Voorhies, I need to show this to you for identification. So I can tell you it's marked as State's Exhibit 210. Do you recognize this image?

A Yes, I do.

Q Do you recognize it as an image referred to as Bridge Guy?

A Yes.

MS. DIENER: Judge, the State would move to admit Exhibit 210 and publish to the jury.

STATE'S EXHIBIT 210 OFFERED

MS. AUGER: It's probably already been admitted. Is it one in Chapman's report?

MS. DIENER: It may be a larger image of that, I can't tell you that for sure.

MS. AUGER: No objection.

THE COURT: All right. Without objection 210 is admitted.

STATE'S EXHIBIT 210 ADMITTED

STATE'S EXHIBIT 210 PUBLISHED

Q Railly, do you remember how you first saw this particular image, Exhibit 210?

A I believe that I saw it on Facebook for the first time.

Q When this – when you saw this image, did you find it to be familiar to you?

A Yes.

Q And in what way was it familiar?

A I – when I saw the image, I realized that that was the man that I had waved at on the trail.

Q That did not respond?

A That did not respond.

MS. DIENER: I'll pass the witness.

THE COURT: Ms. Auger.

MS. AUGER: Thank you.

CROSS EXAMINATION OF RAILLY VOORHIES

QUESTIONS BY MS. AUGER.

Q Sorry. Now, Ms. Voorhies – I'm sorry, Garrison.

A No, it is Voorhies. I have not legally changed it yet.

Q Oh, okay. Ms. Voorhies, you were off of school on February 13th, 2017; right?

A Yes.

Q But you still had cheer practice?

A Yes. I believe it was a make-up snow day. So we didn't have a snow day, so we didn't have to go to school, but cheer practice was still scheduled for the day.

Q Okay. And you had to be home by 2:30; right?

A Correct.

Q All right. And you had a little bit of practice in this travel from the – let's do this, would you mind stepping down for a moment? Okay. And, Ms. Voorhies, can you kind of stand over there so that the jury – on the end of the TV, so the jury can see, and can you point to where you were travelling to to go home?

A I believe this map does not cover the part of town my dad lives in. My mom's house though would be I believe this one. (Indicates)

Q Okay. And can you stand over to the side a little bit so everyone can see you point.

A (Indicates)

Q That one? And then your – you had to be home at 2:30 to your dad's; right?

A Right.

Q So that's even farther west? North, south, east, west?

A Yes.

Q Yeah. I'm kind of challenged, too. All right. And could you – so this is the Freedom Bridge, and the trail connects in this little circular spot here?

A Right.

Q Was that there in 2017?

A It was.

Q All right. And can you point to us where you were when you saw the man you thought was the man from the video?

A In this area area – (indicates) – over there, closer to the end, but still in

the trees.

Q Close to the end and still in the trees?

A Yes.

Q Okay. Thank you. Now, you got to Bre's – on your way home, you got to Bre's house about 2:20?

A That sounds accurate, yes.

Q All right. And you said that you probably got to the opening about 2:15?

A That sounds accurate, yes.

Q And when – do you remember giving a statement to Steve Mullin on February 15th, 2017?

A Was it at the school?

Q Yes.

A Yes.

Q Okay. And when you talked to – you told Mr. Mullin where you were when you saw Bridge Guy in 2015; right?

A I believe so.

Q 2017, yes.

A I believe so.

Q And do you recall telling him you were leaving the Monon High Bridge trail, which is a few yards from the Freedom Bridge?

A I believe I said that.

Q Okay. And so just a few yards to you means how many yards?

A I will say that I don't know that I'm – that was the most accurate word to use, I think that I probably just didn't have a great grasp on how to convey the

distance.

Q Okay. And that you saw the man you believed, the Bridge Guy, about here at 2:15; is that right?

A Yes.

Q Okay. And that is two minutes after 2:13; right?

A Yes.

Q Okay. And Mr. Mullin had you draw a map when he spoke to you on February 15th; do you recall that?

A Yes, I recall.

Q And you put a time down that you saw the man on the bridge?

A Yes.

Q Okay. Have you seen that since then?

A Yes. I was – I think every time I've spoken to the police department following, I've seen the map.

Q Okay. Now, you've – the man you saw was in all black; right?

A I had said all black, but then, when I saw the picture, I did recognize the man in the photo as the man that I saw. I think that the unhappy demeanor like read as dark clothing to me.

Q Well, you told Steve Mullin that he was in all black.

A Yes.

Q And you even said black jeans?

A Yes.

Q Black hoodie?

A Yes.

Q Black boots?

A Yes.

Q And black mask?

A Yes.

Q And his face was partially covered by a black cloth?

A Correct.

Q Above – somewhere above the nose?

A Yes.

Q Okay. And he had on a hat?

A Um-hmm. (Affirmative response)

Q Yes?

A Yes. Sorry.

Q His hands were in his pocket?

A Yes.

Q So this kind of – this area is what you were able to see?

A Yes.

Q So somewhere mid-nose to just a little above the eyebrows?

A Yes, maybe a little farther up on the forehead, but not by – that would be more accurate I'd say.

Q Right here? (Indicates)

A Yes.

Q I have no idea where I'm pointing to.

A That seems more accurate.

Q Okay. Now, you also described the man that you saw in his early 20s or

30s; correct?

A I believe I said that, yes.

Q Okay. And he had a bigger build?

A Or at least it seemed to be, 'cause he was wearing heavier clothing.

Q Well, you said bigger build; do you recall that?

A Yes.

Q Do you believe he had a bigger build?

A Yes.

Q Muscular?

A I don't know that I would say muscular, just larger.

Q Okay. Do you recall giving a statement on February 17th?

A At my – yes, I believe.

Q Is it Anna or Anna Lee?

A It's Anna Lee.

Q Okay. And you gave a statement on February 17th and you were with Anna Lee and yourself and Holly Spath?

A My mother.

Q Holly's your mother?

A Yes.

Q Okay. I'm sorry. All right. And on February 17th, do you recall saying that the man you saw was muscular?

A I do not recall that, but I – if I said it – I believe that I could have said it.

Q All right. He had dirty blond hair?

A I remember saying that, as well.

Q And it was long enough to be sticking out of his hoodie?

A I wouldn't say it was super long, just you were able to see the hair color.

Q Outside of the hoodie?

A Yeah, but not like any part – not like very lengthy, like not super long, it just – you were able to see what color his hair was.

Q Sure. And long enough was my word, I'm sorry.

A Oh, okay, yes.

Q It was long enough to come out the hoodie.

A Sorry, yes.

Q All right. And it was curly?

A I don't recall saying that.

Q I'm going to show you transcription of a statement you gave on February 17.

A Okay.

Q Does that look to be a transcription of your statement?

A Yes.

Q Okay. Can you see that? All right. And can you read your statement, what you said, on line 14.

A It says, "It was like curly" –

THE COURT: This is improper impeachment.

MS. AUGER: Okay.

THE COURT: I'm sorry.

Q All right. Can you read your – just to yourself, your statement.

A Yes, I see.

Q Okay. And you believe his hair to be curly? Did you tell investigators his hair was curly?

A It appears at that time I did believe that.

Q Okay. You also said he had brown eyes.

A That sounds accurate, yes.

Q And a wrinkly kind of face?

A Yes.

Q Square jaw.

A I don't know how I could have said that with his face being covered, but yes.

Q Okay. And you also recall giving a statement in 2021?

A Probably, yes.

Q I think you came up from Huntsville maybe –

A Yeah, that –

Q -- and talked to the police; does that help?

A Yeah.

Q All right. And in 2021, you – do you believe that you can accurately describe this person now or have the things that you've seen affected your memory?

A I do think that my memory has been impacted by the imagery.

Q Ms. Voorhies, I owe you an apology – oops, I did misspell your name.

A That's okay.

Q Okay. I'm going to show you what I'm going to mark Defendant's Exhibit O, which is –

MS. DIENER: May I see the exhibit?

MS. AUGER: Oh, yeah, sorry.

Q -- a print-out of the map that we just talked about.

A Um-hmm. (Affirmative response)

Q Could you circle on that map where you saw the man you believe to be Bridge Guy.

A (Indicates) I think – I believe somewhere in that area.

Q Okay. And that was at 2:15?

A Yes.

Q Can you write down 2:15 for me.

A (Indicates)

Q Thank you.

MS. AUGER: Move to admit Exhibit O.

DEFENDANT'S EXHIBIT O OFFERED

MS. DIENER: No objection.

MS. AUGER: Publishing –

THE COURT: Without objection, O is admitted.

DEFENDANT'S EXHIBIT O ADMITTED

MS. AUGER: May I publish it?

THE COURT: You may.

MS. AUGER: Thank you.

DEFENDANT'S EXHIBIT O PUBLISHED

Q Ms. Voorhies, you're 5'7"?

A Yeah.

Q Okay. And the man that you saw was taller than you?

A From the perspective I had, yes.
Q Okay. 5'10"?
A That seems like it could be accurate.
MS. AUGER: No further questions.
THE COURT: Ms. Diener.

RE-DIRECT EXAMINATION OF RAILLY VOORHIES

QUESTIONS BY MS. DIENER.
Q Ms. Voorhies, we're gonna backtrack a little bit; okay?
A Okay.
Q You said on your way to the High Bridge, you saw a man walking his dog?
A Yes.
Q Which direction was the man walking his dog walking?
A He was walking towards Freedom Bridge while I was walking towards High Bridge.
Q Okay. Opposite direction?
A Correct.
Q You spend your time at High Bridge, you're walking back –
A Yes.
Q -- toward town?
A Yes.
Q Do you and your friends make stops along the way?
A Yes. We stopped at a bench to take some pictures.
Q And do you recall how far down the trail you were when you stopped to take a picture of the bench?
A I don't recall exactly how far it was, but I know that the barn with the green

roof was in the background of the pictures, so it was along where that would be.

Q And so would that be in the section between the High Bridge and the Mears entrance? Are there houses or buildings along behind the trail in that area?

A Can you show the entrance again?

Q Mears entrance. (Indicates) High Bridge. (Indicates)

A I believe it would be slightly past that entrance.

Q So over this direction? (Indicates)

A Yes.

Q Okay. And so you stopped at a bench to take a picture?

A Yes.

Q If there was a building in the background that had a green roof, were you on a bench on the north side of the trail or the south side of the trail?

A The north side.

Q Do you see the building with the red roof in this particular picture? Do you know where it is?

A The green roof?

Q Or the green roof, sorry.

A I believe so.

Q And can you come down and show us where that is.

A I believe it would be this building right here. (Indicates)

Q Okay. So you're pointing to this one right here?

A Yes.

Q Let's use the pointer, so you can back up to make sure the jury sees the whole thing.

A I believe it's this building right here.

Q Okay. So that looks like it's a farm building, the green roof, and it was the in background of the picture. When you gave your – well, in relationship to that building and that bench, did you see the Bridge Man – the Bridge Guy after that photograph?

A Yes, it was after.

Q And so it had to be somewhere between the green-roofed building and the plaza?

A Yes.

Q Okay. The particular picture that you took that had that building in the background, who was in the picture?

A I believe it was a picture of Bre and I and part of my sister was cut off on the left side.

Q Okay. Do you think Bre also had pictures of that?

A It's very possible.

Q Okay. And – oh, you can have a seat. When you were giving your statement to the police, was there any other man that you saw between the green-roofed building and the plaza?

A No, I only saw one person on the way out.

Q Okay. And that was the man you identified as Bridge Guy?

A Correct.

Q Had you ever given a statement to police before?

A I do not believe so.

Q Had you ever been asked to estimate someone's height?

A No.

Q Had you ever been asked to estimate someone's weight?

A No.

Q Had you ever been asked to estimate a distance?

A No.

Q Did you have the benefit of having something with you that had a timestamp that would tell you when a particular picture was taken or when you saw Bridge Guy?

A I do not believe – during my statement, I did not have access to any timestamps.

Q Okay. And you indicate that you saw the Bridge Guy when you were walking toward town. Which way is the Bridge Guy walking?

A Towards the High Bridge.

Q So when you saw this picture of Bridge Guy in the media, was it shortly after the girls were found?

A Yes.

Q And at that time, did you have any doubt that this was the person you saw?

A No, I would say I was certain that that was the man that I walked past.

Q And this picture doesn't help you with anything about his face other than maybe that he's Caucasian, does it?

A No.

Q Is this picture similar to the person that you saw in any way other than clothing? Is there anything about this that causes you to conclude that it's the person you saw?

A No.

MS. DIENER: No other questions.

THE COURT: Ms. Auger.

RE-CROSS EXAMINATION OF RAILLY VOORHIES

QUESTIONS BY MS. AUGER.

Q The picture you saw influenced your memory; right?

A I can say with confidence that the person in the picture is the person I walked past.

Q Okay. And I appreciate that, but my question is: The picture that you saw influenced your memory?

A It's possible, yes.

Q And I'm showing you State's Exhibit 210. You say black jeans; correct?

A That is what I said.

Q You said black coat?

A That is what I said.

Q Blue hat?

A It was – I believe it was the hood that I said was blue. I could be incorrect, but –

Q Okay. All right. And black mask covering the bottom portion of his face?

A Yes.

MS. AUGER: Nothing further.

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

(No response or indication from any juror.)

THE COURT: All right. Thank you, ma'am. You may step down.

THE WITNESS: Thank you.

MS. DIENER: Judge, may this witness be released from her

subpoena?

THE COURT: Any objection?

MS. AUGER: No.

THE COURT: And she is free to go. This would be a good time, ladies and gentlemen, for us to take our afternoon recess. While you're outside the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discus the evidence that you've heard so far, but again, please, only do that if all 16 of you are present in the jury room at the same time and, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 3:25 p.m.)

THE COURT: All right, let's take 5 minutes. Jodie, you can go off the record.

(Off record at 3:26 p.m.)

(On record at 3:44 p.m.)

THE COURT: Would counsel approach real quick, please, just real quick.

(Sidebar conference conducted.)

THE COURT: I just wanted to let you know my thoughts about we're gonna be done like at 5:30 today; okay?

MS. DIENER: We have two witnesses.

THE COURT: Okay. Will that get us to 5:30 or will that get us past 5:30?

MR. MCLELAND: If we do one (inaudible)

MS. DIENER: Yeah.

MR. MCLELAND: That'll get us closer to 5.

THE COURT: Okay. Well, why don't we play it by ear.

MS. DIENER: I think that those two will be similar to –

THE COURT: To this –

MS. DIENER: -- the last one

THE COURT: Okay. Very good.

(Sidebar conference concluded.)

THE COURT: All right. You may call your next witness.

UNIDENTIFIED INDIVIDUAL: (Sneezes)

THE COURT: God bless you.

MR. ROZZI: We need the jury.

THE COURT: Oh, that would help. Thank you, yeah. Thank you, Mr. Rozzi. That would help if we had a jury.

THE BAILIFF: All rise.

(Jury in at 3:47 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. Ms. Diener, you may call your next witness.

MS. DIENER: The State would call Breann Wilber.

(Witness sworn.)

DIRECT EXAMINATION OF BREANN WILBER

QUESTIONS BY MS. DIENER.

Q Breann, could you, please, state your full name and spell your first and last name.

A Breann Wilber, B-R-E-A-N-N W-I-L-B-E-R.

Q Okay. That's pretty good, but I'm gonna need you to talk a little bit louder; okay?
A Okay.
Q In 2017, were you a student at Delphi High School?
A Yes.
Q And do you remember what grade you were in or how old you were?
A I would have been 16 and tenth grade.
Q At that time, did you know A.W. or L.G.?
A I knew L.G.
Q And how did you know her?
A I knew her through Kelsi German.
Q And what was your association with Kelsi?
A She was one of my best friends.
Q Okay. And did you use social media back in 2017?
A I did.
Q Do you remember what your primary social media application was?
A I used Snapchat.
Q And how would you use Snapchat?
A You would go on it and take pictures of yourself or what you were doing and then you can send it to friends or post it to a story for everyone to see that you're friends with.
Q Did you have A.W. or L.G. in your Snapchat friend list?
A L.G. was a friend.
Q And on Monday, February 13th of 2017, do you recall that that was a day you did not have school?

A Correct.
Q And did you go to the Monon High Bridge trail that day?
A I did.
Q Was that a place that you visited often?
A It was.
Q And would you go alone or with friends or both?
A I would typically go with friends, never alone.
Q Was it within walking distance of your home?
A It was.
Q And is that how you would get there?
A Yes.
Q Did you go there on February 13 of 2017 with friends or alone?
A With friends.
Q And who did you go with?
A I went with Railly and Anna.
Q And tell us about the events leading up to you and Railly going to the High Bridge.
A I was at my house. She came over, 'cause we lived in close proximity, and then we both agreed that we were gonna go take some pictures on her camera, and then we walked over.
Q Were you a person that would cross the High Bridge?
A No.
Q Would you go out on the bridge at all?
A Maybe one or two steps.
Q Okay. And we have a large map here, and can you show us how you would

have taken that path from town.

A Do you want to me to get up and –

Q Yep. You can step down.

THE COURT: You need to stand to the side, so that the jury can see what you're –

THE WITNESS: Sorry.

THE COURT: Thank you.

A My house was over on the other side, right where that gravel patch is, and then we walked up that way and then over Freedom Bridge, and then go down the trail to get to High Bridge.

Q So you're following this path in the middle of the –

A Correct.

Q -- map?

A Um-hmm. (Affirmative response)

Q When you went to the High Bridge that day, do you remember seeing any other people?

A There were a few people, not at the High Bridge, but as we were walking the path we saw some people.

Q When you got to the High Bridge, what did you do?

A We took some pictures and then we just chit-chatted. We didn't do anything crazy. We didn't cross the bridge, just took pictures.

Q Did you post anything on your Snapchat to indicate that you were at the High Bridge?

A I did.

Q And did you do that using your Snapchat application?

A I did.
Q And then, after you're at the High Bridge, what did you do?
A After we were at the High Bridge, we were getting ready to leave and went the same path back.
Q And did you see any people on your way back?
A We saw a few people, yeah.
Q Okay. And did you take any pictures on your way back?
A We did.
Q Was there one in particular that would have been your last photo on your way home –

MR. BALDWIN: Leading.

THE COURT: Could she finish the question?

Q Was there a last photo you took before you left the trail?

THE COURT: Overruled. You can answer.

A Yeah.
Q And you provided those photos to law enforcement, did you not?
A I did.
Q And you provided them with a timestamp from your Snapchat app, did you not?
A I did. I did.

MS. DIENER: May I approach the witness, Judge?

THE COURT: You may.

Q Ms. Wilber, I'm gonna show you what's marked as State's Exhibit 211, take a look at it, there's four pages. Do you recognize those?
A I do.

Q And do they accurately represent photographs from your Snapchat application, along with the timestamp data from your phone?

A They do.

MS. DIENER: State would move to admit Exhibit 11 – 211 and publish it to the jury.

STATE'S EXHIBIT 211 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 211 is admitted and you may publish.

STATE'S EXHIBIT 211 ADMITTED

STATE'S EXHIBIT 211 PUBLISHED

Q Ms. Wilber, would having the pictures assist you in testifying about the photographs, when they were taken and what the corresponding Snapchat data tells us? Would it help you to see the pictures?

A Yeah. Thank you.

Q So on the first page, describe your photo and tell us when you took that photo.

A The first photo is a picture of High Bridge stating "Back", because I was there previously on other days. The picture was taken at 12:43 on February 13th, 2017.

Q And you saved that photograph from that day?

A Yes.

Q And then, the third page, which is your second photo, can you describe that photo and when it was taken based on your testimony as to your time on the High Bridge trail?

A This photo was taken after we had already been to High Bridge, when we were on our way back. It was taken on one of the benches at 1:26 on February 13th, 2017.

Q After the picture was taken at the bench, did you see people on your way out of High Bridge trail to town?

A Yes. We saw maybe one or two people on our way out.

Q And was there anyone that caught your attention on your way out?

A Yes.

Q And can you describe why that person caught your attention?

A Because it was a warmer day on February and they were dressed in what looked like many layers with a kind of heavier jacket, which I thought was kind of strange. Also, with the way that he was walking, kind of like he was with a purpose, knew where he was going. Also, Railly, when we were with her, she was saying hi to everybody and everyone was saying hi back, 'cause we're all a good community here. When she said hi to this person that we passed, there was no hesitation in him stopping and saying hi, and it just kind of gave me weird vibes.

Q And so you proceed back to town; is that correct?

A Yes.

Q Later that day, do you – or actually, during that day at all, do you learn that L.G. is going to the High Bridge trail?

A Yes.

Q And how do you learn that?

A As we were walking back, she messaged me on one of my pictures on Snapchat and asked if we were still there.

Q And would that be one of the pictures that you took from that day on Snapchat?
A Yes.
Q And so explain to the jury how it happens that she messages you on your picture.
A If someone is looking at your story, when they click on it, the picture pops up and you are able to slide up and then type something related to the picture and it will send to whoever posted the picture.
Q And so was L.G. in your friend list so that she could see your Snapchat story?
A Yes.
Q And is your Snapchat story something that is exclusive to people that you select?
A Yes, to friends only.
Q And so did you receive this message from L.G. before you left the trail? And when I say left, I'm saying passed Freedom Bridge.
A Yes, we were still on the trail when she messaged me.
Q Okay. And when you responded, what did you say?
A I told her no, that we had just left maybe ten minutes ago.
Q And so when you were saying ten minutes ago, are you referring specifically to High Bridge or just the trail in general?
A To High Bridge.
Q Okay. Later that day, did you learn that A.W. and L.G. were missing?
A Yes.
Q And do you remember how you learned that?

A Yes.
Q What do you remember?
A We were at home, it was me and Kelsi, and Kelsi's grandma had tried to contact her and that is how we found out.
Q Okay. And at some point then, are you asked to talk to the police because you had been on the High Bridge trail that day?
A Later that evening, yes.
Q And did you give a statement in response to questions about people that you saw on the trail?
A Yes.
Q And did you give a statement about the person that you saw as you were leaving the trail that you said was a bit off?
A Yes.
Q And what were you able to tell law enforcement?
A I informed them that this person was walking kind of with a purpose, he had something that seemed to have maybe been covering his nose or mouth, but his head was also kind of tucked down. I wasn't able to see much hair. I don't know if his hood was down or if he had a hat on. He had a blue or black jacket with blue pants on.
Q And after the next day, did you learn that A.W. and L.G. were deceased?
A Yes.
Q Following that day, did you see on television or social media an image of a person denoted as Bridge Guy?
A Yes.
Q And did you have any thoughts about that particular person?

A When I saw the image, the first thing that went into my head was that was the person that we passed on the trail.

Q Okay. I'm gonna show you what's marked as State's Exhibit 210; is that the image you would have seen in media or on the news?

A Yes.

Q And is that the image that you believed was the person that you saw on the trail?

A Yes.

Q Can you come down to the map and show us where the last picture was taken that you indicated was at 1:26 p.m.

A It would have been about right in this area – (indicates) – 'cause in the back of the picture there is a green building with a green roof.

Q Okay. And you can see that in the back of your photograph and that's what you used for reference?

A Yes.

Q Was – how long after that photograph of the bench – so you're on this trail. (Indicates)

A Yes.

Q How long after your photograph with that building in the background did you run into the Bridge Guy going past you?

A I don't know an exact time, but I do know that we were still in the woods. I'd say around this area, 'cause it was still very woody. (Indicates) We weren't getting to the point where we could see the highway or hear it.

Q Okay. And if you were walking out of the trail toward town, which way was the Bridge Guy walking?

A Bridge Guy was walking this way – (indicates) – 'cause we were walking that way. (Indicates)

Q And as far as the timestamp on your phone, were you set to Indiana local time?

A Yes.

Q And so your timestamp would have been accurate as to the time of day?

A Yes.

MS. DIENER: I'll pass the witness.

THE COURT: Mr. Baldwin.

CROSS EXAMINATION OF BREANN WILBER

QUESTIONS BY MR. BALDWIN.

Q I want to spend some time talking about this guy that you say creeped you out.

A Um-hmm. (Affirmative response)

Q Yes?

A Yes.

Q You gotta say "yes", so that the record's clear.

A Yes.

Q I might have to do that more often. So this is the guy that you say creeped you out?

A Yes.

Q All right. Now, the height of that guy that creeped you out, was – he stood as high – you stood as high as his upper forearm; is that correct?

A I'm not – can you reword that?

Q Sure. You've described this man's height is that you stood as high as his

upper forearm.

A At the time, that's what I guessed at. I was going off of just kind of general height of my family and height-wise, but it was a quick pass by.

Q So he was a taller guy?

A Correct.

Q Correct?

A Correct.

Q Thank you. That's the guy that creeped you out that's on that photo?

A Correct.

Q He was a muscular guy?

A I'm unsure.

Q Okay. Do you remember giving a statement to police in August of 2020? Dave Vido was there, it was – the talk was in the U.S. Marshals Office; do you remember that?

A Yes.

Q Okay. Would it help refresh your memory if I asked you to review your words?

A We can.

Q Okay. Great. I'm gonna hand that to you, have you look at page 22.

MR. BALDWIN: Do you guys have that? Need that?

MS. DIENER: What are you referring to?

MS. BALDWIN: To the – her August 22nd, 2020, statement

MS. DIENER: I have her deposition.

Q Please turn to page 22. I'm looking at line 16, but you can read as much context as you want.

A Okay.
Q Does that refresh your recollection?
A From this, yes –
Q You said he was muscular?
A Yep.
Q Younger guy?
A I'm unsure.
Q You told police – did you tell the police that he was in his early 30s?
A Was that in 2020's interview?
Q Yes.
A I may have if it's in there. That was three years later.
Q Okay. So is your memory bad three days – three years later when you talked to the police?
A Given at the time I was 16, at that point, in 2020, I was around 19/20.
Q I understand. He wore a zip-up windbreaker jacket; is that correct?
A I do remember that.
Q Not a heavy jacket, one of those windbreaker jackets?
A Yes.
Q And he had a – his hood was on and – he had a hoodie and it was on, he was wearing it over his head?
A He had something on his head, 'cause I wasn't able to see his hair.
Q There was a lot of other people on that trail that day?
A There were a few other people, yes.
Q Did you see a guy on the trail that day that had – that looked to be around 20 and had brown, poufy hair, by chance?

A I don't recall.

MR. BALDWIN: All right. Thank you.

THE WITNESS: Thank you.

THE COURT: Ms. Diener.

RE-DIRECT EXAMINATION OF BREANN WILBER

QUESTIONS BY MS. DIENER.

Q Ms. Wilber, referring you back to the photographs you identified as the person you saw. Did anyone look like this other than the person that you saw after the bench picture and before you left the trail?

A No.

MS. DIENER: No other questions, Judge.

THE COURT: Mr. Baldwin.

MR. BALDWIN: Nothing. Thank you.

THE COURT: Does anybody on the jury have any questions for Ms. Wilber?

(No response or indication from any juror.)

THE COURT: All right. Thank you, Ms. Wilber. You may step down.

THE WITNESS: Thank you.

MS. DIENER: Judge, may I release this witness from her subpoena?

THE COURT: Any objection?

MR. BALDWIN: No.

THE COURT: And you are free to go. Thank you. You may call your next witness. You may call your next witness.

MS. DIENER: The State would call Betsy Blair.

(Witness sworn.)

DIRECT EXAMINATION OF ELIZABETH BLAIR

QUESTIONS BY MS. DIENER.

Q Please state your full name and spell your first and last name.

A Elizabeth Blair, B-L-A-I-R, Elizabeth, E-L-I-Z-A-B-E-T-H.

Q And do you go by Betsy?

A I do.

Q Is it okay if I call you Betsy?

A Yes, you may.

Q Thank you. Betsy, do you live in Delphi?

A I do not.

Q And did you live in Delphi in 2017?

A I did not.

Q Did you frequent the Monon High Bridge trail in 2017, located in Carroll County?

A Yes, I did.

Q And did you frequent it for a period of time also in 2016?

A Yes, I did.

Q What was your practice with regard to visiting the Monon High Bridge trail on or before February 13th of 2017?

A I went out there to walk regularly several times a week, and I would kind of take the same path each time and walk on the trail between the High Bridge and the Freedom Bridge and down into the NICHES property.

Q And so did you always follow the same direction?

A Yes.

Q And were you doing this for exercise?
A Yes, for exercise.
Q On this particular – would you go by yourself?
A Yes.
Q Okay. So on February 13 of 2017, do you remember about the weather that day?
A It was a little chilly.
Q And when you went to the trail for your exercise, would you see people, other people, on the trail?
A Sometimes I did.
Q Did you always go around the same time of day?
A No. It varied.
Q And was there anything that helped you to determine approximately when you were at the High Bridge trail on February 13th of 2017?
A Could you restate that?
Q Yes. Was there anything that you had that helped you determine the time that you went to the High Bridge trail on that particular day?
A The time I knew because my Fitbit keeps track of it for me.
Q And was that a device that you used on a regular basis to keep track of your steps or your distance?
A Yes. I always wore it for my walking and it would track all my steps.
Q Okay. So tell us about your typical route, then. Where would you enter the trail?
A Okay. So I parked at the NICHES parking lot, which was across from the Mears farm, and I would park there in the little gravel lot and I would go to the

– down to the intersection of the trail and then I would turn left and go towards the Monon High Bridge, and I would turn around at the barricade there and I would go back to the trail intersection with the NICHES trail, and I would turn left and I would go down the NICHES trail for some distance, but not all the way, and I would turn back and come back up to the main junction again, and turn left and I would go down to the Freedom Bridge, and then I would come back to the main intersection, and then turn to the left, which is where the car was parked.

Q Okay. And how many loops would you do in a given trip to the High Bridge trail?

A I would do that route three times.

Q Now, on this particular day, February 13th of 2017, did you do three loops?

A I did two loops and then I took a break and then I did the third loop.

Q Okay. So when you went to the trail the first time, did you park across from the Mears farm in the parking area that you described?

A Yes, I did.

Q And when you did your two loops, did you see people out there?

A No, I didn't.

Q And when you came back to your car, you said you left and then came back; is that correct?

A Yes, I did.

Q Was yours the only car parked there when you came back to it after your loop number 2?

A Yes, it was the only car parked there.

Q Okay. And then, you left for a period of time?

A I did.
Q And where did you go?
A I went to the library in Delphi and I used the restroom and then I came back.
Q Okay. When you came back, did you park in the same place?
A I did.
Q And did you do another loop in the same fashion that you described to us?
A Yes, I did.
Q During your second loop, did you see anyone on your way to the High Bridge?
A On the second loop, no, I didn't see anyone.
Q On loop number 3, sorry.
A On loop number 3, yes.
Q Okay.
A So when I was on the third loop, then, when I went to the High Bridge, then I did see someone on the bridge.
Q Okay. Was it a man or a woman?
A That was a man.
Q And when you're at the High Bridge, do you spend any amount of time there?
A No. I just went up to the orange rail, barricade, and I went up and looked out across the bridge and then I saw the person and then I turned around after a moment.
Q And came back the other direction?
A Yes.

Q So then you come back to the junction and do your short jaunt into the NICHES area toward the water; correct?
A Yes.
Q And then you go back to the main trail and go toward Freedom Bridge?
A I did.
Q In between the High Bridge and the entrance, did you see any people?
A Yes. That was where I saw the two girls.
Q And what two girls are you referring to?
A I found out later they were A.W. and L.G.
Q Okay. What did you notice about them when you saw them?
A They were just walking along and chatting with each other kind of quietly, kind of intimately with each other, and they didn't really look at me when I walked past.
Q Okay. So then did you continue on to the Freedom Bridge?
A Yes, then I kept walking.
Q Okay. Do you remember seeing anybody of consequence on your way to the Freedom Bridge?
A No.
Q And then do you come back to your car?
A Yes, I did.
Q And then you leave the area?
A Yes.
Q Later that day, do you see on the news that A.W. and L.G. were missing?
A Yes. First my husband told me that they were missing.
Q Okay. Was he there at home with you when he told you or how did that

happen?

A He was at work and he knew that I walked out there a lot and he saw on the news that they were missing, and so he called me and let me know that there was a story about the two missing girls.

Q What did you do with that information?

A So then I called up to the county sheriff's office and reported that I saw them and that I saw a man on the bridge.

Q At that point, had you seen any images of A.W. and L.G.?

A The ones on the news, I saw those.

Q Okay. And so they were immediately recognized by you as the girls you saw on the trail?

A Yes. As soon as I saw their photos on the news, I realized that was the same two girls I had seen.

Q Okay. So you said you contact law enforcement.

A I did.

Q And you give them the information that you were out there.

A Yes, I did.

Q Did you learn the next day that the girls were deceased?

A Yes, the next day I heard that news.

Q Prior to being contacted by law enforcement, did you see the news release of an image from one of the girls's phones?

A Yes, I did.

Q And would you agree that that was referred to as the guy on the bridge or Bridge Guy?

A Yes, it was.

Q I'd like to show you what's marked as State's Exhibit 210; is this the image that you recall seeing?

A Yes, I did.

Q When you saw this image, did you find this person to be familiar to you?

A I recognized him as the one I had seen on the bridge.

Q Within a few days of you seeing the girls on the bridge, were you contacted by law enforcement?

A Yes.

Q And did you go in to give a statement?

A I did.

Q And did you use your Fitbit data in order to assist you in letting law enforcement know when you had been at the trail, both the first time and the second time?

A Yes. I talked to them about it and I shared that image off of my phone with them from the app.

MS. DIENER: May I approach the witness, Judge?

THE COURT: You may.

Q Betsy, I'd like to show you what's marked as State's Exhibit 212; do you recognize that image?

A Yes. That's the one I provided.

Q Okay. That is your Fitbit data for February 13th of 2017?

A Yes, it is.

MS. DIENER: Judge, State would move to admit Exhibit 212 and publish it to the jury.

STATE'S EXHIBIT 212 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 212's admitted and you may publish.

STATE'S EXHIBIT 212 ADMITTED

STATE'S EXHIBIT 212 PUBLISHED

Q So –

MS. DIENER: Judge, may I allow her to use this to –

THE COURT: Yes.

MS. DIENER: -- testify?

Q I'll give you a copy of it.

A Thank you.

Q And so how is this helpful to you, Betsy, to indicate when you were on the trail?

A So on this image, the higher lines are the times when I was walking. So from 12 to about 1, there are five lines that are higher than the others, and that was when I made the first two laps on the trail. And then there are two short red lines, where I was not walking on the trail. And then the other – next two green lines are where I was walking on the trail again for the third lap.

Q In your experience, is the trail kind of evenly divided by the entrance that you use when you go to the High Bridge, the beginning of the High Bridge? Is this distance similar to the distance to the Freedom Bridge?

A Probably.

Q In the amount of time it takes you to walk?

A Probably.

Q Well, if you feel it's different, I'm okay with that, I just want to –

A I'm not a hundred percent sure.
Q With regard to the two lines on your Fitbit data that are indications of your third loop –
A Yes.
Q -- after you took a break, you would have seen the Bridge Guy at the beginning of your walk, as opposed to toward the end of your walk?
A Correct.
Q Okay.
A Yes.
Q Because your loop was to go to the High Bridge first.
A Yes, it was.
Q When you were asked to give law enforcement a description of the person that you saw on the High Bridge, you indicate to us that you're sure that it's the Bridge Guy picture.
A Yes.
Q So were you able to see his face clearly?
A Not super clear, because he was about 50 feet away.
Q And where was he in relationship to you on the trail?
A He was out on the bridge on one of the little platforms on the side of the bridge.
Q Was there anything about what he was doing or where he was positioned that caught your attention?
A He was out on this little platform and he just looked at me when I came to that barricade and he looked at me like he was expecting somebody or something and then I just felt like he wasn't looking for me and I turned around at that

point, it was just a moment where I was looking at him.

Q Could you tell that it was a white male?

A Yes.

Q When law enforcement questioned you, did they ask you to give details about this person that it was difficult for you to provide?

A They asked me to do a sketch.

Q Did you – had you seen this person on the trails before?

A No.

Q Did you see other people on the bridge on your third lap?

A On the third lap, I just saw the guy on the bridge and the two girls.

MS. DIENER: Okay. No other questions

THE COURT: Mr. Baldwin.

CROSS EXAMINATION OF ELIZABETH BLAIR

QUESTIONS BY MR. BALDWIN.

Q Hi, Betsy.

A Hello.

Q I think one of the terms that you've kind of brought in to today that we haven't heard before is "NICHES". So I think we call that – we've been calling that the Mears entrance; is that – have you ever heard it called it?

A Yes.

Q Okay. I just want to make sure we're talking the same language. NICHES is the Mears entrance?

A Yes.

Q Okay. So just so that it's clear, when you – let's say you went down to the Mears entrance to the trail here and then you went down to the bridge –

A Yes.
Q -- and you walked this way, and then you got to a certain point, then you're looking at a person up on one of the platforms?
A Yes.
Q And that platform was off to the right; was it not?
A It was.
Q Okay. And you had an unobstructed view of him?
A Yes, I did.
Q And you got to look at him for a number of seconds?
A It was a moment.
Q A moment. In that moment, you recognized that he was in his 20s is what you thought; correct?
A When I was asked how old he was, I said 20s or 30s.
Q Okay. And you also said that he had brown, poufy hair; is that correct?
A I described that to the person making the sketch.
Q Okay. And then – and I might get back to that in a second in terms of the description you gave, but just so – then you turned around and then, at some point in time, that's when you passed who you found out later were A.W. and L.G.; is that correct?
A Yes.
Q And you passed them or they passed you, however you want to look at it, before you got to the Mears entrance or the NICHES entrance; is that correct?
A That's correct.
Q Okay. I've asked most of these, so I'm moving on. You said that he looked young.

A Yes.

Q He was more boyish looking is what you told police; correct?

A I don't remember.

Q Okay. Do you remember giving a statement to the police in March of 2019?

A Yes.

Q Would it help if I gave you that document so it would refresh your recollection about what you said?

A Sure.

Q Okay. March 7th statement, page 4, if you want to look at page 4 of this document, and it's around line 13, but you can get as much context as you'd like and tell me when you're ready.

A Okay.

Q You told the police that he was more boyish looking; isn't that correct?

A Yes.

Q Thank you. And then, you also said at another point in time he was youthful in appearance – in his appearance.

A Yes.

Q He didn't look to you like somebody that had been married for over 25 years, that he wasn't that old –

MS. DIENER: Objection, Judge. He's inserting facts not in evidence into his question.

THE COURT: Sustained.

MR. BALDWIN: In the form of a hypothetical?

THE COURT: No.

Q He was of average height; correct?

A That was my best guess.
Q He wasn't short?
A Didn't seem like it.
Q He had no facial hair?
A I didn't see any.
Q He was not wearing a hat that you saw?
A I didn't see one.
Q And when you left the Mears – well, when you left – you had parked at the NICHES or Mears lot; correct?
A Correct.
Q And when you left, you went westbound on 300 North; is that right?
A When I drove away, yes.
Q Yes. And at that time, you drove by the CPS building?
A Yes, I did.
Q And you noticed a vehicle in that building?

MS. DIENER: Judge, the State would object. It's outside the scope of direct.

THE COURT: Sustained.

MR. BALDWIN: We'll bring her back.

Q Are you under our subpoena, Betsy?
A Yes, I am.

MR. BALDWIN: Okay. Thank you. You know what? I don't have any further questions. Thank you.

THE COURT: Mr. Baldwin, would you retrieve your document from her.

MR. BALDWIN: Yes.

THE COURT: Ms. Diener.

RE-DIRECT EXAMINATION OF ELIZABETH BLAIR

QUESTIONS BY MS. DIENER.

Q Ms. Blair, you were interviewed multiple times; is that correct?

A Yes, I was.

Q And each time, you were asked to provide additional details; is that correct?

A Yes, I was.

Q And you saw this person for you described as –

MR. BALDWIN: Objection to leading questions.

THE COURT: Would you finish your question before I can rule, please.

Q You previously testified that you saw him for only a moment?

THE COURT: Overruled.

MS. DIENER: Is that question permissible, Judge?

THE COURT: Yeah. I overruled the objection.

MS. DIENER: Okay. Thank you.

A Yes.

Q Am I right?

A Yes, I did.

Q Okay. So when you saw the Bridge Guy image and it made you think of the person you saw on the bridge, was it a – why is it that you drew that connection?

A I immediately knew when I saw that photo that that was the guy I had

seen on the bridge.

Q And was that within days of this event happening?

A Yes. It was the same week.

Q Before law enforcement ever spoke to you?

A Yes.

MS. DIENER: Thank you. No other questions.

THE COURT: Mr. Baldwin.

RE-CROSS EXAMINATION OF ELIZABETH BLAIR

QUESTIONS BY MR. BALDWIN.

Q Since 2017, your mind has never changed about what the guy, Bridge Guy, looked like; is that correct? Since 2017, you have not changed your mind about the description of the guy you saw on the platform?

A No. What I've – I have consistently recognized him as the guy in the photo.

Q Okay. And that guy, in terms of the description, the younger guy, the brown, poufy hair, that description also has not changed since 2017?

A When I was making that description, it was comparing two different sketches, two different images.

MR. BALDWIN: Thank you, Betsy. No other questions.

THE COURT: Does anybody on the jury have any questions for Ms. Blair? Would counsel approach.

(Sidebar conference conducted.)

THE COURT: "What was your distance to the man on the bridge?"

MS. DIENER: I'm okay with that.

THE COURT: "In that distance, how could you determine he was looking for someone?"

MS. DIENER: She'll explain her observation.

MR. BALDWIN: Okay.

THE COURT: "You stated the man on the bridge had brown, poufy hair. Could you have mistaken the hat on the man in the photo as hair due to your distance from him?"

MR. BALDWIN: Yeah.

MS. DIENER: Good question.

THE COURT: "From your statement I have heard, 'I saw the man and two girls on the bridge,' and 'I passed A.W. and L.G. after seeing the man on the bridge,' could you, please, clarify which is correct?

MR. BALDWIN: Yeah, I'm gonna (inaudible)

MS. DIENER: (Inaudible)

THE COURT: I don't – I didn't hear her say that. So no, don't ask that?

MR. BALDWIN: I don't mind if it helps clear up for the juror, but it doesn't matter to me.

MS. DIENER: What do you do with a jury question that you think is confusing?

THE COURT: I don't ask it.

MS. DIENER: Okay. I would say not ask it.

MR. BALDWIN: Yeah, I don't think either.

THE COURT: I mean, that's – I didn't hear her say that.

MS. BALDWIN: Yeah.

MS. DIENER: No.

THE COURT: And where are we at, by the way?

MS. DIENER: I believe there, if there is time for us to call another witness –

THE COURT: Okay.

MS. DIENER: -- but I think it's (inaudible).

THE COURT: Who is it? I mean –

MS. DIENER: Steven Mullin.

THE COURT: Oh, okay.

MR. BALDWIN: Okay.

MS. DIENER: Okay.

THE COURT: You want to just do one more, then?

MR. BALDWIN: Yeah. I mean, we'll be having to talk about the sketch commentary at some point in time, but –

THE COURT: Okay.

MR. BALDWIN: Okay.

THE COURT: But not with this guy?

MR. BALDWIN: No, no, no, no.

THE COURT: Oh, okay.

MR. BALDWIN: No.

THE COURT: So we can finish him up and do that. Okay, perfect.

(Sidebar conference concluded.)

JUROR QUESTIONS OF ELIZABETH BLAIR

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Okay. Ms. Blair, what was your distance to the man on the bridge?

A It was about 50 feet.

THE COURT: Any follow-up?

MS. DIENER: No.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No.

Q In that distance, how could you determine that he was looking for someone?

A By his posture of how he was standing. He just – he was sort of facing upstream, but when I was there, he turned like he was looking at me like that, and it seemed like he was looking for something.

THE COURT: Ms. Diener?

MS. DIENER: No questions.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Your Honor.

Q You stated the man on the bridge had brown, poufy hair. Could you have mistaken the hat on the man in the photo as hair due to your distance from him?

A I could have.

THE COURT: Any follow-up?

MS. DIENER: No.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No. Thank you.

THE COURT: All right. Thank you, Ms. Blair. You may step down. I believe we have one witness left for the day, just so you know where we're at; okay? You may call your final witness of the day, Mr. McLeland.

MR. MCLELAND: Judge, the State would call Steve Mullin, please.

(Witness sworn.)

MR. MCLELAND: Judge, can we approach briefly?

THE COURT: Sure.

(Sidebar conference conducted.)

MR. MCLELAND: Judge, I really wasn't expecting to call him today and so I don't have copies of the exhibits, and so I guess I'm gonna move to admit them, but I'll have to publish them later.

THE COURT: Okay. That's fine. No, that's fine. That's no problem. I think we've kind of been experiencing that on both sides. That's not a problem.

(Sidebar conference concluded.)

DIRECT EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. MCLELAND.

Q Will you state your name, please.

A Stephen L. Mullin.

Q And, Mr. Mullin, how are you employed again?

A I'm an investigator for the Carroll County Prosecutor's Office.

Q And you were involved in the investigation of the murder of A.W. and L.G.; is that correct?

A Yes, that is correct.

Q And the last time you were on the stand, you testified that you – as part of your investigation, you had an opportunity to review the video at the Hoosier Harvestore; is that correct?

A Yes, that is correct.

Q And you did that on or about – well, you did that on February 13th of 2017; is that right?

A That is not correct. It was actually the 14th of February, the day the girls were found.

Q Sorry, the 14th. Do you remember what time you examined it?
A Around 7 p.m.
Q And tell the jury again, during the time you examined it on February 14th, what timeframe did you look at?
A We examined mainly the daytime hours the video retained pictures of. It was security video and it recorded the pictures of vehicles travelling east or west on County Road 300 North, and so we could only see the daytime movement, so we looked at that period of time.
Q And do you have an idea of what hours you looked at? I know you said the daytime hours; do you have an idea of when – specific times that you looked at?
A It would have been sometime between eight o'clock in the morning and then as late as 5:30.
Q And after you observed the video on that evening, you left; is that correct?
A Yes, that's correct.
Q Since that time, have you had an opportunity to review the video from Hoosier Harvestore again?
A Yes, I have.
Q And when you viewed it since that time, what time period did you look at?
A We looked at all the video that was recorded from that location. The video began – that we retained was slightly before midnight on the 12th and ended around midnight on the 13th.
Q And the video again was pointed towards where?
A The video security camera was pointed down parallel the edge of the Hoosier Harvestore store as far as maybe 150 yards to the west on County Road

300 North.

Q And what was your purpose in reviewing the video again? What were you looking for?

A We were looking for vehicles that were travelling on County Road 300 North, whether they be going east or west.

Q And were you able to observe vehicles traveling east and west on 300 North?

A Yes, I was.

Q And the video you were looking at, where – how was that acquired?

A The video was acquired through the FBI. They had a team that went from business to business in Delphi after the incident and recorded video from various businesses that had security cameras, and this was one of the locations that they went to to record the video from.

Q And they were able to pull that video from the Hoosier Harvestore?

A Yes, they were.

Q And did they provide you with documentation once they pulled that video?

A Yes, they did.

Q I'm gonna show you what's been marked as State's Exhibit 213; can you describe what that is?

A This is a affidavit of custody of records, item 213.

Q And what's attached to the affidavit?

A Yes, this is the FBI report concerning the retrieval of video.

Q And you recognize that as the FBI report that came with the Hoosier Harvestore video?

A Yes, I do.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibit 213.

STATE'S EXHIBIT 213 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 213 is admitted.

STATE'S EXHIBIT 213 ADMITTED

Q Mr. Mullin, now that this exhibit's been admitted, did you note a time change on the video from the Hoosier Harvestore?

A Yes, I did.

Q And how did you know that time changed? Was it from that document?

A In addition, yes.

Q So the FBI noted on that document the time change in the video?

A Yes, they did.

Q Okay. Can you tell the jury what the time change is in the video?

A The video at the Hoosier Harvestore is 50 – excuse me – 54 minutes fast.

Q And did you take that into consideration when you're reviewing the video?

A Oh, absolutely.

Q And so again, with that in mind, what timeframe did you look at on the video when you reviewed it?

A Again, without reviewing my notes exactly, but it was between eight o'clock and 5:30 p.m. actual time.

Q On February 13th of 2017?

A On, yes, February 13th, 2017.

Q Okay. As you viewed the video, were there specific vehicles that you were looking for?

A Yes.
Q What vehicles were you looking for?
A Well, we were looking for witnesses, especially Betsy Blair and Sarah Carbaugh and other individuals that were important to us to note.
Q And did you have descriptions of those vehicles when you viewed the video?
A Yes.
Q And so you had a description of Betsy Blair's vehicle?
A Yes, I did.
Q Who else's vehicle did you have a description of?
A Sarah Carbaugh's.
Q Anybody else?
A Yes. I had a description of Kelsi German's vehicle, as well.
Q And were you able to observe those vehicles on the Hoosier Harvestore video?
A Yes.
Q Mr. Mullin, I'm gonna show you what's been marked as State's Exhibit 214 through 219; can you just describe what those are.
A This is a view from the security camera video at the Hoosier Harvestore of vehicles – excuse me, of a vehicle travelling eastbound on County Road 300 North. This is Betsy Blair's vehicle –
Q Well, hold on, before we get there.
A Okay.
Q Look through that packet; and what are those generally? Are those photographs?

A Yes, they are.

Q And what are they photographs – where are they from?

A These are taken from the security video at the Hoosier Harvestore.

Q And are those screenshots of that video?

A Yes, these are screenshots that were taken from the video itself.

Q And are these screenshots that you took?

A These are screenshots, yes, that I would have taken and were also given to us by the FBI.

Q And are they screenshots of various vehicles traveling on 300 North?

A Yes, they are.

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

THE WITNESS: Let me rearrange – you got it? Okay.

MR. MCLELAND: Let me make sure I get this right, Judge – 214 to 219.

STATE'S EXHIBITS 214 THROUGH 219 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 214 to 219 inclusive are admitted.

STATE'S EXHIBITS 214 THROUGH 219 ADMITTED

Q And so, Mr. Mullin, I want to go through these photos and I'm gonna have you hold them up to the jury, so they can see them, to the best of your ability. I want to show you what's been marked as State's Exhibit 214. Now can you explain what that is a picture of.

A This is a picture of Betsy Blair's vehicle as she was traveling eastbound on

County Road 300 North, and the time listed here would be on the video as 12:56:59. The actual time would have been 12:02:59.

Q And you believe – or the vehicle in that photo is whose vehicle?

A Betsy Blair's.

Q And you believe that vehicle matched the description she gave?

A Yes.

Q And which way is she traveling?

A She is traveling eastbound.

Q I'm gonna show you what's been marked as State's Exhibit 215; can you describe what that is.

A This is Betsy Blair's – I'm sorry – this is Betsy Blair's vehicle, as well. At the time it was on the video, security camera recorded it as 1409:41. The vehicle is travelling westbound at this point. The actual time was 1315.

Q Well, let's – just so I don't get confused, I want to make sure I keep you straight in my head, let's just talk about the actual time.

A Very well.

Q Okay. So Betsy Blair's traveling which direction in that photo?

A At this point, she is traveling westbound.

Q And what time is that?

A This is 1:15 p.m.

Q I'm gonna show you what's been marked as State's Exhibit 216, can you describe what that photo is of?

A Again, this is a picture taken from the security camera video and it is Betsy Blair's vehicle as she is travelling back eastbound on County Road 300 North.

Q And what time is that?

A The actual time is 1346 or 1:46 p.m.

Q 1:46 p.m.?

A Yes.

Q I'm gonna show you what's been marked as State's Exhibit 217; can you describe what that is?

A Yes. This is Kelsi German's vehicle as she is traveling westbound on County Road 300 North. The time on that picture is 1349 or 1:49 p.m.

Q I'll show you what's been marked as State's Exhibit 218; can you describe what that is.

A This is Betsy Blair's vehicle as she is traveling now westbound on County Road 300 North at a time of 1418, which is 2:18 p.m.

Q Then lastly, State's Exhibit 219, can you describe what that is.

A Yes. This is Sarah Carbaugh's vehicle as it's passing the Hoosier Harvestore security camera and it is traveling eastbound on County Road 300 North at 1556 or 3:56 p.m.

MR. MCLELAND: Judge, I'd ask permission for the witness to be able to approach the TV –

THE COURT: Yes.

MR. MCLELAND: -- the map, so he can kind of point out some things.

THE COURT: Yes.

Q Mr. Mullin, if you could come down here, I'll have you stand off to that side. I'm gonna stand back here and what I'm gonna hand you are the State's Exhibits 214 to 219, and what we're looking at on the TV is State's Exhibit 5 for the record. What I'll like to have you do is go through those photos and point on

the map which way each car is headed and the time that is on the timestamp. Before we do that, I want to ask you again, where is the Hoosier Harvestore business located?

A The Hoosier Harvestore business is this long, rectangular building with the – another building along side of it, and the camera is located right here at this location. (Indicates)

Q So if I were to zoom this picture in, right where this little walkway is?

A Yes, in that approximate area there.

Q And it is pointed towards 300 North?

A Yes. This is County Road 300 North.

Q Okay. Can you take a look at the first picture for me, please. And the first picture, identify that again.

A This is Betsy Blair's vehicle that's traveling on County Road 300 North at 12:02 p.m.

Q And which direction is she traveling?

A She will be travelling eastbound, which means she would have come around the corner here and gone past the Hoosier Harvestore this direction. (Indicates)

Q And where's the Mearns entrance or the NICHES entrance, as she refers to it?

A The Mears entrance is located right here. (Indicates)

Q Let's move on to the next exhibit, please, and go through the same procedure.

A Can I put these over here?

Q Yes, that's fine. What is that a picture of again?

A This, again, is Betsy Blair's vehicle as she is traveling now westbound on County Road 300 North at 1315 or 1:15 p.m.

Q 1:15 p.m.? And which direction is she travelling?

A She would be going this direction, now travelling back this way. (Indicates)

Q Move on to the next picture, please.

A Again, this is Betsy Blair's vehicle as she is now travelling eastbound on County Road 300 North at 1346 or 1:46 p.m.; and eastbound, she would have gone back this direction in front of the Hoosier Harvestore area towards the NICHES or Mears entrance. (Indicates)

Q Next photo, please.

A This vehicle would be Kelsi German's vehicle at 1349 or 1:49 p.m., and she would have been leaving – or rather, she would have been travelling westbound on County Road 300 North, passing the Hoosier Harvestore in this direction.

Q And what was the time again, I'm sorry?

A 1349 or 1:49 p.m.

Q Okay. Next photo, please.

A This is Betsy Blair's vehicle at 1418 or 2:18 p.m. as she was then leaving, travelling westbound on County Road 300 North.

Q And the last photo?

A The last photo would be Sarah Carbaugh as she is travelling eastbound on County Road 300 North in this direction at 1556 or 3:56 p.m.

Q Thank you. Have you have a seat back at the witness stand, please.

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

THE COURT: Mr. Baldwin.

CROSS EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. BALDWIN.

Q Just to be clear: You – sir, what you're saying is what you think is Betsy Blair's car did the movements with the timestamps that you just testified to; is that correct?

A According to the description of the vehicle and the time period which we were told, that is what we believe.

Q And she also came in, didn't see, and say, "Yeah, that's my car"?

A I believe on one occasion she may have, yes.

Q Okay. And Sarah Carbaugh the same?

A Yes.

Q So it's not – it's not just you that's saying it, these two ladies have come in and say, "Yeah, that's my car" and "That's my car"?

A Yes.

MR. BALDWIN: No other questions.

THE COURT: Mr. McLeland?

MR. MCLELAND: No re-direct, Judge. Thank you.

THE COURT: Does any – excuse me.

THE WITNESS: Sorry, Judge.

THE COURT: Does anybody on the jury have any questions for Mr. Mullin?

(No response or indication from any juror.)

THE COURT: All right. Now, you may step down.

THE WITNESS: Thank you, Judge.

THE COURT: All right. Well, ladies and gentlemen, we're gonna call it a day. I kept you late last night, I'm gonna give you a little bit of extra time tonight. Again, while you go on about your own business outside of the presence of the Court, you will be in the company of the bailiffs, so you cannot discuss the case amongst yourselves or with anyone else. We'll reconvene court tomorrow morning at nine o'clock. Just leave all of your materials there and Jodie will have those available for you again. Please have a safe and a peaceful evening. We'll see you all in the morning. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 4:59 p.m.)

THE COURT: Anything we need to do outside the presence of the jury?

MR. MCLELAND: No.

MR. BALDWIN: We'd like to address the – what we think is the opening of the door of the sketches. How would you like us to handle that?

THE COURT: You may be seated, folks. You may be seated. You want to do it now?

MR. BALDWIN: I'm happy to do it on a different day where we have some time to think it through and research it, but I'm just saying you asked if we had any other issues –

THE COURT: Yeah.

MR. BALDWIN: -- you know, and I want to say we're gonna have an issue. I don't know when you –

THE COURT: Do you want to do it later?

MS. DIENER: I can do it today or later, I don't have a preference.

THE COURT: Okay. We can do it later, then, wherever's convenient for counsel.

MR. BALDWIN: Okay.

THE COURT: All right. So nothing else then that we need to discuss?

MR. BALDWIN: No, Judge. Thank you.

THE COURT: Mr. McLeland?

MR. MCLELAND: No, Judge. Thank you.

THE COURT: All right. See everybody tomorrow morning. Jodie, you can go off the record.

(Off record at 5:00 p.m.)

(On record October 23, 2024, at 9:04 a.m.)

THE COURT: Good morning, ladies and gentlemen. We are back on the record in *State of Indiana versus Richard Allen*, 08C01-2210-MR-1. The Defendant is here with his attorneys. The State is here by the Prosecutor and his deputies. All of the jurors have –

UNIDENTIFIED INDIVIDUAL: (Sneezes)

THE COURT: God bless you. All of the jurors have reassembled. Are we ready to proceed, Mr. McLeland?

MR. MCLELAND: Yes, Judge. I'm gonna ask the Court to publish the exhibits that I had from yesterday, I have them laid out on the table, just for my own organization; but other than that, the State is ready.

THE COURT: Okay. Defense?

MR. BALDWIN: We are, Judge.

THE COURT: Okay. Let's go.

THE BAILIFF: All rise.

(Jury in at 9:08 a.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. I'll let you get all settled in over there. All right. Well, good morning, ladies and gentlemen. It's nice to see you back this morning. I hope you had a pleasant evening. The attorneys have indicated they are ready to proceed. Mr. McLeland.

MR. MCLELAND: Judge, before we call – before the State calls its next witness, I'd ask permission from the Court to publish to the jury the exhibits that I admitted through Mr. Mullin late yesterday afternoon, I did not make copies. We also would ask the Court to allow us to publish some exhibits from Trooper Jason Page. We were able to make copies of exhibits that were entered into evidence and we'd ask to publish those, as well, to the jury.

THE COURT: Okay. What numbers are we publishing?

MR. MCLELAND: Judge, I'll start with the ones from yesterday, State's Exhibits 213, which is the affidavit for the record, and the FBI collection sheet for the photos from the Hoosier Harvestore video; and then, State's Exhibits 214 through 219, which are still shots from the Hoosier Harvestore video. I'd ask the Court to allow me to publish those first.

THE COURT: You may.

STATE'S EXHIBITS 213 THROUGH 219 PUBLISHED

MR. MCLELAND: And then, Judge, we'd request from the Court to

publish additional exhibits I've introduced through Trooper Page, those would be State's Exhibits 18, 19, and 20, those are the diagrams – for the Court's edification, the diagrams that Trooper Page stated that he produced from the information that he gathered at the crime scene.

THE COURT: You may.

STATE'S EXHIBITS 18 THROUGH 20 PUBLISHED

MR. MCLELAND: Thank you, Judge.

THE COURT: You're welcome. All right, Mr. McLeland, you may call your first witness.

MS. DIENER: Judge, the State would call Sarah Carbaugh. I might have to go retrieve her.

(Witness sworn.)

DIRECT EXAMINATION OF SARAH CARBAUGH

QUESTIONS BY MS. DIENER.

Q Good morning, Sarah. Can you tell the Court your full name.

A My name is Sarah Carbaugh.

Q And would you spell your first and last name.

A S-A-R-A-H and then C-A-R-B-A-U-G-H.

Q Do you live in the Delphi area?

A Yes, I do.

Q Have you lived in the Delphi area all of your adult life?

A Yes. I'm as local as you can get.

Q Do you live in town or outside of town?

A I live outside of town, in the countryside.

Q Do you live in the general area of the Monon High Bridge trail?

A Yes.
Q So are you familiar with the Monon High Bridge trail itself?
A Absolutely.
Q Prior to February of 2017, would you visit the High Bridge trail?
A On a daily basis.
Q And what was the reason you would go there?
A I would go there with my dogs that were not exactly the most friendly, so I can be able to walk someplace with them in private.
Q And you said you would go almost daily?
A Almost daily.
Q Would you travel past the Monon High Bridge entrance going to and from your home, if you took that particular route?
A Yes.
Q Was that a road you traveled often?
A Yes.
Q What entrance did you use to enter the High Bridge trail?
A I always used what I know as the Mears entrance.
Q And the jury has heard some about that, but let's talk about it a little bit. Is it across from a property that belongs to a Mears family?
A Yes.
Q Can you describe it.
A So it is a entrance across from the family homestead of the Mears family. The land around Monon trail was donated or – I believe donated or still owned by the Mears family, but is opened up to the public for public access. This trail is directly in front of the house. It is the old access point from the house to what

used to be a lower field that no longer exists. And that entrance there can park about four cars.

Q Are you a person who would walk across the High Bridge?

A When I was 16, yes, but not as an adult.

Q And would you say you only did it a couple of times or –

A I did it three.

Q Okay.

A And I chickened out the last time and crawled my way back, so –

Q Now, did you know A.W. or L.G.?

A No, no.

Q And at some point, did you learn that they were missing?

A Yes, through an Amber Alert.

Q Do you believe the Amber Alert was on the same day that they went missing?

A Yes. I believe it was at night when it was released.

Q If I told you that date was February 13, 2017, would you agree?

A Yes.

Q Had you been in the area of the Monon High Bridge trail on that day?

A Yes.

Q Did you actually walk on the trail?

A No.

Q And so what – in what way were you in the area?

A I was driving by in my little red Saturn, trying to scope out how busy the trail was by how many vehicles were parked at the Mears entrance.

Q And so how many times did you probably pass that entrance that day?

A At least three to four times.

Q So tell us about your day on February 13th, 2017, to put in to perspective when you would have been passing by the Mears entrance.

A It was my day off. I got up, go to town, went to get something to eat during lunch timeframe. And then, I'll admit, it was a beautiful day, it was like I believe 37 degrees, it was a warm day for February, so I drove around the county many a times, just checking everything out, trying to just get some sunlight in, but I passed by there at least three or four times just to see how busy it was, and there was vehicles there every single time.

Q And was there a particular time that you went by there that you saw something unusual or that caught your attention?

A Yes. The last time I drove by, around the four o'clock hour, I noticed a group of people at the Mears entrance. I noticed a girl that I believe, from my memory, 'cause it's been about seven years now, she was bright blonde hair, I remember either something hot pink, either she was wearing hot pink or the moped she was driving was hot pink. I just remember her talking to a group of people and looking stressed out.

Q And so if you were coming – were you coming from town toward your home or the opposite direction?

A To clarify this: I was heading east, towards home, at the timeframe.

Q And so would the town or – or the city of Delphi be behind you?

A Yeah, the city of Delphi was behind me.

Q And so you see some people at the Mears entrance; and so what about that caught your attention?

A They looked stressed out, like I can just tell you now, from their

mannerism, it just – they looked stressed out, so –

Q Did you continue on toward your home?

A Yes.

Q And did you see anything else on your way home?

A I saw a man covered in mud and blood walking on the side of the road.

Q Now, you just indicated that you were driving eastbound –

A Um-hmm. (Affirmative response)

Q -- on County Road 300. Describe for us where you saw this man with mud and blood walking.

A I saw him on this side – like if I'm driving, he was on this side of me – (indicates) – so he was on what I would call the north side of the road and he was walking west towards town.

Q And when you pointed to your left side, you're indicating that he would be walking the opposite direction of your travel?

A Yes.

Q And he would be on the driver's side of your car?

A Yes.

Q When you saw this man, did you make eye contact with him?

A I looked at him, but he did not make eye contact with me.

Q How fast would you normally travel on this road?

A Like 30, 35.

Q Did you slow down at all when you approached the man?

A Yeah, 'cause, I mean, there's a man walking on the side of the road, I don't want to hit him, so yes, I did slow down just a little bit.

Q And did you recognize the man?

A No.
Q At this point in time, did you know that L.G. and A.W. were missing?
A No, no one did.
Q I'm gonna show you what is marked as State's Exhibit 220.
A Yep.
Q Do you recognize that area?
A Yes. This is the road that I was on, and I don't know if you guys can see from this angle, this is the Mears entrance. (Indicates) This was the route I was on right here, going this way. (Indicates)
Q Okay. So I'm gonna ask you to make an arrow on the road just east of the Mears entrance, and don't make it so big so you don't have any other space, 'cause I'm gonna ask you to mark some other things.
A Okay.
Q And then, on the south side of the road or the bottom of the page below it – not bottom of the page, but below your arrow, write your initials.
A Okay. My initials, just so you guys are aware, is S.C., obviously, but just in case. I believe your marker's dying. (Indicates) Okay.
Q Okay. And circle the Mears entrance. Oh, the marker is dying.
A I know, your marker's drying up, oh no. (Indicates)
Q Okay. You're doing a good job. Okay. Now, where did you see this man? And if you could make vertical lines to designate an area and then – oh, let me get you another marker. Thank you.
A Thank you. Okay. So there's that. All right, so there's that. And let me fix all these. And then, I'm gonna label this as Bridge Guy, because that's who I know him as is Bridge Guy.

Q I was just going to ask you that.
A Yeah.
Q Okay.
A And there's that.
Q So, Sarah, when you learned that the girls were missing, were you already home?
A I was.
Q And in the days that followed, did you learn from the news that there was a picture of a man from L.G.'s phone?
A Yes.
Q And so I'm going to show you what's been marked as State's Exhibit 210; do you recognize this picture?
A Yes.
Q And did you see it on the news?
A Yes.
Q And when you saw it on the news, did you recognize the image?
A Yes.
Q And what did you recognize it as?
A I recognized it as the man I saw earlier covered in mud and blood on the road.
Q And the one that you just marked, at least the area –
A Yeah, of the area of where it was.
Q Okay. And so you became familiar that this person was referred to as Bridge Guy?
A Um-hmm, yes.

Q And what was different about the man, as opposed to his picture, if anything?

A The difference that I saw with him and the things that made me notice him was, obviously, he was covered in mud and blood, his demeanor and the way that he was walking on the side of the road – may I get up and demonstrate?

Q Yes. Give me just a moment, 'cause I'm gonna have this exhibit copied for the jury –

A Okay.

Q -- and so while you're testifying, they can do that. Okay. So, Sarah, tell us about what you saw on the man that is different from this photograph?

A He was covered in mud and blood. He was walking on the side of the road and his demeanor was very sketchy. His – when somebody is walking towards you on the side of the road, you know, when you pass them, you're gonna look at them; right? And they're gonna look back at you. He did not look at me. He was walking like this. (Demonstrates) Doing that. (Demonstrates) And he was covered from mud, mainly on the top, down, because this was darker, and then, when you got to the bottom, his pants were covered in mud and, underneath it, was blood splatters on his legs.

Q Okay.

A And that, obviously, drew my attention, because he's covered in mud and blood.

Q Now, was this unusual for you to see on County Road 300?

A Yeah. I mean, I literally thought he fell down the cliff rock hill, like he was being stupid, walked too close to the cliffs, and just tumbled down the hill. I literally thought that's what happened to him.

Q And the time of day, was it still light out?

A Yes. The sun was in the process of setting. You know how February sunsets are, they happen around like 4:30 in the afternoon. I will remember, when I passed him, I remember the orange glow hue of the sun behind me as I was heading east.

Q Did you take time to make note of anything else about him as you passed him?

A Not really outside of just like those main, basic observations and just noticing, like, he was acting sketchy.

Q Did you continue to watch him in your rearview mirror?

A Not really.

Q And once you saw him in the media, the picture of Bridge Guy, did you contact the police?

A I did, three weeks later.

Q Okay. And why did you wait?

A I am very traumatized by anything murder related, and I will admit I am still terrified by some of this stuff that's going on. I was scared. I had a gut feeling that this was a local man, and I am a notorious overthinker about how to deal with a lot of these things. My inaction in those three weeks was just me panicking and being upset and thinking maybe I saw, like maybe I – I don't know. I was just having a moment. And then, when three weeks later happened, there was an officer who was standing out there by the Mears entrance, taking tips and, honestly, I felt like it was the fate of God, telling me, "You need to be brave and go and talk to this officer, instead of being scared here, because this needs to be taken care of."

Q So at this roadblock location, were they stopping all the cars?

A Yes, they were. They were at the point where they were stopping everybody in three different areas. They had a – from what I remember, the Mears entrance is where I gave my tip, but I also believe they had another like police set-up over on the opposite side of Monon Bridge, and then I think there was like a third one somewhere, but I do not recall where that was, and they were stopping everybody and asking for tips, 'cause I don't – I don't know how many of you are actually familiar and local with this area, but when this happened, it turned this entire county and every member in it upside down, because this is a very small town.

Q And when you were contacted by law enforcement then, you said it was several months later –

A Yep.

Q -- was that the first time you gave an official statement?

A Yes.

Q And during your conversation with law enforcement, did they talk to you about the Hoosier Harvestore video?

A Yes.

Q Were you familiar with the Hoosier Harvestore and its location?

A I'm familiar with the location. Honestly, I did not realize that there was a store back there, I just know it as a bunch of storage units, so I just thought it was just a storage unit building. I didn't know there was a store back there, but they do have cameras.

Q Okay.

A So –

Q And so law enforcement showed you some still shots from that camera –

A Um-hmm. (Affirmative response)

Q -- to see if you could help them determine your vehicle on the camera; is that correct?

A Yes.

Q And so did you assist in identifying your vehicle the last time you passed by the Mears entrance and this camera and would have seen the Bridge Guy?

A Yes.

Q I'd like to show you what's marked as State's Exhibit 219, it's already been provided to the jury; do you recognize that?

A Yes. This is my old car that I used to have during that timeframe.

Q Okay. And it indicates a time and it's a 24-hour clock –

A Which the time here says 3:56, close to the four o'clock hour.

Q And is that when you recall driving by there?

A Yep.

MS. DIENER: Judge, the State would move to admit Exhibit 220 and publish it to the jury.

STATE'S EXHIBIT 220 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 220 is admitted and you may publish.

STATE'S EXHIBIT 220 ADMITTED

STATE'S EXHIBIT 220 PUBLISHED

MS. DIENER: I'll pass the witness, Judge.

THE COURT: Mr. Baldwin.

CROSS EXAMINATION OF SARAH CARBAUGH

QUESTIONS BY MR. BALDWIN.

Q Hi, Sarah.

A Hi.

Q You used the word "mud" 11 times in your first interview with police.

A Yep.

Q And you never said the word "blood" the first time you talked to police.

A I believe I did, but it's not my portion of law enforcement to catch on those things, 'cause I believe I said mud and blood at one point. I do know that in the transcript for that area, it has me mumbling, and I will admit, my first interview, I was very nervous and I mumbled and rambled a lot.

Q So the first time you said – 11 times you said "blood" – "mud" –

A Um-hmm. (Affirmative response) I said "blood" once.

Q You said "mud" 11 times –

A Um-hmm. (Affirmative response)

Q -- in that first interview; right?

A Yep.

Q And when you said "mud" the first time in that interview, you didn't say "mud and blood"; right?

A No, I didn't.

Q The second time, you didn't say, "Oh, I saw him in mud and blood", did you?

A I said mud and blood. I believe – I'm trying to remember how many times I mentioned it, but there was a portion where I stand up in my little video from my interview and that is when I said that.

Q But you are admitting that in the transcript, "blood" doesn't appear?

A It does not appear.

Q All right. Now, nobody prevented you from – when you were saying "mud", pairing it up with "blood", did they? Nobody said, "Well, if you say mud, don't say blood"?

A Yeah, no one said anything like that.

Q You just didn't say "mud and blood", that was –

A I said "mud and blood" once, but "mud", a lot of times, 'cause he really was caked in mud.

Q That doesn't – the blood doesn't appear in the transcript.

A It does not, in that first one.

MS. DIENER: Objection, Judge: Asked and answered.

THE COURT: Sustained.

Q Now, you were interviewed a couple of weeks later –

A Um-hmm. (Affirmative response)

Q -- weren't you?

A Yes.

Q And you said, that time, the word "mud" 13 times in that interview to law enforcement; right?

A I believe so.

Q And in that interview, you also never said the word "blood".

A I believe I did, because I believe that second interview there's at least an hour worth of video transcript that's missing.

Q Oh, okay. So there's missing video that you say you think you said "blood"?

A I just know that there's at least an hour portion of that interview that I

personally have not been able to rewatch 'cause it is gone. As far as –

Q But you admit the transcript that you've seen shows no word – mention of the word "blood" in that second interview; correct?

A I don't know honestly.

Q Would you like to – can I refresh your recollection with the transcript and you could have an opportunity to review it?

A You're welcome to.

MR. BALDWIN: May I approach, Judge?

THE COURT: You may.

Q So this – I'm handing you your June 19th, 2017, interview.

A Um-hmm. (Affirmative response)

Q And I guess I'm asking you to see – to refresh your recollection whether you used the word "blood" in this transcript from that interview.

A I do not see anything in here, but I will remember that – I do remember talking to that officer about it and being able to describe what I saw and I marked it on an image.

Q Okay. But in this transcript, there's no mention of the word "blood".

A That I'm aware of, no.

Q Your second interview. Well, you just looked at it.

A Yeah, I know.

Q There's no "blood" in it.

A I know.

Q No one prevented you from saying "blood" in that interview, did they?

A No.

Q Then, we switch over to the third interview, and you never said the word

in that interview "muddy", did you?

A That interview also took two years later and, at this point, I understand you're doing your job and you're doing great at it, but the details of that day are simple as it is, I saw Bridge Man walking on the side of the road at the four o'clock hour, he was covered in mud and blood, and that's that.

Q Except in March of 2019, your third interview, you never said "mud", you just said "blood".

A You mean the opposite? Because you just – are you trying to manipulate this question?

Q No, I'm not trying to be tricky. Thank you for saying that, you are correct. In March, your third interview, you never used the word "mud", you only said "blood"; correct?

A In my third interview?

Q Yes.

A I believe I said "mud" and "blood". My description for him is always gonna stay the same, because my memory of him. Now –

Q You think your description's always gonna say the same?

A Yeah. My description is Bridge Man.

Q But you do remember a third interview in 2019?

A Yes, I did.

Q If you – would it help to refresh your recollection to see if you ever said the word "mud" or "muddy" to the officer, if I provided that transcript to you?

A I mean, you're welcome to.

MS. DIENER: Objection, Judge: Asked and answered.

THE COURT: Overruled.

Q March 2019. I'm handing you the entire transcript from March 2019. Will you, please, read it for the word "mud" or "muddy" and let me know when you are ready.

A Sorry, at the beginning of this I was rambling a lot, apparently. Definitely mentioned blood in here, but I do not see mud.

Q So a moment ago, ma'am, you had said that your description was always consistent, mud and blood; but that's not true, is it?

A I guess not, but –

Q In fact, you said the word "blood" 16 times in that third interview. I don't know if you counted it up.

A Oh, I didn't count that far, I just made sure –

Q You said "many times" while you were reading this. Does that sound reasonable, 16 times?

A I would say so.

Q And in fact, you said that it looked like a hog had been slaughtered, that's how much blood you saw.

A I've never slaughtered hogs, I just know blood splatter, and that is something that I used as an analogy. So as far as how accurate that description is, I don't know, 'cause I've never slaughtered a hog, so –

Q So the mud from 2017 in your first interview turned to blood by 2019?

A No. It's still mud and blood. So –

Q You had indicated on your direct examination that you thought maybe he had fallen down a cliff and that's why he was muddy –

A Yeah. I'm just –

Q -- and he had blood on him?

A Why would I suspect he was a murderer at that point?

Q Did you stop to help him?

A No. I'm a woman, I'm not gonna stop and help a random man.

Q And in that first interview, you told the law enforcement that his – the color of his coat was tan, not blue; correct?

A I did, but I will say that was inaccurate.

Q It changed to blue after your second interview when you saw State's Exhibit 210; correct?

A Correct, but it was always blue, I just – my first interview, I'll admit, I did describe the color of that coat wrong.

Q You think maybe this had some impact on your thought process in terms of what you originally remembered versus, after seeing this, what your memory changed into?

A The reason why I feel like my memory remembers more brown than blue is just because of the fact that he was covered in a lot of mud.

Q I mean, in your second interview, you even indicated to the person that was interviewing you, "I don't want to be contaminated with the photo, so please, don't show it to me."

A You are right. And I still don't know – you guys know more about this case than I do. I really want – outside of this testimony, I want nothing to do with any of this. So –

Q So the answer is yes –

A Yes.

Q -- you did not want that officer to show you the photo?

A You are correct.

Q But then he did, didn't he?
A I mean, it's hard not to, it was all over the news, all over every single social media, it was plastered all over town. There's still photos of him plastered all over town. It's hard not to notice the image.
Q In fact, he – the law enforcement officer not only put it in front of you when you asked him not to, he asked you to keep it there during the entire interview, so that you could be looking right at it, if you wanted to; correct?
A Maybe. I – honestly, I do not remember if that was his exact wording or if that's why he put the image down on the table, I just know it was there.
Q And after he put that image there, that's when your story started to change.
A No. My story has never really changed. The only thing that probably has done me wrong is my anxiety in all of this.
Q You also indicated in that – the second interview, that the guy you saw on 300 North was wearing a brown sweater; right?
A I mean, it was under his coat.
Q Under his tan coat or blue coat?
A It was a blue coat.
Q You also told – strike that. The guy you saw on the road had curl to his hair.
A At – he had a little bit of hair poking out. Now, whether or not it's curly, it's hard to say. I passed him on the road while I was driving. He could have been sweaty, he was covered in mud, it could have been just flipped up from that aspect, but he had a little bit of hair, at the time, peeking out.
Q Okay You also thought that he had very effeminate eyes.

A What? Are you romanticizing this man, 'cause –

Q Those are your words. Want to see them?

A -- I never said he had very romantic eyes, uh-uh.

Q Effeminate eyes? You never said that?

A No, I did not.

Q Do you remember taking a deposition with us, Brad and –

A Yeah.

Q Would it help refresh your recollection if I have you review your words from this deposition?

A I believe a part of that deposition there's stuff in there that I don't think we're talking about, so –

Q Would it help to refresh your recollection whether you said "very effeminate eyes"?

A No, I'm good. You –

Q You said "very effeminate eyes", that – that's – the person you saw had very effeminate eyes.

MS. DIENER: Objection, Judge: Asked and answered.

THE COURT: Sustained.

MR. BALDWIN: I don't think she's answered it, Judge.

MS. DIENER: She doesn't recall.

MR. BALDWIN: Well, then I'd like to have her –

A Then, I do not recall. I don't remember ever saying that he had feminine eyes.

MR. BALDWIN: I'd like –

Q Would it help refresh your recollection if I showed this to you?

A No, I'm good. I – I am good.

Q You also claimed to not have your phone with you for all the time you were driving on that day; is that accurate?

A I thought I had my phone with me. I don't feel like – this day and age, I don't feel like I would have left the house without my phone and been driving around the county for hours on end without a cell phone. Also, they ping – part of the reason they were able to contact me was because my cell phone pinged off the tower, so your information there is incorrect.

Q So you did get – that's right around where the girls were found; is that your understanding? Or do you know?

A I don't even know where they were found at.

Q But around the Mears entrance, your phone apparently pinged; is that what you're saying?

A I know that they also went through the cell phone tower that's nearby and they went through every single person whose cell phone pinged on that tower –

Q What –

A -- and that – my phone did ping off of that tower.

Q What is your provider?

A My provider is Verizon.

Q So you had three weeks of sheer panic and then – even after seeing the photo on the TV, and then you – it took you three weeks to go talk to the police?

A Yeah. I was a chicken. Cowardly Lion right here, just a chicken.

Q So you saw a guy a half a football field or so past the Mears –

MS. DIENER: Objection, Judge, form of the question. He's putting testimony in the question that hasn't been previously testified to.

THE COURT: Sustained.

Q You were travelling around 35 miles an hour when you saw this person?

A I believe so; but I'll admit, I didn't look exactly at the gauge when I was driving by.

Q Sure.

A I just know I was driving slow enough that I obviously was not speeding past him, but enough to at least look at him when I noticed him.

Q And you only saw him for a mere instant?

A I would say probably 30 seconds at most. From like point of driving down to when I no longer saw him, because I saw the people here – (indicates) – looked forward, saw him on the side of the road, drove past him, and then went on my merry way home.

Q In terms of the details, you saw him for a mere second, the details of his face?

A I'd say about 30 seconds. Not enough to get like a "Aha, is this man right here," but enough to be like, "Yeah, that's a white man in his 30s to 40s, maybe 50s. This guy is covered in mud and blood. He's very suspicious. He's wearing an extreme amount of layers for a day that is so nice and warm, and he's just being weird." Okay.

Q You remember being deposed, when Mr. Rozzi and I deposed you?

A Yes.

Q You told us that you only saw him for a mere instant; isn't that correct?

A I would say 30 seconds is a mere instance, unless your "instant" is a different definition of my "instant".

Q That's fair. It is, but that's fair. A mere instant in your world is 30

seconds.

A Yes.

Q Okay. And you also did not have time to study any details on this person you saw?

A Yeah. I can't tell you how many freckles he had or if he had feminine eyes or any of that.

Q Well, do you want to refresh your recollection about the effeminate eyes?

A I believe they said no.

MR. BALDWIN: You know, I don't have any other questions. Thank you.

THE WITNESS: You're welcome.

THE COURT: Ms. Diener.

MS. DIENER: Thank you, Judge.

RE-DIRECT EXAMINATION OF SARAH CARBAUGH

QUESTIONS BY MS. DIENER.

Q Sarah, let's start with the tan sweater. When you say "tan sweater", what kind of clothing are you describing?

A See, in this instance, it'd be like a hoodie.

Q And when you say "a hoodie", would that be like a pull-over type of thing that has a hood on it?

A Yes. Like think of your sweater that you pull over, has a pocket in the front that has the hood on the back. The biggest thing is it had a hood.

Q Okay. So you could see a tan hood?

A Yes. I believe –

Q And you indicated – there was a question about whether you saw hair. Did

you see a hat on this person?

A Yes, there was a hat on this person.

Q Could you describe the hat?

A The hat was odd to me, which I will admit that I'm really only familiar with baseball caps, anything else, it is a weird hat to me. So I just remember it was a funky looking hat, not one that's common in my wardrobe.

Q Did it have a bill on it?

A I think so, but I'll admit, I've also been shown so many pictures of hats over the years, in every interview, I've done so many, I feel like it's just a Tinder profile now on flipping hats.

Q Okay. Could you have mistaken hair for a part of the hat?

A Maybe. But –

Q Did this hat have anything that covered the ears?

A I don't – I saw the bottom of his ears, but also, he was hunched like this – (demonstrates) – so I don't know if it also kind of pushed his hat up, 'cause I'll admit, like, I remember it was a weird hat, but I cannot – I'm sorry, like my mind is a little tainted when it comes to the hat. I cannot tell you the exact details of that hat anymore without feeling like I've been compromised.

Q And when you were describing what part of his ears you could see, you were hunching your shoulders; correct?

A It was just like the lower bits of his ears.

Q And you were describing his shoulders as hunched up?

A Yeah, he was hunched up.

Q Could you see his hands?

A No. He had his hands in his pocket the entire time.

Q And how would you describe his posture?
A Weird, sketchy.
Q No, in words, how would you describe it?
A He was slumped over. He was kind of like – what would you say? Like curled into himself.
Q Okay. And then, you also said that officer – someone told you that they identified your phone number in a ping; is that correct?
A Yes.
Q You then said they checked all the numbers that came up in a ping. Do you personally know that?
A I just know that because my family lives nearby and all of them got called and questioned, and anybody that I remember from that timeframe talking on social media, they mentioned that their phones were pinged and talked to through that process.
Q In your process of being interviewed multiple times, did an officer talk to you about your phone being located in the area?
A Yes. I believe it was in either the first or second interview, 'cause I –
Q Did officers indicate to you that they were trying to make contact with everyone's phone that pinged in the area?
A Yes. They were –
Q Okay.
A -- contacting everything. And I feel like it's important to point out to them, they were also following thousands of tips at the timeframe.
Q Fair. Let's only talk about what you personally know.
A Oh, sorry.

Q That's okay. So you believe you learned something about phone numbers in a pinged area from law enforcement?
A Yes, I believe –
Q Okay. Let's talk about your second interview.
A Um-hmm. (Affirmative response)
Q You indicate that you had an opportunity to review your second interview on video.
A Yes.
Q Is that correct?
A Yes.
Q And when you started to observe the second interview, did you notice that a portion of the discussion with the officer was missing?
A Yes, a good portion.
Q Okay. And you indicated to Mr. Baldwin that you believed it was an hour to an hour and a half; is that correct?
A Yes.
Q And during that portion of the interview, were you telling the officer about mud and blood on the person you saw?
A Yes.
Q And at – was it during that period of time that the officer provided you with a picture of Bridge Guy?
A Yes.
Q And at that point, you indicated to him you had already seen the image in the media?
A Yes.

Q And so were you asked to mark, on this picture of Bridge Guy, what you observed in the neighborhood of mud and blood?

A Yes, I was.

Q I'd like to show you what's marked as State's Exhibit 221; do you recognize this image?

A Yes, I do. This is the image I marked on here. When you guys go to look at it –

Q Well, I'll let you talk about it.

A Oh, sorry.

Q So you do recognize the image; correct?

A Yes, I do.

Q Okay. And so by the time the officer gave you this image –

MS. DIENER: Judge, I would move to admit Exhibit 221.

STATE'S EXHIBIT 221 OFFERED

MR. BALDWIN: No objection.

MS. DIENER: And publish to the jury.

THE COURT: All right. Without objection, 221's admitted.

STATE'S EXHIBIT 221 ADMITTED

Q And – okay, Sarah, so during the first hour to hour and a half of that interview, second interview, in June of 2017, had you and the officer already communicated that the person you saw on the side of the road you believed to be the Bridge Guy –

A Yes.

Q -- that was an image produced in the media?

A Yes.

Q Okay. And so you were then asked to indicate on this photograph or you did – unask – I don't know how, at this moment, but you marked on it?

A Yes, I marked on it.

Q And what were you trying to illustrate?

A May I just – I'm – it's easier for me to talk with my hands, sorry. So down here on the bottom, these dots, this is what I was indicating as the blood. The lines that are up on the pants, mud. Same with right here. (Indicates) And then this up here was me trying to, like, put an outline to that pesky hat, but this is just a line to kind of indicate the outline of his hat.

Q So –

A But mud – lines for mud on his coat, dots of blood on his pants.

Q And so you were using an ink pen to draw on this photograph?

A I was using a pencil. If I knew it was gonna be evidence, I would have given you guys a nice little marker down thing that was color-coded.

Q And so –

A I'm sorry about that.

Q So this area on the front of his coat –

A Um-hmm. (Affirmative response)

Q -- is that mud or blood or both?

A I saw it as mud, but the – I'm sorry, the coat was dark enough that, if he had blood on it, it would not have drawn my attention as quickly as the light-colored pants with the red blood on it.

Q Now, I cannot tell from looking at this image, but were you – did you marked the sleeves at all?

A I did mark, I believe, some of the sleeves. Once again, I'm sorry, guys. If

I knew that this was going to be like this, I would have done it in a better marker, but I believe I did get some on the sleeves maybe.

Q And was the sleeves mud or blood?

A They were mud.

Q And then, on the pants, is it – you have the little – looks like raindrops almost.

A Yes.

Q Are those splatters of mud or blood?

A Those were splatters of blood.

Q And then what about – you said lower on the pants –

A He was caked with mud, like –

Q Okay. And that's outside of this photograph?

A Yeah. Like he was caked so much, like he had to have been like right down by the river.

Q Okay.

A Like he was really muddy.

Q Thank you, Sarah.

A You're welcome.

Q Now, when you did the third interview, you were asked why you didn't talk to much about the mud and the blood; hadn't you already told multiple officers in your first interview about mud and blood?

MR. BALDWIN: Objection. That's not what the evidence showed in the first interview.

THE COURT: Sustained.

Q Had you indicated to the officers in your first interview that there was mud

and blood?

A Yes.

MR. BALDWIN: Objection. That's not what –

MS. DIENER: She did testify she said "mud" and "blood".

THE COURT: Overruled.

Q In the second interview, did you tell officers you saw mud and blood?

MR. BALDWIN: Leading questions, then.

THE COURT: Sustained.

Q In the second interview, did you describe mud and blood?

MR. BALDWIN: Leading, Judge.

THE COURT: Overruled.

A Yes.

Q In the third interview, did you feel the need to focus on mud and blood again?

A No. I focused on the blood because I felt like that was the more important aspect that they were wanting.

MS. DIENER: No other questions.

THE COURT: Mr. Baldwin.

RE-CROSS EXAMINATION OF SARAH CARBAUGH

QUESTIONS BY MR. BALDWIN.

Q So the reason you did not talk about mud when describing this person you saw on 300 North in that third interview is because you had exhausted – you were exhausted talking about the mud, apparently; is that what you're saying?

A No, I don't believe that was it. I believe it was just the way the questioning that came up with the police officers, that's just what we focused on.

Q That's what we focused on?
A I would say that's what the officers were focusing on when they were questioning me.
Q You said the word "mud" 13 times in that second interview.
A We're doing this again?
Q Yes, we are. So your testimony is, apparently, that after you said "mud" 13 times without "blood", that when the video cut off, that then you started talking about blood; is that what you're saying?
A No. What I'm saying is at the point where it was just one officer and I in the room and we were talking and he had me describing the story, I was comfortable enough that I talked and gave him more details. I was –
Q And that's not on video, apparently.
A That video is missing and that's not on – my fault. That is just a technology error.
Q We have to take – this is from the second interview, is this –
A That is an image from – from what I know, was taken from L.G.'s phone.
Q I understand, but when you wrote on this, it was during the second interview?
A Yes, I wrote on it during the second interview.
Q And we have to take your word for it that whatever is on the bottom of those pants is mud, which is what you said 13 times, and not blood, which you didn't say any time?
A It's mud and blood on both.
Q Take your word for that?
A It's mud and blood.

MR. BALDWIN: I have no other questions.

THE COURT: Does anybody on the jury have any questions for Ms. Carbaugh? Okay, I see a couple.

(Sidebar conference conducted.)

MR. BALDWIN: Oops, sorry.

THE COURT: No, you're fine. Okay. "What was your age in February, 2017?"

MS. DIENER: That's fine.

THE COURT: "Is it possible, during the police interview, that they could have misheard or confused words 'mud' and 'blood'?"

MR. BALDWIN: No, I'll object to that.

MS. DIENER: They can only testify to their perception, so no.

THE COURT: Okay. "Being that the officer heard the words so many times" – so yeah, we're not doing that. Okay, so no. "How wide is the road?"

MR. BALDWIN: Yeah, I'm good with that.

MS. DIENER: I'm okay with it.

THE COURT: "Can you describe why you concluded he had blood spatters?"

MR. BALDWIN: That – she can testify to that.

MS. DIENER: I'd say yeah.

THE COURT: "How obvious were the blood splatters compared to the mud on the man you saw?"

MR. BALDWIN: I don't know that she can testify to that.

MS. DIENER: Yeah.

THE COURT: "How old were you at the time of your initial interview?"

MR. BALDWIN: No.

MS. DIENER: But they're the same.

THE COURT: So same. Okay, so no to that one. "How close to the man were you when you passed by him?"

MR. BALDWIN: Yeah.

THE COURT: So do you want me to say like "in feet" or just let her describe?

MS. DIENER: Let her describe.

MR. BALDWIN: Let Ms. Mud describe it.

THE COURT: Okay.

MR. BALDWIN: She has played it up.

THE COURT: My goodness. Okay. Lots of questions.

(Sidebar conference concluded.)

JUROR QUESTIONS OF SARAH CARBAUGH

QUESTIONS OF THE JURY, READ BY THE COURT.

Q So, Ms. Carbaugh, I'm gonna ask you these questions and then the attorneys will have an opportunity to follow-up; okay?

A Okay.

Q So what was your age in February of 2017?

A Twenty-seven, 28.

Q In 2017?

A Yeah. Let's see, I'm 35 now. That was – I should say – 26 maybe.

THE COURT: Okay. Any follow-up?

MS. DIENER: No.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Judge. Thank you.

Q How wide is the road?

A Oh, it – it's a country road, so if you have two big pick-up trucks crossing, you're gonna have tires on either side off the road. It's small enough that it can fit like a vehicle, like one vehicle comfortably, but if you've got two going at the same direction, you are gonna have somebody off the road a little bit.

THE COURT: Any follow-up?

MS. DIENER: No.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Your Honor. Thank you.

Q Can you describe why you concluded he had blood splatters?

A Because I saw blood splatters.

THE COURT: Follow-up, Ms. Diener?

MS. DIENER: No questions.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Your Honor. Thank you.

Q How obvious were the blood splatters compared to the mud on the man that you saw?

A The blood splatters, you know, when blood is fresh it's kind of bright red still? It was still in that bright phase, so it kind of stood out against the light, I think, but it was small patches with caked up mud. So – the white-washed jeans is what made it more noticeable to me. Honestly, if he had blood all over him, I would have not spotted it outside of the jeans.

THE COURT: Okay. Any follow-up, Ms. Diener?

MS. DIENER: No.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Your Honor. Thank you.

Q And how close to the man were you when you passed by him?

A Less than five feet. Like – no, less than three feet, honestly, so –

THE COURT: Any follow-up?

MS. DIENER: No.

THE COURT: Mr. Baldwin?

MR. BALDWIN: Yes.

FOLLOW-UP EXAMINATION OF SARAH CARBAUGH

QUESTIONS BY MR. BALDWIN.

Q You have previously testified you were 20 feet or more away?

A I mean, you're driving. Are you – I should ask for clarification: Are you asking like – as I'm driving, I'm approaching him, so technically speaking, it started off as 20, then 10, then 15, then 5, 3, then behind me. Like –

Q The closest you got to him?

A When I was passing him probably would have been about three feet at most.

Q Three feet?

A At – I'm giving – I was driving. I didn't take a ruler out while I was driving, be like, "Hey, you're about 17 inches away from me." No. I was driving.

MR. BALDWIN: No other questions.

THE COURT: All right. Thank you, Ms. Carbaugh. You may step down.

THE WITNESS: Thank you.

MS. DIENER: Judge, may she be excused from her subpoena?

MR. BALDWIN: No.

THE COURT: Thank you, ma'am. You may step down. All right. You may call your next witness.

MR. LUTTRULL: Thank you, Your Honor. The State would call Dr. Kohr. Your Honor, may we approach?

THE COURT: Sure.

(Sidebar conference conducted.)

MR. LUTTRULL: This may be a lengthy witness.

THE COURT: Do you want to take a break, is that what you're asking?

MR. LUTTRULL: I'd be fine to proceed, but –

THE COURT: We may have to break between direct and cross?

MR. ROZZI: Yeah, I don't know how long it's gonna take, so I'd –

THE COURT: All right. We'll kind of play it by ear.

MR. ROZZI: I probably could use a restroom break. I'm okay though.

THE COURT: Okay. All right. Maybe between direct and cross. Okay. Thank you.

(Sidebar conference concluded.)

(Witness sworn.)

DIRECT EXAMINATION OF DR. ROLAND KOHR

QUESTIONS BY MR. LUTTRULL.

Q Good morning, sir.

A Good morning.

Q Would you tell the jury your name, please.

A Dr. Roland M. Kohr, K-O-H-R.

Q And can you tell the jury what is your profession.

A Currently, I'm a semi-retired forensic pathologist. I do fill-in work still to cover autopsy services for my former associate, I do independent consulting with civil and criminal attorneys in various other jurisdictions in various locations across the country. I am also the forensic medical director and laboratory director for the Indiana Donor Network.

Q What does a pathologist do, sir?

A Pathology is a subspecialty of medicine or a specialty of medicine. Literally, the word "pathology" means the study of disease. A typical pathologist in most hospital settings would be the person that oversees the laboratory, that looks at specimens under the microscope, examines things removed at surgery, who's responsible for ensuring that blood tests and urine tests, things of that type, are run properly and accurately, and then just overseeing the lab functions according to governmental standards.

Q A forensic pathologist, would you describe that for the jury, please.

A Certainly. Forensic pathology is a subspecialty of pathology, of which there are several. The basic hospital pathologist is usually considered an anatomic pathologist and a clinical pathologist. Forensic pathology is an additional specialty subcertification that applies the principles of pathology and medicine to the field of law, so as to make interpretations available to examine causes of death, injury patterns, things of that nature.

Q Would you describe your educational background, please.

A Following high school, I attended Indiana University in Bloomington for three years, receiving a bachelor of arts degree in biological sciences. I then attended the Indiana University School of Medicine in Indianapolis for four years, receiving my MD degree. Following that, I did a one-year general surgery internship at Methodist Hospital of Indianapolis – excuse me, at the IU Medical Center, and then a four-year anatomic and clinical pathology residency at Methodist Hospital of Indianapolis.

Q What did that residency and – the last four years, you said, was a what?

A Combined anatomic and clinical pathology residency.

Q Residency. Would you describe for the jury what that consisted of; what was your experience in the residency?

A Okay. A resident is, basically, an apprentice position that's learning the ins and outs of a given specialty. So during the four years of that training, I spent two years in clinical pathology, two years in anatomic pathology getting gradually increased levels of responsibility. So on anatomic pathology, we would examine specimens as they were removed at surgery, whether it be a gallbladder, a colon biopsy, entire organs removed, such as breasts for breast cancer or colon for colon cancer. That also included autopsies and, during the course of my residency, did in the neighborhood of 150 to 200 autopsies. The clinical pathology side of things involved looking at the basic laboratory operations, so we were experienced in clinical chemistry, clinical microbiology, hematology, blood banking, toxicology, coagulation, things of that nature; and again, you're given increasing levels of responsibility, shadowing established positions until your final year you're kind of given almost free reign, but still with a – somebody to oversee, making sure you're not overstepping and misdiagnosing things.

Q After completion of the residency program, what did you do? What was the next phase of your profession?

A I received a job offer and took a position as an associate pathologist at Terre Haute Regional Hospital at Terre Haute, Indiana, where I served as the associate pathologist to a more-senior pathologist for nine years. Following those nine years, the hospital board of trustees appointed me as the director of laboratories over my previous supervisor and I remained in that position as director of laboratories for the hospital up until my retirement from full-time practice three years ago. During the time I was a pathologist in Terre Haute, I was encouraged by various entities to consider running for coroner based on my experience on having done autopsies and understanding disease processes; and so, during the course of the 1988 election cycle, I ran for and was elected as coroner, taking office in January of 1989. Since that time, I served a grand total of four terms of four years each as Vigo County Coroner. Because Indiana law limits constitutional offices to two consecutive terms, I did two terms, set out two more, then ran for two more terms, but continued to do autopsies for the Vigo County Coroner's Office and, eventually, for 16 or 17 other counties in the area, including several in Illinois.

Q Dr. Kohr, did you – I'm not sure you covered it or not; did you have a time where you did emergency room medicine?

A Part of my training in general surgery was stints in the Emergency Department at what was then called Wishard Memorial Hospital, the county general hospital for Indianapolis; but then, because of that and my general surgery experience while I was doing my pathology residency for those four years, I had a moonlighting position where I worked as a ER physician, basically did

about ten weeks full-time practice in the spring of 1980, and then continued to do two shifts a month for the next four years.

Q Have you been a teacher?

A I have.

Q Explain that for the jury, please; what teaching experience do you have?

A Well, as a medical resident, you've involved with teaching of medical students that do clinical rotations on the course of the things they do in a medical center setting. But after becoming coroner, I was approached by faculty members at Indiana State University who were interested in me teaching a course in death investigation in their Criminology Department, so I ended up teaching for roughly 20 years with a title of associate visiting professor of criminology and criminal justice, taught a three-hour course, 400 level and 500 level, so it meant upperclassmen, as well as graduate students, on basics of death investigation. Since then, I've also served as an instructor for the Indiana Coroner's Training Board for roughly ten years. As a pathologist at the hospital, we also have medical students that rotate through at various times, so we would entertain students for month-long rotations, basically one-on-one, them shadowing me for the course of the month. Above and beyond that, I've always made it available that law enforcement officers, others in training for things such as paramedic/EMT, could attend autopsies to learn the basic anatomy. And I've had relationships with several of the nursing schools in the Terre Haute area. In fact, as recently as two days ago, I had nursing students observing one of my autopsies, so I'm still teaching, just not with a formal title and not getting paid for that part of it.

Q Have you been asked to do any – provide any leadership, sir, in – any

leadership in the area of child protection/child death investigations?

A I have. I was appointed to the original Indiana – see, what's the exact title? – Child Fatality Review Team, which was back almost 20 years ago it was formed and was one of the original members of that group. We review, essentially, every childhood death that occurs in the state of Indiana. After about seven years in that position, the governor at the time, essentially, cleaned house and named all new members, but as of about five years ago, I'm back on that committee, so I'm serving as the lone forensic pathologist on the state Child Fatality Review Team, as well as two subcommittees of that, one of which is the Sudden Unexpected Infant Death Investigation Subcommittee and then an advanced review team composed of myself, some geneticists, and multiple specialists from Riley Children's Hospital, as well as Department of Health.

Q Over the years, have you collaborated with the Indiana State Police in providing training and teaching to crime scene investigators?

A Well, by the nature of the way I do autopsies, I'm always trying to teach while we're going through things, because various people see certain situations infrequently during the course of their careers; and so whether it be city police, a town marshal, county sheriff, or State Police, I'm always kind of going into teaching mode if we see something of interest during an autopsy. Because of that, for a time, the person who was in charge of training of crime scene investigators or evidence technicians for the State Police, who had been one of those himself, started sending all the recently trained and ready-to-enter-practice, as such, graduates of their program to me and I would spend a – basically, a half day with them, primarily to describe how they are to interact with county coroners, because county coroners in Indiana have a great spectrum

of qualifications; the legalities of dealing with those; who has control of a crime scene versus who does not; as well as ensuring some keys from the basic types of injury patterns we see. But so that's been kind of my semiformal process with the head of the training program for the State Police CSIs, as well as on-going informal training whenever they're in the room.

Q You mentioned your coroner experience, Dr. Kohr, and that would have directly led you to visit and be present at crime scenes, at death scenes; is that correct?

A That's correct.

Q Many forensic pathologists confine their work to simply the laboratories; is that correct?

A It's correct. Part of most training programs though requires that the pathologist, the forensic pathologist in training, do attend some crime scenes just to understand what goes on, what takes place. When I became the elected coroner, until I was confident in the abilities of some of my appointed deputy coroners, I would go to most of the major scenes myself; not necessarily to every natural death, but if we had something unusual in particular. For the first several years, I attended every single homicide and, fortunately, since Vigo County does not have an overwhelming number of homicides, like a Marion County or a Chicago-area, I still kind of made it a point, whenever I was available if I was in town, if we had a homicide, I would attend it just because, based on my experience, training, etcetera, sometimes I see things at scenes that other people don't or, if they see them, they don't recognize the significance of, so that extra set of eyes is always helpful because it may be something that nobody else felt was significant.

Q What is an autopsy, Doctor?

A The word "autopsy" literally means to see for yourself. In common usage, it is a medical examination performed by a medical professional which involves external and internal examination of a human body, although it rarely can be similar things done for animals. It involves collecting of evidence as necessary, removal of the organs, dissection of the organs, collecting of blood samples and other body fluid samples, preservation of samples for further examination under the microscope for looking for microscopic changes, and then submitting samples for toxicologic or other chemical testing, and then putting all those bits of information together to render a final autopsy report with an opinion as to the cause of death and, based upon the circumstances provided to us, as to the manner of death.

Q My next question, you probably covered it, but I want to make sure I understand the sequence. When you perform an autopsy, what are the phases or stages of the autopsy?

A Okay. Well, I kind of gave a brief overview. The initial stage we do before doing any autopsy is, A, we have to be contacted by a legal authority requesting the autopsy. Now, when I was coroner, I was my own authority, so that was not an issue; but when I've not been seated as the coroner, that has to come from either the coroner or a deputy coroner and, for all the other counties I worked with, from the representatives from their particular offices. But they would contact me, indicate they're interested in having me perform an autopsy, and then we would make scheduling arrangements to work it in to whatever the work flow was. I would try to get as much possible information relevant to the case about why we were doing it to start with and then, at the appointed time, we

would go to the morgue. Oftentimes, if it was a criminal investigation, we would have in attendance officers or members from the coroner's staff, and then we would proceed with removing the body from whatever transport medium it had been in, whether a body bag or wrapped in sheets, placed on the autopsy table and then, if it's wrapped in sheets, pulling the sheets back; if it's in a body bag, opening the body bag. We then observe the body, the condition it's in in the body bag before anything else is touched. We photograph, if necessary, make note of clothing, whether there is evidence of outdoor activity, such as leaves, dirt, debris, etcetera. Once we've done those sort of things, we will then take the body out of the body bag and place it on the autopsy dissection table, again make notes of anything that now is apparent that was not apparent earlier, and we will document things such as hair color, eye color, clothing that's worn, jewelry that may be in place, obvious wounds, blood, other signs of trauma. Sometimes, the trauma is extremely obvious, such as misformed legs because of severe fractures, blood covering the body from various types of wounds, and we will document those before we start cleaning or removing anything else. Once we have documented those things to my satisfaction, we then proceed to undress the body and then take another round of photographs and notations. So we cut a lot of the clothing, we look at the clothing to see if there may be holes in the clothing itself, such as from bullets, knives, whatever it might be, just tearing. Of course, during the course of this, if we get a body that is affected by other natural phenomenon such as insect activity, maggot activity, other insects that predate onto, you know, human flesh, we will make note of those, as well, and collect samples as necessary. Once the body is undressed, again it is photographed, examined for wounds that are sometimes not apparent with

clothing on, and then one more step is we will then clean the body. Sometimes blood will obscure various types of wounds and kind of make it impossible to tell where the bleeding is coming from, but we will rinse down the body, again make note of any obvious wounds. Now, one step we will usually do before cleaning the body though is, if we have to collect evidence for a sexual assault, that will be done before we wash things away which may be pertinent to that examination or which may be contaminated by free-flowing water, causing things to run into various orifices or cavities that otherwise would not be affected.

Q Let me stop you there, Dr. Kohr. The – we'll talk in a bit about the exact components of the Indiana State Police evidence collection kit, sexual crime collection kit, but that process of examination and collection of samples is done prior to any real movement or touching of the body, certainly any cleaning of the body; is that correct?

A Well, things such as collecting hair samples, fingernail scrapings and so forth, yes, that's done before doing anything else. Obviously, if we're gonna be doing a sexual assault, eventually we're gonna have to remove any clothing such as pants, panties, and so forth to get to those, but as things are exposed, we will collect them at that point.

Q Once that – once the examination, the external examination of wounds or the body, is there anything else about the external examination that you wanted to describe before I interrupted you?

A We will – again we will do measurements. If we have obvious wounds, we will document where on the body they are, and I usually have a small worksheet I work from that I will do very crude drawings, 'cause I'm certainly not a trained medical illustrationist; but indicate, you know, the type of wounds I believe them

to be, whether stab, incised, gunshot entry/exit, things of that type. I will take note of where they are in the body relative to other anatomic landmarks. Typically in a gunshot wound, I will say they are, you know, so many inches below the top of the head, so may inches to the right or left of the midline, what a trajectory is, whether it appears to be going front to back or back to front, things of that nature. We will – on certain occasions, if we're worried about projectiles such as gunshots, we will, at this point, have X-rays obtained, and that's why I've always insisted on doing my autopsies in a hospital setting is because I have ready access to portable X-ray equipment; they can wheel the X-ray machine in, take a photograph, and I'll have results within a matter of minutes, instead of having to wait days or weeks to get those back. Once all those sort of things are done, then we proceed to start collecting samples. And by samples, for toxicology we will usually take a blood sample from the femoral arteries and vein in – my preference is the left leg, just because I'm right-handed, I work on the right side of the body, and in reaching forward, it's easier to access that for myself. The reason we take blood from a femoral vessel, rather than from the body cavities in most cases is it is a less-contaminated sample in terms of having potential for erroneous results. There's a phenomenon recognized by forensic pathologists called postmortem drug redistribution, which means after a body dies, drug concentrations which may be evenly distributed throughout the blood stream will start to shift and, the longer it sits, the more they may shift. Because the large blood vessels in the chest are next to the liver, which can concentrate certain types of drugs, we try to avoid that. They're also very close to the stomach and things like alcohol can just passively defuse from the stomach into surrounding structures, so there's a risk that we may get an

erroneously high value if we take a blood sample for toxicology from a central location, so by going to a large peripheral site, such as the femoral artery and vein, we can get a decent sample that's not gonna have those contaminate potentials. In the event of not being able to get adequate blood from a peripheral site, though, we will sometimes be forced to take it from a central site just – you know, we'll have to take the best we can get. But those samples are collected and, once those samples have been collected and placed in appropriate containers, we will then begin the dissection.

Q And that involves an internal examination. And that internal examination, does that allow you to see more full the extent of any wounds that are visible on the exterior of the body and, perhaps, understand the nature or the cause of death more fully?

A It does. And again, this is, basically, a medical procedure, a dissection, as it were, where we open the chest cavity, the abdominal cavity, remove the rib cage anteriorly, so we can observe the organs in their positions, note how they appear, whether they appear normal versus disease versus disrupted from whatever cause may be going on. One of the last things we do after doing the chest and abdominal cavities, we will do the head, and we make incisions. And all our incisions are placed in ways that they can be camouflaged so as not to impede an open viewing during a funeral service. So the typical incision we use is a Y-shaped incision on the chest and abdominal cavity; although, the way I was taught, it's more of a goalpost, as opposed to a standard Y. The incision we make on the head is we go from behind one ear, across the top of the head, to behind the other ear. We can peel the skull – or the scalp forward and back, take off the top of the skull to remove the brain, and then put things back

together again so that they are not readily visible to anyone viewing a body. We will remove each organ in stepwise fashion. One of the other things I do in the course of my dissections that I was taught in my training program, which I know not everybody does, is I will isolate the three main blood vessels that are in the neck area, specifically the arteries, by tying large strings around them. Now, the reason we do this is because it facilitates superior embalming results by the funeral directors. That's just a, you know, medical courtesy we're doing for their behalf. It takes a couple extra minutes for me do to, but it makes a world of difference for them in terms of how they can make the body presentable, so I will isolate the right subclavian artery, the right common carotid artery, and the left common carotid artery again with large strings so that they're easily found, and then proceed to remove the various organ structures in the body, take out the thyroid gland, which is in the neck, the heart itself, the lungs. We then proceed to the abdominal cavity. We will remove the intestinal structures, followed by the liver, spleen, pancreas, stomach and esophagus, adrenal glands, kidneys. Then, that gets us down in the pelvic area. Once we have access to the pelvis, if it's a male, we'll take a urine sample, feel the size of the prostate. If it's a female, we'll observe the female reproductive structures, including the uterus and ovaries, and also take urine samples if urine's available. We will open the aorta, the main vessel in the main large artery going down the center of the body to look for evidence of atherosclerosis or other injuries. And then, as everything is removed, it is set over on a separate dissecting table and I will then sequentially dissect each and every one of these organs, looking for specific abnormalities that they may have. While I'm doing that off to the side, I will first make my scalp incision and then my autopsy assistant will proceed with removing the top

of the skull and preparing it for me to remove the brain, so that way, we're both doing something the same time, it cuts back on waiting for one another to proceed to the next step. So as I dissect the organs, the first thing we've done is we've weighed them to see how they compare to what a normal, standard reference would be. I will then observe them for how they feel, the coloration, whether there's masses or other abnormalities which I can recognize, and then I will take dissecting knives and cut into the organs in regular intervals so I can look at the insides of the organs, not just the surfaces. I will then collect tissue samples from each of the organs placed in a formaldehyde container because those are what we will then use to make microscopic slides with down the road and then usually, by the time I'm finishing that up, they're ready for me to be able to remove the brain. That will also be weighed and then also dissected in a sequential fashion.

Q Thank you, Dr. Kohr. How many autopsies have you performed in your professional career?

A Right now, it's between 7700 and 7800, and I don't know the exact count at this moment.

Q And have you testified in court before?

A I have.

Q And in a number of jurisdictions?

A I've testified in probably a dozen to 15 jurisdictions in the state of Indiana, four different jurisdictions in the state of Illinois. I've testified in – by Zoom in the state of Montana, in person for civil cases in California, and in I believe five or six different federal courtrooms both in Indiana and Illinois.

Q In criminal cases, you've primarily testified on behalf of the prosecution;

is that correct?

A I testify on behalf of whoever sends me the subpoena, and it primarily is the prosecution.

Q And you have testified, however, and been contacted and consulted with criminal defense; is that correct?

A That is correct.

Q I'm going to hand to you what's been previously marked as State's Exhibit 123 through 137; prior to that, however, let me ask a couple of questions directly, sir. Did – were you contacted in – on February 14th, 2024 – excuse me, 2017, to conduct autopsies the following day, the following morning, in relation to the deaths of L.G. and A.W.?

A I was.

Q And did you perform those autopsies on February 15th, 2017?

A I did.

Q Showing you these images, would you look at these and tell us did you – have you seen those before and do you recognize them and are they accurate depictions of what they purport to show?

A I recognize them as photographs that were taken during the course of the autopsies of the two young women in my autopsy facility in Terre Haute.

Q I'm also gonna show you a photograph, 222. Without displaying it to the jury, have you seen that before?

A I have.

Q And is 224 [sic] a close-up you cropped to show a portion of the injuries displayed on State's Exhibit 135?

A Yes, it is.

Q Would these photos assist you in describing to the jury your examinations and the opinion that you drew?

A Yes, they would.

Q You were present when the State Police crime scene investigator took a number of photographs; is that correct?

A The ones that we've – just been shown to me, yes, I was present for all those; in fact, my hands or my body are visible in some of the photographs, as well.

Q And those included both external and internal examination photographs?

A Pretty much –

Q Not these that I've shown you, but the ones that they took, you've reviewed those; correct?

A Yes, I have.

Q And did you help select the ones that would be pertinent to your testimony?

A I did.

Q And they do not include any internal examination photos?

A Correct.

MR. LUTTRULL: I would move the admission, Your Honor, that conditionally accepted, but not fully, of the photographs 123 to 137. In addition, I would ask leave of the Court to move for the admission of the close-up photograph 222.

STATES EXHIBITS 123 THROUGH 137 AND 222 OFFERED

MR. LUTTRULL: 123 through 137 – did you say I said another number?

MR. ROZZI: I heard 222 and 224. Are those – I just want to make sure –

THE COURT: 222's the new one.

MR. LUTTRULL: 222 is the new one. I – if I – I believe I misspoke.

MR. ROZZI: Okay. All right. That's fine. May I?

THE COURT: Yes.

MR. ROZZI: Judge, the Defense would renew its objection based on 403, with the understanding that our position is, is that they're more prejudicial than probative, so we'd ask that they be excluded based on the conversation we had had yesterday or maybe the day before at this point. Thank you.

THE COURT: And based on the completion of the foundation, I'll show 123 to 137 and 222 admitted over objection.

STATE'S EXHIBIT 123 THROUGH 137 AND 222 ADMITTED

MR. LUTTRULL: That was 123 through 137 inclusive?

THE COURT: Yes, sir.

MR. LUTTRULL: Thank you.

Q Dr. Kohr, in this particular situation, the morning of Wednesday, February 15th, 2017, you did conduct two autopsies; correct?

A Correct.

Q Could you describe to the jury what your practice is when you do multiple autopsies in terms of what you do once you complete the first autopsy and in between intervening times between the two.

A Well, generally, I follow the same approach regardless whether I'm doing one autopsy on a given day or three or four. Once I have completed the autopsy itself – during the course of the autopsy, I first filled out my worksheet, which

will include, before any types of dissections are begun, noting things such as clothing, height, estimated weight, obvious wounds. During the course of the autopsies, we weigh the organs, we will record those on a dry-erase board in the actual autopsy room. Once my dissection has been completed, I will take off my protective garments, transfer the weights that are listed on the dry-erase board onto my worksheet, and then go back to my office while that case is fresh in my mind and I can generate a – my preliminary report. And what I do is I use a computer template, because for a significant umber of the autopsies we do, certain parts are very, very similar, with the exception of weights. You know, 90 plus percent of the spleens I examine are – look the same, the only difference in, you know, Sam Jones versus Bill Smith is how much it weighs. And so I can use a, you know, two or three-sentence description of what it looks like, as long as it's normal, fill in the weight, and go forth. But I will do that in a case of this type so I can fill in the blanks pretty readily. It expedites turning out a report, but in areas where there needs to be free text, such as a circumstantial summary, description of injuries, description of other abnormal findings, then I will free text those as need be to produce an, essentially, five-page preliminary report, which is then available for law enforcement for whatever purposes they may need at that point in time.

Q When you did – let's talk about the first autopsy you performed that morning, I believe it was on the body of A.W.

A Yes, sir.

Q And did you note her height and weight?

A We measure the height with a ruler and this is literally length, rather than a height, because they're laying on the table, as opposed to standing upright,

but we measured her length at being 64 inches, and my weight is an estimate based upon having done this for 30-plus years and being able to correlate height with basic body build, and I estimated her weight at approximately 95 pounds.

Q And did you document the clothing that she was wearing?

A I did.

Q What clothing was she wearing when she arrived at the autopsy?

A There was a black hooded sweatshirt, there were a pair of blue jeans, a grey and black sports bra, and a rust-color camisole.

Q Between the sweatshirt and the grey sports bra, was she wearing a garment?

A The camisole.

Q The camisole?

A Yeah.

Q When you conducted the internal examination of A.W., what did you observe that was of note to you?

A If we're talking about the internal examination of the body cavity, it's really –

Q External.

A Ext – okay, external. Once we got the body cleaned up enough to observe the source of the blood, because there was some significant blood on the anterior neck area, we were able to describe a solitary transversely-oriented incised wound across the neck, predominantly on the left side of the neck. The way the wound first appeared when we measured it was five centimeters in length or roughly two inches. Now, soft tissues being such as they are, when you make an incision across certain muscle groups, the muscle fibers underneath the skin

will cause it to retract. So in this case, since we have muscle fibers that tend to run vertically in the neck, this incision caused the two edges of the wound to kind of gap and pull it apart. So at that point, it was probably two, two and a half inches wide. And one thing we do in the course of this to get a better feel of what it was before this pulling part was, we will then stretch the skin to make this a more or less flat or linear incision, then remeasure it in that condition. When we did that, the wound was 6.5 centimeters in length or roughly two and three-quarters inches.

Q Was that the only wound on the neck you observed?

A It was.

Q Are you familiar with the – well, we spoke about the Indiana State Police evidence collection kit. Did you utilize that kit in the collection of samples?

A I did.

Q That kit includes a blood standard, does it not?

A It does.

Q A vaginal wash?

A It does.

Q What is – what do you do in the vaginal wash?

A Well, what we will do initially as part of this examination and what the kits are is it's basically the size of a – almost a small shoebox, but it will have a number of envelopes that are all numbered, as well as collecting devices such as Q-tips, syringes, things of that type. And we will just start pulling out the envelopes one by one and go first with envelope number 1 and see whatever it says is to be collected, and I think the first few are – have to do with things that can be just – you know, hair plucked from the scalp; pubic hair pluckings, if

necessary; swabs taken on external surfaces, and so forth. At some point, we will then go ahead and do a vagina examination and take swabs with Q-tips, as well as anal swabs. And then, once that is complete, we will take a syringe filled with sterile saline, inject that in by a syringe, and then the – whatever residues are collected and then mixed in with that fluid, the saline, we will then suction back out with a syringe and place in a test tube.

Q So in addition to the vaginal wash, it would include a vaginal/cervical swab?

A Yes.

Q An oral swab?

A Yes.

Q An anal swab?

A Yes.

Q External genital swab?

A Yes.

Q Internal genital swab?

A Yes.

Q Fingernail scrapings?

A We attempt them depending upon what the length of the nails is on the person.

Q With regard to A.W., do you recall?

A I'm trying to remember which of the two young ladies had it, but one of them had been a nail biter and we had very, very short fingernails, such that – and it was the case of A.W., basically the nails were so short it was very difficult to get any type of scrapings, 'cause there really wasn't any surface underneath

them like on a normal person's nails that's not a nail biter.

Q And as you indicated, head hair combings?

A We will do combings to get hairs that are not officially attached that may have been transferred from another source. There is also combings done of the public hair and then pluckings from the hairs that will include roots, as well.

Q And these are all inside this box, the individual containers, marked with what the sample is to be?

A Correct.

Q And you simply follow through with that examination, one by one, putting a sample collected –

A Yeah.

Q -- in that appropriate envelope?

A The evidence technician will basically hand me envelope number 1 and I'll see what it is, we'll collect that, put it in, he will seal it, and then move on to the next one in sequence.

Q Was there any indication of sexual injury to A.W.?

A I did not see any overt injury patterns such as abrasions, lacerations, contusions, or anything like that that would suggest any type of traumatic sexual contact or damage being done to her genitalia, no.

Q Does that mean that there was no sexual contact or touching involved?

A No, just it means that there's not enough to have left any type of wounds. Obviously, consensual sexual activity that people perform all the time does not leave wounds, and presence of various lubricants will also avoid having wounds left behind, but I could see nothing to indicate any type of trauma that was recognizable to myself.

Q Other than the wound that you described, the two and – once it was spread, two and three-quarter inch laceration – incised?

A Incised wound.

Q Incised wound. What is the definition of an incised wound?

A Okay. Well, there – it is one of three different types of sharp-force injuries we see and describe in forensics. The three different types of sharp-force injuries are incisions, which are shallow – or, excuse me, they are longer than they are deep, and basically from drawing a scalpel across the skin or something like that will give you a incised wound; a stab wound is deeper than it is lengthwise, and so, basically, they tend to be – go down, but not leave quite as large a gap; and then the third type of sharp-force injury is called a chop, and usually it's got a sharp edge, as well as some heft to it, so you will see chop wounds, things like machetes, very large knives, axes, things of that type. In distinction to that, a laceration, even though it's commonly misused by everybody, including most people in the medical profession, a laceration –

Q And some prosecutors, apparently.

A Well, including emergency room physicians and other people. A laceration is a type of blunt-force injury. A laceration literally is a tearing of skin, causing the edges to separate, and there's a very distinctive markings that allow you to determine an incised wound from a laceration. A laceration will have an abraded or roughened edge. It may have bridging blood vessels or nerves when you try to separate it, but they have distinctive appearances that are – allow you to separate. So if I'm looking at a laceration, I don't want to waste my investigators' time looking for knives, because it was not a knife that caused a laceration and vice versa.

Q This incised wound on A.W.'s neck, is that the – was that the only wound you observed on her body?

A It was.

Q Did you observe – did you look for any defensive wounds?

A I did.

Q Can you tell the jury how you – what you mean by that phrase.

A Well, with the assumption that a victim of an assault is conscious and able to respond, the natural human reaction is to try to protect themselves in a defensive posture, so if somebody throws something at you, you put your hands up. And we see this not just with, you know, people coming at you with a baseball bat or a knife, but even with guns; I mean, people will try to stop a bullet with their hands just because it's an instinctive reaction. So when we talk in terms of defensive wounds, we're usually looking for injuries to the upper extremities, but we can also see them if they're, for instance, laying flat on a bed at the time, they may raise their leg up to try to block something, so it's just – it's trying to prevent something reaching their body, you know, head, chest, abdomen, by something else such as an extremity.

Q Did you observe any blunt-force trauma to A.W.?

A I did not.

Q Did you observe any bruising or any ligature marks or any other mark on her body consistent with restraint?

A Well, we looked very closely at the wrists and ankles for those sort of things, did not see any. The only thing which we saw whatsoever that suggested a possible restraint or something being applied to the body was there is a very faint linear mark that goes across the face that almost looks like it's an edge of

a either piece of cloth, possibly a piece of tape, or something like that, that seemed to go kind of across the face this way as if to cover the mouth. Now, considered that being from tape because the width was such between the top and bottom of that that it might reflect something like duct tape, but we saw no tape or adhesive residues whatsoever, just this very faint linear mark across the face.

Q Was it more visible on – in a photograph than it was to you as you were there?

A It was.

Q And do you believe that marking was post-mortem, pre-mortem, or at the time of the infliction of the wound to the neck? Could you tell?

A Well, post-mortem could be any time following death up until the time that I do my autopsy. Pre-mortem could be any time before death. Things that are happening about the time, we often use the term perimortem, meaning around the time of death. Now, the fact that this is visible, it's faint, I really cannot tell with def – you know, any type of definitive opinion as to whether this is perimortem or pre-mortem. Less likely to be post-mortem because I can't image a scenario why you would do something like that after a death, and that's more common sense than some sort of deep forensic scientific judgment. But that fact that it's so faint, but it's a little more prominent, would tell me it is probably in the perimortem period. You know, the likelihood that it happened days or weeks beforehand is very unlikely, so this was probably sometime around the events surrounding her death.

Q What was the directionality of the wound to the neck?

A The directionality, what we saw in the case of A.W. was essentially

transverse, meaning sideways across this way. (Indicates)

Q And could you tell whether it was left to right or right to left from her point of view?

A Not really with any certainty, but it appears more likely to be right to left, just because there were some abrasion patterns that kind of suggested where whatever instrument was, you know, attached to the blade may have caused some scraping to the skin as it was drawn across, so my best impression most likely is that this was a right to left, going from her right to her left.

Q And did it damage any vessels in the neck?

A It did.

Q Would you describe for the jury what you observed.

A There was a partial transection of the left external jugular vein.

Q I'm gonna take this time to come back to A.W. in just a moment, but I want to talk in terms of your examination of L.G. that followed your completion of your notes on A.W.; is that correct?

A Correct.

Q The – was there neck vessel injury to L.G. that you'll be describing in more detail soon?

A Yes.

Q And what was the vessel injury to L.G.?

A In the case of L.G., we managed to cause injury to the right common carotid artery, which was a partial transection, a complete transection of the left common carotid artery and external jugular vein; so basically, three major vessels were injured by – or in the course of the – what was inflicted on L.G. And just for clarification: Transection means to cut through. A partial transection is

you're partially cutting through. A complete transection, you're totally cutting across the vessel.

Q Dr. Kohr, could you describe for us where the jugular vein is located?

A All right. The jugular vein, obviously, it cannot be seen externally like you can see veins at the back of your hand and so forth, but it runs along a course right adjacent to the carotid arteries. Now, the easiest way to locate the carotid artery in yourself is you put your finger to the side of your neck and you feel the pulsation, and so basically, it's running right under the skin here, usually a depth of only about a half inch or so below the skin line. And again, this is basic anatomy that you learn as a freshman medical student, but it's also something, because I deliberately tie off those vessels for the convenience of the funeral directors, you know, I've dissected these out and put the big strings on them, you know, over 7500 times during my career, so I examine these essentially every time I do an autopsy, so I know where they are. But again, they're not very deeply seated, as you can tell by feeling your own neck. You know, if it was way dep, you wouldn't be able to feel the pulsation, but you can feel the pulsation because it's a fairly superficial vessel.

Q So the carotid artery, there are how many?

A Well, actually, this is a quiz question that I give the nursing students that they usually get wrong. There are actually three carotid arteries on each side. There's what's called the common carotid, which is a branch up here, which then splits into an internal and an external carotid. The external carotid then distributes branches to the face and the musculature around the face and the muscles, whereas the internal carotid artery goes to the base of the skull and supplies blood to the brain. And so you've got common, internal, and external

on right side, and common, external, and internal on the left side. But where we're taking about here, before you get up past the jawline, you're talking common carotid.

Q And the jugular vein is located where in relation to the carotid?

A Well, right adjacent to the carotid. They're side by side. You gotta be careful, because if you – if I don't dissect carefully, I may just cut the vein, which doesn't make the funeral directors especially happy.

Q What's the difference – going to basic physiology, what is the difference between the vein and the artery?

A All right. An artery literally is a blood vessel that's carrying blood way from the heart to the body part, whatever it is. In the case of the carotid, it's delivering to the head, neck, face, and brain. A vein is a vessel which is returning blood back to the heart. Arteries are in larger sizes, anything really above a capillary, are considered muscular organs, they have a layer of muscle, they're called muscular arteries; that way, they can constrict. When they constrict, they will cause raised blood pressure. When they relax, they'll cause lower blood pressure. And they have got – they have to be somewhat elastic, as well, because they've got to – you know, the pulsation you're feeling is because they are dilating each time a heartbeat propels blood through them, so they are elasticized. That's one more reason why I tie the strings around them, because once I cut them, because they're elastic, they tend to, you know, retract up underneath the jawbone, which again, makes the funeral director somewhat unhappy. Veins do not have muscles in their walls. They are very thin-walled vessels, you know, almost paper thin in most – including larger ones. The largest vein in the body is the inferior vena cava, and it's thickness is about that of maybe three or four

sheets of paper, so they're not very strong or thick compared to the walls of the muscular arteries, which are a little bit thicker, elasticized, and muscular.

THE COURT: Excuse me. Would counsel approach real quickly, please.

(Sidebar conference.)

THE COURT: I hate to do interrupt, but we need to take a break. Several of the jurors are getting very uncomfortable.

MR. LUTTRULL: Yes.

MR. ROZZI: Thank you.

THE COURT: So maybe just put a pin where you were at.

MR. LUTTRULL: Sorry?

THE COURT: I just said maybe put a pin where you were at with this particular witness; okay? We'll just take a break.

(Sidebar conference concluded.)

THE COURT: Ladies and gentlemen, we need to take a quick break. I know you've been over there a couple hours. While you are outside of the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discuss the evidence that you've heard so far, but please, only do that if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 11:06 a.m.)

THE COURT: All right. Let's take 15 minutes.

MR. LUTTRULL: May we approach, Your Honor?

THE COURT: Yeah.

(Sidebar conference conducted.)

MR. LUTTRULL: Was it something the doctor said?

THE COURT: No. It's just they've been over there for two hours –

MR. ROZZI: Yeah.

THE COURT: -- and they were starting to eyeball Jeremy and Jason that they had to go –

MR. ROZZI: (Inaudible)

THE COURT: Yeah.

MR. LUTTRULL: Appreciate it.

THE COURT: Yeah, no problem. Okay.

(Sidebar conference concluded.)

(Off record at 11:07 a.m.)

(On record at 11:26 a.m.)

THE COURT: All right, Mr. Lutt – oh, we have no defense lawyers. Are you ready?

MR. LUTTRULL: I am.

THE COURT: Okay.

MR. BALDWIN: Sorry, Judge, I thought you said 30.

THE COURT: Thirty? I said 15 minutes.

MR. BALDWIN: Excuse me.

THE COURT No. You're fine, you're fine. And I know people have been complaining about the sound. I can't do anything about the sound, people. I'm trusting that the members of the media that have been provided with the best seats in the house are able to hear and can relay that information out to the public. It's important that these jurors hear what's going on and that the